Beauprez
Becerra
Berkley
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Berry
Biggert
Bilirakis
Bishop (GA)
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Blackburn
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Boozman
Boren
Boucher
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Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
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Crowley
Cubin
Cuellar
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeGette
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
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Hinchey
Hinojosa
Hobson
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Holden
Holt
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Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
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Kucinich
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LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Melancon
Menendez
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
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Olver
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Owens
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Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
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Spratt
Stark
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—1

DeFazio

NOT VOTING—8

Boswell
Dingell
Hastings (WA)
Linder
Meeks (NY)
Millender-McDonald
Osborne
Wicker

□ 1824

So (two thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MAKING IN ORDER FURTHER AMENDED VERSION AND LIMITATION ON AMENDMENTS DURING FURTHER CONSIDERATION OF H.R. 2419, ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 2006

Mr. HOBSON. Mr. Speaker, I ask unanimous consent that, during further consideration of H.R. 2419 in the Committee of the Whole pursuant to House Resolution 291, the amendment I have placed at the desk be considered as adopted in the House and in the Committee of the Whole and be considered as original text for purpose of further amendment; and that no further amendment to the bill, as amended, may be offered except:

Pro forma amendments offered at any point in the reading by the chairman or ranking minority member of the Committee on Appropriations or their designees for the purpose of debate;

Amendments printed in the RECORD and numbered 1, 2, and 5;

The amendment printed in the RECORD and numbered 3, which shall be debatable for 24 minutes;

The amendment printed in the RECORD and numbered 4, which shall be debatable for 30 minutes;

An amendment by the gentleman from Vermont (Mr. SANDERS) regarding funding for Energy Smart schools;

An amendment by the gentlewoman from Illinois (Mrs. BIGGERT) regarding Laboratory-Directed Research and Development;

An amendment by the gentleman from Massachusetts (Mr. MARKEY) regarding funding for interim storage and reprocessing;

An amendment by the gentleman from Massachusetts (Mr. MARKEY) regarding security assessments;

An amendment by the gentleman from Kansas (Mr. TIAHRT) regarding promulgation of regulations affecting competitiveness;

An amendment by the gentleman from New York (Mr. BOEHLERT) regarding contribution of funds to ITER; and

An amendment by the gentleman from North Carolina (Mr. JONES) regarding funding for operation and maintenance for the Corps of Engineers.

Each such amendment may be offered only by the Member named in this request or a designee, or the Member who caused it to be printed in the RECORD or a designee, shall be considered as read, shall not be subject to amendment except that the chairman and ranking minority member of the Committee on Appropriations and the Energy and Water Development, and Related Agencies Subcommittee each may offer one pro forma amendment for the purpose of debate; and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole.

Except as otherwise specified, each amendment shall be debatable for 10 minutes, equally divided and controlled by the proponent and an opponent. An amendment shall be considered to fit the description stated in this request if it addresses in whole or in part the object described.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amendment to H.R. 2419 offered by Mr. HOBSON:

Strike the provision beginning on page 2, line 19; page 4, line 20; page 5, line 14; and page 7, line 2 and insert in lieu thereof in each instance the following:

''Provided, That, except as provided in section 101 of this Act, the amounts made available under this paragraph shall be expended as authorized in law for the projects and activities specified in the report acompanying this Act.''

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

There was no objection.

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 2006

The SPEAKER pro tempore. Pursuant to House Resolution 291 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. 2419.

□ 1830

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. 2419) making appropriations for energy and water development for the fiscal year ending September 30, 2006, and for other purposes, with Mr. GOODLATTE in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose earlier today, all time for general debate had expired.

Pursuant to the order of the House of today, the amendment reported therewith is adopted and the bill, as amended, shall be considered as original text for the purpose of further amendment.

No further amendment to the bill, as amended, may be offered except:

Pro forma amendments offered at any point in the reading by the chairman or ranking minority member of the Committee on Appropriations or their designees for the purpose of debate;

Amendments printed in the RECORD and numbered 1, 2 and 5;

The amendment printed in the RECORD and numbered 3, which shall be debatable for 24 minutes;

The amendment printed in the RECORD and numbered 4, which shall be debatable for 30 minutes;

An amendment by Mr. SANDERS regarding funding for Energy Smart schools;

An amendment by Mrs. BIGGERT regarding Laboratory-Directed Research and Development;

An amendment by Mr. MARKEY regarding funding for interim storage and reprocessing;

An amendment by Mr. MARKEY regarding security assessments;

An amendment by Mr. TIAHRT regarding promulgation of regulations affecting competitiveness;

An amendment by Mr. BOEHLERT regarding contribution of funds to ITER;

An amendment by Mr. JONES of North Carolina regarding funding for operation and maintenance of the Corps of Engineers.

Each such amendment may be offered only by the Member named in the request or a designee, or the Member who caused it to be printed in the RECORD or a designee, shall be considered as read, shall not be subject to amendment except that the chairman and ranking minority member of the Committee on Appropriations and the Subcommittee on Energy and Water Development and Related Agencies each may offer one pro forma amendment for the purpose of debate; and shall not be subject to a demand for division of the question.

Except as otherwise specified, each amendment shall be debatable for 10 minutes, equally divided and controlled by the proponent and an opponent.

Mr. HOBSON. Mr. Chairman, I ask unanimous consent that title I be considered as read, printed in the RECORD and open to amendment at any point.

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

There was no objection.

The text of title I is as follows:

H.R. 2419

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2006, for energy and water development and for other purposes, namely:

TITLE I

CORPS OF ENGINEERS—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

The following appropriations shall be expended under the direction of the Secretary of the Army and the supervision of the Chief of Engineers for authorized civil functions of the Department of the Army pertaining to rivers and harbors, flood and storm damage reduction, aquatic ecosystem restoration, and related purposes.

GENERAL INVESTIGATIONS

For expenses necessary for the collection and study of basic information pertaining to river and harbor, flood and storm damage reduction, aquatic ecosystem restoration, and related projects, restudy of authorized projects, miscellaneous investigations, and, when authorized by law, surveys and detailed studies and plans and specifications of projects prior to construction, $100,000,000 to remain available until expended: *Provided,* That, except as provided in section 101 of this Act, the amounts made available under this paragraph shall be expended as authorized in law for the projects and activities specified in the report accompanying this Act.

CONSTRUCTION

For expenses necessary for the construction of river and harbor, flood and storm damage reduction, aquatic ecosystem restoration, and related projects authorized by law; for conducting detailed studies, and plans and specifications, of such projects (including those involving participation by States, local governments, or private groups) authorized or made eligible for selection by law (but such detailed studies, and plans and specifications, shall not constitute a commitment of the Government to construction); and for the benefit of federally listed species to address the effects of civil works projects owned or operated by the United States Army Corps of Engineers, $1,763,000,000, to remain available until expended; of which such sums as are necessary to cover the Federal share of construction costs for facilities under the Dredged Material Disposal Facilities program shall be derived from the Harbor Maintenance Trust Fund as authorized by Public Law 104–303; and of which $182,668,000, pursuant to Public Law 99–662, shall be derived from the Inland Waterways Trust Fund, to cover one-half of the costs of construction and rehabilitation of inland waterways projects; and of which $4,000,000 shall be exclusively for projects and activities authorized under section 107 of the River and Harbor Act of 1960; and of which $500,000 shall be exclusively for projects and activities authorized under section 111 of the River and Harbor Act of 1968; and of which $1,000,000 shall be exclusively for projects and activities authorized under section 103 of the River and Harbor Act of 1962; and of which $25,000,000 shall be exclusively available for projects and activities authorized under section 205 of the Flood Control Act of 1948; and of which $8,000,000 shall be exclusively for projects and activities authorized under section 14 of the Flood Control Act of 1946; and of which $400,000 shall be exclusively for projects and activities authorized under section 208 of the Flood Control Act of 1954; and of which $17,400,000 shall be exclusively for projects and activities authorized under section 1135 of the Water Resources Development Act of 1986; and of which $18,000,000 shall be exclusively for projects and activities authorized under section 206 of the Water Resources Act of 1996; and of which $4,000,000 shall be exclusively for projects and activities authorized under section 204 of the Water Resources Act of 1992: *Provided,* That, except as provided in section 101 of this Act, the amounts made available under this paragraph shall be expended as authorized in law for the projects and activities specified in the report accompanying this Act.

In addition, $137,000,000 shall be available for projects and activities authorized under 16 U.S.C. 410–r–8 and section 601 of Public Law 106–541.

FLOOD CONTROL, MISSISSIPPI RIVER AND TRIBUTARIES, ARKANSAS, ILLINOIS, KENTUCKY, LOUISIANA, MISSISSIPPI, MISSOURI, AND TENNESSEE

For expenses necessary for the flood damage reduction program for the Mississippi River alluvial valley below Cape Girardeau, Missouri, as authorized by law, $290,000,000 to remain available until expended, of which such sums as are necessary to cover the Federal share of operation and maintenance costs for inland harbors shall be derived from the Harbor Maintenance Trust Fund: *Provided,* That, except as provided in section 101 of this Act, amounts made available under this paragraph shall be expended as authorized in law for the projects and activities specified in the report accompanying this Act.

OPERATION AND MAINTENANCE

For expenses necessary for the operation, maintenance, and care of existing river and harbor, flood and storm damage reduction, aquatic ecosystem restoration, and related projects authorized by law; for the benefit of federally listed species to address the effects of civil works projects owned or operated by the United States Army Corps of Engineers (the ''Corps''); for providing security for infrastructure owned and operated by, or on behalf of, the Corps, including administrative buildings and facilities, laboratories, and the Washington Aqueduct; for the maintenance of harbor channels provided by a State, municipality, or other public agency that serve essential navigation needs of general commerce, where authorized by law; and for surveys and charting of northern and northwestern lakes and connecting waters, clearing and straightening channels, and removal of obstructions to navigation, $2,000,000,000 to remain available until expended, of which such sums to cover the Federal share of operation and maintenance costs for coastal harbors and channels, and inland harbors shall be derived from the Harbor Maintenance Trust Fund, pursuant to Public Law 99–662 may be derived from that fund; of which such sums as become available from the special account for the Corps established by the Land and Water Conservation Act of 1965, as amended (16 U.S.C. 460l–6a(i)), may be derived from that account for resource protection, research, interpretation, and maintenance activities related to

resource protection in the areas at which outdoor recreation is available; and of which such sums as become available under section 217 of the Water Resources Development Act of 1996, Public Law 104–303, shall be used to cover the cost of operation and maintenance of the dredged material disposal facilities for which fees have been collected: *Provided*, That, except as provided in section 101 of this Act, the amounts made available under this paragraph shall be expended as authorized in law for the projects and activities specified in the report accompanying this Act.

REGULATORY PROGRAM

For expenses necessary for administration of laws pertaining to regulation of navigable waters and wetlands, $160,000,000, to remain available until expended.

FORMERLY UTILIZED SITES REMEDIAL ACTION PROGRAM

For expenses necessary to clean up contamination from sites in the United States resulting from work performed as part of the Nation's early atomic energy program, $140,000,000, to remain available until expended.

GENERAL EXPENSES

For expenses necessary for general administration and related civil works functions in the headquarters of the United States Army Corps of Engineers, the offices of the Division Engineers, the Humphreys Engineer Center Support Activity, the Institute for Water Resources, the United States Army Engineer Research and Development Center, and the United States Army Corps of Engineers Finance Center, $152,021,000 to remain available until expended: *Provided*, That no part of any other appropriation provided in this Act shall be available to fund the civil works activities of the Office of the Chief of Engineers or the civil works executive direction and management activities of the division offices.

OFFICE OF ASSISTANT SECRETARY OF THE ARMY (CIVIL WORKS)

For expenses necessary for the Office of Assistant Secretary of the Army (Civil Works), as authorized by 10 U.S.C. 3016(b)(3), $4,000,000.

ADMINISTRATIVE PROVISION

Appropriations in this title shall be available for official reception and representation expenses not to exceed $5,000; and during the current fiscal year the Revolving Fund, Corps of Engineers, shall be available for purchase not to exceed 100 for replacement only and hire of passenger motor vehicles.

GENERAL PROVISIONS

CORPS OF ENGINEERS—CIVIL

SEC. 101. (a) None of the funds provided in title I of this Act shall be available for obligation or expenditure through a reprogramming of funds that—

(1) creates or initiates a new program, project, or activity;

(2) eliminates a program, project, or activity;

(3) increases funds or personnel for any program, project, or activity for which funds are denied or restricted by this Act;

(4) reduces funds that are directed to be used for a specific program, project, or activity by this Act;

(5) increases funds for any program, project, or activity by more than $2,000,000 or 10 percent, whichever is less; or

(6) reduces funds for any program, project, or activity by more than $2,000,000 or 10 percent, whichever is less.

(b) Subsection (a)(1) shall not apply to any project or activity authorized under section 205 of the Flood Control Act of 1948, section 14 of the Flood Control Act of 1946, section 208 of the Flood Control Act of 1954, section 107 of the River and Harbor Act of 1960, section 103 of the River and Harbor Act of 1962, section 111 of the River and Harbor Act of 1968, section 1135 of the Water Resources Development Act of 1986, section 206 of the Water Resources Act of 1996, or section 204 of the Water Resources Act of 1992.

SEC. 102. None of the funds appropriated in this Act may be used by the United States Army Corps of Engineers to support activities related to the proposed Ridge Landfill in Tuscarawas County, Ohio.

SEC. 103. None of the funds appropriated in this Act may be used by the United States Army Corps of Engineers to support activities related to the proposed Indian Run Sanitary Landfill in Sandy Township, Stark County, Ohio.

SEC. 104. In overseeing the use of continuing and multiyear contracts for water resources projects, the Secretary of the Army shall take all necessary steps in fiscal year 2006 and thereafter to ensure that the Corps limits the duration of each multiyear contract to the term needed to achieve a substantial reduction of costs on the margin; and limits the amount of work performed each year on each project to the funding provided for that project during the fiscal year.

SEC. 105. After February 6, 2006, none of the funds made available in title I of this Act may be used to award any continuing contract or to make modifications to any existing continuing contract that obligates the United States Government during fiscal year 2007 to make payment under such contract for any project that is proposed for deferral or suspension in fiscal year 2007 in the materials prepared by the Assistant Secretary of the Army (Civil Works) for that fiscal year pursuant to provisions of chapter 11 of title 31, United States Code.

SEC. 106. None of the funds made available in title I of this Act may be used to award any continuing contract or to make modifications to any existing continuing contract that reserves an amount for a project in excess of the amount appropriated for such project pursuant to this Act.

SEC. 107. None of the funds in title I of this Act shall be available for the rehabilitation and lead and asbestos abatement of the dredge *McFarland*: *Provided*, That amounts provided in title I of this Act are hereby reduced by $18,630,000.

SEC. 108. None of the funds in this Act may be expended by the Secretary of the Army to construct the Port Jersey element of the New York and New Jersey Harbor or to reimburse the local sponsor for the construction of the Port Jersey element until commitments for construction of container handling facilities are obtained from the non-Federal sponsor for a second user along the Port Jersey element.

POINT OF ORDER

Mr. DUNCAN. Mr. Chairman, I rise to a point of order against Section 104.

The CHAIRMAN. The gentleman will state his point of order.

Mr. DUNCAN. Mr. Chairman, this section violates clause 2 of rule XXI. It changes existing law, and therefore constitutes legislating on an appropriations bill in violation of House rules.

The CHAIRMAN. Does any Member wish to be heard on the point of order?

Mr. HOBSON. Mr. Chairman, we concede the point of order.

The CHAIRMAN. The point of order is conceded and sustained. The provision is stricken from the bill.

Mr. DUNCAN. Mr. Chairman, I rise to express my concern about what may be the unintended consequences of some of the General Provisions applicable to the Corps of Engineers in this FY 2006 Energy and Water Development appropriations bill. I appreciate that Chairman HOBSON and Ranking Member VISCLOSKY have faced a difficult task in trying to meet the nation's water resources needs in a time of constrained budgets. I also know that the Energy and Water Appropriations Subcommittee has had some concerns about how the Corps of Engineers is managing the civil works program, particularly as it relates to reprogramming funds and to the use of contracts for work that is completed over several fiscal years—called continuing contracts.

However, I am concerned that the legislation before the House today will make it even more difficult to meet important navigation, flood control, and environmental restoration needs all over the country. The Corps' civil works budget request is based on the best information the Corps has at the time the request is made. However, circumstances can change over the course of a year. Severe weather may increase operation and maintenance costs. Major construction projects may get delayed for technical reasons. For these reasons, the Corps has traditionally attempted to maximize the benefits to the nation with the available funds by reprogramming money to best meet current needs and conditions. I agree that the Corps should get Congressional concurrence before moving around funds that have been earmarked in the report of the Appropriations Committee. I also agree that the Corps needs to track and report these reprogramming decisions, so the impact on current and future budgets is transparent. However, H.R. 2419 goes far beyond tracking and transparency and places severe restrictions on reprogramming—which could have adverse consequences for projects all over the country.

For example, if we need to conduct emergency maintenance at Chickamauga Lock in fiscal year 2006, to address the concrete growth there, and the cost is more than $2 million above the amount earmarked for operation and maintenance of that lock, the Corps will not be able to reprogram funds to carry out that work. I don't think that is the Committee's intent. H.R. 2419 also tries to place limits on the Corps' use of continuing contracts to carry out civil works projects. In a minute, I will make a point of order to remove section 104 from the bill. The Corps has had authority to enter into continuing contracts since 1922, at the discretion of the Secretary. In the Water Resources Development Act of 1999, Congress removed the Secretary's discretion and required the Corps to begin each project for which funds were provided in an Appropriations Act, using a continuing contract if the Act did not provide full funding. Congress made this change in law to prevent the prior Administration from imposing a full funding policy on the Corps.

If Corps projects had to be fully funded, the Corps would be able to undertake very few projects each year. Under a full funding policy, most appropriated funds would simply sit in the Treasury, waiting for years to be expended, while other critical navigation, flood control and environmental restoration needs go unmet.

I understand that H.R. 2419 does not completely eliminate the use of continuing contracts, but the limits it proposes may be ill-advised. I am told that section 105 of the bill represents an attempt to ensure that funding is

requested each year for projects carried out using a continuing contract. However, the language that is before the House today gives Congressional priorities less favorable treatment than Administration requests. Under section 105 of the bill, if a member is successful in obtaining funding for a Congressionally-added project in the FY 2006 Energy and Water Appropriations Act, but does not receive full funding for the project, the Corps has three alternatives to carry out the project: (1) Hope to get a continuing contract awarded before February 6, 2006 (which will be difficult given the complexity of the Federal Acquisition Regulations); (2) Award a single year contract for only one increment of the project (resulting in increased costs); or (3) Wait until fiscal year 2008 to award a continuing contract for the project (delaying construction of the project).

In contrast, Administration priorities may be carried out using continuing contracts. Finally, I want to applaud the Committee's effort to improve the quality of the information in the budget documents submitted by the Corps to Congress each fiscal year. In fact, I believe that if the Corps provides Congress with budget documents that are transparent about the funding needs of all ongoing projects, the Appropriations Committee will have sufficient information to address its concerns regarding both the use of continuing contracts and reprogramming.

This information will make it unnecessary to place further restrictions on the Corps' ability to manage the civil works program. The importance of the civil works program of the Army Corps of Engineers to our nation's economic security cannot be overstated. I look forward to continuing to work with the Committee to ensure that the Corps is able to continue to carry out its mission.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

TITLE II

DEPARTMENT OF THE INTERIOR

CENTRAL UTAH PROJECT

CENTRAL UTAH PROJECT COMPLETION ACCOUNT

For carrying out activities authorized by the Central Utah Project Completion Act, $32,614,000, to remain available until expended, of which $946,000 shall be deposited into the Utah Reclamation Mitigation and Conservation Account for use by the Utah Reclamation Mitigation and Conservation Commission.

In addition, for necessary expenses incurred in carrying out related responsibilities of the Secretary of the Interior, $1,736,000, to remain available until expended.

BUREAU OF RECLAMATION

WATER AND RELATED RESOURCES

(INCLUDING TRANSFER OF FUNDS)

For management, development, and restoration of water and related natural resources and for related activities, including the operation, maintenance, and rehabilitation of reclamation and other facilities, participation in fulfilling related Federal responsibilities to Native Americans, and related grants to, and cooperative and other agreements with, State and local governments, Indian tribes, and others, $832,000,000, to remain available until expended, of which $55,544,000 shall be available for transfer to the Upper Colorado River Basin Fund and $21,998,000 shall be available for transfer to the Lower Colorado River Basin Development Fund; of which such amounts as may be necessary may be advanced to the Colorado River Dam Fund; of which not more than $500,000 is for high priority projects which shall be carried out by the Youth Conservation Corps, as authorized by 16 U.S.C. 1706: *Provided*, That such transfers may be increased or decreased within the overall appropriation under this heading: *Provided further*, That of the total appropriated, the amount for program activities that can be financed by the Reclamation Fund or the Bureau of Reclamation special fee account established by 16 U.S.C. 4601–6a(i) shall be derived from that Fund or account: *Provided further*, That funds contributed under 43 U.S.C. 395 are available until expended for the purposes for which contributed: *Provided further*, That funds advanced under 43 U.S.C. 397a shall be credited to this account and are available until expended for the same purposes as the sums appropriated under this heading: *Provided further*, That funds available for expenditure for the Departmental Irrigation Drainage Program may be expended by the Bureau of Reclamation for site remediation on a non-reimbursable basis.

CENTRAL VALLEY PROJECT RESTORATION FUND

For carrying out the programs, projects, plans, and habitat restoration, improvement, and acquisition provisions of the Central Valley Project Improvement Act, $52,219,000, to be derived from such sums as may be collected in the Central Valley Project Restoration Fund pursuant to sections 3407(d), 3404(c)(3), 3405(f), and 3406(c)(1) of Public Law 102–575, to remain available until expended: *Provided*, That the Bureau of Reclamation is directed to assess and collect the full amount of the additional mitigation and restoration payments authorized by section 3407(d) of Public Law 102–575: *Provided further*, That none of the funds made available under this heading may be used for the acquisition or leasing of water for in-stream purposes if the water is already committed to in-stream purposes by a court adopted decree or order.

CALIFORNIA BAY-DELTA RESTORATION

(INCLUDING TRANSFER OF FUNDS)

For carrying out activities authorized by the Calfed Bay Delta Authorization Act, consistent with plans to be approved by the Secretary of the Interior, $35,000,000, to remain available until expended, of which such amounts as may be necessary to carry out such activities may be transferred to appropriate accounts of other participating Federal agencies to carry out authorized purposes: *Provided*, That funds appropriated herein may be used for the Federal share of the costs of CALFED Program management: *Provided further*, That the use of any funds provided to the California Bay-Delta Authority for program-wide management and oversight activities shall be subject to the approval of the Secretary of the Interior: *Provided further*, That CALFED implementation shall be carried out in a balanced manner with clear performance measures demonstrating concurrent progress in achieving the goals and objectives of the Program.

POLICY AND ADMINISTRATION

For necessary expenses of policy, administration, and related functions in the office of the Commissioner, the Denver office, and offices in the five regions of the Bureau of Reclamation, to remain available until expended, $57,917,000, to be derived from the Reclamation Fund and be nonreimbursable as provided in 43 U.S.C. 377: *Provided*, That no part of any other appropriation in this Act shall be available for activities or functions budgeted as policy and administration expenses.

ADMINISTRATIVE PROVISION

Appropriations for the Bureau of Reclamation shall be available for purchase of not to exceed 14 passenger motor vehicles, of which 11 are for replacement only.

GENERAL PROVISIONS

DEPARTMENT OF THE INTERIOR

SEC. 201. (a) None of the funds appropriated or otherwise made available by this Act may be used to determine the final point of discharge for the interceptor drain for the San Luis Unit until development by the Secretary of the Interior and the State of California of a plan, which shall conform to the water quality standards of the State of California as approved by the Administrator of the Environmental Protection Agency, to minimize any detrimental effect of the San Luis drainage waters.

(b) The costs of the Kesterson Reservoir Cleanup Program and the costs of the San Joaquin Valley Drainage Program shall be classified by the Secretary of the Interior as reimbursable or nonreimbursable and collected until fully repaid pursuant to the ''Cleanup Program-Alternative Repayment Plan'' and the ''SJVDP-Alternative Repayment Plan'' described in the report entitled ''Repayment Report, Kesterson Reservoir Cleanup Program and San Joaquin Valley Drainage Program, February 1995'', prepared by the Department of the Interior, Bureau of Reclamation. Any future obligations of funds by the United States relating to, or providing for, drainage service or drainage studies for the San Luis Unit shall be fully reimbursable by San Luis Unit beneficiaries of such service or studies pursuant to Federal reclamation law.

SEC. 202. None of the funds appropriated or otherwise made available by this or any other Act may be used to pay the salaries and expenses of personnel to purchase or lease water in the Middle Rio Grande or the Carlsbad Projects in New Mexico unless said purchase or lease is in compliance with the purchase requirements of section 202 of Public Law 106–60.

SEC. 203. (a) Section 1(a) of the Lower Colorado Water Supply Act (Public Law 99–655) is amended by adding at the end the following: ''The Secretary is authorized to enter into an agreement or agreements with the city of Needles or the Imperial Irrigation District for the design and construction of the remaining stages of the Lower Colorado Water Supply Project on or after November 1, 2004, and the Secretary shall ensure that any such agreement or agreements include provisions setting forth (1) the responsibilities of the parties to the agreement for design and construction; (2) the locations of the remaining wells, discharge pipelines, and power transmission lines; (3) the remaining design capacity of up to 5,000 acre-feet per year which is the authorized capacity less the design capacity of the first stage constructed; (4) the procedures and requirements for approval and acceptance by the Secretary of the remaining stages, including approval of the quality of construction, measures to protect the public health and safety, and procedures for protection of such stages; (5) the rights, responsibilities, and liabilities of each party to the agreement; and (6) the term of the agreement.''.

(b) Section 2(b) of the Lower Colorado Water Supply Act (Public Law 99–655) is amended by adding at the end the following: ''Subject to the demand of such users along or adjacent to the Colorado River for Project water, the Secretary is further authorized to contract with additional persons or entities who hold Boulder Canyon Project Act section 5 contracts for municipal and industrial uses within the State of California for the use or benefit of Project water under such

terms as the Secretary determines will benefit the interest of Project users along the Colorado River.''.

Mr. HOBSON (during the reading). Mr. Chairman, I ask unanimous consent that title II be considered as read, printed in the RECORD and open to amendment at any point.

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

There was no objection.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

TITLE III

DEPARTMENT OF ENERGY

ENERGY PROGRAMS

ENERGY SUPPLY AND CONSERVATION

For Department of Energy expenses including the purchase, construction, and acquisition of plant and capital equipment, and other expenses necessary for energy supply and energy conservation activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, $1,762,888,000, to remain available until expended.

CLEAN COAL TECHNOLOGY

(DEFERRAL)

Of the funds made available under this heading for obligation in prior years, $257,000,000 shall not be available until October 1, 2006: *Provided*, That funds made available in previous appropriations Acts shall be made available for any ongoing project regardless of the separate request for proposal under which the project was selected.

FOSSIL ENERGY RESEARCH AND DEVELOPMENT

For necessary expenses in carrying out fossil energy research and development activities, under the authority of the Department of Energy Organization Act (Public Law 95–91), including the acquisition of interest, including defeasible and equitable interests in any real property or any facility or for plant or facility acquisition or expansion, the hire of passenger motor vehicles, the hire, maintenance, and operation of aircraft, the purchase, repair, and cleaning of uniforms, the reimbursement to the General Services Administration for security guard services, and for conducting inquiries, technological investigations and research concerning the extraction, processing, use, and disposal of mineral substances without objectionable social and environmental costs (30 U.S.C. 3, 1602, and 1603), $502,467,000, to remain available until expended, of which $18,000,000 is to continue a multi-year project coordinated with the private sector for FutureGen, without regard to the terms and conditions applicable to clean coal technological projects: *Provided*, That the initial planning and research stages of the FutureGen project shall include a matching requirement from non-Federal sources of at least 20 percent of the costs: *Provided further*, That any demonstration component of such project shall require a matching requirement from non-Federal sources of at least 50 percent of the costs of the component: *Provided further*, That of the amounts provided, $50,000,000 is available, after coordination with the private sector, for a request for proposals for a Clean Coal Power Initiative providing for competitively-awarded research, development, and demonstration projects to reduce the barriers to continued and expanded coal use: *Provided further*, That no project may be selected for which sufficient funding is not available to provide for the total project: *Provided further*, That funds shall be expended in accordance with the provisions governing the use of funds contained under the heading ''Clean Coal Technology'' in 42 U.S.C. 5903d as well as those contained under the heading ''Clean Coal Technology'' in prior appropriations: *Provided further*, That the Department may include provisions for repayment of Government contributions to individual projects in an amount up to the Government contribution to the project on terms and conditions that are acceptable to the Department including repayments from sale and licensing of technologies from both domestic and foreign transactions: *Provided further*, That such repayments shall be retained by the Department for future coal-related research, development and demonstration projects: *Provided further*, That any technology selected under this program shall be considered a Clean Coal Technology, and any project selected under this program shall be considered a Clean Coal Technology Project, for the purposes of 42 U.S.C. 7651n, and chapters 51, 52, and 60 of title 40 of the Code of Federal Regulations: *Provided further*, That no part of the sum herein made available shall be used for the field testing of nuclear explosives in the recovery of oil and gas: *Provided further*, That up to 4 percent of program direction funds available to the National Energy Technology Laboratory may be used to support Department of Energy activites not included in this account: *Provided further*, That the Secretary of Energy is authorized to accept fees and contributions from public and private sources, to be deposited in a contributed funds account, and prosecute projects using such fees and contributions in cooperation with other Federal, State, or private agencies or concerns: *Provided further*, That revenues and other moneys received by or for the account of the Department of Energy or otherwise generated by sale of products in connection with projects of the Department appropriated under the Fossil Energy Research and Development account may be retained by the Secretary of Energy, to be available until expended, and used only for plant construction, operation, costs, and payments to cost-sharing entities as provided in appropriate cost-sharing contracts or agreements.

NAVAL PETROLEUM AND OIL SHALE RESERVES

For expenses necessary to carry out naval petroleum and oil shale reserve activities, including the hire of passenger motor vehicles, $18,500,000, to remain available until expended: *Provided*, That, notwithstanding any other provision of law, unobligated funds remaining from prior years shall be available for all naval petroleum and oil shale reserve activities.

ELK HILLS SCHOOL LANDS FUND

For necessary expenses in fulfilling installment payments under the Settlement Agreement entered into by the United States and the State of California on October 11, 1996, as authorized by section 3415 of Public Law 104–106, $48,000,000, for payment to the State of California for the State Teachers' Retirement Fund, of which $46,000,000 will be derived from the Elk Hills School Lands Fund.

STRATEGIC PETROLEUM RESERVE

For necessary expenses for Strategic Petroleum Reserve facility development and operations and program management activities pursuant to the Energy Policy and Conservation Act of 1975, as amended (42 U.S.C. 6201 et seq.), including the hire of passenger motor vehicles, the hire, maintenance, and operation of aircraft, the purchase, repair, and cleaning of uniforms, the reimbursement to the General Services Administration for security guard services, $166,000,000, to remain available until expended.

ENERGY INFORMATION ADMINISTRATION

For necessary expenses in carrying out the activities of the Energy Information Administration, $86,426,000, to remain available until expended.

NON-DEFENSE ENVIRONMENTAL CLEANUP

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other expenses necessary for non-defense environmental cleanup activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, and the purchase of not to exceed six passenger motor vehicles, of which five shall be for replacement only, $319,934,000, to remain available until expended.

AMENDMENT OFFERED BY MR. SANDERS

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

The CHAIRMAN. Would the gentleman from Vermont submit his amendment? The Clerk does not seem to have it. Is there objection to returning to that point in the reading?

There was no objection.

The Clerk read as follows:

Amendment offered by Mr. SANDERS:

Page 19, line 5, after the dollar amount, insert the following: ''(increased by $1,000,000)''.

Page 27, line 9, after the dollar amount, insert the following: ''(reduced by $1,000,000)''.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Vermont (Mr. SANDERS) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Vermont (Mr. SANDERS).

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

Mr. Chairman, first I would like to thank my colleagues for allowing me to offer the amendment.

Mr. Chairman, I have an amendment at the desk. The legislative intent of this amendment is to increase the funding for the EnergySmart Schools Program administered by the Department of Energy by $1,000,000, offset by a reduction in administrative expenses for the Department of Energy's public affairs department. It is the intent of this amendment that the increased funds for the EnergySmart Schools program will be directly administered and the grants be directly made by the DOE's National Renewable Energy Laboratory and that they will not go through a third part. I am aware that the public affairs department of the DOE has received an increase of $1,000,000 above Fiscal Year 2005 funding and it is the intent of this amendment to return the funding for the public affairs department to the Fiscal Year 2005 level.

Mr. Chairman, our Nation's school systems are in crisis. Their budgets are threadbare and most can barely pay their teachers a living wage. To make matters worse, America's school buildings are aging—the average age is 42 years—and the vast majority could greatly benefit from energy-saving improvements. Unfortunately, school administrators are often hard-pressed to allocate any of their limited funds toward improving the energy efficiency of their buildings and systems, even when it is clear that such improvements would save them substantial sums of money that could

help pay their teachers of the future. Fortunately, the Department of Energy has an energy conservation program to help these schools do just that: to implement energy-saving strategies that save money, help children learn about energy and create improved teaching and learning environments.

The Department of Energy's EnergySmart Schools Program—an integral and active part of the Rebuild America program—is committed to building a nation of schools that are smart about every aspect of energy. The program provides information on energy efficient solutions for school bus transportation, conducting successful building projects and teaching about energy, energy efficiency, and renewable energy. It also works with school districts to introduce energy-saving improvements to the physical environment, enabling many schools to leverage their energy savings to pay for needed improvements, and it takes a proactive role in promoting and supporting energy education in our schools.

Often, this enables school districts to save big on utility bills and maintenance costs, in turn freeing up funds to pay for books, computers and teachers, and improve indoor air quality and comfort. According to the Department of Energy, nationally, K–12 schools spend more than $6 billion a year on energy and at least 25 percent of that could be saved through smarter energy management, meaning energy improvements could cut the Nation's school bill by $1.5 billion each year. As an added benefit, many of the same improvements that help to lower a school's energy consumption also serve to improve the classroom environment, removing noisy, inefficient heating and cooling systems, inadequate lights, and ventilation systems that don't restrict indoor contaminants.

In short, Mr. Chairman, the EnergySmart Schools program helps our Nation's schools to implement energy-saving strategies that save money, help children learn about energy and create improved teaching and learning environments. My amendment would add $1,000,000 to support this excellent program—offset by a reduction in administrative expenses for the Department of Energy's public affairs department.

Mr. HOBSON. Mr. Chairman, will the gentleman yield?

Mr. SANDERS. I yield to the gentleman from Ohio.

Mr. HOBSON. Mr. Chairman, if we do not have to engage in any further debate, I support the gentleman and am prepared to accept the amendment.

Mr. SANDERS. Mr. Chairman, reclaiming my time, I thank my friend very much.

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

The CHAIRMAN. Is there further debate on the amendment?

If not, the question is on the amendment offered by the gentleman from Vermont (Mr. SANDERS).

The amendment was agreed to.

Mr. HOBSON. Mr. Chairman, I move to strike the last word.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. HOBSON. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, I understand there is a provision in the report accompanying this bill regarding employees of DOE contractors who are on detail in the Washington, D.C., area.

Mr. HOBSON. That is correct.

Mr. DICKS. The provision applies to those who are on detail from their home laboratory location. Is that not the intent of this section?

Mr. HOBSON. That is correct.

Mr. DICKS. Mr. Chairman, the gentleman should agree that provisions should not apply to scientists who are located here in the Washington, D.C., area and who have never been on detail from their home laboratory; that is, they have lived here for the duration of their employment without ever having been located at the home lab. In addition, they have not incurred additional transportation and housing costs associated with detailees for temporary assignments in the Washington, D.C., area.

Mr. HOBSON. Mr. Chairman, reclaiming my time, that is my understanding.

Mr. DICKS. Mr. Chairman, if the gentleman would yield further, would the gentleman agree that staff affiliated with the Pacific Northwest National Laboratory, located at the Joint Global Change Research Institute, who were never detailed to Washington, D.C., should be excluded from the list of contractor detailees referenced in this report?

Mr. HOBSON. I agree.

Mr. OTTER. Mr. Chairman, will the gentleman yield?

Mr. HOBSON. I yield to the gentleman from Idaho.

Mr. OTTER. Mr. Chairman, as the gentleman knows, the State of Idaho has an agreement with the United States Department of Energy, enforceable by the courts, that prohibits commercial spent nuclear fuel from coming into the Idaho National Laboratory for storage.

Would the language contained within the report in any way change the existing law or alter the provisions of the State of Idaho's agreement with the Department of Energy?

Mr. HOBSON. Mr. Chairman, reclaiming my time, no, it would not.

Mr. OTTER. I thank the gentleman very much for that clarification.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

URANIUM ENRICHMENT DECONTAMINATION AND DECOMMISSIONING FUND

For necessary expenses in carrying out uranium enrichment facility decontamination and decommissioning, remedial actions, and other activities of title II of the Atomic Energy Act of 1954, as amended, and title X, subtitle A, of the Energy Policy Act of 1992, $591,498,000, to be derived from the Fund, to remain available until expended, of which $20,000,000 shall be available in accordance with title X, subtitle A, of the Energy Policy Act of 1992.

SCIENCE

For Department of Energy expenses including the purchase, construction and acquisition of plant and capital equipment, and other expenses necessary for science activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or facility or for plant or facility acquisition, construction, or expansion, and purchase of not to exceed forty-seven passenger motor vehicles for replacement only, including not to exceed one ambulance and two buses, $3,666,055,000, to remain available until expended.

NUCLEAR WASTE DISPOSAL

For nuclear waste disposal activities to carry out the purposes of the Nuclear Waste Policy Act of 1982, Public Law 97–425, as amended (the ''Act''), including the acquisition of real property or facility construction or expansion, $310,000,000, to remain available until expended and to be derived from the Nuclear Waste Fund: *Provided*, That of the funds made available in this Act for Nuclear Waste Disposal, $3,500,000 shall be provided to the State of Nevada solely for expenditures, other than salaries and expenses of State employees, to conduct scientific oversight responsibilities and participate in licensing activities pursuant to the Act: *Provided further*, That $7,000,000 shall be provided to affected units of local governments, as defined in the Act, to conduct appropriate activities and participate in licensing activities: *Provided further*, That the distribution of the funds as determined by the units of local government shall be approved by the Department of Energy: *Provided further*, That the funds for the State of Nevada shall be made available solely to the Nevada Division of Emergency Management by direct payment and units of local government by direct payment: *Provided further*, That within 90 days of the completion of each Federal fiscal year, the Nevada Division of Emergency Management and the Governor of the State of Nevada and each local entity shall provide certification to the Department of Energy that all funds expended from such payments have been expended for activities authorized by the Act and this Act: *Provided further*, That failure to provide such certification shall cause such entity to be prohibited from any further funding provided for similar activities: *Provided further*, That none of the funds herein appropriated may be: (1) used directly or indirectly to influence legislative action on any matter pending before Congress or a State legislature or for lobbying activity as provided in 18 U.S.C. 1913; (2) used for litigation expenses; or (3) used to support multi-State efforts or other coalition building activities inconsistent with the restrictions contained in this Act: *Provided further*, That all proceeds and recoveries realized by the Secretary in carrying out activities authorized by the Act, including but not limited to, any proceeds from the sale of assets, shall be available without further appropriation and shall remain available until expended.

AMENDMENT OFFERED BY MR. MARKEY

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

The CHAIRMAN. Is there objection to consideration of the amendment offered by the gentleman from Massachusetts (Mr. MARKEY)?

Hearing none, the Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. MARKEY:

Page 19, line 5, insert ''(reduced by $5,500,000) (increased by $8,500,000) (increased by $3,500,000) (increased by $3,500,000)'' after ''$1,762,888,000''.

Page 25, line 12, insert ''(reduced by $10,000,000)'' after ''$310,000,000''.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Massachusetts (Mr. MARKEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Massachusetts (Mr. MARKEY).

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

Mr. Chairman, the amendment which the gentleman from New Jersey (Mr. HOLT), the gentleman from Washington (Mr. INSLEE) and I are offering would take $15.5 million from the Committee on Appropriations, which was added on to the President's request for reprocessing and nuclear waste management, and reallocate these funds to programs that would improve energy efficiency.

We are offering this amendment today because we believe that now is the time to undo a policy first adopted back in the 1970s which discourages reprocessing of commercial spent fuel. We believe that nonproliferation risks associated with reprocessing are too great, that reprocessing is not economical and the additional funds recommended for reprocessing would be better spent on improving our Nation's energy efficiency.

First, reprocessing presents grave proliferation risks. President Ford first put this ban on reprocessing in place. It gives us the high moral ground as we look at the North Koreans and Iranians to tell them not to do it. It only makes sense.

Secondly, reprocessing is not economical. It would only be economical if, in fact, there was not a glut of uranium, which is what it is that we have in the world today.

Third, reprocessing is not safe. Twenty tons of highly radioactive material leaked from a broken pipe at a nuclear reprocessing plant in the United Kingdom in April of this year. This area is going to remain closed for a long, long time.

Fifth, the $15.5 million appropriated for reprocessing and interim storage would be better spent on energy efficiency priorities. It would be better to just use it to work smarter and not harder. The more efficient that we make our society is the absolute fastest way in order to guarantee that we would make ourselves less dependent upon imported oil, not moving along the route that this $15.5 million appropriation would move it.

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

Mr. HOBSON. Mr. Chairman, I claim the time in opposition to the amendment.

The CHAIRMAN. The gentleman from Ohio is recognized for 5 minutes.

Mr. HOBSON. Mr. Chairman, I yield 2 minutes to the gentlewoman from Illinois (Mrs. BIGGERT).

Mrs. BIGGERT. Mr. Chairman, I rise today in strong opposition to the Markey amendment, which would cut funding for a program that ultimately could solve our nuclear waste problem.

I am proud to say that I represent Argonne National Laboratory, which has been working for years on reprocessing and recycling technologies that will allow us to do something with spent nuclear fuel besides bury it in a mountain. If you think of nuclear fuel like a log, we currently burn only 3 percent of that log at both ends and then pull it out of the fire to bury it. The bulk of what we call nuclear waste is actually nuclear fuel, which still contains over 90 percent of its original energy content.

□ 1845

Does that make sense? No, but that is our current policy, and it is just plain wasteful.

Instead, scientists have developed ways to reprocess and recycle today's waste and turn it back into fuel. There are many advantages to these technologies which have names like UREX+ and pyroprocessing.

They are proliferation-resistant, unlike other, older technologies already in use throughout the world, including places like France, England, and Russia. They reduce the volume of our nuclear waste so much so that we will not need to build another Yucca Mountain. They also reduce the toxicity, the heat and radioactivity, of the waste so that it will not have to be stored for 10,000 years, but rather for only 300 years. That is still a long time, but we can design with certainty a repository that will last 300 years and one that can meet necessary radiation standards.

At the end of March, I visited reprocessing facilities in France with the gentleman from Ohio (Chairman HOBSON). The French have embraced reprocessing as a way to reduce the volume of the waste by a factor of four and safely store it until they decide exactly how to recycle it.

That is good for the French, but we can do better. The French are using a technology that is between 20 and 30 years old and produces pure plutonium as a by-product. The process and technologies this bill supports today are cutting edge and could reduce the volume of our waste by a factor of 60, are proliferation-resistant, and almost eliminate the long-term radiotoxicity and heat problems associated with our current spent fuel.

Unfortunately, the Markey amendment would have us forgo the benefits of this research.

Mr. MARKEY. Mr. Chairman, could you tell us how much time is remaining on either side.

The CHAIRMAN. The gentleman from Massachusetts (Mr. MARKEY) and the gentleman from Ohio (Mr. HOBSON) each have 3 minutes remaining.

Mr. MARKEY. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, again, this is a huge moment. This is a decision to reverse a policy which is 30 years old. It has gone through Presidents, Democrat and Republican, going back to Gerald Ford, which essentially says to the North Koreans, to the Iranians, to every other country in the world, we are not going to reprocess our civilian-spent fuel; you should not do it either. You should stay away from it. This is too dangerous.

We otherwise will wind up preaching temperance from a bar stool. We will be in a situation where we will be reprocessing civilian-spent fuel into plutonium, and we will be trying to tell the rest of the world that they should not do it. It would be like your father telling you that you should not smoke with a pack of Camels in his hand. It just does not work. You have to have some standard as a Nation on a policy as important as the reprocessing of plutonium in order to take that position and be a leader worldwide.

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

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

I do not support the gentleman's amendment transferring all of the funds proposed for our spent fuel recycling initiative.

Our bill, and the administration's budget request, includes $750 million for the Advanced Fuel Recycle Initiative under the Office of Nuclear Energy, Science and Technology. Among other activities, this program funds research into advanced reprocessing technologies that can avoid some of the shortcomings of existing technologies.

Specifically, there are new reprocessing technologies that have the potential to minimize the waste streams of radioactive waste products and also minimize and eliminate the presence of separated plutonium. This country would be foolish to ignore the potential benefits of new technologies.

Our bill adds $5 million to this research and directs the Secretary to make recommendations by fiscal year 2007 on advanced reprocessing technologies suitable for implementation in the United States. We also direct that the Secretary establish a competitive process for selecting one or more sites for integrated spent fuel recycling facilities.

After running through a nuclear reactor, spent nuclear fuel still contains 97 percent of its energy value, yet we continue to plan to bury the spent fuel underground rather than recycle it, as other countries do very successfully. The current Yucca Mountain repository will be full to its authorized capacity by the year 2010. If we do not look to recycle our spent fuel, then DOE should start tomorrow to expand Yucca Mountain repository or select a second site. In the near term, we direct the Secretary to begin moving spent fuel away from reactive sites and into interim storage at one or more DOE sites. I believe it is essential that the government demonstrate that it will comply with the requirement to begin accepting spent fuel from the reactor sites and begin to move it on the path to disposal in the repository.

I strongly oppose living in the past. We have to move to the future. We

have to get back into this business. This is safe, this is responsible, and it is the way this country should move forward and not live in the past. Use new technology.

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

Mr. MARKEY. Mr. Chairman, I yield 1½ minutes to the gentleman from Washington (Mr. INSLEE).

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

Mr. INSLEE. Mr. Chairman, the gentleman from Massachusetts (Mr. MARKEY) has addressed the serious ramifications of abandoning this bipartisan policy regarding reprocessing; but there is another evil that this amendment will fix, and that is an evil that, again, trying to go back to America's commitment not to do interim storage, that we made on a bipartisan basis back in 1990. We made a very conscious, bipartisan decision not to try to stick these communities with the misnomer of interim storage.

Interim storage of radioactive waste in America is sort of like the interim pyramids of Egypt: they tend to stay around a long time. There is nothing interim about this effort to put this in the Hanford Nuclear Reservation, a place where we had 450 million gallons of radioactive waste already leaking with a plume potentially heading to the Columbia River. It is now the largest cleanup site, one of, if not the, in America, and yet we intend to put more radioactive waste if this amendment is not adopted potentially at Hanford.

Why would we do this? This is sort of like coal is to New Castle when you send radioactive material to Hanford, which is the very place we are trying to clean up. This is the last place we ought to be sticking these repositories, not the first place.

I have to object to this being done in report language with no hearings, with no chance for the public to have input into this major decision of our nuclear policy. This is a distortion of how we have tried to make bipartisan policy about these very sensitive issues, and this is why we need to pass this amendment. By the way, this is not just Hanford. It is going to be driving by your neighborhoods on its way to these three interim sites.

Mr. MARKEY. Mr. Chairman, I yield myself the remainder of my time.

Mr. Chairman, this amendment goes to a central, fundamental question which this Congress is going to decide this evening. The Senate yesterday resolved something they called the nuclear option. This is the real nuclear option. This is the nuclear option which the rest of the world is going to look at: are we going back to nuclear reprocessing? Are we going to become the leader in a technology which we are telling the rest of the world we do not believe they should have, especially since we do not even need it?

So this question of nuclear weapons in the world, nuclear proliferation, this issue is a central issue in determining whether or not we are going to be the leader or we are going to be spreading these technologies across the planet. Vote ''aye'' on the Markey amendment.

The amendment that the gentleman from New Jersey (Mr. HOLT), the gentleman from Washington (Mr. INSLEE) and I are offering would take the $15.5 million that the Appropriations Committee added onto the President's request for the reprocessing and nuclear waste management and reallocate these funds to programs that would improve energy efficiency.

We are offering this amendment today because we believe that now is not the time to undo a policy first adopted back in 1970s which discourages reprocessing of commercial spent fuel. We believe that nonproliferation risks associated with reprocessing are too great, that reprocessing is not economical, and that the additional funds recommended for reprocessing would be better spent on improving our nation's energy efficiency.

Reprocessing represents grave proliferation risks. Just look at North Korea. It has been reprocessing spent fuel from its reactors to use in nuclear bombs. In response, President Bush has asked the Nuclear Suppliers Group to limit access to reprocessing technology, arguing that:

> This step will prevent new states from developing the means to produce fissile material for nuclear bombs.

How are we going to credibly ask the rest of the world to support us when we tell North Korea, Iran or any other nation that they cannot have the full fuel cycle and they can't engage in reprocessing, when we are preparing to do the same thing right here in America? It just won't fly.

You cannot preach nuclear temperance from a barstool. That is why President Gerald Ford called for an end to commercial reprocessing back in 1976, and why no President since then has successfully revived reprocessing.

Reprocessing also is not economical. A MIT study puts the cost of reprocessing at four times that of a once-through nuclear power. The current price of concentrated uranium ''yellowcake'' in the spot market is about $53.00 per kilogram. For reprocessing to be economical, there must be a sustained 8-fold increase in the long-term price of uranium. But the world is faced with a uranium glut. In addition, building a reprocessing plant would be enormously expensive. Consider Japan's nearly completed Rokkasho reprocessing plant—20 years in the making. Just building it cost on the order of $20 billion. But the total cost of Rokkasho when you factor in the full life-cycle costs—including construction, operation and decommissioning costs—is estimated to be $166 billion. Uranium costs would have to soar to 20 times what they are today for this to be economically viable.

In France, Cadarache's ATPu MOX plant has ceased commercial activity because it is not economical, but it plans to fabricate test MOX assemblies to send here. In Russia, they too have closed their reprocessing plant, RT–1, and still have not opened its successor, RT–2. The record is becoming clearer, reprocessing is not economical. Why would we think that the U.S. is immune from the fundamental laws of economics?

Reprocessing will not alleviate the nuclear waste problem. Talk to the folks at Savannah River where over 30 million gallons of high-level were left behind from reprocessing.

Under this bill, Savannah River may be targeted again for interim storage for spent fuel, awaiting reprocessing. So might Hanford and Idaho. In fact the bill report targets all DOE sites, federally owned sites, non-federal fuel storage facilities, and even closed military sites.

The Appropriations Committee Report (page 124) calls for DOE to provide ''an implementation plan for such early acceptance of commercial spent fuel, transportation to a DOE site, and centralized interim storage at one or more DOE sites.'' If appropriate DOE sites can't be found, the Report recommends that the nuclear waste be stored at ''other federally-owned sites, closed military bases, and non-federal fuel storage facilities.'' The Report calls for DOE to prepare a plan for centralized interim storage within 120 days of enactment of the bill, and states its belief that DOE ''already has authority for these actions under the Atomic Energy Act of 1954, as amended.''

So, if you just had a military base in your district closed by the BRAC, you might be a candidate to get a nuclear waste dump. Talk about adding insult to injury. Reprocessing sites will become defacto nuclear waste dumps. The spent nuclear fuel cannot even be handled to be reprocessed for 5 to 15 years—it is so radioactive. And what will happen to all this waste when the hard reality of the disastrous economics combined with the fact that our government deep in deficit cannot afford to subsidize this anymore?

Reprocessing is not safe. Twenty tons of highly radioactive material leaked from a broken pipe at a Sellafield nuclear reprocessing plant in the United Kingdom in April of this year. The affected area of the Sellafield plant will remain closed for months as officials devise a way of cleaning up the mess. Special robots may have to be built to clean up the waste as the area is too radioactive for people to enter.

Senior officials at the UK's Nuclear Decommissioning Authority, which owns the Sellafield reprocessing are pushing to close the plant altogether, arguing that it is more cost-effective to close the plant now rather than repair the problems only to decommission the plant as planned in 2012.

The MIT Study said this about safety:

> We are concerned about the safety of reprocessing plants, because of the large radioactive material inventories, and because the record of accidents, such as waste tank explosion at Chelyabinsk in the FSU [Russia], the Hanford waste tank leakages in the United States and the discharges to the environment at the Sellafield plant in the United Kingdom.

The $15.5 million appropriated for reprocessing and interim storage would be better spent on energy efficiency priorities. Under the Markey-Holt amendment, the $15.5 million added to the bill by the Committee for reprocessing and interim storage of nuclear waste would be transferred over to three under-funded domestic energy supply priority programs, as follows:

$8.5 million would be added for Industrial Technologies (which was cut by $16.5 million from current levels). Despite the fact that manufacturing makes up 35 percent of the nation's energy use, this bill would cut the industrial energy efficiency program to help manufacturers deal with high energy costs and develop

innovative technologies from $93 million in FY 2004 to $76 million in FY 2005, and now the House proposes $58 million in FY 2006. We are heading in the wrong direction. We are trying to maintain manufacturing jobs. We need to cut energy use and improve technology, since we can't cut wages to equate to China and India. This is a national security issue. Do we want to vacate the field in the key areas of steel, plastics, aluminum, chemicals, forest products, glass and metal casting? We need domestic production and this program helps make our domestic industries more energy efficient.

$3.5 million would be added for State Energy Program Grants (which was cut $3.8 million from current levels). A recent study by Oak Ridge National Laboratories concluded that for every federal dollar in the State Energy Program: (1) $7.22 in annual energy cost savings are produced; (2) $11.29 in leveraged funds are provided from the states and private sector in 18 different project areas; (3) over $333 million is saved through annual cost savings (the appropriation is only $44 million in FY 2005); (4) 48 million source BTUs are saved—or 8 million barrels of oil; (5) 826,049 metric tons of carbon are saved; (6) 135.8 metric tons of volatile organic compounds are reduced; (7) 6,211 metric tons of NO_X are reduced; and (8) 8,491 metric tons of SO_X are reduced.

$3.5 million would be added for the Distributed Energy and Electricity Reliability Program (which was cut by $4.8 million from current levels). This program is aimed at developing the ''next generation'' of clean, efficient, reliable, and affordable distributed energy technologies that make use of combined heat and power systems. The Department of Energy has established a goal of increasing installed combined heat and power systems from 66 Gigawatts in 2000 to 92 Gigawatts by 2010. As of 2004, this program is well on track, with 81 Gigawatts of installed power. However, much of the remaining potential for CHP systems is in small scale systems that are below 20 megawatts and employ micro-turbines, fuel cells and other technologies. This program needs full funding to continue delivering the benefits of increased reliability, security, efficiency and lower emissions to the U.S. economy.

Let me reiterate that my transfer amendment would still leave both reprocessing and nuclear waste disposal fully-funded at the levels requested in the President's budget, but would only reallocate money added by the Appropriations Committee. In addition, the Congressional Budget Office informs me that ''This amendment has no effect on budget authority and would reduce outlays by $1 million for FY 2006.''

Under the Markey-Holt amendment, we transfer these funds to energy efficiency programs that will provide our nation with a much better value for the dollar than the incremental investment in a nuclear reprocessing technology that is expensive, that poses serious nuclear nonproliferation risks, and which threatens to create new nuclear waste dumps at sites around the country.

I urge you to vote ''yes'' on the Markey-Holt-Inslee amendment.

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

I think I need to respond to a couple of comments that were made. First of all, we did not say to put anything in the interim; we said it is a site that should be looked at with all of the other sites. Second of all, this has nothing to do with nuclear weapons, and I might suggest that if you look around the world, about the only place in the world who has nuclear power that is not reprocessing is us. Everybody else, the French, the Japanese, they are building a plant; the Brits have a plant. Everybody else in the world has stepped up and said, we are going to take care of this waste; we are not going to just bury it in the ground, and we are going to keep using it over and over again.

I think it is time for us to look at this policy and change this old, old policy, especially if we have new technology that does not leave us with the type of nuclear weapons-grade plutonium left over, and that is what we believe we are developing.

So I think this is a responsible part of the bill and we should move forward and vote the amendment down.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. HOBSON. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, the only question I have, is the chairman saying that this report language has the force of law? It is advisory only; is that not correct?

Mr. HOBSON. That is correct.

Ms. BERKLEY. Mr. Chairman, I rise in support of Mr. MARKEY's amendment.

As a Member from Nevada, I am vehemently opposed to the Yucca Mountain Project for numerous reasons. The transportation of thousands of tons of nuclear waste, which will pass within miles of our homes, schools and hospitals, is one of the primary reasons I object to this plan. Nuclear waste transportation, whether destined for Yucca Mountain or an interim site, is an invitation to terrorists looking to wreak havoc and cause devastation in the United States.

The Chairman of the Subcommittee has made clear that interim storage will not divert him from avidly pursuing completion of the Yucca Mountain Repository.

With my ''yes'' vote, I am standing firmly against transporting nuclear waste through our communities and against interim storage in Nevada or anywhere else. The only workable solution we have at this time is to leave the waste on-site where it will be safe for the next 100 years.

Mr. HOLT. Mr. Chairman, I am pleased to join with my colleagues, Representatives EDWARD MARKEY and JAY INSLEE, in offering an amendment to H.R. 2419. Our amendment eliminates funding for the new Spent Fuel Recycling Initiative, and redirects this $15.5 million to energy research.

The legislation we are debating today directs the Department of Energy to conduct a new Spent Fuel Recycling Initiative, putting the United States on the path to reprocessing of spent nuclear reactor fuel. This new Initiative was not included in the President's budget request, and is over and above the existing research program on nuclear fuel reprocessing. It is a radical measure that moves the United States from research to actually undertaking nuclear fuel reprocessing. The Initiative has two linked elements: moving existing spent nuclear fuel away from commercial reactor sites to centralized interim storage, and initiating a reprocessing program for this fuel.

Reprocessing creates a plutonium-based of fuel for nuclear reactors that is easier to use in nuclear weapons. The United States is currently working to prevent other countries from reprocessing nuclear fuel, because a country that is reprocessing nuclear fuel can easily divert this material to make nuclear weapons.

Reprocessing spent nuclear fuel would be a major departure for U.S. nuclear policy, and could set back our efforts to stop nuclear proliferation around the world. If the U.S. Congress votes to initiate a reprocessing program, U.S. nuclear proliferation policy will be directly contradicted.

Such a step must not be taken lightly, with no hearings, no authorizing legislation, no public input, no analysis of the implications for nuclear proliferation, not even an analysis of the cost to taxpayers. We must not proceed with such a major step without all members having sufficient time and information to consider what they are voting for.

The Markey-Holt-Inslee amendment leaves intact the President's request to increase to $70 million the Advanced Fuel Cycle Initiative, which includes research on nuclear fuel reprocessing technologies. Our amendment removes the new, additional $15.5 million Initiative to consolidate and reprocess spent fuel.

The Markey-Holt-Inslee amendment redirects the $15.5 million to three important and successful energy research programs, all of which have less funding in H.R. 2419 compared to fiscal year 2005 appropriations:

$8.5 million to the Industrial Technologies Program, which shares the cost of research with industry to make U.S. industry more energy efficient;

$3.5 million to the Distributed Energy and Electricity Reliability Program, which funds research and development for smarter, more flexible, and more efficient electricity generation through the development of distributed energy generation and combined heat and power technologies; and

$3.5 million for State Energy Program grants, a program that for every federal dollar has produced over $7 of annual energy savings.

Mr. PORTER. Mr. Chairman, I rise today to oppose the Markey Amendment to H.R. 2419, Energy and Water Development and Related Agencies Appropriations Act for Fiscal Year 2006. This amendment would cut $5.5 million from nuclear reprocessing and $10 million from nuclear waste disposal to facilitate interim storage of nuclear waste. Mr. Chairman, the Federal Workforce and Agency Organization Subcommittee of which I chair is currently investigating the alleged falsification of documents and computer models at the Yucca Mountain site.

What my investigation has uncovered so far is deeply disturbing and could very well lead to compromising the validity of the entire site. If that is the case, then interim storage will be necessary. As opposed to waiting for that date, it is important that we act proactively and begin the process to identify these interim sites across the United States.

While I find it troubling that the Committee has decided to appropriate over $600 million for Yucca Mountain, I am encouraged that

they have recognized the need for legislative language citing the need for interim storage for the reasons that my Subcommittee has already uncovered.

I may also take a moment, Mr. Chairman, to publicly acknowledge my opposition to Yucca Mountain and my support for any site, interim or permanent, outside of my district and the State of Nevada.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts (Mr. MARKEY).

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

Mr. MARKEY. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

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

The point of no quorum is considered withdrawn.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

DEPARTMENTAL ADMINISTRATION

(INCLUDING TRANSFER OF FUNDS)

For salaries and expenses of the Department of Energy necessary for departmental administration in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the hire of passenger motor vehicles and official reception and representation expenses not to exceed $35,000, $253,909,000, to remain available until expended, plus such additional amounts as necessary to cover increases in the estimated amount of cost of work for others notwithstanding the provisions of the Anti-Deficiency Act (31 U.S.C. 1511 et seq.): *Provided*, That such increases in cost of work are offset by revenue increases of the same or greater amount, to remain available until expended: *Provided further*, That moneys received by the Department for miscellaneous revenues estimated to total $123,000,000 in fiscal year 2006 may be retained and used for operating expenses within this account, and may remain available until expended, as authorized by section 201 of Public Law 95–238, notwithstanding the provisions of 31 U.S.C. 3302: *Provided further*, That the sum herein appropriated shall be reduced by the amount of miscellaneous revenues received during fiscal year 2006, and any related unappropriated receipt account balances remaining from prior years' miscellaneous revenues, so as to result in a final fiscal year 2006 appropriation from the general fund estimated at not more than $130,909,000.

OFFICE OF THE INSPECTOR GENERAL

For necessary expenses of the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $43,000,000, to remain available until expended.

Mr. HOBSON. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I yield to the gentleman from South Carolina (Mr. SPRATT) for the purpose of a colloquy.

Mr. SPRATT. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I have at the desk an amendment, a proposed amendment that I intended to offer, but that I will not offer as a result of the ensuing colloquy.

Mr. Chairman, I have filed an amendment for myself and the gentleman from South Carolina (Mr. BARRETT) that states that none of the funds made available in this act may be used in contravention of the Nuclear Waste Policy Act of 1982. The committee report directs the Secretary to begin accepting commercial spent fuel for interim storage at one or more DOE sites within fiscal year 2006. The gentleman from South Carolina (Mr. BARRETT) and I are concerned that the interim storage facilities called for in the report could divert funds from a nuclear waste fund and further impede completion of the repository at Yucca Mountain.

Mr. HOBSON. Mr. Chairman, reclaiming my time, I intend for Yucca Mountain to be fully funded, and our bill does just that. As a matter of fact, I have gone head to head with the Senate since I have been the chairman of this subcommittee to ensure that the nuclear waste disposal program receives as close to the budget request as possible.

The gentleman is absolutely right that the ratepayers are not getting what they paid for because DOE has not fulfilled its statutory and contractual obligation to accept spent fuel for disposal. I have ratepayers in my own State who also have not received value for what they have paid into the Nuclear Waste Fund.

We are not intending, and I want to be very pointed about this, we are not intending to divert or diminish attention to Yucca Mountain.

Mr. SPRATT. Mr. Chairman, if the gentleman will further yield, can DOE conduct such interim storage consistent with the Nuclear Waste Policy Act? What force does the committee report have when it comes to modifying existing law?

Mr. HOBSON. Mr. Chairman, we provided our guidance only in report language and direct the Secretary to provide Congress with legislative language if he determines that changes to the authorizing statutes are necessary.

Mr. SPRATT. Mr. Chairman, I thank the gentleman for the clarification and the explanation.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

ATOMIC ENERGY DEFENSE ACTIVITIES

NATIONAL NUCLEAR SECURITY ADMINISTRATION

WEAPONS ACTIVITIES

(INCLUDING TRANSFER OF FUNDS)

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other incidental expenses necessary for atomic energy defense weapons activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion; and the purchase of not to exceed 40 passenger motor vehicles, for replacement only, including not to exceed two buses; $6,181,121,000, to remain available until expended.

Mr. HOBSON. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I yield to the gentleman from Ohio (Mr. MACK) for the purposes of a colloquy.

Mr. MACK. Mr. Chairman, I rise today to engage the esteemed chairman in a colloquy concerning language and funding for Florida's red tide research problem.

Mr. Chairman, earlier this year, my district in southwest Florida experienced a harmful red tide outburst off the coast which caused harmful effects that were felt by people, animals, and the environment that make up our precious ecosystem and economy.

Hundreds of people endured respiratory ills, including sneezing, coughing, and other effects that are damaging to one's health. Moreover, the Florida manatee, an endangered species that everyone seeks to protect from far less harmful events, saw a gigantic spike in their death rate. This year, in the entire State of Florida, we have seen 29 manatees die due to boating accidents. However, from this red tide bloom, which only lasted a couple of months and was confined only to southwest Florida, we have a confirmed count of 46 manatee deaths.

What is more, thousands of people, some from this very room, come to southwest Florida each year to vacation on our beaches and to swim in our waters.

□ 1900

This scourge of red tide not only has a hazardous environmental effect, but also drives away tourists who undoubtedly do not want to spend their time coping with the effects of the red tide.

Thankfully, with the leadership of the gentleman from Ohio, the Energy and Water Subcommittee of the Committee on Appropriations saw fit to include funding for red tide research in last year's appropriations bill. Unfortunately, the lion's share of that money never made it down to the numerous research organizations that conduct expert analysis and tests on ways to help mitigate the effects of this damaging event in nature.

Mr. HOBSON. Mr. Chairman, I want to thank the gentleman for coming forth with this. I understand that red tide blooms are harmful, and a scientific approach, we need to learn more about these ocean events that are an appropriate use of research and development funds. In fact, I was personally involved last Congress in securing the funding that we talked about so we can learn ways to fight red tide.

Funds in excess of the budget requests have been provided for worthy research and development activity such as this. And I would hope, since I my grandchildren are residents of Florida, I hope we can get on and get rid of red tide one of these days, and especially as I get older. It affects older

people and I visit there, so I want to get rid of it too.

Mr. MACK. Mr. Chairman, I thank the gentleman very much for his remarks and his leadership in this notable cause.

Mr. VISCLOSKY. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. Is the gentleman the designee of the ranking member?

Mr. VISCLOSKY. Yes, Mr. Chairman.

The CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. VISCLOSKY. Mr. Chairman, I yield to the gentleman from Maryland (Mr. RUPPERSBERGER) for purposes of colloquy with the Chair.

Mr. RUPPERSBERGER. Mr. Chairman, I applaud this bill for maintaining the research funding for the Corps of Engineers' aquatic herbicide treatment of invasive weed species that have such impacts on our lakes and rivers, impairing agriculture, recreation and transportation. I believe that the Corps and the Tennessee Valley Authority, in considering methods of aquatic weed eradication, should give preference to EPA-registered and -approved safe chemical treatment options, including reduced-risk pesticides as designated in the Food Quality Protection Act.

Mr. HOBSON. Mr. Chairman, will the gentleman yield?

Mr. VISCLOSKY. I yield to the gentleman from Ohio.

Mr. HOBSON. Mr. Chairman, I agree that the development of safe chemical treatment options may provide the Corps and the Tennessee Valley Authority with alternatives to many of the conventional methods of control that often have unintended consequences.

Mr. RUPPERSBERGER. Mr. Chairman, I believe that having a range of treatment options from which to choose and doing so in the most environmentally sensitive way is desirable

Mr. HOBSON. I agree.

Mr. RUPPERSBERGER. I thank the gentleman.

Mr. HOBSON. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I yield to the gentleman from Arizona (Mr. FLAKE).

Mr. FLAKE. Mr. Chairman, I thank the gentleman for yielding. I intended to offer a couple of amendments tonight before the unanimous consent request was entered into.

I have complained for a long time around here that we are funding too many earmarks, the Republicans and Democrats. In this bill there are a couple hundred million worth of earmarks, Member projects that Members, we always complain that the President does not have line item veto authority. I would be satisfied if Congress had it.

Under an open rule, I cannot come to the floor and target individual earmarks because they are in the committee report. For the first time in this bill we have actually referenced a committee report and instructed Federal agencies to spend the money, yet individual Members cannot go in and strike earmarks from the bill. That is simply wrong. We are going the exact opposite direction of where we ought to go.

Members projects ought to be put into the bill. If we are proud enough to request money, you know, $500,000 for the St. Croix River in Wisconsin to relocate endangered mussels, then we ought to be proud enough to come to the floor and defend that earmark; otherwise, we are not good stewards of the taxpayers' money.

So I would just rise to say we need to change this process. We are going in the wrong direction. Either we are going to instruct the Federal agencies to spend it and come to the floor and defend it, or we are not. We cannot have it both ways.

And I would yield back to the chairman to ask which direction we are going here.

Mr. HOBSON. Reclaiming my time, Mr. Chairman, let me suggest a couple of things to the gentleman if I might.

First of all, if you look at this bill, for the first time in the last couple of years there have been no new starts in this bill going out of the House. And I have limited the number. Even when we have gotten done with the bill, I think we only did five new starts last year.

We are trying to get control of this. We have even looked at, sometimes the administration has had new starts and we have taken them out. We have tried to limit the number of earmarks. The number of earmarks for Members' projects this year is down substantially over past years. Frankly, the administration did a better job this year of addressing some of the concerns of Members and of the overall program.

I think the gentleman would also be pleased to note that in this bill, for the first time, we are requiring a 5-year development plan for the Corps of Engineers, for example, and the Department of Energy. In that process, when we get that, similar to what we did in the military construction when I chaired that committee, we will, over a period of time, begin to get control of the situation, so that if they do not fit within the 5-year plan, then these projects are not going to be in there.

But we do not have that plan in place today. We are trying to make it in place. And I think it is going to make for better, more responsible use of taxpayers' dollars.

Mr. FLAKE. Mr. Chairman, I thank the gentleman. I think that the best way is to include it in the bill. If we are proud enough of our earmark, then we ought to come in and defend it on the House floor. Otherwise, we cannot simply refer and force the Federal agencies to spend the money without giving individual Members the opportunity to challenge an earmark on the floor of the House.

Mr. VISCLOSKY. Mr. Chairman, I move to strike the last word.

I yield to the gentleman from New Mexico (Mr. UDALL).

Mr. UDALL of New Mexico. Mr. Chairman, I rise today to speak about a matter of great concern to me and many of my constituents.

The Los Alamos National Laboratory in my district, and is one of the largest employers in the State. Two years ago the Secretary of Energy determined that after more than 60 years of management by the University of California, the contract for the management and operations of Los Alamos National Laboratory would be open to competition.

We are all aware that there have been problems concerning the security of classified materials handled at the lab and questions about safety practices. It is important to note, however, that statistically the incidences of injury and illness at Los Alamos are well within the range of comparable DOE facilities and major chemical and manufacturing industrial complexes.

Still, I have consistently supported the competition in the hopes that the best management team wins so that the scientists and employees at Los Alamos can continue to contribute to our national security and conduct world-class, strategic science.

Last Thursday, the National Nuclear Security Administration released the final request for proposals, or RFP, for the management and operating contract of the Los Alamos National Laboratory. In December, the NNSA released a draft of this RFP. What concerns me is that these documents were substantially different in two very fundamental ways.

First, the draft RFP did not indicate a requirement for the establishment of a separate, dedicated corporate entity. The final RFP does, but this requirement was not included in the draft RFP. The public was never given the opportunity to comment on it.

While that structure may have emerged from the competition as the best design for the management of LANL, we will never know. By mandating a specific corporate structure from the outset, the NNSA has eliminated the proposition of an entirely different and perhaps more creative and effective management structure. That appears, to me, to severely constrain rather than promote true competition.

Secondly, the NNSA has taken the surprising step of dictating that the new management entity must establish a stand-alone pension plan, one that would serve the employees of Los Alamos only. Again, that requirement was not included in the draft RFP, so the public never had the opportunity to comment on it. The potential changes to the pension plan, under a change of management, have been of utmost concern for the vast majority of lab employees who have contacted me concerning the competition.

Currently, the employees of Los Alamos benefit greatly from being included in the University of California retirement plan, which covers more

than 170,000 employees. The major organizations that have expressed the intent to bid for the Los Alamos contract already employ in excess of 100,000 people. Obviously, a pension plan designed to cover that many employees generates significant leveraging power.

The Los Alamos National Laboratory alone currently employs only 8,000 people directly. There is no way that a stand-alone pension plan designed to serve only 8,000 employees could offer benefits as great as the one that serves 5, 10, or in the case of the University of California retirement plan, 17 times that many. Should not the decision for how to best manage a financial matter as significant as that of a pension plan be left to the discretion of the new managing entity?

Furthermore, approximately 60 days ago, the NNSA completed the competition for the management of Lawrence Berkeley National Laboratory. The University of California, which has managed Lawrence Berkeley for 74 years, was awarded the contract. As such, Lawrence Berkeley will continue to be managed as a nonprofit entity and its 3,800 employees will continue to be included in the generous pension plan offered by the University of California.

The design of the final RFP for the management of Los Alamos National Laboratory ensures that a noncorporate management structure cannot even be considered in the competition. That is the type of management structure that has very successfully served Lawrence Berkeley for 74 years and Los Alamos for 62 years, and it is not even on the table.

In conclusion, while I strongly support this competition, I do not see how it is in the best interest of this country that a competition for the management and operation of a national security complex as important as Los Alamos has been so greatly narrowed.

And I thank the gentleman for yielding.

The CHAIRMAN. The Clerk will read.

Mr. HOBSON. Mr. Chairman, I ask unanimous consent that the remainder of title III be considered as read, printed in the RECORD, and open to amendment at any point.

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

There was no objection.

The text of the remainder of title III is as follows:

DEFENSE NUCLEAR NONPROLIFERATION

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other incidental expenses necessary for atomic energy defense, defense nuclear nonproliferation activities, in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, $1,500,959,000, to remain available until expended.

NAVAL REACTORS

For Department of Energy expenses necessary for naval reactors activities to carry out the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition (by purchase, condemnation, construction, or otherwise) of real property, plant, and capital equipment, facilities, and facility expansion, $799,500,000, to remain available until expended.

OFFICE OF THE ADMINISTRATOR

For necessary expenses of the Office of the Administrator in the National Nuclear Security Administration, including official reception and representation expenses not to exceed $12,000, $366,869,000, to remain available until expended.

ENVIRONMENTAL AND OTHER DEFENSE ACTIVITIES

DEFENSE ENVIRONMENTAL CLEANUP

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other expenses necessary for atomic energy defense environmental cleanup activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, $6,468,336,000, to remain available until expended.

OTHER DEFENSE ACTIVITIES

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other expenses, necessary for atomic energy defense, other defense activities, and classified activities, in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, and the purchase of not to exceed ten passenger motor vehicles for replacement only, including not to exceed two buses; $702,498,000, to remain available until expended.

DEFENSE NUCLEAR WASTE DISPOSAL

For nuclear waste disposal activities to carry out the purposes of Public Law 97–425, as amended, including the acquisition of real property or facility construction or expansion, $351,447,000, to remain available until expended.

POWER MARKETING ADMINISTRATIONS

BONNEVILLE POWER ADMINISTRATION FUND

Expenditures from the Bonneville Power Administration Fund, established pursuant to Public Law 93–454, are approved for official reception and representation expenses in an amount not to exceed $1,500. During fiscal year 2006, no new direct loan obligations may be made.

OPERATION AND MAINTENANCE, SOUTHEASTERN POWER ADMINISTRATION

For necessary expenses of operation and maintenance of power transmission facilities and of electric power and energy, including transmission wheeling and ancillary services pursuant to section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the southeastern power area, $5,600,000, to remain available until expended: *Provided*, That, notwithstanding 31 U.S.C. 3302, up to $32,713,000 collected by the Southeastern Power Administration pursuant to the Flood Control Act of 1944 to recover purchase power and wheeling expenses shall be credited to this account as offsetting collections, to remain available until expended for the sole purpose of making purchase power and wheeling expenditures.

OPERATION AND MAINTENANCE, SOUTHWESTERN POWER ADMINISTRATION

For necessary expenses of operation and maintenance of power transmission facilities and of marketing electric power and energy, for construction and acquisition of transmission lines, substations and appurtenant facilities, and for administrative expenses, including official reception and representation expenses in an amount not to exceed $1,500 in carrying out section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the southwestern power administration, $31,401,000, to remain available until expended: *Provided*, That, notwithstanding 31 U.S.C. 3302, up to $1,235,000 collected by the Southwestern Power Administration pursuant to the Flood Control Act to recover purchase power and wheeling expenses shall be credited to this account as offsetting collections, to remain available until expended for the sole purpose of making purchase power and wheeling expenditures.

CONSTRUCTION, REHABILITATION, OPERATION AND MAINTENANCE, WESTERN AREA POWER ADMINISTRATION

For carrying out the functions authorized by title III, section 302(a)(1)(E) of the Act of August 4, 1977 (42 U.S.C. 7152), and other related activities including conservation and renewable resources programs as authorized, including official reception and representation expenses in an amount not to exceed $1,500; $226,992,000, to remain available until expended, of which $222,830,000 shall be derived from the Department of the Interior Reclamation Fund: *Provided*, That of the amount herein appropriated, $6,000,000 shall be available until expended on a nonreimbursable basis to the Western Area Power Administration for Topock-Davis-Mead Transmission Line Upgrades: *Provided further*, That notwithstanding the provision of 31 U.S.C. 3302, up to $148,500,000 collected by the Western Area Power Administration pursuant to the Flood Control Act of 1944 and the Reclamation Project Act of 1939 to recover purchase power and wheeling expenses shall be credited to this account as offsetting collections, to remain available until expended for the sole purpose of making purchase power and wheeling expenditures.

FALCON AND AMISTAD OPERATING AND MAINTENANCE FUND

For operation, maintenance, and emergency costs for the hydroelectric facilities at the Falcon and Amistad Dams, $2,692,000, to remain available until expended, and to be derived from the Falcon and Amistad Operating and Maintenance Fund of the Western Area Power Administration, as provided in section 423 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995.

FEDERAL ENERGY REGULATORY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Energy Regulatory Commission to carry out the provisions of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including services as authorized by 5 U.S.C. 3109, the hire of passenger motor vehicles, and official reception and representation expenses not to exceed $3,000, $220,400,000, to remain available until expended: *Provided*, That notwithstanding any other provision of law, not to exceed $220,400,000 of revenues from fees and annual charges, and other services and collections in fiscal year 2006 shall be retained and used for necessary expenses in this account, and shall remain available until expended: *Provided further*, That the sum herein appropriated from the general fund shall be reduced as revenues are received during fiscal year 2006 so as to result in a final fiscal year 2006 appropriation from the general fund estimated at not more than $0.

GENERAL PROVISIONS

DEPARTMENT OF ENERGY

SEC. 301. (a)(1) None of the funds in this or any other appropriations Act for fiscal year 2006 or any previous fiscal year may be used to make payments for a noncompetitive management and operating contract unless the Secretary of Energy has published in the Federal Register and submitted to the Committees on Appropriations of the House of Representatives and the Senate a written notification, with respect to each such contract, of the Secretary's decision to use competitive procedures for the award of the contract, or to not renew the contract, when the term of the contract expires.

(2) Paragraph (1) does not apply to an extension for up to 2 years of a noncompetitive management and operating contract, if the extension is for purposes of allowing time to award competitively a new contract, to provide continuity of service between contracts, or to complete a contract that will not be renewed.

(b) In this section:

(1) The term ''noncompetitive management and operating contract'' means a contract that was awarded more than 50 years ago without competition for the management and operation of Ames Laboratory, Argonne National Laboratory, Lawrence Berkeley National Laboratory, Lawrence Livermore National Laboratory, and Los Alamos National Laboratory.

(2) The term ''competitive procedures'' has the meaning provided in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403) and includes procedures described in section 303 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253) other than a procedure that solicits a proposal from only one source.

(c) For all management and operating contracts other than those listed in subsection (b)(1), none of the funds appropriated by this Act may be used to award a management and operating contract, or award a significant extension or expansion to an existing management and operating contract, unless such contract is awarded using competitive procedures or the Secretary of Energy grants, on a case-by-case basis, a waiver to allow for such a deviation. The Secretary may not delegate the authority to grant such a waiver. At least 60 days before a contract award for which the Secretary intends to grant such a waiver, the Secretary shall submit to the Committees on Appropriations of the House of Representatives and the Senate a report notifying the Committees of the waiver and setting forth, in specificity, the substantive reasons why the Secretary believes the requirement for competition should be waived for this particular award.

SEC. 302. None of the funds appropriated by this Act may be used to—

(1) develop or implement a workforce restructuring plan that covers employees of the Department of Energy; or

(2) provide enhanced severance payments or other benefits for employees of the Department of Energy, under section 3161 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 42 U.S.C. 7274h).

SEC. 303. None of the funds appropriated by this Act may be used to augment the funds made available for obligation by this Act for severance payments and other benefits and community assistance grants under section 3161 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 42 U.S.C. 7274h) unless the Department of Energy submits a reprogramming request to the appropriate congressional committees.

SEC. 304. None of the funds appropriated by this Act may be used to prepare or initiate Requests For Proposals (RFPs) for a program if the program has not been funded by Congress.

(TRANSFERS OF UNEXPENDED BALANCES)

SEC. 305. The unexpended balances of prior appropriations provided for activities in this Act may be transferred to appropriation accounts for such activities established pursuant to this title. Balances so transferred may be merged with funds in the applicable established accounts and thereafter may be accounted for as one fund for the same time period as originally enacted.

SEC. 306. None of the funds in this or any other Act for the Administrator of the Bonneville Power Administration may be used to enter into any agreement to perform energy efficiency services outside the legally defined Bonneville service territory, with the exception of services provided internationally, including services provided on a reimbursable basis, unless the Administrator certifies in advance that such services are not available from private sector businesses.

SEC. 307. When the Department of Energy makes a user facility available to universities or other potential users, or seeks input from universities or other potential users regarding significant characteristics or equipment in a user facility or a proposed user facility, the Department shall ensure broad public notice of such availability or such need for input to universities and other potential users. When the Department of Energy considers the participation of a university or other potential user as a formal partner in the establishment or operation of a user facility, the Department shall employ full and open competition in selecting such a partner. For purposes of this section, the term ''user facility'' includes, but is not limited to: (1) a user facility as described in section 2203(a)(2) of the Energy Policy Act of 1992 (42 U.S.C. 13503(a)(2)); (2) a National Nuclear Security Administration Defense Programs Technology Deployment Center/User Facility; and (3) any other Departmental facility designated by the Department as a user facility.

SEC. 308. The Administrator of the National Nuclear Security Administration may authorize the manager of a covered nuclear weapons research, development, testing or production facility to engage in research, development, and demonstration activities with respect to the engineering and manufacturing capabilities at such facility in order to maintain and enhance such capabilities at such facility: *Provided*, That of the amount allocated to a covered nuclear weapons facility each fiscal year from amounts available to the Department of Energy for such fiscal year for national security programs, not more than an amount equal to 2 percent of such amount may be used for these activities: *Provided further*, That for purposes of this section, the term ''covered nuclear weapons facility'' means the following:

(1) the Kansas City Plant, Kansas City, Missouri;

(2) the Y–12 Plant, Oak Ridge, Tennessee;

(3) the Pantex Plant, Amarillo, Texas;

(4) the Savannah River Plant, South Carolina; *and*

(5) the Nevada Test Site.

SEC. 309. Funds appropriated by this or any other Act, or made available by the transfer of funds in this Act, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2006 until the enactment of the Intelligence Authorization Act for fiscal year 2006.

SEC. 310. None of the funds made available in this Act may be used to select a site for the Modern Pit Facility during fiscal year 2006.

SEC. 311. None of the funds made available in title III of this Act shall be for the Department of Energy national laboratories and production plants for Laboratory Directed Research and Development (LDRD), Plant Directed Research and Development (PDRD), and Site Directed Research and Development (SDRD) activities in excess of $250,000,000.

SEC. 312. None of the funds made available in title III of this Act shall be for Department of Energy Laboratory Directed Research and Development (LDRD), Plant Directed Research and Development (PDRD), and Site Directed Research and Development (SDRD) activities for project costs incurred as Indirect Costs by Major Facility Operating Contractors.

SEC. 313. None of the funds made available in title III of this Act may be used to finance laboratory directed research and development activities at Department of Energy laboratories on behalf of other Federal agencies.

SEC. 314. None of the funds made available to the Department of Energy under this Act shall be used to implement or finance authorized price support or loan guarantee programs unless specific provision is made for such programs in an appropriations Act.

The CHAIRMAN. Are there any amendments to that portion of the bill?

AMENDMENT OFFERED BY MRS. BIGGERT

Mrs. BIGGERT. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mrs. BIGGERT:

Page 40, line 20, through 41, line 9, strike sections 311 and 312.

The CHAIRMAN. Pursuant to the order of the House today, the gentlewoman from Illinois (Mrs. BIGGERT) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Illinois (Mrs. BIGGERT.)

(Mrs. BIGGERT asked and was given permission to revise and extend her remarks.)

Mrs. BIGGERT. Mr. Chairman I yield myself such time as I may consume.

This amendment would strike from the bill two provisions that would limit the amount of money available for a very important activity at our national laboratories, laboratory-directed research and development, or LDRD, as it is known.

I first want to thank the distinguished chairman of the Energy and Water Subcommittee for his willingness to work with me on this issue. While I have agreed to withdraw the amendment if the chairman agrees to work with me in the future on refining the execution of the LDRD efforts, I want to take this opportunity to address the merits of LDRD.

As the Chair of the Science Subcommittee on Energy, I am a strong supporter of LDRD. In my experience, LDRD has been well managed, is important for both scientific discovery and scientific recruiting, and has a record of producing interesting and innovative ideas.

The history of science abounds with examples of discoveries that came about while a scientist was attempting to answer a totally different question. LDRD provides funds to laboratory directors to pursue new ideas and give scientists the resources to go where the discoveries lead them.

So what are some of these new ideas that have emerged from LDRD work? Well, what has LDRD done for us? To cite just two examples, LDRD projects led to a discovery that allows geologists to model ore deposits in three dimensions. This model is now also being used to assess and plan the remediation of chemical and radioactive waste at DOD sites.

One LDRD project set out to reduce the size of a device that produces concentrated neutron beams for use in the biological and material science. After 9/11, scientists realized such a compact neutron source might be the only practical means of probing large freight containers for highly dangerous nuclear material and other contraband.

These examples show that in DOE's core missions in energy, in security and in science, LDRD is making important contributions.

In short, LDRD projects represent cutting-edge science, are well managed, are essential to recruiting, and perhaps most importantly, produce results for the American people. It is for these reasons, Mr. Chairman, that I am concerned about efforts to overly constrain LDRD at the Nation's scientific laboratories.

Will the chairman engage me in a brief colloquy?

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

Mrs. BIGGERT. I yield to the gentleman from Ohio.

Mr. HOBSON. I would be happy to.

Mrs. BIGGERT. Mr. Chairman, will you pledge to work with me to improve and refine these programs in a way that preserves the valuable contributions that LDRD makes to the science in this country?

Mr. HOBSON. I appreciate the concerns that you have expressed and, frankly, it would be my pleasure to work with you going forward to perfect these provisions as we move into conference.

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Mrs. BIGGERT. I thank the chairman and I look forward to working with the chairman. I thank him for his cooperation.

Mr. Chairman, I ask unanimous consent to withdraw the amendment.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Illinois?

There was no objection.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

TITLE IV

INDEPENDENT AGENCIES

APPALACHIAN REGIONAL COMMISSION

For expenses necessary to carry out the programs authorized by the Appalachian Regional Development Act of 1965, as amended, for necessary expenses for the Federal Co-Chairman and the alternate on the Appalachian Regional Commission, for payment of the Federal share of the administrative expenses of the Commission, including services as authorized by 5 U.S.C. 3109, and hire of passenger motor vehicles, $38,500,000, to remain available until expended.

Mr. HOBSON. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I yield to the gentleman from Kentucky (Mr. DAVIS) for purposes of a colloquy.

Mr. DAVIS of Kentucky. Mr. Chairman, I rise today to address the inadequacy of funds appropriated for the construction and repair of our lock and dam system.

First, I would like to commend the chairman and the ranking member for their work on the fiscal year 2006 Energy and Water Appropriations bill. Their efficient and bipartisan work is commendable.

This bill is a significant step in the right direction. However, the funding levels to maintain our working waterways remain insufficient. Freight transportation on our Nation's waterways is essential to the health of our economy. In 2003 the total waterborne commerce in the United States accounted for more than 2.3 trillion short tons. This system is the fundamental backbone of our energy industry and waterways carry 20 percent of America's coal, enough to produce 10 percent of all electricity used in the United States annually.

Almost one-third of the total tonnage transported over water is petroleum and petro-chemical products.

A functioning waterway network is also essential to our farmers. Sixty percent of all U.S. grain exports travel our inland waterways, and their ability to use our waterways is an essential component for the price competitiveness for our farmers in the international market.

The waterway transportation industry is a cost-effective and environmentally friendly component of our inter-modal freight system. A single towboat can move the same amount of cargo as 180 rail cars or 1,440 trucks. One does not require an environmental science degree to understand the pollution impact benefit of numbers like that.

The lock and dam systems are the keys to the viability of our waterway network. The infrastructure on the Ohio and Mississippi rivers is well beyond its design life. This network is hindered by deterioration, unreliability, and inefficiency. Waterway transportation is paralyzed when locks fail or are closed.

Repeated congressional neglect of sufficient funding levels in the operations and maintenance, general investigations and construction accounts has resulted in exponential increases in unscheduled lock closures. Since 1991 we have experienced a 110 percent increase in closure hours. The closure of a single lock creates a ripple effect that affects the entire system. Over the last 2 years, closures on the Ohio River have cost the Nation's economy incalculable millions of dollars.

Last year the Corps of Engineers was forced to close the McAlpine Lock and Dam. During that 2-week period, traffic on the Ohio River was effectively halted. The closure was announced roughly 2 months ahead of time. In anticipation of the closure, a West Virginia aluminum company whose supply was dependent on the river network began laying-off employees.

The most recent closure of the Greenup Lock and Dam cost waterways operators $12 million in lost business. Utility companies incurred $15 million in costs to make last-minute alternate arrangements to keep power plants online. I assure my colleagues that the closure cost our economy significantly more than $27 million.

I am pleased that this appropriations bill provides full and efficient funding for the McAlpine Lock and Dam project in fiscal year 2006. The fiscal year 2005 Energy and Water Appropriations bill does not include any funding for the Greenup Lock and Dam. The Water Resources Development Act of 2000 authorized the Greenup Lock and Dam project. The Greenup Lock and Dam is approaching the same level of disrepair I described with respect to the McAlpine Lock and Dam.

73.7 million tons of commerce worth almost $9.6 billion transited the Greenup Lock in 2001. Sixty-two percent of that tonnage was coal. By 2010, the annual tonnage is expected to exceed 91 million tons.

The 2000 Interim Feasibility Report recommended that the Greenup Lock and Dam project be complete by 2008. Because this appropriations bill does not include any funds for the Greenup Lock and Dam, no work will be accomplished on that project for an entire year. Every year of insufficient funding results in increased risk of closures and makes the entire project more expensive.

Mr. HOBSON. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I yield to the gentlewoman from Illinois (Mrs. BIGGERT) for purposes of a colloquy.

Mrs. BIGGERT. Mr. Chairman, would the distinguished chairman of the Subcommittee on Energy and Water Development of the Committee on Appropriations engage in a colloquy with me about some provisions and programs in this bill that fall under the jurisdiction of the Committee on Science?

Mr. HOBSON. Yes.

Mrs. BIGGERT. Under the bill, the Nuclear Energy Research Initiative, or NERI, would no longer operate as a separate program. NERI was targeted at university research which is a vital source of innovative ideas on nuclear energy. Is it the gentleman's intention that the Department of Energy continue to fund university research on nuclear energy even though NERI will no longer exist?

Mr. HOBSON. I share the gentlewoman's views on the importance of university research. The committee expects the Nuclear Energy Research Programs to set aside a portion of their funds for university research. The committee will be monitoring the programs, as I am sure you will also, to be sure that the funding is continuing in support of the university research.

Mrs. BIGGERT. I thank the gentleman.

Lastly, I would like the gentleman to clarify some language related to the FutureGen project on page 20 of the bill. The language states that the Department should manage FutureGen ''without regard to the terms and conditions applicable to clean coal technology projects.''

My understanding is that the phrase is intended only to apply to cost-sharing requirements. In fact, the phrase is unnecessary because the cost-sharing requirements for FutureGen are spelled out in the two provisos that immediately follow on page 20. Is my understanding correct?

Mr. HOBSON. The gentlewoman is correct. Our intention is to waive only the cost-sharing requirements for clean coal technological projects for FutureGen, and the cost-sharing requirements that are intended to operate instead are also on page 20.

Mrs. BIGGERT. I thank the gentleman, and I thank him for his time.

Mr. VISCLOSKY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I yield to the gentleman from South Carolina (Mr. SPRATT).

Mr. SPRATT. Mr. Chairman, earlier I entered into a colloquy with the chairman, and he was good enough to clarify for me some parts of this committee report that are important to me. I would like to further build a context on which my concerns were built.

In this committee report accompanying the bill, there is directive language at pages 122 and 123 and 124 that can be taken to amend the explicit terms of existing laws. And the laws at issue, which the report language could be construed to change, of the Nuclear Waste Policy Act and possibly even the National Environmental Policy Act, both carefully wrought, are both vitally important. I do not think it is the intention of the committee report to change the laws because I do not think it can but nevertheless it makes some strong recommendations.

The committee report laments the latest delays at Yucca Mountain. The start-up date has slipped again, this time from 2010 to 2012. The committee, to its credit, with the chairman's strong support, funds Yucca Mountain at the requested levels, I think we should, $651 million for fiscal year 2006; and I commend you for that and finds this sufficient to do the engineering work, continue the license application, continue the design work.

I have an interest in this because I represent four nuclear reactors, and I live in an area where nuclear generation accounts for 50 percent of our electricity. My constituents pay one mil per kilowatt per hour to fund a permanent waste facility, and they and the others who pay this assessment deserve to have their money spent well and used solely for that purpose, a spent fuel repository. The chairman has assured me wholeheartedly that he wants to see, too, that that end is accomplished.

But Yucca Mountain in the words of the report ''recedes into the future.'' I am concerned if we open up new options, even expedients like interim storage, and if we use the Nuclear Waste Fund to pay for these options, then Yucca Mountain will keep on receding into the future.

This report proposes a concerted initiative. It is a bold proposal for interim storage of spent fuel and for reprocessing of spent fuel. These are ideas that have been considered in the past, but abandoned. The committee brings them back to life, provides some funding; but it is only a tiny fraction of what these facilities are going to cost. So you cannot avoid the concern that some, if not all, of this money may come from the Nuclear Waste Fund at the expense of Yucca Mountain.

I have this concern because Savannah River Site is among the specific sites singled out as a candidate for interim storage. I become more concerned when I read the report which says: ''The committee directs the Department to begin the movement of spent fuel to centralized interim storage at one or more DOE sites within fiscal year 2006.'' That is next year.

If this is taken literally, I do not see how they can possibly prepare an EIS. That is why I was saying that the report would almost override the National Environmental Policy Act. There is no way they can finish an EIS on a matter of such importance in a year.

The report recognizes that the Nuclear Waste Policy Act applies to these matters. For example, the report recognizes that the NWPA borrows an interim storage facility at the same location as the permanent repository, Yucca Mountain, and yields to that law by proposing that the storage facility be sited elsewhere.

In another place, the report calls for a plan of implementation within 120 days. Here again, it anticipates that legislative changes may be necessary to execute the plan by asking DOE to submit them.

In these respects, the committee report supports my point that explicit law cannot be amended or overridden by report language. But in pushing for an interim storage facility, the report is on the collision course with the Nuclear Waste Policy Act because it abandoned the idea of interim storage in 1990 by sunsetting the law that passed it. In its place it authorized a retrievable storage facility, but only after Yucca Mountain is licensed.

So these were my concerns. These were the reasons for asking for the colloquy and asking for the clarification. I have problems with interim storage, and I have problems with reprocessing fuel. But I support the chairman in his endeavor to see Yucca Mountain finished, and I also support the chairman in his quest to see that nuclear power is able to make a comeback, because I think it has a role in our energy future.

That is the reason I asked for clarification, to make sure that the committee was not pushing the envelope and overriding the statutory law on pages 122, 123, and 124, which struck me as more than just report boiler plate.

I appreciate the confirmation, the clarification from the committee chairman and for all of his other efforts in bringing together this bill. I thank the gentleman for yielding to me to make this clarification.

Mr. BARRETT and I have an amendment, but before I explain it, let me explain why I am offering it.

There is a longstanding rule of this House against legislating policy on an appropriation bill, but it's honored in the breach. In the case of this bill, the committee report contains directive language at pages 122, 123, and 124 that can be taken to amend the explicit terms of existing law. And the laws at issue, which the report language could be construed to change, are the Nuclear Waste Policy Act and the National Environmental Policy Act, both carefully wrought laws, and both vitally important.

The committee report laments the latest delays at Yucca Mountain. The start-up date has slipped again, this time from 2010 to 2012. The committee, to its credit, funds Yucca Mountain at the requested level, $651 million for fiscal year 2006, and finds this sufficient to do the engineering work in support of the license application and to continue the design work.

I represent 4 nuclear reactors and live in an area where nuclear generation accounts for fifty percent of our electricity. My constituents pay 1 mil per kilowatt hour to fund a permanent waste facility, and they and others who pay this assessment deserve to have their money spent well and used solely for the intended purpose: a spent fuel repository.

But Yucca Mountain, in the words of the report, ''recedes into the future.'' And I am concerned that if we open new options, even expedients like interim storage, and if we use the Nuclear Waste Fund to pay for these options, Yucca Mountain will keep on receding.

That's why I am concerned about this report. It proposes ''a concerted initiative'' (1) for interim storage of spent fuel and (2) for reprocessing spent fuel. These are ideas that have been considered in the past and discarded; but the committee report resurrects them, with a token addition of funds that is the tip of an iceberg, a tiny fraction of what these facilities will cost. One cannot avoid the concern that some, if not all, of this money will come from the Nuclear Waste Fund, at the expense of Yucca Mountain.

I have this concern because Savannah River Site is among the sites singled out as a candidate for interim storage. I become even more concerned when I read report language

which says: "The Committee directs the Department to begin the movement of spent fuel to centralized interim storage at one or more DOE sites within fiscal year 2006." If this directive is taken literally, it will override the National Environmental Policy Act, because it is doubtful that an Environmental Impact Study can be finished in a year.

The report recognizes that the Nuclear Waste Policy Act applies to these matters. For example, the report recognizes that the Nuclear Waste Policy Act bars an interim storage facility at the same location as the permanent repository, and yields to that law by proposing that the storage facility be sited elsewhere. In another place, the report calls for a plan of implementation within an incredibly short time, 120 days, and here again, the report anticipates that legislative changes will be necessary to execute the plan by asking DOE to submit them.

In these respects, the committee report makes my point, that explicit, longstanding law cannot be amended or overridden by report language. But in pushing an interim storage facility, the committee report is on a collision course with the Nuclear Waste Policy Act. It abandoned the idea of an interim storage facility in 1990 by sunsetting the law that authorized it. In its place, the NWPA authorized construction of a Monitored Retrievable Storage Facility only after the completion of the license for construction of Yucca Mountain. This means that no interim storage facility is allowed under the Nuclear Waste Policy Act for the time being, and I do not believe that report language can change the explicit provisions of an existing statute.

Our amendment simply points out that despite the report language, "None of the funds made available by this Act shall be obligated or expended in contravention of the Nuclear Waste Policy Act of 1982." So, unless the NWPA is changed, DOE cannot move forward with interim storage until Yucca Mountain is licensed.

What's wrong with interim storage?

Interim storage is risky because it puts spent fuel in facilities not constructed to hold them forever, yet there is a real risk that once in place, interim storage becomes permanent storage.

Interim storage is problematic because it could shift funds and focus off Yucca Mountain, and stretch out its completion indefinitely.

Finally, interim storage is expensive. It's expensive to put nuclear waste in interim storage, and even more expensive to take it out to move it to Yucca Mountain.

How does interim storage affect you? Under the committee's report language, anyone's district could be the next nuclear waste storage facility. If you have a DOE site, a closed military base, or any other federally owned site, your district could be a candidate to store nuclear waste.

So, pages 122, 123, and 124 of the committee report are more than the usual boilerplate. To clarify their effect, I asked the distinguished Chairman of the Energy and Water Subcommittee if he would engage in a colloquy, and he confirmed that the committee "provided our guidance only in report language;" and with that assurance, I withdrew our amendment.

AMENDMENT TO 2419, AS REPORTED OFFERED BY MR. SPRATT OF SOUTH CAROLINA

At the end of the bill, add the following new section:

SEC. 503. None of the funds made available by this Act shall be obligated or expended in contravention of the Nuclear Waste Policy Act of 1982.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

DEFENSE NUCLEAR FACILITIES SAFETY BOARD

SALARIES AND EXPENSES

For necessary expenses of the Defense Nuclear Facilities Safety Board in carrying out activities authorized by the Atomic Energy Act of 1954, as amended by Public Law 100–456, section 1441, $22,032,000, to remain available until expended.

DELTA REGIONAL AUTHORITY

SALARIES AND EXPENSES

For necessary expenses of the Delta Regional Authority and to carry out its activities, as authorized by the Delta Regional Authority Act of 2000, as amended, notwithstanding sections 382C(b)(2), 382F(d), and 382M(b) of said Act, $6,000,000, to remain available until expended.

DENALI COMMISSION

For expenses of the Denali Commission, $2,562,000, to remain available until expended.

NUCLEAR REGULATORY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Commission in carrying out the purposes of the Energy Reorganization Act of 1974, as amended, and the Atomic Energy Act of 1954, as amended, including official representation expenses (not to exceed $15,000), and purchase of promotional items for use in the recruitment of individuals for employment, $714,376,000, to remain available until expended: *Provided*, That of the amount appropriated herein, $66,717,000 shall be derived from the Nuclear Waste Fund: *Provided further*, That revenues from licensing fees, inspection services, and other services and collections estimated at $580,643,000 in fiscal year 2006 shall be retained and used for necessary salaries and expenses in this account, notwithstanding 31 U.S.C. 3302, and shall remain available until expended: *Provided further*, That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 2006 so as to result in a final fiscal year 2006 appropriation estimated at not more than $133,732,600: *Provided further*, That section 6101 of the Omnibus Budget Reconciliation Act of 1990 is amended by inserting before the period in subsection (c)(2)(B)(v) the words "and fiscal year 2006".

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $8,316,000, to remain available until expended: *Provided*, That revenues from licensing fees, inspection services, and other services and collections estimated at $7,485,000 in fiscal year 2006 shall be retained and be available until expended, for necessary salaries and expenses in this account, notwithstanding 31 U.S.C. 3302: *Provided further*, That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 2006 so as to result in a final fiscal year 2006 appropriation estimated at not more than $831,000.

NUCLEAR WASTE TECHNICAL REVIEW BOARD

SALARIES AND EXPENSES

For necessary expenses of the Nuclear Waste Technical Review Board, as authorized by Public Law 100–203, section 5051, $3,608,000, to be derived from the Nuclear Waste Fund, and to remain available until expended.

TITLE V

GENERAL PROVISIONS

SEC. 501. None of the funds appropriated by this Act may be used in any way, directly or indirectly, to influence congressional action on any legislation or appropriation matters pending before Congress, other than to communicate to Members of Congress as described in 18 U.S.C. 1913.

SEC. 502. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in this Act or any other appropriation Act.

Mr. HOBSON (during the reading). Mr. Chairman, I ask unanimous consent that the bill through page 45, line 8, be considered as read, printed in the RECORD, and open to amendment at any point.

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

There was no objection.

AMENDMENT OFFERED BY MR. MARKEY

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. MARKEY:

At the end of the bill, add the following new section:

SEC. 503. None of the funds made available by this Act shall be used by the Nuclear Regulatory Commission to contract with or reimburse any Nuclear Regulatory Commission licensee or the Nuclear Energy Institute with respect to matters relating to the security of production facilities or utilization facilities (within the meaning of the Atomic Energy Act of 1954).

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Massachusetts (Mr. MARKEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. Mr. Chairman, I yield to the gentleman from Ohio (Mr. HOBSON).

Mr. HOBSON. If the gentleman is agreeable, we are willing to accept this amendment and move forward.

Mr. MARKEY. Mr. Chairman, I am willing to accept the gentleman's acceptance.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts (Mr. MARKEY).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. BOEHLERT

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. BOEHLERT:

At the end of the bill, add the following new section:

SEC. 503. None of the funds made available by this Act may be used before March 1, 2006,

to enter into an agreement obligating the United States to contribute funds to ITER, the international burning plasma fusion research project in which the President announced United States participation on January 30, 2003.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from New York (Mr. BOEHLERT) and a Member opposed each will control 5 minutes.

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

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

Mr. Chairman, I do want to have a to-the-point and brief explanation to this amendment because its purpose is to bring to a head an important issue that might otherwise be overlooked.

The Department of Energy is moving ahead with negotiating U.S. participation in ITER, the International Fusion Energy Project, which is all to the good. I support U.S. participation in ITER, a critical experiment that will help determine finally if fusion is a realistic option for energy production. But ITER is expensive.

The U.S. contribution is expected to exceed $1 billion, and I want to make sure that before we commit even one dime to ITER, we have a consensus on how we will find that money.

The U.S. must not finalize an agreement on ITER until we have a consensus on how to pay for it. In the meantime, the site selection and planning process and negotiations on ITER can and should continue. But I will do all I can to prevent the U.S. from entering into an agreement if no one is willing to make the sacrifices necessary to pay for it.

□ 1930

Moving ahead without consensus will mean either reneging on our agreement or killing other worthy programs within the Office of Science to pay the disproportionate cost of the fusion program. Let us avoid that.

I look forward to working with the gentleman from Ohio (Mr. HOBSON) and everyone concerned with this issue to build a strong and balanced fusion program.

Mr. HOBSON. Mr. Chairman, will the gentleman yield?

Mr. BOEHLERT. I yield to the gentleman from Ohio.

Mr. HOBSON. Mr. Chairman, I share the frustration of the gentleman from New York (Mr. BOEHLERT) over how the Department has proposed to fund the International Fusion Project at the expense of domestic fusion research, and I will support the gentleman's amendment.

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

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

The amendment was agreed to.

AMENDMENT NO. 1 OFFERED BY MR. FILNER

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. FILNER:

At the end of the bill (before the short title), insert the following:

SEC. _____. None of the funds made available in this Act may be used by the Secretary of Energy to issue, approve, or grant any permit or other authorization for the transmission of electric energy into the United States from a foreign country if all or any portion of such electric energy is generated at a power plant located within 25 miles of the United States that does not comply with all air quality requirements that would be applicable to such plant if it were located in the air quality region in the United States that is nearest to such power plant.

Mr. HOBSON. Mr. Chairman, I reserve a point of order against the gentleman's amendment.

The CHAIRMAN. The point of order is reserved.

Pursuant to the order of the House of today, the gentleman from California (Mr. FILNER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California (Mr. FILNER).

Mr. FILNER. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, I understand the point of order, and I appreciate the advice he gave me yesterday, and I will just take a few minutes today to make some important points regarding our border communities.

This should be a simple and commonsense amendment to protect the air quality in border States without adding or subtracting appropriations from a single account in this bill. The amendment simply requires that power plants in northern Mexico that want to transmit electricity into the United States must meet U.S. air quality standards. Pretty simple.

Many communities in border States, including many in my district (I represent the whole California-Mexico border) are literally under siege from air and water pollution from northern Mexico. Companies that wish to avoid American environmental regulations, but want to meet our energy needs in California and other southwestern States, are building power plants in Mexico directly across the border from American communities. Yet many of these power plants do not have to meet any of the American regulations, even though they are in the same air basins as towns on the U.S. side of the border.

For example, companies that recently built power plants in Mexicali, which is right across the border from the Imperial County of California that I represent, have not funded any road paving projects and other clean air efforts that would be required to offset their pollution if they were a mere 3 miles to the north. In a place like Imperial County, which is plagued by the highest childhood asthma rates in the Nation, and limited public resources, these offset projects are needed to mitigate the public health problems that are worsened by the power plants.

While the Mexicali plants have largely brought their emissions into compliance in response to this Congress' pressure, they have refused to pay for any mitigation projects. The Department of Energy, which acknowledges that Imperial Valley is in the same geographical air basin as the power plants in Mexico, have turned their backs on the residents of Southern California and approved the permits without requiring the companies to pave the dusty dirt roads or implement other clean air projects that would offset their pollution. The Department had the information and opportunity, but apparently did not feel obligated to fully protect clean air in Imperial County.

I believe the Department should be obligated to require offsets because there are a dozen more power plants in northern Mexico on line right now. These power plants are now under no obligation to meet any U.S. standards despite sharing air basins with American communities.

My amendment does not interfere with the Mexican Government's right to regulate pollution; instead, it prohibits the Department of Energy from using funds in this bill to issue permits for the transmission of electricity into the U.S.

I urge adoption of this important clean air amendment.

Mr. Chairman, I yield such time as he may consume to the gentleman from Texas (Mr. CUELLAR), the cosponsor of this amendment.

Mr. CUELLAR. Mr. Chairman, I thank my colleague for yielding me this time, and I appreciate that we talked yesterday with the chairman about this particular amendment, but if he would just allow us to make a particular statement. I appreciate the time the chairman gave us, and I understand his point of order.

Mr. Chairman, this amendment helps to raise the clean air standards on the border. I am from Laredo, Texas, on the border. And if you would just take the border region and make it a particular State, you would see that it is one of the fastest growing parts of the country, and it is one of the poorest parts of the whole country. If the border region was its own State, it would rank last in access to health care, second worst in death from hepatitis, last in per capita income, and first in the number of schoolchildren living in poverty.

Air quality in the border region is just as important as in any other metropolitan area in the country. This particular amendment would help boost air quality by requiring sellers of electricity from the Mexican side to protect the consumers on the American side. We expect nothing less than corporate responsibility from our friends in the domestic corporations, and we expect the same stewardship from foreign companies that have a direct impact on our communities.

We live in a world that increasingly requires us to cooperate across the border to solve problems. Trade, commerce, and economic activity do not stop at the border, and the environmental problems that sometimes accompany economic growth do not stop at the border.

In conclusion, this amendment recognizes the simple truth that the border region is a community and that air pollution affects all the region's residents, American and Mexican alike.

Mr. Chairman, I thank my colleagues for their time and just ask that the chairman consider this particular amendment.

Mr. FILNER. Mr. Chairman, I would just say that I understand the point of order, and I appreciate the gentleman's advice and I hope he will stay interested in this topic.

Mr. Chairman, I ask unanimous consent to withdraw the amendment.

The CHAIRMAN. Without objection, the amendment is withdrawn.

There was no objection.

AMENDMENT OFFERED BY MR. JONES OF NORTH CAROLINA

Mr. JONES of North Carolina. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. JONES of North Carolina:

At the end of the bill, add the following:

SEC. ____. The amounts otherwise provided by this Act are revised by reducing the amount made available for ''DEPARTMENT OF ENERGYDEPARTMENTAL ADMINISTRATION'' and increasing the amount made available for ''CORPS OF ENGINEERS—CIVIL—OPERATION AND MAINTENANCE'', by $20,000,000.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from North Carolina (Mr. JONES) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from North Carolina (Mr. JONES).

Mr. JONES of North Carolina. Mr. Chairman, I yield myself such time as I may consume, and I first would like to say to the chairman and the ranking member, thank you very much for your work on this bill and for the opportunity to offer this amendment tonight.

Mr. Chairman, I represent a coastal area of North Carolina, and many of my colleagues, both Republican and Democrat, do the same throughout the United States of America. What this amendment does is to, in my opinion, provide a small, meaningful increase to the Corps of Engineers' operation and maintenance budget of $20 million. It would be offset by taking $20 million from the administration at the Department of Energy.

Mr. Chairman, our coastal areas are in deep trouble throughout America. Not just my district, but I can tell you that the waterways are so critical to the economic importance of these counties and States in North Carolina and throughout the United States of America that we need to remember that those people who make their living off the waterways are just like every other American, they are in need of every dollar they can make.

My district says to me, Mr. Chairman, when we can find $6.5 billion, not from this bill now, I want to make that clear, but we have spent $6.5 billion in Iraq with the Corps of Engineers, and then my taxpayers say to me and to the gentleman from Indiana, why can we not get a little bit of help?

So this is a modest amendment, Mr. Chairman.

I understand the gentleman's opposition to it, but I can honestly tell you that the waterways of America are the economic engines for the coastal districts of America, and not just North Carolina. And, to me, to be able to take just $20 million and do a little bit of good is better than not having the $20 million. And I know the gentleman from Ohio and the gentleman from Indiana did try the best they could, knowing we are in a tight budget year.

Mr. Chairman, I have heard from other Members who support this amendment, and let me say the amendment is also supported by the American Shore and Beach Preservation Association and the Congressional Waterways Caucus. We believe sincerely that this modest reduction within the Department of Energy will mean a whole lot to the people who pay the taxes.

I do not know of anybody in Iraq that is paying taxes to help the American people, so I think it is time that the American people who pay the taxes get a little bit of help.

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

Mr. HOBSON. Mr. Chairman, I rise to claim the time in opposition to the amendment offered by the gentleman from North Carolina and I yield myself such time as I may consume.

Mr. Chairman, the amendment cuts $20 million from the Department of Energy's departmental administration account and adds $20 million to the Corps of Engineers' operation and maintenance account.

This bill currently provides $253 million for the Department of Energy's departmental administration account for fiscal year 2006, and the committee recommendation is a cut of $26 million from the request. The gentleman's amendment would further reduce appropriations from the Department of Energy's salaries and expenses $5 million below the current-year enacted level. Cuts of this magnitude will require reductions in staff at the Department of Energy. Government employees may potentially be RIF'd for a period of time.

The amendment also seeks to add $20 million to the Corps' operation and maintenance account, for which the committee recommendation includes $2 billion. The amendment, if adopted, would have the effect of increasing funding for operation and maintenance by 1 percent.

Frankly, I sympathize with the gentleman. Funding needs are great, but the resources we have are limited. The Corps cannot, and we cannot, spend money we do not have. We need to ensure that the funds that are provided to the Corps are expended efficiently, consistent with the law and on the projects we appropriate.

I would like to point out to the gentleman that the bill provides $12.4 million in operation and maintenance funds for the projects he has expressed an interest in. In the past, the Corps was able to reprogram these funds and use them on other projects. In addition, the Corps would take ratable reductions against projects in the name of savings and slippage and use those funds on other purposes, not this year, as the bill includes reprogramming limitations and eliminates savings and slippage.

So while the gentleman may believe the funds provided in this bill are insufficient, I can assure him that the funds provided in this act will be used for those projects and not siphoned off for other uses.

I would suggest the gentleman withdraw the amendment. Failing that, I would oppose the amendment.

I also might point out that in the gentleman's district there is a total of, in North Carolina in O&M, there is $38 million put into this bill. With the limited resources that we have, I think the State did pretty well.

I will fight with the administration, for example, for the beach renourishment, for which they do not put anything in. But we do in the House and we have supported that because I do believe that that is an economic tool that the States need.

But at this point I would have to oppose the amendment and urge it not be adopted, but I would hope the gentleman would withdraw the amendment. Hopefully, next year, we will get a better allocation and we will do a better job on some of these things.

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

Mr. JONES of North Carolina. Mr. Chairman, how much time remains?

The CHAIRMAN. The gentleman from North Carolina (Mr. JONES) has 2½ minutes remaining, and the gentleman from Ohio (Mr. HOBSON) has 2½ minutes remaining.

Mr. JONES of North Carolina. Mr. Chairman, I yield myself such time as I may consume to say to the gentleman from Ohio that he has been very helpful, and I realize it is a tight money situation, but let me share with the gentlemen from Ohio, as well as Indiana, that last year I had the Marine Corps down in Camp Lejeune call me in my office and say, We need your help. We cannot train our Marines, who have been asked by this administration to go to Afghanistan and Iraq.

If the Corps had not had a little bit of extra money to do some dredging that was absolutely necessary in New River Inlet, which is in Jacksonville, North

Carolina, the home of Camp Lejeune, the Marines would not have been training.

Again, I respect the gentlemen greatly on both sides, but I am going to, at the proper time, ask for a recorded vote on this. I will say that I feel that I owe this not just to my district, but to the States in the United States that have waterways and have the needs that we have in North Carolina. Because it is not just North Carolina; there are many other States.

And, Mr. Chairman, I will just close by saying that I respect and appreciate the help I have received, and I hope next year will be a better budget year. But this year my State, as well as the other 49 States which have the harbors and inlets, are in desperate need and we need all the help we can get.

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

Mr. HOBSON. Mr. Chairman, I yield such time as he may consume to the gentleman from Indiana (Mr. VISCLOSKY).

Mr. VISCLOSKY. Mr. Chairman, I respect the remarks and the impetus behind the gentleman's amendment, but would add my voice to the chairman's in opposition to the amendment.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina (Mr. JONES).

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

Mr. JONES of North Carolina. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

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

The point of no quorum is considered withdrawn.

□ 1945

AMENDMENT NO. 4 OFFERED BY MR. STUPAK

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. STUPAK:

At the end of the bill, add the following new section:

SEC. 503. None of the funds made available by this Act shall be used to accept deliveries of petroleum products to the Strategic Petroleum Reserve.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Michigan (Mr. STUPAK) and the gentleman from Ohio (Mr. HOBSON) each will control 15 minutes.

The Chair recognizes the gentleman from Michigan (Mr. STUPAK).

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

First, let me thank the chairman and the ranking member for their hard work on this legislation. This amendment here is the Strategic Petroleum Reserve amendment.

Basically, it says no funds made available by this act shall be used to accept deliveries of petroleum products to the Strategic Petroleum Reserve. When we did the energy bill, and I sit on the Committee on Energy and Commerce, our amendment was made in order and was accepted by the committee. Our amendment then was a little more detailed. It said there would be no oil going into SPR until the cost of a barrel of oil dropped below $44 for 2 consecutive weeks under the New York Stock Exchange.

If we put that triggering provision into this amendment, there would have been a point of order and this amendment would have been accepted under the rules of the House. Therefore, we have changed it and said no more delivery of petroleum products to the SPR fund. So I am joined by the gentleman from Vermont (Mr. SANDERS) and the gentleman from New York (Mr. BISHOP) to support this amendment.

When I go back to my district, many of my constituents express their concern with rising gasoline prices. I suspect most Members are hearing the same thing when they go home to their own districts. In an already fiscally constrained economy, these high gasoline prices yield yet another burden to America's families' already-tight purse strings.

The high cost of gasoline and oil has long been a problem and one that Congress has long grappled with. Today, oil is hovering around $49 a barrel which some experts predict could spike as high as $60 a barrel this summer.

With Memorial Day just around the corner, we are seeing prices at the pump reaching over $2 a gallon, with some parts of the country seeing prices as high as $2.44 a gallon. How high does the price have to go and for how long before we take action?

It is no secret, there are no quick fixes or easy fixes when it comes to the problem of high gasoline and oil prices; but there is no reason to continue filling the SPR with petroleum products when our economy is suffering due to sky-high oil and gas prices. The suspension of oil delivery to the SPR would put additional barrels of oil out into the world market to stabilize the world's oil supply and provide some relief at the pump to our consumers.

To continue filling the SPR sends the wrong message to the American public who continues to struggle because of these record-breaking gas prices, and it does nothing to help reduce the skyrocketing prices at the pump. It just does not make economic sense to add more pressure to what we all know is a very tight oil market when the effect is creating even higher gas prices for consumers here at home.

Finally, suspending the filling of the SPR does not hurt our energy security. The reserve is already filled to 95 percent capacity. It has approximately 695 million barrels that are now in storage. That is the highest it has ever been in our Nation's history. I urge my colleagues to support this amendment that will take pressure off the price of a barrel of oil and hopefully at the gas pump at home.

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

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

Mr. Chairman, I oppose the gentleman's amendment. The capacity of the strategic petroleum reserve is 727 million barrels. By August of 2005, the President's direction of 700 million barrels will be achieved.

The 2006 Presidential budget does not request additional barrels to be contracted. However, should the President determine in 2006, for reasons of national and economic security, to increase the supply of oil for the reserve, this amendment could prevent that.

One cannot predict the future, if there will be a national emergency to release the oil from the reserve, or a need to contract for more.

This amendment unnecessarily restricts the President from acting in a time of national need by setting an arbitrary limitation on the use of funds. Last year after hurricanes ravaged the Gulf of Mexico, there was a disruption in production at individual refineries. DOE made a short-term loan of 5.4 million barrels of oil to refiners that had a shortened supply of feed stock. If the Stupak amendment was in place at that time, these loans would not have happened because the oil would not be able to be repaid back to the reserve.

I do not think that we want to be in the business of restricting emergency powers only to make a statement on the price of oil today. Therefore, I oppose the amendment.

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

Mr. STUPAK. Mr. Chairman, I yield 1 minute to the gentlewoman from California (Ms. PELOSI), the Democratic leader.

Ms. PELOSI. Mr. Chairman, I rise in support of the Stupak/Bishop/Sanders amendment and commend them for bringing this important amendment to the floor.

Before speaking on it, though, I want to commend the gentleman from Ohio (Chairman HOBSON) of the Subcommittee on Energy and Water for the very dignified way the gentleman has dealt with the legislation, and to commend the gentleman from Indiana (Mr. VISCLOSKY), our ranking member on the subcommittee. They strive to work in a very bipartisan way on this important legislation.

I rise in support of the Stupak/Bishop/Sanders amendment, which, as the gentleman from Michigan (Mr. STUPAK) has explained, would immediately stop the filling of the Strategic Petroleum Reserve while gas prices are so high.

Mr. Chairman, all over the country people are crying out for relief at the

rising price at the pump. Small businesses and families are feeling the pinch, and the consequences are very substantial. Under current estimates, a family of four will spend $423 more on gasoline this year than last year and almost $800 more than 2 years ago. Consumers have paid the price for rising prices over the last year. Gas prices have remained at record levels for the past 2 months at over $2.12 per gallon nationwide with some States, my own State, the State of California, more than $2.53 a gallon.

This means that gas prices have risen 35 cents per gallon since the beginning of the year. The Department of Energy predicts that gas prices could average over $2.25 nationwide this summer. The Department of Energy also has said, their report also has said that the energy bill passed by this House a few weeks ago would increase the price at the pump.

Imagine that we are legislating on the floor of Congress measures that would increase the price at the pump instead of giving consumers the relief that they need. The gentleman from Michigan (Mr. STUPAK), the gentleman from New York (Mr. BISHOP), and the gentleman from Vermont (Mr. SANDERS) have a better idea.

This idea, as the gentleman from Michigan (Mr. STUPAK) explained, would stop filling the SPR so more oil was in the market, supply increases, and then the price should go down. This is what happened when it was done before.

When President Clinton was President, they released oil from the Strategic Petroleum Reserve in 2000 and gas prices were reduced by 14 cents a gallon, $6 a barrel. When President Bush released Strategic Petroleum Reserve oil in 1991, the price of oil per barrel dropped $10.

There was bipartisan support for this in the Senate in March 2004, and in the House in 2004 bipartisan initiatives urging the President to suspend oil deliveries in the Strategic Petroleum Reserve. This has worked for us before, whether it was releasing oil from the reserve or stopping oil from coming into the reserve.

Under current estimates, a family of four would pay so much more. As Mark Zandi, chief economist at Economy.com said recently, ''Each 1-cent increase in gasoline costs consumers $1 billion a year.''

It is no wonder that gas prices are the top concern of the American people, and record gas prices are starting to have a ripple effect in the economy. The airline and trucking industries are feeling the pinch. For 5 years, Republicans in Congress have pursued an energy policy to give away billions of dollars in subsidies to special interests that are already profiting from record-high gas prices. They have turned Washington into an oil and gas town when this is supposed to be the city of innovation, of fresh new thinking and ideas about our energy policy and the impact it has on the pocketbooks of the American people and on the environment and the air they breathe.

The President's own Department of Energy found the provisions in the energy bill actually increased the price of gasoline 3 cents, and our dependence on foreign oil is projected to increase 85 percent under the proposed policies of President Bush. During consideration of the energy bill, Democrats offered an amendment by the gentleman from New York (Mr. BISHOP) that called on the President to immediately urge OPEC to increase oil production and also to stop the filling of the SPR. It would have taken steps to protect the American people from price gouging and unfair practices at the gasoline pump and increased public information on prices. Unfortunately, the amendment failed.

How do Members figure that amendment would fail when it was in the interest of America's consumers? Well, if the public interest is not served and the special interest is, then it would follow that the consumer is not served. But we have another chance today. I urge my colleagues to support the amendment by the gentleman from Michigan (Mr. STUPAK), the gentleman from New York (Mr. BISHOP), and the gentleman from Vermont (Mr. SANDERS) to immediately stop filling of the Strategic Petroleum Reserve while gas prices are so high. Give the American consumer a break; vote for this important amendment.

Mr. STUPAK. Mr. Chairman, I yield 5 minutes to the gentleman from Vermont (Mr. SANDERS), a cosponsor of this amendment.

Mr. SANDERS. Mr. Chairman, I thank the gentleman for yielding me this time, congratulate the gentleman for his leadership, and thank the gentlewoman from California (Ms. PELOSI) for her support, and concur with the gentlewoman's remarks.

Mr. Chairman, all over this country, the people are asking a simple question: When will the United States Congress stand up and protect those workers in Vermont and all over this country who are spending hundreds and hundreds of dollars a year more at the gas pump?

Our Republican friends talk about tax breaks given to people. Those tax breaks have been eaten up many times over by people who are forced to pay outrageously high prices in order to get to work. This affects not only people in rural States like Vermont. It affects small businesses, farmers, the airline industry, the trucking industry; and, in fact, nobody denies it is affecting our entire economy. When is Congress going to stand up?

Meanwhile, while working people are paying more and more to fill up their gas tanks, the large oil industry corporations are reaping record-breaking profits.

I think it is about time that we started paying attention to the American worker and we did something, at least right now, to lower the cost of gas at the pump.

As the gentleman from Michigan (Mr. STUPAK) and the gentlewoman from California (Ms. PELOSI) mentioned, this is not a new idea. In fact, it is not a partisan idea. This is a concept that has been supported by Democrats and by many Republicans. It has been supported by the first President Bush and by former President Clinton.

Specifically, this amendment would suspend oil deliveries to the Strategic Petroleum Reserve. This is what President Bush did in 1991, what President Clinton did in 2000. This action would have the very immediate impact of lowering gas prices in America now.

Mr. Chairman, the Strategic Petroleum Reserve currently contains about 693 million barrels and the administration is pushing to increase that number to over 700 million barrels.

Today, approximately 72,000 barrels of oil per day are still being added to the SPR, over 2 million barrels per month. This amendment would suspend these oil deliveries and put this oil back on the market which could lead to lower prices immediately upon its implementation.

□ 2000

It would also keep gas prices down by making sure the government is not competing against consumers in the marketplace at a time when gas prices are so high.

Mr. Chairman, extrapolating from at least three economic studies done by Goldman Sachs, the largest crude oil trader in the world, the Air Transport Association, and petroleum economist Phillip Verleger, the estimate is, by releasing some 15 million barrels from SPR, we could reduce gasoline prices at the pump by 10 to 25 cents per gallon. By voting for this amendment today, we will be sending a very strong message to the President and that is, Mr. President, release oil from SPR right now.

Mr. Chairman, in the spring of 2002 when the price of gas was starting to increase, the staff at the Department of Energy recommended against buying more oil for SPR. DOE staff said, ''Commercial inventories are low, retail prices are high, and economic growth is slow. The government should avoid acquiring oil for the reserve under these circumstances.''

Mr. Chairman, as I mentioned earlier, there is bipartisan support for this concept. The time is now for the United States Congress to listen to those working people in the State of Vermont and elsewhere who have to travel 100 miles back and forth to work each day. That is not uncommon in this country.

These workers, who are seeing in many cases a real decline in their wages, need help. It seems to me that at a time when the profits of the oil industry are soaring, when workers are struggling to keep their heads above water, when the price of gas is soaring,

now is the time for us to act and act immediately.

I would hope we would have strong support from both sides of the aisle for this important amendment.

Mr. STUPAK. Mr. Chairman, I yield 4 minutes to the gentleman from New York (Mr. BISHOP), a cosponsor of this amendment.

Mr. BISHOP of New York. Mr. Chairman, I thank the gentleman for yielding time and I thank him for his leadership on this important issue.

Mr. Chairman, I am proud to rise as a cosponsor of the Sanders-Stupak-Bishop amendment which will restrict funding in the appropriations bill from being used to add more oil to the Strategic Petroleum Reserve. Today, our Nation faces exorbitant energy costs, and taxpayers continue to suffer sticker shock at the gas pumps.

As a front page article in today's Wall Street Journal reported, we have seen a recent decrease in the cost of oil, but compared to 1 year ago, gas prices on average are still 6 cents higher per gallon, diesel fuel is up $1.75, and jet fuel is up nearly 50 percent. Congress can and must do more to help stabilize the price of fuel.

The energy bill recently passed by the House failed to address these cost increases. In fact, some reports state that the cost of fuel may actually increase between 5 and 8 cents per gallon due to provisions in that legislation. That may not sound like a lot, but for a middle-class family, already struggling to keep up with rising tuition, health care costs and saving for retirement, this increase in gas prices will add up very quickly.

Today's Journal also reports that other experts estimate that the cost of oil may spike again to as high as $60 per barrel. I offered an amendment to the energy bill that would have prevented that increase, although it was not incorporated into the House-passed bill.

Mr. Chairman, as we approach one of the most heavily trafficked holiday weekends of the year, let us act now to do something positive for American families. By restricting funds used to store petroleum in the Strategic Petroleum Reserve and in consideration of other market factors, we can realize a drop in the cost of oil of between $6 and $11 a barrel.

In 2001, President Bush ordered the Strategic Petroleum Reserve to be filled to a capacity of 700 million barrels. The Reserve currently holds 692 million barrels, nearly 99 percent of the President's goal. Thus, I believe now is the time to temporarily suspend funding for the Reserve and offer the American people a break at the pumps.

Mr. Chairman, I urge my colleagues to support the Sanders-Stupak-Bishop amendment.

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

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan (Mr. STUPAK).

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

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

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

AMENDMENT NO. 5 OFFERED BY MR. STUPAK

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Mr. STUPAK:

At the end of the bill (before the Short Title), insert the following:

SEC. __. None of the funds made available in this Act may be used to implement a policy, proposed in the Annex V Navigation Programs by the Corps of Engineers, to use or consider the amount of tonnage of goods that pass through a harbor to determine if a harbor is high-use.

Mr. HOBSON. Mr. Chairman, I reserve a point of order on the gentleman's amendment.

The CHAIRMAN. A point of order is reserved.

Pursuant to the order of the House of today, the gentleman from Michigan (Mr. STUPAK) and the gentleman from Ohio (Mr. HOBSON) each will control 5 minutes.

The Chair recognizes the gentleman from Michigan (Mr. STUPAK).

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

Mr. Chairman, I would like to bring to Members' attention a newly created OMB and Army Corps of Engineers' criterion for recommending operation and maintenance dredging of all small commercial harbors. Unfortunately, this criterion, which is highly inadequate and unfairly biased, will have a detrimental effect on communities in my northern Michigan district and on a number of communities across the country.

For fiscal year 2006 and fiscal year 2007, the Corps, with the help of OMB, has implemented new guidelines for determining whether a harbor is considered high use and, therefore, eligible to be considered to be funded for dredging in the President's budget.

According to the Corps, in order for a commercial harbor to be considered high use, it must now move at least 1 million tons of cargo annually. As a result of this tonnage requirement, a number of routine Army Corps operations and maintenance harbor dredging projects will not be carried out this year as they were in past years. As a result, small-town, rural America will suffer more job losses, businesses will struggle and infrastructure could be damaged.

You only need to look at the community of Ontonagon in my district for an example of the devastating effects this policy will have. Ontonagon was taken by surprise when they were not included in the President's budget for the first time in many years. If this harbor is not dredged, the future of our paper company, Smurfit-Stone Container Corporation, which relies on the harbor for coal and limestone deliveries, and White Pine Power, a revitalized coal plant that depends on the harbor for coal deliveries by ship for its power generation, will be in jeopardy.

To give you an idea of how bad the silting is in this area, last year it was dredged and it was dredged down to 19 feet. Less than a year later, this weekend when I was at Ontonagon, it was back down to 6 feet. We lost 13 feet in less than a year because of the silt coming down from the Mineral River. Imagine the consequences for small towns like Ontonagon if their largest businesses are unable to receive the goods they need to remain competitive. Rural communities already have limited resources available to them without this added hardship.

The Army Corps must develop more appropriate requirements to determine whether a harbor is to be included in the President's budget for a yearly dredge. If they continue to determine whether harbors like Ontonagon receive funding in the President's budget based primarily on tonnage, our small commercial harbors will continue to be shortchanged, affecting the economic livelihoods of our communities.

We need to ensure that the Corps is putting forth guidelines and policies that are as fair as possible and also reflect an appropriate amount of transparency to the public.

Mr. Chairman, I am not going to ask for a recorded vote. In fact, I will withdraw the amendment if I may enter into a brief colloquy with the chairman.

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

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

Mr. STUPAK. Mr. Chairman, will the gentleman yield?

Mr. HOBSON. I yield to the gentleman from Michigan.

Mr. STUPAK. Mr. Chairman, I thank the gentleman for yielding.

For fiscal year 2006 and 2007, the Army Corps has implemented new guidelines for determining whether a harbor is considered high use and, therefore, eligible to be considered to be funded for dredging in the President's budget. In order for a harbor to be considered high use, it must move at least 1 million tons of cargo per year.

This would have severe ramifications on small, rural harbors, such as Ontonagon Harbor in my district, which has typically been included in the President's budget. If the harbor is not dredged, the future of our paper company, Smurfit-Stone Container Corporation, which relies on the harbor for coal and limestone deliveries, and White Pine Power, a revitalized coal plant that depends on the harbor for coal deliveries by ship for its power generation, will be in jeopardy. Without this yearly dredge, these communities are subject to harsh floods and

the inability to receive goods they need through these harbors.

I seek assurance from the gentleman that he will work with the Corps and us to reevaluate this policy that could affect not only my small harbors, but small harbors throughout this country.

Mr. HOBSON. I understand the gentleman from Michigan's concerns about the effects this policy may have on small harbors. While I believe that tonnage should be a consideration when the Army Corps prioritizes operations and maintenance dredging projects, I do not believe it should be the sole basis.

I look forward to working with the gentleman from Michigan and the Army Corps to address this issue and identify appropriate factors for consideration.

Mr. VISCLOSKY. Mr. Chairman, will the gentleman yield?

Mr. HOBSON. I yield to the gentleman from Indiana.

Mr. VISCLOSKY. I thank the gentleman for yielding.

Mr. Chairman, I do want to thank the gentleman from Michigan for raising the issue. It is an important one. We have had other ratios for determination of Corps funding that had been brought before the subcommittee during the hearing process. They were also questioned.

I understand that the gentleman is concerned about ports of specific size, but I also think one of the things that we have to do a better job of, and the chairman has done his very best here, is to look at entire systems, as well, to make sure there is a fair allocation of these resources for the commerce and, potentially, for the environmental cleanup of these very systems and the individual ports; and I certainly want to join with the chairman and the rest of the subcommittee to do the best job possible looking forward to address this issue. It is an important one.

I appreciate its having been raised.

Mr. STUPAK. I thank the chairman and the ranking member for their assurances. I look forward to working with them on this issue.

Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Without objection, the amendment is withdrawn.

There was no objection.

AMENDMENT OFFERED BY MR. TIAHRT

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. TIAHRT:

At the end of the bill (before the short title) insert the following:

SEC. ____. None of the funds made available in this Act may be used to promulgate regulations without consideration of the effect of such regulations on the competitiveness of American businesses.

Mr. HOBSON. Mr. Chairman, I reserve a point of order on the gentleman's amendment.

The CHAIRMAN. A point of order is reserved.

Pursuant to the order of the House of today, the gentleman from Kansas (Mr. TIAHRT) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Kansas (Mr. TIAHRT).

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

Mr. Chairman, the United States has the number one economy in the world, and it is the envy of the world. We also have the most powerful military in the history of the world, but I believe we are headed down the wrong path.

Our trade deficit last year was $670 billion. Our Federal deficit exceeded $400 billion. And we saw the loss of many high-quality, high-paying jobs. While other countries are preparing for the future, the current trends in the United States should be of concern to us all, because I believe we are on the path towards a third-rate economy.

Our health care costs are growing too fast and forcing companies to withdraw these benefits from many of our employees. Our education system lags behind the developing world and needs to be revamped. Our trade policy fails to enforce many of the policies that we have in place. Our tax system punishes success. Our energy policy relies on imports rather than natural resources we have here in America, along with renewable energy resources that we have here in America. Our research and development policy needs to be enhanced. Lawsuits plague those who keep and create jobs here in America and that slows our economic growth.

Mr. Chairman, my amendment says that none of the funds available in this act should be used to promulgate regulations without consideration of the effects of such regulations on the competitiveness of American businesses, because that, Mr. Chairman, means more jobs. If we are going to succeed in the future, we have to create an environment here in America that encourages competition and does not discourage growth. Regulatory costs are killing our jobs. Less government regulations not only means granting the freedom to allow Americans to pursue their dreams, it also means providing the space for business to thrive, which means more jobs for working Americans.

Instead, our Federal Government has become a creeping ivy of regulations that strangle enterprise.

It is estimated today that the regulatory burden as of 2000 was $843 billion. That has cost us U.S. jobs. The regulatory compliance burden on U.S. manufacturers is the equivalent of a 12 percent excise tax.

Mr. Chairman, if we could cut the regulatory burden in half, we would be 6 percent more competitive. As we approve spending allocations for the Department of Energy and other related agencies, we need to remind them of the importance of their actions and what they do with the funding that we give them.

Mr. Chairman, I have spoken with the gentleman from Ohio (Mr. HOBSON), and I have complete confidence that he will help us make America more competitive in the future. I plan to withdraw this amendment tonight, but I do not plan to retreat from this fight to reduce the barriers to keeping and creating jobs in America.

Mr. Chairman, I know that the gentleman from Ohio will work with me to help us create an environment to bring more jobs back to America.

Mr. Chairman, I respectfully withdraw the amendment.

The CHAIRMAN. Without objection, the amendment of the gentleman from Kansas is withdrawn.

There was no objection.

Mr. VISCLOSKY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I yield to the gentleman from Oregon (Mr. WU).

Mr. WU. Mr. Chairman, I thank the gentleman from Indiana (Mr. VISCLOSKY) and the gentleman from Ohio (Mr. HOBSON) for their work on this bill.

I wish to associate myself with the words of the gentleman from Michigan (Mr. STUPAK) concerning smaller ports and maintenance dredging by the Army Corps of Engineers. Not only would this affect the port of Astoria in my congressional district, but it would affect smaller ports up and down the coast of Oregon. This is an issue of great concern to Michiganders, to Oregonians and to other Americans.

□ 2015

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The 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: the amendment offered by the gentleman from Massachusetts (Mr. MARKEY), the amendment offered by the gentleman from North Carolina (Mr. JONES), and the amendment offered by the gentleman from Michigan (Mr. STUPAK).

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT OFFERED BY MR. MARKEY

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Massachusetts (Mr. MARKEY) 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 CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 110, noes 312, not voting 11, as follows:

[Roll No. 207]

AYES—110

Abercrombie
Ackerman
Baird
Baldwin
Barrow
Becerra
Berkley
Berman
Bishop (NY)
Blumenauer
Boswell
Brown (OH)
Brown, Corrine
Capps
Capuano
Carson
Chandler
Clay
Conyers
Cooper
Crowley
Davis (CA)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Eshoo
Evans
Farr
Filner
Ford
Frank (MA)
Gibbons
Grijalva
Harman
Hastings (FL)
Hinchey
Holt
Honda
Hooley
Inslee
Israel
Jackson (IL)
Johnson, E. B.
Kennedy (RI)
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Matheson
McCollum (MN)
McDermott
McGovern
McKinney
McNulty
Meehan
Menendez
Michaud
Miller, George
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Owens
Pallone
Payne
Pelosi
Rahall
Rangel
Roybal-Allard
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Serrano
Sherman
Slaughter
Smith (WA)
Solis
Spratt
Stark
Thompson (CA)
Tierney
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Wasserman Schultz
Watson
Waxman
Weiner
Wexler
Woolsey
Wu

NOES—312

Aderholt
Akin
Alexander
Andrews
Baca
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Cardin
Cardoza
Carnahan
Carter
Case
Castle
Chabot
Chocola
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Costa
Costello
Cox
Cramer
Crenshaw
Cubin
Cuellar
Culberson
Cummings
Cunningham
Davis (AL)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Etheridge
Everett
Fattah
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Gutierrez
Gutknecht
Hall
Harris
Hart
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinojosa
Hobson
Hoekstra
Holden
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
Matsui
McCarthy
McCaul (TX)
McCotter
McHenry
McHugh
McIntyre
McKeon
McMorris
Meek (FL)
Meeks (NY)
Melancon
Mica
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mollohan
Moore (KS)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Ortiz
Osborne
Otter
Oxley
Pascrell
Pastor
Paul
Pearce
Peterson (MN)
Peterson (PA)
Petri
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Royce
Ruppersberger
Rush
Ryan (WI)
Ryun (KS)
Salazar
Saxton
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (NJ)
Smith (TX)
Snyder
Sodrel
Souder
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Towns
Turner
Upton
Visclosky
Walden (OR)
Walsh
Waters
Watt
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wynn
Young (FL)

NOT VOTING—11

Allen
Bean
Doggett
Hastings (WA)
McCrery
Millender-McDonald
Moore (WI)
Pence
Pickering
Wamp
Young (AK)

□ 2042

Ms. GINNY BROWN-WAITE of Florida and Messrs. PETERSON of Pennsylvania, KIRK, HEFLEY, SHAYS, ROTHMAN, CLEAVER, MORAN of Virginia, GENE GREEN of Texas, REYES, MCINTYRE, GILLMOR, STRICKLAND and AL GREEN of Texas changed their vote from ''aye'' to ''no.''

Ms. LOFGREN of California, Ms. DELAURO, Ms. WATSON and Mr. SHERMAN changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Ms. MOORE of Wisconsin. Mr. Chairman, on rollcall No. 207, the Markey-Holt amendment to H.R. 2419, had I been present, I would have voted "aye."

Stated against:

Ms. BEAN. Mr. Chairman, on rollcall No. 207, had I been present, I would have voted "no."

AMENDMENT OFFERED BY MR. JONES OF NORTH CAROLINA

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from North Carolina (Mr. JONES) 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 CHAIRMAN.

A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 152, noes 275, not voting 6, as follows:

[Roll No. 208]

AYES—152

Abercrombie
Ackerman
Baca
Baird
Barrow
Bartlett (MD)
Bean
Berkley
Bishop (NY)
Bishop (UT)
Boehner
Boswell
Brown (OH)
Brown, Corrine
Brown-Waite, Ginny
Butterfield
Cannon
Cardoza
Carnahan
Carson
Case
Chandler
Clay
Coble
Conyers
Costa
Cummings
Davis (CA)
Davis (IL)
Davis (TN)
Davis, Jo Ann
DeFazio
DeGette
Delahunt
Duncan
Engel
Etheridge
Evans
Foley
Forbes
Ford
Fortenberry
Fossella
Frank (MA)
Gerlach
Gibbons
Gonzalez
Goode
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hastings (FL)
Hayworth
Herseth
Higgins
Hinojosa
Honda
Hooley
Hostettler
Hulshof
Inslee
Israel
Jackson-Lee (TX)
Jefferson
Jenkins
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kennedy (RI)
Kildee
Kind
King (NY)
Kucinich
Langevin
Larsen (WA)
Leach
Lee
Lipinski
Lowey
Lungren, Daniel E.
Lynch
Maloney
Markey
Marshall
Matheson
McCaul (TX)
McDermott
McGovern
McIntyre
Meehan
Melancon
Menendez
Michaud
Miller, Gary
Moore (KS)
Moore (WI)
Moran (VA)
Murphy
Napolitano
Neal (MA)
Nussle
Oberstar
Ortiz
Pallone
Paul
Payne
Peterson (MN)
Petri
Poe
Pomeroy
Porter
Price (NC)
Rahall
Rangel
Renzi
Reyes
Rogers (AL)
Ruppersberger
Salazar
Sánchez, Linda T.
Schakowsky
Scott (VA)
Sessions
Shaw
Sherman
Shimkus
Skelton
Slaughter
Smith (WA)
Stark
Strickland
Tancredo
Tanner
Taylor (MS)
Terry
Thompson (CA)
Tierney
Towns
Udall (CO)
Udall (NM)
Wasserman Schultz
Watson
Watt
Weiner
Wexler
Wilson (SC)
Woolsey
Wynn

NOES—275

Aderholt
Akin
Alexander
Andrews
Bachus
Baker
Baldwin
Barrett (SC)
Barton (TX)
Bass
Beauprez
Becerra
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Blackburn
Blumenauer
Blunt
Boehlert
Bonilla
Bonner
Bono
Boozman
Boren
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (SC)
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cantor
Capito
Capps
Capuano
Cardin
Carter
Castle
Chabot
Chocola
Cleaver
Clyburn
Cole (OK)
Conaway
Cooper
Costello
Cox
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cunningham
Davis (AL)
Davis (FL)
Davis (KY)
Davis, Tom
Deal (GA)
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks

Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Edwards
Ehlers
Emanuel
Emerson
English (PA)
Eshoo
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gilchrest
Gillmor
Gingrey
Gohmert
Goodlatte
Gordon
Granger
Graves
Hall
Harman
Harris
Hart
Hayes
Hefley
Hensarling
Herger
Hinchey
Hobson
Hoekstra
Holden
Holt
Hoyer
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jackson (IL)
Jindal
Johnson (CT)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kilpatrick (MI)
King (IA)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Lantos
Larson (CT)
Latham
LaTourette
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lofgren, Zoe
Lucas
Mack
Manzullo
Marchant
Matsui
McCarthy
McCollum (MN)
McCotter
McCrery
McHenry
McHugh
McKeon
McKinney
McMorris
McNulty
Meek (FL)
Meeks (NY)
Mica
Miller (FL)
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moran (KS)
Murtha
Musgrave
Myrick
Nadler
Neugebauer
Ney
Northup
Norwood
Nunes
Obey
Olver
Osborne
Otter
Owens
Oxley
Pascrell
Pastor
Pearce
Pelosi
Pence
Peterson (PA)
Pitts
Platts
Pombo
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Reynolds
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sanchez, Loretta
Sanders
Saxton
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Sensenbrenner
Serrano
Shadegg
Shays
Sherwood
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Snyder
Sodrel
Solis
Souder
Spratt
Stearns
Stupak
Sullivan
Sweeney
Tauscher
Taylor (NC)
Thomas
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Waters
Waxman
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wolf
Wu
Young (FL)

NOT VOTING—6

Allen
Hastings (WA)
Millender-McDonald
Pickering
Wamp
Young (AK)

□ 2051

Mr. GEORGE MILLER of California changed his vote from ''aye'' to ''no.''

Mr. HONDA changed his vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 4 OFFERED BY MR. STUPAK

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Michigan (Mr. STUPAK) 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 CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 174, noes 253, not voting 6, as follows:

[Roll No. 209]

AYES—174

Ackerman
Andrews
Baca
Baird
Baldwin
Barrow
Becerra
Berkley
Berman
Bishop (NY)
Boswell
Boucher
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Chandler
Clay
Cleaver
Conyers
Costa
Costello
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Jo Ann
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Doggett
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Flake
Forbes
Frank (MA)
Goodlatte
Gordon
Green (WI)
Green, Al
Grijalva
Gutierrez
Gutknecht
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kelly
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Levin
Lewis (GA)
Lipinski
Lowey
Lynch
Maloney
Markey
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Miller (NC)
Miller, George
Moore (KS)
Moore (WI)
Moran (VA)
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Paul
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (VA)
Serrano
Sherman
Slaughter
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Terry
Thompson (CA)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—253

Abercrombie
Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boustany
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Case
Castle
Chabot
Chocola
Clyburn
Coble
Cole (OK)
Conaway
Cooper
Cox
Cramer
Crenshaw
Cubin
Cuellar
Culberson
Cunningham
Davis (FL)
Davis (KY)
Davis (TN)
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Doolittle
Drake
Dreier
Duncan
Ehlers
Emanuel
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Foley
Ford
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Granger
Graves
Green, Gene
Hall
Harris
Hart
Hayes
Hayworth
Hefley
Hensarling
Herger
Hinojosa
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson, Sam
Kanjorski
Kaptur
Keller
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lofgren, Zoe
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Ortiz
Osborne
Otter
Oxley
Pastor
Pearce
Pence
Peterson (PA)
Petri
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Sabo
Saxton
Schwarz (MI)
Scott (GA)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Thomas
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Waters
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (FL)

NOT VOTING—6

Allen
Hastings (WA)
Lee
Millender-McDonald
Pickering
Young (AK)

□ 2100

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. ALLEN. Mr. Chairman, on rollcall No. 207, 208, and 209, I was unavoidably detained. Had I been present, I would have voted "yes" on all 3.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

This Act may be cited as the ''Energy and Water Development Appropriations Act, 2006''.

Mr. HOBSON. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill, as amended, do pass.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. PUTNAM) having assumed the chair, Mr.

GOODLATTE, 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. 2419) making appropriations for energy and water development for the fiscal year ending September 30, 2006, and for other purposes, had directed him to report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill, as amended, do pass.

The SPEAKER pro tempore. Pursuant to House Resolution 291, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

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.

MOTION TO RECOMMIT OFFERED BY MR. ETHERIDGE

Mr. ETHERIDGE. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. ETHERIDGE. Mr. Speaker, in its current form, yes.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Etheridge of North Carolina moves to recommit the bill H.R. 2419, to the Committee on Appropriations with instructions to report the same back to the House forthwith with the following amendment:

On page 23, line 20, after ''$86,426,000,'' insert the following:

''of which $500,000 shall be available to develop and publish a report on imported crude oil and petroleum sales to the United States pursuant to 15 U.S.C. 796 and 42 U.S.C. 7135.''

On page 27, line 8, strike ''$35,000'' and insert ''$1,035,000''.

The SPEAKER pro tempore. The gentleman from North Carolina (Mr. ETHERIDGE) is recognized for 5 minutes.

Mr. ETHERIDGE. Mr. Speaker, I know the hour is late and folks want to go home.

Mr. Speaker, let me thank the chairman and the ranking member for their hard work on this bill. But like anything we do in this body, we can do better. This coming Friday will begin Memorial Day, and for many Americans it really is the beginning of summer.

On that day, tens of thousands of North Carolinians and millions of Americans are getting into their cars and hitting the road for vacation. They may visit our State's beautiful beaches or seashores. They may visit the cool mountain vistas to the west. Or they may just leave our State altogether and travel across this country.

Regardless of where they go and how far they travel, they will all be confronted by the same ugly truth: Our Nation is experiencing the highest gasoline prices in the history of this country. The average price of regular unleaded gasoline in the United States is over $2.12 a gallon, 6 cents higher than it was a year ago.

For diesel fuel users like truck drivers and farmers, the national average is over $2.15, 39 cents a gallon higher than last year. In the central Atlantic States, like North Carolina, the price for regular unleaded and diesel are higher than the national average.

As I travel throughout my district, I regularly hear complaints from my constituents about higher gasoline prices and diesel fuel prices. Farmers, commuters, employers, senior citizens and all North Carolinians have been hit hard by higher gasoline prices.

Truck drivers are seeing their businesses suffer. Farmers are forced to watch their costs escalate, eating into their bottom line, especially now, when they are getting into the fields. And for people who have lost their jobs and still cannot find work, higher gasoline prices place an even higher burden on them.

People who live in rural districts like mine have to travel farther than folks living in any other area to go to work, to get to a store, to go to church, to take their children to school and any number of places. While high gasoline prices hurt everyone, rural Americans are especially hit hard. Everyone talks about the problem.

The United States is too dependent on foreign oil. Every time we have a small disruption in the Middle East, the marketplace reacts wildly and drives the price of a barrel of oil even higher. We need to reduce our Nation's dependency on foreign oil, and we need to bring gas prices down, and this motion to recommit is a step in that direction.

This motion will direct $500,000 from the Energy Information Administration for analysis of imported crude oil and its impact on petroleum sales.

It also provides $1 million for the Secretary of Energy to conduct a conference with foreign oil producers of foreign oil-producing nations.

I remember when Saudi Arabia and other OPEC nations used to say they wanted to get the price of a barrel of oil between $22 and $28 a gallon.

Mr. Speaker, this is a serious issue. We may not think so in this body, but I guarantee you the people across this America do. And let me tell you, when the Saudis said $22 to $28 a barrel they were shooting for, and it is now $50 and above, they missed that by a country mile where I come from.

If they truly want to bring down prices, they could do that today. Actions speak louder than words, and it is time for action.

This administration must insist that Saudi Arabia and OPEC nations raise their production levels now. And this motion will ensure that the administration has the means to bring these nations together at a conference and deal with this issue immediately. Every day we continue to experience higher gas prices is another day that is a drain on the wallet of every single American.

Last Sunday at church a church member came to me and he said, You know, I am an independent truck driver, and the cost of my fuel is going up, and it is going to put me in bankruptcy.

Mr. Speaker, there are a lot of people across this country tonight in that same situation, and we can do something about it. Instead, we are not offering the kind of proposal to make a difference. This will offer a proposal to the U.S. Department of Energy Information Administration to move and take action and take action quickly.

Mr. Speaker, the bill that we passed earlier on energy will increase the cost by 85 percent in 20 years. That is increasing our dependency. This is an opportunity for a solution. This is the way that we should impact it positively.

I urge my colleagues to vote for this motion to recommit.

Mr. HOBSON. Mr. Speaker, I oppose the motion to recommit and urge a speedy passage of the underlying bill, and yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

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

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

RECORDED VOTE

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

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for the electronic vote on the question of final passage.

The vote was taken by electronic device, and there were—ayes 167, noes 261, not voting 5, as follows:

[Roll No. 210]

AYES—167

Ackerman	Costa	Gutierrez
Allen	Crowley	Harman
Andrews	Cuellar	Hastings (FL)
Baca	Cummings	Herseth
Baird	Davis (AL)	Higgins
Baldwin	Davis (CA)	Hinojosa
Barrow	Davis (FL)	Honda
Bean	Davis (IL)	Hooley
Becerra	Davis (TN)	Hoyer
Berman	DeFazio	Inslee
Bishop (GA)	DeGette	Israel
Bishop (NY)	Delahunt	Jackson (IL)
Boswell	DeLauro	Jackson-Lee (TX)
Boucher	Dicks	Jefferson
Brady (PA)	Dingell	Johnson, E. B.
Brown (OH)	Doggett	Jones (NC)
Brown, Corrine	Doyle	Jones (OH)
Butterfield	Emanuel	Kennedy (RI)
Capps	Engel	Kildee
Cardin	Eshoo	Kilpatrick (MI)
Cardoza	Etheridge	Kucinich
Carnahan	Evans	Langevin
Carson	Farr	Lantos
Case	Fattah	Larsen (WA)
Chandler	Filner	Larson (CT)
Clay	Ford	Lee
Cleaver	Frank (MA)	Levin
Clyburn	Gordon	Lewis (GA)
Conyers	Green, Al	Lipinski
Cooper	Grijalva	

Lofgren, Zoe
Lowey
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Michaud
Miller (NC)
Miller, George
Moore (KS)
Moore (WI)
Moran (VA)
Nadler
Napolitano
Neal (MA)
Obey
Olver
Owens
Pallone
Pascrell
Payne
Pelosi
Pomeroy
Price (NC)
Rahall
Rangel
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Solis
Spratt
Stark
Strickland
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Towns
Van Hollen
Velázquez
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—261

Abercrombie
Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Berkley
Berry
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boustany
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capuano
Carter
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Costello
Cox
Cramer
Crenshaw
Cubin
Culberson
Cunningham
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Edwards
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Granger
Graves
Green (WI)
Green, Gene
Gutknecht
Hall
Harris
Hart
Hayes
Hayworth
Hefley
Hensarling
Herger
Hinchey
Hobson
Hoekstra
Holden
Holt
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Lynch
Mack
Manzullo
Marchant
McCaul (TX)
McCotter
McCrery
McDermott
McHenry
McHugh
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Ortiz
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Sabo
Saxton
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Souder
Stearns
Stupak
Sullivan
Sweeney
Tancredo
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Tierney
Turner
Udall (CO)
Udall (NM)
Upton
Visclosky
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (FL)

NOT VOTING—5

Hastings (WA)
Millender-McDonald
Pastor
Pickering
Young (AK)

□ 2128

Messrs. CAPUANO, COSTELLO and TIERNEY changed their vote from ''aye'' to ''no.''

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. PUTNAM). The question is on the passage of the bill.

Under clause 10 of rule XX, the yeas and nays are ordered.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 416, nays 13, not voting 4, as follows:

[Roll No. 211]

YEAS—416

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cox
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pitts
Platts
Poe
Pombo
Pomeroy
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (FL)

NAYS—13

Berkley
Etheridge
Flake
Franks (AZ)
Gibbons
Green (WI)
Inslee
Kucinich
Matheson
Paul
Porter
Sensenbrenner
Stearns

NOT VOTING—4

Hastings (WA)	Millender-McDonald	Pickering
		Young (AK)

□ 2136

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

STEM CELL RESEARCH ENHANCEMENT ACT OF 2005

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

Mr. SCHIFF. Mr. Speaker, embryonic stem cell research has the potential to lead to cures of debilitating diseases affecting millions of people. Well-respected medical experts from many of our Nation's finest institutions have been seeking cooperation from the Federal Government for this research and have been stymied by the cell lines available under current law.

H.R. 810, a bill which I am proud to be an original cosponsor of, provides strong, ethical guidelines that ensure high standards in stem cell research. It also provides hope to countless people who live each day less sure of their future.

Some would suggest we must choose between lifesaving research on the one hand and high moral standards on the other. This is a false choice. We can and must have both. H.R. 810 gives hope to the ill and maintains America's high ethical purpose. It has my full support.

STEM CELL RESEARCH

(Ms. ZOE LOFGREN of California asked and was given permission to address the House for 1 minute and to revise and extend her remarks and include therein extraneous material.)

Ms. ZOE LOFGREN of California. Mr. Speaker, I support H.R. 810, the Stem Cell Research Enhancement Act.

Stem cell research holds the potential to improve the lives of millions of Americans suffering from diseases like cancer, heart disease, and diabetes. I believe we should do all we can to support this research, and it is why I am so frustrated at the Bush administration's attempts to stop it.

NIH said that U.S. scientists are falling behind because of the Bush 2001 limitations on stem cell research. Elizabeth Nable of the National Heart, Lung and Blood Institute said, ''Because U.S. researchers who depend on Federal funds lack access to newer human embryonic stem cell lines, they are at a technological disadvantage relative to researchers funded by California, as well as investigators in Asia and Europe.

My home State of California has already moved ahead of the Federal Government by establishing the Institute for Regenerative Medicine, which will devote $3 billion to embryonic stem cell research over the next 10 years.

This bill is a modest proposal compared to California's, but it is still an important step; and that is why it is supported by all the major educational research institutions in California.

I include their letter of support in the RECORD. Let us not drive this research overseas.

MAY 19, 2005.

Hon. ZOE LOFGREN,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE LOFGREN: We are writing to express our support for changing federal policy on human embryonic stem cell research to allow an expansion in available cell lines. As you probably know, a vote on legislation that would alter current policy is expected in the coming weeks, and we urge your ''Yes'' vote.

Embryonic stem cells hold the potential for new cures and therapies for an array of life-threatening diseases affecting millions of Americans across the nation. This potential will be enhanced by the bipartisan Stem Cell Research Enhancement Act (H.R. 810), introduced by Representatives Michael Castle (R–DE) and Diana DeGette (D–CO) and cosponsored by more than 200 members of the House of Representatives.

The Castle-DeGette bill would expand current policy to allow federal funding for research with stem cell lines discovered after the mandated August 9, 2001, cut-off date as well as lines derived in the future. With regard to future stem cell lines, the bill applies only to lines derived from days-old blastocysts that otherwise would be discarded from in vitro fertilization clinics, but that instead are voluntarily donated to research by consenting individuals, without compensation. Further, this legislation would ensure the development of ethical guidelines for research with embryonic stem cell lines.

California has moved ahead by establishing the Institute for Regenerative Medicine, which will devote $3 billion to embryonic stem cell research over the next ten years. The provisions within H.R. 810 are more restrictive than those of the California Initiative; however, H.R. 810 is crucial because it will make a significant difference to nationwide federal research programs. This expansion in policy will further facilitate and accelerate the research conducted in our state.

When the current federal embryonic stem cell research policy went into effect in 2001, the notion was that 78 cell lines would be available for research. Currently, only 22 are actually available to researchers; many others have been found unsuitable. Furthermore, a number of the available lines are entangled with commercial interests making the cells too expensive or impossible for NIH-funded investigators to obtain. For these reasons, the existing embryonic stem cell lines do not provide a sufficient supply to advance the research to its full potential.

Embryonic stem cells offer the potential to reverse diseases and disabilities experienced by millions of Americans. Stem cell research is still very new. Thus, we have a collective responsibility—scientists, university leaders, and government leaders—to support the exploration of the promising possibilities of both embryonic and adult stem cell research for curing and preventing disease.

Please support scientific advancement and the possibility of new cures by voting ''Yes'' on H.R. 810 to expand federal stem cell research policy.

Sincerely,

ROBERT C. DYNES,
President, University of California.

STEVEN B. SAMPLE,
President, University of Southern California.

DAVID BALTIMORE,
President, California Institute of Technology.

JOHN L. HENNESSY,
President, Stanford University.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. MARCHANT). Under the Speaker's announced policy of January 4, 2005, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

OIL INDUSTRY AND OPEC PRICE GOUGING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

Mr. DEFAZIO. Mr. Speaker, not too long ago we passed the so-called energy bill here in the House, and tonight we passed the Energy and Water Development appropriations bill. The question that the American people should ask as we head into the Memorial Day weekend is, what has the Republican Congress done to rein in price gouging by the oil industry and the OPEC oil cartel? The answer, if you look at these two bills, is: Nothing. Absolutely nothing. Nada. Zip.

If you would listen to the Republican President from the oil industry, the Republican Vice President rich from the oil industry, and the Republican Congress replete with donations from the oil industry, they are powerless in the face of so-called market forces to do anything about the price gouging of the American people.

Now, if this were really just supply and demand, maybe, maybe you could understand that. But it is a little more than that. The OPEC oil cartel conspires to restrict supply and drive up the price of oil in violation of all the so-called free trade agreements that this Republican Congress and this Republican President say should rule the world.

The World Trade Organization, well, I have asked this President four times now in writing to file a complaint about this illegal activity by the OPEC cartel. It violates the rules of the World Trade Organization, of which this President is such a great fan. Now, why will he not file a complaint? Of seven of the OPEC cartel, six are in the World Trade Organization and one wants to join. Tremendous leverage. File a complaint about their illegal activity. Save the American people from cartels that price-gouge them.

But, no, the President will not do that. Why is that? It is because the oil companies, from which the President has sprung forth, and the Vice President make a lot of money on this.