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House of Representatives

The House met at 10 a.m.

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Almighty God, strong is Your justice, penetrating all human events and evaluating all human endeavors. Great is Your mercy for each of us as we stand before You today.

Grant the Members of the House of Representatives freedom of spirit; that each may act with a well-formulated conscience and discern the far-reaching consequences of every decision that is made.

While here, working in the public service of the Nation, everything that is done is viewed by all and open to review by others. But far greater is Your judgment, Lord.

Aware that all must appear before Your judgment seat and each will receive recompense according to what he or she did while in Your service, we ask You, O Lord, to grant the vision of faith and trust in Your great mercy now and forever. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentlewoman from California (Ms. ROYBAL-ALLARD) come forward and lead the House in the Pledge of Allegiance.

Ms. ROYBAL-ALLARD led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain five 1-minute speeches on each side.

PRAISING HOUSE REPUBLICANS FOR GREAT ACCOMPLISHMENTS

(Ms. FOXX asked and was given permission to address the House for 1 minute.)

Ms. FOXX. Mr. Speaker, I rise today to praise the Republican leadership and my Republican colleagues in the House for the tremendous work we have done ahead of the August recess. The work we have done will have an immediate positive effect on the lives of my constituents.

First off, we enacted effective immigration control with the passage of the REAL ID Act. We also took action to stem the tide of China's unfair trade practices. We are taking the necessary first steps to ensure our domestic manufacturers have a level playing field to compete on.

The passage of the National Energy Policy also symbolizes new economic opportunities for my district. Not only does it decrease our dependence on foreign energy supply, it will boost our economy by providing up to $10 billion in tax incentives for renewable, reusable energy sources. This will create new markets and possibilities for our farmers.

Today we will greatly improve health care by passing H.R. 5. Health care dollars should be spent on patients in the operating room, not on lawyers in the courtroom.

Mr. Speaker, these are just a few of the many great accomplishments we have made. As we head into August recess, I look forward to building on that progress with my Republican colleagues.

URGING SUPPORT FOR THE THRIVE ACT OF 2005

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

Ms. ROYBAL-ALLARD. Mr. Speaker, 45,000 adult Americans die every year from infectious diseases that could have been prevented by a simple vaccination. Tragically, 40 percent of adults in our country are under-immunized for preventable diseases such as influenza and hepatitis B. The consequences are unnecessary pain, suffering, and loss of life at a cost of more than $10 billion a year to society.

To address this tragedy, I am introducing the THRIVE Act of 2005 with the gentleman from Mississippi (Mr. WICKER) as part of National Immunization Month. The THRIVE Act authorizes CDC to develop immunization guidelines and increase patient outreach and provider outreach. It directs the Secretary of HHS to launch a national media campaign about the value of adult immunizations, and it establishes a pilot project to distribute influenza vaccine for uninsured, at-risk adults.

The THRIVE Act of 2005 is a critical step towards reducing vaccine-preventable deaths in our country, and I urge my colleagues to support this bill.

MESSAGE ON MTBE: BAD LAW IS NOT CONGRESS'S FAULT

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

Mr. PITTS. Mr. Speaker, I am going to support the energy bill later today, but I am amazed that Democrats in this town have convinced the majority party that law-abiding citizens must clean up Congress's mess.

When Congress mandated use of cleaner-burning gas, MTBE was the

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only way companies could obey its orders. Upon learning MTBE was linked to environmental concerns, Congress did not accept responsibility, change the policy, or invest in alternatives. Congress told the companies to clean up the mess themselves. Trial lawyers loved it. Congress's inaction signaled that obeying law warrants a lawsuit. Now they sue anyone who might have even had a thought of using MTBE.

Mr. Speaker, these companies did not cover up bad data. They did not set out to save money by cutting corners. They did not even choose to use MTBE over a cleaner alternative. Congress made them do it.

The Democrats' own energy chairman in 1990 admits that. He says MTBE ''was the only commercially viable alternative at the time.''

Democrats are quick to blame corporations, but slow to take responsibility for their own foolish actions. Maybe that is why they are still in the minority.

SUGGESTION FOR THE HOUSE REPUBLICAN LEADERSHIP

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

Mr. FRANK of Massachusetts. Mr. Speaker, while I am not an expert in time management, I do have a suggestion that would allow the House to better use its time.

Last night we spent well over an hour here, a lot of very busy people, while the leadership variously cajoled, bribed, browbeat, et cetera, a few Republicans who wanted to have it both ways, who wanted to give people the impression they were opposed to CAFTA while they were ready to cave in for sufficient inducement.

What we should have done, and I propose this for the future, is the next time we have one of those tough votes where they are going to have to do that with their Members, let us schedule an evacuation drill from the House.

The fact is at the time the plane was flying over here and a roll call was open and we evacuated the House, it took about the same time as it took them to cajole and blackmail and browbeat their people last night.

So why not do two things at once? The next time they know there is a bill they are going to cram down people's throats that they do not want to vote for and want to pretend to their voters they are against it, and it is going to take them an hour or 2 to find out ways to get them to help fool people, why not schedule in advance an evacuation drill, and that way we can kill two birds with one stone? And since people might not know it is a drill, they can threaten people who do not vote with them: They can make them stay here in case there is a plane crash.

VIDEO CHOICE ACT OF 2005

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

Mrs. BLACKBURN. Mr. Speaker, the laws governing delivery of television programming in this country are outdated, and we have not kept up with emerging new technologies.

I have introduced the Video Choice Act of 2005 to bring these laws into the 21st century.

Current law requires that all companies interested in offering cable service or video service, as it is called in the industry, must negotiate an individual agreement with a local franchising authority. This mandate serves as a barrier to competition, effectively preventing new technologies from entering the market. The Video Choice Act of 2005 will streamline the franchising process for new marketplace entrance and give American consumers choice over their video and cable service at a lower cost.

Our telecommunications services are rapidly changing and expanding. Congress must act to ensure our laws do not crush innovation and competition.

The bill is H.R. 3146. The gentleman from Maryland (Mr. WYNN) is the cosponsor on this legislation with me. I look forward to working with him for its passage here in the House of Representatives.

WE NEED A NEW ENERGY POLICY

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

Mr. DEFAZIO. Mr. Speaker, we will adopt a so-called energy policy for the United States later today. We are in the beginnings of a 21st century energy crisis, skyrocketing prices at the pump, consumers are being gouged, growing dependence on foreign oil. And what is the answer of the Republican majority and this administration? Let us obligate the taxpayers of the United States to borrow $15.4 billion as a gift, a needed incentive to the oil industry to go out and produce more.

At 60 bucks a barrel and $2.40 a gallon and record profits and huge piles of cash they do not know what to do with, we need to subsidize the oil industry? I do not think so.

We need a new energy policy that will serve this country and the challenges of the 21st century with new technologies, new efficiency, and breaking our dependence on foreign oil. Unfortunately, we are getting exactly the opposite here today.

RECOGNIZING DANIELLE SIMONETTA

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

Mr. WILSON of South Carolina. Mr. Speaker, I rise today to salute an individual without whom Members on this side of the aisle and indeed Members of the entire House would be lost.

Danielle Simonetta has been a public servant for the last 8 years, 5 of which have been spent with us here in the House. A New York native and a graduate of my alma mater, Washington Lee University in Virginia, Danielle began her Hill career with the legendary Gerry Solomon and then the gentleman from California (Mr. DREIER) as a Committee on Rules staffer. After 2 years with Mitch Daniels at the Office of Management and Budget, she came back to us again and has spent the last 2½ years as the senior floor assistant to the gentleman from Texas (Mr. DELAY), majority leader.

In her time with leadership, she has worked tirelessly for the members of the Republican Conference. Those who know Danielle know she is a reliable source of information to us here on the House floor and a constant advocate for us in scheduling the floor. Whether it is adding a Member's last-minute suspension to the House schedule, advising Members on the merits of a particular amendment, or bragging about her beloved dog Otis, Danielle has always been here when we need her.

This fall Danielle will be leaving us to pursue an exciting new career opportunity. In addition, she is putting the finishing touches on her upcoming wedding. Congratulations to Danielle. We will miss her, and we wish her well.

In conclusion, God bless our troops, and we will never forget September 11.

THE AMERICAN PEOPLE DESERVE ANSWERS

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

Ms. LEE. Mr. Speaker, as the questions surrounding the Bush administration's case for war continue to mount, and the administration continues to stonewall, the American people deserve answers.

I want to read from an editorial from yesterday's Los Angeles Times. It says: ''Scandals metastasize. That is the pattern since Watergate. What starts out looking like a small, isolated incident gradually reveals itself to be a part of a larger abuse of power. Meanwhile, an unraveling cover-up adds new elements. Is that happening now with the scandal over White House leaks of the identity of a CIA agent?''

As new elements of this unraveling cover-up are revealed, we should not lose sight of the larger abuse of power and the real scandal here.

As Chris Matthews said on Hardball on July 24: ''The larger scandal in this White House/CIA leak story is not just who leaked the name of an undercover agent, but whether we were given a case for war, the deciding factor for many of us, knowing that it didn't hold water. As we work to find our way out of Iraq, we should focus a bit . . . on how we got in.''

Mr. Speaker, the American people deserve answers.

RECOGNIZING STEVE SAULS

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

Ms. ROS-LEHTINEN. Mr. Speaker, I rise today to recognize Steve Sauls, an extraordinary advocate for the students and the school of Florida International University in my hometown of Miami.

As an experienced member of the administration and leadership at the university, Steve has worked incredibly hard to promote the needs and the interests necessary to make FIU the fine institution that it is today.

Steve is retiring from his current position as vice president of government affairs for the university after 14 wonderful and productive years and has accepted a job as vice president of corporate relations in a private sector firm. I know that Steve will be immensely missed at the university, my alma mater, and will leave a void that will be difficult to fill. I have no doubt that Steve will continue to lead and excel in his new position, and I wish him all the best and FIU all the best in the years to come.

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SOCIAL SECURITY CELEBRATES ITS 70TH ANNIVERSARY

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

Mr. PALLONE. Mr. Speaker, on August 14, we will be celebrating the 70th anniversary of Social Security, and that is 70 years of a guaranteed, promised benefit to all Americans of a certain age.

I have to say, I was interested to note that I looked on the Social Security Administration Web site, and I did not see any mention of the 70th anniversary. I think the reason is clear. This President, who basically is trying to dismantle Social Security, does not want the Social Security Administration to celebrate this landmark achievement.

Now, the President and House Republicans want Americans to forget how important Social Security has been for seniors and for the disabled for the last 70 years. It is a guaranteed benefit the Republicans want to turn into a risky privatization plan.

I know that the President continues to be on the road pushing his risky privatization plan. Most recently he was there with his mom, Mrs. Bush. And we are hearing that when we come back after the August break, we are going to see the Republican leadership in the House once again move forward with their privatization plan that is going to only aggravate Social Security's insolvency.

Remember: 70 years of a guaranteed benefit.

WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 2361, DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2006

Mr. BISHOP of Utah. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 392 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 392

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 2361) making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2006, and for other purposes. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read.

The SPEAKER pro tempore (Mr. SIMPSON). The gentleman from Utah (Mr. BISHOP) is recognized for 1 hour.

Mr. BISHOP of Utah. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Florida (Mr. HASTINGS), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

This resolution waives all points of order against the conference report and against its consideration.

Mr. Speaker, we now have before us the first appropriations conference report. The gentleman from North Carolina (Chairman TAYLOR) and those who have been working with him on the House side, as well as on the Senate side, should be applauded for taking this appropriation process and concept of prioritization and presenting the product that we have before us. The Interior conferees have produced a conference report which is fiscally responsible and does live within strict budget discipline. It recommends for the fiscal year 2006 budget $26.2 billion, which is actually below last year's enacted level of $27 billion.

Even though the total number is lower, it still takes into account significant and important and high-priority items, such as wildland firefighting, $2.7 billion; a $61 million increase for our National Parks; a $31 million increase in our National Forest System; and $106 million increase for the Indian Health Service. Indian programs have been represented at a record $5.6 billion, which means the funding will provide for schools and hospitals, construction, education, human service needs, as well as law enforcement there.

With those increases there, it has to be significant, and there have to be offsetting balances somewhere else, and that is where the process of prioritization takes place. Once again, whether you like the total and the way it has been done, at least this committee has indeed done that process of prioritization.

I commend the Subcommittee chairman (Mr. TAYLOR); the chairman of the full Committee on Appropriations, the gentleman from California (Mr. LEWIS); the ranking members who were involved in this, as well as all the conferees, for shepherding this measure, this funding measure through the conference process in a timely and orderly fashion in the midst of a very lean budget climate.

Mr. Speaker, the conference report is obviously not perfect; none of these ever are. We are not totally happy with all of the aspects of it. I, for example, still have a concern over our process that we are doing with Payment in Lieu of Taxes, or the PILT program. This House was wise enough to fund that program at $242 million; the conference funds it at $6 million less, at $236 million. That still is $30 million above what the Senate tried to accomplish. This program, for example, is the basic funding for rural communities; it is rent that is due on the land that is government owned. If the Federal Government is going to own the land, they need to be able to fully support that.

Hope springs eternal, and we in the West will continue to work on this program in the future with the gentleman from North Carolina (Chairman TAYLOR), the gentleman from California (Chairman LEWIS), and others to make sure that these programs are adequately addressed in the future as well.

In closing, and notwithstanding these concerns, Mr. Speaker, the overall conference agreement is a good, bipartisan product. It has been done in a timely manner. It is the first one before us. It deserves our support.

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

Mr. HASTINGS of Florida. Mr. Speaker, I thank the gentleman from Utah (Mr. BISHOP) for yielding me this time, and I yield myself such time as I may consume.

As my colleague from the majority mentioned, the rule is typical to that for all conference reports, and I will not oppose it.

Mr. Speaker, I rise today not in opposition to the Interior and Environmental Appropriations conference report, but, rather, in disappointment that we have not done enough. Indeed, we live in trying times with enormous fiscal constraints, many of which we have brought upon ourselves. As the chairman and ranking Democrat of the Subcommittee on Interior, Environment, and Related Agencies will probably note today, they did the best that they could with what they were given. Indeed, they did, Mr. Speaker.

I commend the gentleman from North Carolina (Chairman TAYLOR) and the gentleman from Washington (Mr. DICKS) for their hard and, perhaps most important, their bipartisan work on this legislation. I do believe that they did the best with what the majority gave them.

The Interior conference report includes $84 million for Everglades restoration in my district and throughout

south Florida. It increases funding for the National Endowment of the Arts and Humanities, as well as operations at our national parks and Indian health care.

The underlying report also includes a provision that I offered during floor consideration prohibiting funds in the bill from being used to work in contravention of a 1994 executive order requiring that Federal agencies take the necessary steps to achieve health and environmental equity across all community lines.

The inclusion of this provision in the conference report sends a clear message to the Environmental Protection Agency that it must change the way it goes about doing business. On behalf of every community in the country which will benefit from this provision, I thank the gentleman from North Carolina (Chairman TAYLOR) and the gentleman from Washington (Mr. DICKS) for their commitment to working with me on this issue of critical importance.

The conference report also includes a provision championed by my good friend, the gentlewoman from California (Ms. SOLIS), that stops EPA from intentionally exposing pregnant women and children to pesticides and requires the agency to establish standards which will come down on the side of public health.

While I am pleased that the aforementioned is included in the conference report, I am greatly concerned about the report's major cuts in clean drinking water and conservation programs. These programs are essential to protecting our environment and the health of our citizens. It is offensive that this Congress has found the money for tax cuts for the best-off of us in our society, but not enough for these critical programs.

Finally, this legislation includes $1.5 billion in emergency funding for veterans health care. Frankly, this money should have been appropriated before the July 4 recess. Instead, the majority played politics with the Senate, and our veterans were told no.

More than 1 year ago, Democrats came to this floor with the former Republican chairman of the Committee on Veterans' Affairs, the gentleman from New Jersey (Mr. SMITH), arguing that the majority was shortchanging veterans health care by more than $1 billion. What did the majority do about our concerns? Absolutely nothing. Democrats got stonewalled, the gentleman from New Jersey (Mr. SMITH) lost his job, and America's veterans got shafted.

This spring, Mr. Speaker, our Democratic prophesy came true. The Bush administration finally admitted that it had pushed a budget which shortchanged veterans health care by some $1 billion. Democrats countered that $1 billion still was not enough, and the administration waffled. Eventually and embarrassingly, the Bush administration finally admitted that the actual shortfall was closer to $1.5 billion, the amount appropriated in this conference report.

How is it that this body can willingly authorize sending our troops into harm's way, yet refuse to provide them with the health care benefits they were promised? I am pleased that the other body has the backbone to fix what is wrong, but I am not pleased by the efforts of the administration and House Republicans to cover up these shortfalls. Shame on all of us for letting this happen.

Mr. Speaker, individuals on their own are not going to conduct major environmental restoration, force power companies to reduce toxic emissions from their smokestacks, or clean up our Nation's drinking water. But collectively, collectively, we can all make this happen.

Enforcement is not free, and neither is environmental restoration. Is there anybody in this body who is unwilling to pay just a little more to ensure that every American has clean air to breath and safe drinking water? If given the chance, who would not be willing to pool his or her resources with others in their neighborhood to collectively ensure that everyone has safe drinking water, or that no child would be forced to grow up playing in backyards polluted by dangerous levels of mercury and other toxins?

I will most likely support the underlying conference report, but I say to my colleagues, we had an opportunity to do more in this conference report. Our willingness to do so, however, was the missing ingredient.

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

Mr. BISHOP. Mr. Speaker, I yield 2 minutes to the gentleman from Arkansas (Mr. BOOZMAN).

Mr. BOOZMAN. Mr. Speaker, I thank the gentleman for yielding me this time, and I appreciate all of the hard work in crafting the Interior bill, the conference report; and I very much support it.

I really rise today, though, to talk about something a little bit different. Mr. Speaker, in a few hours, U.S. Army Sergeant Arthur Raymond McGill will be laid to rest. A third district native, Sergeant McGill gave his life serving his country in Iraq when his convoy detonated an improvised device. I rise today to mourn this tragic loss and honor his courageous life.

Sergeant McGill grew up in the northwest Arkansas communities of Gentry, Decatur, and Gravette. At the age of 17, he joined the National Guard and later enlisted in the Army. He was on his second tour of duty in Iraq when he was killed.

Sergeant McGill valued family more than anything else and wanted to set a positive example for his daughter, Kaylee, who his aunt said was the love of his life. Though his life was cut short, Sergeant McGill did set a wonderful example for Kaylee and us all through his selfless and noble service to his country.

Mr. Speaker, at the age of 26, Sergeant Arthur Raymond McGill made the ultimate sacrifice for his country. He is a true American hero, and I certainly ask my colleagues to remember his family, remember his friends in their thoughts and prayers during these very difficult times.

Mr. HASTINGS of Florida. Mr. Speaker, I am very pleased to yield 3 minutes to the distinguished gentleman from Massachusetts (Mr. MCGOVERN), my good friend that I serve with on the Committee on Rules.

Mr. MCGOVERN. Mr. Speaker, I thank my colleague, the gentleman from Florida, for yielding me this time.

Mr. Speaker, when this House first considered the Department of Interior appropriations bill, I came to the floor to express my deep outrage that this legislation nearly eliminated funding for the Land and Water Conservation Fund.

I join with my colleagues, the gentleman from New York (Mr. KING) and the gentleman from New Jersey (Mr. HOLT), in urging that the House and the Senate conferees restore some level of funding for this vital program. I am pleased that 119 Members shared our concerns about this funding cut and signed on to our bipartisan letter. Mr. Speaker, I will insert the letter for the RECORD at the conclusion of my remarks.

The Land and Water Conservation Fund has been an enormous help to our local communities and the families who live in them. The Stateside grant program has helped to preserve open space, slow urban sprawl, and give our children safe places to play.

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It is a true partnership with Federal grants requiring a full match from States and local communities. In all, the stateside program has helped communities by funding 40,000 projects nationally. Success stories can be found in every State and in 98 percent of U.S. counties.

The Land and Water Conservation Fund is especially near and dear to my heart, having led the fight on the floor of the House back in 1999 to restore $30 million for the stateside grant program in the fiscal year 2000 Interior appropriations bill after it had been zeroed out in 1995.

In my district, the Land and Water Conservation Fund State assistance grants have provided much-needed funds to restore the historic Worcester Common in Worcester, Massachusetts, and renovate the Briggs Pool in Attleboro, Massachusetts. We have literally preserved dozens of acres of open space that otherwise would have been sold off for development that would not have been conducive to these communities. It has also helped to complete construction this coming fall with the Princeton playing fields in Princeton, Massachusetts.

The Land and Water Conservation Fund is based upon a simple concept. It

takes revenues from offshore oil and gas drilling and invests them in our Nation's public land, letting States take the lead. For 40 years this program has a proven track record and benefited from strong bipartisan support.

It was the same bipartisan support that proved successful here today. Clearly the level of funding provided in this bill is far from what is required. In fact, the level of funding is at the same level it was when we resuscitated the program back in 1999. So I am disappointed with that. However, any amount appropriated to this program, no matter how small or large, serves a valuable purpose.

I commend my colleagues for their hard work. I thank those who helped reinsert funding for the Land and Water Conservation Fund back into this bill. I hope that we can come to some sort of consensus that next year we will restore funding to a level that is adequate, and to a level that we all promised our constituents.

Mr. Speaker, I will insert for the RECORD the letter I referred to earlier.

CONGRESS OF THE UNITED STATES,
Washington, DC, July 22, 2005.

DEAR CONFEREE: We are writing to request that, as you move toward conference with the Senate on the FY 2006 Interior Appropriations Bill, you support the funding levels that were included for the Land and Water Conservation Fund (LWCF) in the Senate passed version of the bill.

Since its creation in 1964, the Land and Water Conservation Fund (LWCF) has been a critical source of funding for the National Park Service, Fish and Wildlife Service, Bureau of Land Management, and Forest Service. This funding is used to support the acquisition and maintenance of our national wildlife refuges, parks, forests, and public domain lands.

In addition, the LWCF also funds a matching grant program to assist states and localities in acquiring recreational lands and developing facilities. An integral part of the LWCF, the state-side matching grant program has provided state and local parks and recreation directors with the desperately needed funding to help preserve open space and develop recreational facilities. Over the years, these matching grants have been used successfully to fund more than 37,000 state and local park and recreation projects, enabling millions of Americans to hike through magnificent scenery and view historic sites, bike along seaside and river trails, and picnic and play ball at local parks.

The Senate-passed FY 2006 Interior Appropriations Bill provides $192 million for LWCF, which includes $30 million for the state-side grant program and $162 million for the federal program. This funding is absolutely essential for the proper stewardship of our nation's magnificent natural heritage, and therefore, we strongly urge you to maintain the funding levels for LWCF state-side and federal grant programs provided for in the Senate bill. Thank you for your consideration of this request.

Sincerely,

Jim McGovern, Rush Holt, Peter T. King, Jim Marshall, Robert E. Andrews, Michael H. Michaud, Michael M. Honda, Howard L. Berman, Rahm Emanuel, Barbara Lee, Donald M. Payne, Dennis J. Kucinich, Joseph Crowley, Richard E. Neal, Henry Cuellar, Rob Simmons, Rosa L. DeLauro, Shelley Berkley, Allyson Y. Schwartz, Melvin L. Watt, John Spratt, Jim Oberstar, John Lewis, Nick Rahall, Scott Garrett, Dan Lipinski, Mike Doyle, Betty McCollum, Harold Ford, John T. Salazar, Jim Langevin, Leonard L. Boswell, Elijah E. Cummings, Lloyd Doggett, Gene Green, Nancy L. Johnson, John Shimkus, Jo Bonner, Spencer Bachus, Mike McIntyre, Julia Carson, Vito Fossella, Adam Smith, Doris O. Matsui, Solomon P. Ortiz, Brian Higgins, Silvestre Reyes, Tammy Baldwin, Mike Thompson, Charles F. Bass, Tim Holden, Jay Inslee, Frank Pallone, Jr., Martin Meehan, Juanita Millender-McDonald Ike Skelton, Grace F. Napolitano, Sander Levin, Jerrold Nadler, Bernard Sanders, Chris Van Hollen, John B. Larson, George Miller, Tom Lantos, Gary L. Ackerman, Jim Matheson, Sherwood Boehlert, Ed Case, Raúl M. Grijalva, Dale E. Kildee, Jim McDermott, Earl Blumenauer, Jim Saxton, Dennis Cardoza, Carolyn McCarthy, Michael R. McNulty, Ellen O. Tauscher, Timothy H. Bishop, Edolphus Towns, Peter DeFazio, Anthony D. Weiner, John D. Dingell, Sherrod Brown, Wm. Lacy Clay, William Delahunt, Louise Slaughter, Barney Frank, Robert Menendez, Eliot L. Engel, Bobby Scott, Ben Cardin, Tom Udall, Janice Schakowsky, Bart Gordon, Lynn Woolsey, Stephen F. Lynch, Donna M. Christensen, Thomas Allen, Thaddeus G. McCotter, Lois Capps, Emanuel Cleaver, Mike Ferguson, Bart Stupak, David Price, Lane Evans, Carolyn B. Maloney, Jeb Bradley, Steve Israel, Pete Stark, Bob Etheridge, Mark Udall, Sue W. Kelly, Jerry F. Costello, Luis V. Gutierrez, Christopher Shays, Mike Ross, Charles A. Gonzalez, Neil Abercrombie, Anna Eshoo.

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

Mr. BISHOP of Utah. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I appreciate all of the discussion that has gone through on this particular bill. We have had it on several different occasions. There are a lot of good things that are in this particular bill.

The gentleman from Florida (Mr. HASTINGS) has mentioned the one portion of the $1.5 billion to solve the hole in the veterans funding area, that once the issue was validated could have been an easy chance for people to grandstand. But I am very proud of this entire Congress in a bipartisan way, who gave instructions in a bipartisanship way, which came as close to a unanimous vote as I have seen here on the floor.

Mr. Speaker, it is an appropriate step to do, to now take this and then review the process so that we can continue to go on. We have much to do in this particular area, but in each year that I have been here in this Congress, I have been very proud that we have tried to move forward in different areas and make progress to fully fund and fully maintain our commitments.

The same thing has gone on with all of the other programs in this particular budget and this particular conference report. This committee has once again done a great job in trying to come up with the principle that all appropriators ought to be doing a prioritizing program. They have prioritized the programs. Mr. Speaker, overall, we can be very positive of that.

Mr. DICKS. Mr. Speaker, I rise in support of this rule to allow for the consideration of the conference report on the fiscal year 06 Interior and Environment Appropriations bill. And I intend to intend to vote for the conference bill.

Although I am critical of several aspects of this bill—including the low overall spending level—without a doubt this process has been fair and open. Because of the low allocation, there are some problem areas.

But the overall conference report is well worth supporting. With the addition of $1.5 billion in spending for Veterans health care attached to this bill, I believe that this conference report will get widespread support in both the House and the Senate.

The conference agreement contains another year of healthy increases in National Park Service operations funding. I do wish that the Clean Water Act State Revolving Fund was higher. I also wish that the Conference Report had retained the extra $10 million in NEA funding that the full House approved in a floor amendment last May. It is important to point out that this agreement contains successful compromises on the issue of pesticide testing on humans and on federal funding for the Martin Luther King, Jr. Memorial to be built on the National Mall.

Again I want to reiterate my strong support for this rule and the conference report on the fiscal year 06 Interior and Environment Appropriations bill. And I want to thank Chairman TAYLOR and his staff for including the minority throughout this process.

Mr. BISHOP of Utah. Mr. Speaker, I yield back the balance of my time, and I urge the Members to support the rule that provides for consideration of this conference report to the accompanying H.R. 2361, and I move the previous question on the conference report.

The previous question was ordered.

The SPEAKER pro tempore (Mr. SIMPSON). The question is on the conference report.

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

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX further proceedings on this question will be postponed.

WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 6, ENERGY POLICY ACT OF 2005

Mr. HASTINGS of Washington. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 394 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 394

Resolved, That upon adoption of this resolution it shall be in order to consider the

conference report to accompany the bill (H.R. 6) to ensure jobs for our future with secure, affordable, and reliable energy. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read.

The SPEAKER pro tempore. The gentleman from Washington (Mr. HASTINGS) is recognized for 1 hour.

Mr. HASTINGS of Washington. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Massachusetts (Mr. MCGOVERN), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

(Mr. HASTINGS of Washington asked and was given permission to revise and extend his remarks.)

Mr. HASTINGS of Washington. Mr. Speaker, House Resolution 394 waives all points of order against the conference report and against its consideration. The resolution also provides that the conference report shall be considered as read.

Mr. Speaker, there are few matters that we will consider this year as important as this comprehensive energy plan. As we are all know too well, our Nation badly needs an updated energy strategy. High oil and natural gas prices are causing stress on our economy by raising the price of energy on almost all consumer products, driving up costs for American families, and on job-creating businesses.

Every industry from agriculture to tourism to manufacturing is negatively affected by high energy costs. We need to update our laws to reflect the changing global energy market, encourage conservation and energy efficiency, and to foster the advance of new technologies that make traditional fuels cleaner and make emerging energy sources more reliable and competitive.

This conference report will do just that. This legislation reflects the fact the energy challenges we face today are complex, that no single approach is going to solve all of the problems. This comprehensive energy strategy takes a balanced approach. It includes incentives related to oil, natural gas, and nuclear energy, but also emphasizes conservation, energy efficiency and renewables.

The energy plan updates and enhances the Energy Star Program, promotes the use of clean coal technology, clarifies the process for siting liquified natural gas terminals, encourages development of hydrogen-powered cars, and extends tax incentives for the production of renewable energy from wind, biomass and other resources.

With respect to electrical power issues, this legislation includes consensus language providing for mandatory reliability standards for electric transmission to help prevent blackouts like we saw in the Northeast in 2003. It also encourages investment in transmission lines to eliminate bottlenecks in the electric grid. There are also important provisions providing for enhanced consumer protection against the kind of market manipulation we experienced in the west coast electricity market 4 years ago.

Mr. Speaker, I want to point out a couple of areas that are particularly of interest to my part of the country, the Pacific Northwest. We depend on clean, renewable hydropower for much of our electricity consumed in our region; however, the relicensing process that non-Federal dams must go through is too cumbersome and needs to be reformed. It currently takes an average of 10 years to get through the relicensing, but often that can take longer. This energy bill provides for a much needed overhaul of this lengthy dam relicensing process, potentially saving ratepayers millions of dollars while ensuring protections for other river interests to remain in place.

License applicants will now have the ability to propose alternative license conditions to those made by Federal source agencies. These more cost-effective alternatives will then be accepted, provided they are shown to provide the same level of environmental protection.

This conference report also preserves regional flexibility in achieving certain national electric marketing and transmission goals. This reflects the reality of what works in many areas of the country, but may not work in other areas that have a hydropower-based system.

This legislation strikes the proper balance on these and many other complex energy issues. I commend the gentleman from Texas (Chairman BARTON)and the gentleman from Michigan (Mr. DINGELL), the ranking member, and the gentleman from California (Chairman THOMAS) and the gentleman from New York (Mr. RANGEL), the ranking member, for their perseverance and leadership in crafting this conference report.

Mr. Speaker, it is time to take action to combat high energy costs and reduce America's dependence on foreign oil. Let us pass this balanced and bipartisan energy plan.

I urge my colleagues to support the rule and the underlying conference report.

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

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

Mr. Speaker, I want to thank the gentleman from Washington (Mr. HASTINGS) for yielding me the customary 30 minutes.

Mr. Speaker, after passage of this rule, the House will consider the conference report for the energy bill. And before I explain why I strongly oppose this conference report, let me congratulate the gentleman from Texas (Mr. BARTON), the chairman of the Energy and Commerce Committee, for presiding over a full and open conference committee. Last Congress Democrats were shut out of the conference committee. Republicans wrote that bill in the dark of night and behind closed doors. This time the chairman opened the process. He consulted frequently with the gentleman from Michigan (Mr. DINGELL) and held public hearings.

The energy bill is an important piece of legislation that deserves to be debated out in the open, and while I do not support the final product, I want to commend the chairman for attempting to restore some bipartisanship to this Chamber, and I hope others will follow his example.

The gentleman from Michigan (Mr. DINGELL) deserves to be singled out as well. His long and distinguished career has produced some of the most important laws that govern our Nation. The gentleman from Texas (Chairman BARTON) said it best last night in the Rules Committee when you talked about trying to discern the intent of one provision that would change current law. The chairman told the Rules Committees that as he was trying to explain the intent of the law, the gentleman from Michigan (Mr. DINGELL) leaned across the table and talked about what he intended when he wrote that provision years ago.

And so I want to commend the gentleman from Michigan (Mr. DINGELL) for his work on this conference committee.

With that being said, Mr. Speaker, let me comment on the substance of the energy bill. I must say that I agree with the editorial in this morning's Washington Post which says, and I quote, ''The nicest thing we can say about the comprehensive energy bill is that it could have been a lot worse.''

We all know that our Nation is facing a severe energy crisis. The President knows it, the House knows it, and, most importantly, our constituents know it. As we stand here today, the average retail price for gasoline is $2.32, up 40 cents just this year. For a family of four this amounts to nearly $3,000 spent annually on gasoline. That is a tax increase courtesy of the Bush administration and the Republican-led Congress, and the oil companies that are reaping the rewards of record profits.

Yet the conference report that we have before us today does nothing, absolutely nothing, to lower energy prices for consumers. It fails to reduce our Nation's dependency on foreign oil. It makes no real commitment to the development of renewable energy sources.

In all, the oil and gas industries will receive a multibillion-dollar package of tax breaks, and if that was not for the dedicated leadership of the gentlewoman from California (Mrs. CAPPS), these same companies would have also been shielded from liability claims for their role in polluting our Nation's water supply with MTBE.

But let us be clear: Though a few concessions have been made, this bill is nowhere near what it should be. In fact, this bill is chock-full of giveaways

to the oil and gas industry at the expense of public health and environmental safety.

If enacted, nearly 30,000 new oil and gas projects developed each year will be exempted from clean water requirements which aim to control erosion and run-off into rivers and streams. These same companies, including the administration's friends at Halliburton, would also be permitted to inject fluid laced with toxic chemicals into oil and gas wells. This provision alone poses an enormous threat to the safety of our Nation's drinking water sources, and if that was not bad enough, this bill extends the reach of the Federal Government into what should be local energy decisions.

Local communities like the City of Fall River, Massachusetts, in my district would have virtually no say in the construction, expansion and operation of liquid natural gas facilitates. Permits granted by State agencies would no longer be subject to review by State courts. Rather Federal appeals courts, which are far from experts on individual State laws, would have exclusive jurisdiction. This provision undermines the ability of State and local officials to protect their communities from dangers surrounding LNG.

Mr. Speaker, the bill that we have before us today is not a comprehensive approach. It does not solve our Nation's energy crisis. And I cannot say it any more simply than this: The Energy Policy Act will harm the environment, reward special interests at the expense of consumers and taxpayers, and limit States rights.

Mr. Speaker, I think we could have done much, much better, and I believe that it should be defeated.

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

Mr. HASTINGS of Washington. Mr. Speaker, I yield 3 minutes to the gentlewoman from Illinois (Mrs. BIGGERT.)

Mrs. BIGGERT. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I rise today in strong support of the rule and the conference report to H.R. 6, the Energy Policy Act of 2005.

After a series of fits and starts over the past 4 years, Congress now stands ready to approve the first comprehensive national energy policy in well over a decade.

I want to congratulate the gentleman from Texas (Mr. BARTON), the chairman of the Energy and Commerce Committee, and the gentleman from New York (Mr. DINGELL), the ranking member, on a job well done. As chairman of the Science Subcommittee on Energy, I am honored to have helped develop this legislation. In particular I want to thank the members and staff of the Energy Subcommittee and the full Science Committee, as well as our colleagues in the other Chamber for all of their hard work in crafting the research and development title of this act.

This bill makes a much-needed and sustained investment in basic science and applied energy research that will lead to advanced energy technologies and future energy solutions.

□ 1045

Not only will this balanced portfolio of research help expand and diversify our energy supply while reducing energy demands; it will also educate and train the scientific and technical talent necessary for our Nation to remain competitive and secure.

In recognition of the fundamental role that science places in the development of advanced energy technologies and in fulfilling DOE's mission, this bill also elevates science within the Department by creating an Under Secretary of Science. It also puts an Assistant Secretary at the helm of the Department's nuclear energy research programs. Leadership at this level is needed if we are to use research and technology to reduce the volume and toxicity of nuclear waste and capitalize on the many benefits of safe, emissions-free nuclear energy.

I urge my colleagues to support the rule and the conference report which use science and technology to put America on the path towards a more secure and energy-efficient future.

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

Mr. HASTINGS of Washington. Mr. Speaker, I yield 5 minutes to the gentleman from Texas (Mr. BARTON), the chairman of the Committee on Energy and Commerce, an individual that has worked extremely hard on this legislation along with the ranking member, the gentleman from Michigan (Mr. DINGELL), and deserves a great amount of credit for bringing this legislation forward.

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

Mr. BARTON of Texas. Mr. Speaker, I thank the distinguished member of the Committee on Rules for yielding me time.

Mr. Speaker, I rise, first of all, in strong support of the rule that the Committee on Rules has put forward on this significant piece of legislation. I think it is a very fair rule, and my guess would be that it is going to be passed by voice vote.

I really want to talk about the underlying bill because this afternoon, since this is a conference report, there is only going to be an hour of debate evenly divided on each side. So I want to talk a little bit about the policies in the bill right now.

Our Nation was founded on the principle that people had freedom and this freedom entailed the opportunity to make choices. As we begin to industrialize that principle of freedom, we begin to be encapsulated in our, for lack of a better term, industrial policies; and part of that policy has been our energy policy.

Now, there are some people and there are some countries around the world that think an energy policy for a country should mean the command and control policy where the government dictates, the government owns, the government decides; but that is not what we in America believe. And in the bill that is going to be before us this afternoon, the Domenici-Barton Policy Act of 2005, we decided that ''energy policy'' means government setting the frame work, government deciding the parameters and the ground rules; but fundamentally we still believe in freedom of choice and freedom of opportunity. We believe in private property. We believe in economic choices.

So the bill before us does not dictate to the American people or to the corporations and to the interest groups that make up America exactly how we should develop our energy resources. It sets the ground rules.

I want to divide the energy sector into two components, stationary energy and mobile energy. On the stationary side, this is the best bill that has ever been before the Congress of the United States of America. It is going to fundamentally transform the way we develop our energy resources to generate electricity, whether it is in our coal area where there is great, great work on clean coal technology; in the nuclear area where we really revitalize nuclear power; or whether it is in the way we do the transmission grids; whether it is the way we site new transmission lines; whether it is the way that we determine what the reliability of our system has to be, has to be maintained.

This is an excellent bill.

Now, on the mobile source, which is primarily oil which we refine into gasoline, this is a good bill. But I cannot tell the American people that it is a great bill in the sense that it is going to reduce your gasoline prices next week if the House passes it and the Senate passes it and the President signs it.

Here is the fundamental problem we face on our mobile energy sources. We consume 21 million barrels of oil every day in this country, and we only produce 8. You subtract the 8 out of 21 and you get 13. So we are importing about 13 million barrels of oil a day. On our best day, the United States of America did not produce more than 10 million barrels of oil a day, on our best day. There is nothing we can do that is going to generate another 13 million barrels of oil produced in the confines of the United States of America. It cannot be done.

Now, we can produce more and we have an inventory and the OCS has been under moratory that will at least allow us to see what might be out there. When we come back in September in reconciliation, we are going to pass a provision that allows us to drill up in ANWR and maybe produce as much as 2 million barrels of oil today. And we have a component of this bill that will continue research on the hydrogen economy so that perhaps we can come up with an alternative to

the internal combustion engine. And we have incentives in this bill to help our automobile manufacturers develop the hybrid technology so that we can get it more cost effective. We have some credits for people in this bill that could purchase hybrid vehicles.

So we are trying to narrow the gap; but as long as we are consuming 21 million barrels and we are only producing 8, we are going to be importing a fair amount of our oil. So we need to find a way to use that oil more effectively and this bill does that.

It also makes it possible, perhaps, to build some new oil refineries in our great Nation. We have not built a new oil refinery in the United States of America in 35 years. This bill for the first time begins to take some modest steps to make that possible.

I hope when the time comes, we vote for the rule this afternoon. I hope on a bipartisan basis we overwhelmingly vote for the bill.

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

Mr. HASTINGS of Washington. Mr. Speaker, I yield 2 minutes to the gentlewoman from West Virginia (Mrs. CAPITO), a member of the Committee on Rules.

Mrs. CAPITO. Mr. Speaker, I thank my colleague from the Committee on Rules for yielding me time.

Mr. Speaker, I rise in strong support of the rule and the Domenici-Barton Energy Conference Report because it is the national energy strategy that our Nation has waited on for decades. This legislation will ensure adequate energy supply for consumers, help to drive down energy costs, and provide jobs in the energy industry.

I would like to highlight one facet of it as particular importance to me and my State. Coal provides thousands of jobs in West Virginia and produces the energy needed by customers across the country. This bill contains a number of provisions to support clean coal technology that will allow coal to continue to provide for the Nation's energy needs while also protecting our environment.

First, I am pleased that the conference report includes a 20 percent tax credit for new Integrated Gasification Combined Cycle facilities. IGCC facilities are on the cutting edge of new energy technology. Other tax credits for Industrial Gasification and Advanced Combustion will also further the use of clean coal. The bill also allows for power plants to amortize the cost of air pollution controls over 7 years, an important step towards cleaning up existing coal-fired facilities.

The Clean Coal Power Initiative, a 9 year, $1.8 billion program to demonstrate advanced coal technologies, created by this bill, will allow us to develop the next generation of clean, efficient coal use.

The Energy Policy Act is good for West Virginia coal, West Virginia jobs, and great for our Nation's economy and energy security. I hope my colleagues will join me in support of the rule and the underlying bill.

Mr. McGOVERN. Mr. Speaker, I yield myself such time as I may consume. Mr. Speaker, I thank my colleague from Washington for the time.

Mr. Speaker, I have enormous respect for the gentleman from Texas (Mr. BARTON) and the gentleman from Michigan (Mr. DINGELL), the ranking member. They have worked in a bipartisan way in this conference committee to produce this bill.

Mr. Speaker, the following is an editorial that appeared in The Washington Post today entitled ''Energy Deficient'' and the editorial that appeared in today's New York Times entitled ''Energy Shortage.''

[From the New York Times, July 28, 2005]

ENERGY SHORTAGE

The energy bill that has been six years in the making and is nearing the president's desk is not the unrelieved disaster some environmentalists make it out to be. But to say, as President Bush undoubtedly will, that it will swiftly move this country to a cleaner, more secure energy future is nonsense. The bill, approved by a House-Senate conference early Tuesday morning, does not take the bold steps necessary to reduce the nation's dependence on foreign oil, and it also fails to address the looming problem of global warming.

These shortcomings are chiefly the fault of the White House and its retainers in the House. To be sure, the Senate showed no more courage than the House in its refusal to increase fuel-economy standards for cars and trucks, even though higher standards, by common consent, are the easiest, quickest and most technologically feasible way to reduce oil demand and cut foreign imports.

But the Senate did approve a renewable fuels provision requiring power plants to produce 10 percent of their electricity from nontraditional sources, like wind power, by 2010. It also approved a provision that would ask the president to reduce domestic oil consumption by one million barrels a day by whatever means he chose. The House conferees rejected both proposals.

Meanwhile, both houses conspired in some spectacular giveaways. One would ease environmental restrictions on oil and gas companies drilling on public lands. The other would shower billions in undeserved tax breaks on the same companies, even as they wallow in the windfall profits produced by $60-a-barrel oil.

The bill's most useful provisions may take years to realize their promise. Again thanks largely to the Senate, the tax provisions are far more hospitable to energy efficiency and renewable fuels than earlier versions of the bill, and include substantial incentives for buyers of fuel-efficient hybrid cars.

More important in the long run, however, may be two provisions, buried deep in the bill, that are aimed at developing new energy technologies. One provision would encourage the development and commercial application of biofuels from agricultural products that, much like corn-based ethanol, might someday be used as a substitute for gasoline. The other provision is aimed at developing new clean-coal technologies to turn coal into a gas and, more important, capture emissions of carbon dioxide, a major contributor to global warming.

These could be powerful new tools in any future effort to reshape the way Americans produce and use energy. But the success of both will depend on the willingness of the government to put money into them. That, in turn, will require a deeper commitment to a more adventurous energy policy than this administration has so far displayed.

[From the Wasington Post, July 28, 2005]

ENERGY DEFICIENT

Here's the nicest thing that we can say about the comprehensive energy bill that the House and Senate are due to take up, and will probably pass, before they leave town at the end of this week: It could have been a lot worse. Unlike the energy bill that the Senate filibustered in 2003, and in contrast to some earlier versions, this genuinely bipartisan bill contains fewer egregious pro-pollution measures and less pork. It will jump-start the commercial use of new clean coal, ethanol and biomass fuel technologies; promote energy efficiency standards; encourage investment in the electricity sector; and reinforce electricity reliability at last. It is less expensive than previous bills: The $11 billion net cost of the tax package plus the $2 billion direct spending comes to a relatively modest (for an energy bill) $13 billion over 10 years, with further costs depending on future appropriations.

Nevertheless, this is a bill that leaves most of the hard questions for later. Aside from a few tax breaks for purchasers of fuel-efficient cars, it makes no significant attempt to reduce the enormous automobile fuel demand that makes this country so dependent on imported oil. While it provides incentives for the construction of a new generation of nuclear power plants, it doesn't deal with the unresolved long-term problem of nuclear waste. It leaves out the whole question of mandatory controls on the greenhouse gases that cause climate change, thereby costing both an opportunity to raise revenue and create a market mechanism that might have accelerated the development of cleaner, more efficient technologies. It also perpetuates distortions in the energy market, providing needless subsidies for oil drilling offshore and on federal lands, and for marginal oil wells. And, by the way, don't believe the spin: This bill will not lower fuel prices anytime soon.

Given how long Congress labored over this legislation, and how much negotiation was required to get it to this stage, it's hard not to be disappointed by a bill that in effect preserves the status quo. It's also hard not to wonder whether the era of comprehensive, 1,700-page energy bills designed to appeal to multiple constituencies has passed. Clearly, some of the missing pieces—especially climate change and automotive fuel efficiency—will have to be dealt with separately in the future.

But it's also true that some of the less controversial pieces of this bill, such as the electricity reliability provisions and the efficiency standards for appliances, could have been passed years-ago. Now that this process is over, congressional leaders should step back, focus on the nation's most urgent long-term energy needs and get to work on more carefully targeted legislation.

Mr. Speaker, I yield 4 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Speaker, I appreciate the gentleman's courtesy in permitting me to speak on the rule on the energy bill.

One is just struck by the rhetoric surrounding this because only people who are captive inside the beltway bubble would believe the rhetoric about this being a positive development for our country. People do not have to take the word of politicians for this. Any person can deal with reputable

independent analysis from academics, from scientists, even looking at conservative think tanks to find out that the arguments are not sustainable.

This is, unfortunately, serious business. It is not just a list of special tax breaks and dodging hard issues. This is serious business for our country because our addiction to huge amounts of foreign oil that come from unstable parts of the world dooms us to costly dependency and means that we will continue to finance both sides of what they used to call the ''war on terror.''

This bill has no vision of a sustainable energy future for renewables and meaningful conservation, not window dressing but meaningful conservation. People are lining up in this country to buy energy-efficient vehicles that are only available by a handful of producers, and there is an opportunity lost to change that in terms of fuel efficiency. Ten percent of the world's supply of oil is dealt with in our addiction to inefficient energy transportation.

We are even falling behind not just the developed countries like Germany and Japan who have much more efficient use of energy; we are falling behind emerging countries. People on the floor are apoplectic about China buying an oil company, Unocal. Well, China at least is getting its energy house in order. As an emerging country, it has officially committed to a much more dramatic and aggressive program for renewables than the United States.

This bill is not an energy policy. It is a list of tax breaks and special interest favors that does not by any stretch of the imagination translate into a cohesive approach which global reality today demands for this country, demands for any country. It spends over $7 billion in subsidies to oil companies, the most profitable sector of our economy already flush with cash. I will not detail the harmful provisions that are going to come forward that are unnecessary exemptions for the oil and gas industries for compliance with the Clean Air Act, the backdoor immunity to MTBE producers and distributors that unfairly and inappropriatly denies injured parties.

□ 1100

That will be discussed, I think, further here in the course of the debate.

But the point that I want to make is that instead of being a milestone for energy policy in this country, people will look back at what Congress does—because I have no doubt that the rule will pass and the bill will pass—but it will be inexcusable, inexcusable, as people are asked by our interns in the future, by our constituents, by our children, how could we be so wrongheaded? What should have been a milestone for energy policy at this critical time will instead be a tombstone, a monument to an energy policy of previous decades that we will enact to the detriment of our economy, the environment, and our children for years to come.

Mr. MCGOVERN. Mr. Speaker, I yield 3 minutes to the gentlewoman from California (Ms. LEE).

Ms. LEE. I thank the gentleman for yielding me this time and for his very diligent and hard work on the Rules Committee, but also his hard work in terms of addressing the issues relating to this energy conference report.

Once again, and I want to talk a little bit about the substance, this administration and the Republican leadership, I believe, quite frankly, have put the profits of their friends in the energy industry ahead of the needs of the American people, ahead of the needs of our economy and our environment. Instead of reducing high gas prices, and I know in California we have some of the highest gas prices, and these gas prices are squeezing businesses and consumers at the pump. This bill, unfortunately, provides over $12.8 billion in giveaways to the oil and gas industries who are now making excessive profits and squeezing our consumers in terms of gas and oil prices.

Instead of encouraging the development of renewable energy and putting the United States economy at the forefront of the green revolution, this shortsighted bill, and that is what I say it is, it is very shortsighted, it will only increase our dependence on foreign oil. It will further subsidize corrupt and oppressive regimes throughout the world. It also puts our troops on the front lines, quite frankly, of our energy policy.

Instead of protecting our environment and our health by taking modest steps to curb greenhouse gas emissions and increase vehicle gas mileage, this bill would allow oil and gas companies to further pollute our skies, our water and our environment without paying the consequences. The health of the American people, I believe, is quite at risk as a result of this bill.

We need a comprehensive energy bill with a vision for the future that embraces ingenuity, reduces our chronic addiction to fossil fuels, fights global warming, which we all recognize is a huge problem. Just look at the weather changes this year. Last year. We have got to address global warming. This bill could do that. It could help us address pollution. It could help us protect our planet. But it puts our economy unfortunately on the wrong path rather than on the path to long-term sustainability.

While I want to commend our ranking member for at least making this bill much better than what it was, from what we remember when it left this body, it is still a bill that I believe forces us to rely on foreign energy sources rather than move us toward energy independence. I thank the gentleman from Massachusetts for the time. Unfortunately, I am going to have to vote against this bill.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 3 additional minutes to the gentleman from Texas (Mr. BARTON), chairman of the Energy and Commerce Committee.

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

Mr. BARTON of Texas. Mr. Speaker, I want to try to set the record straight about this bill and add some comments that I did not make in my previous statement. The Senate had 14 conferees on the bill, 8 Republicans and 6 Democrats. Thirteen of those conferees signed the conference report. We had all the Republicans in the Senate and five of the six Democrats sign this conference report. In the House, a majority of the House Democrat conferees have signed the report, a majority. Of the Energy and Commerce Committee conferees that were general conferees, a majority of those conferees signed the conference report, including the distinguished former chairman of the committee, JOHN DINGELL of Michigan.

We have a bipartisan bill that has come before the House. As I enunciated earlier, if your vision of an energy policy is a policy where the government tells you what you can do and when you can do it and how you can use your energy, this is not your bill. But if your vision of America is a vision of America that says it is okay to let the private sector, with the appropriate environmental guidelines and open market transparency rules and regulations, develop its resources for the good of all the people, this is your bill.

In terms of incentives for alternative energy, this bill has got more incentives at the individual level and at the general industrial level than any other energy bill that has ever been before this Congress. Whatever your energy source of choice is, there is something in this bill to help you decide if you want to maximize that choice. What this bill does not do is say every American has to drive a vehicle that gets 50 miles to the gallon whether they want to or not. Those vehicles are available right now in the marketplace, and Americans have the right to choose. This bill does not dictate that choice.

This bill also makes it possible, again without repealing or fundamentally changing any existing environmental law, to do some at least exploration and in some cases development of our onshore and offshore energy resources. As I said earlier, it fundamentally revitalizes the clean coal technology industry in this country and the nuclear power industry in this country.

This is a good bill. It is a bipartisan bill. A majority of the House Democrat conferees and every Republican conferee signed the conference report. Last night when we were before the Rules Committee, the gentleman from Michigan and I were both unanimous in that this should come to the floor under a rule that both sides could support. I want to commend the distinguished Rules Committee, in the gentleman from Washington's view, presenting the best rule that has ever been presented on the floor of the House of Representatives.

Mr. MCGOVERN. Mr. Speaker, I yield 1 minute to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Speaker, I do not mean to belabor this. I have great respect for the skills, the great skills, of the chair of the Energy and Commerce Committee. But it is just laughable to suggest that this is not your bill if you think you ought to dictate to the American public that you have to drive a car that gets 55 miles to the gallon, as if that were the only choice. A meaningful choice to raise CAFE standards the way other countries have done to their great advantage. That would have made more choices available to the American public and is something that is within our power, that we could do. It has nothing to do with forcing Americans to drive a car that gets 55 miles to the gallon. But the lack of a meaningful policy dealing with vehicle efficiency means that it is very difficult. There is a huge waiting list. It took me 6 months to get a hybrid SUV.

We are dropping the ball here. As to the notion that this is the best opportunity in terms of renewable energy, talk to the people in the industry who are ready, willing and able. Ask them if it is the best bill ever. That is not what I hear from people in this industry. I respectfully disagree.

Mr. MCGOVERN. Mr. Speaker, I yield myself the balance of my time.

Let me just say in conclusion that I have great respect for Chairman BARTON and Ranking Member DINGELL. They have worked very hard on this bill. I think it is a better bill that is before us than the one that we passed here in the House. As Chairman BARTON pointed out, Ranking Member DINGELL supports this bill. There was virtually a love fest in the Rules Committee last night, in part a tribute to the process during these last several weeks.

Having said that, some of us obviously have some philosophical differences, and some of us feel compelled to vote against this bill. I have no doubt that this bill will pass with strong bipartisan support, but as I said at the beginning of my remarks, I feel compelled to oppose the bill as well. I am concerned about some of what I consider are giveaways in this bill that I think were unnecessary. One would ease environmental restrictions on oil and gas companies drilling on public lands. The other would give billions of dollars in, I think, undeserved tax breaks to companies that, quite frankly, right now are gouging Americans. Oil companies right now, I think, are gouging Americans who are paying the highest gas prices in recent memory.

I think this bill could have been a better bill. Again, there are philosophical differences here. There will be a debate on the conference report. I have no objection to the rule. Again, let me close by expressing my respect and admiration for Chairman BARTON and Ranking Member DINGELL, notwithstanding the fact that I oppose their final product.

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

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, 4½ years ago, President George W. Bush stood in this Chamber during his first State of the Union Address and said, ''We have a serious energy problem that demands a national energy policy. Our energy demands outstrip our supply. We can produce more energy at home while protecting our environment, and we must. We can produce more electricity to meet demand, and we must. We can promote alternative energy sources and conservation, and we must. America must become more energy independent, and we will.''

Today, Mr. Speaker, this rule brings before the House a comprehensive, bipartisan energy plan that will help us produce more energy at home while protecting the environment; produce electricity to meet increasing demand; and promote alternative energy sources and conservation. This energy plan will help America meet its demands of today while planning for the energy needs of future generations, and it will allow us to become more energy independent.

Accordingly, Mr. Speaker, I urge a ''yes'' vote on the rule, House Resolution 394, and the underlying bill.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 2985, LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2006

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 396 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 396

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 2985) making appropriations for the Legislative Branch for the fiscal year ending September 30, 2006, and for other purposes. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read.

The SPEAKER pro tempore (Mr. SIMPSON). The gentleman from Florida (Mr. LINCOLN DIAZ-BALART) is recognized for 1 hour.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentlewoman from California (Ms. MATSUI), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

(Mr. LINCOLN DIAZ-BALART of Florida asked and was given permission to revise and extend his remarks.)

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, House Resolution 396 is a traditional, standard rule for consideration of the conference report for the fiscal year 2006 Legislative Branch Appropriations Act. The rule provides 1 hour of general debate, equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations.

The legislation before us appropriates $3.084 billion for operations of the legislative branch. The bill is fiscally sound. It includes a modest increase from the bill of fiscal year 2005.

In accordance with long practice, Mr. Speaker, each body determined its own fiscal requirements. As such, the conference report includes $1.1 billion the House of Representatives originally appropriated for its operations earlier this year. It also includes the $759 million the Senate appropriated for its operations. The appropriations for both the House of Representatives and the Senate includes funds for Members' representational allowances, leadership and committee offices. These funds will help Members fulfill their duties to legislate and to oversee.

These funds also help Congress complete the vitally important task, as I have just mentioned, which is the oversight of the executive branch. The Constitution grants Congress broad powers that include the extraordinarily important power of oversight. This includes obviously getting to know what the executive is doing, how programs are being administered, by whom and at what cost, and whether officials are complying with the law, with the intent of the law.

For the Capitol Police, who each and every day protect us, our staffs, and our constituents visiting the Capitol, the bill appropriates over $249 million. This level of funding will support the current staffing level of 1,592 officers, an additional 43 officers for the Library of Congress and 45 new officers for the Capitol Visitors Center. Also included is an inspector general for the Capitol Police to help the Capitol Police with administrative operations such as financial management and budgeting.

The bill also includes an important piece of legislation, the Continuity in Representation Act of 2005. As we all know, Mr. Speaker, on September 11, 2001, flight 93 was headed toward us here. If it were not for the heroic acts of the passengers on flight 93, we could very well have faced a situation where Congress may not have been able to function. We cannot allow this to happen. We certainly have to do everything we can to not allow it to happen.

□ 1115

H.R. 841 would accelerate elections in case a terrorist attack leaves the House of Representatives with over 100 vacancies. It provides for the expedited special election of new Members to fill seats left vacant in ''extraordinary circumstances.''

The House passed this bill earlier this year by an overwhelming bipartisan margin of 329 to 68. In the 108th Congress, the House passed a similar bill by a vote of 306 to 97. Each time the Senate has failed to consider this vital piece of legislation; so the Speaker wisely asked that this very important legislation be included in this process.

We must not ignore the threat to our constitutional duty. It is time that we have legislation such as this that can handle such an inconceivably horrible possibility and does not leave our duty to legislate and oversee in limbo.

Mr. Speaker, this is a good bill, essential to our continued ability to legislate, to our power of oversight and the continuity of government.

I would like to thank the gentleman from California (Chairman LEWIS) and the gentleman from Wisconsin (Mr. OBEY), ranking member, for their leadership on this. And I thank the distinguished gentlewoman from California for her hard work and friendship.

I urge my colleagues to support both the rule and the underlying legislation.

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

Ms. MATSUI. Mr. Speaker, I thank the gentleman from Florida for yielding me the customary time, and I yield myself such time as I may consume.

(Ms. MATSUI asked and was given permission to revise and extend her remarks.)

Ms. MATSUI. Mr. Speaker, we are here to debate the rule for the Fiscal Year 2006 Legislative Branch Appropriations conference report, and although I support this report, I would just like to express my general concerns over the exorbitant cost overruns of the Capitol Visitors Center. Funding contained in this report is based on the GAO's assessment of needs, and I truly hope that this will be the last installment needed to get the center completed.

Through this measure, we will also fund the operations for our institution and the many supporting bodies that we rely upon daily, like the Library of Congress, the Government Accountability Office, the Congressional Budget Office, and the Capitol Police.

I would just like to take this opportunity to draw attention to those who help keep Congress running. There is a tremendous operation that helps my colleagues and me do the business of the American people, from the personnel at the Congressional Research Service that aids our offices in keeping up with the latest issues, to the Clerk's staff that records every word we speak, tracks each bill introduced, and, no matter the hour, is here to support us as we debate the priorities of the Nation. It is also the curators who impart the history of this great Capitol Building to visitors every single day, and painters and archivists that maintain the historical integrity of the buildings. It is not without the maintenance crews, food service workers, and so many that I cannot even begin to name that keep the trains running smoothly on the Capitol complex. I thank them all for their service.

Mr. Speaker, I look forward to seeing one of the first appropriations conference reports move forward today.

Ms. MATSUI. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I have no further requests for time, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. SIMPSON). The question is on the resolution.

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

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

CONFERENCE REPORT ON H.R. 6, ENERGY POLICY ACT OF 2005

Mr. BARTON of Texas. Mr. Speaker, pursuant to House Resolution 394, I call up the conference report on the bill (H.R. 6) to ensure jobs for our future with secure, affordable, and reliable energy.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 394, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of July 27, 2005 at page H 6691.)

The SPEAKER pro tempore. The gentleman from Texas (Mr. BARTON) and the gentleman from Virginia (Mr. BOUCHER) each will control 30 minutes.

The Chair recognizes the gentleman from Texas (Mr. BARTON).

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

I want to say at the beginning we currently do not have on the House floor the gentleman from Massachusetts (Mr. MARKEY), one of the opponents of the bill, but when he arrives, I want to assure those who are in opposition to the bill that we will yield time so that they have an opportunity to participate in the debate.

With that I want to say that this is a great day. The House is poised to pass the most comprehensive energy policy that we have ever had before this body, at least in the time that I have been in the House of Representatives, which encompasses the last 21 years.

In the last Congress, the House was able to adopt a conference report, but the other body was never able to invoke cloture and bring that bill to the floor.

This bill builds on last year's bill. It is full of superb legislation. It is a very balanced bill both for conservation and for production. There is a very strong title on energy efficiency. There is a strong title on renewable energy and clean energy. On a bipartisan basis, we have even adjusted daylight savings time to help save energy.

The bill before us today is going to promote a new generation of clean coal technology. It is going to promote the use of our Nation's greatest domestic resource, which is coal. It is going to do it in a clean, environmentally safe fashion. We are going to introduce a new generation for nuclear power in this country. There are many innovations that should make it possible the next 3 to 4 years to begin to construct a new nuclear power plant.

With the help of the gentleman from Michigan (Mr. DINGELL) and Senator CRAIG in the other body, we have a reform in our relicensing process for hydroelectric plants, which, as we all know, have zero emissions. We also have parts of the bill that are going to vigorously pursue the Hydrogen Fuel Initiative, which has the promise to help relieve some of the dependency on the internal combustion engine which we have developed in this country. We want to give American drivers the opportunity to drive safe, affordable, and reliable, clean hydrogen cars as soon as the year 2020. That is not as far off as it seems, Mr. Speaker.

In the short term, we have provisions in the bill to make it more efficient to use our boutique fuels. These are fuels that are a blend of fuels between gasoline and different types of ethanol. Under current rules there are as many as 19 different blends, many of them manufactured or refined in only one refinery. The bill before us reduces that number so that we have greater transportability of our boutique fuels between those regions of the country that need those fuel sources.

We have a brand new title on siting new liquified natural gas terminals. We are dependent on about 10 percent of imports for natural gas right now, yet we have not sited a new LNG facility in this Nation in over 30 years.

The bill before us will look at the permitting process. It will respect the States rights and local community rights, but it will create a process where they get a decision, and hopefully some of those sites will be permitted in the next 3 to 4 years, and we will be able to import liquefied natural gas for our Nation's economic future.

We also have a sector that came over from the other body on a comprehensive inventory in the oil and gas reserves in the Outer Continental

Shelves. This particular title is something that is a work in progress, and I expect later today to engage in a colloquy with some members of the Florida delegation to see if perhaps in the near future we cannot refine that title to make it more acceptable to some of the Coastal States that have concerns about the inventory.

We have a strong title on research and development that would authorize programs for the study of energy efficiency, renewables, nuclear energy, fossil fuels, and much more.

The electricity title is one of the best titles in the bill. It is a title that has been put together over 6 years on a bipartisan, bicameral basis. It is one of the titles that I am most proud of. It is going to usher in for our electricity industry innovations across the board, from the generation of electricity, to the transmission of electricity, to the distribution of electricity, to the consumption of electricity. It is truly a landmark piece of legislation in the electricity title.

I want to thank the distinguished gentleman from Michigan (Mr. DINGELL), the dean of the House of Representatives, who has been in this body for almost 50 years, for his strong leadership on this bill on the minority side. I cannot tell the Members what a pleasure it was to have him sit with me in the negotiations with the Senate and to have him sit beside me in the open conference markups and educate me on how to do the parliamentary procedure and handle some of the sensitive issues that came before the conference. He is truly a giant among giants, and I cannot more proud. If I am as proud of anything in this bill, it is the fact that the gentleman from Michigan (Mr. DINGELL) signed the conference report. And I think that is a tremendous credit to him and how willing he was to work within the process.

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

Mr. BOUCHER. Mr. Speaker, I yield myself 2 minutes.

It is our intent also to join with the gentleman from Texas in yielding some time to the opposition to this measure this morning.

I want to begin by commending the work of the gentleman from Michigan (Mr. DINGELL), the ranking member of our House Committee on Energy and Commerce, for the strong leadership that he has provided as our committee has considered this measure over the past 4 years. And I want to commend the gentleman from Texas (Mr. BARTON), the chairman of our committee. He has presided over the House-Senate conference on this measure with grace. It was truly an open process. It was truly a bipartisan process. And the passage of the Energy Policy Act of 2005, which we will accomplish today, will be a lasting tribute to the gentleman from Texas' (Mr. BARTON) skill and to his leadership.

Today we demonstrably advance our Nation's energy policy. Long-needed reliability standards will add stability and security to the electricity transmission grid. Modernized provisions will encourage cogeneration and other distributed means of producing electricity both efficiently and with improved environmental performance. The bill opens the door to a new generation of smart meters and real-time pricing plans so that electricity consumers can save money by operating appliances during times of lighter electricity demand. And we take meaningful steps to deploy advanced clean coal technologies that will encourage a greater use of coal for the electricity generation with superior environmental performance.

Coal is our most abundant domestic energy reserve. Within our borders we have 250 years of proven coal reserves. Our bill encourages electric utilities to make coal, rather than natural gas, the fuel of choice for new electricity-generating units, with an easing of the escalating pressure on natural gas prices. The bill is a balanced measure which deserves our support.

□ 1130

Mr. Speaker, I urge its approval by the House.

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

Mr. BARTON of Texas. Mr. Speaker, I ask unanimous consent that of the majority time, 10 minutes be yielded to the gentleman from Massachusetts (Mr. MARKEY), and I yield to the gentleman from Virginia (Mr. BOUCHER) to make a similar request on the minority side.

Mr. BOUCHER. Mr. Speaker, I also ask unanimous consent that 10 minutes of our time be yielded to the gentleman from Massachusetts (Mr. MARKEY), with the result that the majority will have 20 minutes, we on our side will have 20 minutes, and the gentleman from Massachusetts (Mr. MARKEY) will also have 20 minutes.

The SPEAKER pro tempore (Mr. SIMPSON). Is there objection to the request of the gentleman from Texas (Mr. BARTON) and the gentleman from Virginia (Mr. BOUCHER)?

There was no objection.

The SPEAKER pro tempore. The gentleman from Massachusetts (Mr. MARKEY) will control 20 minutes.

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

Mr. Speaker, this bill is a historic failure. It will not lower gasoline prices. This bill does not do anything about fuel economy standards for automobiles and for SUVs. We put 70 percent of all the oil that we consume in the United States into gasoline tanks. This bill is silent on that. It is 2005. We now import 60 percent of all of the oil which we consume in America; most of it comes from the Middle East. One would think that we could do something about the place we put the oil. This bill is silent.

With regard to renewables, all utilities in the United States could have been given a mandate that they have to designate a substantial percentage of their electrical generating capacity over the next 20 years as renewable energy. This bill rejects that. It says, we are not going to move the utilities towards a renewable energy future.

Mr. Speaker, this bill is a failure on two of the central technology issues that the 21st century should be known for. I call for a ''no'' vote on this bill.

Mr. BARTON of Texas. Mr. Speaker, I am in awe, as always, of the gentleman of Massachusetts' rhetorical abilities.

Mr. Speaker, I yield 2 minutes to my distinguished friend, the gentleman from Georgia (Mr. NORWOOD), a member of the committee and a conferee.

Mr. NORWOOD. Mr. Speaker, I rise today in strong support of the Energy Policy Act of 2005. After several years of trying, the time to pass this vital legislation is now. The President has waited patiently since his first week in office. We need to pass this today.

Blackouts have affected our country, gas prices are crippling family budgets, and foreign energy resources have our Nation beholden to overseas interests. We have not built a new nuclear power plant in a generation. Additionally, we must begin to harness new energy sources for new potential. This bill wisely addresses all of these things.

Taken together, the provisions in this legislation will diversify and increase our energy supply in a careful and measured way. It deserves passage.

Now, it does not have everything in it that every Member wanted. This has been a long fight, and we all owe a great deal of gratitude to the gentleman from Texas (Chairman BARTON) for his patience over the last 5 years as he has tried to guide us to an energy policy for this Nation that we have not had certainly since I have been in Congress. It is time now to do that.

I thank personally the gentleman from Texas (Chairman BARTON) for his fair and evenhanded way, as he has been just now, giving time to the gentleman from Massachusetts (Mr. MARKEY), who obviously opposes the bill. But the rest of us in here need to pass this legislation today. I urge us all to vote ''aye.''

Mr. BOUCHER. Mr. Speaker, I am pleased to yield 3 minutes to the distinguished gentleman from Maryland (Mr. WYNN), one of the conferees on the energy conference.

Mr. WYNN. Mr. Speaker, let me begin by thanking the gentleman from Virginia (Mr. BOUCHER) for yielding me this time. Let me then proceed to thank our ranking member, the gentleman from Michigan (Mr. DINGELL), for his strong leadership on this matter, and also our chairman, the gentleman from Texas (Chairman BARTON), for his leadership. They have done a Herculean job in bringing us this energy bill that will give us a comprehensive and bipartisan energy policy for the future, a very forward-looking bill.

Let me begin by applauding what is not in this bill. First of all, I think it is very significant that in this bill there will be no drilling in the Arctic National Wildlife Reserve. Our Arctic and sub-Arctic ecosystems will continue to flourish.

This bill also does not shield manufacturers of the fuel additive MTBE from lawsuits. This means that States and localities and municipalities will be able to hold these manufacturers liable when they pollute underground water supplies. These are two major environmental victories of which we should be very proud.

But let us look at the positive things that are, in fact, in the bill, because here we see an energy policy emerging that will help America attain security and independence.

First of all, we put in this bill mandatory reliability standards. Now, there are some folks in the Northeast that sat in the dark and suffered through scorching heat in a power outage some years ago, so this is very important. These mandatory standards will help us avoid the problems that we encountered when whole States began to go dark and air conditioners went off. This is very meaningful. We have never had mandatory electricity reliability standards for performance, for training of personnel, and for maintenance of the system.

Let me look at another area, the area of hydrogen. We have almost $3 billion in incentives for hydrogen fuel development. Now, why is that important? Because it looks to the future. We have a past which reflects a dependence on fossil fuels, oil, gas, and cars that emit huge amounts of pollution. We are looking at a future when cars and buildings will run electricity generated by hydrogen fuel cells, hydrogen energy generated through solar, through wind, and through nuclear energy. This is very important. We will see cars that only emit water. We think this is a good thing.

Now, will that solve the problem of the $2.50 gas we have today? No. But this energy policy is looking toward the future, and I think it is important to understand that we are undertaking a task much like putting a man on the Moon in which we are saying, down the road, we will accomplish great things, innovative things because we are making those investments today, and those investments are, in fact, in this energy bill.

We should also be pleased that other sources of energy are being enhanced in this bill. Solar energy, wind energy, biomass, all receive incentives for development of critical alternatives.

We are looking at a situation in which we can tell our children and our grandchildren that we did something today to make their energy security greater and their energy independence greater. Please adopt the Energy Policy Act of 2005.

Mr. MARKEY. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Mrs. CAPPS).

Mrs. CAPPS. Mr. Speaker, I thank the gentleman for yielding me this time.

With great respect to our leaders, the gentleman from Texas (Chairman BARTON) and the gentleman from Michigan (Ranking Member DINGELL), Mr. Speaker, I do rise in opposition to the bill.

This bill is a missed opportunity to provide a secure energy future for America. It is a bill packed with taxpayer-subsidized goodies for energy companies. It is a bill that will not reduce our dependence on foreign oil.

Mr. Speaker, I am pleased about one part of the bill: it no longer contains the liability waiver to the MTBE industry. Now, perhaps, communities with MTBE-polluted groundwater will have a fighting chance to get it cleaned up by the people who made the mess. I call on the MTBE industry to do the right thing now, stop fighting in court and in Congress, own up to your responsibility by sitting down and working out cleanup plans with these affected communities.

Unfortunately, Mr. Speaker, the rest of the bill is mostly bad news. At a time of record-high energy prices, the bill hands out tens of billions of dollars in taxpayer subsidies for the oil and gas, coal and nuclear power industries already making record profits.

The bill also cuts States out of LNG siting decisions, giving power to the Federal Government, which, of course, always knows what is best.

In addition, the bill does precious little to make America more energy efficient or to reduce our dependence on foreign oil. There is no effort to make our cars more energy efficient. Seventy-five percent of the oil we use every day goes right into our gas tanks. This bill acts like it is okay that mileage on our autos has gone down in recent years, there is no connection between that and today's record gas prices.

Finally, Mr. Speaker, this bill calls for new offshore drilling under the guise of conducting a so-called inventory.

My friends on the other side will argue that this is just a study so we know what is out there. MMS already conducts surveys every 5 years on offshore resources. We already know where the offshore oil and gas is: in the central and western gulf where drilling is currently allowed and is under way, so why the inventory?

Putting it simply, this is just a first step in opening up offshore areas now off limits to new drilling. This means new drilling off States like Florida, North Carolina, and California. Make no mistake: this inventory is the oil companies' attempt to begin dismantling the long-standing, bipartisan moratorium on new drilling in these areas.

Voting for this bill means you support drilling off Florida, California, North Carolina, and other States. I urge my colleagues to vote down this bill.

Mr. BARTON of Texas. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Texas (Mr. HALL), the chairman of the Subcommittee on Energy and Air Quality.

Mr. HALL. Mr. Speaker, I rise today, of course, in support of H.R. 6, the Energy Policy Act of 2005; and I am very pleased with the conference agreement before us today as the culmination of years of hard work and determination amongst my colleagues and friends. I certainly commend the gentleman from Texas (Chairman BARTON) and the gentleman from Michigan (Ranking Member DINGELL). I have been here 25 years, and I have never seen an operation like the one we have gone through this last week where the ranking member, the gentleman from Michigan (Mr. DINGELL), and the chairman, the gentleman from Texas (Mr. BARTON), worked together on hammering out a good bill; not perfect for either one of them, but both of them working for what has been called ''the greatest good for the greatest number.'' These two men worked together, did not agree on everything, but worked together for the good of the people, basically for the young people of this country who will have to fight a war for energy if we do not find our own energy, and we have plenty of it here.

We need this bill before us today. We needed it 5 years ago. But I gladly accept it, because we simply cannot go another day without doing anything we have to do to increase our domestic production of oil and gas, increase our energy efficiency, and step up our conservation efforts, all towards the goal of being less reliant on foreign countries, people that do not trust us, people that we do not really trust for our energy needs.

I am especially pleased about the inclusion of my Ultra-deepwater and Unconventional Offshore Natural Gas and Research and Development program, which will enable the development of new technology to increase natural gas production from the 1,900 trillion cubic feet of technically recoverable reserves in North America, enough to meet over 85 years of demand at current rates of consumption.

Mr. Speaker, this is a good bill for the Nation, it is a good bill for the Fourth Congressional District of Texas, it is good for our country, and it is good also for this generation of high school juniors and high school seniors who, using this energy policy, will be able to ask themselves which university or college will I enter, rather than which branch of service will I enter.

I urge all of my colleagues to vote ''yes'' for this very important piece of legislation.

Mr. BOUCHER. Mr. Speaker, at this time I am pleased to yield 3 minutes to the gentleman from Michigan (Mr. STUPAK), another of our conferees.

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

Mr. STUPAK. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I think what we have before us today is a pretty good energy bill. The conferees worked hard to find a compromise on this legislation, and I think that the majority of our colleagues on both sides of the aisle will support it today.

I want to give particular congratulations and thanks to the leadership of the gentleman from Texas (Chairman BARTON) and the gentleman from Michigan (Ranking Member DINGELL), and also to Senator DOMENICI and Senator BINGAMAN. By all working together, we do have a bill.

Is it a perfect bill? No. And if we are going to work via compromise, it cannot be a perfect bill. I would have preferred to see fewer corporate tax breaks; and I think in conference, those of us on the main committee, we were blocked out on those tax provisions. So while I have some objections on some of these corporate tax breaks, overall I think they are fair.

In addition, I would have liked to have seen stronger measures for direct relief at the pump for Americans who are suffering right now as we pay record-high gasoline prices. In fact, in Michigan last week, as I noted to the conferees, gas spiked 80 cents in one day, it went up 80 cents, to $3.51. That was based on rumors and everything else. But that is how volatile the situation is out there.

So I actually had a provision that said, stop filling the Strategic Petroleum Reserve until a barrel of oil drops below $40 for 2 consecutive weeks. Unfortunately, the language did not make it into the final bill. But we do encourage the Secretary of Energy to look at this, and I would like to take this time to suggest to him that he do something immediately to help out our domestic gasoline market. We just cannot continue to see spikes of 80 cents.

Also, I would have liked to have seen stronger language on the underground storage issue. While we did make some improvements on this issue, I think we can ill-afford to allow our groundwater to continue contaminating our drinking water. In particular, we cannot allow MTBE to continue to contaminate drinking water across this country.

□ 1145

On a positive note, I am very excited and pleased that finally after all of the years of work, we have a permanent ban on oil and gas drilling in and under the Great Lakes. Whether it is a State permit or a Federal permit, you will no longer be allowed to do it. I am very pleased with that provision that I have worked for for more than a decade to put the provision in there.

Also there are some provisions on nuclear energy, and I know that is sort of a controversial thing, but I, for one, believe if we are going to start worrying on dependency on foreign oil, that if we are really concerned about global climate change and climate change here in this country, we must revisit the issue of nuclear energy, and I am pleased this bill provides incentives to make the United States once again a leader in this area, and protect our environment, protect our climate and get America less dependent on foreign oil.

Mr. Speaker, as I said, this is not a perfect bill but is one that I can support. After 13 years and seeing so many energy bills come before this floor, none of which I have supported, I am pleased to be able to lend my support for this bill, and once again I would like to thank the leadership for their work on this legislation.

Mr. Speaker, I think what we have before us today is a pretty good energy bill. The conferees worked hard to craft compromise legislation that I think the majority of our colleagues on both sides of the aisle will support today.

Is this a perfect bill? No. I would have preferred to see some of the corporate tax breaks pared back, but the Energy and Commerce conferees were shut out of discussions regarding tax provisions.

In addition, I would like to have seen stronger measures to give direct relief at the pump for the millions of Americans who are paying record high prices for gasoline right now. I had a measure that would have provided millions of additional barrels of oil for the U.S. market by suspending contributions to the strategic petroleum reserve until the price of oil dips below $40 per barrel for two consecutive weeks. Unfortunately, that was dropped in exchange for language allowing the Secretary of Energy to voluntarily suspend contributions if he sees fit. I would like to take this time to suggest that he do so immediately, allowing more oil into the domestic market.

I also would have liked to have seen stronger wording for secondary containment of underground storage tanks. While we did make some improvements on this issue, we can ill afford to allow our groundwater to become contaminated with gasoline from leaking underground storage tanks. In particular, we cannot allow MTBE to continue to contaminate drinking water across the country.

I am happy that the "safe harbor" provisions for manufacturers of MTBE that were in the House bill were dropped. Instead, there is a provision allowing lawsuits to be sent to Federal court if a defendant wants to make a request to do so. During the conference, I asked Chairman BARTON about the MTBE provisions in the bill and whether the claims filed after the date of enactment would require a case to be sent to Federal court. The chairman indicated that it did not require a case to be sent to Federal court, but gave defendants in prospective suits the right to ask that the case be sent to Federal courts. I wanted to be sure that we were not conferring any new substantive or subject matter jurisdiction over MTBE cases and I was pleased to hear from Chairman BARTON that to his knowledge, the legislation was not doing so.

I am happy to see that there are provisions in the bill to increase incentives for the nuclear power industry. While I know that there are those who oppose nuclear energy, I feel that if we are going to reduce our dependence on foreign oil, and climate change we need to explore increased nuclear technologies.

A provision I am particularly proud to say made it into the conference is a ban on any new oil and gas drilling beneath our Great Lakes. This provision will improve public safety and protect the source of drinking water for more than 30 million residents of the Great Lakes. I've worked on this for more than a decade and this will benefit the people of the Great Lakes for generations to come.

Lastly, I am happy to report that this bill does not include drilling for oil and gas in the Arctic National Wildlife Refuge.

Mr. Speaker, this is not a perfect bill, but it is one that I can support and I thank Chairman BARTON and Ranking Member DINGELL for their tireless efforts to come to the compromise before us today.

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

Mr. Speaker, this bill contains about $80 billion worth of giveaways to the oil and gas and other industries in our country. Those giveaways are coming from somewhere.

The United States has a huge deficit. We do not have any money. There is only one part of our government that is running a surplus, and that is the Social Security Trust Fund, and what the Republicans are doing is erecting a huge oil rig on top of the Social Security Trust Fund to drill for the revenues that will be given to the wealthiest industries in America—the oil and gas industries—that are reporting the largest profits in the history of any industry in the history of the United States.

The Republicans are tipping the United States consumer and taxpayer upside down and shaking money out of their pockets.

Mr. BARTON of Texas. Mr. Speaker, we thank the gentleman from Massachusetts (Mr. MARKEY) for using his chart once again.

Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. THOMAS), the distinguished chairman of the Ways and Means Committee.

Mr. THOMAS. Mr. Speaker, they have a saying in racing that to finish first, first you have to finish. It is a pleasure to stand up after several frustrating years and Congresses to be here supporting an energy bill. As we move from a society totally dependent upon fossil fuels to alternative energy, it is important to make sure that the infrastructure that will carry us through to alternate energy is functioning adequately, and I am pleased that that has been done in this bill. I am also pleased that, as principally led by Senator DOMENICI for a number of years, that we are beginning once again to look at an obvious source of energy that has been overlooked, nuclear energy.

And I want to compliment the new chairman of the Energy and Commerce Committee for his understanding that time is secondary to getting people to a level of agreement that allows us to present this bill on the floor today.

Of course, no bill is perfect, but if you do not have a bill, you cannot stand up and criticize it as the gentleman just did in the well. I am very

pleased with this work product in terms of its balance. We tried to create balance within the tax area. We are willing to spend money on an experimental basis on a number of alternative sources. As some do not prove out, I am hopeful that we do not turn them into perennial payments just because they started in the bill; that we move and look for those alternate sources of energy that can begin to augment the fundamental hydrocarbon structure and then move beyond that as expeditiously as possible.

It is a balanced bill. I think you will see balanced support. Once again, I want to compliment the chairman for doing something that heretofore has not been done. It is always easy when you do it. It has not been done before. Congratulations to the gentleman from Texas (Mr. BARTON).

Mr. Speaker, the need to complete this comprehensive energy bill leads us to consider it without the normal accompanying statement of managers used to clarify and enhance understanding of the legislative text. Our colleagues, the chairman of the Committee on Finance and the ranking minority member of that committee, agree with me that those who follow tax legislation can and should use the Joint Committee on Taxation's publication, "Description and Technical Explanation of the Conference Agreement on H.R. 6, Title XIII, Energy Tax Incentives Act of 2005, JCX–60–05, as the functional equivalent of a statement of managers for the purposes of completing their understanding of what the tax incentives provide.

The joint committee publication has been submitted for publication in the CONGRESSIONAL RECORD. It can also be accessed on the joint committee's website—http://www.house.gov/jct/—for those who are interested. It is an extremely useful tool the public can employ to see just how much we have accomplished with this bill.

I would also note, as a matter of clarification, section 1326 of the conference report, which provides for a 7-year depreciation pelod for natural gas gathering lines, is meant to prospectively clarify the depreciation of property meeting either of the two standards in subsection (b) of the section. This provision should not be interpreted as undermining any taxpayer's position versus the IRS in regard to current law, but instead as a clarification of the treatment of property meeting either of the standards described in subsection (b) after April 11, 2005.

Mr. BOUCHER. Mr. Speaker, I yield 3 minutes to the gentleman from Illinois (Mr. RUSH), a valuable member of our Energy and Commerce Committee.

Mr. RUSH. Mr. Speaker, I rise in support of this conference report. I do not think that this piece of legislation is perfect, and there are many provisions in this bill that I disagree with, but overall I support passage of this conference report, because it contains many provisions that are important to me and to my district, including provisions affecting ethanol and the Low Income Home Energy Assistance Program, also known as LIHEAP.

During the markup of this House version of the bill in the Energy and Commerce Committee, we passed my amendment, which will significantly increase authorized funding for LIHEAP to $5.1 billion. And I am very pleased that this increase was sustained during the conference committee and the hearings of the conference committee.

Mr. Speaker, I want you to know that this provision is so important to my constituents and to constituents similar to mine who suffer during the ravaging winter months and are often at a point where they have to make a decision between paying high energy costs and paying for medical care or paying for food.

I want to talk for a moment about this process that we have gone through this year. This year's process has been infinitely better than last year's shoddy process, whereby the majority went behind closed doors and drafted a conference report with zero input from the minority.

And, Mr. Speaker, I want to let you know and let the Members of this House know that I really appreciate the fact that Chairman BARTON has displayed a willingness to be fair and to work with me and other Democrats on this energy bill. We have a long history of bipartisan cooperation in our great committee, the Energy and Commerce Committee, particularly and especially when the gentleman from Michigan (Mr. DINGELL) was chairman. I want to commend the gentleman from Texas (Mr. BARTON) for continuing this tradition. It should serve as a blueprint for the rest of the Congress. We would have a lot less sniping and get a lot more work done in the full House of Representatives were we to follow the leadership of Chairman BARTON, the ranking member and the Energy and Commerce Committee.

And I urge my colleagues to vote yes for this conference report.

Mr. MARKEY. Mr. Speaker, I yield 30 seconds to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Speaker, when it has never been clearer that the United States needs to catch up to the rest of the world dealing with energy efficiency and global warming, even the supporters of this legislation agree with the taglines in the New York Times and the Washington Post, "it is not a disaster", "it could have been worse".

Forget about explaining to our grandchildren; how will the Members of this Congress explain to next Congress' interns about why we settled for the lowest common denominator, continued to finance both sides of the war on terror with our continued dependence on Middle East oil. If we could not get landmark legislation, hopefully this bill will be a tombstone for the energy policy for the last century.

Mr. BARTON of Texas. Mr. Speaker, I yield 1 minute to the gentleman from Michigan (Mr. UPTON).

Mr. UPTON. Mr. Speaker, Ben Franklin certainly would be proud, because as the father of daylight savings time, we are finally implementing his ideas in this legislation.

I want to thank the many Republicans and Democrats that are supporting this legislation in both bodies. And, of course, on daylight savings time today, it starts the first Sunday in April, it goes through the last Sunday in October.

We learned, my coauthor, the gentleman from Massachusetts (Mr. MARKEY), and myself learned that there was a U.S. Government study done back when maybe I was in junior high school that we said that we would save 100,000 barrels of oil a day for every day that we extended daylight savings time. That was when we had 50 million fewer Americans.

Well, guess what we do in this bill? Beginning in 2007, we will change daylight savings time. It will start now the second Sunday in March, it will go through Halloween, through the first Sunday in November.

We know that traffic fatalities will decrease. We know that crime rates will decrease. We know that folks will get home with an hour more of sunlight, whether they are coming home from school or whether they are coming home from work. And by having it kick in 2007, we will allow other countries, whether they be Canada, Mexico, perhaps Europe, to establish their timelines the same as ours. We will add a little more sunshine to everybody's day.

Mr. BOUCHER. Mr. Speaker, we reserve the balance of our time.

Mr. MARKEY. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Ms. SOLIS).

Ms. SOLIS. Mr. Speaker, I want to tell you that I am in opposition to the Energy Policy Act of 2005. In my opinion, the bill does nothing to reduce our dependency on foreign oil. It does not reduce gas prices. It does not make our Nation more secure.

Instead, the bill will increase gas prices for consumers in California, where I come from, by requiring the increased use of ethanol. It threatens our water supply by rolling back the Safe Drinking Water Act, the Clean Water Act, and a trade-off I do not find acceptable at all. It overrides our States rights to oppose drilling offshore by including language requiring an inventory.

Mr. Speaker, I commend my colleagues for choosing not to include MTBE safe harbor provisions in the bill, but that alone does not guarantee that this is a good bill.

The bill is a missed opportunity. I do not support this legislation. And I know we must continue this debate on cleaning up our environment and protecting our consumers.

Mr. BARTON of Texas. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. BURGESS).

Mr. BURGESS. Mr. Speaker, this has indeed been a long process. I thank the chairman and I thank the ranking

member for providing us with the leadership that has given us this balanced legislative product.

Mr. Speaker, conservation, production, alternative energy sources, and new technologies, hybrid vehicles, fuel cell vehicles are all part of this energy bill that we have before us today.

In my district back in Texas, significant because we have a big solar panel production plant in Keller, Texas, we have a wind turbine plant in Gainesville, Texas, up in Cook Country. And while people know that we have lots of wind and lots of sun in Texas, you may not know that we have garbage in Texas. And in Denton, Texas, my hometown, we have a new biodiesel plant, and the energy for that biodiesel plant is taken entirely from methane from the city dump, truly a balanced way to achieve new sources of energy.

Mr. Speaker, again I thank the chairman for the leadership in bringing this bill for us today, and I urge my colleagues to support it.

Mr. BOUCHER. Mr. Speaker, we reserve the balance of our time.

Mr. MARKEY. Mr. Speaker, I yield 1 minute to the gentlewoman from Nevada (Ms. BERKLEY).

Ms. BERKLEY. Mr. Speaker, I am voting against this legislation. It does absolutely nothing to lower the outrageous price of gasoline at the pump. It provides precious little for research and development of renewable energy sources.

What it does do is give huge subsidies to the oil and gas industries that are making record profits. But the main reason I am voting against this dog of a piece of legislation is because it gives major megasubsidies to the nuclear industry so that they can build more nuclear power plants.

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What is the problem with this? When you have nuclear energy it produces a deadly by-product. That deadly by-product is nuclear waste. This Nation has never figured out what to do with the nuclear waste. We cannot safely store it. Our solution is to put it in a hole in the Nevada desert where we have ground water problems, seismic activity, volcanic activity. Why would we be spending billions of dollars of taxpayers' money to produce more nuclear waste that has a radioactive life of 300,000 years?

Before we waste taxpayers' money on nuclear energy, let us figure out how to deal with the nuclear waste. This is a slap in the face and an insult to the people I represent.

Mr. BARTON of Texas. Mr. Speaker, I want to first recommend the gentlewoman of Nevada to look at section 1290 of the bill which is an item that the Senior Centers in Nevada strongly supports.

Mr. Speaker, I yield 1½ minutes to the gentleman from Florida (Mr. STEARNS) for purposes of a colloquy.

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

Mr. STEARNS. Mr. Speaker, the gentleman from Florida (Mr. BILIRAKIS) and I would like to engage the gentleman from California (Mr. POMBO) in a colloquy.

First of all, we want to thank the gentleman for his willingness to work with the entire Florida delegation to reach an agreement that will allow the States to increase control of their waters.

Included in H.R. 6 is a provision ordering an inventory and analysis of oil and natural gas resources in the Outer Continental Shelf. Many are concerned that this inventory is merely a precursor to drilling off Florida's coast against the wishes of the Governor and our two U.S. Senators and the Florida delegation.

Currently, there is a moratorium against drilling in this area, over here, until 2012, and these areas called the stovepipe and bulge, here and here to 2007. The top of the stovepipe is about 16 miles off the coast of Pensacola, home to a large amount of military operations.

Mr. Speaker, can we have the chairman's assurance that he will continue to work with the Florida delegation to find a solution that encourages and ensures that drilling or exploration will not occur in the areas off the Florida coast against the wishes of the State?

Mr. BILIRAKIS. Mr. Speaker, will the gentleman yield?

Mr. STEARNS. I yield to the gentleman from Florida.

Mr. BILIRAKIS. In addition, the chairman has stated in the past that each individual State should have the ability to control its own waters, and the decision to drill or take an inventory should rest with the State legislature and the Governor. Can the gentleman assure us that he will work with us to provide States with that ability?

Mr. POMBO. Mr. Speaker, will the gentleman yield?

Mr. STEARNS. I yield to the gentleman from California.

Mr. POMBO. Mr. Speaker, I will continue to work with both of the gentlemen and the entire Florida delegation to resolve all of these problems so that we do what is in the best interest of Florida the other States and the country. I appreciate all the work that the gentlemen have put into this already.

Mr. STEARNS. Mr. Speaker, I would say the importance of this is it be a long-term solution for the State of Florida instead of having to go to reiteration every 2 years dealing with this moratorium. As you know, we worked almost 3 hours in the night trying to come up with a solution. We have a workable plan that we discussed with the chairman, and we very much appreciate the chairman's support, interest, and help.

Mr. BILIRAKIS. We know the chairman is a man of his word.

Mr. BOUCHER. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. GENE GREEN), a valuable member of our Committee on Energy and Commerce.

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

Mr. GENE GREEN of Texas. Mr. Speaker, I thank our ranking member on our subcommittee for allowing me to speak for 3 minutes.

The comprehensive energy legislation is a positive step towards a stable energy future for America, and I want to thank all the Members who worked so hard in putting this together on such an aggressive schedule. I especially appreciate our ranking member, the gentleman from Michigan (Mr. DINGELL), of our full Committee of Energy and Commerce, and also our Chair of our subcommittee, the gentleman from Virginia (Mr. BOUCHER), for their hard work. I congratulate the gentleman from Texas (Mr. BARTON) on both his fairness in the committee mark-up and also in the floor action that we had. We actually made democracy work. But also I know the hard work as I watched a lot of conference committee on TV in the effort to get this legislation where it is today. I think it is a great achievement.

The folks who are opposing it, their biggest argument is we do not do anything about lowering oil prices. Well, the easiest thing we could do is actually produce more domestically instead of importing it from everywhere, but they are the same folks that are opposing any more domestic production.

This bill does so many good things. Energy infrastructure, the bill addresses the bureaucratic blocks that hamstring the growth of our energy infrastructure, particularly regarding natural gas terminals and pipelines. And I am pleased the conference committee has chosen to follow the blueprint of the Terry-Green LNG legislation we introduced last year that first recognized LNG as an international and interstate commerce and thus subject to ultimate Federal jurisdiction.

We need to open at least 10 to 15 liquefied natural gas terminals in the lower 48 in the next 5 to 10 years in order to stabilize our natural gas prices, both residential and commercial prices, and protect millions of our manufacturing jobs.

The petro-chemical industry is in dire need of stable natural gas feedstock prices as elsewhere along the Gulf Coast. Our community would end up looking like the Rust Belt. This committee report helps that.

Domestic production, I am disappointed, did not go far enough in domestic energy supplies. America's vast offshore energy resources remain largely off-limits even though our coast would not be threatened by development. Contrary to political scare tactics of certain organizations, oil and gas can be safely produced, whether it is Florida, California, or the east coast. We have been doing it off Texas, Louisiana, Mississippi, and Alabama for

years. Lower 48 production uses pipelines and not tankers so the Valdez is not even an example they can use.

Mr. Speaker, the other concern I have is the loss of the MTBE issue, but I understand the Senate did not want to take it up. So I guess the folks who want to sue for MTBE can go to the courthouse. MTBE actually lowered our air pollution problems in my community in Houston. It was under the 1990 Clean Air Act. I would just hope businesses and communities would still continue to try to find another substances that would clean up our air.

In conclusion, I am concerned about ensuring that we have adequate traditional energy sources because we have to rely on them for the next few decades. I will support anything we do in research to get alternatives, but we also need to make sure we can keep our lights on for this decade.

The comprehensive energy legislation is a positive step towards a stable energy future for America.

I want to thank all Members who have worked so hard on putting this together on such an aggressive schedule. This is a great achievement.

I. ENERGY INFRASTRUCTURE

The bill addresses bureaucratic roadblocks that have hamstrung the growth of our energy infrastructure, particularly liquefied natural gas terminals and pipelines.

I am pleased that the conference committee has chosen to follow the blueprint of the Terry-Green LNG legislation we introduced 1 year ago. Our bill was the first to recognize that LNG is international and interstate commerce, and thus subject to ultimate Federal jurisdiction.

We need to open up 10–15 LNG terminals in the lower 48 States in the next 5–10 years in order to stabilize natural gas prices, residential and commercial electric prices, and protect millions of manufacturing jobs. The petrochemical industry is in dire need of stable natural gas feedstock prices, or else the Gulf Coast could end up like the Rust Belt.

This conference report ensures that "not-in-my-backyard" LNG opposition will not drive electric prices through the roof and drive manufacturing jobs overseas to Asia and Europe in search of affordable natural gas.

II. DOMESTIC PRODUCTION

I am disappointed that the legislation does not go nearly far enough to increase domestic energy supplies.

America's vast offshore energy resources remain largely off-limits, even through our coasts would not be threatened by development.

Contrary to the political scare tactics of certain organizations, oil and gas can be produced safely off of Florida, California, and the East Coast. Beaches and coastal areas in the lower 48 have no need to fear a Valdez-like accident from offshore production.

Lower 48 production uses pipelines, the safest form of transportation in the world, and will not mean more oil tankers.

In many decades of oil and gas production in the Gulf of Mexico, we have not had disasters that ruined any of the beaches or estuaries in Texas, Alabama, or Louisiana. Tourism at Texas beaches like Galveston and South Padre Island is a huge industry and we protect it seriously.

I challenge opponents of offshore production to name one serious oil spill that has harmed a Gulf beach or estuary.

Critics like to say that this bill is projected to do little to reduce gas prices that are squeezing Americans. That may be true in the short run, although if ANWR exploration is approved in the budget that will change. Ironically the real reason there is not enough gas price relief in this bill is the opponents of the bill themselves.

The best thing we can do to stabilize gas prices is produce more oil at home—we cannot wave a magic wand and lower the price of Middle Eastern oil.

III. MTB

I am also disappointed that the Senate is unwilling to help clean up MTBE spills from leaking underground storage tanks.

MTBE was developed to eliminate lead in gasoline, and by fulfilling the 1990 Clean Air Act's oxygenate requirement, MTBE has done much to reduce smog in American cities. Unfortunately, oxygenates are problematic when they are stored in leaky tanks.

MTBE producers, many of which are not huge oil companies, never would have made MTBE without the Clean Air Act of 1990.

In a catch–22, they now face multiple lawsuits for complying with federal law. As a result, U.S. industries are likely to be less willing to make environmentally beneficial products at the direction from Congress in the future.

This bill is a great first step and I support its final passage. However, America's energy policy is not complete and it will require more work for future Congresses.

IV. CONCLUSION

I am most concerned with ensuring we have adequate traditional energy resources, because we will have to rely on them for the next several decades. An abundant, clean energy future is possible, but it is still many, many years away.

But I want to note that this bill is balanced: it has important energy efficiency, energy conservation, and renewable energy incentives and requirements. We will have more solar, wind, biomass, geothermal, hydro, clean coal energy as a result of this legislation.

I urge a "yes" vote on the conference report.

Mr. MARKEY. Mr. Speaker, 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. Speaker, it is truly sad that a Nation that produced the Apollo Moon Project today will produce something with the success of the Hindenberg.

The only thing that can be guaranteed about this bill is that it will fail. It is guaranteed that it will fail to reduce our dependence on Saudi Arabian oil.

According to the Department of Energy, our dependence will rise under this bill from 58 percent to 68 percent failure. It is guaranteed to fail to deal with global warming, and the reason is you took the money that should have gone to emerging high-tech industries that need the help, the Davids, and you gave 64 percent to the Goliaths of the oil and gas industry. Guaranteed failure.

It is guaranteed to fail, to send our jobs to Japan because you took out of the bill the provision that would bring these new fuel-efficient cars to be manufactured in America where they should be. Guaranteed failure.

The only success that this bill will have is an energetic fleecing of American taxpayers. And if you can find a reason that you can take money from your taxpayers and give to the most profitable business in America at $60 a barrel oil, good luck. I cannot explain it. I do not think you will be able to either.

Vote against this bill.

The SPEAKER pro tempore (Mr. SIMPSON). The Chair would advise Members that the gentleman from Texas (Mr. BARTON) has 5½ minutes remaining. The gentleman from Virginia (Mr. BOUCHER) has 6 minutes remaining. The gentleman from Massachusetts (Mr. MARKEY) has 12 minutes remaining.

Mr. BARTON of Texas. Mr. Speaker, I yield 1 minute to the gentleman from Ohio (Mr. GILLMOR), one of the distinguished subcommittee chairmen of the Committee on Energy and Commerce.

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

Mr. GILLMOR. Mr. Speaker, I thank the gentleman for yielding me time.

I am very pleased to rise in support of this bill, and I want to commend the gentleman from Texas (Mr. BARTON) for the outstanding job he did as chairman of the conference committee. It was about the most fair and open process that I have seen, and I think it has contributed to the success of this report.

We are long overdue for a good national energy policy. We need to increase fuel supply. We need to encourage conservation. We need to encourage the use of renewable fuels, and we need to increase the reliability of our electrical grid. This bill does all of that and much more.

Mr. Speaker, I rise in support of the conference report to H.R. 6 and urge all my colleagues to do the same. In addition, I want to commend Chairman BARTON and Energy Subcommittee Chair HALL for their dedication and hard work in making this bill a reality.

A good national energy policy needs to address the issue from many aspects. It should, I think, deal with increased supply, with conservation, and with increased use of renewable fuels. It should also deal with improvements in the delivery systems for energy, including the reliability of our electrical grid. This bill makes significant improvement in all of the areas, plus more.

This bill is not perfect, but it steps our country in the right direction. Certainly, anyone of us could have written an energy bill that we liked, but getting it to the President's desk is another story. The worst type of legislation, in my opinion, is the kind you cannot get a majority to support.

Like it or not, an energy has to be about understanding our past legacy, solidifying our present reality, and preparing for our future destiny. I believe this conference report

achieves those three goals. Plenty will be said today about the many provisions contained in this conference report, I would only like to take a brief moment to address two of them that directly impact our nation's past, present, and future energy history: leaking underground storage tanks and state energy production tax credits.

Regarding LUST, or the Leaking Underground Storage Tank program, I am pleased that H.R. 6 contains language to help states more aggressively tackle the problems of leaking fuel in their groundwater. Currently, the Federal government has collected gasoline taxes of over $2 billion to provide cleanup. In reality, however, not much more than the interest on yearly receipts is actually used. We must reverse this trend.

H.R. 6 contains many new requirements that I believe will make our underground tank programs more effective and efficient and our environment safer and healthier. Specifically, this conference report requires at least 80 percent of all dollars appropriated from the LUST Trust Fund to be sent to the States for operation leaking underground tank programs. It provides increases in State funding from the LUST Trust Fund for States containing a larger number of tanks or whose leaking tanks present a greater threat to groundwater. H.R. 6 also requires onsite inspections of underground storage tanks every three (3) years after a brief period for the state to update its backlog. In addition, the conference report establishes operator-training programs, where they do not already exist, institutes a specific new funding category to cleanup tank-related releases of oxygenated fuel additives in gasoline, like MTBE, prohibits Federal facilities from exempting themselves from complying with all Federal, State, and local underground tank laws, and asks States to submit an annual inventory to the U.S. EPA detailing the number of regulated tanks in its state and which of those tanks are leaking. Finally, and most importantly, this legislation allows states to stop deliveries of fuel to non-compliant regulated tanks in order to achieve legal enforcement.

These are all strong improvements that not only meet with the spirit, if not the letter of recommended by the General Accounting Office, but most of these same provisions have previously passed the House. I urge their support.

Another item I feel worthy of my colleagues' support is a measure protecting our states' abilities to enact laws providing incentives for energy production. When we are trying to encourage energy production, we should not pit good environmental protection against the retention of good jobs. My state has opted for tough, expensive, new equipment standards on its coal-fired electricity plants and has coupled that with the encouragement of good paying coal jobs. This effort though is in jeopardy because the law is murky enough to make it subject to accusations of Commerce Clause violations. Removing this cloud of uncertainty will further contribute to our nation's energy security, environmental protection, and growing economy.

H.R. 6 contains a section that mirrors legislation that I introduced clarifying that a state may provide a tax credit for in-state electricity production from coal technologies.

Such a credit is considered to be a reasonable regulation of commerce in accordance with the Commerce Clause of the U.S. Constitution, further encouraging states to move forward and take advantage of their respective resources spurring new and cleaner energy production.

I am happy we were able to provide greater protection for the Great Lakes.

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

Mr. MARKEY. Mr. Speaker, I yield 4 minutes to the gentleman from California (Mr. WAXMAN).

Mr. WAXMAN. Mr. Speaker, to Americans who are paying record prices for gasoline, do not look for any relief in this legislation. You would think when you pay record high prices for gasoline because of supply and demand that those who are receiving such high prices ought to have enough money to reinvest it to develop more energy.

Well, what are we doing here? We are asking the taxpayers to give more money to the oil, gas, coal, and nuclear industries in order to produce more energy domestically. For those who think that maybe at a time when we are dealing with a supply and demand problem that we also ought to reduce the demand, there is almost nothing in this legislation.

In fact, the other body, that means the Senate, had a provision that would have called on the President to come up with some ideas to reduce the demand for energy and the waste of energy and waste of oil particularly, just the President to come up with some ideas. Well, that was forced out of the bill.

We have nothing to make automobiles more fuel efficient, nothing to reduce the demand. For those who think perhaps we ought to look for alternative renewable fuels, well, the Senate had a provision on that issue. It was not a very strong one. That was struck from the bill.

The Republican Party has always had a tension between those who believe in fiscal responsibility and reducing government spending and those who want to reward their friends. This bill reflects the Republican Party, and many Democrats', support for their goal to reward their friends in big business.

Then the worst part of this bill, at a time when we are fighting in the Middle East, when we are asking our young men and women to risk their lives in part to protect our security from those who have been financed by oil imports into the United States and around the world, we are going to become even more dependent on importing more foreign oil.

This legislation is more than just a lost opportunity; it is a bill that I do not think is worthy of our support.

Now, the bill is not as bad as it could have been, but it is not nearly as good as it should be. The American people deserve much better. They deserve a visionary, bold energy policy that truly makes our country energy independent. And the bill is also a strike at environmental protection.

There was nothing more pathetic than the colloquy a few minutes ago with some of my colleagues from Florida who were worried about the beginning of drilling off the shore of Florida as we in California have worried about that as well. And they asked the chairman of the full committee for assurances that he will continue to work with them if the State does not want to allow the offshore oil drilling off the coast of Florida as we do not want it done in California. And they were assured that, of course, they would continue to be worked with.

Well, those same gentleman offered amendments, and I supported them, to say that we should not start down that road to drilling off the coast. And then they offered an amendment, which I supported, to say, if the State does not want drilling off the Continental Shelf, off that coast, to let the State opt out. That was defeated.

Now what we have in that colloquy is we will have people continue to work with us.

Well, we have taken the step towards letting the oil companies drill off the coast of our Nation. We have taken the step to open up more national lands that we wanted to protect to be developed by the oil companies. In another bill we will open up Alaska lands to further drilling.

We cannot drill ourselves out of our energy problems. We are not going to drill ourselves out of the global climate problems. We have got to get a better energy bill than the one before us. I urge Members to vote against it.

Mr. BARTON of Texas. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. POMBO), the distinguished chairman of the Committee on Resources.

Mr. POMBO. Mr. Speaker, I thank the gentleman for yielding me time.

While I want to start off by congratulating the gentleman from Texas (Chairman BARTON) and the gentleman from Michigan (Mr. DINGELL) and the great work that went into putting this bill together, I would say this is a good bill. It is not a great bill. I think we started with a great bill in the House, but in the spirit of compromise in working with the other body, we were able to come up with a good bill that is finally going to be able to pass.

There is a lot that we need to do to have energy independence in this country and to lessen our dependence on foreign energy sources. A lot of that we did not include in this bill. Unfortunately, ANWR is not in this bill. It increased domestic production. We do not go as far as we should have in being able to streamline the process to bring in more alternative energy and renewable energy. A lot of that we were not able to get in. But it is a good first step. It is a way to move forward.

There are a lot of things that we were able to get into this bill that over a period of time will increase domestic production. It is a great start. It is a great way for us to begin to lessen our dependence on foreign oil.

One of the things that is frustrating with all of the process is that a lot of

my colleagues voted against every single increase, anything that had to do with increasing energy independence in this country. We need to continue to work on this.

Again, I congratulate the chairman because I do believe this is a good bill.

□ 1215

Mr. BOUCHER. Mr. Speaker, I continue to reserve the balance of my time.

Mr. MARKEY. Mr. Speaker, I yield 1 minute to the gentleman from Illinois (Mr. EMANUEL).

Mr. EMANUEL. Mr. Speaker, as we consider this energy bill, here are a few numbers we might want to keep in mind: $7.4 billion. That was Exxon Mobil's income in the second quarter, an increase of 32 percent. Net profit at Shell rose 35 percent, going from $4 billion to $5.5 billion. BP's second-quarter profits soared by 29 percent, revenues were $5 billion. ConocoPhillips' earnings up 33 percent.

One more number: $14.5 billion. That is the total amount of taxpayer handouts to oil and gas companies in this bill, the same companies reporting very good profit margins. With oil at $60 a barrel, not $14, not $28, not $32, we are paying oil companies to execute their business plans. So American taxpayers, American consumers are being asked to pay twice, once at the pump and then again on April 15.

The sad truth is that this conference report is a lost opportunity. There are some very, very good provisions in the bill, but instead we have missed an opportunity to present a comprehensive energy policy and filled it instead with gifts to Big Oil. We could have accomplished things on conservation, we could have accomplished things on renewable sources, but we chose to give $14 billion of taxpayer money away to companies to do their business plans. I urge a ''no'' vote.

Mr. BARTON of Texas. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Michigan (Mr. CAMP), a member of the Committee on Ways and Means.

Mr. CAMP. Mr. Speaker, I thank the gentleman from Texas (Mr. BARTON), chairman of the Committee on Energy and Commerce, for yielding me this time, and also the chairman of the Committee on Ways and Means, the gentleman from California (Mr. THOMAS), both of these gentlemen, for their leadership on the Energy Policy Act.

As a conferee to the tax title on H.R. 6, this bill delivers a huge win for Michigan soybean growers by securing an extension of the Federal Biodiesel Tax Incentive through 2010, a program that many farmers in my district depend on. Biodiesel makes sense on every level, our environment, national security, reducing dependence on foreign oil, and it is certainly better for farmers in Michigan. The tax incentive is expected to increase demand for biodiesel, most often made from soybeans. And soybeans are Michigan's fourth largest commodity in terms of farm income, and by far the largest crop grown in mid-Michigan.

I am also pleased that the conference report includes legislation I have been working on that provides consumers with a tax credit for the purchase of hybrid advanced technology, lean-burn diesel, and alternative-fuel vehicles. This incentive will help reduce the amount consumers pay at the pump, lessen our dependence on traditional fossil fuels, and achieve cleaner air.

This bill reflects a balance between oil and gas production and efficiency and conservation. I urge my colleagues to vote for this important legislation.

Mr. BOUCHER. Mr. Speaker, I am pleased to yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, let me thank the gentleman from Virginia (Mr. BOUCHER) for yielding me this time and for his leadership, as well as the gentleman from Texas (Mr. HALL) of the subcommittee, but let me particularly offer appreciation to the chairman of the full committee and the ranking member of the full committee for the hard work and dedication that they have offered, and also the spirit of the conference, which was open and allowed the full debate on what has been an enormously difficult challenge.

This Congress has been swimming the difficult tides of negotiations in an effort to pass a comprehensive energy bill for a very long time, and I believe today that we have that comprehensive legislation. Always when we say comprehensive, we think perfect. It is not perfect. It is not the perfect storm. But it does give us a roadmap that we can follow.

I happen to agree with the elimination of the ANWR provision and the elimination of the MTBE liability provision, but I do think there are enormous strides we have made in renewables. And I want to thank again the gentleman from New York (Mr. BOEHLERT) and the gentleman from Tennessee (Mr. GORDON) of the Committee on Science, of which I am a member. We did work on renewables. I am delighted that amendments that we had, and I offered, are in this legislation regarding biomass for minority farmers and ranchers and the utilization of fuel cells that will help the research on how we can be more energy-efficient.

I am delighted to note that we will be working further on a 2-year study back to Congress for those areas offshore, Texas and Louisiana, where environmentally safe development is going on. Domestic development will now get a 2-year report from the Interior Department, which will give us a roadmap on how we can work.

Mr. Speaker, this legislation also contains building standards to ensure that more of our buildings are environmentally safe or energy-efficient. So we have to have conservation as well as domestic development. As I indicated, we have some challenges in this legislation, but I do believe we have an effective roadmap.

We also have some aspirations, and I look forward to working on developing a program to add geologists that can help us find good, safe energy resources, and I would hope my colleagues would vote ''aye'' for this very good roadmap for America.

Mr. Speaker, let me first say thank you to Energy and Commerce Chairman Mr. BARTON, and Ranking Minority Member Mr. DINGELL for there hard and dedicated work on this important conference report. For several Congresses now, we have been swimming the difficult tides of negations in an effort to pass a comprehensive energy bill that would be beneficial to all Americans. I would like to thank as well Mr. BOUCHER, Mr. RALPH HALL, Mr. BOEHLERT, and Mr. BART GORDON.

While this report may not be perfect, it at least provides for no drilling and development of the Arctic National Wildlife Refuge, ANWR. In addition, the report has no MTBE liability clause. Despite this fact, I think it is important to work towards providing some protection for the States, and I look forward to working with Mr. BARTON and Mr. DINGELL in this effort. Further, under the report, there are no EPA restrictions with respect to the Clean Air Act. In addition, EPA can still regulate diesel fuel and certain Enron contracts will now be governed by FERC.

Let me also note that I was able to obtain the following provisions in the report:

BIOENEREGY LANGUAGE

There are authorized to be appropriated to the Secretary for integrated bioenergy research and development programs, projects, and activities $49,000,000 for each of the fiscal years 05–09. This funding shall be used for the training and education targeted to minority and social disadvantaged farmers and ranchers.

OIL AND GAS 2 YEAR STUDY

Under this provision, two years after the date of the enactment of this Act, and at two-year intervals thereafter, the Secretary of the Interior, in consultation with the heads of other appropriate Federal agencies, shall transmit to Congress a report assessing the contents of natural gas and oil deposits at existing drilling sites off the coasts of Texas and Louisiana.

BUILDING STANDARDS

This section calls for an assessment whether high performance buildings are employing voluntary consensus standards and rating systems that are consistent current state of the art technology and research and development findings. High performance buildings have been defined as those that effectively integrate energy efficiency, durability, life-cycle performance, and occupant productivity. This study shall be agreed upon, in conjunction with the National Institute of Building Sciences, no later than 120 days after the enactment of the act. The results of this study will provide the groundwork for future research, if deemed necessary and useful, as well as recommendations on new performance standards. This standard is important because it focuses building-related standards directly and the building industry indirectly on the concept

of whole buildings or high performance buildings. The goal is to take the knowledge we have accumulated through years of Federal research and development and make sure that it is reflected in a comprehensive set of standards that represent best practices and current knowledge. For instance, if we are building low income housing, we hope the builder would take into consideration safety of the inhabitants and how construction decisions will affect the tenants' monthly costs. If for a little higher construction cost, it is possible to cut monthly energy bills in half, then we have a winner.

SECONDARY ELECTRIC VEHICLE BATTERY USE PROGRAM

The act establishes a research, development, and demonstration program for the feasibility of using batteries in secondary applications, including utility and commercial power storage and power quality. The study will evaluate the performance, life cycle costs, and supporting infrastructure necessary to implement this technology. This is a good provision environmentally. If hybrids and other electric vehicles take off we are going to have a problem of what to do with all the batteries. This provision funded a series of research projects to look for uses for these batteries which are likely to outlast the vehicles, in utility applications and elsewhere.

In closing let me note that I also sought to include a provision that was not included in the report. This provision would have required the Secretary of Energy to establish a program to encourage minority students to study the earth sciences and enter the field of geology in order to qualify for employment in the oil and gas and mineral industries. While this provision did not make the cut, I am dedicated to including this provision in an appropriate piece of legislation by the end of the fall session.

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

Mr. Speaker, this bill is socialism at its worst. The headline makers of capitalism: Exxon Mobil, Chevron, and Texaco are reporting the biggest profits in the history of any industry in the history of the United States and bragging about it on the front pages of the newspapers of our country. They are bragging about it.

Right now, Adam Smith is spinning in his grave so fast that he would qualify for a subsidy in this bill as an energy source. That is how bad this bill is.

This bill so fundamentally violates all principles of capitalism that Exxon-Mobil, that Chevron-Texaco would come to the American people's Social Security System, put up an oil rig, and start drilling into the savings of American taxpayers, because that is who will subsidize all of these giveaways.

Mr. BARTON of Texas. Mr. Speaker, I yield myself such time as I may consume to note that although we love the gentleman from Massachusetts (Mr. MARKEY) and his visuals, it is like the ''I Love Lucy'' reruns. We have seen them before.

Mr. Speaker, I yield 1 minute to the gentleman from Mississippi (Mr. PICKERING), the vice chairman of the committee.

Mr. PICKERING. Mr. Speaker, I rise today in support of this legislation. It is a good step forward to increase our energy supplies, diversify our energy supplies, provide cleaner air, help our farmers, and strengthen our economy.

I first want to commend the chairman of the committee, the gentleman from Texas (Mr. BARTON), who has done a tremendous job of leading us to a great accomplishment, along with the ranking member, the gentleman from Michigan (Mr. DINGELL). It is an honor to serve on the committee where we have had an open process, a bipartisan process, to reach an agreement to move our country forward.

It is a bill that will give us clean coal, nuclear, new technologies for the future, fuel cell, hybrid, as well as increasing the production of our traditional fuels. It is a well-balanced bill, it is a well-crafted bill, and I am proud to support it and urge all the Members to support.

And to my friend, the gentleman from Massachusetts (Mr. MARKEY), he has been a happy warrior. It is good to know that in that bastion of capitalism, Boston, that we do have a proponent for Adam Smith.

Mr. Speaker, my very strong support of this bill.

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

Mr. MARKEY. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. HINCHEY).

Mr. HINCHEY. Mr. Speaker, this is a troubling moment. If we were in the military, I think that we might be charged with dereliction of duty. The most important security issue that this Nation has to deal with is the issue of energy, doing things to decrease our dependence on foreign energy, particularly foreign oil. We are now importing about 60 percent of the oil that we use on a daily, monthly, and annual basis. This bill does little to deal with that problem.

Instead, what it does do is it gifts the oil industry with enormous amounts of tax concessions and tax breaks. The oil industry, of course, is now suffering from a very serious problem: They have more cash on hand than they know what to do with. They do not know what to do with all the money coming in from these high gasoline prices, high heating prices, and yet now we are going to dump a whole bunch more money on them.

We should be doing something that looks forward. If this bill were before the Congress in 1955, some people might say it was a forward-looking bill. But in 2005, it does nothing but look backward and does nothing to help our energy dependence and overall energy situation. I hope we defeat it.

Mr. BARTON of Texas. Mr. Speaker, I yield myself such time as I may consume to make a request of the gentleman from Massachusetts (Mr. MARKEY). Could the gentleman yield me 1 minute of his time, if possible; or do you have your speakers all utilized?

Mr. MARKEY. Well, I have three more speakers. Could the Chair tell me how much time is left on both sides?

The SPEAKER pro tempore (Mr. SIMPSON). The gentleman from Texas (Mr. BARTON) has 1½ minutes remaining, the gentleman from Virginia (Mr. BOUCHER) has 4 minutes remaining, and the gentleman from Massachusetts (Mr. MARKEY) has 5 minutes remaining.

Mr. MARKEY. Mr. Speaker, the proponents of the bill still have more time left than the opponents of the bill, and the time was divided 40 minutes to 20 minutes. So what we have been trying to do, honestly, is just to harness our smaller number of minutes.

Mr. BARTON of Texas. Mr. Speaker, I ask unanimous consent that the time I control, which I believe is 1½ minutes, have an additional 1 minute added to that.

The SPEAKER pro tempore. One minute to each side?

Mr. BARTON of Texas. Well, no. I need 1 more minute from somewhere, Mr. Speaker. So if we cannot get it from the other side, I just ask unanimous consent to add 1 minute to the time I control.

The SPEAKER pro tempore. Without objection, the gentleman from Texas has 1 additional minute.

There was no objection.

Mr. BARTON of Texas. Mr. Speaker, I yield 30 seconds to the gentleman from Alabama (Mr. BONNER).

Mr. BONNER. Mr. Speaker, knowing that time is precious and that our colleagues from Florida have already engaged the gentleman from California, I would like to raise this question in a colloquy.

Mr. Speaker, as these discussions continue toward a plan that could affect future oil and gas leasing in the Gulf of Mexico, can the gentleman assure the delegations from all the States that border the Gulf of Mexico that any proposed plan would equitably and fairly consider the interests of those States?

Mr. POMBO. Mr. Speaker, will the gentleman yield?

Mr. BONNER. I yield to the gentleman from California.

Mr. POMBO. Mr. Speaker, I pledge to the gentleman that as we move forward with a long-term solution, that the interests of all the States bordering the Gulf will be protected, and the gentleman will be part of those discussions.

Mr. BONNER. Reclaiming my time, Mr. Speaker, one final question. Can the gentleman also ensure that the Governors and appropriate officials from those States will be included in those discussions?

Mr. POMBO. If the gentleman will continue to yield, the answer is yes.

Mr. BONNER. Mr. Speaker, I thank the gentleman.

Mr. BOUCHER. Mr. Speaker, I continue to reserve the balance of my time.

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

Mr. BARTON of Texas. Mr. Speaker, I yield 30 seconds to the gentlewoman from Tennessee (Mrs. BLACKBURN), a member of the committee.

Mrs. BLACKBURN. Mr. Speaker, I want to thank our committee chairman for the excellent work. In my district in Tennessee, our farmers are pleased that we are bringing this conference report to the floor. They understand affordable fuels, and they are looking forward to working alternative fuels. Our small business community is excited about available energy.

Most importantly, Mr. Speaker, I think this sends a message that America, this Nation, this Congress, is serious about a comprehensive plan and is ready and willing to address the future needs of this Nation's energy supply.

□ 1230

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

Mr. Speaker, in this bill there are so many preposterous provisions, it is impossible to list them all. But amongst them is a provision which after 35 years strips Governors and mayors of an ability to block an LNG, a liquefied natural gas facility, from being built in the middle of a densely populated area. This photograph shows Boston. This is my district. This is where one of the facilities has already been built, but it was built with permission.

Now post-9/11 with terrorists targeting sites with the highest potential harm to Americans, this bill blocks Governors, police, and fire departments from blocking facilities from going into densely populated areas. But the bill also allows the Pentagon, Secretary Rumsfeld, to protect against one of these being built next to a military facility. Imagine that, the Republicans will protect the Pentagon but not civilians in densely populated areas from an LNG catastrophe which could maim or kill tens of thousands of people.

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

The SPEAKER pro tempore (Mr. SIMPSON). The gentleman from Massachusetts (Mr. MARKEY) has 4 minutes remaining.

Mr. MARKEY. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, this bill is packed with royalty relief for big oil and gas companies, tax breaks for big oil and gas companies, loan guarantees for the wealthiest energy companies in America, even as they are reporting the largest quarterly profits of any corporations in the history of the United States.

It is politically and morally wrong for the United States Congress to come to this floor to pass legislation which will take money from the American taxpayers to hand over to the corporations who are now charging $2.30, $2.40, $2.60 at the pump to American consumers and reporting the largest profits in history. If they need to do new research, they have the money in their own pockets. That is capitalism. If they want to do new drilling out in ultradeep areas of the oceans, they have the profits to do that.

The American taxpayer should not be funding that drilling because, as American consumers, they are already paying for that drilling. The oil companies are saying publicly that they are making so much money they do not know what to do with all of the profits. But even as they say that publicly, they are coming here to the House floor, they are saying to the Members, we want to erect huge oil drills on top of the Social Security trust fund and drill $80 billion of subsidies out of American taxpayers' pockets and hand it over to the oil, the gas, the coal, the nuclear industries that are reporting the largest profits in history.

It is a moral and political failure because it is what is not in this bill that is the important energy agenda for our country. Our country puts 70 percent of all of the oil that we consume in gasoline tanks. We only have 3 percent of the oil reserves in the world. OPEC has 70 percent. That is our weakness. Our strength is that we are the technological giant of the world.

There is nothing in this bill about improving the fuel economy standards for SUVs and automobiles. There is nothing in this bill that will mandate that electric utilities increase their use of renewable energy so we can break our dependence upon these sources of energy that weaken our foreign policy by getting us deeper into the Middle East, emitting more pollutants which cause more asthma, more breast cancer, more prostate cancer as the environment alters genes to increase disease in our society. None of that is addressed in this bill in 2005.

If we could roll back the clock to 1905, this would be a very good bill. It would be about oil, gas and coal. It is 2005, however. We should be talking about the new agenda, the new technology agenda for our country. This bill is a political and a moral and a technological failure.

In addition to draining revenues out of the taxpayers' pockets to subsidize the wealthiest industries, we ignore the technologies which could break our dependence on imported oil and could send a signal to OPEC which would drive down the price of oil which would help our country's national security. I urge a ''no'' vote on this historic failure.

Mr. BOUCHER. Mr. Speaker, I yield the balance of my time to the gentleman from Michigan (Mr. DINGELL), the distinguished ranking member on the Committee on Energy and Commerce.

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

Mr. DINGELL. Mr. Speaker, I rise in support of the conference report. I begin by commending my colleagues, all of them, for the work they did. I want to pay particular tribute to the staff which worked long and hard and did a superb job, and that is the staff on both sides of the aisle and at both ends of this building: Senate, House, Republicans and Democrats. I want to pay particular tribute to my friends who served as conferees, all of them, whether they signed the conference report or not.

I want to pay particular tribute to the gentleman from Texas (Chairman BARTON) for his outstanding leadership and for the fair and decent way in which he conducted the business of the conference. And I want to pay tribute to Senators DOMENICI and BINGAMAN who did such an outstanding job in making it possible for us to have the kind of negotiations which brought us here.

I would observe that the gentleman from Texas (Mr. BARTON) ran the conference the way it used to be run, in an open, decent, and fair fashion; and I express to him my thanks for the way in which he conducted himself and the honorable and fine way in which he conducted the business of the conference in the House.

My colleagues will remember I voted against the measure in April. It was my view at that time that it hurt consumers, taxpayers, and the environment. Consumer protections in electricity and natural gas markets now, however, will be strengthened, and taxpayers will no longer be on the hook for MTBE cleanups, and the environmental risk has been reduced. Environmental laws have been protected, and it is a much better piece of legislation.

I repeat, the conference was kept as open as it could be because of the leadership of my friend and colleague, the chairman of the committee. Again, I repeat thanks for the outstanding work of the conferees and the staff.

What does this bill do? First of all, it is a much more balanced and collective piece of legislation than that before. It may even be better than either the Senate or the House bill in almost all of the particulars. It begins to set forth a comprehensive and balanced approach to the development and the use of energy resources. And rather than important industries being encumbered with costly mandates, carrying unfortunate economic effects, it lets things work in the way that will achieve the purposes of this Congress.

It is major progress in establishing reliability of the electric grid, incremental progress in efficiency standards on developing renewable energy sources, and potentially very significant progress for clean coal technologies and significant progress for energy research and development programs, including research in very deep water, something about which there has been some unjustified criticism raised lately.

Some of my colleagues will be calling this a missed opportunity. My autoworker constituents will be glad that we missed an opportunity to impose harsh fuel efficiency requirements on home-grown auto manufacturers. They already make many models that are very fuel efficient that American consumers can buy right now.

Others of my colleagues will cite subsidies for traditional energy industries, and sometimes on this matter they are right. I tried, but failed, to reduce many of these. But we need to encourage development of multiple domestic sources of energy, and many of the subsidies in this bill will help us develop those sources; and I would remind my colleagues that Congress has not infrequently, indeed, many times in our history, provided economic incentives for the economic development of this country. We are a richer, better, stronger, and happier country for that reason.

Are we overpaying some particulars? Probably. Would this be the bill I would have drawn had I begun with it? No. It is not a perfect bill, but it is a solid and a good beginning to developing an energy strategy for the 21st century. It is the best that can be constructed at this time. It has been done by honorable leadership of our chairman and members of the conference who worked so hard. I urge my colleagues to support this legislation.

Mr. BARTON of Texas. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I call the body's attention to the quote above the podium from Daniel Webster that starts off: ''Let us develop the resources of our land.'' That is what this bill is all about.

I do not recognize the bill that my friend from Massachusetts just talked about. I think America is a land of hope and opportunity. We are a land of can-do and optimism. America is not a land of fear. It is not a land where we want the government to tell us what to do and how to make choices.

Our country is built on the premise that men and women, given the proper information, can make intelligent choices about what is best for them. This bill before us is based on that principle. We have strong environmental protection. We have strong protections against those that misuse the authorities, but this bill is based on the premise that we believe in private free market capitalism to develop the resources of this land in a cost-efficient fashion which benefits all of America. All of America.

And there are numerous provisions in this bill to give incentives to renewable and clean energy resources. There are numerous provisions in this bill to increase the efficient use of those resources. But, yes, there are provisions in this bill that say it is okay to use clean coal; it is okay to build a new nuclear power plant in this country if we do it in the proper way with the proper permits and the proper inspections. And, yes, it is okay to build new LNG facilities to bring more natural gas into our great Nation if we need it and if it is done with the proper consultation with State, local, and Federal agencies.

This is a very, very good bill. It is for America's future. Please vote ''yes'' for this bipartisan, bicameral, for-America bill.

Mr. HASTERT. Mr. Speaker, today I rise in strong support of the Domenici-Barton Energy Policy Act.

I want to congratulate the House Conferees and thank them all for their hard work. I would like to especially recognize the efforts of the Chairman of the Conference, Mr. BARTON and the Dean of the House, Mr. DINGELL.

Working together with their Senate counterparts, the House Conferees did what many said was impossible: complete the most comprehensive energy legislation in a generation in less than one month.

Mr. Speaker, completing this job was important for our Nation. Americans have waited too long for this legislation to get finished. Americans need this legislation to lower their energy costs, to drive economic growth and job creation and to promote greater energy independence.

Mr. Speaker, this bill is important to the Nation for a number of reasons.

First, this bill addresses the burden that higher gasoline prices place on American consumers by reducing our dependency on foreign oil.

This legislation encourages domestic production of oil by streamlining the permit process for new wells. It also promotes greater refining capacity so more gasoline will be on the market; and it increases gasoline supply by putting an end to the proliferation of boutique fuels.

In addition, this bill helps us reduce our dependence on foreign oil by unleashing the power of the American farmer.

This legislation includes a historic Renewable Fuel Standard, which will result in the doubling of the use of clean-burning and renewable ethanol. The production and use of 7.5 billion gallons of ethanol by 2012 will displace over 2 billion barrels of crude oil. America has a strategic reserve of motor fuels in the cornfields of Illinois, the fields of rice in California, and the cane fields of Florida and its time we tap it.

This legislation also helps alleviate the hidden tax on American consumers, farmers, small businesses and manufacturers that comes in the form of higher natural gas prices. Increased natural gas prices have had an adverse impact on the American economy for too long. Several provisions in H.R. 6, including the streamlining of the LNG infrastructure permitting process and the inventory of America's off-shore resources, are significant steps toward ensuring that our Nation has an adequate and affordable supply of natural gas.

Additionally, this bill provides incentives for the development of clean energy technologies. Included in this legislation are tax credits and funds for the promotion and development of clean coal technologies. There are important incentives for the construction of new nuclear power plants, including the President's proposal for risk insurance to protect against the difficult and lengthy regulatory process of building a nuclear plant. And, this bill continues our Nation's commitment to producing electricity through the use of solar, geothermal and wind power.

Another important component of this legislation enhances our electricity transmission infrastructure so it can meet the needs of our growing economy and help reduce the potential for future blackouts. This bill requires the adoption of strict transmission reliability standards and provides incentives for building additional transmission capacity. This bill also includes measures to update our Nation's electricity laws which will attract much-needed capital to this vital sector of our economy.

However, this bill is not just about the creation of energy, it also contains several important provisions which will help conserve energy as well. This bill establishes new mandatory efficiency standards for federal buildings. And, it sets new standards and requires product labeling for battery chargers, commercial refrigerators, freezers and other household products.

Mr. Speaker, I could go on and on about all the positive and important elements in this legislation. But I believe it's enough to say that we should support this bill and send it to the President because it's the right thing for the American people. They should expect to have an affordable, reliable, efficient, and environmentally sound supply of energy and this bill assures that they will.

Again, let me congratulate Mr. BARTON and all the House Conferees and urge my colleagues to support this historic legislation.

Mr. HOLT. Mr. Speaker, I rise in opposition to the energy legislation that we are debating on the House floor today. As an energy scientist who spent nearly a decade working at one of the Nation's premiere alternative energy research labs I understand the complex and challenging nature of moving toward sustainable energy sources. Having served in this body for more than 6 years, I understand the difficulties in balancing competing interests to obtain a policy that benefits the Nation. Unfortunately, this bill does not strike a balance that provides a productive and clear vision that will lead this Nation towards energy independence.

The Energy Policy Act does not provide any solutions to reaching energy independence or reducing our destruction of the world the next generation will inherit. This legislation provides subsidies to industries that produce environmentally damaging and finite energy sources instead of investing in research that would allow our children to be the first generation to realize a nation that is powered largely by renewable energy sources. It is a bill that is designed to meet the needs of special interests instead of demanding higher standards for corporate America.

Instead of investing in cleaner, long term solutions, this bill brushes aside our Nation's future energy needs in order to provide billions of taxpayer dollars to the oil, gas and other traditional energy industries to promote short-term, polluting energy sources. These tax incentives should not be going to industries that are thriving, but should be used to invest in our future by increasing research funding for alternative energy sources such as wind energy, fuel cells and fusion.

The domination of special interests means much more than wealthy industries receiving tax breaks that will make them even richer. It means that more of our children will suffer from asthma because we did not demand stricter regulations on polluters. It means that children across this Nation will drink contaminated water because we chose to insulate an industry from being held accountable for their negligent actions. It means that our children will not have the opportunity to take their children to view the natural treasures that inspired them in their youth because we needed to open up these lands to allow oil and gas companies to expand their operations.

We will never drill our way to independence domestically, yet we have an energy bill that is stuck in the past that yet again seeks to drill a little deeper, in more places. This legislation includes a permanent authorization of an oil and gas leasing program in the National Petroleum Reserve—Alaska without preserving any key wilderness and cultural areas in this 23 million acre region. Further, this bill authorizes an inventory of the oil and gas resources underneath the Outer Continental Shelf, OCS—a first step towards reversing the two decade moratorium that prohibits oil and gas drilling on the Outer Continental Shelf.

This bill also fails to protect American consumers. I am frustrated that an amendment I offered with Representative NANCY JOHNSON to ensure that consumers receive accurate information regarding the fuel efficiency of automobiles was gutted because it was characterized as an attempt to change CAFÉ standards. This is a consumer protection issue and not an attack on the automobile industry that vigorously opposed our legislation. Americans do care how efficient their car is, and it is a failure of our government that we cannot provide consumers that walk into a showroom to pick out a new car with a sticker in the window that reflects accurate information on the car's city and highway gas mileage.

Before I conclude my remarks I would like to recognize that there are some good points in this bill. For example, the bill provides continuing support for the highly successful Energy Star program at the Environmental Protection Agency and the Department of Energy, which promotes energy efficiency in buildings and products. The bill also authorizes annual 10 percent increases in research on energy efficiency and renewable energy. Additionally, it includes a few creative ways to reduce the consumption of energy, such as Representative MARKEY's provision to extend daylight savings time by one month.

We need a responsible and sustainable approach to addressing our Nation's energy needs. On behalf of the residents of the 12th District, I pledge to continue to work toward the development of a balanced, comprehensive energy plan—one that finds environmentally friendly, sustainable ways to decrease our dependence on foreign oil and slow the degradation of our planet.

Mr. SHAW. Mr. Speaker, I rise today to express my concerns about the conference report to the Energy Policy Act of 2005. I believe that the passage of the conference report for H.R. 6 is a momentous event. This conference report is a culmination of many years of hard work and negotiating on both sides of the aisle and in both Chambers of Congress. Our country is finally adopting a national energy policy, an action that is long, long overdue.

The conference report for H.R. 6 includes numerous important measures to promote the use of clean and renewable fuels and emerging energy technologies, improves the delivery and reliability of electricity transmission, requires energy conservation and mandates efficiency standards.

With all of these great provisions in H.R. 6, I am disappointed that the conference report includes a provision to conduct an inventory of all oil and gas resources beneath all waters of the Outer Continental Shelf. I have constantly fought to protect Florida's coast from offshore oil drilling. I have joined my colleagues in the Florida delegation, Republicans and Democrats, in defeating numerous attempts to weaken the drilling moratorium on the OCS.

To Floridians, an inventory of oil resources means drilling. To Floridians, there are too many uncertainties of the impact that seismic testing will have on sensitive ecosystems and marine life. To Floridians, anything but a full and permanent moratorium of drilling off our shores means doom.

I support identifying alternative domestic sources of energy. In our uncertain world, the United States must look closer to home for its energy needs. However, the shores of Florida are too close to home. Florida is a unique ecological gem in our country and the world, and cannot be tampered with. It is also important to note that Florida's leading industry is tourism. If inventorying would lead to drilling, it would inevitably lead to a downturn in tourism to Florida.

While I support the vast majority of H.R. 6, I must stand with my colleagues from Florida in voting against final passage. I remain committed to working with Chairman BARTON, Ranking Member DINGELL and my Florida colleagues in a bipartisan manner as we move forward, to ensure that the OCS drilling moratorium continues to protect Florida.

Mr. MORAN of Virginia. Mr. Speaker, I rise in opposition to this legislation.

I applaud the work of the conferees and their willingness to find compromise and drop the most controversial and anti-environmental provisions, particularly the authorization to drill in the Arctic National Wildlife Refuge and the liability exemption for the petroleum industry to finance the clean up of drinking water contaminated with MTBE.

I think some of the electricity and utility provisions are more balanced and appropriate.

But, I am still disappointed that this bill falls far short of what this institution and our nation must undertake to remove our dependency on oil and fossil fuels. You would think that in the two years since we last attempted to pass energy legislation, we would have a different bill. World oil supplies have tightened, the price of oil has shot up to over $60 a barrel, and many of our foreign sources of oil, the Middle East, in particular, but Africa and Venezuela as well, have grown even less stable.

What we are considering today is an improvement over what the House passed earlier this year, but absent the two controversial provisions I mentioned it's still practically the same bill from last Congress. It even has the same bill number, H.R. 6, as last time, as if it were photocopied with complete indifference to the disturbing news and international developments that have recently come to pass.

We are an oil-based economy, with about 60 percent of our oil imported from abroad. While coal, uranium and some renewable sources such as wind and hydro comprise a majority of the fuel used to generate electricity, most of our economy is dependent or exclusively reliant on oil, from fertilizers for agriculture, plastics for manufacturing to gasoline and diesel for transportation.

Mr. Speaker, we need a crash course in developing cleaner alternative sources of energy and a Herculean effort to reduce our present level of oil consumption. Nowhere are we demanding greater fuel efficiency in our vehicles. This conference agreement actually extends a loophole that allows automobile manufacturers an exemption from today's weaker fuel efficiency requirements for vehicles that use ethanol. During the next 10 years, this loophole alone is estimated to increase our oil consumption by 15 billion gallons of gasoline. Had we improved vehicle fuel efficiency through higher Corporate Average Fuel Efficiency, CAFE, standards, 27 miles for light trucks and 33 for cars back in the early 1990s, we could have displaced all the oil we imported from OPEC today. This bill is shamefully silent on that issue.

Mr. Speaker, this bill is deficient and heads our country in the wrong direction. It rushes us closer to the day oil shortages occur and sets us backward on our ability to address it.

As a nation, we are blessed with a land of immense beauty and natural wealth and a people of great ingenuity and resourcefulness capable of overcoming vast challenges and obstacles. It is unfortunate that so much of this legislation has the effect of exploiting the former and reflects such little faith in the latter.

I urge my colleagues to reject this bill.

Mr. MURPHY. Mr. Speaker, I rise today in strong support of the Energy Policy Act of 2005 and thank Chairman JOE BARTON and my colleagues for their hard work on this much needed legislation. The war on terror has renewed our interest as a nation in reducing our dependence on energy imports and in diversifying our domestic energy sector. Through the Energy Policy Act of 2005, we can do just that through increased utilization of our coal supply; of nuclear energy; of renewable fuels such as hydrogen and of increased energy efficiency and conservation.

In southwest Pennsylvania, no matter what we do or where we go, we depend on coal. Our computers, the companies we work for, our homes and schools, are powered by coal. The stigma on the burning of coal has always been its air emissions, but now major developments in clean coal technology will expand the benefits of coal in environmentally friendly ways. Establishing a comprehensive national energy policy which includes clean coal technology is the first step in accomplishing this task.

There is more than 250 years worth of coal energy in the ground of southwestern Pennsylvania. It generates more than 55 percent of Pennsylvania's electricity and more than half of the nation's. Coal is America's most abundant energy resource, but to take full advantage of it we need to reduce emissions. Many plants have turned towards the use of natural gas, which in turn has led to less supply, tripling the price in the past decade. The increases in natural gas prices has cost 90,000 jobs in the chemical industry alone and contributed to three million manufacturing job losses.

The Energy Policy Act allows for more than $250 million per year for the Department of Energy's fossil program for existing and new coal-based research and development. It calls for a national center for clean power and energy research as well as coal mining research efforts to reduce contaminants in mined coal. Research is to be focused on innovations at existing plants, new advanced gasification and combined cycle plants, advanced combustion systems and turbines as well as fuel-related research.

There is $1.8 billion included for the development of new clean coal technologies to increase the demand for coal and create 62,000 jobs across the country, from building new plants to mining coal. This includes 10,000

high-paying research jobs in the fields of math, engineering, physics, and science. Each job in the coal industry created in Pennsylvania will generate seven supporting jobs such as barge operators and train engineers.

An additional $2 billion included in the Energy Policy Act encourages the use of new equipment to better clean the air and higher-efficiency power generation machinery, making the use of coal more environmentally friendly. This will lead to increased jobs for virtually every industry in the region.

Pennsylvania is already at the center of the country's coal production thanks to the hardest-working, most dedicated workers in the world. Clean coal technology will allow the region to prosper and meet America's energy needs for years to come.

The bill also boosts production of clean natural gas to help alleviate soaring prices for the environmentally friendly fuel. Specifically, the bill breaks the bureaucratic logjam that has stymied work on approximately 40 liquefied natural gas facilities nationwide.

Nuclear power is a vital part of the energy mix in this country and in our State. The Energy Policy Act of 2005 will encourage this clean-burning energy source by promoting the construction of new nuclear reactors. Building a nuclear reactor creates between 2,000 and 3,000 jobs. Running a nuclear reactor creates an estimated 1,500 jobs. These are highly trained trade or professional positions that pay well.

The bill provides $2.7 billion for nuclear energy research and infrastructure support, including development of safe uses for spent nuclear fuel and advanced reactor designs, support for university nuclear science and engineering programs and establishment of a program dedicated to increasing the safety and security of nuclear power plants. Westinghouse here in Pittsburgh is a major developer of nuclear technology, and our universities are active in this area.

To meet rising energy demands in the future, we need continued advances in energy efficiency and conservation—helping to reduce our demand on foreign supply and stimulating economic growth. Included in the Energy Policy Act are provisions that will save Pennsylvania consumers and businesses money spent on energy, so they can invest, spend and grow the economy and improve our standard of living.

These include a package of energy efficiency, renewable energy and state energy measure that are key steps forward toward enhancing our natural economic drive to use existing energy supplies more efficiently.

The bill authorizes more than $2 billion for a hydrogen fuel-cell program with a goal of launching hydrogen fuel-cell cars into the marketplace by 2020. Hydrogen fuel cells for stationary source use are being developed right here in Pittsburgh.

Financial incentives in the bill will spur renewable energy companies to produce electricity from renewable and alternative fuels such as wind, solar, biomass and waste coal. Funding is provided for energy efficiency programs for public buildings, including schools and hospitals, and increased fuel efficiency requirements for federal vehicles.

The Energy Policy Act expands the Energy Star program, a government-industry partnership for promoting energy-efficient products; establishes new energy efficiency standards for many new commercial and consumer products that use large amount of energy—providing sufficient savings on monthly energy costs; and dramatically increases funding for the Low Income Housing Assistance Program, low-income weatherization programs, and state energy programs to improve energy efficiency.

The Energy Policy Act of 2005 recognizes that renewable fuels can be made from a variety of materials, including the animal fats and other biomass materials collected by renderers. Renderers collect and process materials generated from the livestock industry, as well as used cooking oils from restaurants. Rendering is environmentally beneficial because the reuse of these materials prevents pollution of surface and ground waters that might result from their improper disposal or management. Rendered materials are now used to make detergents, fabric softeners, perfumes, cosmetics, candles, lubricants, paints, plastics and biodiesel.

Moreover, these materials can create renewable-based fuels and feedstocks that in turn reduce the amount of fossil fuel material needed to produce a gallon of motor vehicle fuel. For example, animal fats and other biomass materials can be introduced as renewable fuel feedstocks into the refinery processes, solely or in combination with other conventional fossil fuel derived components, in order to produce renewable fuels. This process will yield renewable fuel or renewable fuel blending components commensurate with the percentage of renewable material introduced to the process.

In establishing the renewable fuel provisions of the Energy Policy Act of 2005, Congress has intended that these provisions allow the broadest use of renewable materials to produce fuels and renewable fuel blending components in order that we might reduce our use of virgin oil, increase our fuel diversity and decrease our dependence on foreign crude oil. Accordingly, implementing regulations should consider these types of uses and establish compliance mechanisms to account for the applicable volumes within the renewable fuel programs.

Again, I want to thank Chairman BARTON and all the Conferees for their hard work on this vital legislation and urge its quick passage.

Mr. MCDERMOTT. Mr. Speaker, a grave threat to America today is our addiction to oil, and voting for the Energy Bill is like franchising drug abuse.

Republicans have written a bill that favors corporate America over Main Street America. This bill does not, and will not, address any of the critical energy issues that threaten our environment, our economy and our middle class.

Sixty dollars for a barrel oil that breaks the backs and the budgets of Mainstream Americans is a scandal. And this legislation serves as a full, free and absolute pardon to those who failed to put America's interests ahead of special interests.

Oil company profits have been driven obscenely high on the backs of American consumers, and this legislation paves an express lane for Big Oil to drive the American consumer into the ground.

At a time when America needs energy vision, Republicans have given us their philosophy: leave no special interest behind.

Big Oil—step right up and fill the tank with the hard earned money of America's middle class.

Big Coal—step right up and pardon that coughing in the background; it's only Americans choking from new pollution spewing into the atmosphere.

This legislation does not address the economic peril Americans face every time they fill up at the pump, but it will give over $14 billions in tax breaks and subsidies to big Republican donors.

This energy legislation represents thinking as old as the dinosaurs, and just as extinct. America needs an energy vision and a commitment to the rapid development of sustainable, renewable, energy resources.

The opportunities and technologies exist today to start us on a road to energy freedom and independence. But we are not going to get there with a bill that encourages predatory dinosaurs like Big Oil to roam the earth and destroy everything and everyone in their path.

I urge my colleagues to vote against an energy legislation that was written as if we lived in 2005—B.C.''

Ms. BALDWIN. Mr. Speaker, I rise in opposition to the energy bill on the floor today. As our dependence on foreign oil increases, this plan fails to directly confront our nation's future energy challenges. It provides a false sense of security to the American people that this Congress is serious about addressing our future energy needs and the skyrocketing cost of oil.

Some of my colleagues have lauded this bill, saying that it is the most comprehensive energy bill to be brought to the House floor in 30 to 40 years. While the bill may be wide-ranging, it provides no solutions, no tools, and no blueprint for reducing our demand for foreign oil or for giving families and small business owners relief at the gas pump.

Over 58 percent of the oil used to transport our nation's food from farms to consumers, heat our homes, and get us to work or school, is imported from overseas. Even the Department of Energy acknowledged that this bill will do next-to-nothing to lower gasoline prices or reduce America's demand for foreign oil. In fact, the Energy Information Administration, EIA, predicts our dependence on foreign oil will increase to more than 68 percent by 2005 regardless of whether this energy bill is signed into law or not.

If this bill does become law, Congress will have missed a monumental opportunity to make real progress in reducing our demand for foreign oil Even small efforts in this direction were rejected. For example, during conference negotiations, Republican conferees voted against a modest Senate proposal that would have required the President to reduce U.S. oil consumption by 1 million barrels a day by 2015.

This energy bill also fails to raise the efficiency standards for automobiles, which have not been increased in decades. Instead of challenging our nation's talented engineers to build safe cars, trucks and SUVs that can travel further on less gasoline, Republican conferees wilted to lobbyists who do not seem to believe in the American worker's ''can do'' ingenuity anymore.

Instead of diversifying the portfolio of the energy resources we depend on to power our nation, a Senate provision that would have required electric utilities to generate 10 percent

of its electricity from renewable sources was dropped during conference. A handful of States, including my home State of Wisconsin, have adopted similar targets and have had tremendous success. The use of renewables in these States has significantly increased while their benefits and popularity among consumers have proved the initial ''doomsday'' predictions by electric utilities wrong.

Rather than make Herculean efforts to bring renewable technologies to the market and expand their use, the bill provides oil and gas companies billions of dollars to subsidize their exploration and production efforts. To me, these taxpayer subsidies do not make much sense when the oil industry already expects to have 40 percent higher profits this year, with Exxon Mobil, BP, and Royal Dutch/Shell expecting to post a combined profit of more than $60 billion.

Despite the many misplaced priorities in this bill, I was pleased a number of provisions were included in this conference report that will benefit our Nation as well as Wisconsin. For example, conferees made the wise decision to expand our use of renewable fuels, such as ethanol, by 7.5 million gallons over 10 years. This is good for the environment, good for our Nation's energy future, and good for America's farmers. We could have done much more, but this is an important step in the right direction.

I believe now is the time to make substantial investments in improving technologies that generate more electricity from fewer resources and developing alternatives that won't pollute our environment. We must start today to ensure our Nation's energy security in the future.

I also strongly support the electricity reliability language in the bill that will help shore up the procedures and rules that govern the flow of electricity across State borders. While the reliability standards are long overdue, I believe they will help keep the lights on and ensure that a blackout similar to the one in 2003 does not happen again.

I also support the provision that will permanently ban oil and gas drilling in the Great Lakes. The Great Lakes are among our Nation's most valuable natural treasures and I believe they should not be threatened by potential oil spills or have their beauty or recreational appeal tainted by massive oil rigs.

Furthermore, I applaud conferees for not including a provision that would open up the Arctic National Wildlife Refuge for oil and natural gas production and exploration. Destroying one of America's most pristine wilderness areas for a few months of oil is not the long-term answer to reducing our-dependence on foreign nations for oil. Energy bill conferees also deserve credit for not including a safe harbor provision that would have shielded the manufacturers of the gasoline additive, MTBE, from lawsuits. This measure would have made taxpayers shoulder the burden of cleaning up hundreds of contaminated water supply systems across the country at a cost of more than $30 million.

Despite these positive provisions, Congress has had almost five years to get its priorities right, to put the American people before special interests, and to put forward a plan that curbs our demand for foreign oil. It is now clear that Congress has failed, and that this bill represents a lost opportunity. This House should not pass a bill that provides a false sense of security to the American people while failing to truly address the energy challenges our Nation will face in the future. I urge my colleagues to vote against this energy bill.

Mrs. MALONEY. Mr. Speaker, I rise today in opposition to this conference report.

As I've said before here on the floor of the House, America needs an energy policy. We need an energy policy that actually brings down record high gas prices, protects our environment, and truly reduces our dependence on foreign oil by encouraging energy efficiency and the use of renewable sources of energy. Unfortunately, this bill fails on all fronts.

We are heavily reliant on oil to power our cars and fuel our lifestyle, and 58 percent of the oil we consume is imported, often from politically volatile regions of the world. Promoting conservation and raising efficiency standards must play an important role in overcoming our dependence on oil and reducing our reliance on imports. Today, more than two-thirds of the oil consumed in the United States is used for transportation, mostly for cars and light trucks. Increasing fuel efficiency would lower pressures on oil prices, enhance our national security, curb air pollution, and reduce the emission of greenhouse gases, which cause global warming. And yet, instead of truly addressing energy conservation and fuel efficiency, H.R. 6 hands out huge new subsidies to the oil, gas, coal and nuclear industries.

This energy bill also harms our environment and threatens our drinking water by rolling back important safeguards in the Clean Water Act and the Safe Drinking Water Act, protections which are critical in keeping our waterways clean and safe. Under this bill, in fact, fluid laced with toxic chemicals and contaminants could actually be injected into oil and gas wells that penetrate underground water sources, risking contamination of our drinking water. I absolutely can not vote for an energy bill that might put the drinking water of my constituents at risk.

I don't think any of us believe that this energy bill is the last word on energy policy, and much remains to be done to meet the great challenges that lie before us. Until more is done, I oppose this conference report, and urge my colleagues to do the same.

Mr. HIGGINS. Mr. Speaker, I rise today in objection to H.R. 6, the Energy Policy Act conference report under consideration by the full House of Representatives and the Senate this week. While the conference report removes many of the worst provisions from the original House bill, this final version does little to reduce our nation's dependence on foreign oil, to decrease rising oil and gas prices, to increase our national security, to protect our environment, or to encourage investment in renewable energy sources. In addition, provisions in the report could directly impact my constituents by excluding local voices and local input during hydropower relicensing, which is what is taking place at the Niagara Power Project, just outside my district, right now.

While I applaud the hard work of my colleagues in removing many of the most egregious aspects of the bill—reducing the giveaways to oil and gas companies, removing the MTBE provision and excluding drilling in the Great Lakes and Alaska—I am most concerned about how this bill will affect my constituents in Western New York where we are currently embattled in a fight with the New York Power Authority over its bad faith negotiations to mitigate the environmental, aesthetic and economic effects of storage and use of NYPA equipment essential to the hydropower dam on Buffalo's waterfront, the Niagara River, Lake Erie and Western New York's economic recovery.

Buried deep in the conference report is language that will make it easier for hydropower project owners to squash local concerns and second-guess federal agency licensing conditions by countering with their own favorable alternatives. Under current law, applications to operate a hydroelectric facility are reviewed by federal environmental agencies. Those agencies, with input from concerned citizens, states and local governments, can place conditions on the approval of a license, requiring the applicant to provide specified protections for water and wildlife. The conference report allows applicants and other interested parties to offer alternatives to those government conditions, but those alternatives must either cost less to implement or increase electricity production. Federal agencies are then forced to accept those alternatives. This means dam owners can control their own licenses. While the language in the conference report is an improvement from the original House language, this would, in effect, give hydropower dam owners special rights to influence federal licensing decisions and reduce the state, local government and concerned citizen roles in the decision-making process. That is a step backwards from current law that I am not willing to take. In Buffalo we need more local control, not less.

In additional direct impact on my constituents, this bill will do nothing to reduce sky high oil and gas prices. The Administration's own Energy Information Administration acknowledges that with this bill, ''changes to production, consumption, imports, and prices are negligible.'' They even find that gasoline prices under this legislation would increase by between three and eight cents per gallon.

Clearly, this measure is a short sighted political move aimed at winning friends and contributors instead of what it should be—a long term plan to ease the energy burden on consumers and make the United States safer and energy independent—and that's a shame.

As a member of the Committee on Government Reform's Subcommittee on Energy and Natural Resources, I know all too well how energy needs shape our foreign policy and our national security agenda. Our desperate need for oil pits us against China and India. It forces us into a position of funding governments and world leaders who funnel our payments to groups that are currently planning to do us harm. And our need for oil from foreign markets forces our brave Armed Service men and women into harm's way to protect our vital interests.

But oil needn't be the lead driver in our national security policy. We have resources at home like water, wind and sun that, with research and investment, can produce cleaner energy sources and cheaper alternatives, can reduce our dependence on foreign oil, and can create jobs and spur spending here at home. Just outside my district, with the water heaving over the Niagara Falls, we convert water into electricity every day. It's a shame this bill doesn't do enough for similar options around the country.

All too often I hear from my constituents in Western New York that too many low-income

families, disabled individuals and senior citizens are not able to afford their energy costs. My district is particularly hard hit with extreme cold temperatures, which cause more families to face unaffordable heating costs and put families and seniors at a higher risk of life-threatening illness or death if their homes are too cold in the winter or too hot in the summer.

Because of its detrimental effects on the people in my district I will vote against the Energy Policy Act conference report today. It ignores my constituents' needs and only adds to their troubles by reducing local decision making, increasing oil and gas prices, increased their tax burden, creating more pollution, and leaving them less secure from foreign threats. I urge my colleagues to do the same.

Ms. WOOLSEY. Mr. Speaker, the energy bill conference report before us today is horrible for the consumer, horrible for the environment, and makes America neither energy independent nor more secure as a nation.

This conference report does too little to promote renewable energy and energy efficiency. By promoting the interests of corporations over consumers, and pollution over conservation, this bill makes the United States much less secure.

America's continued reliance on Middle East oil for the majority of our energy needs is the single largest factor that contributes to our lack of national security. This conference report fails to adequately address our reliance on foreign oil.

Worst of all, the conference report includes a huge provision, inserted in the middle of the night after the conference finished its work, to give $1.5 billion to big oil companies from Texas.

It would be wrong for anyone who cares about our nation's well-being, or the fight against extremism in the Middle East, to vote for this legislation. I urge my colleagues to join me in voting against it.

Mr. GORDON. Mr. Speaker, first, I would like to thank Science Committee Chairman SHERRY BOEHLERT and Energy Subcommittee Chair JUDY BIGGERT for their hard work, leadership and willingness to work with the minority in developing Title IX, the Research and Development title of this bill.

I would also like to call attention to a few provisions of the bill that I believe really illustrate the importance of utilizing our wide base of domestic science and technology resources in industry, the D.O.E. National Laboratories, universities and colleges, and training and trade organizations.

Section 924(b) directs the Secretary of Energy to initiate a program in the field of advanced small-scale portable power technologies. Institutions such as Tennessee Tech University, Vanderbilt University and the University of Missouri are conducting valuable work with fuel cells, advanced batteries, microturbines, nanotechnology, and thermo-electricity. Advances in these fields will have limitless applications both military and civilian.

Section 932(e) establishes a bio-diesel demonstration program for a new breed of fuels that have the capability of replacing most or all of the petroleum diesel component in current bio-diesel mixtures with a non-petroleum product. Middle Tennessee State University has generation units that it could make available to test these new fuels at various levels of concentration, and I hope that DOE would consider MTSU as an appropriate site to conduct these tests.

Section 933 establishes a university program to demonstrate the feasibility of operating a hydrogen-powered vehicle by utilizing an innovative suite of off-the-shelf components in current automotive technologies. Research is being done today at Middle Tennessee State University that would show the practicality of running current engine technology off purely sun and water as the power sources.

Section 983 addresses the critical issue of declining U.S. competencies in math, science and engineering by awarding a grant to a Southeastern consortium of research universities for partnerships with teacher training colleges and National Laboratories to design, implement and disseminate K–16 less on plans in math and science. One of the country's premier organizations in this field is the Oak Ridge Associated Universities (ORAU). By utilizing the expert resources in teacher training institutions such as Middle Tennessee State University, I believe ORAU can play a major role in stemming the growing gap in our global technological competitiveness.

Seciton 1010 seeks to recognize the contributions smaller colleges and universities can make in research and development activities and encourage this through greater collaboration with the traditional research institutions. By identifying the colleges and universities according to the Carnegie Classification system, this amendment defines accurately the categories of research institutions that will benefit most from collaboration.

Section 1104 instructs the Secretary to support expanding ongoing activities of the National Center for Energy Management and Building Technologies. This important organization brings the Sheet Metal and Air Conditioning Contractors National Association, the Sheet Metal Workers, universities, and the national labs together to make sure that technology and skills are transferred in the heating and cooling industry. In my opinion, logical opportunities for expansion involve additional universities that are near other national laboratories like Oak Ridge and to initiate research, technology transfer, and training for related technologies such as ground source heat pumps.

Sec. 404 instructs the Secretary to award grants to institutions of higher education that have substantial experience in coal research and show the greatest potential for advancing clean coal technologies. Schools such as Southern Illinois University, the University of Pittsburgh, Carnegie Mellon University, Virginia Polytechnic Institute and State University and the Center for Electric Power at Tennessee Technological University have programs dedicated to the cost-effective and environmentally-responsible usage of our most plentiful domestic energy source.

I would also like to highlight the contributions of several of our members to very key components of Title IX:

Mr. HONDA's commitment to the progress of the Next Generation Lighting Initiative, the Stanford Linear Accelerator, and the Joint Genomics Institute, Nanotechnology research and development, and his work with Mr. LARSON on transit bus demonstrations of fuel cells.

Mrs. WOOLSEY and Mr. UDALL's continued dedication to deploying clean, newable and efficient energy technologies in transportation, buildings and electric power production.

Mr. COSTELLO's diligence in ensuring that utilization of our vast domestic coal resources only gets cleaner and more efficient and universities play a major role in these efforts.

Mrs. LOFGREN's vision in support of domestic fusion energy research and international fusion projects that may ultimately harness the power of the sun and give the world an inexhaustible source of energy.

Mr. LINCOLN DAVIS' work to ensure good science continues at Oak Ridge National Lab, particularly in the field of High-End Computing.

Mr. MILLER's efforts to establish a nationwide network of Advanced Energy Technology Transfer Centers, to get technologies off the laboratory shelf and into the marketplace.

SHEILA JACKSON LEE's work in electric vehicle battery recycling, building standards, offshore oil and gas resources and most importantly, her tireless commitment to science at minority-serving institutions.

JOHN LARSON's continued support for the development and utilization of fuel cell technologies that will carry us into a future hydrogen economy.

The Science Committee contributed virtually all of Title 9, the research and development title of this bill. While Research and Development programs typically have not been controversial, I believe the Title 9 provisions represent a major part of this legislation. The R&D programs authorized in this bill will provide the means to produce the energy that this country will need for the future.

Mr. GILLMOR. Mr. Speaker, I rise in support of Subtitle B of Title XV of the conference report to H.R. 6, the Domenici-Barton Energy Policy Act of 2005. This section makes many important policy changes that aim to increase funding of and direct additional care for underground storage tanks and the leaks of regulated substances that sometimes come from them. As the Chairman of the authorizing Subcommittee for the Solid Waste Disposal Act, I have been involved in oversight of the Leaking Underground Storage Tank program for the last five years and have personally taken an interest in the writing of this particular Subtitle. I, therefore, want to make some brief comments about the provisions in Subtitle B and the reasons and intent behind them.

SECTION 1522. LEAKING UNDERGROUND STORAGE TANKS

This section is the longest surviving section of several Congresses of work on underground storage tank legislation, starting with an effort to amend this program in the 104th Congress to get more money out of the Leaking Underground Storage Tank Trust Fund and down to the states to ensure better compliance with the law. Specifically, this section amends the Solid Waste Disposal Act to direct the Administrator of EPA to distribute to States at least 80 percent of the funds from the Underground Storage Tank Trust Fund for use in paying the reasonable costs for State enforcement efforts pertaining to underground storage tanks. This limit of 80 percent should be viewed as the floor and not an allocation ceiling. The Committee understands that past congressional legislation that twice passed the House without a single vote in opposition contained an 85 percent limit, but in deference to the U.S. Environmental Protection Agency (EPA) and its Office of Underground Storage Tanks (OUST), the limit in the bill was lowered to 80 percent to allow some flexibilty for the Agency to meet its historical allocation to the States without statutorily binding OUST. In addition, this section establishes guidelines for

revisions to the allocation process that the Administrator may revise after consulting with state agencies responsible for overseeing corrective action for releases from underground storage tanks.

This section also contains language that flows from Section 122(g) of the comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9622(g)) and mimics the intent of the Small Business Liability Relief and Brownfields Revitalization Act (Public Law 107–118). In seeking a cost recovery action, the Administrator (or State) shall consider the owner or operator's ability to pay by weighing the ability of the owner or operator to pay all corrective action costs and still maintain its basic business operations, including consideration of the overall financial condition of the owner or operator and demonstrable constraints on the ability of the owner or operator to raise revenues. In requesting consideration under these provisions, the owner or operator shall promptly provide the Administrator (or State) with all relevant information needed to determine the ability to pay corrective action costs and allow for alternative payment methods as may be necessary or appropriate, if the Administrator (or state) determines that the owner or operator cannot pay all or a portion of the costs in a lump sum payment. Owners and operators are to be held fully accountable for misrepresentation or fraud and the Administrator (or State) is authorized to seek full recovery in the case of fraud or misrepresentation of all the costs for the corrective action without consideration of the factors in this section.

This section addresses two other items. First, it prohibits the EPA Administrator from providing LUST Trust Fund dollars to states that have permanently diverted their underground storage tank cleanup funds to nonemergent items that are completely unrelated to underground storage tank programs. There has been concern that some states were using their underground storage tank funds to cover the costs of other state funding priorities. This provision is meant to apply prospectively and address the most egregious examples of this practice. This section also allows the EPA to withdraw approval of a State underground storage tank program that has been chronically abusive in the way it has run its program. These provisions are not in any way meant to insist on the withdrawal of approval for stats that are making best efforts to comply with Federal standards that provide for State approval, but have had some trouble. The language clearly instructs the EPA Administrator and OUST to work with States, give States leniency whenever needed, and give States every effort to make their programs work. EPA must have the ability to compel ''bad actors'' into compliance, but not to use these authorities as a weapon against States making ''good faith'' efforts.

SECTION 1523. INSPECTION OF UNDERGROUND STORAGE TANKS

On-site inspections are one of the best ways to ensure routine compliance with LUST program rules. This section prescribes inspection requirements for underground storage tanks. These provisions, which are consistent with the core recommendations made by the General Accounting Office, or GAO, (now the Government Accountability Office) requires, for the first time ever, that every state conduct routine inspections of every underground storage tank (UST) every three years. The language in paragraph (c)(1) of Section 1523 (a) reflects two concerns. In order to give States time to pass the appropriate state laws and hire the necessary personnel, which is essential since only 19 states currently operate UST programs that could meet this three year guideline, the provisions in this section allow the states no more than an initial 2-year ''grace period'' to start their inspection programs. During this 2-year period, the provisions establish that states must eliminate their backlog of un-inspected underground tank systems that have been out of compliance with federal regulations that became effective in 1998.

This language reflects Congress's clear intent that States eliminate any backlog in the inspection of and enforcement against noncompliant tanks. This provision is intended to apply to those LUST systems in operation on or before December 22, 1998. The legislation also recognizes that States may not be in the best position to transition to immediate implementation of the requirements in this section. In fact, in a June 2000 Report to Congress on a Compliance Plan for the Underground Storage Tank Program, EPA stated that a significant number of new inspectors would need to be hired or retained and trained by EPA or the States to make meaningful inspections occur. In addition, EPA estimated a total annual cost of hiring an inspector at $70,000 and $1,000 for one month of training.

Next, this section establishes a mandatory requirement that States conduct on-site inspections of every underground storage tank located within their State that is regulated under Subtitle I of the Solid Waste Disposal Act at least once every three (3) years. To aid the States in this effort, the legislation allows the States to contract with third-party inspectors to carry out these inspections.

Finally, since 62 percent of the States either do not conduct regular inspections or inspect their USTs between every 4 to 10 years, the legislation allows a State to petition the U.S. EPA for a one-time grant of a one-year extension to the first mandatory three (3) year inspection cycle in order to meet the requirement of inspecting all tanks. While the language contemplates giving States every opportunity to do meaningful inspections and comply with all legal requirements, any grant of leniency must be demonstrated to EPA by the State and EPA is not required to provide the extra year. In addition, pursuant to section 9008 of the Solid Waste Disposal Act (42 U.S.C. 6991g), nothing in these provisions prevents a State that wants to have a more frequent inspection regime of their underground storage tanks from having them.

SECTION 1524. OPERATOR TRAINING

In its May 2001 report and subsequent testimony before the Subcommittee on Environment and Hazardous Materials, GAO stated that one of the main causes of leaks from underground storage tanks was poor operation of the tank system by owners and operators. In its recommendations to Congress, GAO suggested instituting operator-training programs as an important prevention tool against future leaks. This section instructs the Administrator, with the cooperation of the States, to publish guidelines for use by the States that specify training requirements for persons having primary responsibility for on-site operation and maintenance of underground storage tanks, persons having daily on-site responsibility for the operation and maintenance of underground storage tanks, and daily on-site employees having primary responsibility for addressing emergencies presented by a spill or release from an underground storage tank system. This comprehensive list reflects the concern that responsible persons are not only in a position to prevent leaks, but also to respond quickly once they occur. Of note, the language is clear that in designing these operator training requirements, EPA should make every effort to differentiate the types of training between those persons, like underground storage tank owners and regional managers, who require more comprehensive and involved training and those persons, such as convenience store or gasoline station clerks whose job turnover is high and responsibilities are low, where training obligations should be more basic and minimally intensive in nature.

SECTION 1525. REMEDIATION FROM OXYGENATED FUEL ADDITIVES

While nothing in law prevents EPA from using existing Leaking Underground Storage Tank Trust Funds to remediate fuel that contains oxygenated additives, this section recognizes the growing concern about groundwater and drinking water contamination by oxygenated fuel additives from leaking underground storage tanks. Specifically, this section creates a new dedicated authorization of Federal LUST Trust fund dollars to be used to carry out corrective actions with respect to releases of a fuel containing an oxygenated fuel additive that presents a threat to human health or welfare or the environment. Oxygenated fuel additives include, but are not limited to, methyl tertiary butyl ether, ethanol, ethyl tertiary butyl ether, TAME, and DIPE.

SECTION 1526. RELEASE PREVENTION, COMPLIANCE, AND ENFORCEMENT

This section authorizes funds to be used to conduct inspections, issue orders, or bring actions under this subtitle by a State to carry out State regulations pertaining to underground storage tanks under this subtitle, or by the Administrator, for tanks regulated under this subtitle. Since many persons are concerned that appropriate protective measures are being taken by the States in regards to all underground storage tank systems, whether public or private, this section establishes right-to-know reporting requirements for all government-owned tanks. In these reports, the States submit to the Administrator a list identifying the location and owner of each underground storage tank that is not in compliance with section 9003 and specifies the date of the last inspection and describes the actions that have been and will be taken to ensure compliance of the underground storage tank with this subtitle. The Administrator shall require each State that receives Federal funds to make available to the public a record of underground storage tanks under this subtitle. The Administrator shall prescribe, after consultation with the States, the best manner and form to make available and maintain this record, considering the most practical and efficient means to maintain its intended purpose. This section also establishes incentives for performance measures that may be taken into consideration in determining the terms of a civil penalty under Section 9006 of the Solid Waste Disposal Act.

SECTION 1527. DELIVERY PROHIBITION

Testimony received by the Subcommittee on Environment and Hazardous Materials has

stated that the use of a delivery prohibition, by States, against habitually non-compliant tanks has been the most effective enforcement tool in motivating underground storage tank owners and operators into resolving outstanding problems with their systems. This section of the bill makes it unlawful, two (2) years after the date of enactment, to deliver, deposit into, or accept a regulated substance into an underground storage tank at a facility that has been identified as ineligible for fuel delivery or deposit. EPA is required to work with States and underground storage tank owners and product delivery industries before prescribing minimum guidelines for how this delivery prohibition is supposed to work. In prescribing the minimum guidelines, the EPA Administrator is required to address how to determine which tanks are ineligible for delivery, deposit, or acceptance of a regulated substance under the LUST program; the mechanisms for identifying which underground tanks are ineligible for delivery, deposit, or acceptance of a regulated substance under the LUST program; the process for reclassifying previously ineligible underground storage tanks as eligible for delivery, deposit, or acceptance of a regulated substance under the LUST program; one or more processes for giving notice to product delivery industries and to underground storage tank owners and operators that an underground storage tank or underground storage tank system is ineligible for delivery, deposit, or acceptance of a regulated substance under the LUST program; and a process for figuring out which areas might not be subject to the delivery prohibition. This language is intended to give the EPA Administrator the flexibility to work with and help states that otherwise meet these criteria and have successfully operated delivery prohibition programs to continue to do so. In addition, this section requires States without such delivery prohibition programs to meet these minimum criteria in order to receive funding.

SECTION 1528. FEDERAL FACILITIES

In 1992, Congress enacted the Federal Facilities Compliance Act to send a clear signal to Federal departments and agencies that they should not hide behind claims of sovereign immunity in order to avoid compliance with State and local environmental requirements. This section further reinforces the point that the Federal government must be as protective of the environment and responsive to public health laws at all levels of government as private citizens are. This section also revises requirements for Federal agencies with jurisdiction over underground storage tanks or systems, or engaged in any activity that may result in specified actions regarding such tanks or regulated substances related to them, including release response activities. Specifically, these agencies need to report to Congress on their compliance with UST requirements. This section also waives claims of sovereign immunity with respect to substantive or procedural State requirements. Finally, this section continues the President's authority to exempt any Federal tank from compliance with such requirements if the exemption is in the "paramount interests of the United States."

SECTION 1529. TANKS ON TRIBAL LANDS

Recognizing the unique governmental relationship between the Federal government and sovereign tribal governments and their tribal lands, this section seeks to protect persons on these lands in similar ways to protection requirements in other States. Specifically, this section instructs the Administrator, in coordination with Indian tribes, to develop and implement a strategy, giving priority to releases that present the greatest threat to human health or the environment, to implement and take necessary corrective actions in response to releases from leaking underground storage tanks on tribal lands, and to report within two (2) years to Congress on the status of these programs on tribal lands.

SECTION 1530. ADDITIONAL MEASURES TO PROTECT GROUNDWATER

More recently, information has become public that has identified the causes of leaks from underground storage tanks and suggested ways to creatively address these sources of leaks. One of these sources, a draft study, which covered 22 States, was released by the U.S. Environmental Protection Agency (EPA) in August 2004 showed that of all new releases at new and upgraded UST sites, 54 percent were due to improper installation and physical or mechanical damage to UST parts and 12 percent were due to corrosion. Though EPA has not used its existing authority to administratively require secondary containment, some States (22) have implemented their own laws requiring this feature or tertiary containment. On top of some technical feasibility questions, barriers to some States enactment of secondary containment requirements include costs, since installing a secondarily contained system costs about $27,000–$32,420 or about 20 percent more than an installed, single walled tank system. Additional concerns are impacts on businesses with underground storage tanks because it renders an underground tank system out of service for 21 days.

To address the helpfulness of this groundwater protection device as well as allow states to contemplate other matters raised by groundwater professionals and the petroleum equipment industry, this section allows a State to choose between either secondary containment requirements or installer and manufacturer requirements. If a State chooses secondary containment, then any new installation of an underground storage tank that is within 1,000 feet of community water system or potable water well must be secondarily contained. In addition, any tank or piping that is replaced on an underground storage tank that is within 1,000 feet of a community water system or potable water well must be secondarily contained. Repairs to an underground storage tank system, as defined by EPA, do not trigger any secondary containment requirements and gasoline dispensers must also be addressed as part of the secondary containment strategy. If a State chooses installer and manufacturer certification as well as financial responsibility requirements, this section requires tank installers and manufacturers to follow professional guidelines for tank products or comply with one of the new statutory requirements that are similar to subsections (d) and (e) of 40 CFR 280.20. In addition, this section requires installers and manufacturers maintain evidence of financial assurance to help pay corrective action costs that are directly relatable to a faulty tank part or installation. The lone exception to the financial assurance requirement is where a tank owner or operator, who already maintains evidence of financial responsibility under Section 9003 of the Solid Waste Disposal Act, is also the installer or manufacturer of the underground storage tank. With respect to the financial responsibility option, the conference report references the existing financial responsibility authority contained in section 9003(d) of the Solid Waste Disposal Act that applies to owners and operators. It is the intent of this legislation that all of the authorities and flexibilities contained in 9003(d) would apply to underground storage tank installers and manufacturers in the same way that they currently apply to owners and operators of underground storage tanks.

SECTION 1531. AUTHORIZATION OF APPROPRIATIONS

In order to avoid the creation of unfunded mandates, this section authorizes appropriations for FY 2005 through 2009. Specifically, this section authorizes $50 million per fiscal year from the General Treasury to cover administrative expenses and those areas in the bill that are not specifically authorized to receive direct appropriations from the Leaking Underground Storage Tank Trust Fund. In addition, from the Leaking Underground Storage Tank Trust Fund, $1 billion (or $200 million per year) is authorized for cleanups of releases from leaking underground storage tanks, $1 billion (or $200 million per year) is authorized for the cleanup of releases of oxygenated fuel additives from leaking underground storage tanks, $500 million (or $100 million per year) for on-site inspections and enforcement, and $275 million (or $55 million per year) for delivery prohibition and State tank program disclosure and operations improvements. Of further note, the reference to Section 9508(c)(1) of the Internal Revenue Code in the newly created section 9014(2) of the Solid Waste Disposal Act should be considered to mean Section 9508(c) of the Internal Revenue Code in order to reflect changes made to Title XIII, Subtitle F, Section 1362 that creates a new Section 6430 at the end of Subchapter B of Chapter 65—amending Section 9508(c) by striking the existing subsection 9508(c)(2) and renumbering subsection 9508(c)(1) as subsection 9508(c).

Ms. PELOSI. Mr. Speaker, I rise in opposition to this energy bill. The American people need and deserve an energy policy that will reduce energy prices, reduce our dependence on foreign oil, and reduce pollution. This bill is not the answer.

While it is an improvement over the House bill, it is not good enough for the American people. Several of the most egregious provisions have been removed, thanks to the tireless work of the Democratic Members who served on the conference committee. And I thank them for their contribution.

We kept the heat on the MTBE give-away and the massive roll-back of the Clean Air Act until they were withdrawn. We fought to protect the Arctic National Refuge, making it too hot for the Republicans to handle—forcing them to withdraw from the energy bill their plan to drill in the pristine wilderness.

Nonetheless, like its predecessors, this energy bill is a missed opportunity. It does not address the issues that the American people care about—lower gas prices at the pump, a healthy environment, safe water to drink, and cleaner air. This bill is still anti-taxpayer, anti-environment, and anti-consumer.

It is anti-taxpayer with billions of dollars in gifts to the oil, gas, and nuclear industries, including a new production tax credit for eight years. There are some subsidies for emerging clean energy technologies, such as renewable energy and hybrid vehicles, but not nearly

enough, especially compared to the give-away for the established energy industries.

Then there is the special gift for the gentleman from Texas, the House Majority Leader. After the gavel went down on the energy bill conference, a provision was included that sets up a special $1.5 billion fund for the oil industry to conduct research on how to find oil, and a leading contender to host the consortium is Sugar Land, Texas. Consortium members, including Halliburton and Marathon Oil, can receive awards from the fund.

There you have it: big oil, Halliburton, and TOM DELAY, all in one neat symbolic package.

At a time when Congress is trying to scrape together enough Federal funding for veterans' health care, Social Security, education, Medicare, and Medicaid, why are we giving away taxpayer money hand over fist to well-established, profitable companies?

Some of these energy companies are not simply profitable. The major oil companies are raking in such enormous profits that they do not know what to do with it all. The top three oil companies (Exxon Mobil, BP, and Royal Dutch Shell) are expected to post a new record profit of $60 billion this year, while this quarter's profits are 40 percent better than last year.

Mr. Speaker, this bill is anti-environmental. It authorizes an oil and gas inventory of the Outer Continental Shelf, opening the door to oil and gas drilling in the protected areas off our shores. The House has more than once soundly voted to reject this proposal. Coastal Members from both sides of the aisle know that our beautiful beaches, shores and fisheries are priceless and should not be put at risk. But despite our best efforts, Republicans insisted on keeping the inventory in this bill.

The energy bill carves out exemptions for the oil and gas industry from the Safe Drinking Water Act, and the Clean Water Act. It is loaded with provisions that override local and State authority in favor of Federal authority. It gives the Federal Government the right to condemn land to build electric power lines. It gives the Federal Government the right to decide where gas pipelines and liquefied natural gas facilities will be built. It weakens States' rights to protect their own coastlines from oil and gas exploration.

Last but not least, the energy bill is anti-consumer. It fails to protect consumers from high gasoline prices. It fails to adequately protect consumers from price manipulations and future Enrons. And it fails to protect our national security by reducing our dependence on foreign oil.

Let there be no mistake. This bill is still anti-taxpayer, anti-environment, and anti-consumer. I urge my colleagues to vote ''no'' on the conference report.

Mr. TERRY. Mr. Speaker, I would like to take a moment to congratulate Chairman BARTON on his leadership in driving this legislation to the finish line.

This comprehensive energy bill is a vision. H.R. 6 aims to boost domestic sources of energy, increase the use of clean renewable power, and diversify the nation's energy portfolio. This legislation will not completely solve our dependence on foreign oil overnight, but it puts in place a number of tools to do just that. I applaud the increase of the use of bio-fuels, especially ethanol, to 7.5 billion gallons by 2012. This is important to our Nebraska farmers as well as a benefit for all Americans.

The repel of the Public Utility Holding Company Act (PUHCA) will allow for increased private investment in US. electricity production such as wind farms and other non-fossil energy sources. This is a smart move.

I am pleased to see several provisions that I authorized in this bill including a new provision to speed up the siting of new plants for Liquefied Natural Gas. LNG accounts for 90 percent of fertilizer production costs. Increased access to LNG will help our nation's farmers. I also author a new program to provide incentives for the use of stationary fuels cells and strong increases in renewable fuel efforts. This legislation provides $4 billion over five years to speed the arrival of affordable, viable hydrogen fuel cells; create a new Department of Energy program to encourage the use of on-site energy production from fuel cells and microturbines; and allow the use of livestock methane as an eligible source under the renewable energy fund for public power.

And finally this legislation includes tax incentive, which I authored, for increased use of energy efficient products for the home and office. This is a solid bill, much needed by our Nation. This energy bill is an opportunity to ensure a better future. The bill addresses present day energy problems while looking beyond the horizon and I urge my colleagues to vote for the conference report.

Mr. POMBO. Mr. Speaker, the Energy Policy Act of 2005 will encourage development of our Nation's diverse energy resources, reduce our dependence on foreign sources of energy, and strengthen the country's energy and economic security.

The U.S. has been at the top of the economic food chain for most of recent history. One of the major reasons we've been so successful is that we recognized early-on that the foundation for economic growth is built with energy and minerals. But our continued success fostered apathy and disinterest in the energy and mineral resources that created this success. In the past, U.S. concerns about energy and minerals supplies simply centered on the general issue of availability of these resources for our national purposes. It did not matter if those resources were located in the U.S. or in another country.

Over the years, inadequate domestic energy and minerals policies created a regulatory system that discouraged domestic investment. Capital began flowing overseas into resources-rich countries where regulatory and investment climates in the energy and minerals sectors were more attractive. As a result, the U.S. produced less and became increasingly reliant on foreign sources of energy and minerals. Last year, the U.S. imported more than 63% of its oil, placing our energy needs increasingly at the mercy of foreign governments. Yet the U.S. government continues the cycle of tolerating irresponsible energy and mineral policies, thereby continuing to discourage investment in domestic energy and mineral production. The end result is that the U.S. continues to send money and jobs overseas and becomes more dependent on foreign sources for our energy needs.

Crude oil prices have hit nominal all-time highs, and natural gas prices are sustaining elevated price levels for the foreseeable future. Additionally, U.S. trade deficit in energy is more than 25 percent of our total balance of payments, and continues to increase at a rapid rate,

Today, our problems are two-told. First, the issue of access to domestic resources is still a significant hurdle to bolstering U.S. energy and mineral security. Although industry's technological advancements in exploration and production have sustained some minimal growth, policies preventing access to the responsible development of these resources still remain. Second, the U.S. is facing a global resources future where we are more dependent than ever on foreign sources of energy and minerals while at the same time no longer ''guaranteed'' to be the major recipient of energy and minerals from our traditional foreign suppliers.

In fact, emerging economies such as China and India are forever altering the global commodities markets, where demand by these countries for resources such as oil, natural gas, coal, minerals and metals, is outpacing expectations.

The road to a better quality of life starts with increased use of energy and mineral commodities. Economic growth rates in China and India have surged as have their demands for energy and mineral resources.

The old ''Free World'' versus ''Evil Empire'' dichotomy of energy and minerals availability has been replaced by a rough-and-tumble marketplace for commodities. In that global marketplace, long-running declines in prices for energy and mineral resources have been reversed; and, in the case of mineral commodities, a three decade long decline has been reversed almost overnight.

Our energy and mineral supply strategy for the long-term begins with enacting a comprehensive national energy policy that encourages diversity of fuel use, increased domestic production, and self-sufficiency.

Among other critically important provisions in this bill, my committee has jurisdiction over Department of Interior (DOI) and U.S. Forest Service (USFS) programs that administer the domestic energy and mineral programs for federal lands and the outer continental shelf.

Using FY 2005 budget estimates, the energy and mineral programs of the DOI cost around $850 million per year.

But these programs will generate about $10.1 billion for the U.S. taxpayer each year, primarily from energy development and production.

Outside of the Internal Revenue Service, these are the only programs that provide significant revenue to the feral treasury.

But generation of revenue is not the only benefit of domestic energy production on federal lands. Production of energy domestically keeps money at home, creates jobs and reduces our dependence on foreign energy imports.

Among other important issues, the provisions in the conference report before us today: encourage increased domestic production of renewable energy from resources like geothermal, wind, hydropower and biomass, to name but a few; encourage domestic production of traditional energy sources such as coal, oil and natural gas by streamlining the federal permitting process sand providing potential incentives for technically challenging oil and natural gas from the deep depths of the outer continental shelf; encourage domestic development of the more than 2 Trillion barrels of oil from oil shale in the Western U.S.; promote a ''good Samaritan'' pilot project to help clean-up the more than 57,000 ''orphan'' wells that

have become wards of the federal government; promote sequestration of carbon dioxide as a means of enhancing oil and natural gas production from old and existing wells; maximize federal coal production and returns to the U.S. treasury; seek to establish North American energy independence by launching a commission to review and make recommendations on how Canada, the U.S., and Mexico can coordinate their energy policies to reach energy independence within 20 years; seek extensive review of the impact and challenges to U.S. interests created by the Chinese government's aggressive pursuit of global energy assets; and promote tribal energy development through self-governance of energy resources in Indian Country.

The Energy Policy Act of 2005 is a good first step in the effort to lower energy prices and reduce our dependence on foreign energy. But there is no question that we must do more to increase domestic production. As demand across the globe continues to skyrocket, it is imperative for America to produce more American energy. Doing so will create jobs, grow our economy and strengthen national security.

Tapping the abundant energy resources we have in America will become more and more necessary as we go forward. All we need is the political will in Congress to let an American workforce get these supplies here at home.

Mr. VAN HOLLEN. Mr. Speaker, I rise today in opposition to the energy conference report before us. While the reliability standards and efficiency incentives in this legislation are not without merit, the entire package is tragically little more than a case study in missed opportunities and misplaced priorities.

First, and most astonishingly, this bill does nothing to wean the United States from its dependence on foreign oil. In failing to make meaningful progress on energy independence, the conferees scrapped a measure designed to reduce our oil consumption by a million barrels a day by 2015 and refused to make long overdue improvements in our corporate average fuel economy, CAFE, standards for cars. The predictable result will be less security for the Nation and continued pricing pressure at the pump.

Second, rather than making robust investments in the renewable and advanced efficiency technologies of the future, this legislation lavishes billions of dollars on the polluting industries of the past. Particularly during this period of record profits, does anyone really believe taxpayers need to be giving oil and gas companies another tax break? The conferees' decision to abandon the renewable portfolio standard called for in the Senate bill is a serious mistake, and I regret that a forward-looking alternative called the New Apollo Energy Project I championed with Representatives JAY INSLEE and RUSH HOLT was blocked from receiving consideration on the House floor earlier this year.

Finally, this conference report turns back the clock on decades of hard-fought, bipartisan environmental protection. The Clean Water Act, Safe Drinking Water Act and National Environmental Protection Act are all undermined, while State authority over siting decisions for liquefied natural gas importation terminals is preempted. Additionally, the legislation abdicates all responsibility for the most looming ecological challenge of our time: climate change. Senate language calling for carbon caps to combat global warming was stripped from the final bill, and an amendment I offered with Representatives WAYNE GILCHREST and JOHN OLVER to take the modest step of establishing a national greenhouse gas registry was quashed in April by the House Rules Committee.

Mr. Speaker, this legislation goes further where it shouldn't—and not nearly far enough where it should. It is content to see the world through the rear view mirror of a parked SUV while the rest of the world is flying down the road in hybrids passing us by. At the dawn of the 21st century, the United States deserves an energy policy worthy of its people and of the historic leadership we have always provided on the world stage. This is not that energy policy. I urge my colleagues to oppose the conference report.

Mr. LEWIS of Kentucky. Mr. Speaker, I rise to express my support for the Energy Policy Act of 2005.

H.R. 6 is a truly balanced bill that will ensure the infrastructure necessary to meet energy needs in the United States through future decades, reduce dependence on foreign sources of oil, making us safer at home, and create thousands of new jobs for American workers. This was accomplished, in large part, by the inclusion of several important energy tax incentives.

Along with investments in renewable and clean energy incentives and domestic oil and gas production, H.R. 6 makes a significant commitment to coal. As my colleagues know, coal produces 51 percent of our Nation's electricity and many experts estimate that number will grow in the coming years.

H.R. 6 includes a 7-year recovery period for new investments in pollution control facilities installed in coal-fired electric generation plants. The shorter recovery period will allow companies to make it easier to comply with new EPA regulations.

For the first time we are making a real commitment to investing in clean coal technologies. The bill provides more than $1.6 billion in tax credits to fund IGCC and advanced clean coal projects.

It is estimated that we have a 250-year supply of coal. H.R. 6 ensures that this source continues to be a part of our Nation's energy policy and today we make a real commitment to ensure that it is more efficient and cleaner.

I would like to personally thank my chairman, BILL THOMAS, and his staff for their hard work on the energy tax incentives package. Throughout the last 5 years, the Ways and Means Committee has been the genesis of many massive social and economic reforms including several important tax relief bills, a Medicare and prescription drug plan, and a critical trade agreement. H.R. 6, the Energy Policy Act of 2005, is yet another major accomplishment under Chairman THOMAS's leadership.

Mr. WALSH. Mr. Speaker, I rise today to express my support for H.R. 6, the Energy Policy Act of 2005 conference report. In particular, I want to thank the conferees for including a provision that will establish the National Priority Project Designation. This national award program, modeled after the Malcolm Baldridge Quality Award Act, would promote and recognize large sustainable design building and renewable energy projects. In April, I sponsored the National Priority Project proposal as an amendment to the Energy Policy Act, which the House adopted by voice vote. The Senate adopted a similar amendment, also by voice vote, to its version of energy legislation in June. The Solar Energy Industries Association and the American Wind Energy Association have both endorsed this legislation.

This proposal establishes four categories of designations: wind and biomass energy generation projects; solar photovoltaic and fuel cell energy generation projects; energy efficient building and renewable energy projects; and "first-in-class" projects. The legislation sets minimum renewable energy generation thresholds for wind, biomass, solar, fuel cell and building projects. Energy efficient and renewable energy building projects must meet additional criteria to be considered for designation, including: compliance with third-party certification standards; comprehensive integration of renewable energy and energy efficient features; and the use of at least 50 percent renewable energy overall.

The DestiNY USA project, located in my congressional district, will likely apply for consideration for designation under this program. DestiNY USA is designed as the largest fossil fuel free building project in the world, with plans to deploy up to 600 megawatts of renewable energy generation capacity. It will employ the entire spectrum of renewable energy generation sources, including solar, wind, biomass, geothermal and micro-hydroelectric. DestiNY is just one example of the type of innovative, high technology projects that could qualify for designation. By providing an additional incentive for creativity and a commitment to renewable energy, the National Priority Project designation will help meet the goal of assuring "secure, affordable and reliable energy."

Mr. SAM JOHNSON of Texas. Mr. Speaker, I rise in support of the conference report on H.R. 6, the Energy Policy Act. One of the provisions in this bill is something I've been working on for years and clarifies the depreciation period for natural gas gathering lines is appropriately 7 years. I appreciate Chairman THOMAS's work on this provision for the years he has been the Chairman of the committee.

Further, I am glad to see that the conferees on the tax title of the bill were able to reach a balance between incentives for production of oil and gas and other energy production with energy efficiency incentives and conservation incentives. I support this bill and commend the conferees on their hard work.

Mr. BLUNT. Mr. Speaker, after some late nights and a lot of hard work, I am pleased we have a conference report on the energy bill today. The House of Representatives has passed energy legislation five times, only to have the bills die. Keeping the lights on should not be a partisan issue. Filling up a gas tank should not be a partisan issue.

Today we are finally voting to send this comprehensive plan to the President's desk. With gas prices soaring, I want to thank Chairman JOE BARTON for his hard work on this much needed legislation and for working with me to include a provision in this bill to curb the production of boutique fuel blends and address this issue head-on.

The current gasoline supply includes specially formulated boutique fuels which are required by law in certain communities.

When supplies are limited, gas prices rise quickly—sometimes overnight. For example:

Missourians can fill their gas tanks up in Springfield and drive 3½ hours to St. Louis. When they get there, they'll be filling their tanks up with a completely different type of gasoline. But if St. Louis ever runs short on their boutique fuel, gas stations there can't sell what consumers could buy back in Springfield.

This conference report caps the number of these special fuel blends and allows communities faced with a shortage due to unforeseen circumstances, such as a refinery fire, a waiver to use conventional gasoline.

This plan relies on simple economics: If we create a larger market for a greater amount of gasoline, we'll help drive prices down.

This proposal moves the country one step closer to lowering the sky-high price of gas for consumers.

Mr. BARTON of Texas. Mr. Speaker, as Chairman of the Conference, I would like to clarify a point regarding section 1233, ''Native Load''. It is my understanding that section 1233 does not affect the Commission's authority under sections 205 and 206 of the Federal Power Act to ensure that rates are just and reasonable, and not unduly discriminatory or preferential.

REFUND AUTHORITY

As Chairman of the Conference, I would also like to clarify a point regarding section 1286, ''Refund Authority''. This section provides the Federal Energy Regulatory Commission with authority to order refunds from overcharges on sales by large municipal utilities.

I understand the phrase ''organized markets'', and possibly other related words following that phrase, may be ambiguous. I believe the FERC should carefully consider the purposes of this section when interpreting those words. That purpose is to protect all consumers from exorbitant electricity prices, regardless of whether the seller is a fully regulated public utility or, in the case of this provision, a publicly owned and only partially regulated utility. The impact and the injury from the exorbitant price is equally injurious and equally in need of redress.

Therefore, I urge the Commission to give the words in question real meaning and to note that the Congress could have chosen other words, such as auction market or ISO or RTO managed market, to convey a more narrow and specific scope.

CEILING FANS

As Chairman of the Conference, I want to address a drafting error in Section 135, ''Energy Conservation Standards for Additional Products.'' An incorrect section mistakenly included starts on page 101, line 14 and ends on page 102, line 4. Sentence (v)(l) was not agreed to and should be removed later in a technical correction. Also, the phrase ''Ceiling Fans'' should be removed where it appears in section (v).

The proper language starts on page 107, line 8 and goes through page 112, line 10. This section (ff) is correct.

Congressman NATHAN DEAL authored the original language, which did not receive consensus during negotiation of the conference report. Congressman DEAL worked with Members of the Conference, industry representatives, and various environmental and energy efficiency advocates come up with some compromise language. I want to thank Congressman NATHAN DEAL for his hard work on this issue, and for bringing the mistake to my attention. I will work to correct this later.

BOUTIQUE FUELS

As Chairman of the Conference, I want to clarify some points regarding Section 1541, ''Boutique Fuels'', This provision is an amendment to section 211(c)(4)(C) of the Clean Air Act to limit the number of boutique fuels.

First, it is my understanding that in section 1541 ethanol when blended into gasoline in a concentration of 20 percent by volume be considered a fuel additive.

Second, in implementing this new provision, the EPA must determine the total number of fuels approved under 211 (c)(4)(C) as of September 1, 2004 and publish such a list in the Federal Register. The plain meaning of this provision would be that fuels initially approved by the Environmental Protection Agency before this date would constitute the ''upper limit'' on the number of fuels that may be approved at any one time in the future under the provisions of this section.

Specifically, as long as a fuel was initially approved by the Environmental Protection Agency before September 1, 2004, the fuel may be sold and used pursuant to a State Implementation Plan and the provisions of 211 (c)(4)(C) as such provisions existed before the amendment of that section by the pending legislation. In addition, the amendments that we are enacting to section 211(c)(4)(C) do not require that a fuel actually be distributed or sold prior to September 1, 2004, only that the Administrator of the Environmental Protection Agency initially approved the fuel as meeting the requirements for a waiver prior to September 1, 2004.

This interpretation of section 1541 would also hold if the implementation date for the sale or distribution of any fuel previously approved by the Administrator prior to September 1, 2004 was later changed at any point in time. The amendments made today to section 211(c)(4)(C) would not prevent this sale or distribution from occurring nor impose any additional requirements or limitations on the implementation of matters related to the use of this previously approved fuel or a program providing for its use.

Finally, the changes to existing law regarding waivers for fuels approved as part of a State Implementation Plan only apply to those fuels which were not previously approved by the Administrator of the Environmental Protection Agency before September 1, 2004. Programs such as the Texas Low-Emission Diesel program are not affected by the provisions of section 1541 even though a later State Implementation Plan revision or action by the State or federal Environmental Protection Agency may have revised the beginning date of sale of the fuel or other matters related to the implementation of the fuel program.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I am pleased that the House is finally considering the Energy bill Conference Report today. More importantly it is greatly improved.

I have had mixed feelings about the Energy bill. Members and staff on both sides of the aisle have worked very hard to improve it. This hard work has resulted in several key changes that will result in my approval of this Conference Report.

One important change is that clean air initiatives were added. My state of Texas ranks first in the nation in toxic manufacturing emissions, first in the number of environmental civil rights complaints, and second on the amount of ozone pollution exposure. The clean air provisions are very important to me and my constituents.

I am also pleased to know that provisions for drilling in the Arctic National Wildlife Refuge have been removed from the bill.

The MTBE issue is also important to me. It is good to know that the provisions granting retroactive liability protection for MTBE producers have been removed.

Although the Energy bill is not a perfect one, the compromise we are considering today is greatly improved.

Because of these changes, Mr. Speaker, I now support this legislation and urge my colleagues to support it also. No bill is perfect and certainly this one is not perfect but I appreciate the efforts made to improve it.

Mr. HONDA. Mr. Speaker, I rise today in opposition to the conference report on H.R. 6. President Bush and the Republican majority have pushed this legislation on the premise that we need it to solve our energy problems, that we need it to wean ourselves from our dependence on imported oil which poses a threat to our economic and national security.

Sadly, the bill we have before us today fails to do that. Today we import 58 percent of the oil we consume, and projections predict that we will have to import 68 percent to meet demand by 2025. Experts indicate that at best, this bill would only slightly slow that rate of growth of dependence, rather than actually decrease our dependence on imported oil.

We cannot continue to increase our consumption of fossil fuels. By definition, these fuels are finite in supply. They will run out some day, plain and simple. And as long as we continue to rely on them, we are going to be faced with an impending crisis.

The bill gives billions of dollars in tax breaks and subsidies to encourage oil and gas production, but these will not do much more than high gasoline and natural gas prices already do to stimulate domestic production of fossil fuels. The energy industry is already the most profitable industry in the nation, incentives should not be necessary.

This bill could have really done something to reduce our consumption of oil by increasing fuel economy standards for vehicles, but it fails to do so. Increasing standards is the single biggest step we could have taken to reduce our oil dependency.

This bill could have really done something to reduce our dependence on fossil fuels by including a renewable portfolio standard, which would have required the use of sustainable energy sources, but it fails to do so. Instead its subsidies and tax breaks encourage more of the same old thing—finite fossil fuels and nuclear power plants whose waste we do not know what to do with.

Instead of encouraging energy conservation, renewable energy use, and curbs on emissions that damage our environment, the bill creates new exemptions in some of our nation's bedrock environmental laws, like the Clean Water Act, the Safe Drinking Water Act and the National Environmental Policy Act.

The bill also repeals the Public Utility Holding Company Act, which was instituted to protect the interests of consumers. In the wake of Enron, this is the wrong direction to go. And the bill rejects the wishes of State officials by granting the Federal Energy Regulatory Commission new authority to approve the location of terminals to handle the imports of liquefied natural gas.

To solve our energy problems in the future and reduce our reliance on foreign sources of energy, we need a truly visionary energy policy that employs renewable energy sources and encourages energy efficiency and conservation. This bill does not provide that vision, and I urge my colleagues to oppose it.

Mr. RAHALL. Mr. Speaker, this is now the third Congress energy policy legislation has been under consideration. During the course of this period I have consistently opposed the House versions of this legislation. Today, however, I am pleased to be in the position of voting for the pending conference agreement. The fundamental reason for my being able to now support this legislation is because many of the most troubling provisions in the past House versions which caused my opposition are largely no longer present in the final product before us today.

I have been troubled in the past by the inclusion of provisions waiving the National Environmental Policy Act, the opening of the Arctic National Wildlife Refuge to development, inappropriate and unseemly taxpayer giveaways to Big Oil, as well as unwarranted liability relief to certain fuel manufacturers. I was not gullible enough to think that the conference would clean the slate entirely of giveaways to Big Oil, but aside from that issue, these provisions that I have long opposed are, for the most part, not present in the pending legislation.

In addition, I have opposed past versions of this legislation because they contained provisions which unfairly provided western coal produced on federal lands a competitive advantage over all other coal producing regions including my home State of West Virginia. Those provisions have been mitigated in the pending measure.

And finally, I have been opposed to past versions of this bill because they lacked visionary and significant incentives to burn coal more cleanly and to utilize coal in a more efficient manner. The pending measure finally contained incentives of that nature, which will allow us to employ coal as a means to help wean ourselves from foreign sources of energy.

This is not a perfect bill, by no means. It still contains royalty relief for large producers of oil and gas in the Gulf of Mexico. It also contains provisions which some believe can be a precursor to lifting the wildly popular moratoria on oil and gas drilling off portions of the American coastline. I do not support those measures. At the same time, when I examine the tax title, and find almost $3 billion worth of incentives to promote the commercial application of new coal burning technologies, I find that finally, finally, coal is being paid more than lip service in our national energy policy.

These incentives are extremely important. As I have often observed in the past, we as a Nation, have expended a great deal of money in developing clean coal technologies. Yet, the fact of the matter is that they have not been deployed in the commercial sense.

After many decades of this effort, today, only a single integrated gasification combined cycle coal plant exists owned and operated by Tampa Electric. The reason is simple. Advanced plants of this nature are much more expensive to construct and there is no incentive for the electric utility industry to build them. Hence, the pressing need for federal incentives, so that we can begin to achieve widespread commercial application of these technologies, have a cleaner environment, and reduce our dependency on oil and natural gas.

All in all, again, not a perfect bill but one which I believe will be of some assistance in expanding our national energy mix.

Mr. BACA. Mr. Speaker, I rise in support of the conference report for the Energy Bill.

Americans need an abundant supply of energy to maintain a high quality of life and sustain our economy.

This comprehensive bill helps provide for our Nation's energy needs by encouraging domestic energy production.

America has become too dependent on foreign oil, making our consumers subject to volatile prices and the whims of often hostile, antidemocratic leaders. We have seen the consequences as oil and gas prices continue to rise. The price of imported oil recently reached record levels of $60 a barrel. That is a full $10 more than six months ago and nearly $20 more than two years ago. I am well aware of the hardships this causes for consumers, workers and our economy.

In my district in California the cost of gasoline has risen to $2.89 a gallon. Many of my constituents commute to Los Angeles, which is 60 miles away. Many others are truckers who depend on stable gasoline prices to put food on the table. These hard-working people are affected daily by our country's dependence on foreign oil.

Nobody should make false promises that gas prices will immediately be lowered.

This bill is not a quick fix, but it includes important provisions to help meet our country's energy needs, while also promoting energy efficiency, conservation and diversification, including incentives for alternative sources like ethanol, solar and wind.

By decreasing our dependence on foreign oil and expanding production of alternative sources, we are not only protecting consumers and protecting our national security, but we are also protecting our economy by creating perhaps one million jobs.

Improving our Nation's energy efficiency and cost efficiency is a bipartisan issue.

I am pleased to support H.R. 2419 for the economic and national security of our country.

Mr. TOM DAVIS of Virginia. Mr. Speaker, Chairman BARTON, thank you for the way you managed this difficult process. Being an outside conferee on a bill this size can often be an exercise in futility. But throughout this Conference, you and your staff remained responsive and helpful. Also, I also want to commend all the conferees for working hard to listen to each other and compromise when appropriate.

There are two sections of this bill which I am particularly excited about from an acquisition policy point of view. First is the section authorizing the continued use of Energy Savings Performance Contracts—these contracts have, over recent years, provided agencies with an effective tool to rapidly improve the energy efficiency of their buildings without increasing costs to the taxpayer.

Some have suggested limitations to this program, but such limitations will translate into reductions in the energy efficiency of government facilities. In my opinion, that is heading in the wrong direction and I'm happy to see such limitations were not included in the final bill.

Second, this legislation authorizes the use of Other Transactions for the Department of Energy's critical research and development efforts. These arrangements support research and development without using standard procurement contracts, grants or cooperative agreements.

Other Transactions authority has been used successfully in the Department of Defense for years to great effect. I appreciate the Science Committee's willingness to work with me and the Senate to craft language that allows the use of this valuable tool where appropriate. It is a shame when the government is denied a technological advance simply because our standard acquisition policies are not suitable for the development of cutting edge solutions.

Finally, I want to note that the conference has decided to include a request for a report on China and the CNOOC offer to acquire Unocal. This report will be conducted simultaneously with the regular review conducted by the Committee on Foreign Investments in the United States. The report will essentially develop the same information required by the CFIUS review. In other words, the Conference has decided to duplicate the review process. The conference's time would be better spent studying our Nation and how we plan to secure our energy over the next 50 years instead of worrying about the actions of our most valuable trading partners. With this one exception, the Energy Policy Act is a step in the direction of answering those questions.

Mr. STARK. Mr. Speaker, I rise in strong opposition to H.R. 6, the Energy Policy Act of 2005 conference report. If U.S. energy policy were the *Titanic*, Republicans would give a tax credit for bailing water rather than changing navigation techniques to avoid a future crisis. Fossil fuels are increasingly expensive, polluting, contribute to war and global unrest, and will run out within the next 50–100 years, and yet President Bush and Republicans in Congress want to ride the sinking ship of oil dependence to its disastrous conclusion.

This compromise between the House and Senate Republicans shows the good, the bad, and the ugly of politics.

Good: After four years getting nowhere with drilling in the Arctic National Wildlife Refuge and exempting manufacturers of MTBE from legal liability for groundwater contamination, the Republicans have finally relented and removed these provisions from the conference report.

Bad: Now that everyone isn't focused on these high-profile issues, there's a sinking realization that this bill does nothing to reduce our dependence on foreign oil and will actually raise, not lower, the price of gasoline, because it triples the use of ethanol. Ethanol is a Midwestern farm subsidy, pure and simple. It's expensive, it emits some air pollutants more than gasoline, and up to six times more energy is used to make ethanol than the finished fuel contains.

Ugly: The bill exempts oil and gas companies from the Clean Water Act, the Safe Drinking Water Act, and the National Environmental Policy Act. To speed up oil production, oil companies can now inject fluids laced with toxic chemicals into oil and gas wells that penetrate groundwater. According to the bill, the EPA no longer has any ability to regulate these activities or force oil companies to prevent contamination of drinking water supplies.

If you asked the American people how to create a secure energy future, they'd talk about solar and wind power, placing higher

emission standards on SUVs, and conservation, but the great minds in the Republican Party don't believe in these proven strategies any more than they believe in the science of global warming.

Since I know that Republicans don't like high gas prices, smog, asthma, or ruined wilderness any more than I do, I can only conclude that they are selling out the American people for their corporate contributors. I will have no part of it and I vote ''no'' on this shameful bill.

Mr. ENGEL. Mr. Speaker, the Washington Post today noted that the nicest thing that it could say about the comprehensive energy bill is that it could've been a lot worse. That's the sentiment that many of my colleagues and I feel today—that while clear improvements have been made in conference—a tribute to Chairman BARTON's leadership—that H.R. 6 essentially preserves the status quo.

There is no doubt that the underlying bill is a vast improvement on the bill we marked up this spring in committee and on the floor. Two of the most egregious provisions, liability protection for MTBE polluters and drilling in the pristine Arctic wilderness are out. We are also finally enacting electricity reliability standards and I was pleased to have worked with my colleagues Mr. TOWNS and Mr. FOSSELLA to preserve New York's high reliability standards strengthening the underlying electricity title. New York has unique needs that necessitate this provision including having a high concentration of load in a small geographic area. Additionally, nearly 40 percent of the State population lives in NYC and close to three-fourths work there and 3 million New Yorkers use the underground subway system every day. Finally, New York is home to the NYSE and other critical financial institutions. Although, we should have done this years ago in response to the rolling blackouts of 2003, I am proud to be a part of the inclusion of such an important policy development.

However, I am deeply disappointed that this bill neither reduces our dependence on oil nor addresses climate change. The Energy Information Agency has stated that under the Energy Policy Act, by 2025, U.S. oil consumption is projected to increase to 28.3 million barrels per day and our country would increase its imports of foreign oil by 85 percent. It even found that gasoline prices under the bill would increase more than if the bill was not enacted. What this country critically needs, but is not in this bill, is a policy to reduce our addiction to oil through the promotion of alternatives and clean renewables, improve automotive fuel efficiency, and reduce greenhouse gasses.

Further, it is a travesty that this bill will open up our coastlines and wildlands to destructive oil and gas activities and evade environmental and consumer protections. I wish the conferees had included more funding for smarter, cleaner, safer, and cheaper energy policy in this bill that puts innovation and technology to work. While I am pleased that the Energy Policy Act includes $5 billion in tax breaks and incentives for energy efficiency and renewable energy programs, the number pales in comparison with the $9 billion earmarked for oil, gas, electricity and coal. Even our esteemed U.S. Energy Secretary, Sam Bodman, opposed the inclusion of such measures, stating, ''these industries don't need incentives with oil and gas prices being what they are today.'' We must target scarce Federal dollars wisely.

Our energy policy is intricately tied to our national security and our economic well-being. We must be vigilant in opening dialogues between diverse groups of policy experts like the Set America Free Coalition and National Commission on Energy Policy as we continue to build and improve on current energy policies. As the co-chair of the Congressional Oil and National Security Caucus, I know we need to diversify our energy sources, reduce our dependence on unstable oil sheikdoms, and create skilled jobs while reducing energy costs. We must create policies that will protect the environment and our consumers. While there is improvement in this conference report, on balance, our goals cannot be achieved under this Energy Policy Act, and so regretfully I must vote against it.

Mr. ETHERIDGE. Mr. Speaker, I rise today in reluctant support of H.R. 6, the Energy Policy Act of 2005. While this bill still contains provisions that I oppose, it is a far better bill than the one's that I have voted against in the past.

Mr. Speaker, I am very disappointed that this bill contains a provision that will allow the Interior Department to conduct an inventory of oil and natural gas resources off the east coast of the United States, including my State of North Carolina, and other areas currently under a drilling moratorium. I do not think that this is a wise use of taxpayer dollars, considering the Administration's continued promise that these areas will never be drilled for oil. Let me state clearly that I continue my strong opposition to any effort to drill for oil off of the North Carolina coast.

This bill also repeals the 1935 Public Utility Holding Company Act, which was passed in the wake of the Depression to ensure that the public would not be taken advantage of by utility companies. We know this is still being done, we have heard with the stories such as Enron. This law has protected the rural rate payers in States like North Carolina, and I oppose its repeal.

Even in light of the negative aspects of this bill, I am voting for it because of the positive changes that have been included that will help put our country back on to the right track. This bill doubles the requirement for renewable fuels, and extends the tax credit for biodiesel. This will help our farmers and help us reduce our dependency on foreign oil. This bill also remove any legal waivers for companies that have poisoned our waters with MTBEs, and excludes the provision to allow drilling and development of the Arctic National Wildlife Refuge (ANWR), to preserve this national treasure for future generations. I would also add that I am pleased about the increases in tax incentives for renewable energy such as wind and solar power.

Mr. Speaker while this is not a perfect bill, it is a step in the right direction. And it deserves our support.

Ms. DEGETTE. Mr. Speaker, I rise to express my opposition to the comprehensive energy bill before us, a bill that purports to address the energy challenges facing this country, yet ignores the most fundamental issues and fails to set us on a path to a more sustainable future.

Despite the fact that the transportation sector is the biggest emitter of harmful pollutants into our air, this bill fails to increase the efficiency of our cars. The technology is there, the demand is there, but the will is not. Although the bill offers incentives for consumers to purchase hybrid vehicles, this country's broken fuel economy program prevents it from having an effect. When an auto maker sells more fuel efficient cars, they are then given flexibility to crank out more gas guzzlers, which boggles my mind.

The Energy Policy Act of 2005 also fails to require our utilities to derive even a small percentage of their power from renewable energy, as voters in Colorado overwhelmingly approved last year. Enactment of a national renewable portfolio standard would spur innovation in the marketplace, attract new capital investment, create jobs, and reduce pollution.

This legislation, which acknowledges that global warming is a problem, sets up yet another federal advisory committee to ''develop a national policy to address climate change.'' Maybe I am mistaken, but isn't that Congress' job? We had the opportunity in this bill to create a market-based system to curb greenhouse gas emissions that are warming our earth, polluting our skies, and endangering our national security by keeping us bound to foreign oil. Again, we had the opportunity, but with this bill, we are passing the buck for another Congress to deal with, when the problem is even more out of control.

This bill weakens some of our most basic environmental laws, such as the Clean Air Act, Clean Water Act, and the Safe Drinking Water Act. It presents some nice handouts to industry, such as billions in giveaways to oil companies that are already drowning in profits due to high oil prices, while the Nation is experiencing huge deficits and slashing education and health care programs.

This bill fails to recognize that high energy costs are a function of both supply and demand. While it is quite generous in increasing the production of fossil fuels, it does not even acknowledge the oil scarcity problem. Instead of drilling and more drilling, we should be helping to curb the Nation's appetite for this rapidly declining resource by encouraging the development of alternative technologies.

Mr. Speaker, there is no question that this bill is a marked improvement over previous iterations. I applaud Chairman BARTON for his devotion to ensuring an open, transparent process with full debate on the issues. He has great courtesy and respect for the deliberative process, and I thank him for that. The bill he has put forward takes steps towards greater energy efficiency and conservation, ensuring the reliability of the electricity grid, and providing customers with incentives to purchase vehicles powered by alternative fuels.

But the problems with this legislation far outweigh its benefits, and as such I am forced to oppose it. I wish this Congress had the courage to enact reforms that would set this country on a more sustainable energy future, but instead it seems content to stick with a status quo that emphasizes extraction over conservation, pork over investment, and development over efficiency. Americans deserve better.

Mr. LEVIN. Mr. Speaker, I rise in support of the conference agreement on the Energy Policy Act.

This day has certainly been a long time coming. The last major energy bill I was able to support was the National Energy Efficiency Act of 1992. Since that time, there has been a clear need for follow-up legislation to address the significant energy challenges facing the country, but Congress and the Bush administration have repeatedly dropped the ball.

Over the last 4 years, Congress has twice come close to approving irresponsible energy legislation that would have done significant harm to consumers, the environment, taxpayers, and plain common sense.

As others have noted, the bill before us today—is not perfect, but it is much improved. I am especially pleased that the conferees dropped the harmful provisions in the House-passed bill that sought to open the Arctic Refuge to drilling and shield the MTBE industry from liability for the environmental damage their product has caused. There are still a number of provisions in this package that I would change; in particular, I would drop the tax and royalty-relief incentives in the bill for oil and gas drilling. When the price of a barrel of oil is near an all-time high, such public subsidies are unneeded and unjustified.

I want to state clearly why this bill is worthy of passage today. Two summers ago, the United States and southern Canada experienced the worst power blackout in history that left more than 50 million people without electricity, including 2.3 million residents of Michigan. Two years later, Congress has done nothing to address the reliability of the electrical transmission system. Voluntary standards won't get the job done. We need clear, mandatory and enforceable rules for ensuring the reliability of the power grid. The bill before the House accomplishes that.

I also support the many provisions of this legislation that spur development and use of renewable sources of energy and encourage conservation and energy efficiency. I believe that consumers, the environment, and energy security will be well served by the enhanced tax credit for Americans to purchase hybrids and other alternative power vehicles. Looking to the future, this bill provides significant resources for the development of clean-burning hydrogen.

I know that many of my friends in the environmental community disagree with some of the provisions in this bill. In particular, I know there is concern over the incentives for nuclear energy. As one who has more often than not voted against nuclear power, I understand these concerns. The fundamental problem with nuclear energy is that we have not yet developed an acceptable way of dealing with nuclear waste. In all likelihood, it won't be sufficient to just bury the waste in a hole in the Nevada desert and hope it stays put for the next 20,000 years. A much better solution is to develop the technologies to safely recycle or permanently isolate the waste.

By the same token, I think most everyone now accepts that global warming is a serious problem that needs to be addressed. The scientific evidence on warming is overwhelming, and we can't just ignore it as the administration has. We know enough now to begin addressing the problem. Unlike coal and petroleum, nuclear power produces no greenhouse gases. Like it or not, nuclear power must continue to be part of the mix of solutions to address the global warming problem. There are other steps we need to take, and one essential step is finding a better solution to the waste problem.

Last but not least, this energy bill permanently bans new oil and gas drilling in the Great Lakes. The Lakes are our State's crown jewels, and the heart of Michigan's multi-billion-dollar tourist industry. They should not be put at risk just so energy companies can extract a few weeks' supply of oil.

On balance, this energy package is worthy of support, and I urge my colleagues to join me in voting for it.

GENERAL LEAVE

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

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

There was no objection.

The SPEAKER pro tempore. All time for debate on the conference report has expired.

Without objection, the previous question is ordered on the conference report.

There was no objection.

The SPEAKER pro tempore. The question is on the conference report.

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

Mr. BARTON of Texas. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-minute vote on adoption of the conference report on H.R. 6 will be followed by 5-minute votes on H. Res. 392 and H. Res. 396.

The vote was taken by electronic device, and there were—yeas 275, nays 156, not voting 3, as follows:

[Roll No. 445]

YEAS—275

Abercrombie
Aderholt
Akin
Alexander
Baca
Bachus
Baker
Barrett (SC)
Barrow
Barton (TX)
Bass
Bean
Beauprez
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Brady (TX)
Brown (SC)
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Cardoza
Carson
Carter
Chabot
Chocola
Clyburn
Coble
Cole (OK)
Conaway
Costa
Costello
Cox
Cramer
Cubin
Cuellar
Culberson
Cunningham
Davis (AL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Dicks
Dingell
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emerson
English (PA)
Etheridge
Evans
Everett
Ferguson
Forbes
Ford
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Gutknecht
Hall
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hinojosa
Hobson
Hoekstra
Holden
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Kanjorski
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Larsen (WA)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Lucas
Lungren, Daniel E.
Manzullo
Marchant
Marshall
Matheson
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris
Meeks (NY)
Melancon
Mica
Miller (MI)
Miller, Gary
Mollohan
Moore (KS)
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Napolitano
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Ortiz
Osborne
Otter
Oxley
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Pryce (OH)
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ross
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Salazar
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Sessions
Shadegg
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (TX)
Snyder
Sodrel
Souder
Spratt
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Taylor (NC)
Terry
Thomas
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Towns
Turner
Udall (NM)
Upton
Visclosky
Walden (OR)
Walsh
Wamp
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wynn
Young (AK)

NAYS—156

Ackerman
Allen
Andrews
Baird
Baldwin
Bartlett (MD)
Becerra
Berkley
Berman
Bishop (NY)
Blumenauer
Boehlert
Bonner
Boyd
Bradley (NH)
Brown (OH)
Brown, Corrine
Brown-Waite, Ginny
Capps
Capuano
Cardin
Carnahan
Case
Castle
Chandler
Clay
Cleaver
Conyers
Cooper
Crenshaw
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Diaz-Balart, L.
Diaz-Balart, M.
Doggett
Emanuel
Engel
Eshoo
Farr
Fattah
Feeney
Filner
Fitzpatrick (PA)
Flake
Foley
Frank (MA)
Grijalva
Gutierrez
Harman
Harris
Hastings (FL)
Higgins
Hinchey
Holt
Honda
Hooley
Inslee
Israel
Jackson (IL)
Jones (NC)
Jones (OH)
Kaptur
Keller
Kelly
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larson (CT)
Lee
Lewis (GA)
LoBiondo
Lofgren, Zoe
Lowey
Lynch
Mack
Maloney
Markey
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Menendez
Michaud
Millender-McDonald
Miller (FL)
Miller (NC)
Miller, George
Moore (WI)
Moran (VA)
Nadler
Neal (MA)
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Paul
Pelosi
Price (NC)
Putnam
Rangel
Rohrabacher
Ros-Lehtinen
Rothman
Roybal-Allard
Royce
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schiff
Schwartz (PA)
Serrano
Shaw
Shays
Sherman
Smith (NJ)
Smith (WA)
Solis
Stark
Tauscher
Taylor (MS)
Thompson (CA)
Tierney
Udall (CO)
Van Hollen

Velázquez
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Wexler
Woolsey
Wu
Young (FL)

NOT VOTING—3

Brady (PA)
Payne
Schakowsky

□ 1310

Ms. SCHWARTZ of Pennsylvania, Ms. CORRINE BROWN of Florida, and Messrs. SERRANO, KIND, BARTLETT of Maryland, and DAVIS of Illinois changed their vote from ''yea'' to ''nay.''

Ms. HERSETH, Mr. GILCHREST, and Mr. SCOTT of Virginia changed their vote from ''nay'' to ''yea.''

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 2361, DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2006

The SPEAKER pro tempore (Mr. SIMPSON). The pending business is the question of agreeing to the resolution, House Resolution 392, on which the yeas and nays are ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the resolution.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 402, nays 4, answered ''present'' 23, not voting 4, as follows:

[Roll No. 446]

YEAS—402

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrow
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
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 (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
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
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Foley
Forbes
Ford
Fortenberry
Fossella
Frank (MA)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
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 (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
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
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)
Meeks (NY)
Melancon
Menendez
Mica
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Owens
Oxley
Pallone
Pascrell
Pastor
Pearce
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
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)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
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
Solis
Souder
Spratt
Stark
Stearns
Strickland
Sullivan
Sweeney
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
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—4

Capuano
Cooper
Dingell
Stupak

ANSWERED ''PRESENT''—23

Akin
Barrett (SC)
Bartlett (MD)
Flake
Foxx
Franks (AZ)
Gohmert
Gutknecht
Hefley
Hensarling
Jones (NC)
King (IA)
Lungren, Daniel E.
Miller (FL)
Musgrave
Otter
Pence
Price (GA)
Ryan (WI)
Sodrel
Tancredo
Tanner
Westmoreland

NOT VOTING—4

Brady (PA)
Paul
Payne
Schakowsky

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SIMPSON) (during the vote). Members are advised 2 minutes remain in this vote.

□ 1318

Mr. POE changed his vote from ''present'' to ''yea.''

Mr. BARRETT of South Carolina changed his vote from ''yea'' to ''present.''

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 2985, LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2006

The SPEAKER pro tempore. The pending business is the question of agreeing to the resolution, House Resolution 396, on which the yeas and nays are ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the resolution.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 375, nays 27, answered ''present'' 24, not voting 7, as follows:

[Roll No. 447]

YEAS—375

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Andrews
Baca
Bachus
Baker
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
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 (TX)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
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
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Fitzpatrick (PA)
Foley
Forbes
Ford
Fortenberry
Fossella
Frelinghuysen
Gallegly
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Issa
Istook
Jackson (IL)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kilpatrick (MI)
Kind
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
Lowey
Lucas
Lynch
Mack
Maloney
Manzullo
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meek (FL)
Meeks (NY)
Melancon
Menendez
Mica
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, Gary
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Ortiz
Osborne
Owens
Oxley
Pallone
Pascrell
Pastor
Pearce
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
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
Solis
Souder
Spratt
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tauscher
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Towns
Turner
Udall (CO)
Upton
Van Hollen
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

NAYS—27

Baird
Baldwin
Barrow
Brown (OH)
Capuano
Conyers
Cooper
Doggett
Frank (MA)
Israel
Jackson-Lee (TX)
Kennedy (RI)
Kildee
Kucinich
Lofgren, Zoe
Markey
Meehan
Miller, George
Obey
Olver
Ryan (OH)
Stark
Taylor (MS)
Tierney
Udall (NM)
Velázquez
Wu

ANSWERED ''PRESENT''—24

Akin
Barrett (SC)
Bartlett (MD)
Flake
Foxx
Franks (AZ)
Garrett (NJ)
Gohmert
Gutknecht
Hefley
Hensarling
Jones (NC)
King (IA)
Lungren, Daniel E.
Marchant
Miller (FL)
Otter
Pence
Price (GA)
Ryan (WI)
Sodrel
Tancredo
Tanner
Westmoreland

NOT VOTING—7

Brady (PA)
Feeney
Paul
Payne
Reynolds
Schakowsky
Thompson (MS)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1326

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed bills and a Joint Resolution of the following titles in which the concurrence of the House is requested:

S. 302. An act to make improvements in the Foundation for the National Institutes of Health.

S. 447. An act to authorize the conveyance of certain Federal land in the State of New Mexico.

S. 655. An act to amend the Public Health Service Act with respect to the National Foundation for the Centers for Disease Control and Prevention.

S. 1517. An act to permit Women's Business Centers to re-compete for sustainability grants.

S.J. Res. 19. Joint Resolution calling upon the President to issue a proclamation recognizing the 30th anniversary of the Helsinki Final Act.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1295

Mr. OWENS. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 1295.

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

There was no objection.

HELP EFFICIENT, ACCESSIBLE, LOW-COST, TIMELY HEALTHCARE (HEALTH) ACT OF 2005

Mr. SMITH of Texas. Mr. Speaker, pursuant to House Resolution 385 and as the designee of the majority leader, I call up the bill (H.R. 5) to improve patient access to health care services and provide improved medical care by reducing the excessive burden the liability system places on the health care delivery system, and ask for its immediate consideration.

The Clerk read the title of the bill.

The text of H.R. 5 is as follows:

H.R. 5

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Help Efficient, Accessible, Low-cost, Timely Healthcare (HEALTH) Act of 2005''.

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—

(1) EFFECT ON HEALTH CARE ACCESS AND COSTS.—Congress finds that our current civil justice system is adversely affecting patient access to health care services, better patient care, and cost-efficient health care, in that the health care liability system is a costly and ineffective mechanism for resolving claims of health care liability and compensating injured patients, and is a deterrent to the sharing of information among health care professionals which impedes efforts to improve patient safety and quality of care.

(2) EFFECT ON INTERSTATE COMMERCE.—Congress finds that the health care and insurance industries are industries affecting interstate commerce and the health care liability litigation systems existing throughout the United States are activities that affect interstate commerce by contributing to the high costs of health care and premiums for health care liability insurance purchased by health care system providers.

(3) EFFECT ON FEDERAL SPENDING.—Congress finds that the health care liability litigation systems existing throughout the United States have a significant effect on the amount, distribution, and use of Federal funds because of—

(A) the large number of individuals who receive health care benefits under programs operated or financed by the Federal Government;

(B) the large number of individuals who benefit because of the exclusion from Federal taxes of the amounts spent to provide them with health insurance benefits; and

(C) the large number of health care providers who provide items or services for which the Federal Government makes payments.

(b) PURPOSE.—It is the purpose of this Act to implement reasonable, comprehensive, and effective health care liability reforms designed to—

(1) improve the availability of health care services in cases in which health care liability actions have been shown to be a factor in the decreased availability of services;

(2) reduce the incidence of ''defensive medicine'' and lower the cost of health care liability insurance, all of which contribute to the escalation of health care costs;

(3) ensure that persons with meritorious health care injury claims receive fair and adequate compensation, including reasonable noneconomic damages;

(4) improve the fairness and cost-effectiveness of our current health care liability system to resolve disputes over, and provide compensation for, health care liability by reducing uncertainty in the amount of compensation provided to injured individuals; and

(5) provide an increased sharing of information in the health care system which will reduce unintended injury and improve patient care.

SEC. 3. ENCOURAGING SPEEDY RESOLUTION OF CLAIMS.

The time for the commencement of a health care lawsuit shall be 3 years after the date of manifestation of injury or 1 year after the claimant discovers, or through the use of reasonable diligence should have discovered, the injury, whichever occurs first. In no event shall the time for commencement of a health care lawsuit exceed 3 years after the date of manifestation of injury unless tolled for any of the following—

(1) upon proof of fraud;

(2) intentional concealment; or

(3) the presence of a foreign body, which has no therapeutic or diagnostic purpose or effect, in the person of the injured person.

Actions by a minor shall be commenced within 3 years from the date of the alleged manifestation of injury except that actions by a minor under the full age of 6 years shall be commenced within 3 years of manifestation of injury or prior to the minor's 8th birthday, whichever provides a longer period. Such time limitation shall be tolled for minors for any period during which a parent or guardian and a health care provider or health care organization have committed fraud or collusion in the failure to bring an action on behalf of the injured minor.

SEC. 4. COMPENSATING PATIENT INJURY.

(a) UNLIMITED AMOUNT OF DAMAGES FOR ACTUAL ECONOMIC LOSSES IN HEALTH CARE LAWSUITS.—In any health care lawsuit, nothing in this Act shall limit a claimant's recovery of the full amount of the available economic damages, notwithstanding the limitation in subsection (b).

(b) ADDITIONAL NONECONOMIC DAMAGES.—In any health care lawsuit, the amount of noneconomic damages, if available, may be as much as $250,000, regardless of the number of parties against whom the action is brought or the number of separate claims or actions brought with respect to the same injury.

(c) NO DISCOUNT OF AWARD FOR NONECONOMIC DAMAGES.—For purposes of applying the limitation in subsection (b), future noneconomic damages shall not be discounted to present value. The jury shall not be informed about the maximum award for noneconomic damages. An award for noneconomic damages in excess of $250,000 shall be reduced either before the entry of judgment, or by amendment of the judgment after entry of judgment, and such reduction shall be made before accounting for any other reduction in damages required by law. If separate awards are rendered for past and future noneconomic damages and the combined awards exceed $250,000, the future noneconomic damages shall be reduced first.

(d) FAIR SHARE RULE.—In any health care lawsuit, each party shall be liable for that party's several share of any damages only and not for the share of any other person. Each party shall be liable only for the amount of damages allocated to such party in direct proportion to such party's percentage of responsibility. Whenever a judgment of liability is rendered as to any party, a separate judgment shall be rendered against each such party for the amount allocated to such party. For purposes of this section, the trier of fact shall determine the proportion of responsibility of each party for the claimant's harm.

SEC. 5. MAXIMIZING PATIENT RECOVERY.

(a) COURT SUPERVISION OF SHARE OF DAMAGES ACTUALLY PAID TO CLAIMANTS.—In any health care lawsuit, the court shall supervise the arrangements for payment of damages to protect against conflicts of interest that may have the effect of reducing the amount of damages awarded that are actually paid to claimants. In particular, in any health care lawsuit in which the attorney for a party claims a financial stake in the outcome by virtue of a contingent fee, the court shall have the power to restrict the payment of a claimant's damage recovery to such attorney, and to redirect such damages to the claimant based upon the interests of justice and principles of equity. In no event shall the total of all contingent fees for representing all claimants in a health care lawsuit exceed the following limits:

(1) 40 percent of the first $50,000 recovered by the claimant(s).

(2) 33⅓ percent of the next $50,000 recovered by the claimant(s).

(3) 25 percent of the next $500,000 recovered by the claimant(s).

(4) 15 percent of any amount by which the recovery by the claimant(s) is in excess of $600,000.

(b) APPLICABILITY.—The limitations in this section shall apply whether the recovery is by judgment, settlement, mediation, arbitration, or any other form of alternative dispute resolution. In a health care lawsuit involving a minor or incompetent person, a court retains the authority to authorize or approve a fee that is less than the maximum permitted under this section. The requirement for court supervision in the first two sentences of subsection (a) applies only in civil actions.

SEC. 6. ADDITIONAL HEALTH BENEFITS.

In any health care lawsuit involving injury or wrongful death, any party may introduce evidence of collateral source benefits. If a party elects to introduce such evidence, any opposing party may introduce evidence of any amount paid or contributed or reasonably likely to be paid or contributed in the future by or on behalf of the opposing party to secure the right to such collateral source benefits. No provider of collateral source benefits shall recover any amount against the claimant or receive any lien or credit against the claimant's recovery or be equitably or legally subrogated to the right of the claimant in a health care lawsuit involving injury or wrongful death. This section shall apply to any health care lawsuit that is settled as well as a health care lawsuit that is resolved by a fact finder. This section shall not apply to section 1862(b) (42 U.S.C. 1395y(b)) or section 1902(a)(25) (42 U.S.C. 1396a(a)(25)) of the Social Security Act.

SEC. 7. PUNITIVE DAMAGES.

(a) IN GENERAL.—Punitive damages may, if otherwise permitted by applicable State or Federal law, be awarded against any person in a health care lawsuit only if it is proven by clear and convincing evidence that such person acted with malicious intent to injure the claimant, or that such person deliberately failed to avoid unnecessary injury that such person knew the claimant was substantially certain to suffer. In any health care lawsuit where no judgment for compensatory damages is rendered against such person, no punitive damages may be awarded with respect to the claim in such lawsuit. No demand for punitive damages shall be included in a health care lawsuit as initially filed. A court may allow a claimant to file an amended pleading for punitive damages only upon a motion by the claimant and after a finding by the court, upon review of supporting and opposing affidavits or after a hearing, after weighing the evidence, that the claimant has established by a substantial probability that the claimant will prevail on the claim for punitive damages. At the request of any party in a health care lawsuit, the trier of fact shall consider in a separate proceeding—

(1) whether punitive damages are to be awarded and the amount of such award; and

(2) the amount of punitive damages following a determination of punitive liability.

If a separate proceeding is requested, evidence relevant only to the claim for punitive damages, as determined by applicable State law, shall be inadmissible in any proceeding to determine whether compensatory damages are to be awarded.

(b) DETERMINING AMOUNT OF PUNITIVE DAMAGES.—

(1) FACTORS CONSIDERED.—In determining the amount of punitive damages, if awarded, in a health care lawsuit, the trier of fact shall consider only the following—

(A) the severity of the harm caused by the conduct of such party;

(B) the duration of the conduct or any concealment of it by such party;

(C) the profitability of the conduct to such party;

(D) the number of products sold or medical procedures rendered for compensation, as the case may be, by such party, of the kind causing the harm complained of by the claimant;

(E) any criminal penalties imposed on such party, as a result of the conduct complained of by the claimant; and

(F) the amount of any civil fines assessed against such party as a result of the conduct complained of by the claimant.

(2) MAXIMUM AWARD.—The amount of punitive damages, if awarded, in a health care lawsuit may be as much as $250,000 or as much as two times the amount of economic damages awarded, whichever is greater. The jury shall not be informed of this limitation.

(c) NO PUNITIVE DAMAGES FOR PRODUCTS THAT COMPLY WITH FDA STANDARDS.—

(1) IN GENERAL.—

(A) No punitive damages may be awarded against the manufacturer or distributor of a medical product, or a supplier of any component or raw material of such medical product, based on a claim that such product caused the claimant's harm where—

(i)(I) such medical product was subject to premarket approval, clearance, or licensure by the Food and Drug Administration with respect to the safety of the formulation or performance of the aspect of such medical product which caused the claimant's harm or the adequacy of the packaging or labeling of such medical product; and

(II) such medical product was so approved, cleared, or licensed; or

(ii) such medical product is generally recognized among qualified experts as safe and effective pursuant to conditions established by the Food and Drug Administration and applicable Food and Drug Administration regulations, including without limitation those related to packaging and labeling, unless the Food and Drug Administration has determined that such medical product was not manufactured or distributed in substantial compliance with applicable Food and Drug Administration statutes and regulations.

(B) RULE OF CONSTRUCTION.—Subparagraph (A) may not be construed as establishing the obligation of the Food and Drug Administration to demonstrate affirmatively that a manufacturer, distributor, or supplier referred to in such subparagraph meets any of the conditions described in such subparagraph.

(2) LIABILITY OF HEALTH CARE PROVIDERS.—A health care provider who prescribes, or who dispenses pursuant to a prescription, a medical product approved, licensed, or cleared by the Food and Drug Administration shall not be named as a party to a product liability lawsuit involving such product and shall not be liable to a claimant in a class action lawsuit against the manufacturer, distributor, or seller of such product. Nothing in this paragraph prevents a court from consolidating cases involving health care providers and cases involving products liability claims against the manufacturer,

distributor, or product seller of such medical product.

(3) PACKAGING.—In a health care lawsuit for harm which is alleged to relate to the adequacy of the packaging or labeling of a drug which is required to have tamper-resistant packaging under regulations of the Secretary of Health and Human Services (including labeling regulations related to such packaging), the manufacturer or product seller of the drug shall not be held liable for punitive damages unless such packaging or labeling is found by the trier of fact by clear and convincing evidence to be substantially out of compliance with such regulations.

(4) EXCEPTION.—Paragraph (1) shall not apply in any health care lawsuit in which—

(A) a person, before or after premarket approval, clearance, or licensure of such medical product, knowingly misrepresented to or withheld from the Food and Drug Administration information that is required to be submitted under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) or section 351 of the Public Health Service Act (42 U.S.C. 262) that is material and is causally related to the harm which the claimant allegedly suffered; or

(B) a person made an illegal payment to an official of the Food and Drug Administration for the purpose of either securing or maintaining approval, clearance, or licensure of such medical product.

SEC. 8. AUTHORIZATION OF PAYMENT OF FUTURE DAMAGES TO CLAIMANTS IN HEALTH CARE LAWSUITS.

(a) IN GENERAL.—In any health care lawsuit, if an award of future damages, without reduction to present value, equaling or exceeding $50,000 is made against a party with sufficient insurance or other assets to fund a periodic payment of such a judgment, the court shall, at the request of any party, enter a judgment ordering that the future damages be paid by periodic payments. In any health care lawsuit, the court may be guided by the Uniform Periodic Payment of Judgments Act promulgated by the National Conference of Commissioners on Uniform State Laws.

(b) APPLICABILITY.—This section applies to all actions which have not been first set for trial or retrial before the effective date of this Act.

SEC. 9. DEFINITIONS.

In this Act:

(1) ALTERNATIVE DISPUTE RESOLUTION SYSTEM; ADR.—The term ''alternative dispute resolution system'' or ''ADR'' means a system that provides for the resolution of health care lawsuits in a manner other than through a civil action brought in a State or Federal court.

(2) CLAIMANT.—The term ''claimant'' means any person who brings a health care lawsuit, including a person who asserts or claims a right to legal or equitable contribution, indemnity or subrogation, arising out of a health care liability claim or action, and any person on whose behalf such a claim is asserted or such an action is brought, whether deceased, incompetent, or a minor.

(3) COLLATERAL SOURCE BENEFITS.—The term ''collateral source benefits'' means any amount paid or reasonably likely to be paid in the future to or on behalf of the claimant, or any service, product or other benefit provided or reasonably likely to be provided in the future to or on behalf of the claimant, as a result of the injury or wrongful death, pursuant to—

(A) any State or Federal health, sickness, income-disability, accident, or workers' compensation law;

(B) any health, sickness, income-disability, or accident insurance that provides health benefits or income-disability coverage;

(C) any contract or agreement of any group, organization, partnership, or corporation to provide, pay for, or reimburse the cost of medical, hospital, dental, or income disability benefits; and

(D) any other publicly or privately funded program.

(4) COMPENSATORY DAMAGES.—The term ''compensatory damages'' means objectively verifiable monetary losses incurred as a result of the provision of, use of, or payment for (or failure to provide, use, or pay for) health care services or medical products, such as past and future medical expenses, loss of past and future earnings, cost of obtaining domestic services, loss of employment, and loss of business or employment opportunities, damages for physical and emotional pain, suffering, inconvenience, physical impairment, mental anguish, disfigurement, loss of enjoyment of life, loss of society and companionship, loss of consortium (other than loss of domestic service), hedonic damages, injury to reputation, and all other nonpecuniary losses of any kind or nature. The term ''compensatory damages'' includes economic damages and noneconomic damages, as such terms are defined in this section.

(5) CONTINGENT FEE.—The term ''contingent fee'' includes all compensation to any person or persons which is payable only if a recovery is effected on behalf of one or more claimants.

(6) ECONOMIC DAMAGES.—The term ''economic damages'' means objectively verifiable monetary losses incurred as a result of the provision of, use of, or payment for (or failure to provide, use, or pay for) health care services or medical products, such as past and future medical expenses, loss of past and future earnings, cost of obtaining domestic services, loss of employment, and loss of business or employment opportunities.

(7) HEALTH CARE LAWSUIT.—The term ''health care lawsuit'' means any health care liability claim concerning the provision of health care goods or services or any medical product affecting interstate commerce, or any health care liability action concerning the provision of health care goods or services or any medical product affecting interstate commerce, brought in a State or Federal court or pursuant to an alternative dispute resolution system, against a health care provider, a health care organization, or the manufacturer, distributor, supplier, marketer, promoter, or seller of a medical product, regardless of the theory of liability on which the claim is based, or the number of claimants, plaintiffs, defendants, or other parties, or the number of claims or causes of action, in which the claimant alleges a health care liability claim. Such term does not include a claim or action which is based on criminal liability; which seeks civil fines or penalties paid to Federal, State, or local government; or which is grounded in antitrust.

(8) HEALTH CARE LIABILITY ACTION.—The term ''health care liability action'' means a civil action brought in a State or Federal Court or pursuant to an alternative dispute resolution system, against a health care provider, a health care organization, or the manufacturer, distributor, supplier, marketer, promoter, or seller of a medical product, regardless of the theory of liability on which the claim is based, or the number of plaintiffs, defendants, or other parties, or the number of causes of action, in which the claimant alleges a health care liability claim.

(9) HEALTH CARE LIABILITY CLAIM.—The term ''health care liability claim'' means a demand by any person, whether or not pursuant to ADR, against a health care provider, health care organization, or the manufacturer, distributor, supplier, marketer, promoter, or seller of a medical product, including, but not limited to, third-party claims, cross-claims, counter-claims, or contribution claims, which are based upon the provision of, use of, or payment for (or the failure to provide, use, or pay for) health care services or medical products, regardless of the theory of liability on which the claim is based, or the number of plaintiffs, defendants, or other parties, or the number of causes of action.

(10) HEALTH CARE ORGANIZATION.—The term ''health care organization'' means any person or entity which is obligated to provide or pay for health benefits under any health plan, including any person or entity acting under a contract or arrangement with a health care organization to provide or administer any health benefit.

(11) HEALTH CARE PROVIDER.—The term ''health care provider'' means any person or entity required by State or Federal laws or regulations to be licensed, registered, or certified to provide health care services, and being either so licensed, registered, or certified, or exempted from such requirement by other statute or regulation.

(12) HEALTH CARE GOODS OR SERVICES.—The term ''health care goods or services'' means any goods or services provided by a health care organization, provider, or by any individual working under the supervision of a health care provider, that relates to the diagnosis, prevention, or treatment of any human disease or impairment, or the assessment or care of the health of human beings.

(13) MALICIOUS INTENT TO INJURE.—The term ''malicious intent to injure'' means intentionally causing or attempting to cause physical injury other than providing health care goods or services.

(14) MEDICAL PRODUCT.—The term ''medical product'' means a drug, device, or biological product intended for humans, and the terms ''drug'', ''device'', and ''biological product'' have the meanings given such terms in sections 201(g)(1) and 201(h) of the Federal Food, Drug and Cosmetic Act (21 U.S.C. 321) and section 351(a) of the Public Health Service Act (42 U.S.C. 262(a)), respectively, including any component or raw material used therein, but excluding health care services.

(15) NONECONOMIC DAMAGES.—The term ''noneconomic damages'' means damages for physical and emotional pain, suffering, inconvenience, physical impairment, mental anguish, disfigurement, loss of enjoyment of life, loss of society and companionship, loss of consortium (other than loss of domestic service), hedonic damages, injury to reputation, and all other nonpecuniary losses of any kind or nature.

(16) PUNITIVE DAMAGES.—The term ''punitive damages'' means damages awarded, for the purpose of punishment or deterrence, and not solely for compensatory purposes, against a health care provider, health care organization, or a manufacturer, distributor, or supplier of a medical product. Punitive damages are neither economic nor noneconomic damages.

(17) RECOVERY.—The term ''recovery'' means the net sum recovered after deducting any disbursements or costs incurred in connection with prosecution or settlement of the claim, including all costs paid or advanced by any person. Costs of health care incurred by the plaintiff and the attorneys' office overhead costs or charges for legal services are not deductible disbursements or costs for such purpose.

(18) STATE.—The term ''State'' means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, the Trust Territory of the Pacific Islands, and any other

territory or possession of the United States, or any political subdivision thereof.

SEC. 10. EFFECT ON OTHER LAWS.

(a) VACCINE INJURY.—

(1) To the extent that title XXI of the Public Health Service Act establishes a Federal rule of law applicable to a civil action brought for a vaccine-related injury or death—

(A) this Act does not affect the application of the rule of law to such an action; and

(B) any rule of law prescribed by this Act in conflict with a rule of law of such title XXI shall not apply to such action.

(2) If there is an aspect of a civil action brought for a vaccine-related injury or death to which a Federal rule of law under title XXI of the Public Health Service Act does not apply, then this Act or otherwise applicable law (as determined under this Act) will apply to such aspect of such action.

(b) OTHER FEDERAL LAW.—Except as provided in this section, nothing in this Act shall be deemed to affect any defense available to a defendant in a health care lawsuit or action under any other provision of Federal law.

SEC. 11. STATE FLEXIBILITY AND PROTECTION OF STATES' RIGHTS.

(a) HEALTH CARE LAWSUITS.—The provisions governing health care lawsuits set forth in this Act preempt, subject to subsections (b) and (c), State law to the extent that State law prevents the application of any provisions of law established by or under this Act. The provisions governing health care lawsuits set forth in this Act supersede chapter 171 of title 28, United States Code, to the extent that such chapter—

(1) provides for a greater amount of damages or contingent fees, a longer period in which a health care lawsuit may be commenced, or a reduced applicability or scope of periodic payment of future damages, than provided in this Act; or

(2) prohibits the introduction of evidence regarding collateral source benefits, or mandates or permits subrogation or a lien on collateral source benefits.

(b) PROTECTION OF STATES' RIGHTS AND OTHER LAWS.—(1) Any issue that is not governed by any provision of law established by or under this Act (including State standards of negligence) shall be governed by otherwise applicable State or Federal law.

(2) This Act shall not preempt or supersede any State or Federal law that imposes greater procedural or substantive protections for health care providers and health care organizations from liability, loss, or damages than those provided by this Act or create a cause of action.

(c) STATE FLEXIBILITY.—No provision of this Act shall be construed to preempt—

(1) any State law (whether effective before, on, or after the date of the enactment of this Act) that specifies a particular monetary amount of compensatory or punitive damages (or the total amount of damages) that may be awarded in a health care lawsuit, regardless of whether such monetary amount is greater or lesser than is provided for under this Act, notwithstanding section 4(a); or

(2) any defense available to a party in a health care lawsuit under any other provision of State or Federal law.

SEC. 12. APPLICABILITY; EFFECTIVE DATE.

This Act shall apply to any health care lawsuit brought in a Federal or State court, or subject to an alternative dispute resolution system, that is initiated on or after the date of the enactment of this Act, except that any health care lawsuit arising from an injury occurring prior to the date of the enactment of this Act shall be governed by the applicable statute of limitations provisions in effect at the time the injury occurred.

SEC. 13. SENSE OF CONGRESS.

It is the sense of Congress that a health insurer should be liable for damages for harm caused when it makes a decision as to what care is medically necessary and appropriate.

The SPEAKER pro tempore. Pursuant to House Resolution 385, the Chair at any time may postpone further consideration of the bill until a time designated by the Speaker.

The gentleman from Texas (Mr. SMITH) and the gentleman from Michigan (Mr. CONYERS) each will control 1 hour.

The Chair recognizes the gentleman from Texas (Mr. SMITH).

GENERAL LEAVE

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

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

There was no objection.

Mr. SMITH of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I strongly support the HEALTH Act, which is identical to two other bills that passed the House during the last Congress. The HEALTH Act is modeled on California's Medical Injury Compensation Reform Act, called MICRA, which has resulted in California's medical liability premiums increasing only one-third as much as they have in other States.

MICRA's reforms, which are included in the HEALTH Act, include a $250,000 cap on noneconomic damages; limits on the contingency fees lawyers can charge; a fair-share rule by which damages are allocated in direct proportion to fault; reasonable guidelines, but not caps, on the award of punitive damages; and a safe harbor from punitive damages for products that meet FDA safety requirements.

□ 1330

According to the nonpartisan organization Jury Verdict Research, the median medical liability award has more than doubled in the last 7 years to $1.2 million.

Doctors and other health care providers are being forced to abandon patients and practices, particularly in high-risk specialties such as emergency medicine, brain surgery and obstetrics and gynecology.

Women are particularly hard hit, as are low-income neighborhoods and rural areas. According to a report by the Department of Health and Human Services, ''Unless a State has adopted limitations on noneconomic damages, the cost of these awards for noneconomic damages is paid by all other Americans through higher health care costs, higher health insurance premiums, higher taxes, reduced access to quality care, and threats to quality of care.''

Many doctors are no longer available to treat patients. Mary Rasar's father did not get the medical care he needed following a car accident last summer, because the only trauma center in his area closed for 10 days due to medical liability costs. Her father died from those injuries.

Melinda Sallard, a 22-year-old mother, was forced to deliver her own baby on the side of the road after her physician stopped delivering babies and her hospital's maternity department closed because of rising medical liability costs.

Leanne Dyess' husband Tony sustained head injuries in a car accident and could not find a neurosurgeon to treat him because rising liability costs had forced insurers to drop their coverage. Tony was airlifted to a hospital in another State that still had neurosurgeons, but 6 hours had passed, and it was too late. As a result Tony suffered permanent brain damage.

In my hometown, the CEO of San Antonio's Methodist Children's Hospital has seen his premiums increase 400 percent. He has been sued three times. In one case the only interaction with the person suing was that he stepped in her child's hospital room and asked simply, how is your child doing? Each jury cleared him of any wrongdoing, and the total amount of time all three juries spent deliberating was less than an hour. But the doctor's insurance company spent a great deal of time, effort and money in his defense.

It is no surprise the American College of Emergency Physicians found that large majorities of both rural and urban hospitals had inadequate on-call specialists coverage. And there has been a 40 percent reduction in medical students entering obstetrics and gynecology.

According to the chair of the OB/GYN department at the Yale School of Medicine, ''Within 2 years we will be faced with a very real possibility of having to shut down our high-risk obstetrical practice, a practice that cares for the sickest mothers in the State.''

As for legitimate cases of medical malpractice, nothing in the HEALTH Act prevents juries from awarding very large amounts to victims, including children. The HEALTH Act does not limit in any way an award of economic damages to injured victims. Economic damages include lost wages or home services, medical costs, the cost of pain-reducing drugs, therapy and lifetime rehabilitation care.

In fact, in just the last few years, juries in California have awarded the following damages to medical malpractice victims: An $84 million award to a 5-year-old boy, a $59 million award to a 3-year-old girl, a $50 million award to a 10-year-old boy, a $12 million award to a 30-year-old homemaker, and a $27 million award to a 25-year-old woman. Other examples include damages of $7, $22, $25, $30, and $49 million, all in just the last few years. Awards of these same sizes would be available under the HEALTH Act. Researchers at the Harvard School of Public Health stated

that ''we found no evidence that women or the elderly were disparately impacted by the cap'' on noneconomic damages in California under MICRA.

The HEALTH Act will work. According to the Congressional Budget Office, ''Under the HEALTH Act, premiums from medical malpractice insurance ultimately would be an average of 25 percent to 30 percent below what they would be under current law.''

The American people support the HEALTH Act. The Gallup poll found that 72 percent of those surveyed favor a limit on the amount patients can be awarded for noneconomic damages. The HEALTH Act also respects the judgments of State legislatures because it does not preempt any State law that limits damages, be they higher or lower than the limits provided for in the HEALTH Act.

Finally, this legislation is supported by some 200 organizations, including the American Medical Association, the American Academy of Pediatrics, the American College of Emergency Physicians, the American College of Nurse Practitioners, the American College of Obstetricians and Gynecologists, and the Council of Women's and Infant's Specialty Hospitals.

Mr. Speaker, for the sake of those who need health care, for the sake of health care providers who simply want to practice their professions, please join me and these selfless organizations in supporting the HEALTH Act.

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

The SPEAKER pro tempore (Mr. PUTNAM). The Chair understands that the gentleman from Michigan (Mr. CONYERS) will control 40 minutes as the designee of the minority leader, and the gentlewoman from Colorado (Ms. DEGETTE) will control 20 minutes as the designee of the minority leader.

Mr. CONYERS. Yes, sir. That is correct.

(Mr. CONYERS asked and was given permission to revise and extend his remarks, and include extraneous material.)

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

Now, the reason that many people might support this bill is that they do not know that inside the bill, if they were asked, are you for legislation that makes it harder to sue drug companies and HMOs, I do not think you would get the same polling results.

Mr. Speaker, I will insert into the RECORD after these remarks letters and reports in opposition to H.R. 5 from the American Bar Association, Public Citizen, and the American Federation of State, County and Municipal Employees and the National Conference of State Legislators.

Mr. Speaker, make no mistake about it. This is a special interest bill before us today. The bill would supersede the law in all States in the Union to cap noneconomic damages, to cap and limit punitive damages, to cap attorneys' fees for poor victims, to shorten the statute of limitations, to eliminate joint and several liability, and to eliminate collateral source.

That is a pretty large menu. But, more amazing, this bill comes before us today without the benefit of a committee hearing, or a committee markup, and under a totally closed rule. How do you like that?

Rather than helping doctors and victims, this measure pads the pockets of insurance companies, health maintenance organizations, and manufacturers and distributors of defective medical products and pharmaceuticals, and it does so at the expense of innocent victims, particularly women, children, the elderly and the poor. We have a bill today for you.

So let us cut the charade and get to the heart of the problem, and the insurance industry is the greatest place to start. This month we found out that the insurance industry has increased premiums by more than 100 percent over the last 5 years, while the claims they have paid out were essentially the same, were flat.

This may have something to do with the fact that the insurance industry, which is exempt from antitrust laws, is not immune from collusion, price fixing, and other anticompetitive problems that they would be subject to if they did not have an antitrust exemption.

It is also clear that a legislative solution, largely focused on limiting victim rights, available under our State tort system will do little other than increase the incidence of medical malpractice, which is already the third leading cause of preventable death in our Nation.

So under the proposal, we here in Congress would be saying to the American people, we do not care if you lose your ability to bear children. We do not care if are you forced to bear excruciating pain for the reminder of your life. We do not care if you are permanently disfigured or crippled. We are going to limit your recovery no matter what.

The proposed new statute of limitations in this bill takes absolutely no account of the fact that many injuries caused by malpractice or faulty drugs take years, sometimes decades, to manifest themselves. Under this proposal a patient who is negligently infected with HIV blood and develops AIDS 6 years later would be forever barred from filing a liability claim.

The so-called periodic plan provisions are really nothing less than a Federal installment plan for the health maintenance organizations. The measure we have here right now would allow insurance companies teetering on the verge of bankruptcy to delay and then completely avoid future financial obligations. And they would have no obligation to pay interest on the amounts that they owe their victims.

And guess who else gets a sweetheart deal under the legislation? The drug companies. The producers of such killer devices like the Dalkon Shield, the Cooper-7 IUD, high-absorbency tampons linked to toxic shock syndrome, and silicone gel implants all would have completely avoided the billions of dollars in damages that they have had to pay had this bill been law.

Do you really want to do this today, my colleagues? It would help insulate Vioxx claims for liability, adding insult to injury to hundreds of thousands of individuals and families who suffered heart attacks or lost their life as a result of this dangerous drug.

I conclude. Nearly 100,000 people die in this country every year from medical malpractice. And at a time when 5 percent of our health care professionals cause 54 percent of all medical malpractice injuries, just a few, a few doctors causing all of this problem, the last thing we need to do is exacerbate this problem while ignoring the true causes of medical malpractice, the crisis that exists in this country today.

My colleagues, I urge you to please do not accept this antipatient, antivictim legislation.

Mr. Speaker, the material I referred to previously is as follows:

NATIONAL CONFERENCE OF STATE LEGISLATURES,
Denver, CO, July 26, 2005.

Re H.R. 5, the Help Efficient, Accessible, Low-Cost, Timely Healthcare (HEALTH) Act of 2005.

Hon. DENNIS HASTERT,
Speaker of the House, House of Representatives, Washington, DC.

Hon. NANCY PELOSI,
Minority Leader, House of Representatives, Washington, DC.

DEAR SPEAKER HASTERT AND REPRESENTATIVE PELOSI: On behalf of the National Conference of State Legislatures, I am writing to express strong, bipartisan opposition to the passage of federal medical malpractice legislation, H.R. 5, the ''Help Efficient, Accessible, Low-Cost, Timely Healthcare (HEALTH) Act of 2005,'' which is scheduled for a vote in the House of Representatives on Wednesday, July 27.

Medical malpractice, product liability and other areas of tort reform are areas of law that have been traditionally and successfully regulated by the states. Since the country's inception, states have addressed the myriad of substantive and regulatory issues regarding licensure, insurance, court procedures, victim compensation, civil liability, medical records and related matters. In the past two decades, all states have explored various aspects of medical malpractice and products liability and chosen various means for remedying identified problems. To date, twenty-nine states have enacted medical malpractice legislation in their 2005 legislative sessions.

NCSL's Medical Malpractice policy explicitly and firmly states that ''American federalism contemplates diversity among the states in establishing rules and respects the ability of the states to act in their own best interests in matters pertaining to civil liability due to negligence.'' That diversity has worked well even under the most trying and challenging circumstances. The adoption of a one-size-fits-all approach to medical malpractice envisioned in H.R. 5 and other related measures would undermine that diversity and disregard factors unique to each particular state.

Federal medical malpractice legislation inappropriately seeks to preempt various areas

of state law. All 50 states have statutes of limitations for medical malpractice suits. All 50 states have rules of civil procedure governing the admissibility of evidence and the use of expert witnesses. More than half of the states have caps on noneconomic damages and limitations on attorney's fees in medical malpractice cases.

This issue was scrutinized again at NCSL's last Fall Forum. Our review included assessing whether circumstances had developed or were so unique that only federal action could provide an adequate and workable remedy. We again examined recent state actions, policy options and experiences. We discussed at length how various proposed or anticipated pieces of federal legislation fared against NCSL's core federalism questions. Those questions included (1) whether preemption is needed to remediate serious conflicts imposing severe burdens on national economic activity; (2) whether preemption is needed to achieve a national objective; and (3) whether the states are unable to correct the problem. The resounding bipartisan conclusion was that federal legislation is unnecessary.

NCSL's opposition extends to any bill or amendment that directly or indirectly preempts any state law governing the awarding of damages by mandatory, uniform amounts or the awarding of attorney's fees. Our opposition also extends to any provision affecting the drafting of pleadings, the introduction of evidence and statutes of limitations. Furthermore, NCSL opposes any federal legislation that would undermine the capacity of aggrieved parties to seek full and fair redress in state courts for physical harm done to them due to the negligence of others.

Thank you for your consideration of our concerns. For additional information, please contact Susan Parnas Frederick or Trina Caudle in NCSL's Washington, D.C. office.

Respectfully,

Senator MICHAEL BALBONI,
New York Senate, Chair,
NCSL Law & Criminal Justice Committee.

PUBLIC CITIZEN
Washington, DC, July 25, 2005.

Re please oppose H.R. 5—''HEALTH Act of 2005.''

DEAR REPRESENTATIVE: H.R. 5, a bill dealing with civil liability for medical malpractice, would shield doctors, HMOs, hospitals, nursing homes, drug makers, and medical device manufacturers from legal and financial responsibility for harms inflicted by their misconduct. At the same time, it would punish victims of medical negligence by making it more difficult for them to recover fair compensation for their injuries. We strongly oppose this bill and urge you to vote against it.

We are enclosing a detailed fact sheet evaluating the major provisions of this misguided legislation, whose more egregious features include:

An arbitrary, non-adjustable $250,000 cap on non-economic damages—the lowest limit imposed by any state that has adopted caps since they first appeared 30 years ago—regardless of the severity of injury, number of malfeasors, or number of defendants involved.

Insulation from liability for nursing homes, HMOs, drug companies, and medical device manufacturers, and protection from punitive damages for products that are FDA approved or generally recognized as safe and effective.

Federalized standards for medical malpractice liability that preempt existing state laws in an arena that is traditionally the purview of state legislatures and courts.

The fact sheet is accompanied by our analysis of medical malpractice judgments over the ''crisis'' period 2000 to 2004, showing that total payments to plaintiffs for malpractice judgments have dropped 37.5 percent, when adjusted for inflation, over the past five years. This demonstrates—contrary to what proponents of denying legal rights to victims contend—that lawsuits are not the engine driving skyrocketing malpractice insurance premiums.

For the reasons stated above, and more fully described in the enclosures, we urge you to protect consumers by voting no on H.R. 5.

Sincerely,

JOAN CLAYBROOK,
President.
FRANK CLEMENTE,
Director, Congress Watch.

AMERICAN BAR ASSOCIATION,
Washington, DC, July 21, 2005.

DEAR REPRESENTATIVE: We understand that in the near future the House is expected to consider H.R. 534, legislation to preempt substantial portions of the state medical liability laws. On behalf of the American Bar Association, I urge you to vote against passage of H.R. 534. The ABA opposes H.R. 534 because it would interfere with the traditional state regulation of medical liability laws and restrict the rights of injured patients to be compensated for their injuries.

For over 200 years, the authority to promulgate medical liability laws has rested with the states. This system, which allows each state autonomy to regulate the resolution of medical liability actions within its borders, is a hallmark of our American justice system. Because of the role they have played, the states are the repositories of experience and expertise in these matters. If enacted, H.R. 534 would pre-empt the rights of the states to continue to administer the medical liability laws.

Currently, states have the opportunity to enact and amend their tort laws, and the system functions well. Congress should not substitute its judgment for the systems that have thoughtfully evolved in each state over time. To do so would limit the ability of a patient who has been injured by medical malpractice to receive the compensation he or she deserves.

The ABA is especially concerned about the provisions in H.R. 534 that would place a cap on pain and suffering awards in states that have no such cap. The ABA opposes caps on pain and suffering awards which ultimately harms those who have been most severely injured. Instead, the courts should make greater use of their powers to set aside verdicts involving pain and suffering awards that are disproportionate to community expectations.

Medical professional liability expenditures account for less than two percent of national health care expenditures. Provisions contained in H.R. 534 to cap non-economic damages would not eliminate the less than two percent of health care costs attributable to medical professional liability since very few people are the subject of such caps. Any savings in the cost of health care would be a small fraction of the less than two percent figure.

There is no question that malpractice premiums have risen. The question is why. There is no evidence that the legal system has caused the spike in rates. And there is no evidence that caps will be effective in reversing the trend. In fact, not even data provided by the AMA in June 2004 supports the idea that placing caps on damages can avert a medical malpractice crisis in a particular state, or that states that fail to enact caps are certain to have a crisis. At that time, eight states that were listed by the AMA as ''in crisis'' (Florida, Massachusetts, Mississippi, Missouri, Nevada, Ohio, Texas, and West Virginia) had already enacted caps on non-economic damage awards. Fourteen other states that had such caps were, according to the AMA, ''showing problem signs,'' and just six of the states that had enacted caps were considered by the AMA to not be ''in crisis'' or ''showing problem signs.'' This follows a June 2003 report by Weiss Ratings, Inc., which found that caps on non-economic damages have failed to prevent sharp increases in medical malpractice insurance premiums, even though insurers enjoyed a slowdown in their payouts.

A July 2003 General Accounting Office study of the causes of malpractice insurance increases found that, while malpractice awards have contributed to increased premiums, ''a lack of comprehensive data at the national and state levels on insurers' medical malpractice claims and the associated losses prevented us from fully analyzing the composition and causes of those losses.'' In fact, relevant studies have since been released that analyze and challenge the alleged link between the tort liability system and malpractice premiums. Two notable studies suggest that the issue is much more complex.

One such study, in Texas, found no evidence to support a link between rising malpractice premiums in Texas and the frequency of claims and size of payouts, despite Texas voters having passed a constitutional amendment in 2003 that sharply restricted non-economic damages in medical malpractice lawsuits. The Texas study was developed by researchers at three major universities. An examination of the comprehensive database of closed malpractice claims maintained by the Texas Department of Insurance found that the number of paid malpractice claims (adjusted for population growth) was roughly constant between 1991 and 2002, the frequency of such claims actually declined, the frequency of individual jury awards in malpractice cases declined, and the percentage of claimant verdicts showed no upward trend.

Similarly, a study by the Kaiser Family Foundation showed that capping damages in medical malpractice cases does not reduce doctors' exposure to malpractice claims. The Kaiser Family Foundation report on medical malpractice was released on May 27, 2005. The report provides trend data for malpractice claims. It shows that the total dollars in physician medical malpractice claim payments remained relatively constant during the period from 1991 to 2003 (13,687 in 1991, compared with 15,287 in 2003). The average number of malpractice claims per physician declined relatively steadily over the period.

The American Bar Association analyzed the Kaiser Family Foundation report's new state malpractice data (available at http://www.statehealthfacts.org/r/malpractice.cfm) on the number of paid claims per 1,000 physicians in each state in 2003, the latest year for which data is available. The chart attached as Appendix ''A'' lists the number of claims per 1,000 active, non-federal physicians and shows whether the state had caps on non-economic or total damage caps in 2003. This data shows the number of paid claims per 1,000 active non-federal physicians is not related to whether a state has caps on damages or not. For example, the average claims for 1,000 physicians ranged from a high of 30.5 in Indiana, which had damage caps in 2003, to a low of 5 in Alabama, which did not have caps on non-economic or total damage caps in 2003.

It is obvious that those affected by caps on damages are the patients who have been most severely injured by the negligence of others. No one has stated that their pain and

suffering injuries are not real or severe. These patients should not be told that, due to an arbitrary limit, they will be deprived of the compensation they need to carry on. Yet H.R. 534, if enacted, would result in the most seriously injured persons who are most in need of recompense receiving less than adequate compensation.

On July 14, 2005, the Wisconsin Supreme Court, in a quite lengthy and well-thought-out opinion, found caps in malpractice cases to be unconstitutional. Ferdon v. Wisconsin Patients Compensation Fund, et al., Case No. 2003AP988. As part of its analysis of the issues, the Court noted that the cap put in place ($350,000) was apparently based on the assumption that the cap would help to limit the increasing cost and possible diminishing availability of health care, although the immediate objective was apparently to ensure the availability of sufficient liability insurance at a reasonable cost. Slip op. at 45. The Court found no rational relationship between ''the classification of victims in the $350,000 cap on non-economic damages'' and the equally desirous objective of compensating victims fairly, both those who suffer non-economic damages above and below the cap. Slip op. at p. 50. The Court found that the cap is ''unreasonable and unnecessary because it is not rationally related to the legislative objective of lowering medical malpractice insurance premiums'' and it creates an undue hardship on those whose non-economic damages exceed the cap and is thus arbitrary. Slip op. at pp. 49, 53. The Court came to its conclusion after reviewing an analysis of studies done within the state by the Wisconsin Commissioner of Insurance and of studies outside the state. Slip op. at pp. 59–66.

We urge you to vote no on H.R. 534.

Sincerely,

MILES J. ZAREMSKI,
Chair, ABA Standing Committee on Medical Professional Liability.

MEDICAL MALPRACTICE—IS MAG MUTUAL GOUGING ITS DOCTORS?

Georgia's largest medical malpractice writer took in nearly triple what it paid out.

This gain is in addition to the $17,312,654 gain made by investing its doctors' money.

Insurance reform—not tort reform—is needed to reduce medical malpractice premiums.

Source: taken directly from the company's annual statement for the year ending December 31, 2004. All data is from the Five Year Historical Data Page: information on Net Paid Losses is line 61, Net Premiums Written is line 12, and Net Investment Gain is line 14. Dollar figure for investment gain represents total investment multiplied by percentage of premiums written of total for the state. Statement available at: http:naic.org/cis. MAG Mutual Insurance Company is the largest insurer in Georgia with 42.3% of the market (AM Best).

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

Mr. SMITH of Texas. Mr. Speaker, I yield 6½ minutes to the gentleman from Georgia (Mr. GINGREY) the primary author of the bill itself.

Mr. GINGREY. Mr. Speaker, I thank the gentleman from Texas (Mr. SMITH) for yielding me the time.

With all due respect to the distinguished ranking member, let me say that in response to his comments, this is a special interest bill. That is right. It is a special interest bill. It is a special interest bill for the American consumer of health care, for our patients. That is where the special interest is; not, Mr. Speaker, the insurance industry, not drug companies or manufacturers of medical devices.

The insurance industry, of course, offers a broad range of products. It could be health insurance. It could be automobile insurance. It could be homeowners insurance. It could be an umbrella policy for general liability. And, yes, of course there is a product line called medical liability insurance.

But let me tell you what is happening to the insurance industry in regard to that piece of their business. In my home State of Georgia, 3 years ago we had 20 companies that offered that line of business. Today we have one. We have gone from 20 to 1, and that is a mutual company.

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If these insurance companies were making out like bandits, as the other side of the aisle and the opposition to this commonsense bill are suggesting, then they would not be quitting the business in droves. They would be continuing to stay in the business and raising those premiums and making these tremendous profits.

I do not know, Mr. Speaker, what is happening with the industry of insurance in regard to other product lines. The gentleman may be right on that. But in regard to this line of business, I can tell you they are losing money even when they have good returns on their investments, as did Mag Mutual in Georgia several years ago. In fact, the return on their very conservative investments, they are very restricted by the insurance commissioner in that very conservative portfolio of investments, returned them $7 million; but they still are losing money because of these outrageous claims and the expense of defending so many frivolous lawsuits.

In regard, Mr. Speaker, to the drug companies and the manufacturers of medical devices that the distinguished ranking member mentioned, this bill would only relieve them of punitive damages, that is all, punitive damages, if it is shown that they did deliberately market a drug or a device that they knew was harmful to a patient and they deliberately withheld that information from the FDA. It does not relieve them of liability for being named in a lawsuit. It is only the punitive damages.

If they are guilty of something like that, of withholding information deliberately, we went through this with the tobacco industry in regard to lung cancer, the punitive damages can be in the hundreds of millions and, maybe if it is a big Fortune 500 company, billions of dollars.

So this is a distraction from the real problem. And the real problem, Mr. Speaker, is that we have an unlevel playing field. That is all it is. This bill, H.R. 5, the HEALTH Act of 2005, is not going to take away anybody's right to sue if they have been injured and to seek economic damages and payments for medical care for the rest of their lives.

The gentleman from Texas explained to us that many of these cases in California, a State that since 1979 has had a cap on noneconomic so-called ''pain and suffering'' at $250,000, these cases that he just talked about, $10 million, $20 million, $30 million worth of economic awards, people are not being denied access to that care, Mr. Speaker. This is only to balance the playing field so that we do not have this situation in this country where we are supposed to have the greatest health care in the world, and yet our specialists are dropping out. They are not delivering babies. They are not getting involved in high-risk pregnancies. They are not manning emergency rooms. They are not doing newer surgery.

Because of all the defensive practice of medicine, every specialist practices in two areas: his or her specialty and also the specialty of defensive medicine, and it is driving up the cost of health care and people cannot afford to get health insurance. That is all we are talking about here, Mr. Speaker, of leveling the playing field. It is not taking away anybody's right to sue. It is not denigrating or bashing the legal profession.

Those attorneys who specialize in personal injury, most of them do a great job representing their clients well. My brother is an attorney. My daughter is an attorney. We are not here to bash the legal profession. But we just want to ask them to give us an opportunity to level this playing field to make it fair for everyone. And so this idea that the other side suggests that we are taking away anybody's rights is absolutely not true, Mr. Speaker.

Let me say some of the things that this bill does do besides limiting noneconomic to $250,000. What it does, Mr. Speaker, is something called ''collateral source disclosure.'' Current law did not allow a jury to know that a plaintiff in a malpractice case has health insurance or has a disability policy. So when they are calculating all of these economic losses and loss of wages, it is not known by the jury that maybe that disability policy gives them 80 percent of their earnings or their income for their whole life or that they have health insurance.

The other thing, and I will conclude on this, Mr. Speaker, the other things this bill does is it stops this issue of joint and several liability where, when multiple defendants are named, the person, the doctor who has the deepest pockets, who may have had very little to do, if anything to do, maybe just walked down the corridor on a Saturday and said hello to the patient, but they happened to have the most insurance and the deepest pockets so they pay all of the claims.

Mr. SMITH of Texas. Mr. Speaker, I yield 2 minutes to the gentlewoman from New York (Mrs. KELLY), a subcommittee Chair of the Committee on Financial Services.

Mrs. KELLY. Mr. Speaker, I rise today in support of H.R. 5. Listen to why. For many years, the world has come to New York for medical care. But between 1998 and 2002, 70 percent of New York's neurosurgeons, 60 percent of the OB-GYNs in New York, 60 percent of New York's orthopedic surgeons, and 60 percent of the general surgeons in New York were sued.

Mr. Speaker, it is impossible that all of these physicians were bad doctors. We can all agree that there are some physicians that may be better than others, but it would be difficult to come to the consensus that more than half of the physicians in several vital practice areas have performed this poorly.

This is a problem. In New York, the average jury award increased from $1.7 million in 1994 to $6 million in 1999, which was an increase of 350 percent. New York physicians are now paying 34 to 50 percent more in 2005 for the same insurance coverage they had in 2002. This is in part due to an across-the-board average rate increase of 7 percent for the 2004–2005 policy year. In 2001, six of the top eight medical malpractice awards in the United States came from New York courts. In 2002, 7 of the top 10 jury verdicts in medical negligence cases were from New York courts. And in 2003, it was four of the top six.

The cost is not just to the doctors. It is a cost we all ultimately share. There are steps this Congress can take in solving the problem. The HEALTH Act is a step that is both reasonable and fair. It is reasonable because it calls for a cap on unquantifiable damages. State laws that otherwise cap damages at specific amounts, even at higher amounts than those provided in the HEALTH Act, would remain in effect. The act is fair when it allows for the full recovery of economic damages. In other words, when damages can be quantified, they are unlimited in the HEALTH Act.

The HEALTH Act is going to help solve the national crisis we are seeing in medical malpractice. Without this legislation, doctors will not just leave the area where they practice; they will leave the profession. I urge support of the HEALTH Act.

Today, I rise in support of H.R. 5—The HEALTH Act of 2005.

Between 1998 and 2002, the largest insurer of physicians in New York state had: 70 percent of its neurosurgeons sued, 60 percent of OB–GYNs were sued, 60 percent of orthopedic surgeons were sued, and 60 percent of general surgeons were sued.

Mr. Speaker, it is impossible that all of these physicians are bad doctors.

We can all agree that there are some physicians who may be better than others—but it would be difficult to come to the consensus that more than 50 percent of physicians in several vital practice areas have performed this poorly.

There is a problem.

Just in New York, the average jury award increased from $1.7 million in 1994 to $6 million in 1999—an increase of 350 percent.

New York physicians are now paying 34–50 percent more in 2005 for the same insurance coverage they had in 2002. This is in part due to an across the board average increase of 7 percent rate increase for the 2004–05 policy year.

In 2001, 6 of the top 8 medical malpractice awards came from New York courts.

In 2002, 7 of the top 10 jury verdicts in medical negligence cases were from New York courts. And in 2003, it was 4 of the top 6.

But, there are also steps that this Congress can take towards solving this problem.

We have learned today that the HEALTH Act is a step that is both reasonable and fair.

It's reasonable because it calls for a cap only on unquantifiable damages. State laws that otherwise cap damages at specific amounts, even at higher amounts than those provided in the HEALTH Act, would remain in effect under the HEALTH Act.

The Act is fair where it allows for full recovery of economic damages. In other words, when damages can be quantified, they are unlimited under the HEALTH Act.

The HEALTH Act will help solve the national crisis that we are seeing in medical malpractice liability insurance.

Without this legislation doctors will not just leave the area where they practice, they will leave the profession. Patients, who are the real victims in this crisis, will be left to suffer and die because there is no one to provide the care.

As a member of the Medical Malpractice Crisis Task Force, I ask my colleagues to recognize that there is a problem, and this legislation is one great step in the direction towards solving that problem.

Please support the HEALTH Act of 2005.

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

Mr. Speaker, I would just let the gentlewoman from New York (Mrs. KELLY) and the gentleman from Georgia (Mr. GINGREY) know about the General Accounting Office report that found there is no evidence that caps on damages have reduced losses or helped consumers. They found, instead, that the contention that premiums are rising because there is a surge in jury awards is a myth and that while premiums have increased claims payments of insurance companies have remained essentially flat.

Mr. Speaker, I yield 3 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE), a member of the Committee on the Judiciary.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the distinguished ranking member, and I thank him for his continued leadership on this issue.

It looks as if this is deja vu. We have been at this table for a number of years, and I am delighted that the gentleman from Georgia (Mr. GINGREY) cleared it up. When you have a daughter that is a lawyer, I know you have a great affection for lawyers. And I appreciate the fact that he recognizes that as physicians care for the sick, lawyers have to keep the doors of justice open. For that reason, if anyone gets up on the floor of the House and cites the number of lawsuits, 60 percent of the doctors being sued, that has nothing to do with those cases that prevailed.

Most Americans understand the distinction between frivolous lawsuits and so does the court system. But, really, what this bill is premised on is absolutely false, and Americans should know that because I have heard from so many with so many tragic incidents, amputated legs, individuals at hospitals who have died not because of what they went into the hospital for but because they caught an infection in the hospital.

But as it relates to insurance and low rates, let me cite a study that is the prevailing trend in America. A new study by the former insurance commissioner of Missouri, Jay Angoff, shows that insurance companies are gouging doctors. The study shows that insurance premiums are skyrocketing, while payouts have remained flat or in some cases even decreased. There is no evidence that we are making a dent with this medical malpractice oppressive legislation—oppressive legislation, in insurance rates.

In particular, it is a shame that when you have a tragedy in your family, someone who lost their life because of negligence, and there are three defendants, the general trend is that you go against the defendant with the deepest pockets. That defendant who is well-situated will go against the others who contributed to that terrible tragedy.

Now, this bill locks the door, closes out the bus driver, the teacher, the nurse's aid, the oil refinery worker, absolutely closes them out. It also denies children who are innocent, under 18, enhanced economic damages. That was my amendment, to take away that cap of 250,000, to take away that cap of 250,000 on noneconomic damages because we do not know long range with all these tables about what someone will be needing the rest of their life after they have been maimed, after they have been disabled, or after they have died and what their family will need.

This is a tragic day because first of all this bill came to the floor with no committee work, no rules work of sorts, all amendments died; and we have failed. Herman Cole of Connecticut we have failed, whose wife slipped into a coma when in a procedure for a tubal ligation. Her blood pressure dropped dangerously and damagingly low and the doctor and anesthesiologist ignored the warning signs. What is he supposed to do? What is he supposed to do about his wife, Sadie, who is now in a vegetative state?

This is a bad bill. I hope my colleagues will have enough courage to vote for those who have been injured and vote against special interest.

Mr. Speaker, I rise in opposition to H.R. 5, the "Medical Malpractice Bill." Not only is the overall bill bad, but the process in which the majority followed was flawed as well. This bill came straight to the floor and bypassed both committees of jurisdiction. This begs the question, "what are the proponents of the bill so

afraid of that they need to rush to the floor. Both the House Judiciary and Energy and Commerce Committees have been bypassed and this should not have been done on such an important piece of legislation. Given the new information that is available about the insurance industry gouging doctors, shouldn't the committees at least have had the opportunity to review the new information?

Turning to the bill itself, it should be noted that this bill applies across the board to all cases, not just frivolous cases. It applies no matter how much merit a case has, or the extent of the misconduct of the hospital, doctor or drug company. The bill applies regardless of the severity of the injury. Those most hurt by the bill are the most catastrophically injured. In addition, it undermines our constitutional right to trial by jury. The bill limits the power and authority of jurors to decide cases based on the facts presented to them. Washington politicians should not be making these decisions—juries should.

This legislation also reduces the accountability of hospitals, nursing homes, HMOs and drug companies. This will hurt patient safety. Patient safety must come first. We should be cracking down on the small number of doctors responsible for most of the malpractice. This will reduce both incidents of malpractice and lawsuits. Doctors and hospitals must be required to tell their patients or the patients' families when they know they have made a medical error, rather than allowing them to keep their mistakes secret.

This bill completely ignores the insurance industry's major role in the high price of medical malpractice insurance premiums. We must protect the legal system and make it accessible for everyone seeking justice, accountability and adequate compensation for devastating injuries or death.

In discussing the flaws of this bill, I would be remiss if I did not take a moment to mention some of the families who have survived medical malpractice.

Kim and Ryan Bliss of Florida, whose 8½-month-old daughter died when the doctor inserted an adult IV in her jugular and caused an air bubble to go directly into her bloodstream.

Herman Cole of Connecticut, whose wife slipped into a coma when, during a procedure for tubal ligation, her blood pressure dropped dangerously and damagingly low and the doctor and anesthesiologist ignored the warning signs. Herman's wife Sadie has been in a vegetative state ever since.

Diane Meyer of Nevada, who was diagnosed with kidney stones and was sent home to pass them, despite the fact that one was too large and was poisoning her body from within. Doctors later discovered this but failed to call Diane, who then slipped into a coma and later had to have both legs amputated below the knee.

Mark Unger of Oregon, whose mother was diagnosed with Burkitt's lymphoma in early 2001 and was injected with 1000 times more methotrexate than the appropriate dosage by a doctor who did not follow protocol. Mark's mother passed away in April 2001.

John McCormack of Massachusetts, whose 13-month-old daughter died while awaiting surgery to repair a malfunctioning shunt in her skull, while the attending physician slept through repeated pages because his beeper was set to vibrate and didn't wake him, leaving two neurosurgery residents in charge of her care.

Deborah Gillham of Maryland, who suffered injury when, during a routine laparoscopic procedure to look for a cyst on her left ovary, her physician punctured her colon.

Before closing, let me take a moment to speak on two amendments I would have offered had the rule not been so restrictive. My first amendment would have eliminated one of the many egregious provisions in the bill. In essence, it would eliminate the one-size-fits-all limit on awards for non-economic loss (i.e. pain and suffering damages) of $250,000. Typically, such damages exceed $250,000 only in cases involving catastrophic injuries such as deafness, blindness, loss of limb or organ, paraplegia, severe brain damage or loss of reproductive capacity. Limiting patients' rights to sue for medical injuries would have virtually no impact on the affordability of malpractice coverage. States with little or no tort law restrictions experience the same insurance rates as states that have enacted tort restrictions.

My second amendment also focused on the $250,000 cap for non-economic loss (i.e. pain and suffering damages). This amendment would have carved out an exception for plaintiffs or a person(s) representing a minor. In summary, the $250,000 cap for non-economic loss (i.e. and suffering damages) would not apply with respect to an injury to an individual who is under 18 years of age. Minors are more vulnerable in regards to injuries they suffer and the consequences of those injuries. Furthermore, the impacts of an injury suffered by a minor due to malpractice will be felt for a much longer time period than for an adult. This is especially true of children who suffer injuries at birth due to malpractice. These children will more likely have to suffer the consequences of these injuries for the rest of their lives.

Mr. SMITH of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from Wisconsin (Mr. GREEN), a member of Committee on the Judiciary and an expert on this subject.

Mr. GREEN of Wisconsin. Mr. Speaker, 10 years ago, like so many States, Wisconsin was facing a medical liability crisis, not just because medical liability premiums were soaring, not just because insurance carriers were discontinuing the sale of medical liability insurance, but because too many physicians felt forced to leave their practice, leave their specialty, or leave the State for a more affordable State.

But 10 years ago in Wisconsin, we figured out a reasonable answer. I led the fight to create a new medical liability system where injured parties receive every single dollar of economic damages to which they are entitled. But where there is a modest cap on noneconomic damages, things like pain and suffering, loss of society, loss of companionship, you know what? It worked.

We hear a lot about studies here. We know as a fact in Wisconsin it worked. In a short period of time, Wisconsin became one of only six States not to have a medical liability crisis. As a result, as the State medical society reported, physicians, especially those in high-risk specialties, actually moved into our State from States like Ohio and Pennsylvania and Florida and Illinois. It worked.

But, sadly, Mr. Speaker, my State recently lost its way. Even though by any reasonable measure our reforms work, the Wisconsin courts struck them down. We can only hope that Wisconsin enacts a new medical liability reform act. But until then, we should pass the HEALTH Act. It will not only help Wisconsin doctors and patients but those in every State facing a medical liability crisis.

This bill is State-friendly. It does not preempt State reforms. If a State like Wisconsin has a cap on noneconomic damages, whether that cap is higher or lower, that cap will take effect. More important, it is doctor-friendly. It is patient-friendly. It will help us get a handle on at least a small portion of our health care costs. It will encourage doctors to continue to practice in vital specialties, and it will attack defensive medicine. I urge support for the HEALTH Act.

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Mr. CONYERS. Mr. Speaker, I am pleased to yield 3½ minutes to the gentleman from Virginia (Mr. SCOTT), a distinguished member of the Committee on Judiciary.

Mr. SCOTT of Virginia. Mr. Speaker, I thank the gentleman for yielding me this time.

One of the problems we are going to have during this debate is the fact we are here under a closed rule. We will not have the ability to highlight or fix the shortcomings of the bill, so we will go back and forth on sound bites. We have already heard that this has been described as a proconsumer bill, notwithstanding the fact that I am not aware of any recognized consumer group that is supporting it.

Mr. Speaker, we say we have lost doctors because of the malpractice crisis, but we did not say anything about the reimbursement rates for some specialties, who are not getting paid as much, nor is there a suggestion that tort reform has actually produced more doctors. Because we have the same list of ineffectual initiatives that we have had in other tort reform bills, reducing victims' rights without doing anything with malpractice rates, we will try to discuss the provisions of the bill.

First, the rule rejected the alternative offered by the gentleman from Michigan (Mr. CONYERS) and the gentleman from Michigan (Mr. DINGELL) that would have actually reduced malpractice costs and helped underserved areas without going overboard in helping and relieving from liability the HMOs and pharmaceutical companies, which means that the doctors will have to pay more of the responsibility for malpractice. We cannot consider that.

But let us come to the specifics. This legislation preempts State law. The National Conference of State Legislators has already considered this bill, and they have rejected it. Their opinion, the National Conference of State

Legislators, have suggested this bill will make matters worse.

We have caps on damages, not on damages for wages and things like that, but for elderly, for children, for those who are without lost wages, they will be hurt. Incredibly, the cap on damages has not been shown to do anything about malpractice premiums. Those States with caps are paying the same malpractice premiums as those without caps.

We have heard about this fair share provision that says everybody just pays their fair share or more. Mr. Speaker, what we are talking about here is a group with insurance, and which insurance company will pay. Some States have dealt with this and said if a doctor is at least 60 percent responsible, he can be held fully responsible, but for others, maybe you can have a fair share. This says everybody involved. In other words, you have to go after each and every physician, with a separate case against each and every one for every 1 or 2 percent responsibility they have. We have had the problem of having to sue so many doctors. Well, this requires you to sue each and every doctor.

We have heard about the collateral source rule; that if you have insurance, and listen up small businesses, if you are providing health care for your employees, and you have an employee who gets into a malpractice-induced coma, and somebody has to pay it, and your employee has gotten a recovery from the malpractice insurance, if the small business is paying the responsibility, the physician, the guilty party, will get credit for all of your health insurance, and you are going to have to continue to pay under that health insurance.

We limit attorneys' fees in this legislation, which will do nothing to reduce malpractice premiums. We have different statutes of limitations, which will confuse people, and lawyers will miss the filing deadlines because of all this confusion.

We need insurance reform which will reduce premiums, not just attack victims. We need worthwhile legislation that will reduce the premiums. This will not do it. We need to defeat the bill.

Mr. SMITH of Texas. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, opponents of reform claim that the current crisis is driven by a small number of so-called bad doctors. But as Yale Medicine Professor Dr. Robert Auerbach has explained, ''The American Trial Lawyers Association has perpetrated myths on the American public, including the myth that a very small proportion of all physicians are responsible for the majority of claims. This is a sort of statistical magic, because, unfortunately, a small proportion of the physicians in high-risk specialties, such as obstetrics and gynecology and neurosurgery, are responsible for a disproportionate number of the claims.''

Mr. Speaker, I yield 2 minutes to the gentleman from Indiana (Mr. BURTON), former chairman of the Committee on Government Reform.

Mr. BURTON of Indiana. Mr. Speaker, I thank the gentleman for yielding me this time.

First of all, I am for medical malpractice reform. I think it is extremely important we address this issue. However, I have a real problem with this bill. In section 7, item (c), under punitive damages, it in effect will protect the pharmaceutical industry against class action lawsuits by parents who have had their children damaged by mercury in vaccines that causes neurological problems, such as autism.

We had hearings on this for about 6 years, and we had scientists from all over the world, and the mercury in vaccines is a contributing factor to autism and other neurological disorders in children. It is in adult vaccines as well.

Now, I will not go into specifics of the language in here, but according to attorneys I have talked to in the last couple of days, it protects the pharmaceutical companies against class action lawsuits. I would not have a problem with that if there was another avenue for these parents to go to get money.

We created the Vaccine Injury Compensation Fund to take care of that. It was supposed to be nonadversarial. Unfortunately, parents have gotten nothing out of the Vaccine Injury Compensation Fund, even though there is $3 billion there. So there is only one avenue they have, and this legislation, the way I read it, blocks that.

The gentleman from Florida (Mr. WELDON) has worked with me on this, and I think he shares some of the same concerns that I have, and he is welcome to say a word or two if he wants to, but what I want to ask of the manager of the bill, would the gentleman work with me to try to clean this up so that that problem does not exist anymore; so they at least have an avenue to deal with this?

Mr. SMITH of Texas. Mr. Speaker, will the gentleman yield?

Mr. BURTON of Indiana. I yield to the gentleman from Texas.

Mr. SMITH of Texas. Mr. Speaker, the gentleman and I have spoken about this before. I happen to think that the problem lies with current law and not with this particular piece of legislation. But in any case, I share the gentleman's concerns and will work with him to address those concerns as this bill progresses to conference committee.

Mr. BURTON of Indiana. Mr. Speaker, I thank the gentleman for his assurances.

Mr. WELDON of Florida. Mr. Speaker, will the gentleman yield?

Mr. BURTON of Indiana. I yield to the gentleman from Florida.

Mr. WELDON of Florida. Mr. Speaker, I appreciate the gentleman's yielding to me, and let me just add to what the gentleman was saying. There is a lot of active research on this, and the research is not conclusive, so we do not need to act right now.

Mr. BURTON of Indiana. Mr. Speaker, I thank my colleague.

Mr. Speaker, I wish to submit for the RECORD a Dear Colleague letter which I sent to Members regarding this legislation:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, July 27, 2005.

THE VACCINE LIABILITY WAIVER IN THE MEDICAL MALPRACTICE LEGISLATION WILL HURT AUTISTIC CHILDREN AND THEIR FAMILIES

DEAR COLLEAGUE: As we debate medical malpractice this week, I want to bring to your attention a provision in the bill that would waive vaccine manufacturer liability. Section 7(c) of the legislation states that no punitive damages may be awarded against a manufacturer or distributor of a medical product based on a claim that the product caused harm, unless the company violated FDA regulations. Essentially, this means as long as the vaccine goes through the regular FDA approval process, the company is shielded from liability.

In the 1980's, roughly 1 in 10,000 American children were diagnosed with some kind of autism spectrum disorder. Today, that number has risen to 1 in 166 with the number rising alarmingly as children have been required to get more and more shots containing the mercury-based preservative thimerosal During my tenure as Chairman of the House Committee on Government Reform, and as Chairman of the Subcommittee on Human Rights and Wellness, I chaired numerous hearings examining the alarming increase in autism in this country over the last several decades. We also conducted a four-year long investigation into the facts and theories surrounding the connection between mercury in vaccines (thimerosal) and autism and other childhood and adult neurodevelopment disorders, such as Alzheimer's. Credible scientific evidence points to a connection between thimerosal, autism and other neurodevelopmental disorders.

Many of the families of thimerosal's victims did not know about the National Vaccine Injury Compensation Program—the no-fault compensation system that provided for quick and fair recovery for those who experience injuries related to a vaccination which Congress established in 1986—and were unable to file claims within the 3 year Statute of Limitations. Thousands of families were left out in the cold, unable to get into the program. They are out there with nothing. Their houses are being sold, they are going bankrupt, they are spending all their money and leading desperate lives trying to help their kids, and they cannot do it. Therefore, the only recourse they had was to file a class action lawsuit.

As the number of thimerosal injured children grew, concerns over the potential financial impact of these class action lawsuits, and the growing scientific research demonstrating a connection between thimerosal and autism, and the subsequent effect on the pharmaceutical industry's bottom line prompted supporters of the Pharmaceutical industry to slip sections 1714 through 1717 into the Homeland Security Act of 2002 effectively killing all thimerosal class action lawsuits. In the 11th hour without any debate, without anybody knowing about it until it was too late, these lawsuits were stopped in their tracks.

Fortunately, the language was ultimately removed after being discovered by several deeply concerned Members of both the House and Senate. Section 7(c) of the Help Efficient, Accessible, Low-cost, Timely

Healthcare (HEALTH) Act of 2005 (H.R. 5) is arguably a thinly veiled attempt to resurrect the ill-conceived Homeland Security Act provisions of 2002, and although Section 10 of the bill exempts vaccine cases before the National Vaccine Injury Compensation Program, if a vaccine claimant exercises his or her right to opt-out of VICA and bring a lawsuit in state or Federal court or has no recourse but to file a lawsuit because of the Statute of Limitations, Section 7(c) of H.R. 5 will fully apply to limit that civil claimant's rights.

Congress should strike this provision from the medical malpractice legislation. We serve the interests of the American people, not the pharmaceutical industry.

Sincerely,

DAN BURTON,
Member of Congress.

Mr. CONYERS. Mr. Speaker, I am pleased now to yield 3 minutes to the gentleman from New York (Mr. NADLER), a distinguished member of the Committee on the Judiciary.

Mr. NADLER. Mr. Speaker, the Republicans have demonstrated that they either do not have a plan to fix the problem of the uninsured, or they simply do not care. Instead, they drag out the same tired giveaways to insurance companies year after year while trampling on the rights of consumers and patients.

This bill is a perfect example. It does nothing to address the real causes of rising malpractice rates, but instead protects insurance companies from their own poor business practices. It protects the pharmaceutical companies. It protects the manufacturers of medical devices. It protects everyone except the victims of medical malpractice.

We are told the bill is necessary to drive down insurance rates because juries are awarding too much money to plaintiffs. But the fact is lawsuits account for less than 2 percent of health care costs, as they always have, according to CBO. The average jury award has hardly increased at all in the last decade. In the last year, claims payments have decreased, gone down, by 9 percent, according to HHS, yet insurance premiums continue to rise.

So where is the crisis? Not in huge runaway juries and not in exorbitant awards. Yet we have here a spectacular assault on the rights of consumers and patients. A cap on noneconomic damages of $250,000 might have been reasonable in 1975 when it was first imposed in California, but today, and with increasing inflation, it is worth less and less.

When we considered this bill in committee last year, I offered amendments to raise the cap to $1.5 million, or at least to index it to inflation so it does not get inflated down to worthlessness. Party line vote: Cannot do that.

But the biggest weakness of this bill is that it will not work. Anyone who thinks insurance rates will go down as a result of this bill is being sold a bill of goods. This bill merely hopes the insurance executives will, out of the goodness of their hearts, reduce the rates they charge doctors. But there is no mechanism to guarantee this. Instead, the bill will simply lead to higher bottom lines for the insurance companies and protect the careless insurance companies and the careless manufacturers.

Every attempt by Democrats to mandate that savings be passed along to doctors in the form of lower rates was voted down by the Republicans. Mr. Speaker, we should not be misled by this bill's supporters. Do not believe for a second that insurance rates will go down as a result of this bill. This bill should be seen for what it is: a gift from the Republican majority to the big insurance companies at the cost of patients' rights, and deluding the doctors and the health care practitioners who are being led down the garden path.

If it were meant to help them, why do the Republicans refuse to put into this bill a provision that mandates that the savings that this bill will supposedly accomplish, at least some of those savings, are passed along to doctors in the form of lower malpractice rates? It will not happen.

The true thing we should do is to crack down on the 1 or 2 percent of doctors who cause 90 percent of the insurance claims who should not be practicing medicine, and better regulate the insurance companies. That is what we should do to solve this problem. Instead, we have this feel-good bill that will injure already injured patients and will do nothing for the doctors.

Mr. SMITH of Texas. Mr. Speaker, I yield 30 seconds to the gentleman from Georgia (Mr. GINGREY).

Mr. GINGREY. Mr. Speaker, the last two commentators in opposition to this bill talked about the biggest problem with this bill being the lack of consumer protection.

I am going to tell my colleagues that the biggest consumer protection in this bill is limitation of contingency lawyer fees. When a person is injured severely, they ought to walk out of that courtroom at the end of the day with the preponderance, the largest portion, of that judgment in their pocket and not in the pocket of the lawyers. And that is consumer protection at its very best.

Mr. SMITH of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. KELLER), a valued member of the Committee on the Judiciary.

Mr. KELLER. Mr. Speaker, I thank the gentleman for yielding me this time.

I support common-sense medical liability reform because it will increase patients' access to lifesaving health care, and it will save taxpayers over $30 billion a year in unnecessary defensive medical tests.

Let me give a real-life example. The Orlando Regional Medical Center is a large hospital located in the heart of my district in Orlando, Florida. It is home to the only Level I Trauma Center in central Florida which specializes in treating patients with severe brain and spine injuries.

Unfortunately, this important trauma center is in danger of closing because we only have a handful of neurosurgeons left in Orlando, and they cannot afford to pay the medical liability insurance premiums of over $250,000 a year. As a result of this liability crisis, this top-rated trauma center had no choice but to turn away over 1,000 patients last year.

Now, what happens when neurosurgeons are not available? We do not have to guess. I personally met with Mrs. Leanne Dyess, who testified before the Committee on the Judiciary. Her husband, Tony Dyess, suffered a very serious head injury in a car accident. The family had excellent medical insurance. What they did not have a was a neurosurgeon. All the neurosurgeons in her area had left town because they could not afford the liability insurance. As a result, it took 6 hours to transport Mr. Dyess to a different location, but it was too late. He needed to be treated within the first hour. Mr. Dyess is now permanently brain damaged. He is unable to communicate, work, or to provide for his family.

Mr. Speaker, some opponents of this legislation say it is not Congress' problem, let us just leave it up to the States. Well, it is our problem, because the U.S. Department of Health and Human Services estimates that this legislation will save taxpayers over $30 billion a year by avoiding unnecessary medical tests which are ordered by doctors under Medicare and Medicaid because of defensive medicine.

It does not have to be that way. Neurosurgeons in California, where they have a $250,000 cap, pay an average of only $59,000 a year in liability insurance, not the $250,000 they pay in Orlando, Florida. Let us bring common sense back to our health care system and give patients access to trauma centers and neurosurgeons.

Mr. Speaker, I urge my colleagues to vote yes.

Mr. CONYERS. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. WEINER), a valuable member of the Committee on the Judiciary.

REQUEST TO AMEND H.R. 5

Mr. WEINER. Mr. Speaker, I move by unanimous request that we amend H.R. 5 to include a cap on premium increases for the duration of the bill.

The SPEAKER pro tempore (Mr. LATHAM). The Chair cannot entertain that request at this time.

PARLIAMENTARY INQUIRIES

Mr. WEINER. Mr. Speaker, parliamentary inquiry. I am making a unanimous consent request.

The SPEAKER pro tempore. Would the gentleman restate his request?

Mr. WEINER. Certainly. My unanimous consent request is that H.R. 5 be amended by unanimous consent, the consent here of both the majority and the minority, that premium increases, health insurance premium increases, be limited to zero for the duration of the period of this bill.

The SPEAKER pro tempore. The Chair will have to see the gentleman's amendment to see if it meets the Speaker's guidelines for recognition.

Mr. FRANK of Massachusetts. Parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will state his inquiry.

Mr. FRANK of Massachusetts. Mr. Speaker, I would ask to what guidelines the gentleman refers. I know there have been guidelines about bringing a bill up at all, but I am not aware of any guidelines that govern the deliberations of a bill once it has been brought forward. Could the Speaker enlighten us as to what guidelines he is discussing?

I am not aware of guidelines that deal with the bill once it is before us. I understand they have dealt with whether or not you consider the bill.

□ 1415

The SPEAKER pro tempore (Mr. LATHAM). It would be inappropriate for the chair to entertain a unanimous consent request for the consideration of a nongermane amendment absent conformity with the Speaker's guidelines.

Mr. FRANK of Massachusetts. Mr. Speaker, further parliamentary inquiry. Would someone point to the rule of the House? First, Mr. Speaker, I must say ''inappropriate'' does not seem to me to be a parliamentary term. Something is either in order or it is out of order. Appropriateness may deal with etiquette, it may deal with how well Members are dressed and how nice they look, but I understood under parliamentary procedure you are either in order or not in order. Would someone refer to me the section of our rules, Jefferson's Manual, which talks about appropriateness?

The SPEAKER pro tempore. If the gentleman would approach the Chair, the Chair will gladly point out the rule.

Mr. FRANK of Massachusetts. Mr. Speaker, why would I have to approach the Chair? This is a public forum. I believe this notion of appropriateness is a gloss on the rules that does not exist. Can we not have a citation to the rule of appropriateness?

The SPEAKER pro tempore. The guidelines are carried in section 956 of the House Rules and Manual.

Mr. FRANK of Massachusetts. Mr. Speaker, further parliamentary inquiry. We are told that these guidelines supersede the rules, during the consideration of a bill that unanimous consent is not in order? I had not previously heard that. Further, I understood they dealt with whether or not Members were recognized. Once recognized, as the gentleman from New York was, I am not aware of any restriction on what the gentleman can do as long as it is within the rules. Those guidelines dealt with recognition, as I understood it.

The SPEAKER pro tempore. Recognition for unanimous consent requests is at the discretion of the Chair following the guidelines followed by several successive Speakers.

Mr. WEINER. Mr. Speaker, further parliamentary inquiry. Is the Chair ruling a unanimous consent request which expresses the unanimous desire of the House of Representatives, is the Chair refusing that to be put to the body?

The SPEAKER pro tempore. The Chair will reiterate that conferral of recognition for a unanimous consent request is at the discretion of the Chair according to the Speaker's guidelines.

Mr. FRANK of Massachusetts. Mr. Speaker, further parliamentary inquiry. Does that mean any unanimous consent request to amend a bill is out of order unless it meets what standard? Could the Chair enlighten us as to how one would become in order?

The SPEAKER pro tempore. A unanimous consent request for the consideration of a nongermane amendment would have to have received clearance by the majority and minority floor and committee leaderships. The Chair has not seen the gentleman's amendment and is unaware of such clearance.

Mr. WEINER. Mr. Speaker, further parliamentary inquiry. Is the concern that it is not in proper form? There has not been a point of order that it is not germane.

The SPEAKER pro tempore. It is a matter of recognition.

Mr. WEINER. Mr. Speaker, I have been recognized, so that is not the issue. Is the issue the form of the unanimous consent request?

The SPEAKER pro tempore. If the gentleman would submit his amendment, the Chair would examine it.

Mr. WEINER. Mr. Speaker, if I can be further heard on the unanimous consent request, and I believe the paperwork is on the way, it is a very simple matter. The sponsor of the legislation says he wants to do what is right for consumers. Over and over we have heard the connection between the legislation and reducing premiums. All I am saying is, if we all agree upon that, let us include the language herein.

The SPEAKER pro tempore. Is the gentleman making a parliamentary inquiry?

Mr. WEINER. No, I want to be heard on my unanimous consent, and I was recognized.

The SPEAKER pro tempore. The Chair has not recognized the gentleman from New York (Mr. WEINER) on his unanimous consent request. The gentleman is, however, recognized for the time yielded to him.

Mr. WEINER. Mr. Speaker, I still have a unanimous consent that is, I believe, in the hands of the Parliamentarian now.

Mr. Speaker, I withdraw my unanimous consent request.

The SPEAKER pro tempore. The gentleman from New York (Mr. WEINER) withdraws his unanimous consent request.

The gentleman from New York (Mr. WEINER) is recognized for 3 minutes.

Mr. WEINER. Mr. Speaker, I think all of the assembled Parliamentarians, staffers, the histrionics of the other side, the apoplexy over the idea that perhaps we might actually reduce premiums is fairly instructive to this debate.

We had no hearings on this. We had no chance to mark it up. We had no chance to include a reduction in premiums.

The gentleman from Georgia said this is a pro-consumer thing. If you really wanted it to be pro-consumer, you would reduce premiums. I would ask any Member on the other side of the aisle who supports this bill to simply say, We do not really care about reducing premiums.

Mr. Speaker, who we are fighting for in this bill is the insurance industry; they are getting protected. The HMOs, they are getting protected. The pharmaceutical companies, that is who is being protected by H.R. 5. But, frankly, do not deceive the American public by what this bill will do.

Insurance prices will not go down. Do Members know how we know this? First of all, the industry themselves have said in public that they have no intention of reducing premiums if this legislation is passed. We can look at other States that have caps. Find me one where insurance premiums went down. Look at California, ask them whether their premiums have gone down.

Frankly, the only way we know for sure that premiums will go down is to cap the premiums, but you will not do that. Not only will you not do that; you will do everything possible to avoid even considering it. That is why committee was bypassed.

And do not also say that doctors are going to face fewer claims as a result of this legislation. They are already seeing fewer claims since they did in 2001. There were 25 per 1,000 physicians in 2001. There are 19 per 1,000 physicians in 2003. If we had a hearing in committee, we might find out what it is this year. You cannot say that, and you also cannot say this: you cannot say the amount being paid out in claims against physicians has reduced in States where there are caps.

You want us to be a Nation where there are caps. Let us look at the States where the caps are in place. The lowest number of claims per 1,000 physicians is in a State that does not have a cap, and the highest are among the States that do have the caps. What this issue is really all about, it is about who you all are fighting for and who we are fighting for.

You are fighting to take away the right of a jury. Your citizens, your constituents who apparently are brilliant enough to elect you, but not smart enough to solve a case that deals with medical malpractice, you are taking the right of a family who wants to take on a megapharmaceutical company or a mega-HMO, and the only way they can bring that suit is to make sure

they get enough money out of that company that they learn the lesson and they do not do it again.

Mr. Speaker, there is some irony here. You control the legislature, you control the executive, you control the judiciary, and still you do not trust any of those people to make the decisions. Only you know how much each and every one of these cases will yield.

Mr. Speaker, I have an alternative idea: get rid of the bad doctors, get rid of the bad lawyers, get rid of the bad judges, and get rid of this bad bill.

Mr. CONYERS. Mr. Speaker, I yield to the gentleman from Massachusetts (Mr. FRANK) for a unanimous consent request.

REQUEST TO OFFER AMENDMENT

Mr. FRANK of Massachusetts. Mr. Speaker, I ask unanimous consent to offer an amendment which is in writing at the desk and is germane.

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

The Clerk read as follows:

Mr. Frank moves to strike on page 11 lines 10 through 25 and page 12.

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

Mr. SMITH of Texas. Mr. Speaker, I object to the unanimous consent request.

The SPEAKER pro tempore. Objection is heard.

Mr. CONYERS. Mr. Speaker, I yield 3 minutes to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. Mr. Speaker, the amendment I sought to offer which was kept out by an objection from the bill's manager would have dealt with the section referred to by the gentleman from Indiana. I also, like the gentleman from Indiana, am prepared to vote for, as I have in the past, some restrictions on medical malpractice.

But what we have in this bill which has not gotten a lot of attention, and the gentleman from Indiana pointed it out, is a total exemption from punitive damages for drug manufacturers who get an FDA approval even though we have seen flaws in the FDA approval process.

What the majority has now made clear, they are insisting that this be taken in whole. The gentleman from Indiana made a good point, an objection to this amendment, and I share his objection. What I do not share is his faith that this is going to be taken care of.

The gentleman from Indiana, my good friend, was uncharacteristically mellow today in accepting an assurance that this will be looked at. I agree it will be looked at. It will be held up to the light. It will be turned upside down, and it will be looked at and looked at and looked at until it is signed into law, and then people will still be able to look at it as the law and those drug companies will have that exemption.

So what I offer today, and one might have thought under democratic procedures this would have been allowed, was simply to vote on that. I was, in the spirit of bipartisanship, acting on the suggestion of the gentleman from Indiana. Forget about everything said about medical malpractice; the amendment I sought to offer and was blocked from offering by that objection, as we were by the Committee on Rules' heavy-handedness, simply would have allowed this body to decide whether as part of a medical malpractice bill you would give an exemption from punitive damages to drug companies. That is not medical malpractice. That is not related to the core of this bill. The majority will not even allow this to be discussed.

I think it is wrong to give that kind of exemption certainly without a lot more consideration, but what is even more wrong is this further abuse of power. The majority simply will not allow this House, like the gentleman from Indiana, elected representatives of the people, to decide on whether or not we give an exemption to the drug manufacturers.

They take medical malpractice, a sympathetic issue, and use it to cloak immunity for the drug manufacturers in part, and then arrogantly refuse to allow the House to vote on it.

Mr. Speaker, I will say what I have said before. We are working with the people of Iraq and we are trying to get them to implement democracy. To the extent anyone from Iraq is watching the proceedings here, I would say to them, Please do not try this at home. Please do not, in the Iraqi Assembly, show the contempt and the disregard and the arrogance for minority rights and democratic procedures, and maybe majority rights. I should amend this. They are not afraid of minority rights; they are afraid if we had an open and honest vote on this that a majority would decide not to let the drug companies carry out under that darkness.

Mr. SMITH of Texas. Mr. Speaker, I yield myself 10 seconds.

Mr. Speaker, I want to say I appreciate the gentleman from Massachusetts (Mr. FRANK), who just spoke, voting for this legislation in the last Congress.

Mr. Speaker, I yield 2 minutes to the gentlewoman from Pennsylvania (Ms. HART), a former member of the Committee on the Judiciary and now a member of the Committee on Ways and Means.

Ms. HART. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in support of the HEALTH Act. It is called the HEALTH Act for a very good reason. It is going to help a number of people who now are finding it very difficult to have access to health care.

We have considered this bill twice in the last Congress, I believe once in the first Congress when I was here, and objecting to this as unfamiliar to Members is simply disingenuous. This issue is so well known, not only to Members, but to the general public, that it scores as one of the most important issues when asked nationwide what we need to address.

The other side of the aisle suggested we deal with bad doctors, bad lawyers, and bad judges. Well, bad doctors, bad lawyers, and bad judges are regulated by the States. The problem is that medical malpractice reform should have been dealt with by the States, but my State of Pennsylvania has not handled the problem. Many States have not acted to deal with this problem and avert further crisis.

Patients needing care face a real crisis in access to care. The wait is too long, the cost is too high. Physicians are quitting because of the high cost of medical malpractice insurance. From 2003 to 2004, Pennsylvania doctors faced double-digit medical malpractice insurance increases. The reason: out-of-control lawsuits.

□ 1430

According to the National Medical Practitioners Database, payouts in my State of Pennsylvania have risen from $187 million in 1991 to nearly $500 million in 2003. These excessive lawsuits have gotten so out of control, as I mentioned earlier, that many doctors have quit the practice of medicine. That means patients do not have physicians to even see.

Last year I met with a dozen doctors from my district. Of the dozen, nearly all of them raised their hand when I asked them if they had children. One doctor said his wife refuses to allow her kids to study medicine. We need to address this issue, and we need to address it today.

Mr. CONYERS. Mr. Speaker, I yield 3 minutes to the gentleman from Massachusetts (Mr. DELAHUNT).

Mr. FRANK of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. DELAHUNT. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Speaker, the gentleman from Texas is right. I did vote for this bill last year, because I thought it was about medical malpractice and did not read it carefully. In fact, what happened was I made the mistake last year that the gentleman from Indiana might make this year. I believed that they would honestly talk about medical malpractice, and it did not occur to me they would try to sneak into this bill something that gave partial immunity to the drug manufacturers.

So I admit that I did not read it thoroughly, but I will not when the gentleman is managing bills make that mistake again.

Mr. DELAHUNT. Mr. Speaker, I had a revelation during the course of the exchange about capping premiums. What I found particularly fascinating was that my good friend from Georgia, our own Dr. Phil, is an advocate for wage control. In other words, cap those fees as long as, I guess, it is lawyers. Maybe not for CEOs, but at least we know that he is a proponent of wage controls for lawyers.

But when it comes to price control, it seems that the majority has a problem. So you are in favor of capping wages, but not in favor of capping prices, because really that is what it comes down to. I guess it is a new tradition within the Republican Party.

In any event, for all the reasons that others have suggested, I think not only does this qualify as a bad bill because it is not going to accomplish the goal of lowering premiums, but I think, and I would suggest, it is a cruel bill, because this cap on so-called noneconomic damages impacts the most vulnerable among us, mothers who stay at home and particularly children, because they have no economic damages. They do not have such economic damages as the loss of potential earnings. So apart from their medical bills, all of their losses are noneconomic, like a lifelong physical impairment, or maybe a mental disability, or disfigurement. This bill will deny them the possibility of a life that at least has a modicum of respect and dignity in compensation for their loss, a loss which, by the way, they had no involvement in other than being the victim.

Mr. SMITH of Texas. Mr. Speaker, I yield 1½ minutes to the gentlewoman from Tennessee (Mrs. BLACKBURN), a member of the Committee on Energy and Commerce and a former member of the Committee on the Judiciary.

Mrs. BLACKBURN. Mr. Speaker, they are asking what are we for and what is this bill all about? I will tell you what we are for, what this majority is for, and what this bill is about. It is about preserving access to health care in our local communities, lots of communities, like my Seventh District of Tennessee. It is not about sitting here and saying, oh, we think all it is going to take to address health care is a big, fat Federal Government. It is about access to health care in our local communities.

Americans know that our health care costs are soaring. They also know that trial lawyers many times view our hospitals and our health care providers as a limitless ATM.

That is the reason I cosponsored this legislation. My constituents have had enough. They have grown ill and fatigued with the stories that are out there, with seeing their local doctors run out of town, with seeing practices close up, and with knowing that they have access to less and less available health care. We know that only one in seven OB-GYNs now deliver babies for fear of being sued, and the national medical liability rate has risen almost 500 percent since 1976.

This is an issue that affects our families. It affects women. It affects children. It affects our rural communities. This bill is a way to assist in preserving health care for our local communities.

Mr. CONYERS. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. EMANUEL), who has followed this subject ever since he has come to Congress.

Mr. EMANUEL. Mr. Speaker, I speak as both the son of a doctor and the son of a nurse. I introduced the Vioxx amendment that would prohibit this special liability protection for the pharmaceutical companies. Many Americans across the country are watching the Vioxx trial in Texas where the Ernst family has lost their loved one, a marathon runner, a personal trainer, who died a premature death because he took Merck's Vioxx medication, and the FDA was not provided with all the information that should have warned of the dangers from that. According to the FDA's doctor, approximately 55,000 premature deaths occurred because of Vioxx. That is the trial the American people are watching.

And then they tune in here to this Congress. What is this Congress trying to do? They are trying to protect Merck and the other pharmaceutical companies in a way that no other industry would get that type of protection from any liability. This Congress would intervene in that civil trial down in Texas where the Ernst family is trying to get their proper redress from the premature death of a marathon runner who had a heart attack because the information was withheld.

The irony of this whole situation is just last year, this Congress, bipartisan, said the FDA did not have the proper resources to regulate these medications. And now you want to hide behind the FDA's Good Housekeeping seal to give protection to an industry in a way that no other industry in America gets.

Last year this Congress gave the pharmaceutical industry $132 billion in additional profits through the prescription drug benefit. Now you want to give them liability protection in a way that no other industry gets. You are like the gift that keeps on giving. There is a gift ban that is on in this Congress, and at some point the pharmaceutical industry has got to be held accountable just like everybody else.

The Ernst family lost a loved one. According to the FDA, about 55,000 other deaths also have occurred. Let us have a debate about medical malpractice. Don't muck it up with your political goals of trying to protect the pharmaceutical industry and other families from the proper redress of the courts.

Mr. SMITH of Texas. Mr. Speaker, I yield myself 20 seconds.

Mr. Speaker, regarding Vioxx, some have alleged the company knowingly misrepresented or withheld information from the FDA. If so, they would be denied the protections in the bill because the bill specifically in section 7 says and excludes any instances in which a person, before or after premarket approval, clearance, or licensure of such medical product, knowingly misrepresented to or withheld from the FDA information that is required to be submitted.

If we look at the language of the bill, we can see that what the gentleman said is not relevant.

Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. DENT).

Mr. DENT. Mr. Speaker, prior to coming to the U.S. Congress, I served 14 years in my State general assembly. I spent a lot of time on this issue, dealing with issues like caps on noneconomic damages, collateral sources, periodic payments, joint and several liability modifications and venue shopping. I just heard some statements from the other side, well-intentioned, but, I must respectfully say, misguided, that simply mandating a premium reduction will not solve this problem. What will happen is what happened in my State.

In 1975, a State-administered medical liability program was created because no one wanted to write insurance in the Commonwealth of Pennsylvania in 1975. We were in a crisis. That did not solve the problem. That State-administered program is broke. My general assembly has appropriated hundreds of millions of dollars to pay doctors' medical liability premiums and hospitals' premiums. That is what will happen if you mandate that premium reduction. It sounds good, but it does not fix it.

The Governor of my State, Ed Rendell, a Democrat, I talked to his insurance commissioner a couple of years ago. I said, if this is an insurance problem, let's look at the numbers. For every dollar paid at that time in medical liability premiums, there was $1.27 in losses incurred; $1 in, $1.27 out. That is an insurance problem. No one wants to write insurance. So if you mandate a premium reduction or hold it harmless, the State is going to have to set up a program, and they are going to have to find the money, and they are going to turn to the taxpayers. That is what is happening. We are in crisis.

This legislation we are dealing with helps deal with this issue because providing for caps on noneconomic damages, Mr. Speaker, will help restore some level of predictability and stability to the insurance marketplace. You need to have people wanting to write insurance in these States. Competition will help you actually drive down costs. I know that some might find that unbelievable, but it will work. It has to work.

I rise to speak in favor of H.R. 5, the Health Act of 2005.

This bill addresses one of the central issues in health care today: the way in which unpredictable, out-of-control legal judgments are driving up health care costs. This bill sets caps on punitive and non-economic damages that result from malpractice litigation. This is important because, as the Congressional Budget Office has noted, under this act, medical liability premiums would be an average of 25 to 30 percent below what they would be under current law.

High medical liability premiums are creating serious doctor recruitment and retention problems in my State, especially in so-called "high

risk'' disciplines such as neurosurgery, orthopedics, emergency medicine, I and obstetrics. In my district, the crisis created in part by outrageous malpractice judgments is best exemplified by the experience of St. Luke's Hospital.

St. Luke's has been recognized nationally 17 times for clinical excellence. Despite this accomplishment, St. Luke's became the target of a frivolous, outrageous lawsuit in the fall of 2000. As a direct result, St. Luke's professional medical liability costs increased more than $4 million in just 2 years.

As a result of medical liability issues, Pennsylvania hospitals face challenges retaining neurosurgeons, without whom trauma centers cannot operate. In fact, a few years ago, another regional hospital serving my district—Easton Hospital—lost all of its neurosurgeons to other States. And Lehigh Valley Hospital, an extraordinary three-hospital network and the largest employer in my district, experienced a fivefold increase in their liability costs over the past few years.

Nothing about this bill prevents a litigant from seeking his or her day in court. In California, which was the model for the current health act, plaintiffs with legitimate claims still enjoy large recoveries. The Government Accountability Office, GAO, has determined that California has controlled medical liability insurance premiums much better than has my home State, Pennsylvania. In fact, in Pennsylvania the medical liability crisis is so acute that the legislature has appropriated hundreds of millions of dollars to assist physicians and hospitals with rapidly rising medical liability premiums. That's like placing a Band-Aid on a gaping wound. Structural reform is needed; taxpayers bailouts—Band Aids, if you will—don't solve the underlying problem.

For all these reasons, I believe that congressional intervention is essential in the form of support for the Health Act of 2005.

Mr. CONYERS. Mr. Speaker, I yield 2½ minutes to the gentleman from Florida (Mr. WEXLER).

Mr. WEXLER. Mr. Speaker, the gentleman from New York (Mr. WEINER) smoked out the truth about this bill a couple of minutes ago when he simply asked that the bill include a provision that would require a flat medical malpractice premium rate. He smoked out the truth, and what we now know is that this bill is not about providing access to health care. It is not about solving a health care crisis. What it is about is protecting the insurance industry.

In fact, a study by the insurance commissioner of Missouri found that while malpractice premiums for doctors doubled from 2000 to 2004, malpractice claims during the same period increased less than 6 percent. Insurers themselves admit that capping medical malpractice payments will not reduce premiums. In fact, States that have caps have higher premiums than States without caps in every medical field, including internists, surgeons and OB–GYNs.

The proponents of this bill claim that large payouts are driving up the cost of medical malpractice insurance. Nothing could be further from the truth. In fact, the opposite is occurring in Florida where the average amount insurers are paying for claims has gone down 14 percent since 1991. At the same time, however, premiums charged by insurers have increased 43 percent. In particular, overall claim payouts for Florida's largest medical insurer, FPIC, dropped 22 percent in the last 4 years. Outrageously, remarkably, this same insurer saw a 154 percent increase in profits for the first quarter in 2004.

This legislation needs to be seen for what it is. It is not about helping doctors. It is not about helping patients. The only goal of this legislation is to ensure even higher profits for insurance companies while not doing a blasted thing to help the sick people in America, to help the people that provide the medical services to our people. This bill will not do one iota to improve health care in this country. The gentleman from New York smoked it out just right.

Mr. SMITH of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. BURGESS).

Mr. BURGESS. I thank the gentleman for yielding me this time to speak on this important issue today.

Mr. Speaker, we, of course, passed this bill some 2 years ago last March. Down in Texas we passed a bill 2 years ago this September and a constitutional amendment that would essentially provide the same type of cap on noneconomic damages that we are discussing here today in H.R. 5.

It has been said before that the States are great laboratories for the Nation. If that is the case, let us examine what has happened in Texas in the 2 years since the cap has been passed. When I ran for Congress in the year 2002, we started the year 2002 with 17 insurers in the State of Texas. By the time I took this office at the start of 2003, we were down to two insurers. It is pretty hard to get competitive rates when you have driven 15 insurers out of the market. Since the passage of the Proposition 12 in September of 2003, which allowed a cap on noneconomic damages, we have had 12 insurers come back to the State, which has provided competitive rates, and Texas Medical Liability Trust, my old insurer of record before I left medical practice, immediately dropped its rates 12 percent after the passage of Proposition 12 and then dropped its rates another 5 percent for a total of 17 percent in the first year since Proposition 12 was passed.

Most importantly, Mr. Speaker, an unintended consequence of the passage of Proposition 12 in Texas was what has happened in private, not-for-profit hospitals.

□ 1445

The Cristus Health Care System in south Texas, a self-insured hospital system, realized a $12 million savings from the first 9 months after that proposition was passed, money that was put back into nurses' salaries, capital expansion, the very things we want our hospitals to spend money on if they were not having to pay it for noneconomic damages.

And, finally, I just cannot let pass the statement about price controls. Physicians have lived under price controls, certainly all of my professional career, for the last 25 years. We have managed, sometimes poorly. But what happens when we have price controls is we end up with lines, and one of the biggest problems we have right now is that doctors are dropping out of practice, and we do not have the practitioners there to provide care for the patients.

Mr. CONYERS. Mr. Speaker, I yield 2 minutes to the gentlewoman from Nevada (Ms. BERKLEY).

Ms. BERKLEY. Mr. Speaker, I thank the gentleman from Michigan (Mr. CONYERS) for yielding me this very precious time.

Mr. Speaker, I am a doctor's wife. There is nobody in this body that wants medical malpractice reform more than I. My husband's medical malpractice has gone up exponentially every single year for absolutely no reason, and if I thought for a minute that this legislation would cure that problem and provide relief for the doctors of this country, I would be all over this legislation.

Unfortunately, this piece of legislation will not do what the Republican side of the aisle says it will. And if the Republican leadership really wanted to provide relief for the doctors, we would have legislation on the floor that the bipartisan Congress could vote on and support and pass and put before the President for signature.

This is a bill not to help the doctors. This bill contains and limits claims against negligent hospitals, drug companies, medical device manufacturers, nursing homes, HMOs, and insurance companies. This bill is not for doctors. This bill is a gift to the insurance companies. There is no provision, there is not one line, one sentence in a 26-page bill, that would ensure that the savings that was realized by the insurance companies would be passed on to the doctors. The doctors will continue to suffer while the insurance companies will get happier and richer.

There is a medical crisis in this country. There is a crisis in access to health care. This is not the legislation that is going to cure that. And for those people who talk lovingly and glowingly of the insurance companies and the marketplace and competition will lower the cost for the doctors, let us have another thought about that. Since when, since when, can the doctors put their faith in the insurance companies when it is the insurance companies that are messing up the doctors? I do not like to see the doctors being used by the insurance companies to do the insurance companies' dirty work.

Let us get a reality check here. Let us not pass this dog of a piece of legislation. Let us work together and pass legislation that is truly going to provide medical malpractice reform and

lower premiums for the doctors. They need it, and they deserve it.

Mr. SMITH of Texas. Mr. Speaker, I yield 2 minutes to the gentlewoman from North Carolina (Ms. FOXX).

Ms. FOXX. Mr. Speaker, I thank the gentleman from Texas for yielding me this time.

I rise because this outstanding bill we are voting on today is so important to my constituency. Skyrocketing insurance premiums have been diminishing our Nation's health care delivery system for far too long. Women have been affected severely as OB/GYN doctors have stopped delivering babies because financially it does not make sense for them to practice in that area. The physicians who bring life into this world are too often forced to reject high-risk patients out of fear of future litigation. Trial lawyers continue to harass America's doctors. Physicians continue to face the burden of skyrocketing insurance premiums.

As a mother and grandmother, I know this is not acceptable. The HEALTH Act of 2005 will provide the means to take action and thwart the efforts of greedy trial lawyers. In turn, this will help Americans, specifically women, obtain better access to the health care they need and deserve. More doctors will stay in business, creating more treatment options, less expensive care, and better access to health services for all Americans.

Health care dollars should be spent on patients in the hospital, not on lawyers in a courtroom. This bill will direct more health care dollars to treating and curing patients, which is what our health care system should be about.

I urge my colleagues to join me in supporting this bill, and I urge our Senators to drastically improve America's health care system by passing this bill as soon as possible.

Mr. CONYERS. Mr. Speaker, I yield 2½ minutes to the gentlewoman from California (Ms. LINDA T. SÁNCHEZ), who serves with distinction on the Committee on the Judiciary.

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, I thank the gentleman from Michigan (Mr. CONYERS) for yielding me this time.

Mr. Speaker, I rise in strong opposition to this unconscionable medical malpractice liability bill. This bill will do nothing to reduce the skyrocketing health care costs in this country. All it will do is deprive people who are already sick and injured of justice.

Mr. Speaker, it is undeniable that most Americans do not have access to affordable health care and that many specialists and trauma centers are closing their doors. But instead of addressing our health care crisis head on, my Republican colleagues have come up with H.R. 5.

H.R. 5 is as deplorable as it is ineffective. Trying to stabilize medical malpractice insurance rates by capping legitimate victims' damages is akin to trying to put out a forest fire with a squirt gun. I know that H.R. 5 will not magically keep medical malpractice insurance rates down and keep doctors in business because the bill is modeled after California's Medical Injury Compensation Reform Act, better known as MICRA.

My Republican colleagues love to sing the praises of MICRA. But guess what? MICRA did not work. MICRA's caps on pain and suffering damages have not reduced insurance rates for doctors in my State. MICRA was signed into law in 1975, but medical malpractice insurance rates did not stabilize until years after MICRA was passed. In fact, between 1975 and 1993, California's health care costs rose 343 percent, nearly twice the rate of inflation and 9 percent higher than the national average each year.

When California's insurance rates stabilized, it was because the State passed legislation to directly deal with the insurance problem. They passed an insurance reform bill known as Proposition 103.

It is a shame that the Republican leadership of the House is further victimizing victims instead of getting at the root of the real problem. Where is the Republican leadership on the real health care issues that Americans care about? Where is a Republican House bill to provide health care for every working family? Where is a Republican House bill to encourage more students to go into medicine and nursing and for practicing doctors to keep their doors open? Where is a Republican House bill that deals directly with medical malpractice insurance rates?

My Republican colleagues have not offered bills that will help reform our health care system. Legislation like that would have prevented the forest fire before it even began. Instead, House Republicans cap legitimate victims' damage awards. H.R. 5, without insurance and health care reform, is meaningless. H.R. 5 simply reinjures the legitimate victims of medical malpractice, and we should vote ''no'' on H.R. 5.

Mr. SMITH of Texas. Mr. Speaker, I yield 2 minutes to the gentlewoman from Washington (Miss MCMORRIS).

Miss MCMORRIS. Mr. Speaker, I thank the gentleman for yielding me this time.

I also rise in support of H.R. 5, which will bring needed medical liability reform to health care providers in Washington State.

As I travel around eastern Washington, I hear from desperate doctors and health care providers that these lawsuits are increasing costs to patients and driving doctors out of business. It is not unusual to hear that doctors are being forced to drop their insurance or stop delivering babies, or younger doctors are quitting to practice overseas. This is at a time when we have a health care personnel shortage. This has happened in areas within my district, such as Odessa, Republic, and Davenport, where we have no OB/GYNs, and pregnant women must travel over an hour now for care. Additionally, it is becoming impossible to recruit and retain specialists, such as neurosurgeons and cardiologists, when 30 to 50 percent experience lawsuits annually. Emergency care is in no better shape with over 30 percent of trauma surgeons being sued each year. This is unacceptable for 21st century health care.

Skyrocketing medical liability insurance costs for doctors and health care providers has caused the American Medical Association to declare that Washington State is in a medical liability crisis. In the past 10 years, the average jury findings in my State have increased 68 percent. As well, the number of million-dollar settlements has risen almost ten times.

This is an important bill that limits excessive lawsuits, but also ensures that those who are truly harmed are going to get their day in court. Over the past few years, had this law been enacted, Washington would have saved an estimated $53 million. HHS estimates that by setting reasonable guidelines for these noneconomic damage awards, we will save between $70 billion and $126 billion in national health care costs annually.

H.R. 5 will bring common-sense reform to outrageous liability rates and will protect patients' access to quality and affordable health care.

Mr. CONYERS. Mr. Speaker, I yield 3 minutes to the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. Mr. Speaker, I thank the gentleman for yielding me this time.

All the public should know on this bill is that no Democrats were allowed to make any amendments to this bill. They were not allowed to debate this bill. Even the great gentleman from Michigan (Mr. CONYERS) of the Committee on the Judiciary, no amendments allowed. None. No thought required by half of the Congress. And do the Members want to know why? Because this bill is really the pluperfect payback of the Republican Party to the insurance industry. This bill will victimize patients in the courtroom after they have already been victimized in the operating room. That is what it is all about.

The premise of the bill is this, and it is not a bad premise: If they are willing to lower the amount of money that somebody can receive for the pain and suffering that they have had inflicted upon them by some medical operation, then, in turn, there will be a lowering of the premiums that doctors have to pay. That is kind of the trade-off that the Republicans have. Lower return for the patients for their pain and suffering, but we also get, as a result, lower premiums for the doctors.

But 2 years ago when I made the amendment in the Committee on Energy and Commerce that would have said that all of the savings from the pain and suffering of patients would

then go to lowering of premiums for doctors, every Republican voted against that because the insurance industry does not want the money to go to lower premiums for doctors. And then this year when I wanted to make an amendment in the Committee on Energy and Commerce that would have said the same thing, lower premiums, I was not allowed to make the amendment. Out here on the House floor, I was not allowed to make the amendment.

So it is not about lowering the premiums for physicians with the money that is ''saved'' from the money that would have gone to someone whose family had been harmed because they might have lost their sight, their limbs, their ability to bear children, their ability to fully function in society. All of those savings for the insurance industry, they are very real. But the lowering of medical malpractice fees is only illusory.

And, secondly, the bill will protect the pharmaceutical industry from liability as long as the drugs that harm patients are FDA-approved. The FDA approval is designed to protect patients from harmful drugs, but it should not waive a company's responsibility for drugs they put on the market. With all of the recent reports about how FDA approved drugs that harmed people, from Vioxx to Bextra to Accutane to Paxil, now is not the time to limit patients' access to the courts, but that is what the pharmaceutical industry and the insurance industry is going to get on the House floor today.

Vote ''no'' on this bill.

Mr. SMITH of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. LUNGREN), a member of the Committee on the Judiciary and former attorney general of California.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I thank the gentleman for yielding me this time.

I would like to just make some comments on some of the suggestions that have been made that MICRA does not work in California and refer only to those parts of this bill that are patterned after MICRA.

Prior to the time that I came to Congress for the first tour, I did medical malpractice cases in California, primarily on the defense side for doctors and hospitals, but I also handled some plaintiffs' cases. In fact, I think I had one of the first successful lawsuits against an HMO in the entire country.

MICRA came into California at a time when we had a crisis, when we had a medical crisis of doctors leaving the State of California or stopping their practice.

□ 1500

It was particularly acute in some specialties, but it was across the board. The evidence is there. The history is there. I can tell you it was there; I saw it.

In 1975, the legislature, in response to that problem, passed MICRA. That is what this is patterned after. It had a $250,000 limitation on pain and suffering. It had these other recommended changes with respect to recovery. It has not stopped successful lawsuits against doctors who have, in fact, committed malpractice.

But what it has done is it has taken a part of the process that basically abused the process out. And what it has done is stabilize what was otherwise a tremendous spiral in the medical malpractice premiums that doctors saw.

Now, some have suggested that is not the case in California. What I can tell my colleagues is it stopped the exit of doctors from the State of California. It stopped the exit of specialists from practice in the State of California. And while it did not diminish entirely the increases, it stopped the trajectory of increases. As a result, it did provide a very serious partial solution to the problem that we found in California.

That is the model. To the extent this bill is modeled after MICRA, that is the model we are talking about.

So if people want to talk about pilot projects, we have a 20-plus-year pilot project in the State of California. Ask the medical community whether or not it has been effective. Ask the patients who now have availability to the services of doctors who otherwise they would not have had we not done something in the State of California.

So for those who are wondering whether or not this will work, at least that part of the bill that is patterned after MICRA will. We have now had a 20-plus-year pilot project, and it has proven to be successful.

Mr. CONYERS. Mr. Speaker, I would like my colleague to know that this bill is based on the California program MICRA, and premiums for medical malpractice insurance grew more quickly between 1991 and 2000 than the national averages. Just remember that.

Mr. Speaker, I yield 45 seconds to the gentlewoman from California (Ms. SOLIS).

Ms. SOLIS. Mr. Speaker, I rise in opposition to H.R. 5. It is an ill-conceived, ill-crafted bill that does nothing to help drive costs down. Studies have shown that this is not the way to go. In fact, insurance companies are the ones that are gaming us right now.

In California, malpractice rates have actually come down because we have enacted tough legislation, as was mentioned earlier. We need to do more to provide for, I would say, a level playing field so that the insurance companies do not walk away taking advantage of our consumers.

Mr. CONYERS. Mr. Speaker, I yield the remainder of my time to the gentlewoman from South Dakota (Ms. HERSETH).

Ms. HERSETH. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I also rise today in strong opposition to H.R. 5. As many of my colleagues have pointed out, there are various troublesome aspects of this bill, including the recent study that demonstrated clearly the rising cost of insurance premiums, while the claims have remained steady in terms of the ultimate litigation outcomes of those claims that have been filed. So we should not be passing any legislation that is not more comprehensive to hold insurance companies accountable as well.

But H.R. 5 is also troublesome because of its blatant disregard for States' rights. In South Dakota's 2004 legislative session, a bill modeled on H.R. 5 was defeated in committee on a unanimous bipartisan vote. I think this sends a strong signal that H.R. 5 does not provide the type of comprehensive solution to medical malpractice insurance premiums that States are looking for and will stifle innovation in the States that has been important to the health care industry.

Mr. SMITH of Texas. Mr. Speaker, I yield myself 20 seconds.

Mr. Speaker, I just want to reply very quickly to the point that was made, and that is that this bill does not violate any States' rights. Section 7(a), it very clearly says that if any State has any cap of any amount, be it higher or lower than the caps in the bill, then that State's cap will prevail.

So this recognizes States' rights. It is friendly to States' rights.

Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. CHABOT), a member of the Committee on the Judiciary and also chairman of the Subcommittee on Constitutional Law.

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

Mr. CHABOT. Mr. Speaker, I thank the gentleman for his leadership on this bill. I rise in strong support of the bill, and I would urge my colleagues to support it.

The costs of the tort system continue to take their toll on the Nation's economy. Medical professional liability insurance rates have skyrocketed, causing major insurers to drop coverage or raise premiums to unaffordable levels. We have heard case after case where this last occurred nationwide. In fact, in my home State of Ohio, it has been designated as a ''crisis State'' by the American Medical Association.

According to some estimates, premiums are now rising in Ohio anywhere from 10 percent to 40 percent, with many doctors involved in specialty practices such as obstetrics seeing their premiums rise by 100 percent, 100 percent or, in some cases, even more. Obviously, this has a negative impact on both patients and doctors, causing higher costs and forcing many doctors to close their practices.

The HEALTH Act, this act that we are debating here this afternoon, addresses this crisis by eliminating frivolous lawsuits and making health care more accessible and more affordable. We have been talking about doing that for years. This is a bill where we can actually do something about making health more affordable.

The HEALTH Act has enjoyed strong support in the House of Representatives in past Congresses, and I strongly urge my colleagues on both sides of the aisle to support this commonsense legislation if they are serious about bringing the high cost of health care in this country down to affordable levels.

Ms. DEGETTE. Mr. Speaker, I yield myself 5½ minutes.

Mr. Speaker, the American health care system is in crisis, in part, because of skyrocketing medical malpractice insurance rates. This crisis, however, is not the result of frivolous lawsuits, but of insurance industry practices.

The so-called solution that we are debating today, carving out enormous new liability exemptions for health insurers, pharmaceutical companies, medical device manufacturers, and nursing homes would not lower doctors' malpractice insurance rates by one dollar. Too many doctors are struggling to keep their practices afloat under the burden of enormous insurance premiums but, instead of helping them, what we are doing today is penalizing the severely injured patients and the families of those who die a result of medical negligence without providing any relief to the doctors from high malpractice insurance rates.

A new study, and we have been talking about it today, by the Kaiser Family Foundation, found that since 2001, there has been a 25 percent decrease in the average number of medical malpractice claims per physician.

Now, if medical malpractice claims have decreased, why do insurance premiums continue to increase? We have been talking today about MICRA, the California insurance program. Now, it is true, the State capped medical malpractice payments in 1975; but despite this, as we just heard from the gentleman from Michigan (Mr. CONYERS), malpractice premiums rose 450 percent over the next 13 years. Only after 1988, when California also implemented insurance reform, did the rates go down. But, today, instead of insurance reform, we are focusing entirely on capping damages.

Now, even the spokesman for the American Insurance Association, Dennis Kelly, said these words. He said, ''We have not promised price reductions with tort reform.''

So I want to ask my colleagues, why are we doing this bill today? What is the real reason for this bill? If the malpractice insurance companies are not going to reduce insurance premiums for these beleaguered doctors, why are we passing this bill? And what is the cause of the increasing insurance rates?

Some suggest that rate hikes are due to insurer investment losses. Others point to old-fashioned price gouging. This year, for example, the Washington State insurance commissioner ordered insurers to refund more than $1 million in premiums to physicians because rate hikes were unjustifiable. But I tried to do an amendment, I did it in committee last time when we heard it, and I tried to submit it to the Committee on Rules: let us do a study. Let us figure out why these rates are high and why Dennis Kelly says they are not going to go down.

The Republican majority refused to even allow a study of malpractice insurance rates and why they are so high. That is what this bill is really about. Because billion-dollar insurance companies have Federal antitrust exemptions, they are allowed to legally fix prices, and this has helped the industry gain a record $25 billion in annual profits.

Now, there is one thing we can agree on across the aisle: Congress must stop this price-gouging of physicians. But granting blanket liability protection to negligent nursing homes, to pharmaceutical companies, and insurance companies, without addressing insurance billing practices, does nothing to solve the problem for these doctors. And what is worse, the immunity for these other industries will be broader than any State tort reform law. It will do nothing to help the doctors; and in the end, it will serve to severely limit the rights of many millions of Americans.

It undermines our health care system to penalize victims of medical negligence in the name of relieving doctors' burdensome malpractice premiums when, actually, nothing is being done to reduce those premiums. Unfortunately, I think this is as a result of an aversion of some in Washington to what I would call fact-based policymaking.

Now, there is a solution. We could work across the aisle to reduce medical malpractice insurance rates, and we could do this by passing bipartisan insurance reform. This would get to the root of the crisis by reducing artificially inflated insurance rates for doctors and not punishing injured patients.

One further note. I hear all day that States are having a terrible problem: doctors cannot get insurance, OB/GYNs are leaving. If this is a State problem, I say to my colleagues, if States are having these issues, I want to know why we are trying to address it at a Federal level. This is not traditionally a Federal issue. The States can do it.

One further note. Anyone reading this bill would know, for the gentlewoman from South Dakota's (Ms. HERSETH) State and every other State, this bill would supersede any other rate or caps they might have with the Federal law. That is wrong. I think we should abide by States' rights and defeat this bill.

Mr. SMITH of Texas. Mr. Speaker, I yield myself 1½ minutes.

Mr. Speaker, what was just said was actually contradicted by the Government Accountability Office. The GAO found that rising litigation awards are responsible for skyrocketing medical professional liability premiums. The report stated that ''GAO found that losses on medical malpractice claims, which make up the largest part of the insurers' costs, appear to be the primary driver of rate increases.''

The GAO found that insurers are not to blame for skyrocketing medical professional liability premiums. The GAO report states that insurer ''profits are not increasing, indicating that insurers are not charging and profiting from excessively high premium rates.''

Mr. Speaker, I also want to say that the opponents of this legislation are forgetting, I hope not ignoring, a study by the Harvard Medical Practice. What this study found is that over half, over half of the filed medical professional liability claims they studied were brought by plaintiffs who suffered either no injuries at all or, if they did, such injuries were not caused by their health care providers, but rather by the underlying disease itself.

Mr. Speaker, I yield 4 minutes to the gentleman from Georgia (Mr. GINGREY).

Mr. GINGREY. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I would like to take my time, I hope sufficient time, to refute some of these statements that have been made in opposition. I want to start with the gentlewoman from Colorado who just spoke. It is absolutely wrong about the issue of Federal law superseding State law in cases where the State has already addressed the issue.

□ 1515

Let us say the issue of caps, my State of Georgia passed a law this year, and the caps there are $350,000. That would be applicable State law would apply. It is only when States have not addressed the issue when the Federal law would speak.

I want to also address something the gentlewoman said in regard to this bill being nothing. I have heard this not just from her, but from number of other speakers on the other side in opposition, talking about that this is nothing but a protection for the insurance industry, and it is another bailout of protection for the pharmaceutical industry, and they are relieved of all liability, which is absolutely untrue, Mr. Speaker.

In fact, last night when we were talking about the rule, the gentleman from Arkansas, a registered pharmacist, opposed the rule and the bill basically for the same reason. I would like to remind him. I hope the gentleman is listening to the discussion this afternoon. But this would protect a pharmacist who prescribes a drug, a legally FDA-approved drug, that the pharmacist had no idea that there might be a problem or an adverse reaction. This is what this bill does. That would protect the pharmacist from punitive damages in a case like that, where there was no deliberate intent to harm the patient.

So it is very important that all of our colleagues understand the truth

here. The gentleman from Illinois kept talking about the Vioxx case, and the marathon runner. Well, if Vioxx and the company that makes that drug is guilty of withholding pertinent information that they had in clinical trials, and they knew that it was a harmful drug that they put out there on the market and exposed patients to that drug, then they are going to pay one heck of a price for that, yes, in punitive damages.

So they are not relieved from that under this bill. It is only when they did everything right and they were approved by the FDA that they would have any relief from punitive damages.

There are plenty of great athletes, Mr. Speaker. I remember an All-American basketball player from St. Joseph's University 10 or 15 years ago that dropped dead on the basketball court. He was not taking Vioxx. But we will see how that case turns out.

The issue was brought up, Mr. Speaker, about young children who are injured, and they do not have a job or profession, so they need this pain and suffering compensation that can be infinity, hundreds of millions of dollars, rather than a cap at 250-, when the truth is the triers of fact, Mr. Speaker, the jury, can determine the life span, the expected life span of that child and what their earnings would be over the course of that lifetime. The same thing in regard to a stay-at-home mom who was a professional maybe, an attorney possibly, before she decided to become a mother and a homemaker. Those earnings would be calculated as well.

Finally, Mr. Speaker, a little while earlier a speaker in opposition, the gentleman from New York, he made this statement: It comes down to the issue of who we are fighting for. I am really not sure who the gentleman in the opposition is fighting for. I suspect that I know who they are fighting for. Does ATLA sound familiar to you, my colleagues?

But I am going to tell you who we are fighting for. We are fighting for the patient. We are fighting for their right to have the ability to access needed specialists in health care, and they are not going to be there if we do not level this playing field.

Ms. DEGETTE. Mr. Speaker, I yield 2½ minutes to the gentlewoman from California (Mrs. CAPPS).

Mrs. CAPPS. Mr. Speaker, I thank the gentlewoman for yielding time to me.

Mr. Speaker, no one disputes that rising medical malpractice premiums are a major, major problem. Unfortunately this bill before us will do nothing to solve that problem. It would limit consumers' ability to hold negligent doctors, profit-driven HMOs, insurance companies, and prescription drug companies accountable.

The claim is made that excessive or frivolous lawsuits are the cause of rising premiums. The problem is that lawsuits affected by the bill are by definition not frivolous.

Where large damages are awarded, it is a jury that has found that the patient has been severely harmed, and, in fact, over the last 5 years, malpractice insurance payments to patients have actually gone down, and that while premiums continue to go up. Now, something is wrong with that ratio.

There is no evidence that capping the damages to an injured person because of malpractice is the way to solve this problem. It will not lower premiums. It will not even stabilize them. All this bill will do is to make very sure that as the malpractice insurers collect outrageous premiums, they will be able to continue to pay out even less to the patients who have actually been harmed. This will penalize innocent victims of medical negligence.

Furthermore, the bill goes far beyond lawsuits against doctors. It would also protect drug companies and HMOs from lawsuits filed by people injured because of their policies.

In 3 years of considering this issue, the majority has not presented a shred of evidence that drug companies need these protections. They are making billions of dollars in profits. If this bill becomes law, the ability of injured patients to hold negligent drug companies accountable would be dramatically limited. We have all seen the recent stories about Cox-2 inhibitors, other medications. So many have tragic outcomes. They highlight the fact that drugs may harm patients. Those studies expose how dangerous this bill can be. We should be helping doctors with malpractice insurance premiums. But this bill is not going to help doctors, and it will hurt patients.

Mr. Speaker, I urge my colleagues to vote against this bill. Let us look for real solutions to rising medical malpractice premiums.

Mr. SMITH of Texas. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, I thought my colleagues might be interested in some quotes. One quote is from a former Democratic Senator, and the other quote is from a liberal Washington Post columnist. I would like to read those now.

Former Democratic Senator George McGovern has written that "legal fear drives doctors to prescribe medicines and order tests, even invasive procedures that they feel are necessary. Reputable studies estimate that this defensive medicine squanders $50 billion a year, enough to provide medical care to millions of uninsured Americans."

Mr. Speaker, this is from a prominent liberal commentator, Michael Kinsley. He wrote in the Washington Post, "Limits on malpractice lawsuits are a good idea that Democrats are wrong and possibly foolish to oppose. Republicans are right about malpractice reform."

Mr. Speaker, also we have a number of polls showing that the American people support the HEALTH Act. Between two-thirds and three-quarters of the American people support exactly what we are trying to do. Just this week a poll conducted by Harris Interactive showed that 74 percent of those surveyed support reasonable limits on the award of noneconomic damages and limiting payments to personal injury attorneys.

A poll by the Harvard School of Public Health found the following: "More than 6 in 10, 63 percent, say they would favor legislation that would limit the amount of money that can be awarded as damages for pain and suffering to someone suing a doctor for malpractice."

The same poll found that 69 percent of the people surveyed say a law limiting pain and suffering awards would help either a lot or some in reducing the overall cost of health care.

Finally, the results of a recent Gallup poll show that the American public strongly supports the HEALTH Act. The survey asked whether those surveyed would favor or oppose a limit on the amount patients can be awarded for their emotional pain and suffering. Mr. Speaker, 72 percent were in favor. That means three-quarters of the American people favor this HEALTH Act.

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

Ms. DEGETTE. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan (Mr. STUPAK).

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

Mr. STUPAK. Mr. Speaker, I rise today in strong opposition of H.R. 5. Despite its name, this bill is a poor attempt to make health care more efficient, accessible, affordable or timely.

It is not even a serious attempt to lower malpractice insurance costs. I agree that Congress needs to comprehensively address medical malpractice issues. I understand and sympathize with doctors facing rising premiums. But this bill is not the answer.

Malpractice premiums are rising as costs in all segments of health care are rising. And doctors, according to this USA Today article, still pay less for malpractice insurance than they do for their rent. And as the headline says here, "Hype outpaces facts in medical malpractice debates."

I am opposed to this legislation for many reasons. First, it has never been brought to the floor with any consideration by the Energy and Commerce Committee or the Judiciary Committee. No hearings were ever held. And there were no opportunities to amend this bill, to include provisions that might actually help solve the problem of premium increases.

The majority believes that the answer to lower medical malpractice premiums is to institute an arbitrary $250,000 cap on noneconomic damages in malpractice suits. However, large jury awards are not the cause of the problem. Only 1.3 percent of all claims result in a winning verdict. But the noneconomic caps hurt the children and the low-income wage-earners the most.

Do we really want to create a capped system where the makers of Vioxx, Accutane, Celebrex and any other drug are suddenly off the hook because of a weak FDA, and the only thing to keep them remotely honest is the trial system?

In addition, this legislation undermines the foundation of our court system, trial by jury of our peers. If we trust juries to determine whether a person is guilty or innocent and should die in a death penalty case, surely we can trust juries to determine compensation for victims in medical malpractice. The fact is that juries are cautious, and patients only prevail in one of every five cases that ever go to trial.

Let me tell you what the bill fails to do. It fails to address the real driver of medical malpractice insurance costs, the insurance industry itself.

The insurance industry investments tanked in the beginning of this decade because of a weak stock market, and now the industry is squeezing health care providers in an effort to protect their bottom line. Why are we not looking at the insurance industry, including the fact health insurers continue to be exempt from antitrust legislation?

In addition, the bill does not address the rising health insurance costs. The Congressional Budget Office, our own CBO, found that even large reductions in medical malpractice costs will have little effect on health care costs.

Finally, the bill does nothing to address the two root causes of medical lawsuits, medical errors and bad actors in the health care system. It is a tragedy that medical errors account for almost 100,000 patient deaths each year, but Congress has done very little to address this issue.

The bill also does nothing to address the fact that 5 percent of all doctors are responsible for 54 percent of the malpractice claims paid. Why do we allow health care providers to practice if they have a long record of errors?

Mr. Speaker, I urge my colleagues to reject this legislation.

Mr. SMITH of Texas. Mr. Speaker, I yield 3 minutes to the gentleman from Pennsylvania (Mr. DENT).

Mr. DENT. Mr. Speaker, as I mentioned a little earlier today, we talked about the insurance industry and its role in this issue. But let us be very clear. We need the structural reforms contained in the HEALTH Act, H.R. 5, in order to continue to provide access to quality care for our constituents and patients of the United States.

We also need to incent insurance companies to write policies in our States, which they will not do indefinitely in this current environment. And I remember a few years ago when people said, when the crisis was acute in Pennsylvania, they said the problem is the insurance companies invested money foolishly in the stock market. Well, a lot of people lost money in the stock market a few years ago. At that time the insurance companies in my State had about 8 to 10 percent of their money in equities. Most of it was in investment-grade bonds, which did rather well. But that really was not the cause of the problem.

But let me tell you about the city of Philadelphia. In my State, many people want to get their cases heard in a Philadelphia courtroom. Why? Because the juries pay more. According to Jury Verdict Research, at that time the average jury verdict award in Philadelphia was over a million dollars, and the average everywhere else in the State was under a half million. No wonder people wanted to go to Philadelphia.

In fact, President Bush even cited Philadelphia in a speech he made in Scranton, Pennsylvania, where trauma centers were closing down. What the President said there is that in the city of Philadelphia, there were more jury awards, more dollars sent out by Philadelphia juries than in the entire State of California, a State of 35 million people, and Philadelphia a city of 1.5 million people.

How is that? The system is broken. I am in the Lehigh Valley of Pennsylvania, 60 miles north of Philadelphia. One hospital, St. Luke's, was hit with a $100 million jury verdict in a Philadelphia courtroom. In a Philadelphia courtroom. It was an outrageous decision. It was settled for something less than that, I will tell you that right now. But it was an outrageous situation, could have bankrupted a major institution that has been nationally recognized on many occasions for clinical excellence. That is one of my problems.

We have also heard, too, that this is not a Federal problem. Does the word Medicare mean anything to anyone around here? Medicare will save billions of dollars over 10 years if we enact the reforms contained in this legislation.

Furthermore, in many States again like mine in Pennsylvania, to amend the constitution to permit caps on noneconomic damages literally is a 4- to 5-year process.

□ 1530

But we cannot wait 4 to 5 years to solve this problem. That is why we need the HEALTH Act now. We can do it much more quickly. It is absolutely critical. A Band-Aid will not stop the bleeding. Structural reforms are required.

As I mentioned a little earlier today, in my State, taxpayers, particularly cigarette smokers, that is who is paying the bill for doctors' premiums and hospitals' medical liability premiums, that is who is paying the bill because no one wants to write insurance, and the State-administered fund is broke. They will have to find hundreds of millions of dollars more come January 1 to fix this problem.

The point is, structural reform is needed. Taxpayer bail-outs and Band-Aids will not fix the problem. I commend the gentleman from Georgia (Mr. GINGREY) for his leadership on this issue. A former colleague, Jim Greenwood, I thank for his leadership in the last session; and I thank the gentleman from California (Mr. COX) as well. I want to thank them for their leadership. I urge passage of H.R. 5.

The SPEAKER pro tempore (Mr. SHAW). The gentleman from Texas (Mr. SMITH) has 11½ minutes remaining. The gentlewoman from Colorado (Ms. DEGETTE) has 9 minutes remaining.

Ms. DEGETTE. Mr. Speaker, I yield 2 minutes to the gentlewoman from Ohio (Mrs. JONES).

(Mrs. JONES of Ohio asked and was given permission to revise and extend her remarks.)

Mrs. JONES of Ohio. Mr. Speaker, I thank the gentlewoman for yielding time. I rise today not only as a lawmaker but also as a former judge who tried many malpractice cases in Cuyahoga County, Ohio, to voice my disapproval of H.R. 5, the medical malpractice legislation that irresponsibly limits what might be rightfully owed to an injured plaintiff.

My previous experiences have taught me to respect the independence of our court and the jury system. Our judicial system must remain uninhibited in order to be effective. In direct contradiction to this fundamental democratic principle, H.R. 5 limits the capacity of a jury to deliver a fair verdict by capping the amount of noneconomic damages at $250,000. I say that the facts of each case should be able to control.

Thomas Jefferson once stated: ''I consider trial by jury as the only anchor ever yet imagined by man, by which a government can be held to the principles of its Constitution.'' By handcuffing the jury, this Congress would be trampling on this democratic principle.

Let me say that we can sit here on the floor of this House and talk about a number, $250,000. But it does not reach to a courtroom where we have an injured plaintiff who has the ability to put evidence on in the courtroom to say to the jury and to the judge that these are the facts of our case that deserve to have the law applied to it and have the jury render a verdict.

It would be unfair in my mind as we look at the drug company advertisements. It used to be that the doctor would recommend the drug to the patient. Anymore, you turn on the TV and the TV is telling the patients, Get that purple pill; it will make a difference in your life.

Why should we allow drug companies who spend millions of dollars to entice parties into getting a particular drug without knowing any information to be let loose or let go for these reasons.

I say vote against H.R. 5, the medical malpractice legislation, because it is not what we need to help our plaintiffs.

Mr. SMITH of Texas. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, let me share with my colleagues the result of three studies,

and let me emphasize that these studies are not about hypothetical situations. They are not theoretical studies. They are studies of the actual experiences of States that have enacted reforms similar to the ones we have in this bill that we are talking about today.

According to the U.S. Department of Health and Human Services, States with reasonable legal reforms including caps on noneconomic damages enjoy access to more physicians per capita: ''We found that States with caps on noneconomic damages experienced about 12 percent more physicians per capita than the States without such a cap. Moreover, we found that States with relatively high caps were less likely to experience an increase in physician supply than States with lower caps.''

Mr. Speaker, also, research shows that California reforms, which the HEALTH Act is based on, have not resulted in unfair awards to deserving victims. A recent comprehensive study of California's MICRA reforms by the Rand Institute concluded that under MICRA, ''awards generally remained quite large despite the imposition of the cap, and California's reforms have not resulted in any disparate impact on women or the elderly.''

Mr. Speaker, in another study, researchers at the Harvard School of Public Health stated that ''we found no evidence that women or the elderly were disparately impacted by the cap by noneconomic damages in California under MICRA.''

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

Ms. DEGETTE. Mr. Speaker, how much time remains?

The SPEAKER pro tempore. The gentleman from Texas (Mr. SMITH) has 10 minutes remaining. The gentlewoman from Colorado (Ms. DEGETTE) has 7 minutes remaining.

Mr. SMITH of Texas. Mr. Speaker, I yield 4 minutes to the gentleman from Georgia (Mr. GINGREY).

Mr. GINGREY. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I think it is important that we make sure that all our colleagues are clear on some of the issues that have been discussed here today. I know there has been some hyperbole maybe on both sides of the issue, and I want to be very clear.

This bill protects our patients, first and foremost, and gives them an opportunity to have access to affordable health care and to the specialist that they need and when they need them. It also helps our physicians, our doctors be able to stay in practice when they have an opportunity to have a stable medical malpractice insurance premium that they have to pay.

Yes, there is no question, Mr. Speaker, that section 7 in regard to punitive damages, that is applicable to our doctors as well as to companies that make medical equipment. It also is applicable to drug companies that provide us with life-saving drugs if they have done so in a fashion that is not negligent and not deliberately intended to harm a patient.

Here is an example, Mr. Speaker: things like time released infusion, chemotherapy, treating cancer patients, insulin pumps for diabetics, titanium hip replacements, artificial heart valves. If the makers of these life-saving devices were subject to punitive damages every time something through no fault of their own went wrong, we would be in the situation that we were in a year and a half ago in regard to the flu vaccine. Nobody wants to get involved in that business for the fear of a lawsuit. And with the government setting prices on flu vaccines, the profit margin to begin with was very limited.

So this section 7 is a very important provision in this bill, Mr. Speaker. So again, I want my colleagues on both sides of the aisle to understand that this is not a bad provision. This is a good provision.

Mr. Speaker, also one of the speakers in opposition, well, actually several of the speakers in opposition, said that this bill has been brought to us, we have had no hearings, we have had no opportunity, we have had no voice. It is not true, Mr. Speaker.

This is the fourth time in 3 years that this exact same bill, H.R. 5, has been dealt with on the floor of this House. It is the exact same bill.

I joined this body in 2003. We dealt with it in 2003. We dealt with it in 2004, and here we are with the exact same bill. Section 7 was in the bill, the section in regard to punitive damages. Nothing has changed. In fact, in the Committee on Energy and Commerce this February, a hearing was held on medical liability and some 15 witnesses were at that hearing, Mr. Speaker. So it is untrue to suggest that we have not had hearings and they have not had an opportunity. They know this bill.

It is a good bill. We have passed it three times. We are going to, in a few minutes, pass it for a fourth time; and, hopefully, the other body will do the same thing so we can get this to the President for his signature and level this playing field once and for all.

Ms. DEGETTE. Mr. Speaker, I yield 2 minutes to the gentleman from Washington (Mr. INSLEE).

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

Mr. INSLEE. Mr. Speaker, there are better ways to solve this problem than to strip Americans of the right to trial by jury. Fundamentally, this bill takes the right of trial by jury of your peers away from Americans and gives that authority to politicians who have never heard any of the evidence.

Take this case about a 4-year-old girl I know from Yakima, Washington, named Nichole. Several years ago, she went in with a urinary tract problem. The doctors put in a foley catheter. When you do that, there is a balloon they put in your bladder that is inflated to hold the catheter. This was traumatic to this 4-year-old girl. When they went to deflate the catheter, it would not deflate. So they tried to deflate it by sticking a steel wire up through her urethra to try to puncture the balloon so they could pull the catheter out. They tried it many times. This was traumatic to this young girl. It did not work.

So they finally had to inject a solvent up her urethra to dissolve the rubber and it dissolved the rubber and it also dissolved part of her bladder and severely burned her bladder because of the malfunction of a negligently designed and manufactured foley catheter.

Now, who is better to make a decision for that 4-year-old girl about what is justice? Teachers, truck drivers, insurance salesmen sitting in a jury who have heard the evidence and who have looked at Nichole and understand the future dysfunction she may have and the trauma she had, or 435 politicians who are clueless about that specific case?

Where is the wisdom from the Creator that these politicians are vested in to tell us what Nichole went through? Nobody knows except maybe someone who was at that trial.

This is moving authority from jurors, citizens, the people who are sitting up in the gallery right here and taking it away from you and putting it in the pockets, first of Members of Congress, through the lobbyists for the drug companies and the medical companies. And by the way you, know what happened because of Nichole's case? That company cleaned up its act, and it started a new quality-control mechanism so that we will not have future Nicholes, because we had a medical negligence system that protected the Nicholes of this world.

There is a problem. This is not the best way to solve it. Respect America, democracy, and our jurors.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are to refrain from referring to persons in the gallery.

Mr. SMITH of Texas. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, I just want to remind my colleague who just spoke that our separation of powers provides that all aspects of the government are limited to some extent. If juries or judges give outrageous awards, like any other exercise of government power, they should be subject to reasonable checks and balances.

Mr. Speaker, I also want to remind my colleagues that unnecessary and frivolous litigation is threatening the viability of the life-saving drug industry. To encourage the development of life-saving drugs, the HEALTH Act contains a safe harbor from punitive damages from a defendant whose drugs or medical product comply with rigorous rules or regulations. The provision is manifestly fair.

Why should a drug manufacturer be found guilty of malicious conduct when

all they did was sell a product approved as safe under the comprehensive regulations of the FDA? Claims for unlimited economic damages and reasonable noneconomic damages could still go forward under the HEALTH Act. The safe harbor does not apply if relevant information was misrepresented or withheld from the FDA.

Eight States have, in fact, provided an FDA regulatory compliance defense against damages just like this bill. Those States are Arizona, Colorado, Illinois, New Jersey, North Dakota, Ohio, Oregon, and Utah. Opposing this bill jeopardizes those State laws. And the Members who are from those States might want to remember that.

Mr. Speaker, the evidence is overwhelming. Without legal reform, patients will continue to go without needed doctors: women will continue to deliver babies on the side of the road because the nearest OB/GYN is hundreds of miles away; parents will continue to be forced to watch as their child with brain injury suffers because lawsuits forced the nearest neurosurgeon to stop practicing.

Mr. Speaker, we need to pass this legislation.

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

The SPEAKER pro tempore. The gentleman from Texas (Mr. SMITH) has 3½ minutes remaining and has the right to close. The gentlewoman from Colorado (Ms. DEGETTE) has 5 minutes remaining.

□ 1545

Ms. DEGETTE. Mr. Speaker, I yield for the purpose of making a unanimous consent request to the gentleman from Rhode Island (Mr. KENNEDY).

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

Mr. KENNEDY of Rhode Island. Mr. Speaker, I rise to ask why we are not doing more to ensure fewer mistakes are made in the first place.

Mr. Speaker, nobody disputes that malpractice premiums are heavily impacting many physicians. I think very few of us would dispute that there are frivolous claims filed. All of the justifications for this bill about losing physicians in high-risk practices are real concerns.

So why is it that we are spending this time debating a bill that won't address this problem? Repeatedly dramatizing the problem doesn't make this bill a solution. This bill does nothing to prevent frivolous lawsuits. It doesn't rein in the bad actors, in penalizes those who are the most grievously injured.

Experience shows that the link between awards or settlements and premiums is tenuous at best. An exhaustive study published this month showed that premiums have gone up 120 percent over the last 5 years while claims were flat. The GAO has found no evidence that caps on damages hold premiums down.

But even if this bill could work—it would not, Mr. Speaker, but even if it could—we are completely missing the real issue.

We are fighting about how or how not to compensate the victims of mistakes and hold negligent providers accountable. Shouldn't we be talking instead about how to ensure fewer mistakes in the first place?

We are talking about closing the barn door but the horse is already galloping across the field.

Mr. Speaker, Sorrel King can teach us all a lesson. Several years ago, her 18-month-old daughter Josie suffered severe burns and was rushed to the ICU at Johns Hopkins Hospital.

She got the world-class care you would expect and they saved her life. She was going home in just a few days. And then communications were botched, orders were lost, and Josie was administered a drug she was not supposed to get, over Sorrel's objection. And even then, further warning signs were missed.

Josie King wound up dying of dehydration in one of our Nation's finest hospitals. Johns Hopkins settled with Sorrel and her family. And—here is where we can learn something—Sorrel turned around and gave the money back to Hopkins to create a new patient safety program.

Mr. Speaker, like Sorrel, we need to spend less effort apportioning blame and more effort making our system safer and better. Hundreds of thousands of our constituents die in hospitals every year not in spite of the care they get, but because of it. These are mostly systems problems, not the result of individual negligence.

Last year I introduced the Josie King Act to begin transforming health care delivery so that the system itself is driving better quality at lower costs. It laid out a roadmap to bringing health care into the information age and promoted the development of uniform quality metrics so that providers, the public, and purchasers have a clearer picture of which providers get the best outcomes for patients.

Now we are finally beginning to see attention to these priorities, which, unlike the current debate, have bipartisan support. We won't reach agreement about capping damages to patients who are hurt, but we can agree that the system should hurt fewer people.

We can pass strong health IT legislation this year, like the bill Mr. MURPHY from Pennsylvania and I introduced or the one that was reported out of committee in the other body.

We can pass legislation this year to begin linking reimbursements to outcomes and quality. I know we have strong leadership on both sides of the aisle, in several committees and in the House leadership, for both of those things.

Until we begin aligning incentives in health care so that providers who go the extra mile to make their patients better or, even better, keep them healthy—people are going to keep getting hurt.

Until we begin aligning incentives in health care so that the tools of the information age can help make care more accurate and more efficient.

Mr. Speaker, I agree with my friends on other side that physicians need lower malpractice rates. I also believe that the best way to get fewer lawsuits is to get fewer mistakes. Let's keep our eyes on the ball and make our health care system better, safer, and more efficient and make everyone better off.

Ms. DEGETTE. Mr. Speaker, I am honored to yield 1 minute to the gentlewoman from California (Ms. PELOSI), the distinguished minority leader.

Ms. PELOSI. Mr. Speaker, I thank the gentlewoman from Colorado (Ms. DEGETTE) for yielding me this time and for her leadership on issues that relate to the health and well-being of the American people.

I also want to salute the two distinguished ranking members, first the gentleman from Michigan (Mr. CONYERS) of the Committee on the Judiciary for his leadership on this important legislation; and I especially want to acknowledge the gentleman from Michigan (Mr. DINGELL), who this year celebrates his 50th anniversary in Congress, and every day of those 50 years he has worked to improve access to quality health care for all Americans. But particularly on this 40th anniversary of Medicare and Medicaid, it is worth noting the contributions of the gentleman from Michigan in providing health care security for millions of Americans and for upholding the fundamental principle that Democrats believe in: Health care is a right, not a privilege.

Mr. Speaker, I rise in strong opposition to the Republican medical malpractice bill. Let me begin with this simple fact: Under President Bush, 5.2 million more Americans have joined the ranks of the uninsured. Today, 45 million Americans have no health insurance. The bill before us does not, nor does any other Republican bill during this so-called Health Week, provide health insurance to one single American.

This bill is not about solving the urgent health insurance crisis that affects millions of American families, nor is it about improving our health care system, containing costs, or even lowering medical malpractice insurance premiums. Instead, the Republican medical malpractice bill, first and foremost, is a windfall to the big drug companies at the expense of Americans who have been injured or killed by harmful and unsafe drugs. Once again, protecting the big drug companies is at the top of the Republican agenda.

The Republicans have attempted to hide the true purpose and the real reason for this bill. It contains a special liability waiver for drug companies for the types of injuries caused by drugs. Under this Republican bill, when Americans are injured, or even killed, by drugs that have been negligently marketed, they will not be able to obtain justice and hold drug companies wholly accountable.

The Republican leadership, beholden to the pharmaceutical companies, refused to allow amendments that would strike this unjust provision. As with the Medicare prescription drug bill, where Republicans prohibited the government from negotiating for low prices for seniors, and forbade Americans from purchasing lower-priced drugs from Canada, this is yet another example of the Republicans being the handmaidens of the pharmaceutical industry.

The Republican medical malpractice bill is an extreme bill that is an injustice to consumers, and it unconscionably rewards irresponsible drug companies. If we are to remain a Nation that seeks justice for all, the special liability waiver for drug companies must be removed. Unfortunately, the Republicans refused to permit the consideration of the Emanuel-Berry amendment to remove this unjust and reprehensible provision.

Apart from pandering to drug companies, this bill utterly fails to achieve its stated purpose. It will not lower medical malpractice insurance premiums, nor does it address the real cause. The real cause of high malpractice premiums is not the payouts for malpractice claims. Former Missouri State Insurance Commissioner Jay Angoff issued a recent study showing the amount collected in premiums by major medical malpractice insurers has doubled. The amount received in premiums has doubled, while the claims paid out have remained flat, resulting in excessive profits and excessive reserve surpluses.

The Angoff study found that insurance companies are charging far more for malpractice insurance than actual payments or estimated future payments warrant. This finding is also supported by numerous studies that document that in States that have enacted caps or damage awards, they have not seen their premiums for malpractice insurance lowered.

Rather than addressing insurance companies' refusal to lower rates, the Republican bill instead interferes with the rights of injured Americans to be compensated for their injuries and have their claims heard by a jury of their peers. If enacted, the cap on damages would severely harm women, children, and the elderly who have been injured. Unfortunately, the Republican leadership did not allow the Democratic substitutes by the gentleman from Michigan (Mr. CONYERS) and the gentleman from Michigan (Mr. DINGELL) to be offered.

The Democratic substitute supports sensible approaches that permit only valid claims to go forward. More significantly, the Democratic substitute addresses real causes for premium increases and offers real solutions for the doctors. It repeals the antitrust exemption for insurance companies. It provides targeted assistance to help physicians stay in crisis areas.

We all respect the magnificent contribution that doctors provide to our society. It is not only a profession, it is a vocation, and we literally could not live without them. So it is with great respect for them that I say they deserve better than this bill, which purports to help them.

President Harry Truman said it so well: ''The Democratic party stands for the people. The Republican party stands, and always has stood, for special interests.'' That was true almost 60 years ago when he said it, and it is certainly true today. Let us uphold the public interest. Let us stand up to the big drug and insurance companies, and let us oppose this unjust bill.

Mr. SMITH of Texas. Mr. Speaker, I reserve the balance of my time, as we are prepared to close on this side.

Ms. DEGETTE. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, the gentleman from Texas says that this bill does not preempt State law. In fact, the bill includes a sweeping preemption of State law which is designed to override State laws that protect consumers and patients while keeping in place State laws that favor doctors, hospitals, nursing homes, HMOs, pharmaceuticals and medical device manufacturers, and other health care defendants.

In fact, the only laws that this bill does not supersede are the ones that protect those groups, and that is at the great risk to patients.

Mr. Speaker, I yield the balance of my time to the gentleman from California (Mr. WAXMAN).

Mr. WAXMAN. Mr. Speaker, there are a number of very important reasons to oppose this bill, but I want to focus on one of the most egregious parts of the legislation that has nothing to do with medical malpractice. Under this legislation, if a drug or medical device manufacturer sells a dangerous product that causes harm to a consumer, so long as that product received FDA approval prior to being marketed, a court would be prohibited from awarding punitive damages against that manufacturer. This marks a dramatic change in current law by transforming FDA product approval into a shield against liability.

Time and again we have seen that the FDA approval process cannot or does not guarantee the safety of drugs and other medical products. Every day our concerns increase about the adequacy of the FDA's postmarket safety programs. And we have seen numerous instances in which despite receiving FDA approval, drugs and medical devices, have been pulled from the market because of the emergence of severe dangers associated with their use.

Mr. Speaker, we have not given the FDA the tools or the ability to approve a drug so that all the things that would happen after that approval will not occur, such as the failure of the company that manufactures it to make sure they follow their own safety standards; or that new risks that are not known at the time of the approval will never arise.

We have to rely on the civil justice system as an additional layer of protection for American citizens. In court, consumers harmed by dangerous medical products are given the opportunity to hold the pharmaceutical companies accountable for their wrongdoing. Confronted with the looming threat of liability, pharmaceutical and medical device companies have every incentive to ensure that their products are safe before they are marketed, and that they continue to be safe once on the market.

We have seen mounting evidence that drug and device companies can withhold key data from physicians, fail to conduct needed safety studies, and carry out misleading advertisement campaigns even when they know of the risks of their products. Yet instead of safeguarding an individual's right to hold a drug and device company accountable for this kind of conduct, this legislation offers sweeping protection for those companies.

A company might mislead doctors about the safety of its drug and continue to aggressively promote the use of a dangerous drug in spite of studies raising questions as to its safety. Under this legislation, such company would have a shield from liability for punitive damages for this behavior. This is an issue that should be decided on the evidence and in court.

If we fail to preserve the right of Americans to hold manufacturers of dangerous medical products accountable, we will fail to uphold our responsibility to American consumers to protect against unsafe products and medical devices.

Mr. Speaker, I urge opposition to the legislation.

Mr. SMITH of Texas. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, first let me say to my colleagues who are not usually concerned about States rights that if they will look at section 11 of the bill, they will find the bill respects the right of any State to set a cap of any amount, be it higher or lower, than the caps in the bill itself.

Mr. Speaker, the HEALTH Act is the only proven legislative solution to the current medical liability insurance crisis. According to the Congressional Budget Office, under this bill, ''Premiums for medical malpractice insurance ultimately would be an average of 25 percent to 30 percent below what they would be under current law.''

H.R. 5 allows unlimited awards of economic damages. These include past and future medical expenses, lost or past and future earnings, the cost of obtaining domestic services, loss of employment, and loss of business or employment opportunities. Deserving victims can be awarded tens of millions of dollars in damages, as we have already seen in the States that have similar reforms to those contained in this bill.

Mr. Speaker, the Harvard Medical Practice Study found that over half of the filed medical professional liability claims they studied were brought by plaintiffs who suffered either no injuries at all or, if they did, such injuries were not caused by the health care providers, but rather by the underlying disease.

H.R. 5 is modeled on California's legal reforms. Those reforms have resulted in California's medical liability premiums increasing at a rate that is only one-third the rate of those of other States.

Mr. Speaker, we need to act, and we need to act now. The nonpartisan Annals of Medicine predicts that the current doctor shortage could get worse, and we could lose 20 percent of needed doctors in the coming years. Let us protect patients everywhere. Let us pass the HEALTH Act.

Mr. AL GREEN of Texas. Mr. Speaker, I want to express my concern regarding the passage of H.R. 5, the Help Efficient, Accessible, Low-cost, Timely Healthcare (HEALTH) Act of 2005 also known as the medical malpractice bill. Although some believe that ''reforming'' medical malpractice litigation will ultimately serve as a solution for skyrocketing healthcare premiums, it is my belief that this legislation is both misguided and harmful to the American people.

One of the most contentious provisions within H.R. 5 is a $250,000 cap on awards for non-economic damages. Placing such a cap allows corporations the opportunity to build into their bottom line a certain amount of liability. Currently, we have a judicial system that creates a fine balance between free corporate enterprise viability and consumer protection. The medical malpractice bill will disrupt this equilibrium in the name of reducing ''frivolous'' lawsuits without taking into account the implications for those making legitimate claims. This bill has the potential to reduce the incentive for corporations to remedy defective products,and instead may allow those entities to easily assume the loss incurred by ultimately accounting for the cost liability, a sum inevitably less than their sometimes lucrative profits.

I respect the efforts of all of my colleagues to address the concerns of their constituencies. However, I would be remiss in that duty if I did not oppose legislation that erodes consumer protection and the ability of the courts to determine appropriate punitive measures for negligent defendants.

Mr. ABERCROMBIE. Mr. Speaker, I rise today to support efforts to address the medical malpractice problem we have in this country today. There can be no doubt that doctors are paying excruciatingly high premiums and as a result, patients,and our medical system are suffering. However, I do not believe that H.R. 5 will do anything to solve this problem. As many of my colleagues have pointed out, this legislation will only lower expenses for the insurance industry and limit compensation for those victims who need it the most.

Later in this Congress, I will be introducing legislation to offer an alternative to the idea of caps on compensation. Instead of limiting victim awards, my proposal is to limit the involvement of the insurance industry in the medical malpractice system. Physicians will no longer have to worry about the cost of their medical malpractice insurance. The practice of defensive medicine and its toll on our medical system would be eliminated.

In addition, my proposal will ensure that the small number of doctors who are responsible for a large number of malpractice suits, will be critically examined. According to the National Practitioner Data Bank, 11% of physicians are responsible for half of all malpractice payments made between September 1, 1990 and December 31, 2003.

Yesterday, the House of Representatives passed S. 544, an important first step in addressing one of the root causes to the situation we face today. The Patient Safety and Quality Improvement Act will create a voluntary reporting system for errors and ''near misses.'' This information can then be analyzed so that better medical practices can be established.

Mr. Speaker, it is time to address the other root causes of rising medical malpractice premiums. Caps are an old and ineffective solution. My proposal will be a substantive and constructive reform for the entire system. I urge my colleagues to keep an open mind in trying to solve the medical malpractice problems we face today.

Mr. HONDA. Mr. Speaker, for the fourth time in the 5 years I have been a member of the United States Congress, I will be opposing a flawed Republican bill which would limit damage awards to patients injured by medical malpractice. While Republicans claim their measure would reduce insurance costs for doctors by discouraging frivolous lawsuits—which they blame for driving up insurance premiums and reducing access to health care for patients—the Republicans legislation completely ignores the rate-setting process followed by the insurance industry. Furthermore, a 2002 study by the Congressional Budget Office found that the effect of even a very large reduction in malpractice costs would have a small effect on individual health care premiums.

This bill broadly defines ''medical malpractice action'' to protect HMOs, insurance companies, nursing homes and drug and device manufactures for a broad range of liabilities, including suits by physicians against those companies. Furthermore, the bill caps non-economic awards for pain and suffering of $250,000, and punitive damages at $250,000 or twice economic damages, whichever is greater.

All this measure really does is place legal obstacles on patients injured by wrongful conduct. Under this bill, individuals face time limits that would require an injured person to file health care lawsuits no later than three years after the date of the injury or one year after discovering the alleged malpractice, whichever occurs first. In addition, there are limits to attorney contingency fees, which would potentially force inured persons, faced with medical bills and lost wages, to finance lawsuits they otherwise cannot afford.

Support of tort reform say large million-dollar damage awards in medical liability suits are the reason that the cost of malpractice premium insurance are so high. I believe premium increases represent only one part of the problem facing many doctors throughout the nation and these increases are not necessary linked to damage awards. Even some insurance industry insiders say that recent increases in malpractice premiums have nothing to do with lawsuits or jury awards, and that tort reform will not reduce premiums. Rather, increases have been driven by the insurance underwriting cycle and insurance companies' bad investments.

Mr. Speaker, rather than truly deal with a crisis faced by medical doctors, this bill is simply crafted to benefit the insurance industry at the expense of victims of medical malpractice. Instead of fruitless passing this flawed bill for the 4th time in less than five years, we should be working hard to provide health care to the 45 million Americans who are uninsured today.

Mr. BOUSTANY. Mr. Speaker, I rise in support of H.R. 5, the HEALTH Act of 2005.

The medical liability crisis have been growing over the last decade and is rapidly developing into a patient access crisis as well.

Frivolous lawsuits are overwhelming our legal system and wasting billions of dollars each year.

In 2004, more than 70 percent of medical liability claims did not result in payments to plaintiffs and only 1.1 percent of claims resulted in a plaintiff's verdict.

In cases where the defendant prevailed at trial, the average defense costs were $87,720 illustrating the high cost of unfounded claims.

Frivolous lawsuits further drive up costs by encouraging physicians to practice defensive medicine ordering additional tests that are not necessary to provide quality care. Physicians are also less likely to try new and innovative medical treatments.

The resulting increase in medical malpractice premiums are threatening access to quality care by forcing physicians to move their practices, retire early, and limit services. The situation is particularly critical for ob-gyns. From 2003 to 2004, increases in rates for ob-gyns were as high at 66.9%. Illinois premiums rose from $138,031 to $230,428.

H.R. 5, the HEALTH Act, will increase patient access to health care services and provide improvised medical care by reducing the excessive burden the liability system place on the health care delivery system. This bill: Ensures that patients receive adequate compensation while limiting non-economic damages to $250,000. Sets a statute of limitations of three years after the date of manifestation of injury or one year after the claimant discovers the injury to ensure timely resolution; allows the introduction of collateral source benefits and the amount paid to secure such benefits as evidence; authorizes the award of punitive damages only where: (1) it is proven by clear and convincing evidence that a person acted with malicious intent to injure the claimant or deliberately failed to avoid unnecessary injury the claimant was substantially certain to suffer, and (2) compensatory damages are awarded. Prescribed qualifications for expert witnesses.

States including Louisiana and California that have instituted their own liability reforms that include caps on non-economic damages have shown proven success and as a result, these states are not facing a medical liability crisis.

I urge my colleagues to support the HEALTH Act and ensure patient access to quality medical care.

Ms. LEE. Mr. Speaker, I rise today in opposition to H.R. 5.

Proponents of this legislation make numerous false claims.

They claim that ''tort reform'' will magically reduce doctors' skyrocketing malpractice premiums.

But the truth is that even a spokesman for the American Insurance Association couldn't promise price reductions with tort reform.

Supporters also claim that capping non-economic damages will make malpractice insurance more affordable for doctors.

But the truth is that the example set by my home state of California's MICRA law proves this isn't the case. Enacted in 1975, it wasn't until after 1988, when California passed insurance reform under Proposition 103 that malpractice insurance rates began to stabilize.

Proponents even claim that this bill will protect patients' rights.

But the truth is that H.R. 5 would strip away the rights of patients, especially women, seniors, children, and lower income families.

But Mr. Speaker, let's give credit where credit is due. This bill does protect someone:

It protects HMOs, the insurance industry and the pharmaceutical companies.

Mr. Speaker, instead of false claims and gifts to HMOs, we need a bill like the Conyers-Dingell substitute that was not made in order.

Unlike H.R. 5, the Conyers-Dingell bill is balanced and would eliminate frivolous lawsuits, increase competition, and reduce costs, without sacrificing crucial protections.

Let's be real, Mr. Speaker. This bill is yet another example that shows where Republican priorities lie—with their contributors—HMOs and insurance companies.

Patients and people deserve more.

I urge my colleagues to reject the false claims and vote ''no'' on H.R. 5.

Mr. BLUMENAUER. Mr. Speaker, there are two ways of dealing with the medical malpractice problem. One is to take the approach that the House Republican leadership has chosen for years; a narrowly drawn proposal that appeases their partisan supporters but doesn't solve the problem. As I said last year, the rationale was weak and there was little evidence it would succeed. Instead, it may do more harm to the health care community and doctors. Most important, because it is so narrow and partisan, it's very unlikely to become law. Pushing a political solution is the approach that has been tried repeatedly and is what Oregon voters rejected again at the polls last year.

The other approach is to work cooperatively, bringing people to the table to make progress. This is what appears to be happening in Oregon in the aftermath of the last defeat. In Oregon, doctors, hospitals, and other healthcare professionals are working with consumer advocates, trial lawyers, and people from government to fashion a solution that is acceptable; to make progress building on cooperation and trust.

Between the two approaches it's clear that the narrow, partisan, and unbalanced approach is not only questionable on its merits, but is a political dead end. I see no reason to change my longstanding opposition to both the narrow solution and to the approach that created it. Given the nature of the crisis of healthcare in the United States, the problems will only get worse; politicizing them will only put off the day when real progress is achieved.

Mr. HOLT. Mr. Speaker, I rise in opposition to H.R. 5. This legislation will not reduce medical liability premiums, and it unfairly and arbitrarily discriminates against those most severely injured by medical errors.

I have consistently heard from physicians in Central New Jersey that the rising cost of medical malpractice insurance represents a growing crisis. The rising premiums have compelled many physicians to leave the state or leave medicine altogether. My wife is a general practice physician, so I fully appreciate the gravity of the situation facing many doctors. The rising cost of insurance poses obvious dangers for access to care, particularly for populations most in need.

Unfortunately, the Republican leadership has brought to the floor a bill that does not reduce premiums for physicians and imposes an arbitrary cap on damages for the most severely injured victims of malpractice or negligence.

Capping non-economic damages at $250,000 for patients who have won a medical malpractice tort will not result in lower insurance premiums for physicians. Just listen to what the insurance industry itself has said. ''We have not promised price reductions with tort reform,'' said Dennis Kelly, an American Insurance Association spokesman in the Chicago Tribune. In fact, over the past few years, payouts for medical malpractice cases have remained flat while premiums have continued to rise, in some cases doubling.

Because of insurance companies overcharging doctors for insurance, the fifteen largest insurers have accumulated a surplus that is double what they actually need to pay claims. We should be debating how to most effectively rebate this surplus to the doctors, rather than looking for ways to reward them for the squeeze that they are executing on our healthcare system. The insurance industry is gouging medical doctors and is trying to use patients as a scapegoat.

Imposing a cap on damages inherently affects the patients most severely injured by malpractice or negligence. Setting the cap at $250,000 is an insult to all those who have had their lives permanently changed by medical errors. The figure is lifted directly from the 1975 California MICRA law. Adjusted for inflation, this amount would be close to $1 million in 2005 dollars. $250,000 does not come close to compensating for loss of life or permanent disability or disfigurement.

I am disappointed that, for the third time in three years, the Rules Committee has eliminated any opportunity to amend the legislation. I am particularly disappointed that the Rules Committee disallowed substitute legislation by Ranking Members JOHN CONYERS and JOHN DINGELL. Their bill would weed out frivolous lawsuits, require insurance companies to pass savings on to health care providers, and provide targeted assistance to the physicians and communities who need it the most. That Congress is not permitted even to consider this legislation as an alternative demonstrates that the bill we have before us cannot survive on its own merits.

As liability insurance premiums continue to rise for physicians across the country, the Republican leadership continues to prescribe the same tired and ineffective legislation. For good reason, this bill has not survived the legislative process for the past three years, yet we are once again debating whether to enrich insurance companies at the expense of victims of medical malpractice and negligence.

We need a comprehensive, fair, and effective approach to lowering insurance premiums for physicians. The legislation we have before us is none of the above. I encourage my colleagues to oppose H.R. 5.

Ms. DELAURO. Mr. Speaker, we can all agree on one thing—the skyrocketing cost of malpractice insurance impacts every doctor and, indeed, every American. But contrary to what this majority has repeated time and again, the reason for these soaring costs has nothing to do with frivolous lawsuits.

Indeed, a new report by the Center for Justice and Democracy found that in the last 4 years, the 15 largest malpractice insurers increased premiums by 120 percent—more than doubling premiums. And what about all those frivolous lawsuits supposedly driving those costs? The same report found that claims during that same period rose by just 5.7 percent. In my State of Connecticut, the contrast between claims and rates is even starker, with premiums for our 3 largest malpractice insurers shooting up 213 percent over the last 4 years while claims have increased only 1.6 percent.

So, let's call this situation what it is, Mr. Speaker—insurance companies gouging doctors. To inflate their own profits, insurance companies are putting doctors at risk, destabilizing our health care industry and driving up costs for everyone.

And what is this majority's response? Granting authority to State insurance commissioners to order refunds for doctors when excessive rates are imposed? Requiring insurance companies to get approval before rate increases? Demanding that States set standards for actuaries to calculate rates?

No. Their response: ''blame the patients.'' Limit damages. Drive a wedge between the parties being hurt the most by rising malpractice costs—doctors and patients. At all costs, it seems they are saying, do not hold the insurance industry's feet to the fire on this issue.

Mr. Speaker, this debate ought to be about helping doctors—about doing something meaningful to ensure they can afford to continue practicing medicine. Instead, this bill would insulate insurance companies from having to follow any kind of responsible guidelines regarding how malpractice insurance rates are set. And, as such, this bill will do nothing to actually drive those rates down—an admission the insurance industry itself has acknowledged.

None of this is to say that we do not need to crack down on frivolous lawsuits—indeed, last year I voted to penalize lawyers who file frivolous suits with a tough ''3 strikes and you're out'' rule. And today, Democrats wanted to offer a substitute, which would have taken a comprehensive approach to the malpractice insurance crisis. Our bill would have prevented frivolous lawsuits but also required insurance companies to pass some of their savings on to health care providers, as well as providing assistance to the physicians and communities who need it the most.

We had also hoped to strike a provision of this bill that would have protected manufacturers such as the makers of Vioxx from liability. But again, Republicans prevented that amendment from coming to the floor today for consideration. And little wonder—I would not want to justify why Republicans were protecting the makers of a drug found to be responsible for thousands of deaths either.

Mr. Speaker, in the face of premium increases that are 20 times faster than malpractice claims increases—frivolous or otherwise—this legislation is irresponsible, plain and simple. I urge my colleagues to do right by doctors and families by opposing this bill. Let's come back and pass a bill that will actually address the malpractice insurance crisis.

Mrs. BIGGERT. Mr. Speaker, I rise today in strong support of H.R. 5, the HEALTH Act.

Will County, Illinois, part of which I represent, no longer has any practicing neurosurgeons. A recent survey found that 11 percent of OB/GYNs no longer practice obstetrics in my home State of Illinois. And more than half of OB/GYNs in the State are considering dropping their obstetrics practice entirely in the next 2 years due to medical liability concerns.

Women and children are the first to suffer in a crisis like this. As a mother and a grandmother, I don't want to see pregnant women driving to another State because they can't

find an OB/GYN in their own area. I don't want to see injured children transported miles away from their homes because there are no pediatric neurosurgeons left to treat head injuries. And I don't want to see health insurance premiums climb so high that employers can no longer afford to provide benefits to their workers. We need reform and we need it now.

Mr. ETHERIDGE. Mr. Speaker, I rise today in opposition to H.R. 5, the Republican medical malpractice bill, and the process by which it is being debated in this House.

Today, the House will vote on H.R. 5, a bill to impose caps on damages that may be awarded for medical malpractice, defective products, and other health related wrongdoings. Like many Members of this House, I am concerned about the rising cost of medical malpractice insurance and its impact on physicians and their patients, but H.R 5 is the wrong medicine for this national problem.

I oppose H.R. 5 because it will not reduce medical malpractice premiums. What's more, it protects manufacturers of faulty pharmaceutical devices and medical equipment from product liability actions, and overturns North Carolina State law. H.R. 5 also limits the ability of injured persons to bring suits against pharmaceutical companies, HMOs, and nursing homes, thus setting a dangerous precedent allowing these entities to escape the law in even the most severe cases of neglect and abuse. Finally, H.R. 5 undermines North Carolina's patient protection statutes, which are some of the strongest in the Nation.

My colleagues, Mr. DINGELL and Mr. CONYERS, have drafted an alternative amendment to H.R 5. This alternative will help courts weed out frivolous lawsuits without restricting the rights of legitimate claims, repeal the Federal anti-trust exemption for medical malpractice insurance companies, thereby increasing competition and lowering premiums, and provide targeted assistance directly to physicians, hospitals, and communities in medical malpractice crisis areas. Finally, the alternative establishes an independent advisory commission to examine and recommend long-term solutions to this important issue. Unfortunately the Republican Leadership has denied Representatives DINGELL and CONYERS the opportunity to offer this alternative.

Mr. Speaker, the issue of medical malpractice insurance is an important one. H.R. 5 will without a doubt harm America's patients. I urge all of my colleagues to vote against H.R. 5 and to support the motion to recommit the bill.

Mr. UDALL of Colorado. Mr. Speaker, I'm reluctantly voting against H.R. 5, which would limit medical malpractice awards.

I am not opposed to considering legislation that would do something to respond to real problems. But I do not think this bill merits that description.

In fact, I think the vote today has more to do with politics than with policy—and if I had any doubts on that point, they ended when the Republican leadership refused to permit any amendments at all to be considered. Stifling debate is not the way to develop good policy.

As in the past, the bill's supporters argue that unless the tort laws are changed, doctors will not be able to afford malpractice insurance and so will give up providing medical care. And, again, opponents say the bill would do nothing to affect insurance rates.

I think we're beating a dead horse. Both sides have dug in and aren't willing to compromise. In the meantime, we aren't doing anything to reform our medical liability system and we aren't doing anything to make health care more affordable and accessible for Americans.

Our system is inherently adversarial and we've continued this finger-pointing game and done nothing to improve patient safety and health care access, which is what we're really talking about here.

I think we need a system that is non-punitive and encourages openness and improvement so that doctors can report medical errors without fear of being sued. This will help us understand medical errors and improve procedures and patient safety. Fewer medical errors will result in fewer medical malpractice suits, which in turn will help keep malpractice insurance rates and health care premiums down.

That's why I have supported legislation to create a voluntary medical error reporting system under which patient safety organizations, on a confidential basis, would receive information on reported errors for analysis. They would then be expected to develop and disseminate evidence-based information to help providers implement changes in practice patterns that help to prevent future medical errors.

In addition to that, I think we should explore ideas like alternate dispute resolution, no-fault systems, and medical courts.

I also want to make it clear that I am not opposed in principle to capping damages. That has been done in Colorado and some other states, and I think there is evidence indicating that it can help keep health care costs down and keeps doctors accessible. However, I think this bill's low and arbitrary limits on damages will hurt those at the bottom of the income scale the most. Also, I don't think we should be shielding large and powerful HMOs and drug companies from liability. So, I cannot support the bill as it stands.

Mr. Speaker, ultimately this issue is about health care access and patient safety. If we aren't going to compromise, I hope we'd start thinking outside the box on how to end the logjam. I offer these ideas as a way to get there, because we aren't going to get there from where we are today.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today in opposition to H.R. 5, the Medical Malpractice bill.

H.R. 5 may have been conceived with good intentions, but it is a bad bill. It is a particularly bad bill for low income Americans.

If a patient is injured by a caregiver due to medical malpractice, and that patient sues, it should be up to a judge or a jury—not the U.S. Congress, to decide how much compensation should be awarded.

Injured patients who don't get their fair compensation will suffer. They will suffer in two ways. First of all, it's hard to put a blanket price on damages resulting in life or limb.

Secondly, if the compensation is not sufficient, what will happen to the disabled patient when the money runs out? Who, then, will pay for their long-term care, or for the children of someone permanently disabled or even killed?

I'll tell you who will pay for them: the American taxpayer. Those children and disabled people will enroll in federal programs to help them exist day by day. American taxpayers pay for those programs.

Mr. Speaker, this bill won't do anything to lower the cost of health care.

This legislation is good intentions that will have bad consequences. I ask my colleagues to consider very carefully who will end up paying at the end of the day.

The American taxpayers—you and I, not the care providers at fault—will end up paying for the damages incurred from medical malpractice.

Mr. GENE GREEN of Texas. Mr. Speaker, I rise in opposition to H.R. 5, legislation to limit non-economic damages that victims may seek when injured by medical malpractice. My primary objection to this bill stems from the Congress imposing its will on the states regarding an issue that rests squarely within State jurisdiction.

The states are responsible for licensing medical professionals and for regulating the insurance industry. In fact, the states have had jurisdiction over medical malpractice for more than 200 years, and it should continue to be that way. This legislation would unnecessarily preempt the laws of states that have taken measures to address this issue. At least 30 states have enacted laws with regard to non-economic damages, so it is unconscionable that anyone would argue that the medical malpractice issue is trapped in a regulatory vacuum.

In 2003, the State of Texas saw a need for action on medical malpractice and enacted a cap on non-economic damages. Having served in the Texas State Legislature, I know first-hand that state legislatures are best positioned to determine whether and how to address the medical malpractice situation in their individual states. The State of Virginia enacted a different cap that best balances the needs of consumers, physicians and health care institutions in that particular state. The situation is different in each state, and a Washington-knows-best approach ignores the hard work and tough decisions that individual states have made.

On a substantive level, I oppose this legislation based on two provisions with significant flaws. First, the bill includes a firm $250,000 cap on non-economic damages without providing for inflation adjustment in future years. While that figure mirrors California's MICRA law, it is important to recognize that California's cap has not been adjusted for inflation in approximately 30 years. Further, California's law was crafted during a time when a $250,000 cap would have sufficed for all but the most egregious jury awards—which, I might add, the judge has the discretion to overturn. That is certainly not the case in the 21st century, and I object to the Congress placing a price on pain and suffering. A cap on non-economic damages would create a one-size-fits-all figure for each and every case of medical malpractice. Members of Congress do not hear the details of each medical malpractice case. Members of juries do, which is why they are best equipped to determine the appropriate non-economic damages based on the facts of each case.

This legislation also contains a dangerous provision that would provide drug companies and device manufacturers with an affirmative defense against punitive damages as long as their products had FDA approval. This provision presupposes that FDA approval is an airtight process whose integrity need not—and legally cannot—be questioned. Considering

the FDA's recent track record with regard to Vioxx and other pharmaceuticals that have been removed from the pharmacy shelves, it is clear that the integrity of the FDA approval process has been compromised. Until some serious reforms are implemented at the FDA, the FDA stamp of approval should not provide any company with an affirmative defense against punitive damages. Such a provision would only provide drug and device manufacturers with even less of an incentive to report known adverse events before their products go to market and ensure that their products are as safe as possible. Given these concerns, I would urge my colleagues to oppose this bill and leave this issue to the states, which have clear jurisdiction, as well as the ability and willingness to handle this delicate issue.

Mr. WELDON of Florida. Mr. Speaker, I rise to express my strong support of H.R. 5 and my interest in seeing that one significant concern is addressed, should this bill move through the Senate.

As a practicing physician I know how important this bill is to ensuring that Americans have access to good medical care. For too long too many limited resources have been misdirected away from patient care and have instead been spent to unnecessary malpractice awards and the practice of defensive medicine. Defensive medicine offers little in terms of better patient outcomes, but it adds billions of dollars to the cost of medical care. I know this not only because studies show this is the case, but I used to practice defensive medicine every day.

This bill makes sure that there is fair treatment for those individuals who do suffer serious adverse medical outcomes, while ensuring that our legal system is not overwhelmed with frivolous lawsuits.

A serious concern I have with the bill, and an issue I have raised with the chairman and others, is how it treats liability reform for manufacturers of drugs and vaccines. With respect to pharmaceuticals we are often unable to recognize all adverse reactions until we have post-marketing information. This post-marketing safety data, such as in cases like Vioxx, is provided to FDA on a voluntary basis by the manufacturers. I agree with the intent of the bill which is to ensure that Americans have greater access to potentially live saving pharmaceuticals. However, it is equally important that we fully examine the implications of such provisions on safety and the willingness of manufacturers to come forward with adverse information.

I am also concerned that H.R. 5 offers significant liability protection for vaccine manufacturers, while failing to fix the broken vaccine injury compensation program (VICP). It is critically important that these two not be separated. The VICP is very broken and it would be wrong to cut off access to the courts without addressing the serious deficiencies that exist in the compensation program today. As it operates today, the VICP has essentially imported the tort system into the program. That was not how the program was designed to operate. If both the liability problem and the VICP deficiencies are not fixed fairly, then our nation's immunization program will suffer serious problems and parents could increasingly reject childhood immunizations for their children.

Mr. DINGELL. Mr. Speaker, I rise in strong opposition to H.R. 5. The Republican leaders of this House have denied us our right to offer an alternative to the over-broad and ill-conceived legislation that is before us today and have bypassed both committees of jurisdiction. Why are they so afraid?

Are they afraid we will demonstrate that their bill will create excessive litigation as opposed to reducing it? H.R. 5 is ambiguously drafted, leaving its readers to surmise what its provisions could possibly mean. Federal and State courts would take years trying to sort it all out.

Are they afraid we will discuss how their legislation shields HMOs, insurance companies, and drug manufacturers from all sorts of skullduggery? The proponents of this legislation offer no evidence that these privileged industries need additional protections, yet H.R. 5 grants them a special status under the law that is unprecedented.

Are they afraid we will show how this unprecedented immunity bath for their favorite industries will hurt the rights of injured patients? There is a human cost to this legislation that we must not forget.

Are they afraid we will tell how H.R. 5 would hurt women, seniors, and low-income families by limiting non-economic damages to $250,000? Because a large part of economic damages is an individual's income, such a system would place a higher value on the lives of CEO's. My friends, every human life is worth more than $250,000.

Unfortunately, my Republican colleagues are quite determined to move quickly and harshly. Their legislation reaches well beyond malpractice and offers no guarantees of assistance to providers and communities. Physicians and patients are asked to cross their fingers and hope that some of the benefits given to large corporations will trickle down to them. And women, seniors, and low-income families are left to pay the human cost of these corporate benefits. It is wrong.

But the rising cost of malpractice insurance is a real problem—requiring careful, balanced, and targeted legislation. Regrettably my colleagues will not have the opportunity to vote for the balanced package that my friend from Michigan, Mr. CONYERS, and I have crafted. Perhaps their greatest fear is that you would prefer a bill that truly helps physicians, hospitals and nurses, while protecting the rights of patients and doctors over HMOs. I urge you to support the motion to recommit and oppose final passage of H.R. 5.

Mr. STARK. Mr. Speaker, we have been told that weapons of mass destruction required an invasion of Iraq, that ketchup is a vegetable, and that global warming is a vast, left-wing conspiracy. Now, the great minds of the Republican Party want us to believe that lawyers are to blame for skyrocketing medical malpractice insurance premiums.

Respected insurance, health care, and legal experts all show that insurance companies, with their record surpluses, are to blame for rising premiums. Who are you going to believe? I cast my vote with the experts, and against H.R. 5, the so-called Help Efficient, Accessible, Low-cost, Timely Healthcare (HEALTH) Act of 2005.

This bill arbitrarily caps payments for pain and suffering at $250,000 and extends liability protection not only to doctors, but to HMOs, nursing homes and manufacturers of drugs and medical devices. Furthermore, the President and other Republican proponents claim that this bill will halt skyrocketing medical costs. That's hogwash. Even the non-partisan Congressional Budget Office has found that the this bill would have a negligible effect on health care spending, ultimately reducing insurance premiums by less than one-half of one percent.

Ineffective legislation is one thing, but this bill is legislative malpractice. It would mean that a child permanently disabled by an incompetent doctor would receive only $250,000 to be compensated for a lifetime of pain and the inability to lead a full life. If this bill were enacted, nursing homes that abuse our seniors, HMOs that deny critical care, and drug companies that market dangerous drugs like Vioxx can take your life for a guaranteed low price set by their friends in Congress.

The implication of limiting damages and attorneys' fees is that greedy lawyers and their irresponsible clients are somehow faking medical errors or blaming natural medical problems on innocent doctors. Given that medical errors are the eighth-leading cause of death in this country, exceeding car accidents, breast cancer, and AIDS, that suggestion is off base. Anyone who's ever been at the bedside of someone in the hospital and received 12 different answers from 12 different care providers about treatment instructions knows the risk of a serious medical error.

This bill does nothing to reduce medical errors, and it won't reduce malpractice premiums. Between 2000 and 2004, claims payments rose by less than 6% while insurers' net premiums rose by 120%. The money isn't going to lawyers—it is padding the pockets of wealthy insurance companies, and they have no intention of ending the windfall even if this bill passes.

I support the Democratic bill, which Republican leaders won't allow to come up for a vote. That bill reforms the insurance industry—breaks up insurance monopolies and gives doctors the right to challenge premium increases—and has sensible tort reform without blocking compensation for injured patients. Unlike the Republican bill, any savings by insurance companies would be required to actually reduce malpractice insurance premiums and 50% of punitive damage payments would go to the Agency for Healthcare Research and Quality to reduce medical errors.

If high premiums and medical errors are the problem, the Democratic bill seems like a logical solution. So logical in fact, so tempting even to my Republican colleagues, that their leadership won't even allow them to vote on the Democratic alternative. I urge my colleagues to reject this sham and force this House to consider real legislation to solve this national crisis.

Mr. RYUN of Kansas. Mr. Speaker, I rise today in support of H.R. 5, the next step in the ongoing struggle to reform medical malpractice liability. Skyrocketing insurance premiums are debilitating our Nation's health care

delivery system and liability insurers are either leaving the market or raising rates to excessive levels. In turn, more physicians, hospitals, and other health care providers are severely limiting their practices, moving to other states, or simply not providing care. Without a change, the exodus of these providers from the practice of medicine will continue, and patients will find it increasingly difficult to obtain needed health care.

H.R. 5 would help to lower the costs associated with health care coverage by encouraging the speedy resolution of claims, limiting lawyers' fees, and imposing caps on non-economic damages.

I urge the House to once again pass medical malpractice reform to help lower the cost of quality health care and make it accessible to more Americans.

Mr. CARDOZA. Mr. Speaker, I rise today to share my concerns about H.R. 5 and to urge my colleagues to support the Democratic Motion to Recommit.

I think we all agree that skyrocketing medical malpractice premiums are spiraling out of control and demand our immediate attention.

As a former member of the California Legislature, I voted to uphold MICRA on three separate occasions and I think that doctors everywhere deserve the same protection. MICRA is a model for federal reform because it has produced a stable, competitive medical liability insurance market while ensuring prompt and fair payments to those injured and in need.

While I am pleased that H.R. 5 adopts the basic framework of MICRA, I am deeply concerned about other elements of the bill that provide cover to special interests, including liability protection to HMOs, pharmaceutical manufacturers and medical device manufacturers.

Now is not the time to give greater protections to pharmaceutical companies that put unsafe drugs like Vioxx on the market. Such protections have nothing to do with the liability insurance crisis facing doctors and should be stripped from this bill.

I am also concerned that the caps California established in 1975 under MICRA were never indexed to inflation: To provide the same level of compensation in today's dollars, the cap would have to equal $800,000. Put another way, the $250,000 MICRA cap has decreased in value since 1975 to approximately $70,000.

With that in mind, I believe we should adjust the $250,000 cap to reflect its current value. As we all know, health care costs—including hospital charges and medical fees—have risen dramatically since 1975. If we are going to model our national law after the 1975 MICRA model, I suggest that we start by using realistic figures that reflect 2005 dollars.

Despite these concerns, in 2003 and again last year, I voted for H.R. 5 with the expectation that improvements would be made in conference with the Senate.

Unfortunately, that did not happen, and today we are considering a bill under a Rule that blocked a number of reasonable amendments, including a substitute offered by my colleague from Michigan, the ranking member on the Judiciary Committee.

While I plan to support this legislation today, my continued support is predicated on substantial changes as the Senate attempts to align it more closely to California's MICRA law. If this happens, I will support the conference report.

However, I—as well as a number of physicians I know—will oppose a bill that provides inappropriate protection to drug companies, HMOs and medical device makers.

I hope that my colleagues in the House leadership will take these concerns into mind as debate moves forward on this critically important issue.

Mr. MANZULLO. Mr. Speaker, the United States has been blessed with the best system of medicine in the world. But we are having a crisis of access. This problem is not a case of whether a patient has health insurance. You may not be able to find a doctor to treat you.

The headlines are replete with stories of women having to drive several hours because they cannot find a doctor to deliver their baby. If you are in a car accident in southern Illinois and need a neurosurgeon, you will be airlifted to another State because there are no neurosurgeons left to treat you.

Litigation has escalated and awards have skyrocketed. Multi-million dollar court decisions and jury awards have left doctors with medical liability premiums increase 40 to 50 percent per year.

Doctors in certain fields of high-risk fields of medicine can expect to be sued at least once in their career.

As a result, doctors are retiring or leaving the practice of medicine. Emergency rooms and rural facilities have closed. Many other doctors are moving to States that have taken action to cap jury awards, which stabilizes malpractice costs.

I know of one OB–GYN in Illinois who left her practice to go back to being a pharmacist where she could earn more money and not worry about malpractice premiums. She explained that after paying malpractice insurance, she and another physician made $50,000. A third doctor made $60,000 and the fourth doctor made $70,000. Their office manager made more than all of them: $75,000.

Thirty years ago, California passed comprehensive medical liability reform. According to the Department of Health and Human Services, States that have limited noneconomic damages have seen premium increases by less than 20 percent. States without limits on noneconomic damages have seen premiums increase on average of 45 percent.

This is quantifiable evidence that medical liability reform works. I urge my colleagues to vote for H.R. 5.

Ms. ESHOO. Mr. Speaker, for 4 years we've been debating what to do about the malpractice premium crisis. We clearly have a problem but what's not so clear is what the solution should be.

I'm a Californian, and in my State, we have a law titled the Medical Injury Compensation Reform Act, MICRA, that has been mentioned many times on the floor. This law was passed by a Democratic legislature and signed by a Democratic governor in 1975. It's been on the books ever since, without a single change. MICRA has contributed to stabilizing premiums in California, but without other reforms, we would still be facing the same skyrocketing increases as other States.

The Help Efficient, Accessible, Low-cost, Timely Healthcare, HEALTH, Act of 2005 has been described as a Federal version of MICRA. I respectfully dispute this assertion.

The HEALTH Act places a $250,000 cap on noneconomic damages for suits against physicians, insurers, HMOs and nursing homes as well as drug and medical device manufacturers. MICRA limits that cap solely to physicians. The Health Act also places a cap on punitive damages. MICRA does not.

One of the reasons MICRA has worked is because it's prescribed in its scope. If we're to get to the heart of exorbitant medical malpractice insurance, we have to focus our efforts on those who truly need our help. I'm concerned that extending these provisions to those outside of the physician community may have a harmful effect on patient care and on our legal system.

Patients must also be fairly compensated for any wrongs that befall them, but this bill also uses MICRA's cap level of $250,000, which has not been updated for inflation since the law was passed in California in 1975. When adjusted for inflation, $250,000 from 1975 is now worth only approximately $68,000.

This bill also does not contain any mechanism for studying the insurance industry and its role in the premium crisis. A review of the insurance industry is critical to understanding the problem and possible solutions. While MICRA was enacted in 1975, premiums in California continued to rise. MICRA did not address, collectively, the problem of rapidly escalating premiums faced by California doctors. Only because California voters enacted stringent insurance rate reform after tort reforms failed did doctor's premiums fall.

In 1988, California enacted insurance reform law, Proposition 103, which has saved physicians and other medical providers hundreds of millions of dollars by regulating the premiums insurance companies are allowed to charge. Premiums dropped and stabilized in the years following passage of Proposition 103. I urge my colleagues to accurately look to the experience in California. My State enacted both tort limits and insurance reform.

This is a multi-faceted problem. If we are to truly help physicians, we have to look at this issue from all angles and implement solutions across all levels.

For these reasons, I urge my colleagues to oppose the HEALTH Act.

Mr. BACA. Mr. Speaker, I rise in opposition to H.R. 5, the Republican Medical malpractice bill.

This bill is bad medicine for American consumers. It is a bitter pill for our seniors, our children, and the middle class.

The Republican majority will stop at nothing to prevent access to the legal system for those who are hurt. First they said that all they wanted to do was limit class action lawsuits to Federal courts. Now that they have succeeded, they are back again, to take more rights away from American patients and consumers.

Mr. Speaker, the majority will distort the facts, but the American people will not be deceived.

The bill places a $250,000 cap on pain-and-suffering awards in medical malpractice lawsuits. $250,000. Is that what a lifetime of pain and suffering at the hands of malpractice is worth?

Would you want your mother, grandfather or child to be in that situation? As the bills pile up, and the Republicans say, sorry, but we have sold out to the special interests?

The bill makes it much harder for patients injured by medical errors to seek redress. It shortens the time for patients to prove they were hurt by malpractice. It gives legal immunity to drug makers, those same companies

that have already killed and maimed people with products that were prematurely released on the market.

Many of us are alarmed at the skyrocketing cost of medical care, including patients, who are the consumers. However, medical malpractice is not the reason for these increasing costs. It is medical mismanagement and corporate greed.

The Washington Post had an article this past weekend about the health care system for our seniors. The frightening truth? Some health care providers deliberately, or indifferently, provide bad medical care, so that they can increase the costs of treatment, while patients become even sicker. Wounds become infected, equipment is covered with dust, and sterile techniques are not used.

It sounds like the plot of a bad medical thriller, or medical practice in some remote corner of the globe, but it is happening, right here in America, to your father or mother, grandmother or grandfather.

So, I say, stop picking on the legal system, which fights for the rights of the poor, the sick, the elderly, and the injured.

Many of the rights that consumers enjoy today are the result of path-breaking legal decisions and the lawyers who were willing to stand up and fight.

The Republicans would like to take us back to a darker time, when corporations ruled and the underserved had no rights. We must say, no; we must oppose this bad medicine. Enough is enough. We must oppose this bad bill.

Mr. SCOTT of Georgia. Mr. Speaker, one of the greatest challenges facing our Nation's health care system today is the medical malpractice insurance crisis. My State of Georgia is one of 18 States that have the highest, most significant medical malpractice insurance premium costs, and it is costing our Georgia and our entire country dearly. Because when our health care industry is in danger, we are all threatened.

Who among us is not a patient, who among us does not need and deserve quality medical care? At its heart, this crisis is a patient care issue. Every one of us wants ourselves and our loved ones to receive the highest quality health care possible.

We have to address the issue of medical malpractice insurance and the extremely high cost of health care. In 2000, Georgia physicians paid more than $92 million to cover jury awards. That amount was the 11th highest in the Nation despite the fact that Georgia ranks 38th in total number of physicians in the United States.

Forty percent of the State's hospitals faced premium increases of 50 percent or more in 2002. St. Paul, the State's second largest insurance carrier, stopped selling medical liability insurance last year. Remaining insurers have reportedly raised rates for some specialties by 70 percent or greater. Some emergency room physicians, OB–GYNs and radiologists have not yet found a new carrier.

Our health care system is suffering immensely, but some say that this moment in time will pass, that this crisis does not warrant taking serious action. But study after study proves them wrong.

Earlier this year, the Georgia Board for Physician Workforce released a study showing the effects of the medical liability crisis on access to health care for Georgia's patients. For example, the study shows that 17.8 percent of physicians, more than 2,800 physicians in Georgia, are expected to limit the scope of their practices which is by far the largest effect of the medical liability insurance crisis on access to medical care.

These physicians are expected to stop providing high-risk procedures in their practices during the next year in order to limit their liability risk. Nearly 1 in 3 obstetrician/gynecologists and 1 in 5 family practitioners reported plans to stop providing high-risk procedures, indicating that access to obstetrical care may be significantly reduced during the next year as a result of the medical liability insurance crisis.

In addition, nearly 11 percent or 1,750 physicians reported that they have stopped or plan to stop providing emergency room services. Six hundred and thirty physicians plan to stop practicing medicine altogether or leave the state because of high medical malpractice insurance rates. About 13 percent of doctors reported that they had difficulty finding malpractice insurance coverage.

In fact, at one particular Georgia hospital, the hospital could not give credentials to a surgeon and add that physician to its staff because the surgeon could not afford to buy medical malpractice insurance. In another instance, an obstetrician-gynecologist had to close his Georgia practice and work for a health care agency because he could not afford to buy medical malpractice insurance.

What happens to the patients that his hospital could have treated but now it cannot because it does not have the surgeons that it needs? What happens to the mothers who need a doctor to provide pre- and post-natal health care but cannot find one because doctors are leaving the profession due to the high cost of medical malpractice care?

In addition, Georgia is heavily dependent on other states to train physicians. Approximately 70 percent of participating physicians in Georgia completed training in another State. High costs of medical malpractice liability insurance may reduce the attractiveness of Georgia as a location for medical practice. High professional liability insurance costs are a significant financial problem for teaching hospitals, reducing the already limited funding available for faculty, residents, and other medical education costs.

Even more upsetting, the high cost of medical malpractice insurance for doctors and hospitals disproportionately affects seniors, minority and low-income patients. The physicians and hospitals who depend on Medicare reimbursements and who serve the over 44 million uninsured Americans every day cannot afford to pay higher insurance premiums. We need to ensure that these communities have access to quality health care and the best physicians or the health disparity that currently exists will continue to deepen and create a two-tier health care system.

But it is not only medical care in the present that is threatened, but also into the future. Many of the medical schools in our State are saying now that many of students are having second thoughts about even coming into the medical profession.

These statistics prove that Georgia's doctors cannot wait. More and more each day, good, principled health care providers are confronting the possibility of being unable to treat their patients because of out-of-control medical malpractice insurance premiums. There is no question that Congress must act, and act immediately.

I support H.R. 5 because doctors, hospitals, and the health care industry are caught in the middle between insurance companies and lawyers. Doctors are being squeezed by their medical malpractice insurance premiums and by the high amounts being awarded to injured patients. Doctors need to see results; they need to know that if this bill becomes law that their insurance premiums will go down. The message must reach the insurance companies that premiums have to go down so that the medical profession can survive and access to health care is improved. The health care industry must have relief and this bill, although not the final answer, is the first step in addressing the problems that affect doctors and the health care industry.

We must help doctors, physicians and dentists, hospitals, other health care providers, and, ultimately, American patients who are suffering in untold ways. Immeasurable damage is occurring in our Nation's health care delivery system because of the high cost of medical malpractice insurance. With the passage of this bill, the House of Representatives will send a clear and salient message to the insurance industry, and that message is: Bring down the cost of medical malpractice insurance for physicians and hospitals.

Mr. LARSON of Connecticut. Mr. Speaker, I rise today in opposition to H.R. 5, the so-called HEALTH Care Act of 2005. Quite simply, the problems that we should be addressing today are burdensome malpractice insurance rates, patient safety, and access to health care. This bill addresses none of these. In another attempt to cede power from States to the Federal Government, this bill would impose nationwide limits on the compensation injured persons can receive in medical malpractice cases.

We have all heard the stories of doctors leaving their practices because they cannot afford their malpractice insurance rates. For the 6-year period from 1998 through 2003, medical malpractice insurance premiums in my State of Connecticut increased, depending on the insurance company, between 37 percent and 241 percent for internal medicare, 35 percent and 185 percent for general surgery, and 45 percent and 128 percent for obstetrics/gynecology. During that same period of time, the consumer price index only rose 13 percent and the medical consumer price index rose 24 percent. I certainly cannot imagine running a business where one of my expenses was that out of line with the rest of my income and expenses. How can we expect doctors to do that when they provide such an important service

to us all? The end result is the loss of good doctors practicing and diminished access to health care. The bill we are debating today does not address the underlying problem and has many flaws.

First, it would remove authority on the issue of tort reform from States, where it has traditionally resided, and preempt various areas of State law, including important consumer protections. Each State has its own issues with regard to medical malpractice and tort law and a one-size-fits-all solution imposed by the Federal Government is not the answer.

Second, it would restrict the ability of injured patients to be compensated for their injuries. An inflexible $250,000 cap on noneconomic damages would punish victims of malpractice and cause significant inequalities in compensation for women, children, seniors, and lower-income workers. A woman who loses a pregnancy or her fertility is not judged to have high economic value, but juries can recognize the human value of her losses. A child with no job or income will obviously have a limited economic value, but juries can recognize the human value of his future. Even with the same injuries, a corporate CEO would receive a much larger economic damage award than a minimum-wage worker or a mother who stays at home to raise her kids, but a jury can recognize the human value of their pain and suffering.

My final objection to this legislation is the manner in which it was brought to the floor. It was never debated in committee and was reported to the floor with a closed rule. In fact, the Rules Committee has rejected 67 amendments to this legislation over the past 3 years. This is the third time the House has voted on this legislation in the past 3 years and the third time it has been the wrong answer for doctors and patients. This is just another example of the majority bringing the same legislation to the floor year after year knowing that it will go nowhere because it is the wrong answer for Americans. Legislation offered by the ranking members of the Judiciary Committee and the Energy and Commerce Committee, Mr. CONYERS and Mr. DINGELL, have been ignored as well as legislation offered by the gentlewoman from South Dakota, Ms. HERSETH. Americans deserve to have all of these bills debated side by each.

Mr. Speaker, I conclude by urging my colleagues to join me in opposing H.R. 5 and working on real solutions for reasonable malpractice rates, improved patient safety, and accessible health care.

Mr. JEFFERSON. Mr. Speaker, H.R. 5—the so-called HEALTH Act of 2005—is anything but healthy.

If there was even the remotest possibility that H.R. 5 could help get efficient, accessible, low-cost, timely health care to the American people, it would probably get 435 votes in this House.

However, H.R. 5 does absolutely nothing to achieve the admirable goals embodied in its misleading name. It does absolutely nothing to address the specific problem it is purported to fix: skyrocketing medical malpractice insurance premiums.

Let me be perfectly clear. I am in complete agreement with this bill's supposed and stated purpose: to help get efficient, accessible, low-cost, timely health care to all Americans. I agree that one of the obstacles to low-cost, accessible health care is outrageous medical malpractice liability insurance premiums charged to physicians and other health care providers throughout our Nation. I also agree that some litigation strategies contribute to the escalating costs of our Nation's health care by encouraging providers to order tests, procedures and treatments that may not be medically necessary. I agree with the supporters of H.R. 5 that high malpractice insurance premiums charged by carriers have led some physicians to abandon high-risk specialties and patients.

I ask you though to look at the legislation before us. H.R. 5 contains about 4,000 words. In those 4,000 words, the word ''premium'' appears only once; the word ''insurance'' appears only 5 times; and the word ''cost'' appears 14 times, the vast majority in the definitions and not the operative clauses of the bill.

I ask you to consider whether H.R. 5 is really about skyrocketing medical malpractice insurance premiums as its proponents claim. I have looked very carefully at this bill, and, after much reflection, have reached the only reasonable conclusion: It is not.

I stand here today because someone needs to stand up for American physicians. Someone needs to stand up for the American health care system.

The proponents of H.R. 5 tell us medical malpractice insurance premiums are skyrocketing out of control. There is no dispute that malpractice insurance premiums are increasing at an alarming rate. We agree on that.

There is no question that medical malpractice premiums are escalating across the country, particularly for physicians in high-risk specialties and certain geographic centers. In some cases, premiums have increased so dramatically that physicians have relocated their practices, reduced their services, or retired early. While there is little doubt that something must be done to alleviate this crisis, H.R. 5 is no solution.

Our friends on the other side of the aisle believe that if you limit the amount that insurance carriers have to pay for legitimate claims, then insurance rates will fall.

But I ask you to consider the fact that the American Insurance Association—the American Insurance Association—has repeatedly and specifically denied that tort reform will result in premium savings. Sherman Joyce, the president of the American Tort Reform Association, has stated, ''We wouldn't tell you or anyone that the reason to pass tort reform would be to reduce insurance rates.''

So, by the insurance industry's own admission, H.R. 5 will not stem the tide of rising medical malpractice insurance rates. Nevertheless, our friends on the other side would have us believe that limiting the exposure of insurance carriers is a panacea. It is not.

H.R. 5 is a hoax. It is a sham, and our friends on the other side know it. It is a fraud on the American medical establishment by insurance carriers who want to limit their exposure but will not commit to reducing premiums.

Please read the bill. H.R. 5 has absolutely no provision requiring the reduction of medical malpractice premiums, despite the fact that our friends believe that it is these high premiums that are crippling the health care system. Nevertheless, there is not a single word in this bill that directly calls for reductions in premiums: zero, zilch, nada, nothing, and they know it. It is a scam. H.R. 5 is absolutely nothing more than a boon, a windfall for the insurance industry.

Our friends on the other side tell us that damage caps will solve the premium crisis. Mr. Speaker, I ask that you consider the fact that in States that have enacted caps, the medical malpractice insurance premiums are higher than in States that have no caps. The carriers do not want us to know that.

In fact, in California—the State the other side holds up as a shining example of the benefits of legislation like H.R. 5—the average premium is $27,570, fully 8 percent higher than the average of all States that have no caps on noneconomic damages.

Recently, the American Medical Association issued a list of States that it concluded were in crisis due to exploding medical malpractice insurance rates. Five of those States have caps on noneconomic damages like the one proposed in H.R. 5. Yet, Mr. Speaker, they are still in crisis.

One of those States is Florida, where, despite having caps of just the kind proposed by H.R. 5, obstetricians and gynecologists pay the highest premiums in the Nation for medical malpractice insurance, some in excess of $200,000 per year. Florida has caps, and Florida has a crisis. So, Mr. Speaker, damage caps alone are not the solution to the problem.

If you look further at the California example, it becomes clear that damage caps alone are not an effective premium-reduction measure. In the 12 years after California passed MICRA, medical malpractice premiums rose 190 percent. Only after California passed Proposition 103—actual insurance reform—did medical malpractice premiums stabilize. Since California passed insurance reform—not medical malpractice reform—its medical malpractice premiums have been more stable than in most States.

Mr. Speaker, the lesson to be learned from California is that measures like H.R. 5 do not reduce medical malpractice insurance premiums. The facts simply do not bear it out.

Nevertheless, Mr. Speaker, our friends on the other side insist that one-size-fits-all approach of H.R. 5 is the last and best cure for the crisis of escalating malpractice insurance rates.

Some of our colleagues are, like me, very deeply concerned about rising malpractice insurance rates. Some of our colleagues have expressed an inclination to vote for this bill in order to get the ball rolling, in order to take a first step toward solving the premium crisis. But I want to be very clear: If H.R. 5 is our first step, as the saying goes, it's a doozy. It is a step on the backs of doctors, hospitals and patients to help out greedy insurance carriers. It is certainly a step in the wrong direction. H.R. 5—as the best evidence proves—is an ill-conceived, ill-advised bill that will not—let me repeat—will not solve the problem. This bill helps insurance companies—period.

Recent articles in newspapers across the country show in clear and compelling ways that this crisis is as complex as it is serious. ''Malpractice litigation is only part of the cause of the huge increases in insurance premiums. The insurance industry's pricing and accounting practices . . . play [at least] as big a role.''

The insurance company patrons of our friends on the other side want to hide behind what they consider out-of-control jury awards. Again, Mr. Speaker, the facts simply do not support this claim.

Over the past few years, many physicians have been hit with medical liability premium increases of 25 to 400 percent. Yet, according to The Journal of Health Affairs, during the past decade, malpractice payouts have grown approximately 6.2 percent per year. That's almost exactly the rate of medical inflation: an average of 6.7 percent between 1990 and 2004.

Moreover, contrary to the claims of proponents of H.R. 5, juries are not overly sympathetic to plaintiffs, as evidenced by the rate at which physicians prevail in medical malpractice suits. Dr. Barry Manuel, chairman and CEO of ProMutual Group, one of the Nation's leading malpractice insurance carriers, reported in 2001 that "we continue to close 60 percent of all claims without payment, and of those cases we are forced to defend in court, we prevail in 90 percent." In addition, many of the leading scholars studying the problem have concluded that despite conventional wisdom, juries in fact often favor physicians.

Neil Vidmar, a professor at Duke University School of Law and a leading scholar in the field, states unequivocally that "the assertion that jurors decide cases out of sympathy for injured plaintiffs rather than the legal merits of the case . . . have been made about malpractice juries in the United States since at least the nineteenth century. Yet, research shows no support for these claims."

So, Mr. Speaker, one begins to wonder what has caused such extraordinary increases on medical malpractice insurance premiums during the past few years.

Well, investment losses, like those of average Americans, and a weak economy have made a greater dent in the bottom lines of insurance companies than malpractice payouts.

The difference between insurance companies and average Americans is that most of us can't give ourselves a raise to cover our losses. A medical malpractice insurance company can—and does. It alone controls the premium rates it charges our country's doctors. I think you can guess what malpractice carriers have done in response to the general economic climate in the past few years.

The truth is that medical malpractice insurance carriers are asking doctors, hospitals and patients to pay for underperforming investments. It is as simple as that. They know it. We have asked the insurance carriers to commit to reducing premiums in this bill. They will not do it. They will not even talk about it. That is because they have absolutely no intention of reducing medical malpractice insurance premiums.

The bottom line is that H.R. 5 is a jackpot for insurance carriers, and it is the doctors, hospitals and patients that are going to pay for it.

Mr. Speaker, I want to talk for just a minute about the cap on noneconomic damages. If H.R. 5 becomes law, we will be speaking with a loud and clear voice that the injuries victims of medical malpractice suffer are valued in direct relation to how much money those victims have. The unfortunate consequence of this legislation is that—regardless of the severity of your injury, regardless of how long you suffer, regardless of its effect on even the most basic functions of your life, the things we take for granted every day, regardless of whether you can ever play with your children again, regardless of whether you can ever hug your grandchildren again, regardless even whether you or your child or your wife or mother die due to medical malpractice—no one's injury is ever worth more than $250,000.

Our friends on the other side of the aisle like to equate "noneconomic damages" with "pain and suffering." But "pain and suffering" is a misleading label. What is capped is recovery for disability and disfigurement, among other things, not just "pain and suffering." H.R. 5 lumps together everything that is not "economic" and calls it "noneconomic"—subject to a $250,000 cap that the bill does not even adjust for inflation.

Our friends on the other side of the aisle go to great lengths to emphasize that H.R. 5 in no way limits economic damages as long as they are objectively quantifiable monetary damages. In other words, if a surgeon loses his hand and is unable to perform surgery again, the injury he will suffer is greater than that suffered by a carpenter who loses his hand due to medical malpractice and is never again able to do his job. Why? Well, under H.R. 5 the answer is simple: The surgeon makes more money, so his economic damages are greater. Not to worry, they tell us, both of them can get up to $250,000 in addition to soothe their wounds.

The same is true in the case of an injury suffered by a working mother when compared to a mother working inside the home. Do our friends on the other side of the aisle believe that those women's husbands or children will understand the difference?

At many jobs, the loss of a leg, for example, may not prevent a worker from earning a living. But it will make it difficult to enjoy "noneconomic" pursuits like playing soccer with your kids, or basketball and volleyball with friends, or a multitude of other things that make life enjoyable.

Mr. Speaker, H.R. 5 instructs that the value of life is capped at economic losses plus $250,000. That seems inconsistent with the administration's recent characterization of the value of life as "immeasurable." Remarkably, our friends on the other side of the aisle have taken out their calculators, and they have measured the immeasurable. Perhaps they should call the White House, and let them know.

While the proponents of H.R. 5 appear already to have figured it all out, I want to ask them: How much is hugging your grandchildren worth? How much is kissing your husband or wife worth? How much is the ability to walk or to drive or to play a round of golf worth? How much is your ability to feed, bathe and clothe yourself worth? How much is seeing your children grow up worth? How much is your life worth?

I honestly don't know, and I don't think we should be answering those questions for every American either.

Whether it's losing a limb, or an eye, or just the freedom to be able to go where you want and do what you want, how many of us would trade a lifetime of disability or disfigurement, not to mention pain, for $250,000?

The very real consequence of this legislation is that it punishes the most economically vulnerable members of our society to the benefit of greedy insurance companies. It discriminates against children, against women, against older Americans, against ethnic minorities, against the poor. And for what, Mr. Speaker? History shows us the only winners emerging from H.R. 5 are the medical malpractice insurance carriers—not the doctors, hospitals and patients our friends on the other side of the aisle purportedly seek to help.

I urge you to vote against this ill-conceived and mean-spirited legislation.

Ms. SCHAKOWSKY. Mr. Speaker, I rise in strong opposition to H.R. 5, the so-called HEALTH Act. The civil justice system is about giving injured consumers their day in court, allowing them the opportunity to hold wrongdoers accountable, recover damages and change dangerous behaviors. H.R. 5 is a frontal assault on those consumer rights.

H.R. 5 is a dangerous, anti-consumer bill that would impose an arbitrary ceiling $250,000—on the amount a patient injured by medical malpractice, HMO denials, nursing home abuse or defective drugs or medical devices could receive for noneconomic damages, no matter how devastating the injury. In many cases, the victim may have few out-of pocket losses, but suffer great harm. For example, an l8–year old woman who loses her ability to have a child for the rest of her life may suffer no monetary loss. Under H.R. 5, the most she could recover in a medical malpractice lawsuit would be $250,000.

Politicians should not impose arbitrary caps on non-economic damages. We are no substitute for a jury of one's peers, which has the ability to look at the facts and weigh the evidence in individual cases. There are some who say that it is appropriate to limit non-economic damages since economic damages are not capped. But non-economic damages are not "extras," they are not inconsequential. Unbearable and long-term pain, loss of sight and mobility, the inability to bear children, the loss of an infant or a grandparent—these may not be as easily quantifiable as lost wages but the losses are just as real. And, for many consumers who have been injured or lost a loved one, noneconomic damages might be the only damages available.

The National Citizens' Coalition for Nursing Home Reform has provided actual histories of nursing home residents harmed by medical negligence. Frances G's physician described her as "the victim of gross nursing home neglect. Her pressure sores and dehydration were inexcusable." Her nursing home was consistently understaffed, her physician's orders were repeatedly ignored, and she endured excruciating and continual pain from pressure sores but was given no pain medication. Gertrude H., according to charge nurses, was grossly neglected and suffered life-threatening pressure sores. Her physician stated that, "I have no doubt that Gertrude experienced severe and unrelenting pain from June 27, 2000 to February 6, 2001, from the deep, eroding pressure sores." Because both Frances and Gertrude were senior citizens, any compensation would come in the form of non-economic damages. Do my colleagues really believe that $250,000 is "reasonable" compensation for Frances and Gertrude and their families?

Children are also adversely affected by caps on non-economic damages. Shannon Hughes had a long and difficult labor. The doctor was called repeatedly and finally showed up at her 35th hour of labor. At 37 hours, the doctor performed an emergency C-section. The umbilical cord was twice wrapped around the child's neck. Tyler suffered cardiac arrest for 18 minutes. As a result, Tyler, who is now 7 years old, is severely brain-damaged and bedridden. He must be turned every two hours, is

fed through a tube, suffers seizures daily and is non-communicative. Shannon says, ''My son has no future but pain and suffering. No politician in Washington has the right to decide what is proper compensation for him.'' Like many parents, Shannon may need to use whatever noneconomic damages she received in order to pay for Tyler's care once her economic compensation runs out. In many instances, because of rising medical costs and new technologies, the damages awarded for medical care run out while the medical bills keep coming.

Tyler survived, but many babies do not. Where medical malpractice results in the death of a child during labor, a mother most often will not have any physical injury but only emotional distress of losing her child. In this case, under the proposal by H.R. 5, no amount of economic damages will be awarded, and the non-economic damages would be capped at $250,000.

Non-economic damage caps have a disproportionate effect on women who work inside the home, children, senior citizens, children and low wage-earners who are more likely to receive a greater percentage of their compensation in the form of non-economic damages if they are injured. But caps on damages are not the only anti-consumer provisions in this legislation.

In addition to the arbitrary ceiling on non-economic damages, H.R. 5 lets wrongdoers—those found guilty of medical malpractice—decide whether to pay damages on a periodic basis, even if the injured consumer wants and needs damages paid upfront.

H.R. 5 eliminates joint and several liability. This means that a consumer injured by more than one wrongdoer will not be fully compensated if one of those wrongdoers declares bankruptcy or cannot pay their share.

H.R. 5 eliminates the collateral source rule, which could mean that an injured consumer's health insurer—not the wrongdoer—pays the medical bill.

H.R. 5 also places limits on punitive damages, gives special protections for drug companies and medical device manufacturers, caps attorneys' fees for plaintiffs but not defendants, and shortens the statute of limitations. Finally, it includes a state preemption provision that leaves in place state laws more favorable to medical providers and organizations while overturning state laws more favorable to injured consumers.

While it is clear what H.R. 5 would do in terms of eliminating consumers' rights, it is equally clear what it won't do. No insurance company executive has yet to come forward to say that passage of H.R. 5 would reduce medical malpractice premiums. In fact, according to American Insurance Association spokesman Dennis Kelly, quoted in the January 3, 2005 Chicago Tribune, ''We have not promised price reductions with tort reform.'' The General Counsel for the American Tort Reform Association admitted that ''There is no question that it is very rare that frivolous suits are brought against doctors. They are too expensive to bring.'' (Los Angeles Times, 10/22/04).

At the same time, multiple studies have indicated that medical malpractice premiums are not connected to jury award or settlement levels. A recent analysis of the top 15 medical malpractice insurers found no rise in payouts from 2000 to 2004, at the same time that premiums doubled. Some companies significantly increased premiums while their claims actually decreased. A study by the Economic Policy Institute found that the number of tort cases fell 4 percent from 1993 to 2002 and that the real causes of higher premiums were economic factors and insurers' investment decisions.

H.R. 5 takes away consumers' rights and particularly hurts women, children and seniors, while doing nothing to help doctors with high malpractice insurance premiums. I urge my colleagues to vote ''no'' on H.R. 5.

Mr. DAVIS of Illinois. Mr. Speaker, I rise today to express my opposition to H.R. 5, the HEALTH Act of 2005. I rise to oppose this legislation, not because I do not recognize the crisis that is brewing in the area of medical malpractice insurance, but because this legislation tries to remedy this crisis with the wrong prescription.

Many of my distinguished colleagues on both sides of the aisle have expressed their concern regarding the access to healthcare that their constituents face. We all recognize this is a major problem in our country. In addition, physicians are constantly under increased pressure throughout the nation to deal with the increased burden that high malpractice premiums pose to their livelihood. In my home state of Illinois, only two neurosurgeons can be found south of Springfield because malpractice insurance rates are so out-of-control. Due to this shortage of neurosurgeons, patients with serious brain injuries are airlifted to St. Louis, many times costing them valuable minutes that can mean the difference between life and death. To remedy this situation as well as the overall problem of liability premium increases, my state imposed caps on non-economic damages to offer a quick fix to keep fleeing doctors. Currently, there are some 21 other states with similar caps.

While caps give the appearance of remedying this crisis in some states, they do nothing to stem the tide of ''frivolous lawsuits.'' Frivolous lawsuits by definition are lawsuits without merit. According to the Physicians Insurers Association of America, the trade group representing physician-owned insurance companies, 70% of malpractice lawsuits are dismissed and only 0.8% of cases actually go through a trial and reach a verdict in favor of the plaintiff.

Advocates of caps argue that this 0.8% is what drives up the cost of malpractice insurance. They argue that out-of-control jury awards drive up malpractice premiums. Are we to assume that this 0.8% of cases which go through fair trial, find in favor of the plaintiff, are in fact ''frivolous''? I would argue that the 70% of cases which are dismissed are the ''frivolous cases,'' and this 0.8% represents many egregious cases of malpractice.

Without addressing this problem, this bill does nothing to stop ''frivolous lawsuits,'' it only limits the claims of a person who suffers a terrible and often extreme example of malpractice. Minor injuries or pain and suffering do not receive massive awards. I ask my colleagues, if you or one of your family members suffered a tremendously egregious example of malpractice, would you want to be limited in what you or your family member could be compensated? I am sure your response, much as mine is that you would not.

My colleagues, we can debate over and over again on legislation such as this, but all the debate in the world will not lead to solving this problem when we are headed in a direction such as this. As many of my colleagues have pointed out, a recent study of the 15 largest malpractice insurers in the country found that insurers substantially increased their net premiums by an average of 120% while both their payments and projected future claims payments were flat or decreasing over the past few years. This directly contradicts the insurance industry's claims that premiums are increasing due to increased jury awards. Many of these same insurers even admit that capping malpractice awards will not reverse the trend of rising premiums. The malpractice insurance industry is unjustifiably raising their premiums, gouging doctors, and pushing for legislation that only does one thing: pits doctors against their patients.

If Congress is really serious about fixing this problem it will develop a system which benefits patients most while sidelining the interests of big business. Physicians are in the business of caring for patients, and I appreciate the burden they face with increased malpractice premiums. I am fully aware that this burden affects their ability to practice the profession they love. I only hope that in this struggle to find a remedy to this problem, the few patients who are harmed as a result of malpractice will not be further harmed by a limit on a just compensation.

Mr. LANGEVIN. Mr. Speaker, I rise today in strong opposition to H.R. 5, the Help Efficient, Accessible, Low Cost, Timely Health Care (HEALTH) Act. It is irresponsible to limit patients' access to the civil justice system, particularly without any guaranteed decrease in the cost of malpractice insurance coverage. This measure contains no provision requiring insurers to lower their rates once these so-called reforms are in place. As a result, it would leave countless patients deprived of relief while failing completely to help our struggling health providers.

Like many of my colleagues, I am deeply troubled by the rising cost of malpractice insurance. Doctors across the country are being adversely affected by an increase in medical liability insurance premiums. These increases are making it more costly for physicians to practice, and rising insurance rates could eventually mean that patients no longer will have easy access to medical care. Doctors completing residencies in expensive areas are seeking better rates elsewhere, and physicians already in the market are leaving. I recognize that this is becoming a national crisis.

There is wide agreement that something must be done to ensure reasonable rates and protect access to health care. Unfortunately, the leadership has presented us with a partisan bill, identical to that which we voted on in two previous Congressional sessions. Nothing in this legislation would decrease premium costs or increase the availability of medical malpractice insurance. Instead, it would make detrimental changes to the health care liability system that would extend beyond malpractice and compromise the ability of patients and other health care consumers to hold pharmaceutical companies, HMO's and health care and medical products providers accountable.

Once again, we are presented with a bill that the leadership claims will lower costs of medical liability insurance for doctors, but fails to address the rate-setting process followed by the insurance industry. Insurance companies benefit from a federal exemption to antitrust

laws, which allows them to collectively raise premiums without fear of prosecution. A recent study of the annual statements of the 15 largest medical malpractice insurers found that insurers substantially increased their premiums while both their claims payments and projected future claims payments were decreasing. Other studies suggest that rate changes in premiums are closely tied to the fluctuations of the stock market—not the increases in claims from frivolous lawsuits.

Perhaps most troubling to me is that nothing in this bill stipulates that savings earned as a result of the ''reforms'' must be passed along to doctors, through a lowering of their own insurance costs. In light of the lack of transparency requirements of the insurance industry, there is no mechanism to hold them accountable to actually lower costs. I believe this must be the crux of any meaningful reform measure.

I recognize that the rapid increase in insurance premiums is having real effects on the health care industry. Not only does it drive up the cost of health care for consumers and doctors—it is having an impact on the medical professional workforce. Residents are being encouraged to enter lower-risk fields of practice and doctors are making decisions about their careers based the costs of insurance.

The Democratic motion to recommit proposes to address these issues by allowing patients to seek redress and providing assistance to physicians and hospitals in need. Specifically, this alternative would end frivolous lawsuits by requiring affidavits to be filed by qualified specialists certifying that the case is meritorious. It would also establish an independent advisory commission to explore the impact of malpractice insurance rates, particularly in areas where health care providers are lacking. These are the steps that we must take in order to adequately address this problem.

In addition to meaningful systemic reform, any responsible approach to the issues of medical malpractice insurance costs should include efforts to reduce medical errors in the first place. Reports show that there preventable medical errors that kill nearly 100,000 hospital patients a year. The utilization of electronic health records at our hospitals can go a long way in this effort. The Veteran's Administration (VA), which relies heavily on information technology, has been the first large health system in the nation to replace paper charts with this fully electronic record. Electronic medical records and the efficient use of technology can be a significant agent for change in health care quality across all settings, reducing not only inefficiencies, but the number of medical errors as well.

Mr. Speaker, I urge my colleagues to oppose the underlying bill, support the Democratic alternative and commit to working together on reform measures that will result in significant change, benefiting doctors and consumers alike.

Mr. SHUSTER. Mr. Speaker, I rise today to urge my colleagues to support H.R. 5, the HEALTH Act.

This country's health care system and its providers are currently faced with a crisis in regard to medical liability coverage. Skyrocketing malpractice insurance premiums have taken an enormous toll on the physicians and hospitals in my district in Western and Central Pennsylvania. I have encountered many situations all over the communities that make up the 9th district where doctors have moved to lower-liability states, have reduced the scope of their practices, or have chosen to retire in the face of this growing malpractice crisis. This must not be allowed to continue.

I strongly disagree with those that would say there is no problem. Currently, only 4 percent of physicians practicing in Pennsylvania are under the age of 35 and students graduating from our medical schools are choosing not to stay and practice in State. As our older doctors retire or limit their practices there is no one to continue their important work. This real and increasing threat to patients' access to quality care cannot be ignored. The medical liability system in this country is in desperate need of reform.

We must act now to reverse a dangerous litigious trend that is eliminating doctors faster than we can replace them. I urge my colleagues to support and vote in favor of H.R. 5.

Mr. SALAZAR. Mr. Speaker, today, the House of Representatives will debate and vote on a proposal that supporters claim will solve the problem of increasingly unaffordable medical malpractice insurance premiums for our Nation's doctors. They argue that outrageous jury awards are to blame for rising healthcare costs.

I am afraid this bill is not the end-all, save-all solution to our health care crisis; and, in fact, I fear it will do nothing to relieve the burden our doctors face. If we are serious about lowering the cost of medical malpractice insurance why aren't we addressing the issue of insurance reform or ways in which we can weed out bad doctors, or for that matter, trial lawyers who abuse the court system?

This bill does little more than set a 1970's era cap on jury awards for medical malpractice cases, an action which will only hurt those who are already suffering—the patients and their loved ones.

An analysis of State by State medical malpractice insurance premiums, obtained from the Medical Liability Monitor, compared with caps on damages reveals no conclusive evidence these caps work. In fact, according to one survey, insurance premiums in states with caps were on average $4170 higher than those in States without caps.

This bill goes much further than simply addressing the medical malpractice insurance dilemma; it even sets caps on damages for nursing home neglect, unsafe prescription drugs, and a variety of other health-related industries. In 2004, Congress and others raised questions about the safety and effectiveness of several FDA-approved biomedical products on the market, including certain antidepressants, Merck's pain relief drug, Vioxx, Boston Scientific's cardiac stents, and other drugs and medical devices. Evidence has suggested that there were problems with these items during clinical trials.

Does this Congress really want to protect companies who knowingly put dangerous products on the market? I know I don't.

H.R. 5 does not go nearly far enough to address the climbing medical malpractice insurance rates or the healthcare crisis our constituents are trying to negotiate. I again pose the questions, why doesn't this bill address the insurance industry; why aren't we trying to weed out bad doctors; or punish trial lawyers who abuse the system?

We need something more than caps on jury awards to lower the cost of health care in this country.

Mr. CARDIN. Mr. Speaker, I rise in opposition to this bill. I support reform of our nation's medical liability system. I also believe that doctors and medical institutions who are experiencing unsustainable increases in their malpractice premiums deserve relief. Before coming to Congress, as Speaker of the Maryland House of Delegates, I worked to craft legislation that brought significant changes at the state level, including reasonable caps on non-economic damages. It worked well to hold down the cost of premiums and make our State's malpractice system a much fairer one.

The problems in our Nation's medical liability system require a multi-faceted approach that includes addressing the causes of premium increases, reducing the number of frivolous lawsuits, and limiting the number of medical errors. I support enacting fair reforms that will continue to permit injured patients to hold wrongdoers accountable, and I am willing to support legislation that provides for reasonable caps on non-economic and punitive damages.

In recent years, I have seen so-called malpractice ''reform'' bills come to the floor of this House. Those bills provided an inequitable approach—limiting patients' access to the courts and imposing strict limits on compensation for their injuries, no matter how serious the injury or how egregious the malpractice, while doing nothing to lower malpractice premiums. Fortunately, they were not enacted into law.

I had hoped that this year's legislation would be the product of careful deliberation at the committee level. I had hoped that the authors would take into consideration the rights of patients and balance them carefully with the need to alleviate the burden of escalating malpractice insurance costs. Unfortunately, once again this year, the bill before us does neither. In fact, the leadership has simply rolled out a bill that is nearly identical to the one we considered in the last Congress. There were no hearings, no markups, and today, there are no opportunities to amend the bill. The same bill, the same bill number, the same disregard for the rights of patients, the same ineffectual approach to helping physicians.

Mr. Speaker, I want to call attention to a few aspects of this bill. First, this bill contains an arbitrary cap of $250,000 on non-economic damages. Non-economic awards compensate patients and their families for real injuries, and sharply capping them will disproportionately hurt families, children, seniors, and others who have lower or fixed incomes.

Second, H.R. 5 provides a shield against punitive damages for manufacturers of prescription drugs and medical devices as long as they have been approved by the U.S. Food and Drug Administration. At one time, the FDA shield might have been less controversial. After all, the FDA has long been considered the gold standard for prescription drug quality and safety, and for years its seal of approval was viewed by the American public as a guarantee that drugs were safe. But in light of developments related to several other pharmaceuticals approved by the FDA, this provision is truly baffling. Cases involving life-threatening complications from these drugs have raised fundamental questions about the safety determinations made by the FDA.

In 2004, the Energy and Commerce Committee held hearings to examine safety Issues

surrounding the prescribing of antidepressants to children. At that time, several members of the Committee criticized the FDA for failing to take prompt action to address these concerns. Last September, Vioxx was withdrawn from the market after a study showed it doubled the risk of heart attacks and strokes in patients taking the drug for more than 18 months. Since then, it has been reported that more than 130,000 persons have suffered heart attacks as a result of taking Vioxx. Richard Matthews of Thurmont, Maryland, was one of the first reported fatalities from Vioxx. According to an Associated Press account, Richard's wife, Lisa, said her husband had no previous heart problems and died in 2002 at age 42 of a heart arrhythmia only a few days after he began taking Vioxx. Several Congressional committees have responded to these events by initiating investigations of drug safety issues, including the FDA's procedures for evaluating the safety of prescription drugs.

Given the questions that have arisen about FDA's effectiveness, it is truly astonishing that the leadership is here promoting a bill that prohibits the awarding of any punitive damages and limits non-economic damages for drugs and devices approved by the FDA. This bill, H.R. 5, was referred to the Energy and Commerce Committee, the same committee that acknowledged problems at the FDA. Did the committee's members try to amend this bill to strike or tone down the FDA provision? There was no opportunity. H.R. 5 was introduced one week ago, July 21, referred to the Judiciary and Energy and Commerce Committees, which did not hold a hearing or mark-up, and then brought to the floor today. The FDA shield is an irresponsible provision that should have been stricken from this bill. We have no opportunity to strike it today, because an amendment that would have done so was not made in order by the Rules Committee. It may endanger the health and lives of thousands of Americans. It will certainly deny them the opportunity to receive fair compensation when they are injured.

Third, I firmly believe that we must reduce medical errors in our health care system if we are to reduce the number of malpractice cases. It has been nearly six years since the 1999 report of the Institute of Medicine, IOM, entitled "To Err Is Human: Building A Safer Health System." That report focused a great deal of attention on the issue of medical errors and patient safety. IOM estimated that between 44,000 and 98,000 people die in hospitals each year as the result of medical errors.

Even using the lower estimate, this would make medical errors the eighth leading cause of death in this country, higher than motor vehicle accidents, breast cancer, or AIDS. This House has just passed S. 544, legislation intended to reduce medical errors and improve patient safety. But its passage by a nearly unanimous vote of 428 to 3 is a clear indication that Congress knows there are valid cases whose victims deserve their day in court. The patient safety bill has not yet been signed into law. I hope it will be law soon, and that it will help improve patient safety. But each case is an individual case, and those who are harmed by medical errors deserve just compensation for their injuries.

Finally, I must question why the authors of this bill are not addressing malpractice insurance premium increases in this bill. The provisions of H.R. 5 would not reduce the rates that insurance companies charge providers. We have an alternative that would directly address the problems of frivolous lawsuits and insurance industry abuses. But once again this year, the base bill, H.R. 5, contains no provisions that will lower malpractice premiums.

Mr. Speaker, I must tell you, malpractice premium costs are the reason that providers ask me to support medical malpractice reform. These are practitioners who truly love their professions, and they are troubled by dramatic increases in their malpractice rates, increases that they must pay whether or not there have been any malpractice claims filed against them in the past year. They say that they want to continue practicing medicine next year, but they may not be able to afford to. When I ask if they would like to see provisions in the bill that limit their premium increases, they emphatically reply yes. So it is puzzling that this bill, which the authors say was written to help physicians stay in business, fails to address their central concern by even monitoring insurance companies' rate hikes. In fact, there are no provisions anywhere in the bill that affect malpractice insurers.

In sum, H.R. 5 represents a missed opportunity for this House. We could have produced a bill that would truly make a difference, in lowering malpractice premiums, in placing reasonable caps on non-economic damages. I am disappointed that we don't have a better bill, a more responsible bill that we can vote on today. I urge my colleagues to reject this approach, which will do nothing to improve access to care, nothing to hold insurance companies accountable for premium increases, and nothing to make our nation's medical liability system more fair.

Ms. McCOLLUM of Minnesota. Mr. Speaker, I rise in opposition to H.R. 5, the Republican Medical Malpractice legislation. This flawed bill provides sweeping liability protections to pharmaceutical and insurance companies, provides inadequate protections for doctors, and will do nothing to lower health care costs.

Doctors are rightly frustrated over the significant increases in medical liability insurance premiums and I am truly concerned that additional costs make it more difficult for physicians to stay in practice. However, I do not believe that this legislation addresses the real problem, which lies with the insurance companies.

Republicans have for years claimed that the rising costs of malpractice insurance are due to a dramatic increase in malpractice lawsuits. However, a recent study of the 15 largest insurance companies shows that over the past 5 years, premiums have doubled while claims payments have been reduced or remained static. This study proves that insurance companies are simply increasing their profits on the backs of our physicians.

Another totally outrageous provision of this bill is the sweeping liability protection for pharmaceutical companies. This bill states that if a product has gone through the Food and Drug Administration approval process, no punitive damages can be awarded against the manufacture of the device or drug later. If this were to become law, the manufacturers of Vioxx would be protected from lawsuits from the families of those harmed or killed by this faulty medication. It is unacceptable to put into law that pharmaceutical and insurance companies are without accountability when their products or decisions knowingly cause harm.

This Republican bill will hurt patients who are harmed by medical malpractice by arbitrarily capping damages and denying justice to injured patients and their families. This is not only unfair, it is unnecessary. New information shows that there is no link between the existence of malpractice caps and insurance premiums.

Finally, because medical malpractice accounts for less than one percent of national health care costs, this legislation will do nothing to reduce health care premiums. Families across America are struggling to afford quality health care and the numbers of uninsured are on the rise. We need to address the real issues involved in the dramatic increase in health care costs, such as the cost of prescription drugs, provider shortages, uninsurance, and the cost of new technologies.

This Congress must become serious about increasing access to quality health care. We need to put families, not pharmaceutical companies, first. I support the Democratic substitute which would have weeded out frivolous lawsuits but allowed justice for injured patients. Democrats were ready to take steps to really reduce insurance premiums by requiring insurance companies to give half of their savings to reductions in medical malpractice rates for doctors. Finally, this substitute would create a commission to evaluate the real causes of increases in premiums as well as insurance reform proposals. We all recognize that this is an important issue. This substitute will give us an opportunity to work together, with accurate information, to make real progress for patients and providers.

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

The SPEAKER pro tempore (Mr. SHAW). Pursuant to House Resolution 385, the bill is considered read and the previous question is ordered.

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. CONYERS

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

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

Mr. CONYERS. I am, Mr. Speaker.

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

The Clerk read as follows:

Mr. Conyers moves to recommit the bill H.R. 5 to the Committee on the Judiciary and the Committee on Energy and Commerce with instructions to report the same back to the House forthwith with the following amendment:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Medical Malpractice and Insurance Reform Act of 2005".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—LIMITING FRIVOLOUS MEDICAL MALPRACTICE LAWSUITS

Sec. 101. Statute of limitations.

Sec. 102. Health care specialist affidavit.
Sec. 103. Sanctions for frivolous actions and pleadings.
Sec. 104. Mandatory mediation.
Sec. 105. Limitation on punitive damages.
Sec. 106. Reduction in premiums paid by physicians for medical malpractice insurance coverage.
Sec. 107. Definitions.
Sec. 108. Applicability.
TITLE II—INDEPENDENT ADVISORY COMMISSION ON MEDICAL MALPRACTICE INSURANCE
Sec. 201. Establishment.
Sec. 202. Duties.
Sec. 203. Report.
Sec. 204. Membership.
Sec. 205. Director and staff; experts and consultants.
Sec. 206. Powers.
Sec. 207. Authorization of appropriations.

TITLE I—LIMITING FRIVOLOUS MEDICAL MALPRACTICE LAWSUITS

SEC. 101. STATUTE OF LIMITATIONS.

(a) IN GENERAL.—A medical malpractice action shall be barred unless the complaint is filed within 3 years after the right of action accrues.

(b) ACCRUAL.—A right of action referred to in subsection (a) accrues upon the last to occur of the following dates:

(1) The date of the injury.

(2) The date on which the claimant discovers, or through the use of reasonable diligence should have discovered, the injury.

(3) The date on which the claimant becomes 18 years of age.

(c) APPLICABILITY.—This section shall apply to any injury occurring after the date of the enactment of this Act.

SEC. 102. HEALTH CARE SPECIALIST AFFIDAVIT.

(a) REQUIRING SUBMISSION WITH COMPLAINT.—No medical malpractice action may be brought by any individual unless, at the time the individual brings the action (except as provided in subsection (b)(1)), it is accompanied by the affidavit of a qualified specialist that includes the specialist's statement of belief that, based on a review of the available medical record and other relevant material, there is a reasonable and meritorious cause for the filing of the action against the defendant.

(b) EXTENSION IN CERTAIN INSTANCES.—

(1) IN GENERAL.—Subject to paragraph (2), subsection (a) shall not apply with respect to an individual who brings a medical malpractice action without submitting an affidavit described in such subsection if, as of the time the individual brings the action, the individual has been unable to obtain adequate medical records or other information necessary to prepare the affidavit.

(2) DEADLINE FOR SUBMISSION WHERE EXTENSION APPLIES.—In the case of an individual who brings an action for which paragraph (1) applies, the action shall be dismissed unless the individual (or the individual's attorney) submits the affidavit described in subsection (a) not later than 90 days after obtaining the information described in such paragraph.

(c) QUALIFIED SPECIALIST DEFINED.—In subsection (a), a ''qualified specialist'' means, with respect to a medical malpractice action, a health care professional who is reasonably believed by the individual bringing the action (or the individual's attorney)—

(1) to be knowledgeable in the relevant issues involved in the action;

(2) to practice (or to have practiced) or to teach (or to have taught) in the same area of health care or medicine that is at issue in the action; and

(3) in the case of an action against a physician, to be board certified in a specialty relating to that area of medicine.

(d) CONFIDENTIALITY OF SPECIALIST.—Upon a showing of good cause by a defendant, the court may ascertain the identity of a specialist referred to in subsection (a) while preserving confidentiality.

SEC. 103. SANCTIONS FOR FRIVOLOUS ACTIONS AND PLEADINGS.

(a) SIGNATURE REQUIRED.—Every pleading, written motion, and other paper in any medical malpractice action shall be signed by at least 1 attorney of record in the attorney's individual name, or, if the party is not represented by an attorney, shall be signed by the party. Each paper shall state the signer's address and telephone number, if any. An unsigned paper shall be stricken unless omission of the signature is corrected promptly after being called to the attention of the attorney or party.

(b) CERTIFICATE OF MERIT.—(1) A medical malpractice action shall be dismissed unless the attorney or unrepresented party presenting the complaint certifies that, to the best of the person's knowledge, information, and belief, formed after an inquiry reasonable under the circumstances,—

(A) it is not being presented for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation;

(B) the claims and other legal contentions therein are warranted by existing law or by a nonfrivolous argument for the extension, modification, or reversal of existing law or the establishment of new law; and

(C) the allegations and other factual contentions have evidentiary support or, if specifically so identified, are likely to have evidentiary support after a reasonable opportunity for further investigation and discovery.

(2) By presenting to the court (whether by signing, filing, submitting, or later advocating) a pleading, written motion, or other paper, an attorney or unrepresented party is certifying that to the best of the person's knowledge, information and belief, formed after an inquiry reasonable under the circumstances—

(A) it is not being presented for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation;

(B) the claims, defenses, and other legal contentions therein are warranted by existing law or by a nonfrivolous argument for the extension, modification, or reversal of existing law or the establishment of new law; and

(C) the allegations and other factual contentions have evidentiary support or, if specifically so identified, are reasonable based on a lack of information or belief.

(c) MANDATORY SANCTIONS.—

(1) FIRST VIOLATION.—If, after notice and a reasonable opportunity to respond, a court, upon motion or upon its own initiative, determines that subsection (b) has been violated, the court shall find each attorney or party in violation in contempt of court and shall require the payment of costs and attorneys fees. The court may also impose additional appropriate sanctions, such as striking the pleadings, dismissing the suit, and sanctions plus interest, upon the person in violation, or upon both such person and such person's attorney or client (as the case may be).

(2) SECOND VIOLATION.—If, after notice and a reasonable opportunity to respond, a court, upon motion or upon its own initiative, determines that subsection (b) has been violated and that the attorney or party with respect to which the determination was made has committed one previous violation of subsection (b) before this or any other court, the court shall find each such attorney or party in contempt of court and shall require the payment of costs and attorneys fees, and require such person in violation (or both such person and such person's attorney or client (as the case may be)) to pay a monetary fine. The court may also impose additional appropriate sanctions, such as striking the pleadings, dismissing the suit and sanctions plus interest, upon such person in violation, or upon both such person and such person's attorney or client (as the case may be).

(3) THIRD VIOLATION.—If, after notice and a reasonable opportunity to respond, a court, upon motion or upon its own initiative, determines that subsection (b) has been violated and that the attorney or party with respect to which the determination was made has committed more than one previous violation of subsection (b) before this or any other court, the court shall find each such attorney or party in contempt of court, refer each such attorney to one or more appropriate State bar associations for disciplinary proceedings, require the payment of costs and attorneys fees, and require such person in violation (or both such person and such person's attorney or client (as the case may be)) to pay a monetary fine. The court may also impose additional appropriate sanctions, such as striking the pleadings, dismissing the suit, and sanctions plus interest, upon such person in violation, or upon both such person and such person's attorney or client (as the case may be).

SEC. 104. MANDATORY MEDIATION.

(a) IN GENERAL.—In any medical malpractice action, before such action comes to trial, mediation shall be required. Such mediation shall be conducted by one or more mediators who are selected by agreement of the parties or, if the parties do not agree, who are qualified under applicable State law and selected by the court.

(b) REQUIREMENTS.—Mediation under subsection (a) shall be made available by a State subject to the following requirements:

(1) Participation in such mediation shall be in lieu of any alternative dispute resolution method required by any other law or by any contractual arrangement made by or on behalf of the parties before the commencement of the action.

(2) Each State shall disclose to residents of the State the availability and procedures for resolution of consumer grievances regarding the provision of (or failure to provide) health care services, including such mediation.

(3) Each State shall provide that such mediation may begin before or after, at the option of the claimant, the commencement of a medical malpractice action.

(4) The Attorney General, in consultation with the Secretary of Health and Human Services, shall, by regulation, develop requirements with respect to such mediation to ensure that it is carried out in a manner that—

(A) is affordable for the parties involved;

(B) encourages timely resolution of claims;

(C) encourages the consistent and fair resolution of claims; and

(D) provides for reasonably convenient access to dispute resolution.

(c) FURTHER REDRESS AND ADMISSIBILITY.—Any party dissatisfied with a determination reached with respect to a medical malpractice claim as a result of an alternative dispute resolution method applied under this section shall not be bound by such determination. The results of any alternative dispute resolution method applied under this section, and all statements, offers, and communications made during the application of such method, shall be inadmissible for purposes of adjudicating the claim.

SEC. 105. LIMITATION ON PUNITIVE DAMAGES.

(a) IN GENERAL.—Punitive damages may not be awarded in a medical malpractice action, except upon proof of—

(1) gross negligence;

(2) reckless indifference to life; or

(3) an intentional act, such as voluntary intoxication or impairment by a physician, sexual abuse or misconduct, assault and battery, or falsification of records.

(b) ALLOCATION.—In such a case, the award of punitive damages shall be allocated 50 percent to the claimant and 50 percent to a trustee appointed by the court, to be used by such trustee in the manner specified in subsection (d). The court shall appoint the Secretary of Health and Human Services as such trustee.

(c) EXCEPTION.—This section shall not apply with respect to an action if the applicable State law provides (or has been construed to provide) for damages in such an action that are only punitive or exemplary in nature.

(d) TRUST FUND.—

(1) IN GENERAL.—This subsection applies to amounts allocated to the Secretary of Health and Human Services as trustee under subsection (b).

(2) AVAILABILITY.—Such amounts shall be available for use by the Secretary of Health and Human Services under paragraph (3) and shall remain so available until expended.

(3) USE.—

(A) Subject to subparagraph (B), the Secretary of Health and Human Services, acting through the Director of the Agency for Healthcare Research and Quality, shall use the amounts to which this subsection applies for activities to reduce medical errors and improve patient safety.

(B) The Secretary of Health and Human Services may not use any part of such amounts to establish or maintain any system that requires mandatory reporting of medical errors.

(C) The Secretary of Health and Human Services shall promulgate regulations to establish programs and procedures for carrying out this paragraph.

(4) INVESTMENT.—

(A) The Secretary of Health and Human Services shall invest the amounts to which this subsection applies in such amounts as such Secretary determines are not required to meet current withdrawals. Such investments may be made only in interest-bearing obligations of the United States. For such purpose, such obligations may be acquired on original issue at the issue price, or by purchase of outstanding obligations at the market price.

(B) Any obligation acquired by the Secretary in such Secretary's capacity as trustee of such amounts may be sold by the Secretary at the market price.

SEC. 106. REDUCTION IN PREMIUMS PAID BY PHYSICIANS FOR MEDICAL MALPRACTICE INSURANCE COVERAGE.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, each medical malpractice liability insurance company shall—

(1) develop a reasonable estimate of the annual amount of financial savings that will be achieved by the company as a result of this title;

(2) develop and implement a plan to annually dedicate at least 50 percent of such annual savings to reduce the amount of premiums that the company charges physicians for medical malpractice liability coverage; and

(3) submit to the Secretary of Health and Human Services (hereinafter referred to in this section as the ''Secretary'') a written certification that the company has complied with paragraphs (1) and (2).

(b) REPORTS.—Not later than one year after the date of the enactment of this Act and annually thereafter, each medical malpractice liability insurance company shall submit to the Secretary a report that identifies the percentage by which the company has reduced medical malpractice coverage premiums relative to the date of the enactment of this Act.

(c) ENFORCEMENT.—A medical malpractice liability insurance company that violates a provision of this section is liable to the United States for a civil penalty in an amount assessed by the Secretary, not to exceed $11,000 for each such violation. The provisions of paragraphs (3) through (5) of section 303(g) of the Federal Food, Drug, and Cosmetic Act apply to such a civil penalty to the same extent and in the same manner as such paragraphs apply to a civil penalty under such section.

(d) DEFINITION.—For purposes of this section, the term ''medical malpractice liability insurance company'' means an entity in the business of providing an insurance policy under which the entity makes payment in settlement (or partial settlement) of, or in satisfaction of a judgment in, a medical malpractice action or claim.

SEC. 107. DEFINITIONS.

In this title, the following definitions apply:

(1) ALTERNATIVE DISPUTE RESOLUTION METHOD.—The term ''alternative dispute resolution method'' means a method that provides for the resolution of medical malpractice claims in a manner other than through medical malpractice actions.

(2) CLAIMANT.—The term ''claimant'' means any person who alleges a medical malpractice claim, and any person on whose behalf such a claim is alleged, including the decedent in the case of an action brought through or on behalf of an estate.

(3) HEALTH CARE PROFESSIONAL.—The term ''health care professional'' means any individual who provides health care services in a State and who is required by the laws or regulations of the State to be licensed or certified by the State to provide such services in the State.

(4) HEALTH CARE PROVIDER.—The term ''health care provider'' means any organization or institution that is engaged in the delivery of health care services in a State and that is required by the laws or regulations of the State to be licensed or certified by the State to engage in the delivery of such services in the State.

(5) INJURY.—The term ''injury'' means any illness, disease, or other harm that is the subject of a medical malpractice action or a medical malpractice claim.

(6) MANDATORY.—The term ''mandatory'' means required to be used by the parties to attempt to resolve a medical malpractice claim notwithstanding any other provision of an agreement, State law, or Federal law.

(7) MEDIATION.—The term ''mediation'' means a settlement process coordinated by a neutral third party and without the ultimate rendering of a formal opinion as to factual or legal findings.

(8) MEDICAL MALPRACTICE ACTION.—The term ''medical malpractice action'' means an action in any State or Federal court against a physician, or other health professional, who is licensed in accordance with the requirements of the State involved that—

(A) arises under the law of the State involved;

(B) alleges the failure of such physician or other health professional to adhere to the relevant professional standard of care for the service and specialty involved;

(C) alleges death or injury proximately caused by such failure; and

(D) seeks monetary damages, whether compensatory or punitive, as relief for such death or injury.

(9) MEDICAL MALPRACTICE CLAIM.—The term ''medical malpractice claim'' means a claim forming the basis of a medical malpractice action.

(10) STATE.—The term ''State'' means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, the Virgin Islands, and any other territory or possession of the United States.

SEC. 108. APPLICABILITY.

(a) IN GENERAL.—Except as provided in section 104, this title shall apply with respect to any medical malpractice action brought on or after the date of the enactment of this Act.

(b) FEDERAL COURT JURISDICTION NOT ESTABLISHED ON FEDERAL QUESTION GROUNDS.—Nothing in this title shall be construed to establish any jurisdiction in the district courts of the United States over medical malpractice actions on the basis of section 1331 or 1337 of title 28, United States Code.

TITLE II—INDEPENDENT ADVISORY COMMISSION ON MEDICAL MALPRACTICE INSURANCE

SEC. 201. ESTABLISHMENT.

(a) FINDINGS.—The Congress finds as follows:

(1) The sudden rise in medical malpractice premiums in regions of the United States can threaten patient access to doctors and other health providers.

(2) Improving patient access to doctors and other health providers is a national priority.

(b) ESTABLISHMENT.—There is established a national commission to be known as the ''Independent Advisory Commission on Medical Malpractice Insurance'' (in this title referred to as the ''Commission'').

SEC. 202. DUTIES.

(a) IN GENERAL.—The Commission shall evaluate the causes and scope of the recent and dramatic increases in medical malpractice insurance premiums and formulate additional proposals to reduce such medical malpractice premiums and make recommendations to avoid any dramatic increases in medical malpractice premiums in the future, in light of proposals for tort reform regarding medical malpractice.

(b) CONSIDERATIONS.—In formulating proposals under this section, the Commission shall, at a minimum, consider the following:

(1) Alternatives to the current medical malpractice tort system that would ensure adequate compensation for patients, preserve access to providers, and improve health care safety and quality.

(2) Modifications of, and alternatives to, the existing State and Federal regulations and oversight that affect, or could affect, medical malpractice lines of insurance.

(3) State and Federal reforms that would distribute the risk of medical malpractice more equitably among health care providers.

(4) State and Federal reforms that would more evenly distribute the risk of medical malpractice across various categories of providers.

(5) The effect of a Federal medical malpractice reinsurance program administered by the Department of Health and Human Services.

(6) The effect of a Federal medical malpractice insurance program, administered by the Department of Health and Human Services, to provide medical malpractice insurance based on customary coverage terms and liability amounts in States where such insurance is unavailable or is unavailable at reasonable and customary terms.

(7) Programs that would reduce medical errors and increase patient safety, including new innovations in technology and management.

(8) The effect of State policies under which—

(A) any health care professional licensed by the State has standing in any State administrative proceeding to challenge a proposed rate increase in medical malpractice insurance; and

(B) a provider of medical malpractice insurance in the State may not implement a rate increase in such insurance unless the provider, at minimum, first submits to the appropriate State agency a description of the rate increase and a substantial justification for the rate increase.

(9) The effect of reforming antitrust law to prohibit anticompetitive activities by medical malpractice insurers.

(10) Programs to facilitate price comparison of medical malpractice insurance by enabling any health care provider to obtain a quote from each medical malpractice insurer to write the type of coverage sought by the provider.

(11) The effect of providing Federal grants for geographic areas that have a shortage of one or more types of health providers as a result of the providers making the decision to cease or curtail providing health services in the geographic areas because of the costs of maintaining malpractice insurance.

SEC. 203. REPORT.

(a) IN GENERAL.—The Commission shall transmit to Congress—

(1) an initial report not later than 180 days after the date of the initial meeting of the Commission; and

(2) a report not less than each year thereafter until the Commission terminates.

(b) CONTENTS.—Each report transmitted under this section shall contain a detailed statement of the findings and conclusions of the Commission, including proposals for addressing the current dramatic increases in medical malpractice insurance rates and recommendations for avoiding any such dramatic increases in the future.

(c) VOTING AND REPORTING REQUIREMENTS.—With respect to each proposal or recommendation contained in the report submitted under subsection (a), each member of the Commission shall vote on the proposal or recommendation, and the Commission shall include, by member, the results of that vote in the report.

SEC. 204. MEMBERSHIP.

(a) NUMBER AND APPOINTMENT.—The Commission shall be composed of 15 members appointed by the Comptroller General of the United States.

(b) MEMBERSHIP.—

(1) IN GENERAL.—The membership of the Commission shall include individuals with national recognition for their expertise in health finance and economics, actuarial science, medical malpractice insurance, insurance regulation, health care law, health care policy, health care access, allopathic and osteopathic physicians, other providers of health care services, patient advocacy, and other related fields, who provide a mix of different professionals, broad geographic representations, and a balance between urban and rural representatives.

(2) INCLUSION.—The membership of the Commission shall include the following:

(A) Two individuals with expertise in health finance and economics, including one with expertise in consumer protections in the area of health finance and economics.

(B) Two individuals with expertise in medical malpractice insurance, representing both commercial insurance carriers and physician-sponsored insurance carriers.

(C) An individual with expertise in State insurance regulation and State insurance markets.

(D) An individual representing physicians.

(E) An individual with expertise in issues affecting hospitals, nursing homes, nurses, and other providers.

(F) Two individuals representing patient interests.

(G) Two individuals with expertise in health care law or health care policy.

(H) An individual with expertise in representing patients in malpractice lawsuits.

(3) MAJORITY.—The total number of individuals who are directly involved with the provision or management of malpractice insurance, representing physicians or other providers, or representing physicians or other providers in malpractice lawsuits, shall not constitute a majority of the membership of the Commission.

(4) ETHICAL DISCLOSURE.—The Comptroller General of the United States shall establish a system for public disclosure by members of the Commission of financial or other potential conflicts of interest relating to such members.

(c) TERMS.—

(1) IN GENERAL.—The terms of the members of the Commission shall be for 3 years except that the Comptroller General of the United States shall designate staggered terms for the members first appointed.

(2) VACANCIES.—Any member appointed to fill a vacancy occurring before the expiration of the term for which the member's predecessor was appointed shall be appointed only for the remainder of that term. A member may serve after the expiration of that member's term until a successor has taken office. A vacancy in the Commission shall be filled in the manner in which the original appointment was made.

(3) COMPENSATION.—Members of the Commission shall be compensated in accordance with section 1805(c)(4) of the Social Security Act.

(4) CHAIRMAN; VICE CHAIRMAN.—The Comptroller General of the United States shall designate at the time of appointment a member of the Commission as Chairman and a member as Vice Chairman. In the case of vacancy of the Chairmanship or Vice Chairmanship, the Comptroller General may designate another member for the remainder of that member's term.

(5) MEETINGS.—

(A) IN GENERAL.—The Commission shall meet at the call of the Chairman.

(B) INITIAL MEETING.—The Commission shall hold an initial meeting not later than the date that is 1 year after the date of the enactment of this title, or the date that is 3 months after the appointment of all the members of the Commission, whichever occurs earlier.

SEC. 205. DIRECTOR AND STAFF; EXPERTS AND CONSULTANTS.

Subject to such review as the Comptroller General of the United States deems necessary to assure the efficient administration of the Commission, the Commission may—

(1) employ and fix the compensation of an Executive Director (subject to the approval of the Comptroller General) and such other personnel as may be necessary to carry out its duties (without regard to the provisions of title 5, United States Code, governing appointments in the competitive service);

(2) seek such assistance and support as may be required in the performance of its duties from appropriate Federal departments and agencies;

(3) enter into contracts or make other arrangements, as may be necessary for the conduct of the work of the Commission (without regard to section 3709 of the Revised Statutes (41 U.S.C. 5));

(4) make advance, progress, and other payments which relate to the work of the Commission;

(5) provide transportation and subsistence for persons serving without compensation; and

(6) prescribe such rules and regulations as it deems necessary with respect to the internal organization and operation of the Commission.

SEC. 206. POWERS.

(a) OBTAINING OFFICIAL DATA.—The Commission may secure directly from any department or agency of the United States information necessary to enable it to carry out this section. Upon request of the Chairman, the head of that department or agency shall furnish that information to the Commission on an agreed upon schedule.

(b) DATA COLLECTION.—In order to carry out its functions, the Commission shall—

(1) utilize existing information, both published and unpublished, where possible, collected and assessed either by its own staff or under other arrangements made in accordance with this section;

(2) carry out, or award grants or contracts for, original research and experimentation, where existing information is inadequate; and

(3) adopt procedures allowing any interested party to submit information for the Commission's use in making reports and recommendations.

(c) ACCESS OF GENERAL ACCOUNTING OFFICE TO INFORMATION.—The Comptroller General of the United States shall have unrestricted access to all deliberations, records, and nonproprietary data of the Commission, immediately upon request.

(d) PERIODIC AUDIT.—The Commission shall be subject to periodic audit by the Comptroller General of the United States.

SEC. 207. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated such sums as may be necessary to carry out this title for each of fiscal years 2006 through 2010.

(b) REQUESTS FOR APPROPRIATIONS.—The Commission shall submit requests for appropriations in the same manner as the Comptroller General of the United States submits requests for appropriations, but amounts appropriated for the Commission shall be separate from amounts appropriated for the Comptroller General.

Amend the title so as to read: ''A bill to limit frivolous medical malpractice lawsuits, to reform the medical malpractice insurance business in order to reduce the cost of medical malpractice insurance, to enhance patient access to medical care, and for other purposes.''.

Mr. CONYERS (during the reading). Mr. Speaker, I ask unanimous consent that the motion to recommit be considered as read and printed in the RECORD.

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

There was no objection.

Mr. CONYERS. Mr. Speaker, I am pleased to bring a motion to recommit that goes to the heart of the medical malpractice crisis. Rather than limiting the rights of legitimate malpractice victims, as the underlying bill actually does, our motion would directly address the problem of frivolous lawsuits and insurance industry abuses.

Title I of the substitute addresses the problem of frivolous lawsuits. Among other things, it would require that both an attorney and health care specialist submit an affidavit that the claim is warranted before a malpractice action

can be brought, and imposes strict sanctions for attorneys who make any frivolous pleadings.

Unlike the majority's bill, our amendment is limited to licensed physicians and health care professionals for malpractice cases only. It does not include lawsuits against HMOs, insurance companies, nursing homes, and drug and device manufacturers. And it sure does not insulate the manufacturer of Vioxx from liability.

Title II establishes a national commission to evaluate the rising insurance premiums and to review whether the McCarran-Ferguson antitrust exemption for medical malpractice insurers should be repealed.

This is a good motion.

Mr. Speaker, I yield the balance of my time, the last 2½ minutes, to the gentlewoman from Colorado (Ms. DEGETTE).

Ms. DEGETTE. Mr. Speaker, Congress is faced with an irony today. We have identified a problem, and the problem is that doctors are going out of business because of their high medical malpractice insurance premiums. So what are we going to do? We are going to pass a bill that caps damages for victims injured by medical malpractice, but we are going to do nothing to reduce the premiums for these doctors.

□ 1600

So doctors get no relief, and victims of malpractice get less. But wait, there is more. There is so much more to this bill. We have not heard one word today about the pressing problems the pharmaceutical industry has and how we need to give them immunity so they will keep making drugs. But yet that is what this bill does.

We have not heard one word today about how all of the nursing homes are going out of business because of the lawsuits against them, but we are giving them immunity today.

We have not heard a thing about the medical device manufacturers and how they will not make the titanium hip replacements or the insulin pumps, but yet we are giving them immunity today.

This bill goes further than any State law. It goes further than any law anybody would contemplate, and it is just a giveaway to the insurance industry, to the pharmaceutical industry, to the nursing home industry, and to the medical device manufacturers.

If we pass the Conyers-Dingell motion to recommit, we will send this bill back and we will do something that will really give relief to the doctors who face these high malpractice insurance premiums.

I urge a ''yes'' vote on the motion to recommit. If that fails, I urge a ''no'' vote on the underlying bill.

Mr. CONYERS. Mr. Speaker, I yield myself the balance of my time.

This motion to recommit sets up a limitation on malpractice cases being brought. It requires that there be an attorney and health care specialist to submit an affidavit that the claim is warranted; and then in the second part, we establish a national commission to evaluate the causes of rising health insurance premiums.

This motion to recommit protects legitimate victims, limits frivolous lawsuits, and gives us a much-needed opportunity to examine the real causes of the medical malpractice insurance crisis that has this Nation in its grip.

I urge my colleagues to support the motion to recommit so that we can deal with medical malpractice insurance as a crisis and not as a giveaway to the companies that have been named throughout this debate.

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

Mr. SMITH of Texas. Mr. Speaker, I rise to claim the time in opposition to the motion to recommit.

The SPEAKER pro tempore (Mr. SHAW). Is the gentleman opposed to the motion?

Mr. SMITH of Texas. Yes, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from Texas (Mr. SMITH) is recognized for 5 minutes.

Mr. SMITH of Texas. Mr. Speaker, the motion to recommit must be defeated because it contains zero legal protections for doctors beyond current law, and in some cases it actually makes the current crisis even worse.

The Democratic alternative would require that before a health care lawsuit is filed, the claimant file an affidavit declaring that a qualified specialist has been consulted and has issued a written report that says the filing is meritorious.

Mr. Speaker, the definition is so broad it is meaningless. The Democratic alternative also imposes another wasteful layer of bureaucracy on the health care system, mandatory mediation, which simply has no binding effect.

The motion to recommit even makes the situation of OB/GYNs worse than it is today by allowing someone as old as 21 to file a lawsuit claiming the doctor who delivered them caused their injury 21 years before. The motion to recommit would subject OB/GYNs to even more nuisance suits and drive even more of them out of business.

So the Conyers-Dingell substitute contains zero legal reforms and would make the current litigation crisis even worse; yet legal reforms are needed to solve the current crisis in medical liability insurance and increase access to health care.

H.R. 5 is the only proven legislative solution. According to the Congressional Budget Office under the HEALTH Act, ''premiums for medical malpractice insurance ultimately would be an average of 25 to 30 percent below what they would be under current law.''

Mr. Speaker, for the sake of health care providers and the people who need them, let us keep doctors practicing their profession and defeat this motion to recommit.

Mr. Speaker, I yield the balance of my time to the gentleman from Wisconsin (Mr. GREEN), who is an expert on this subject.

Mr. GREEN of Wisconsin. Mr. Speaker, it all boils down to this: we cannot get a handle on health care costs unless we first get a handle on the least productive part of heath care costs. Excessive liability costs are unproductive. They do not increase the quality of care. They do not increase accessibility to care, and they certainly do not increase affordability of care.

Here is what excessive liability costs do. They drive up insurance costs for doctors. They drive physicians out of high-risk specialties and fields, and they drive them out of high-cost areas. In some cases, they drive them out of practice altogether; and in those cases we all lose.

The great thing about the bill before us is we know it will work. It is not speculative. We know it works. We know that reforms which permit injured parties to recover every last dollar of economic damages, but place a modest cap on noneconomic damages, loss of society, loss of companionship, we know these reforms can help solve the medical liability crisis. It worked in California. It once worked in Wisconsin. And it can work all across America if we pass the HEALTH Act. If we defeat this motion to recommit, we can solve the medical liability crisis. This is what we must do.

Mr. SMITH of Texas. Mr. Speaker, I urge my colleagues to vote ''no'' on the motion to recommit and ''yes'' on the HEALTH Act.

The SPEAKER pro tempore (Mr. SWEENEY). 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 ayes appeared to have it.

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

The yeas and nays were ordered.

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

The vote was taken by electronic device, and there were—yeas 193, nays 234, answered ''present'' 1, not voting 5, as follows:

[Roll No. 448]

YEAS—193

Abercrombie	Berry	Butterfield
Ackerman	Bishop (GA)	Capps
Allen	Bishop (NY)	Capuano
Baca	Blumenauer	Cardin
Baird	Boren	Cardoza
Baldwin	Boswell	Carnahan
Barrow	Boucher	Case
Bean	Boyd	Chandler
Becerra	Brady (PA)	Clay
Berkley	Brown (OH)	Cleaver
Berman	Brown, Corrine	Clyburn

Conyers
Cooper
Costa
Costello
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Moore (KS)
Moore (WI)
Moran (VA)
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NAYS—234

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
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
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
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Holden
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kennedy (MN)
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.
Mack
Manzullo
Marchant
Matheson
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schwarz (MI)
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

ANSWERED ''PRESENT''—1

Sensenbrenner

NOT VOTING—5

Andrews
Carson
Kelly
Paul
Schakowsky

□ 1631

Mr. McHUGH, Mr. ISSA, Mrs. DRAKE, Mr. GORDON, Mrs. MUSGRAVE, and Mr. HOBSON changed their vote from ''yea'' to ''nay.''

Messrs. HINCHEY, FARR, SMITH of Washington, and SPRATT changed their vote from ''nay'' to ''yea.

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

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

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

RECORDED VOTE

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

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 230, noes 194, answered ''present'' 2, not voting 7, as follows:

[Roll No. 449]

AYES—230

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

NOES—194

Abercrombie
Ackerman
Allen
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Carnahan
Case
Chandler
Clay
Cleaver
Clyburn
Coble
Conyers
Cooper
Costa
Costello
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Diaz-Balart, L.
Dicks
Dingell
Doggett
Doyle
Duncan
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Flake
Ford
Frank (MA)
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (NY)

Kucinich	Moore (KS)	Scott (VA)
Langevin	Moore (WI)	Serrano
Lantos	Moran (VA)	Sherman
Larsen (WA)	Nadler	Skelton
Larson (CT)	Napolitano	Slaughter
Lee	Neal (MA)	Smith (WA)
Levin	Oberstar	Snyder
Lewis (GA)	Obey	Solis
Lipinski	Olver	Spratt
Lofgren, Zoe	Ortiz	Stark
Lowey	Owens	Strickland
Lynch	Pallone	Stupak
Maloney	Pascrell	Tanner
Markey	Pastor	Tauscher
Marshall	Payne	Terry
Matsui	Pelosi	Thompson (CA)
McCarthy	Price (NC)	Thompson (MS)
McCollum (MN)	Rahall	Tierney
McDermott	Rangel	Towns
McGovern	Reyes	Udall (CO)
McIntyre	Ross	Udall (NM)
McKinney	Rothman	Van Hollen
McNulty	Roybal-Allard	Velázquez
Meehan	Ruppersberger	Visclosky
Meek (FL)	Rush	Wasserman Schultz
Meeks (NY)	Ryan (OH)	Waters
Melancon	Sabo	Watson
Menendez	Salazar	Watt
Michaud	Sánchez, Linda T.	Waxman
Millender-McDonald	Sanchez, Loretta	Weiner
Miller (NC)	Sanders	Wexler
Miller, George	Schiff	Woolsey
Mollohan	Schwartz (PA)	Wynn

ANSWERED ''PRESENT''—2

Burton (IN) Sensenbrenner

NOT VOTING—7

Andrews	Johnson, Sam	Wu
Burgess	Paul	
Carson	Schakowsky	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1640

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed without amendment a bill of the House of the following title:

H.R. 3423. An act to amend the Federal Food, Drug, and Cosmetic Act with respect to medical device user fees.

GENERAL LEAVE

Mr. TAYLOR of North Carolina. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and that I may include tabular and extraneous material on the conference report to accompany H.R. 2361.

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

There was no objection.

CONFERENCE REPORT ON H.R. 2361, DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2006

Mr. TAYLOR of North Carolina. Mr. Speaker, pursuant to House Resolution 392, I call up the conference report on the bill (H.R. 2361) making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2006, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 392, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of July 26, 2005 at page H6562.)

The SPEAKER pro tempore. The gentleman from North Carolina (Mr. TAYLOR) and the gentleman from Washington (Mr. DICKS) each will control 30 minutes.

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

□ 1645

Mr. TAYLOR of North Carolina. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today we bring before the House the conference agreement on H.R. 2361, the Interior, Environment, and Related Agencies Appropriations Act for fiscal year 2006. I would like to thank all of the members of the Subcommittee for their support and guidance this year. I want to extend special thanks to the subcommittee vice chairman, the gentleman from Idaho (Mr. SIMPSON), and the gentleman from Washington (Mr. DICKS), the ranking member and my good friend, for their assistance in shaping the bill. We are under last year, and we are under the allocation.

The conference report balances many competitive and diverse needs. It provides funding for programs in the Department of the Interior, the Environmental Protection Agency, the Forest Service, the Indian Health Agency, the Smithsonian Institution, and several other environmental and cultural agencies and commissions.

With the ongoing war on terrorism and a sizable Federal debt, the American taxpayer demands fiscal prudence, yet entrusts us to continue the conservation and care of our Nation's natural resources, the protection of the environment, and critical programs for native Americans and other programs. The needs far outweigh the funds available, but I believe this bill addresses the most critical needs.

The conference report is the product of a balanced, bipartisan, bicameral effort that resolves over 2,000 differences between the House and the Senate bills. Moreover, it addresses many of the key issues raised on the House floor in May and stays true to the fundamental issues that helped the bill pass overwhelmingly in the House. Here are a few of the highlights:

Payments in Lieu of Taxes are $9 million over the enacted level. The arts and humanities are $5 million each over the enacted level. Funding for operations of the national parks has increased by $61 million. Restrictions remain in the bill for pesticide testing on human subjects. Funding for the Clean Water State Revolving Act is $900 million, which is $50 million above the House level and $170 million above the budget request.

The Forest Health Program, which is critical to reducing this Nation's risk of catastrophic wildfires, is restored to the enacted level.

Finally, I am proud to say that this conference agreement contains $1.5 billion in critically needed funds for veterans medical care.

Mr. Speaker, I believe the priorities of the American people are reflected in the conference agreement, and I urge all of my colleagues to support it.

I would like to thank staff on both sides of the aisle because, without their hard work, we would not be able to bring this bill forward at this time.

At this time, I will include a table detailing the various accounts in the bill for insertion in the RECORD.

DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS BILL, FY 2006 (H.R. 2361)
(Amounts in thousands)

	FY 2005 Enacted	FY 2006 Request	House	Senate	Conference
TITLE I - DEPARTMENT OF THE INTERIOR					
Bureau of Land Management					
Management of lands and resources	836,826	850,177	845,783	867,045	860,791
Wildland fire management:					
Preparedness	258,939	286,701	272,852	272,852	272,852
Fire suppression operations	218,445	234,167	234,167	234,167	234,167
Additional appropriations (Title IV)	98,611	---	---	---	---
Other operations	255,300	235,696	254,545	259,545	259,545
Subtotal	831,295	756,564	761,564	766,564	766,564
Central hazardous materials fund	9,855	---	---	---	---
Rescission of balances	-13,500	---	---	---	---
Construction	11,340	6,476	11,476	9,976	11,926
Land acquisition	11,192	13,350	3,817	12,250	8,750
Oregon and California grant lands	107,497	110,070	110,070	110,070	110,070
Range improvements (indefinite)	10,000	10,000	10,000	10,000	10,000
Service charges, deposits, & forfeitures (indefinite)	20,055	32,940	32,940	32,940	32,940
Offsetting fee collections	-20,055	-32,940	-32,940	-32,940	-32,940
Miscellaneous trust funds (indefinite)	12,405	12,405	12,405	12,405	12,405
Total, Bureau of Land Management	1,816,910	1,759,042	1,755,115	1,788,310	1,780,506
United States Fish and Wildlife Service					
Resource management	962,940	985,563	1,005,225	993,485	1,008,880
Construction	52,658	19,676	41,206	31,811	45,891
Emergency appropriations (P.L. 108-324)	40,552	---	---	---	---
Land acquisition	37,005	40,992	14,937	40,827	28,408
Landowner incentive program	21,694	40,000	23,700	25,000	24,000
Private stewardship grants	6,903	10,000	7,386	7,500	7,386
Cooperative endangered species conservation fund	80,462	80,000	84,400	80,000	82,200
National wildlife refuge fund	14,214	14,414	14,414	14,414	14,414
North American wetlands conservation fund	37,472	49,949	40,000	39,500	40,000
Neotropical migratory birds conservation fund	3,944	---	4,000	4,000	4,000
Multinational species conservation fund	5,719	8,300	5,900	6,500	6,500
State wildlife grants	69,028	74,000	65,000	72,000	68,500
Total, United States Fish and Wildlife Service	1,332,591	1,322,894	1,306,168	1,315,037	1,330,179
National Park Service					
Operation of the national park system	1,683,564	1,734,053	1,754,199	1,748,486	1,744,074
United States Park Police	80,076	80,411	82,411	80,411	81,411
National recreation and preservation	60,973	36,777	48,997	56,729	54,965
Historic preservation fund	71,739	66,205	72,705	74,500	73,250
Construction	302,180	307,362	291,230	299,201	301,291
Emergency appropriations (P.L. 108-324)	50,802	---	---	---	---
Land and water conservation fund (rescission of contract authority)	-30,000	-30,000	-30,000	-30,000	-30,000
Land acquisition and state assistance	146,349	54,467	9,421	86,005	64,909
Total, National Park Service (net)	2,365,683	2,249,275	2,228,963	2,315,332	2,289,900
United States Geological Survey					
Surveys, investigations, and research	935,464	933,515	974,586	963,057	976,035
Emergency appropriations (P.L. 108-324)	1,000	---	---	---	---
Emergency appropriations (P.L. 109-13)	8,100	---	---	---	---
Total, United States Geological Survey	944,564	933,515	974,586	963,057	976,035
Minerals Management Service					
Royalty and offshore minerals management	270,550	283,146	275,406	275,246	276,381
Use of receipts	-103,730	-122,730	-122,730	-122,730	-122,730
Oil spill research	7,006	7,006	7,006	7,006	7,006
Total, Minerals Management Service	173,826	167,422	159,682	159,522	160,657
Office of Surface Mining Reclamation and Enforcement					
Regulation and technology	108,269	110,435	110,435	110,435	110,435
Receipts from performance bond forfeitures (indefinite)	99	100	100	100	100
Subtotal	108,368	110,535	110,535	110,535	110,535

DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS BILL, FY 2006 (H.R. 2361)
(Amounts in thousands)

	FY 2005 Enacted	FY 2006 Request	House	Senate	Conference
Abandoned mine reclamation fund (definite, trust fund)	188,205	188,014	188,014	188,014	188,014
Legislative proposal	---	58,000	---	---	---
Subtotal	188,205	246,014	188,014	188,014	188,014
Total, Office of Surface Mining Reclamation and Enforcement	296,573	356,549	298,549	298,549	298,549
Bureau of Indian Affairs					
Operation of Indian programs	1,926,091	1,924,230	1,992,737	1,971,132	1,991,490
Construction	319,129	232,137	284,137	267,137	275,637
Indian land and water claim settlements and miscellaneous payments to Indians	44,150	24,754	34,754	24,754	34,754
Indian guaranteed loan program account	6,332	6,348	6,348	6,348	6,348
Total, Bureau of Indian Affairs	2,295,702	2,187,469	2,317,976	2,269,371	2,308,229
Departmental Offices					
Insular Affairs:					
Assistance to Territories	47,861	46,543	48,843	48,963	49,163
Northern Marianas	27,720	27,720	27,720	27,720	27,720
Subtotal	75,581	74,263	76,563	76,683	76,883
Compact of Free Association	3,450	2,862	3,362	2,862	3,362
Mandatory payments	2,000	2,000	2,000	2,000	2,000
Subtotal	5,450	4,862	5,362	4,862	5,362
Total, Insular Affairs	81,031	79,125	81,925	81,545	82,245
Departmental management	95,821	120,155	97,755	104,627	127,183
Emergency appropriations (P.L. 109-13)	3,000	---	---	---	---
Subtotal, Departmental management	98,821	120,155	97,755	104,627	127,183
Working Capital fund	---	---	---	22,555	---
Payments in lieu of taxes	226,805	200,000	242,000	235,000	236,000
Central hazardous materials fund	---	9,855	9,855	9,855	9,855
Office of the Solicitor	51,656	55,752	55,340	55,652	55,440
Office of Inspector General	37,275	40,999	39,566	39,116	39,116
Office of Special Trustee for American Indians					
Federal trust programs	193,540	269,397	191,593	191,593	191,593
Indian land consolidation	34,514	34,514	34,514	34,514	34,514
Total, Office of Special Trustee for American Indians	228,054	303,911	226,107	226,107	226,107
Natural resource damage assessment fund	5,737	6,106	6,106	6,106	6,106
Total, Departmental Offices	729,379	815,903	758,654	780,563	782,052
A-T-B reduction to administrative costs	---	---	---	-22,000	---
Total, title I, Department of the Interior:					
New budget (obligational) authority (net)	9,955,228	9,792,069	9,799,693	9,867,741	9,926,107
Appropriations	(9,881,774)	(9,822,069)	(9,829,693)	(9,897,741)	(9,956,107)
Emergency appropriations	(103,454)	---	---	---	---
Rescission	(-30,000)	(-30,000)	(-30,000)	(-30,000)	(-30,000)
TITLE II - ENVIRONMENTAL PROTECTION AGENCY					
Science and technology	744,061	760,640	765,340	730,795	741,722
(By transfer from Hazardous substance superfund)	(35,808)	(30,605)	(30,606)	(30,606)	(30,606)
Environmental programs and management	2,294,902	2,353,764	2,389,491	2,333,416	2,381,752
Pesticide fees (legislative proposal)	---	(50,000)	---	---	---
Office of Inspector General	37,696	36,955	37,955	36,955	37,455
(By transfer from Hazardous substance superfund)	(12,896)	(13,536)	(13,536)	(13,536)	(13,536)
Buildings and facilities	38,688	40,218	40,218	40,218	40,218
Emergency appropriations (P.L.108-324)	3,000	---	---	---	---
Hazardous substance superfund	1,247,477	1,279,333	1,258,333	1,256,165	1,260,621
Transfer to Office of Inspector General	(-12,896)	(-13,536)	(-13,536)	(-13,536)	(-13,536)
Transfer to Science and Technology	(-35,808)	(-30,605)	(-30,606)	(-30,606)	(-30,606)
Leaking underground storage tank program	69,440	73,027	73,027	73,027	73,027
Oil spill response	15,872	15,863	15,863	15,863	15,863

DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS BILL, FY 2006 (H.R. 2361)
(Amounts in thousands)

	FY 2005 Enacted	FY 2006 Request	House	Senate	Conference
Pesticide registration fund	19,245	12,000	15,000	15,000	15,000
Pesticide registration fees	-19,245	-12,000	-15,000	-15,000	-15,000
State and tribal assistance grants	2,438,758	1,779,500	2,076,500	2,331,000	2,132,000
Categorical grants	1,136,591	1,181,300	1,151,300	1,122,550	1,129,696
Rescissions (various EPA accounts)	---	---	-100,000	-58,000	-80,000
Subtotal, State and tribal assistance grants	3,575,349	2,960,800	3,127,800	3,395,550	3,181,696
Total, title II, Environmental Protection Agency:					
New budget (obligational) authority	8,026,485	7,520,600	7,708,027	7,881,989	7,732,354
Appropriations	(8,023,485)	(7,520,600)	(7,808,027)	(7,939,989)	(7,812,354)
Emergency appropriations	(3,000)	---	---	---	---
Rescissions	---	---	(-100,000)	(-58,000)	(-80,000)
(Transfer out)	(-48,704)	(-44,141)	(-44,142)	(-44,142)	(-44,142)
(By transfer)	(48,704)	(44,141)	(44,142)	(44,142)	(44,142)
TITLE III - RELATED AGENCIES					
DEPARTMENT OF AGRICULTURE					
Forest Service					
Forest and rangeland research	276,384	285,400	285,000	280,892	283,094
State and private forestry	292,506	253,387	254,875	254,615	283,577
Emergency appropriations (P.L. 108-324)	49,100	---	---	---	---
National forest system	1,380,806	1,651,357	1,417,920	1,377,656	1,424,348
Emergency appropriations (P.L. 108-324)	12,153	---	---	---	---
Wildland fire management:					
Preparedness	676,470	676,014	691,014	676,014	676,014
Fire suppression operations	648,859	700,492	700,492	700,492	700,492
Additional appropriations (Title IV)	394,443	---	---	---	---
Other operations	377,687	67,761	399,000	369,025	402,889
Emergency appropriations (P.L. 108-324)	1,028	---	---	---	---
Funded in Defense Bill (P.L. 108-287) (sec. 8098)	(30,000)	---	---	---	---
Subtotal	2,098,487	1,444,267	1,790,506	1,745,531	1,779,395
Capital improvement and maintenance	514,701	380,792	468,260	409,751	441,178
Emergency appropriations (P.L. 108-324)	50,815	---	---	---	---
Funded in Defense Bill (P.L. 108-287) (sec. 8098)	(10,000)	---	---	---	---
Emergency appropriations (P.L. 109-13)	24,390	---	---	---	---
Land acquisition	61,007	40,000	15,000	44,925	42,500
Acquisition of lands for national forests, special acts	1,054	1,069	1,069	1,069	1,069
Acquisition of lands to complete land exchanges (indefinite)	231	234	234	234	234
Range betterment fund (indefinite)	3,021	2,963	2,963	2,963	2,963
Gifts, donations and bequests for forest and rangeland research	64	64	64	64	64
Management of national forest lands for subsistence uses	5,879	5,467	5,467	5,067	5,067
Total, Forest Service	4,770,598	4,065,000	4,241,358	4,122,767	4,263,489
DEPARTMENT OF HEALTH AND HUMAN SERVICES					
Indian Health Service					
Indian health services:					
Non-contract services	2,098,424	2,207,277	2,207,277	2,207,302	2,207,277
Contract care	480,318	507,021	507,021	507,021	507,021
Catastrophic health emergency fund	17,750	18,000	18,000	18,000	18,000
Total, Indian health services	2,596,492	2,732,298	2,732,298	2,732,323	2,732,298
Indian health facilities	388,574	315,668	370,774	335,643	358,485
Total, Indian Health Service	2,985,066	3,047,966	3,103,072	3,067,966	3,090,783
National Institute of Health					
National Institute of Environmental Health Sciences	79,842	80,289	80,289	80,289	80,289

DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS BILL, FY 2006 (H.R. 2361)
(Amounts in thousands)

	FY 2005 Enacted	FY 2006 Request	House	Senate	Conference
Agency for Toxic Substances and Disease Registry					
Toxic substances and environmental public health	76,041	76,024	76,024	76,024	76,024
Total, Department of Health and Human Services	3,140,949	3,204,279	3,259,385	3,224,279	3,247,096
OTHER RELATED AGENCIES					
Executive Office of the President					
Council on Environmental Quality and Office of Environmental Quality	3,258	2,717	2,717	2,717	2,717
Chemical Safety and Hazard Investigation Board					
Salaries and expenses	9,027	9,200	9,200	9,200	9,200
Emergency fund	397	---	---	---	---
Total, Chemical Safety and Hazard	9,424	9,200	9,200	9,200	9,200
Office of Navajo and Hopi Indian Relocation					
Salaries and expenses	4,930	8,601	8,601	8,601	8,601
Institute of American Indian and Alaska Native Culture and Arts Development					
Payment to the Institute	5,916	6,300	6,300	6,300	6,300
Smithsonian Institution					
Salaries and expenses	489,035	524,135	524,381	524,135	524,281
Facilities capital	126,123	90,900	90,900	100,000	100,000
Total, Smithsonian Institution	615,158	615,035	615,281	624,135	624,281
National Gallery of Art					
Salaries and expenses	91,708	97,100	97,100	96,600	96,600
Repair, restoration and renovation of buildings	10,946	16,200	16,200	15,000	16,200
Total, National Gallery of Art	102,654	113,300	113,300	111,600	112,800
John F. Kennedy Center for the Performing Arts					
Operations and maintenance	16,914	17,800	17,800	17,800	17,800
Construction	16,107	15,200	10,000	15,200	13,000
Total, John F. Kennedy Center for the Performing Arts	33,021	33,000	27,800	33,000	30,800
Woodrow Wilson International Center for Scholars					
Salaries and expenses	8,863	9,201	9,085	9,201	9,201
National Foundation on the Arts and the Humanities					
National Endowment for the Arts					
Grants and administration 1/	121,264	121,264	131,264	126,264	126,264
National Endowment for the Humanities					
Grants and administration	122,156	122,605	127,605	127,605	127,605
Matching grants	15,898	15,449	15,449	15,449	15,449
Total, National Endowment for the Humanities	138,054	138,054	143,054	143,054	143,054
Total, National Foundation on the Arts and the Humanities	259,318	259,318	274,318	269,318	269,318
Commission of Fine Arts					
Salaries and expenses	1,768	1,893	1,893	1,893	1,893
National Capital Arts and Cultural Affairs					
Grants	6,902	7,000	7,000	7,492	7,250

DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS BILL, FY 2006 (H.R. 2361)
(Amounts in thousands)

	FY 2005 Enacted	FY 2006 Request	House	Senate	Conference
Advisory Council on Historic Preservation					
Salaries and expenses	4,536	4,988	4,860	4,943	4,860
National Capital Planning Commission					
Salaries and expenses	7,888	8,344	8,177	8,244	8,244
United States Holocaust Memorial Museum					
Holocaust Memorial Museum	40,858	43,233	41,880	43,233	42,780
Presidio Trust					
Presidio trust fund	19,722	20,000	20,000	19,722	20,000
White House Commission on the National Moment of Remembrance					
Operations	248	250	250	250	250
Total, title III, related agencies:					
New budget (obligational) authority (net)	9,036,011	8,411,659	8,651,405	8,506,895	8,669,080
Appropriations	(8,898,525)	(8,411,659)	(8,651,405)	(8,506,895)	(8,669,080)
Emergency appropriations	(137,486)	---	---	---	---
TITLE IV - GENERAL PROVISIONS					
Across-the-board cut (.476%) (rescission) (Sec. 437)	---	---	---	---	-126,000
TITLE VI - SUPPLEMENTAL APPROPRIATIONS					
Veteran's Health (Sec.439) (emergency appropriation)	---	---	---	1,500,000	---
Veteran's Health (Sec. 439)	---	---	---	---	1,500,000
Grand total:					
New budget (obligational) authority (net)	27,017,724	25,724,328	26,159,125	27,756,625	27,701,541
Fiscal year 2005	---	---	---	1,500,000	1,500,000
Fiscal year 2006	27,017,724	25,724,328	26,159,125	26,256,625	26,201,541
Appropriations	(26,803,784)	(25,754,328)	(26,289,125)	(26,344,625)	(26,311,541)
Supplemental appropriations	---	---	---	---	(1,500,000)
Emergency appropriations	(243,940)	---	---	(1,500,000)	---
Rescissions	(-30,000)	(-30,000)	(-130,000)	(-88,000)	(-110,000)
(Transfer out)	(-48,704)	(-44,141)	(-44,142)	(-44,142)	(-44,142)
(By transfer)	(48,704)	(44,141)	(44,142)	(44,142)	(44,142)

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

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

I support this conference report on the fiscal year 2006 Interior and Environment Appropriations bill, and I will vote for it, in just a few minutes, I hope. With the addition of $1.5 billion in spending for veterans health care attached to this bill, I believe that this conference report will get widespread support in both the House and the Senate.

After we made a decision to add this $1.5 billion, I contacted back in the State of Washington the veterans hospital in Seattle and the one at American Lake to find out what the backlog was, and I was shocked to find out that there is a backlog of some 2,000 veterans who are waiting to get an initial appointment at those hospitals. So this money clearly is needed, and I am pleased that the other body selected the Interior appropriations to add this $1.5 billion to and that we were able to present it here today to the House.

There are several areas of this bill that I believe are underfunded; however, I believe these funding decisions were the result of an inadequate allocation. Although the majority cannot escape responsibility for this allocation, I believe that we here in the minority have been treated fairly during the process of developing the 2006 Interior appropriations.

First of all, I want to thank the chairman, the gentleman from North Carolina (Mr. TAYLOR), for the decision to provide the Park Service operating budget another year of healthy increases. Over the last 2 years, we have provided more than $100 million in increases for the parks operating budget, and I am very proud of that accomplishment. We really were seeing a decline in some of the parks because they were not able to cover their fixed costs on an annual basis and had to lay off people and were unable to provide the American people with the services that they needed.

However, I am disappointed with the overall amount for the Clean Water Act State Revolving Fund. I had hoped that the conference report would end up closer to the Senate mark of $1.1 billion, rather than at $900 million, which is only $50 million above the House mark. Over the last 2 years, this funding has been cut by 33 percent.

I am also disappointed that we could not retain the full $10 million increase for the National Endowment for the Arts, which was approved on the House floor in an overwhelming vote, but I am gratified that we could agree to some increase for both the NEA and the NEH.

I am glad to see this conference report contains increases over the House mark for both land acquisition and the State grant program. Although these programs are cut from last year, I agree with the decision to restore some of the funding; and I am sympathetic to the argument that, during a year with such a low allocation, it is most important to protect core programs and make land acquisition a more secondary goal.

I am deeply appreciative of everyone's efforts to resolve the issue concerning the use of humans during pesticide testing. I think the conference report reflects the will of both the House and Senate to stop such tests until the EPA develops regulations reflecting the recommendation of the National Academy of Science and follows the Nuremburg protocols. In addition, these regulations will prohibit such testing on pregnant women, infants, and children.

I also want to praise the compromise contained in this conference report on the Martin Luther King, Jr., memorial to be built on the National Mall. The conference report contains $10 million that must be matched by private donations. This matching requirement will spur increased private donations and reflects the thinking of the chairman, the gentleman from North Carolina (Mr. TAYLOR), who felt very strongly that we should try to raise as much money for the memorial from the private sector.

Again, I want to say that the chairman has been very fair and his staff, led by Debbie Weatherly, has done an outstanding job in putting together this bill. I want to congratulate Mike Stevens and Pete Modoff of my staff for the exceptional work they did on this bill. I think this is, in a very difficult year, I think this is a bill that deserves our support.

Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Wisconsin (Mr. OBEY), the ranking Democrat of the full Committee on Appropriations.

Mr. OBEY. Mr. Speaker, I thank the gentleman for yielding me this time. I would simply like to say that this is a close call on this bill as far as I am concerned; but weighing all of the conflicting pressures, I come down on the side of recommending a vote for the bill, primarily because of what it does to finally provide sufficient funding for veterans health care.

With respect to that item, I would simply say to our friends on the majority side of the aisle, welcome aboard. We tried for the last year and a half to convince this administration and to convince the majority that the veterans health accounts were underfunded. Finally, the administration admitted that that was true; and, in fact, the amount being added to this bill today for veterans health care is exactly the amount that we had been asking be added to that program for that purpose for a long period of time.

I want to make clear, the shortfall for veterans' health care is not the responsibility of the chairman of this subcommittee. This problem is supposed to be taken care of by another subcommittee; but, in fact, after running away from the problem for months and months, the majority party has finally decided that they did not want to go home in August and have to face the folks at the Legion hall or the VFW hall without finally doing something to fix the problem. So I am glad that they did.

But even though I am going to vote for this bill because of what it does for veterans, I think we need to understand that in a number of other areas, this bill is far from where it ought to be if we are to meet the responsibilities that we have to this country's future. Overall, funding for the EPA declines by $291 million in this bill. The Clean Water State Revolving Fund has now been cut by 33 percent over 2 years. Grants to States for conservation and recreation are reduced by two-thirds from fiscal year 2005. Every State suffers a 66 percent cut.

In the year 2001, land acquisition funds in this bill were $442 million. Today, they are $124 million. That is the lowest appropriation for this item in the past 20 years. Construction funding for national parks and refuges and forests has been reduced by about 10 percent from last year. The funding for Forest Service buildings, roads, and trails has been cut from $514 million to $441 million, a reduction of 14 percent.

BIA school construction is funded at a level $53 million below last year. Health facilities construction for Indian health services is funded at $38 million, a reduction of $50 million. I do not believe those numbers are numbers that we would be proud to take home.

So we are stuck with a choice. We can cast a protest vote against the cuts in this bill, which many of us have already done; or we can recognize the fact that in a time of war we have an obligation to meet the health care needs of those who have risked everything for this country; and I think we, in the end, have no real choice but to come down in favor of voting for that increased veterans funding.

But I hope that the general public will understand that the cuts in this bill do the Nation no favors. We are shortchanging our country's future. We are not meeting our stewardship responsibilities, and we will pay a long-term price for that, I regret to say.

Mr. Speaker, let me say one other thing. I do want to express my appreciation to the subcommittee chairman for the fairness with which he has dealt with this bill. I may not agree with the priorities that the majority party budget resolution imposed on the subcommittee, but I do want to say that I think the chairman has been most fair in his dealing with the minority; and we appreciate that.

Mr. TAYLOR of North Carolina. Mr. Speaker, I reserve the balance of my time.

Mr. DICKS. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from South Carolina (Mr. SPRATT), who is one of the leaders in this House on budget matters.

Mr. SPRATT. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in full support of the $1.5 billion in veterans health care funding for 2005, which was added on to this conference report. I am pleased that my colleagues on the other side have finally come around to our position on veterans funding and now acknowledge that their budgets have not funded this priority accurately or adequately.

This shortfall has not occurred for lack of notice or foresight. Over warnings from veterans groups and our own strenuous objections, the budgets passed by this House have consistently, consistently, understated the cost of veterans health care.

□ 1700

This is the Veterans Administration borrowing from Peter to pay Paul, denying or delaying service until a supplement finally comes through. And then when the supplement comes through, it busts the spending caps imposed in the budget and adds to the deficit.

This is no way to budget for veterans health care, and it is no way to budget generally. The White House just 2 weeks ago issued a midsession review of the budget, which we received with some skepticism. We observed that their projections of the deficit seemed better, partly because they omit the full cost of various policies like veterans health care, the ongoing cost of operations in Afghanistan and Iraq, and fixing the alternative minimum tax, extending other tax credits.

In the short run, these omissions make the deficit look better, sure, but in the long run the true costs emerge, and the actual deficits turn out to be worse than projected.

Here, for example, is what happened to veterans health care in the fiscal 2005 budget cycle. When we brought forth our budget resolutions on the Democratic side for 2005, we argued that the discretionary spending levels in the Republican resolution were too tight, not realistic, and would shortchange essential priorities like veterans health care.

We were not alone. The chairman of the Veterans' Affairs Committee argued that more funding for veterans health care was badly needed, but our concerns went unheeded. Now we have to face the truth. The funding provided for veterans health care in the 2005 budget was, in fact, not sufficient.

And since an accurate funding level was not built into the budget, today's bill will move discretionary spending for 2005 over the allocation included in the Republican budget. This misestimate, like others, was left out of the deficit projections that OMB announced just a couple of weeks ago.

For the record, let me point out that the Democrats put forth a responsible budget for 2005. Our budget brought us to balance by the year 2012, yet we funded veterans health care priorities and other priorities adequately.

Our budget provided $1.3 billion more for veterans health care in 2005, and $1.5 billion more over a 5-year period of time. Unfortunately the same story is playing out, unfolding again in 2006. Once again, once again, this year we warned that the budget provided too little for veterans health care, and once again it was to no avail.

Our resolution provided $1.5 billion more for veterans health care in 2006, $16.4 billion more over 5 years, and a budget, mind you, that balanced by 2012. Just 3 months later, 3 months later, we are told that the VA appropriations bill for 2006 will have to exceed its budget allocation to accommodate the administration's amended request for veterans health care. And, of course, the deficit estimates for 2006 will have to be revised upward accordingly.

Mr. Speaker, I would gladly vote to raise veterans health care to the level it should have been to start with, but I urge that we learn a lesson from this experience and be forthright in the future about the cost of veterans health care. And in that connection, I would note that in the outyears, 2007, 2008 and onward, the official estimates of the Republican budget still grossly underfund veterans health care, they understate the deficit, and they definitely will have to do this all over again until the numbers are finally done right.

Mr. DICKS. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. SOLIS), who has been a real leader on the issue of dealing with pesticides and their effect on humans.

(Ms. SOLIS asked and was given permission to revise and extend her remarks.)

Ms. SOLIS. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I rise in support of the Interior-Environment appropriations bill. I want to especially thank the gentleman from California (Mr. LEWIS), the gentleman from Wisconsin (Mr. OBEY), the gentleman from North Carolina (Mr. TAYLOR) and the gentleman from Washington (Mr. DICKS), the ranking, for their work on this legislation.

I am particularly proud of the steps that Congress has taken today to require the application of stringent ethical and scientific safeguards of intentional human dosing studies, and to stop the testing of pesticides on pregnant women and children. And I would like to thank all of your staff for their leadership on this issue.

Mr. DICKS. Mr. Speaker, will the gentlewoman yield?

Ms. SOLIS. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Speaker, I want to congratulate the gentlewoman on her hard work on this. I can remember when we had the amendment on the floor. It was adopted here in the House unanimously. And I think your work and the work of your colleague from California in the other body on this matter, where they also won a vote there, too, was very impressive.

And, you know, this is the first year our committee has had jurisdiction over the Environmental Protection Agency, so we are all learning about these issues. I want to congratulate you on your real leadership. And I think what you did will be something that will protect children and pregnant mothers and will bring better standards at EPA on this issue. I congratulate you on this effort.

Ms. SOLIS. Mr. Speaker, reclaiming my time, I would like to also submit that our staffs have worked very hard, and the outside organizations that worked in tandem with us, religious organizations, the scientific, environmental community, as well as activists. In fact, the United Farm Workers also submitted a letter of support.

This should never have happened. It should never have taken place, the testing of pesticides on humans, and particularly children.

So I know that I stand here before you in the Congress to say that this is a good moment for us in this particular time. Thank you very much.

Mr. Speaker, as co-sponsor of this amendment, I rise today to support the application of stringent ethical and scientific safeguards to intentional human dosing studies of toxic chemicals and applaud the inclusion of this language in the Interior-Appropriation bill.

This amendment forbids the EPA from considering any intentional human dosing study unless it meets the minimum ethical and scientific safeguards outlined in the February 2004 National Academy of Sciences report and the 1947 Nuremberg Code adopted after World War II. I am submitting copies of the NAS report and the Nuremberg Code into the RECORD.

In particular, this amendment prohibits intentional human dosing on pregnant women, infants, or children, and requires the creation of a review board to evaluate the ethical and scientific propriety of intentional human dosing studies before they can be conducted, considered, or relied on. In 2002, the National Academy of Sciences convened a panel to examine the issue of intentionally dosing human subjects with pesticides and other toxic substances.

The report of the NAS, published in February 2004, recognized that these experiments can be "troubling" and in some cases "repugnant." For this reason, the NAS concluded that to be "ethically justified," a human pesticide experiment must pass "rigorous scrutiny on both scientific and ethical grounds."

All of the studies currently pending before EPA are scientifically and ethically suspect and appear to fall far short of the stringent criteria for EPA consideration outlined by the NAS and the Nuremberg Code, and required in this amendment. EPA provided Congress with a list of all human intentional dosing tests under consideration by the agency. An extensive evaluation of these tests shows that they are rife with ethical and scientific flaws and do not approach the standard for acceptability.

Representative WAXMAN and Senator BOXER evaluated the serious flaws in these studies in

a report released last month entitled Human Pesticide Experiments, which I am submitting into the RECORD.

It is also clear that EPA's draft regulation regarding human testing similarly fails to meet the minimum criteria required in this amendment. EPA circulated internally a draft rule among the agency's various offices on June 20, 2005. EPA's draft rule, slated for proposal next month, would have allowed the systematic testing of pesticides on humans. The draft rule does not comply with the recommendations of the NAS and the Nuremberg Code, and it contains multiple loopholes that invite abuse.

The EPA draft is inconsistent with the standards we require in this amendment. EPA originally commenced its rulemaking in response to a wave of industry pressure to permit intentional dosing of human test subjects with toxic chemicals.

The pesticide industry has mounted a campaign to expand testing of pesticides on humans in order to weaken health standards. Because of the stricter requirements imposed by the Food Quality Protection Act of 1996, the pesticide industry has been under growing pressure to reduce the risks that pesticides pose to infants and children. The industry has adopted a strategy to evade these requirements by testing pesticides on a small number of adult human subjects, and then cite these tests to argue that the chemicals are safe.

EPA's proposed rule encourages this strategy and is contrary to the recommendations of the NAS and the ethical guidelines of the Nuremberg Code that we require in this amendment. I am submitting for the record a June 2005 report titled Flash Report: New EPA Proposal Encourages Human Pesticide Experiments.

As outlined in more detail in this report, EPA's proposed rule violates the ethical and scientific safeguards now required by this amendment, by failing to establish a national review panel to prevent abusive experiments, and by failing to provide full protections for children and other vulnerable populations.

Furthermore, the EPA draft rule does not clearly require that pesticide experiments comply with even its sub par standards. To the contrary, EPA proposed to accept all experiments as long as they "substantially" comply. This provision overtly undercuts the protections in the rule. The vague standard of substantial compliance wrongly sends the signal that EPA will not demand strict adherence to ethical standards in human pesticide experiments.

Intentional human toxicity testing has a troubling history that includes manipulation and abuse of the most vulnerable members of society. The amendment that I am supporting today will ensure that EPA may not consider or rely on any intentional human-dosing study that does not meet the minimum ethical and scientific criteria recommended by the NAS and expressed in the Nuremberg Code.

Mr. TAYLOR of North Carolina. Mr. Speaker, I would yield such time as he may consume to the gentleman from California (Mr. LEWIS).

Mr. LEWIS of California. Mr. Speaker, I will not consume very much time. I rise to express my deep appreciation one more time to my colleague and friend, the gentleman from Wisconsin (Mr. OBEY), for his cooperating with me as we have gone through this initial conference process, but most importantly to congratulate both my colleague, the gentleman from Washington (Mr. DICKS), and my colleague, the gentleman from North Carolina (Mr. TAYLOR), for the fabulous job on this first of a series of conference reports that we expect to send to the President's desk.

It is very early in the process, but the Interior bill will be on the President's desk, and I am very certain he will find it to be to his liking. So congratulations to each of you for your work.

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

Mr. LEWIS of California. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Speaker, I think this is a very important moment today that we are passing this conference report before the August recess. And I want to congratulate the chairman and ranking member, who has really worked tirelessly to work with the chairman to get these bills enacted.

But I think there is absolutely no excuse not to try to do this and try to pass the rest of the bills in September and show the American people that we can get the job done before the start of the fiscal year.

And I think every time we have a new chairman, we do better in this regard. The previous chairman, of course, had to deal with other problems. But I think the chairman has made this a big priority. I think it is important that we do this, and I want to congratulate him for his leadership as the new chairman of the full committee.

Mr. LEWIS of California. Mr. Speaker, reclaiming my time, let me further say that none of this would have been done as effectively and with the high quality reflected in the conference report without the great help of our staff. They have done a tremendous job. They are breaking records here. It is because of the cooperation of the entire committee, the Members and the staff working together.

Mr. DINGELL. Mr. Speaker, it is with deep regret that I rise in opposition to this conference report. Let me explain. Mr. Speaker, this is a bad bill. It guts some of our most important environmental programs. It seems that the Republican majority realized what a bad bill it was and in order to win support for it, they put $1.5 billion in much needed funds for veterans' healthcare.

Now, Mr. Speaker, I am a pragmatist. I realize that there is no perfect bill. Sometimes we have to settle for some good and some bad. The bill before us, however, is a close call.

The problem is a simple one. You see, for years my Republican colleagues have been shortchanging our veterans. The number of veterans treated at VA facilities increased from 2.7 million to 4.7 million from 1995 to 2004. The Department expects to treat 5.2 million veterans in 2006. Currently, more than 50,000 veterans are waiting in line for at least 6 months for health services from the VA. Medical costs are increasing at nearly double the rate of inflation. Yet, over five years, the Republican budget for primarily veterans' health programs is funded $13.5 billion below the amount needed to maintain services at current levels.

I am pleased that my Republican colleagues have finally seen the light and realized that we cannot ask our men and women in uniform to make the ultimate sacrifice only to come home and have the promise of quality and timely healthcare broken. However, I am angry as hell that they attached this much needed funding to a particularly appalling bill.

You are probably saying, "Dingell, how appalling could it be when we are finally getting this funding for our veterans?"

Well, let me tell you.

EPA has estimated that there is a $388 billion shortfall between needed clean water and drinking water investments and the current level of spending. What do my Republican colleagues do to address that shortfall, Mr. Speaker? They cut the Clean Water State Revolving Loan Fund by $200 million from the FY 05 enacted level! That is a 33 percent cut over the past two years. Moreover, the bill cuts water and sewer construction grants by more than 30 percent—a reduction of $107 million from last year. This hardly seems like a reasonable response.

Conservation and land acquisition got a $41 million reduction. This is 25 percent below last year's enacted level. Mr. Speaker, my colleagues on the other side of the aisle have the dubious honor of providing the lowest appropriation for land and conservation programs in 20 years.

Funding for construction at our National Parks, Refuges and Forests was cut by ten percent and funding for Forest Service buildings, roads and trails by 14 percent. Stateside grants for conservation and recreation got an amazing two-thirds cut, from $90 million last year to $30 million.

So, you see the conundrum before us.

It is with a heavy heart that I feel that I must stand against not only a bad bill, but also against the process. It is unconscionable that my friends on the other side of the aisle would link this critically important and much needed funding for our Nation's heroes to a bad bill.

Mr. ETHERIDGE. Mr. Speaker, I rise in reluctant support of this conference report.

I am very reluctant to support this bill because it contains provisions I strongly oppose. Specifically, this bill contains harmful cuts to important interior and environmental priorities. It cuts $800 million from last year's funding level for natural resources and the Environmental Protection Agency. Environmental and management and science and technology accounts are severely cut in this bill. The bill cuts $107 million for water and sewer construction STAG grants, cuts $200 million from SRF clean water funds, and cuts $30 million from stateside grants to states for conservation and recreation.

Mr. Speaker, this Congress has a solemn obligation to protect our Nation's water, air and land resources for public health and safety. We must practice responsible stewardship of our natural resources and pass on to future generations a physical environment as bountiful as the one we have enjoyed. This bill fails this test miserably.

I will vote for this bill because it contains desperately needed funding for veterans health care. Specifically, the conference report on H.R. 2631 contains $1.5 billion in veterans

health care funds to make up for the Administration's bogus budget proposals. Democrats in this House have been arguing for months that the Administration is shortchanging VA health care, and we should restore that funding in the proper legislation under regular order. A nation at war must take care of its veterans, and I will vote for this bill to provide this critical funding for veterans health care.

Mr. HOLT. Mr. Speaker, I rise to express my disappointment with the Interior Appropriations bill that we are considering today. Although I will reluctantly vote for this legislation, I am concerned with the reduction in funding for many important domestic programs.

While I am pleased that this conference bill does not completely eliminate the Land and Water Conservation Fun, (LWCF), as in the House-passed version, I am still disappointed that this program only received $30 million, which is one-third of what it received last year.

The Land and Water Conservation Fund has been instrumental in assisting local and State governments preserve vital open spaces. This program was established in 1965 to address rapid overdevelopment by increasing the number of high quality recreation areas and facilities and by increasing the local involvement in land preservation. To achieve this goal, the fund was separated into two components, one portion of the fund serves as an account from which the Federal government draws from to acquire land and the other portion is distributed to states in a matching grant program.

New Jersey has been active in seeking grants from this program and has received funds from the LWCF that were used to preserve treasures such as the Pinelands National Reserve and the Delaware National Scenic River. In addition, LWCF has provided more that $111 million in state and local grants to build softball fields, rehabilitate playgrounds and to expand state parks.

Urban and highly developed regions, such as the region that I represent, will suffer the most from the elimination of the LWCF state grant program. The LWCF matching-grant program has proven to be a successful way to overcome the high cost of living that makes land acquisition and renewal projects costly in these regions. The steep reduction in funding for this program will leave local leaders without the capital necessary to enhance the quality of life in their communities.

This bill also cuts other domestic programs that benefit all Americans and future generations. This legislation only provides $900 million for the Clean Water State Revolving Fund—a reduction of $200 million from last year. This is vitally important to keeping drinking water clean and safe by supporting wastewater treatment, nonpoint source pollution and watershed and estuary management. Additionally, this bill cuts Federal land acquisition funding by 25 percent and reduces funding for construction projects in our national parks, refuges and forests by 10 percent.

Despite my reservations with cuts to important Environmental Protection Agency, EPA, and the Department of Interior, DOI, programs, I am pleased that this bill does the right thing and finally provides the VA the funds it needs to continue the delivery of care to our veterans through the end of the current fiscal year. This month, our Nation marked the 75th anniversary of the founding of the Veterans' Administration, the forerunner of today's Department of Veterans Affairs. Even as we celebrate the VA's many achievements, particularly in the field of medical research, we should use this opportunity to ask if we, as a country, are truly putting our money where our mouth is regarding VA funding. Every day, VA doctors, nurses, technicians and other staff across our country work to try to deliver the best possible health care to our veterans. They face one critical and continuing obstacle—a VA medical system that is chronically, and needlessly, underfunded.

I hope that the Congress will learn from this experience and pass mandatory funding legislation for the VA health care system. It's long past time for Congress to cease its band-aid approach to funding for veteran's health care, and I urge my colleagues to honor the request of the leaders of our Nation's veterans organizations to deal once and for all with this shameful and avoidable situation.

Another positive provision in this bill is the modest increase in funding for the National Endowment for the Arts and the National Endowment for the Humanities. Although the final funding levels fall slightly short of the amount approved by the House in May, the additional money will allow the NEA and NEH to build programs that use the strength of the arts and our Nation's cultural life to enhance communities in every State and every county around America.

It is clear that increasing funding for the arts and humanities are among the best investments that we as a society can make. They help our children learn. They give the elderly intellectual sustenance. They power economic development in regions that are down and out. They tie our diverse society and country together. I thank the conferees for recognizing the importance of this investment and giving the NEA and NEH the funds they need to advance our Nation's artistic and cultural life.

Even though I strongly oppose cuts to certain programs in this appropriations bill, I will vote in favor of this legislation. I hope in the future we can provide sufficient funding to these programs that enhance our communities, provide the Nation with clean water, and protect our precious natural wonders.

Mr. GENE GREEN of Texas. Mr. Speaker, I rise today in support of this conference report to provide funding for the Department of the Interior and the Environmental Protection Agency for fiscal year 2006. Despite a tight allocation, the Chairman and Ranking Member of the Interior subcommittee performed an admirable task in providing the necessary funding for the continued management of federal lands and the operation of our country's environmental programs. I was disappointed to learn, however, that the bill does not provide much needed funding for a project I requested for the City of Houston and the University of Texas, Houston to conduct a risk assessment of air toxics in the Greater Houston area.

The Houston Chronicle recently completed a five-part series titled "In Harm's Way" that investigated air toxics in the "fence-line" communities near industrial facilities in Houston's East End. In particular, the series noted that the Texas Commission on Environmental Quality found that folks residing in some of these neighborhoods experience higher levels of potentially carcinogenic compounds than other areas.

For many years, residents have had concerns and questions about the quality of the air in Houston's East End, the potential relationship to local industry, and the potential health effects on their families. The City of Houston, partnering with the University of Texas School of Public Health, is already working to characterize the science and weigh the evidence on health effects. Federal funding would allow us to broaden the scope of these efforts to ensure that we include the full range of risk assessment activities in our effort to improve the air in Houston.

While I remain disappointed that the Appropriations Committee did not include a line-item appropriation for this project, I am pleased that my colleague from Washington, the Interior Subcommittee Ranking Member, recognized the need for this air toxics assessment and has agreed to work with me to encourage the EPA to include this assessment as part of its fiscal year 2006 operations.

I thank my friend, Mr. DICKS, for his willingness to work with me on this effort. The folks in these fence-line communities—my constituents—are often the workers who produce many of the essential energy and petrochemical products we all use everyday, and they deserve accurate information about their environment.

With that, Mr. Speaker, I encourage my colleagues to support this bill.

Ms. WOOLSEY. Mr. Speaker, there is an old saying that, "You can put a dress on a pig, but it's still a pig." While I am happy that the FY06 Interior Appropriations Conference Report includes $1.5 billion to make up for the funding shortfall for the Veterans' Administration, VA, it does not mask the horrible choices that were made in the rest of this bill. It's still a pig. This legislation includes cuts to the Clean Water State Revolving Fund, decreases in the number of STAG grants, and completely eliminates many conservation grants.

Ensuring that the VA has the funding it needs is one of my highest priorities, which is why I am so disappointed that this money was included in a bill that undermines our environment. It is sad that veterans' have been shortchanged by President Bush who was all to eager to send troops off to war, but failed to account for the cost of their care after they had dutifully served their country. The underestimation by the White House of $1.5 billion for this year is only the tip of the iceberg with the shortfall for next year already projected to be $2.6 billion. Unfortunately, the shortsightedness of the Republican majority failed to include this spending where it should be, in the Military Quality of Life Appropriations bill.

However, Mr. Speaker, in spite of the shortcomings for the environment, I will vote for this bill to support our troops.

Mr. SALAZAR. Mr. Speaker, I rise today to express my strong support for the conference report on H.R. 2361, the Interior Appropriations bill. This important piece of legislation provides $1.5 billion to remedy the shortfall in veterans' health care for this year. Earlier this month, I stood here urging this body to step up to the plate when it comes to veterans. Our veterans must be our number one priority. By passing this measure, we take the first step in fulfilling our obligation to the men and women who have served our country with honor and dignity.

Passage of this bill is a necessity—I will never turn my back to our Nation's veterans. However, I do want to take this opportunity to discuss my concerns with the larger measure

and its failure to address the land and water conservation and management needs of our nation. The Land and Water Conservation Fund has been a valuable program for my district. This has been a fund to assist communities in helping preserve open space to protect and conserve unique landscapes. The cut in funding for the Land and Water Conservation Fund is a cut in land conservation for Colorado.

For those who know, the 3rd Congressional District is comprised of rural communities containing millions of acres of public lands. These public lands are managed by the U.S. Forest Service, Bureau of Land Management, National Park Service, and the Fish and Wildlife Service. These agencies and public lands provide many benefits for the local communities in my district. I am disappointed with the decrease in funding to these agencies in this year's Interior Appropriations Conference Report. These agencies have to maintain a difficult balance of managing our nation's public lands with budget constraints. By cutting funding to these agencies it makes it very difficult for them to maintain their current management practices and leaves our nation's public lands in jeopardy.

With that being said, this report does have some positive aspects. The funding of $5.6 billion for Indian programs is beneficial for school and hospital construction, education grants, human services programs, and law enforcement needs. These programs are essential for the Native American reservations within my district.

More often than not, in the West, the Federal Government is not just your neighbor, it is the entire neighborhood. Since most of my district cannot raise taxes, Payment in Lieu of Funding is vital. These counties with public lands within their boundaries need this funding for schools, roads, and other infrastructure needs. This program has never been fully funded, yet my counties are dependent upon this program. I hope to see this program fully funded next year.

I also want to see continued funding for the National Fire Plan and the forest health initiatives. These programs need to see increased funding due to the continued drought periods in the West and the current pine beetle epidemic. If the beetle infestations are not addressed, we will continue to see our forests decimated. These insects will continue to cause fire hazards in our nation's forests if we do not get them under control.

I urge Congress next year to fully fund these agency budgets. This is critical to the Western States and our existence.

Finally, Mr. Speaker, I would like to thank Representatives OBEY and DICKS for their assistance in securing $100,000 for Montrose's City Hall Renovation Project. The City Hall building of Montrose was built in 1926 and has been well preserved throughout the years. However, as the City and County continues to grow, so too must the building in order to accommodate the needs of the people. Preserving and expanding the City Hall building in Montrose will allow us to keep a part of history alive for future generations of Colorado. Mr. Speaker once again I urge my colleagues to vote in favor of this legislation. We need to sure up our VA budget so we can continue to provide critical health care services to our nation's veterans. In the future we need to restore the Land and Water Conservation funding and fully fund our agencies budgets.

Mr. TAYLOR of North Carolina. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. DICKS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. WALDEN of Oregon). Without objection the previous question is ordered on the conference report.

There was no objection.

The SPEAKER pro tempore. The question is on the conference report.

Pursuant to clause 10 of rule XX the yeas and nays are ordered.

Pursuant to clause 8 of rule XX further proceedings on this question will be postponed.

GENERAL LEAVE

Mr. LEWIS of California. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and that I may include tabular and extraneous material on the conference report to accompany H.R. 2985.

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

There was no objection.

CONFERENCE REPORT ON H.R. 2985, LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2006

Mr. LEWIS of California. Mr. Speaker, I call up the conference report on the bill (H.R. 2985), making appropriations for the Legislative Branch for the fiscal year ending September 30, 2006, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 396, the conference report is considered read.

(For conference report and statement see proceedings of the House of July 26, 2005 at Page H6628.)

The SPEAKER pro tempore. The gentleman from California (Mr. LEWIS) and the gentleman from Wisconsin (Mr. OBEY) each will control 30 minutes.

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

Mr. LEWIS of California. Mr. Speaker, I yield myself such time as I might consume. I do not expect that we will use very much of our time, Mr. Speaker.

The conference report I bring forth today to fund the legislative branch involves those activities providing some $3 billion, 800 million, an increase of 4.5 percent over the year 2005.

Mr. Speaker, the adjustments upward almost entirely represent increased expenditures for our police services and security around the Capitol campus, and, beyond that, expenses that are directly related to the development of the Congressional Visitors Center.

Otherwise the bill is absolutely flat in terms of spending over 2005–2006. It is a very, very lean bill. I urge the Members to support the bill.

Mr. Speaker, I submit the following for the RECORD:

LEGISLATIVE BRANCH APPROPRIATIONS ACT - FY 2006 (H.R. 2985)
(Amounts in thousands)

	FY 2005 Enacted	FY 2006 Request	House	Senate	Conference	Conference vs. Enacted
TITLE I - LEGISLATIVE BRANCH						
SENATE						
Expense allowances:						
Vice President	20	20	---	20	20	---
President Pro Tempore of the Senate	40	40	---	40	40	---
Majority Leader of the Senate	40	40	---	40	40	---
Minority Leader of the Senate	40	40	---	40	40	---
Majority Whip of the Senate	10	10	---	10	10	---
Minority Whip of the Senate	10	10	---	10	10	---
President Pro Tempore Emeritus of the Senate	15	15	---	15	15	---
Chairman of the Majority Conference Committee	5	5	---	5	5	---
Chairman of the Minority Conference Committee	5	5	---	5	5	---
Chairman of the Majority Policy Committee	5	5	---	5	5	---
Chairman of the Minority Policy Committee	5	5	---	5	5	---
Subtotal, expense allowances	195	195	---	195	195	---
Representation allowances for the Majority and Minority Leaders	30	30	---	30	30	---
Total, Expense allowances and representation	225	225	---	225	225	---
Salaries, Officers and Employees						
Office of the Vice President	2,108	2,181	---	2,181	2,181	+73
Office of the President Pro Tempore	561	582	---	582	582	+21
Office of the President Pro Tempore Emeritus	163	290	---	290	290	+127
Offices of the Majority and Minority Leaders	3,808	4,340	---	4,340	4,340	+532
Offices of the Majority and Minority Whips	2,556	2,644	---	2,644	2,644	+88
Committee on Appropriations	13,301	13,758	---	13,758	13,758	+457
Conference committees	2,826	2,940	---	2,940	2,940	+114
Offices of the Secretaries of the Conference of the Majority and the Conference of the Minority	702	728	---	728	728	+26
Policy Committees	2,946	3,048	---	3,048	3,048	+102
Office of the Chaplain	341	354	---	354	354	+13
Office of the Secretary	19,586	20,866	---	20,866	20,866	+1,280
Office of the Sergeant at Arms and Doorkeeper	50,635	57,743	---	56,700	56,700	+6,065
Offices of the Secretaries for the Majority and Minority	1,528	1,584	---	1,584	1,584	+56
Agency contributions and related expenses	33,779	37,105	---	37,105	37,105	+3,326
Outlays	---	---	---	---	---	---
Total, Salaries, officers and employees	134,840	148,163	---	147,120	147,120	+12,280
Office of the Legislative Counsel of the Senate						
Salaries and expenses	5,152	5,437	---	5,437	5,437	+285
Office of Senate Legal Counsel						
Salaries and expenses	1,265	1,306	---	1,306	1,306	+41
Expense Allowances of the Secretary of the Senate, Sergeant at Arms and Doorkeeper of the Senate, and Secretaries for the Majority and Minority of the Senate: Expenses allowances	24	24	---	24	24	---
Contingent Expenses of the Senate						
Inquiries and investigations	110,000	119,637	---	119,637	119,637	+9,637
Expenses of United States Senate Caucus on International Narcotics Control	520	520	---	520	520	---
Secretary of the Senate	1,700	1,900	---	1,980	1,980	+280
Sergeant at Arms and Doorkeeper of the Senate	127,182	162,225	---	142,000	142,000	+14,818
Miscellaneous items	18,326	18,326	---	17,000	17,000	-1,326
Senators' Official Personnel and Office Expense Account	320,660	364,985	---	350,000	350,000	+29,340
Official Mail Costs						
Expenses	300	300	---	300	300	---
Total, Contingent expenses of the Senate	578,688	667,893	---	631,437	631,437	+52,749
Total, Senate	720,194	823,048	---	785,549	785,549	+65,355

LEGISLATIVE BRANCH APPROPRIATIONS ACT - FY 2006 (H.R. 2985)
(Amounts in thousands)

	FY 2005 Enacted	FY 2006 Request	House	Senate	Conference	Conference vs. Enacted
HOUSE OF REPRESENTATIVES						
Payments to Widows and Heirs of Deceased Members of Congress (emergency) (P.L. 109-13)	162	---	---	---	---	-162
Salaries and Expenses						
House Leadership Offices						
Office of the Speaker	2,708	2,788	2,788	2,788	2,788	+80
Office of the Majority Floor Leader	2,027	2,089	2,089	2,089	2,089	+62
Office of the Minority Floor Leader	2,840	2,928	2,928	2,928	2,928	+88
Office of the Majority Whip	1,741	1,797	1,797	1,797	1,797	+56
Office of the Minority Whip	1,303	1,345	1,345	1,345	1,345	+42
Speaker's Office for Legislative Floor Activities	470	482	482	482	482	+12
Republican Steering Committee	881	906	906	906	906	+25
Republican Conference	1,500	1,548	1,548	1,548	1,548	+48
Republic Policy Committee	---	307	307	307	307	+307
Democratic Steering and Policy Committee	1,589	1,945	1,945	1,945	1,945	+356
Democratic Caucus	792	816	816	816	816	+24
Nine minority employees	1,409	1,445	1,445	1,445	1,445	+36
Training and Program Development:						
Majority	290	290	290	290	290	---
Minority	290	290	290	290	290	---
Cloakroom Personnel:						
Majority	419	434	434	434	434	+15
Minority	419	434	434	434	434	+15
Subtotal, House Leadership Offices	18,678	19,844	19,844	19,844	19,844	+1,166
Members' Representational Allowances Including Members' Clerk Hire, Official Expenses of Members, and Official Mail						
Expenses	525,195	564,536	538,109	538,109	542,109	+16,914
Committee Employees						
Standing Committees, Special and Select	113,499	117,913	117,913	117,913	117,913	+4,414
Committee on Appropriations (including studies and investigations)	24,726	25,668	25,668	25,668	25,668	+942
Subtotal, Committee employees	138,225	143,581	143,581	143,581	143,581	+5,356
Salaries, Officers and Employees						
Office of the Clerk	20,534	21,911	21,911	21,911	21,911	+1,377
Office of the Sergeant at Arms	5,879	6,284	6,284	6,284	6,284	+405
Office of the Chief Administrative Officer	143,645	119,804	116,971	116,971	121,471	-22,174
Office of the Inspector General	3,986	3,991	3,991	3,991	3,991	+5
Office for Emergency Planning, Preparedness and Operations	1,000	5,000	5,000	5,000	5,000	+4,000
Office of General Counsel	962	962	962	962	962	---
Office of the Chaplain	155	161	161	161	161	+6
Office of the Parliamentarian	1,673	1,767	1,767	1,767	1,767	+94
Office of the Parliamentarian	(1,459)	(1,546)	(1,546)	(1,546)	(1,546)	(+87)
Compilation of precedents of the House of Representatives	(214)	(221)	(221)	(221)	(221)	(+7)
Office of the Law Revision Counsel of the House	2,346	2,453	2,453	2,453	2,453	+107
Office of the Legislative Counsel of the House	6,721	6,963	6,963	6,963	6,963	+242
Office of Interparliamentary Affairs	687	720	720	720	720	+33
Other authorized employees	156	161	161	161	161	+5
Office of the Historian	---	---	405	405	405	+405
Subtotal, Salaries, officers and employees	187,744	170,177	167,749	167,749	172,249	-15,495
Allowances and Expenses						
Supplies, materials, administrative costs and Federal tort claims	4,350	4,179	4,179	4,179	4,179	-171
Official mail for committees, leadership offices, and administrative offices of the House	410	410	410	410	410	---
Government contributions	203,900	214,422	214,422	214,422	214,422	+10,522

LEGISLATIVE BRANCH APPROPRIATIONS ACT - FY 2006 (H.R. 2985)
(Amounts in thousands)

	FY 2005 Enacted	FY 2006 Request	House	Senate	Conference	Conference vs. Enacted
Miscellaneous items	690	703	703	703	703	+13
Capitol Visitor Center	---	9,965	3,410	3,410	3,410	+3,410
Subtotal, Allowances and expenses	209,350	229,679	223,124	223,124	223,124	+13,774
Total, Salaries and expenses	1,079,192	1,127,817	1,092,407	1,092,407	1,100,907	+21,715
Total, House of Representatives	1,079,354	1,127,817	1,092,407	1,092,407	1,100,907	+21,553
JOINT ITEMS						
Joint Economic Committee	4,139	4,276	4,276	4,276	4,276	+137
Joint Committee on Taxation	8,366	8,781	8,781	8,781	8,781	+415
Office of the Attending Physician						
Medical supplies, equipment, expenses, and allowances	2,508	2,545	2,545	2,545	2,545	+37
Capitol Guide Service and Special Services Office	3,844	4,098	4,268	4,098	4,098	+254
Statements of Appropriations	30	30	30	30	30	---
Total, Joint items	18,887	19,730	19,900	19,730	19,730	+843
CAPITOL POLICE						
Salaries	201,812	230,191	210,350	222,600	217,456	+15,644
General expenses	39,657	59,948	29,345	42,000	32,000	-7,657
Total, Capitol Police	241,469	290,139	239,695	264,600	249,456	+7,987
OFFICE OF COMPLIANCE						
Salaries and expenses	2,402	3,112	3,112	3,112	3,112	+710
CONGRESSIONAL BUDGET OFFICE						
Salaries and expenses	34,640	35,853	35,450	35,853	35,450	+810
ARCHITECT OF THE CAPITOL						
General administration	79,704	76,982	77,002	76,522	76,812	-2,892
Capitol building	28,626	27,105	22,097	25,380	23,352	-5,274
Capitol grounds	15,118	7,801	7,723	7,061	7,511	-7,607
Senate office buildings	61,586	65,564	---	67,004	67,004	+5,418
House office buildings	64,830	68,698	59,616	59,616	59,616	-5,214
Capitol Power Plant	60,744	65,755	65,185	65,317	65,285	+4,541
Offsetting collections	-4,365	-6,500	-6,600	-6,500	-6,600	-2,235
Net subtotal, Capitol Power Plant	56,379	59,255	58,585	58,817	58,685	+2,306
Library buildings and grounds	39,776	83,318	31,318	70,948	68,763	+28,987
Capitol police buildings and grounds	9,906	34,959	16,830	10,031	14,902	+4,996
Botanic garden	6,275	10,613	7,211	7,633	7,633	+1,358
Capitol Visitor Center						
CVC Project (cost-to-complete)	---	36,900	36,900	41,900	41,900	+41,900
CVC Operations	---	35,285	---	2,300	2,300	+2,300
Total, Capitol Visitor Center	---	72,185	36,900	44,200	44,200	+44,200
Total, Architect of the Capitol	362,200	506,480	317,282	427,212	428,478	+66,278
LIBRARY OF CONGRESS						
Salaries and expenses	381,593	409,079	388,144	397,285	395,754	+14,161
Authority to spend receipts	-6,299	-6,350	-6,350	-6,350	-6,350	-51
Subtotal, Salaries and expenses	375,294	402,729	381,794	390,935	389,404	+14,110

LEGISLATIVE BRANCH APPROPRIATIONS ACT - FY 2006 (H.R. 2985)
(Amounts in thousands)

	FY 2005 Enacted	FY 2006 Request	House	Senate	Conference	Conference vs. Enacted
Copyright Office, salaries and expenses	53,182	58,191	58,601	57,322	58,601	+5,419
Authority to spend receipts	-33,209	-30,657	-35,946	-34,622	-35,946	-2,737
Subtotal, Copyright Office	19,973	27,534	22,655	22,700	22,655	+2,682
Congressional Research Service, salaries and expenses	96,118	105,289	99,952	101,755	100,916	+4,798
Books for the blind and physically handicapped, Salaries and expenses	53,977	55,243	54,049	64,172	54,449	+472
Subtotal, Library of Congress	545,362	590,795	558,450	579,562	567,424	+22,062
Rescission, Chapter 9, Division A, Misc. Appropriations Act, 2001	---	---	-15,500	---	-6,858	-6,858
Total, Library of Congress	545,362	590,795	542,950	579,562	560,566	+15,204
GOVERNMENT PRINTING OFFICE						
Congressional printing and binding	88,090	92,283	82,690	88,090	88,090	---
Office of Superintendent of Documents						
Salaries and expenses	31,697	33,837	33,337	33,837	33,337	+1,640
Government Printing Office Revolving Fund	---	5,000	1,200	5,000	2,000	+2,000
Total, Government Printing Office	119,787	131,120	117,227	126,927	123,427	+3,640
GOVERNMENT ACCOUNTABILITY OFFICE						
Salaries and expenses	474,565	493,548	489,560	491,548	489,560	+14,995
Offsetting collections	-7,360	-7,165	-7,165	-7,165	-7,165	+195
Total, Government Accountability Office	467,205	486,383	482,395	484,383	482,395	+15,190
OPEN WORLD LEADERSHIP CENTER						
Payment to the Open World Leadership Center Trust Fund	13,392	14,000	14,000	14,000	14,000	+608
STENNIS CENTER FOR PUBLIC SERVICE						
Stennis Center for Public Service	---	---	---	430	430	+430
Sec. 6050 - U.S. Senate (emergency) P.L. 109-13)	35,000	---	---	---	---	-35,000
Grand total	3,639,892	4,028,477	2,864,418	3,833,765	3,803,500	+163,608

LEGISLATIVE BRANCH APPROPRIATIONS ACT - FY 2006 (H.R. 2985)
(Amounts in thousands)

	FY 2005 Enacted	FY 2006 Request	House	Senate	Conference	Conference vs. Enacted
RECAPITULATION						
Senate	720,194	823,048	---	785,549	785,549	+65,355
House of Representatives	1,079,354	1,127,817	1,092,407	1,092,407	1,100,907	+21,553
Joint Items	18,887	19,730	19,900	19,730	19,730	+843
Capitol Police	241,469	290,139	239,695	264,600	249,456	+7,987
Office of Compliance	2,402	3,112	3,112	3,112	3,112	+710
Congressional Budget Office	34,640	35,853	35,450	35,853	35,450	+810
Architect of the Capitol	362,200	506,480	317,282	427,212	428,478	+66,278
Library of Congress	545,362	590,795	542,950	579,562	560,566	+15,204
Government Printing Office	119,787	131,120	117,227	126,927	123,427	+3,640
Government Accountability Office	467,205	486,383	482,395	484,383	482,395	+15,190
Open World Leadership Center	13,392	14,000	14,000	14,000	14,000	+608
Stennis Center for Public Service	---	---	---	430	430	+430
Sec. 6050 - U.S. Senate (emergency) P.L. 109-13)	35,000	---	---	---	---	-35,000
Grand total	3,639,892	4,028,477	2,864,418	3,833,765	3,803,500	+163,608

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

Mr. OBEY. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, at the risk of beating a dead horse, I would once again like to express my profound misgivings about supporting this bill this afternoon.

Obviously this Chamber has basic expenses, and they have to be paid for, but I want to suggest that I think that the visitors center, which is now being constructed on the east side of the Capitol, is a project which, while it might be desirable, has been managed in such an outlandish fashion that I think before it is done, it is going to bring great embarrassment to this institution.

The fact is that that center started out costing around $90 million. Before it is finished, it is now going to cost a good $600 million. It was supposed to be open by 2005. We are going to be lucky if it will be open and fully operational, if we ignore the nice word games that we have been presented by the Architect's office; in fact, we will be lucky if this is fully operational by the year 2007.

In my view, this project has been mismanaged as badly as the entire Federal budget has been mismanaged. That hole that we used to have out here, I think, was symbolic of the hole in logic that has dominated the administration of this entire project.

I have two principal objections to that visitors center. Number one, I think it is far too expensive. And, secondly, I object to the misallocation of space in that project.

Now, I have seen three different stories that have purportedly reported on my objections to the center. And each of those stories leaves the impression that my major concern is simply that Congress did not have enough room. That is not my point at all.

My point is that when you have such a huge addition of space to the Capitol, that space should be allocated in an intelligent way, in a way which makes Congress more efficient, in a way which gives Congress more working space as opposed to propaganda space.

We are going to have a lot of money lavished on a media center. We are going to have all of the creature comforts that you can imagine for any of the reporters who cover Members of Congress in that media center. But there will be very little done to make this Congress more able to sit down in a timely fashion in conference and work out our differences.

So I think a tremendous amount of space has been wasted. And I think a tremendous amount of taxpayers' dollars have been wasted. And the reason I am voting against this is because I think this is the last chance that any of us will have to ask the leadership of this House and the Architect's office to at least review the way space is being allocated, at least review the way taxpayer dollars are being expended.

We are going to have, when this project is over, we will have a project which is cosmetically beautiful, no question about that. There will be lots of Taj Mahal marble show space, but there will be very little working space that will be added.

□ 1715

I think that if we are not getting the biggest bang from the buck we ought to be getting out of a project like this. I do believe that not only is the cost of this project out of control, I think the heating center project which is also ongoing is also going to wind up embarrassing this institution significantly.

So I intend to vote ''no.'' I am not going to particularly try to ask anyone to vote any which way, but I intend to vote ''no'' because I think this visitor center represents a missed opportunity and a spectacular case of mismanagement and wasting of taxpayer funds.

Mr. LEWIS of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it is by way of suggesting to my colleagues in the body that my friend, the gentleman from Wisconsin (Mr. OBEY), is raising serious questions regarding the visitor center, and because of that focus he has not spent a lot of time today talking about the fundamentals of this bill that relate to supporting the institution, the work of the legislative branch, an effort which is fundamental to our being successful as a legislative branch.

The gentleman from Wisconsin (Mr. OBEY) and I share together great concern about making sure that work goes forward and goes forward successfully. We are partners. In connection with this, I, frankly, today would like to predict at least that somewhere out there before we leave the Congress, the gentleman from Wisconsin (Mr. OBEY) and I together will walk with our brides through this visitors centers and have different kinds of observations. We will enjoy much of the Taj, but in the meantime it will be a fabulous addition to the Congress, the largest addition that has been made in our lifetime at any rate, my public affairs lifetime.

I am very proud of the work of this subcommittee, the work they have done to carry forward the effort of the legislative branch.

Mr. Speaker, if the gentleman would not mind, I would like to take just a moment to ask my colleague, the gentleman from Illinois (Mr. LAHOOD), to kind of introduce your piece of that because the gentleman from Wisconsin (Mr. OBEY) and he share similar interests regarding the real work of the legislative branch.

Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois (Mr. LAHOOD).

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

Mr. LAHOOD. Mr. Speaker, I just want to say this is a good bill. It is a bill that every Member should support. It is a bill that takes care of all the things that get done around here. Every day there is a RECORD printed of every word that is spoken in the House. Every day there are Clerks that show up here that help the Members. Every day there are people here that take care of the security of the Capitol. Every day there are people here to make sure that we can come and do our work and this bill takes care of all of that.

That is why it is a bill that is absolutely critical to every Member of this institution. It is a bill that I think highlights some of the important things that have gone on and will go on around here in terms of opportunities to enhance the facilities, one of the most beautiful, magnificent buildings in the world, and the one across the street, the Library of Congress, is also accounted for, and the staff that work there and provide the kind of resources, the people that do the research that help us write the bills around here and all of that staff.

There is also in this bill the opportunity not only to enhance a visitors center, which may not be perfect but one that is sorely needed, but there are also provisions in this bill to account for what happens if some sort of national calamity would fall upon the United States Capitol, the idea of continuity and how we should succeed ourselves around here. I think that is an important part of it.

I hope during our deliberations next year we can consider some sort of governance board for the visitors center to account for maybe a little bit more opportunity to look at how it should be run and how it should be operated. But this is a good bill.

This is the bill that says to all of the people that make this institution work, we are grateful to you. This is the bill that says to all the people who help us get our jobs done, we thank you for what you do. And this is a bill that deserves the support of every Member of the Chamber.

I encourage all Members to vote ''aye'' on the legislative branch bill so that we can continue to keep the operations of the United States Capitol, the House of Representatives, the United States Senate, and all the workings of this great institution going.

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

Mr. Speaker, let me thank the gentleman from Illinois (Mr. LAHOOD) for reminding me that I forgot to mention the continuity issue as well. Again, I find myself in the minority.

This is a very important question. What we are talking about here is very simply, what would happen if a large number of Members of Congress were obliterated in some kind of terrorist attack and we were left in a crisis situation? And we have very simply a choice that needs to be made. We have a choice between an operation which would allow the executive branch to essentially operate almost any way it sees fits with perhaps only a handful of

surviving Members for a 45-day period until we can have special elections to replace Members of Congress who might have been killed in such an attack; or we could follow a different model under which we would have this Congress populated for a temporary period by persons who are appointed under a previously prescribed procedure until we could have a special election so that we would again have elected representatives for each of the 435 districts in this House.

I much prefer the latter. I do not think it is a good idea, as this bill does, to, in effect, create a situation in which we would have one-man rule for 45 days. We could have literally only a handful of Members of Congress who had survived an attack, and I do not think under those circumstances that we want to be ruled by a President without any kind of checks and balances whatsoever.

So there is an honest, intellectual difference of opinion on this question. And I think we are going down the wrong road. I think that by choosing the model that was chosen, what is happening is that we are in fact choosing form over substance. It is indeed important to have persons who represent each of our districts be elected representatives. But if the Member from an individual district is blown away in a terrorist attack, it is in my judgment, better that that district be represented on a temporary basis by an appointed person rather than having them represented by no one at all for that period.

So that is why I think that this House in its haste to find a solution is going down the wrong road.

Mr. LAHOOD. Mr. Speaker, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Illinois.

Mr. LAHOOD. I wonder if the gentleman from Wisconsin (Mr. OBEY) would, since I gave him a friendly reminder, would be willing to vote for the bill now as a result from the fact now that you could now expound on this for another 5 minutes?

Mr. OBEY. No, I do not think so. I think there is always room in this place for protest votes, and this is one occasion when I intend to exercise it; but I thank the gentleman for his efforts.

Mr. LEWIS of California. Mr. Speaker, I yield 1 minute to the gentleman from Illinois (Mr. LAHOOD).

Mr. LAHOOD. Mr. Speaker, I just want to say this. We did have a very spirited debate on this issue of continuity. We really did. I do not know if there were 5 or 6 or 7 hours, but the gentleman from Washington (Mr. BAIRD) had his chance to present his bill and have a vote on it. And, frankly, not very many Members voted for it. And we did have a good debate about it, but I think ultimately the Speaker decided that we have to get on with this issue and this was the place to put it.

It may not be the best place, but it is in this bill because I think the Speaker felt an obligation that we have to deal with this issue at some point. It may not be perfect, but we did have a very good debate about it, and I think that is why it is included in the bill.

I thank the chairman for allowing me to explain that.

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

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

The SPEAKER pro tempore (Mr. WALDEN of Oregon). Without objection, the previous question is ordered on the conference report.

There was no objecton.

The SPEAKER pro tempore. The question is on the conference report.

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

Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2006

The SPEAKER pro tempore. The pending business is the question of agreeing to the conference report on the bill, H.R. 2361, on which the yeas and nays are ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the conference report.

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

Pursuant to clause 8 of rule XX, the Chair will reduce to 5 minutes the minimum time for the electronic vote on the question of adoption of the conference report on H.R. 2985.

The vote was taken by electronic device, and there were—yeas 410, nays 10, not voting 14, as follows:

[Roll No. 450]

YEAS—410

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
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
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
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
Doggett
Doolittle
Doyle
Drake
Dreier
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
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 (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
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.
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)
Meeks (NY)
Melancon
Menendez
Mica
Michaud
Millender-McDonald
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
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Peterson (MN)
Peterson (PA)
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
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
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (VA)
Sensenbrenner
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
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
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—10

Dingell
Duncan
Flake
Franks (AZ)
Graves
Hefley
Hensarling
Jones (NC)
Pence
Petri

NOT VOTING—14

Andrews
Carson
Cox
Cramer
Cuellar
Davis (FL)
Gillmor
Lynch
Olver
Paul
Renzi
Schakowsky
Scott (GA)
Waxman

□ 1747

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

Messrs. BUTTERFIELD, MACK, BLUMENAUER, and STARK changed their vote from ''nay'' to ''yea.''

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. RENZI. Mr. Speaker, on Thursday, July 28, 2005 I was unavoidably detained and missed the House of Representative's vote on the adoption of the Conference Report on H.R. 2361, Department of the Interior, Environment, and Related Agencies Appropriations Act for Fiscal Year 2006. Had I been present I would have voted ''yea'' on H.R. 2361.

Mr. CUELLAR. Mr. Speaker, on rollcall No. 450, Interior Appropriations bill, had I been present, I would have voted ''yea.''

PERSONAL EXPLANATION

Mr. JONES of North Carolina. Mr. Speaker, on vote No. 450 regarding adoption of the Conference Report on H.R. 2361—the Department of the Interior, Environment, and Related Agencies Appropriations Act for Fiscal Year 2006—my vote was recorded in a manner inconsistent with my intent. Let the RECORD show that my vote should have been recorded as ''yea'' not ''nay.''

CONFERENCE REPORT ON H.R. 2985, LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2006

The SPEAKER pro tempore (Mr. BASS). The pending business is the question of agreeing to the conference report on the bill, H.R. 2985, on which the yeas and nays are ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the conference report.

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

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 305, nays 122, not voting 7, as follows:

[Roll No. 451]

YEAS—305

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Baca
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Berkley
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, Corrine
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carnahan
Carter
Case
Castle
Cleaver
Clyburn
Cole (OK)
Conaway
Costa
Cox
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Cunningham
Davis (AL)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Tom
Deal (GA)
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Doolittle
Doyle
Drake
Dreier
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Evans
Everett
Farr
Fattah
Ferguson
Filner
Fitzpatrick (PA)
Foley
Fortenberry
Foxx
Frelinghuysen
Gallegly
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goodlatte
Granger
Green, Al
Hall
Harman
Hart
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Herger
Higgins
Hinojosa
Hobson
Hoekstra
Holden
Holt
Hostettler
Hoyer
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Kanjorski
Keller
Kelly
Kennedy (RI)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Matsui
McCarthy
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris
McNulty
Meeks (NY)
Mica
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, Gary
Mollohan
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Myrick
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Ortiz
Osborne
Otter
Owens
Oxley
Pascrell
Pastor
Payne
Pearce
Peterson (PA)
Pickering
Pitts
Platts
Poe
Pombo
Porter
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Rothman
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Saxton
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Sherwood
Shuster
Simmons
Simpson
Skelton
Smith (NJ)
Smith (TX)
Smith (WA)
Sodrel
Souder
Strickland
Stupak
Sullivan
Sweeney
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Towns
Turner
Upton
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wynn
Young (AK)
Young (FL)

NAYS—122

Baird
Baldwin
Barrow
Bean
Becerra
Berman
Berry
Bishop (NY)
Blumenauer
Boswell
Brown (OH)
Brown-Waite, Ginny
Cardoza
Chabot
Chandler
Chocola
Coble
Conyers
Cooper
Costello
Davis (CA)
Davis, Jo Ann
DeFazio
DeGette
Dicks
Doggett
Duncan
Etheridge
Feeney
Flake
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Garrett (NJ)
Goode
Gordon
Graves
Green (WI)
Green, Gene
Grijalva
Gutierrez
Gutknecht
Harris
Hayworth
Hefley
Hensarling
Herseth
Hinchey
Honda
Hooley
Hulshof
Inslee
Israel
Jones (NC)
Jones (OH)
Kaptur
Kennedy (MN)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Lee
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Maloney
Markey
Marshall
Matheson
McCollum (MN)
McDermott
McGovern
McKinney
Meehan
Meek (FL)
Melancon
Menendez
Miller (FL)
Miller, George
Moore (KS)
Musgrave
Nadler
Oberstar
Obey
Olver
Pallone
Pelosi
Pence
Peterson (MN)
Petri
Pomeroy
Price (GA)
Rohrabacher
Ross
Roybal-Allard
Salazar
Sanchez, Loretta
Sanders
Shays
Sherman
Shimkus
Slaughter
Snyder
Solis
Spratt
Stark
Stearns
Tancredo
Tanner
Tauscher
Taylor (MS)
Tierney
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Westmoreland
Woolsey
Wu

NOT VOTING—7

Andrews
Carson
Clay
Lynch
Paul
Renzi
Schakowsky

□ 1755

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. RENZI. Mr. Speaker, on Thursday, July 28, 2005, I was unavoidably detained and missed the House of Representatives' vote on the adoption of the Conference Report on H.R. 2985, Legislative Branch Appropriations Act for Fiscal Year 2006. Had I been present I would have voted ''yea'' on H.R. 2985.

PROVIDING FOR AN ADJOURNMENT OR RECESS OF THE TWO HOUSES

Mr. DELAY. Mr. Speaker, I offer a privileged concurrent resolution (H. Con. Res. 225) and ask for its immediate consideration.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 225

Resolved by the House of Representatives (the Senate concurring), That, in consonance with section 132(a) of the Legislative Reorganization Act of 1946, when the House adjourns on the legislative day of Thursday, July 28, 2005, Friday, July 29, 2005, or Saturday, July 30, 2005, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2 p.m. on Tuesday, September 6, 2005, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate

recesses or adjourns on any day from Friday, July 29, 2005, through Friday, August 5, 2005, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Tuesday, September 6, 2005, or at such other time on that day as may be specified by its Majority Leader or his designee in the motion to recess or adjourn, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, or their respective designees, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble at such place and time as they may designate whenever, in their opinion, the public interest shall warrant it.

The SPEAKER pro tempore. Pursuant to section 132(a) of the Legislative Reorganization Act of 1946, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 404, nays 16, not voting 13, as follows:

[Roll No. 452]

YEAS—404

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Baca
Bachus
Baird
Baker
Baldwin
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carter
Case
Castle
Chabot
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
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
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
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)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
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)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lowey
Lucas
Lungren, Daniel E.
Mack
Maloney
Manzullo
Marchant
Markey
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
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
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
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.
Saxton
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Upton
Van Hollen
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
Wynn
Young (AK)
Young (FL)

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Boswell
Chandler
Cooper
Doggett
Ford
Lewis (GA)
Lofgren, Zoe
Marshall
Matheson
Olver
Sanchez, Loretta
Sherman
Taylor (MS)
Udall (CO)
Udall (NM)
Wu

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Barrett (SC)
Butterfield
Carson
Eshoo
Larson (CT)
Lynch
Moore (KS)
Paul
Renzi
Sanders
Schakowsky
Velázquez

□ 1813

Mr. UDALL of Colorado and Mr. OLVER changed their vote from ''yea'' to ''nay.''

So the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. RENZI. Mr. Speaker, on Thursday, July 28, 2005, I was unavoidably detained and missed the House of Representatives vote on an Adjournment Resolution. Had I been present I would have voted "yea" on the resolution.

PERSONAL EXPLANATION

Mr. ANDREWS. Mr. Speaker, I regret that I missed five votes on July 28, 2005. Had I been present I would have voted "yes" on rollcall Nos. 448, 450 and 452. I would have voted "no" on rollcall Nos. 449 and 451.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1946

Mr. PRICE of Georgia. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 1946.

The SPEAKER pro tempore (Mr. BASS). Is there objection to the request of the gentleman from Georgia?

There was no objection.

CONGRATULATING SUSAN HANBACK ON HER RETIREMENT FROM THE HOUSE OF REPRESENTATIVES

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

Mr. DREIER. Mr. Speaker, as we approach completion of our work here before the summer break, I think it is important for us to note that when we return, a very familiar face will no longer be greeting us here when we regularly come onto the House floor. I am referring, of course, to Susan Hanback, who has worked on Capitol Hill since 1967.

□ 1815

That is a long, long period of time. And after that long tenure, she has chosen to retire. And I would like to take just a minute because I learned some things about her, in the fact that she is headed to retirement, that I did not know, Mr. Speaker.

Earlier in her career, during a very challenging time in our Nation's history, she worked hard and reported on the hearings for the confirmation of Nelson Rockefeller to become Vice President of the United States and Gerald Ford to become President of the United States.

In 1976 she joined the House as a House official committee reporter. And in 1979 she became a floor reporter of debates, one of the first two stenotype reporters to come to the floor. Since 1995 Susan has been Chief of the combined committee/floor reporter offices.

And I would like to say that she has got a number of outside interests as well. Not everyone knows that she and

former Senator John Breaux actually won a mixed doubles tournament at the Capitol Hill Tennis Club.

She is a very, very familiar face to us, and one that we will miss greatly. And I would like all of us, Mr. Speaker, to join in expressing our appreciation to the fine service of Susan Hanback.

Mr. HOYER. Mr. Speaker, will the gentleman yield?

Mr. DREIER. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Speaker, I thank my friend from California, the chairman of the Committee on Rules, for yielding to me.

Mr. Speaker, those of us who have been here for some period of time quickly learn that those who serve this House, this institution, who may not speak in the well, who may not introduce legislation, who may not participate in debates, nevertheless are absolutely critical to the legislative process. As a group they bring a degree of love of country, love of the House of Representatives, and commitment to their work that surely if paralleled somewhere, it is only in a few places.

I have had the privilege of working with the desk officers, the reporters, the parliamentarians for now over a quarter of a century, less time than Susan Hanback has served this House. She was here when I came here in 1981.

Her decision to retire as Chief of the Office of Official Reporters is, of course, wonderful news for her and her family. We had an opportunity to discuss it on the floor just the other evening about how she is going to enjoy her Virginia residence, perhaps much more peaceful, less hassled, but from time to time perhaps a little less interesting as well, but certainly more restful. And she deserves the rest because her service has been extraordinary.

As has been said by the gentleman from California (Mr. DREIER), she has worked in the House since the late 1960s. She witnessed during that time some of the most important events that have occurred on the House floor, including debates on legislation affecting every aspect of Americans' lives as she transcribed innumerable speeches and statements of hundreds of Members of Congress.

Those who transcribe history are critically important because future generations will learn from the historic record that they have set down, and the accuracy of that reporting is critically important not only to the deliberations of this body today, but it will be critically important to the precedents of tomorrow.

Mrs. Hanback has dedicated her career to serving the American people just as surely as every one of us who serves here in elected office. Those who serve as reporters and at the desk and as the parliamentarians and in every other aspect of making sure this House runs correctly serve America, serve America's citizens, serve America's freedom. By accurately reporting for and helping oversee the production of the CONGRESSIONAL RECORD, Susan has helped ensure that there is a government accessible to the people and is, therefore, a government for the people, of the people, and by the people.

Susan was critical, as so many of you are whose names are not known to the public and, indeed, whose names may not be known to many who serve here by your sides every day. But because your names are not known, it does not mean that the service you perform is not absolutely essential to our democracy.

Susan Hanback was offered a job, Mr. Speaker, as a Senate official reporter in 1987. As testimony to the love of this House, she turned that offer down and chose to stay in the House because she thought it was more interesting, and the people said, Amen.

We are all, of course, very grateful, Susan, that you made that decision. We have been advantaged not only by the skill with which you have performed your job, but by the warmth of your personality and the grace that you have served this body.

I would like to wish you all the very best. The gentlewoman from California (Ms. PELOSI), minority leader, and the leadership on this side joins with the Speaker, the majority leader, the majority whip, and all the officers, including the gentleman from California (Mr. DREIER), on that side of the aisle to say in a nonpartisan, bipartisan, unanimous way, Susan, you have served us well. You have served your country well. We wish you the very greatest of happiness as you now retire from this body to serving so well your family as you have done for so long, but now will do so much more present with them, and we wish you the very best.

Mr. DREIER. Mr. Speaker, reclaiming my time, I thank my friend for his very thoughtful comments.

And as he was talking about Susan's history here, and as I look at the gathered employees here of the House of Representatives, I was thinking during the remarks that the gentleman from Maryland, the distinguished minority whip offered, of the new assignment that we have taken on here in this institution when we established under the direction of the gentleman from Illinois (Speaker HASTERT) and the gentlewoman from California (Ms. PELOSI), minority leader, this new commission, the House Democracy Assistance Commission. And we have over the past several months, and are continuing at this time, to proceed with assessments of different countries around the world, and we are working with those Parliaments that are looking to model their work after much of what we do here. Obviously, there are some things that we might do a little differently.

But, clearly, the example that Susan has set is one that is a model not just for the future here in the United States of America, but, Mr. Speaker, it should be known that her example is one that can be set for these emerging Parliaments, and there are so many of them around the world, because of the great reverence that is held for this institution. And as the gentleman from Maryland (Mr. HOYER) said very well, the appreciation that exists for all who work at this institution is something that is held by all of us who are privileged to serve as elected representatives of this House.

And we do wish you well in your retirement. And we want you to know, of course, from the Speaker and all of the leadership team, as the gentleman from Maryland (Mr. HOYER) said, on both sides of the aisle, that you are welcome back to visit us at any time at all.

RECESS

The SPEAKER pro tempore (Mr. BASS). Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 6:35 p.m.

Accordingly (at 6 o'clock and 25 minutes p.m.), the House stood in recess until approximately 6:35 p.m.

□ 1840

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. BASS) at 6 o'clock and 40 minutes p.m.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 6 o'clock and 41 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1859

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. BASS) at 6 o'clock and 59 minutes p.m.

CONFERENCE REPORT ON H.R. 3, SAFE, ACCOUNTABLE, FLEXIBLE, EFFICIENT TRANSPORTATION EQUITY ACT: A LEGACY FOR USERS

Mr. YOUNG of Alaska submitted the following conference report and statement on the bill (H.R. 3) to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes:

[The Conference Report will be printed in Book II.]

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 7 p.m.), the House stood in recess subject to the call of the Chair.

□ 2245

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. BASS) at 10 o'clock and 45 minutes p.m.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, July 28, 2005.

Hon. J. DENNIS HASTERT,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on July 28, 2005 at 8:45 pm: That the Senate passed without amendment H.R. 3045.

With best wishes, I am

Sincerely,

JEFF TRANDAHL,
Clerk of the House.

SURFACE TRANSPORTATION EXTENSION ACT OF 2005, PART VI

Mr. YOUNG of Alaska. Mr. Speaker, I ask unanimous consent that the Committee on Transportation and Infrastructure, the Committee on Science, the Committee on Ways and Means, and the Committee on Resources be discharged from further consideration of the bill (H.R. 3512) to provide an extension of administrative expenses for highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund pending enactment of a law reauthorizing the Transportation Equity Act for the 21st Century, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

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

Mr. SHAYS. Mr. Speaker, is this the legislation extending time for the transportation bill?

The SPEAKER pro tempore. Yes, it is.

Mr. SHAYS. Then, Mr. Speaker, reserving my right to object, I yield to the gentleman from Alaska (Mr. YOUNG).

Mr. YOUNG of Alaska. Mr. Speaker, this is a very simple extension which is necessary once we pass H.R. 3 to give time for an enrollment and delivering the package to the Senate, which we hope to do tonight, and then after being enrolled on to the President, and that will take some time.

If we do not do this, the Federal Government and the transportation system will be shut down. This has been requested by the administration and by the other body.

Mr. SHAYS. Further reserving the right to object, Mr. Speaker, I would love to have a dialogue with the gentleman bringing out the bill, but first will express my reservation of objection.

In the full bill that we will be considering, there is a section 1942 entitled Opening of Airfield at Malmstrom Air Force Base, Montana. It reads: ''Not later than 60 days after the date of the enactment of this Act, the Secretary of the Air Force shall, (1) open the Air Field At Malmstrom Air Force Base, Montana; and (2) enable flying operations for all fixed-wing aircraft at that base.''

My objection is that I understand this resolution extension will only go until August 14. That means that the President is forced to sign the bill, the ultimate bill that we pass, even if he has objections to the bill. I have deep concern that we are basically forcing the President to agree to an act that will reopen a base closed under BRAC without any options.

And if the President does the right thing, which would be to veto this bill so that stuff like this is not made into law, then our government transportation shuts down. My reservation is that the extension is not long enough.

Mr. YOUNG of Alaska. Mr. Speaker, will the gentleman yield?

Mr. SHAYS. I yield to the gentleman from Alaska.

Mr. YOUNG of Alaska. May I remind the gentleman, Mr. Speaker, that this was asked for by the administration. This was the length that they wanted to have it, 14 days. To in fact have this extension any longer has not been requested by the administration, and I believe this can do the job. The President has to make the decision. If he wishes to veto the bill, he can do so.

But this has been a request by the administration. This is the eleventh extension we have had on this legislation, and I will be right up front with everybody that I think it is the last one we should be doing. This is very important to the States themselves.

The President will make that decision on the merits of the gentleman's argument, and I understand those merits. I will not disagree with what he said. I am just suggesting respectfully that this is action for the bill itself and for the rule. But for the extension, this has been a request made by the administration, by the other body, and of course the leadership of this House.

Mr. SHAYS. Mr. Speaker, reclaiming my time, I would like to ask the gentleman, and will yield to him for a response to this question: Does the President know that in this transportation bill there is legislation language that will undo a BRAC closing? Is he aware that this language is in this?

Mr. YOUNG of Alaska. If the gentleman will continue to yield, I am confident that the President of the Senate has communicated with the White House. All through this process they have been very much involved in the process of passage of this legislation. I have not asked his opinion on that part of the legislation. I know that this is a request, and I am trying to fulfill that request.

Mr. OBERSTAR. Mr. Speaker, will the gentleman yield?

Mr. SHAYS. I would be happy to yield to the gentleman from Minnesota.

Mr. OBERSTAR. Mr. Speaker, this item which the gentleman has raised was an item requested by Senate conferees on which Senate conferees voted and asked us to consider. We were not aware at the time that it was a BRAC item. We learned about it subsequently.

Our review of the matter reveals that one runway at the Air Force base was closed; the other runway is active and still operating as a military facility. This language would simply keep the other one runway operating for a variety of purposes, multiuse purposes, at the airport.

Mr. SHAYS. Reclaiming my time, Mr. Speaker, I would just like to confide with my colleague that I am told that this is language that will basically reopen a base that was closed under BRAC, and that while the gentleman is under the interpretation he is under, there are many of us who believe it is quite different. While I greatly respect the gentleman, it seems to me this House of Representatives has to someday stand up to the Senate when they do this kind of stuff, sir.

What we are seeing here is absolutely outrageous, and what would have been a preferred extension, in my judgment, with all due respect to my colleagues, would be to have allowed the President such time that he could have had an extension until he signed this legislation. And if he did not sign this legislation, we could have come back and corrected this.

I am hopeful that before the night is out that we are going to delete section 1942. I do not know how it is going to happen, but, Lord knows, if it does not, we have basically done something that I think is shameful to the process and reflects badly not just on the Senate, but on the House that we would allow them.

Mr. OBERSTAR. Mr. Speaker, if the gentleman will continue to yield, I concur in the gentleman's feelings about this matter. It should not have been an item in a conference report on a transportation bill of this magnitude, but as we all know, these things make their way in. We did not have full information.

Our information subsequently is that the base was not closed, but that one runway was shut down, and this language was to open that one runway. There will be a further opportunity in a technical correction to address the concerns of the gentleman from Connecticut, and I am confident that the

chairman will further consult on the matter.

Mr. TIAHRT. Mr. Speaker, will the gentleman yield?

Mr. SHAYS. Further reserving the right to object, I yield to the gentleman from Kansas.

Mr. TIAHRT. Mr. Speaker, the concept of a BRAC, the Base Realignment Commission, is to remove the political process from the closure of bases in order to get us to the type of military that we need to meet today's demands to fight terrorism around the globe. And if we insert our will from another body, the Senate, into this bill, it will jeopardize that process. I do not think any of us want that here on the floor.

If we cannot relieve that dissension among our ranks on this bill, it will not pass on the floor tonight. We all would like to see this happen, because as the gentleman from Alaska has expressed, we need this bill. We need this to occur within each of our States. We need to build highways. We need the infrastructure for our economy. But if this provision is inserted, it will go beyond the concept of BRAC and take the political process out of getting the proper size and scope of our military.

So I hope that whatever provision we have within this rule will alleviate these provisions, because if they are not, the bill will not pass. I think there will be enough dissent on both sides of this great institution, on the floor, in the House, the Republicans and the Democrats, to keep this from passing.

So I hope we can correct this measure within the rule, because if not, I think we will have a failed bill. And that will not be good for this country or for the efforts that we have here tonight.

Mr. DEFAZIO. Mr. Speaker, will the gentleman yield?

Mr. SHAYS. I yield to the gentleman from Oregon.

Mr. DEFAZIO. I would like to try to put this in perspective. I agree with the gentleman it is egregious this is in the bill. We had a very difficult negotiation with the Senate. This was snuck in. It is not like we are reopening a base, repositioning forces and/or equipment. We are talking about a runway.

The question is, will they, in the next month, until we can have a technical correction bill, have to run out and pull the weeds and repaint the lines on the runway? This is not exactly a major part of the BRAC process.

To forestall the passage of a bill which is almost 2 years overdue, which invests $286.4 billion in America's infrastructure, because there might be some weeds pulled on a runway in the interim, I agree it is offensive, but we can fix it and challenge the Senate at a later date. But to hold up the entire bill and forestall the investment, there are States who are waiting today and who will spend money under this bill and commit money under this bill this construction season, putting thousands of people to work and making needed investments in America.

Mr. SHAYS. Reclaiming my time, Mr. Speaker, the gentleman is making a case well beyond this issue.

I would like to ask the gentleman a question, and would be happy to yield to him to respond. It was my understanding that this provision of 60 days had been shorter, and somehow people felt that by extending to 60 days, they had solved the objection to this bill. Is it true that when this bill came out of conference, it was less than 60 days?

Mr. DEFAZIO. I am not sure what provision the gentleman is talking about.

Mr. SHAYS. Does the gentleman know the provision I am talking about? It says, ''Not later than 60 days after the date of the enactment of this Act, the Secretary of the Air Force shall open the air field at Malmstrom Air Force Base, Montana.'' Open it.

Mr. DEFAZIO. Right. It would reopen a runway.

Mr. SHAYS. ''And enable flying operations for all fixed-wing aircraft at that base.'' It is opening a base. Mr. Speaker, I am prepared to make a closing comment, and if I am not allowed to, I would object. And my closing comment is this. This is to open a base that was closed. This 60 days was added as a sop to the House, in my judgment, with all due respect, to somehow allow everybody to save face. We are not in session for all 60 days.

Mr. YOUNG of Florida. Mr. Speaker, I withdraw my unanimous consent request at this time to consult with the Senate and see if we cannot resolve this problem.

The SPEAKER pro tempore. Unanimous consent is not required. The request is withdrawn.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 10 o'clock and 58 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 0015

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. BASS) at 12 o'clock and 15 minutes a.m.

CORRECTING ENROLLMENT OF H.R. 3, SAFE, ACCOUNTABLE, FLEXIBLE, EFFICIENT TRANSPORTATION EQUITY ACT: A LEGACY FOR USERS

Mr. YOUNG of Alaska. Mr. Speaker, I offer a concurrent resolution (H. Con. Res. 226) providing for a correction to the enrollment of H.R. 3, and ask unanimous consent for its immediate consideration in the House.

The Clerk read the title of the concurrent resolution.

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

There was no objection.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 226

Resolved by the House of Representatives (the Senate concurring), That, in the enrollment of the bill H.R. 3, the Clerk of the House of Representatives shall make the following correction: Strike section 1942 and the item relating to such section in the table of contents.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

LEGISLATIVE PROGRAM

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

Mr. DELAY. Mr. Speaker, for the sake of communicating to the Members the situation we are in, I want to first say that I greatly appreciate the cooperation of all colleagues on both sides of the aisle. I appreciate the cooperation and work of the gentleman from Minnesota (Mr. OBERSTAR) and the gentleman from Oregon (Mr. DEFAZIO) and the gentleman from Wisconsin (Mr. PETRI). We greatly appreciate the institution standing together and trying to make corrections that need to be made in this bill. I appreciate the hour and everybody coming together and working together for the purpose of fixing this bill.

We will not be able to fix the bill tonight. We hope to come back at 9 a.m. in the morning and continue work on this very important highway bill. We hope to finish it as early as we can tomorrow. My message to the Members is go home, get a good night's sleep, and we will be back in the morning to finish the work of the House.

Mr. OBERSTAR. Mr. Speaker, will the gentleman yield?

Mr. DELAY. I yield to the gentleman from Minnesota.

Mr. OBERSTAR. Mr. Speaker, I want to express my appreciation for the kind words of the majority leader and to assure Members the issue before us is not a matter of division within the committee or between the parties of the House, but a difference or interpretation of a provision in the conference report in language that was included by a Member of the other body.

Our expectation is we will be able to resolve that matter of a limited scope and pass the broader bill which is of great importance to the whole Nation. I appreciate the support, cooperation, and participation of the majority leader, and the support of the Parliamentarian's Office in helping us bring this to a resolution.

Mr. DELAY. Mr. Speaker, I appreciate the gentleman's words.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, July 28, 2005.

HON. J. DENNIS HASTERT,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on July 28, 2005 at 11:41 p.m.:

That the Senate passed S. 792; that the Senate passed without amendment H. Con. Res. 225; that the Senate passed without amendment H.J. Res. 59.

With best wishes, I am

Sincerely,

JEFF TRANDAHL,
Clerk of the House.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 12 o'clock and 19 minutes a.m.), the House stood in recess subject to the call of the Chair.

□ 0107

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. SESSIONS) at 1 o'clock and 7 minutes a.m.

REPORT ON RESOLUTION WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 3, SAFE, ACCOUNTABLE, FLEXIBLE, EFFICIENT TRANSPORTATION EQUITY ACT: A LEGACY FOR USERS

Mrs. CAPITO, from the Committee on Rules, submitted a privileged report (Rept. No. 109–212) on the resolution (H. Res. 399) waiving points of order against the conference report to accompany the bill (H.R. 3) to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION WAIVING REQUIREMENT OF CLAUSE 6(a) OF RULE XIII WITH RESPECT TO CONSIDERATION OF CERTAIN RESOLUTIONS

Mrs. CAPITO, from the Committee on Rules, submitted a privileged report (Rept. No. 109–213) on the resolution (H. Res. 400) waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3514, SURFACE TRANSPORTATION EXTENSION ACT OF 2005, PART VI

Mrs. CAPITO, from the Committee on Rules, submitted a privileged report (Rept. No. 109–214) on the resolution (H. Res. 401) providing for consideration of the bill (H.R. 3514) to provide an extension of highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund pending enactment of a law reauthorizing the Transportation Equity Act for the 21st Century, which was referred to the House Calendar and ordered to be printed.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. CARSON (at the request of Ms. PELOSI) for today after 4:00 p.m. and the balance of the week.

Ms. SCHAKOWSKY (at the request of Ms. PELOSI) for today and the balance of the week.

Mr. BRADY of Pennsylvania (at the request of Ms. PELOSI) for today before 4:00 p.m. on account of a death in the family.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 302. An act to make improvements in the Foundation for the National Institutes of Health; to the Committee on Energy and Commerce.

S. 447. An act to authorize the conveyance of certain Federal land in the State of New Mexico; to the Committee on Resources.

S. 655. An act to amend the Public Health Service Act with respect to the National Foundation for the Centers for Disease Control and Prevention; to the Committee on Energy and Commerce.

S. 792. An act to establish a National sex offender registration database, and for other purposes; to the Committee on the Judiciary.

S. 1517. An act to permit Women's Business Centers to re-compete for sustainability grants; to the Committee on Small Business.

S.J. Res. 19. Joint resolution calling upon the President to issue a proclamation recognizing the 30th anniversary of the Helsinki Final Act; to the Committee on International Relations.

ENROLLED BILLS SIGNED

Mr. Trandahl, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 3045. An act to implement the Dominican Republic-Central America-United States Free Trade Agreement.

H.R. 3423. To amend the Federal Food, Drug, and Cosmetic Act with repsect to medical advice user fees.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following title:

S. 45. An act to amend the Controlled Substances Act to lift the patient limitation on prescribing drug addiction treatments by medical practitioners in group practices, and for other purposes.

S. 571. An act to designate the facility of the United States Postal Service located at 1915 Fulton Street in Brooklyn, New York, as the ''Congresswoman Shirley A. Chisholm Post Office Building''.

S. 775. An act to designate the facility of the United States Postal Service located at 123 W. 7th Street in Holdenville, Oklahoma, as the ''Boone Pickens Post Office''.

S. 904. An act to designate the facility of the United States Postal Service located at 1560 Union Valley Road in West Milford, New Jersey, as the ''Brian P. Parrello Post Office Building''.

S. 1395. An act to amend the Controlled Substances Import and Export Act to provide authority for the Attorney General to authorize the export of controlled substances from the United States to another country for subsequent export from the country to a a second country, if certain conditions and safeguards are satisfied.

ADJOURNMENT

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

The motion was agreed to; accordingly (at 1 o'clock and 9 minutes a.m.), the House adjourned until today, Friday, July 29, 2005, at 9 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

3362. A letter from the Acting Administrator, AMS, Department of Agriculture, transmitting the Department's final rule — Pistachios Grown in California; Establishment of Reporting Requirements [Docket No. FV05-983-1 FR] received July 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3363. A letter from the Acting Administrator, AMS, Department of Agriculture, transmitting the Department's final rule — Increase in Fees and Charges for Egg, Poultry, and Rabbit Growing [Docket No. PY-05-001] (RIN: 0581-AC44) received July 22, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3364. A letter from the Acting Administrator, AMS, Department of Agriculture, transmitting the Department's final rule — Pistachios Grown in California; Establishment of Procedures for Exempting Handlers from Minimum Quality Testing [Docket No. FV05-983-4 IFR] received July 22, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3365. A letter from the Director, Office of Energy Policy and New Uses, Department of Agriculture, transmitting the Department's final rule — Guidelines for Designating Biobased Products for Federal Procurement (RIN: 0503-AA26) received January 19, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3366. A letter from the Director, Regulations Policy and Mgmt. Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule — Food

Additives Permitted for Direct Addition to Food for Human Consumption; Glycerol Ester of Gum Rosin [Docket No. 2003F-0471] received April 18, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3367. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Two Isopropylamine Salts of Alkyl C4 and Alkyl C8-10 Ethoxyphosphate Esters; Exemption from the Requirement of a Tolerance; Technical Correction [OPP-2005-0115; FRL-7725-1] received July 13, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3368. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Sulfuryl Fluoride; Pesticide Tolerance [OPP-2005-0174; FRL-7723-7] received July 13, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3369. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Spirodiclofen; Pesticide Tolerance [OPP-2005-0075; FRL-7714-3] received July 11, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3370. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Potassium Triiodide; Pesticide Chemical Not Requiring a Tolerance or an Exemption from Tolerance [OPP-2004-0322; FRL-7714-4] received July 11, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3371. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Fenpropathrin; Re-Establishment of Tolerance for Emergency [OPP-2005-0192; FRL-7723-2] received July 21, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3372. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Dimethyl Ether; Exemption from the Requirement of a Tolerance; Technical Correction [OPP-2005-0109; FRL-7721-1] received July 21, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3373. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Alpha-cyclodextrin, Beta-cyclodextrin, and Gamma-cyclodextrin; Exemption from the Requirement of a Tolerance [OPP-2002-0294; FRL-7720-9] received July 21, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3374. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Etoxazole; Pesticide Tolerance [OPP-2005-0170; FRL-7723-3] received July 19, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3375. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Spiromesifen; Pesticide Tolerance; Technical Correction [OPP-2005-0046; FRL-7727-7] received July 22, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3376. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Pymetrozone; Pesticide Tolerance [OPP-2005-0106; FRL-7724-5] received July 22, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3377. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Propiconazole; Pesticide Tolerances for Emergency Exemptions [OPP-2005-0196; FRL-7727-1] received July 22, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3378. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Pinoxaden; Pesticide Tolerance [OPP-2005-0184; FRL-7725-5] received July 22, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3379. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Lignosulfonates; Exemptions from the Requirement of a Tolerance [OPP-2005-0171; FRL-7720-3] received July 22, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3380. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — 2, 4-D; Pesticide Tolerance [OPP-2005-0038; FRL-7726-8] received July 22, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3381. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Contractor Performance of Acquisition Functions Closely Associated with Inherently Governmental Functions [DFARS Case 2004-D021] received March 30, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

3382. A letter from the Attorney Advisor, MA, Department of Transportation, transmitting the Department's final rule — Merchant Marine Training [Docket No. MARAD-2004-17760] (RIN: 2133-AB60) received May 13, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

3383. A letter from the Attorney Advisor, MA, Department of Transportation, transmitting the Department's final rule — Amended Service Obligation Reporting Requirements for State Maritime Academy Graduates [Docket Number: MARAD-2004-19397] (RIN: 2133-AB61) received May 13, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

3384. A letter from the Assistant to the Board, Board of Governors of the Federal Reserve System, transmitting the Board's final rule — Fair Credit Reporting Medical Information Regulations (RIN: 1550-AB88) received June 7, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3385. A letter from the Director, Financial Crimes Enforcement Network, Department of the Treasury, transmitting the Department's final rule — Financial Crimes Enforcement Network; Anti-Money Laundering Programs for Dealers in Precious Metals, Stones, or Jewels (RIN: 1506-AA58) received June 3, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3386. A letter from the Regulatory Specialist, LRAD, Department of the Treasury, transmitting the Department's final rule — Interagency Guidance on Response Programs for Unauthorized Access to Customer Information and Customer Notice [Docket No. 05-07] (RIN: 1557-AC92) received April 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3387. A letter from the Regulatory Specialist, LRAD, Department of the Treasury, transmitting the Department's final rule — Fair Credit Reporting Medical Information Regulations [Docket No. 05-10] (RIN: 1557-AC85) received June 16, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3388. A letter from the General Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations — received June 30, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3389. A letter from the General Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Suspension of Community Eligibility [Docket No. FEMA-7879] received June 30, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3390. A letter from the General Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations [Docket No. FEMA-D-7569] received June 30, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3391. A letter from the General Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations — received June 30, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3392. A letter from the General Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations — received June 3, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3393. A letter from the General Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations — received June 3, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3394. A letter from the General Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations [Docket No. FEMA-D-7571] received June 3, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3395. A letter from the Assistant General Counsel for Regulations, Government National Mortgage Association, Department of Housing and Urban Development, transmitting the Department's final rule — Removal of Regulation Specifying Minimum Face Value of Ginnie Mae Securities [Docket No. FR-4856-F-02] (RIN: 2503-AA17) received June 17, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3396. A letter from the Chief Counsel, Bureau of the Public Debt, Department of Treasury, transmitting the Department's final rule — Government Securities Act Regulations: Custodial Holdings of Government Securities [Docket No. BPD GSRS 05-01] (RIN: 1505-AB06) received May 18, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3397. A letter from the Director, Office of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting the Corporation's final rule — Fair Credit Reporting Medical Information Regulations (RIN: 3064-AC81) received June 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3398. A letter from the Director, Office of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting the Corporation's final rule — Securities of November

Insured Banks (RIN: 3064-AC88) received April 14, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3399. A letter from the General Counsel, Office of Federal Housing Enterprise Oversight, transmitting the Office's final rule — Corporate Governance (RIN: 2550-AA24) received April 15, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3400. A letter from the General Counsel, Office of Federal Housing Enterprise Oversight, transmitting the Office's final rule — Corporate Governance; Final Amendments (RIN: 2550-AA24) received April 5, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3401. A letter from the Assistant Secretary, DCF, Securities and Exchange Commission, transmitting the Commission's final rule — Use of Form S-8, Form 8-K, and Form 20-F by Shell Companies [Release Nos. 33-8587; 34-52038; International Series Release No. 1293; File No. S7-19-04] (RIN 3235-AH88) received July 18, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3402. A letter from the Assistant Secretary, DCF, Securities and Exchange Commission, transmitting the Commission's final rule — First-Time Application of International Financial Reporting Standards [Release Nos. 33-8567; 34-51535; International Series Release No. 1285; File No. S7-15-04] (RIN: 3235-AI92) received April 14, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3403. A letter from the Assistant Secretary, DMR, Securities and Exchange Commission, transmitting the Commission's final rule — Amendments to the Penny Stock Rule [Release No. 34-51983; File No. S7-02-04] (RIN: 3235-AI02) received July 11, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3404. A letter from the General Counsel, Corporation for National and Community Service, transmitting the Corporation's final rule — AmeriCorps National Service Program (RIN: 3045-AA41) received July 14, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

3405. A letter from the Director, Executive Secretariat, BIA, Department of the Interior, transmitting the Department's final rule — Implementation of the No Child Left Behind Act of 2001 (RIN: 1076-AE49) received April 21, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

3406. A letter from the Director, CND, Department of Agriculture, transmitting the Department's final rule — Food and Nutrition Service For-Profit Center Participation in the Child and Adult Care Food Program (RIN: 0584-AD66) received July 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

3407. A letter from the Assistant Secretary for Special Education and Rehabilitative Services, Department of Education, transmitting the Department's final rule — National Institute on Disability and Rehabilitation Research (RIN: 1820-ZA36) received May 13, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

3408. A letter from the Regulations Coordinator, OGC, Department of Health and Human Services, transmitting the Department's final rule — Supplemental Financial Disclosure Requirements for Employees of the Department of Health and Human Services (RIN: 3209-AA15) received July 7, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3409. A letter from the Deputy Assistant Administrator, Office of Diversion Control, DEA, Department of Justice, transmitting the Department's final rule — Definition and Registration of Reverse Distributers [Docket No. DEA-108F] (RIN: 1117-AA19) received July 14, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3410. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — National Emission Standards for Hazardous Air Pollutants for Primary Copper Smelting [OAR-2003-0185; FRL-7938-5] (RIN: 2060-AE46) received July 13, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3411. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Delaware; Ambient Air Quailty Standard for Ozone and Fine Particulate Matter [R03-OAR-2005-DE-0001; FRL-7939-1] received July 13, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3412. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Control of Emissions of Air Pollution From Diesel Fuel [AMS-FRL-7937-3] (RIN: 2060-AN19) received July 11, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3413. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of State Air Quality Plans for Designated Facilities and Pollutants, Commonwealth of Virginia; Control of Municipal Waste Combustor Emissions from Small Existing Municipal Solid Waste Combustor Units [R03-OAR-2005-VA-0009; FRL-7937-5] received July 11, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3414. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; State of Missouri [R07-OAR-2005-MO-0003 FRL-7936-7] received July 11, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3415. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgaiton of Air Quality Implementation Plans; Texas; Revisions to Control Volatile Organic Compound Emissions; Correction [R06-OAR-2005-TX-0008; FRL-7936-8] received July 11, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3416. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Air Quality Designation of the Fine Particles (PM2.5) National Ambient Air Quality Standards — Supplemental Notice [OAR-2003-0061; FRL-7896-8] (RIN: 2060-AM04) received April 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3417. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Texas; Transportation Conformity [R06-OAR-2005-TX-0024; FRL-7928-6] received July 21, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3418. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Aproval and Promulgation of Air Quality Implementation Plans; Maryland; Approval of Clarification of Requirements for Fuel-burning Equipment [RME-OAR-2005-MD-0006; FRL-7933-6] received July 21, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3419. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Idaho: Final Authorization of State Hazardous Waste Management Program Revision [FRL-7942-9] received July 19, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3420. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plan; Idaho; Correction [Docket # ID-03-003; FRL-7941-7] received July 19, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3421. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; New Mexico; Albuquerque/Bernalillo County [R06-OAR-2005-NM-0001; FRL-7942-5] received July 19, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3422. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Tribal Drinking Water Operator Certification Program Guidelines — received July 19, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3423. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — A Regulator's Guide to the Management of Radioactive Residuals from Drinking Water Treatment Technologies — received July 19, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3424. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Indiana [R05-OAR-2004-IN-0001; FRL-7930-9] received July 22, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3425. A letter from the Acting Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — Public Records (RIN: 3150-AH12) received June 30, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3426. A letter from the Deputy Assistant Secretary for Export Administration, Department of Commerce, transmitting the Department's final rule — December 2004 Wassenaar Arrangement Plenary Agreement Implementation: Categories 1, 2, 3, 4, 5 Part I (telecommunications), 6, 7, 8, and 9 of the Commerce Control List; Wassenaar Reporting Requirements; Definitions; and Certain New or Expanded Export Controls [Docket No. 050607153-5153-01] (RIN: 0694-AD41) received July 11, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

3427. A letter from the Deputy Assistant Secretary for Export Administration, Department of Commerce, transmitting the Department's final rule — Revised contact inforamtion, nomenclature change and correction of citation error [Docket No. 050408099-5099-01] (RIN: 0694-AD48) received April 26, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

3428. A letter from the Deputy Chief Counsel for Regulations, Department of Homeland Security, transmitting the Department's final rule — Privacy Act of 1974: Implementation of Exemptions; Registered Traveler Operations Files [Docket No. TSA-2004-18984, Amendment 1507-1] (RIN: 1652-AA36) received May 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

3429. A letter from the Director, Division of Policy, Planning and Program Development, Department of Labor, transmitting the Department's final rule — Affirmative Action and Nondiscrimination Obligations of Contractors and Subcontractors; Compliance Evaluations in All OFCCP Programs (RIN: 1215-AB28) (RIN: 1215-AB27) (RIN: 1215-AB23) received June 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

3430. A letter from the Acting Director, DSHRP, Office of Personnel Management, transmitting the Office's final rule — Changes in Pay Administration Rules for General Schedule Employees (RIN: 3206-AK88) received June 13, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

3431. A letter from the Acting Director, DSHRP, Office of Personnel Management, transmitting the Office's final rule — Excepted Service, Privacy Procedures for Personnel Records, Career and Career-Conditional Employment, Temporary Assignment of Employees Between Federal Agencies and State, Local, and Indian Tribal Governments, Institutions of Higher Education, and Other Eligible Organizations, Presidential Management Fellows Program, Repayment of Student Loans, and Pay Administration (General) (RIN: 3206-AK27) received May 20, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

3432. A letter from the Acting Director, DSHRP, Office of Personnel Management, transmitting the Office's final rule — Retirement Coverage of Air Traffic Controllers (RIN: 3206-AK73) received June 3, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

3433. A letter from the Acting Director, DSHRP, Office of Personnel Management, transmitting the Office's final rule — Prevailing Rate Systems; Redefinition of the San Francisco, CA, Nonappropiated Fund Wage Area (RIN: 3206-AK26) received May 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

3434. A letter from the Acting Director, DSHRP, Office of Personnel Management, transmitting the Office's final rule — Federal Long Term Care Insurance Regulation (RIN: 3206-AJ71) received June 3, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

3435. A letter from the Acting Director, DSHRP, Office of Personnel Management, transmitting the Office's final rule — Changes in Health Benefits Enrollment (RIN: 3206-AK04) received June 29, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

3436. A letter from the Acting Director, IP, Office of Personnel Management, transmitting the Office's final rule — Federal Employees Health Benefits Acquisition Regulation: Large Provider Agreements, Subcontracts, and Miscellaneous Changes (RIN: 3206-AJ20) received June 3, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

3437. A letter from the Acting Director, SHRPD, Office of Personnel Management, transmitting the Office's final rule — Absence and Leave (RIN: 3206-AK80) received May 9, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

3438. A letter from the Acting Director, Office of Personnel Management, transmitting the Office's final rule — Computation of Pay for Biweekly Pay Periods (RIN: 3206-AK62) received May 9, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

3439. A letter from the Acting Director, IP, Office of Personnel Management, transmitting the Office's final rule — Federal Employees Health Benefits Program Revision of Contract Cost Principles and Procedures, Miscellaneous Changes (RIN 3206-AJ10) Receieved June 3, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

3440. A letter from the Administrator, Small Business Administration, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

3441. A letter from the Assistant Secretary, Fish, Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Amendment of Lower St. Johns River Manatee Refuge in Florida (RIN: 1018-AU10) received May 26, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3442. A letter from the Fish and Wildlife Service, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Establishment of a Nonessential Experimental Population for Two Fishes (Boulder Darter and Spotfin Chub) in Shoal Creek, Tennessee and Alabama (RIN: 1018-AH44) received May 26, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3443. A letter from the Assistant Secretary, Land and Minerals Management, Department of the Interior, transmitting the Department's final rule — Rights-of-way, Principles and Procedures; Rights-of-way Under the Federal Land Policy and Management Act and the Mineral Leasing Act [WO 350 05 1430 PN] (RIN: 1004-AC74) received April 22, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3444. A letter from the Federal Liason Officer, PTO, Department of Commerce, transmitting the Department's final rule — Changes to the Practice of Handling Patent Applications Filed Without the Appropriate Fees [Docket No. 2005-P-055] (RIN: 0651-AB87) received May 26, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

3445. A letter from the Federal Liason Officer, PTO, Department of Commerce, transmitting the Department's final rule — Requirements to Receive a Reduced Fee for Filing an Application Through the Trademark Electronic Application System [Docket No. 2005-T-056] (RIN: 0651-AB88) received July 11, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

3446. A letter from the Rules Administrator, BOP, Department of Justice, transmitting the Department's final rule — Infectious Disease Management: Voluntary and Involuntary Testing [BOP-1104-F] (RIN: 1120-AB03) received June 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

3447. A letter from the Federal Register Certifying Officer, FMS, Department of Treasury, transmitting the Department's final rule — Salary Offset (RIN: 1510-AA70) received April 27, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

3448. A letter from the Executive Director, Air Transportation Stabilization Board, transmitting the Board's final rule — Regulations for Air Transportation Stabilization Board Under Section 101(a)(1) of the Air Transporation Safety and System Stabilization Act —— received March 15, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3449. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulations for Marine Events; San Francisco Giants Fireworks Display, San Francisco, CA [CGD 11-05-009] (RIN: 1625-AA08) received July 21, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3450. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulations for Marine Events; San Francisco Giants Fireworks Display, San Francisco, CA [CGD 11-05-013] (RIN: 1625-AA08) received July 21, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3451. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Georgetown Channel, Potomac River, Washington, DC [CGD05-05-033] (RIN: 1625-AA87) received July 21, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3452. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Kent Island Narrows, Kent Island, MD [CGD05-05-019] (RIN: 1625-AA09) received July 21, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3453. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulations for Marine Events; Manasquan River, Manasquan Inlet and Atlantic Ocean, Point Pleasant Beach to Bay Head, NJ [CGD05-05-073] (RIN: 1625-AA08) received July 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3454. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulations for Marine Events; Prospect Bay, Kent Island Narrows, Maryland [CGD05-05-074] (RIN: 1625-AA08) received July 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3455. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulations for Marine Events; Pamlico River, Washington, NC [CGD05-05-066] (RIN: 1625-AA08) received July 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3456. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety and Security Zone; Tampa Bay, FL [COTP Tampa 05-079] (RIN: 1625-AA00) received July 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3457. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: Hydroplane Races, Columbia Park, Kennewick, Washington. [CGD13-05-026] (RIN: 1625-AA00) received July 25, 2005, pursuant to 5 U.S.C.

801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3458. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zones: Fireworks displays in the Captain of the Port Portland Zone. [CGD13-05-027] (RIN: 1625-AA00) received July 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3459. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Anchorage Grounds and Safety Zone; Delaware River [CGD05-04-035] (RIN: 1622-AA00) (RIN: 1625-AA01) received July 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3460. A letter from the General Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations —— received July 11, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3461. A letter from the General Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determination [Docket No. FEMA-D-7573] received July 11, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3462. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: Macy's July 4th Fireworks, East River and Upper New York Bay, NY [CGD01-05-017] (RIN: 1625-AA00) received July 21, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3463. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Duwamish Waterway, Seattle, WA [CGD13-05-020] (RIN: 1625-AA09) received July 21, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3464. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulations: Annual Offshore Super Series Boat Race, Fort Myers Beach, FL [CGD 07-05-019] (RIN: 1625-AA08) received July 21, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3465. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulation for Marine Events; Pasquotank River, Camden, NC [CGD05-05-022] (RIN: 1625-AA08) received July 21, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3466. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Navigation and Navigable Waters; Technical, Organizational, and Conforming Amendments [USCG-2005-21531] (RIN: 1625-ZA04) received July 21, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3467. A letter from the General Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations [Docket No. FEMA-P-7644] received July 11, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3468. A letter from the General Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations —— received July 11, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3469. A letter from the General Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determination —— July 11, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3470. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, Weather Takeoff Minimums; Miscellaneous Amendments [Docket No. 30450; Amdt. No. 3126] received July 22, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3471. A letter from the Chairman, Surface Transportation Board, Department of Transportation, transmitting the Department's final rule — Regulations Governing Fees for Service Performed in Connection with Licensing and Related Services — 2005 Update — received April 18, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3472. A letter from the Senior Attorney, Pipeline and Hazardous Materials Safety Administration, Department of Transportation, transmitting the Department's final rule — Applicability of the Hazardous Materials Regulations to Loading, Unloading, and Storage [Docket No. RSPA-98-4952(HM-223)] (RIN: 2137-AC68) received April 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3473. A letter from the Ombudsman, FMCSA, Department of Transportation, transmitting the Department's final rule — Transportation of Household Goods; Consumer Protection Regulations; Final Rule [Docket No. FMCSA-97-2979] (RIN: 2126-AA32) received July 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3474. A letter from the Trial Attorney, FRA, Department of Transportation, transmitting the Department's final rule — Locomotive Event Recorders [Docket No. FRA-2003-16357, Notice No. 3] (RIN: 2130-AB34) received July 22, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3475. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Class E2 Airspace; and Modification of Class E5 Airspace; Valentine, NE [Docket No. FAA-2005-20572; Airspace Docket No. 05-ACE-9] received July 22, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3476. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Parsons, KS [Docket No. FAA-2005-20573; Airspace Docket No. 05-ACE-10] received July 22, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3477. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification and Revocation of Federal Airways; AK [Docket No. FAA-2004-19851; Airspace Docket No. 04-AAL-13] (RIN: 2120-AA66) received July 22, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3478. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Monett, MO [Docket No. FAA-2005-20065; Airspace Docket No. 05-ACE-7] received July 22, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3479. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Mountain Grove, MO [Docket No. FAA-2005-20064; Airspace Docket No. 05-ACE-6] received July 22, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3480. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Macon, MO [Docket No. FAA-2005-20066; Airspace Docket No. 05-ACE-8] received July 22, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3481. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Revision of Class E Airspace; St. Michael, AK [Docket No. FAA-2005-20030; Airspace Docket No. 05-AAL-01] received July 22, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3482. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Neosho, MO [Docket No. FAA-2005-20063; Airspace Docket No. 05-ACE-5] received July 22, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3483. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Revision of Class E Airspace; Kalskag, AK [Docket No. FAA-2005-20031; Airspace Docket No. 05-AAL-02] received July 22, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3484. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Revision of Jet Route 94 [Docket No. FAA-2004-19052; Airspace Docket No. 04-ANM-12] (RIN: 2120-AA66) received July 22, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3485. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Perryville, AK [Docket No. FAA-2005-20029; Airspace Docket No. 04-AAL-25] received July 22, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3486. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Area Navigation (RNAV) Routes; AK [Docket No. FAA-2005-20617; Airspace Docket No. 05-AAL-12] (RIN: 2120-AA66) received July 22, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3487. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Area Navigation (RNAV) Routes; AK [Docket No. FAA-2005-20413; Airspace Docket No. 05-AAL-03] (RIN: 2120-AA66) received July 22, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3488. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Area Navigation (RNAV) Routes; AK [Docket No. FAA-2005-20446; Airspace Docket No. 05-AAL-04] (RIN: 2120-AA66) received July 22, 2005, pursuant to 5 U.S.C.

801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3489. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Sutton, WV [Docket No. FAA-2005-20931; Airspace Docket No. 05-AEA-08] received July 22, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3490. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Class E-2 Airspace; Bar Harbor, ME [Docket No. FAA-2005-21034; Airspace Docekt No. 05-AEA-09] received July 22, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3491. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Revision of Class E Airspace; Shishmaref, AK [Docket No. FAA-2005-20567; Airspace Docket No. 05-AAL-05] received July 22, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3492. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Kaltag, AK [Docket No. FAA-2005-20557; Airspace Docket No. 05-AAL-10] received July 22, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3493. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Revision of Class E Airspace; Emmonah, AK [Docket No. FAA-2005-20555; Airspace Docekt No. 05-AAL-08] received July 22, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3494. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Coldfoot, AK [Docket No. FAA-2005-20568; Airspace Docket No. 05-AAL-11] received July 22, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3495. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Chalkyitsik, AK [Docket No. FAA-2005-20450; Airspace Docket No. 05-AAL-07] received July 22, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3496. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Bob Barker Memorial Airport, Kiana, AK [Docket No. FAA-2005-20556; Airspace Docket No. 05-AAL-09] received July 22, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3497. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Columbus, NE. [Docket No. FAA-2005-20752; Airspace Docket No. 05-ACE-15] received July 22, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3498. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; McCook, NE [Docket No. FAA-2005-21608; Airspace Docket No. 05-ACE-18] received July 22, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3499. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Muskegon, MI [Docket No. FAA-2005-20055; Airspace Docket No. 05-AGL-01] received July 22, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3500. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Revision of Federal Airways V-2, V-257 and V-343; MT [Docket No. FAA-2005-19410; Airspace Docket No. 04-ANM-09] (RIN: 2120-AA66) received July 22, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3501. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Surface Area, South Lake Tahoe, CA [Docket FAA 2005-21522; Airspace Docket No. 05-AWP-06[received July 22, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3502. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Mifflintown, PA; Correction [Docket No. FAA-2004-19458; Airspace Docket No. 04-AEA-11] received July 22, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3503. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directive; Sikorsky Aircraft Corporation Model S-92A Helicopters [Docket No. FAA-2005-21588; Directorate Identifier 2005-SW-24-AD; Amendment 39-14150; AD 2005-13-13] (RIN: 2120-AA64) received July 22, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3504. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Empresa Brasiliera de Aeronautica S.A. (EMBRAER) Model EMB-135 Airplanes and Model EMB-145, -145ER, -145MR, -145LR, -145XR, -145MP, and -145EP Airplanes [Docket No. FAA-2005-21598; Directorate Identifier 2005-NM-121-AD; Amendment 39-14159; AD 2005-13-22] (RIN: 2120-AA64) received July 22, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3505. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; [Hoffmann Propeller GmbH & Co KG Models HO-V343 and HO-V343K Propellers] [Docket No. FAA-2004-18958; Directorate Identifier 2004-NE-32-AD; Amendment 39-14137; AD 2005-13-01] (RIN: 2120-AA64) received July 22, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3506. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Agusta S.p.A. Model AB412 Series Helicopters [Docket No. FAA-2005-21589; Directorate Identifier 2004-SW-44-AD; Amendment 39-14154; AD 2005-13-17] (RIN: 2120-AA64) received July 22, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3507. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Kelly Aerospace Power Systems Part Number (P/N) 14D11, A14D11, B14D11, C14D11, 23D04, A23D04, B23D04, C23D04, or P23P04 Fuel Regulator Shutoff Valves (formerly owned by ElectroSystems, JanAero Devices, Janitrol, C&D Airmotive Products, FL Aerospace, and Midland-Ross Corporation) [Docket No. FAA-2004-19693; Directorate Identifier 2004-CE-40-AD; Amendment 39-14076; AD 2004-25-16 R1] (RIN: 2120-AA64) received July 22, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3508. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Dornier Model 328-300 Series Airplanes [Docket No. FAA-2005-20414; Directorate Identifier 2004-NM-116-AD; Amendment 39-14079; AD 2005-10-02] (RIN: 2120-AA64) received July 22, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3509. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Model MD-90-30 Airplanes [Docket No. FAA-2005-21029; Directorate Identifier 2005-NM-045-AD; Amendment 39-14077; AD 2005-09-08] (RIN: 2120-AA64) received July 22, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3510. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A319, A320, and A321 Series Airplanes [Docket No. 2002-NM-49-AD; Amendment 39-14081; AD 2005-10-04] (RIN: 2120-AA64) received July 22, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3511. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Dornier Model 328-300 Series Airplanes [Docket No. FAA-2005-20345; Directorate Identifier 2004-NM-101-AD; Amendment 39-14083; AD 2005-10-06] (RIN: 2120-AA64) received July 22, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3512. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 727 Airplanes, Equipped With An Auxiliary Fuel Tank Having A Fuel Pump Installed [DOcket No. FAA-2005-20355; Directorate Identifier 2004-NM-198-AD; Amendment 39-14177; AD 2005-13-40] (RIN: 2120-AA64) received July 22, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3513. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; GROB-WERKE Modl G120A Airplanes [Docket No. FAA-05-19473; Directorate Identifier 2004-CE-35-AD; Amendment 39-14146; AD 2005-13-09] (RIN: 2120-AA64) received July 22, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3514. A letter from the Director, Regulations Management, ORPM, Department of Veterans Affairs, transmitting the Department's final rule — Loan Guaranty: Hybrid Adjustable Rate Mortgages (RIN: 2900-AL54) received May 2, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

N O T I C E

Incomplete record of House proceedings.
Today's House proceedings will be continued in Book II.