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□ 1645

SECURING AMERICA'S FUTURE ENERGY ACT OF 2001

(Continued)

We need to be smart on how we proceed with this transition. We need to encourage our domestic auto companies to improve fuel efficiency, and we do need to do that in a way that does not displace American workers.

How do we do that? There are many ways to do that. One way to do that is to encourage the market to move in that direction. That means providing tax credits to those who will purchase these new fuel-efficient technological automobiles. The technology is there to build cleaner cars, increase good-paying job opportunities here at home, and to protect our environment.

Mr. Chairman, the chip that keeps the CD player in the car from skipping contains more computer memory than the entire Apollo spacecraft. Using these technological advancements, we can build cleaner and safer cars with the U.S. union workers making them, and we can protect our environment at the same time. I urge my colleagues to vote ''no'' on the amendment.

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

I guess this boils down to whose arguments are the most persuasive. Do we believe the automobile industry, which told us in the seventies that mandating seatbelts, which have saved thousands of lives since, would deal a devastating blow to auto makers and force massive layoffs, neither of which happened?

Or do we believe the National Academy of Sciences, which issued a report just yesterday that said that reasonable CAFÉ standards, and ours are in the low end of their range, would bring major benefits without compromising safety?

The Academy said, ''Fuel economy increases are possible without degradation of safety. In fact, they should provide enhanced levels of occupant protection.''

I would say, let us lessen our dependence on foreign oil without dislocation in the industry. Let us deal with sound science. Let us address the consumer's interest, paying less to fill up that gas guzzler, visiting their local gas stations less frequently, and let us deal with the safety of the American public.

We have an opportunity to do the responsible thing. Vote for this sensible middle-ground amendment.

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

Mr. Chairman, I will close in opposition to the amendment. I happen to believe, with the gentleman from New York (Mr. BOEHLERT), that we should believe the National Academy of Sciences. They say that if the Boehlert amendment passes, Americans will die in increasing numbers on the highways because the automobile industry will have no choice with this extreme, radical change in CAFÉ numbers but to lighten up the vehicles and downweight them. The National Academy of Sciences just said that.

They said to the gentleman, if they take the gentleman's plan and spread it out over 10 or 15 years, that might not happen. The gentleman from New York (Mr. BOEHLERT) wants to enact his plan in a short 4 years, a 46 percent increase in CAFÉ standards in 4 years, leading, as the National Academy of Sciences says, to increased death on our nation's highways.

We ought to stand against this amendment. The debate is not about raising CAFÉ standards. The bill raises CAFÉ. It saves 5 billion gallons of gasoline in the 6-year period. That is equivalent to parking a whole year's production of SUVs and minivans for 2 years, parking them, not running them on the highways. It is equivalent to saving $100 billion pounds of CO_2 emissions. That is what the bill does without this extreme amendment.

This is the history of CAFÉ: regular, orderly, responsible increases. There was one increase that was too big and NHTSA had to roll it back. There were orderly, responsible increases. It is time for another orderly, responsible increase.

That is what the underlying bill does. It sets as a floor the saving of 5 billion gallons of gasoline, and it tells NHTSA, If you think you can do more, do more. It is a minimum, not a maximum. This amendment will end up killing Americans. We ought to defeat it.

Ms. KILPATRICK. Mr. Chairman, I rise in opposition to the amendment offered by the gentlemen from New York and Massachusetts.

Both sides of the debate cite the recent report on the effectiveness of CAFÉ Standards by the National Academy of Sciences. Supporters of the amendment argue that the technology currently exists to raise the combined fleet passenger vehicle and light truck standard from 20.7 miles per gallon to 26 by 2004. But the Boehlert-Markey amendment doesn't stop there, it puts on an additional requirement that the combined fleet standard must be raised to 27.5 by the following year. The problem is that U.S. auto manufacturers, especially in the light truck lines, have established their production lines for the next five model years.

Changing CAFÉ standards will cause severe disruptions in the plant configuration for production line models over the next five years. This will force automakers to shut down certain lines, close plants, lay off workers and harm auto manufacturing communities.

The effect of this amendment is that General Motors and Ford will have to close over 20 plants in order to comply with the new standard. This action would result in the loss of 100,000 auto worker jobs. Daimler-Chrysler says it would have to close two of its truck plants and would no longer be able to produce the Durango, the Dakota or Ram pickup truck lines. That would cost 35,000 Daimler-Chrysler workers their jobs. These are job losses that would result by model year 2004. More job losses would follow when the CAFÉ standard would be increased to 27.5 mpg by model year 2005.

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The jobs of these auto workers and the economic health of auto-making communities is too important for us to ignore. Yes, we want more fuel efficient automobiles, minivans, pickups and SUVs. But as the National Academy of Sciences reported, automakers need sufficient lead time—10 to 15 years—to phase in fuel saving improvements.

H.R. 4 specifically instructs the National Highway Traffic Safety Administration to develop a new standard for light trucks based on maximum feasible technology levels and other criteria in addition to reducing gas consumption by 5 billion gallons by year 2010. The fuel efficiency standard in H.R. 4 is a floor, not a ceiling.

The economy is too anemic and basic industry in America—especially the auto industry—is too fragile to sustain a production change requirement of this magnitude. This economy cannot afford to lose more than 100,000 auto industry jobs. President Bush is fond of saying, ''Don't mess with Texas.'' Well, I'm from Michigan—Detroit City, the motor capital of the world—and I say, ''Don't mess with Michigan; don't mess with auto-making centers such as Detroit, and don't mess with auto workers and their families.'' Vote against the Boehlert-Markey Amendment.

Mr. OXLEY. Mr. Chairman, I represent a district with thousands of automobile workers who are proud to build safe cars for consumers. These workers produce quality parts and vehicles that drivers have confidence in.

They're concerned when someone in Washington presumes to know more about auto engineering than the people on the production line. And they get really worried, when a decision made here threatens their jobs.

By raising CAFÉ standards, Congress would literally be dictating to automakers how to build their cars and minivans, and telling consumers what they can and can't buy. Frankly, I don't think that many people want a car or SUV designed by a government committee . . . or want Congress to be their car salesman.

CAFÉ is bureaucratic, and diverts resources from real fuel economy breakthroughs. It compromises safety, because ultimately it has the effect of forcing heavier, sturdier vehicles off the road. And for all of the ballyhoo, the statistics show that CAFÉ has not saved as much gasoline as its proponents predicted.

Manufacturers are already working on a new generation of fuel efficient vehicles that consumers will want to buy. Honda is producing a hybrid car at its Marysville plant in Ohio. The workers there—and they include some of my constituents—are building that car because it responds to a consumer need, not because the government is telling them to do it.

If we really want to bring relief to the driving public . . . we need far-sighted policies encouraging oil exploration, additional refinery capacity, and common sense environmental regulation. CAFÉ is a 1970s solution to our energy challenges that is as threadbare as your old bell bottom jeans.

Mr. CARDIN. Mr. Chairman, I rise today with conditional support for the Boehlert-Markey Amendment. The provisions in H.R. 4 on CAFÉ standards are not strong enough to adequately address the need to improve vehicle fuel efficiency. But, this amendment does not provide a sensible way to help U.S. manufacturers deal with the energy problems in this nation with out jeopardizing U.S. jobs. We can do better for U.S. manufacturers and energy savings in this country. As this amendment makes its way through the legislative process, my support is conditioned on the following concerns being addressed.

To begin with, the structure of the CAFÉ standards creates a competitive imbalance among the automobile manufacturers. I am uncomfortable with this regulatory impact and will work to see it minimized. By using a fleet average calculation, manufacturers who have product lines of smaller vehicles are better able to meet the CAFÉ standards than those for whom larger cars and trucks make up larger portions of their inventory. Thus it is much easier for some manufacturers to meet any increase in CAFÉ standards than it is for others. While the legislation and amendments before this chamber do not address this issue, I am hopeful that there will be an effort in the Senate or in conference to better level the playing field for manufacturers, so that we will have improvements to this when the bill comes back before the House.

Also, I believe that the time frame outlined in this amendment for implementation of the CAFÉ standards is too short. We should be taking a long term view on energy policy issues. By placing such tight time lines, you cause the manufacturers to resort to shortcuts in design and production to meet these requirements. These shortcuts will create negative long term impacts. These include, among others, negative consequences on the industries that supply the materials for the vehicles, such as steel manufacturers, and the safety of these vehicles for the consumer. The first chance for the auto manufacturers to make changes in their vehicle designs comes with the 2004 model, leaving only 1 year to meet new standards. While I think it is possible for them to achieve these goals, I am concerned that there may be unnecessary negative consequences. Again, energy is a long term challenge.

In spite of these reservations, I believe it is time for action to be taken to improve vehicle fuel economy standards given the energy situation in this country. In addition to the increase in CAFÉ, I think incentives in this bill for consumers to purchase alternative fuel and hybrid vehicles will go a long way to better fuel economy and lower oil consumption.

Broadly, I believe H.R. 4 is unfairly skewed toward increased production and is not focused enough on conservation and renewables. Supporting the Boehlert-Markey amendment, with the adjustments that are necessary, will help steer this bill back on the right track toward better conservation.

Mr. EHLERS. Mr. Chairman, I firmly believe it is extremely important for Congress to increase fuel efficiency standards to improve air quality, reduce greenhouse gas emissions and lessen dependence on foreign oil.

I am very anxious to include in this energy bill, HR 4, measures to improve gas mileage in a manner that does not harm the automobile industry of this country. However, the only amendment permitted that addressed fuel efficiency was submitted by the gentleman from New York, Mr. BOEHLERT. Unfortunately his amendment set impossible time lines, and would have hurt American auto manufacturers. My vote in favor of the amendment was simply a statement of principle. My vote should be interpreted solely as a desire to move in a direction of increased gas efficiency. My vote should definitely not be interpreted as an intent to cripple the automobile industry in its attempt to compete with foreign automakers.

I pledge to continue to work towards increasing fuel efficiency, cleaner air and energy conservation. I will also continue to work towards these goals within a reasonable time frame that will help, not hurt, America's automobile industry.

Mrs. JOHNSON of Connecticut. Mr. Chairman, I rise in strong support of the Boehlert-Markey amendment to increase CAFE standards for SUVs and light trucks.

America controls 3 percent of the known world oil reserves, while OPEC controls 76 percent! We need to make our economy less dependent on oil by becoming more energy efficient. According to the 2001 National Academy of Sciences report, ''Improved fuel economy has reduced dependence on imported oil, improved the nation's term of trade and reduced emissions of carbon dioxide, a principal greenhouse gas, relative to what they otherwise would have been.''

If fuel economy had not improved, gasoline consumption (and crude oil imports) would be about 2.8 million barrels per day higher than it is, or about 14 percent of today's consumption.'' The National Academy report states that ''Had past fuel economy improvements not occurred, it is likely that the U.S. economy would have imported more oil and paid higher prices than it did over the past 25 years.'' ''Fuel use by passenger cars and light trucks is roughly one-third lower today than it would have been had fuel economy not improved since 1975 . . .''

Congress must continue to increase CAFE standards because the auto manufacturers will not do so on their own. The technology does exist to further improve the fuel efficiency of cars, trucks and SUVs. If we do, we can save consumers' money at the gas pumps, reduce our dependence on foreign oil, and improve air quality.

I urge support for the Boehlert-Markey amendment.

The CHAIRMAN pro tempore (Mr. LATOURETTE). All time for debate has concluded.

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

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

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

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

It is now in order to consider amendment No. 4 printed in Part B of House Report 107–178.

AMENDMENT NO. 4 OFFERED BY MRS. WILSON

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

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mrs. WILSON:

Page 81, after line 12 (after section 308 of title III of division A) insert the following

new section and make the necessary conforming changes in the table of contents:

SEC. 309. PROHIBITION OF COMMERCIAL SALES OF URANIUM BY THE UNITED STATES UNTIL 2009.

Section 3112 of the USEC Privatization Act (42 U.S.C. 2297h–10) is amended by adding at the end the following new subsection:

''(g) PROHIBITION ON SALES.—With the exception of sales pursuant to subsection (b)(2) (42 U.S.C.2297h–10(b)(2)), notwithstanding any other provision of law, the United States Government shall not sell or transfer any uranium (including natural uranium concentrates, natural uranium hexafluoride, enriched uranium, depleted uranium, or uranium in any other form) through March 23, 2009 (except sales or transfers for use by the Tennessee Valley Authority in relation to the Department of Energy's HEU or Tritium programs, or the Department or Energy research reactor sales program, or any depleted uranium hexafluoride to be transferred to a designated Department of Energy contractor in conjunction with the planned construction of the Depleted Uranium Hexafluoride conversion plants in Portsmouth, Ohio, and Paducah, Kentucky, to any natural uranium transferred to the U.S. Enrichment Corporation from the Department of Energy to replace contaminated uranium received from the Department of Energy when the U.S. Enrichment Corporation was privatized in July, 1998, or for emergency purposes in the event of a disruption in supply to end users in the United States). The aggregate of sales or transfers of uranium by the United States Government after March 23, 2009, shall not exceed 3,000,000 pounds U_3O_8 per calendar year.''.

The CHAIRMAN pro tempore. Pursuant to House Resolution 216, the gentlewoman from New Mexico (Mrs. WILSON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from New Mexico (Mrs. WILSON).

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

Over the last 5 years, the domestic uranium industry in this country has collapsed because the Federal Government is dumping uranium onto the market.

Our amendment prohibits the sale of government uranium inventories through March of 2009 and honors existing contracts and obligations that are already in place. After that, the transfers are limited to 3,000 pounds of uranium a year. It would allow the transfers needed to cover current obligations and allow government uranium inventories to be used in the event of disruption of supply to U.S. nuclear facilities.

We need a nuclear power industry long term to maintain the diversity of our electricity supply. If we do not maintain a domestic supply of uranium, then we will become increasingly dependent on foreign sources of uranium, and in 10 to 15 years, find ourselves in the exact situation with uranium and nuclear power as we find ourselves in in the oil business.

Mr. Chairman, I believe this is a balanced and very fair amendment. It has no budgetary impact. I believe that the Department of Energy has now indicated its support for it.

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

Mr. TAUZIN. Mr. Chairman, although I support the amendment, I ask unanimous consent to claim the time in opposition.

The CHAIRMAN pro tempore. Without objection, the gentleman from Louisiana (Mr. TAUZIN) is recognized for 5 minutes.

There was no objection.

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

Mr. Chairman, the proposed amendment would prohibit the Department of Energy from selling into the open market approximately 85 percent of the Department's inventory of approximately 21,000 metric tons of uranium until after the year 2009. However, this amendment would not prevent DOE from selling approximately 3,700 tons of uranium, or 15 percent of its total inventory, that the DOE is required to sell by statute pursuant to the U.S.E.C. Privatization Act.

Many domestic uranium mining companies have stopped production or are on the verge of bankruptcy. We do not want the Government to cause further deterioration in the uranium markets by selling its vast quantities of uranium inventories. The amendment seeks to prevent the further deterioration and downward price pressure on the price of uranium by restricting DOE from selling 85 percent of its inventory.

It is my understanding the Department has already implemented a memorandum of understanding dating back to 1998 that restricts the sale of the same quantity of uranium it holds in inventory. Thus the proposed amendment seeks to codify sales restrictions that the Department of Energy has already determined were necessary.

The amendment would not prevent DOE from selling or transferring uranium that it has already agreed to sell or transfer under existing contracts or agreements. There should be no disruption in those programs or activities as a result of this amendment.

Mr. Chairman, I support the amendment; and I urge my colleagues to do so, too.

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

Mr. TAUZIN. I yield to the gentleman from Utah.

Mr. CANNON. Mr. Chairman, I would like to enter into a colloquy with the gentlewoman from New Mexico (Mrs. WILSON).

I understand, I say to the gentlewoman, that the language as drafted is intended to support the recovery of the U.S. uranium industry. The ability to process materials other than conventional mined ores, which are primarily materials from the U.S. Government, has allowed conventional uranium mills to provide a valuable recycling service. This has resulted in a significant savings for the Government over direct disposal costs, as well as the recapture of valuable energy resources.

It has also resulted in an overall improvement in the environment, because the tailings from the conventional milling process are less radioactive, due to the extraction of the uranium, than they would have been if disposed of directly.

I believe this problem could be resolved with a simple language change. Would the gentlewoman from New Mexico be amenable to working on that between now and conference?

Mrs. WILSON. Mr. Chairman, will the gentleman yield?

Mr. TAUZIN. I yield to the gentlewoman from New Mexico.

Mrs. WILSON. Mr. Chairman, I would be more than amenable to that. I would be happy to work with the gentleman from Utah in conference to make sure that uranium recyclers, a very valuable service provided with the U.S. Government, are not impacted at all by this amendment. It is not the intent of this amendment to limit that in any way.

I would be happy to work with the gentleman on it and fix it as this bill moves forward in the process. I very much appreciate his bringing it forward.

Mr. CANNON. I thank the gentlewoman.

Mrs. WILSON. Mr. Chairman, I yield 2 minutes to the gentlewoman from Wyoming (Mrs. CUBIN).

Mrs. CUBIN. Mr. Chairman, currently over 20 percent of America's electricity is supplied by nuclear power, which requires roughly burning 50 million pounds of uranium as nuclear fuel each year.

As our Nation's energy needs grow, so must all of our sources of energy in the future, including nuclear. Uranium, much like our current dependence on foreign oil, is increasingly produced outside the United States. Uranium domestically produced is currently 3 million pounds or just 6 percent of the Nation's nuclear fuel. Remember, 20 percent of our electricity is supplied by nuclear. The vast majority of that uranium that is produced is owned by foreign countries.

At least the oil and gas end of the public lands, for the most part, is owned by domestic corporations. Over the last 5 years, the domestic uranium production industry has faced the loss of the uranium market due to government inventory sales, resulting in the decline of sales and income, market capitalization, and massive asset devaluation.

In my home State of Wyoming, uranium suppliers over the past several years have been forced to reduce a healthy workforce from several thousand to just 250 people, all this in a State that has just under 480,000 total population. This has made a huge impact on my State.

In December of 2000, the General Accounting Office reported that the sales of natural uranium transferred from DOE to the United States Enrichment Corporation created an oversupply and

a subsequent drop in uranium prices. To balance this previous uranium dumping on the market, the Wilson-Cubin amendment would prohibit the transfer or sale of government uranium inventories through March 23, 2009. Subsequent to that, transfers or sales of up to 3 million pounds of uranium would be permitted per year.

Only through this legislative action can we prevent the dire future that the industry is currently facing. If we decide to maintain the status quo, our domestic uranium industry could be dead in 3 years. I ask Members to vote for the Wilson-Cubin amendment.

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

Mr. Chairman, I wanted to commend the gentlewoman from Wyoming for her leadership on this issue, as well. As the Chair of the subcommittee, she has been a leader on making sure that we have a domestic mining industry that is adequate and meets our needs. She has provided wonderful leadership.

Mr. Chairman, I yield 30 seconds to the gentleman from Kentucky (Mr. WHITFIELD).

Mr. WHITFIELD. Mr. Chairman, I thank the gentlewoman for yielding time to me.

I support the amendment offered by my two colleagues, the gentlewoman from New Mexico (Mrs. WILSON) and the gentlewoman from Wyoming (Mrs. CUBIN). The limitation imposed by this amendment on the sale and transfer of U.S.-owned uranium products contained in the amendment will strengthen our domestic uranium enrichment industry.

I particularly want to thank the gentlewoman from New Mexico (Mrs. WILSON) for agreeing to two exceptions from the freeze. One will ensure no disruption in the planned construction of depleted uranium hexafluoride conversion plants at Paducah, Kentucky, and Portsmouth, Ohio. The other will allow for the replacement of contaminated uranium that was transferred to the United States Enrichment Corporation at the time of privatization.

I urge support of the amendment.

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

Mr. Chairman, there are many more things we have to do for the uranium fuel cycle. I am working with my colleagues from other States to make sure that we can keep nuclear power as a long-term option. This is only the first piece of that puzzle, and I ask my colleagues to give it their full support.

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

The CHAIRMAN pro tempore. All time has expired.

The question is on the amendment offered by the gentlewoman from New Mexico (Mrs. WILSON).

The amendment was agreed to.

The CHAIRMAN pro tempore. It is now in order to consider amendment No. 5 printed in part B of House Report 107–178.

AMENDMENT NO. 5 OFFERED BY MR. GREEN OF TEXAS

Mr. GREEN of Texas. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Mr. GREEN of Texas:

In division A, title VIII, insert at the end the following new section and make the necessary conforming change in the table of contents:

SEC. 804. REPEAL OF HINSHAW EXEMPTION.

Effective on the date 60 days after the enactment of this Act, for purposes of section 1(c) of the Natural Gas Act (15 U.S.C. 717(c)), the term ''State'' shall not include the State of California.

The CHAIRMAN pro tempore. Pursuant to House Resolution 216, the gentleman from Texas (Mr. GREEN) and a Member opposed each will control 10 minutes.

Mr. WAXMAN. Mr. Chairman, I seek recognition in opposition to this amendment.

The CHAIRMAN pro tempore. The gentleman from California (Mr. WAXMAN) will control the 10 minutes in opposition.

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

□ 1700

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

Mr. Chairman, I rise to continue the process that I think this bill begins, and that is rescuing the State of California by removing an important hindrance in delivering more natural gas into their State.

In the wake of the California energy debacle, I heard from some of my colleagues and from the esteemed Governor of California that the entire energy shortage in California was the result of Texas energy pirates. My hometown of Houston was sometimes accused of conspiring to drive up natural gas prices by restricting that supply to the West Coast. Imagine my surprise when I learned that there is a Federal law and policy within the State of California that worked hand-in-hand to limit California natural gas pipeline capacity intrastate.

It now seems that the real villains may come closer to Sacramento than we originally thought, and maybe even they wear cowboy hats. The Federal law I refer to is the so-called Hinshaw exemption, contained in Section 1(c) of the Natural Gas Act. What the Hinshaw exemption says is what is important to California consumers. It was passed in 1954, and it exempts natural gas transmission pipelines from the jurisdiction of the Federal Energy Regulatory Commission, or FERC, if it receives natural gas at the State boundary or within the State that a natural gas is consumed.

What this amendment would do would be to provide FERC oversight over the California pipelines and increase their intrastate pipeline.

Mr. Chairman, I have an example here for my colleagues. The interstate gas pipelines actually can flow at 7.4 million cubic feet per day, whereas the pipelines intrastate only can go about 6.67 million cubic feet per day. That is the problem we have in California. There is more gas going to the State than can go out into the State.

Now, California can build all the plants they want that will burn natural gas, but if they do not increase the capacity of their pipeline system, it will not help one bit. That is why this is important, and it will provide Federal oversight of those natural gas pipelines in California and give FERC the responsibility they have mentioned before.

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

Mr. WAXMAN. Mr. Chairman, I rise in opposition to this amendment, and I yield myself 4 minutes.

Mr. Chairman, this amendment will remove what is an exemption under existing law on intrastate pipelines in California. This amendment would deny California, and only California, the ability to regulate pipelines that are wholly within the State's borders. It singles out California for unequal treatment.

The amendment would overturn decades of established practice without serving any beneficial purpose whatsoever. The Hinshaw exemption dates back to 1954 when Congress amended the Natural Gas Act to give States sole jurisdiction over pipelines entirely within their borders. As the legislative history explained, the Hinshaw exemption was designed to prevent unnecessary duplication of Federal and State jurisdiction. These concerns are as important today as they were 47 years ago.

Supporters of the amendment seem to believe that California has done an inadequate job regulating intrastate pipelines. They believe California's high natural gas prices are the result of insufficient pipeline capacity within the State. This is simply not true. The cause of California's high natural gas prices was market manipulation by a subsidiary of El Paso Natural Gas, which owned the rights to and about a third of the capacity on the El Paso pipeline into Southern California.

The El Paso subsidiary drove gas prices through the roof by withholding capacity. El Paso lost its stranglehold on the California market on June 1 when its right to control pipeline capacity expired. Overnight, natural gas prices in California dropped. Gas prices at the Southern California border were around $10 per million Btu on May 31. By June 8, a week later, they had dropped to around $3.50.

If the problem with natural gas prices in California was inadequate capacity within California, this dramatic drop in price would not have occurred. There was no increase in pipeline capacity in California during this period.

There is no need for this amendment. The only pipeline in California that

sometimes has a shortage of capacity is the Southern California Gas pipeline, but the capacity issue on this pipeline is being addressed by California. SoCal Gas is building four additional pipeline expansions. These will be complete by this winter, the peak demand season; and they will make sure Southern California Gas continues to have enough natural gas to serve its customers.

I also oppose this amendment because it places California at the mercy of the Federal Energy Regulatory Commission, which has shown little interest in the welfare of California consumers. Giving FERC jurisdiction will not expand capacity any faster than is already being expanded. It will only complicate the expansion and slow it down.

Let me tell my colleagues, from a California perspective, that this is a very dangerous amendment. It would put us at the mercy of FERC, where El Paso Natural Gas and others, who have a record of manipulation of natural gas price, will have a friendlier audience than the State of California, and it would have Washington, D.C. telling the State of California it cannot handle its own affairs. In Washington, the decisions have to be made, not in California, for intrastate, intrastate California pipeline capacity. I strongly oppose the amendment.

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

Mr. GREEN of Texas. Mr. Chairman, I yield myself such time as I may consume, before yielding to my colleague from the Committee on Energy and Commerce, to respond that the gentleman is correct, this amendment does single out California. California has asked for Federal assistance now for months and months. What we are saying is that even with the pipelines they are planning, their demand outstrips the capacity of the pipelines that they are planning.

Mr. Chairman, I yield 3 minutes to the gentleman from Texas (Mr. BARTON), chairman of the Subcommittee on Energy and Air Quality of the Committee on Energy and Commerce.

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

Mr. BARTON of Texas. Mr. Chairman, as we do this energy debate on the floor today, we are going to have a number of California-specific amendments. We are going to have a California-specific amendment on price caps. We are going to have a California-specific amendment on the oxygenate refuel requirement on the Clean Air Act. It is only fair that we have one California-specific amendment that would actually do some good.

The Hinshaw pipeline exemption was put into law in 1954 because there were a number of States that wanted to gather natural gas, they wanted to distribute natural gas, and they did not want to be subject to the Federal Energy Regulatory Commission, or, at the time, the Federal Power Commission, regulation in terms of the low-pressure sales of their natural gas pipeline. So they put in the Hinshaw exemption.

One State, one State of all the 50 States that have tried to create Hinshaw pipelines used this exemption to thwart the Natural Gas Act of 1934, and that State is the State of California. They made a policy decision that an interstate, that is a pipeline that is going between States, when it hit the California border, they changed the size of the diameter of the pipe so they could call it an intrastate pipeline not an interstate pipeline.

Now, the little display of my colleague from Houston over there is really not to scale. That shows about a 10-inch pipeline and a 6-inch pipeline. In truth, they are going from a 48-inch pipeline to a 36-inch pipeline, or from a 42-inch pipeline to a 30. It is actually a bigger discrepancy than my friend shows. It is only fair if we want to actually help lower natural gas prices to the Golden State of California, and we want to lower electricity prices, that we actually require that an interstate pipeline in California is the same as an interstate pipeline anywhere else in the country.

So we have a discrepancy now of somewhere between a half billion cubic feet a day and a billion cubic feet a day of natural gas that can be delivered to the California border but actually accepted and transmitted across the California border. If we adopt the Green amendment, and I hope that we will, we will eliminate this kind of artificial disparity that State regulators and State legislators in California have created over the last 45 years.

So I would hope we would adopt the Green amendment and allow us, allow people that want to help California by providing more natural gas actually do that. With that, I offer my strong support for the amendment.

Mr. WAXMAN. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. RADANOVICH).

Mr. RADANOVICH. Mr. Chairman, I thank the gentleman for yielding me this time, and I rise in opposition to the Green of Texas amendment.

This is a punitive stealth amendment that is not helpful to resolving the energy crisis in California. In fact, the manager's amendment already includes provisions to address the concern over the adequacy of interstate gas pipelines in California.

I would like all the Members to understand that this amendment does not remove an exemption, it, in fact, imposes a regulation. If we want to remove this so-called exemption from California, why not, out of fairness, remove it also from Texas, Louisiana, Alaska, New York, Ohio, and every other State in the Union?

One good rule of thumb in legislating is to abide by the physician's maxim of at least doing no harm. Not only does this amendment do no good, it, in fact, increases harm and damage to the State of California. So please vote ''no'' on this Green amendment.

Mr. GREEN of Texas. Mr. Chairman, how much time is remaining between the two sides?

The CHAIRMAN pro tempore (Mr. LATOURETTE). The gentleman from Texas (Mr. GREEN) has 4½ minutes remaining, and the gentleman from California (Mr. WAXMAN) has 5 minutes remaining.

Mr. GREEN of Texas. The gentleman from California has right to close?

The CHAIRMAN pro tempore. That is correct.

Mr. GREEN of Texas. Mr. Chairman, I yield myself such time as I may consume to enter into a brief dialogue with the gentleman from California (Mr. LEWIS).

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

Mr. GREEN of Texas. I yield to the gentleman from California.

Mr. LEWIS of California. I will not take too much of the gentleman's time. I apologize that I did not have a chance to hear the opening statement, but I have read a little bit about the gentleman's expression of concern. But, for me, would the gentleman explain again, if it is again, what exactly the problem the gentleman has with California or with our Governor or what this is about?

Mr. GREEN of Texas. Mr. Chairman, reclaiming my time, I will respond to both gentleman from California.

The reason this is not a problem in other States is that no other State has come to the FERC or the Federal Government to ask for assistance like California has. But in looking at the problem in California, it seemed the disparity in the pipelines, and these are not to scale, the gentleman was right, I was a business major, not an engineer, but it will show the disparity between what pipelines coming to the California border and what leaves the California border to serve intrastate. There is a great disparity.

Providing more pipelines would go a long way to solving the problem in California. That is all this amendment would do. People would then come to FERC instead of going to California PUC.

Mr. LEWIS of California. If the gentleman from Texas would yield just one more moment, my district is large enough to put four Eastern States in the desert site alone. Where the pipelines are located, they are likely to go through my district. And, frankly, I would like to have some input, that is direct input, regarding what we might do. It certainly does provide me a better opportunity if it is in the State of California. Dealing with Federal bureaucracies, to say the least, is almost ridiculous.

Does the gentleman have a very specific problem? Is it our Governor getting in the gentleman's way? What is it causing the gentleman to want to do this?

Mr. GREEN of Texas. It is not the governor, it is the problem with California's distribution system. That is

why there needs to be more pipelines, newer pipelines. In fact, we have a letter dated July 17 from the Federal Energy Regulatory Commission to the California Public Utilities Commission saying your problem is intrastate pipelines.

So what I am saying is California for months has come and said FERC needs to do this and this and this. Well, they have not asked for FERCs assistance, but this amendment would allow FERC to also allow for pipeline explanation in California.

Mr. LEWIS of California. So the gentleman is suggesting that if California needs additional pipelines, or let us say lines that carry electricity or otherwise, if we want to decide where they want to go, we have to keep coming to a Federal agency rather than to our own public utility agency.

Mr. GREEN of Texas. Again reclaiming my time, Mr. Chairman, California is an exception, because we have lots of intrastate pipelines running through the State of Texas, running through lots of States in the Union, but California has taken the Hinshaw exemption from 1954 and carried it much further that any other State.

Mr. BARTON of Texas. Mr. Chairman, will the gentleman yield?

Mr. GREEN of Texas. I yield to the gentleman from Texas.

Mr. BARTON of Texas. No other State has done what California does in taking interstate pipeline and downsizing the diameter so they could call it an intrastate Hinshaw pipeline. There is only one State that has done that, and it is the great State of California.

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

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

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

Mr. LEWIS of California. Mr. Chairman, if it is accurate that no other State has downsized an interstate pipeline in order for it to be a California pipeline, if that is an accurate statement, certainly the gentleman knows that California is by far the largest State in the Union, with the exception of one, in terms of territory.

There are areas like mine, vast areas of the desert where we do need to have some reasonable planning process. We ought to be able to deal with our State agencies. So I am wondering one more time what problem the gentleman has with the State of California or indeed with our Governor.

□ 1715

Mr. WAXMAN. Reclaiming my time, I will answer the gentleman's question.

The comments were made by my colleagues from Texas that we are downsizing the ability of the pipeline in California to carry natural gas. That is not true. They said we do not have full capacity to handle intrastate all of the gas that is coming to the border.

I have a chart right here that shows how California did not use its full capacity throughout the year 2000. That demonstrates that we have additional capacity. We are trying to build up for more natural gas in California.

What this amendment does is put us in the lap of FERC. When it comes to natural gas regulation, FERC's record is pretty bad. When natural gas prices in California skyrocketed earlier this year, FERC regulators were nowhere to be seen.

These prices were caused by market manipulation by a subsidiary of El Paso Natural Gas which hoarded unused pipeline capacity. California regulators filed a complaint about El Paso with FERC back in April 2000. It is now August 2001, and FERC still has not resolved the El Paso problem.

Anyone who thinks that FERC regulators can do an adequate job regulating California's pipelines just has not been paying attention over the past year.

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

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

Mr. LEWIS of California. Mr. Chairman, I understand the gentleman's point regarding El Paso Natural Gas. I want to assure all the gentlemen from California that we would like to have all of the Texas gas we can possibly get; but from time to time it is difficult to get it in the way and volume we want.

Pipeline and delivery systems ought to be California's responsibility, at least in part, as well as problem.

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

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

Mr. Chairman, we have a list from the last 10 years of complaints and protests of pipeline expansions in California, and each time the California Public Utility Commission did not allow for that pipeline expansion. That is the 10-year history in California. That is not talking about Gray Davis. It is talking about a history in California of not providing for the growth in California, the increase in demand and they have not provided the pipeline capacity for that increase in demand.

Mr. Chairman, this amendment says if they cannot receive justice in California for pipeline capacity expansion, they need to be able to come to FERC. This was not my idea. For 6 months I have listened to California complain about Texas and complain about FERC. This would give FERC the authority not only to set price caps, which the gentleman from California (Mr. WAXMAN) has an amendment on, but also to be able to decide, to make sure that California has the capacity so their consumers will pay a reasonable price for natural gas and not an inflated price based upon the lack of capacity.

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

Mr. GREEN of Texas. I yield to the gentleman from California.

Mr. LEWIS of California. Mr. Chairman, I appreciate the gentleman's reviewing that history of difficulties in California. I have complained about that difficulty in the past, but transferring it to FERC in terms of decision-making may only complicate the problem, not improve our position.

Mr. GREEN of Texas. Mr. Chairman, I yield 30 seconds to the gentleman from Texas (Mr. BARTON).

Mr. BARTON of Texas. Mr. Chairman, I just want to comment on the El Paso investigation. That is a serious investigation. One of the components of that investigation is the fact that there is an artificial constraint at the California-Nevada border, and it is caused because of this very problem that the gentleman from Texas (Mr. GREEN) is trying to remedy.

There was natural gas that was able to be delivered into California that was not able to be delivered into California, so the transmission charge, which in the rest of the country is around 25 cents for MCF, got as high as $60 for MCF. It is partly because of this artificial constraint, which we are trying to remedy. We are trying to lower natural gas prices for all Californians.

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

Mr. Chairman, I strongly urge Members to oppose this amendment. The claim has been made that California's control over its own intrastate pipeline has meant less capacity for the natural gas being brought to California through the interstate pipeline from Texas.

Well, California has had capacity that has not been used. Southern California Gas alone has four approved capacity expansions under construction. The problem is not California having the ability to move that natural gas through the pipeline. The problem in the El Paso Natural Gas case has been the claim that El Paso Natural Gas, using the interstate pipeline, manipulated the capacity on that pipeline so they could drive up the prices for natural gas in California.

If we pass this amendment, they will be able to take away our ability to control the pipeline in our own State, and then be able to use one interstate pipeline to do what they did already to us with that interstate pipeline manipulation.

When El Paso Natural Gas lost its stranglehold over the natural gas prices without any change in the capacity within California, natural gas prices dropped. That shows that it was manipulation by El Paso Natural Gas that kept those prices up. This has nothing to do with California's control over its own pipeline.

Mr. Chairman, I urge Members to oppose this amendment. There is no need for it. It could do a great deal of harm. If it leaves us in the clutches of FERC, we may never ever get a hearing from them, and could lead us to a worse problem than we already have. I strongly urge Members to oppose the Green amendment.

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

The CHAIRMAN pro tempore (Mr. LATOURETTE). The question is on the amendment offered by the gentleman from Texas (Mr. GREEN).

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

Mr. GREEN of Texas. Mr. Chairman, I demand a recorded vote.

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

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: Amendment No. 3 by the gentleman from New York (Mr. BOEHLERT); and Amendment No. 5 by the gentleman from Texas (Mr. GREEN).

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

AMENDMENT NO. 3 OFFERED BY MR. BOEHLERT

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

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 160, noes 269, not voting 4, as follows:

[Roll No. 311]

AYES—160

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldacci
Baldwin
Barrett
Becerra
Bereuter
Berkley
Berman
Bilirakis
Blagojevich
Blumenauer
Boehlert
Borski
Boyd
Brown (OH)
Capps
Capuano
Cardin
Clayton
Condit
Coyne
Cummings
Davis (CA)
Davis (FL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Doggett
Dooley
Ehlers
Engel
English
Eshoo
Evans
Farr
Fattah
Ferguson
Filner
Frank
Frelinghuysen
Ganske
Gilchrest
Gilman
Gonzalez
Greenwood
Harman
Hefley
Hinchey
Hoeffel
Holt
Honda
Hooley
Horn
Houghton
Inslee
Israel
Jackson (IL)
Johnson (CT)
Johnson (IL)
Kanjorski
Kelly
Kennedy (RI)
Kind (WI)
King (NY)
Kirk
Kleczka
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Leach
Lee
Lewis (GA)
LoBiondo
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Matsui
McCarthy (NY)
McDermott
McGovern
McInnis
McKinney
McNulty
Meehan
Menendez
Millender-McDonald
Miller, George
Mink
Moran (VA)
Morella
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Pallone
Pascrell
Payne
Pelosi
Platts
Price (NC)
Ramstad
Rangel
Reynolds
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Sabo
Sanchez
Sanders
Sawyer
Saxton
Scarborough
Schakowsky
Schiff
Serrano
Shays
Sherman
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Tauscher
Taylor (MS)
Thompson (CA)
Thurman
Tierney
Udall (CO)
Udall (NM)
Velazquez
Waters
Watson (CA)
Watt (NC)
Waxman
Weiner
Weldon (PA)
Wexler
Woolsey
Wu
Wynn
Young (FL)

NOES—269

Aderholt
Akin
Armey
Baca
Bachus
Baker
Ballenger
Barcia
Barr
Bartlett
Barton
Bass
Bentsen
Berry
Biggert
Bishop
Blunt
Boehner
Bonilla
Bonior
Bono
Boswell
Boucher
Brady (PA)
Brady (TX)
Brown (FL)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clement
Clyburn
Coble
Collins
Combest
Conyers
Cooksey
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cunningham
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeLay
DeMint
Diaz-Balart
Dingell
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehrlich
Emerson
Etheridge
Everett
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frost
Gallegly
Gekas
Gephardt
Gibbons
Gillmor
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Grucci
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Herger
Hill
Hilleary
Hilliard
Hinojosa
Hobson
Hoekstra
Holden
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kaptur
Keller
Kennedy (MN)
Kerns
Kildee
Kilpatrick
Kingston
Knollenberg
Kolbe
Largent
Latham
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Lucas (KY)
Lucas (OK)
Manzullo
Mascara
Matheson
McCarthy (MO)
McCollum
McCrery
McHugh
McIntyre
McKeon
Meek (FL)
Meeks (NY)
Mica
Miller (FL)
Miller, Gary
Mollohan
Moore
Moran (KS)
Murtha
Myrick
Nethercutt
Ney
Northup
Nussle
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pastor
Paul
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Pombo
Pomeroy
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Regula
Rehberg
Reyes
Riley
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ross
Royce
Rush
Ryan (WI)
Ryun (KS)
Sandlin
Schaffer
Schrock
Scott
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Smith (MI)
Smith (TX)
Souder
Spratt
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Tancredo
Tanner
Tauzin
Taylor (NC)
Terry
Thomas
Thompson (MS)
Thornberry
Thune
Tiahrt
Tiberi
Toomey
Towns
Traficant
Turner
Upton
Visclosky
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watts (OK)
Weldon (FL)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)

NOT VOTING—4

Hutchinson
Norwood
Spence
Stark

□ 1744

Mrs. MEEK of Florida changed her vote from ''aye'' to ''no.''

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

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 5 OFFERED BY MR. GREEN OF TEXAS

The CHAIRMAN pro tempore (Mr. LATOURETTE). The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Texas (Mr. GREEN) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 154, noes 275, not voting 4, as follows:

[Roll No. 312]

AYES—154

Armey
Bachus
Baker
Bartlett
Barton
Bass
Bentsen
Bereuter
Berry
Biggert
Bilirakis
Boehner
Bonilla
Boswell
Brady (TX)
Brown (OH)
Brown (SC)
Burr
Buyer
Camp
Cannon
Castle
Chabot
Clay
Coble
Collins
Combest
Cramer
Crane
Cubin
Culberson
Davis, Jo Ann
Deal
DeLay
DeMint
Diaz-Balart
Dingell
Duncan
Edwards
Ehrlich
Evans
Everett
Fossella
Gekas
Gilchrest
Gillmor
Gilman
Gonzalez
Goss
Graham
Granger
Green (TX)
Gutknecht
Hall (TX)
Hansen
Hart
Hayes
Hayworth
Hefley
Hoekstra
Hostettler
Houghton
Isakson
Istook
Jackson-Lee (TX)
Jenkins
John
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Kerns
King (NY)
Kingston
Kirk
Kolbe
LaHood
Lampson
Largent
Lewis (KY)
Linder
Lucas (KY)
Lucas (OK)
Manzullo
McCollum
McCrery
McHugh
McKinney
Miller (FL)
Myrick
Nethercutt
Ney
Northup
Nussle
Ortiz
Otter
Oxley
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Pryce (OH)
Putnam

Regula
Reyes
Riley
Ros-Lehtinen
Rush
Ryun (KS)
Sandlin
Sawyer
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shimkus
Shows
Shuster
Skeen
Smith (TX)
Souder
Stearns
Stenholm
Sununu
Sweeney
Tancredo
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thornberry
Tiahrt
Tiberi
Toomey
Turner
Upton
Vitter
Walden
Wamp
Watkins (OK)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wilson
Wolf
Woolsey
Young (AK)
Young (FL)

NOES—275

Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Becerra
Berkley
Berman
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Bonior
Bono
Borski
Boucher
Boyd
Brady (PA)
Brown (FL)
Bryant
Burton
Callahan
Calvert
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Chambliss
Clayton
Clement
Clyburn
Condit
Conyers
Cooksey
Costello
Cox
Coyne
Crenshaw
Crowley
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Doggett
Dooley
Doolittle
Doyle
Dreier
Dunn
Ehlers
Emerson
Engel
English
Eshoo
Etheridge
Farr
Fattah
Ferguson
Filner
Flake
Fletcher
Foley
Forbes
Ford
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gephardt
Gibbons
Goode
Goodlatte
Gordon
Graves
Green (WI)
Greenwood
Grucci
Gutierrez
Hall (OH)
Harman
Hastings (FL)
Hastings (WA)
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Holden
Holt
Honda
Hooley
Horn
Hoyer
Hulshof
Hunter
Hyde
Inslee
Israel
Issa
Jackson (IL)
Jefferson
Johnson (CT)
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kleczka
Knollenberg
Kucinich
LaFalce
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller, Gary
Miller, George
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Osborne
Ose
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Phelps
Platts
Pombo
Pomeroy
Portman
Price (NC)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Rehberg
Reynolds
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ross
Rothman
Roukema
Roybal-Allard
Royce
Ryan (WI)
Sabo
Sanchez
Sanders
Saxton
Schakowsky
Schiff
Schrock
Scott
Serrano
Shays
Sherman
Sherwood
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Strickland
Stump
Stupak
Tauscher
Thomas
Thompson (CA)
Thompson (MS)
Thune
Thurman
Tierney
Towns
Traficant
Udall (CO)
Udall (NM)
Velazquez
Visclosky
Walsh
Waters
Watson (CA)
Watt (NC)
Waxman
Weiner
Wexler
Wicker
Wu
Wynn

NOT VOTING—4

Hutchinson
Norwood
Spence
Stark

□ 1755

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN pro tempore. It is now in order to consider amendment No. 6 printed in Part B of House Report 107–178.

AMENDMENT NO. 6 OFFERED BY MR. COX

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

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 offered by Mr. COX:

In Division A, at the end of title VI, insert the following new section and make the necessary conforming changes in the table of contents:

SEC. 605. CALIFORNIA REFORMULATED GAS RULES.

Section 211(c)(4)(B) of the Clean Air Act (42 U.S.C. 7545(c)(4)(B)) is amended by adding the following at the end thereof: ''Whenever any such State that has received a waiver under section 209(b)(1) has promulgated reformulated gasoline rules for any covered area of such State (as defined in subsection (k)), such rules shall apply in such area in lieu of the requirements of subsection (k) if such State rules will achieve equivalent or greater emission reductions than would result from the application of the requirements of subsection (k) in the case of the aggregate mass of emissions of toxic air pollutants and in the case of the aggregate mass of emissions of ozone-forming compounds.''.

The CHAIRMAN pro tempore. Pursuant to House Resolution 216, the gentleman from California (Mr. COX) and a Member opposed each will control 15 minutes.

Mr. BARTON of Texas. Mr. Speaker, I claim the time in opposition to the Cox amendment.

The CHAIRMAN pro tempore. Without objection, the gentleman from Texas (Mr. BARTON) will control the 15 minutes in opposition.

There was no objection.

Mr. BARTON of Texas. Mr. Chairman, I ask unanimous consent that the gentleman from Texas (Mr. GREEN) be allocated 5 minutes of the time that I control in opposition and that the gentleman be allowed to yield time.

The CHAIRMAN pro tempore. Without objection, the gentleman from Texas (Mr. GREEN) will have 5 minutes and will have the ability to allocate time.

There was no objection.

Mr. COX. Mr. Chairman, I ask unanimous consent that of my 15 minutes, 7½ minutes be allocated to the gentleman from California (Mr. WAXMAN), and that he be able to allocate the time as he sees fit.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The CHAIRMAN pro tempore. The gentleman from California (Mr. COX) will control 7½ minutes, the gentleman from California (Mr. WAXMAN) will control 7½ minutes, the gentleman from Texas (Mr. BARTON) will control 10 minutes, and the gentleman from Texas (Mr. GREEN) will control 5 minutes.

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

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

Mr. Chairman, the amendment that I am offering today is being offered on behalf of all 52 members of the California delegation who have sponsored legislation authored by my colleague, the gentleman from California (Mr. ISSA) and the gentlewoman from California (Ms. ESHOO).

This amendment is coauthored by the gentleman from California (Mr. WAXMAN) and myself as members of the Committee on Energy and Commerce. We had a chance in committee to consider this amendment, and, as we bring it to the floor, it will apply as a first step only to the State of California, but it is a very important issue for the entire country.

□ 1800

Mr. Chairman, since 1990, the Federal Government has specified the recipe for clean gasoline. In 1990, it was thought that adding oxygenates to gasoline was the best way to clean up the air, to reduce something. But a lot has happened since 1990. We in California and people across the country are finding ways to reduce something and toxic air emissions far more significantly than is required by Federal law. We can beat and exceed Federal standards.

In addition to cleaner air, California wants new gasoline that will produce cleaner water, because some of the additives to gasoline can pollute the groundwater. Unfortunately, the Federal Government is still stuck back 11 years ago in 1990.

We are specifying not only the level of cleanliness that we wish to achieve, but also the recipe for getting there, and this amendment will eliminate a mandate, it will eliminate a mandate that says we have to use, in effect, ethanol or a chemical called MTBE. There is nothing, if this amendment becomes law, that will prevent us from continuing to use those ingredients or anything else in our gasoline, provided that we meet or exceed Federal clean air standards.

But California cannot move forward with our cleaner gasoline program under existing law. Without a change in this, by technology standards, ancient rule, California's air and water quality will suffer, and motorists will

suffer too, because we will be paying at least 5 cents more per gallon due to the local shortage of oxygenate substitutes for MTBE, which is being phased out in California.

We may hear during debate that if we do not have this mandate from the Federal Government on our States, that somehow, environmental quality will suffer, but the language of the amendment makes it clear that the contrary is the case. The language in the amendment states clearly that California will get a waiver from this 1990 rule, the 2 percent oxygenate rule only if the gasoline we use in our State will achieve quote, ''equivalent or greater emissions reductions than are required by Federal law.''

It seems unlikely in the extreme, Mr. Chairman, that were this anything but an environmentally friendly amendment, we would have the endorsements of the American Lung Association, the Sierra Club, the Natural Resources Defense Council, the National Environmental Trust, the U.S. Public Interest Research Group, and dozens of other environmental organizations.

We also have the support of governors in the States who are trying to do a better job, and I would like to conclude my brief remarks by reminding at least the Republicans among us of this provision in the 2000 Republican platform: ''As the laboratories of innovation, States should be given flexibility, authority and finality by the Federal Government when it comes to environmental concerns.'' That has been President Bush's policy, that should be our policy.

Let us give the governors the tools that they need to clean up our air and water, and let us repeal this Federal mandate.

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

Mr. BARTON of Texas. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Illinois (Mr. SHIMKUS).

Mr. SHIMKUS. Mr. Chairman, allowing California to be exempt from the requirements of the Clean Air Act by allowing them to opt out of the reformulated gasoline program will not only have detrimental impacts on the State of California, but the rest of the country as well.

After extensive analysis, the EPA concluded there is significant uncertainty over the change in emissions that would result in granting a waiver to California from the Federal oxygen content requirement. Specifically, the EPA determined that there is no evidence that a waiver will help California reduce harmful levels of pollutants.

Adding 2 percent oxygen reduces the amount of carbon that is released into the air by 10 percent when gasoline is burned. Eliminating the oxygenate requirement would increase carbon monoxide emissions by up to 593 tons per day in California alone, according to the California Air Resources Board.

In addition, in order to make gasoline burn cleaner without using oxygenates, refiners would have to add other additives, such as toluene, which increases exhaust emissions of benzene, and benzene is a known human carcinogen.

Furthermore, with respect to supply, if California is allowed to waive the oxygenate requirement of the RFG program, the State will need to come up with an additional 1.4 billion gallons of gasoline a year to fill the lost volume. We all see how hard it is to come up with 500,000 barrels a day more from OPEC; imagine trying to get 4 million gallons a day just for California alone. The States around California like Arizona, Oregon, Nevada and Washington would see their gasoline drained and flown into California because of the higher gasoline prices in California.

Simply put, this amendment is bad for the environment because it would increase harmful emissions. It is bad for consumers because it would restrict supply and cause higher prices around the country, and it is bad for our national security because it would force us to rely more heavily on OPEC.

This amendment is a lose-lose for everyone.

Mr. WAXMAN. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, what we would have liked to do is to offer an elimination from the law, the Federal law, that tells States they have to follow a specified formula for their gasoline to be reformulated in the most polluted areas. The existing law says they have to have an oxygenate requirement met.

When the law was adopted in 1990, we thought that was the only way to get the environmental standards. But what we have learned is that to meet that requirement, the gasoline has to be either used with MTBE, which turns out to be a hazard for drinking water; or they have to use an oxygenate, a grain substitute, and that can be very expensive, it is not necessary, and we have also found out that it could keep the air dirtier.

So what we would like to have done is just wipe out the oxygenate requirement and let the States decide the matter for themselves. Who needs Washington to decide these issues for us? If we are going to achieve the environmental standards, let the States make their own decision how they want their gasoline to be reformulated.

But we were not allowed to offer an amendment that broadly. This applies only to California. For those who would like to have the same treatment for their States, vote with us, because the next thing we will have is an elimination from this requirement in the Northeast, where they do not want to have to use MTBE, and other places where they do not want Washington telling them how to make their reformulated gasoline.

If we do not pass this amendment, we are going to have dirtier air; it is not necessary to put in the oxygenate. It is going to make the gasoline more expensive. It could lead to an interruption in supply because we are going to have to import ethanol to replace MTBE, and it balkanizes our fuel supply.

So I urge support for the Cox amendment.

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

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

I rise in opposition to the Cox amendment to lift the fuel oxygen standard for the State of California, and I believe it is bad energy policy plus environmental policy. It moves our country precisely in the opposite direction from the energy legislation we are considering today.

The amendment would lift the fuel oxygen standard, but only in the State of California. From the last amendment, we found out that California did not want to be treated differently on their pipelines, but they want to be treated differently on the oxygenate standard. The proponents of the bill argue that California deserves special treatment because of the underlying quality of California fuel; however, this approach is misguided.

I will just talk about the supply problem. This amendment would seriously disrupt the price and supply situation. As oxygenates leave the market, we can expect prices to increase. In fact, we have a memo that Senator WYDEN recently brought to our attention from a refiner on the West Coast when he learned that the amendment would increase prices. The memo says, ''West Coast surplus refining capacity results in very poor refinery margins and very poor financial results. Significant events need to occur to assist in reducing supplies or increase the demand for gasoline. One example of the event would be the elimination of the mandates for oxygenate in addition to gasoline,'' and I am quoting from that memo. ''Given the choice, oxygenate usage would go down and gasoline supplies would go down accordingly.''

Mr. Chairman, that memo is from a refiner who would increase prices as they reduce the oxygenate requirement. That is why I am concerned. The California gas prices are already the highest in the Nation, and by reducing the amount of oxygenates in there, we would see an increase in their price.

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

Mr. COX. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. DREIER), the chairman of the Committee on Rules.

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

Mr. DREIER. Mr. Chairman, from this point forward, let no one say that the wonderfully diverse California congressional delegation, 52 members strong, cannot come together and unite

around a very important issue. Cleaning up our environment and doing everything that we possibly can to decrease energy costs is what this amendment that my friends from the Committee on Energy and Commerce led by the gentlemen from California and others from the California delegation are pursuing.

This is not simply a California issue. We have States all across the country that are very interested in this. Washington, New Hampshire, Maine, New York, Arizona, New Jersey, Minnesota, Pennsylvania, Connecticut and South Dakota, among others, are very interested in seeing us do this.

I happen to represent the Los Angeles Basin area that is impacted by groundwater contamination, and all of us in California are concerned about air quality. By proceeding with this amendment, we have a chance to dramatically improve the groundwater, drinking water in California, and our air quality. It is the right thing to do. We should have strong bipartisan support, beginning with California, spreading all across the country.

Mr. BARTON of Texas. Mr. Chairman, I ask unanimous consent that the gentleman from Texas (Mr. GREEN) have an additional 2½ minutes of my 10 minutes that he can control.

The CHAIRMAN pro tempore (Mr. LATOURETTE). Is there objection to the request of the gentleman from Texas?

There was no objection.

The CHAIRMAN pro tempore. The gentleman from Texas (Mr. GREEN) will control 5½ minutes, and the gentleman from Texas (Mr. BARTON) has 5½ minutes remaining.

Mr. BARTON of Texas. Mr. Chairman, I yield 1 minute to the gentleman from Iowa (Mr. LATHAM).

Mr. LATHAM. Mr. Chairman, I thank the gentleman for yielding time.

I would just like to make a few points here as to why I think this is a really bad idea. Everyone believes that we have to protect the environment. A lot of folks have real concerns about the ozone layer being depleted. If this amendment goes through, we will have additional depletion of the ozone layer.

We will put about 593 tons of carbon monoxide into the air every day in California. We will raise the cost of a gallon of gasoline in California 2 to 3 cents with the reformulated gas they are talking about. I think it is actually a matter of fairness. I say to my colleagues, I do not believe that one State should be exempted from the law of the land.

A lot of folks here do not have any big problems with national mandates in telling everyone what they can and cannot do at home until it gets to the point where they do not like it themselves. I mean, a lot of the folks here are talking kind of like we will mandate this, but we will not mandate that.

Mr. Chairman, it is simply wrong. We have to stop our dependency on foreign oil and this would be a real step backwards if we did this.

Mr. WAXMAN. Mr. Chairman, I yield 1½ minutes to the gentlewoman from California (Ms. ESHOO).

Ms. ESHOO. Mr. Chairman, I thank the gentleman for yielding time, and I rise with all of my California colleagues today in support of this amendment.

Now, what would bring the entire delegation together? We want to rid ourselves of MTBE. It causes cancer in animals; it can cause cancer in people. It has contaminated 10,000 groundwater sites in California, and knowing this, California is attempting to eliminate MTBE from its fuel supply by 2003. Sounds simple, makes sense, both for the environment and for human beings.

So what is going on? Why do all Members of Congress not want to recognize that?

□ 1815

Well, others want ethanol. Ethanol is going to be the monopoly of choice for California. Why? Because we tried to get a waiver from the administration. They said, it is either poison or pollution.

So today the delegation is saying to all States in the Congress, all Representatives in this House, is it not fair to exercise a choice while still maintaining the highest standards of the Federal Clean Air Act? That is what this debate is about.

So for those who are interested in competition, they should be voting with us, because if they vote against it, they are in support of a monopoly.

I congratulate my colleagues from Texas and those from the Midwest. Of course they want a monopoly, either for MTBE or for ethanol. What we are talking about is exercising good judgment, not placing this kind of a burden on Californians or other States, and asking them to give us a choice. Vote for this amendment. It is a good, solid one.

Mr. GREEN of Texas. Mr. Chairman, I yield 1 minute to my colleague, the gentleman from Texas (Mr. BENTSEN).

Mr. BENTSEN. I thank the gentleman for yielding time to me, Mr. Chairman.

The essence of this amendment is that the State of California is trying to secede from the Clean Air Act. I do not know if that is the intent, but that is what will happen if we allow that. I think that is grossly unfair.

Mr. Chairman, in my hometown city of Houston we are having to deal with the fact that we are a nonattainment area under the Clean Air Act. We are not down here on the floor asking for some special exemption because we cannot come into compliance, or we have to make difficult choices between point source and nonpoint source emissions. We are trying to deal with it, and we are going to deal with it.

But what the Californians want to do is to have a separate deal from the other 49 States by being exempted when in fact they have the opportunity, the Governor has the opportunity, to waive the ban that the State has imposed while the EPA, which started under the Clinton administration, has started the process of reviewing the effects of MTBE on ground water.

What they have found is MTBE does clean the air, and they are reviewing this. But we should not give a special deal to one State.

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

Mr. BARTON of Texas. Mr. Chairman, I yield such time as he may consume to the gentleman from Michigan (Mr. SMITH).

(Mr. SMITH of Michigan asked and was given permission to revise and extend his remarks.)

Mr. SMITH of Michigan. Mr. Chairman, I ask that we vote against this motion to allow the State of California to be the only State exempted from the Clean Air Act.

Mr. Chairman,I rise in strong opposition to this amendment.

I find it is ironic that the California delegation, which fought so hard for the Clean Air Act provisions, should now ask this body to exempt their state from those requirements. For example, during the debate of the Clean Air Act amendments in 1990, the gentleman from California, Mr. WAXMAN, said "One of the most important provisions of the clean air bill is the provision requiring reformulation of conventional gasoline."

The Environmental Protection Agency already denied California's appeal for a waiver. The EPA has determined that the addition of oxygen to gasoline improves air quality by improving fuel combustion and displacing more toxic gasoline components.

Ethanol, a clean-burning, renewable, oxygen-rich fuel can help California meet the Clean Air Act requirements and help American farmers at the same time. Ethanol is a fuel that reduces carbon emissions, reduces smog, reduces particulate, and expands the domestic fuel supply by more than 300 million gallons.

A much better approach would be to adopt fuel performance standards, not specific fuel formulations, to meet emissions reduction targets. But these performance standards should apply in the entire country. This is the debate Congress should be having, not one on a special carve-out for just one state.

I urge my colleagues to vote "no" on this amendment.

Mr. BARTON of Texas. Mr. Chairman, I yield 1 minute to the gentleman from Indiana (Mr. BUYER).

Mr. BUYER. Mr. Chairman, I rise in opposition to the amendment eliminating the oxygenates requirement in reformulated gasoline. If this amendment is adopted, it will be bad for the environment, bad for consumers, and bad for our energy policy.

Stand for clean air, clean water, and help our farmers. The supporters of the amendment are concerned about the fuel additive MTBE and its pollution of drinking water, and they have a right to be concerned. But we should not throw out the oxygenate requirement just because of the MTBE problems, especially when there is plenty of clean-burning low-cost ethanol to meet the

requirement. There are plenty of corn growers prepared to help.

Some people are saying that using ethanol will lead to shortages and higher prices. I would like to put their minds at ease and assure them, there is plenty of ethanol to go around, and ample shipping and storing capacity to accommodate the additional 600 million gallons of ethanol California will need. In fact, by 2003, more than 2 billion gallons of new ethanol production capacity will be online.

Mr. Chairman, the oxygen requirement is important to protect our environment. The use of ethanol to meet the requirement is good energy policy. It would help save America's family farms.

PREFERENTIAL MOTION OFFERED BY MR. ISSA

Mr. ISSA. Mr. Chairman, I offer a preferential motion.

The CHAIRMAN pro tempore (Mr. LATOURETTE). The Clerk will report the preferential motion.

The Clerk read as follows:

MOTION TO STRIKE THE ENACTING CLAUSE

Mr. ISSA moves that the Committee do now rise and report the bill back to the House with the recommendation that the enacting clause be stricken out.

The CHAIRMAN pro tempore. The gentleman from California (Mr. ISSA) is recognized for 5 minutes on his motion.

Mr. ISSA. Mr. Chairman, I rise today in total opposition to the absence of fair play that we see here on the floor today.

In America, in the America I grew up in, we set goals, we set standards when necessary; but we do not tell people how to achieve those goals. When we tell people in America how to achieve goals, we cut down on innovation; we cut down on the ability for Americans to look at a problem and a hurdle and accomplish it.

There was no predetermination in America that we would go to the Moon in a three-man capsule. When, in the heart of World War II, we set our determination to develop a nuclear weapon, we did not do it easily; and we did not do it with a blueprint that said, you will do it only this way. As a matter of fact, we reached two solutions and used both.

America has a long tradition of setting a goal and asking the business community and hard-working entrepreneurs to innovate to find solutions. Here today, in this debate, all California is asking for, and ultimately every American, is the ability to free up private enterprise to find solutions, solutions that hopefully do a better job to meet the higher standards that California has set for clean air; to retain the important clean-water standards we are not able to retain today because we are forced to use MTBE, that has been found to be a carcinogen and has been found to pollute the water of California.

Mr. Chairman, all California, and the rest of America, want and need today is the ability to say that there may be another solution, and ''Let's go look for it.''

Mr. Chairman, I ask the Members, out of fairness and out of a sense of the way America has always done business, to correct this past mistake that set specific solutions instead of proper goals. I would hope that this body would recognize that it is un-American to set these kinds of specific standards. Instead, let us set goals.

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

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

Mr. WAXMAN. Mr. Chairman, I thank the gentleman for yielding. I think it is worth emphasizing the point that California will have to meet the clean air standards that are set for the country. In fact, we even have more stringent standards.

Some previous speakers have talked as if we want to get out from under the clean air requirements to protect the environment. We are going to meet the clean air standard; but we do not want to be told by Washington that we have to either use MTBE, which gets into our drinking water, and we do not want to use that; or we have to go into the Midwest and buy ethanol, when we can reformulate our own gasoline in California that will burn clean enough to meet the clean air standards.

We want to be able to make decisions for ourselves; and after we get that, we want other States to have that, as well. We would have preferred to have an amendment that would have covered everybody at once, but start with California.

Do not tell California how to handle our own gasoline, to have balkanized fuels. We want one fuel in California that will clean up the air in the State, and not have to use ethanol to benefit Archer Daniels Midland in the Midwest, or MTBE to benefit some of the manufacturers in Texas. We want to handle our own affairs for ourselves.

Mr. ISSA. The gentleman has made a very good point, that this is all about the greenest State in America, the greenest State in America asking for this ability. I hope the Members will consider it.

Mr. BARTON of Texas. Mr. Chairman, I rise in opposition to the pending Issa motion.

The CHAIRMAN pro tempore. The gentleman from Texas is recognized for 5 minutes in opposition to the motion.

Mr. BARTON of Texas. Mr. Chairman, I hope at the appropriate time the gentleman from California will withdraw this motion that the committee do now rise.

I want to put into the RECORD a letter that has just arrived to the chairman of the full committee, the gentleman from Louisiana (Mr. TAUZIN), dated today, August 1, from the administrator of the Environmental Protection Agency, the Honorable Christine Todd Whitman.

I want to read from that letter that says: ''The Bush administration strongly opposes this amendment. The Federal RFG program has been an extremely successful and a cost-effective program that has provided substantial air quality benefits to millions of people throughout the country. The program also has encouraged the use of renewable fuels and has the potential to enhance energy security. Although we recognize that California and other States have raised concerns about certain aspects of the RFG program, we believe these concerns must be addressed carefully and comprehensively in order to preserve the benefits of the program and avoid further proliferation of boutique fuels.''

Mr. Chairman, I include this letter from Administrator Whitman in the RECORD.

The letter referred to is as follows:

U.S. ENVIRONMENTAL PROTECTION AGENCY,
Washington, DC, Aug. 1, 2001.

Hon. W. J. TAUZIN
Chairman, Committee on Energy and Commerce, U.S. House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: I understand that an amendment to H.R. 4 may be offered that would allow the State of California to adopt a reformulated gasoline (RFG) program separate from the Clean Air Act's RFG program. The Bush Administration strongly opposes this amendment. The Federal RFG program has been an extremely successful and cost-effective program that has provided substantial air quality benefits to millions of people throughout the country. The program also has encouraged the use of renewable fuels and has the potential to enhance energy security. Although we recognize that California and other states have raised concerns about certain aspects of the RFG program, we believe that these concerns must be addressed carefully and comprehensively in order to preserve the benefits of the program and avoid further proliferation of boutique fuels.

I want to assure you that, pursuant to the Administration's National Energy Policy report and consistent with the provisions of H.R. 4, EPA, along with the Department of Energy and other agencies, is examining these issues and exploring ways to increase the flexibility of the fuels distribution infrastructure while advancing our goals for clean air. This comprehensive review of Federal and State fuel programs will allow the Administration and the Congress to better understand, and thus, more effectively address, any concerns with the federal RFG program.

The proposed amendment is apparently intended to waive, for the State of California only, the so-called oxygenate requirement in the RFG program. The Clean Air Act already includes a provision that allows the Administrator of the Environmental Protection Agency (EPA) to waive this requirement upon a showing that the requirement would interfere with a state's ability to meet national ambient air quality standards. As you know, California requested such a waiver, and I denied the request because of uncertainty over the change in emissions that would result from such a waiver.

Some advocates of the amendment support their position by citing a draft EPA document concerning California's waiver request. That document contained a number of uncertainties and was never finalized. After further evaluation by EPA staff, I determined that the data did not support California's waiver request. That draft document is no longer relevant and is not an accurate reflection of EPA's position.

I appreciate your attention to these issues as you consider amendments to H.R. 4.

Sincerely yours,

CHRISTINE TODD WHITMAN.

Mr. Chairman, I yield to the gentleman from Minnesota (Mr. GUTKNECHT).

Mr. GUTKNECHT. Mr. Chairman, I thank the gentleman for yielding to me.

I just want to clarify something that has been circulated on the floor of the House. Supporters of the Cox-Waxman amendment mentioned in a Dear Colleague that Minnesota and other States have already banned the use of MTBE.

While we always appreciate support for our environmental achievements in Minnesota, I want to make this very clear and set the record straight. Minnesota does restrict the use of MTBE, but we ensure air quality by maintaining a 10 percent blend of clean-burning ethanol gasoline.

Congress and California should follow Minnesota's lead. Let us continue to maintain air quality, decrease dependence on foreign oil. Please, vote ''no'' on the Cox-Waxman amendment.

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

Mr. Chairman, I would hope the gentleman would withdraw his motion.

Mr. ISSA. Mr. Chairman, I ask unanimous consent to have the motion withdrawn.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from California?

Mr. WAXMAN. Reserving the right to object, Mr. Chairman, I want to use this time reserving the right to object on this unanimous consent request to address the remarks by the gentleman from Minnesota, who said his State decided to use a blend of ethanol, 10 percent, in their gasoline.

I applaud that. The State of Minnesota can make its decision for itself. If they are happy with that decision, fine. But we should not deny the State of California the same ability to make our own choice for fuels. I think we ought to let every State make the decision.

I have heard over the years Republicans say, and I have learned from them, that ''We do not have all the wisdom here in Washington. We do not have to make the decisions for every State here in Washington. There are some decisions the States can make for themselves,'' as long as they are meeting the environmental standards, which we set out in the Federal law.

So I applaud Minnesota if that is what they want to do. It is their choice. Let California and other States make our choice. Do not force us either to use MTBE, which we will not use because it damages our drinking water, or have to import ethanol at a great expense with a possible interruption of supply when it will even make the air dirtier, the way we see it in California, than what we would get if we had one reformulated gasoline.

Mr. BARTON of Texas. Mr. Chairman, reclaiming my time, if we are going to continue to debate it, I have people who want to debate it. This is a device used to get an extra 5 minutes, I understand that. But if we are going to continue to do that, I will reclaim my time and use it in opposition to the amendment.

I recognized the gentleman for a unanimous consent request to withdraw his motion.

Mr. ISSA. If the gentleman will yield, Mr. Chairman, I have made that.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from California?

Mr. WAXMAN. Mr. Chairman, I withdraw my reservation of objection.

Mr. GREEN of Texas. Mr. Chairman, reserving the right to object, we have lots of speakers who did not speak and we did not have enough time.

PARLIAMENTARY INQUIRY

Mr. COX. Mr. Chairman, I just wondered whether we were speaking on the time of the gentleman from Texas, or whether we were speaking on a reservation of objection.

The CHAIRMAN pro tempore. The time of the gentleman from Texas (Mr. BARTON) has expired. We now have the pending request of the gentleman from California (Mr. ISSA) to withdraw by unanimous consent his motion to strike the enacting clause and a reservation of objection thereto.

Is there objection to the request of the gentleman from California?

Mr. COX. I object, Mr. Chairman, and rise in opposition to the motion.

The CHAIRMAN pro tempore. The gentleman from California (Mr. COX) objects to the request of the gentleman from California (Mr. ISSA)?

Mr. COX. Yes.

Mr. Chairman, I withdraw my objection.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The CHAIRMAN pro tempore. The motion of the gentleman from California (Mr. ISSA) is withdrawn.

The Committee will proceed now in regular order.

The gentleman from California (Mr. WAXMAN) will be recognized and has 4 minutes remaining.

Mr. WAXMAN. Mr. Chairman, I yield 1½ minutes to the gentlewoman from California (Mrs. CAPPS).

Mrs. CAPPS. Mr. Chairman, I thank my colleague for yielding time to me.

Mr. Chairman, I rise in strong support of this bipartisan amendment. As we all know, MTBE contaminates ground water, making it smell and taste like turpentine. This is costing communities across the country millions of dollars to clean up or identify new drinking water sources.

But this is no secret. In fact, just this week this House adopted my amendment to increase Federal efforts for MTBE cleanup, and this very bill contains my legislation to allow $200 million to be spent on MTBE cleanup.

□ 1830

So, clearly, there is a problem with MTBE.

California, followed by an increasing number of States, has banned MTBE as a gasoline additive. But without a waiver from clan air standards requiring oxygenates in gas, California will have to import huge amounts of ethanol. That, of course, is good news for Midwestern farmers, but it is bad news for California consumers. In fact, it will likely raise the price of gasoline by 10 to 20 cents a gallon for absolutely no reason.

California refineries have demonstrated they can make clean burning gas without ethanol or MTBE. I would not support waiving the oxygenates requirement if they could not. We are not, as has been clearly stated, asking for a waiver from EPA standards. We are asking for a waiver on the method of how to achieve those standards. This is a matter of local control, of States' rights; and I urge my colleagues to support this amendment.

The CHAIRMAN pro tempore (Mr. LATOURETTE). The gentleman from Texas (Mr. GREEN) has 4½ minutes remaining.

Mr. GREEN of Texas. Mr. Chairman, I yield 1½ minutes to the gentleman from Louisiana (Mr. JOHN).

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

Mr. JOHN. Mr. Chairman, I rise in opposition to the Cox-Waxman amendment. This debate should not be about an oxygenate waiver. This debate should be about fixing the underground storage tanks not only in California but all over the country.

Instead of addressing the leaking underground storage tank problem, which has allowed MTBEs to enter the water supply, California has chosen to ban it. Now that the State of California is faced with the prospect of increased costs to comply with the Clean Air Act, it is proposing to toss out the oxygenate requirements to solve their fiscal concerns. Well, H.R. 4 already authorizes $200 million for the leaking underground storage trust fund for assessment, for corrective action, inspection, and monitoring activities to address California's concerns.

I commend the efforts of our Nation's refineries to develop clean burning fuel, but today California cannot meet the same level of air quality with these blends that it would otherwise with oxygenated fuels. If we adopt this amendment today, we will open the floodgates for other States to opt out of the oxygenate requirements, and decades and decades of progress that we have made to improve America's air quality will be undone.

The House Committee on Energy and Commerce has already voted down a very similar amendment. Do not backslide the progress that we have made on improving America's air quality. Please vote ''no'' on the Cox-Waxman amendment.

Mr. BARTON of Texas. Mr. Chairman, I yield 1 minute to the gentleman from Nebraska (Mr. OSBORNE), the only Member of Congress who has won a national championship.

Mr. OSBORNE. I hope I win a national championship for ethanol real quick like here.

Mr. Chairman, I rise in opposition to the Cox-Waxman amendment. According to the California Air Resources Board, a California agency, replacing MTBE, about which we have heard a great deal today, with ethanol, will reduce carbon emissions by 530,000 tons a year, which is a 35 percent reduction. According to the California Energy Commission, a California agency, ethanol will reduce the price of gasoline two to three cents per gallon in California.

And this is something I want to make sure everybody hears. The institute for Local Self-Reliance states that using California agricultural products, rice stocks, corn, fruit waste, California can produce between 500 and 900 million gallons of ethanol per year, worth $1 billion to their agriculture industry. They do not have to import ethanol. It is not a Midwest deal. It should not be an issue. The money stays in the United States.

Ethanol produces over $4 billion of income for the farm economy in the United States. I urge opposition to this amendment.

Mr. COX. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. OSE), chairman of the Subcommittee on Environment, Resources and Agriculture of the House Policy Committee.

Mr. OSE. Mr. Chairman, I rise in support of the Cox amendment to repeal the ethanol and MTBE mandate. The reason I do is very clear. Number one, I do not want to drink polluted water; I do not want to drink water that has poison in it.

Now, the studies we have done in our subcommittee indicate very clearly that as we phase out MTBE in California, between now and the time we phase it out, there is no way ethanol production can come up to the level we need to meet our gap. No way. Plenty of corn, plenty of farmers growing it, but no way to process it to ethanol to get it to California to address our needs.

One of the interesting aspects that I have discovered across this country is that we have 38 different types of fuel used to propel our vehicles, 38 different formulas. Some use ethanol, some use burn rates that are higher or lower, some use reformulated gasoline. There is no guarantee here that we are going to buy more corn to make ethanol to ship to California.

All we are asking for, plain and simple, is the opportunity to use science and technology to address our air quality concerns in the chemical composition of our fuel and how it affects our air quality. That is all we are asking for. We are not asking for special treatment. We are still going to comply with the air quality requirements in the Clean Air Act.

The fact of the matter is the clean air requirements that exist in California exceed the clean air requirements in the other 49 States. We have a higher standard. We are asking for the freedom to do that using current science and technology.

Mr. Chairman, I want to close with one particular point. Last week, we were out here voting on some things, maybe it was the week before, where down in Florida they did not want to drill off the coast of Florida, or over in Michigan where they did not want to drill in Lake Michigan. I looked up at that board, and I saw all the Florida Members up there voting against that and thought, maybe I ought to respect that. And I looked at the Michigan Members, and I suggested to myself that before I voted I ought to respect the Michigan Members too. California wants that same level of respect. Vote ''yes'' on this amendment.

PREFERENTIAL MOTION OFFERED BY MR. THOMAS

Mr. THOMAS. Mr. Chairman, I move to strike the enacting clause.

The CHAIRMAN pro tempore. Does the gentleman move that the committee do now rise and report the bill to the House with a recommendation that the enacting clause be stricken?

Mr. THOMAS. I believe there is time left in the debate.

The CHAIRMAN pro tempore. If the gentleman is attempting to offer a pro forma amendment, the time is controlled on this amendment.

Mr. THOMAS. The time is controlled?

The CHAIRMAN pro tempore. Yes, sir.

Mr. THOMAS. I cannot gain time by moving to strike the enacting clause?

The CHAIRMAN pro tempore. The gentleman cannot gain time by offering a pro forma amendment.

The gentleman moves that the committee do now rise and report the bill to the House with a recommendation that the enacting clause be stricken.

Mr. THOMAS. Pending that, I would move the enacting clause be stricken.

The CHAIRMAN pro tempore. The gentleman is recognized for 5 minutes on the preferential motion.

Mr. THOMAS. I do apologize to some of my colleagues.

Mr. TAUZIN. Parliamentary inquiry, Mr. Chairman. What is the motion before us?

Mr. THOMAS. The motion is that we do now rise, but pending that, we strike the enacting clause, which allows me to debate the issue.

I apologize to the chairman as well.

In this debate there are individuals who have gotten a little carried away with the concept of oxygenated fuel, because the rise of an oxygenated fuel is twofold. One, there is clearly a subsidy to America's farmers. And if we discuss using ethanol because it assists corn growers and it is a subsidy to farmers, then I think that is a legitimate debate. But if we are going to discuss using ethanol because of its superior qualities in a fuel for cars, then I think we need to take a look at the technology that has developed over the last 20 years and the way in which automobiles now function versus the way automobiles functioned at the time ethanol became a ''fuel additive,'' putting oxygen in the gasoline itself.

In an open-looped automobile there is a carburetor or fuel injection, and it is basically a self-regulating structure of air coming in, mixing with the fuel, going into the chamber, firing, and going out the exhaust. If we can enhance the burning quality of that mixture by putting oxygen in the fuel, we can actually get a cleaner burning fuel, and we can even improve the mileage. The problem is technology has carried us far beyond that today. We have closed-loop automobiles. There are very few open-loop automobiles around.

What in the world is a closed-loop automobile? Most of my colleagues have an oxygen sensor in their exhaust system. The oxygen sensor examines the mix after the combustion; and it says, there is too little oxygen, there is too much oxygen. The message from the oxygen sensor goes to a computer and the computer regulates the amount of air or the amount of fuel coming in to the chamber. It does not go outside. It is a closed loop. And if the message is there is too much oxygen in the fuel, the computer does what? It puts more fuel into the mix. Why? Because there is too much oxygen. Air.

Except the oxygen is in the fuel. And so we consume more fuel than we would have otherwise in a closed-loop automobile, and we do not necessarily get cleaner burning because the oxygen sensor is trying to regulate the fuel air mixture. When I say air, think of oxygen. But we have put oxygen in the fuel, and what happens is we wind up consuming more fuel than we otherwise would. We do not get as many miles per gallon. And if we are burning more fuel per mile, we are increasing the emissions.

Now, at some point, maybe we can have an objective discussion of fuel mileage and the way in which we are treating our fuels. We have more than three dozen fuels all over the country in an attempt to micromanage the quality of the air. Most of them do more damage than would otherwise be the case with the automobiles that we currently use. So at some point I am looking forward to a debate about whether or not we ought to subsidize America's corn growers by putting ethanol in gasoline. But it is not an argument that it is cleaner burning or that it saves fuel and mileage. In today's cars, it is just not true.

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

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

Mr. WAXMAN. I must say how impressed I am by the gentleman's knowledge of the technical aspects of the fuel system, and I think the gentleman is absolutely right.

If we were told that ethanol would help us achieve the clean air standards and is just as good as reformulated gasoline without it, that is one thing. But the gentleman pointed out correctly that if we use ethanol, we will have dirtier air.

There is an exemption to this, however, in the wintertime in high altitudes areas. But we have another provision in the law that requires ethanol to be used under those circumstances.

But for California and New York and New Jersey and other States around the country that say they do not want to use MTBE, we should not be required to bring in ethanol at higher prices and then dirtier air as a result.

Mr. THOMAS. Reclaiming my time, Mr. Chairman, I was not one of those that had a government imposition of MTBE on the refineries either, because it increased the cost of producing fuel. It does not produce the end result. And now we find out it was even worse than we thought. We have increased the cost of gasoline to America's consumers by billions of dollars either with ethanol or with this particular additive, and it has not gotten us where we need to go.

What we need do is take a step back, take the politics out of it, and use a bit more science in the way in which we are trying to get more reasonable mileage out of a gallon of fuel.

Mr. GREEN of Texas. Mr. Chairman, I rise in opposition to the motion.

I am concerned about the comments of my colleague from California that reformulated gas has not worked in cleaning up our air. I think there is no doubt at all, whether we are in Houston or Los Angeles, that our air quality has gotten better by the oxygen standard. This is the first time I have heard today, and no one seems to argue, that the Federal RFG program has been anything but a success.

In fact, the deputy director of the EPA testified to this point and said that the emissions reductions which can be attributed to the RFG program are equivalent to taking 16 million cars off the road, and 75 million people are breathing cleaner air because of RFG.

□ 1845

''Since the RFG program began 6.5 years ago, we estimate that it has resulted in annual reductions of VOC and NOx combined of at least 105,000 tons, and at least 24,000 tons of toxic air pollutants.''

My colleague from California talked about it has not worked, but it has worked. I know that it is working in Houston and L.A. The proponents of the amendment claim that they can make gasoline as clean without using oxygenates, but this is contrary to what we know about fuel. The presence of oxygenates in fuel dilutes the most toxic components in gasoline, and thus reduces air emissions.

Do my colleagues know what RFG replaces? Benzene. It replaces benzene. Without oxygenates, there is no dilution of these toxics, and it is as simple as that.

None of the proponents of this amendment can assure us that it will maintain the actual levels of protection against air toxins currently present in the Federal RFG. The EPA is frank about the consequences, noting that some people exposed to air toxins may increase their chances of getting cancer or experiencing other serious health effects depending on which air toxins an individual is exposed to, and these health effects can include damage to the immune system, as well as neurological, reproductive, reduced fertility, developmental and respiratory problems.

Mr. Chairman, I am surprised that my colleague from southern California would say that there has not been any increase in RFG benefits in the last 6.5 years because again that was passed in 1990 in the Clean Air Act. I was not here, but we have responded to the Federal law both with ethanol and with MTBE.

If we have problems with MTBE or ethanol, we need to correct it because we have had a great deal of success from reformulated gasoline. That is why I am shocked to hear my colleague who wanted the committee to rise to say there have not been any benefits from it. We have a great deal of testimony, I am sure in many committees, showing the benefits of it.

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

Mr. THOMAS. Mr. Chairman, I ask unanimous consent to withdraw the preferential motion.

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

There was no objection.

The CHAIRMAN pro tempore. Returning to regular order, the gentleman from California (Mr. COX) has 30 seconds; the gentleman from Texas (Mr. BARTON) has 2½ minutes; the gentleman from Texas (Mr. GREEN) has 3 minutes; and the gentleman from California (Mr. WAXMAN) has 2½ minutes.

Mr. WAXMAN. Mr. Chairman, I yield 1½ minutes to the gentlewoman from California (Mrs. DAVIS).

Mrs. DAVIS of California. Mr. Chairman, the amendment before us is critical to the safety of California citizens. We have talked about many things, but we cannot lose sight of the fact that we are talking about safety. We have worked for many years to improve the air quality of our State, and despite our increased population, we have succeeded. Californians are committed to continuing to protect our air.

However, we do not need to do it by adding ethanol to our gasoline, and we do not need the current formulation using MTBE. We do not need any additive at all. Chevron and other oil companies which produce petroleum in California have assured us that they have the technology to create a fuel which will allow California cars to meet EPA air quality standards without any additives.

We have heard the argument here today, why should the Federal Government force us to purchase an unneeded product that is not readily available in California? It would cost California citizens, already beleaguered by high prices, $450 million for the extra cost of this additive.

Mr. Chairman, we came here to legislate on behalf of the Federal Government. As such, we should legislate results such as the EPA air quality standards, but not dictate the methods to reach those standards. Vote for this states' rights amendment.

Mr. GREEN of Texas. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I am going to close, but there is nothing that makes my car or truck drive that I want to drink, whether it is MTBE, whether it is benzene, or whether it is anything else.

The problem that we have had for many years is that there have been problems in California and other places of leaky storage tanks. If MTBE is the problem, it is because we can taste and smell it, what else is in our water supply that we cannot taste or smell that is also leaking out of those storage tanks? That is the concern.

We have had success for 6½ years on reformulated gasoline, whether it is MTBE or ethanol. That is why I am surprised that California thinks that they can produce enough without that.

Mr. Chairman, I yield the balance of my time to the gentleman from Texas (Mr. BARTON).

The CHAIRMAN pro tempore. The gentleman from Texas (Mr. BARTON) now has 4½ minutes; the gentleman from California (Mr. COX) has 30 seconds; the gentleman from California (Mr. WAXMAN) has 1 minute, and the order of closing now that the time of the gentleman from Texas (Mr. GREEN) has expired is the gentleman from California (Mr. WAXMAN); the gentleman from California (Mr. COX) and the gentleman from Texas (Mr. BARTON).

Mr. BARTON of Texas. Mr. Chairman, I yield 1½ minutes to the gentleman from Minnesota (Mr. KENNEDY).

Mr. KENNEDY of Minnesota. Mr. Chairman, I rise in strong opposition to the amendment to grant California waiver from the Clean Air Act. This is not about California being singled out, as we are hearing from several people, because all 50 States are required to live by the Clean Air Act and have been for some time.

This is not about MTBE, which is harmful to our drinking water, because there is a better alternative. Yes, ethanol does help gas burn cleaner. Members only have to go back to their high school class to know that increased oxygen in gas will help make it burn cleaner. This is not about ethanol making gas more expensive because with today's price of oil and other commodities, ethanol is cheaper than gasoline.

This is about ensuring clean air for our children and grandchildren and not increasing the ozone problem that we have. It is about expanding renewable domestic sources of energy. And it is about increasing demand, yes, for important commodities that help us create jobs and economy in our rural areas.

Mr. Chairman, I urge Members to oppose this amendment.

Mr. BARTON of Texas. Mr. Chairman, I yield 1 minute to the gentleman from South Dakota (Mr. THUNE).

Mr. THUNE. Mr. Chairman, my State of South Dakota is a clean air State. In fact, one sentence that we never really hear started, we never start a sentence by saying ''on a clear day'' because we do not have that problem in South Dakota.

Mr. Chairman, the Cox-Waxman amendment would reverse a decade of progress towards cleaning up our air. There are other parts of the country that do not have the luxury that we have in South Dakota, lessening our dependence on foreign sources of energy and supporting American agriculture.

Mr. Chairman, we need a balanced energy policy in this country. This is about energy security. That should mean more renewables, not less. That should mean less demand for petroleum and not more. Reversing the administration decision means going back to additives that are petroleum based and create a host of well-documented problems.

EPA made this decision based on science. It was the right decision. This amendment is the wrong decision and as to whether or not American farmers can meet the demand. The farmers of South Dakota stand ready to meet and help California with the problem. Give us a chance.

Mr. BARTON of Texas. Mr. Chairman, I yield 1 minute to the gentleman from Nebraska (Mr. TERRY).

Mr. TERRY. Mr. Chairman, I rise in opposition to this amendment and special treatment for exemption of the oxygenate requirement. This chart that I have up here shows reformulated gas and the high super-duper blend of regular gas without the oxygenate. It barely meets the requirements, but it does not take out as many pollutants as with an oxygenate.

The price for this super blend without the oxygenate is more expensive than with the blend in it. The nonoxygenated fuel, by California's own study, would eliminate emissions of up to 593 tons per day of carbon monoxide. That is a major contributor to ground ozone or smog. By the California study, there is a 6 percent reduction of VOCs with an oxygenate. Keeping this oxygenate requirement for gasoline would translate into a reduction of CO_2 emissions by over ½ million tons in California alone.

Mr. Chairman, I urge my colleagues to vote against this amendment.

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

Mr. Chairman, we have debated this at length. This is the bottom line: It is unfair to California to force us to import billions of gallons of ethanol that we do not want, that will raise our gasoline prices, that will balkanize our fuel supply, and will make our air dirtier.

I urge all Members to support this amendment.

Mr. Chairman, I yield the balance of my time to the gentleman from California (Mr. COX).

The CHAIRMAN pro tempore. The gentleman from California (Mr. COX), with yielded time from the gentleman from California (Mr. WAXMAN), now has 1 minute.

Mr. COX. Mr. Chairman, parliamentary inquiry. As the author of the amendment, do I have the right to close?

The CHAIRMAN pro tempore. The gentleman from Texas (Mr. BARTON), defending the committee position, has the right to close.

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

Mr. Chairman, I thank my colleagues from across the country for working with us in support of this sensible amendment to give governors and to give States the flexibility they need to meet not just the Federal standards for clean air, but even higher standards.

We have had governors of several States making phone calls in support of this amendment: We have had Governor Pataki from New York; we have had Governor Rowland from Connecticut.

Many States presently are already working to phase out MTBE or ethanol in gasoline, not only California, but the State of Washington, New Hampshire, Maine, New York, Arizona, New Jersey, Minnesota, Pennsylvania, Connecticut and South Dakota. In all of these States, I think the flexibility to handle the problem and the ways that the States find work the best will give us cleaner air and cleaner water.

I know that Governor Ventura will want to wrestle with this problem in the future.

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

Mr. Chairman, never have so many fine fellows from California been so wrong. It is good to have the California delegation unified for a change on the floor, but it would be better if they were unified on something that was actually a step in the right direction.

To my left I have a chart that is developed by the EPA that shows the baseline under the Clean Air Act passed in 1990 for the minimum air quality standard. There is about an 18 percent improvement based on the quality of 1990. The blue bar shows those States, those cities, that have decided to meet the standard by adding MTBE to their gasoline. You can see that on average they have almost doubled their air quality.

The red bar shows the areas which have chosen to meet the air quality standard by adding ethanol. On average, they have improved it about 10 percent more than the minimum.

It is true we can meet the minimum air quality standard without using either MTBE, the blue bars, or ethanol, the red bars, but just barely. Just barely.

Mr. Chairman, if we adopt the Cox-Waxman amendment, the air is going to get dirtier in California. I do not think that is the intent, but that is the effect of it.

The Clean Air Act has actually worked. More oxygen in gasoline means that it burns cleaner. Do we really want to revoke that? I think not.

□ 1900

I hope we vote against the amendment.

Mr. WELLER. Mr. Chairman, I rise today in strong opposition to the Cox/Waxman amendment to the Energy bill on the floor today.

The fact is Mr. Chairman, eliminating the oxygenate requirement for California will increase pollution. Reformulated gasoline with oxygenates reduces the emission of toxins, well above the level required by the Clean Air Act. If nonoxygenated fuel was allowed to be used in California, studies indicate that carbon monoxide emissions would increase by up to 593 tons per day.

One of the biggest concerns to not only Illinois, but the whole Nation, has been volatile gasoline prices. Eliminating the oxygenate requirement will increase consumer prices at the gas pump. Removing the oxygenate requirement exacerbates an already tight fuel supply by removing volume in gasoline, which increases the chance that gasoline price spikes may occur again. In fact, a report issued by the California Energy Commission estimated that using ethanol will cost two to three cents less per gallon than nonoxygenated fuels. The report detailed that the replacement of nonoxygenate fuel with MTBE would be the most expensive option for the state of California to choose.

Some are worried about whether the demand for ethanol can be met. Mr. Chairman, I can assure you and others that our farmers are working to produce the corn needed to supply California with the ethanol it needs. Approximately 600 million gallons of ethanol per year are needed to meet the needs of California. Currently, the ethanol industry has the capacity to produce two billion gallons per year. Supply will be able to meet demand.

Lastly Mr. Chairman, I would like to discuss the impact of the ethanol industry on my home state of Illinois. Illinois is the nation's leading producer of ethanol, and the second largest producer of corn in the Nation. Corn grown in Illinois is used to produce 40 percent of the ethanol consumed in the U.S. Illinois ethanol production alone has increased the national price for corn by 25 cents per bushel. Ethanol production will stimulate the Illinois economy by creating jobs, and ensure the success of our farmers by providing a stable source for which their crops can be used.

Mr. Chairman, the answer is simple. To ensure a cleaner environment, cheaper gasoline prices, and the success of the agriculture economy, vote against the Cox/Waxman amendment.

Mr. SMITH of Michigan. Mr. Chairman, this amendment points to a problem that is not unique to California,

but affects the entire country. The fact is that with improved engine, emissions, and refining technologies, the requirements of the Clean Air Act can be met without the need to dictate specific fuel formulas. Yet today we have a patchwork of regulations governing what specific fuel formulation can be sold in what area of the country. These rules have raised costs and contributed to supply disruptions.

We should adopt fuel performance standards, not specific fuel formulations, to meet emissions reduction targets. But these performance standards should apply in the entire country, not just California.

Vote ''no'' on this amendment.

The CHAIRMAN pro tempore (Mr. LATOURETTE). The question is on the amendment offered by the gentleman from California (Mr. COX).

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

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

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

The CHAIRMAN pro tempore. It is now in order to consider amendment No. 7 printed in part B of House Report 107–178.

AMENDMENT NO. 7 OFFERED BY MR. WAXMAN

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

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 7 offered by Mr. WAXMAN:

Page 96, after line 17, insert the following new title and make the necessary conforming changes in the table of contents:

TITLE IX—PRICE GOUGING AND BLACKOUT PREVENTION

SEC. 901. WHOLESALE ELECTRIC ENERGY RATES OF REGULATED ENTITIES IN THE WESTERN ENERGY MARKET.

(a) DEFINITIONS.—In this section:

(1) COMMISSION.—The term ''Commission'' means the Federal Energy Regulatory Commission.

(2) COST-OF-SERVICE BASED RATE.—The term ''cost-of-service based rate'' means a rate, charge, or classification for the sale of electric energy that is equal to—

(A) all the reasonable variable costs for producing the electric energy;

(B) all the reasonable fixed costs for producing the electric energy;

(C) a reasonable risk premium or return on invested capital; and

(D) all other reasonable costs associated with the production, acquisition, conservation, and transmission of electric power.

(3) PUBLIC UTILITY.—The term ''public utility'' has the meaning given the term in section 201 of the Federal Power Act (16 U.S.C. 824).

(4) WESTERN ENERGY MARKET.—The term ''western energy market'' means the area within the United States that is covered by the Western Systems Coordinating Council.

(b) IMPOSITION OF WHOLESALE ELECTRIC ENERGY RATES.—Not later than 30 days after the date of enactment of this Act, the Commission shall impose just and reasonable cost-of-service based rates on sales by public utilities of electric energy at wholesale in the western energy market. The Commission shall not impose such rates under authority of this subsection on any facility generating electric energy that did not generate electric energy at any time prior to January 1, 2001.

(c) AUTHORITY OF STATE REGULATORY AUTHORITIES.—This section does not diminish or have any other effect on the authority of a State regulatory authority (as defined in section 3 of the Federal Power Act (16 U.S.C. 796)) to regulate rates and charges for the sale of electric energy to consumers, including the authority to determine the manner in which wholesale rates shall be passed through to consumers (including the setting of tiered pricing, real-time pricing, and baseline rates).

(d) REPEAL.—Effective on the date 18 months after the enactment of this Act, this section is repealed, and any cost-of-service based rate imposed under this section that is then in effect shall no longer be effective.

The CHAIRMAN pro tempore. Pursuant to House Resolution 216, the gentleman from California (Mr. WAXMAN) and the gentleman from Louisiana (Mr. TAUZIN) each will control 15 minutes.

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

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

This year, there has been only one true energy crisis in the United States. That is the skyrocketing energy prices and blackouts in California and the West. Incredibly, however, this bill does nothing to address this issue. That is why I am offering this amendment. The goal of the amendment is to prevent a return to the blackouts and skyrocketing electricity prices that have plagued the West.

Some people seem to think that FERC's complicated regulatory experiment has solved the energy crisis out West. After all, prices are lower, and there have not been major blackouts recently. I do not mean to sound like Cassandra, but the simple truth is that these conditions may not last.

There are two main reasons that prices are lower: one, California has been experiencing unseasonably mild weather; and, secondly, California's successful conservation efforts have decreased energy consumption by more than 10 percent. The conservation efforts will continue, but the weather could turn much hotter at any time. If that happens, demand will soar. And if demand goes back up, the current FERC order will not protect California and the West. Just look what happened on July 2 and July 3 when demand reached 40,000 megawatts, the highest level this summer. When that happened, there were blackouts in Nevada, and there were almost blackouts in California. The FERC order did not help prevent the blackouts; it did just the opposite. It caused generators to withhold power.

Not only does the FERC order make blackouts more likely, it does not effectively curb prices. I want to call to Members' attention an article from the Los Angeles Times which ran just last week. This article explains that despite the FERC order, power generators are continuing to charge excessive prices.

Let me give you one example. As the Los Angeles Times reported, Reliant continues to submit bids for electricity for as much as $540 per megawatt hour, more than five times its estimated cost.

The simple truth is that FERC's order is seriously flawed. First, it guarantees enormous windfall profits for generators by allowing the least efficient, most expensive generator to set the price for all generators. Secondly, the order encourages generators to withhold power in order to ensure that their least efficient generating units set the market price. This is exactly backwards, and it is a recipe for blackouts.

My amendment is very simple. It says that FERC must impose cost-of-service-based rates for a short time until new power supplies can come online. Under this amendment, generators will be paid for their costs of production, and they will make a reasonable profit; but they will be barred from gouging the West.

I urge support for this amendment.

Mr. TAUZIN. Mr. Chairman, I yield myself 2 minutes.

Once again, we find ourselves debating an amendment to impose price caps on wholesale electric generation sales in California and the West. When our Committee on Energy and Commerce first had this debate in May, it might have been relevant. There was still some uncertainty then about whether the FERC would oversee the crazy electricity market that California had created for itself.

But shortly thereafter, at our urging and particularly the urging of the gentleman from California (Mr. OSE), the FERC did take action. It created a price mitigation plan throughout California and the West that does not discourage new generation. We now know the FERC order is working and the Waxman amendment is certainly not needed, if it ever was. But even in the middle of the rolling blackouts, the price caps proposed in this amendment would do nothing to solve the energy problems in California. In fact, it would make them a great deal worse.

I will give you three quick reasons: first, cost-of-service-based rates, price caps, discourage investment in new power plants. No power developer in his right mind would try to build a plant in California if this amendment passes. They are saying, well, there are lots of plants being planned in California. They are being planned on the basis of this not happening.

Secondly, the amendment before us would exempt new power plants from cost-of-service-based rates and would not apply to more than half of the generators in the marketplace. I want to say that again. These price caps would apply to less than half of the generators in the marketplace. You have price caps on some generators and no price caps at all on the other generators. That is the same situation we had

in the 1970s when we regulated old gas and we did not regulate new gas and there were huge shortages in the old gas markets, in the interstate markets, and surpluses and high prices in the intrastate markets.

Third and finally, the half of the market that this amendment would exempt happens to be responsible for the highest prices in California. If there was gouging in California, it came from industries in California that would be exempt from this amendment.

This amendment ought to be defeated.

Mr. WAXMAN. Mr. Chairman, I yield 1 minute to the gentleman from Ohio (Mr. SAWYER).

Mr. SAWYER. Mr. Chairman, I rise in support of the amendment and to suggest that in this debate that we do not get confused in our vocabulary. What this amendment proposes is not a price cap. It is a temporary return to cost-of-service-based pricing. Cost-of-service pricing examines the cost for every power producer and assures them an individual rate that will provide for a reasonable profit. That is not a price cap. Rather, it is a practical remedy based on 85 years of policy, precedent, and practice under the law.

The States do not have jurisdiction over wholesale prices; the Federal Government does. But we cannot pretend that FERC can make minor, although complicated, adjustments in the hope that the market will work itself out. There is no functioning market in California right now, and we must provide the time necessary for one to develop.

This amendment will provide California with a chance to start over and design their market properly. It will stabilize an inherently unstable situation. I would urge my colleagues to adopt the amendment.

Mr. TAUZIN. Mr. Chairman, I yield 2 minutes to the gentleman from Oregon (Mr. WALDEN), a distinguished member of the Committee on Energy and Commerce.

Mr. WALDEN of Oregon. Mr. Chairman, I rise in opposition to this amendment as I did in both the subcommittee and the full committee for several reasons.

First of all, it is without question that the California market was dysfunctional. But we are beginning to see the market respond to FERC's direction, that we have some price mitigation in place.

What this amendment does, however, is it has an interesting exemption in it. On line 18 of page 2, it talks about how any power plant that comes online after January 1 of this year would be exempt from this very price cap. Why is that there? It is there because the authors have to admit that this kind of price cap will discourage new production from coming online. Otherwise, why would they have the exemption? And what is there to preclude one of these, quote-unquote, gougers from shutting down their old production facility and running the new one that does not have the price cap? What stops out-of-state producers from selling power into other markets where they do not have this kind of a cap as proposed in this amendment? We could really disrupt the power market that is finally beginning to settle down.

How is it settling down? Let me point out that it has changed dramatically and perhaps even caught the California government unaware in this process. They were buying power at $138 a megawatt hour that now because of a change in the market they are dumping for $1 a megawatt hour. The LADWP, the Los Angeles Department of Water and Power, charged the State of California a price for power that averaged 35 to $40 per watt hour more than that charged by the companies that some call gougers. On a single day in June of 2000, the LADWP raked in $5 million on power sold for $1,000 per megawatt hour. The reason I say that, LADWP is not covered by this amendment. Forty-seven percent of the power sold into California is not covered by this amendment. It would have a disruptive and destructive role in the market if this were passed today.

Mr. WAXMAN. Mr. Chairman, I yield 1½ minutes to the gentlewoman from California (Ms. ESHOO), who has taken such a very strong leadership role on this.

Ms. ESHOO. I thank the gentleman for yielding me this time.

Mr. Chairman, I rise in obvious support of this amendment. To the rest of the country, I want to say this evening that California really feels what is being placed on her shoulders in terms of the burdens. We had a piece of legislation that has caused us more than a migraine headache. But here in the Congress, the only place that can address price, that is why we raise our voices.

This is not a price cap. You can say it until the cows come home that it is, but it is not. For those that have served 10 years, 20 years, 30 years, 40 years, 50 years in the Congress, where were you objecting to what is an 85-year-old tradition in terms of cost-of-service base for the rates in our country? You were nowhere. You are not there to help us with refunds, you are not there to help with price relief, and you are not there in terms of environmental issues.

That is why we get up tonight and we say all over again that Californians should have cost-of-service-based rates. We do not trust the FERC because they have been on a sit-down strike. For those that raise their voices and say, This is going to muck up the market, I have fought for markets, for free and open markets, for markets that work. This market, as the FERC has acknowledged, is dysfunctional. It is not working. We do not want to penalize new generators in California; we want them to come online, but we also plead and raise our voices for what is reasonable and what the FERC will not do and that is cost-of-service-based rates.

Mr. TAUZIN. Mr. Chairman, I am honored to yield 1½ minutes to the distinguished gentleman from Louisiana (Mr. JOHN), newly joining the Committee on Energy and Commerce.

Mr. JOHN. Mr. Chairman, I rise to oppose the gentleman from California's price cap amendment. Albert Einstein is quoted as saying that the definition of insanity is trying the same thing over and over and over again searching for different results. The history of man both past and present is rife with failed attempts about price caps. This amendment asks Members to continue that same cycle.

In the 1950s, before I was born, and in the 1960s, we controlled the price of natural gas and oil. By the 1970s, we had shortages and curtailments of gas and we had gas lines all over America. Over a million people were laid off and money poured out of the United States to countries such as Algeria for high-priced LNG.

Members may not know that the California wholesale market also has had price caps. What happened? The power and the capital investment went elsewhere. So on June 19 of this year FERC applied price caps to the entire West. What happened? Blackouts in Las Vegas. California also had retail price caps in place at the start of its failed restructuring experiment in April of 1998. In the spring of 2001, the biggest growth industry for the California Public Utilities Commission was the processing of blackout exemption applications.

□ 1915

When will we learn? Oppose the price caps.

Mr. WAXMAN. Mr. Chairman, I yield 1 minute to the gentlewoman from California (Mrs. CAPPS).

Mrs. CAPPS. Mr. Chairman, I rise in strong support of this amendment. The administration promoted California's electricity problem as a reason to enact their energy plan, the Drill America Plan; but the proposal did nothing about this Nation's most serious crisis. This bill makes the same mistake. Fortunately, due mostly to unusually cool weather, more power plants coming on line, Californians' impressive conservation efforts, and FERC's belated efforts, the situation has stabilized recently. The administration had nothing to do with the first two developments, ridiculed the third and opposed the fourth.

But, unfortunately, the problems in California are not over; and the return of hot weather will show how inadequate FERC's actions are. Because FERC has pegged the cost of electricity to the least-efficient generator, this means one of six or eight most expensive generators will set wholesale prices across the West every time it is fired up. This will cost consumers in California and across the country billions more for electricity than is necessary.

This amendment would simply ensure what FERC was supposed to do in

the first place. I urge my colleagues to support this commonsense amendment.

Mr. TAUZIN. Mr. Chairman, on behalf of all the Members, I want to extend birthday wishes to the ranking member of the subcommittee, the gentleman from Virginia (Mr. BOUCHER), on his birthday. Congratulations.

Mr. Chairman, I yield 2 minutes to the gentleman from Illinois (Mr. SHIMKUS).

Mr. SHIMKUS. Mr. Chairman, I do respect my colleagues from California. We have had a lot of differences in agreement this year.

The statement was made, the only place you can address prices is here. That is the difference in ideology. The market sets the prices. Basically the higher the supply, the lower the cost; the lower the supply, the higher the cost.

When you have high prices and you do not want to pay those prices, guess what? You consume less. When you consume less, there is a higher supply. Guess what? Prices go down. It is basic economics 101, which we wish our colleagues would really end up learning.

One of the reasons why California has been successful is because high prices have forced people to consume less. Conservation is a result of these high prices. The market does work.

How do you get to the quickest, more functioning market? You let the market work. If you intervene in the market, as the Governor of California has done, guess what? The market does not stabilize, it does not get fixed. Market manipulation by government is designed to fail.

This amendment is designed to prolong the agony of California. It is ill-conceived. I do applaud my colleagues for their attempt, and have encouragement for them, but for the betterment of the country, we have to understand, in the market, basic supply and demand rules, and this is an ill-conceived amendment.

Mr. WAXMAN. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. SHERMAN).

Mr. SHERMAN. Mr. Chairman, it is interesting to spend hours here listening to the exponents of States' rights come here with patronizing lectures taken out of economics 101 textbooks to tell California what we need. The fact is that electricity is a unique product. You cannot store it, there is no substitute for it, you cannot ship it, there are major barriers to entry. That is why most of the country for the last 75 years has regulated its price.

This chart illustrates that we must regulate the price of electricity or there will be a decline in supply. When we deregulated, you see those yellow lines indicating the plants that were closed for maintenance. Roughly 10,000 extra hours, megawatt hours, closed for maintenance. What that really illustrates is that a few out-of-State companies were able to close their plants for maintenance, which means close their plants to maintain an outrageous price for every kilowatt.

If you want more supply, you have to limit the gouging. Pass the Waxman amendment.

Mr. TAUZIN. Mr. Chairman, I am pleased to yield 2 minutes to the distinguished gentleman from Texas (Mr. GREEN), my friend from the Committee on Energy and Commerce.

Mr. GREEN of Texas. I thank my colleague, the Chair of our Committee on Energy and Commerce, for yielding me time.

Again we hear the rhetoric of stop the gouging and the request for the cost of service-based rates. You know, I think maybe if it is good enough for natural gas or power, maybe it ought to be good enough for the computers I buy from Silicon Valley. I hope we do not have cost-of-service-based rates on attorneys. Anyway, that is my concern. If we use cost-of-service-based on anything, that is price caps; and that works in a regulated environment.

But what California did, they wanted to take advantage of deregulation and have a State deregulation, that was flawed to begin with. That is why in the State they refused to fix it until it literally drained the power from all their neighboring States during the first part of this year.

Retail price caps have been in effect in California, and it has created artificially stimulated demand. It has increased the demand for natural gas. Not surprising, the removal of these retail price caps caused the consumers in California to have a 12 percent decrease because now that it has increased the cost, their demand is going down.

Mr. Chairman, if we are going to help consumers in the West, we cannot afford to implement strategies that have failed in the past. This is why price caps are wrong. Either you have a regulated environment or you have a deregulated environment. You cannot have a mixture, which California wanted. You cannot have partial free enterprise. So that is why this amendment is wrong, and hopefully the House will reject it.

Mr. WAXMAN. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Virginia (Mr. BOUCHER), the ranking member of the Subcommittee on Energy and Air Quality of the Committee on Energy and Commerce.

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

Mr. BOUCHER. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, I rise in support of the amendment which, in my view, is necessary to assure that wholesale electricity rates in the Western States are just and reasonable.

The Federal Energy Regulatory Commission has a mandate in the Federal Power Act to ensure that wholesale electricity rates are reasonable. Notwithstanding this clear direction in Federal law, the agency has responded ineffectively as wholesale prices in California exceeded $1,600 per megawatt hour on some occasions during the past 9 months, and that charge of $1,600 per megawatt hour compares with an average price of about $25 per megawatt hour a mere 2 years ago.

More recently, the FERC has imposed a restraint on wholesale prices pegged to the cost of the least efficient generator that is in service at any given time. But the cost of the least efficient generator can be quite high, and when those costs are translated into a wholesale price, an enormous windfall is provided to the more efficient generators, and prices for all parties concerned, in my opinion, are not reasonable.

For that reason, I think the amendment offered by the gentleman from California is necessary, I strongly support it; and I urge its adoption by the House.

Mr. TAUZIN. Mr. Chairman, I am pleased to yield 2½ minutes to the distinguished gentleman from Oklahoma (Mr. LARGENT), a valued member of the Committee on Energy and Commerce.

Mr. LARGENT. Mr. Chairman I think tonight I have seen more California whines than since the last time I visited Napa Valley.

We have heard today about the price gouging of the big energy companies from out of State. And we have an amendment, which I oppose vigorously tonight; and it is to introduce price caps. I will tell you it is wrong for a number of reasons. But one of the things I wanted to do is just go through a couple of charts, everybody has charts, I brought my own.

First of all, let me just show you a couple of the growth charts in California. Employment grew 12 percent, this is in the nineties, population has grown 18 percent, the State economy has grown 45 percent, the electronics and instruments industry has grown over 60 percent in the nineties, the communications industry has grown nearly 80 percent in the nineties, and yet what has California done? Natural gas usage capacity has grown less than 10 percent, electricity use capacity has grown less than 10 percent, peak demand, on and on and on.

Finally you get down to the last number, power generation capacity. This is added power generation capacity in the State of California. In the last 10 years, at a time when they have seen unprecedented growth in their economy and population, added generation capacity, California, less than 2 percent in 10 years. So that is why we have a problem in California. It does not have anything to do with energy companies from out of State gouging.

But let me come back to that gouging question. Here is where California gets their power. They get 33 percent of their power generated from their big IOUs, PG&E, SoCal. They import 21 percent of their electricity. They get 23 percent of their electricity from public power, most of that public power located within the State of California, which is not addressed in this

amendment. They get a little bit from Williams, a little bit from Reliant, Duke, and these big energy companies that are gouging.

Let me just tell you, if this is gouging, let me bring up the next chart. We had before our committee a gentleman named David Freeman, who happens to be the electricity guru for the Governor of the State of California today, who happened to be the head of Los Angeles Department of Water and Power, before our Committee.

We asked Mr. Freeman, did LADWP gouge? He said no. Yet look at this. LADWP averaged $292 per megawatt hour, and this is my most cogent point right here, I am right at the crux, the pinnacle of my argument, here we have got LADWP, one of the public power entities, that was charging $292 per megawatt hour. Now, he said that was not gouging, $292 per megawatt hour.

Here you have the average megawatt charge for the big energy companies of $246. Now, if $292 was not gouging by LADWP, then why is $246 gouging?

So, Mr. Chairman, I would just say I oppose this amendment. It does not address the real issues in California.

Mr. WAXMAN. Mr. Chairman, I yield 1 minute to the gentleman from Washington (Mr. INSLEE), who authored this amendment by way of legislation.

Mr. INSLEE. Mr. Chairman, the majority's bill gives over $20 billion in taxpayer money to the special interest oil and gas industry. Could you not find it in your heart to just do one small thing for the consumer? Could you not throw a bone to the people and the small businesses on the West Coast, in Washington and Oregon and California, that have seen their prices go up 50 to 60 percent? Is that not in your compassionate heart to do that? That is all we are asking.

Look at the history of how we got here. For 7 months we have been pleading with the White House, we have been pleading with our colleagues, to pay attention to this crisis in the West Coast. And we are well beyond the issue of whether we should take action or not. I have a letter from the gentleman from Louisiana (Mr. TAUZIN) dated June 12, 2001, asking the FERC to take some action. The point is, they have not taken any action that works.

This is not an issue of whether the Federal Government should act, this is a question of whether the Federal Government has acted effectively. It has not. We need help in the West Coast, not just California.

Pass this amendment.

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

Mr. Chairman, I am pleased to inform the chairman that FERC did take action.

Mr. Chairman, I am pleased to yield 1 minute to the gentleman from California (Mr. RADANOVICH).

Mr. RADANOVICH. Mr. Chairman, I rise in opposition to the amendment offered by my friend from California. There is no benefit from imposing costs of service rates on California or the Western grid. Today the State of California can buy power on the spot market for $45 a megawatt under the FERC price mitigation measures, but chooses not to do so, because those people that are charging more will not sell it to California. They will keep the hydropower behind their dams, or they will choose to sell it for a higher price somewhere else.

Unfortunately, the Governor of California put us all in a position of having to endure higher energy costs to prevent more and more rolling blackouts. It truly is not an energy crisis in California as much as it is a crisis in leadership on the energy issue. Price caps will not solve that problem.

We have to wait until we get more supply in order to bring down the cost of energy. If we impose price caps on that, we suffer more rolling blackouts. It truly is the law of supply and demand. Had the Governor acted on this issue much sooner, a year ago, we would not even be in this position.

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

Ms. PELOSI. Mr. Chairman, I thank the gentleman for yielding me time and commend him for his leadership on this and so many other issues.

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I rise in support of the Waxman amendment to establish cost-of-service rates for electricity sold at wholesale in the Western region.

As has been mentioned here, Mr. Chairman, in June, the FERC, the Federal Energy Regulatory Commission, imposed a soft cap based on the least efficient generators selling into the California markets. The FERC was established to ensure that consumers were charged fair and reasonable costs for their electricity. It has not neglected that mandate; it came through with this June 19 action, but not only was it too little too late, but it was the wrong way to go. As I said, it put a soft cap based on the least efficient generators selling into California's markets.

For that reason, energy suppliers still have incentives to withhold power in order to drive up electricity prices, still gouging consumers. In fact, a new study shows that electricity suppliers are still trying to sell electricity at prices up to five times higher than the Federal caps.

Last week, the Vice President passed his electricity bill on to the Navy. Instead of doing that, this body should be passing a bill to help America's consumers. I urge support of the Waxman amendment.

Mr. TAUZIN. Mr. Chairman, I am pleased to yield 1 minute to the gentleman from California (Mr. OSE), who is a principal sponsor of the price mitigation plan that FERC adopted.

Mr. OSE. Mr. Chairman, I rise today in opposition to the amendment.

Mr. Chairman, the amendment, as proposed, is anti-environment, it is anti-consumer, it is anti-California's major contribution to this economy, and that is, it is anti-technology. Think about what we are doing. What we are saying is, if you are a real expensive producer and you are a real high-polluting producer, we are going to put price caps in effect so that you will be protected from competition coming in with new technology that uses natural gas and that delivers power to people at a low price.

Look at this chart, I say to my colleagues. This is a chart showing what happened when FERC's mitigation plan went into effect. The Waxman proposal is unnecessary. The Waxman proposal is anti-environment because it makes those plants that are more polluting come on line more. It is anti-consumer, because it makes the most expensive plants be the ones that operate, and it is anti-California's primary product technology, because it refuses to recognize how far we have come.

Vote no on the Waxman amendment.

Mr. WAXMAN. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. FILNER).

Mr. FILNER. Mr. Chairman, I keep hearing about competition, laws of supply and demand. There is a manipulated market in California controlled by a cartel of energy wholesalers.

Let me tell my colleagues what is happening in San Diego. We are paying 10 times, sometimes 100 times what we did a year ago. If we were paying the same costs for electricity as we are paying for bread, we would be paying $19.99 for a loaf of bread; in fact, up to $199 sometimes in the last year.

What do they give us in this bill for California? They give us crumbs. All we get are some crumbs for California.

Scores of small business people in my district have gone out of business, and according to a report by the Chamber of Commerce, 65 percent of small businesses in our county face bankruptcy this year, Mr. Chairman. If this bill passes without this amendment, my small businesses are toast.

They are toast, Mr. Chairman. Help California. Pass this amendment.

Mr. TAUZIN. Mr. Chairman, the Chair would ask who has the right to close on this amendment.

The CHAIRMAN pro tempore (Mr. LATOURETTE). The gentleman from Louisiana (Mr. TAUZIN) has the right to close.

Mr. TAUZIN. Mr. Chairman, I would ask the gentleman from California (Mr. WAXMAN) if he has any additional speakers.

Mr. WAXMAN. Mr. Chairman, I yield 1 minute to the gentlewoman from California (Mrs. DAVIS).

Mrs. DAVIS of California. Mr. Chairman, for more than 12 months now, I have worked daily for my constituents in San Diego, the first in the Nation to be shocked by suddenly doubled and tripled electricity rates. From that time on, I have joined with my colleagues here in the Congress and in the State legislature and with the San

Diego regional governments to get the Federal Energy Regulatory Commission to meet its mandate to require just and reasonable rates. We have repeatedly been rebuffed, rejected and disappointed by their responses.

Although our efforts have moved from utter rejection to half-hearted measures to cap wholesale cost, they have failed to require that the industry charge rates that are just or reasonable.

So it is way past Congress to act. All the Western States are affected. We must take charge and require that FERC assure that the charges for electricity are based on a standard that is simplicity itself. Does it not make sense to set prices based on the cost to produce the electricity, including fair acknowledgment of investments costs, plus a fair profit? That was the basis of charges for decades.

The amendment before us does not set a cap on rates for new generating sources, so it does not discourage investment in new plants. And it sunsets at 18 months. It is what we need for the interim while we continue to add to the power plants that have gone into service this summer.

It is the responsibility of Congress to give clear and explicit language on what makes rates just and reasonable.

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

I was taken aback by the comments of the gentleman from California (Mr. OSE) that this is anti-environment. Well, it is not anti-environment to put in cost-of-service charges, which is the way electricity had always been handled in California and most of the country where regulation is in place. He said it encourages inefficiency. The FERC order gives a bonus to the most inefficient, costly supplier of electricity, and everybody else rises to that price. They get a windfall.

I think that what we need is to have cost-of-service rates, the cost of the service plus a profit, and not to give windfalls and not to give any encouragement to any supplier that if only they held back some supplies by shutting down temporarily on some phony argument that they could get a higher price. Because that is what we have seen in California as a result of a very bad law that was adopted unanimously by the legislature, signed by a Republican governor, passed by a Democratic legislature.

It gave a green light to a manipulation of the market by energy suppliers. Not that they did anything illegal; they took advantage of the situation.

I feel the FERC order gives a green light to further manipulation and gouging which could lead to blackouts if the weather changes in California and we find ourselves with a greater use of electricity and we bump up to more demand than supply.

So I would urge support for this amendment. It is an insurance policy that we do not find ourselves in California and the whole West Coast with blackouts and further gouging, which is what we have seen as a result of a bad law once passed by the legislature in California.

Mr. TAUZIN. Mr. Chairman, I am pleased to yield the balance of our time to the gentleman from Texas (Mr. BARTON), the chairman of the Subcommittee on Energy and Air Quality, to close on this debate against this bad amendment.

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

Mr. BARTON of Texas. Mr. Chairman, if price caps worked, we would not need this debate. California has had price caps. They have had price caps at $750 a megawatt hour since a year ago this last month. They lowered that to $500 a megawatt hour a year ago this month. They lowered it to $250 a megawatt hour in September of last year. They did not work.

Let us go to the next chart. This chart is very confusing, which is why I put it up here, because I am the only one who can understand it. But what it shows is, comparing the 2 years, 1999 and 2000, when price caps were in effect, power went out in the State of California. People did not keep their power in California; they exported it when those price caps were in effect.

Now, then, if my colleagues think that is a confusing chart, I have one that is even more confusing. Only an MIT engineer, which is actually the people that developed this chart, can understand it, but what it shows is when we have a price cap, prices are higher than when we do not. We may have a little variation back and forth, but I guarantee if you call MIT, who developed this chart, they will tell you, if you have price caps, the price caps are going to be higher, not lower, on the average.

Prices in California right now are below year-ago averages, because they are finally building some power plants, they are finally getting their act together with retail prices.

Mr. Chairman, we do not need the Waxman price cap amendment. We beat it in subcommittee, we beat it in full committee, we are going to beat it on the floor. I hate to keep beating the price cap to death, but if we have to, I would ask that you join with me to defeat the Waxman amendment one more time.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from California (Mr. WAXMAN).

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

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

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

It is now in order to consider amendment numbered 8 printed in part B of House report 107–178.

AMENDMENT NO. 8 OFFERED BY MS. JACKSON-LEE OF TEXAS

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

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 8 offered by Ms. JACKSON-LEE of Texas:

Page 168, line 20, insert ''Of the funds authorized under this subsection, at least $5,000,000 for each fiscal year shall be for training and education targeted to minority and social disadvantaged farmers and ranchers.'' after ''National Science Foundation.''.

The CHAIRMAN pro tempore. Pursuant to House Resolution 216, the gentlewoman from Texas (Ms. JACKSON-LEE) and a Member opposed each will control 5 minutes.

Mr. TAUZIN. Mr. Chairman, I will support the amendment. I do not believe there is anyone rising in opposition, but I claim the time in opposition.

The CHAIRMAN pro tempore. The Chair recognizes the gentlewoman from Texas (Ms. JACKSON-LEE) for 5 minutes in support of her amendment.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield myself 1½ minutes.

Mr. Chairman, let me, first of all, thank the chairman of the Committee on Rules and the ranking member of the Committee on Rules for recognizing the importance of an effort of the Congressional Black Caucus that believes that there should be a consensus energy policy that reflects the diversity of America.

I want to thank the chairman of the Committee on Energy and Commerce for his support for this amendment. I want to acknowledge the gentleman from Maryland (Mr. WYNN), the gentleman from Illinois (Mr. RUSH), the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON), our chairperson; the gentleman from New York (Mr. TOWNS) and the gentleman from Alabama (Mr. HILLIARD) as members of the Congressional Black Caucus Energy Task Force.

Let me briefly explain the thrust of this amendment. It is to be inclusive. It is to acknowledge the value of biomass, but at the same time, it focuses on socially disadvantaged and minority ranchers and farmers. That means it reaches throughout the Nation. Specifically what it does is, it provides the opportunity to translate those products from those particular entities into energy.

There are many types of biomass, such as wood plants, residue from agriculture or forestry, and the organic component of municipal industrial waste that can now be used as an energy source. Today, many bioenergy resources are replenished through the cultivation of energy crops such as fast-growing trees and grasses called bioenergy feed stocks.

We are well aware of the value of our agricultural industry, but are we aware of what can happen positively to minority and socially disadvantaged

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

I do believe this is a constructive and instructive manner of utilizing dollars for these components.

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

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

Let me say that we support the gentlewoman's amendment, that diversity in the energy future of our country and those who participate in it, participate particularly as farmers and ranchers, in this important new initiative for bioenergy, for training and educating those who will be responsible, hopefully, for introducing new products in diversity supplies of energy should also include diverse elements of our society participating.

We agree with the gentlewoman, and we support her amendment.

Mr. Chairman, I yield 1 minute to the gentleman from New York (Mr. BOEHLERT), the chairman of the Committee on Science.

Mr. BOEHLERT. Mr. Chairman, this amendment, which provides $5 million per year for integrated bioenergy research and development projects, for training and educating targeted to minority and socially disadvantaged farmers and ranchers, is a good amendment. Bioenergy research and development programs will provide important assistance for cutting-edge technologies and projects, and I proudly identify with the amendment, and I urge its adoption.

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I thank my friend, Mr. Chairman. I, too, would like to salute my colleagues in the Committee on Energy and Commerce.

I see my friend, the gentleman from Maryland (Mr. WYNN). I particularly want to salute them for their amendment, and congratulate the gentlewoman from Texas (Ms. JACKSON-LEE) for their amendment. I urge adoption of the amendment.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the gentleman from New York (Chairman BOEHLERT) for his support on this amendment, and I yield such time as he may consume to the gentleman from Maryland (Mr. WYNN), chair of the CBC Energy Task Force.

Mr. WYNN. Mr. Chairman, I thank the gentlewoman for yielding, and I compliment her for her leadership on this issue. She has done a wonderful job.

I also would like to thank my committee chairman, the distinguished gentleman from Louisiana (Mr. TAUZIN), for his support for this amendment. They told me in law school, when you are ahead, sit down; so I will not belabor my remarks.

I do want to salute one of my towns. The city of Takoma Park uses biodiesel in its fleet. This is one of the bioenergy, biomass products that we hope to see expanded as a result of this legislation. I am very pleased to be associated with it.

I also want to, of course, thank the chairman of the Committee on Science for his support.

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

Mr. Chairman, I think we ought to salute and recognize the gentleman from Illinois (Mr. RUSH) and the gentleman from New York (Mr. TOWNS), two other distinguished members of our committee who are equally responsible in helping make this amendment happen. I want to thank them for their cooperation on this bill throughout the markup process.

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

Ms. JACKSON-LEE of Texas. Mr. Chairman, I am happy to yield 1 minute to the distinguished gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON), the chairman of the CBC.

(Ms. EDDIE BERNICE JOHNSON of Texas asked and was given permission to revise and extend her remarks.)

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I thank the gentlewoman for yielding time to me.

Mr. Chairman, I rise in support of this amendment. I want to thank both Chairs for their support.

I rise in favor of the bill's provisions to provide research and development funding for biofuels. As Chair of the Congressional Black Caucus, I strongly support the CBC amendment to earmark $5 million in each fiscal year FY 2002–2006 to minority and socially disadvantaged farmers for bioenergy research.

Biofuels are a promising area not only in terms of supplying a cleaner burning source of energy but also could help to solve some of the environmental problems with confined animal feeding operations.

Because of its great size and the strong presence of agriculture, my home state of Texas is number 1 in the country for animal waste production.

Much of the waste contaminates our lakes and rivers, and threatens the drinking water supplies for various localities.

An article in the August 6th issue of Time magazine reports that large quantities of cow manure have found their way into Lake Waco, the drinking water source for Waco, where I was born and raised.

The same article also cited a Natural Resources Defense Council report detailing how cow manure in central Texas is fouling the Paluxy and Trinity aquifers and questioning the safety of well water supplies within those aquifers.

The Trinity River runs through my district. Therefore, I am especially concerned about the effects of this pollution on the quality of life in my district.

I am hopeful that the development of bioenergy will alleviate water pollution from farming operations. I trust that this funding will help provide the nation with greater energy security. I urge my colleagues to support energy security. I urge my colleagues to support the amendment to ensure equal opportunity for disadvantaged farmers in the development of bioenergy programs.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I am pleased to yield 1 minute to the distinguished gentlewoman from Florida (Mrs. MEEK) and thank her for her leadership on these issues on the Committee on Appropriations and for her concern for the interests of farmers and ranchers throughout the Nation.

Mrs. MEEK of Florida. Mr. Chairman, I want to thank the gentlewoman from Texas for her initiative. If there is a new initiative that is needed, it is this one.

I want to thank my good friend, the gentleman from Louisiana (Mr. TAUZIN), for the chance to have cooperated with the gentleman on this amendment. It is for a good cause.

We do not want to love a good amendment to death, so I just want to thank the Members.

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

Mr. Chairman, I want to conclude on the importance of the renewable energy sources. Biomass can be converted directly into liquid fuels for our transportation needs. The two most common biofuels are ethanol and biodiesel, and I know this, hopefully, will encourage the Members from the Midwest and the farming States, that we have acknowledged the value, coming from Texas and Louisiana, of the importance of these kinds of fuel types.

In particular, let me say to the gentleman that the Congressional Black Caucus organized on behalf of these energy amendments to emphasize what the chairperson has said, the value of diversity, and the role of stakeholders in this particular legislative initiative, it is massive.

I will note, as well, that I want to thank the chairman and the Committee on Rules for the LIHEAP amendment that went in to determine the issues of conservation and efficiency. It was added to the manager's amendment. I was not able to be on the floor, but I do want to thank the gentleman for that amendment, because what that does for the purposes of understanding the structural problems for those who receive LIHEAP fund, those are supplemental funds for utility bills, and we need to find out, do they know about conservation? Do they know about efficiency? Are they able to be efficient, because their houses are not structurally sound? We will have that research being done.

Mr. Chairman, let me close by saying this. This bill is going to have a long journey. I hope that we will have an opportunity for the Congressional Black Caucus to emphasize issues that reach into urban America and rural America.

I want us to be able to work further on the concepts of job training that will come out of the opportunities of this legislation, making sure we have people on the ground that can work in this industry. I believe it is important to include Historically Black Colleges

and Hispanic-serving Institutions, universities, on research issues.

I do believe it is important for the Federal Government to enhance and support technology that will help us.

The CHAIRMAN pro tempore (Mr. LATOURETTE). The time of the gentlewoman from Texas (Ms. JACKSON-LEE) has expired.

Mr. TAUZIN. Mr. Chairman, I yield 1 minute to the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I think it is important as well to determine whether or not the Federal Government has impacted positively or impacted negatively on the promotion of technological efforts to improve the resources that we need to get on behalf of our energy programs.

Mr. Chairman, I would hope, and there are several chairpersons on the floor, that we could continue to work with the respective chairpersons on the efforts of the Congressional Black Caucus.

I conclude by saying this authorization of $5 million is a big step. I ask my colleagues to support it.

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

Mr. Chairman, I would say that I think it is relevant that the gentlewoman, representing an oil and gas State, is bringing forward an amendment that will promote a new, diverse energy source for America other than oil and gas.

I hope folks watch that, that all of us have a common interest in diversity in this country, and in fuel supplies and in those who will produce those fuel supplies for America.

I am glad the gentlewoman mentioned the work for the Spanish colleges. My mother, Mrs. Enola Martinez, appreciates that money.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise in support of this amendment offered on behalf of the Congressional Black Caucus by myself, Congressman WYNN, Congressman RUSH, Congresswoman EDDIE BERNICE JOHNSON, Congressman TOWNS, and Congressman HILLIARD.

The Administration's energy proposal was prepared not under the open purview of the public or the Congressional Committees that share jurisdiction in this important area. Those who contributed to the final document that the Administration presented to the Nation and the Congress have not been revealed.

Now that this measure is before the Congress for consideration, we must instill in the American people that the energy plan that will be signed into law is indeed in their best interest for the short-term and the long-term energy needs of our Nation.

I strongly believe that the best approach to our nation's energy needs is one of bipartisan cooperation with a goal of ensuring long-term commitments to a national energy plan that reducing dependence on foreign sources of energy and enhances our Nation's productivity. For this reason, I thank the House Rules Committee for making this amendment in order.

As a Congress we must explore the potential that renewable energy technologies have to contribute to fulfilling an increasing part of the nation's energy demand and how that can occur, while increasing the economies, that can be reached through more efficient and environmentally sound extraction, transportation, and processing technologies.

The amendment we offer before the House today will create an annually funded program for training and education for disadvantaged farmers and ranchers to participate in bioenergy marketing of their products and byproducts associated with their operations.

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

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

Even gas can be produced from biomass for generating electricity. Gasification systems use high temperatures to convert biomass into a gas (a mixture of hydrogen, carbon monoxide, and methane). The gas fuels a turbine, which is very much like a jet engine, only it turns an electric generator instead of propelling a jet. The decay of biomass in landfills also produces a gas—methane—that can be burned in a boiler to produce steam for electricity generation or for industrial processes. New technology could lead to using biobased chemicals and materials to make products such as antifreeze, plastics, and personal care items that are now made from petroleum. In some cases these products may be completely biodegradable. While technology to bring biobased chemicals and materials to market is still under development, the potential benefit of these products is great.

I ask that my Colleagues join the Congressional Black Caucus in support of this amendment to H.R. 4, Securing America's Future Energy Act of 2001.

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

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

The amendment was agreed to.

The CHAIRMAN pro tempore. It is now in order to consider amendment No. 9 printed in part B of House Report 107–178.

AMENDMENT NO. 9 OFFERED BY MRS. CAPITO

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

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 9 offered by Mrs. CAPITO:

On page 190, after line 25, insert:

(c) GASIFICATION.—The Secretary shall fund at least one gasification project with the funds authorized under this section.

The CHAIRMAN pro tempore. Pursuant to House Resolution 216, the gentlewoman from West Virginia (Mrs. CAPITO) and a Member opposed each will control 5 minutes.

Mr. TAUZIN. Mr. Chairman, I support the amendment, but I ask unanimous consent to claim the time in opposition.

The CHAIRMAN pro tempore. Without objection, the gentleman will be recognized for the time in opposition.

There was no objection.

The CHAIRMAN pro tempore. The Chair recognizes the gentlewoman from West Virginia (Mrs. CAPITO).

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

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

Mrs. CAPITO. Mr. Chairman, I rise today to offer an amendment which will require that the Department of Energy fund at least one coal gasification project with the funds authorized under the bill's research and development title.

In my home State of West Virginia, coal continues to be an integral part of the lives and livelihoods of thousands of West Virginians, but most people do not realize that coal is also vital to the well-being of families across the country.

The events of last year have shown us that when we flip the switch, we cannot always be certain that the lights will come on. Fortunately, we do have an abundant source of energy available right now to address our current and future energy needs in coal.

Our Nation's recoverable coal has the energy equivalent of about one trillion barrels of crude oil, comparable in energy content to the entire world's known oil reserves.

U.S. coal reserves are expected to last at least 275 years. In order to fully utilize this vast energy resource, however, we must find ways to use it in a more environmentally friendly way.

One method which has already shown great potential is coal gasification. Rather than burning coal in a boiler,

gasification converts coal into a combustible gas, cleans the gas, and then burns the gas in a turbine, much like natural gas.

More than 99 percent of the sulfur, nitrogen, and particulate pollutants are removed in this process. It is a low-emission technology. Continued research and development in clean coal technologies like coal gasification are vital to keeping coal, our most abundant energy resource, an integral part of supplying energy to America.

Our goal should be to give industry the incentives to develop the commercial viability of coal gasification, bringing energy to consumers while protecting the environment and coal's future in America's energy plan.

I congratulate the chairman and the gentleman from New York (Mr. BOEHLERT) and all the Members of the committees who have worked so hard to bring this comprehensive energy package to the floor.

This bill represents a bipartisan effort, and it is my hope that it will move swiftly through the House and Senate and be signed by the President as soon as possible. The American people have waited long enough for an energy plan.

I urge all my colleagues to support this amendment and to vote yes on final passage.

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

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

Mr. Chairman, I rise in support of the gentlewoman's amendment. I commend her hard work on behalf of the clean coal technologies, both with this very important amendment and with her cosponsorship of the NEET clean coal bill.

Over half of the Nation's electricity is generated from coal. We cannot escape that fact. About 52 percent of every drop of electricity that comes into our homes comes into homes from a coal-fired plant somewhere in America. We must be working constantly to make sure that we are burning the cleanest possible coal in those plants and in future plants that may be built.

The Capito amendment will achieve this goal by ensuring that coal gasification, our most promising clean coal technology, is represented in the DOE's technology program; and at the same time I want to commend the chairman of the Committee on Science, the gentleman from New York (Mr. BOEHLERT), for the cooperative effort of our two committees in fashioning language within this bill for the clean coal program.

It does in fact emphasize gasification as one of the most principal emphases in the clean coal technology research programs.

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

Mr. TAUZIN. I yield to the gentleman from New York.

Mr. BOEHLERT. I want to thank the gentleman for those kind remarks, Mr. Chairman. I also want to thank our colleague and good friend, the gentlewoman from West Virginia (Mrs. CAPITO), for her leadership on clean coal technologies issues.

The chairman of the Committee on Energy and Commerce is exactly right, coal is here. Coal is responsible for more than 50 percent of the electricity generated in America. What we need to do is focus on having cleaner coal, and that is exactly what this amendment does.

The gentlewoman from West Virginia (Mrs. CAPITO) has been helpful to the Committee on Science, not only with respect to this amendment, but also on clean coal provisions in division E of the bill, which requires that at least 80 percent of the funds are used for clean coal-based gasification technologies.

Clearly our efforts should focus on clean coal technologies such as the integrated gasification combined cycle. I appreciate the gentlewoman for her leadership on this issue, and I urge my colleagues to support this amendment, which has been worked out between the two committees in partnership for a positive result.

Mr. Chairman, I include for the RECORD letters regarding H.R. 2436.

COMMITTEE ON RESOURCES,
Washington, DC, July 20, 2001.

Hon. SHERWOOD L. BOEHLERT,
Chairman, Committee on Science, Rayburn HOB, Washington, DC.

DEAR MR. CHAIRMAN: On July 17, 2001, the Committee on Resources ordered favorably reported H.R. 2436, the Energy Security Act. The bill was referred primarily to the Committee on Resources, with an additional referral to the Committee on Energy and Commerce.

H.R. 2436 is a critical part of the President's energy policy initiative. The Leadership plans on scheduling an energy legislative package for consideration by the full House of Representatives as early as next week. Therefore, I ask you to not to seek a sequential referral of the bill.

Of course, by allowing this to occur, the Committee on Science does not waive its jurisdiction over H.R. 2436 or any other similar matter. If a conference on H.R. 2436 or a similar energy legislative package becomes necessary, I would support the Committee on Science's request to be named to the conference. Finally, this action should not be seen as precedent for any Committee on Resources bills which affect the Committee on Science's jurisdiction. I would be pleased to place this letter and your response in the report on the bill to document this agreement.

Thank you for your consideration of my request. I look forward to working with you again on the Floor.

Sincerely,

JAMES V. HANSEN,
Chairman.

COMMITTEE ON SCIENCE,
Washington, DC, July 24, 2001.

Hon. JAMES V. HANSEN,
Chairman, Committee on Resources, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter of July 20, 2001 concerning H.R. 2436, the Energy Security Act. As you have acknowledged in your letter, some of the provisions in your reported bill fall within the jurisdiction of the Committee on Science. Among those provisions is section 233.

Section 233 establishes Cooperative Oil and Gas Research and Information Centers within the Department of the Interior. These centers among other things, "shall conduct oil and natural gas exploration and production research . . ." This provision falls within the jurisdiction granted to the House Science Committee under Rule X, clause l(n) 1 of the Rules of the House of Representatives which states in part that the Committee on Science "shall have jurisdiction [on] all [matters relating to] energy research, development, and demonstration . . ."

It is my understanding that in order to expedite floor consideration of H.R. 2436 or the legislative package on energy of which it will become a part, you will delete section 233 or similar section in the energy package with the understanding the Committee on Science will not seek a referral on H.R. 2436.

We appreciate your offer to support our request for conferees on the remaining provisions of H.R. 2436 or a similar energy package which may fall under the jurisdiction of the Committee on Science. We also note your acknowledgement that by not seeking a referral on H.R. 2436, that the Committee on Science does not waive its jurisdiction over that legislation or any similar matter.

Finally, I request that our exchange of correspondence be placed in the Congressional Record during the floor debate on the energy package as reported from the Committee on Rules.

Thank you for your consideration.

Sincerely,

SHERWOOD L. BOEHLERT,
Chairman.

Mr. TAUZIN. I thank the gentleman.

I am going to make one other comment. Mr. Chairman, I hope Americans focus on this as they watch this debate. That is, while OPEC has an enormous influence upon prices and supplies of gasoline and diesel fuel and home heating oil and jet fuel in our economy, OPEC can meet tomorrow and devastate this economy, as they once did, because we are so dependent upon those sources.

Our whole card, our defense, is in our coal program. We have enough coal in this country to last 400, 500 years, maybe 800 years, if we develop it properly. Moving toward cleaner coal does not just make good sense for energy security, it makes sense in this Nation's commitment to the effort in global climate change.

As one of the designated co-chairs to the conference that will occur later in the fall on global climate, I am extremely interested in knowing that we are committed to a course not that is going to put anybody out of business or disrupt the American economy, but that we will find solutions to situations where we can reduce CO_2 emissions through cleaner coal technologies and gasification projects, like the gentlewoman is sponsoring in this amendment.

So I commend the gentlewoman for that. This has all kinds of pluses. This is win-win-win for the American economy, for American security, for our environment, and for our international position on global warming and global climate.

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

Mr. TAUZIN. I yield to the gentleman from Virginia.

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

I also want to thank the gentleman for his remarks and also for his strong support of finding ways to enhance the use of coal as a fuel for electricity generation.

I also want to commend the gentlewoman from West Virginia for bringing this amendment forward. I am pleased to support it strongly, and encourage other Members of the House to do the same.

Coal gasification is a promising technology which can increase significantly the efficiency of electricity generators. It also produces useful byproducts, such as hydrogen, that can be used in traditional manufacturing operations.

In addition to that, because the carbon dioxide stream is brought off separately as a part of the gasification process, CO_2 potentially could be sequestered, with all of the attendant environmental benefits that that promises.

So I think the gentlewoman is making a constructive contribution. I thank her for bringing this amendment forward. I am pleased to encourage its adoption.

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

Mr. Chairman, I thank all three gentlemen for their great comments in support of coal gasification and clean coal technologies. I am enthusiastic about this.

I agree with the chairman when he says it is a win-win-win. I believe it is not only a win for this country, but it is a win for my State of West Virginia. I look forward to its passage.

Mr. SMITH of Michigan. Mr. Chairman, will the gentlewoman yield?

Mrs. CAPITO. I yield to the gentleman from Michigan.

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Mr. SMITH of Michigan. Mr. Chairman, I just met with Spencer Abraham, the new Secretary of Energy, and certainly I rise in support of this amendment.

America has abundant reserves of coal, enough for hundreds of years, and so we need to figure out how to tap into this resource in the way that protects our environment and keeps energy affordable.

In my home State of Michigan, we are now generating 80 percent of our electricity supply from coal. Coal has many benefits, but it also has environmental drawbacks. And that is why the Clean Coal Technology Program in our efforts to move ahead on this effort is so very important. The gentlewoman's amendment would simply ensure that the Department of Energy include the research as part of its clean coal portfolio.

I see nothing objectionable from anybody, and I certainly support that effort because that technology is so important.

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

The CHAIRMAN pro tempore (Mr. LATOURETTE). The Chair would like to correct a statement that he made earlier.

Where the manager is not truly an opponent of the amendment, the proponent of the amendment has the right to close the debate.

The question is on the amendment offered by the gentlewoman from West Virginia (Mrs. CAPITO).

The amendment was agreed to.

The CHAIRMAN pro tempore. It is now in order to consider amendment No. 10, printed in part B of House Report 107–178.

AMENDMENT NO. 10 OFFERED BY MS. JACKSON-LEE OF TEXAS

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 10 printed offered by Ms. JACKSON-LEE of Texas:

Page 191, after line 17, insert the following new section, and make the necessary change to the table of contents:

SEC. 2423. NATURAL GAS AND OIL DEPOSITS REPORT.

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 other appropriate Federal agencies, shall transmit a report to the Congress assessing the contents of natural gas and oil deposits at existing drilling sites off the coast of Louisiana and Texas.

The CHAIRMAN pro tempore. Pursuant to House Resolution 216, the gentlewoman from Texas (Ms. JACKSON-LEE) and a Member opposed each will control 5 minutes.

Mr. TAUZIN. Mr. Chairman, I ask unanimous consent to claim the time in opposition, although I do support the amendment.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

The CHAIRMAN pro tempore. The gentleman from Louisiana (Mr. TAUZIN) will be recognized for 5 minutes in opposition.

Pursuant to the Chair's previously announced policy, the gentlewoman from Texas (Ms. JACKSON-LEE) will have the right to close debate on this amendment.

The Chair recognizes the gentlewoman from Texas (Ms. JACKSON-LEE) for 5 minutes in support of her amendment.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield myself 2 minutes, and I rise in support of the Jackson-Lee-Lampson amendment; and I am delighted to be joined by my colleague, the gentleman from Texas (Mr. LAMPSON), to help explain the following amendment.

This amendment would direct the Secretary of Energy to study and evaluate the availability of natural gas and oil deposits located off the coast of Louisiana and Texas at existing drilling sites. The assessment would allow an inventory of existing oil and gas supplies and an evaluation of techniques or processes that may exist in keeping those wells protected.

Let me first of all say that my colleagues are well aware that we have had oil and gas drilling in the Gulf of Mexico off the shores of Texas and Louisiana for a fairly long time. This amendment simply attempts to assist our government, our Nation, in reaching the point of being independent, energy independent, through the full utilization of energy sources within our Nation's geographic influence.

Again, it focuses on the gulf, off the shores of Texas and Louisiana, because right now there are more than 3,800 working offshore platforms in the Gulf of Mexico which are subject to rigorous environmental standards. These platforms result in 55,000 jobs with over 35,000 of them located offshore.

The platforms working in Federal waters also have an excellent environmental record. According to the United States Coast Guard for the 1980–1999 period, 7.4 billion barrels of oil were produced in Federal offshore waters, with less than 0.001 percent spilled. This is a 99.99 percent record for clean operations. This record encourages us to discover, through the assessment of the Department of the Interior, what is still available in the Gulf: the opportunities for creating more jobs, the opportunity for using the kind of technology that enhances the environment, and the opportunity for making this Nation energy independent.

Most rigs, under current interior regulation, must have an emergency shutdown, and that is going on in the Gulf. Other safety features include training requirements for personnel, design standards, and redundant safety systems.

I believe that this will aid us and help us in being energy independent.

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

Mr. TAUZIN. Mr. Chairman, I yield myself such time as I may consume, simply to say that on behalf of the gentleman from Utah (Mr. HANSEN), chairman of the Committee on Resources, with whom I serve, we have no objections and, in fact, support this amendment. It complements features of the bill that was reported out of the Committee on Resources that does call for inventorying the Nation's energy supplies. This will be targeted to those platforms off of Louisiana and Texas that contribute so much to this country.

I want to thank the gentlewoman from Texas again for highlighting that. My own State is like hers, a major contributor to what we produce in this country for Americans. We produce 27 percent of the oil and about 27 percent of the natural gas, much of it from offshore, much of it, by the way, inside reserves. We have a national wildlife reserve called Mandalay Reserve in my district where wells are producing today. A hundred wells have been drilled to produce energy for this country in an environmentally safe way.

That reserve, I promise my colleague, is every bit as sacred to me as the Arctic Wildlife Reserve, but we know we can do this in a good sound way. Inventorying those resources makes sense, and we support the amendment.

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

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Texas (Mr. LAMPSON), who represents a sizable part of the energy industry in his Congressional District and has been a strong supporter for the creation of jobs and as well a leader in his area on behalf of his community.

Mr. LAMPSON. Mr. Chairman, I thank the gentlewoman from Texas for yielding me this time.

I am from Texas, and Texas is the land of oil and the land of energy. That energy does not just come from below the ground we walk on, it also comes from the bottom of the Gulf of Mexico. The amendment that my fellow Texan and I have introduced would direct the Secretary of Energy to take a good look at further developing the natural gas and oil deposits at existing drilling sites off the coast of Louisiana and Texas.

It is important that the United States have a balanced energy research, development, and demonstration program to enhance fossil energy. The reports that come out of this amendment could possibly change the energy policy and production of the United States. The infrastructure for oil and gas exploration in the Gulf is already in place. We might be sitting on production possibilities that could solve our immediate energy problems, but without this amendment and the reports that it would require we might not ever find out. Texas and the Gulf of Mexico have been an energy supplier to the United States for generations, and I believe the resources are there to continue in that production as we develop the natural gas and oil reserves in the ultra-deepwater of the Central and Western Gulf of Mexico.

With the further exploration of deposits in the Gulf, we will develop new technology that will affect the efficiency of production on offshore wells and the energy availability for the American public. Research and development on ultra-deepwater recovery will advance the safety and efficiency of production, lowering costs and protecting our environment at the same time. Exploration of new energy resources and protection of the environment can go hand in hand in the Gulf.

With this amendment, we have the possibility to lower costs, do so safely, and provide thousands of well-paying jobs for our working men and women. New supplies are vital to long-term economic stability and to current and future employment. Exploration of the Western Gulf of Mexico will permit access to one of our largest sources of oil. This development would not only reduce our dependence on foreign energy sources but also create significant amounts of jobs for our workers.

I thank the gentlewoman for working with me.

Mr. TAUZIN. Mr. Chairman, I have no further requests for time, and I reserve the balance of my time.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield myself such time as I may consume, and I believe I have the right to close.

I would like to, as I close, yield to the gentleman for an inquiry, if I might. But, first, let me simply say this. We have not learned all that we can learn about energy extraction, refining, generation or transportation. We are still learning. And this report that will be issued by the Secretary of the Interior will provide the complementary statistics and knowledge that will balance the planning that our energy industry has to engage in. It will help them prepare environmentally in terms of knowing what oil and gas deposits are there as they match their research along with the research of the Federal Government.

But this really goes to educating the American public about the resources that are present offshore and how they are extracted safely. And I believe that as knowledge is gained about the increasing ability or the increasing availability of oil and gas, then jobs will be created as well.

I started this debate, Mr. Chairman, an amendment or so ago, saying that this should be a consensus plan, and I believe this amendment adds to this legislation by the very fact that it provides knowledge and it helps us to create an encompassing plan.

Mr. TAUZIN. Mr. Chairman, I yield 1 minute to the gentlewoman from Texas (Ms. JACKSON-LEE) in order to engage in a dialogue.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the gentleman for yielding me this time, and I will ask my colleagues to support this amendment. But I first want to add my appreciation to the chairman, the gentleman from Louisiana (Mr. TAUZIN); the gentleman from New York (Mr. BOEHLER); and the ranking member as well.

I want to say to the gentleman that I had an amendment dealing with a commission that would create an opportunity for many people to be engaged. I know that we are not debating that amendment, but what I want to emphasize is the importance of everyone being a stakeholder in whatever energy policy we have. And I would appreciate the gentleman's comment on that, as well as a comment on making sure we have trained Americans, trained citizens, trained personnel to be able to take up the prospective jobs that may be created, whether it is working on the environmental end or whether it is working on the production end. And I would hope that we would look to inner-city and rural communities and underserved populations that traditionally may not have worked in these areas and to provide that training.

The gentleman mentioned earlier that I said Hispanic serving and historically black universities. I hope that we can work together on this.

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

Ms. JACKSON-LEE of Texas. I yield to the gentleman from Louisiana.

Mr. TAUZIN. I give the gentlewoman my commitment to do that. As the gentlewoman knows, we lost nearly 100,000 oil field jobs in my State alone, and more than that in her State during the oil crash of the 1980s. We desperately need well-trained workers and people willing to commit themselves to energy production. I will join the gentlewoman in that.

Ms. JACKSON-LEE of Texas. I thank the gentleman very much.

I ask my colleagues to support this amendment.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise to offer an amendment to H.R. 4, the Securing America's Future Energy Act of 2001. This amendment would direct the Secretary of Energy to study and evaluate the availability of natural gas and oil deposits located off the coasts of Louisiana and Texas at existing drilling sites. This assessment every 2 years would allow an inventory of existing oil and gas supplies and evaluation of techniques or processes that may assist in keeping those wells productive.

I represent residents and businesses that call the 18th Congressional District of Texas their home. Energy and energy related companies and dozens of other exploration companies are the backbone of the Houston economy. For this reason, the 18th Congressional District can claim well-established energy producing companies and suppliers as well as, those engaged in renewable energy exploration and development.

I believe that the effects of rising energy prices have had and will continue to have a chilling effect on our Nation's economy. Everything we as consumers eat, touch or use in our day to day lives have energy costs added into the price we pay for the good or service. Today, our society is in the midst of major sociological and technical revolutions, which will forever change the way we live and work. We are transitioning from a predominantly industrial economy to an information-centered economy. While or society has an increasingly older and longer living population the world has become increasingly smaller, integrated and interdependent.

As with all change, current national and international transformations present both dangers and opportunities, which must be recognized and seized upon. Thus, the question arises, how do we manage these changes to protect the disadvantaged, disenfranchised and disavowed while improving their situation and destroying barriers to job creation, small business, and new markets?

One way to address this issue is to ensure that this Nation becomes energy independent through the full utilization of energy sources within our Nation's geographic influence.

Today there are more than 3800 working offshore platforms in the Gulf of Mexico, which are subject to rigorous environmental standards. These platforms result in 55,000 jobs, with over 35,000 of them located offshore. The platforms working in federal waters also have

an excellent environmental record. According to the United States Coast Guard, for the 1980–1999 period 7.4 BILLION barrels of oil was produced in federal offshore waters with less than 0.001 percent spilled. That is a 99.999 percent record for clean operations.

According to the Minerals Management Service about 100 times more oil seeps naturally from the seabed into U.S. marine waters than from offshore oil and gas activities.

The Nation's record for safe and clean offshore natural gas and oil operations is excellent. And to maintain and improve upon this excellent record, Minerals Management Service continually seeks operational improvements that will reduce the risks to offshore personnel and to the environment. The Office of Minerals Management constantly reevaluates its procedures and regulations to stay abreast of technological advances that will ensure safe and clean operations, as well as to increase awareness of their importance.

It is reported that the amount of oil naturally released from cracks on the floor of the ocean have caused more oil to be in sea water than work done by oil rigs.

Most rigs under current Interior regulation must have an emergency shutdown process in the event of a major accident which immediately seals the pipeline. Other safety features include training requirements for personnel, design standards and redundant safety systems. Last year the Office of Minerals Management conducted 16,000 inspections of offshore rigs in federal waters.

In addition to these precautions each platform always has a team of safety and environmental specialists on board to monitor all drilling activity.

These oil and gas rigs have become artificial reefs for crustaceans, sea anomie, and small aquatic fish. These conditions have created habitat for larger fish, marking rigs a favored location to fish by local people.

Fossil fuels and the quality of life most citizens enjoy in the United States are inseparable. The multiple uses of petroleum have made it a key component of plastics, paint, heating oil, and of course gasoline. All fossil fuels are used to produce electricity; however, our national addiction to petroleum was painfully exposed in 1973 when the Organization of Petroleum Exporting Countries (OPEC) implemented an oil embargo against the United States. This event resulted in the rapid conversion of oil-fired electricity production electric plants into coal- and natural gas-fired plants.

Energy and the interconnected nature of our national and global economy is highlighted by rising oil, and gasoline prices experienced by producers and consumers over the last ten months.

The United States Postal Service has reported that for every 1 cent increase in the price of gasoline, they have an additional $5.5 million in transportation costs. Based on their national fleet of 2002 vehicles resulting they had a cost of $275 million added to the expense of their vehicle fleet for Fiscal Year 2000.

I held a fact-finding hearing in Houston, Texas on October 2, of last year to address the energy crisis and its impact on consumers and businesses in my District. I wanted to listen to what producers, suppliers, and consumers were experiencing due to the current energy crisis in our nation. I wanted to take from that discussion valuable insight that might be helpful to me in encouraging the House leadership to take up legislation that I hope will address many of their concerns.

As legislators, we must boldly define, address and find solutions to future energy problems. We know that the geological supply of fossil fuel in not infinite, but finite. We know that our Nation's best reserves of fuel sources are in the forms of coal and natural gas, among others.

I would only caution my colleagues, administration officials, academics, industry leaders, environmental groups and consumers not to assume that we have learned all that is knowable about energy extraction, refining, generation, or transportation but that we are still learning. We must bring to this debate a vigor and vitality that will enliven our efforts to not have a future of energy have and have nots, due to out of control energy demand with few creative minds working on the solution to this pressing problem.

During the 1970s some argued against the use of natural gas in electric utility generation, while others argued that it was necessary in order to free this nation from dependence on foreign sources of fossil fuel. In response the Congress passed the Powerplant and Industrial Fuel Act, which prohibited the use of natural gas in new powerplants, and the Natural Gas Policy Act, which removed vintages of natural gas from regulation.

As a result, natural gas production rose dramatically and Congress repealed the ''off-gas'' provisions of the Fuel Act, which resulted in increased use of that fossil fuel.

I ask that my colleagues join me and Congressman LAMPSON in support of this amendment.

The CHAIRMAN pro tempore (Mr. NETHERCUTT). The question is on the amendment offered by the gentlewoman from Texas (Ms. JACKSON-LEE).

The amendment was agreed to.

The CHAIRMAN pro tempore. It is now in order to consider amendment No. 11 printed in part B of House Report 107–178.

AMENDMENT NO. 11 OFFERED BY MR. SUNUNU

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

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 11 offered by Mr. SUNUNU:

Page 500, beginning at line 16, amend section 6512 to read as follows:

SEC. 6512. REVENUE ALLOCATION.

(a) FEDERAL AND STATE DISTRIBUTION.—

(1) IN GENERAL.—Notwithstanding section 6504 of this Act, the Mineral Leasing Act (30 U.S.C. 181 et. seq.), or any other law, of the amount of adjusted bonus, rental, and royalty revenues from oil and gas leasing and operations authorized under this title—

(A) 50 percent shall be paid to the State of Alaska; and

(B) the balance shall be deposited into the Renewable Energy Technology Investment Fund and the Royalties Conservation Fund as provided in this section.

(2) ADJUSTMENTS.—Adjustments to bonus, rental, and royalty amounts from oil and gas leasing and operations authorized under this title shall be made as necessary for overpayments and refunds from lease revenues received in current or subsequent periods before distribution of such revenues pursuant to this section.

(3) TIMING OF PAYMENTS TO STATE.—Payments to the State of Alaska under this section shall be made semiannually.

(b) RENEWABLE ENERGY TECHNOLOGY INVESTMENT FUND.—

(1) ESTABLISHMENT AND AVAILABILITY.—There is hereby established in the Treasury of the United States a separate account which shall be known as the ''Renewable Energy Technology Investment Fund''.

(2) DEPOSITS.—Fifty percent of adjusted revenues from bonus payments for leases issued under this title shall be deposited into the Renewable Energy Technology Investment Fund.

(3) USE, GENERALLY.—Subject to paragraph (4), funds deposited into the Renewable Energy Technology Investment Fund shall be used by the Secretary of Energy to finance research grants, contracts, and cooperative agreements and expenses of direct research by Federal agencies, including the costs of administering and reporting on such a program of research, to improve and demonstrate technology and develop basic science information for development and use of renewable and alternative fuels including wind energy, solar energy, geothermal energy, and energy from biomass. Such research may include studies on deployment of such technology including research on how to lower the costs of introduction of such technology and of barriers to entry into the market of such technology.

(4) USE FOR ADJUSTMENTS AND REFUNDS.—If for any circumstances, adjustments or refunds of bonus amounts deposited pursuant to this title become warranted, 50 percent of the amount necessary for the sum of such adjustments and refunds may be paid by the Secretary from the Renewable Energy Technology Investment Fund.

(5) CONSULTATION AND COORDINATION.—Any specific use of the Renewable Energy Technology Investment Fund shall be determined only after the Secretary of Energy consults and coordinates with the heads of other appropriate Federal agencies.

(6) REPORTS.—Not later than 1 year after the date of the enactment of this Act and on an annual basis thereafter, the Secretary of Energy shall transmit to the Committee on Science of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report on the use of funds under this subsection and the impact of and efforts to integrate such uses with other energy research efforts.

(c) ROYALTIES CONSERVATION FUND.—

(1) ESTABLISHMENT AND AVAILABILITY.—There is hereby established in the Treasury of the United States a separate account which shall be known as the ''Royalties Conservation Fund''.

(2) DEPOSITS.—Fifty percent of revenues from rents and royalty payments for leases issued under this title shall be deposited into the Royalties Conservation Fund.

(3) USE, GENERALLY.—Subject to paragraph (4), funds deposited into the Royalties Conservation Fund—

(A) may be used by the Secretary of the Interior and the Secretary of Agriculture to finance grants, contracts, cooperative agreements, and expenses for direct activities of the Department of the Interior and the Forest Service to restore and otherwise conserve lands and habitat and to eliminate maintenance and improvements backlogs on Federal lands, including the costs of administering and reporting on such a program; and

(B) may be used by the Secretary of the Interior to finance grants, contracts, cooperative agreements, and expenses—

(i) to preserve historic Federal properties;

(ii) to assist States and Indian Tribes in preserving their historic properties;

(iii) to foster the development of urban parks; and

(iv) to conduct research to improve the effectiveness and lower the costs of habitat restoration.

(4) USE FOR ADJUSTMENTS AND REFUNDS.—If for any circumstances, refunds or adjustments of royalty and rental amounts deposited pursuant to this title become warranted, 50 percent of the amount necessary for the sum of such adjustments and refunds may be paid from the Royalties Conservation Fund.

(d) AVAILABILITY.—Moneys covered into the accounts established by this section—

(1) shall be available for expenditure only to the extent appropriated therefor;

(2) may be appropriated without fiscal-year limitation; and

(3) may be obligated or expended only as provided in this section.

The CHAIRMAN pro tempore. Pursuant to House Resolution 216, the gentleman from New Hampshire (Mr. SUNUNU) and a Member opposed each will control 10 minutes.

Mr. TAUZIN. Mr. Chairman, I ask unanimous consent to claim the time in opposition, since there is no one in opposition, although I am very much in support of the amendment.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

The CHAIRMAN pro tempore. The Chair recognizes the gentleman from New Hampshire (Mr. SUNUNU).

Mr. SUNUNU. Mr. Chairman, I yield myself such time as I may consume, and I rise to offer an amendment as we put the final touches on this energy policy bill. It is an amendment that tries to strike a balance, a balance between the need for safe, reliable energy sources for the American economy and the need and desire to conserve our precious resources, our environment, and our natural heritage.

What my amendment does is take the royalties and the bonus payments that have been talked about here in the debate today, an unprecedented royalty sharing arrangement where the Federal Government will get half of the royalties from any oil production in the northern plains of Alaska, and take those royalties to set up two important funds.

The first fund would be geared toward conservation, a fund that could invest in our backlog maintenance of national parks, national forests, a fund that could invest in historic preservation, and a fund that could invest in the conservation of urban parks as well.

The remainder, the balance of the royalties, go into a second fund, a fund that invests in our energy future, alternative and renewable technologies, wind, solar, biomass, again a range of technologies that in the debate today have been held out as being the likely promise for energy independence in America's future.

I think this does strike a good balance between some of the extremes in this debate. It ensures that whatever financial benefits come from exploration and production on the Alaskan plains go back to the American people in an important way that conserves our parks, invests in maintenance of our national forests, and of course invests in future energy technology and independence.

Mr. Chairman, I yield 2 minutes to the gentlewoman from New Mexico (Mrs. WILSON), the cosponsor of the amendment.

Mrs. WILSON. Mr. Chairman, I thank the gentleman for yielding me this time, and I commend him for his leadership.

When I looked at this proposal for exploration of oil in Alaska, I did not think it was good enough, because I have long advocated for a balanced energy plan. I thank the gentleman for his leadership and the leadership of the chairman and this committee, because I felt as though we could find a better way.

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I think this amendment, combined with the next amendment, gives us the balance that all of us are looking for. I have long believed that we do not have to choose between having energy and preserving the environment that we love. These two amendments allow us to do both and to begin with conservation.

What this amendment does say is, we are going to explore for oil in ANWR and Alaska. Let us take the revenues, the royalties; half go to Alaska for Alaskans, but the other half, let us set up some trust funds to do two things. First, invest in renewable energy so we can reduce our reliance on foreign sources of supply and ultimately make ourselves more independent. The second is to conserve the land that we love, both in Alaska and in the rest of the United States.

We set up a trust fund that takes the proceeds from these precious natural resources that we get because we are the most technologically advanced country in the world when it comes to oil exploration and uses that wealth and that promise to preserve the greatness of this country and its other natural resources.

It is an innovative approach and when combined with the other amendment that the gentleman from New Hampshire and I will offer next, shows how we can do both, and we can use that money to preserve our parks, to take care of the backlog of maintenance in our national forests, and to make sure that we have land and water conservation for this generation and for the next generation.

I commend the gentleman for his leadership.

Mr. SUNUNU. Mr. Chairman, I yield 1 minute to the gentleman from Michigan (Mr. SMITH).

Mr. SMITH of Michigan. Mr. Chairman, as chairman of the Subcommittee on Research, Committee on Science, I am excited about this amendment. This fund could provide additional billions of dollars on top of the already existing funding for renewable energy research and development.

The renewable energy technology investment fund will fund additional renewable energy research and development into renewable and alternative fuels, including wind, solar, geothermal, energy from biomass. Using the revenues from ANWR, leasing for these purposes would pay permanent dividends to the American people by lowering the cost of developing renewable energy resources.

It is going to restore and protect wildlife habitat on public lands. It is an amazing return on investment, and by allowing for the wise and prudent development of just 2,000 acres in a remote area of Alaska previously set aside for this specific purpose, we can produce benefits for generations to come. It is the wise use of our public lands that our children and grandchildren will thank us for.

Mr. Chairman, I urge adoption of the Sununu amendment.

Mr. SUNUNU. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania (Mr. PETERSON).

Mr. PETERSON of Pennsylvania. Mr. Chairman, I think this is a good amendment. This makes a good portion of this bill even better. I think the ANWR portion of this bill is one of the most important parts. This will help us with an area that has been neglected.

Our public lands have been underfunded. We have not taken care of them well. The Forest Service alone has a $9 billion backlog which includes maintenance of the heritage sites, recreational facilities, trails, watershed improvements, installations for run-off and control of erosion and trapped sediments, structures needed to improve habitat for wildlife, fish and threatened and endangered species. $271 million is needed to maintain the Forest Service trail system that people hike on and recreate on.

Mr. Chairman, we were doing a little back-room math here. This could be $250 million a year for renewables and maintenance if we sell a million barrels a day. If it is 2 million barrels, we can have $500 million in each of those funds, putting them at the front of the line for the first time for the funding they need.

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

Mr. Chairman, I want to say in all of the years I have served in public office as a defender of property rights, as someone who has tried to reform the Endangered Species Act, I have received one beautiful environmental award from the Wildlife Federation of America; it came for work just like this, dedicating money from the royalty funds that are produced from State wetlands and water-bottoms in Louisiana, to make sure that those monies were return back to those wildlife areas to protect and preserve them.

In Louisiana and Texas we do exactly this. We take monies from the mineral

development, and put it back into protecting and preserving the wild and wet areas.

Mr. Chairman, I yield 2 minutes to the gentleman from Utah (Mr. HANSEN), the chairman of the Committee on Resources, who is responsible for most of the product we see now before us in this bill.

Mr. HANSEN. Mr. Chairman, let me point out that I have had an opportunity to look at the Sununu amendment, and I hope folks in their offices are listening to this because this is an interesting amendment.

Mr. Chairman, this amendment, if Members are at all on the fence wondering if they should vote for ANWR or not, this puts Members on the side to vote for ANWR. This amendment secures the amount of acreage we are talking about. It puts it at the 2,000-acre level. And if Members went there, they would see this is a fraction of what we are looking at.

All of the people saying, oh, my goodness, we are going to have the tentacles of this thing spread over the ANWR area. Well, the tentacles, if there ever was such a thing, have just been snapped off, and it is not going to happen.

If we talk about an amendment that perfects what we have been doing, the gentleman has come up with one. It makes eminently good sense that we follow this. This should be the one that should make this an easy vote for a lot of folks. We can go ahead and look in this area and take care of this problem.

I would like to say one thing, Mr. Chairman. I am so tired of having people write me and say this thing is only good for 6 months, what are we waiting for. If it was our only source, that would be true. Where do we get the oil that takes care of America? We get some from Pennsylvania, we get some from Texas, we get some from Utah, we get some from Venezuela, we get some from Alaska, Saudi Arabia, and from all over the world. I wish that tired old argument would go away.

Mr. Chairman, this would be the exact amount almost that supplements what we get from Iraq at the present time. Anybody who thinks that is our best friend, I would worry about it.

I compliment the gentleman from New Hampshire (Mr. SUNUNU) for his excellent amendment, and I support the amendment completely.

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

Mr. Chairman, I thank the gentlewoman from New Mexico (Mrs. WILSON) for her work on this amendment. I think it strikes a balance. We recognize the value of allocating royalty payments from outer continental shelf drilling, and in creating the Land and Water Conservation Fund from those revenues. We have done great things in this country to preserve precious land, to invest in maintenance of national parks and forests, to create the urban park program; and I think this amendment builds on that legacy, taking revenues and funds on production of the Alaskan plain and setting aside half of it for conservation and investment in parks and forests, and urban parks as well; and the other half, putting it into alternative renewable energy technology, really the energy technologies that are our future.

Mr. Chairman, I urge my fellow colleagues to support the amendment and to support a good balance in our energy policy.

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

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

The CHAIRMAN pro tempore (Mr. NETHERCUTT). The question is on the amendment offered by the gentleman from New Hampshire (Mr. SUNUNU).

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

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

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New Hampshire will be postponed.

It is now in order to consider Amendment No. 12 printed in part B of House Report 107–178.

AMENDMENT NO. 12 OFFERED BY MR. SUNUNU

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 12 offered by Mr. SUNUNU:

In section 6507(a), strike ''and'' after the semicolon at the end of paragraph (1), strike the period at the end of paragraph (2) and insert ''; and'', and add at the end the following:

(3) ensure that the maximum amount of surface acreage covered by production and support facilities, including airstrips and any areas covered by gravel berms or piers for support of pipelines, does not exceed 2,000 acres on the Coastal Plain.

The CHAIRMAN pro tempore. Pursuant to House Resolution 216, the gentleman from New Hampshire (Mr. SUNUNU) and a Member opposed each will control 10 minutes.

Mr. MARKEY. Mr. Chairman, I rise in opposition to the Sununu amendment.

The CHAIRMAN. The gentleman from Massachusetts (Mr. MARKEY) will control 10 minutes in opposition. The Chair recognizes the gentleman from New Hampshire.

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

Mr. Chairman, I rise to offer an amendment that attempts again to clarify the terms and the scope of the debate.

There has been a great deal of discussion today about exploration and energy production on the Alaskan plain. ANWR, the wildlife refuge, is an area of approximately 19 million acres. It is three times the size of the State of New Hampshire, which I am proud to represent. The 102 area, the coastal plain, which is not technically part of the wildlife refuge, is about 1.5 million acres.

But the fact is, given today's technology, there have been statements made, commitments made, that the amount of land mass that would be disturbed through any production activities would be less than 2,000 acres. I think it is important that we make that clear as part of the legislation that is being debated on the floor today.

As such, my amendment would simply state that for all production activities, airports, production platforms, and even staging facilities, the maximum amount of land that could be disturbed is 2,000 acres, approximately 3 square miles, a very small fraction of the 19 million acres in the entire ANWR area.

I think that is an indication of a balance, of common sense.

We do want to protect a sensitive area. We do want to set aside land for future generations; but here we have 19 million acres, and I think where the energy security and the energy future of the United States is concerned, it is realistic to think if we could put together a program that utilizes only 2,000 acres, we have done the right thing for future generations.

That is what my amendment does. I am pleased to introduce it with the gentlewoman from New Mexico (Mrs. WILSON) as a cosponsor.

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

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

Mr. Chairman, I rise in opposition to the Sununu amendment. The proponents of the drilling in this Arctic Refuge have taken one of their most misleading statements, and they have turned it into an amendment. We are now debating that amendment. This 2,000 acre amendment would simply make official what the industry has already said unofficially, that it intends to industrialize the very heart of the Arctic Wildlife Refuge.

The Department of Interior has already analyzed those plans. Let me show Members what 2,000 acres subdivided into all of its parts would mean for the refuge.

The industry says it will just be a little red dot. They have been passing this little red dot around for the last 5 months. It really will not do a great deal of damage. But the industry has big plans for that 2,000 acres of surface area because here is what can be done with 2,000 acres of surface area, if instead of a little dot, which is not how one drills because these are a lot of other things that need to be done to be successful in bringing oil and gas out of any part of this refuge.

Two hundred miles of pipeline can be built into the refuge. Two hundred miles of roads can be built into the refuge. Twenty oil fields can be fit into the refuge. That does not even count

the ice roads, the water, the trucks, the pollution and on and on. The gravel pits.

According to the Department of Interior, 2,000 acres of surface area would permit a spider web of facilities so extensive that its impact on the refuge, the wildlife, the ecosystem would spread over 130,000 acres to 303,000 acres, one-fifth of the entire 102 area.

Mr. Chairman, that is what Members are voting for when they vote for this amendment. It is not a little red dot. It is a huge pink snake.

Mr. Chairman I reserve the balance of my time.

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

Mr. Chairman, I ask the gentleman if he means to suggest in any way, shape or form that the pink-shaded area in his diagram is representative of an area equal to 2,000 acres given the scale of the map?

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Mr. MARKEY. I will be glad to respond. Yes, I am using the Department of Interior analysis.

Mr. SUNUNU. Reclaiming my time, I am not arguing that that is a Department of Interior map. I am asking you if the pink shaded area is 2,000 acres. I think, given the scale of that map, the answer is clearly no. The pink shaded area probably represents at least half a million acres, if not more, given the scale of that map. I suggest it is misleading.

Mr. Chairman, I yield 1 minute to the gentlewoman from New Mexico (Mrs. WILSON).

Mrs. WILSON. I thank the gentleman from New Hampshire for yielding this time, and I thank him for bringing this amendment.

Mr. Chairman, my colleague from Massachusetts needs some help. My preschoolers are over in my office, we have our crayons, and I think we could help him with his math, because it is misleading.

That is not 2,000 acres covered by that line, and he admitted it in his own presentation. That is 130,000 acres. That is exactly what this amendment prevents. It is now technologically possible, if we push the envelope, to minimize the impact on the Arctic National Wildlife Refuge; and we are going to do it in this legislation, with this amendment, to 2,000 acres which is less than one one-hundredth of 1 percent of the land area that we are talking about. Two thousand acres is 3 square miles. It is about one-fifth the size of Dulles International Airport in an area the size of the State of South Carolina.

It is time for a balanced approach to our national energy policy that allows production while protecting Alaska and the Alaskan environment.

I commend the gentleman for his amendment.

Mr. MARKEY. Mr. Chairman, I yield 1½ minutes to the gentlewoman from Connecticut (Mrs. JOHNSON).

Mrs. JOHNSON of Connecticut. ''What big eyes you have, Grandmother,'' said Little Red Riding Hood. That map represented what 2,000 acres of drilling platforms would look like in this ANWR plain plus the areas affected by the drilling and the roads needed to connect the drilling platforms. Because everyone knows that ANWR, this pristine part, this small coastal plain, has no deep wells. It may have several shallow wells. So you are going to need a number of platforms. Each one of those platforms is only a hundred acres. It only takes a hundred acres for a platform and an airstrip. So this amendment allows 15 to 20 platforms. Nobody has ever suggested that more than 16 were needed. But by the time you string those platforms together with all the roads, which this amendment does not count, and the land that will be affected by the people on those platforms, the waste disposal, the animal response to the inhabitants, that is the kind of footprint 2,000 acres in practice will have on this coastal plain.

This is a wolf in sheep's clothing. This is 2,000 acres of 100-acre per drilling pads. That adds up to have, with its roads, a huge impact on this area. That, of course, does not include the destruction wrought by mapping and waste disposal. Vote no on the Sununu amendment.

Mr. SUNUNU. Mr. Chairman, I yield 1 minute to the gentleman from Montana (Mr. REHBERG).

Mr. REHBERG. Mr. Chairman, I rise in support of the Sununu amendment to the SAFE Act. America has the resources, technology and expertise to develop a commonsense energy policy, one that, without going to extremes, preserves all of the environmental quality gains of the past 2 decades, meets our energy needs and allows for new science and new technologies to take us into the future.

One important component of America's journey towards energy self-reliance is an environmentally responsible development of the coastal plain of ANWR. It is for this reason I rise in support of the Sununu amendment. This amendment solidifies the promise that no more than 2,000 acres in ANWR will be affected by exploration.

To put 2,000 acres into perspective, ANWR is approximately the size of South Carolina. The footprint that would be left by exploration on the coastal plain would be less than one-fifth the size of Dulles Airport, a footprint one-fifth the size of Dulles Airport in an area the size of South Carolina. Being from the Big Sky country of Montana, I am absolutely committed to a safe, clean, healthy environment. I will not take a back seat to anyone when it comes to championing commonsense environmental protections.

I urge my colleagues to support the Sununu amendment and support this environmentally responsible development in ANWR.

Mr. MARKEY. Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. BOEHLERT).

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

Mr. BOEHLERT. Mr. Chairman, I rise in opposition to this amendment, or should I say this ruse masquerading as an amendment. I have to hand it to the proponents of drilling in ANWR. This is a very clever, well-crafted attempt to give people cover to say they oppose Arctic drilling when they do not.

So let me be clear. If you oppose Arctic drilling, the vote that counts is voting ''yes'' on Markey-Johnson. That is the vote that matters substantively, and that is the vote that counts politically.

This amendment is a red herring. This amendment purports to protect the environment by limiting the impact of drilling to 2,000 acres throughout the Arctic refuge. Guess what? The drilling was already going to occur on a limited number of acres. This amendment does not change a thing.

The fact is, 2,000 acres is a lot of territory in an area that is now undisturbed. What is worse, the impact of drilling will be felt far beyond those 2,000 acres. The Fish and Wildlife Service estimates that 20 percent of the area will be impacted. We are talking about impacts on migratory wildlife, among other vulnerabilities. They do not tend to notice artificial, man-made boundaries.

So vote against this amendment, which protects nothing. It will not protect ANWR, and it will not protect politicians looking for a way to avoid a tough vote.

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

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

Mr. BARTON of Texas. Mr. Chairman, I rise in strong support of Sununu-Wilson. Even if you are against drilling in ANWR, you ought to support this amendment. It is a self-limitation amendment. It is like I came on the floor and said, The national speed limit is 70 miles an hour. I think we ought to go 60. And somebody says, No, you can't do that. You've got to go 70. Or you've got to go 80.

This is a very sensible amendment. Two thousand acres is about 3 square miles, which would be about 9 miles. The District of Columbia is 10 by 10 or 100 square miles. This is 9 percent of the District of Columbia. With the technology available, we have already shown in Prudhoe Bay we can drill environmentally responsibly. This self-limitation amendment should be supported, I think, by unanimous consent.

I commend the gentleman from New Hampshire (Mr. SUNUNU) and the gentlewoman from New Mexico (Mrs. WILSON) for offering it, and I hope that we pass this one on a voice vote.

Mr. MARKEY. Mr. Chairman, I yield 1 minute to the gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. Mr. Chairman, I rise in opposition to this amendment. It is

not going to fix the problem. Oil development will still cause major impacts to the Arctic wildlife, water quality, and wilderness values.

Today, because President Bush and some in the majority feel the political atmosphere is again ripe, they are willing to disregard public opinion and force open a vestige of pristine wilderness to an industry that will desecrate the land. The administration touts an environmentally friendly way to drill. I do not believe it is possible. In fact, drilling is inherently detrimental to every bit of nature that surrounds it. Every year, 400 spills occur from oil-related activity in Alaska. From 1996 to 1999, over 1.3 million gallons were released from faulty spill prevention systems, sloppy practices, and inadequate oversight and enforcement. Alaska has only five safety inspectors.

I urge my colleagues, do what the American people have delegated us to do: oppose drilling in the refuge. It is that simple.

Mr. SUNUNU. Mr. Chairman, I yield 1 minute to the gentleman from Indiana (Mr. SOUDER).

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

Mr. SOUDER. Mr. Chairman, a couple of points. One is, this is a very difficult vote for me and many others who are concerned about our fish and wildlife areas. But there was an agreement made in Alaska that set part of this area aside for potential oil and gas drilling, a very small portion. This amendment is an excellent amendment because it limits it even further.

How do we balance environment and energy needs in our country? This is another attempt to try to do that. In fact, if you try to undo deals that have already been made, are we going to go to Massachusetts with the Boston Islands national park area and say all of a sudden Logan Airport has to be kicked out after when they created a park area, they agreed with certain things in the restrictions with that park area.

I also want to strongly support the gentleman from New Hampshire's earlier amendment that takes the funds into the national parks and other public areas. Some have criticized that amendment as well as nothing but a ruse, as a gimmick. But the fact is in the CARA bill, which I support, we said when we do offshore drilling we are going to take those funds and put them into environmentally-sensitive areas in the States where the drilling occurs.

The gentleman from New Hampshire's two amendments, in fact, are perfecting amendments that make this bill better. I cannot imagine why anybody who is pro-environmental would vote against either one.

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

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

Mr. INSLEE. Mr. Chairman, the problem is that this amendment does not solve the problem that you are attempting to violate one of the most pristine areas in America, the largest intact ecosystem in America. Sure, you may limit this. It is like if a phone company came to you and said, We are going to stick a cell phone in your backyard, you have got a 4,000 square foot backyard, we are going to stick a cell phone in the middle of it, a cell phone tower, and it is only going to be four square feet. What you would say is, no, you are changing the basic character of my backyard.

Building another Prudhoe Bay, and I was there 3 weeks ago, is going to dramatically change this wilderness. Why is that important? In part because the Fish and Wildlife Service concluded that drilling in the ANWR could reduce the caribou herd, the largest caribou herd in North America by 40 percent. It does it because you want to place an oil facility right smack dab in the heart of the caribou calving ground.

You can limit it all you want, but the bottom line is this: you are defacing an American wilderness established during the Eisenhower administration. We should not let George Bush put asunder what the Dwight David Eisenhower administration created. We should not put a mustache on this Mona Lisa.

Mr. SUNUNU. Mr. Chairman, I yield myself 30 seconds to underscore the remarks of the previous speaker, because I think to a certain degree they make the point, the point that I made earlier that we need to move away from the extremes of this debate.

The opponents of this amendment do not support a limitation of only 2,000 acres disturbed. They would not support a limitation of only 200 acres disturbed. They would not support a limitation of only 2 acres disturbed. And as the previous speaker pointed out, they will not even accept a limitation of disturbing 4 square feet. That is the difference in this debate, arguing from the extremes or arguing from this standpoint of preserving America's energy independence while being reasonable about conserving natural resources.

Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania (Mr. PETERSON).

Mr. PETERSON of Pennsylvania. I thank the gentleman for yielding time.

Mr. Chairman, we have had a pretty good debate here today, I have heard most of it, until a few moments ago. The pink snake that we were shown is a fraud. It is an absolute fraud. That map, if kept in context, would have been millions of acres of ANWR covered. A pipeline going from the wells that would be drilled to the existing Alaskan pipeline would not be visible on that map from this distance. A pipeline in Prudhoe Bay is not something that ruined the Prudhoe Bay area. I am here to say, folks, let us have a debate that is fair and that makes sense. The pink snake has nothing to do with what is going to happen in ANWR.

ANWR is our best oil reserve that America has anything to do with. Every well we drill in ANWR can prevent 70 wells needed in the lower 48. It can be done environmentally sound, and it should be.

□ 2045

Mr. MARKEY. Mr. Chairman, I yield 30 seconds to the gentleman from California (Mr. FARR).

Mr. FARR of California. Mr. Chairman, this is an argument about if it is not good, just do a little bit. But if it is not good, that is like saying if we were going to drill on Capitol Hill, it is all right, because it is just a little bit. Where would you begin? Is a little bit of drilling under the Capitol okay? How about a little bit of drilling under the Library of Congress, or a little bit of drilling under the Supreme Court? Which drilling is okay? Obviously neither. Neither on the Hill, our Hill, nor in the Arctic Refuge.

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

The CHAIRMAN pro tempore (Mr. NETHERCUTT). The gentleman from New Hampshire is recognized for 1½ minutes.

Mr. SUNUNU. Mr. Chairman, again, the previous speaker I think made clear the difference in the debate, arguing from the extreme that no exploration, no utilization of this Nation's resources, no drilling anywhere could be considered environmentally sound, environmentally safe; no limitation of footprint would be enough.

I think it this is a reasonable amendment, and I will read from it directly. It ensures that the maximum of acreage covered by production and support facilities, including air strips and areas covered by gravel, berms, or piers, does not exceed 2,000 acres.

I believe that the gentleman from Massachusetts will stand and display his map again. That map depicts the 1.5 million acres of the coastal plain area. 2,000 acres represents one-tenth of one percent of that area.

Now, it is not necessarily contiguous area, but the map that he showed earlier, the map that he will show again, represents a swath that is easily 100,000 acres, perhaps 200,000 acres. It is not one-tenth of one percent of the area on his map. I think that does a disservice to the quality of the debate in the House here. I think it does a disservice to the importance of striking a balance in any energy policy we pursue.

This is a complex issue. If it had an easy, simple solution, the previous administration would have put in place a sound energy policy. They did not.

The chairman has worked hard to bring together four disparate bills striking a balance between conservation, renewable energy, as well as investment in new sources and supply and efficiency.

I urge my colleagues to support the underlying bill and support this important limiting amendment.

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

The CHAIRMAN pro tempore. The gentleman from Massachusetts is recognized for 1 minute.

Mr. MARKEY. Mr. Chairman, again, 2,000 acres rolled out, and that is what the oil and gas companies are going to do. Rolled out in the form of roads, of oil wells, of feeder roads, of gravel pits, turns into something that looks like this, according to the Department of Interior. This is the actual pipelines and roads that will be built, and then the pink area is obviously the affected area, because you have deployed it.

Now, I know the Republicans think arsenic is not that bad for people, I understand that, because this is arsenic for the Arctic Wilderness, and you are serving it up, even though you rejected any real improvement in fuel economy for SUVs, for air conditioners, or for anything else that would make it unnecessary for us to go here.

Prudo Bay, they heard the same promises in 1972, and it turned into an environmental nightmare. The same thing will happen here.

Mr. SMITH of Michigan. Mr. Chairman, I rise in support of this amendment. Today, the Nation imports an estimated 56 percent of our petroleum energy, and we are more dependent on foreign sources of oil than ever before. Relying on foreign sources of oil is a national security issue of the greatest importance.

This bill allows oil development within the Arctic National Wildlife Refuge (ANWR). Opponents of this provision are concerned about the impact it will have on a pristine area. Nevertheless, the imperatives of the Nation's energy situation dictates that we must seek new sources of domestic energy production, including oil.

This amendment would set aside no more than 2,000 acres of ANWR to oil development. This is about the area that would be needed to tap oil resources located there, potentially tens of billions of barrels. This area represents about one hundredth of one percent of the land area in ANWR—about the area of medium-sized farm.

This seems to me to be a reasonable and responsible compromise. It would shut off the vast majority of ANWR from development while at the same time allowing oil development to move ahead on a very small portion of land.

Developing 2,000 acres, an area less then two miles square of ANWR vast area would improve America's energy security while leaving the remainder of the refuge untouched.

I urge my colleagues to vote "yes" on this amendment.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from New Hampshire (Mr. SUNUNU).

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

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

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New Hampshire (Mr. SUNUNU) will be postponed.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: amendment No. 6 offered by the gentleman from California (Mr. COX); amendment No. 7 offered by the gentleman from California (Mr. WAXMAN); amendment No. 11 offered by the gentleman from New Hampshire (Mr. SUNUNU); and amendment No. 12 offered by the gentleman from New Hampshire (Mr. SUNUNU).

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

AMENDMENT NO. 6 OFFERED BY MR. COX

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. COX) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 125, noes 300, not voting 8, as follows:

[Roll No. 313]

YEAS—125

Ackerman
Akin
Allen
Baca
Baird
Baldacci
Becerra
Berman
Blumenauer
Bono
Boucher
Calvert
Capps
Capuano
Collins
Condit
Cox
Crowley
Cubin
Cunningham
Davis (CA)
Davis (FL)
DeFazio
DeGette
DeLauro
Deutsch
Doggett
Dooley
Doolittle
Dreier
Eshoo
Farr
Fattah
Filner
Flake
Fossella
Frank
Gallegly
Gibbons
Gilman
Grucci
Harman
Herger
Hinchey
Holt
Honda
Horn
Hostettler
Houghton
Hunter
Israel
Issa
Johnson (CT)
Kelly
King (NY)
Kolbe
Kucinich
LaFalce
Lantos
Largent
Larson (CT)
Lee
Lewis (CA)
Lewis (GA)
Lofgren
Lowey
Markey
Matheson
Matsui
McCarthy (NY)
McDermott
McGovern
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Millender-McDonald
Miller, Gary
Miller, George
Moran (VA)
Nadler
Napolitano
Neal
Olver
Ose
Pallone
Pascrell
Paul
Payne
Pelosi
Peterson (PA)
Pombo
Quinn
Radanovich
Rangel
Rohrabacher
Ros-Lehtinen
Rothman
Roybal-Allard
Royce
Sanchez
Sanders
Sawyer
Schiff
Sensenbrenner
Serrano
Shays
Sherman
Simmons
Slaughter
Smith (NJ)
Stupak
Sununu
Tauscher
Thomas
Thompson (CA)
Tierney
Towns
Udall (CO)
Waters
Watson (CA)
Waxman
Weiner
Woolsey

NAYS—300

Abercrombie
Aderholt
Andrews
Armey
Bachus
Baker
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Bentsen
Bereuter
Berkley
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blunt
Boehlert
Boehner
Bonilla
Bonior
Borski
Boswell
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Camp
Cannon
Cantor
Capito
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Combest
Cooksey
Costello
Coyne
Cramer
Crane
Crenshaw
Culberson
Cummings
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
Delahunt
DeLay
DeMint
Dicks
Dingell
Doyle
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Etheridge
Evans
Everett
Ferguson
Fletcher
Foley
Forbes
Ford
Frelinghuysen
Frost
Ganske
Gekas
Gephardt
Gilchrest
Gillmor
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hill
Hilleary
Hilliard
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Hooley
Hoyer
Hulshof
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
Kingston
Kirk
Kleczka
Knollenberg
LaHood
Lampson
Langevin
Larsen (WA)
Latham
LaTourette
Leach
Levin
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Mascara
McCarthy (MO)
McCollum
McHugh
McInnis
McIntyre
McKinney
Menendez
Mica
Miller (FL)
Mink
Mollohan
Moore
Moran (KS)
Morella
Murtha
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Ortiz
Osborne
Otter
Owens
Oxley
Pastor
Pence
Peterson (MN)
Petri
Phelps
Pickering
Pitts
Platts
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Rahall
Ramstad
Regula
Rehberg
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Ross
Roukema
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sandlin
Saxton
Scarborough
Schaffer
Schakowsky
Schrock
Scott
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shows
Shuster
Simpson
Skeen
Skelton
Smith (MI)
Smith (TX)
Smith (WA)
Snyder
Souder
Spratt
Stearns
Stenholm
Strickland
Stump
Sweeney
Tancredo
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Toomey
Traficant
Turner
Udall (NM)
Upton
Velazquez
Visclosky
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watt (NC)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—8

Conyers
Diaz-Balart
Hutchinson
Lipinski
McCrery
Solis
Spence
Stark

□ 2111

Mr. SKEEN, Mr. LANGEVIN, Ms. KILPATRICK, and Ms. McKINNEY changed their vote from ''aye'' to ''no.''

Messrs. HOLT, AKIN, and TOWNS changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (Mr. NETHERCUTT). Pursuant to clause 6 of rule XVIII, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken on each amendment on which the Chair has postponed further proceedings.

AMENDMENT NO. 7 OFFERED BY MR. WAXMAN

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on Amendment No. 7 offered by the gentleman from California (Mr. WAXMAN) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 154, noes 274, not voting 5, as follows:

[Roll No. 314]

AYES—154

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett
Becerra
Berman
Blagojevich
Blumenauer
Bonior
Boucher
Boyd
Brady (PA)
Brown (OH)
Capps
Capuano
Cardin
Carson (IN)
Clay
Clayton
Clement
Clyburn
Condit
Costello
Coyne
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank
Frost
Gallegly
Gephardt
Gordon
Gutierrez
Harman
Hinchey
Hinojosa
Hoeffel
Holt
Honda
Hooley
Hoyer
Hunter
Inslee
Israel
Issa
Jackson (IL)
Jones (OH)
Kaptur
Kennedy (RI)
Kilpatrick
Kleczka
Kucinich
LaFalce
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Maloney (NY)
Markey
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Millender-McDonald
Miller, George
Mink
Moran (VA)
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Payne
Pelosi
Pomeroy
Rahall
Rangel
Rivers
Rodriguez
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sawyer
Schakowsky
Schiff
Scott
Serrano
Sherman
Slaughter
Smith (WA)
Solis
Strickland
Stupak
Tauscher
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Udall (CO)
Velazquez
Visclosky
Waters
Watson (CA)
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—274

Aderholt
Akin
Armey
Bachus
Baker
Ballenger
Barr
Bartlett
Barton
Bass
Bentsen
Bereuter
Berkley
Berry
Biggert
Bilirakis
Bishop
Blunt
Boehlert
Boehner
Bonilla
Bono
Borski
Boswell
Brady (TX)
Brown (FL)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Carson (OK)
Castle
Chabot
Chambliss
Coble
Collins
Combest
Cooksey
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal
DeLay
DeMint
Diaz-Balart
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Everett
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Frelinghuysen
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hobson
Hoekstra
Holden
Horn
Hostettler
Houghton
Hulshof
Hyde
Isakson
Istook
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Keller
Kelly
Kennedy (MN)
Kerns
Kildee
Kind (WI)
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
LaHood
Lampson
Largent
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Lucas (OK)
Maloney (CT)
Manzullo
Mascara
Matheson
McCrery
McHugh
McInnis
McIntyre
McKeon
Menendez
Mica
Miller (FL)
Miller, Gary
Mollohan
Moore
Moran (KS)
Morella
Murtha
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ortiz
Osborne
Ose
Otter
Oxley
Pastor
Paul
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Reyes
Reynolds
Riley
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Roukema
Royce
Ryan (WI)
Ryun (KS)
Sandlin
Saxton
Scarborough
Schaffer
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Souder
Spratt
Stearns
Stenholm
Stump
Sununu
Sweeney
Tancredo
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Tiberi
Toomey
Traficant
Turner
Udall (NM)
Upton
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watt (NC)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NOT VOTING—5

Conyers
Hutchinson
Lipinski
Spence
Stark

□ 2120

Mrs. McCARTHY of New York changed her vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 11 OFFERED BY MR. SUNUNU

The CHAIRMAN pro tempore (Mr. NETHERCUTT). The pending business is the demand for a recorded vote on Amendment No. 11 offered by the gentleman from New Hampshire (Mr. SUNUNU) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 241, noes 186, not voting 6, as follows:

[Roll No. 315]

YEAS—241

Abercrombie
Aderholt
Akin
Armey
Baca
Bachus
Baker
Ballenger
Barr
Bartlett
Barton
Bass
Bereuter
Berry
Biggert
Bilirakis
Bishop
Blunt
Boehlert
Boehner
Bonilla
Bono
Boyd
Brady (TX)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Carson (OK)
Castle
Chabot
Chambliss
Coble
Collins
Combest
Cooksey
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal
DeLay
DeMint
Diaz-Balart
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Everett
Flake
Fletcher
Foley
Forbes
Fossella
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gonzalez
Goode
Goodlatte
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Grucci
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hilleary
Hobson
Hoekstra
Holden
Hostettler
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jackson-Lee (TX)
Jenkins
John
Johnson, E. B.
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kerns
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lucas (KY)
Lucas (OK)
Manzullo
Mascara
McCrery
McHugh
McInnis
McKeon
Mica
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal
DeLay
DeMint
Diaz-Balart
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Everett
Flake
Fletcher
Foley
Forbes
Fossella
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gonzalez
Goode
Goodlatte
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Grucci
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hilleary
Hobson
Hoekstra
Holden
Hostettler
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jackson-Lee (TX)
Jenkins
John
Johnson, E. B.
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kerns
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lucas (KY)
Lucas (OK)
Manzullo
Mascara
McCrery
McHugh
McInnis
McKeon
Mica

Miller (FL)
Miller, Gary
Mollohan
Moran (KS)
Murtha
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Ortiz
Osborne
Ose
Otter
Oxley
Pascrell
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Regula
Rehberg
Reyes
Reynolds
Riley
Rodriguez
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Roukema
Royce
Ryan (WI)
Ryun (KS)
Sandlin
Scarborough
Schaffer
Schrock
Scott
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shows
Shuster
Simpson
Skeen
Skelton
Smith (MI)
Smith (TX)
Stearns
Stenholm
Stump
Stupak
Sununu
Sweeney
Tancredo
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Tiberi
Toomey
Traficant
Upton
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NAYS—186

Ackerman
Allen
Andrews
Baird
Baldacci
Baldwin
Barcia
Barrett
Becerra
Bentsen
Berkley
Berman
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson (IN)
Clay
Clayton
Clement
Clyburn
Condit
Costello
Coyne
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Ferguson
Filner
Ford
Frank
Frost
Gephardt
Gilman
Gordon
Graves
Gutierrez
Harman
Hastings (FL)
Hill
Hilliard
Hinchey
Hinojosa
Hoeffel
Holt
Honda
Hooley
Horn
Houghton
Hoyer
Inslee
Israel
Jackson (IL)
Jefferson
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (OH)
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaFalce
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
LoBiondo
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mink
Moore
Moran (VA)
Morella
Nadler
Napolitano
Neal
Obey
Olver
Owens
Pallone
Pastor
Paul
Payne
Pelosi
Phelps
Pomeroy
Price (NC)
Rahall
Ramstad
Rangel
Rivers
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sawyer
Saxton
Schakowsky
Schiff
Sensenbrenner
Serrano
Shays
Sherman
Simmons
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Strickland
Tauscher
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velazquez
Visclosky
Waters
Watson (CA)
Watt (NC)
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—6

Conyers
Hutchinson
Lipinski
Souder
Spence
Stark

□ 2129

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 12 OFFERED BY MR. SUNUNU

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from New Hampshire (Mr. SUNUNU) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 228, noes 201, not voting 5, as follows:

[Roll No. 316]

YEAS—228

Abercrombie
Aderholt
Akin
Armey
Bachus
Baker
Ballenger
Bartlett
Barton
Bereuter
Berry
Biggert
Bilirakis
Bishop
Blunt
Boehner
Bonilla
Bono
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Carson (OK)
Chabot
Chambliss
Coble
Collins
Combest
Cooksey
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal
DeLay
DeMint
Diaz-Balart
Dooley
Doyle
Dreier
Dunn
Edwards
Ehrlich
Emerson
English
Everett
Fletcher
Foley
Forbes
Fossella
Gallegly
Ganske
Gekas
Gibbons
Gillmor
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Grucci
Gutknecht
Hansen
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Holden
Hostettler
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jackson-Lee (TX)
Jenkins
John
Johnson, E. B.
Jones (NC)
Kanjorski
Keller
Kennedy (MN)
Kerns
King (NY)
Kingston
Knollenberg
Kolbe
Largent
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lucas (KY)
Lucas (OK)
Manzullo
Mascara
McCarthy (NY)
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller, Gary
Mollohan
Moran (KS)
Murtha
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ortiz
Osborne
Ose
Oxley
Pascrell
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Regula
Rehberg
Reyes
Reynolds
Riley
Rodriguez
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Royce
Ryan (WI)
Ryun (KS)
Sandlin
Scarborough
Schaffer
Schrock
Scott
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shows
Shuster
Simpson
Skeen
Skelton
Smith (MI)
Smith (TX)
Souder
Stearns
Stump
Stupak
Sununu
Sweeney
Tancredo
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Tiberi
Toomey
Traficant
Turner
Upton
Visclosky
Vitter
Walden
Wamp
Watkins (OK)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NAYS—201

Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Barr
Barrett
Bass
Becerra
Bentsen
Berkley
Berman
Blagojevich
Blumenauer
Boehlert
Bonior
Borski
Boswell
Boucher
Brown (OH)
Capps
Capuano
Cardin
Carson (IN)
Castle
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Doolittle
Duncan
Ehlers
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Ferguson
Filner
Flake
Ford
Frank
Frelinghuysen
Frost
Gephardt
Gilchrest
Gilman
Greenwood
Gutierrez
Hall (OH)
Hall (TX)
Harman
Hastings (FL)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holt
Honda
Hooley
Horn
Houghton
Hoyer
Inslee
Israel
Jackson (IL)
Jefferson
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (OH)
Kaptur
Kelly
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kirk
Kleczka
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
LoBiondo
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Matheson
Matsui
McCarthy (MO)
McCollum
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mink
Moore
Moran (VA)
Morella
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Otter
Owens
Pallone
Pastor
Paul
Payne
Pelosi
Phelps
Pombo
Pomeroy
Price (NC)
Rahall
Ramstad
Rangel
Rivers
Roemer
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sawyer
Saxton
Schakowsky
Schiff
Serrano
Shays
Sherman
Simmons
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stenholm
Strickland
Tauscher
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Udall (CO)
Udall (NM)
Velazquez
Walsh
Waters
Watson (CA)
Watt (NC)
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—5

Crowley
Hutchinson
Lipinski
Spence
Stark

□ 2138

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

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated against:

Mr. CROWLEY. Mr. Chairman, on rollcall No. 316, I placed my card in the machine and voted "no" on rollcall No. 316. My vote was not properly recorded.

I intended to vote "no."

The CHAIRMAN pro tempore (Mr. NETHERCUTT). It is now in order to consider amendment No. 13 printed in part B of House Report 107–178.

AMENDMENT NO. 13 OFFERED BY MR. MARKEY

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

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 13 offered by Mr. MARKEY: In division F, strike title V (page 477, line 12 through page 501, line 8).

The CHAIRMAN pro tempore. Pursuant to House Resolution 216, the gentleman from Massachusetts (Mr. MARKEY) and a Member opposed each will control 20 minutes.

Mr. HANSEN. Mr. Chairman, I rise in opposition to the gentleman's amendment.

The CHAIRMAN pro tempore. The gentleman from Utah (Mr. HANSEN) will control 20 minutes.

Mr. MARKEY. Mr. Chairman, I would like to have my time evenly divided between myself and the gentlewoman from Connecticut (Mrs. JOHNSON) for purposes of control.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

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

Mr. Chairman, this is the most important environmental vote of this Congress, 2001 and 2002. This is the top environmental vote for every environmental group in the United States. The proponents say we are going to drill and leave a little red dot of 2000 acres on this pristine wilderness area in Alaska. Yes, it is a little dot, but that is not how they drill.

This is what the Department of Interior says it will look like after all of the drilling is done, after all the roads are laid, after all the ice roads are dug, after all the oil wells are out there, after all the gravel pits are dug. This is what it will look like.

Ladies and gentlemen, this is the most important environmental vote of this entire Congress. Vote yes on Markey-Johnson.

Mr. HANSEN. Mr. Chairman, I yield 3 minutes to the gentleman from Alaska (Mr. YOUNG).

(Mr. YOUNG of Alaska asked and was given permission to revise and extend his remarks.)

Mr. YOUNG of Alaska. Mr. Chairman, I want to remind my colleagues this area 1002 is not ANWR. This area was set aside in 1980 for oil exploration by Senator Jackson, Congressman Udall, Senator Stephens, and Senator Bennett. It was supposed to be drilled, explored for the American people.

This is a charade from that side of the aisle. This amendment will deprive ourselves of, in fact, the oil that we must have for this Nation. It is a very small area.

I support the Sununu amendment. Two thousand acres is what we are talking about. I will give an example. After the previous speaker talked about a huge disturbance, this picture shows the alpine field right next to the so-called 1002 area. This is what it looks like in the winter. This looks very intrusive.

This picture shows what it looks like at the end of the exploration development, and this well right now is producing over 100,000 barrels of oil a year. This is less than the size of this small area from which we speak tonight, from the podiums which we have.

The misinformation on this issue by the gentleman from Massachusetts (Mr. MARKEY) and the gentlewoman from Connecticut (Mrs. JOHNSON) is so repugnant to me because it is really not the truth of the facts. This oil we have must have for this Nation. It is 1 million barrels of oil a day for the 100 years so that Saddam Hussein cannot control the market, cannot drive the gasoline prices up.

I was remarkably interested in hearing the people argue against this whole bill. If we fail to adopt this bill in total tonight, I can guarantee the public and the people on this House floor that the price of fuel will go up in 2 months' time because they have control of us. How anybody can take and send money abroad to Saddam Hussein and not develop our own oil, I cannot understand that mentality.

□ 2145

The mentality to say we are sending our dollars overseas so they can buy weapons of mass destruction, weapons against citizens of other countries, when we have oil in Alaska. Seventy-five percent of the people in Alaska want to drill. We are asking to have a national energy policy, as well as the President is asking.

Those people tonight who spoke on this issue against my position have never been to Alaska. I do not understand how Members can stand here and talk about the pristine area when they do not know what they are talking about. This is an area that is very hostile; but also this area has people who live there that support this.

This is not a pristine area. We must have this area to produce oil for this Nation.

Would Members have oil drilling off the coast of Florida or the Great Lakes or North Carolina? We want to do it. It is right for this Nation and for the people. It is right for my people in the State of Alaska. It is the best thing we have going, and how dare Members talk about something when they have never been there. Shame on them.

Mrs. JOHNSON of Connecticut. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, this is the most important environmental vote we will cast because this is about total protection of the ANWR. Mark my words, my friends. We cannot explore this area and drill in this area without permanent and severe damage to the environment.

Just the mapping that geologists from every single company would have to do would be very destructive. Every 1,100 feet, they map. Each caravan takes eight vibrating and seven recording vehicles accompanied by personnel carriers, mechanic trucks, mobile shop trucks, fuel tankers, an incinerator, plus a crew of 80–120 people, and a camp train of 20–25 shipping containers. This is intrusive and the scars are permanent.

Once the mapping is done, pads need to be built that will support rigs that weigh millions of pounds. How is that done? With water. In Prudhoe Bay, there is lots of water. In this area, there is very little unfrozen water during the winter. If that water is drawn out, it will have a devastating effect on the fish life in this area, and on all kinds of natural life the migratory bird populations depend on.

Mr. Chairman, I do not have time to go into all of the animal and plant impacts, but we cannot develop this area without impact on the fragile ecosystem, the only sub-Arctic ecosystem under preservation at this time.

Is this necessary to oil dependence? Absolutely not. OPEC has 76 percent of the world's oil reserves. We have 2 percent. We are going to drill on 95 percent of the North Slope in Alaska. We are drilling in other places in the United States and offshore. We will never be oil independent. We can do more about reducing our dependence on foreign oil by raising the miles-per-gallon standards, by laying that gas pipeline from Prudhoe Bay.

Stop drilling in the ANWR, preserve this important area.

Mr. MARKEY. Mr. Chairman, I yield 1 minute to the gentleman from Michigan (Mr. BONIOR).

Mr. BONIOR. Mr. Chairman, 22 years ago, with my friend from Massachusetts and others here, I helped pass the Alaska lands bill and one of its crown jewels, ANWR. I would say to my friend from Alaska, I have been to this refuge. I have stood on the banks of the Aichilik River and watched the caribou thundering across the horizon. I have seen the grayling running in the streams and the rivers. I have listened to the wolves howl at night, and I have hiked this wondrous tundra knowing that even though I did not see a grizzly bear, they were watching me.

Mr. Chairman, this is no ordinary land. This is a cathedral of nature. It is an American inheritance, and it is our responsibility to protect it.

The conservationist Aldo Leopold once wrote: "Our remnants of wilderness will yield bigger values to the Nation's character and health than they will to its pocketbook . . . to destroy

them will be to admit that the latter are the only values that interest us.''

It is this contest of values that lies at the heart of this debate today. Will our Nation honor its natural heritage, protecting its last remnants of wilderness; or will the big oil companies win? Vote for this amendment.

Mr. HANSEN. Mr. Chairman, I yield 2 minutes to the gentleman from Louisiana (Mr. TAUZIN).

Mr. TAUZIN. Mr. Chairman, I have walked around the bayous of Louisiana and paddled those lakes and canals and wetlands, and I have seen the egret and the crawfish and the deer and the rabbits and the squirrels, and I promise the gentleman, I have seen a thousand more species in a square mile of those bayou lands in Louisiana than one will ever see in the ANWR.

And guess what, the bayous and the wetlands I was transversing on are in the National Wildlife Refuge in Louisiana. And right next to them, right next to that amazing display of nature's bounty are 100 producing oil wells in the Louisiana Mandalay National Wildlife Refuge.

Mr. Chairman, I want to ask a question. I hope the gentleman answers it in his heart. Is my national wildlife refuge any less sacred or precious than the Arctic National Wildlife Refuge? Is my national wildlife refuge more susceptible to drilling and risks than the Arctic? The answer is no. Mine ought to be as sacred.

I can understand somewhat when some Members come to the well of this House and say, Do not drill in my backyard. Do not explore for energy in the offshore off my State. But I am amazed when Members show up on the floor and say, Do not do it in somebody's else State when they want to do it, areas that were set aside to be productive areas. Do not do it in areas that are rich in natural resources that this country is starving for, that we send our young men and women to fight over, to die for, so we can have energy to power our cars and light our homes.

I am amazed at the rationale of people who come and say do not do what can be done to make us a little less dependent upon a place in this world that is unsafe, that sets us up for a situation where we are buying oil from Saddam Hussein to turn it into jet fuel to put it in our airplanes so we can bomb the radar sites.

This amendment is awful. We ought to defeat it.

Mrs. JOHNSON of Connecticut. Mr. Chairman, I yield 1½ minutes to the gentleman from Maryland (Mr. GILCHREST).

Mr. GILCHREST. Mr. Chairman, I would like to say that I have a sensitivity to the gentleman from Alaska (Mr. YOUNG) who wants the oil drilled in ANWR because of the kind of resources that it will bring to bear on the Native Alaskans. Sometimes we forget how easy our life is here in the lower 48 with all of the conveniences and resources that we have to provide the quality of life that we have. There is a strong sensitivity to that particular issue.

I will say to the gentleman from Louisiana, about the diversity between the difference of the Arctic refuge on the North Slope of Alaska and the bayous of Louisiana, in 1966 I spent a winter in a tent 250 miles north of the Arctic Circle, and I can tell the gentleman, there might not be as much biological diversity there as opposed to Louisiana, but what is there is extremely sensitive. What is damaged, for all intents and purposes, is damaged forever.

When we have access to this oil, if and when it is drilled, the alternative use of technology to provide our energy will also come on-line; in less than 20 years, alternative sources of fuel that will break us away from the dependence on fossil fuel, and the way we are now can be achieved.

The other reason I am opposed to drilling for oil in ANWR is relatively simple. We are using up our oil faster than we should, and ANWR ought to be preserved in case of a disaster or an energy crisis.

Mr. MARKEY. Mr. Chairman, I yield 1 minute to the gentleman from West Virginia (Mr. RAHALL), the ranking member of the Committee on Resources.

Mr. RAHALL. Mr. Chairman, I rise to call to the attention of the body a very intriguing position in the ANWR title. Tucked away on page 487 is a section that mandates project labor agreements in ANWR oil and gas leases. What that means is that union labor would be employed to do the construction and other work in the Arctic Refuge.

If we were to open the refuge, fine. I think that is a great idea. Since it is good for Alaska, I say to my colleagues, then let us also benefit the men and women working for oil and gas companies who stand to profit from royalty-free leases in the Gulf of Mexico as well.

Now that the Bush administration is squarely behind the ANWR provision in this bill, perhaps the President realizes that he made a big mistake in February when he issued an executive order rescinding Clinton administration initiatives on PLAs.

And maybe corporate America has reconsidered and concluded that project labor agreements are good ideas after all. Perhaps that is why the Reliance for Energy and Economic Growth has endorsed this bill, along with myriad other manufacturing groups.

Mr. Chairman, I am glad, and I know that the National United Mine Workers union will appreciate that the National Mining Association now supports project labor.

Mr. HANSEN. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. HALL).

Mr. HALL of Texas. Mr. Chairman, the gentleman from Massachusetts (Mr. MARKEY) has stated that this is the most important environmental vote we will cast this year. I can follow by saying that it is the most important energy vote we will cast this year. But to be more succinct, I would say it is the most important vote we are going to cast this year because August lurks out there. August. I tell the people from California, the West Coast, those from Florida, we have a problem that we have to solve, and I want to be part of that solution. I want to help California and the West Coast.

Even though, through the 12-year battle for clean air, those people, those very same people who are objecting to this amendment wanted no transmission. They wanted no drilling. They did not want a boat in the harbor with energy on it, or a railroad going through with energy on it.

And I compliment them. They represented their State well. They did exactly what their States wanted them to do, and they were successful.

Despite their reluctance for energy self-help, we have to work with them and we are going to. We are going to solve it.

It is a little like the Boy Scout who was trying to help the lady across the street when she did not want to go. We are going to help the West Coast go across the street, even though they are objecting to it tonight. Even though they now cry out for energy, I think it is odd that they want to tell us where the energy cannot come from. Yet it is in our national interest to close ranks and solve the problem.

Mr. Chairman, this amendment is about energy. The barometer for the United States on the economy and how well we are doing is new home starts and new auto sales. But because nations will fight for energy, because we will send kids overseas to fight for energy, the barometer on energy is $3 a gallon for gasoline and, I am sorry to say, body bags. Those are things that we need to remember.

□ 2200

Some say that the North Slope is beautiful. I would tell you, Hades is probably beautiful if it is covered in snow. And I would drill at Hollywood and Vine if it took it to keep my kids out of body bags.

Mrs. JOHNSON of Connecticut. Mr. Chairman, I yield 1½ minutes to the gentlewoman from Maryland (Mrs. MORELLA).

Mrs. MORELLA. Mr. Chairman, I rise in strong support of the Markey-Johnson amendment. I do want to thank the leadership in the Committee on Rules for allowing us to have a fair and open debate on this very critical issue this evening.

The Arctic National Wildlife Refuge was established by President Eisenhower. And yes, it was called a refuge because it was a place to be protected, where there was security, where there was preservation. That is what we are discussing this evening. This pristine

wilderness has been recognized for its rich biological diversity. It has over 200 species of migratory birds, caribou, polar bears, musk-oxen, et cetera. Without question, oil and gas development in the Arctic coastal plain would result in substantial environmental impacts.

But today I am supporting this amendment for the simple reason that I think it is premature for us to open up ANWR for energy exploration. We have not even done enough to explore the alternatives. Conservation, improved efficiency, and renewable sources of energy must be integral aspects of our comprehensive national energy policy. Increased exploration and production of fossil fuels will simply not be sufficient. We need to make our economy less dependent on oil by becoming more energy efficient. Drilling in the Arctic Refuge will not address our energy needs. In fact, optimistic estimates for recoverable oil from ANWR would never meet more than 2 percent of our energy requirements.

Shakespeare once said, ''To energy none more bound. To nature none more bound.'' Let us preserve it. Any damage will be irretrievable. Vote ''yes.''

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

Ms. LEE. I thank the gentleman from Massachusetts for yielding me this time and for his leadership on this issue.

Mr. Chairman, there are simply places on earth that are too fragile, too vulnerable and too special really to drill for oil. We have a real moral obligation to protect these places. The Arctic National Wildlife Refuge is really one of those places. Pillaging the Arctic will not solve our energy problems. It will, however, endanger precious habitat and wilderness and will endanger the way of life for thousands of Alaskan natives.

Yes, we want more jobs but we do not have to sacrifice this wilderness area to get them. Developing new technologies will drive our economy forward and create new job opportunities. Building a natural gas pipeline from existing North Slope oil and gas fields will create jobs and increase our electricity supply. We can have both a healthy environment and a healthy economy. We do not need to sacrifice one for the other.

I urge Members to support this amendment.

Mr. HANSEN. Mr. Chairman, I yield 1½ minutes to the gentleman from Louisiana (Mr. JOHN).

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

Mr. JOHN. Mr. Chairman, while I rise in opposition to the Markey-Johnson amendment, I appreciate the Committee on Rules making it in order that we can have a good debate on this very important issue.

As a former member of the House Committee on Resources, I had an opportunity to visit ANWR. I also had an opportunity to visit the current production facilities down at Prudhoe Bay. I stand here today to tell Members that with today's technology we can develop ANWR without unleashing an environmental apocalypse on the coastal plains of Alaska as some here may make you believe. ANWR is not a silver bullet to stop our dependence on foreign oil and natural gas, but it is our best prospect.

As hard as we try, this Nation cannot meet its oil needs by drilling off the coast of Louisiana and the other gulf States. If my colleagues from other States insist on stopping exploration and production in Federal and State lands in the lower 48, then we cannot shut out opportunities on Federal lands that are supported by the State of Alaska and a majority of its residents. I am constantly amazed at my colleagues who stand up and attack the oil and gas industry as some evil forces at work in America. Where does the gasoline come from that fuels your cars that you came to work in today? Where does the natural gas come from that heats our home on those cold days? It reminds me of a little adage that we have in Louisiana: gasoline is like boudin. You do not like to see any of it being made, but we all want it.

Please do not vote for this amendment. This is bad public policy.

Mr. MARKEY. Mr. Chairman, I yield such time as she may consume to the gentlewoman from New York (Mrs. MALONEY).

(Mrs. MALONEY of New York asked and was given permission to revise and extend her remarks.)

Mrs. MALONEY of New York. Mr. Chairman, I rise in support of the Johnson-Markey amendment.

Mr. MARKEY. Mr. Chairman, I yield 30 seconds to the gentleman from New Jersey (Mr. HOLT).

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

Mr. HOLT. Mr. Chairman, in a bill that has the American taxpayers assuming the risk for drilling in marginal areas by subsidizing the oil companies, the centerpiece of this bill, opening up the Arctic Refuge for drilling, represents all that is wrong with this bill. We cannot turn this environmental jewel into an industrial complex. For what? Even if we had the oil from the Arctic Reserve, we would still be importing most of our oil from abroad unless we conserve and use our energy efficiently.

This is not a bill that is worthy of the 21st century. I urge Members to support the Markey amendment.

Mr. HANSEN. Mr. Chairman, I yield 1½ minutes to the gentleman from Oklahoma (Mr. CARSON).

Mr. CARSON of Oklahoma. Mr. Chairman, I have no doubt that when historians look back upon this era in time they will call it the age of petroleum. In 1859 when the first oil well was discovered in Pennsylvania, we were a Nation that rode mustangs, a short 100 years later we drove Mustangs, and 10 years after that we walked on the Moon, because of one thing, cheap, easily exploitable petroleum products.

The sad fact is, Mr. Chairman, we are running out of this precious commodity. World oil production is to peak in 10 to 20 years. Domestic oil production peaked in 1970. We are running out of oil. It is coming faster than we know. We have in ANWR, it is said, the best pool, the best possible source of resources outside the Caspian Sea, the best and largest pool to be found in nearly 30 years.

If the optimists are right and we do not begin to run out of oil in 20 years, that is only 7,000 days away. The time to act is now because it takes nearly 10 years to lease and begin production in ANWR. And if, God save us, the pessimists are right and we begin to run out of oil in 10 years or even 5 years as some would suggest, we will need to begin now so that the petroleum products, the jet fuel, the gasoline, the pharmaceuticals, the plastics, everything that has made industrial life possible can continue for future generations.

Mr. MARKEY. Mr. Chairman, I yield 30 seconds to the gentleman from Maryland (Mr. WYNN).

Mr. WYNN. Mr. Chairman, I rise in support of the Markey-Johnson amendment. In the Arctic Reserve, we have unparalleled splendor. We have 160 bird species, 36 land mammals, 36 types of fish. But they are not more important than the working men and women in America, if exploring that territory, exploiting that territory would yield oil to make us independent as some would have us believe.

The reality, however, is that developing oil in ANWR will not make us energy independent. In the year 2015, we will be needing 24 million barrels a day. ANWR yields 300,000. This is clearly a case in which the juice is not worth the squeezing.

Reject the ANWR development.

Mr. HANSEN. Mr. Chairman, I yield 1½ minutes to the gentleman from Nebraska (Mr. OSBORNE).

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

Mr. OSBORNE. Mr. Chairman, I rise to oppose the Markey amendment. A week or so ago I was sitting in the Committee on Resources and someone made the statement that the United States has only 3 percent of the world's petroleum reserves.

I thought about that and I thought, How do we know? We really do not know, because for 20 years, we have not explored. And so we do not know whether we have got 1 percent or 5 percent or 10 percent or 15 percent.

Currently, we import 60 percent of our oil. Most of that oil is from OPEC. Currently, OPEC sets the market in the United States. Currently that is an irritant. They can cause the price to fluctuate.

But let us take this hypothetical. Let us say we have a major war in the Middle East sometime in the next 3 or 4 years. Let us say that OPEC all of a sudden decides to cut off the spigot at some point or let us say OPEC decides to double the price. At that point, what do we do? We do not have an irritant at that point; we have got a national crisis. And where do we go? What do we do?

The first thing that we are going to do is we are going to start scrambling, and we are going to try to figure out what we do have. Right now we do not know. I am not saying we have to drill, I am not saying that we have to extract oil, but we need to know what our resources are, in the gulf, in the 1002 area, we need to know precisely. Because this is something that can very likely happen in the near future.

And so it is not a matter of destroying the area; it is a matter of exploring and knowing what is available to us.

Mrs. JOHNSON of Connecticut. Mr. Chairman, I yield 3 minutes to the gentleman from New York (Mr. BOEHLERT).

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

Mr. BOEHLERT. Mr. Chairman, I rise in strong support of this amendment which would protect a very special area originally set aside by that radical environmentalist Dwight David Eisenhower. We can have lots of spirited debate about the science and the impact of drilling and other essential matters related to this issue, but I will leave that to others. For me, this is an issue of fundamental principle. What right do we as human beings and what sense does it make as a Nation to open a pristine area to oil drilling when we are not willing to take the simplest, easiest steps to conserve oil?

Earlier today, this House defeated my amendment to raise CAFE standards which would have been the only truly significant conservation measure in this bill. Opening ANWR without any consideration of taking serious conservation steps is simply irresponsible. We are denying future generations a wilderness because we refused to take painless steps to control our own generation's appetite for oil. I do not know when that kind of thinking became conservative, but I do know that for eons that kind of gluttony has been considered wrong.

The proponents of oil drilling add insult to injury with their spurious arguments in favor of drilling. It is only a few thousand acres, they say. It is like saying, Don't worry, the tumor is only in your lungs.

The proponents say the drilling in Prudhoe Bay has had no ill environmental effects, but in reality some of the largest environmental fines in history have been paid because of damage in the Prudhoe Bay operations.

I am told, You say you don't want to drill in my State but anything goes in your State. Well, I stood and opposed drilling in the Finger Lakes National Forest in my State of New York.

It is said to me, How can you oppose ANWR? You've never seen it. I have never had cancer, either, and I vigorously oppose it. A lot is at stake with this amendment, a lot in terms of principle, in terms of impact on wildlife, in terms of land conservation.

I urge my colleagues to think about the future, the impact on generations to come, and support the Markey-Johnson amendment.

□ 2215

Mr. MARKEY. Mr. Chairman, I yield 30 seconds to the gentlewoman from Minnesota (Ms. MCCOLLUM).

Ms. MCCOLLUM. Mr. Chairman, earlier this summer, I went to the Arctic Refuge; and it is a living treasure. It is a treasure that must be defended and protected for future generations. Drilling in the arctic is not about a national crisis, it is about petroleum pirates and this administration willing to plunder a national treasure for profits.

I want to believe that this Congress has the courage and wisdom to invest in an energy strategy that emphasizes conservation, energy efficiency, and renewables.

I urge my colleagues to protect the Arctic Refuge.

Mr. HANSEN. Mr. Chairman, I yield myself 1½ minutes, and I ask unanimous consent that the gentleman from Louisiana (Mr. TAUZIN) control the balance of time on this side.

The CHAIRMAN pro tempore (Mr. NETHERCUTT). Without objection, so ordered.

There was no objection.

Mr. HANSEN. Mr. Chairman, I find it is very interesting that on September 16, 1996, the President of the United States went to Arizona and declared 1.7 million acres of monument in the State of Utah, and that people got up on this floor and all over America and said this is beautiful, this is a great gorgeous area. And the question the gentleman from Alaska (Mr. YOUNG) asked was, has anyone been there? No, they had not.

Do you know how many millions and millions of acres in the West is nothing but sagebrush? Well, two-thirds of that was nothing but sagebrush. But no, we are going to tie that up, with the biggest deposit of low-sulfur coal there is that we know of in the world.

I find it is interesting when everyone says how pristine this area is. Well, I have only been there twice. I do not think in my definition of pristine, it even comes close.

But I think The Washington Post said it best. Fourteen years ago they made this statement. ''That part of ANWR is one of the bleakest, most remote places on this continent, and there is hardly any other where drilling would have less impact on the surrounding life in the world.''

Then they make another statement. ''Even the most ardent people concede that, in the winter, with 70 below zero temperature, it is no paradise; however, it is no paradise in the summertime either.''

But beauty is in the eye of the beholder. I guess there is some beauty there. Those who have been there know better.

I worry about those we can least depend on are controlling our oil supply. Do you realize what we are getting out of this area, our best projections, is probably the exact amount we are getting from Saddam Hussein, this great lover of America. And we are going to say, okay, Mr. Saddam Hussein, you can control the spigot; we do not have to.

I think this is really kind of a foolish approach for us to take, and I would worry about it.

Let me say this: this amendment is anti-energy; it is anti-jobs. It is especially anti-jobs, and that bothers me.

Mrs. JOHNSON of Connecticut. Mr. Chairman, I yield 1½ minutes to the gentleman from Connecticut (Mr. SHAYS).

Mr. SHAYS. Mr. Chairman, I am reluctant to speak tonight because, being in politics for 24 years, I know after 10 o'clock at night it is difficult for some in the Chamber to be tolerant but I believe deeply in the issue, and, therefore, I want to speak about it.

I believe we will not have a world to live in if we continue our neglectful ways. I believe that with all my heart and soul. But earlier today this House continued these neglectful ways by refusing to hold SUVs and other light trucks to the same efficiency standards as today's cars. If we had taken that simple step, we would have saved more gasoline in just over 3 years than is economically recoverable in ANWR, and yet people say we need to drill in ANWR.

I find it unconscionable that we would now consider despoiling one of North America's last great wilderness areas, when we are unwilling to take even the smallest steps towards slowing the growth in demand for energy resources.

Mr. Chairman, drilling in the Arctic Refuge will make Japan very happy, because that is where this oil is ultimately going. It is not going to the United States, it is going to Japan.

The bottom line is, we are not resolving our energy needs, because we are not conserving. We'll just continue to consume more and waste more, consume more and waste more, and act like it doesn't matter. We are on a demand course that is simply unsustainable!

The CHAIRMAN pro tempore. The Chair advises Members that the gentleman from Louisiana (Mr. TAUZIN) has 7 minutes remaining, the gentlewoman from Connecticut (Mrs. JOHNSON) has 1 minute remaining, and the gentleman from Massachusetts (Mr. MARKEY) has 4½ minutes remaining.

Mr. MARKEY. Mr. Chairman, I yield 30 seconds to the gentleman from Washington State (Mr. INSLEE).

Mr. INSLEE. Mr. Chairman, I was there 3 weeks ago, and I have come to

the well to say that those who say that the Arctic Refuge is a barren area and that Prudo Bay is a wildlife refuge are dead wrong on both counts.

My grandchildren deserve to hear the same bird song from birds from all 50 States of this Union in the arctic just like I did. Your grandchildren deserve to know that the caribou are going to be there 1,000 years from now, just like you do.

Now, we have a disagreement. The majority wants to give $20 billion to the oil companies, and our children's heritage as icing on the cake. That is wrong. Preserve the Arctic Refuge.

Mr. TAUZIN. Mr. Chairman, I yield myself 30 seconds to correct the record. The record should be corrected, because a misstatement occurred on the floor.

The bill was amended in committee to prohibit the export of any of this oil and gas that might be produced in section 1002 to Japan or any other foreign place. It must be produced and used for America. That is what the bill now says. Any reference contrary to that is simply wrong.

Mr. Chairman, I yield 1½ minutes to my friend, the gentleman from Texas (Mr. GREEN).

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

Mr. GREEN of Texas. Mr. Chairman, I thank the chairman of our committee for yield me time.

Mr. Chairman, I am glad to follow my colleague from Washington, because I have also been to ANWR, and maybe we went to 2 different places, because when I was there in the first week of August, it was snowing; it was a blizzard. Maybe he was further south, where we are not talking about drilling, but I have been there, and I know we can extract oil from it and we can have an infrastructure that will not impact the environmental quality of ANWR.

Our technology has changed since the North Slope was first developed decades ago. We have a much more efficient and robust and less intrusive effort in anywhere, whether it is off the coast of Texas, or in ANWR. Mr. Chairman, we have to drill somewhere, and, if not in ANWR, where do my colleagues suggest to drill?

I rise in strong opposition to the Johnson-Markey amendment, and I hope this body is debating this issue as a national policy, because we have to drill somewhere. We cannot keep depending on foreign sources to be able to depend on for our country.

Where are we supposed to drill, only in foreign countries? Well, then, we are either going to let people who are our enemies control it, or we are going to take advantage of Third World countries by drilling in those countries and just using it from them.

We must support continued effort on foreign dependence on oil, and that is what we need to stop. I think this rationale is crazy. Our country cannot drill its way to energy self-sufficiency, but we can do better than we are doing now.

For those who say conservation is the key, sure, we can do better on conservation, but I hear people want to increase the efficiency of air conditioners, and yet in Houston, Texas, I have people who cannot even afford the air conditioners they have today.

That is why, Mr. Chairman, I think this is a bad amendment, and I hope this House will defeat it.

Mr. MARKEY. Mr. Chairman, I yield 30 seconds to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Chairman, spoiling the Arctic National Wildlife Refuge for the sake of a 6-month supply of oil 10 years from now is hardly a sensible energy policy and hardly a route to energy independence. It produces little energy in the short-term, little relief from high prices.

This energy bill is a wish-list for the coal, oil and gas companies. It gives $7.4 billion in royalty payments, free rein in our wilderness areas, their equipment set lose on the arctic coastal plain, one of the world's last great unspoiled frontiers.

I ask my colleagues, do not let this happen this evening. Support the Markey-Johnson amendment.

Mr. TAUZIN. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania (Mr. PETERSON).

Mr. PETERSON of Pennsylvania. Mr. Chairman, yes, we need more conservation and more efficient use of energy, but we also need an ample supply of all kinds of energy to prevent the price spikes that threaten our jobs and hurt our American families.

ANWR is our best reserve. Every well we drill in ANWR, we would have to replace it with 70 in the lower 48.

What are our opponents for? Are they for coal or nuclear and more hydro? I do not hear that. They want to generate electricity with gas, but they propose drilling to get the gas. They talk about renewables. When you back out hydro, we have 1½ percent. I am for renewables, but 1.5 percent will not fill our needs.

Do the opponents support drilling on the West Coast, the East Coast and the Gulf? No. Opening up the Rocky Mountain reserve? Drilling under the Great Lakes like Canada does? No. The monuments? No.

What are they for? They are for pipe dreams, that will give us shortages and high prices that endanger home ownership and kill job creation and destroy the American dream, because the American dream is fueled by energy, and we need it.

Mr. MARKEY. Mr. Chairman, I yield 30 seconds to the gentlewoman from California (Ms. WATSON).

Ms. WATSON of California. Mr. Chairman, we are certainly not for opening the Arctic National Wildlife Refuge to oil and gas drilling. The amount of recoverable oil would last an estimated 6 months. This drilling will occur in the very same refuge that President Dwight Eisenhower set aside, and is the last place in North America where the entire arctic ecosystem is protected.

I urge a no vote. This is irresponsible and shortsighted. Please, we know we are in a crisis, but this is not the way to solve the problem.

Mr. TAUZIN. Mr. Chairman, I yield 1 minute to the gentleman from Texas (Mr. BARTON), the chairman of the Subcommittee on Energy and Air Quality of the Committee on Energy and Commerce.

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

Mr. BARTON of Texas. Mr. Chairman, they asked a great American bank robber why he robbed banks. He said, that is where the money is. Well, why do we want to drill in ANWR? Because that is where the oil is.

We have drilled three million wells in the lower 48. Two million of those have been in Texas. I would die and go to heaven if they would tell me I had a 10 billion oil field in my backyard. I would go clip coupons and live on the beach. But, unfortunately we do not have much oil and gas left in Texas.

The mid-case example in ANWR is 1 million barrels a day for 30 years; 1 million barrels a day for 30 years. That is 25 million gallons of gasoline a day, 176 million gallons a week, 706 million gallons a month, or 9 billion gallons a year, for 30 years. That saves 5 to 15 cents a gallon every day for 30 years for every American consumer of gasoline.

It is the right vote. Vote no on Markey-Johnson. Vote yes for American energy security.

Mr. MARKEY. Mr. Chairman, I yield 30 seconds to the gentleman from Pennsylvania (Mr. HOEFFEL).

Mr. HOEFFEL. Mr. Chairman, there is a lot of oil under the North Slope of Alaska. Right now we can drill in 95 percent of the North Slope of Alaska. We are saying protect 5 percent, the coastal plain of ANWR.

There are other opportunities. Seventy-five percent of the North Slope is comprised of the National Petroleum Reserve set aside in the 1940s for exploration and drilling. Drill there. But protect ANWR. Protect the coastal plain.

We are not talking about capping Old Faithful or damming up the Grand Canyon. Do not drill in ANWR.

Mr. TAUZIN. Mr. Chairman, I yield 30 seconds to the gentleman from Minnesota (Mr. GUTKNECHT).

Mr. GUTKNECHT. Mr. Chairman, I thank the gentleman for yielding me time.

I would like to calm things down for a minute. This Capitol is filled with great quotations on the walls, but in this great Chamber, this is only one quotation. It is right up here, and I would like to read it.

It says, ''Let us develop the resources of our land, call forth its powers, build

up its institutions, promote all its great interests, and see whether we also in our day and generation may not perform something worthy to be remembered.'' That is what Daniel Webster said, and it is up on that wall.

This is an important vote. Are we not glad that our ancestors had the courage to say, we are going to allow people to take coal out of West Virginia, or iron ore out of pristine Northern Minnesota.

This is an historic vote. I hope we vote this amendment down and the bill up.

Mr. TAUZIN. Mr. Chairman, I yield 45 seconds to the gentleman from Colorado (Mr. UDALL), after whose father this refuge should be named.

Mr. UDALL of Colorado. Mr. Chairman, I thank my colleague for yielding me time.

Many have asked me about what my father would say, colleagues on both sides of the aisle, and I am here tonight to tell you he would support the Markey amendment.

But this is not about my father, it is about my children and their children.

□ 2230

It is about leaving them options in the future.

Barry Goldwater was asked if he had any regrets about the votes he cast in the Senate when he served here so admirably. He said, One vote, when I voted to dam the Glen Canyon area. He understood that you could not develop and preserve a wilderness area at the same time.

Let us not have any regrets. Let us remember what Teddy Roosevelt said about the Grand Canyon and that it also applies to the wildlife refuge, ''Man cannot improve on it. Let us leave it like the Creator envisioned it.''

On the question of whether to open the coastal plain, Congress is being asked to gamble on finding oil there. So, we first must decide what stakes we are willing to risk, and then weigh the odds.

The stakes are the coastal plain. The U.S. Fish and Wildlife Service says it ''is critically important to the ecological integrity of the whole Arctic Refuge'' which is ''America's finest example of an intact, naturally functioning community of arctic/subarctic ecosystems.''

What are the odds? Well, the best estimate is by the U.S. Geological Survey (USGS). In 1998 they estimated that if the price of oil drops to less than $16 per barrel (as it did a few years ago) there would be no economically recoverable oil in the coastal plain. At $24 per barrel, USGS estimated there is a 95 percent chance of finding 1.9 billion barrels of economically recoverable oil in the refuge's coastal plain and a 50 percent chance of finding 5.3 billion barrels.

But Americans use 19 million barrels of oil each day, or 7 billion barrels of oil per year. So, USGS is saying that at $24 per barrel, there is a 50 percent chance of finding several months' supply of oil in the coastal plain.

There is one 100 percent sure bet—drilling will change everything on the coastal plain forever. It will never be wilderness again. We do not need to take that bet. There are less-sensitive places to drill—and even better alternatives, including conserving energy and more use of renewable resources.

For example, fuel-efficiency standards for new cars and light trucks could feasibly be raised to more than 40 miles per gallon by 2010. Experts estimate that alone would save 10 times as much oil as would likely be extracted from the Arctic refuge over the next 30 years.

In short, when it comes to drilling in the Arctic National Wildlife Refuge, I think that the stakes are too high and the odds are too long—especially since we have better options. So I do not support it.

For the benefit of our colleagues, I attach excerpts from a recent article in Foreign Affairs by two Coloradans—Amory R. Lovins and L. Hunter Lovins. Founders and leaders of the Rocky Mountain Institute, they are recognized experts on energy issues.

The article, entitled ''Fool's Gold in Alaska,'' clearly shows that drilling for oil on the coastal plain does not make sense in terms of economics, national security, or environmental protection.

[FROM FOREIGN AFFAIRS, JULY/AUGUST 2001]

FOOL'S GOLD IN ALASKA

(By Amory B. Lovins and L. Hunter Lovins)

THE BOTTOM OF THE BARREL?

Oil prices have fluctuated randomly for well over a century. Heedless of this fact, oil's promoters are always offering opportunities that could make money—but on the flawed assumption that high prices will prevail. Leading the field of these optimists are Alaskan politicians. Eager to keep funding their state's de facto negative income tax—oil provides 80 percent of the state's unrestricted general revenue—they have used every major rise in oil prices since 1973 to advocate drilling beneath federal lands on the coastal plain of the Arctic National Wildlife Refuge. Just as predictably, environmentalists counter that the refuge is the crown jewel of the American wilderness and home to the threatened indigenous Gwich'in people. As some see it, drilling could raise human rights issues under international law. Canada, which shares threatened wildlife, also opposes drilling.

Both sides of this debate have largely overlooked the central question: Does drilling for oil in the refuge's coastal plain make sense for economic and security reasons? After all, three imperatives should shape a national energy policy: economic vitality, secure supplies, and environmental quality. To merit serious consideration, a proposal must meet at least one of these goals.

Drilling proponents claim that prospecting for refuge oil will enhance the first two while not unduly harming the third. In fact, not only does refuge oil fail to meet any of the three goals, it could even compromise the first two. First, the refuge is unlikely to hold economically recoverable oil. And even if it did, exploitation would only briefly reduce U.S. dependence on imported oil by just a few percentage points, starting in about a decade. Nor would the refuge yield significant natural gas. Despite some recent statements by the Bush administration, the North Slope's important natural-gas deposits are almost entirely outside the refuge. The gas-rich areas are already open to industry, and environmentalists would likely support a gas pipeline there, but its high cost—an estimated $10 billion—would make it seem uneconomical.

Furthermore, those who suppose that any domestic oil is more secure than imported oil should remember that oil reserves almost anywhere else on earth are more accessible and more reliably deliverable than those above the Arctic Circle. Importing oil in tankers from the highly diversified world market is arguably better for energy security than delivering refuge oil to other U.S. states through one vulnerable conduit, the Trans-Alaska Pipeline System. Although proponents argue that exploiting refuge oil would make better use of TAPS (which is all paid for but only half-full), that pipeline is easy to disrupt and difficult to repair. More than half of it is elevated and indefensible; in fact, it has already been bombed twice. If one of its vital pumping stations were attacked in the winter, its nine million barrels of hot oil could congeal into the world's largest Chapstick. Nor has the 24-year-old TAPS aged gracefully: premature and accelerated corrosion, erosion, and stress are raising maintenance costs. Last year, the pipeline suffered two troubling accidents plus another that almost blew up the Valdez oil terminal. If TAPS were to start transporting refuge oil, it would start only around the end of its originally expected lifetime. That one fragile link, soon to be geriatric, would then bring as much oil to U.S. refineries as now flows through the Strait of Hormuz—a chokepoint that is harder to disrupt, is easier to fix, and has alternative routes.

Available and proven technological alternatives that use energy more productively can meet all three goals of energy policy with far greater effectiveness, speed, profit, and security than can drilling in the refuge. The untapped, inexpensive ''reserves'' of oil-efficiency technology exceed by more than 50 times the average projection of what refuge drilling might yield. The existence of such alternatives makes drilling even more economically risky.

In sum, even if drilling in the Arctic Wildlife Refuge posed no environmental or human rights concerns, it still could not be justified on economic or security grounds. These reasons remain as compelling as they were 14 years ago, when drilling there was last rejected, and they are likely to strengthen further with technological advances. Comparing all realistic ways to meet the goals of national energy policy suggests a simple conclusion: refuge oil is unnecessary, insecure, a poor business risk, and a distraction from a sound national debate over realistic energy priorities. If that debate is informed by the past quarter-century's experience of what works, a strong energy policy will seek the lowest-cost mix of demand- and supply-side investments that compete fairly at honest prices. It will not pick winners, bail out losers, substitute central planning for market forces, or forecast demand and then plan capacity to meet it. Instead, it will treat demand as a choice, not fate. If consumers can choose optimal levels of efficiency, demand can remain stable (as oil demand did during 1975–91) or even decline—and it will be possible to provide secure, safe, and clean energy services at the lowest cost. In this market-driven world, the time for costly refuge oil has passed.

From 1979 to 1986, GDP grew 20 percent while total energy use fell by 5 percent. Improved efficiency provided more than five times as much new energy service as the vaunted expansion of the coal and nuclear industries; domestic oil output rose only 1.5 percent while domestic natural gas output fell 18 percent. When the resulting glut slashed energy prices in 1985–86, attention strayed and efficiency slowed. But just in the past five years, the United States has quietly entered a second golden age of rapidly improving energy efficiency. Now, with another efficiency boom underway, the whole cycle is poised to repeat itself—threatening another energy-policy train wreck with serious economic consequences.

From 1996 to 2000, a complex mix of factors—such as competitive pressures, valuable side benefits, climate concerns, and e-commerce's structural shifts—unexpectedly pushed the pace of U.S. energy savings to nearly an all-time high, averaging 3.1 percent per year despite the record-low and falling energy prices of 1997–99. Meanwhile, investment in energy supply, which is slower to mature, lagged behind demand growth in some regions as the economy boomed. Then in 2000, Middle East political jitters, OPEC machinations, and other factors made world oil prices spike just as cold weather and turbulence in the utility industry coincidentally boosted natural gas prices. Gasoline prices are rising this year—even though crude-oil prices are softening—due to shortages not of crude oil but of refineries and additives. California's botched utility restructuring, meanwhile, sent West Coast electricity prices sky-high, although not for the oft-cited reasons. (Demand did not soar, and California did not stop building power plants in the 1990s, contrary to many observers' claims.)

The higher fuel and electricity prices and occasional local shortages that have vexed many Americans this past year have rekindled a broader national interest in efficient use. The current economic slow-down will further dampen demand but should also heighten business interest in cutting costs. Efficiency also lets numerous actors harness the energy market's dynamism and speed—and it tends to bear results quickly. All these factors could set the stage for another price crash as burgeoning energy savings coincide, then collide, with the new administration's push to stimulate energy supplies. Producers who answer that call will risk shouldering the cost of added supply without the revenue to pay for it, for oil prices high enough to make refuge oil profitable would collapse before or as supply boomed.

Policymakers can avoid such overreaction and instability if they understand the full range of competing options, especially the ability of demand to react faster than supply and the need for balancing investment between them. As outlined above, in the first half of the 1980s, the U.S. economy grew while total energy use fell and oil imports from the Persian Gulf were nearly eliminated. This achievement showed the power of a demand-side national energy policy. Today, new factors—even more powerful technologies and better designs, streamlined delivery methods, and better understanding of how public policy can correct dozens of market failures in buying efficiency—can make the demand-side response even more effective. This can give the United States a more affordable and secure portfolio of diverse energy sources, not just a few centralized ones.

IT'S EASY (AND LUCRATIVE) BEING GREEN

Oil is becoming more abundant but relatively less important. For each dollar of GDP, the United States used 49 percent less oil in 2000 than it did in 1975. Compared with 1975, the amount that energy efficiency now saves each year is more than five times the country's annual domestic oil production, twelve times its imports from the Persian Gulf, and twice its total oil imports. And the efficiency resource is far from tapped out; instead, it is constantly expanding. It is already far larger and cheaper than anyone had dared imagine.

Increased energy productivity now delivers two-fifths of all U.S. energy services and is also the fastest growing ''source.'' (Aboard, renewable energy supply is growing even faster; it is expected to generate 22 percent of the European Union's electricity by 2010.) Efficient energy use often yields annual after-tax returns of 100 to 200 percent on investment. Its frequent fringe benefits are even more valuable: 6 to 16 percent higher labor productivity in energy-efficient buildings, 40 percent higher retail sales in stores with good natural lighting, and improved output and quality in efficient factories. Efficiency also has major policy advantages. It is here and now, not a decade away. It improves the environment and protects the earth's climate. It is fully secure, already delivered to customers, and immune to foreign potentates and volatile markets. It is rapidly and equitably deployable in the market. It supports jobs all across the United States rather than in a few firms in one state. Yet the energy options now winning int he marketplace seem oddly invisible, unimportant, and disfavored in current national strategy.

Those who have forgotten the power of energy efficiency should remember the painful business lessons learned from the energy policies of the early 1970s and the 1980s. Energy gluts rapidly recur whenever customers pay attention to efficiency—because the nationwide reserve of cheap, qualitatively superior savings from efficient energy use is enormous and largely accessible. That overhand of untapped and unpredictably accessed efficiency presents an opportunity for entrepreneurs and policymakers, but it also poses a risk to costly supply investments. That risk is now swelling ominously.

In the early 1980s, vigorous efforts to boost both supply and efficiency succeeded. Supply rose modestly while efficiency soared.

A BARREL SAVED, A BARREL EARNED

If oil were found and profitably extracted from the refuge, its expected peak output would equal for a few years about one percent of the world oil market. Senator FRANK MURKOWSKI (R–Alaska) has claimed that merely announcing refuge leasing would bring down world oil prices. Yet even a giant Alaskan discovery several times larger than the refuge would not stabilize world oil markets. Oil prices reached their all-time high, for example, just as such a huge field, in Alaska's Prudhoe Bay, neared its maximum output. Only energy efficiency can stabilize oil prices—as well as sink them. And only a tiny fraction of the vast untapped efficiency gains is needed to do so.

What could the refuge actually produce under optimal conditions? Starting about ten years from now, if oil prices did stay around $22 per barrel, if Congress approved the project, and if the refuge yielded the USGS's mean estimate of about 3.2 billion barrels of profitable oil, the 30-year output would average a modest 292,000 barrels of crude oil a day. (This estimate also assumes that such oil would feed U.S. refineries rather than go to Asian markets, as some Alaskan oil did in 1996–2000.) Once refined, that amount would yield 156,000 barrels of gasoline per day—enough to run 2 percent of American cars and light trucks. That much gasoline could be saved if light vehicles became 0.4 mpg more efficient. Compare that feat to the one achieved in 1979—85, when new light vehicles on average gained o.4 mpg every 5 months.

Equipping cars with replacement tires as efficient as the original ones would save consumers several ''refuges'' full of crude oil. Installing superinsulating windows could save even more oil and natural gas while making buildings more comfortable and cheaper to construct. A combination of all the main efficiency options available in 1989 could save today the equivalent of 54 ''refuges''—but at a sixth of the cost. New technologies for saving energy are being found faster than the old ones are being used up—just like new technologies for finding and extracting oil, only faster. As gains in energy efficiency continue to outpace oil depletion, oil will probably become uncompetitive even at low prices before it becomes unavailable even at high prices. This is especially likely because the latest efficiency revolution squarely targets oil's main users and its dominant growth market—cars and light trucks—where gasoline savings magnify crude-oil savings by 85 percent.

New American cars are hardly models of fuel efficiency. Their average rating of 24 mpg ties for a 20-year low. The auto industry can do much better—and is now making an effort. Briskly selling hybrid-electric cars such as the Toyota Prius (a Corolla-class 5-seater) offer 49 mpg, and the Honda Insight (a CRX-class 2-seater) gets 67 mpg. A fleet that efficient, compared to the 24 mpg average, would save 26 or 33 refuges, respectively. General Motors, DaimlerChrysler, and Ford are now testing family sedans that offer 72—80 mpg. For Europeans who prefer subcompact city cars, Volkswagen is selling a 4-seater at 78 mpg and has announced a smaller 2003 model at 235 mpg. Still more efficient cars powered by clean and silent fuel cells are slated for production by at least eight major automakers starting in 2003–5. An uncompromised fuel-cell vehicle—the Hypercar℠—has been designed and costed for production and would achieve 99 mpg; it is as roomy and safe as a midsized sport-utility vehicle but uses 82 percent less fuel and no oil. Such high-efficiency vehicles, which probably can be manufactured at competitive cost, could save globally as much oil as OPEC now sells; when parked, the cars' dual function as plug-in power stations could displace the world's coal and nuclear plants many times over.

As long as the world runs largely on oil, economics dictates a logical priority for displacing it. Efficient use of oil wins hands down on cost, risk, and speed. Costlier options thus incur an opportunity cost. Buying costly refuge oil instead of cheap oil productivity is not simply a bad business decision; it worsens the oil-import problem. Each dollar spent on the costly option of refuge oil could have bought more of the cheap option of efficient use instead. Choosing the expensive option causes more oil to be used and imported than if consumers had bought the efficiency option first. The United States made exactly this mistake when it spent $200 billion on unneeded (but officially encouraged) nuclear and coal plants in the 1970s and 1980s. The United States now imports oil, produces nuclear waste, and risks global climate instability partly because it bought those assets instead of buying far cheaper energy efficiency.

Drilling for refuge oil is a risk the nation should consider taking only if no other choice is possible. But other choices abound. If three or four percent of all U.S. cars were as efficient as today's popular hybrid models, they would save the equivalent of all the refuge's oil. In all, many tens of time more oil is available—sooner, more surely, and more cheaply—from proven energy efficiency. The cheaper, faster energy alternatives now succeeding in the marketplace are safe, clean, climate-friendly, and overwhelmingly supported by the public. Equally important, they remain profitable at any oil price. They offer economic, security, and environmental benefits rather than costs. If any oil is beneath the refuge, its greatest value just might be in holding up the ground beneath the people and animals that live there.

Mr. TAUZIN. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. ROHRABACHER).

Mr. ROHRABACHER. Mr. Chairman, as a young reporter, I remember the debate over the Alaskan pipeline. I remember it very vividly. I remember

the hysteria and the charges and the warnings of the catastrophe, oh, the environmental catastrophe that would happen; and the caribous were going to quit breeding and all of those other dire consequences we would face. None of them came true.

But do my colleagues know what happened? We won that vote by 1 vote, 1 vote in the Senate. Because we had that pipeline, America has received 25 percent of its oil, domestic oil production through that pipeline. If we had not had that oil, our people would have lived at a much lower standard of living, we would not have been helped out during the crises that we faced.

What kind of crises are we going to face in the future? This 2 percent might help us out. We should make sure we can use it for the benefit of our people, keeping them prosperous and at peace.

Mrs. JOHNSON of Connecticut. Mr. Chairman, I reserve the balance of my time.

Mr. MARKEY. Mr. Chairman, could I inquire as to how much time is remaining.

The CHAIRMAN pro tempore (Mr. NETHERCUTT). The gentleman from Massachusetts (Mr. MARKEY) has 1–3/4 minutes remaining; the gentlewoman from Connecticut (Mrs. JOHNSON) has 1 minute remaining; the gentleman from Louisiana (Mr. TAUZIN) has 1½ minutes remaining and has the right to close.

Mr. MARKEY. Mr. Chairman, I yield 45 seconds to the gentleman from California (Mr. GEORGE MILLER).

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

Mr. GEORGE MILLER of California. Mr. Chairman, a few hours ago we rejected the amendment to improve the CAFE standards, the mileage standards for automobiles. At that moment, this amendment ceased to be about America's energy supplies, America's energy independence, and America's national security, because at that moment, this House made a decision that it was going to continue to waste the oil products of this Nation, the finds of this Nation, the treasures of this Nation, to waste it on automobiles. Even though we have not made an improvement in 13 years, we voted to cave in to the automobile industry and not make those improvements.

This is not about our national security or our national energy; this is about a value. This is about a value, whether we are going to invade one of the most pristine and magnificent areas on the face of the Earth so that we can put it in automobiles to waste it.

The American public rejects that value and so should the Congress.

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

Mrs. JOHNSON of Connecticut. Mr. Chairman, I yield myself the remaining time.

Mr. Chairman, I think this is about values. And in reading the inscription from Daniel Webster, it did say we are responsible to promote all of its interests, all of the Nation's interests; and this is about the Nation's interest in preserving the environmental unique areas that we have inherited to pass them on to our children.

This is not about oil. Ninety-five percent of the North Slope is available for drilling. In Prudhoe Bay, there are well-known large reserves of gas. They could have drilled last year or the year before. They can drill the next year or the year thereafter.

Forty percent of our oil is used by transportation vehicles. All we have to do is raise the miles-per-gallon usage 3 miles to save much more than anyone thinks we will get out of this area of the ANWR.

So this is not about oil. This is about balance, this is about values. This is about a nation that is going to diversify its energy sources through exploration and renewable resources and preserve the environment.

Mr. MARKEY. Mr. Chairman, I yield myself the balance of the time.

Mr. Chairman, this, I say to my colleagues, is what the Arctic Refuge will look like if the Markey-Johnson amendment is not successful. The oil and gas industry has a bull's-eye that they have put in the middle of this sacred refuge that we should remove this evening.

This will be the most important environmental vote that we have. Do not allow the proponents of drilling in this refuge to convince us for a moment that, like Prudhoe Bay, the Arctic Refuge will not look like an industrial site, because it will. And this would be after a day in which our air conditioners and automobiles and every other device, that we could have voted to make more efficient so that we did not have to drill here.

But the majority said no. They say yes to the oil and gas industry and no to conservation and renewable energy and to energy efficiency.

Vote yes on the Markey-Johnson amendment and no to the oil and gas industry's design on this sacred wilderness in our country.

Mr. TAUZIN. Mr. Chairman, I yield such time as he may consume to the gentleman from Virginia (Mr. CANTOR).

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

Mr. CANTOR. Mr. Chairman, I rise in opposition to the Markey-Johnson amendment.

Mr. Chairman, I am against the amendment to ban drilling in the Arctic National Wildlife Reserve. DON YOUNG has said, ''Oil exploration on Alaska's North slope is already the safest, cleanest, most environmentally responsible production in the world. If we say no to exploration in ANWR, we are saying yes to destructive methods that occur in other countries.'' I have been in this body for only seven months but I have worked with DON YOUNG and know he is a man of his word. We should respect his views on important matters within his district.

Failure to increase energy exploration in the United States will strengthen the OPEC cartel and taxes our constituents with higher fuel bills. We must work together to control our nation's destiny when it comes to meeting the future energy needs of our country.

U.S. demand for world oil is large, and we presently import over 50 percent of our oil. That is outrageous. One way to avoid this crippling dependence is to explore new domestic resources. As the Democrat Governor of Alaska has stated, ''Opening [ANWR] for responsible oil and gas development is vital to the economic well being of Alaska and the nation.'' According to an analysis prepared by the Wharton Econometric Forecasting Associates, ANWR development would create 735,000 new jobs, including 19,000 in my home state of Virginia.

I urge defeat of the amendment.

Mr. TAUZIN. Mr. Chairman, I yield myself the balance of the time to close in opposition to the Markey amendment.

It is important at this stage that we set the record straight again. The map the gentleman from Massachusetts (Mr. MARKEY) showed us is not the Arctic Refuge. It is a map of section 1002. It is a map of a part of the Arctic Refuge, if you will, that was set aside in 1980 for exploration for minerals. It was specifically set aside for that purpose, and they said when Congress is ready, it will vote to open it up the same way we voted to do the pipeline.

The second thing that is erroneous about that map is that those pink lines represent, I guess, about 5-mile-wide highways, if that is what he is trying to represent.

The most important thing that is wrong about the map is that this House just voted, this House just voted to limit the footprint of any development to 2,000 acres, and it voted again to make sure that the Federal share of production, the dollars, would go back into conservation and alternative fuels, about $1.25 billion according to CBO estimates.

So what we have done literally in this bill is to say that the 1980 set-aside can now be explored and developed for the good of this country. And we know that there is a 95 percent chance of 4 billion barrels of oil there, and it could be as high as 16 billion barrels of oil, the biggest find since Prudhoe Bay, and this country sorely needs it.

There was a time in American history when we decided two things, it was in our Revolutionary days. We decided we did not like government a whole lot, but we also decided if we had to have it, it would be better if we had our own instead of somebody else's. My colleagues may not like oil companies or oil, but it is a lot better if we produce it at home than depend upon Saddam Hussein.

Vote no on the Markey amendment.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I believe that environmental opportunity and energy development can go hand in hand. That is why I offered the Jackson-Lee-Lampson amendment to H.R. 4, Securing America's Future Energy Act of 2001. This

amendment's adoption creates a win for both the environment and the need to address growing energy demand in our Nation. This amendment directs the Secretary of Energy to study and evaluate the availability of natural gas and oil deposits located off the coasts of Louisiana and Texas at existing drilling sites. This assessment every 2 years would allow an inventory of existing oil and gas supplies and evaluation of techniques or processes that may assist in keeping those wells productive.

I have several reasons for not supporting drilling in ANWR: the President has not made his case for drilling, the studies that have been conducted have questions regarding their accuracy, and there is no time table for how long it would take the process to begin, and finally I believe strongly that we must balance our Nation's energy needs with our stewardship of the environment.

This has been effectively done in the Gulf of Mexico off the Texas and Louisiana coasts. There are more than 3,800 working offshore platforms in the Gulf of Mexico, which provide 55,000 jobs to residents of Texas and Louisiana.

The Nation's record for safe and clean offshore natural gas and oil operations off the Texas and Louisiana coasts are excellent. The environmental soundness of oil and gas exploration in the gulf has been proven over many decades that have passed since offshore drilling began.

I know that energy exploration and sound environmental practices can go hand in hand, with the proper application of technology. I also know that our Nation's energy needs requires that we start today so that tomorrow our children and grandchildren can have a more secure and reliable source of energy. That is why I plan to vote for final passage of H.R. 4, Securing America's Future Energy Act of 2001.

Mrs. MALONEY of New York. Mr. Chairman, I am proud to stand here today alongside Representative MARKEY, Representative NANCY JOHNSON, and the many other cosponsors of this critical legislation to say loud and clear—we will not sacrifice America's unique natural treasures to satisfy the whims of the oil industry.

Today, we are sending a bipartisan message to Congress and to our President: don't let the Energy bill pass out of Congress if it calls for tapping the arctic national wildlife refuge for oil, one of the most unblemished national resources in our Nation.

In my fight to ensure that the industry paid their fair share of the royalties that they owe to the Federal Government for taking oil from Federal lands, they claimed for years that their system for calculating royalties was fair. Now, they have settled lawsuits with the Federal Government and States for close to $5 billion.

This may not be an admission of guilt, but it is the closest thing you will ever get from a multi-billion dollar industry that gets more wealthy each year.

After they ripped off American taxpayers for years, I must admit I am skeptical that this industry is terribly concerned with the ''national interest'' or preserving our Nation's most pristine resources.

We do not believe the oil industry when they claim that they can somehow extract millions of barrels of oil without leaving any trace. Does anyone remember the *Exxon Valdez*?

In 1995, there were more than 500 oil spills ''reported'' on the north slope, spilling over 80,000 gallons of oil, diesel fuel, and acid.

Is this considered ''acceptable'' environmental damage by this administration?

This is the number one priority of the environmental community. The main point is, oil rigs don't belong in the Arctic refuge. Oil drilling in this pristine area is both foolish and short sighted. Former justice William Douglas called the Arctic refuge ''the most wonderous place on earth.''

We need a balanced energy program. We should not allow the oil companies to drill everywhere. Protect the Arctic refuge. Vote for the Markey-Johnson amendment.

Mr. BENTSEN. Mr. Chairman, I rise in support of the amendment offered by Mr. MARKEY and in opposition to the opening on the Alaska National Wildlife Reserve to oil and gas exploration.

I have not come to this position easily. I believe that the United States needs to expand production of oil and gas as much as we need to increase conservation. I have consistently supported increasing production in the outer continental shelf including off the coast of Florida and California. I believe that, based upon the U.S. Geological Survey, significant reserves exist along the coastal plane of ANWR. But, even at the highest possible estimate of recoverable reserves the production at ANWR would not materially decrease our dependency on imported oil, at peak production no more than seven percent of our daily demand. Since we have less than 5 percent of world petroleum reserves, ANWR development would not give the United States the purchasing power to offset the world markets. It would not, alone, solve our energy problems.

When weighing those facts against the risk which exploration and production would bring to the coastal plain, I fail to see were the potential benefits outweigh the risks. ANWR, first established by President Dwight Eisenhower, and later by an act of Congress during the late 1970's, is the last undisturbed coastal plain in Alaska. Specifically, section 1002, the area being considered, is the last stretch of protected coastal plain in Alaska. If it were opened to exploration and production, it would eliminate from ANWR any coastal area. And, it would bring risk to the delicate ecosystem which currently exists.

According DOI's Final Legislative Environmental Impact Statement (FLEIS or 1002 report) in April 1987 stated that, ''the most biologically productive part of the Arctic Refuge for wildlife and is the center of wildlife activity.'' Some cite that caribou in the North Slope are increasing in population, from 3,000 to over 20,000. They fail to note that the predators have been reduced putting the populations out of balance. While I believe that development on the North Slope is an acceptable environmental risk, I do not see the urgency in increasing that risk at this time. I do not believe that energy development and environmental protection are uncompatible, but I am not dismissive of the real environmental risk.

I do not believe either that the limitation of acres open to development will serve as a successful deterent. As with any attempt to locate new reserves, producers will have to drill multiple wells to determine the actual location of the largest reserves. If we open a portion, we will ultimately open all. I am not convinced that at this time, the risk is worth the potential reward.

Again, I support our Nation's efforts to expand exploration and production. Unlike many proponents and opponents of the Markey amendment, I am willing to vote to expand production, but not in this pristine, protected ecosystem at this time. It's yield will not solve our problems, but its cost may be more than we can afford.

Mr. BLUMENAUER. Mr. Chairman, I recently visited the Arctic Wildlife Refuge. It is an area that I have not visited before in previous trips to Alaska and I wanted to see this controversial area for myself. I spent a several days hiking, camping, exploring the wilderness, flying over some of the vast stretches, talking to Alaskans and spending time in the Prudhoe Bay area with representatives of the petroleum industry.

I saw caribou in vast numbers and witnessed the fragility of the tundra with small willows that are 20 and 30 years old that are only inches high. I thought a lot about what would happen if there were problems with drilling in this area. I came away with a profound sense that the American public is right. The Arctic Wildlife Refuge is absolutely the last place we should be exploring for oil, not the first.

A rational national energy policy must place conservation and efficiency at the forefront. Merely ending the fuel efficiency loophole for SUV and light trucks will save more oil that the Arctic Refuge will produce.

With only 2 to 3 percent of the world's reserves—and an energy habit that accounts for 25 percent of the world's consumption—the United States simply cannot produce enough energy to meet its demand.

We would do better to use the 10 years it would take to get the oil from the coastal plain to improve the energy efficiency of our transportation system, homes and factories, and develop a significant, meaningful, long-term national energy policy.

The Arctic refuge should be left alone.

Mr. Chairman, as Yogi Berra once said, ''It's deja vu all over again.''

Once before, this House held an important debate on whether to open up a portion of Alaska to oil and gas exploration. The arguments were about the same as what we've been hearing today. Supporters said it was critical for our national energy security. Opponents said it couldn't be done safely.

The vote was close, but Congress authorized drilling in Prudhoe Bay. Imagine how much more dependent the United States would have been on oil from Saddam Hussein and the Ayatollah if that courageous and far-sighted decision had not been made.

Now, it's our time.

I've been to Alaska, and I have seen how oil and gas exploration can be done, while preserving the natural beauty of the State. I have personally seen the tract in ANWR that we are talking about. It is an area with important new reserves where drilling was contemplated long ago. I left convinced that exploration and the environment can comfortably coexist. I just wish that more people could see first-hand the area that we're talking about.

The higher energy prices we've experienced lately, really come down to the old law of supply and demand. Our economy has been growing, but we haven't been producing enough energy to keep up. Opening up a sliver of ANWR is a sensible way to increase our energy supplies, while at the same time making us less dependent on foreign oil.

Ms. PELOSI. Mr. Chairman, I rise in support of the Markey-Johnson amendment to prevent

drilling for oil and gas in the coastal plain of the Arctic National Wildlife Refuge.

Many of my colleagues have spoken eloquently today of the windswept coastal plain, the wide variety of wildlife found there, and the people there who continue to practice the traditional ways of their ancestors. This area was first protected in 1960 by the Eisenhower administration. Today the Arctic National Wildlife Refuge contains the last 5% of Alaska's northern shore that is closed to exploration for oil and gas. This ecological jewel should be preserved for posterity.

Our nation should continue to develop our oil and gas resources, to the extent that is compatible with environmental protection. But we must be realistic. The United States contains less than 3% of the world's proven oil reserves. Even if we extracted every drop of oil to be found in the U.S. and off our shores, we would still remain dependent on foreign oil.

It is time to take advantage of the abundance of renewable energy resources in our country, and greatly accelerate our development of clean energy technologies powered by wind, solar, and biomass. Equally important are our energy conservation resources. By using energy more wisely—in transportation, buildings, and industry—we can save money, prevent pollution, reduce our dependence on foreign oil, and create new jobs. By adopting a comprehensive approach to energy efficiency, we could lower energy use in the U.S. by as much as 18% in 2010 and 33% in 2020.

Mr. Chairman, we truly do not need to drill in ANWR, the crown jewel among our national wildlife refuges. We have many, many other options for powering our homes, businesses, and transportation systems. I urge my colleagues to vote for the Markey-Johnson amendment.

Mr. SMITH of Michigan. Mr. Chairman, I rise in strong opposition to this amendment. Today, America is more dependent on foreign sources of oil than ever before—1 million barrels a day from Saddam Hussein's Iraq. This oil reserve represents 30 years of Iraq's oil supply and 25 years of Iran's. This is a national security issue as much as an energy issue. The President's energy plan calls for the opening of a small portion of the Arctic National Wildlife Refuge (ANWR) to reduce America's dependance of foreign oil.

Opponents tell us that opening ANWR would destroy the refuge, despite the fact that 99.99 percent of the refuge would be untouched by oil exploration. They also tell us that the polar bears and caribou that live in the refuge would be harmed, despite the fact that these animals have been thriving at Prudhoe Bay and are believed to exist in record numbers in the region.

Opponents have also told us that the native people of the region oppose opening ANWR. However, 75 percent of Alaskans and 78 percent of the indigenous residents of Katovik in ANWR favor oil development on the coastal plain.

In addition, opening ANWR would generate as many as 736,000 new jobs across the Nation. That is why the labor unions have backed this proposal.

I am confident that oil and gas exploration can be accomplished without harming the environment. Developing ANWR's coastal plain would improve America's energy security and create high-paying jobs. I urge my colleagues to vote "no" on this amendment.

Mr. ISRAEL. Mr. Chairman, tonight we make a historic decision about the preservation of one of the world's last great wilderness areas.

And let me bring my colleagues back into history, and share with them the words of a great former Republican President, Theodore Roosevelt.

He said this:

> Leave it as it is. The ages have been at work on it, and man can only mar it. What you can do is keep it for your children, your children's children, and for all who come after you.

That is what President Theodore Roosevelt said when protecting the Grand Canyon.

That is what he would have us do tonight.

Mr. DELAY. Mr. Chairman, Members should oppose the Markey amendment because it undercuts our energy security.

Opening ANWR to safe exploration is the most powerful tool we have to reduce our dependence on foreign sources of energy.

The logic supporting ANWR exploration built a broad base of support across our economy.

Labor unions, employers, families, and industry experts all agree that the benefits to our energy security and economic strength make a compelling case to put the resources in ANWR to work for America.

Opponents cloud this debate with a fog of unfounded assertions to the effect that opening ANWR will subject a wilderness to utter devastation. It's simply not true.

We can develop ANWR responsibly. We can produce its resources within strict environmental guidelines that conserve the natural beauty we all want to protect.

Members will expand our energy security by opposing this amendment.

The CHAIRMAN pro tempore. All time has expired.

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

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

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

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

It is now in order to consider Amendment No. 14 printed in part B of House report 107–178.

AMENDMENT NO. 14 OFFERED BY MR. HAYWORTH

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 14 offered by Mr. HAYWORTH:

Page 502, after line 13, insert the following:

SEC. 6602. AMENDMENT TO BUY INDIAN ACT.

Section 23 of the Act of June 25, 1910 (25 U.S.C. 47; commonly known as the "Buy Indian Act") is amended by inserting "energy products, and energy by-products," after "printing,".

The CHAIRMAN pro tempore. Pursuant to House Resolution 216, the gentleman from Arizona (Mr. HAYWORTH) and a Member opposed each will control 5 minutes.

Does any Member claim time in opposition to the amendment of the gentleman from Arizona?

Mr. RAHALL. Mr. Chairman, I claim the time in opposition.

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

Mr. HAYWORTH. Mr. Chairman, I yield myself such time as I might consume.

With Native economies commonly reliant on Federal transfer payments to create employment opportunities, American Indians and Alaska Natives suffer an average unemployment rate at or near 50 percent, stagnant incomes, poor health, substandard housing and education, and associated social ills.

American Indian and Alaska Native tribes own a large share of the Nation's untapped energy resources and proper development of products and energy by-products would result in significant socioeconomic benefits both to tribal members and to the rest of our Nation.

The United States and tribal governments share the obligation to preserve and protect tribal land, assets, and resources, including efforts to assure that renewable and nonrenewable resources are used to the maximum advantage of tribal owners.

Economic development is an essential tool in achieving self-sufficiency by American Indians and Alaska Native tribes. Increased employment and business opportunities are key to achieving economic self-sufficiency for American Indian and Alaska Native tribes.

The Buy Indian Act amendment provides additional opportunities as envisioned in the Indian Self-determination and Education Act for tribes to achieve self-sufficiency. Each American Indian and Alaska Native tribe has to choose its own path to self-sufficiency. It is our role to provide options for tribes, not to make decisions for them.

Mr. Chairman, the purchase of energy and energy by-products will provide additional economic means for American Indians and Alaska Native tribes and Indian businesses to achieve economic independence and self-sufficiency. The Buy Indian Act provides additional incentives for corporations to partner with American Indian and Alaska Native tribes and Indian-owned companies in energy sector development projects.

If tribes are given the tools to stand on their own and not be beholden to the Bureau of Indian Affairs, the sooner they will achieve self-sufficiency.

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

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

Mr. Chairman, the purpose of the Buy Indian Act has been to try and encourage the hiring of Indian workers in the purchase of Indian-made products by the Secretary of the Interior. While it is appropriate that we encourage the purchase of Indian-produced energy products, it is necessary that we address the real energy needs of Native

Americans and put some teeth and some backbone into real solutions.

Along with several colleagues, I introduced H.R. 2412, the Tribal Energy Self-Sufficiency Act, which contains not only the Hayworth amendment offered here this evening, but a full and comprehensive program to address the energy needs in Indian country. My bill includes financing options, tax incentives and provisions designed to encourage development of renewable and nonrenewable resources on Indian lands to benefit Indians and non-Indians alike.

Native Americans have by far the highest percentage of homes without electricity. Many homes on the Indian reservations have either no electricity or unreliable electricity. In numerous instances, Indian lands are crisscrossed with electricity transmission and distribution lines, yet the Indian homes on those lands remain dark. Unlike local non-Indian governments, Indian tribal governments often have no access to these lines and little authority over what energy they do receive.

As the ranking Democratic member of the Committee on Resources, I offered substitute language to the energy bill during markup which included the language in the amendment that we are debating, as well as several other proposals to assist Indian tribes in attracting business development and access to electricity. Unfortunately, that language was defeated by almost a straight party-line vote. Again, I worked to ensure that language designed to break down barriers to energy development by the Indians be included in the Markey-Stenholm amendment which we hoped to bring here to the floor, but the Committee on Rules would not allow it.

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The Republican leadership of this House has determined that the plight and energy needs of Native Americans are not in order to be addressed.

Mr. Chairman, I do support the gentleman's amendment and encourage my colleagues to do the same. But shame on us, shame on us, shame on us. This paltry amendment is all that we have to address the very real energy needs of American Indians.

But not to worry, not to worry, since many Indian homes do not have electricity here in 2001, they are probably not watching this travesty on C-Span this evening, unfortunately.

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

Mr. HAYWORTH. Mr. Chairman, I yield myself 15 seconds.

Mr. Chairman, I guess I would say that the wonder of being in the minority is to be on all sides of every issue; to call something a travesty and say you support it is curious, indeed.

But we welcome the support; and as my friend, the gentleman from West Virginia, heard in the committee hearing, we will continue to work to solve the needs of Native Americans.

Mr. Chairman, I yield the balance of my time to the gentleman from Utah (Mr. CANNON).

Mr. CANNON. Mr. Chairman, I rise in support of the amendment offered by my good friend, the gentleman from Arizona (Mr. HAYWORTH).

The Buy Indian Act amendment will encourage the development of energy and energy by-products in Indian country. This will provide new economic opportunities for new development on Indian lands, development that does not involve gaming.

The amendment would operate to add competitively priced energy products to the list of goods and services covered under the original Buy Indian Act.

The Buy Indian Act amendment does not discriminate against any type of energy, and encourages all types of production. If the tribe wants to produce hydropower, they can take advantage of the amendment. If the tribe is able to mine coal, they can take advantage of the amendment. If a tribe is able to produce oil or gas, they can take advantage of the amendment. If a tribe can produce wind power, they can take advantage of the amendment.

The amendment will encourage partnerships between the American Indian and Alaska native tribes and the private sector. The resources that Indian country can bring to the table, including a dedicated labor force, energy resources such as coal, oil, and gas combined with the expertise of the business community, is a win-win situation for tribes, the business community, and the Nation.

It is important that Congress does what it can to encourage economic development in Indian country. Although this amendment is a small step, it is a step in the right direction to promote economic opportunities and self-sufficiency for the American Indian and Alaska native tribes.

I encourage my colleagues on both sides of the aisle to join me in the coming weeks to further consult with tribes and explore additional measures we can take to achieve economic development and self-sufficiency in Indian country through energy development and production.

Mr. RAHALL. Mr. Chairman, I yield the remainder of my time to the gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. Mr. Chairman, I thank the gentleman for yielding time to me.

I rise in support of the amendment offered by the gentleman from Arizona (Mr. HAYWORTH) that would assist the American Indian community by making energy products and energy by-products eligible under the Buy Indian Act.

Although I agree with this amendment, I believe it does fall short, much like the rest of this bill, in addressing the real problems of American Indian tribes.

As my colleague, the gentleman from West Virginia (Mr. RAHALL), mentioned earlier, Members of this House introduced H.R. 2412, the Tribal Energy Self-Sufficiency Act, and I cosponsored that bill because I believe it incorporates real solutions for Indian country's energy needs.

But I was sorely disappointed that when parts of this bill were offered as the Democratic substitute in the Committee on Resources, it failed on a nearly party line vote. A week ago, it was wrong not to incorporate solutions for tribes into this bill; and today, aside from this amendment, we are doing the same thing.

In fact, American Indians, as we know, face a myriad of energy-related problems. Problem areas include inability for tribes to get financing for new generation projects, difficulties with interconnections, and the list goes on.

While visiting with representatives from Indian country, I have listened to them closely. They have explained to me their view of the history of America's energy industry. Basically, they have been shortchanged.

Again, I support the amendment of the gentleman from Arizona (Mr. HAYWORTH), but like the rest of the good provisions of this bill, it is only a fraction of the positive actions we can and should be taking to make energy resources mutually beneficial for American Indians and this country.

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

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

Mr. Chairman, I appreciate the support of the gentleman from New Jersey for this bipartisan amendment. If we listen closely, the problem with the minority is a problem essentially of process.

As I mentioned before, as is part of the RECORD in terms of the Committee markup, we made clear as part of the majority we stand ready to work for comprehensive solutions throughout the width and breadth of native America, to work for these tribes.

There are tremendous opportunities. Let me agree with my friend, the gentleman from New Jersey. In terms of hearing from representatives of sovereign Indian tribes and nations, their determination to become involved in energy exploration, in energy resources, we should inspire that.

This is an important first step, but make no mistake, Mr. Chairman, much more work remains to be done. So in the spirit of bipartisanship, I appreciate the voicing of support for this amendment; and I think this can be a good night for the House and an important step for Indian country to have this amendment adopted.

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

I say, in conclusion, this is not the first provision of our Democratic alternative in the Committee on Resources that we have seen reoffered now in a different form.

As the gentleman from Louisiana knows, another provision of ours that was defeated on a straight party line in committee was offered in another form, i.e., his own committee.

But the gentleman from Arizona (Mr. HAYWORTH) mentioned in full committee that he wanted to work with us on this issue. We are now hearing from him for the first time since that committee action, and we are glad to work with the gentleman on this. We need to do more, and we hope that we will be able to join forces in the future and do more for our Indian tribes.

The CHAIRMAN pro tempore (Mr. NETHERCUTT). All time has expired.

The question is on the amendment offered by the gentleman from Arizona (Mr. HAYWORTH).

The amendment was agreed to.

The CHAIRMAN pro tempore. It is now in order to consider amendment No. 15 printed in part B of House Report 107–178.

AMENDMENT NO. 15 OFFERED BY MR. ROGERS OF MICHIGAN

Mr. ROGERS of Michigan. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 15 offered by Mr. ROGERS of Michigan:

In division F, at the end of subtitle C of title II add the following:

SEC. . ENCOURAGEMENT OF STATE AND PROVINCIAL PROHIBITIONS ON OFF-SHORE DRILLING IN THE GREAT LAKES.

(a) FINDINGS.—The Congress finds the following:

(1) The water resources of the Great Lakes Basin are precious public natural resources, shared and held in trust by the States of Illinois, Indiana, Michigan, Minnesota, New York, Ohio, Pennsylvania, and Wisconsin, and the Canadian Province of Ontario.

(2) The environmental dangers associated with off-shore drilling in the Great Lakes for oil and gas outweigh the potential benefits of such drilling.

(3) In accordance with the Submerged Lands Act (43 U.S.C. 1301 et seq.), each State that borders any of the Great Lakes has authority over the area between that State's coastline and the boundary of Canada or another State.

(4) The States of Illinois, Michigan, New York, Pennsylvania, and Wisconsin each have a statutory prohibition of off-shore drilling in the Great Lakes for oil and gas.

(5) The States of Indiana, Minnesota, and Ohio do not have such a prohibition.

(6) The Canadian Province of Ontario does not have such a prohibition, and drilling for and production of gas occurs in the Canadian portion of Lake Erie.

(b) ENCOURAGEMENT OF STATE AND PROVINCIAL PROHIBITIONS.—The Congress encourages—

(1) the States of Illinois, Michigan, New York, Pennsylvania, and Wisconsin to continue to prohibit off-shore drilling in the Great Lakes for oil and gas;

(2) the States of Indiana, Minnesota, and Ohio and the Canadian Province of Ontario to enact a prohibition of such drilling; and

(3) the Canadian Province of Ontario to require the cessation of any such drilling and any production resulting from such drilling.

The CHAIRMAN pro tempore. Pursuant to House Resolution 216, the gentleman from Michigan (Mr. ROGERS) and a Member opposed each will control 5 minutes.

Does any Member seek time in opposition?

Mr. TAUZIN. Mr. Chairman, I would claim the time in opposition, although I support the amendment.

The CHAIRMAN pro tempore. Without objection, the gentleman from Louisiana is recognized to control the time in opposition.

There was no objection.

The CHAIRMAN pro tempore. The Chair recognizes the gentleman from Michigan (Mr. ROGERS).

Mr. ROGERS of Michigan. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would tell the Members that today the tenor of this debate is about balance. There are places that we should be drilling, and there are places that we should not. The debate ought to center around science and not emotion.

We are very fortunate in Michigan to be part of the Great Lakes basin, that has 20 percent of the world's fresh water. The Great Lakes Governors in each of those States took a look at the science of drilling in the Great Lakes. New York, Michigan, Illinois, Wisconsin, all banned offshore drilling in the Great Lakes. No State, as a matter of fact, Mr. Chairman, has allowed offshore drilling to occur.

I want to introduce Members to somebody tonight, Mr. Chairman. I want to introduce somebody that is no friend to the safety and security of our Great Lakes. I want to introduce Mr. Chris.

As we can see, Mr. Chris is the name of this boat that is drilling currently in Lake Erie. As we can see, this is a tugboat with a bad attitude. This is a boat that is bobbing around. I have to tell Members, this picture was taken on an extremely calm day. Lake Erie is a shallow lake, and it tends to roll a lot. To get this picture with the lake this calm is a rare occasion, indeed.

As we can see, or maybe not, there are only two mooring lines that secure what is an oil rig drilling currently in Lake Erie. There are 550 such wells that Canada is operating in Lake Erie today, 550. Think about this. Every Great Lakes Governor, every legislature, has said no, the science does not support offshore drilling in the Great Lakes.

I need some help today. We ought to stand up again and say, look, we understand that there are places that we ought to be drilling. We understand that there are places that we should not be drilling. The science for drilling in the Great Lakes has proven this is not a place that we should be.

I will ask my colleagues tonight to join every Great Lakes Governor, every Great Lakes legislature, and tell Canada to get off of our Great Lakes. Tell them that Mr. Chris has no place here. That tugboat with an attitude ought to be back in shore.

I urge my colleagues' support of this amendment. Let us send a message to Canada to play fair like the rest of the Great Lakes States and protect that 20 percent of the world's fresh water.

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

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

The gentleman from Michigan's (Mr. ROGERS) amendment simply affirms that the waters of the Great Lakes are a shared responsibility of the bordering States and the Canadian province of Ontario over which the Federal Government has no ownership.

I urge my colleagues to support this amendment. It corrects, I think, an ill-advised move that has occurred last month in the committee that sent a message that a Federal agency, the Corps of Engineers, had some span of control over the Great Lakes, which it clearly does not.

Passage of this amendment will simply clarify that both the waters of the Great Lakes and the subsurface beneath them are controlled by the bordering States or the Canadian province. We would urge its adoption.

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

Mr. ROGERS of Michigan. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

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

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

Mr. ROGERS of Michigan. Mr. Chairman, I demand a recorded vote.

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

It is now in order to consider amendment No. 16 printed in part B of House Report 107–178.

AMENDMENT NO. 16 OFFERED BY MR. TRAFICANT

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

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 16 offered by Mr. TRAFICANT:

Page 191, after line 17, insert the following new section, and make the necessary change to the table of contents:

SEC. 2423. OIL SHALE RESEARCH.

There are authorized to be appropriated to the Secretary of Energy for fiscal year 2002 $10,000,000, to be divided equally between grants for research on Eastern oil shale and grants for research on Western oil shale.

The CHAIRMAN pro tempore. Pursuant to House Resolution 216, the gentleman from Ohio (Mr. TRAFICANT) and a Member opposed each will control 5 minutes.

Does any Member seek time in opposition?

Mr. TAUZIN. Mr. Chairman, if no one claims time in opposition, although I support the gentleman's amendment, I ask unanimous consent to control the time; and I would announce that this is the last amendment to be considered tonight. Though we have run through four chairmen of the full committee, I want to thank the gentleman for his patience and endurance tonight, as well as the other chairmen.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

The CHAIRMAN pro tempore. The Chair recognizes the gentleman from Ohio (Mr. TRAFICANT).

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

Mr. Chairman, I want to start out by commending the chairman on one of the first major bills that he has conducted. I have served with him for many years, as have many others; and he is absolutely a leader.

Mr. Chairman, this amendment is one that should have been done years ago. Oil trapped in shale rock. There is enough oil in shale rock to fuel America for 300 years without a drop of oil or energy coming from any other source.

The Devonian eastern oil shale is a little bit deeper under the soil. The western oil shale is closer to the surface. It creates jobs. People have to mine it, work to claim it, refine it, distribute it, reclaim the ground and the earth.

But the problem has always been that the cost per barrel is higher than the imported foreign oil. But what people do not realize when we look at the jobs and the tax revenue, the cost factor is not as great as it is.

Let me just say this, to spare the Congress a lot of time. There is a cost to freedom, Mr. Chairman. Freedom does not come inexpensively. If we are going to in fact become energy independent, we must in fact capture all of America's valuable resources: the coal, the oil trapped in shale rock.

The gentleman from Texas (Mr. BARTON) stole my line. Willy Sutton was asked why he robbed banks, and he said, that is where the money is. Congress is being asked tonight, why are we going after oil in Alaska, and why are we doing these other oil experiments? It is because that is where the oil is.

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

□ 2300

Mr. TAUZIN. Mr. Chairman, I yield 2 minutes to the gentleman from Utah (Mr. CANNON).

Mr. CANNON. Mr. Chairman, I rise in support of the gentleman's amendment. We have some slightly different figures here. In Utah alone, we have enough energy in oil shale to serve America's energy needs for the next 1,000 years. Now, we have to get that oil out.

The gentleman from Ohio (Mr. TRAFICANT) seeks to authorize funding for research and utilization for both Eastern and Western oil shales. The amendment strengthens the SAFE Act by providing a new look at opportunities for developing shale oil as a future energy source.

I urge the Secretary of Energy to engage the expertise of the U.S. Geological Survey, as well as others, in this effort. The USGS has scientists on staff who have a strong background in shale oil research. The USGS is the data repository for much of the existing information on Colorado and Utah oil shale deposits, as well as for the Eastern shales of northern Kentucky across into southern Ohio which also contain kerogen, the oil in shale oil.

In light of the legislation I passed last year transferring the Naval Oil Shale Reserve No. 2 to the Ute Indian tribe, I am particularly pleased that we will be encouraging technology to make use of oil shale.

Mr. Chairman, I urge my colleagues to support this amendment.

Mr. TAUZIN. Mr. Chairman, I yield 30 seconds to myself.

Mr. Chairman, I compliment the gentleman from Ohio (Mr. TRAFICANT) for this amendment. Oil shale may contain the oil equivalent several times the amount in conventional oil reserves and this is an important resource in America. It is rather vast, and we ought to explore it and know whether the potential is real. I think the gentleman is correct in this amendment. I ask all Members to support it.

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

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

Mr. TRAFICANT. Mr. Chairman, will the gentleman keep this in conference? I will not ask for a recorded vote.

Mr. TAUZIN. I will definitely try to keep it in conference.

Mr. TRAFICANT. Mr. Chairman, I yield back my time.

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

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Ohio (Mr. TRAFICANT).

The amendment was agreed to.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: amendment No. 13 by the gentleman from Massachusetts (Mr. MARKEY); amendment No. 15 by the gentleman from Michigan (Mr. ROGERS).

The Chair will reduce to 5 minutes the time for the second electronic vote.

AMENDMENT NO. 13 OFFERED BY MR. MARKEY

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Massachusetts (Mr. MARKEY) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 206, noes 223, not voting 5, as follows:

[Roll No. 317]

YEAS—206

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldacci
Baldwin
Barcia
Barrett
Bartlett
Bass
Becerra
Bentsen
Berkley
Berman
Blagojevich
Blumenauer
Boehlert
Bonior
Borski
Boswell
Boucher
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson (IN)
Castle
Clay
Clayton
Clement
Condit
Conyers
Costello
Coyne
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Doyle
Dunn
Ehlers
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Ferguson
Filner
Foley
Ford
Frank
Frelinghuysen
Frost
Gephardt
Gilchrest
Gilman
Gonzalez
Gordon
Greenwood
Gutierrez
Hall (OH)
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley
Horn
Houghton
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kaptur
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kirk
Kleczka
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
LoBiondo
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mink
Moore
Moran (VA)
Morella
Nadler
Napolitano
Neal
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Petri
Pomeroy
Price (NC)
Rahall
Ramstad
Rangel
Rivers
Rodriguez
Roemer
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sawyer
Saxton
Schakowsky
Schiff
Scott
Sensenbrenner
Serrano
Shays
Sherman
Simmons
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Strickland
Stupak
Sweeney
Tauscher
Thompson (CA)
Thurman
Tierney
Udall (CO)
Udall (NM)
Velazquez
Visclosky
Walsh
Waters
Watson (CA)
Watt (NC)
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NAYS—223

Aderholt
Akin
Armey
Baca
Bachus
Baker
Ballenger
Barr
Barton
Bereuter
Berry
Biggert
Bilirakis
Bishop
Blunt
Boehner
Bonilla
Bono

Boyd
Brady (PA)
Brady (TX)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Carson (OK)
Chabot
Chambliss
Clyburn
Coble
Collins
Combest
Cooksey
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Deal
DeLay
DeMint
Diaz-Balart
Dooley
Doolittle
Dreier
Duncan
Edwards
Ehrlich
Emerson
English
Everett
Flake
Fletcher
Forbes
Fossella
Gallegly
Ganske
Gekas
Gibbons
Gillmor
Goode
Goodlatte
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Grucci
Gutknecht
Hall (TX)
Hansen
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hilleary
Hilliard
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jefferson
Jenkins
John
Johnson, Sam
Jones (NC)
Kanjorski
Keller
Kerns
King (NY)
Kingston
Knollenberg
Kolbe
Largent
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lucas (KY)
Lucas (OK)
Manzullo
Mascara
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller, Gary
Mollohan
Moran (KS)
Murtha
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Ortiz
Osborne
Ose
Otter
Oxley
Paul
Pence
Peterson (MN)
Peterson (PA)
Phelps
Pickering
Pitts
Platts
Pombo
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Regula
Rehberg
Reyes
Reynolds
Riley
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Royce
Ryan (WI)
Ryun (KS)
Sandlin
Scarborough
Schaffer
Schrock
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shows
Shuster
Simpson
Skeen
Skelton
Smith (MI)
Smith (TX)
Souder
Stearns
Stenholm
Stump
Sununu
Tancredo
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (MS)
Thornberry
Thune
Tiahrt
Tiberi
Toomey
Towns
Traficant
Turner
Upton
Vitter
Walden
Wamp
Watkins (OK)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NOT VOTING—5

Hutchinson
Lipinski
Spence
Spratt
Stark

□ 2323

Messrs. TANCREDO, GRUCCI and MORAN of Kansas changed their vote from ''aye'' to ''no.''

Ms. RIVERS and Mr. HOLDEN changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. SPRATT. Mr. Chairman, on Rollcall No. 317, I missed the bells and was not here. Had I been here, I would have voted ''aye'' on the Markey amendment.

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (Mr. NETHERCUTT). Pursuant to clause 6 of rule XVIII, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken on the next amendment.

AMENDMENT NO. 15 OFFERED BY MR. ROGERS OF MICHIGAN

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Michigan (Mr. ROGERS) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 345, noes 85, not voting 4, as follows:

[Roll No. 318]

YEAS—345

Abercrombie
Ackerman
Allen
Andrews
Armey
Baca
Bachus
Baird
Baldacci
Baldwin
Ballenger
Barcia
Barrett
Bartlett
Bass
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Burton
Buyer
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Cox
Coyne
Cramer
Crenshaw
Crowley
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Doyle
Dreier
Dunn
Edwards
Ehlers
Ehrlich
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Harman
Hart
Hastert
Hastings (FL)
Hayes
Hayworth
Hill
Hilleary
Hinchey
Hinojosa
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hoyer
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jefferson
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
Kirk
Kleczka
Knollenberg
Kucinich
LaFalce
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (GA)
Linder
LoBiondo
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McHugh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pitts
Platts
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Rivers
Rodriguez
Roemer
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Sabo
Sanchez
Sanders
Sawyer
Saxton
Scarborough
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Shaw
Shays
Sherman
Sherwood
Shuster
Simmons
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Solis
Souder
Spratt
Stearns
Strickland
Stupak
Sununu
Sweeney
Tanner
Tauscher
Tauzin
Thomas
Thompson (CA)
Thompson (MS)
Thune
Thurman
Tiahrt
Tiberi
Tierney
Towns
Traficant
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Walden
Walsh
Wamp
Waters
Watson (CA)
Watt (NC)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—85

Aderholt
Akin
Baker
Barr
Barton
Bentsen
Bereuter
Boehner
Brady (TX)
Callahan
Calvert
Carson (OK)
Coble
Collins
Combest
Cooksey
Crane
Cubin
Deal
DeMint
Dooley
Doolittle
Duncan
Emerson
Flake
Gibbons
Graves
Green (TX)
Hansen
Hastings (WA)
Hefley
Herger
Hilliard
Hobson
Hostettler
Houghton
Hulshof
Jackson-Lee (TX)
John
Johnson, Sam
Jones (NC)
King (NY)
Kingston
Kolbe
Lampson
Largent
Lewis (CA)
Lewis (KY)
Lucas (OK)
Manzullo
McCrery
McInnis
Mica
Miller (FL)
Miller, Gary
Otter
Paul
Pickering
Pombo
Radanovich
Riley
Rogers (KY)
Rohrabacher
Ryun (KS)
Sandlin
Schaffer
Sessions
Shadegg
Shimkus
Shows
Simpson
Smith (WA)
Stenholm
Stump
Tancredo
Taylor (MS)
Taylor (NC)
Terry
Thornberry
Toomey
Turner
Vitter
Watkins (OK)
Watts (OK)
Wicker

NOT VOTING—4

Hutchinson
Lipinski
Spence
Stark

□ 2336

Mr. GARY G. MILLER of California and Mr. KINGSTON changed their vote from ''aye'' to ''no.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated against:

Mr. NEY. Mr. Chairman, on rollcall No. 319 I was unavoidably detained. Had I been present, I would have voted "no."

The CHAIRMAN pro tempore (Mr. NETHERCUTT.) There being no other amendments, under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. SIMPSON) having assumed the chair, Mr. NETHERCUTT, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4) to enhance energy conservation, research and development and to provide for security and diversity in the energy supply for the American people, and for other purposes, pursuant to House Resolution 216, he reported the bill, as amended pursuant to that rule, back to the House with sundry further amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

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

The amendments were agreed to.

The SPEAKER pro tempore. The question is on 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 MRS. THURMAN

Mrs. THURMAN. Mr. Speaker, I offer a motion to recommit.

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

Mrs. THURMAN. I am, Mr. Speaker.

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

The Clerk read as follows:

Mrs. THURMAN moves to recommit the bill H.R. 4 to the Committee on Ways and Means with instructions to report the same back to the House forthwith with the following amendment:

Insert after section 3001 the following new section:

SEC. 3002. TAX REDUCTIONS CONTINGENT ON SUFFICIENT NON-SOCIAL SECURITY, NON-MEDICARE SURPLUSES.

(a) IN GENERAL.—No provision of this division or any amendment made thereby shall apply to taxable years beginning in any calendar year if the Director of the Office of Management and Budget projects (as provided in subsection (b)) that there will be a deficit for the Federal fiscal year ending in such calendar year outside the social security and medicare trust funds.

(b) PROJECTIONS.—During December of each calendar year, the Director of the Office of Management and Budget shall make a projection of whether there will be a deficit outside the social security and medicare trust funds for the fiscal year ending in the following calendar year. Such projection shall be made—

(1) by excluding the receipts and disbursements of the social security and medicare trust funds, and

(2) by assuming that the provisions of this division are in effect without regard to this section.

(c) TRUST FUNDS.—For purposes of this section—

(1) the term ''social security trust funds'' means the Federal Old-Age and Survivors Insurance Trust Fund, and the Federal Disability Insurance Trust Fund, under title II of the Social Security Act, and

(2) the term ''medicare trust fund'' means the Federal Hospital Insurance Trust Fund created by section 1817 of the Social Security Act.

The SPEAKER pro tempore. The gentlewoman from Florida (Mrs. THURMAN) is recognized for 5 minutes.

□ 2340

Mrs. THURMAN. Mr. Speaker, I yield myself 4 minutes.

Mr. Speaker, the Democratic Caucus drafted a balanced energy plan that was paid for, the Markey-Stenholm-Sandlin-Frost proposal, which should have had a chance to have been voted on today, but the House was denied the opportunity.

My motion to recommit would provide that the tax benefits of the bill would be contingent on the availability of sufficient surpluses outside the Social Security and Medicare trust funds. I offered this language in the Committee on Ways and Means, but it was rejected.

Today we are considering a $33 billion energy bill. You told us there is an energy crisis, and we had to respond. We want to respond responsibly. You have also said there is a Medicare crisis and a Social Security crisis, and I too want to resolve those crises, but how are we going to pay for their solution if we continue to spend money we do not have?

You cannot pass this bill without invading the trust funds and breaking the promises made to the American people.

You do not have to take my word for it. According to a Republican memo cited by the press, ''We are possibly already into the Medicare trust fund and are very close to touching the Social Security surplus in fiscal year 2003.''

Just Monday, Treasury said that it would be borrowing $51 billion to pay for the tax rebate. So, instead of paying down debt, we are adding to debt in interest payments. In fact, the Committee on the Budget chairman is threatening spending cuts for later this year.

Mr. Speaker, I frequently have heard the ''first come, first served'' argument. It goes like this. There is a slush fund in the 2002 budget that is available on a first come, first served basis; the first bill signed draws from the fund.

We should not be legislating on a first come, first served basis. That is not governing.

Once we have taken care of the easy bills, where are the funds for the education bill that this House passed and promised to the American people? What happens to defense? What happens to the farm bill? What happens to Social Security reform or a Medicare prescription drug benefit? The answer is nothing. Because we do not have any money left for them.

Yet, all of these are important priorities, but not as important as the promise we made in protecting the trust funds. Virtually every Member on this floor has voted at one time or another to protect the trust funds.

Earlier today, in the debate, a Member said something to this effect: If you think this bill hurts Medicare and Social Security, then you do not understand the trust funds. In fact, we do understand the trust funds. If, in fact, we are not or you are not invading the trust funds, then you lose nothing by supporting this motion. Are you protesting so much because you know that this bill hurts Social Security and Medicare recipients?

If you reject this motion, then go home. You go explain to your constituents that what they believed would be for them will not be there. If you break your promise and raid the trust funds, then tell our children, our farmers, our armed services, and seniors to look out for themselves.

However, if you want to keep your promise to all Americans, then support the motion to recommit.

Mr. Speaker, I yield the balance of my time to the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. Mr. Speaker, there are $34 billion worth of energy tax breaks in this bill, but they do not pay for them at all. Now, we do not have a surplus any longer, and so what the majority is doing is setting up an oil rig on top of the Social Security and Medicare trust funds, because the only way that this bill, worth $34 billion, can be paid for, is by drilling into the Medicare and Social Security trust funds.

Vote for the Thurman recommittal motion and protect the senior citizens of our country from having a pipeline built into their pockets and having every senior citizen pay for this energy bill for the biggest oil companies in our country.

Mr. TAUZIN. Mr. Chairman, I rise in opposition to the motion to recommit, and I yield such time as he may consume to the gentleman from California (Mr. THOMAS), the chairman of jurisdiction, the distinguished chairman of the Committee on Ways and Means.

Mr. THOMAS. Mr. Speaker, I thank the gentleman for yielding.

I want to thank the gentleman from Massachusetts for providing that very enlightening chart. What most Members could not see was the fine print up on the rig, and it said, ''For more than 40 years, that is what the Democrats did.''

There was another sign right below it that said, ''This rig is no longer in operation.'' Because we are here arguing about the surplus. Never happened on your watch.

Let me repeat the key words in that devastating Republican quote that the gentlewoman from Florida offered, ''possibly already.'' Really firm language. The answer is, we are not invading the HI trust fund and we will not invade the HI trust fund.

Stripped of all of the language, what this is is something that is becoming familiar to us. It is a trigger, and the trigger says, now watch this; the trigger says, they want to rely on a projection of income.

□ 1150

During the tax bill, all we heard from them was, We cannot rely on projections. Do not rely on projections. This trigger is based on projections, so the last desperate refuge is to argue that we are going to deal with a projection.

What is the projection? Not that there is a deficit, not that there is going to be a deficit in the upcoming Federal fiscal year. But if Members will look on line 14 and 15, it says: ''The director of the Office of Management and Budget shall make a projection for the following calendar year,'' so they have to make a second-year projection that there will be a deficit; not that a deficit occurs, but that there is a projection that there will be a deficit.

What does that trigger, since this is just a trigger? The entire denial of the energy package in which we have the 38 percent devoted to conservation, 37 percent devoted to reliability, so that the lights do not go off in California, so that the rest of the United States does not experience our predicament.

If Members want a trigger, use a light switch, not some kind of a budget projection a year and a half off.

Mr. TAUZIN. Mr. Speaker, I yield to the gentleman from Iowa (Mr. NUSSLE), the chairman of the Committee on the Budget, who heard all of the talk about projections when we put a budget together, that says that the only time we count the spending is when it is enacted, not when it is projected.

Mr. NUSSLE. Mr. Speaker, I thank the gentleman for yielding to me.

Mr. Speaker, not one penny of the Medicare funds will be used for anything except Medicare. That is the commitment in this budget. That remains.

If the projections change in August, it is because of one reason: there has been a downturn in the economy. And why? If there is a downturn in the economy, it is for a number of reasons. We warned President Clinton about those reasons.

The number one reason, Mr. Speaker, the number one reason that we warned President Clinton about was that taxes were too high. We changed that this year in the budget and in the tax bills.

Number two is because we had no trade policy for this country, and we will change that as a result of this Congress.

But the most important reason why there has been a downturn in this economy is because this Nation has not had a long-term energy strategy.

Vote down this motion to recommit, and let us pass a long-term energy strategy for this country and get this economy going again.

Mr. TAUZIN. Mr. Speaker, this is not about a partisan fight over Social Security and Medicare. It is not. They can try to make it that. This is about a bill that advances the Nation's energy strategies to secure American families into the future.

It is about ensuring the lights go on and do not go out. It is about ensuring gasoline prices are not so high that families cannot afford them. It is about ensuring that in this future, the economy grows again and people have jobs; and they can afford to pay their energy bills. That is what this is all about.

Vote down this artificial, phony trigger and vote for a comprehensive, permanent energy strategy for this country.

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

There was no objection.

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

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

RECORDED VOTE

Mrs. THURMAN. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 206, noes 223, not voting 5, as follows:

[Roll No. 319]

YEAS—206

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank
Frost
Gephardt
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (OH)
Harman
Hastings (FL)
Hill
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaFalce
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mink
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Ross
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Schiff
Scott
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velazquez
Visclosky
Waters
Watson (CA)
Watt (NC)
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NAYS—223

Aderholt
Akin
Armey
Bachus
Baker
Ballenger
Barr
Bartlett
Barton
Bass
Bereuter
Biggert
Bilirakis
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady (TX)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Castle
Chabot
Chambliss
Coble
Collins
Combest
Cooksey
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal
DeLay
DeMint
Diaz-Balart
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goss
Graham
Granger
Graves
Green (WI)
Greenwood
Grucci
Gutknecht
Hall (TX)
Hansen
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
Kerns
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Morella
Myrick
Nethercutt
Northup
Norwood
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Reynolds
Riley
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Saxton
Scarborough
Schaffer
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Stump
Sununu
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Tiberi
Toomey
Traficant
Upton
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NOT VOTING—5

Hutchinson
Lipinski
Ney
Spence
Stark

□ 0011

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

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

(Mr. TAUZIN was given permission to speak for 30 seconds.)

Mr. TAUZIN. Mr. Chairman, there were an awful lot of committees that contributed to this effort today, and an awful lot of staff members, and I think we owe a great deal to staff on both sides of the aisle that contributed such a great effort to this bill.

I particularly want to thank the gentleman from Michigan (Mr. DINGELL) and his staff, and the gentleman from Virginia (Mr. BOUCHER) for the incredible cooperation that we got, and the gentleman from Texas (Mr. BARTON), and all of the committee chairs and ranking members. Thank you for a job well done.

The SPEAKER pro tempore (Mr. SIMPSON). 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. FRANK. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 240, noes 189, not voting 5, as follows:

[Roll No. 320]

YEAS—240

Aderholt
Akin
Armey
Baca
Bachus
Baker
Ballenger
Barcia
Barr
Bartlett
Barton
Bereuter
Biggert
Bilirakis
Bishop
Blunt
Boehner
Bonilla
Bono
Boucher
Brady (PA)
Brady (TX)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Carson (OK)
Chabot
Chambliss
Clyburn
Coble
Collins
Combest
Cooksey
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal
DeLay
DeMint
Diaz-Balart
Dingell
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Everett
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Goode
Goodlatte
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutknecht
Hall (TX)
Hansen
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hilleary
Hilliard
Hobson
Hoekstra
Holden
Horn
Hostettler
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson, Sam
Jones (NC)
Kanjorski
Keller
Kelly
Kennedy (MN)
Kerns
King (NY)
Kingston
Knollenberg
Kolbe
LaHood
Lampson
Largent
Latham
LaTourette
Lewis (KY)
Linder
Lucas (KY)
Lucas (OK)
Manzullo
Mascara
Matheson
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller, Gary
Mollohan
Moran (KS)
Murtha
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ortiz
Osborne
Ose
Otter
Oxley
Pence
Peterson (PA)
Phelps
Pickering
Pitts
Platts
Pombo
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Reynolds
Riley
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Roukema
Royce
Ryan (WI)
Ryun (KS)
Sandlin
Scarborough
Schaffer
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Smith (MI)
Smith (TX)
Souder
Stearns
Stump
Sununu
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thompson (MS)
Thornberry
Thune
Tiahrt
Tiberi
Toomey
Towns
Traficant
Turner
Upton
Visclosky
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NAYS—189

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldacci
Baldwin
Barrett
Bass
Becerra
Bentsen
Berkley
Berman
Berry
Blagojevich
Blumenauer
Boehlert
Bonior
Borski
Boswell
Boyd
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson (IN)
Castle
Clay
Clayton
Clement
Condit
Conyers
Costello
Coyne
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Doggett
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank
Frost
Gephardt
Gilman
Gonzalez
Gordon
Gutierrez
Hall (OH)
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holt
Honda
Hooley
Houghton
Hoyer
Inslee
Israel
Jackson (IL)
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kirk
Kleczka
Kucinich
LaFalce
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
LoBiondo
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mink
Moore
Moran (VA)
Morella
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Petri
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sawyer
Saxton
Schakowsky
Schiff
Scott
Serrano
Shays
Sherman
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thurman
Tierney
Udall (CO)
Udall (NM)
Velazquez
Waters
Watson (CA)
Watt (NC)
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—5

Hutchinson
Lewis (CA)
Lipinski
Spence
Stark

□ 0028

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

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

RESIGNATION AS MEMBER AND ELECTION AS MEMBER OF COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT

The SPEAKER pro tempore (Mr. SIMPSON) laid before the House the following resignation as a member of the Committee on Standards of Official Conduct:

WASHINGTON, DC,
July 31, 2001.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
Capitol, Washington, DC.

DEAR MR. SPEAKER: This is official notification that I hereby resign my seat on the Committee on Standards of Official Conduct.

Sincerely,

MARTIN OLAV SABO,
Member of Congress.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

Mr. FROST. Mr. Speaker, I offer a resolution (H. Res. 218) and ask unanimous consent for its immediate consideration.

The Clerk read the resolution, as follows:

HOUSE RESOLUTION 218

Resolved, That the following named be, and is hereby, elected to the following standing committee of the House of Representatives:

Committee on Standards of Official Conduct: Mr. Green of Texas.

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

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess, subject to the call of the Chair.

Accordingly (at 12 o'clock and 30 minutes a.m.), the House stood in recess, subject to the call of the Chair.

□ 0855

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. DREIER) at 8 o'clock and 55 minutes a.m.