So I rise, actually, in support of this amendment, Mr. Chairman. I encourage my colleagues to support it also.

Mr. REYNOLDS. Mr. Chairman, I thank the chairman for his support of this amendment.

Mr. Chairman, I yield 3 minutes to the gentleman from New York (Mr. QUINN), a neighbor of the gentleman from New York (Mr. HOUGHTON).

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

Mr. Chairman, I want to join the gentleman from Louisiana (Mr. TAUZIN) and the gentleman from New York (Mr. REYNOLDS) in sending condolences to our neighbor and friend, the gentleman from New York (Mr. HOUGHTON), on his loss.

Over the past few years, all of the members of the western New York delegation, along with local leaders and members of the community and others, in an effort to see a resolution in the dispute between New York State and the Department of Energy, have all worked cooperatively together. The responsibility for long-term stewardship of this site and the transportation and removal of solidified waste must be established immediately. This amendment does just that.

The West Valley Demonstration Project was a creation of the Federal Government to deal with over 600,000 gallons of highly radioactive waste generated as a result of the nuclear fuel reprocessing effort, over two-thirds of which came from the Federal nuclear weapons facilities.

This amendment directs the Secretary of Energy to provide to Congress a plan to take over responsibility of this site. The Department of Energy and the State of New York have held talks for almost 4 years on this very issue, and these talks, as we have mentioned, have produced no results. Congress laid out the instructions in the 1980 West Valley Demonstration Project Act, and it is appropriate that we clarify today that the responsibility for the final phase of this project lies with the U.S. Department of Energy.

The western New York delegation has worked long and hard on this issue with the help of the West Valley Citizens Task Force, the Buffalo Niagara Partnership, local leaders, and the community at large. It is time for Congress to act and to move on this extraordinary undertaking and make it one step closer to completion.

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

Mr. REYNOLDS. 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 New York (Mr. REYNOLDS).

The amendment was agreed to.

Mr. TAUZIN. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. SHIMKUS) having assumed the chair, Mr. SWEENEY, 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. 6) to enhance energy conservation and research and development, to provide for security and diversity in the energy supply for the American people, and for other purposes, had come to no resolution thereon.

CONFERENCE REPORT ON H. CON. RES. 95, CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2004

Mr. NUSSLE submitted the following conference report and statement on the concurrent resolution (H. Con. Res. 95) establishing the congressional budget for the United States Government for fiscal year 2004 and setting forth appropriate budgetary levels for fiscal years 2003 and 2005 through 2013:

(See text of the conference report on H. Con. Res. 95 on page H3194).

ENERGY POLICY ACT OF 2003

The SPEAKER pro tempore. Pursuant to House Resolution 189 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 6.

□ 2105

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 6) to enhance energy conservation and research and development, to provide for security and diversity in the energy supply for the American people, and for other purposes, with Mr. SWEENEY (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. When the Committee of the Whole House rose earlier today, amendment No. 12 printed in House Report 108–69 offered by the gentleman from New York (Mr. REYNOLDS) had been disposed of.

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. 5 offered by the gentleman from Massachusetts (Mr. MARKEY); amendment No. 7 offered by the gentleman from Virginia (Mr. TOM DAVIS); amendment No. 9 offered by the gentleman from Ohio (Mr. BROWN); amendment No. 10 offered by the gentleman from New Mexico (Mr. UDALL).

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

AMENDMENT NO. 5 OFFERED BY MR. MARKEY

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on amendment No. 5 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 pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 197, noes 228, not voting 9, as follows:

[Roll No. 135]

AYES—197

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldwin
Ballance
Bartlett (MD)
Bass
Becerra
Bell
Berkley
Berman
Bishop (NY)
Blumenauer
Boehlert
Boswell
Boucher
Bradley (NH)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Carson (IN)
Case
Castle
Conyers
Cooper
Costello
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Doyle
Dunn
Ehlers
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Ferguson
Filner
Ford
Frank (MA)
Frelinghuysen
Frost
Gerlach
Gilchrest
Gonzalez
Gordon
Greenwood
Grijalva
Gutierrez
Harman
Hastings (FL)
Hill
Hinchey
Hoeffel
Holden
Holt
Honda
Hooley (OR)
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
Kirk
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Moore
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Petri
Pomeroy
Price (NC)
Rahall
Ramstad
Rangel
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Shays
Sherman
Simmons
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Sweeney
Tauscher
Thompson (CA)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velazquez
Visclosky
Walsh
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—228

Aderholt
Akin
Alexander
Baca
Bachus
Baker
Ballenger
Barrett (SC)
Barton (TX)
Beauprez
Bereuter
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt

Boehner
Bonilla
Bonner
Bono
Boozman
Boyd
Brady (PA)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Cardoza
Carson (OK)
Carter
Chabot
Chocola
Clyburn
Coble
Cole
Collins
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis (TN)
Davis, Jo Ann
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Dooley (CA)
Doolittle
Dreier
Duncan
Edwards
Emerson
English
Everett
Feeney
Flake
Fletcher
Foley
Forbes
Fossella
Franks (AZ)
Gallegly
Garrett (NJ)
Gibbons
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (TX)
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hinojosa
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Janklow
Jefferson
Jenkins
John
Johnson, Sam
Jones (NC)
Kanjorski
Keller
King (IA)
King (NY)
Kingston
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lucas (KY)
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Nethercutt
Ney
Northup
Norwood
Nunes
Nussle
Ortiz
Osborne
Ose
Otter
Oxley
Pearce
Pence
Peterson (MN)
Peterson (PA)
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Royce
Ryan (WI)
Ryun (KS)
Sandlin
Schrock
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simpson
Skelton
Smith (MI)
Smith (TX)
Souder
Stearns
Stenholm
Sullivan
Tancredo
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Turner (TX)
Upton
Vitter
Walden (OR)
Wamp
Weldon (FL)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (FL)

NOT VOTING—9

Clay
Combest
Gephardt
Houghton
McCarthy (MO)
Moran (VA)
Paul
Weldon (PA)
Young (AK)

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (Mr. SWEENEY)(during the vote). The Chair would remind Members there are less than 2 minutes remaining on this vote.

□ 2127

Messrs. TURNER of Ohio, GUTKNECHT and MCKEON changed their vote from ''aye'' to ''no.''

Mr. DAVIS of Illinois changed his vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. MORAN of Virginia. Mr. Chairman, on rollcall No. 135, dealing with Ms. MARKEY's amendment to prevent drilling in ANWR, I was unavoidably detained. Had I been present, I would have voted ''aye.''

Stated against:

Mr. YOUNG of Alaska. Mr. Chairman, on rollcall No. 135 I was unavoidably detained and missed the vote by one minute. Had I been present, I would have voted ''no.''

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, the remainder of this series will be conducted as 5-minute votes.

AMENDMENT NO. 7 OFFERED BY MR. TOM DAVIS OF VIRGINIA

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on amendment No. 7 offered by the gentleman from Virginia (Mr. TOM DAVIS) 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 415, noes 10, not voting 9, as follows:

[Roll No. 136]

AYES—415

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Frank (MA)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Janklow
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Murphy
Murtha
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOES—10

Culberson
DeLay
Flake
Franks (AZ)
Musgrave
Pence
Sessions
Shadegg
Tancredo
Tiahrt

NOT VOTING—9

Clay
Combest
Gephardt
Houghton
McCarthy (MO)
Moran (VA)
Paul
Simmons
Weldon (PA)

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (Mr. SWEENEY) (during the vote). The Chair will remind Members there are 2 minutes remaining.

□ 2135

Mr. SHADEGG and Mr. PENCE changed their vote from ''aye'' to ''no.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Mr. MORAN of Virginia. Mr. Chairman, on rollcall No. 136, the Davis amendment. I was unavoidably detained. Had I been present, I would have voted ''ayes.''

AMENDMENT NO. 9 OFFERED BY MR. BROWN OF OHIO

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on amendment No. 9 offered by the gentleman from Ohio (Mr. BROWN) 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 173, noes 252, not voting 9, as follows:

[Roll No. 137]

AYES—173

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardoza
Carson (IN)
Case
Clyburn
Conyers
Cooper
Costello
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Doggett
Dooley (CA)
Doyle
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Green (TX)
Green (WI)
Grijalva
Gutierrez
Harman
Hastings (FL)
Hill
Hinchey
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Langevin
Lantos
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Maloney
Markey
Marshall
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Slaughter
Solis
Stark
Strickland
Stupak
Tauscher
Taylor (MS)
Thompson (CA)
Tiberi
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velazquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—252

Aderholt
Akin
Alexander
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Berry
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Cardin
Carson (OK)
Castle
Chabot
Chocola
Coble
Cole
Collins
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emerson
English
Everett
Feeney
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Greenwood
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hinojosa
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Janklow
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Lampson
Larsen (WA)
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Lynch
Majette
Manzullo
Matheson
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Ney
Northup
Norwood
Nunes
Nussle
Ortiz
Osborne
Ose
Otter
Oxley
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Royce
Ryan (WI)
Ryun (KS)
Sandlin
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simpson
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spratt
Stearns
Stenholm
Sullivan
Sweeney
Tancredo
Tanner
Tauzin
Taylor (NC)
Terry
Thomas
Thompson (MS)
Thornberry
Tiahrt
Toomey
Turner (OH)
Turner (TX)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—9

Carter
Clay
Combest
Gephardt
Houghton
McCarthy (MO)
Paul
Simmons
Weldon (PA)

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (during the vote). The Chair will remind Members there are less than 2 minutes remaining in this vote.

□ 2144

Mr. SMITH of Michigan changed his vote from ''aye'' to ''no.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

□ 2145

AMENDMENT NO. 10 OFFERED BY MR. UDALL OF NEW MEXICO

The CHAIRMAN pro tempore (Mr. SWEENEY). The pending business is the demand for a recorded vote on amendment No. 10 offered by the gentleman from New Mexico (Mr. UDALL) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The 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 193, noes 231, not voting 10, as follows:

[Roll No. 138]

AYES—193

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldwin
Ballance
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boehlert
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Castle
Clyburn
Conyers
Cooper
Costello
Crowley
Culberson
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Ehlers
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gilchrest
Green (WI)
Grijalva
Gutierrez
Hall
Harman
Hastings (FL)
Hefley
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kirk
Kleczka
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lipinski

LoBiondo
Lofgren
Lowey
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McInnis
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Moore
Moran (VA)
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Owens
Pallone
Pastor
Payne
Pelosi
Petri
Pomeroy
Price (NC)
Rahall
Rangel
Renzi
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Scott (VA)
Sensenbrenner
Serrano
Shays
Sherman
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
Stearns
Tancredo
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velazquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Wilson (NM)
Woolsey
Wu

NOES—231

Aderholt
Akin
Alexander
Baca
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bell
Bereuter
Berry
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Chabot
Chocola
Coble
Cole
Collins
Cox
Cramer
Crane
Crenshaw
Cubin
Cummings
Cunningham
Davis (AL)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Emerson
English
Everett
Feeney
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Greenwood
Gutknecht
Hart
Hastings (WA)
Hayes
Hayworth
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Janklow
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones (NC)
Keller
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kline
Knollenberg
Kolbe
LaHood
Lampson
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lucas (KY)
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Nethercutt
Ney
Northup
Norwood
Nunes
Nussle
Ortiz
Osborne
Ose
Otter
Oxley
Pearce
Pence
Peterson (MN)
Peterson (PA)
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Royce
Ryan (WI)
Ryun (KS)
Sandlin
Schrock
Scott (GA)
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simpson
Smith (MI)
Smith (TX)
Souder
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Turner (TX)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (SC)
Wolf
Wynn
Young (AK)
Young (FL)

NOT VOTING—10

Clay
Combest
Gephardt
Harris
Hill
Houghton
McCarthy (MO)
Pascrell
Paul
Simmons

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (during the vote). The Chair will remind Members there are less than 2 minutes remaining in this vote.

□ 2153

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

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Ms. HARRIS. Mr. Chairman, on rollcall No. 138 I was unavoidable detained. Had I been present, I would have voted ''no.''

The CHAIRMAN pro tempore. It is now in order to consider amendment No. 13 printed in House Report 108–69.

AMENDMENT NO. 13 OFFERED BY MR. BARRETT OF SOUTH CAROLINA

Mr. BARRETT of South Carolina. 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. BARRETT of South Carolina:

At the end of subtitle B of title IV of division A, insert the following new section:

SEC. 14036. STUDY TO DETERMINE FEASIBILITY OF DEVELOPING COMMERCIAL NUCLEAR ENERGY PRODUCTION FACILITIES AT EXISTING DEPARTMENT OF ENERGY SITES.

(a) IN GENERAL.—The Secretary of Energy shall conduct a study to determine the feasibility of developing commercial nuclear energy production facilities at Department of Energy sites in existence on the date of the enactment of this Act, including—

(1) options for how and where nuclear power plants can be developed on existing Department of Energy sites;

(2) estimates on cost savings to the Federal Government that may be realized by locating new nuclear power plants on Federal sites;

(3) the feasibility of incorporating new technology into nuclear power plants located on Federal sites;

(4) potential improvements in the licensing and safety oversight procedures of nuclear power plants located on Federal sites;

(5) an assessment of the effects of nuclear waste management policies and projects as a result of locating nuclear power plants located on Federal sites; and

(6) any other factors that the Secretary believes would be relevant in making the determination.

(b) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall submit to Congress a report describing the results of the study under subsection (a).

The CHAIRMAN pro tempore. Pursuant to House Resolution 189, the gentleman from South Carolina (Mr. BARRETT) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from South Carolina (Mr. BARRETT).

Mr. BARRETT of South Carolina. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I rise today and offer an amendment to H.R. 6, the Energy Policy Act of 2003. My amendment would require the Secretary of Energy to conduct a survey to determine the feasibility of developing commercial nuclear energy production facilities at the Department of Energy sites.

Mr. Chairman, this is identical to the language included in last year's budget, drafted by the gentleman from South Carolina (Mr. BROWN), which passed the House by a vote of 240 to 189, laying out the clear role that the U.S. Government should take to examine the Department of Energy sites and determine which are the best suited to enter into a public-private partnership with utility companies for construction and operation of new nuclear power production facilities.

I agree that we need to start now and take a bold step to help solve our growing energy crisis, and that is exactly what the administration's nuclear power 20–10 initiative is, a bold step. My amendment will only expand the options for this great initiative.

I urge my colleagues to vote ''yes'' on this amendment and help solve our energy crisis.

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

The CHAIRMAN pro tempore. Does any Member claim time in opposition to the amendment?

Mr. ALLEN. Mr. Chairman, I claim time in opposition.

The CHAIRMAN pro tempore. The gentleman from Maine (Mr. ALLEN) is recognized for 5 minutes.

Mr. ALLEN. Mr. Chairman, I yield myself such time as I may consume, and I rise to oppose the Barrett amendment.

Today is, in my opinion, the worst possible day to be considering this amendment. American troops are in Iraq, completing a war that was justified in part as necessary to prevent the proliferation of nuclear weapons. The Barrett amendment could facilitate the proliferation of nuclear weapons by blurring the long-standing, carefully drawn lines between civilian nuclear energy production and nuclear weapons production.

□ 2200

Since the dawn of the nuclear age, U.S. policies have drawn a bright line between civilian and military applications of nuclear power. There is a very good reason which remains valid today: we want to prevent legitimate civilian nuclear facilities from being used illicitly to produce nuclear weapons material.

Under U.S. leadership, international law requires separation of civilian and

military nuclear power. This obligation is part of the Nuclear Nonproliferation Treaty and is enforced by the International Atomic Energy Agency. This international law formed the basis for our finding Saddam Hussein in violation of nonnuclear pledges. This law is the way we hold Iran and North Korea accountable on nuclear weapons development.

We undermine our ability to prevent these nations from using peaceful nuclear reactors to make bombs if we pursue a policy that collocates civilian and military activities at the same site, as the Barrett amendment ultimately contemplates.

I am not aware of any recent congressional hearings held on this issue. This policy could have severe consequences for nuclear proliferation and should not be taken lightly. It should be reviewed by the relevant committees before being considered by the full House. I urge rejection of the Barrett proliferation amendment.

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

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

Mr. BARTON of Texas. Mr. Chairman, on behalf of myself and the gentleman from Louisiana (Mr. TAUZIN), the full committee chairman, we rise in strong support of the Barrett amendment. This amendment was included in the House-passed energy bill in the last Congress.

It would require the Secretary of Energy to study the feasibility of developing commercial nuclear energy production facilities at existing DOE sites. I and the gentleman from Louisiana (Chairman Tauzin) are strong advocates for nuclear power. The energy bill before us today includes a comprehensive 15-year reauthorization to the Price-Anderson Act, which would allow a new generation of nuclear power plants to be built in America.

We believe that the existing infrastructure in many Department of Energy sites may be ideal for the development of new nuclear power plants. In some cases, DOE sites have the space, the facilities, and the laboratory and engineering expertise and could be utilized to build a new plant. In any scenario where a new nuclear plant were to be built at a DOE site, we would expect that a substantial portion of the construction cost would be paid for by a commercial utility, which would greatly benefit from the DOE's infrastructure and expertise. We strongly support the amendment and urge Members to support it.

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

Mr. BARRETT of South Carolina. Mr. Chairman, I yield 1 minute to the gentleman from South Carolina (Mr. WILSON).

Mr. WILSON of South Carolina. Mr. Chairman, it was a great honor for me to serve with the gentleman from South Carolina (Mr. BARRETT) in the South Carolina General Assembly, and now I am honored to be serving with him in Congress.

I rise in support of the Barrett amendment to H.R. 6, which asks the Secretary of Energy to conduct a feasibility study to develop commercial nuclear energy facilities at Department of Energy sites. This is particularly important to the gentleman from South Carolina (Mr. BARRETT) and me because we both represent the Savannah River site in South Carolina.

Nuclear energy is our Nation's second largest source of power. Nuclear power plants have increased electricity production while reducing costs. In fact, these plants are so efficient that their production costs are among the lowest of any energy source.

This amendment was previously passed last year, and the initiator of that effort in a bipartisan effort was the gentleman from South Carolina (Mr. BROWN) of the first district of South Carolina. I urge Members to join me in supporting this amendment which will help solve our current energy crisis by producing more nuclear energy.

Mr. ALLEN. Mr. Chairman, I yield 2½ minutes to the gentlewoman from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. Mr. Chairman, I rise in opposition to the amendment. The fundamental premise to this amendment is flawed. We have not successfully ordered a new nuclear reactor in this country for over 20 years. Why? Because Wall Street investment bankers have done the numbers and found that the life-cycle cost of a nuclear plant far exceeds the costs of a modern combined-cycle natural gas turbine, a coal plant, or even a wind generator. The free market has said no to new nuclear reactors, and the gentleman's amendment is an attempt to overturn the verdict of the free market with governmental intervention into private electricity generation markets.

I would suggest this is not the direction we should be moving in. We have deregulated electricity generation in many parts of the country. Why should we get the DOE into the business of generating electricity for the civilian power grid at a Federal facility?

This amendment is clearly bad energy policy, but it is also bad nuclear nonproliferation policy. This country has long had a strong policy of maintaining a clear distinction between the civilian and military uses of nuclear energy. Eight years ago, in 1995, the House voted to kill funding for the so-called ''triple play'' reactor being planned for the DOE Savannah River site. This reactor would have burned fuel fabricated from dismantled nuclear weapons, produced tritium for the existing nuclear weapons stockpile, and generated electricity for the civilian electricity grid. At that time, the House recognized the need to maintain the historic separation between atoms for peace and atoms for war. Now is not the time to reverse that policy.

We are nearing the end of a war whose principal objective has been to halt the proliferation of weapons of mass destruction, a war in which our Armed Forces destroyed bomb factories while leaving civilian power plants standing. Let us not undermine our credibility as a world leader on nonproliferation by moving towards blurring the distinction between civilian and military nuclear programs. To pass this amendment would be to breach the 57-year separation between atoms for peace and atoms for war. We cannot credibly preach nuclear temperance from a bar stool. If we are mixing our civilian and military nuclear programs in the United States, then the rest of the world will not pay much heed to our admonitions to refrain from using their civilian nuclear energy programs for military purposes. Please vote ''no'' on the Barrett amendment.

Mr. BARRETT of South Carolina. Mr. Chairman, I yield 1 minute to the gentleman from South Carolina (Mr. DEMINT).

Mr. DEMINT. Mr. Chairman, I rise in support of this amendment and commend the gentleman from South Carolina (Mr. BARRETT) for his insight and initiative on this issue.

I support this amendment for three simple reasons. First, America already depends on nuclear energy. Even though it has been 2 decades since we built a new facility, nuclear power provides over 20 percent of the electricity in this country and over 55 percent of the electricity in South Carolina.

The second reason is nuclear power saves money. It is less expensive than coal, less expensive than oil, and a third less than natural gas.

The third reason is nuclear energy is good for the environment. Because it burns no fuel and emits no pollution, it is good for our environment and good to preserve our quality of life all across the country. Again I thank the gentleman from South Carolina (Mr. BARRETT) and urge all of my colleagues to support this amendment.

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

Mr. Chairman, first of all, it has been my understanding that when we look at the total cost of nuclear power, including dealing with the radioactive waste, we are not talking about a cheap source of power. We are talking about the most expensive source of power there is. I simply ask Members to think about North Korea. We want to make sure that North Korea does not use civilian reactors for military purposes. We should not be setting the example here doing what we are saying they should not do over there. This amendment should be rejected, and I urge Members to reject it.

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

Mr. BARRETT of South Carolina. Mr. Chairman, I yield myself the balance of my time.

In closing, in prepared remarks for the Global Nuclear Energy Summit on

February 14, Secretary Abraham wrote, ''We cannot ignore either the benefits nor the significant challenges posed by nuclear power. I believe that the U.S. Government has a clear role to help remove the barriers and to expand the role for nuclear power in this country.''

My amendment can only move the country forward when it comes to our energy needs, and I urge my colleagues to vote ''yes'' on the amendment.

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

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

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 14 printed in House Report 108–69.

AMENDMENT NO. 14 OFFERED BY MR. BLUMENAUER

Mr. BLUMENAUER. 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. BLUMENAUER:

At the end of subtitle D of title V of division A, insert the following new section:

SEC. 15050. CONSERVE BY BICYCLING PROGRAM.

(a) DEFINITIONS.—In this section:

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

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

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

(c) PROJECTS.—

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

(A) dispersed geographically throughout the United States; and

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

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

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

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

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

(i) transportation;

(ii) law enforcement;

(iii) education;

(iv) public health;

(v) environment; and

(vi) energy;

(D) maximize bicycle facility investments;

(E) demonstrate methods that may be used in other regions of the United States; and

(F) facilitate the continuation of ongoing programs that are sustained by local resources.

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

(d) ENERGY AND BICYCLING RESEARCH STUDY.—

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

(2) COMPONENTS.—The study shall—

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

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

(i) weather;

(ii) land use and traffic patterns;

(iii) the carrying capacity of bicycles; and

(iv) bicycle infrastructure;

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

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

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

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

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

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

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

The CHAIRMAN. Pursuant to House Resolution 189, the gentleman from Oregon (Mr. BLUMENAUER) and a Member opposed each will control 5 minutes.

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

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

Mr. Chairman, we have had a range of interesting conversations in the course of debate so far this evening. I would like to advance something that is in the past an issue that we have had a lot of fun with. I am talking about cycling. We have organized a bicycle caucus of Members of Congress. We have had a lot of fun with some social events. Every Member I have met in Congress has some example where cycling has made a difference in their lives, but it is also serious business.

Mr. Chairman, we have an opportunity this evening to make an impact on millions of Americans who ride their bikes on a regular basis, or who might. Energy conservation does not have to be difficult. It can be as economic, healthy and environmentally friendly as a bike ride. Transportation is the number one use of energy in this country. Indeed, we use 10 percent of the world's supply of petroleum just to fuel our automobiles. The key is to give Americans more choices about how they move.

The bicycle is the most efficient form of urban transportation ever devised. America has over 100 million bicycles available to them. Unfortunately, too many of them spend time in garages, attics, and basements. At a time when we are concerned about the health of this country, and we have a terrific caucus that has been developed by our colleagues, the gentleman from Tennessee (Mr. WAMP) and the gentleman from Colorado (Mr. UDALL), to zero in on fitness, cycling is a key way to improve cardiovascular health and deal with the number one problem today, obesity.

We are all concerned about congestion. Many of us live in Washington, D.C., a third to half of our time. This is the second most congested area in America. A bicycle uses approximately one-tenth of the space on the roads to drive, and less than that to park.

We are concerned about air pollution, and cycling simply does not contribute to air pollution. Nationally, we have less than 1 percent of our trips now that are using cycling, but we have watched dramatic increases in cycling since we have had the ISTEA legislation and TEA–21. We have spent over a billion dollars on cycling, and we have seen some dramatic improvements; but we do not know exactly what difference it has made.

This amendment would establish to conserve by bicycling a pilot program in the Department of Transportation, oversee up to 10 geographically disbursed pilot projects across the country designed to conserve energy resources, provide education and marketing tools to help people convert auto trips to cycling. It will encourage key partnerships between the stakeholders in transportation, law enforcement, education, public health, environment and energy.

We have seen these partnerships work across the country, not just in bicycle towns that we would expect where there are large campus compositions such as in Davis, Boulder, and Eugene, but in larger cities like Chicago, and dare I say, Portland, Oregon.

□ 2215

This amendment would authorize $6.2 million for the pilot projects and the study to get the facts to formulate better policy. It is supported by a wide array of organizations: The League of American Cyclists; America Bikes; the Natural Resources Defense Council, Friends of the Earth; STPP, the Surface Transportation Policy Project; Smart Growth America; Bikes Belong. These are people who know that we can make real progress.

We have seen in Portland, Oregon, where the Members all know it rains all the time, that we have been able to more than double the national average of cycling. If we were able to have that level of participation across the country, we would save over two-thirds of a billion gallons of gasoline a year, over $5 billion in transportation costs.

Mr. Chairman, there is no single solution to our country's energy problems, but there is no solution that has more potential for improving our quality of life, our environment, our health and our transportation system while saving energy. I strongly urge the body to adopt the Conserve by Bike Energy amendment.

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

The CHAIRMAN. Who claims time in opposition?

Mr. BARTON of Texas. Mr. Chairman, I am not in opposition. I seek time only for purposes of controlling the time on this side.

The CHAIRMAN. Without objection, the gentleman from Texas (Mr. BARTON) is recognized.

There was no objection.

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

We are probike, and we rise in full support of this amendment. It passed the House in essentially the same form last year in H.R. 4. House and Senate conferees, however, did not reach resolution on this issue or other vehicle and Energy Policy Act issues.

In assessing the program outlined by this amendment, both myself and the gentleman from Louisiana (Mr. TAUZIN), the full committee chairman, would note that the Federal Government has already made a very substantial investment in bicycling and walking. According to a 1999 Department of Transportation report, Federal spending on such activities rose from $6 million in 1990 to $238 million in 1997.

I myself ride my bicycle back and forth to work in my hometown of Ennis, Texas, both to my congressional office and my campaign office. I would consider doing so here in Washington if we had a safe bicycle path between Arlington, Virginia, where I live, and the Nation's Capital.

So we are in very strong support of the gentleman's amendment and hope that we can pass it by unanimous consent.

Mr. Chairman, I yield 2 minutes to the gentlewoman from New York (Mrs. KELLY).

Mrs. KELLY. Mr. Chairman, I rise in support of this amendment. It took me 5 years at one point in my life to try to help us in New York get some Federal funding to help us build some safe bikeways. We got that funding, and we have safe bikeways now in portions of New York, and people ride on them all of the time.

I see them in the rain. They even ride in the snow. But one of the joys I see is that I see people there, families, teaching their little ones how to ride a tricycle. Do the Members remember when they got on a bike and realized that they could actually ride a two-wheel bike? What a proud moment that is for children.

America likes to ride bikes and from the time we are young we get on these bikes and we ride. It is a terrific way of transportation. It is fun and it leads to a healthy life-style. Many gyms in America have set up spin classes, which is essentially bike riding, to help people stay fit.

We spend $1.2 billion annually on bike-related facilities like bike paths and other things, but there are really no useful studies on the effect of bike use in the United States. Biking is used as a primary way or an alternate way to get to work by many people around the world; unlike automobiles, a bike is emissions free and a healthy way to enjoy our beautiful country.

I urge my colleagues, Mr. Chairman, to support this amendment. I am glad it will be accepted by the committee.

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

I will quit while I am ahead. I appreciate the gentleman's kind words.

I do find it appalling that in our Nation's Capital, in surrounding environments which have potential for some of the most spectacular cycling anywhere in the country, that there are some areas where they are taking their life in their hands. We look forward in the reauthorization of the Surface Transportation Act to work with the gentleman and others to make sure that we have safe routes to school, to work; and I appreciate the gentleman's courtesy in support of this amendment.

Mr. BARTON of Texas. Mr. Chairman, we support it, and I yield back the balance of my time.

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

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 15 printed in House report 108–69.

AMENDMENT NO. 15 OFFERED BY MR. RYAN OF WISCONSIN

Mr. RYAN of Wisconsin. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 15 offered by Mr. RYAN of Wisconsin:

In Division A, in title VII, subtitle A, after section 17107, insert the following new section and make the necessary conforming changes in the table of contents:

SEC. 17107A. REDUCING THE PROLIFERATION BOUTIQUE FUELS.

(a) EPA APPROVAL OF STATE PLANS WITH BOUTIQUE FUELS.—Section 211(c)(4) of the Clean Air Act (42 U.S.C. 7545(c)(4)) is amended by adding the following at the end thereof:

''(D) In the case of gasoline, after the enactment of this subparagraph, the Administrator shall give a preference to the approval of implementation plan provisions described in subparagraph (C) if the control or prohibition in such provisions requires the use of either of the following:

''(i) Federal clean burning fuel meeting the requirements of subsection (p)(1).

''(ii) Low RVP gasoline meeting the requirements of subsection (p)(2).''.

(b) PREFERRED GASOLINE OPTIONS.—Section 211 of the Clean Air Act (42 U.S.C. 7545) is amended by adding the following new subsection at the end thereof:

''(r) PREFERRED GASOLINE OPTIONS.—

''(1) FEDERAL CLEAN BURNING GASOLINE.—For purposes of this section, the term 'Federal clean burning gasoline' means reformulated gasoline as defined in subsection (k), the Reid Vapor Pressure of which is equal to 6.8 pounds per square inch (psi) for the high ozone season (as determined by the Administrator).

''(2) LOW RVP GASOLINE.—The Administrator shall promulgate regulations providing for a gasoline blend for the high ozone season (as determined by the Administrator) having a Reid Vapor Pressure of 7.8 pounds per square inch (psi).''.

The CHAIRMAN. Pursuant to House Resolution 189, the gentleman from Wisconsin (Mr. RYAN) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. RYAN).

Mr. RYAN of Wisconsin. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, my amendment is fairly straightforward, but it may take me a second to explain. In the 1990 Clean Air Act, what we did in that law was, if an area went out of ozone nonattainment compliance, if an area was too dirty in the air, among the things that were required in that area were new cleaner blends of gasoline. So what occurred in the 1990 Clean Air Act was a new system of fuels whereby the local area that went out of compliance could adopt its own blend of fuels, and so where in 1990 we had three different blends of gasoline in America, we now have 14 different blends of gasoline each with three grades, giving us 45, essentially, different blends of gasoline.

What this map right here shows is all the different boutique fuel requirements across America, and what is interesting about this is they are not fungible with one another. So, for example, the gas we burn in the Milwaukee and Chicago region cannot be used in any other part of the country and we in that area cannot use other blends in our part of the country. So if we have a pipeline break, if we have a refinery fire or something happens to disrupt the refinery and pipeline system which is running at 98 percent capacity today, we have a huge shock or drop in the supply of that blend of gasoline, and consequently, we have sharp price spikes.

So looking at today's system, we could conceivably drive in from Green Bay, Wisconsin, just down to St. Louis, Illinois, fill the gas tank with four different blends of gasoline, northern or conventional gas in Green Bay, northern reformulated gas or ethanol in Kenosha, a southern reformulated gas in Illinois, and a different reformulated gas in St. Louis.

This is where we are today. This is because of all the areas that are out of compliance with the Clean Air Act.

But looking at what is to come tomorrow in the Clean Air Act is this: Right now, 136 counties in America are out of compliance with the Clean Air Act, and because of that, have to have a blend of reformulated gas. It is these other blends I just showed the Members, Mr. Chairman. But what is going to happen, when next year we move from the 1-hour ozone standard to the 8-hour nonattainment standard, is another 155 counties will be automatically out of attainment. They will have to have new blends of gasoline.

So if we look at the map here, the blue areas on my map are the current

nonattainment areas. The red areas on the map, which is most of the densely populated parts of America east of the Mississippi, will also go into nonattainment next year. And what this is going to cause is the proliferation of more boutique fuels. According to the nonpartisan Energy Information Association, this will bring our country from a boutique fuel system of 16 different boutique fuels to another 24 boutique fuels on top of that, giving us more than 100 different blends of gasoline.

So let me repeat that, Mr. Chairman. What we are going to, with the new 8-hour ozone attainment rules starting next year, is we are doubling the amount of areas in this country that will go out of attainment. We move from 16 different blends of gasoline to having another 24 different blends of gasoline on top of that system. That is where we are headed today.

It is an unsustainable position. And what happens is our supply of fuel gets tight. If the supply lines for any reason get disrupted, we have huge price spikes.

What my amendment does is very simple. It simply says for these new areas going into nonattainment, for the other areas who are already at nonattainment who want to change their gasoline, they now have a menu of two clean fuels that are preferred by Federal Government from which to choose, because, for now, what is going to happen when all these counties and all those States go into nonattainment, is up to them.

They are going to choose various different boutique fuels to meet their particular needs, and this proliferation of specific blends of gasoline will get out of control. We want to stop that from happening, and so we are simply offering a solution by having a Federal Government menu of two fuels for them to choose from before they try to go and have their other type of gasoline.

Mr. Chairman, we are going to have huge gasoline price spikes, as we have had in the upper Midwest lately, in the very near future if we do not fix this problem. The source of that problem is the proliferation of boutique gasoline fuels, and we have a solution in this amendment. It does not force the States to do it, it does not preempt States' rights. It simply says to the States, choose from this menu of clean fuels that the Federal Government offers before they want to go on their own and have a boutique fuel.

That is what this amendment does, Mr. Chairman.

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

The CHAIRMAN. Who claims time in opposition to the amendment?

Mr. ENGEL. Mr. Chairman, I do.

The CHAIRMAN. The gentleman from New York (Mr. ENGEL) is recognized.

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

I rise in opposition to this amendment. Frankly, we have been spending a good part of the day trying to figure out what this amendment does, and it is very difficult really to figure out. We have had a lot of people going over it, and there have been a lot of questions.

I regret that the amendment was not vetted or did not come up for a vote with the Committee on Energy and Commerce. We did this chapter in this bill until late in the evening, early morning last week, and this amendment did not come forward; and we believe that the amendment appears to have drafting problems. It is not clear what the ultimate impact will be of this amendment, although it is debatable whether or not the amendment will achieve its goal of reducing the boutique fuel problem.

I am very disappointed, as well, that this is the only amendment made in order by the Committee on Rules on the renewable fuels standard. We have had a number of amendments in the committee that we wanted to bring to this floor, but we were not able to do it because the Committee on Rules, the Republican-controlled Committee on Rules, refused to let us have these votes on the House floor.

So I believe we have missed a great opportunity to include a renewable portfolio standard that would require the use of renewable energy by utilities in this bill. One might think that that is because the Republican majority is against mandates, yet they do not appear to be so antimandate when it comes to the fuels we use in our cars.

The renewable fuels standard will force the United States to accept an ethanol mandate that is entirely without justification for an industry that is concentrated in relatively few hands, while providing liability relief for MTBE producers that knowingly produce a defective product, as well as liability relief for ethanol and ETBE which could be a source of future groundwater contamination without banning the MTBE.

Despite failing to provide MTBE, the bill provides MTBE manufacturers with $750 million in transition assistance. This bill is antifree-market, antienvironmental in important respects, and makes relatively little common sense. It provides safe harbors and subsidies to those who create it or would worsen the MTBE problem and gives nothing back to those who suffer from its ill effects.

In this case, unfortunately, the legislative process has produced a bill, in my opinion, with almost nothing to recommend it save that it satisfies all of the competing claims of special interests: the MTBE makers, the oil companies, and the ethanol producers.

On Tuesday, the Energy Information Agency predicted that by the time ethanol was fully integrated in California, the price increase for reformulated gas would be 9 cents per gallon. For a State like New York, California, or Connecticut, which use a large amount of reformulated gasoline, this will represent an income shift of hundreds of millions of dollars from our citizens' pockets to those in ethanol-producing States. Furthermore, when the EPA implements its new 8-hour ozone rule, 155 new counties will have to use reformulated gasoline.

I hope my colleagues who represent these counties know that the ethanol mandate will increase their constituents' gas prices. Ethanol will also make it tougher to meet our air quality standards. While the supporters love to tell us that ethanol reduces carbon monoxide, they fail to tell us that ethanol use results in higher nitrogen oxide emissions, which contribute to ozone. In fact, ethanol has to get a waiver from the Clean Air Act to be used in the summertime because of its ozone-forming qualities.

Ethanol proponents also claim that ethanol will reduce our demand for foreign oil, but a 2002 study published by the Encyclopedia of Physical Sciences and Technology concluded that it takes more energy to produce a gallon of ethanol than that gallon yields.

□ 2230

Additionally, since ethanol has less energy contents than conventional gasoline, it takes more ethanol blend gasoline to travel the same distance. On average, the loss is a 3 percent decrease in miles per gallon vehicle fuel economy. Thus, if Americans continue to drive the same number of miles under the ethanol mandate as they did without it, more oil will be needed to be imported to compensate for the lost fuel economy.

Although some argue ethanol use leads to greater energy independence, this is not the case. Fuel ethanol only accounts for about 1.2 percent of the gasoline consumption in the U.S. volume. Moreover, given that America's ethanol supply is heavily dependent on one crop, corn, any supply shortages or price increases relating to the crop could negatively affect the supply and cost of ethanol and, thus, gasoline. This happened when high corn prices caused by strong export demand in 1995 contributed to an 18 percent decline in ethanol production between 1995 and 1996. In other words, an ethanol mandate will increase our gasoline prices and harm our air and water quality.

Rather than allowing an amendment that would phase out MTBE over the next 4 years to come to the floor, we are debating an amendment that I believe does nothing to improve the RFS.

If we want to talk about clean fuels, why are we not debating the amendment I cosponsored with the gentleman from California (Mr. OSE) that would have allowed a credit against the ethanol mandate for any refiner that produces clean burning gasoline?

This is the direction our Nation's fuel policy should take. Instead of mandating inputs into gasoline, we should set high environmental standards and let oil refiners and automakers meet those standards.

While I applaud the intent of the Ryan amendment to reduce boutique

fuels, I do not believe this is the way to do it. The amendment could exacerbate, I believe, the boutique fuel problem because it merely expresses a ''preference'' for two types of fuels, but does not require refiners to use certain fuels. As a result, Wisconsin might adopt the gentleman from Wisconsin's preferred fuel, and Illinois might keep RFG. Such a standard will significantly constrain the refiner's ability to produce and supply two different fuels, clean burning gasoline and RFG.

EPA believes that the provision could act to slightly reduce the number of fuels. However, they believe more strongly that the removal of the oxygenate requirement will have a much greater effect on the boutique fuel problems than the Ryan amendment.

I also believe this amendment is unnecessary because the bill requires EPA to conduct a study of boutique fuels. This amendment would take effect before the study is completed.

This whole provision makes the phrase ''politics makes strange bedfellows'' truer than ever. The National Petrochemical and Refiners Association has worked with me in opposition to this amendment, believing that it will unnecessarily complicate the already complicated fuels requirement picture. NPRA believes that further action on boutique fuels should await the results of the study already called for by the bill.

Finally, I would like to mention that just a few hours ago I got this back from the New York State Department of Environmental Conservation, which opposes the amendment. This is what they say:

''However, if the stated intent is to reduce the number of boutique fuels by permitting States to select from only two when drafting the clean air State implementation plans, then New York State is opposed to this amendment and would encourage New York Members to vote against it. This requirement would tie the hands of State air regulators by requiring the clean air standards be met, but at the same time take away the tools needed to meet these standards.''

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

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

Mr. RYAN of Wisconsin. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I think there is a misunderstanding by the gentleman from New York (Mr. ENGEL).

Number one, a lot of people are saying we need to study this some more and that there is a study in this bill. We have had a very exhaustive study, last year by its EPA, followed up by numerous studies by the EIA, along with the study from the Federal Trade Commission; so we have had a lot of studies on this. All of them conclude with, we have to get our hands around this boutique fuel problem and consolidate the amount of boutique fuels.

Now, how the amendment works is this: The preference will not exacerbate the boutique fuel problem; it will simply streamline the boutique fuels, so that States and counties who now have this ozone attainment standard they have to meet will go to the federally preferred fuel blends, instead of to different kinds of blends that are boutique and that exacerbate this problem.

The State of New York will not be affected by this amendment.

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

Mr. BARTON of Texas. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, our full committee chairman has been referred to on the floor this evening as the Energy Bunny. He certainly is that for his extreme support for the bill. We would have to refer to our gentleman from Wisconsin, the supporter of this amendment, as the Energy Badger, coming from the Badger State of Wisconsin, because he has badgered myself and the full committee chairman for the last 3 months in a very positive way on this amendment. So we do rise in support of the amendment.

We have one concern about it. The gentleman's amendment, as it is currently written, has a requirement for specific vapor pressures. The gentleman knows that when we get to conference, myself and the full committee chairman reserve the right to modify the technical side of this amendment to make sure that it is actually implementable in the marketplace.

Mr. RYAN of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. BARTON of Texas. I yield to the gentleman from Wisconsin.

Mr. RYAN of Wisconsin. Mr. Chairman, I agree with the idea and the need to modify the revapor pressure levels. I do not think that in any way hurts the spirit or intent of this amendment.

The intent of this amendment is to first have States go to the preferred fuel and then have to prove that they cannot use that fuel and they have to go to some other kind of fuel, so that we bring them toward a preferred fuel. What that fuel is is clearly something we all should discuss, and there is not one great answer to that question.

Mr. BARTON of Texas. Mr. Chairman, reclaiming my time, we understand that vulcanized fuels hurt consumers, and we support the gentleman's concept of going towards more uniform fuels that still meet the requirements of the Clean Air Act.

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

Mr. Chairman, I am wondering if the gentleman would answer a couple of questions.

In view of what the chairman, the gentleman from Texas, just said, could the gentleman please tell me why you chose these numbers?

Mr. RYAN of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. ENGEL. I yield to the gentleman from Wisconsin.

Mr. RYAN of Wisconsin. Mr. Chairman, 6.8 and 7.8, those are from the EPA study conducted last year which recommended a three-fuel menu, 9.0 RVP, which is what we call conventional gas; 7.8 RVP, which is sort of a midlevel clean-burning gas that 20 percent of the country uses; and 6.8 RVP, which is reformulated gas. That is the revapor level equivalent of formulated gas. Those are recommended to us by the Environmental Protection Agency.

Mr. ENGEL. Mr. Chairman, I would ask the gentleman, there are many other fuel blends, are there not?

Mr. RYAN of Wisconsin. If the gentleman will yield further, there are 45 different fuel blends in existence today. According to the EIA, Energy Information Agency, there will be 69 different fuel blends with the new 8-hour ozone attainment if we do not do something to reduce the number of these blends.

Mr. ENGEL. Mr. Chairman, let me ask the gentleman also, the existing statutory standard for approval of a plan containing a gasoline requirement is that ''other control measures are unreasonable or impractical.'' Would this amendment alter that standard in any way?

Mr. RYAN of Wisconsin. No, it still keeps the SIP process, the State Implementation Plan process. It simply says, we want you to go look at these blends. We prefer these blends. You can satisfy your SIP process with these blends, and if you cannot use these blends, you have to prove that you cannot use these blends and then prove that this will satisfy the Clean Air Act requirements, if you choose not to use these blends. These blends are already cleared under the Clean Air Act today.

Mr. ENGEL. Let me finally ask, can the gentleman explain, because I am still a bit confused, what the meaning of ''preference'' is and how it would be implemented by the EPA?

Mr. RYAN of Wisconsin. Because we did not want to preempt States' rights, because we did not want to force each locality as to what blend they would use, we wanted to make it so that they can have an easier path towards satisfying their Clean Air Act requirements by going to these blends first, knowing that they will satisfy the Clean Air Act if they adopt these blends. By having more and more areas adopt these blends, they will be in more supply, they will be cheaper in place, and there will be a greater incentive to adopt these standard blends from this Federal menu. But if they, for some reason, cannot do it, then they can go through the SIP process to get around it.

The CHAIRMAN. The time of the gentleman from New York has expired.

The gentleman from Wisconsin (Mr. RYAN) has 2½ minutes remaining.

Mr. RYAN of Wisconsin. Mr. Chairman, I yield 1½ minutes to the gentleman from Wisconsin (Mr. GREEN).

Mr. GREEN of Wisconsin. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, I am proud to rise in support of the Ryan amendment.

In the debate today we are talking about meeting our Nation's energy challenges. We are talking about how we need to produce more. Some of us are talking about how we need to conserve more. But we cannot meet our energy needs if we do not also talk about how to distribute fuel and energy more effectively, more efficiently, and that is what this amendment is all about.

I do not believe that we can get our arms around the problem of price stability unless we begin to deal with the problem of boutique fuels. This amendment does not go as far as I know the author would like to go, as legislation that he and I have coauthored would go, but in terms of beginning to take us down the right path, I think it is an important step.

He would like to go further, I would certainly like to go further, but in terms of taking a first step on the issue of boutique fuels, I think it is a commendable first step. I congratulate the gentleman.

Mr. RYAN of Wisconsin. Mr. Chairman, I yield 1 minute to the gentleman from Louisiana (Mr. TAUZIN), the chairman of the Committee on Energy and Commerce.

Mr. TAUZIN. Mr. Chairman, I rise in support of this amendment, and along with chairman of the subcommittee, we are going to work to perfect it as we go to conference.

Let me point out that the problems Chicago and Milwaukee experience with boutique fuels could happen anywhere in America if you just had a few things happen simultaneously: a breakdown in a pipeline delivery of these boutique fuels; a problem of moving from one blend to another because you are going from winter to summer grade; a problem with just a little shortage, and all of a sudden the name-brand stations get their fuel and the independents do not, they start bidding against each other, and a small shortage exacerbates a rise in prices the likes of which drive consumers crazy.

That is the problem the gentleman from Wisconsin (Mr. RYAN) is going after, and while it is not yet perfect, I want him to know we are going to keep working with him until we get it perfect.

But he is on the right track. This is the right thing to do to streamline this process, isolate it, until we have fewer, not more, different blends and varieties of boutique fuels, and we will have a much better regional market to deal in.

Consumers benefit in the end as long as we do this in a way that keeps to the Clean Air Standards and requirements of the Clean Air Act.

Mr. Chairman, I congratulate the gentleman on his persistence, and we will keep working with him until we get the job done.

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

Mr. Chairman, I just want to conclude by thanking the chairman for working with us. This is an issue that has plagued motorists in Wisconsin for a few years in a row. It is plaguing all motorists east of the Mississippi, and it is spreading to the rest of the country.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin (Mr. RYAN).

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider Amendment No. 16 printed in House Report 108–69.

AMENDMENT NO. 16 OFFERED BY MS. SCHAKOWSKY

Ms. SCHAKOWSKY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 16 offered by Ms. SCHAKOWSKY:

In division B, at the end of title II, insert the following new section:

SEC. 22003. SENSE OF CONGRESS.

It is the sense of the Congress that—

(1) the Secretary of Energy should develop and implement more stringent procurement and inventory controls, including controls on the purchase card program, to prevent waste, fraud, and abuse of taxpayer funds by employees and contractors of the Department of Energy; and

(2) the Department's Inspector General should continue to closely review purchase card purchases and other procurement and inventory practices at the Department.

The CHAIRMAN. Pursuant to House Resolution 189, the gentlewoman from Illinois (Ms. SCHAKOWSKY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Illinois (Ms. SCHAKOWSKY).

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

Mr. Chairman, my amendment addresses a serious problem that exists at several U.S. Government agencies, including the Department of Energy. It seeks to put Congress on record in support of strengthened protections against waste, fraud and abuse of taxpayer funds at the Department of Energy.

The amendment expresses the sense of Congress that:

(1) the Secretary of Energy should develop and implement more stringent procurement and inventory controls, including controls on the purchase card program, to prevent waste, fraud and abuse of taxpayer funds by employees and contractors of the Department of Energy; and

(2) the Department's Inspector General should continue to closely review purchase card purchases and other procurement and inventory practices at the Department.

□ 2245

Since 1998, the Inspector General at the Department of Energy has conducted 20 reviews at 11 different sites. As a result of the reviews, it was found that the Department of Energy employees illegally misused government purchase cards to acquire such unofficial items as home improvement products, hunting equipment, electronics, lawn equipment, and power tools, all for personal, not official, use.

The DOE Inspector General has also reported that Department of Energy employees have undertaken other complex and illegal schemes to acquire items for personal use, such as generating fraudulent invoices to mask making those purchases, providing kickbacks to suppliers who agreed to participate in quid pro quo schemes, circumventing Department policies and procedures by allowing employees to approve their own purchase card transactions, and acquiring goods for personal use that were delivered to nondepartment locations.

Such problems have led the General Accounting Office ''to designate DOE contract management, defined broadly to include both contract administration and management of the projects, as a high-risk area for fraud, waste, abuse, and mismanagement.''

The Subcommittee on Oversight and Investigations of the Committee on Energy and Commerce held two hearings this year to review illegal procurement practices at the Los Alamos National Laboratories. Thanks to brave whistleblowers and the Inspector General, Los Alamos personnel were caught using thousands of taxpayer dollars to buy items like sunglasses, hunting knives and, get this, lock-picking sets, golf equipment, sleeping bags, and more. One employee even attempted to purchase a Ford Mustang using her Federal Government purchase card. Another employee used her government purchase card at local casinos.

While some of the more newsworthy examples are about the purchase card program, other problems exist with inventory and procurement control in general. The IG has also reported hundreds of thousands of dollars worth of ''unlocated, lost, or stolen'' items, including desktop computers, laptop computers, cameras, computer printers, radio transceivers, video recorders, and telephones.

These examples are just the tip of the iceberg.

Passage of this noncontroversial amendment will put us all on record in support of additional efforts to root out this kind of shameful abuse of taxpayer funds.

Mr. Chairman, I urge all Members to support the Schakowsky amendment.

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

Ms. SCHAKOWSKY. I yield to the gentleman from Louisiana.

Mr. TAUZIN. Mr. Chairman, I want to advise the gentlewoman that we support her amendment. In fact, as she well knows, the Subcommittee on Oversight and Investigations chaired by the gentleman from Pennsylvania (Mr. GREENWOOD) has done some extraordinary work and uncovered some massive and seriously disturbing problems with inventory management and

theft of government property at Los Alamos. The efforts of the gentleman from Pennsylvania (Mr. GREENWOOD) already demonstrate very clearly why this amendment is such a good idea.

Our oversight has revealed the troublesome story of looting and the Subcommittee on Oversight and Investigations has revealed what appears to be a lack of interest by senior laboratory managers to do anything about the theft and the fraud that is going on right under their noses.

What we found most astonishing about the theft and fraud is that it took place at such a vital facility. Los Alamos is a facility that our Nation trusts with some of our most sensitive information. So we reviewed this abuse of purchase cards and found that DOE has been quick to distribute purchase cards to employees and contract workers, but very slow to implement management procedures to monitor and control abuse and to cut down on fraud.

So, Mr. Chairman, the Schakowsky amendment is a clear sense of Congress that DOE should get its act together with respect to procurement and inventory control. I am pleased and proud to support her amendment.

The CHAIRMAN. Does any Member claim time in opposition to the amendment?

Ms. JACKSON-LEE of Texas. Mr. Chairman, yes, although I am not in opposition.

The CHAIRMAN. Without objection, the gentlewoman from Texas will control the time in opposition.

There was no objection.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I claim the time in opposition, but I will not speak in opposition, and I yield myself such time as I may consume.

What I would like to indicate, Mr. Chairman, is that when we began this debate on H.R. 6, this energy bill, I thought it was best, or I thought it was what we wanted to do, was to make the energy policy of this Nation better, both the systems and agencies that are engaged, and the Schakowsky amendment speaks to that question. It probes the Department of Energy, and it seeks to clean out the Department of Energy. It provides them with a guide and a model by which to provide for their procurement and also this unique question of an individual employee procurement card system which means that employees can utilize an independent credit card and purchase items without any supervision.

I believe the ANWR amendment sought to improve the bill, and I believe the Dingell amendment sought to improve the bill. I believe the Udall amendment sought to improve the bill, as did the Waxman amendment; and clearly, I believe that the gentlewoman from Illinois speaks to an issue that is extremely important.

There is another amendment coming up by the gentleman from Oregon (Mr. WU) that likewise will do the same. But I do want to implore the gentlewoman from Illinois on the fact that we need to save taxpayers' dollars and, more importantly, design an energy policy that will be more efficient, effective, and utilized by all of America. The Department of Energy can stand a worthy review. This amendment will allow the Department to develop and implement more stringent inventory and procurement controls and particularly put the sunlight on this whole idea of a purchase card program.

I know that this is not the Department that purchased $600 toilet seats, but I do believe that we can begin to look at the Department and make it a stronger Department by ensuring that we have an oversight that will be effective and helpful for all of us.

Mr. Chairman, I ask that my colleagues support the amendment.

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

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Illinois (Ms. SCHAKOWSKY).

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

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

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Illinois (Ms. SCHAKOWSKY) will be postponed.

It is now in order to consider amendment No. 17 printed in House Report 108–69.

AMENDMENT NO. 17 OFFERED BY MR. WU

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 17 offered by Mr. WU:

In division B, title II, at the end insert the following new section:

SEC. 22003. REPORT ON EQUAL EMPLOYMENT OPPORTUNITY PRACTICES.

Not later than twelve months after the date of enactment of this Act, and biennially thereafter, the Secretary shall transmit to Congress a report on the equal employment opportunity practices at Department of Energy National laboratories. Such report shall include—

(1) a thorough review of each laboratory contractor's equal employment opportunity policies, including promotion to management and professional positions and pay raises;

(2) a statistical report on complaints and their disposition in the laboratories;

(3) a description of how equal employment opportunity practices at the laboratories are treated in the contract and in calculating award fees for each contractor;

(4) a summary of disciplinary actions and their disposition by either the Department or the relevant contractors for each laboratory;

(5) a summary of outreach efforts to attract women and minorities to the laboratories;

(6) a summary of efforts to retain women and minorities in the laboratories; and

(7) a summary of collaboration efforts with the Office of Federal Contract Compliance Programs to improve equal employment opportunity practices at the laboratories.

The CHAIRMAN. Pursuant to House Resolution 189, the gentleman from Oregon (Mr. WU) and a Member opposed each will control 5 minutes.

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

Mr. WU. Mr. Chairman, I yield myself such time as I may consume. I understand that the chairman is accepting this amendment. I thank the chairman.

At this time I will include some documents for the RECORD, including a General Accounting Office report on the subject.

To be able to serve our nation's energy and military research needs, the Department of Energy's national labs need to attract the best and the brightest. However, there are signs that the labs are experiencing challenges in recruiting and retaining talented scientists.

Results from an internal DOE survey, conducted by the DOE National Ombudsman's Office, indicated that 80 percent of African Americans, 62 percent of Hispanic Americans, 26 percent of Caucasians, and 74 percent of Asian Pacific Americans working at DOE labs agreed that there is racial profiling at the lab.

According to an April 2002 GAO report, many professional lab employees have significant concerns about their workplace. They are concerned about (1) recruiting efforts, (2) pay, (3) promotion, and (4) lab work environment. The concerns are especially acute among the labs' minority and female employees.

Whether these are real or perceived sentiments, it is a serious national issue that such a high percentage of lab employees have concerns about their work environment. Should this trend continue, the labs could cease to be an attractive workplace for American scientists. As a nation, we cannot afford to lose our best asset, our human resources.

This amendment is simple, and non-controversial. It requires the Secretary of Energy to make a biennial report to Congress on DOE labs' EEO practices. This amendment's reporting requirements mirror the April 2002 GAO report's recommendations and I believe it would help safeguard our national security and help maintain America's scientific edge.

HIGHLIGHTS OF GAO REPORT ON WEAPONS LABS, MAY 20, 2002

Lab employee concerns concentrate in four areas. They are (1) recruiting, (2) pay, (3) promotion, and lab work environment.

GAO sampled Weapons Labs 1995 and 2000 data on staff composition.

Questions the GAO asked were: (1) describe the composition of weapons laboratory staff by race/ethnicity, gender, and job category in 1995 and 2000 to determine how the composition of laboratory staff has changed in the 5-year period; (2) determine whether there are statistically significant differences in selected personnel actions for managers and professionals when comparing minority men and women and White women with White men in fiscal years 1998 through 2000, the most current reliable data available at the time of the GAO data request; (3) describe EEO concerns raised by lab staff; (4) identify, if appropriate, opportunities for improving DOE's and the Office of Federal Contract Compliance Programs (OFCCP).

The three labs experienced some increases in their overall minority population. Lawrence Livermore is at 19 percent, Sandia at 24 percent, and Los Alamos at 34 percent.

For fiscal years 1998 through 2000, GAO found statiscally significant differences in

certain personnel actions and not in others for minority men and women and White women in managerial and professional job categories compared with White men in these categories at the three laboratories. Most notably, with the exception of Asian men at Los Alamos and Sandia, and Hispanic men at Lawrence Livermore, the salaries for minority men and women and White women were lower than for White men.

GAO found statistically significant differences, with some exceptions, for disciplinary actions.

Minority staff attribute their low representation in certain jobs and management to recruiting strategies that do not extensively target colleges and universities with large minority populations.

Opportunities exist for DOE and OFCCP to work together to ensure that the labs meet EEO requirements. At the moment, DOE and OFFCP evaluations produced difference results. For example, in 1999, DOE rated Sandia as ''outstanding'' in human resources while the OFCCP cited Sandia for two affirmative action program violations. GAO recommends that the DOE and OFCCP coordinate their actions to support each other's efforts.

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

Mr. WU. I yield to the gentleman from Louisiana.

Mr. TAUZIN. Mr. Chairman, I want to thank the gentleman for his cooperation with us. I appreciate his amendment. It is well written and well done. We support it, and I thank the gentleman for offering it.

Mr. HONDA. Mr. Chairman, In May of 2002, the General Accounting Office released a report that revealed an alarming disparity in salaries and rates of promotion between minorities when compared to which males in the same jobs at the Department of Energy's National Laboratories.

GAO found that salaries for minority men and women and white women were lower than for white men, with the exceptions of Asian-American men at Los Alamos and Sandia and Hispanic men at Lawrence Livermore.

Comparing men and women of the same race/ethnicity, GAO found that White, Asian, and Hispanic women earned less than their male counterparts.

The report also found that there are further areas for investigation. For example, with over 300 Asian-American professional staff at Lawrence Livermore, not one was promoted to a managerial position between 1998 and 2000.

When the report was released, I called for congressional hearings to determine the cause of these inequities so that we may remedy them to ensure that the Department of Energy can recruit and retain the highest quality ethnically diverse work force.

Unfortunately, the Science Committee took no action on this issue. The Wu/Johnson amendment would finally bring about some congressional action, by requiring the Secretary of Energy to report to Congress on DOE labs' equal employment opportunity practices in promotion, pay raise, discipline, and recruitment and retention efforts. I urge my colleagues to support the amendment.

Mrs. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I rise today in favor of the Wu amendment. this is a simple, noncontroversial amendment that requires the Secretary of Energy to make a biennial report to Congress on DOE labs' EEO practices.

Why is such a requirement needed? This amendment's reporting requirements mirror the April 2002 GAO report's recommendations and I believe it would help safeguard our national security and help maintain America's scientific edge.

A Department of Energy internal survey demonstrates the sentiments of many minorities at the department. According to the survey, many minorities feel there are racial problems in this department.

In fact 80 percent of African Americans, 62 percent of Hispanic Americans, 26 percent of Caucasians, and 74 percent of Asian Pacific Americans working at DOE labs agreed that there is racial profiling at the labs.

Whether these are real or perceived sentiments, it is problematic that such a high percentage of lab employees have concerns about their work environment. Should this trend continue, the labs would cease to be an attractive workplace for American scientists. As a nation, we cannot afford to lose our best asset, our human resources.

This report also analyzed pay level, promotions, and management composition by race and gender at three DOE facilities: Lawrence Livermore, Los Alamos, and Sandia National Laboratories. While the GAO did not prove or disprove actual discrimination, it found statistical differences in the way that minorities and women were paid, promoted, or rewarded over a 5-year period from 1995–2000. According to the report, salaries for minorities and women at these DOE facilities lagged behind the salaries for white males.

There were also discrepancies in the promotion rate of some minority groups, including a failure to promote any of the 300 Asian-American staff members at the Lawrence Livermore facility during a 2-year period. In addition, white males were found to hold a greater percentage of managerial and professional jobs, 64 percent, than their representation in the work force, about 54 percent.

The results of this report painted a disturbing picture of inconsistency in the way minorities and women are treated in certain personnel action in the national laboratories.

I have long held the belief that America's work force—at all levels and in all sectors—should reflect the faces of this Nation. This report reveals that we have much work to do to encourage diversity and equality at our Nation's weapons facilities, and I hope that, by taking a closer look at how we are treating women and people of color in the workplace, we have taken a step in the right direction. I am encouraged that DOE has pledged to address the discrepancies raised by this report, and we in Congress will continue to monitor their actions and hold them accountable.

That is why this amendment is so important. It is vital that mechanisms be put in place to hold laboratories accountable to their promises to the workplace environment for minorities. The reports provided by this amendment would aid the Office of Federal Contract Compliance Programs at the U.S. Department of Labor and strengthen its oversight of DOE's hiring and recruitment practices. Without these safeguards, our national labs could become hotbeds that foster an atmosphere of pervasive mistrust and fear. And this is in no one's best interest.

Mr. WU. Mr. Chairman, I thank the gentleman from Louisiana (Mr. TAUZIN) for his cooperation, and I yield back the balance of my time.

The CHAIRMAN. Does any Member claim time in opposition to the amendment?

The question is on the amendment offered by the gentleman from Oregon (Mr. WU).

The amendment was agreed to.

Mr. TAUZIN. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. SWEENEY) having assumed the chair, Mr. SIMPSON, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 6) to enhance energy conservation and research and development, to provide for security and diversity in the energy supply for the American people, and for other purposes, had come to no resolution thereon.

REPORT ON RESOLUTION WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H. CON. RES. 95, CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2004

Mr. HASTINGS of Washington, from the Committee on Rules, submitted a privileged report (Rept. No. 108–72) on the resolution (H. Res. 191) waiving points of order against the conference report to accompany the concurrent resolution (H. Con. Res. 95) establishing the congressional budget for the United States Government for fiscal year 2004 and setting forth appropriate budgetary levels for fiscal years 2003 and 2005 through 2013, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION WAIVING REQUIREMENT OF CLAUSE 6(a) OF RULE XIII WITH RESPECT TO SAME DAY CONSIDERATION OF CERTAIN RESOLUTIONS

Mr. HASTINGS of Washington, from the Committee on Rules, submitted a privileged report (Rept. No. 108–73) on the resolution (H. Res. 192) waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules, which was referred to the House Calendar and ordered to be printed.

WAIVING REQUIREMENT OF CLAUSE 6(a) OF RULE XIII WITH RESPECT TO SAME DAY CONSIDERATION OF CERTAIN RESOLUTIONS REPORTED BY THE COMMITTEE ON RULES

Mr. HASTINGS of Washington. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 190 and ask for its immediate consideration.

The Clerk read the resolution, as follows: