other fallen Americans. We do not yet know if Sergeant Buggs was killed in an ambush or later suffered torture. Yet we do know that Sergeant Buggs did not die in vain. He gave his life so that we could remain safe from Saddam Hussein's weapons of mass destruction and so that the citizens of Iraq could be free from oppression.

Our prayers go out to the family and friends of Sergeant Buggs, especially his 12-year-old son, and we ask for God to bless our troops still fighting to protect our freedom.

ON YESTERDAY'S COMMENTS BY THE DEMOCRATIC LEADER

(Mrs. MILLER of Michigan asked and was given permission to address the House for 1 minute.)

Mrs. MILLER of Michigan. Mr. Speaker, the comments yesterday from the Democratic Party's leader in the House should not surprise us. In case Members missed it, she said about Operation Iraqi Freedom, ''We could probably have brought down that statue for a lot less.''

It seems that the Democrats' political philosophy has been reduced to a collection of publicity gimmicks. Why should we expect their Washington leader to understand the deeper meaning of Operation Iraqi Freedom? The American people seem to understand what the Democratic leader apparently does not. This was not about a statue. To trivialize the suffering of our troops and the joyous liberation of our friends, the Iraqi people, is a sickening offense.

Politicians in Washington can have a tendency to be cynical, I suppose, but I would have thought the joy in the faces of the men and the women and the children of Iraq as they trampled on the image of their tormentor would cut through the most pessimistic cynic.

Mr. Speaker, the minority leader's comments were shocking and truly appalling.

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.

□ 1015

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. LAHOOD (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. When the Committee of the Whole rose on the legislative day of Thursday, April 10, 2003, amendment No. 17 printed in House Report 108–69 by the gentleman from Oregon (Mr. WU) had been disposed of.

It is now in order to consider amendment No. 18 printed in House Report 108–69.

AMENDMENT NO. 18 OFFERED BY MRS. CAPPS

Mrs. CAPPS. 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. 18 offered by Mrs. CAPPS: Strike section 30220.

The CHAIRMAN pro tempore. Pursuant to House Resolution 189, the gentlewoman from California (Mrs. CAPPS) and a Member opposed each will control 10 minutes.

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

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

I understand that Chairman Pombo has agreed to accept this amendment. I want to express my gratitude for his support. I will be brief and submit my full statement for the RECORD, but I do want to explain the purpose of this amendment to the House. This amendment would strike the bill's language requiring the Secretary of the Interior to inventory the oil and gas resources of the entire Outer Continental Shelf, including those areas now off-limits to new drilling. This would undermine current protections for sensitive coastal areas. President George H.W. Bush initiated, and President Clinton extended, moratorium protections for these coastal waters. And, of course, Congress has had a moratorium on new drilling in these areas for 20 years.

This section of H.R. 6 pushes to open these fragile coastal waters to the possibility of new drilling. There is widespread bipartisan support both nationally and locally against new drilling in these areas. Those of us who represent vibrant coastal communities like the gentleman from Florida (Mr. MILLER) and the gentleman from Florida (Mr. DAVIS), cosponsors of my amendment, know that our coastlines are too economically viable to risk more drilling. I want to thank my colleagues from Florida who have worked for years in a bipartisan manner on this issue. The gentleman from Florida (Mr. GOSS), the gentleman from Florida (Mr. YOUNG), and other members of the Florida delegation have been extremely helpful with this amendment.

Finally, I would like to thank the gentleman from California (Mr. POMBO) for his support of this bipartisan amendment and the gentleman from California (Mr. DREIER) for helping get my amendment made in order.

Mr. Chairman, I urge my colleagues to support this commonsense amendment.

Mr. Chairman, I am offering this bipartisan amendment, with Mr. MILLER and Mr. DAVIS of Florida, to strike Section 30220 from the bill.

This section contains provisions that would seriously undermine current protections for sensitive coastal areas.

Section 30220 would circumvent the longstanding, bipartisan moratoria on new oil and gas drilling in particular areas of the Outer Continental Shelf.

In 1990, President George H.W. Bush signed an executive moratorium ending new drilling off the entire U.S. West Coast, East Coast, Southwestern Florida, and Alaska's Bristol Bay.

This action was met with acclaim by the coastal communities it encompassed and, indeed, all of America.

In 1998, President Clinton extended President Bush's executive memorandum protections to 2012.

And, of course, Congress has had a moratorium on new drilling in these areas for twenty years. President George W. Bush endorsed the Congressional moratoria in his FY04 budget.

State officials—including Florida Governor Jeb Bush, California Governor Gray Davis and former New Jersey Governor Christine Whitman—have endorsed the moratoria.

The bill, however, lays the groundwork to reverse this broad bipartisan consensus by promoting activities—including exploratory drilling and seismic studies—in the OCS, including the areas that have been off limits to new oil and gas drilling for years.

Supporters of Section 30220 argue that it only calls for taking inventories and studying available resources on the OCS.

But I must ask . . . what is the purpose of this provision if not to open up the OCS areas to new oil and gas drilling in the future?

What is it we would do with this taxpayer funded ''information gathering,'' if not use it to pursue new drilling?

In fact, the bill requires the Secretary of Interior to make, and I quote, ''recommendations . . . that would lead to additional OCS leasing and development . . .''.

Mr. Chairman, we already know that large reserves of oil and gas are located in federal waters of the central and western Gulf of Mexico, which are currently open to oil and gas leasing.

According to the Department of Interior's Minerals Management Service, this area contains between 60 and 80 percent of the nation's economically recoverable oil and gas available in the entire OCS off the United States.

So, the protection of sensitive coastal areas through the longstanding moratoria still leaves the vast majority of the nation's oil and gas located on the OCS available to industry.

Section 30220 would also examine how laws, regulations, or programs might ''restrict or impede'' development of resources identified in the study.

In addition to determining how the OCS moratoria protections constrain development, this bill would erode the legitimate rights of coastal states and local governments to have a say in offshore and onshore development as embodied in the Coastal Zone Management Act (CZMA).

The CZMA is a critically important law that allows the state to weigh in on projects that may effect the state's coastal zone. Oil drilling is just such an activity.

The CZMA is the very law that the State of California recently used to halt the development of 36 undeveloped leases off my district in Central California.

California's right under CZMA to review the development plans was upheld in Federal court last year.

This affirmation of CZMA's importance led to the Bush Administration's recent decision to stop pursuing the development of the 36 leases and to instead pursue a negotiated termination of the leases.

Section 30220 would weaken a state's right under CZMA.

This section also disregards the adverse economic impacts proposed oil and gas activities would have on coastal states and local coastal communities and it fails to consider the effect of these activities on the environment and living marine resources.

Moratoria areas should not be compromised by controversial seismic surveys and other invasive technologies, like exploratory drilling.

These technologies are inappropriate within moratoria waters and would undermine the longstanding congressional oversight of these areas.

For example, high-decibel geophysical activities using sharp seismic pulses have been shown to damage fish stocks and to interfere with marine mammals.

Under the OCS Lands Act, existing uses of the sea and seabed and oil and gas development are required to be balanced. Unfortunately, the bill before us does not meet that goal.

Mr. Chairman, despite the overwhelming support of the moratorium on new oil and gas drilling in the OCS, H.R. 6 pushes to open fragile coastal waters with the provisions in Section 30220.

Coastal communities have spoken repeatedly—in strong bipartisan voices—to protect their state's sensitive coastal resources and productive coastal economies.

These coastal areas are just too economically valuable to risk more oil drilling.

It only takes one accident or spill to devastate the local marine environment and economy.

Finally, the House of Representatives has voted twice in recent years to stop new drilling in the waters off Florida and California.

Last year, 67 Republicans and 184 Democrats voted for my amendment to the Interior Appropriations bill to end new drilling off Central California.

The House spoke in a strong, clear voice against the developoment of those 36 leases.

In that vote, the House demonstrated its commitment to protecting our vital coastal communities.

A vote for the Capps-Miller-Davis amendment to HR 6 is a vote for the same principle—a vote to protect environmentally and economically valuable coastal areas from new drilling.

Mr. Chairman, we need to reject these attempts to weaken existing protections for our coastal waters and communities.

By adopting this amendment, we continue to preserve America's most treasured coastal areas and we honor and support the protections afforded to the Outer Continental Shelf and our coastal communities through the longstanding moratoria.

I urge support for the Capps-Miller-Davis amendment.

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

The CHAIRMAN pro tempore. Does the gentleman from California seek the time in opposition?

Mr. POMBO. Yes, I do, Mr. Chairman.

The CHAIRMAN pro tempore. Without objection, the gentleman is recognized for 10 minutes.

There was no objection.

Mr. POMBO. Mr. Chairman, I yield myself such time as I may consume. While I will not oppose the amendment by the gentlewoman from California this morning, I do think that there were some valuable provisions in the underlying language that are going to be struck out, and I think at some point we are going to have to work this out between all of us as to exactly how we go about inventorying and updating our process that we are going to use. I do realize that some of the language that was in the underlying provisions caused a lot of concern. I agree with my colleague from California that this is an issue that we need to work on further, but at this time I have agreed that we will strip these provisions out of the underlying bill. I think that this is a helpful amendment at this time in order for us to move forward with a balanced energy policy for the future.

Mr. DAVIS of Florida. Mr. Chairman, will the gentleman yield?

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

Mr. DAVIS of Florida. I thank the gentleman for yielding, and I thank him for expressing his attention and his cooperation and good faith on this. There are legitimate concerns that the gentleman has referred to about the prerogative of Congress to direct the inventory to proceed with the non-moratorium areas. That may have been the point he was making. My question to the gentleman is, It is not his intention to encourage as part of the conference committee process the reinsertion of the inventory language with respect to the moratoria areas, is it?

Mr. POMBO. Reclaiming my time, no, we have no intention whatsoever of doing that.

Mr. DAVIS of Florida. I thank the gentleman.

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

Mr. TAUZIN. I thank the gentleman for yielding. I, too, will not object, Mr. Chairman; but let me hopefully make some points that are critical as we go forward not only in this conference committee to construct a comprehensive energy policy for our country but to continue the work of the Committee on Resources in developing the 5-year leasing plans of our government and the ability of the coastal States to work with the Federal Government and the consultation process that is required under those 5-year plans.

I want to remind my friends who may not have been here back when, in the early days of the Reagan administration, his own Interior Secretary appeared before the Committee on Resources on the 5-year plan and explained the question of moratorium to the committee. What that Interior Secretary did, Mr. Chairman, was to define for us a process by which the Interior Department divided areas of potential coastal development and/or protection in several categories.

On the one hand, there were categories of areas that were highly environmentally sensitive and very low in potential hydrocarbon content or potential. On the other hand, there were areas of very high hydrocarbon potential and very low environmental sensitivity, in other words, areas that could easily produce oil and gas for America in ways that had very little consequences or concerns for damage to the environment. That was a pretty logical way of dividing the universe of areas off the coast of the United States that might be subject to production.

He went on to say that what we have tried to do as an Interior Department is to recommend for moratoria, no activity, those areas of low hydrocarbon potential and high-environmental concern and to recommend instead for production and development those areas of low environmental consequence concerns and high hydrocarbon potential for the country. We accepted that logical analysis, only to find out that there were a number of areas that had been listed for moratorium, for no activity whatsoever, that were in fact high hydrocarbon areas and very low in environmental consequence potential.

So we asked him, what is the deal here? You told us you had a pretty logical way of figuring this out. Yet you have set down for moratorium areas that really should be over here in this category. Why did you do that? His answer was, ''Politics.'' His answer was politics, that I do not want to get in the face of the politics of the State of California in that case because they do not want to drill those areas; and, therefore, we are just going to list them as moratorium areas.

Politics was making the decision. We saw some politics on the floor last night when it came to ANWR and the fight over whether or not we ought to produce the high potential of a small area, tiny little area, less than one-tenth of 1 percent of that vast area of the Arctic National Wildlife Refuge, high in hydrocarbon potential. We had a fight over that last night. In the conference work last year with the Senate, JOHN BREAUX asked the question that was enormously, I thought, profound. As we were debating with Senators who were saying no to the question of any kind of production, he said, if we reduce the area down to 1 acre, would you still oppose, and they said absolutely. One acre was too much. He said, well, if you won't let the people who live in ANWR produce their own private property, wouldn't you let them at least have a two-acre footprint to get a pipeline to get their own product out to market? And they said no. He even suggested building a pipeline like the St. Louis arch, way up in the air, way down where they would not have any footprint, would they at least let

them do that. No, no. It was like some kind of a religious shrine instead of a logical argument. That is the problem with the way in which much of the process of the discussions over what can and what cannot be developed for our Nation's good has gone. Politics intervenes all the time.

And so we offered in the Committee on Resources a simple proposition: Let us at least inventory. Let us at least know. If you want to put areas off-limits, for political reasons, other than logical reasons, we at least ought to know what we are giving up for America, what kind of vulnerabilities we are creating for our country because we will not produce in areas we could produce in. We at least ought to know. We ought to have a right to know as a people what we have and what we do not have in this country in terms of resources. And so that is why this language was written in the Committee on Resources. But lo and behold we are met with an argument that we should not know, we should not inventory, we should not even look, we should not even think about the question of whether or not we made wise decisions.

And so this amendment comes. We are going to accept it; we are not going to have a fight over it. But where is the symmetry? Where is the symmetry here? If we had areas under development that had environmental concern for you, would you not want to inventory those environmental concerns? I would. I want to know just how well those 100 wells are producing in Mandalay National Wildlife Reserve in Louisiana. I would want to know if there is any consequences to those natural resources that we have to protect against harm. I would want to know everything I could know about that. And if you offered an amendment to say we need a national inventory to find out what those wildlife reserves look like and resources look like, I would support that. I think it is a good idea. We ought to know. We ought to make wise decisions about conservation protection and development in America.

But how do you make wise decisions if you close both eyes and you shut both ears? You will not listen, you will not look, you will not learn. You do not want to know. I think you make unwise decisions when you do that. In a country, a free country like ours where we prize free speech and information, an information society where knowledge is power, where we make good decisions because we know more, not less, this is a strange amendment.

And so, Mr. Chairman, I will not object, because my chairman of Resources has asked us not to object and to accept this amendment, but as we go forward with 5-year leasing plans in the future, I am going to continue to press this question upon all of you. What have you got to hide? What are you afraid to know? Why do you want to act in the dark? Why would you rather make decisions without the facts instead of making decisions with the facts? And if you would rather make decisions in the dark, do you not see that one day we are going to all be in the dark? We are going to be without power. We are going to have parts of this country that suffer the way California did one day. Do you not think that at least we ought to know what is coming and we ought to make wise decisions?

I thought the gentleman from California (Mr. POMBO) was very statesmanlike last night when he talked about ANWR and he talked about his own trips there. I have been there, too, as the gentleman knows. It is a fascinating place. It ought to be protected in whatever we do there. That was a very statesmanlike statement, knowing, seeing, understanding and then making wise decisions. That is the way we ought to proceed, not sticking our head in the sand and refusing to know the facts.

So we will accept this amendment, but I want to put everybody on notice that I am not through with this debate. I think we need to continue talking in the 5-year plans of this country about what we know and what we do not know and what we ought to know and what we do not know in terms of all resources development of this country.

Mrs. CAPPS. Mr. Chairman, I would point out that those of us speaking for this amendment represent a bicoastal, bipartisan consensus on its behalf.

Mr. Chairman, I am now pleased to yield 3 minutes to the gentleman from Florida (Mr. MILLER).

Mr. MILLER of Florida. Mr. Chairman, I thank my colleague from California for yielding me this time and I do want to associate myself with the chairman of the Committee on Energy and Commerce because I also believe we need an inventory. However, I am a cosponsor of this amendment for two different reasons. One in particular was addressed in a letter that was sent to the leadership of this body and to the body of the Senate. It has been signed by the Governor of the State of Florida, both United States Senators, and all but one of the members of the Florida delegation.

One of the issues that has not been discussed on the floor this morning, Mr. Chairman, though, is a concern that is shared by the United States military. With the closure of Vieques in Puerto Rico, the United States has been heavily dependent on the 724-square mile testing range at Eglin Air Force Base. It is a complex of land with quite a bit of testing ranges. Also, though, there are 86,500 square miles of water ranges off the coast of Florida that stretches from the panhandle all the way down to the Florida Keys. Drilling in the eastern Gulf of Mexico will generate frequent civilian supply flights as well as create additional maritime traffic in the area. This will in turn prevent much of this airspace from being used for live fire tests of new weapons systems as well as limit the U.S. Navy from conducting carrier battle group flight operations. This long-term mission will be undermined and military training exercises will be hindered if petroleum companies were allowed to explore the area. Now more than ever is absolutely the worst time to hamstring our United States military.

Mr. Chairman, I appreciate the gentleman from California (Mr. POMBO) agreeing to accept this amendment and again I would say that I do support the energy bill, including drilling in ANWR. However, I have for the State of Florida and the other coastal areas a unique interest in this particular amendment.

CONGRESS OF THE UNITED STATES,
Washington, DC, April 9, 2003.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives, U.S. Capitol, Washington, DC

Hon. WILLIAM FRIST,
Majority Leader, U.S. Senate, U.S. Capitol, Washington, DC.

Hon. THOMAS DASCHLE,
Minority Leader, U.S. Senate, U.S. Capitol, Washington, DC.

Hon. NANCY PELOSI,
Minority Leader, House of Representatives, U.S. Capitol, Washington, DC.

DEAR SPEAKER HASTERT, SENATE MAJORITY LEADER FRIST, SENATE MINORITY LEADER DASCHLE AND HOUSE MINORITY LEADER PELOSI: We are writing to express our strong concerns regarding provisions being considered in the House and Senate omnibus energy legislation that may ease the moratorium on drilling off the eastern Gulf of Mexico. The provisions in the current versions of the Energy bill allow companies to participate in ''exploratory drilling'' and ''seismic measurements''.

Several references in these bills may undermine the moratorium banning new leasing off the coast of Florida. You may recall, last year, an agreement was reached between the White House and the State of Florida, buying back offshore drilling leases within the Destin Dome, just a few miles off the coast of Florida.

The majority of Floridians oppose drilling in the Gulf of Mexico because of the threat to the tourism industry, which is vital to the state's economy. If an accident were to occur, causing an oil spill to wash ashore on Florida's beaches, the damage would be devastating and would cripple the state. It would only take ONE spill to ruin our economy for years, putting yet another tough burden on the tourism industry.

This threat is not limited to the tourism industry. Since the closing of the ranges in Vieques, Puerto Rico, the Gulf of Mexico is home to a number of training ranges for the United States military. If petroleum companies were allowed to begin to explore and inventory the area, potential impediments to our military training exercises would be created. Now is not the time to be hamstringing our military interests.

There has been a strong effort by many in Congress in the last few years to stop new drilling off the coast of Florida. We urge you once again to protect Florida's coastline by ensuring these provisions are not included in any omnibus energy legislation.

We appreciate your consideration to this matter.

Sincerely,

Jeff Miller; Jim Davis; Jeb Bush; Bob Graham; Bill Nelson; Ric Keller; Robert Wexler; Porter Goss; Kendrick

Meek; Mike Bilirakis; Dave Weldon; Katherine Harris; Ander Crenshaw; Allen Boyd; Ginny Brown-Waite; Cliff Stearns; Peter Duetsch; E. Clay Shaw, Jr., Lincoln Diaz-Balart; Mario Diaz-Balart; Adam Putnam; Mark Foley; Corrine Brown; Alcee Hastings; Tom Feeney; Bill Young; Ileana Ros-Lehtinen.

Mrs. CAPPS. Mr. Chairman, it is my pleasure to yield 4½ minutes to the gentleman from Florida (Mr. DAVIS).

Mr. DAVIS of Florida. Mr. Chairman, I thank the gentlewoman for yielding me this time. I want to start by responding to some of the legitimate points that were raised by the gentleman from Louisiana (Mr. TAUZIN), the chairman of the Committee on Energy and Commerce. In particular, the one point he said that I most strongly disagree with, the gentleman from Louisiana made the point that this is about knowing things we do not know; that the purpose of the inventory language is to find out things we do not know about the level of supply that exists in the shores right off the coast of Florida or California or others. I respectfully disagree.

We know the level of supplies out there. These areas have all been previously inventoried. There is no doubt as to the supply, or in the case of the waters right off the coast of Florida, I would say the lack of supply. And so this is not about fear of the unknown. What this is about is whether to proceed with predrilling activity. This is about whether to proceed with going out into the Gulf of Mexico and other parts of the country and moving the dirt around and taking all the steps that would be taken towards proceeding with drilling.

I think because it is the will of the House not to proceed with drilling in violation of the moratorium, there is a much-appreciated consensus today in support of the amendment. What it is fair to say is not known is what happens if the drilling proceeds in these areas close to coasts like Florida, my home, and the level of risk as far as environmental impact in Pensacola, the home of the gentleman from Florida (Mr. MILLER), or the Tampa Bay area, my home.

This is a risk that we as Floridians do not choose to accept. If it is characterized as politics, and I hope politics is not infesting this energy bill, but if it is characterized as politics, what it really is about is the fact that a single oil spill off the coast of Florida or many of these coasts would be incredibly destructive not just to the precious environment that attracts us to Florida and keeps us in Florida but to our economy. It would be a threat to the entire coastline of Florida, because news and the facts of a spill on the coast of Florida would be a tragedy for the entire coast of Florida, both the west and east coast.

The gentleman from Louisiana referred to the history. I think it is important to bring up the history. In 1982, long before I got to Congress, the Congress started with putting the moratorium in place we are discussing today. It is very important to point out that never in the history of the Congress since 1982 have we proceeded to inventory, to do predrilling activity in moratorium areas. It is a wise decision today not to reverse that course. This moratorium that we are talking about has been in place in part because of an executive order that in 1982 was put into place. This moratorium has continued through Democratic and Republican administrations. There is no reason not to honor that today.

Let me also mention a little bit more about the eastern Gulf of Mexico. The eastern Gulf of Mexico, we do know the facts about supply. The supply that has been previously inventoried is very minimal in relation to the central and western parts of the gulf where I think the chairman has and will continue to understandably support drilling. The supply in those areas approaches almost 20 billion barrels of oil in the central gulf, 12 billion barrels of oil in the western gulf, 1 billion in the eastern gulf. We know the supply in the eastern Gulf of Mexico is very minimal; and we further know that the risk to Florida's beaches, which are enjoyed not just by Floridians but by people all over the United States and all over the world, is significant and there is a small supply of oil involved. It is very credible for the chairman to talk about what the facts are and those are the facts.

I would like to close by simply asking the gentleman from Louisiana a question. My question to the gentleman which was the same question I directed to the chairman of the Committee on Resources is, Mr. Chairman, as I understand your statement earlier, it is not your intention in the conference committee to support the reinsertion of the language that is being removed today by this amendment?

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

Mr. DAVIS of Florida. I yield to the gentleman from Louisiana.

Mr. TAUZIN. It is not my intention to recommend the reinsertion of this language, no. I will say again, though, it is my intention to continue this debate with you on every 5-year plan, leasing plan, every discussion we have at Interior about how and what we know and do not know about resource development of this country, just as it is to help you find out everything we can about our environmental resources.

Mr. DAVIS of Florida. I just want to close by pledging to the chairman my support to continue the drilling in the central and western part of the gulf where there is ample supply and apparently a different standard about environmental degradation with respect to that coastline.

Mr. TAUZIN. I just want to make the point, my State contributes 25 percent of the oil and 25 percent of most of the gas that this country uses. We do it with some consequence. We benefit in the economy, but it also affects our lives dramatically. I am just telling you, there is a limit to the willingness of anyone like the people of my State to continue doing it for the country when others refuse. Just understand that, please.

Mrs. CAPPS. Mr. Chairman, I include for the RECORD a letter from 67 of our colleagues in the House of Representatives with a strong statement opposing the language in the underlying bill and in support of this amendment.

CONGRESS OF THE UNITED STATES,
Washington, DC, April 8, 2003.

Hon. WILLIAM FRIST,
U.S. Senate, Majority Leader, U.S. Capitol, Washington, DC.

Hon. THOMAS DASCHLE,
U.S. Senate, Minority Leader, U.S. Capitol, Washington, DC.

Hon. J. DENNIS HASTERT,
House of Representatives, Speaker, U.S. Capitol, Washington, DC.

Hon. NANCY PELOSI,
House of Representatives, Minority Leader, U.S. Capitol, Washington, DC.

DEAR SENATE MAJORITY LEADER FRIST, SENATE MINORITY LEADER DASCHLE, SPEAKER HASTERT, AND HOUSE MINORITY LEADER PELOSI: We are writing to express our strong concerns regarding Outer Continental Shelf (OCS) provisions contained in energy legislation currently pending before the House and Senate.

These bills contain several provisions that would seriously undermine the longstanding bipartisan legislative moratorium on new mineral leasing activity on submerged lands of the OCS that have been included in every annual Interior Appropriations bill since 1982. The legislative moratorium language has always prohibited the use of federal funds for offshore leasing, pre-leasing, and other oil and gas drilling-related activities in moratoria areas, enhancing protection of these areas from offshore oil and gas development. These moratoria areas include northern, central and southern California, the North Atlantic, the Mid-Atlantic and South Atlantic planning areas, Washington and Oregon, and the eastern Gulf of Mexico.

As you know, in 1990 President George H. W. Bush signed an executive memorandum placing a ten-year moratorium on new leasing on the OCS. In 1998, this moratorium was renewed by President Bill Clinton and extended until 2012. Moreover, the provisions contained in the energy bill drafts contradict the moratorium contained in the President's Fiscal Year 2004 budget to enable continued protection of the OCS. These actions have all been met with public acclaim and as necessary steps to preserve the economic and environmental value of our nation's coasts.

Tourism is a major industry for coastal states and a staple of their coastal economies. The money spent by tourists pay the bills and put food on the table for the people living in these communities. Offshore oil and gas drilling directly threatens this economic engine and the people of these communities know it. That is why the House has voted twice in recent years to stop new drilling in the waters off Florida and California.

Rep. Lois Capps, Rep. Jeff Miller, Rep. Frank Pallone Jr., Rep. Anna Eshoo, Rep. Mike Thompson, Rep. Carolyn McCarthy, Rep. Jane Harman, Rep. Corrine Brown, Rep. Jim Davis, Rep. Frank A. LoBiondo, Rep. Peter Stark, Rep. Robert Wexler, Rep. Zoe Lofgren, Rep. Adam B. Schiff, Rep. Maurice Hinchey, Rep. Earl Blumenauer.

Rep. Peter Deutsch, Rep. Barney Frank, Rep. George Miller, Rep. Lynn Woolsey, Rep. Tom Lantos, Rep. Ed Markey, Rep. Ellen Tauscher, Rep. Susan Davis, Rep. William Delahunt, Rep. Grace F. Napolitano, Rep. Maxine Waters, Rep. Howard L. Berman, Rep. Rosa DeLauro, Rep. Eliot L. Engel, Rep. Alcee L. Hastings, Rep. Peter DeFazio, Rep. Brad Sherman, Rep. Sam Farr, Rep. Loretta Sanchez, Rep. Barbara Lee.

Rep. Mike Honda, Rep. Hilda L. Solis, Rep. Luis Gutierrez, Rep. Tom Allen, Rep. Bill Pascrell, Jr., Rep. Juanita Millender-McDonald, Rep. Chris Van Hollen, Rep. Jim McDermott, Rep. Rush Holt, Rep. Mike Bilirakis, Rep. Raul M. Grijalva, Rep. Randy ''Duke'' Cunningham, Rep. Henry A. Waxman, Rep. Ed Case, Rep. Bob Etheridge, Rep. Brad Miller, Rep. Xavier Becerra, Rep. David Wu, Rep. John Larson, Rep. Chris Smith.

Rep. Bart Stupak, Rep. Lucille Roybal-Allard, Rep. Bob Filner, Rep. Adam Smith, Rep. Linda T. Sanchez, Rep. Brian Baird, Rep. Jerrold Nadler, Rep. Robert T. Matsui, Rep. Jim McGovern, Rep. Diana E. Watson, Rep. Stephen Lynch.

Mr. Chairman, I am pleased to yield 1 minute to the gentleman from Wisconsin (Mr. KIND), my colleague from the Committee on Resources.

Mr. KIND. Mr. Chairman, I thank the gentlewoman for yielding me this time. I am the ranking member on the Subcommittee on Energy that has jurisdiction over this provision. I rise in support of the amendment. With all due respect to our friend, the chairman of the Committee on Energy and Commerce, we on this side also believe in accumulating information and free speech and making informed decisions, but we also believe in the democratic process; and it has been clearly stated in a bipartisan fashion that the will of the people in these areas do not want leasing off their shore.

Referencing former Interior Secretary Watt for being the savior for the moratoriums a while back is a little revisionist history. It was mainly because of his zeal and his aggressiveness to increase leasing potential off the coasts of California and down in Florida that led to a political backlash, a bipartisan backlash which led to the moratoriums. So what we are doing is basically respecting the process and the will of our democracy, because people in these States have determined that they do not want to see the drilling offshore. So why would we then use their tax dollars to do a study for the same drilling that has already been prohibited? I commend my friend for this amendment.

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

In closing, I thank again the cosponsors of this amendment, the gentleman from Florida (Mr. MILLER) and the gentleman from Florida (Mr. DAVIS). I thank the chair of the Committee on Resources for the support.

The CHAIRMAN pro tempore (Mr. CULBERSON). The question is on the amendment offered by the gentlewoman from California (Mrs. CAPPS).

The amendment was agreed to.

The CHAIRMAN pro tempore. It is now in order to consider amendment No. 19 printed in House Report 108–69.

AMENDMENT NO. 19 OFFERED BY MR. KIND

Mr. KIND. 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. 19 offered by Mr. KIND:
In division C, strike title II.

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

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

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

Mr. Chairman, as ranking member of the Subcommittee on Energy of the Committee on Resources, we have put in a lot of time and a lot of energy in trying to produce a bipartisan piece of legislation. However, today I must rise and strongly object to one of the titles that is being offered in the base bill, title II. My amendment would strike title II, the oil and gas title, which would open the door to more drilling with fewer safeguards and less public input while granting giveaways to profitable companies that will cost taxpayers hundreds of millions of dollars over the next 10 years. It is a little surreal that in light of the budget resolution that passed yesterday, Mr. Chairman, that calls for an increase in the debt ceiling by $984 billion in the next fiscal year and an increase in the debt ceiling to $12 trillion over the next 10 years, we have a title in this energy bill which is not offset, it is not paid for and which will cost the American taxpayer hundreds of millions of dollars by creating some false economic incentives to do more drilling on public lands.

Today, Mr. Chairman, we still have brave U.S. troops fighting in Iraq, in part because of the strategic importance that region has, due to our addiction to their oil. The question before us then today is, what are we going to do about it? The answer is not that we can produce our way out of that dependence. We only possess 2 percent of the world's oil reserves. Yet this bill tries to create the illusion under title II that we can produce our way out. Even if we pass this bill today, we will remain hooked on Middle East oil for two reasons: OPEC skillfully keeps the price low to maintain our addiction, and we lack the political will today to do what is necessary to reduce our dependence on oil.

In the last thousand years, Mr. Chairman, we have had a half a degree increase in the world temperature. Today most of the scientists project that over the next 100 years, we will see a 2-degree increase in the world temperature, along with the consequences that it will bring, primarily due to the burning of fossil fuels. The rest of the world gets this. Why can we not? The solution I believe is self-evident. We need to change our energy paradigm. I believe we can do it within the context of economic growth by emphasizing more conservation practices, as well as the technologies of the 21st century, alternative and renewable fuels, wind, solar, geothermal, biofuels and the energy source of the 21st century, hydrogen power. We just lack the political will to do it.

My amendment strikes title II because it is based, I believe, on two false premises, that we can produce our way out of our dependence on foreign oil and that we should do it at taxpayers' expense and at our environment's expense. A great deal of attention during this debate has been devoted to drilling in the Arctic National Wildlife Refuge. I also oppose that. Why would we take a Monet off the wall and burn it for short-term heating needs? Yet that is what is being proposed in this whole debate to open up the Arctic National Wildlife Refuge. But there are other sections of title II that, standing alone, make this a bad bill, such as the royalties-in-kind provision that is contained in it, granting broad authority to the Secretary of the Department of the Interior for permitting alternative energy-related uses on the Outer Continental Shelf without specifying the types of places to be avoided; and reimbursing oil and gas companies for doing the environmental impact studies that are required under law.

Mr. Chairman, one of the most egregious sections of this bill is what is being called royalty relief for some of our Nation's largest oil companies. This provision waives Federal royalty collections on huge amounts of publicly owned lands. Simply put, title II will put hundreds of millions of dollars of taxpayer money into the already deep pockets of many of our oil companies. Who are some of these beneficiaries?

Mr. Chairman, this is the recent Forbes magazine list of the Fortune 500 companies. Coming in at number three, Exxon Mobil with $183 billion of annual revenues and over $1.5 billion in profits last year alone. Chevron Texaco, $92 billion in annual revenues, over $1 billion in profits. These are some of the companies that will be receiving this windfall and subsidy payments from the American taxpayer when we are currently running unprecedented budget deficits and jeopardizing our children's future.

Amazingly, during the 2000 Presidential campaign, one of the candidates stood up and adamantly opposed royalty relief. He stated, and I quote, ''Giving major oil companies a huge tax break is not the right thing to do.'' Interestingly, though, this was not Vice President Al Gore. This was then-candidate George W. Bush. If it is good enough to stand on policy in order to convince the people to elect you, it should be good policy then when you

are elected to pursue it and to see it enforced. Unfortunately, that is not what is being done with this energy bill.

I know those who support this provision will say that we need to continue to encourage the development of domestic oil and gas resources from our public lands so our Nation can become more energy independent. I agree. But we do not need to create more generous subsidies to get them to do so. I submit that these companies would continue to develop these sources without being subsidized because it is in their economic interest to do so. A couple of years ago when this was being proposed, it was being sold because of the low oil prices in order to get them to do it. Now we have high oil prices, and it is being sold to do it because of the high prices. I am beginning to wonder whether there is any economic rationale at all, or whether this is merely taking care of friends in this energy bill.

Another problem with the royalty holiday proposal is that the royalties the Federal Government does not collect will starve the Land and Water Conservation Fund of critical financial resources. The Land and Water Conservation Fund provides special protection for some of our most precious habitats and national parks. It has been doing it for nearly 40 years. Title II would significantly diminish funding for these conservation measures on our public lands for water resources, wildlife and fish habitat, scenic landscapes. That is why a number of sporting and fishing groups such as the National Rifle Association, Trout Unlimited, the Izaak Walton League have opposed similar types of provisions in the past.

Mr. Chairman, title II in this energy bill really does beg the question, Where are our priorities? We have historically high budget deficits today and a budget resolution that passed last night that will raise the national debt ceiling to $12 trillion over the next 10 years. Yet we are going to offer these royalty-in-kind and royalty relief provisions, giving some of the most profitable companies in our Nation hundreds of millions of dollars of windfall subsidies at the taxpayers' expense on the public lands. I think we can do better. I would encourage my colleagues to support my amendment.

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

The CHAIRMAN pro tempore. Who seeks time in opposition to the amendment?

Mr. POMBO. Mr. Chairman, I claim the time in opposition.

The CHAIRMAN pro tempore. The gentleman from California (Mr. POMBO) is recognized for 10 minutes.

Mr. POMBO. Mr. Chairman, I yield 4 minutes to the gentlewoman from Wyoming (Mrs. CUBIN).

Mrs. CUBIN. Mr. Chairman, I rise in strong opposition today to the Kind amendment. This amendment will do nothing to enhance our national energy security. In fact, it will just preserve the insecurity that we are going through today. The gentleman from Wisconsin is correct, these are unsettling and dangerous times. We are at war in the Middle East and many of the oil-producing nations in the world are either openly hostile toward the United States or are undergoing political turmoil. This turmoil has driven oil prices up, and meanwhile at home we are suffering a natural gas supply crisis. This winter natural gas prices reached the highest levels in history. These prices hurt American consumers, especially the elderly and the poor; and they hurt the economy.

The gentleman from Wisconsin's amendment would allow unreasonable delays to continue by allowing the bureaucracy to continue its inefficient, ineffective methods of permitting. This title helps limit the time that can be involved so that we can get energy online faster, while at the same time providing environmentally healthy gas production. This is a good title in the bill.

In the oil and gas title of the energy bill, we hold Federal agencies accountable for their leasing and permitting processes. The amendment does nothing to cut bureaucratic red tape on supplies that we already have, and it does nothing to keep energy flowing to America. In the oil and gas title, we also provide royalty relief for marginal wells on Federal lands so that these wells will not be shut in permanently when prices are prohibitively low. A marginal well is one that has almost reached the end of its productive life. Marginal wells can contain, say, 70 percent of the oil that was originally in the formation when the life of the well is depleted. It is very expensive to develop these marginal wells because you have to use tertiary production procedures. It is more expensive to produce marginal wells than it is large wells.

And so these wells would be closed in permanently, forever, leaving 70 percent of the oil in there if we did not grant these incentives to marginal well lessees. Individually, marginal wells produce very little but collectively they produce one-third of our oil supply, of our gas supply, and almost as much oil as we import from Saudi Arabia. Critics of responsible oil and gas development are always saying that production of these wells is of no particular significance, but that is absolutely wrong. Also, the poster that he was using that said that the people who benefit from these oil and gas relief measures are the major oil companies, that is simply not the case. In reality, marginal wells are so prohibitively expensive that without these incentives the majors do not produce marginal wells. They sell the marginal leases to mom-and-pop organizations. Practically every single producer in my State is an independent producer. It is that way across the country. We are not talking about billions of dollars to Exxon, Texaco, Mobil and so on. We are talking about mom-and-pop operations that keep the oil, 33 percent, flowing to this country from marginal wells.

This oil and gas title addresses the critical problems that are causing our supply crisis, but the gentleman from Wisconsin chooses to ignore reality and pretend that at some point this problem will just go away, that renewables and conservation will take care of it. Mr. Chairman, that is simply not the case. I ask my colleagues to defeat the Kind amendment.

Mr. KIND. Mr. Chairman, I yield such time as she may consume to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY. Mr. Chairman, I rise in strong support of the Kind amendment and in opposition to H.R. 6. We need an energy policy that takes us forwards, not backwards. The Republican bill is not an energy policy. It does little to reduce America's dependence on oil, it weakens consumer and environmental protections, and it fails to include renewable alternative energy sources and robs the American people and the Treasury of oil and gas royalties.

The Kind amendment strikes the damaging oil and gas development programs which are heavily subsidized by the taxpayer. In particular, I support a provision that strikes section 30201, which I submitted as a separate, standalone amendment. Regrettably it was not put in order. The royalty-in-kind program, which requires the government to market and sell through an agent its percentage of oil and gas, is an anti-taxpayer, pro-industry provision that is a bad deal for taxpayers and a generous gift to the oil and gas industry. In an era of increasing budget deficits, we cannot afford to give away publicly owned resources to the oil and gas industry. Yet this section gives the Secretary of the Interior permanent ability to barter our oil and gas royalties instead of collecting cash that can go for programs in education and health care and to reduce our deficit.

Most of the world, even the former Soviet Union, is moving toward a free market system. Yet with this program in this bill, we are moving to a government-controlled system. In this system, the GAO report is so startling, it says there is no oversight, it will cost us money, and it says in this, the government relies on the oil companies to tell them what the worth of their oil is coming from government-owned, taxpayer-owned land. They can set the price. So it is not surprising the industry supports this so much. It gives them free rein.

Mr. Chairman, I include for the RECORD an editorial from the USA Today and the GAO report documenting the cost to the taxpayer for this program.

[From USA Today, Apr. 6, 2001]

MORE PUBLIC DRILLING? SET LET'S COLLECT BILLS FIRST

Bush administration plans to drill for oil and gas on public lands will fuel environmental debate for months. But a related

issue is being overlooked. Energy companies are cheating the public on the oil they pump now.

Why give them new resources until they pay up?

So far the administration hasn't addressed the issue, but by doing so it could burnish its quickly blackening image as a poor steward of public resources.

USA TODAY disclosed Thursday an administration draft recommendation to open millions of acres of public land for drilling. That would add to existing drilling on federal, state and Indian-owned land that accounts for more than one-third of the USA's oil and gas operations.

By assorted estimates, the industry has shorted the government on oil-royalty payments alone by about $100 million a year, through a variety of price-fixing and record-fiddling games. That's almost 10% of the government's $1.1 billion annual collections.

What has made this possible is a system that allowed industry to decide on its own what it would pay the government for the oil it pumped.

Imagine going to a filling station and being allowed to bring your own pump and gauge to figure what you've purchased—and how much it's worth. That's essentially how the industry has been allowed to account for oil and gas taken from public land.

In case after case, sworn evidence shows companies falsifying prices, using phony bills of sale and deliberately misclassifying high-quality oil as low quality in order to pay less.

After years of denials, stonewalling and evasion, more than a dozen companies have agreed in recent months to settlements totalling nearly a half-billion dollars in suits brought by whistle blowers and government attorneys. Thus they avoided defending themselves against daunting evidence of persistently cheating the public. Shell Oil alone is paying $110 million.

In one case that did go to trial, an Alabama jury recently ordered Exxon Mobil to pay $87.7 million in overdue royalties on oil taken from state property. The jury added a whopping $3.42 billion in punitive damages.

Still more claims are pending in other state courts. And similar questions are being raised about gas taken from public property.

A new oil-royalty system adopted last summer is designed to force the industry's payments to reflect more closely true market prices. It is expected to boost revenues by $70 million a year or more.

But now the industry is trying to force the government to accept payment in oil instead of cash. Its proposal would put extra costs on the taxpayer totaling more than $300 million a year, according to government estimates.

There's good reason to think the industry will get its way. Oil and gas groups and individuals gave $9 million to the Bush campaign and the Republican National Committee for the 2000 campaign, more than $20 million to GOP causes generally. Another $6 million went to Democrats.

Additional drilling on public land may be useful to meet the country's long-term energy needs. But if the nation's mineral patrimony is to be sold off, the Bush administration and Congress need to make sure it's for full price: without private discounts for politicians' patrons in the oil business.

Mr. POMBO. Mr. Chairman, I yield 2 minutes to the gentleman from Louisiana (Mr. JOHN).

Mr. JOHN. Mr. Chairman, a ''no'' vote on this amendment is a ''yes'' vote for energy security and the families of America. Mr. Chairman, high natural gas prices are hurting consumers and businesses all over America. As Members know, natural gas is increasingly becoming the fuel of choice for both home heating and for electricity generation. This winter, natural gas prices reached their highest levels of all time. High natural gas prices are hurting working families. They are hardest on the poor in this country. Natural gas prices are also hurting our manufacturing companies, our chemical manufacturers, and our fertilizer makers. Our farmers are closing businesses. One single manufacturer in my district said that the high natural gas prices which he could not pass on cost him $10 million this year. How could he keep his doors open? Family farms are also suffering. As we well know, natural gas is a very important component in the creation of fertilizer.

The reason we are facing these high natural gas prices, Mr. Chairman, is very simple. It is very simple. It is not rocket science. Supply is not keeping up with demand. We can talk about conservation and efficiencies. I am for that. But there is a space between where we are today and where we can go. We have ample supplies of natural gas in reserves in the United States. The vast majority of the future of gas supplies will come from Federal lands, including the offshore around the United States. This amendment if enacted ignores the natural gas supply demand that we have. I urge my colleagues to vote ''no'' on this amendment.

Mr. POMBO. Mr. Chairman, I yield 3½ minutes to the gentleman from Louisiana (Mr. TAUZIN).

Mr. TAUZIN. I thank the gentleman for yielding me this time.

Mr. Chairman, this un-Kind amendment is typical of the reaction we get from the other side when we try to produce a comprehensive, balanced energy bill for America. We are asked to include efficiency titles and conservation titles and renewable fuel titles and alternative fuel titles and we do.

□ 1100

Then we have one title to help maintain pro-production in this country, the vital fuels, the hydrocarbon fuels, the oil, the gas. It is critical to keep electric plants working to keep this economy going, to keep people warm in the winter and cool in the summer, and we get an amendment like this to strike that part of the bill, to totally unbalance it, so it does not have the pro-production features that a balanced energy policy ought to have.

The President, in asking us to pass this bill, did a study of the Nation's needs in natural gas alone. He predicted we needed 1,600 new major electric plants in this country to supply this country with energy, and most of those plants were going to be natural gas plants because it is the environmental fuel of choice in America to produce electricity.

Where is that gas going to come from? Do my colleagues think it comes from the sky? Do they think it comes out of the wall? I mean, they did a survey in California. Believe it or not, a huge percentage of people in California, when asked where electricity comes from, they said, the wall; and when asked who put it there, they said, the contractor put it there. They had no idea that there was somebody out there drilling an oil well, producing gas, putting it in a pipeline, putting in an electric power plant to make electricity for American families.

This amendment would shut the pipeline down. This amendment would say, let us not put any more gas in the pipeline to fuel those power plants. This amendment would shut off the incentive program that Bill Clinton signed into law, the royalty relief program that Bill Clinton executed during his time in office, the program that Bill Clinton put in that was predicted, if it worked, to produce $400 to $500 million for the United States Treasury.

Do my colleagues know what it produced? It is now predicted to produce $7 billion in new royalties that would never have been obtained, but for the deep-water drilling that occurred because Bill Clinton had the wisdom to sign the act we passed in Congress on deep-water drilling.

This bill contains a similar incentive for deep-well drilling in the shallow fields, and the only place in America that most of my colleagues will allow us to drill is the offshore of Louisiana, Texas and Alabama. This bill is likely to produce enough natural gas to double the production of natural gas that the whole OCS produces in America.

This amendment would shut it down. This amendment would say, let us not produce any more natural gas for America from these exotic fields below 20,000 feet. That would never get produced without this incentive, and even Bill Clinton understood that and signed a bill and executed it into law. And the $7 billion that produces, by the way, includes $1 billion that goes into the Land and Water Conservation Fund that goes into historic preservation in this country, money that would not be available for these environmental causes but for the deep-water drilling program that Bill Clinton signed into law. This bill extends further into authorization and extends into the deep drilling of the shallow fields.

If we think natural gas and oil only powers power plants, think again. The liquids that come from these fuels, the propylenes, the ethylenes, the chemical building blocks that build most of the products we in our kitchen, shut them down, shut down American kitchens as well, shut down the entire chemical processes. That is what the un-Kind amendment does. We need to defeat it.

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

I rise in opposition to what I believe is probably the most extreme amendment that we will face in this entire energy bill. We set off to produce a balanced energy policy for this country.

We included alternative energy, wind, solar, fuel cells, but as part of it, we also had to address today's needs which are oil and gas.

This amendment strips out everything that we put into this bill to deal with the needs of today. So I believe it is extremely important for our future that we vote against this particular amendment.

Mr. RAHALL. Mr. Chairman, I rise in support of the amendment being offered by the gentleman from Wisconsin, RON KIND, the Ranking Member on the Subcommittee on Energy and Mineral Resources.

There is no reason, no reason whatsoever, for Congress to be mandating OCS royalty relief.

The fact of the matter is that Secretary Norton apparently already has discretionary authority to grant royalty relief and is in fact promulgating regulations on this matter.

There is simply no need for this Committee to now mandate, and perhaps hamstring, Secretary Norton on the matter of granting royalty holidays.

The issue of Royalty-in-Kind deserves some attention. This stuff comes right out of the pages of the Communist Manifesto.

It is being proposed that we socialize the Federal oil and gas royalty process. That companies would send Federal bureaucrats the actual oil and gas, rather than cash payments, to meet their royalty obligations.

Then, these Federal bureaucrats would be expected to market the oil and gas, to compete with Exxon and Royal Dutch Shell, in order for the taxpayers to actually recoup the royalty proceeds. Incredible. Simply incredible.

Both of these provisions are drains on the Treasury and are simply not needed to enhance America's energy security.

And to top it off, to top it off, provisions of the bill which Mr. KIND is seeking to strike would have the taxpayer foot part of the bill for oil and gas companies to comply with NEPA.

The taxpayer is actually being called upon the pay these companies for their privilege to drill on Federal lands. At a time of soaring gasoline prices.

Suffice it to say, these provisions have not redeeming value to our energy security and should be stricken from H.R. 6.

I urge all Members to support the Kind amendment.

Mr. PETRI. Mr. Chairman, I rise this evening in support of the Kind amendment to H.R. 6, the Energy Policy Act of 2003.

This amendment will strike title II of Division C of this bill. This title addresses various aspects of oil and gas production from Federal lease lands, both onshore and offshore. It reportedly seeks to provide greater incentives and royalty relief to oil and gas producers to encourage exploration and development in these areas.

However, these incentives are far too generous. They are not in the public interest. they will not provide for a secure energy future.

Because of this, I urge my colleagues to support the Kind amendment.

The CHAIRMAN pro tempore (Mr. CULBERSON). The question is on the amendment offered by the gentleman from Wisconsin (Mr. KIND).

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

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

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

It is now in order to consider Amendment No. 20 printed in House Report 108–69.

AMENDMENT NO. 20 OFFERED BY MR. RAHALL

Mr. RAHALL. 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. 20 offered by Mr. RAHALL: In division C, strike title VII.

The CHAIRMAN pro tempore. Pursuant to House Resolution 189, the gentleman from West Virginia (Mr. RAHALL) and a Member opposed to the amendment each will control 10 minutes of this debate.

The Chair recognizes the gentleman from West Virginia (Mr. RAHALL).

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

Mr. Chairman, this amendment would strike from the bill provisions which would give rise to a monopoly controlling Federal coal leases, primarily in Wyoming's Powder River Basin. These provisions are anticompetitive, anticonsumer and against the interest of the majority of coal miners in this country.

It is important to understand that the Federal Government owns one-third of the Nation's coal, mostly in the Western States, with a high concentration in Wyoming's Powder River Basin. This coal is made available for production under a competitive leasing program. The taxpayers receive a return in the form of bids made to secure the leases and in the form of a production royalty.

Provisions of H.R. 6 would change all of this. These provisions would allow coal producers with Federal leases to seize unlimited additional Federal coal lands without competitive bidding and be relieved of paying royalties owed to the American taxpayer under certain circumstances.

Just imagine that these producers would be in the driver's seat. They could gobble up unlimited acreage of publicly owned coal lands without competition.

The net effect of these provisions would be the creation of a Federal coal-producing monopoly in the Powder River Basin, with ramifications to electricity consumers throughout the West and Midwest and to the detriment of coal producers and coal laborers in the Appalachian and Midwestern States, and the American taxpayer, the American taxpayer, the owners of the lands, would be robbed of their share of the bonus bids and royalty payments.

This map displays in red the States which lose under these provisions. These are States which either consume Powder River Basin coal or have coal producers which compete against this coal.

As United Mine Workers of America President Cecil Roberts recently wrote: ''The bill constitutes a serious threat to coal miner jobs and coal community families. If enacted, the bill would provide a huge windfall to a few, while shifting significant costs and risks to the American public.''

As it stands, electric utility companies have filed with the Surface Transportation Board, already, several cases challenging the reasonableness of coal rates involving Powder River Basin coal. These utility companies already filing suit, among them Northern State Power, Public Service Company of Colorado, West Texas Utility Company, Texas Municipal Power Agency and Wisconsin Power and Light, these utilities are alleging that the delivered price of Powder River Basin coal is already unreasonable.

The Federal coal leasing provisions of H.R. 6 would add insult to injury.

I would add that these are not by any means the only utility companies which purchase Powder River Basin coal. Whether it is the Arizona Public Service Company, the Cajun Electric Power Co-op, Detroit Edison, Nebraska Public Power, Oklahoma Gas and Electric, or Public Service Company of Colorado, the consumers of all these utilities stand to lose with the creation of a monopoly in their supplier of coal to these utilities.

It is absurd in the name of national energy security to artificially inflate the cost of delivered power to electric utility consumers. The Federal coal-leasing provisions also represent a direct assault against coal producers in States which compete with the Powder River Basin coal for electric utility markets. I make no bones about it, yes, that includes my home State of West Virginia. It also includes States such as Pennsylvania, Kentucky and Tennessee. Coal producers in Ohio, Indiana and Illinois would be harmed as well.

This amendment transcends partisan politics. Members representing States which either consume or compete against Powder River Basin coal all stand to lose if the provisions in question stay in this legislation.

I urge my colleagues to look at this map and determine how this provision adversely affects their consumers, and I urge the adoption of my amendment to strike.

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

The CHAIRMAN pro tempore. Who seeks time in opposition?

Mrs. CUBIN. Mr. Chairman, I seek time in opposition to the amendment.

The CHAIRMAN pro tempore. The gentlewoman from Wyoming (Mrs. CUBIN) is recognized for 10 minutes.

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

I am sorry that the color of the State of Wyoming was not in bright yellow on the chart that the gentleman from West Virginia (Mr. RAHALL) just

showed the body. It should be in bright yellow because the Powder River Basin produces so much coal that all of those States that use cheap Wyoming coal have a lot of light in their lives because of that.

Despite what my colleagues have heard from the sponsor about this amendment, the coal-leasing provisions are not about giving breaks to coal companies or creating monopolies that control Federal coal leases. In fact, the amendment creates an atmosphere that guarantees monopolies will exist in the coal industry.

He has not given an explanation of exactly the way the situation is. The current law artificially raises the cost of bidding on Federal coal leases to the point that only the largest corporations in the world can afford to mine them, and what the energy bill does is, right now, when he says that there is no competition on these leases, he is actually misrepresenting, well he is representing his perspective, but I would aver that it is wrong.

What happens is, people bid on the leases, and then if they cannot develop those leases, what he would have us do, because of financial costs, what he would have us do is not be able to ever develop those leases. So it would be leaving coal still in the ground. When prices are low on the world market, it is not cost-productive to produce those huge amounts of coal, so delays are necessary to produce the coal when the demand is high.

That is exactly what the amendment does. The current law gives coal operators the option of either shutting down their operation or dumping coal at bargain-basement prices onto markets that are shared with all the other producers in the East, including West Virginia, and what happens when the coal companies have to dump this cheap coal is, the Federal Government gets fewer revenues, the State governments get fewer revenues.

I just want to refer to the lawsuits that the gentleman from West Virginia (Mr. RAHALL) was discussing. The lawsuits that the gentleman brought forward are against the railroads. They are not against the coal companies. They are against the railroads because the railroads, some say, are charging monopolistic prices to transport the coal.

As a matter of fact, coal in the Powder River Basin on the spot market is selling at $6 a ton; the Appalachian areas are selling for $27 to $35 a ton. Historically, northern and central Appalachia spot prices sell about $20 to $30 per ton higher than Powder River Basin coal.

The bill before us is in no way, and will in no way, encourage monopolies, and most importantly of all, it will help America's small coal operators. It will help coal miners.

I am very worried about miners' jobs. We have a huge mining population that mine in my State. I am very worried about that. I am doing everything I can to protect their jobs. This will protect their jobs because they will be able to produce all the coal, and it will not be left.

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

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

In response to the gentlewoman from Wyoming and her assertion that the lawsuits that I mentioned in my opening comments are filed against the rail companies, I do not dispute that; that is true. They are filed over already high rates concerning coal coming out of the Powder River Basin. So this anticompetitive provision in this legislation would only further add to the high cost of coal coming out of that area and, therefore, yield even further lawsuits.

Mr. Chairman, on March 17 Mountaineer Coal in Mingo County in my district began laying off 460 people. These workers are among hundreds of others in southern West Virginia and eastern Kentucky to have gone out of work in the past year and a half. Meanwhile, the once hustling former B&O Railroad coal lines in part of my State are now recreational trails. The track has been pulled up.

Over the years, we have suffered as we have lost critical electric utility markets to Federal coal production in the Powder River Basin of Wyoming to the detriment of our employment base and regional economies.

The provisions in H.R. 6 that I seek to strike would provide that Powder River Basin coal production with an artificially created, additional competitive edge to the additional detriment of our employment base and our regional economies.

I say to my colleagues from coal-producing regions in the Midwest and in Appalachia, we once had a saying in the coal fields from which I held, Which side are you on? Which side are you on?

I stand for the coal miner and our coal communities, and today, this effort of mine is all about fighting for the heart and soul of Appalachia. To fiscal conservatives in this body, Democrat and Republican alike, I appeal to my colleagues on this amendment. Is it reasonable to make public resources available without benefit of competition and to not require a proper return for their disposition? Is this a proper stewardship of public lands in this country? I think not.

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That is also why I am seeking to strike these provisions from H.R. 6.

And to those of my colleagues who represent electric utilities which buy Powder River Basin coal, I appeal to you as well. Stand for your consumers against potential monopolistic pricing practices. And to those of you who may not care one iota about coal, I appeal to you for a sense of fairness. There is no justifiable reason why the Federal Government, which owns over one-third of the coal in this country, should be deployed in an anti-competitive fashion against industries, workers and consumers. This is not the American way.

I urge the support of my amendment.

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

Mrs. CUBIN. Mr. Chairman, I recognize myself for 10 seconds.

Mr. Chairman, I neglected to say in my opening comments that, by the way, the royalties are paid on this coal even though it is not produced. So the royalties are paid in advance to the Federal Government and to the State governments under this proposal that is in the bill.

Mr. Chairman, I yield 3 minutes to the gentleman from Nevada (Mr. GIBBONS).

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

Mr. GIBBONS. Mr. Chairman, I thank the gentlewoman from Wyoming for yielding me this time, and I rise in opposition to the Rahall amendment.

Despite what my colleagues have heard from the sponsor of this amendment, the coal leasing provisions in the underlying bill are not about giving breaks to western coal companies and they are not about creating monopolies and controlling Federal coal leases. The underlying bill is about modernizing and improving current law to allow the Federal Government and the Federal coal lessees on Federal ground the ability to protect the environment and to optimize the recovery of Federal coal, coal which they have already paid for with fair market value.

This amendment will delete the provisions that will prevent the wasting, the wasting of America's most abundant and reliable energy resource; and it will delete provisions that maximize Federal and State revenues in the form of royalties and taxes.

Now, a recent letter sent by the amendment's sponsor mistakenly attempts to tie this bill, with the coal leasing provisions, to the electric utility cases filed before the Surface Transportation Board. Those cases involve the railroad transportation costs and have absolutely nothing to do with coal production. There is no relationship between the coal producers and the railroad rates as represented in that letter.

The current law gives coal operators only two options, and that is to shut down mining operations after they have reached an arbitrary time limit or surface area, or the alternative of dumping coal at bargain basement prices, as we have heard from the gentlewoman from Wyoming previously. Current policies artificially raise the cost of bidding on Federal coal leases so high that only the largest, best capitalized corporations in the world can afford to mine the abundant coal resources.

The Rahall amendment encourages monopolies; it does not prevent them.

The current law forces coal producers to leave Federal coal in the ground forever by not allowing them to buy the coal located just across the line of the lease. If this amendment passes, this coal will never be mined and America will lose this important energy resource.

Mr. Chairman, the Federal coal leases are located on Federal lands that have been designated for coal production and have passed stringent environmental tests regarding the suitability of coal for production. The Surface Mining Act that the gentleman from West Virginia wrote in 1977 ensures the environmental integrity of these coal operations is met. However, this is not really an environmental issue; it is one of maximizing the public's interest in coal resources on public land. It is simply a matter of giving the Federal Government the same flexibility that private lessors have to maximize their return on investment while ensuring a strong energy future for America.

Who will pay the price if the Rahall amendment passes? Millions of Americans across the Southwest who pay nearly double the electricity rate will pay the price. Small coal operators, America's coal miners, and America's energy losers will all be denied America's largest domestic energy source. The Federal Treasury will be denied revenues, and they will be denied royalties and taxes from them.

No one wins with the Rahall amendment. I urge a ''no'' vote on the amendment.

Mr. RAHALL. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Wisconsin (Mr. KIND), the ranking member on our Subcommittee on Energy and Mineral Resources.

Mr. KIND. Mr. Chairman, I thank my friend, the ranking member on the Committee on Resources, for yielding me this time; and I rise in strong support of his amendment here today.

Mr. Chairman, I believe this is a necessary step in order to restore the competitive bidding process in the coal industry. I mean, that is what our free economy is all about, after all. I think the provisions that have been included in this energy bill are a serious rollback in that competitive process. But no one has to sit here today and listen to the ranking member on the Committee on Resources or the ranking member on the Subcommittee on Energy and Mineral Resources to believe what we are saying. A few out outside organizations have weighed in on this very important issue, not the least of which is the Western Organization of Resource Councils.

Mr. Chairman, this is not an anti-mining group or an anti-development group or a group that fights for further development on our public lands for mining purposes. They have been supportive of that. But they are also supportive of what the gentleman from West Virginia (Mr. RAHALL) is trying to accomplish today.

In a letter in regards to this issue, they state, and I quote, ''The Coal Leasing Amendments Act of 2003,'' that the gentleman from West Virginia (Mr. RAHALL) here would like to strike with this amendment, ''would grant unjustified gifts to the western coal industry at the expense of the U.S. Treasury and diligent development of the people's coal resource. This title would eliminate existing statutory protections that require timely development and limit speculative purchase and holding of Federal coal leases, promote competitive bidding for Federal coal leases, and provide a fair return to the U.S. Treasury for the Federal coal they are taking.''

They also state this is a bad deal for the States who are virtually all under severe financial difficulties today. They go on to state that ''since half of all bonus bids and royalties actually go to the States, any reductions in the Federal coal production, the royalties or bonus bid payments, will adversely have an effect on these coal-producing States.''

Finally, Mr. Chairman, the President of the United Mine Workers of America, Mr. Cecil Roberts, has weighed in in support of this amendment in opposition to the title in the energy bill. And let me just quote the concluding paragraph in which he wrote, ''In closing, this title is nothing more than a wish list for a few selected coal companies. By eliminating competition for Federal coal leases, consolidating more Federal coal resources in the hands of a few select companies, and allowing leases to be held indefinitely without production, it constitutes a serious threat to coal miner jobs and coal community families.''

I think, Mr. Chairman, that says it all. I encourage my colleagues to support the Rahall amendment.

Mr. Chairman, I submit for the RECORD the letter from the United Mine Workers of America.

UNITED MINE WORKERS OF AMERICA,
Fairfax, VA, March 18, 2003.

Hon. RICHARD W. POMBO,
Chairman, Committee on Resources, Longworth House Office Building, Washington, DC.

Hon. NICK J. RAHALL,
Ranking Member, Committee on Resources, Longworth House Office Building, Washington, DC.

DEAR SIRS: As President of the United Mine Workers of America, I am writing to notify you of the UMWA's opposition to H.R. 794, the Coal Leasing Amendment Act of 2003. H.R. 794 would adversely revise or eliminate long standing federal coal leasing policies that were designed to encourage competition and new investment in coal mines on federal lands and ensure that the federal government on behalf of the American taxpayer maximizes its return from this resource.

In particular, H.R. 794, would enable coal companies to consolidate even larger amounts of public lands into a few active mining operations without competing for additional acreage by repealing the 160 acre lease modification limitation. The bill would also allow large coal companies to hold federal leases for indefinite periods of time without the benefit of production by giving the Secretary of the Interior the authority to forgive the payment of ''advance royalties,'' payments made when mines close down for extended periods of time. In addition, H.R. 794 would also prevent the Bureau of Land Management from requiring coal lessees to post a surety bond, a bond that guarantees payment of coal company's bonus bid for a coal lease, thereby transferring the risk of nonpayment to the American taxpayer and putting at risk millions of dollars due in deferred bonus payments.

In closing, H.R. 794 is nothing more than a wish list for a few selected coal companies. By eliminating competition for federal coal leases, consolidating more federal coal resources into the hands of a select few companies, and allowing leases to be held indefinitely without production, H.R. 794 constitutes a serious threat to coal miner jobs and coal community families. If enacted, H.R. 794 would provide a huge windfall to a few while shifting significant costs and risks to the American public. H.R. 794 should be rejected.

Sincerely,

CECIL E. ROBERTS,
International President.

Mrs. CUBIN. Mr. Chairman, may I inquire how much time is remaining on both sides.

The CHAIRMAN pro tempore (Mr. CULBERSON). The gentlewoman from Wyoming (Mrs. CUBIN) has 3½ minutes remaining, and the gentleman from West Virginia (Mr. RAHALL) has 1 minute remaining.

Mrs. CUBIN. Mr. Chairman, I yield 2½ minutes to the gentleman from Utah (Mr. CANNON).

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

Mr. CANNON. Mr. Chairman, I thank the gentlewoman for yielding me this time, and I rise in opposition to the Rahall amendment.

Few people realize how significant coal is in the everyday lives of Americans. Only a small portion of the population appreciates that nearly one-third of the United States' primary energy production is from coal. In addition, domestically produced coal is the most affordable and reliable electricity generation source.

The reason why this is so significant is that an estimated 60 percent of GDP, gross domestic product, is due to enterprises that use electricity as their front-end energy. Without coal, our economy would be about as robust as the Iraqi regime is today.

Credible studies project the United States will need 54 percent more power by 2025, and that power has to come from somewhere. Most experts agree the growth is most likely to come from coal and natural gas that is located on Federal lands. Mr. Chairman, the coal provisions we are discussing here today will help facilitate and expedite this necessary increase in coal production.

For example, by adjusting the existing 160-acre life-of-lease modifications, we will be moving away from regulations that waste coal reserves and which confine the use of modern mining technology and toward a more rational coal policy. In addition, the 40-

year mine-out requirement causes premature closure and results in bypassing nearby coal reserves. This bill gives the Secretary the needed discretion to allow the consolidation of leased coal reserves.

There has been some discussion about fair competition and pricing, and the suggestion has been that somehow we have higher priced coal out of the West. The problem that the people who are mining coal in the East have is that we have abundant supplies that are relatively easy to produce and are being produced at a much lower cost to consumers. So consumers today are the people who are benefiting. The American families are the people who are benefiting from this low-cost coal that this amendment would undermine.

This amendment, if passed, would cause significant increases in electricity for most Americans, or many Americans. So, Mr. Chairman, I urge my colleagues to oppose this amendment.

Mr. RAHALL. Mr. Chairman, do I reserve the right to close?

The CHAIRMAN pro tempore. The gentlewoman in opposition has the right to close.

Mrs. CUBIN. Mr. Chairman, I reserve the right to close.

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

In conclusion, let me wrap up the debate on this amendment by saying that it is a pro-mining amendment. It is a pro-consumer amendment. It is a pro-fairness-for-American-taxpayer amendment.

The coal that is mined in the Powder River Basin for the most part is Federal coal. This is coal that has as the owner of the deed on that land all the American taxpayers. They have a right to get a fair return for the disposition of their resources. We have, as public policymakers, the obligation to ensure that the American taxpayer gets a fair return and that this coal that is mined on Federal coal leases in the Powder River Basin is leased on a competitive basis. That helps the consumer, and that helps all of America.

Those of us in the east and other States, where of course the majority of the coal that is mined is on private lands, this amendment ensures that that production will continue in a very fair and environmentally sound manner. It ensures that there is an equal balance in the distribution of our coal supplies across this country; and it means that the American taxpayer, in the long run, is the beneficiary of my amendment to strike this anti-competitive provision.

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

This amendment is not about monopolies. This amendment is about a Member promoting his own district, and that is a very admirable thing to do. But what we have to do as Members of this body is protect our resources and not waste a precious resource. We have to protect the workers, and we have to protect the Federal Treasury and the State treasuries.

Current law forces coal operators to either shut down their operation or abandon coal in place. We cannot waste the resource. It is too precious. We cannot have miners out of jobs because they have to shut down the operation.

Powder River Basin coal sells for about $6 a ton. The lawsuits that the gentleman spoke to are about rate cases of utilities. Coal is sold in contracts. It is not regulated by the Surface Transportation Board, and that is what those lawsuits were about.

These royalties are paid in advance. The Federal Treasury will lose no money. Please defeat the Rahall amendment.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from West Virginia (Mr. RAHALL).

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

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

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

It is now in order to consider amendment No. 21 printed in House Report 108–69.

AMENDMENT NO. 21 OFFERED BY MR. CANTOR

Mr. CANTOR. 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. 21 offered by Mr. CANTOR: Strike Section 42011.

The CHAIRMAN pro tempore. Pursuant to House Resolution 189, the gentleman from Virginia (Mr. CANTOR) and a Member opposed each will control 5 minutes of this debate.

Mr. RAHALL. Mr. Chairman, I ask unanimous consent to claim the time in opposition to the amendment, even though I strongly support the amendment.

The CHAIRMAN pro tempore. Without objection, the gentleman from West Virginia (Mr. RAHALL) will be recognized in opposition to the amendment.

There was no objection.

The CHAIRMAN pro tempore. The Chair recognizes the gentleman from Virginia (Mr. CANTOR).

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

Mr. Chairman, I rise in support of the amendment which strikes section 42011, which would allow the prepayment of premium liability for coal industry health benefits.

It is my belief that this language made good sense and will ultimately improve the financial viability of the Coal Act funds and help ensure health care benefits for coal workers and their dependents. However, there are colleagues of mine in this House who differ with this opinion. In the interest of allowing the energy bill to move forward to passage, I ask that the House support this amendment striking this language.

Mr. Chairman, I yield 1 minute to the gentlewoman from West Virginia (Mrs. CAPITO).

Mrs. CAPITO. Mr. Chairman, I rise in support of this amendment and would like to express my sincere appreciation for the importance of coal industry health care benefits. I would like to remind my colleagues that while my own State of West Virginia has roughly 15,000 retirees and dependents in the combined benefit fund, the overall plan covers nearly 50,000 retirees with total benefits paid out last year of over $368 million.

The viability of this health care program is extremely important to those of us in the body who represent the countless hard-working men and women in coal country who have helped provide this country's energy needs for so many years.

In addition, I would like to express my gratitude and support for recognizing the significance of clean coal tax provisions that are going to be placed back into the bill. These incentives will allow the coal industry to invest in cleaner coal technology, and ensure the country continues to have affordable and reliable energy for our homes, hospitals, schools and factories.

I support this amendment because this makes a bold statement to our coal miners that we support them not only while they are working with their health benefits, but in their retired years.

Mr. CANTOR. Mr. Chairman, I yield the balance of my time to the gentleman from Louisiana (Mr. TAUZIN).

Mr. TAUZIN. Mr. Chairman, I thank the gentleman from Virginia (Mr. CANTOR) and would like to enter into several colloquies with Members.

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

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

Mr. GOODLATTE. Mr. Chairman, the State of Virginia recently enacted a law to delay our utilities from joining a regional transmission organization until July 2004. There is great concern in my State that the benefit that our consumers enjoy, low-price electricity, will not stay in our State if our utilities join an RTO. We have had discussions about the possibility of placing an amendment here in the bill which would resolve this problem. Unfortunately, we have not been able to accomplish that. At this time, I would ask the chairman if he can assist me.

Mr. TAUZIN. Mr. Chairman, it has come to our attention that the gentleman has very serious concerns that residents of the State of Virginia may not benefit from certain provisions in the electricity title of H.R. 6, and it is for that reason we have this colloquy;

and I want to give the gentleman certain assurances today.

Mr. GOODLATTE. Mr. Chairman, I thank the gentleman.

There is concern among those in my State that the savings clause language in the Native Load provision of the bill, section 16023, will not give our consumers the protection of that provision as we transition to an RTO.

Mr. TAUZIN. Mr. Chairman, I recognize and acknowledge that we will need to work further on the specific language in the savings clause of the Native Load provisions to address the gentleman's concerns.

The exemption of this bill may have unintended consequences in States and regions of the country which are transitioning to RTOs and ISOs. I intend to continue to work on that language to ensure that any load-serving entity that wishes to avail itself of the statutory provision is able to do so.

Mr. GOODLATTE. Mr. Chairman, I thank the gentleman from Louisiana (Mr. TAUZIN).

I would like to further elaborate on a colloquy with the Chairman of the Energy and Commerce Committee to clarify the intent of the Commerce Committee with regards to addressing the concerns of the Virginia delegation about a unique situation in our state regarding native-load protection.

Under FERC's proposed standard market design rulemaking, state authority to protect so-called native-load customers—buyers of electricity who have been guaranteed reliable supplies of power at fixed prices—could be supplanted. This proposal deeply concerned Virginia's State Corporation Commission (SCC), Virginia's regulatory agency which has oversight over the state's utility industry. The SCC was not assured that under this proposal my state would be subject to spiraling costs. As you may know, my constituents pay some of the lowest electric rates in the nation.

Because of the SCC's concerns, the Virginia General Assembly recently passed legislation to delay full implementation of FERC's proposed language to allow the state to examine the full consequences of restructuring. Virginia is the only state to have passed such legislation, putting it in a unique position with regard to the protection of native loads. Many Virginians could end up paying more for electricity if one of my utilities joins an RTO because the transfer of control of transmission lines may threaten the state's ability to assure reliable service at the stable and reasonable rates many customers are currently enjoying. If the power to protect transmission lines is lost, consumers will no longer be protected from escalating rates. The SCC and the General Assembly have acted to protect native-loads, but if their actions are ignored by FERC, Virginia's electricity prices could sour, and service could become unreliable.

When the Energy and Air Quality Subcommittee approved the Energy Bill several weeks ago, Congressman NORWOOD included language to protect state-regulated markets that favor native-load customers. However, Congressman BARTON included a savings clause that would exempt certain RTOs from the underlying Norwood provision. Given the unique situation that my state is in, if utilities in Virginia were to join one of these exempted RTOs, I am concerned about the protection of their native-loads.

In light of the fact that language protecting native-load preferences in my state has not been included in the Energy Bill, I would like to have the assurances of both the Chairman of the Full Committee and the Subcommittee that they will work with me as this bill moves to conference and in conference to address the unique situation and concern of the Commonwealth of Virginia in protecting native-loads. It is my understanding that Chairman TAUZIN and Chairman BARTON intend to work with me to include language in the bill that will protect native-load preferences in my state that will help ensure that Virginia gets the full benefit of the native-load preferences in the underlying bill.

Mr. TAUZIN. Mr. Chairman, I thank the gentleman from Virginia (Mr. GOODLATTE), and would now enter into a colloquy with the gentleman from Kentucky (Mr. WHITFIELD).

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

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

Mr. WHITFIELD. Mr. Chairman, I am delighted that we are making such progress on this energy bill.

Mr. Chairman, as part of the legislative activity that preceded the introduction on H.R. 6, the Committee of Energy and Commerce reported legislation which authorized $200 million per year for 9 years for clean coal projects at new and existing plants. The legislation was based, in part, on H.R. 1213, legislation that I introduced with my colleague and our friend the gentleman from Virginia (Mr. BOUCHER).

The Clean Coal Power Initiative, contained in both the Committee on Energy and Commerce bill and H.R. 6, is a vital and necessary part of the effort to provide cleaner and more efficient electricity from coal-fired power plants. However, this initiative must be complemented by tax incentives that will encourage the successful completion and operation of clean coal projects.

As was noted during the preceding colloquy yesterday by the gentleman from California (Mr. THOMAS) and the gentleman from Kentucky (Mr. LEWIS), H.R. 6 does not contain such tax incentives. I would ask the chairman whether he would lend his support to the adoption of such incentives in conference with the Senate.

Mr. TAUZIN. First, let me acknowledge the great work of the gentleman and others like the gentlewoman from West Virginia (Mrs. CAPITO) for their support and the enactment into this bill of the Clean Coal Power Initiative that is contained in the underlying bill.

However, I believe, as the gentleman does, that the vital role of coal in our Nation's future will continue to grow and expand. At this juncture it is not possible to predict the precise tax measures that will be adopted by the full Senate. I certainly favor enactment of tax incentives for clean coal to complement the work we have done in our title on the clean coal technology programs.

The gentleman can be sure that I will work with the gentleman and with our colleagues on the Committee on Ways and Means as this matter is considered in conference with the Senate.

Mr. WHITFIELD. Mr. Chairman, I thank the gentleman.

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

Mr. Chairman, I rise in strong support of the amendment that originally was to be offered by the distinguished chairman of the Committee on Ways and Means now being offered by the author of the relevant provision in the legislation, the gentleman from Virginia (Mr. CANTOR).

In light of the fact that I had filed the very same amendment with the Committee on Rules, which is now being considered, despite all of the rhetoric we heard previously, we are back to the main amendment, which is the amendment involving health care for our retired coal miners.

In light of the fact that I was going to offer that same amendment on behalf of some 50,000 retired coal miners and their widows, I do want to thank the gentleman from California (Mr. THOMAS), who was originally supposed to offer this amendment. I thank the gentleman from Virginia (Mr. CANTOR) for offering this amendment, and the Committee on Rules for making it in order.

I would like to thank the gentleman from California (Mr. POMBO), chairman of the Committee on Resources, for allowing the amendment to be made in order. I thank the gentleman from Pennsylvania (Mr. MURTHA) on my side of the aisle and several members from the coal-producing States that have retired coal miners in their districts. I certainly have some of the largest numbers in my congressional district.

I thank all of these gentlemen for making this amendment in order. I thank the gentleman from California (Mr. THOMAS) again, because he has personally discussed this amendment with me and realized the adverse effect the original provision would have had on our Nation's coal miners.

Indeed, the legislation as originally presented to this body before this amendment would have allowed certain coal companies to be relieved of their contractual obligations to fully fund health care for their former employees. Rather than pay the annual health care premiums based on the current cost of coverage under the original language, the provisions would allow these companies to prefund their ability at what they determine are their obligations and then walk away without any further responsibility.

As the old adage goes, that would have been like the fox guarding the henhouse. Obviously, these companies are not going to ante up the true cost of providing long-term health care when they get to determine how much they pay. So it was more than fair that

this provision come out of this legislation.

This, after all, is a commitment that our Federal Government has made to our Nation's retired coal miners and their widows, which goes back to the days of President Truman and when John L. Lewis was the president of the United Mine Workers of America. It is a promise that our Federal Government has made to retired coal miners, which has been reaffirmed by administration after administration, regardless of party, in the ensuing years.

That is what we are doing in this legislation, making sure that the Energy Policy Act of 2003 does not rob, or have the possible potential to rob, these 50,000 retired coal miners and their widows of the health care coverage they deserve.

I thank the gentleman for offering this amendment, and urge adoption of the amendment.

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

The CHAIRMAN pro tempore (Mr. ISAKSON). The question is on the amendment offered by the gentleman from Virginia (Mr. CANTOR).

The amendment was agreed to.

The CHAIRMAN pro tempore. It is now in order to consider amendment No. 22 printed in House Report 108–69.

AMENDMENT NO. 22 OFFERED BY MR. REYNOLDS

Mr. REYNOLDS. 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. 22 offered by Mr. REYNOLDS:

At the end of the bill add the following:

DIVISION—MISCELLANEOUS PROVISIONS

SEC. 01. ENCOURAGING PROHIBITION OF OFF-SHORE DRILLING IN THE GREAT LAKES.

(a) FINDINGS.—The Congress finds that—

(1) the water resources of the Great Lakes Basin are precious public natural resources, shared and held in trust by the States of Illinois, Indiana, Michigan, Minnesota, New York, Ohio, Pennsylvania, and Wisconsin, and the Canadian Province of Ontario;

(2) the environmental dangers associated with off-shore drilling in the Great Lakes for oil and gas outweigh the potential benefits of such drilling;

(3) in accordance with the Submerged Lands Act (43 U.S.C. 1301 et seq.), each State that borders any of the Great Lakes has authority over the area between that State's coastline and the boundary of Canada or another State;

(4) the States of Illinois, Michigan, New York, Pennsylvania, and Wisconsin each have a statutory prohibition of off-shore drilling in the Great Lakes for oil and gas;

(5) the States of Indiana, Minnesota, and Ohio do not have such a prohibition; and

(6) the Canadian Province of Ontario does not have such a prohibition, and drilling for and production of gas occurs in the Canadian portion of Lake Erie.

(b) ENCOURAGEMENT OF PROHIBITIONS ON OFF-SHORE DRILLING.—The Congress encourages—

(1) the States of Illinois, Michigan, New York, Pennsylvania, and Wisconsin to continue to prohibit off-shore drilling in the Great Lakes for oil and gas;

(2) the States of Indiana, Minnesota, and Ohio and the Canadian Province of Ontario to enact a prohibition of such drilling; and

(3) the Canadian Province of Ontario to require the cessation of any such drilling and any production resulting from such drilling.

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

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

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

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

Mr. REYNOLDS. Mr. Chairman, along with the gentleman from Michigan (Mr. ROGERS), I am offering an amendment that was passed overwhelmingly by this body 2 years ago.

The 94,000 square miles of the Great Lakes system constitutes some of this Nation's most precious resources. Lake Superior, Michigan, Huron, Erie and Ontario are the largest system of fresh water on the face of the Earth, and comprise one-fifth of the world's entire drinking supply.

For the 30 million people residing in the region and the millions more who visit its shores each and every year, the Great Lakes are also a recreational playground, an enormous fishery and wildlife breeding ground, a vital transportation link, and an important resource for agriculture and business, making untold contributions to our Nation's economy and our way of life.

Most of all, the Great Lakes are binational treasures and a vital natural resource. To protect the natural resources of the five Great Lakes, and with them, 20 percent of the world's drinking water, most in the region agree that oil and gas drilling should not be allowed within the Great Lakes. In fact, several States have enacted statutory prohibitions on offshore drilling in the Great Lakes.

In respecting the provisions of the Submerged Lands Act, which gives each State that borders the Great Lakes authority over between the State's coastline and the boundary of Canada or another State, this amendment expresses a sense of Congress for continued support for the ban on drilling.

Mr. Chairman, I believe the States and Canadian provinces are the wisest stewards of the Great Lakes resources, ensuring their effective use and sound conservation. As such, actions to protect the Great Lakes work best when all of the States and provinces work together.

At this time, not all States and provinces have equivalent nondrilling policies. Through this amendment, the States and provinces will be advised of this Congress' support for efforts that protect the world's largest fresh water supply by encouraging them to prohibit offshore drilling.

Mr. Chairman, I urge Members to support the State's right to protect the Great Lakes.

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

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

The CHAIRMAN pro tempore (Mr. CULBERSON). The gentleman from California (Mr. POMBO) is recognized for 5 minutes.

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

Mr. Chairman, I will not oppose the amendment. I believe this is a matter of States' rights. I believe the Great Lakes States have the ability to determine this on their own. I will tell Members, we have no desire to go after their gas and oil. However, we would like to run a pipe to the Great Lakes to take their water for California.

Mr. Chairman, I would like at this time to pay special tribute to the staff that worked so hard on this bill over the past several months and, in fact, the past several years to bring it to fruition. We shortly will vote on the amendments that are still pending, and then we will move on to final passage. I wanted to especially thank them for the hard work that they have put into it.

I would also like to wish a happy birthday to Dan Kish, one of the head staffers who has worked so hard on this bill for so many years.

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

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

Mr. TAUZIN. Mr. Chairman, I thank the gentleman for yielding. This is the final amendment which has been authorized by the Committee on Rules for consideration on the comprehensive energy package, and so, with the adoption of this amendment, which we will support as it is, by the way, the same amendment that was adopted on the House floor that was offered by the gentleman from Michigan (Mr. ROGERS) last year on a 345–85 vote, we will accept this amendment.

But I wanted to join in, first of all, thanking my friends and colleagues, the chairman of the Committee on Resources, the chairman of the Committee on Ways and Means, the chairman of the Committee on Science, as well as the chairmen and members of the Committee on Transportation and Infrastructure, Committee on the Judiciary, Committee on Agriculture, and Committee on Financial Services, all of whom worked with us in a cooperative fashion, so many committees, to develop a comprehensive energy policy for our country.

And as the gentleman from California (Mr. POMBO) indicated, there is an awful lot of staff, too many to name because we would miss someone, and I do not want to do that, but so many staffers who spent so many late hours. Members cannot imagine the hours these staffers have put in.

□ 1145

I do not know if they are appreciated enough by the people of this country. These young people who could do much better in the outside world and earn greater salaries, but they come because of their love of this work and love of this institution and who devote so many hours in helping us do the right thing and in a way that is accurate and, again, advances the cause of our great Nation. To all the staffers I want to say a big broad thank you, Mr. Chairman, for the great help they give to all the Members of Congress as we try to do this work.

We will shortly adopt this amendment, and then we will go back into the full House; and it is my understanding that the minority will offer a motion to recommit which we will oppose and we hope the House will reject that motion to recommit, and we will move on to pass, I believe, the most important energy bill in the past 50 years, the most comprehensive and far-reaching statement of American energy policy that will advance not only national security but begin the process of rebuilding this incredible American economy. So to the gentleman from California (Mr. POMBO) and everyone, again, I thank them so much for their cooperation. Mr. Chairman, for all of the chairmen who sat in that chair during these long and arduous hours, I thank them and their staffs and everyone who has participated.

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

Mr. REYNOLDS. Mr. Chairman, I yield 2 minutes to the gentleman from Michigan (Mr. ROGERS).

Mr. ROGERS of Michigan. Mr. Chairman, I want to thank the gentleman from New York (Mr. REYNOLDS) for working with me on this important issue to the Great Lakes. Twenty percent of the world's freshwater is to be found there. And what we have found in this important debate on energy and where we are going in America and getting to conservation and getting away from foreign dependence is science tells us there are places that we should be drilling for oil and natural gas to become less dependent. This is not one of them. What we see here is Mr. Chris and we will find it on Lake Erie. This is a tugboat with an attitude; 550 wells on the water, on the freshwater today on the Canadian side of Lake Erie. They are looking to do 40 more. Science tells us this: we should not be on the Great Lakes poking a hole in the bottom to get oil or natural gas. Not the way to do it.

We are standing here today to tell our good friends, the Canadians, to straighten up their act. Neighbors do not do this to each other. This is not a healthy way, an environmentally friendly way, a sensible way, a logical way to extract those resources. There is a way that they can do it that does not jeopardize 20 percent of the world's fresh drinking water.

Today I stand with my friend from New York to say please to our friends from Canada to do the right thing, to stand up for the future of this country and the future of the environmental safety of those Great Lakes. We are blessed with those Great Lakes in the Midwest, and I would hope that we could stand together today and send a very clear message to our Canadian friends to cease and desist and take Mr. Chris and send him back to the docks.

And to the gentleman from California (Mr. POMBO), who wants to stick a straw and slurp up those Great Lakes, I will say to him that I will challenge him every day. If he wants to have some of that Great Lakes water, he has got to live in Michigan in February.

The CHAIRMAN pro tempore (Mr. CULBERSON). The gentleman from New York (Mr. REYNOLDS) has 1 minute remaining. The gentleman from California (Mr. POMBO) has 1½ minutes remaining.

Mr. REYNOLDS. Mr. Chairman, I urge adoption of this amendment and I yield the balance of my time to the gentleman from Texas (Mr. BARTON), the Chair of the Subcommittee on Energy and a vital link to seeing the success of this bill today.

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

Mr. BARTON of Texas. Mr. Chairman, I thank the gentleman from New York (Mr. REYNOLDS) for yielding me this time.

Obviously, I rise in support of this Reynolds amendment, but I am really standing to just say in closing in the overall energy debate this is the most comprehensive energy legislation that has been on the floor of the House, I would argue, in the last 30 or 40 years. It is not an energy bill for Republicans or an energy bill for Democrats. It is an energy bill for all Americans. We have a broad-based bill. We do something to try to help coal, to try to help oil and natural gas, to try to help nuclear, to try to help renewable, to try to help electricity. We are for biomass and natural gas and will be for sassafras if it helps provide the energy resources for this great Nation.

We have the lowest-cost energy resource base in the world, and we have it because we believe in free markets and individuals working together in an entrepreneurial fashion to provide the goods and services in the energy sector that help makes us the most powerful and greatest Nation in the world. I hope that we would vote for this bill in a bipartisan fashion when it comes to final passage.

I want to thank the gentleman from Louisiana (Mr. TAUZIN), the full committee chairman, who has done just an absolutely outstanding job; and if we had the Chamber full of people, I would ask that we all stand and give him a round of applause. This is a good bill for America.

Mr. Chairman, as the Chairman of the Energy and Commerce Subcommittee of Energy and Air Quality, the subcommittee of primary jurisdiction of H.R. 6, I recognize and acknowledge we will need to work further on some of the specifics in the bill.

Next, I want to clarify section 16023, the ''native load'' section. We will want to clarify that the term ''equivalent transmission rights'' should be read to include ''firm, financial, and tradable transmission rights'', as that is our intent. I also acknowledge that the native load provisions may have unintended consequences in the region covered the Midwest Independent System Operator, and I want to continue to work to improve the savings clause so that does not undo the development of markets in that region to date.

I note that we may need to clear up the electricity title (Title VI) of Division A. Among the technical changes needed may be inaccurate references to the Electric Reliability Council of Texas (ERCOT) and ERCOT utilities, as described in the Federal Power Act.

Finally, I have not completed work with Members on a potential addition to Division E regarding Clean Coal. I will want to discuss with Members of the conference committee a potential provision on Clean Coal General Programs. This Congress has a great opportunity to expand the clean coal title to further promote and deploy new technologies that allow coal to be used as a power source for dramatically lower emissions.

The CHAIRMAN pro tempore. The gentleman from California still has 1½ minutes remaining in this debate.

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

I had had one additional request for time, but I will conclude by thanking my fellow chairman who worked so hard on this legislation, the ranking members who worked in a cooperative manner to bring this bill to the floor.

We have labored for many years to produce a balanced energy policy for this country, and I believe that this bill represents that. It is not everything I wanted. It is not everything that the gentleman from Louisiana (Mr. TAUZIN) wanted, nor is it everything that the ranking members wanted; but I do believe that it is a good compromise. It is a balanced approach, a balanced energy policy for the future. I urge my colleagues to support our energy policy for the future on the final passage.

Ms. KIPATRICK. Mr. Chairman, it is imperative that we impose a permanent ban on offshore oil and gas drilling in the Great Lakes. While considering the Energy Policy Act, the Leadership had an opportunity to make a substantive change and instead chose to accept a watered-down substitute. The amendment that I co-authored with Representatives Stupak and LaTourette would have made permanent the ban on Great Lakes off-shore oil and gas drilling which is currently effective only through 2005.

Michigan has no greater natural resource than the Great Lakes. 95% of all the fresh water in this country and 20% of the freshwater in the world comes out of the Great Lakes and its connecting waterways; we cannot afford to put that resource at risk.

Drilling poses direct threats to the safety and well being of our citizens. Drilling under the Great Lakes is a venture that has serious implications for the overall health and use of

the lake by its communities. Drinking water could be contaminated and oil could wash up onto our shores. Hydrogen sulfide, a lethal poisonous gas known to be present in the oil and gas reserves under Lake Michigan, could be released into the air and water.

Pollution from oil and gas production not only threatens public health, but also degrades habitat and surface water. Ninety percent of the approximately 200 fish species in the Great Lakes depend directly on wetlands for some part of their life cycle. Impacts from an oil leak to highly productive valuable wetlands would be severe because so many different species rely on them.

The Reynolds amendment is weak and shifts responsibility from Congress back to the States. I am disappoint that instead of enacting legislation that is proactive in preventing unnecessary environmental damage and fiscal burden, the leadership has chose legislation that is purely ornamental.

Mr. OBERSTAR. Mr. Chairman, I support the amendment offered by my colleagues, the gentleman from New York (Mr. REYNOLDS) and the gentleman from Michigan (Mr. ROGERS). This important ''Sense of the Congress'' amendment reaffirms the commitment of Congress in opposition to off-shore drilling in the Great Lakes.

The Great Lakes are a national and international treasure, serving both as the Nation's largest fresh water resource and one of the largest systems of fresh water on Earth—containing nearly 20 percent of the world's supply. Formed by the melting and retreat of mile-thick glaciers 10 to 12 thousand years ago, the Great Lakes contain 5,500 cubic miles of water and cover 94,000 square miles. In fact, if the six quadrillion gallons of water in the Lakes were poured over the continental United States, the entire landmass of the lower 48 states would be covered to a depth of nearly 10 feet.

The Great Lakes Basin is also of critical importance to the economy of two nations. The Basin is home to more than one-tenth of the U.S. population and one-quarter of the Canadian population. One of the world's largest concentrations of economic capacity is located in the Basin—some one-fifth of U.S. industrial jobs and one-quarter of Canadian agricultural production.

As a lifetime resident of the Great lakes community, I am keenly aware of the importance of the Great lakes to the surrounding region and the need to protect this vital resource for current and future generations. This great natural treasure deserves long-term protection from shortsighted exploitation.

I support the amendment offered by my colleagues that encourages the States surrounding the Great lakes to either enact a ban on, or to continue to prohibit, off-shore drilling in the Great Lakes for oil and gas deposits.

Off-shore drilling poses a serious environmental and economic risk to the Great lakes community. A large-scale spill, fire, or gas leak could despoil miles of beaches and fragile wetlands, pollute the ecosystem, and render the water unfit for drinking. It has been said that a single quart of oil can foul two million gallons of drinking water; imagine the potential impact of a massive oil or gas leak on a waterbody that currently provides drinking water to more than 10 million people. For a waterbody that takes more than 200 years to completely renew itself, such environmental risks are simply unacceptable.

In addition, most scientific estimates show that extracting all of the oil and gas reserves under the Great Lakes would have little or no impact on the nation's energy supplies or prices.

Mr. Chairman, this is not the first time Congress has spoken on the issue of oil and gas drilling under the Great Lakes. In 2001, and again earlier this year, Congress passed, and the president signed a prohibition on Federal or State permits or leases for new oil and gas drilling activities in or under the Great Lakes. This amendment takes the next step to encourage those States bordering the Lakes to either continue to prohibit this practice, or to enact similar provisions to protect the Great Lakes from further environmental degradation.

On March 27, 2003, I, together with 18 Democratic colleagues on the Transportation and Infrastructure Committee, introduced H.R. 1491, the Securing Transportation Energy Efficiency for Tomorrow Act of 2003. That bill included a provision almost identical to the Reynolds/Rogers amendment.

I urge my colleagues to support this amendment.

Mr. GILLMOR. Mr. Chairman, I rise today in strong support of an amendment expressing the sense of Congress encouraging the prohibition of offshore oil and gas drilling in the Great Lakes. I applaud my colleagues from New York and Michigan for offering such language as part of H.R. 6, a comprehensive energy package.

Over the years, an overwhelming majority of Northwest Ohio boaters, water-skiers, and Lake Erie Islands area residents have consistently expressed their opposition to drilling for oil and gas in the Great Lakes by citing potential risks to land, water, and their communities. I too, am opposed to this practice as Ohio families frequent Lake Erie year-round. I should also point out that a number of Ohio state and federal officials agree.

Last session of Congress, I supported an amendment to the Fiscal Year 2002 Energy and Water Development Appropriations measure that would ban drilling for gas and oil under the Great Lakes for two years while the U.S. Army Corps of Engineers study potential environmental impacts. Just last February, with the vote on the Fiscal Year 2003 Omnibus Appropriations bill, the ban was extended through 2005.

Mr. Chairman, protecting and restoring the Great Lakes remains vital to our region's economy, environment, and human health. I ask my colleagues to join me in supporting this amendment.

Mr. KILDEE. Mr. Chairman, while I vote in favor of the Reynolds/Rogers Amendment today in support of a continued prohibition on Great Lakes offshore oil and gas drilling, I strongly believe that an outright ban on these activities is necessary.

I am concerned that the Rules Committee would not allow into order a stronger amendment protecting our Great Lakes to be voted on by the House. Last year, I joined 2264 of my colleagues in supporting an amendment to the Energy and Water Development Appropriations Act that would have banned any U.S. Army Corps of Engineers funds from being used to process or approve permits for drilling in or under the Great Lakes. This is the kind of positive action that is needed to ensure these treasures remain safe for future generations.

While I support the Reynolds/Rogers Amendment to the Energy Policy Act of 2003, I believe much stronger action needs to be taken to protect the Great Lakes.

Mr. POMBO. 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.

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. 16 by the gentlewoman from Illinois (Ms. SCHAKOWSKY), amendment No. 19 by the gentleman from Wisconsin (Mr. KIND), and amendment No. 20 by the gentleman from West Virginia (Mr. RAHALL).

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

AMENDMENT NO. 16 OFFERED BY MS. SCHAKOWSKY

The CHAIRMAN pro tempore. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from Illinois (Ms. SCHAKOWSKY) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate 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 pro tempore. A recorded vote has been demanded.

An insufficient number has arisen.

A recorded vote was refused.

So the amendment was agreed to.

AMENDMENT NO. 19 OFFERED BY MR. KIND

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Wisconsin (Mr. KIND) 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 171, noes 251, not voting 12, as follows:

[Roll No. 142]

AYES—171

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldwin
Ballance
Becerra
Berkley
Berman
Bishop (NY)
Boswell
Boucher
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Carson (IN)
Case
Clay
Clyburn
Conyers
Cooper
Costello
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Doyle
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Filner
Ford
Frank (MA)
Gonzalez
Gordon
Grijalva
Gutierrez
Harman
Hastings (FL)
Hinchey
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
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
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Moore
Moran (VA)
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Petri
Pomeroy
Price (NC)
Rahall
Ramstad
Rangel
Rodriguez
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Scott (VA)
Sensenbrenner
Serrano
Shays
Sherman
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Thompson (CA)
Tierney
Udall (CO)
Udall (NM)
Van Hollen
Velazquez
Visclosky
Waters
Watson
Watt
Weiner
Wexler
Woolsey
Wu

NOES—251

Aderholt
Akin
Alexander
Baca
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bell
Bereuter
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Cardoza
Carson (OK)
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis (AL)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Dooley (CA)
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emerson
English
Everett
Feeney
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinojosa
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jackson-Lee (TX)
Janklow
Jefferson
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kline
Knollenberg
Kolbe
LaHood
Lampson
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lucas (KY)
Lucas (OK)
Manzullo
Matheson
McCotter
McCrery
McHugh
McInnis
McKeon
Meeks (NY)
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
Radanovich
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Royce
Ryan (WI)
Ryun (KS)
Sandlin
Saxton
Schrock
Scott (GA)
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (TX)
Souder
Stearns
Stenholm
Sullivan
Sweeney
Tancredo
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Turner (TX)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wynn
Young (FL)

NOT VOTING—12

Blumenauer
Combest
Fattah
Gephardt
Houghton
McCarthy (MO)
Paul
Quinn
Reyes
Towns
Waxman
Young (AK)

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (Mr. CULBERSON) (during the vote). Members are advised there are 2 minutes remaining on this vote.

□ 1214

Messrs. OSBORNE, BOEHNER, NUSSLE, BONILLA, SCOTT of Georgia, and SAM JOHNSON of Texas, and Ms. GINNY BROWN-WAITE of Florida changed their vote from ''aye'' to ''no.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

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

AMENDMENT NO. 20 OFFERED BY MR. RAHALL

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on amendment No. 20 offered by the gentleman from West Virginia (Mr. RAHALL) 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 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 208, noes 212, not voting 14, as follows:

[Roll No. 143]

AYES—208

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Bartlett (MD)
Becerra
Bell
Berman
Berry
Bishop (NY)
Boehlert
Boswell
Boucher
Brady (PA)
Brown (OH)
Brown (SC)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Castle
Clay
Clyburn
Conyers
Cooper
Costello
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Filner
Forbes
Ford
Frank (MA)
Frost
Gonzalez
Goode
Goodlatte
Gordon
Green (WI)
Grijalva
Gutierrez
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kirk
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Petri
Price (NC)
Rahall
Ramstad
Rangel
Regula
Rodriguez
Rogers (KY)
Ross
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
Sherwood
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Toomey
Udall (CO)
Udall (NM)
Van Hollen
Velazquez
Visclosky
Waters
Watson
Watt
Weiner
Wexler
Wilson (SC)
Woolsey
Wu
Wynn

NOES—212

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Barton (TX)
Bass
Beauprez

Bereuter
Berkley
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Bono
Boozman
Boyd
Bradley (NH)
Brady (TX)
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
Culberson
Cunningham
Davis (AL)
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emerson
English
Everett
Feeney
Ferguson
Flake
Fletcher
Foley
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goss
Granger
Graves
Green (TX)
Greenwood
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Janklow
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Lewis (CA)
Linder
Lucas (OK)
Manzullo
Matheson
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Pearce
Pence
Peterson (MN)
Peterson (PA)
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Pryce (OH)
Putnam
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Sandlin
Schrock
Sessions
Shadegg
Shaw
Shimkus
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Stenholm
Sullivan
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner (OH)
Turner (TX)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wolf
Young (FL)

NOT VOTING—14

Blumenauer
Combest
Fattah
Gephardt
Houghton
McCarthy (MO)
Paul
Quinn
Radanovich
Reyes
Shuster
Towns
Waxman
Young (AK)

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (during the vote). Members are advised they have 2 minutes remaining in which to cast their votes.

□ 1224

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. SHUSTER. Mr. Chairman, on rollcall No. 143 I was inadvertently detained. Had I been present, I would have voted ''no.''

Mr. MOORE. Mr. Chairman, we must reduce our nation's dependence on foreign oil. And while I believe our nation needs a comprehensive energy policy as a matter of national security, we also have an obligation to ensure that this need is met in a manner that does not jeopardize our financial security. This bill takes a balanced approach to meeting our nation's energy security needs. But, it fails to pay for any of these proposals, which have a cost of $18.8 billion.

H.R. 6 contains numerous provisions that I have supported in the past and will continue to support in the future under fiscally responsible circumstances. In fact, H.R. 6 includes a provision based upon a bill that I introduced during the last three Congresses that would extend the section 29 tax credit for the production of unconventional fuels such as coalbed methane. My version of this legislation [H.R. 1331] was modified and included in the Ways and Means portion of H.R. 6. I have worked for months to ensure H.R. 1331's inclusion in a comprehensive energy measure. And, while I would like to be able to vote for this provision, I cannot in good conscience support final passage of a bill that includes $18.8 billion in tax expenditures that are not offset with comparable spending reductions. This is fiscally irresponsible. Such action threatens to spend money from both the Social Security and Medicare Trust funds on which the seniors in my district rely.

Further, as a member of the House Renewable Energy Caucus, I have supported measures to encourage and increase the use of renewable and alternative energy sources. This bill includes tax incentives for energy efficiency programs and renewable energy sources such as wind and solar production that I would like to vote for, and I would support if these incentives were paid for and handled in a fiscally responsible manner. As well, H.R. 6 contains tax incentives for domestic production from marginal wells that I have supported in the past that would increase our national energy supply. As a co-chair of the Biofuels Fuels Caucus, I also support the renewable fuels standard which I have promoted to decrease our dependency on foreign oil, help U.S. farmers and protect the environment.

I cannot, however, support provisions in this legislation that do nothing to safeguard electricity consumers from unscrupulous utility companies that abuse market power and manipulate electricity prices. Rather than holding these electricity companies accountable, this bill would weaken consumer protections regarding electricity. I also find it impossible to support provisions that would protect former U.S. corporations that moved offshore to tax havens in order to avoid U.S. income taxes. This legislation continues tax benefits to companies that have already moved offshore.

I also support many aspects of Representative JOHN DINGELL'S electricity title substitute, and would have supported it had it been an amendment. As a substitute to the title rather than an amendment, however, it strikes many useful and important provisions in the electricity title without providing any alternate.

Last night, the House considered the conference report on the budget resolution which increases deficits and debt and passes these pressures onto future generations. Instead of developing a sound fiscal strategy to face the challenges that will come with the increased risks from terrorism and the impending retirement of the baby boom generation, the budget will result in over $3 trillion in additional debt that creates a long-term ''debt-tax'' for working American families.

If Congress adopts this new policy of borrow and spend it not only endangers the Medicare and Social Security surpluses, it places us back on the road to deficit spending. We must not travel down this road again.

It is time we made some tough choices. This Congress made a commitment to the American people that we would not vote to spend one single penny of the Medicare and Social Security Trust Funds. We must honor that commitment. Spending restraint, fiscal responsibility, and honoring our commitments do not come about by good intentions, but by resolute actions.

Today, I reluctantly vote against this energy package because it fails to provide any offsets to pay for its provisions. This is a particularly difficult vote for me because this bill contains a proposal I authored, as well as many other good provisions.

In an effort to honor our commitments to ensure financial responsibility, I will adhere to the levels in the budget resolution enacted by a majority of this Congress. I will oppose any efforts that reduce revenues without offsets.

The expenditures contained in H.R. 6 are not accounted for in the budget resolution and, despite the sound energy policy this bill promotes, it busts the budget and threatens the Social Security and Medicare Trust funds. I urge my colleagues to honor their commitment to preserve this country's integrity; I urge my colleagues to either find a way to pay for these tax cuts or to vote no on H.R. 6.

Mr. WICKER. Mr. Chairman, I rise to specifically support section 16023 of H.R. 6, which clarifies state and federal jurisdiction over the regulation of electricity.

When Congress enacted the Federal Power Act in 1935, it limited federal regulatory authority over electricity in section 201(a) of that Act to ''the transmission of electric energy in interstate commerce and the sale of such energy at wholesale in interstate commerce.'' It further stated in that section that ''Federal regulation . . . [shall] extend only to those matters which are not subject to regulation by the States.''

Bundled retail sales of electric service, including the transmission component of such service, is a matter that was subject to regulation by the states in 1935 (and well before), and is still a matter regulated by many states today. Yet despite the clear language of the statute, and the clearly established fact of state regulation, the Federal Energy Regulatory Commission (FERC) is proposing under its ''standard market design'' (SMD) proposal to regulate the transmission component of bundled retail sales of electricity in place of the states.

One can only assume that FERC's apparent legal theory for proposing such action is that section 206 of the Federal Power Act requires it to remedy any ''unduly discriminatory or preferential'' practice ''affecting [a] rate, charge, or classification'' subject to the jurisdiction of the Commission. After decades of states granting to local utility customers a ''native load'' priority that allows these customers to use utility resources before other customers, thereby ensuring low-cost and reliable service, the FERC in its SMD proposal now finds such a priority unduly discriminatory. This sudden and stunning change of policy by the FERC is a serious threat to retail customers in places that have opted not to risk restructuring of their electric service like my home state of Mississippi.

Section 16023 clarifies that native load priority is not an unduly discriminatory practice, and therefore that the FERC does not have a basis for reaching into the jurisdiction of the states over bundled retail sales and their components. The intent of Congress to strongly differentiate areas of regulatory jurisdiction between states and the FERC is clear and unambiguous. Congress has provided explicit direction to FERC that it should stay out of bundled retail sales and bundled retail transmission service. I hope FERC will get this message and go back to the drawing board with its SMD proposal.

Mr. STARK. Mr. Chairman, I rise in opposition to this blatantly flawed energy bill. This bill isn't sound policy. It isn't forward thinking. It is a flat-out giveaway to the big energy companies. It puts industry profits ahead of the interests of consumers and the environment.

It's no secret that the President and Republicans have held closed, backroom meetings with their friends in the big oil and gas industry. The result is no surprise. They've crafted an energy policy that promotes fossil fuel consumption above all else. Now, they say they want to free us from dependence on foreign oil. But, oil dependence is exactly what this bill promotes.

Consider the consequences. This bill grants tax cuts to the most polluting industries while providing a pittance for renewable resources, clean technologies and energy efficiency. Solar, wind and geothermal power take a back seat to oil drilling in pristine wilderness areas and off our coasts. This bill will turn the coastal plain of Arctic National Wildlife Refuge into an oil field. It will lift the ban on drilling off California's Coast. I strongly oppose these efforts!

At the same time, Republicans won't raise fuel efficiency standards for gas guzzling SUVs. But, they will cut the royalties the big oil companies have to pay to the American people for drilling on our lands. Republicans will even allow these polluting industries to get out from under paying their share of taxes by moving into tax havens overseas.

Now, for those energy market profiteers, the Republicans leave the door wide open for unfair competition and price manipulation. Clearly, Republicans don't want consumers and small public utilities to pay a fair price for their power. They want to allow the Enrons of the world to skim huge profits while wreaking havoc on the electricity market. Well, we know how well that policy worked in California.

For their final act of irresponsibility, the Republicans want to exempt the cancer causing fuel additive MTBE from product liability protections. MTBE has caused wide spread groundwater contamination and remains a significant public health risk. Yet, if this bill passes, polluters will get off scot-free while the taxpayers get stuck with the high cost of clean up.

I urge my colleagues to take a stand for consumers and the environment and vote no on this bill. It is time Republicans put a long-term, sustainable energy policy ahead of pandering to their short sighted special interests.

Mr. UDALL of Colorado. Mr. Chairman, I regret that I cannot support this legislation.

I am glad we have had the opportunity to debate these issues—for the second time in nearly as many years—and I am glad that legislation I've initiated is being considered as part of this bill.

We all know that this country is overly dependent on a single energy source—fossil fuels—to the detriment of our environment, our national security, and our economy. To lessen this dependence and to protect our environment, we must pass a bill that helps us balance our energy portfolio and increase the contributions of alternative energy sources to our energy mix.

Unfortunately, this bill doesn't provide that balance.

I am pleased with most of what was included in the Science Committee part of this bill, and I commend Chairman BOEHLERT for his bipartisan approach.

In particular, I'm pleased that the Science Committee bill included generous authorization levels for renewable energy and energy efficiency R&D. As Co-chair of the Renewable Energy and Energy Efficiency Caucus, this funding is very important to me.

I am also pleased that this bill includes the Clean Green School Bus Act, a bill that Chairman BOEHLERT and I drafted that authorizes grants to help school districts replace aging diesel vehicles with clean, alternative fuel buses.

H.R. 6 also includes provisions from my bill, the Distributed Power Hybrid Energy Act, which would direct the Secretary of Energy to develop and implement a strategy for research, development, and demonstration of distributed power hybrid energy systems. It makes sense to focus our R&D priorities on distributed power hybrid systems that can both help improve power reliability and affordability and bring more efficiency and cleaner energy resources into the mix.

The bill also includes the Federal Laboratory Educational Partners Act of 2003, a bill I introduced with my colleague Representative BEAUPREZ that would permit the National Renewable Energy Laboratory and other Department of Energy laboratories to use revenue from their inventions to support science education activities.

Unfortunately, though, this bill—like the one we debated two years ago—is very reminiscent of that old Western movie—''The Good, the Bad, and the Ugly.'' And, regrettably, some of the worst provisions are in the part of the bill developed by the Resources Committee—which is why I voted against them in that Committee.

Worst of all, of course, is the provision that would open to drilling the coastal plain of the Arctic National Wildlife Refuge.

On that question, Congress is being asked to gamble on finding oil there. So, we first must decide what stakes we are willing to risk, and then weigh the odds. The stakes are the coastal plain. The U.S. Fish and Wildlife Service says it ''is critically important to the ecological integrity of the whole Arctic Refuge'' which is ''America's finest example of an intact, naturally functioning community of arctic/subarctic ecosystems.''

What are the odds? Well, the best estimate is by the U.S. Geological Survey (USGS). In 1998 they estimated that if the price of oil drops to less than $16 per barrel (as it did a few years ago) there would be no economically recoverable oil in the coastal plain. At $24 per barrel, USGS estimated there is a 95 percent chance of finding 1.9 billion barrels of economically recoverable oil in the refuge's coastal plain and a 50 percent chance of finding 5.3 billion barrels. But Americans use 19 million barrels of oil each day, or 7 billion barrels of oil per year. So, USGS is saying that at $24 per barrel, there is a 50 percent chance of finding several months' supply of oil in the coastal plain.

There is one 100 percent sure bet—drilling will change everything on the coastal plain forever. It will never be wilderness again. We do not need to take that bet. There are less-sensitive places to drill—and even better alternatives, including conserving energy and more use of renewable resources.

But the idea of opening the refuge is only one example of misplaced priorities or flawed policies concerning energy.

I tried to improve the Resources Committee's provisions with two amendments—one dealing with the biomass provisions and the other with something just as important as energy—water.

I am a supporter of biomass, and I think the biomass provision is one of the better parts of the Resources Committee's work. But I think it should be more tightly focused—and that is what my amendment would have done.

That part of the bill authorizes cash grants to people who own or operate biomass plants, and says they can use the money to buy material removed from the forests in order to reduce the risk of forest fires. My amendment would have narrowed that by providing that the grants could only be used to buy material taken from the areas of highest priority—the so-called ''wildland-urban interface,'' or as we say in Colorado, the ''red zones.'' These are the parts of the forests that are nearest to communities, the places where people's lives and property are most at risk. That means they should have the very highest priority for thinning out brush and little trees, so that smaller fires are less likely to become big, runaway fires. In Colorado alone, the ''red zones'' cover some 6 million acres—and there are millions of acres more in other states. There is lots of thinning work to be done in those areas—and lots of material that may be useful for biomass. So, my amendment would not have been an obstacle to biomass development. But it would focus the program where it ought to be focused.

And, to make things clear, my amendment used a definition of the term ''wildland-urban interface'' that was essentially the same as the one that was in H.R. 5319, Chairman MCINNIS's bill, as reported by the Resources Committee last year.

One of the reasons I supported that bill was because of the priority it put on thinning projects in these ''red zone'' areas. I thought the House should follow that example by adopting my amendment, and regret that the Rules Committee did not allow it to be offered.

My second amendment dealt with water. In Colorado, we are blessed with rich mineral resources—we have lots of coal, oil, and gas. but in Colorado, and in the other states in the arid west, water is scarce and very precious. So, as we work to develop our energy resources, it is vital that we make sure that we protect our water. And this is just what this amendment would have done.

The amendment would have required people who develop federal oil or gas—including coalbed methane—to do what is necessary to make sure their activities do not harm water resources. The amendment said that if oil or gas drilling damages a water source by contaminating it, by reducing it, or by interrupting

it—the energy developer would have to provide replacement water.

Sometimes water that is produced in connection with oil or gas drilling is injected back into the ground. The amendment said that has to be done in a way that will not reduce the quality of any aquifer. It also said that if that water is not reinjected, it has to be dealt with in ways that comply with all Federal and State requirements.

And, because water is so important, it said that developers need to make protecting water part of their plans from the very beginning. It would have done that by requiring applications for oil or gas leases to include details of the way the developer will protect water quality and quantity and also protect the rights of water users.

These are not onerous requirements, but they are very important—particularly with the great increase in drilling for coalbed methane and other energy resources in Colorado, Wyoming, Montana, and other western states. When the amendment was considered in the Committee, it was suggested that it might interfere with State laws relating to water. That was not my intent, and I am confident that the amendment I offered in the committee would not have had that effect. However, to remove any doubt, I modified the amendment to specifically say that it would not affect any state's authority over water or affect any interstate compact related to water.

We do need to develop our energy resources—especially relatively clean-burning ones like natural gas and coalbed methane. But we need to do it in the right way, with balance. And that's what this amendment was all about. Again, I regret that the Rules Committee did not permit the House to consider it.

Without my amendments, and without other amendments that were rejected by the Committee, the Resources Committee's part of this bill puts too much emphasis on unnecessary subsidies to industry and not enough on anything else.

In conclusion, Mr. Chairman, we need a plan in place to increase our energy security. Thirteen percent of the twenty million barrels of oil we consume each day comes from the Persian Gulf. In fact, fully 30 percent of the world's oil supply comes from this same volatile and politically unstable region of the world. Yet with only 3 percent of the world's known oil reserves, we are not in a position to solve our energy vulnerability by drilling at home.

This bill does nothing to tackle this fundamental problem. For every step it takes to move us away from our oil/carbon-based economy, it takes two in the opposite direction. I only wish my colleagues in the House could understand that a vision of a clean energy future is not radical science fiction but is instead based on science and technology that exists today.

In much the same way that America set about unlocking the secrets of the atom with the ''Manhattan Project'' or placing a man on the moon with the Apollo program, we can surely put more public investment behind new energy sources that will free us from our dependence on oil.

But this bill would merely continue our addiction to finite and politically unstable energy resources. For that reason, Mr. Chairman, I cannot support it.

Mr. BLUMENAUER. Mr. Chairman, the Energy Policy Act of 2003 (H.R. 6) falls terribly short in preparing the United States for the future in terms of fiscal responsibility, environmental stewardship, and meeting our nation's energy needs. The bill mortgages our environmental future in order to meet short term energy challenges.

This bill is a missed opportunity. Any national energy policy for the 21st century should take steps to reduce our dependence on outdated and polluting sources of energy such as oil, gas, and coal. The United States has less than 3 percent of the recoverable supply of the world's oil, much of which is under ecologically important areas of land. We are currently at war with the part of the world that contains 65 percent of the earth's oil reserves: the Middle East. Yet this bill keeps us dependent on oil.

My Republican colleagues claim that American technology and innovation will enable us to meet our energy needs. American innovation and creativity should enable us to rely on renewable sources of energy such as wind, solar, and geothermal. Yet this bill continues the status quo.

The bill provides over $18 billion in tax breaks and royalty relief to oil, electric utilities and nuclear power. The oil and gas industry alone receive 55 percent of the tax breaks in this bill. During a time of war and a struggling economy, Congress should be exercising fiscal discipline. Yet this bill provides cost-of-doing business funding to mature industries.

It is important to note that the oil, gas, coal and offshore drilling industries that receive most of the benefits of this bill have also hand picked people in the administration and agencies to oversee them. Much of the energy development allowed in this bill will take place on lands now regulated by former corporate energy lobbyists.

For example, the Department of the Interior oversees over 30 percent of the total domestic energy production in the United States. Steven Griles, second in command at the Department of the Interior, is a former energy lobbyist. While he was in the private sector he represented the National Mining Association, the American Gas Association, Arch Coal, Chevron and Shell oil companies.

I cannot support an energy bill that reduces environmental protections and allows development in the Arctic National Wildlife Refuge. A few years ago I visited the Arctic and witnessed its fragile beauty. I came away with a profound sense that the American public is right. The Arctic Wildlife Refuge is absolutely the last place we should be exploring for oil, not the first.

A rational national energy policy must place conservation and efficiency at the forefront. Merely ending the fuel efficiency loophole for SUV and light trucks will save more oil than the Arctic Refuge will produce. Our energy habit accounts for 25 percent of the world's consumption—the United States simply cannot produce enough energy to meet its demand. We would do better to use the 10 years it would take to get the oil from the coastal plain of Alaska to improve the energy efficiency of our transportation system, homes and factories, and to increase our renewable energy production.

It is significant to note what this bill does not do. It does not address global climate change, even though the United States is responsible for 25 percent of the world's greenhouse gases. The bill does not increase fuel efficiency for cars, which consume a tenth of the annual global oil production. The bill does nothing to protect consumers from market manipulation such as what we saw from Enron. In fact, the bill repeals important consumer protection laws that have been in place for decades.

Without any of these provisions, I believe this bill is a missed opportunity for the American people.

Mr. STENHOLM. Mr. Chairman, the time is long overdue for Congress to enact a balanced energy policy that ensures reliable and affordable energy for all Americans. Our nation's citizens deserve a comprehensive energy plan that ensures the short-term availability of the energy supplies they need, while addressing long-term goals of increasing our use of renewable and clean sources of energy.

The performance of the energy market of the last several years, with its wide price swings on both the producer and consumer sides, simply illustrates the need for America to take responsibility of our energy future. Congress needs to consider measures to help restore market stability with domestic crude oil and natural gas prices, maintaining a level where domestic producers can compete in a global market and help reduce our dependency on foreign sources of oil.

At the same time, Congress needs to ensure consumer protection measures to guarantee price stability and fuel availability when the demand is high. I truly believe that we can achieve equilibrium in the energy sector, thus creating a situation where prices are not so low that producers are put out of business but also not so high that they hurt consumers and threaten the economy.

America can no longer sustain a situation where this nation imports almost 60 percent of its oil from foreign sources—putting our economic and national security at risk.

I have been a long time supporter of domestic energy production in all arenas including: oil, natural gas, hydro-electric, wind, solar, geothermal, biomass and the many others. I am certainly glad to see that H.R. 6, ''The Energy Policy Act of 2003'', includes provisions to insure further domestic production of these resources.

However, these production incentives come at a cost and must be accounted for. It is entirely unacceptable to simply write off the cost of this bill and add it to the current deficit that America is facing. In fact, we are already expecting a $361 billion deficit this year, even prior to considering the costs of this bill, the Iraq war, prescription drugs, new tax curt or any other expenses being debated currently. This is a remarkable contrast from the $250 billion surplus that last occurred in fiscal year 2000.

I cannot understand how my colleagues on the other side of the aisle continue their efforts to expedite tax cuts and not address Americas' financial health. The cost of this war could be well over $100 billion, yet we continue to promote over $1.5 trillion in tax cuts over the next decade.

And this week the spending continues. This energy bill comes at a cost of $18.7 billion dollars and includes no provision to offset these costs. I have long championed for: Increased access to capital for domestic oil and gas production; more research in alternative fuels such as nuclear energy; advanced clean coal

technology; a sound commitment to renewable energy, including a renewable fuels standards; and improved energy efficiency and environmental standards.

As Ranking Member on the House Agriculture Committee, I was especially pleased to see the Renewable Fuels Standard increasing the required use of ethanol, made from corn, as a fuel additive by gasoline refineries to 5 billion gallons by 2015.

There is no doubt I am glad to see these provisions in H.R. 6, but I am very disappointed that my colleagues on the other side made no attempts to offset some of the costs of this bill. This energy bill continues down the path of more deficit spending and makes no realistic attempt to justify this spending.

America deserves a balanced and forward looking energy policy and therefore I intend to vote for this bill despite my reservations about its cost. It is my sincere hope that Congress will ultimately be responsible and pay for provisions included in the Energy Policy Act of 2003 without burdening our children and grandchildren with continued deficit spending.

Mr. OSE. Mr. Chairman, I regretfully rise to oppose this bill today.

When President Bush introduced the National Energy Policy in 2001, I applauded the plan. The President laid out a comprehensive, balanced policy to address our nation's energy needs. I supported the President energy policy and voted for the House version, H.R. 4, in the 107th Congress.

The bill we have before us today includes much of the beneficial programs embedded in H.R. 4. However, it also includes an ethanol mandate that I am adamantly opposed to. This provision is bad public policy. It is bad for consumers, bad for air quality, and bad for the environment.

Last year, the Government Reform Subcommittee on Energy Policy, Natural Resources and Regulatory Affairs, which I chair, held a hearing to review the concept of an ethanol mandate. One of our expert witnesses predicted that the ethanol mandate would cause reformulated gasoline to raise almost 10 cents per gallon.

On Tuesday, the Energy Information Agency (EIA) predicted that, by the time ethanol is fully integrated in California, the price increase for reformulated gas would be 9 cents per gallon. California has already seen huge price increases this year as refiners attempt to shift from MTBE to ethanol.

For a State like California, or New York, or Connecticut, which uses a large amount of reformulated gasoline, this will represent an income shift of hundreds of millions of dollars from our citizen's 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 of ethanol love to tell us that ethanol reduces carbon monoxide, they fail to tell us that ethanol use results in higher volatile organic compounds, 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. Furthermore, an ethanol mandate that subsidizes corn production will have adverse effects on water quality, as farmers use more and more fertilizer to produce their crops.

No wonder ethanol proponents slipped into the Bill liability protection for ethanol producers. If we find that ethanol does indeed harm our water supply—like we found with MTBE—ethanol manufacturers will get a free ride.

I offered an amendment at the Rules committee—along with my colleague ELLIOT ENGEL—to improve the ethanol mandate. My amendment 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. California today can produce the cleanest burning gasoline in the nation without ethanol.

The bottom lie is that an ethanol mandate will increase our gasoline prices and harm our air and water quality. And therefore, I cannot vote for this bill.

Mr. FILNER. Mr. Chairman, I rise today to oppose this Energy bill. Rather than emphasizing conservation and renewable energy sources, this bill focuses on destroying our natural resources and using fossil fuels to meet our energy needs.

Supporters of this bill claim it is a consumer friendly bill that increases Americans' access to cheaper energy. Admittedly, there are a few positive aspects of the bill. For example, there are incentives to use cellulosic biomass ethanol. This not only makes gasoline cleaner, but it also creates jobs and other uses for crops such as sugar cane. There are also a few incentives to use renewable fuels such as wind and solar energy.

Unfortunately, the rest of the provisions in this bill show its true colors. It provides monetary incentives for big oil and gas companies that are nearly twice as much as those that are available for conservation and the use of alternative fuels. These measures do not reduce our dependence on foreign oil. Further, by giving big companies incentives to burn fossil fuels it puts our air quality at risk—our tax dollars are funding the polluting of our air. It doesn't stop with our air. It also puts our water at risk by weakening protections of rivers, coastal areas, and drinking water. As if that wasn't enough, this bill opens the Arctic National Wildlife Refuge to gas and oil drilling, destroying one of our last great natural resources.

The final blow is that it weakens consumer protections against companies like Enron from manipulating the energy market. As a Congressman from California, where we suffered through blackouts and sky-high electricity bills because of electricity market abuse, this is unacceptable. This bill rips the blanket of protection off consumers, leaving them with no tools to fend off corporate abuses.

This is not the best way to reduce our dependence on foreign oil; this is not the best use of technology and this is not the best way to protect our health and environment. That is why I cannot support this bill and I urge my colleagues to vote against this bill.

Mr. DELAY. Mr. Chairman, I rise in support of the Energy Policy Act of 2003 and congratulate the leaders of all the Committees involved for reporting a comprehensive, balanced energy plan.

This legislation will begin to free our nation from its dependence on foreign sources of energy, a vital priority for America's national security. The more energy we produce within our borders, the more we know we can rely on, no matter what international circumstances arise. The bill also contains provisions to allow lower-income Americans to pay their energy bills. This is a real benefit to real people, right now.

Finally, the increased production of oil in the United States will help lower America's gas prices, which now are too heavily impacted by the actions of other nations. It has been more than a decade since our nation had a comprehensive energy plan, and quiet frankly, if it were up to the Democrat leadership, we still wouldn't have one.

Instead of engaging the debate with an alternative proposal, they complain. They complain about specific measures and complain about our governing philosophy, yet they refuse to offer their own.

Take ANWR. The estimated daily production from ANWR would exceed the currently daily production of any individual state. As our economy grows, even as Americans conserve more energy, our consumption of it will rise. The larger an economy becomes, the more energy it will require. This is common sense. ANWR represents an opportunity to produce billions and billions of barrels of oil. The ANWR provisions in this legislation permit development of only 2,000 acres out of a designated area the size of Delaware!

The bill answers environmental concerns. Recovery projects under this legislation will either respect the health of local fish and wildlife, or they will be shut down.

The facts, then, are clear. Recovering oil from ANWR will help the national economy. It will reduce our dependence on foreign oil, thus improving our national security. It will preserve local fish and wildlife populations and respect the surrounding environment. And in response to these facts, the other side just says ''NO''. No constructive criticism. No alternative proposals. Just obstruction and obstinacy.

The American people deserve an energy policy, and the Republican Congress has an obligation to give them one. They can lecture. We will lead.

The CHAIRMAN pro tempore. There being no further amendments, under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. SIMPSON) having resumed the chair, Mr. CULBERSON, 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, pursuant to House Resolution 189, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

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

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. DINGELL

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

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

Mr. DINGELL. Most vigorously opposed, Mr. Speaker.

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

The Clerk read as follows:

Mr. Dingell moves to recommit the bill H.R.6 to the Committee on Energy and Commerce with instructions to report the same back to the House forthwith with the following amendments:

Strike title III of Division A and insert the following:

TITLE III—HYDROELECTRIC ENERGY

SEC. 13001. ALTERNATIVE CONDITIONS AND FISHWAYS.

(a) ALTERNATIVE MANDATORY CONDITIONS.—Section 4 of the Federal Power Act (16 U.S.C. 797) is amended by adding at the end the following:

''(h)(1) Whenever any person applies for a license for any project works within any reservation of the United States, and the Secretary of the department under whose supervision such reservation falls deems a condition to such license to be necessary under the first proviso of subsection (e), the license applicant or any other party to the licensing proceeding may propose an alternative condition.

''(2) Notwithstanding the first proviso of subsection (e), the Secretary of the department under whose supervision the reservation falls shall accept the proposed alternative condition referred to in paragraph (1), and the Commission shall include in the license such alternative condition, if the Secretary of the appropriate department determines, based on substantial evidence provided by the party proposing such alternative condition, that the alternative condition—

''(A) provides no less protection for the reservation than provided by the condition deemed necessary by the Secretary; and

''(B) will either—

''(i) cost less to implement, or

''(ii) result in improved operation of the project works for electricity production,

as compared to the condition deemed necessary by the Secretary.

''(3) Within 1 year after the enactment of this subsection, each Secretary concerned shall, by rule, establish a process to expeditiously resolve conflicts arising under this subsection.''.

(b) ALTERNATIVE FISHWAYS.—Section 18 of the Federal Power Act (16 U.S.C. 811) is amended by—

(1) inserting ''(a)'' before the first sentence; and

(2) adding at the end the following:

''(b)(1) Whenever the Commission shall require a licensee to construct, maintain, or operate a fishway prescribed by the Secretary of the Interior or the Secretary of Commerce under this section, the licensee or any other party to the proceeding may propose an alternative to such prescription to construct, maintain, or operate a fishway.

''(2) Notwithstanding subsection (a), the Secretary of the Interior or the Secretary of Commerce, as appropriate, shall accept and prescribe, and the Commission shall require, the proposed alternative referred to in paragraph (1), if the Secretary of the appropriate department determines, based on substantial evidence provided by the party proposing such alternative, that the alternative—

''(A) will be no less effective than the fishway initially prescribed by the Secretary, and

''(B) will either—

''(i) cost less to implement, or

''(ii) result in improved operation of the project works for electricity production,

as compared to the fishway initially prescribed by the Secretary.

''(3) Within 1 year after the enactment of this subsection, the Secretary of the Interior and the Secretary of Commerce shall each, by rule, establish a process to expeditiously resolve conflicts arising under this subsection.''.

SEC. 13002. FERC DATA ON HYDROELECTRIC LICENSING.

(a) DATA COLLECTION PROCEDURES.—The Federal Energy Regulatory Commission shall revise its procedures regarding the collection of data in connection with the Commission's consideration of hydroelectric licenses under the Federal Power Act. Such revised data collection procedures shall be designed to provide the Commission with complete and accurate information concerning the time and costs to parties involved in the licensing process. Such data shall be available for each significant stage in the licensing process and shall be designed to identify projects with similar characteristics so that analyses can be made of the time and costs involved in licensing proceedings based upon the different characteristics of those proceedings.

(b) REPORTS.—Within 6 months after the date of the enactment of this Act, the Commission shall notify the Committee on Energy and Commerce of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate of the progress made by the Commission under subsection (a), and within 1 year after such date of the enactment, the Commission shall submit a report to such Committees specifying the measures taken by the Commission pursuant to subsection (a).

□ 1230

Mr. DINGELL (during the reading). Mr. Speaker, I ask unanimous consent that the motion to recommit be considered as read and printed in the RECORD.

The SPEAKER pro tempore (Mr. SIMPSON). Is there objection to the request of the gentleman from Michigan?

There was no objection.

The SPEAKER pro tempore. The gentleman from Michigan is recognized for 5 minutes in support of his motion to recommit.

Mr. DINGELL. Mr. Speaker, the motion to recommit directly addresses major concerns, and that is destruction of fish, wildlife resources and the denial of the ability of this Nation, through its system of hydro licensing and relicensing to protect those fish and wildlife resources and the precious outdoor values that this Nation feels important.

The motion includes reforms contained in the bill which I would have offered or, rather, the amendment which I would have offered with the gentleman from New York (Mr. BOEHLERT) of the Committee on Science. It is necessary to protect the egregious wrongs committed against fish, wildlife and the environment by the outrageous provisions of H.R. 6.

As I pointed out yesterday, all sportsmen, conservationists, hunters, fishermen organizations and all environmentalists support this language.

The amendment which we would have offered was not made available to the House because it was not permitted by the Committee on Rules, and the voices of the conservationists of this country were stilled by that outrageous action.

I want to remind my colleagues of exactly what this legislation does, and I refer to the bill, H.R. 6. It confers superparty status on license applicants by allowing them to propose alternatives to resource protection conditions, giving them special procedural rights that are not granted to other legitimate stakeholders like States, tribes, sportsmen or ordinary citizens.

It dilutes environmental protections included in current law and will overturn over 100 years of fish and wildlife protections which we have given with regard to the rivers and streams of this Nation.

It creates an entirely new and costly subsidy program for a mature industry that does not need, nor does it deserve, the support of taxpayers at a time of enormous deficits. Needless to say, the language we have before us lies in stark contrast to the hydroelectric provisions that were contained in last year's energy bill.

Last year, our work was not only bipartisan in character, but it was supported by the industry as well as the groups that now oppose the provisions of the legislation. Indeed, of all of those who supported the hydroelectric title last year, only one group remains satisfied today, the utilities. A quick reading of the bill explains why.

The bill before us gives the hydropower industry unprecedented advantage during the licensing process at the expense of protections for fish, wildlife and natural resources. The bill before us would do enormous damage to fish passage requirements of current law. It would deny the need for fishways and would afford no ability by sportsmen groups or conservationists or the Indian tribes to insist that such be included in dams so as to facilitate the upward or the downward passage of fish in our great rivers.

This imperils the ability of fish to reach spawning grounds and subjects them to the hideous cruelties of having to pass through hydroelectric turbines to carry out their natural functions.

The bill is strongly opposed by, as I have said, almost all conservation, sportsmen and environmental groups. I will have a list of those people who oppose and the organizations who oppose

available to discuss with any Member who so desires.

The compromise we offer today is identical to the language which the House passed in the last Congress and which my good friend, the distinguished chairman of the committee, joined me in supporting and which involved a compromise not just between the two parties here in the Congress but also a compromise between industry and conservationists.

The motion and the amendment which we have before us protects natural resources, fish and wildlife. The bill does not. The motion allows the license applicant or any other party to a licensing proceeding to propose an alternative to the conditions set by the resource agencies so that the fullest possible discussion of methods for protection of fish and wildlife values in our rivers and waters may be achieved.

I note that the language that we offer in the motion to recommit is exactly the same which I agreed on with my good friend, the gentleman from Louisiana (Mr. TAUZIN). I would note that he described this legislation with me as a bipartisan consensus provision that carefully balances energy and environmental priorities to achieve a significant breakthrough in licensing reform.

I urge my colleagues, in the interest of protecting our natural resources, to vote for the legislation, and let us make this a better bill in the interests of all of us and in the interests of future generations.

Mr. Speaker, I yield back the balance of my time, and I pay my respects to the chairman.

Mr. TAUZIN. Mr. Speaker, I rise in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentleman from Louisiana is recognized for 5 minutes.

Mr. TAUZIN. Mr. Speaker, let me first thank my friend, the gentleman from Michigan (Mr. DINGELL), and the members of the Committee on Energy and Commerce in particular for the cooperative spirit and civility in which we have passed out of committee and onto the floor this immensely important bill for our Nation's future. And I thank the gentleman from Michigan (Mr. DINGELL) in every way for those courtesies.

Let me, on the other hand, greatly oppose this motion to recommit. There are three great ironies here. Let me first set the stage for my colleagues.

The amendment that the gentleman from Michigan (Mr. DINGELL) offers in the motion to recommit is, in fact, the position the House took last year. It was agreed to as a condition, as part of the package of a bill that the gentleman from Michigan (Mr. DINGELL) agreed to support last year, and we were pleased to get his support for it.

On the other hand, the Democratic Senate passed a hydro provision, and guess what, the provision in our House bill today is nearly identical to the Senate-passed hydro provisions of last year under a Democratic-controlled system. It is nearly identical to the hydro provisions passed out of the Senate committee this week, and it is a much better version of the hydro provisions that we contain in this bill that would get stripped by the Dingell motion to recommit.

Let me tell my colleagues why. Let me tell my colleagues the ironies here. The irony, number one, hydropower is the number one renewable fuel in America. It provides more renewable clean energy than wind, solar, all other renewables combined. One would think we would want to encourage relicensing of hydro plants. It is the cleanest, the safest, most renewable energy in America. Our bill's hydro provisions helps to relicense and continue hydropower in America.

The other great irony of this bill, of the motion to recommit offered by the gentleman from Michigan (Mr. DINGELL) is that while everything the gentleman from Michigan (Mr. DINGELL) will set forth in his motion to recommit some very arbitrary standards, under which the Secretary has to do this relicensing, he actually provides such a limited list of alternatives to the Secretary that if anyone comes up with a better way of protecting fish, that would be illegal.

The greatest irony is that this amendment in the nature of a substitute is offered for fish, and it cuts off alternative designs that would better protect fish and it leads to bureaucrats in the Department to make decisions about what rules to apply on a case-by-case basis when it comes to conditions on the license.

This is not a good hydro provision. The hydro provision the gentleman from Michigan (Mr. DINGELL) offers this House will cripple the relicensing provisions of the bill. It will hurt hydropower. It will make it more difficult for us to have the number one, cleanest renewable fuel in America, and we ought not to adopt that kind of a policy in a good bill.

Let me tell my colleagues the greatest irony. The greatest irony, while I do not have the gentleman from Michigan's (Mr. DINGELL) support on this bill, I have the support of the Alliance of Automobile Manufacturers, the American Farm Bureau, the American Petroleum Institute, the National Mining Association, the Domestic Petroleum Council, the Edison Electric Institute, Large Public Power Council, the National Farmers Union, the Teamsters Union, the Association of American Railroads, the National Gas Vehicle Coalition, the Solar Energy Industries Association, the Renewable Fuels Association, the National Corn Growers Association, the U.S. Chamber of Commerce and on and on and on.

This bill is great for America. This motion to recommit would cripple an important part of renewable, clean energy, and we need to defeat it.

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

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

Mr. BARTON of Texas. Mr. Speaker, I might point out that this is also supported by the National Hydropower Association.

The title on hydro relicensing that is in the bill that is before us does not waive anything of the Endangered Species Act. It does not waive any part of the Safe Water Drinking Act. It does not waive any environmental law that is currently on the books.

What it does do, if a person has an application to relicense a hydro project in this country, and if a Federal agency proposes what is called a mandatory condition to that relicensing, we allow under our bill the applicant to offer an alternative to that mandatory condition; and if that alternative is as effective in protecting the environment and is more cost-effective or energy-efficient, then the agency has to accept the alternative. That is the principal difference between this bill and the bill that we adopted in the last Congress that the gentleman from Michigan (Mr. DINGELL) has in his motion to recommit.

I would urge my colleagues to support the bill. The bill was introduced as a stand-alone hydro relicensing bill with several Democrats as cosponsors, and when we had votes on this in subcommittee and full committee, a fair number of Democrats crossed over to oppose the gentleman from Michigan's (Mr. DINGELL) bill and support what is in our bill.

So let us vote in a bipartisan fashion to oppose the motion to recommit.

Mr. TAUZIN. Mr. Speaker, I thank the gentleman for his comments.

Let us vote this motion to recommit down and let us give America its first good shot in the economic arm. Let us get this country rolling again with national security and economic growth.

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

There was no objection.

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

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

RECORDED VOTE

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

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 171, noes 250, not voting 13, as follows:

[Roll No. 144]

AYES—171

Abercrombie	Becerra	Boucher
Ackerman	Berkley	Boyd
Allen	Berman	Brady (PA)
Andrews	Berry	Brown (OH)
Baldwin	Bishop (NY)	Brown, Corrine
Ballance	Boswell	Capps

Capuano
Cardin
Cardoza
Carson (IN)
Case
Clay
Clyburn
Conyers
Cooper
Costello
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dingell
Doggett
Doyle
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Filner
Ford
Frank (MA)
Frost
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Harman
Hastings (FL)
Hill
Hinchey
Hoeffel
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lynch
Majette
Maloney
Markey
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pomeroy
Price (NC)
Rahall
Rangel
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Udall (CO)
Udall (NM)
Van Hollen
Velazquez
Visclosky
Waters
Watson
Watt
Weiner
Wexler
Woolsey
Wu

NOES—250

Aderholt
Akin
Alexander
Baca
Bachus
Baird
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bell
Bereuter
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehlert
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
Carson (OK)
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis (AL)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dooley (CA)
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
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hinojosa
Hobson
Hoekstra
Hooley (OR)
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
Larsen (WA)
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Lucas (OK)
Manzullo
Marshall
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Sandlin
Saxton
Schrock
Scott (GA)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Souder
Stearns
Stenholm
Sullivan
Sweeney
Tancredo
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 (NM)
Wilson (SC)
Wolf
Wynn
Young (AK)
Young (FL)

NOT VOTING—13

Blumenauer
Combest
Fattah
Gephardt
Houghton
Kaptur
McCarthy (MO)
Miller, George
Paul
Quinn
Reyes
Towns
Waxman

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SIMPSON) (during the vote). Members are advised that 2 minutes remain in this vote.

□ 1300

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

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the bill.

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

RECORDED VOTE

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

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 247, noes 175, not voting 13, as follows:

[Roll No. 145]

AYES—247

Aderholt
Akin
Alexander
Baca
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Beauprez
Bell
Bereuter
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Boozman
Boucher
Brady (PA)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carson (OK)
Carter
Chabot
Chocola
Coble
Cole
Collins
Costello
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis (AL)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Dooley (CA)
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emerson
English
Everett
Feeney
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Franks (AZ)
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goodlatte
Goss
Granger
Graves
Green (TX)
Greenwood
Gutknecht
Hall
Harris
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hinojosa
Hobson
Hoekstra
Holden
Hostettler
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jackson-Lee (TX)
Janklow
Jefferson
Jenkins
John
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kline
Knollenberg
Kolbe
LaHood
Lampson
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Lucas (KY)
Lucas (OK)
Manzullo
Matheson
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
Otter
Oxley
Pearce
Pence
Peterson (MN)
Peterson (PA)
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Royce
Rush
Ryan (WI)
Ryun (KS)
Sandlin
Schrock
Scott (GA)
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (TX)
Souder
Stearns
Stenholm
Sullivan
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Turner (TX)
Upton
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOES—175

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldwin
Ballance
Bass
Becerra
Berkley
Berman
Berry
Bishop (NY)
Boehlert
Boswell
Boyd
Bradley (NH)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Case
Castle
Clay
Clyburn
Conyers
Cooper
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Filner
Ford
Frank (MA)
Frelinghuysen
Gonzalez
Goode
Gordon
Green (WI)
Grijalva
Gutierrez
Harman
Hastings (FL)
Hill
Hinchey
Hoeffel
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Johnson (CT)
Jones (OH)
Kaptur
Kennedy (RI)
Kildee
Kilpatrick

Kind
Kirk
Kleczka
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
LoBiondo
Lofgren
Lowey
Lynch
Majette
Maloney
Markey
Marshall
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Moore
Moran (VA)
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ose
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Petri
Price (NC)
Rahall
Rangel
Rothman
Roybal-Allard
Ruppersberger
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
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Udall (CO)
Udall (NM)
Van Hollen
Velazquez
Waters
Watson
Watt
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—13

Blumenauer
Bono
Combest
Fattah
Gephardt
Houghton
McCarthy (MO)
Miller, George
Paul
Quinn
Reyes
Towns
Waxman

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SIMPSON) (during the vote). Members are advised that 2 minutes remain in this vote.

□ 1307

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mrs. BONO. Mr. Speaker, on rollcall No. 145 I was inadvertanly detained. Had I been present, I would have voted "aye."

GENERAL LEAVE

Mr. TAUZIN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and insert extraneous material on H.R. 6, the bill just passed.

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

There was no objection.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 6, ENERGY POLICY ACT OF 2003

Mr. TAUZIN. Mr. Speaker, I ask unanimous consent that, in the engrossment of the bill, H.R. 6, the Clerk be authorized to correct section numbers, punctuation, and cross-references and to make such other technical and conforming changes as may be necessary to reflect the actions of the House.

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

There was no objection.

CLEAN DIAMOND TRADE ACT

Mr. THOMAS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 1584) to implement effective measures to stop trade in conflict diamonds, and for other purposes, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Senate Amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Clean Diamond Trade Act''.

SEC. 2. FINDINGS.

Congress finds the following:

(1) Funds derived from the sale of rough diamonds are being used by rebels and state actors to finance military activities, overthrow legitimate governments, subvert international efforts to promote peace and stability, and commit horrifying atrocities against unarmed civilians. During the past decade, more than 6,500,000 people from Sierra Leone, Angola, and the Democratic Republic of the Congo have been driven from their homes by wars waged in large part for control of diamond mining areas. A million of these are refugees eking out a miserable existence in neighboring countries, and tens of thousands have fled to the United States. Approximately 3,700,000 people have died during these wars.

(2) The countries caught in this fighting are home to nearly 70,000,000 people whose societies have been torn apart not only by fighting but also by terrible human rights violations.

(3) Human rights and humanitarian advocates, the diamond trade as represented by the World Diamond Council, and the United States Government have been working to block the trade in conflict diamonds. Their efforts have helped to build a consensus that action is urgently needed to end the trade in conflict diamonds.

(4) The United Nations Security Council has acted at various times under chapter VII of the Charter of the United Nations to address threats to international peace and security posed by conflicts linked to diamonds. Through these actions, it has prohibited all states from exporting weapons to certain countries affected by such conflicts. It has further required all states to prohibit the direct and indirect import of rough diamonds from Sierra Leone unless the diamonds are controlled under specified certificate of origin regimes and to prohibit absolutely the direct and indirect import of rough diamonds from Liberia.

(5) In response, the United States implemented sanctions restricting the importation of rough diamonds from Sierra Leone to those diamonds accompanied by specified certificates of origin and fully prohibiting the importation of rough diamonds from Liberia. The United States is now taking further action against trade in conflict diamonds.

(6) Without effective action to eliminate trade in conflict diamonds, the trade in legitimate diamonds faces the threat of a consumer backlash that could damage the economies of countries not involved in the trade in conflict diamonds and penalize members of the legitimate trade and the people they employ. To prevent that, South Africa and more than 30 other countries are involved in working, through the ''Kimberley Process'', toward devising a solution to this problem. As the consumer of a majority of the world's supply of diamonds, the United States has an obligation to help sever the link between diamonds and conflict and press for implementation of an effective solution.

(7) Failure to curtail the trade in conflict diamonds or to differentiate between the trade in conflict diamonds and the trade in legitimate diamonds could have a severe negative impact on the legitimate diamond trade in countries such as Botswana, Namibia, South Africa, and Tanzania.

(8) Initiatives of the United States seek to resolve the regional conflicts in sub-Saharan Africa which facilitate the trade in conflict diamonds.

(9) The Interlaken Declaration on the Kimberley Process Certification Scheme for Rough Diamonds of November 5, 2002, states that Participants will ensure that measures taken to implement the Kimberley Process Certification Scheme for Rough Diamonds will be consistent with international trade rules.

SEC. 3. DEFINITIONS.

In this Act:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means the Committee on Ways and Means and the Committee on International Relations of the House of Representatives, and the Committee on Finance and the Committee on Foreign Relations of the Senate.

(2) CONTROLLED THROUGH THE KIMBERLEY PROCESS CERTIFICATION SCHEME.—An importation or exportation of rough diamonds is ''controlled through the Kimberley Process Certification Scheme'' if it is an importation from the territory of a Participant or exportation to the territory of a Participant of rough diamonds that is—

(A) carried out in accordance with the Kimberley Process Certification Scheme, as set forth in regulations promulgated by the President; or

(B) controlled under a system determined by the President to meet substantially the standards, practices, and procedures of the Kimberley Process Certification Scheme.

(3) EXPORTING AUTHORITY.—The term ''exporting authority'' means 1 or more entities designated by a Participant from whose territory a shipment of rough diamonds is being exported as having the authority to validate the Kimberley Process Certificate.

(4) IMPORTING AUTHORITY.—The term ''importing authority'' means 1 or more entities designated by a Participant into whose territory a shipment of rough diamonds is imported as having the authority to enforce the laws and regulations of the Participant regulating imports, including the verification of the Kimberley Process Certificate accompanying the shipment.

(5) KIMBERLEY PROCESS CERTIFICATE.—The term ''Kimberley Process Certificate'' means a forgery resistant document of a Participant that demonstrates that an importation or exportation of rough diamonds has been controlled through the Kimberley Process Certification Scheme and contains the minimum elements set forth in Annex I to the Kimberley Process Certification Scheme.

(6) KIMBERLEY PROCESS CERTIFICATION SCHEME.—The term ''Kimberley Process Certification Scheme' means those standards, practices, and procedures of the international certification scheme for rough diamonds presented in the document entitled ''Kimberley Process Certification Scheme'' referred to in the Interlaken Declaration on the Kimberley Process Certification Scheme for Rough Diamonds of November 5, 2002.

(7) PARTICIPANT.—The term ''Participant'' means a state, customs territory, or regional economic integration organization identified by the Secretary of State.

(8) PERSON.—The term ''person'' means an individual or entity.

(9) ROUGH DIAMOND.—The term ''rough diamond'' means any diamond that is unworked or simply sawn, cleaved, or bruted and classifiable