

CONFERENCE REPORT ON H.R. 6,  
ENERGY POLICY ACT OF 2003

SPEECH OF

**HON. MARK UDALL**

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 18, 2003*

Mr. UDALL of Colorado. Mr. Speaker, I cannot support this legislation.

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. And for the most part it not only falls short of meeting the challenges of our time, in many ways it can be described as an energy policy for the nineteenth century.

Of course just as no bill is perfect, even this bill is not totally bad.

For example, I am pleased that legislation I've initiated is being considered as part of this bill.

The bill includes the Federal Laboratory Educational Partners Act of 2003, legislation I introduced with my colleague Rep. 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 in their communities.

The bill includes the Distributed Power Hybrid Energy Act, a bill I introduced to 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 includes my High Performance Schools Act, which would enable our school districts to build school buildings that take advantage of advanced energy conservation technologies, daylighting, and renewable energy to help the environment and help our children learn. As included in the conference report, my bill would be expanded to help state and local governments improve not only energy efficiency in schools, but also in public buildings in general.

I am also pleased that this bill includes the Clean School Buses 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.

But despite these bright spots, most of the bill is bad policy—bad for the environment, bad for the taxpayers, and bad for the country.

Like its predecessor in the last Congress, this bill puts all its eggs in one basket, the wrong basket. For every step the bill takes to move us away from our carbon-based economy, it takes two in the opposite direction.

The bill fails to take any steps whatsoever to require that the nation reduce its dependence on oil or improve the fuel economy of our cars, trucks, and SUVs. In fact, the bill makes it more difficult to update fuel economy

standards by adding new requirements for redundant studies to the National Highway Traffic Safety Administration's CAFE standards-setting process.

By contrast, just today we learned that China is preparing to impose minimum fuel economy standards on new cars for the first time—rules that will be significantly more stringent than those in this country. This is great news for the world—but what an embarrassing proof that we won't even do as much for our own national security and the environment.

That contrast speaks volumes about this bill's priorities, which are the priorities of this Administration.

This bill not only does nothing to decrease our dependence on oil—it also does almost nothing to control demand. But increasing production while ignoring demand is a recipe for disaster.

The Administration boasts that this bill is a balanced approach because it would promote the development of renewable energy and energy efficiency technologies. But aside from a few provisions on electrical appliances and heating systems, the bill does little to promote energy conservation. And although there are some tax incentives for renewable fuels, they pale in comparison to the lavish tax breaks the bills gives the oil and gas industry.

And for all we hear from the Administration about the hydrogen provisions, the bill doesn't go far enough. It's all well and good to authorize billions of dollars to deploy hydrogen fuel cell vehicles, but the bill includes no production or deployment requirements or even goals to ensure that a meaningful number of hydrogen vehicles will be delivered to consumers.

As co-chair of the Renewable Energy and Energy Efficiency Caucus in the House, I define a balanced bill as one that gives more than a passing nod to the development of alternative sources of energy. The Senate version of this bill included sensible provisions to require large utilities to get modest amounts of their power from renewable sources. Although 13 states have already passed their own versions of such a Renewable Portfolio Standard, and although the energy bill conferees just yesterday voted to include the RPS in the conference report, the Republicans stripped it out late last night. If this were really about jobs, as the Republicans claim, they would have retained the RPS provision—which experts say could create millions of new jobs in this country.

I won't even get into some of the other egregious provisions, such as the incentives in the bill for new nuclear and coal development, and the repeal of the Public Utility Holding Company Act, the main law to protect consumers from market manipulation, fraud, and abuse in the electricity sector.

Nor will I complain in detail about process—the fact that Democrats were shut out of conference proceedings, that we don't even know the cost of this 1100-page bill that we were able to review in its entirety only last night, that Republican conferees have essentially been buying votes over the last week to ensure the bill's passage.

An example of this vote-buying is the bill's language to allow polluted areas to have more time to reduce smog pollution but without having to implement stronger air pollution controls, placing a significant burden on states and communities down-wind of these urban areas.

There are other provisions related to public health that should never have been included in this bill. The bill eliminates protections for underground drinking water supplies from potential damages caused by hydraulic fracturing. The bill also provides a special liability waiver for MTBE producer who face lawsuits from states and localities for polluting their water supplies, thereby shifting cleanup costs to taxpayers.

Bad for the country, the bill is particularly bad for the West.

Many of its provisions will directly and immediately affect Colorado and other western States. We have important resources of oil and gas, as well as great potential for solar energy and wind energy. I support energy development in appropriate places and in ways that balances that development with other uses and such other vital resources as water and the people, fish, and wildlife that depend on it. Unfortunately, here again this bill does not reflect the needed balance.

Instead, it combines big subsidies for energy development with lessening of the procedural and substantive requirement that have been established to protect our lands, water, and environment.

Overall, the oil and gas title of the bill is intended to stimulate increased production from both the Outer Continental Shelf and onshore lands. It combines a series of royalty reductions, so companies will pay the public less for the oil, gas, and other energy resources developed on publicly-owned lands.

It also would completely exempt oil and gas construction activities—including roads, drill pads, pipeline corridors, refineries, and other facilities—from the stormwater drainage requirements of the Clean Water Act.

It also has provisions designed to speed up establishing rights-of-way and corridors for oil and gas pipelines and electric transmission lines. Under section 350, within 2 years the federal agencies are to designate new corridors for oil and gas pipelines and electricity transmission and facilities on Federal land in the eleven contiguous Western States of Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming. And it provides for a pilot project to speed up the processing of federal permits related to oil and gas development in several parts of the BLM lands. This includes the Glenwood Springs Resource Area in Colorado as well as areas in Montana, New Mexico, Utah, and Wyoming.

Nothing in the bill would increase the resources available to BLM or the other federal land managing agencies to carry out their other responsibilities in connection with management of the affected lands. As a result, this bill has the potential to essentially repeal multiple-use management and to make energy development the dominant use on the public lands.

Similarly, the bill includes a requirement for a study and report on opportunities to develop renewable energy on the public lands and National Forests as well as lands managed by the energy and defense departments—including units of the National Wilderness Preservation System and wilderness study areas, National Monuments, National Conservation Areas, and other environmentally-sensitive areas. At best, this is a prescription for controversy. At worst, it threatens to open the door for incompatible development on lands that should be left as they are.

These are big steps backward. So is the provision that would allow geothermal-energy leases to be in effect converted into claims under the Mining Law of 1872.

In conclusion, Mr. Speaker, we need a well-designed policy to meet the challenges of our time, not a policy that will diminish our energy security. With the Middle East—the world's main oil-producing region—in turmoil, we must question the predictability of future foreign oil supplies. Fully 30 percent of the world's oil supply comes from the volatile and politically unstable Persian Gulf region. 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. 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.

This bill would continue our addiction to finite and politically unstable energy resources, while undermining public health, the environment, and ultimately our national security itself. It should be rejected.

SUPPORT OF THE CONFERENCE  
AGREEMENT ON THE DEFENSE  
AUTHORIZATION ACT (H.R. 1588)

SPEECH OF

**HON. BETTY McCOLLUM**

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Friday, November 7, 2003*

Ms. McCOLLUM. Mr. Speaker, I rise today in support of the Conference Agreement on the Defense Authorization Act (H.R. 1588), and in support of our armed forces and the service men and women who defend our great country, and their families.

Unlike the Iraq War Supplemental, which I opposed, the FY04 Defense Authorization bill is not a "blank check" for the Administration. Rather, this bill was carefully drafted to address many of our military's most pressing needs. This legislation provides a substantial pay raise for service members, boosts military special pay and extends enlisted and reenlistment bonuses. Additionally, this legislation extends the military's TRICARE health coverage to National Guard and Reservists and their families if such service members have been called to active duty. We need to assure our military that as we continue to support their readiness capabilities, we remember the personal well being of the men and women in uniform as well as their families.

The FY04 Defense Authorization bill also addresses the disabled veterans tax, or "concurrent receipt", by ensuring a significant number of disabled veterans will no longer be subjected to this unjust tax. As a cosponsor of H.R. 303, the Retired Pay and Restoration Act, I would have preferred the Defense Authorization bill include full concurrent receipt for all disabled veterans. However, this compromise is an important step forward and will allow the House to continue working toward the full elimination of the disabled veterans tax.

While I am supporting passage of this authorization, there are several provisions of this legislation that I oppose. The first regards civil service protections for civilian employees at the Department of Defense (DOD). H.R. 1588 gives the DOD broad authority to strip almost 700,000 civilian employees of fundamental rights relating to due process, appeal and collective bargaining rights. This means the DOD will be able to fire employees with no notice and no opportunity to respond, prevent discrimination actions from being heard by the Equal Employment Opportunity Commission, strip employees of their right to join a union and repeal the laws preventing nepotism. Civil service employees at DOD have defended our nation bravely and made enormous sacrifices to support the military effort in Iraq. DOD should not be given unlimited authority to trample on their basic rights.

H.R. 1588 also unnecessarily weakens long-standing environmental protections at our military facilities by lowering the accountability standard DOD must follow when recovering imperiled species under the Endangered Species Act. The new standard fails to ensure the DOD's conservation plans are actually effective in assisting the recovery of imperiled species. H.R. 1588 also creates a far less protective definition of "harassment" of marine life by military activities under the Marine Mammal Protection Act. This new definition allows DOD to avoid ensuring its activities are conducted in a manner to minimize harm to marine life such as whales, dolphins, and sea lions.

Although I fully appreciate the importance of military training and readiness, the DOD has not made the case that exemptions to important and long-standing environmental laws are necessary or that training is greatly impaired because of those laws. Furthermore, the President already has the authority to waive environmental laws if he deems it a matter of national security, and not once has a waiver requested by the President been turned down. Until our national security is at stake, no government agency—including the DOD—should be above laws that preserve our air and water and sustain America's wildlife.

This measure also authorizes \$9.1 billion for the unproven and untested National Missile Defense system. This costly program fails to address the rising threat of a chemical or biological weapons attack by terrorists and will divert precious resources away from the very real human investments needed to keep our military, intelligence agencies and domestic security agencies strong. I have voted time again to remove funding for the National Missile Defense system, but the Republican Majority defeated each attempt. It is a mistake to fund this unproven program while our citizens at home are without the appropriate resources they need to respond to a terrorist attack on American soil.

I have met with National Guard members, Reservists and regular military personnel who have chosen to put their lives on the line to protect our freedoms. They have sacrificed a tremendous amount, even when their service means putting their family's financial solvency at risk. We owe them our support and our gratitude.

As I stated above, this is not a "blank check" for the President. Rather, this legislation will go a long way toward helping our troops in their time of need.

TRIBUTE TO COLONEL MICHAEL  
VACCA

**HON. GARY G. MILLER**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 19, 2003*

Mr. MILLER of California. Mr. Speaker, I rise to pay tribute today to one of our Nation's finest young men who demonstrated exceptional courage and concern for our troops. Colonel Michael Vacca of the United States Marine Corps is to be commended for his actions, and I applaud him for his dedication to the American spirit.

On the morning of August 26, 2003, one of the many brave soldiers from my district, Private First Class Daniel Humphreys, was injured while riding in a two-vehicle convoy heading north to Baghdad. When an Improvised Explosive Device hit the rear vehicle of this mission, the vehicle's tires were blown out, the engine and steering systems were destroyed, and Private First Class Humphreys was severely wounded along with other Marines. Private First Class Humphreys and his fellow Marines were taken to hospitals in Germany and Iraq for treatment, and Colonel Michael Vacca showed a tremendous amount of support for his Corpsmen that extended beyond the call of duty.

Not only did Colonel Vacca make regular visits to the hospital, he also notified the wounded soldiers' loved ones and kept them informed of their progress. When a soldier was unable to send word home, Colonel Michael Vacca did so with hope, enthusiasm and pride.

The men and women of our armed forces have been away from their families and friends defending democracy and freedom. Colonel Michael Vacca has not only put his life on the line for his country, he has also brought the spirit of his fellow Marines back home to their families.

Mr. Speaker, Colonel Michael Vacca is a true American hero, and this Congress should celebrate his outstanding service and loyalty to the Marine Corps and the United States of America.

CLEAN WATER ACT ROLLBACKS

**HON. HILDA L. SOLIS**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 19, 2003*

Ms. SOLIS. Mr. Speaker, I rise today to bring attention to efforts by the Environmental Protection Agency (EPA) to rollback the Clean Water Act.

Several days ago, in the Los Angeles Times and other newspapers, an internal EPA memo was quoted saying that the EPA is preparing a rule that would eliminate Clean Water Act protections for, "Streams that flow for less than six months a year . . ." State and federal officials have estimated that up to 20 million acres of wetlands would be lost.

This preliminary rule would devastate the Southwest where many streams flow only seasonally or after rain or snowmelts. In Los Angeles County, our rivers are often only a trickle, since our community gets an average of 15 inches of rainfall a year. And we are not alone.