

CONFERENCE REPORT ON H.R. 6,  
ENERGY POLICY ACT OF 2003 RE-  
GARDING TITLE VIII—HYDROGEN

SPEECH OF

**HON. W.J. (BILLY) TAUZIN**

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 18, 2003*

Mr. TAUZIN. Mr. Speaker, as Co-Chairman of Conference Committee on H.R. 6, the Energy Policy Act of 2003, as well as Chairman of House Energy and Commerce Committee which has jurisdiction over national energy policy as well as the production, storage, supply, marketing, pricing and regulation of energy resources, including unconventional energy resources, I am taking this opportunity to elaborate on and clarify both the legislative provisions and Statement of Managers that is contained in the conference report on H.R. 6 regarding Title VIII, Hydrogen.

On April 1, 2003 and April 2, 2003, the Energy and Commerce Committee met in mark up session to consider a committee print, the Energy Policy Act of 2003. On April 2, 2003, the Energy and Commerce Committee voted to approve the committee print and report this legislation to the full House of Representatives. This committee print contained, among other provisions, Title V, Vehicle and Fuels, Subtitle B, FreedomCar and Hydrogen Fuel Program.

H.R. 6, the Energy Policy Act of 2003, was subsequently introduced in the House of Representatives on April 7, 2003. H.R. 6 contained the legislative work product of the Committee on Energy and Commerce as well as other committees. Hydrogen provisions in H.R. 6 concerning the "FreedomCar" and hydrogen fuel and infrastructure program were consolidated in Division F—Hydrogen. The conference report on H.R. 6 contains Title VIII, Hydrogen, which is based on Division F of H.R. 6, incorporating several elements of S. 14.

The program established under Title VIII of the committee print provides for the production of hydrogen from diverse energy sources, including conventional and renewable energy sources. It also provides for the use of hydrogen in electric power generation and the safe delivery of hydrogen and hydrogen-carrier fuels. The program additionally encompasses advanced vehicle technologies, including automobile materials, energy storage, propulsion and hybrid systems.

Although Title VIII contains necessary appropriations to the Secretary of Energy to fund the activities authorized by the Title, central to the operation of this federal program is the public/private partnership required under Section 803(a). This partnership is reflected within the section 803(b)(1)(A) programmatic goal, specifically the directive to "enable a commitment by automakers no later than year 2015 to offer for sale" hydrogen fuel vehicles. Section 803(b)(2) contains a corresponding programmatic goal of obtaining a private sector commitment, not later than 2015, for necessary hydrogen infrastructure. Under sections 803(b)(1)(A) and 803(b)(2), both the vehicle and infrastructure commitments are followed, by five years, with availability, in the mass consumer market, of vehicles and safe and convenient refueling capacity.

Title VIII, therefore, incorporates the public/private partnership regarding the production of

hydrogen fuels, associated hydrogen vehicles and necessary support infrastructure at a basic structural level. Section 803(a)(7), in particular, indicates that the development of necessary codes and standards needed to implement the program take place "after consultation with the private sector." This statutory directive applies to the production, distribution, storage and use of hydrogen, hydrogen-carrier fuels, and related products. Statutory authority conveyed to the Secretary of Energy for the promulgation of "necessary codes and standards" is to be interpreted by the Department of Energy in conformance with the ordinary and regular practice concerning these legislative terms.

The concept of public/private partnership in implementation of the program established through Title VIII is additionally reflected in section 803(d) requiring the conduct of activities to deploy hydrogen energy and energy infrastructure, fuel cells and advanced vehicle technologies. It should be noted that this deployment activity is separate and apart from section 803(c) which requires the Secretary of energy to fund a limited number of demonstration projects. This separation of demonstration and deployment activities is intentional and reflects the fact that such required elements of the hydrogen program are distinct entities.

IN REMEMBRANCE OF GUSTAVO  
MONTEJANO

**HON. GENE GREEN**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Friday, November 21, 2003*

Mr. GREEN of Texas. Mr. Speaker, I rise today to extend my deepest sympathies to the family and friends of my constituent Gustavo Montejano (Mon-tay-HAH-no) and his two daughters, Katia and Esmerelda.

Gustavo Montejano is a true hero. When his family's home caught fire early on Monday morning, Gustavo rushed his wife and 2-year-old son out of the house. He then went back to rescue his two daughters, who were still asleep inside. Unfortunately, the second story collapsed, and the smoke and flames overtook him before he could get his girls to safety. As the headline from the Houston Chronicle reads, "He died hugging his two girls."

While we are all deeply saddened for the Montejano family's loss, I know that those girls were comforted by their father's presence, and that they died together knowing that he loved them so much that he was willing to sacrifice his own life trying to save them.

Gustavo's family remembers him as a kind and generous man, who took in his sister and her eight children when they needed a home.

Despite the fact that he had been laid off from his job, he helped support his sister's family as well as his own, helping to pay bills and care for the children.

I know his wife, Maribel, and 2-year-old son are devastated by this loss, but they should be proud of the great man Gustavo was, and that he died a hero's death.

His loss will be felt by all of Galena Park, and I ask that you remember the Montejano family in your thoughts and prayers.

TRIBUTE TO SPC JEREMY  
DIGIOVANNI

**HON. CHARLES W. "CHIP" PICKERING**

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

*Friday, November 21, 2003*

Mr. PICKERING. Mr. Speaker, I rise this evening to pay tribute to Specialist Jeremy DiGiovanni who was killed in action Saturday, November 15, in Iraq. Along with seventeen other American soldiers, including another Mississippian, PFC Damien Heidelberg, Jeremy was killed in the collision of two Black Hawk helicopters.

Jeremy was a member of the A Company, 4th Battalion, 101st Airborne based in Fort Campbell, Kentucky, and he served as crew chief on one of the Black Hawks. Jeremy hailed from Pike County, Mississippi, and he served his country proudly and with honor.

Specialist DiGiovanni made the ultimate sacrifice defending our Nation and helped free millions of men, women, and children from the tyrannical grasp of an evil and brutal dictator. We Mississippians are so proud of the men and women we have serving in Iraq and appreciate their dedication to defending freedom and democracy.

I ask my fellow Members of the U.S. House of Representatives to remember Jeremy and his family during this difficult time. To his family, our prayers are with you, and we are grateful for Jeremy's courage and service to the United States of America.

PROTECTING THE VULNERABLE,  
ENSURING FOOD SAFETY

**HON. JANICE D. SCHAKOWSKY**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Friday, November 21, 2003*

MS. SCHAKOWSKY. Mr. Speaker, I rise today to address a danger that threatens every one of us—food-borne illnesses. Each year, 76 million people suffer from food-borne illness. Of those individuals, approximately 325,000 will be hospitalized and more than 5,000 will die. Our children, the elderly, and those with weakened immunity systems face an even greater danger. Of the deaths caused by food-borne illness nearly every year, children comprise nearly 40 percent of the victims. I know parents who have lost their children to this threat.

Today, I am introducing legislation, the National Food Safety Database Act, that will give officials charged with caring for our children and our other vulnerable loved ones the information they need to make safe food purchasing choices. My bill will create a national database containing information that documents whether a company has a history of providing safe food—food that has been produced and packaged under sanitary conditions and is properly branded. It will also document any outbreaks of food-borne illness that have originated from the provider and any enforcement actions that have been taken against the provider. Officials at hospitals, nursing homes, schools, and child care facilities can access this database from a secure website and use that information to ensure that they are serving those in their care the safest food possible. The final authority over the information

included in this database will be granted to the Secretary of Health and Human Services who will work in consultation with the Secretary of Agriculture. A task force consisting of anticipated users, representatives of food manufacturers, processors, packers, transporters, and representatives of consumer groups will also advise the Secretary as to what information needs to be included to ensure our loved ones' safety. The Secretary will also have the authority to make grants to states to help them access and use the database.

The information that will be provided by the database is critical to public health. We need to prevent outbreaks of food-borne illness in our schools. Earlier this year a school in Illinois received ammonia-tainted food and did not receive adequate notification that the product had been contaminated. Luckily, no one died, but a number of teachers and students suffered. Currently the ability of hospitals, nursing homes, schools, and child care providers to provide quality care is compromised by their inability to get adequate and timely food safety information. Safety histories of the companies are not shared with the officials who purchase the food. Due to a complex web of food manufacturers, distributors and brokers, if the USDA or FDA announces that a manufacturer has produced tainted food, officials often have no way to determine if affected foods are in their kitchens and being served to our loved ones.

A person fed tainted food can experience diarrhea, nausea, vomiting, and abdominal pain. Those in hospitals, nursing homes, schools, and child care centers are by far the most vulnerable among us. Their immune systems are not as strong; their bodies are just not as sturdy. They can become very ill and can even die from food-borne illness, as far too many already have.

Food manufacturers also stand to gain from this bill. Companies that have a history of providing safe food will have that fact known. Should an accident occur and there is an outbreak, it will be much easier for companies to know where the tainted food has gone. The company will be able to stop the outbreak faster and reduce their liability.

I urge my colleagues to cosponsor this legislation that will increase the safety of the most vulnerable in our society. Our loved ones deserve to know that someone is looking out for their safety while they can't do it themselves. Without this bill, we can't make that guarantee.

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#### EDUCATION FUNDING

**HON. ADAM B. SCHIFF**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, November 21, 2003*

Mr. SCHIFF. Mr. Speaker, I rise today to express concern over the failure to fund and adequately implement the No Child Left Behind Act (NCLB).

This bipartisan legislation attempted a comprehensive approach to reforming our schools by refocusing our national education policy on helping states and local school districts raise academic achievement for all children, while providing more funding and flexibility to states and local districts.

The legislation passed with overwhelming support because it included tough accountability requirements aimed at closing the achievement gap between students of different economic backgrounds; stronger professional development standards and training for teachers; additional resources do turn around low performing schools; allowances for an unprecedented level of flexibility for local school districts; and rewards and sanctions for States based on the academic performance of students.

Despite the bill's good intentions and tremendous support in Congress, the legislation has become largely a hollow promise to our children because of inadequate funding. The Administration's budget request this year provided only \$22.7 billion for these important education efforts—\$9.7 billion less than what Congress agreed was necessary.

The commitment of significant federal funding to assist local schools in meeting the new testing, achievement and training requirements was a solemn promise made to all the children of our nation. NCLB imposes strict standards on our school districts with considerable penalties if they do not comply. But how can our schools be expected to meet these new standards without adequate federal funding to meet these challenging mandates?

For this reason, I have cosponsored legislation, the Keeping Our Promises to America's Children Act of 2003, to suspend application of NCLB until the funding that was promised to our schools is actually delivered to our schools. The alternative merely sets up our schools for failure.

Implementation of this important law has also been unduly harsh. Award-winning science teachers who have excelled at teaching for decades are deemed unqualified because their bachelor's degree was in a different subject. As someone who supported passage of NCLB, I am alarmed by its poor funding and implementation.

Passing the NCLB was only one step in the lawmaking process. To enact real education reform and to implement the new education standards within NCLB, we must appropriate the full funding required, and not blind ourselves in its application. We must not short-change our children's education.

I ask my colleagues today to reaffirm the Congress's commitment to the No Child Left Behind Act and support full funding authorized by the legislation.

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#### CONGRATULATING BROWNSVILLE PORTER COWBOYS FOOTBALL TEAM

**HON. SOLOMON P. ORTIZ**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Friday, November 21, 2003*

Mr. ORTIZ. Mr. Speaker, I rise today to congratulate the Porter Cowboys on their incredible season, as they just completed their first-ever winning record and were one win away from a perfect regular season record.

In the almost 30 years of the school's history, the Cowboys football team has endured many tough seasons and constant criticism to their program.

However, last week they won their first-ever playoff game beating PSJA 45-8 and advanced to the second round of the Texas high school playoffs where they now face Gregory Portland. I wish them the best as they continue their amazing playoff run and season.

The Porter Cowboy story is one that has everyone in the community and in the Rio Grande Valley extremely excited and energized. Guided by Coach Jim Helms and his exceptional staff, this talented group of players exceeded virtually all expectations that many had for them coming into the season. Of course, the players and coaches had something else in mind when they were preparing in the off-season and now they are in the middle of a dream season; a season that the faculty, students and families, along with the players, will never forget.

As these Porter players make history on the football field they are now only opening the doors to the future in which they will be part of a generation that will make positive changes to the lives of many living in the community. The same determination and commitment they possess on the football field every Friday night will prepare them to respond accordingly when faced with life's challenges and obstacles.

The Porter Nation as they have come to be known were led by their star quarterback and he was surrounded by a cast of gifted athletes that contributed to the success of the stellar season. The arsenal in the passing game, complemented with a tremendous defense and an excellent kicking game enabled them to truly dominate their opponents.

I am so proud of these guys and wish them the best as they continue to achieve their goals both on the field and in the classroom.

Mr. Speaker, I respectfully ask that the roster with the names of each player, coach, and trainer be inserted in the CONGRESSIONAL RECORD of the United States House of Representatives.

#### 2003 PORTER COWBOYS FOOTBALL VARSITY ROSTER

Chris Walker, Evy Chavez, Emmanuel Gutierrez, Rick Monsivais, Jason Bernard, Chris Vasquez, Billy Garza, Ivan Villarreal, Michael Verduzco, Mike Salazar, Manuel Hernandez, Steve Garcia, Jimmy Gutierrez, Benny Salazar, Moises Salinas, Ivan Iglesias, and Louie Pineda.

Rogelio Camarillo, Ben Gomez, Jesus Chapa, Carlos Lozano, Angel Ramirez, Jesus Ferrer, Luis Cruz, Jose Izaguirre, Thomas J. Rios, Joe Espinoza, Juan Leal, Javier Ruiz, Josh Burguete, Eli Perez, Ernesto Olivarez, Isaac Almaguer, and Omar Avila.

David Pallares, Emmanuel Lopez, Eliseo Balderas, Christian Lara, Stephen Cisneros, Eber Flores, David Diaz, Julian Mendez, Oscar De Los Santos, Juan Peña, Julius Williams, Frankie Ramirez, Danny Palacios, Juan Perez, Jose Guerra, Will Jaramillo, and Gilbert Flores.

Athletic Director: Joe A. Rodriguez.

Athletic Coordinator: Jim Helms.

Football Assistants: Art Cantu, Ruben Cor tez, Bill Deen, Luis Garza, Benny Gonzalez, James Kizer, Abel Moreno, Danny Pardo, Armando Rangel, Tom Rios, Jeffrey Rodriguez, and Jose Luis Zarate.

Trainers: John Prosek and Jerry San Pedro.