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House of Representatives

The House met at 9 a.m.

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer: Lord God, bring the best possible resolve to work today for the common good of the people. As we anticipate the July 4 holiday, we ask Your blessing upon Your Nation and Your protection of our military forces. Provide safe travel and may peace await all at their final destination.

The American practice of coming together in prayer, relating faith to historic events and national celebrations has taught people with clashing creeds to stand united in religious tolerance and mutual respect. Perhaps, Lord, in doing so, America has been spared some of the religious conflicts that continue to afflict other places in the world.

So, Lord, on this forthcoming celebration of Independence Day, may we truly rejoice in our God-given right to freedom of religious expression. For in You, our God, we place our trust now and forever. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentlewoman from South Dakota (Ms. HERSETH) come forward and lead the House in the Pledge of Allegiance.

Ms. HERSETH led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed without amendment bills and a joint resolution of the House of the following titles:

H.R. 884. An act to provide for the use and distribution of the funds awarded to the Western Shoshone identifiable group under Indian Claims Commission Docket Numbers 326-A-1, 326-A-3, and 326-K, and for other purposes.

H.R. 2751. An act to provide new human capital flexibilities with respect to the GAO, and for other purposes.

H.R. 4103. An act to extend and modify the trade benefits under the African Growth and Opportunity Act.

H.J. Res. 97. Joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003.

The message also announced that the Senate has passed a bill and concurrent resolutions of the following titles in which the concurrence of the House is requested:

S. 2322. An act to amend chapter 90 of title 5, United States Code, to include employees of the District of Columbia courts as participants in long term care insurance for Federal employees.

S. Con. Res. 83. Concurrent resolution promoting the establishment of a democracy caucus within the United States.

S. Con. Res. 120. Concurrent resolution providing for a conditional adjournment or recess of the Senate and the House of Representatives.

The message also announced that pursuant to section 7102(a)(ii) of Public Law 108-132, the Chair, on behalf of the Majority Leader, appoints the following individual to serve as a member of the Parents Advisory Council on Youth Drug Abuse:
Laurens Tullock of Tennessee.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain 5 one-minute speeches per side.

HELPING DISADVANTAGED YOUTHS

(Mr. OSBORNE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OSBORNE. Mr. Speaker, yesterday H.R. 4703 was introduced in response to a report issued by the White House Task Force for Disadvantaged Youth. The findings of the study are as follows:

Number one, 10 million American teens are plagued by poverty, abuse and neglect, academic failure and substance abuse.

Number two, the Federal Government has created 355 programs to serve youth in response to these deficits and afflictions. The result has been chaotic. Two-thirds of the programs evaluated by OMB were rated ineffective or redundant.

This bill would create a Federal Youth Development Council. The Council is charged with, number one, improving and coordinating youth-serving programs; number two, issuing an annual report on youth programs and their effectiveness; and, number three, setting quantifiable goals and developing a plan for each program.

This legislation will allow more children in need to be served more effectively. It is supported by an overwhelming majority of youth agencies. I urge support of H.R. 4703.

CARING FOR OUR VETERANS

(Ms. HERSETH asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. HERSETH. Mr. Speaker, Americans know that we have asked a great deal of our uniformed men and women over the life of this Republic in preserving liberty at home and fostering liberty abroad. We continue to ask for and receive tremendous sacrifices from

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



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the members of our Armed Forces today.

As we do this, however, we must not forget that we are now creating a new generation of veterans. We must acknowledge our obligation to this generation of heroes who deserve what has been promised them, particularly in the areas of health care, disability compensation and educational opportunities.

Supporting our troops means, among other things, providing them with the resources to get the job done in the dangerous situations in which we have put them; but it also means ensuring that we know and understand our troops' needs when they return home and how to best meet those needs.

Over the next week, as we celebrate the anniversary of our independence, I will be traveling across South Dakota, meeting with the family members of troops whose National Guard and Reserve units have been deployed. I will listen to their stories and concerns, and I will share my commitment to them to respect and honor the sacrifices their loved ones are making. It is in this spirit that I commit to working with my colleagues to adequately acknowledge what is owed to our veterans and to provide it to them both today and in the decades to come.

HONORING ROLLAND B. "BOB" LYONS

(Mr. McCOTTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McCOTTER. Mr. Speaker, on June 17 a friend to our community, Mr. Rolland B. "Bob" Lyons passed away following a courageous fight with cancer in which his courage never faltered or failed. Enduring and self-effacing, this entrepreneurial genius and civic leader, who used to like to call himself "just a ditch digger from Ann Arbor," was a truly unique character.

He had a massive toy collection. He created a reproduction of a 19th century hardware store in his office. And most of all, he liked to wear some of the most outrageous seersucker suits and bow ties that you would ever see, at least back home in Michigan.

Bob was probably one of the people in life that you would meet that you could not but befriend. I would like to extend my condolences to his family and to all who, in knowing Bob Lyons, could not but love him.

MEDICARE LOTTERY

(Mr. EMANUEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EMANUEL. Mr. Speaker, yesterday it was reported that the pharmaceutical industries and HMO industries spent \$141 billion with the prescription drug bill. With the Medicare bill, taxpayers will give HMOs an additional \$46

billion and they will give the pharmaceutical industry an additional \$139 billion.

Where else in America can you invest \$141 and get a \$185 billion return on your money? The GOP Congress, but of course.

By overpaying private insurance companies, denying the Secretary of Health and Human Services the ability to negotiate for lower prices and blocking the free market from working and allowing Americans to get safe, affordable drugs from Canada and Europe, the Medicare bill is everything the HMOs and pharmaceutical companies paid for and requested.

We are doing everything we can in this bill except the things that will actually lower prescription drug prices.

Yesterday the Bush administration announced that they will provide drug coverage to patients with some serious diseases, less than 10 percent of them though. They will decide which seriously ill individuals will get their Medicare coverage now by the lottery. There are 600,000 people eligible for medical coverage, but we are denying this coverage to 90 percent of them, cancer patients, people with multiple sclerosis, and arthritis. We can do better in lowering the prices of drugs than by lottery.

PROVIDING FOR CONSIDERATION OF H.R. 4614, ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 2005

Mr. SESSIONS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 694 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 694

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 4614) making appropriations for energy and water development for the fiscal year ending September 30, 2005, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. Points of order against provisions in the bill for failure to comply with clause 2 of rule XXI are waived except as follows: beginning with "Provided" on page 2, line 23, through page 3, line 5; sections 105, 106, 107, 108, 109, 110, and 311; beginning with "Provided" on page 39, line 23, through page 40, line 4; and section 502. Where points of order are waived against part of a paragraph, points of order against a provision in another part of such paragraph may be made only against such provision and not against the entire paragraph. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member of-

fering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman from Texas (Mr. SESSIONS) is recognized for 1 hour.

Mr. SESSIONS. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Massachusetts (Mr. MCGOVERN), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

The resolution before the House today provides for consideration of the 2005 Energy and Water Development Appropriations bill under an open rule that provides for 1 hour of general debate, equally divided and controlled by the chairman and ranking member of the Committee on Appropriations.

It waives all points of order against consideration of the bill, and under the rules of the House, the bill shall be considered for amendment by paragraph. The rule waives points of order against provisions in the bill as amended for failure to comply with clause 2 of rule XXI except as specified in the resolution.

It authorizes the chairman to accord priority in recognition to Members who have been preprinted their amendments in the CONGRESSIONAL RECORD, and finally it provides one motion to recommit with or without instructions.

Mr. Speaker, I rise today to introduce the rule for H.R. 4614, the Energy and Water Development Appropriations Act of 2005. This legislation provides for a total of \$28 billion in new discretionary spending authority for the civil U.S. Army Corps of Engineers, the Department of Interior, the Department of Energy and several associated Independent Agencies.

I would like to thank my friend, the chairman, the gentleman from Ohio (Mr. HOBSON), for his leadership and vision in crafting this legislation and for striking a good balance between existing prudent fiscal restraint and funding our Nation's energy and water development priorities.

This bill increases funding for our Nation's energy and water priorities at \$734.5 million above 2004 levels, and \$49.6 million above the President's budget request, while ensuring that this money is spent wisely on programs that also reflect the needs and the core missions that its agencies find within their mission statements.

This legislation adequately funds the Corps of Engineers and concentrates its resources on helping to fulfill its traditional missions such as flood control, shoreline protection, navigation and

safety on our Nation's waterways. Over the last few years, the Corps has been given an increased workload to complete with an inadequate budget. This bill focuses on protecting our critical infrastructure and completing outstanding projects while prioritizing our Nation's infrastructure needs in a thoughtful and efficient way.

It provides funding needed to maintain, operate, and rehabilitate the Bureau of Reclamation projects throughout the western United States and protects the Federal investment in western water infrastructure. It also ensures that renewable energy programs are funded at \$343 million, \$1 million above the fiscal year 2004 amounts.

Under this legislation, the Department of Energy receives a total of \$22.48 billion, an increase of \$511 million over fiscal year 2004. As with the Corps, this legislation tasks the Department of Energy with beginning to prepare its 5-year budget plans, first for individual programs and then an integrated plan for the entire Department. This plan must include business plans for each of the DOE laboratories, so that Congress and the Department can understand the mission and resource needs of each laboratory to ensure that they can use their funding that is provided more efficiently.

Funding for the National Nuclear Security Administration is \$9 billion, an increase of \$372 million over fiscal year 2004 and a decrease of \$22 million from the budget request. The United States has in place a strategic plan to realign and modernize our nuclear arsenal, however, much of the DOE weapons complex is still sized to support a Cold War stockpile. The funding included in this bill will help NNSA to review its weapons complex in relation to the security needs, budget constraints and this new stockpiling plan while still providing adequate funding for its ongoing operations and needs.

Finally, this bill provides \$202 million for several independent agencies, including the Defense Nuclear Facilities Board, the Delta Regional Authority, the Nuclear Regulatory Commission and its Inspector General, the Nuclear Waste Technical Review Board, and the Office of Inspector General for the Tennessee Valley Authority.

Mr. Speaker, I am very proud of this legislative product, created by our Committee on Appropriations with input from many Members. It will help to fund our Nation's energy and water development needs.

I would also like to personally commend the gentleman from Ohio (Mr. HOBSON) for his hard work and vision in crafting this legislation. And I would also like to thank the chairman for his inclusion of level funding, that was important to this Member, for the Dallas Floodway Extension Project which is a cornerstone in Dallas, Texas, for our Trinity River Corridor Project.

This project will help Dallas to mitigate flood risks in over 12,500 structures in Dallas' central business dis-

trict and includes some 792 acres of land that are currently in a 100-year flood plain.

I support this project and this bill, and I urge my colleagues to do the same by supporting the rule and the underlying legislation.

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

□ 0915

Mr. MCGOVERN. Mr. Speaker, I thank the gentleman from Texas (Mr. SESSIONS) for yielding me the customary 30 minutes.

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

Mr. MCGOVERN. Mr. Speaker, I yield myself 7 minutes.

Mr. Speaker, I am pleased to support the Energy and Water Appropriations bill, and I congratulate the chairman and the ranking member and the subcommittee Chair and the ranking member for their hard work and diligence in bringing this appropriations bill to the floor in a timely fashion.

Specifically, this bill provides a total of \$27.9 billion for the Department of the Army Corps of Engineers, the Interior Department's Bureau of Reclamation, the Department of Energy and a handful of independent agencies including the Nuclear Regulatory Commission.

I am especially pleased that this bill soundly rejects the administration's continuing efforts to dramatically reduce funding for the Civil Works program of the U.S. Army Corps of Engineers. The administration's fiscal year 2005 budget request for the Army Corps of Engineers was actually \$460 million less than the Corps received in fiscal year 2004 and \$578 million below what it received in fiscal year 2003. This is tantamount to a systematic attempt to cripple the Civil Works program.

As a Member with mainly inland waterways in my district, I value and appreciate the extraordinary work the Corps performs on behalf of the cities and towns we represent. In this bill, the committee has wisely given both the specific guidance and the sufficient resources the Corps needs to address the projects it is presently charged with completing.

Mr. Speaker, I also want to applaud the committee for plainly exposing the administration's funding scheme for the proposed nuclear waste repository at Yucca Mountain in Nevada. This project is riddled with scientific uncertainty and threatens millions of Americans, both in Nevada and in communities along the transportation routes. Notwithstanding the many health and safety concerns that should stop the Yucca Mountain project from going forward, OMB's attempt to use a budget gimmick to leverage \$749 million of the administration's \$880 million request is a cynical and shameless attempt to cook the books on the total budget deficit. By refusing to loosen the purse strings on funding for the

Yucca Mountain project, this appropriation bill rightly tells the administration to go sell stupid somewhere else.

I also want to commend the chairman and the committee for its actions on nuclear weapons development. The bill strips out funding for the Robust Nuclear Earth Penetrator weapons, also known as "bunker busters." I share the chairman's frustration that the Energy Department seems to be totally ignoring the restrictions Congress has placed on this research.

The bill also eliminates funding for the Advanced Concepts program to develop a new generation of nuclear weapons and zeros out the funding for siting a new Modern Pit Facility to manufacture new triggers for nuclear weapons.

In addition, the bill does not provide funds to move test readiness at the Nevada test facility up from 24 months to 18 months. Mr. Speaker, instead, the bill has placed emphasis on the consolidation of bomb material for greater safety and security and on the disassembly of surplus nuclear weapons.

On these matters, I believe the bill reflects realistic national security and budget priorities, and I commend the chairman and ranking member for their leadership.

Mr. Speaker, while I support this bill on the whole, I feel compelled to express my disappointment in the funding levels for renewable energy technologies. Just 2 weeks ago senior officials from the United States and 153 other nations met at a conference in Bonn, Germany, where they unanimously endorsed a communique committing to a substantial increase "with a sense of urgency" in the percentage of renewable sources to meet global energy needs.

Reportedly, the delegates of the conference did not set specific targets or timetables as a concession in order to get President Bush's administration on board. The President has said he favors the invisible hand of the free market over government regulation.

Sadly, this appropriations bill does not reflect the sense of urgency which is needed in increased funding for renewable energy sources. I can tell you that my constituents in Massachusetts, who are paying on average \$2.10 per gallon at the pump, do not have much faith that "the invisible hand" of the free market is going to show up any time soon and drive gas prices down either.

Mr. Speaker, this Nation cannot afford to wait any longer. We cannot afford to continue underfunding renewable energy and efficiency programs while our dependence on foreign sources of oil grows and our natural gas shortage worsens. We need to move with all deliberate speed to significantly increase funding for renewable sources of energy.

I have start-up fuel cell companies and established photovoltaic manufacturers in my district like Mechanology,

Protonex, Cell Tech Power and Evergreen Solar that are doing remarkable things, but they are struggling to compete with other countries who are leaving us behind in the race to a new energy economy because they cannot get the Federal funding support they need to continue research and development. And the invisible hand of the free market economy is not helping them out either.

Meanwhile, we spend our time here passing ill-conceived energy bills for a second time that grant \$23 billion in tax breaks and subsidies to the oil and gas industry. Surely, if we can do that, then we can do better in funding our renewable energy technologies.

Mr. Speaker, the appropriators have done their job, and while I would like to see a more comprehensive bill, I believe that the appropriators have done their job well.

Let me be the first to commend the gentleman from Ohio (Mr. HOBSON) and the ranking member, the gentleman from Indiana (Mr. VISCLOSKY) for their work.

With that being said, my main regret is that the Republican leadership decided not to make in order the amendment offered by the gentlewoman from California (Ms. ESHOO) and the gentleman from California (Ms. LOFGREN).

The Eshoo-Lofgren amendment is simple. It would require that the Federal Emergency Regulatory Commission order refunds whenever sellers of electricity charge rates that are not just and reasonable. This will require FERC to order refunds stemming from the market manipulation that occurred in California and the Pacific Northwest in 2000 and 2001. It would also require FERC to disclose documents and evidence that it has obtained in its investigation of Enron in manipulation of the western energy market; and it would require FERC to allow States to fully participate in FERC proceedings and negotiations on market manipulation.

At the end of this debate, I will offer a motion to defeat the previous question. If the previous question is defeated, the gentlewoman from California (Ms. ESHOO) and the gentlewoman from California (Ms. LOFGREN) will offer their amendment to the Energy and Water Appropriations bill for fiscal year 2005. This is an important proconsumer amendment, and it deserves to be considered today.

Mr. Speaker, when is enough enough? It is sad that the Republican leadership feels compelled to continue to protect the Enrons of the world. It is time that we hold these companies accountable, and the Eshoo-Lofgren amendment is the right prescription for this ailment.

Mr. Speaker, yesterday we engaged in a colossal waste of time as the leadership of this House forced the Members of this House to spend an entire day to debate a bill and amendments that were defeated by substantial margins; and yet the leadership of this House is unable to allow us to have the

opportunity to debate an amendment that will actually make a real difference in the lives of the people of this country. We can do much better than this, and I will urge my colleagues to vote "no" on the previous question.

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

Mr. SESSIONS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I do want to quote my colleague who said that this is a good bill. It is a good bill and it does deserve to be passed. It also is a bill that does not need to address what is known as the Eshoo amendment, because it has already been addressed. It has been addressed in the H.R. 6 conference report and H.R. 4503 that was passed last week by the House and is pending in the Senate; and that will provide the authority to FERC to ensure that the proper elements are taken care of as it relates to serious allegations that have been raised, especially in California.

I do thank the gentleman for his support of the bill. I believe he has qualified it appropriately, and I do, too, give thanks to the gentleman from Ohio (Mr. HOBSON) for the work he has done.

Mr. Speaker, I would like to notify the gentleman from Massachusetts (Mr. MCGOVERN) that at this time I do not have any speakers as a result of the adequacy of the bill that has taken care of many requests on this side; and so I would like to inform the gentleman that I would allow him to go ahead and consume the time that is necessary.

Mr. Speaker, I will reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, I yield 4½ minutes to the gentlewoman from California (Ms. ESHOO).

(Ms. ESHOO asked and was given permission to revise and extend her remarks.)

Ms. ESHOO. Mr. Speaker, I thank the gentleman from Massachusetts (Mr. MCGOVERN), who has been a wonderful supporter of our effort that has been stretched out over 4 years.

Mr. Speaker, I strongly support the underlying bill. It is an excellent one, and I commend the gentleman from Ohio (Mr. HOBSON) and the ranking member, the gentleman from Indiana (Mr. VISCLOSKY) for their bipartisan leadership of the Subcommittee on Energy and Water Development. But I rise to urge the defeat of the previous question on the rule, because the rule does not provide a waiver for the amendments to address market manipulation and require the Federal Energy Regulatory Commission to take action to refund consumers' dollars that were manipulated.

I testified before the Committee on Rules yesterday that this amendment be made in order, but the request was denied.

I think the word "denial" pretty well sums up the response of Congressional Republicans and the FERC to the western energy crimes. In 2000 and 2001, FERC essentially allowed energy pro-

ducers to game and corrupt the western energy market, and consumers were gouged billions of dollars. In March 2001, Congressional Democrats wrote to the President for help and we are still waiting for the reply.

In 2002, Democratic Members of the California delegation asked six times for a Congressional investigation and hearings on market manipulation. It never happened. In 2003, we tried to address the refunds issue with amendments to the Energy Policy Act. Nothing happened.

Over 4 years we have tried everything we could to help consumers in the Pacific Northwest and California. This work is summarized in a five-page document which, Mr. Speaker, I include for the record.

The House must consider this amendment today because we are running out of opportunities to right the wrongs which created the crimes itself. This amendment will first amend the Federal Power Act by changing the rules for refunds effective dates under Section 206. Currently, these rules allow refunds after a complaint has been filed. This amendment will allow refunds for all overcharges regardless of when a complaint has been filed. This change will require FERC to order refunds for the gouging that occurred in the West and elsewhere in the Nation in 2000 and 2001.

Two, it requires FERC to open new investigations, if necessary, to award refunds to western consumers.

Three, it requires the FERC to step in to order refunds whenever manipulation occurs in the future in any State in our country.

Four, it requires the FERC to allow California to participate in heretofore secret negotiations between FERC and power producers who were thought to have engaged in market manipulation. And lastly, it requires the FERC to make public all documents that it is holding related to the manipulation of the western energy market in 2000 and 2001.

□ 0930

And let there be no doubt, there were wrongs. The Enron tapes which CBS broadcast earlier this month make it all too clear that companies were manipulating the market. They bragged about stealing money from "those poor grandmothers in California."

Some of the language was so profane that by congressional action it was deemed it could not be broadcast. The language was shocking and the facts in the transcripts chilling. They are part of a litany of evidence of widespread market manipulation.

There are smoking gun memos in which Enron admitted how they gamed the market. They had names for each one of their undertakings. We have transcripts of employees of Reliant Energy describing how they gamed the market; and with that striking evidence, FERC chose to negotiate a settlement in this case for pennies on the

dollar without allowing California to participate.

We have reams of evidence discovered by the State of California. We have the Justice Department's indictments and plea agreements with many energy traders and producers. Even the FERC found "significant market manipulation." But, despite the evidence, the FERC has been reluctant to order refunds to compensate consumers even though it has the obligation to protect energy consumers of our country.

Mr. Speaker, it has been 4 long years since the crisis began. Consumers have been waiting for relief. We think they deserve it and they should have it. I urge my colleagues to defeat the previous question and allow this amendment to come to the floor.

CONGRESSIONAL ACTIVITY TO ADDRESS THE ENERGY CRISIS—CHRONOLOGY HIGHLIGHTS 2000

June 14, 2000—First blackout of the electricity crisis and first blackout in California since World War II.

August 2, 2000—San Diego Gas & Electric Company (SDG&E) files a complaint under Rule 206 under the Federal Power Act against western power suppliers, alleging that market prices are "unjust and unreasonable." Calls on the Federal Energy Regulatory Commission (FERC) to impose price limits.

November 1, 2000—FERC reports that wholesale electricity prices have been and have the potential to continue to be "unjust and unreasonable." 2001

January 19, 2001—25 members of the California delegation write to FERC to urge it to address the high price of electricity in California.

January 20, 2001—Representatives Duncan Hunter and Anna G. Eshoo introduce H.R. 238 to amend the Department of Energy Authorization Act to authorize the Secretary of Energy to impose interim limitations on the cost of electric energy to protect consumers from unjust and unreasonable prices in the electric energy market. A bipartisan group of thirty-two Western Members cosponsor the bill. Senate companion (S. 26) introduced by Senators Dianne Feinstein and Barbara Boxer on January 22, 2001.

January 30, 2001—Representative Bob Filner introduces H.R. 268, the California Electricity Consumers Relief Act, that requires FERC to order refunds retroactive to the beginning of the crisis on June 1, 2000.

March 2, 2001—Representatives Hunter and Eshoo write to House Energy and Commerce Committee Chairman Billy Tauzin and House Energy and Air Quality Subcommittee Chairman Joe Barton to call for a hearing on the Western energy crisis and H.R. 238.

March 6, 2001—House Subcommittee on Energy and Air Quality holds hearing—Congressional Perspectives on Electricity Markets in California and the West and National Energy Policy.

March 20 and 22, 2001—House Subcommittee on Energy and Air Quality holds hearing—"Electricity Markets: California."

March 22, 2001—House Democrats write to President Bush to urge him to fill FERC vacancies, to call on FERC to investigate and mitigate high electricity prices in California, and to replace FERC Chair Curtis Hebert. No reply is received from the President.

March 23, 2001—California Democrats on the House Energy and Commerce Committee respond to the majority's request for com-

ments on proposed legislation to "fix" problems in the Western energy market. Members note the omission of any provision to address the excessively high cost of electricity. No formal reply is received.

March 30, 2001—Democratic Members from California, Washington, and Oregon write to President Bush to urge him to address the high cost of wholesale electricity and "investigate recent allegations of overcharges" in the Western energy market. No substantive reply is received from the President.

April 4, 2001—H.R. 1468 is introduced with the support of 30 California Democrats. The bill requires the Federal Energy Regulatory Commission to impose cost-of-service pricing in the Western electricity market and to order the refund of overcharges.

April 10, 2001—U.S. Secretary of Energy Spencer Abraham writes to Members of Congress to update them on the Administration's efforts to address the energy crisis. The Secretary discounts the crisis as "a supply crisis" and states the Administration's opposition to price mitigation.

April 16, 2001—California Democrats on the House Energy and Commerce Committee write to FERC Commissioner Linda K. Brethitt to urge her to support cost-of-service pricing in the West.

April 26, 2001—FERC issues an order establishing a price mitigation plan during stage 1, 2, and 3 power emergencies. The order sets the mitigated price on the most inefficient, polluting generator in the State. Generators can exceed the mitigated price if they justify their costs.

May 1 and 3, 2001—House Energy and Air Quality Subcommittee holds hearing on H.R. 1647, The Electricity Emergency Act of 2001—a bill with the purported purpose of solving the energy crisis by increasing the supply of electricity. Among other proposals, the bill calls for the suspension of federal environmental laws that might diminish energy production. California Governor Gray Davis and the California Energy Commission and Air Resources Board report that environmental protection laws are not an impediment to energy production. The bill does not address runaway prices.

May 1, 2001—Members of the California Republican Delegation meet with Vice President Dick Cheney on the energy crisis. California Democrats are not invited.

May 3, 2001—California Democratic Congressional Delegation Chair Sam Farr writes Vice President Cheney criticizing him for excluding California Democrats from his May 1, 2001 meeting with California Republicans. Rep. Farr requests a meeting with the Vice President.

May 4, 2001—44 Democratic Members of Congress write to Secretary Abraham to use his authority to address price gouging in the West. Reply reiterating the Administration's opposition to "price caps" mailed July 2, 2001.

May 17, 2001—Vice President Cheney and the National Energy Policy Development Group (NEPDG) submit their recommendations to President Bush. The recommendations do not include anything to address runaway prices in the West. About the Western energy crisis, the NEPDG writes, "Though weather conditions and design flaws in California's electricity restructuring plan contributed, the California electricity crisis is at heart a supply crisis" (National Energy Policy, page 1-3). The report blames California for not building enough generating plants, "there are no short-term solutions to long-term neglect."

May 25, 2001—84 Democratic Members of the House write President Bush to request that he back a price mitigation amendment to H.R. 1647 based on H.R. 1468. No reply is received from the President.

May 25, 2001—Ten respected economists, including Alfred Kahn, architect of deregulation in the airline industry, write to President Bush and the Congressional leadership to express support for cost-of-service based rates for electricity in the western market.

June 2, 2001—Rep. Eshoo delivers the Democratic response to the President's weekly radio address on the energy crisis.

June 7, 2001—21 Western Democrats write to FERC Chairman Curtis Hebert to request the opportunity to testify before the Commission in a public meeting.

June 12, 2001—California Democratic Congressional Delegation meets with Vice President Cheney about the energy crisis. Vice President promises no intervention to alleviate high prices.

June 13, 2001—29 members of the California Democratic Congressional Delegation write to Vice President Cheney following a CNN report that the White House and Congressional Republicans funded an advertising campaign to oppose price mitigation in the West.

June 19, 2001—FERC expands its April 26th order to cover the entire West during all hours of operation, requires all generators to make their power available, and continues to base the mitigated price on the least efficient generator. FERC determines that refunds are owed and orders administrative hearings to determine the amount.

June 19, 2001—Members of the California and Western delegations testify before the House Rules Committee in support of amendments to H.R. 2246, the Fiscal Year 2001 Supplemental Appropriations bill. The amendments would require FERC to impose cost-of-service pricing in the West and order electricity generators to pay refunds of rates that are "unjust and unreasonable." The Rules Committee, chaired by California Republican David Dreier, refuses to allow the consideration of these amendments.

June 20, 2001—Representative NANCY PELOSI attempts to bring a cost-of-service amendment to H.R. 2246 to the floor. Republicans block it on a procedural objection.

June 20, 2001—Governor Gray Davis, with many Members of the California Congressional Delegation in attendance, testifies before the Senate Governmental Affairs Committee about FERC's activities in the Western energy market.

June 30, 2001—California Democratic Congressional Delegation writes to FERC Chairman Curtis Hebert about 32 important California-related cases that were pending before the Commission for an extended period of time. Reply dated August 28, 2001.

July 17 and 18, 2001—House Energy and Commerce Committee holds markup of the Committee Print, Energy Advancement and Conservation Act. Committee defeats two amendments offered by the California Democrats on the Committee to impose cost-of-service pricing and require the refund of overcharges.

August 1, 2001—Floor consideration of H.R. 4, Securing America's Future Energy. House defeats Rep. Waxman's cost-of-service pricing amendment by 157-274. The Rules Committee refuses to make in order an amendment offered by Representatives Eshoo and Harman to require refunds of overcharges.

October 29, 2001—Rep. Eshoo testifies before a FERC technical conference on behalf of the California Democratic Congressional Delegation. Requests that the Commission's price mitigation plan remain in force until the market has stabilized. Asks the Commission to act quickly in ordering refunds.

November 27, 2001—California Democrats on the House Energy and Commerce Committee write to Energy and Air Quality Subcommittee Chairman Barton to urge him to address the problem of market power in energy markets within draft electricity restructuring legislation. No reply is received.

2002

February 14, 2002—Members of the California Delegation write to House Energy and Commerce Committee Chairman Tauzin to urge him to investigate and hold hearings on the business conduct and pricing practices of Enron during the Western energy crisis.

May 8, 2002—The California Democratic Congressional Delegation and 4 Northwestern Democrats write Chairman Tauzin, urging him to open an investigation and to hold hearings on market manipulation in the Western energy market after FERC posts internal Enron memos detailing how the company artificially inflated prices. Memos indicate that other companies adopted the same practices that Enron did.

May 9, 2002—The Securities and Exchange Commission announces investigation into the “round-trip” trades between Dynegy, an energy marketer that sold into the California market, and CMS Energy of Dearborn, Michigan.

May 15–16, 2002—Senate Consumer Affairs, Foreign Commerce, & Tourism Subcommittee holds hearing on Enron memos entitled, “Examining Enron: Developments Regarding Electricity Price Manipulation in California.” Rep. Eshoo and Harman attend. The Senate Energy and Natural Resources Committee holds a similar hearing.

June 5, 2002—California Democrats on the House Energy and Commerce Committee lead 75 House Members, including Minority Leader Gephardt, in a letter to House Speaker Hastert and Energy and Commerce Chairman Tauzin to ask for an investigation of energy suppliers.

June 5, 2002—31 California Democrats write to FERC Chairman Patrick Wood to urge him to extend FERC’s price mitigation plan for the West beyond September 30, 2002 when it is due to expire.

June 18, 2002—The General Accounting office issues a report that exposes weaknesses in FERC’s ability to regulate energy markets. The report says, “FERC is not adequately performing the oversight that is needed to ensure that the price produced by [energy] markets are just and reasonable and therefore, it is not fulfilling its regulatory mandate.”

June 19, 2002—California Democrats on the House Energy and Commerce Committee write to Chairman Tauzin again to urge a hearing and investigations, noting that the GAO report indicates that FERC is not up to doing the job on its own.

June 20, 2002—Congress Daily AM reports, “House Republicans agreed [June 19, 2002] to hold a hearing to examine whether trading firms such as Enron Corp., may have illegally manipulated electricity prices in the West.” The article continued, “The hearing would serve as a spring board for a broader inquiry into price manipulation and FERC’s ability to oversee the Market [Energy and Commerce Committee Chairman] Tauzin said.”

July 25, 2002—California Democrats on the House Energy and Commerce Committee write to Chairman Tauzin again to urge a hearing and investigations, noting that he has not fulfilled his public promise a month earlier to hold hearings and investigate energy transactions in the West. The letter notes that this work should be completed before Chairman moves ahead with the consideration of electricity provisions in the House-Senate Conference Committee on H.R. 4, the comprehensive energy bill. Finally, the letter asks for access to documents that Committee obtained from FERC. The documents had been compiled by FERC as a part of an investigation that it initiated following inquiries from U.S. Senators.

July 26, 2002—Chairman Tauzin responds to the Western Representatives May 8, 2002 let-

ter with a recitation of the Committee’s previous work on the Western energy crisis in 2001. The Chairman notes that he requested and received the documents he received from the Federal Energy Regulatory Commission (FERC), which were being reviewed by majority and minority staffs. However, he does not explain why the Committee has not held a hearing since the Enron “smoking gun” memos were made public. The Chairman does not respond to the request for access to the FERC documents.

August 21, 2002—California Democrats on the House Energy and Commerce Committee respond to Chairman Tauzin’s letter, and again ask for a serious, independent investigation of the Western Energy market. The letter reiterates the request for access to FERC documents obtained by the Committee.

2003

January 9, 2003—The California Democratic Congressional Delegation writes to the Chairman of the Federal Regulatory Energy Commission (FERC) Patrick Wood, III, to reject the findings of Administrative Law Judge Bruce Birchman (Refund Case EL00-95-045) because he recommended that energy generators who supplied power to California during the 2000–2001 energy crisis owe far less than the \$8.9 billion that California is seeking.

March 3, 2003—The California parties (including the Governor and the Attorney General of California, the California Public Utilities Commission, and the state’s major independently-owned utilities) present to the Commission more than 1,000 pages of evidence of widespread market power abuse and market manipulation. The California parties had to go to the Ninth Circuit Court of Appeals to force the Commission to allow them to discover and present this evidence.

March 26, 2003—The Federal Energy Regulatory Commission (FERC) released a detailed report on the California Energy crisis, concluding that there was widespread manipulation in the California energy market. However, FERC did not propose increasing refunds substantially to reflect the gaming that took place. In particular, FERC continued to insist that the State of California could not receive refunds on the short-term electricity purchases it made to keep the lights on.

April 2, 2003—During the Energy and Commerce Committee markup of the Energy Policy Act (H.R. 6) Rep. Eshoo offers an amendment to increase the refunds for California consumers by \$5 billion. The amendment simply required the Federal Energy Regulatory Commission (FERC) to refund all “unjust and unreasonable” charges the State of California incurred for the short-term energy purchases it made to keep the lights on during the California energy crisis in 2001. The amendment failed on a vote of 21 to 30 in the Energy and Commerce Committee. Rep. Eshoo, supported by the California Democratic Congressional Delegation, attempts to bring the amendment to the floor for consideration several days later but not one California Republican would support the amendment and it wasn’t considered.

September 25, 2003—31 Members of the California Democratic Congressional Delegation write to FERC Chairman Wood reiterating previous concerns that FERC is having a poor record in defending the interests of California consumers, lacks an effective price mitigation plan, refuses to order the renegotiation of unjust and unreasonable long-term contracts, and has thus far short-changed consumers in the refund proceedings.

2004

May 6, 2004—An amicus brief is filed at the 9th Circuit Court regarding FERC and Cali-

fornia energy refunds signed by 37 parties: California’s 2 Senators, 33 House California Democrats, State Senate President Pro Tem John Burton, and State Assembly Speaker Fabian Nunez. The brief supports the California parties’ lawsuit that FERC follow the Court’s order to use the existing Remedy Proceeding—a forum subject to judicial review—to collect evidence of energy market manipulation, rather than non-public investigatory proceedings that shut CA consumers out of the process.

June 2, 2004—CBS News broadcasts tapes unearthed by Snohomish Public Utility District which capture Enron traders bragging in profane terms about their effort to manipulate the Western Energy Market.

June 14, 2004—All 33 California House Democrats write to FERC to request that it address the issues raised by the Enron tapes.

June 15, 2004—The House defeats motion to recommit H.R. 4305, the Energy Policy Act of 2004, 192–230 (Roll Call Vote 240). The motion would have added language to the bill that will enable California consumers to receive equitable refunds.

Mr. MCGOVERN. Mr. Speaker, I yield 4 minutes to the gentlewoman from California (Ms. LOFGREN).

Ms. LOFGREN. Mr. Speaker, the sad tale of our energy rip-off in the western United States is really before us today. We started out reacting in a bipartisan way, but, in reviewing the history, I note that after House Republicans met with the Vice President on May 1, 2001, that bipartisan effort did stall.

We have tried for 4 years to get results. In June, 2001, the California delegation asked for amendments to H.R. 2246; and the Committee on Rules refused to allow those amendments which would provide a refund for unjust and unreasonable rates.

In July, 2001, amendments were offered in the markup in the Committee on Energy and Commerce; and Republicans refused to allow the requirement of refunds in overcharges.

In August of 2001, the Committee on Rules refused to make in order an amendment to require refunds of overcharges.

In June of 2002, the GAO report indicated that the FERC was really not doing the job, but Congress and the administration did nothing about it.

In April, 2003, the effort was made again through H.R. 6 to refund all unjust and unreasonable charges, but, again, we were blocked in that effort.

Finally, in May, 2004, Californians, including the attorney general, the chief law enforcement officer of the State of California, filed a lawsuit to try and get the law followed.

Now, what is the problem here? We had energy manipulation. We had a theft. California was a crime victim. When there was a fire, they were quoted as saying, “burn, baby, burn, that is a beautiful thing,” the trader said about the massive fire; and they also said he is just F-ing California, meaning he steals money from California to the tune of about a million.

Mr. Speaker, we need to do something about this. Yesterday, we asked that the Eshoo amendment be made in order so we could get the refunds and relief that citizens in the West are due.

It was mentioned at the time that because this litigation has been filed that somehow it would be improper to proceed with Congress' action. That is simply not the case.

Earlier this week, I was in the Committee on the Judiciary. I have been a member of the Committee on the Judiciary for 9½ years. We were marking up enhanced penalties for terrorism crimes, and the issue was raised, these new penalties are going to be imposed on individuals whose prosecutions are under way. We got a lengthy letter from the Justice Department pointing out that there was no problem in terms of ex post facto issues and that we could proceed.

I am mindful, when the World War II Memorial was threatened because of its time frame because of a lawsuit filed by NEPA, the House of Representatives acted and simply removed the World War II Memorial from NEPA coverage. I voted for that because I wanted to get the memorial approved.

Earlier this year, there was an arcane issue between interns and residents employed by medical schools and hospitals on whether or not that was an employment or an educational issue, and it was in court over an anti-trust case. We voted actually to define that relationship as an educational relationship, ending the litigation. I voted for that because I thought it was appropriate for Congress to step in and protect medical education in America.

It can never be correct that Congress is excused from doing its job because someone filed a lawsuit. If that were the case, all we would need to do to paralyze the House of Representatives and the Senate would be to have people file lawsuits.

I would like to say this, that for those who are refusing to act still, now in our fourth year who are through their actions, whether intended or not, covering up and protecting the wrongdoers at Enron and others, I feel a kinship with that story told to me in law school: It is like the guy who kills his parents and then throws himself on the mercy of the court because he is an orphan.

Let us act on the Eshoo amendment and get relief for California.

Mr. SESSIONS. Mr. Speaker, I yield 5 minutes to the gentleman from Tennessee (Mr. WAMP), the vice chairman of the subcommittee.

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

Mr. WAMP. Mr. Speaker, I thank the gentleman from Texas (Mr. SESSIONS) and state what a great Member of Congress the gentleman is.

I want to come this morning, after a long year, and thank the staff. Kevin Cook, the majority staff and the minority staff have worked diligently and have created a very balanced product. There are a few things that are not as high as we would like and are not funded as much as we would like, but overall it is excellent work.

Over the last year and a half, the gentleman from Ohio (Chairman HOBSON) has been all over the country familiarizing himself with our varied missions, both in the Corps of Engineers and the Department of Energy. The gentleman from Indiana (Mr. VISCLOSKEY), the ranking member, is a thoughtful and diligent member who has made enormous contributions; and this is possibly the best bipartisan work we will see through the appropriations process this year.

The things I want to point to during the debate to bring the rule up and pass this bill with tremendous bipartisan support today are, first and foremost, frankly, in the wake of September 11, the enhanced security at our nuclear weapons facilities that is manifested in this bill. This is the result of a chairman who went out and looked at these facilities, many times in a very classified setting, but came back and really dug in to get to the bottom of what needs to be done and accelerate those improvements as much as possible in this bill. I want to thank him because I represent one of those facilities, and we are going to be much more secure in the months and years ahead because of the leadership of the gentleman from Ohio (Mr. HOBSON).

Secondly, I was with the Secretary of Energy yesterday; and we were touting how this bill even ramps up the administration's commitment to science and research, supercomputing, fusion energy, the next breakthroughs that will lead to a productive society in future years in this bill. The Congress is even doing more than the administration. The administration is doing more than last year. We are making great breakthroughs. This is the seed corn of a productive American society, and this Congress is responding through this committee's work.

I am excited. We really do have a team of leadership on the subcommittee that gets it, and we need it. We have nanoscale research now at a level we have never had. This subcommittee is honoring that.

Another great initiative of this administration is we have all of these nuclear weapons facilities from the Cold War legacy. We have been maintaining them at billions and billions of dollars of annual cost. We should clean them up quicker. It is called accelerated cleanup. It is a Bush-Abraham initiative. This Congress is fully funding accelerated cleanup all across the country. Spend more money early so we do not have to spend all that money later.

Accelerated cleanup is honored in this committee's work; and I am very grateful, again representing one of those sites where for a number of years we were just stirring the money around in a pot every year and asking for more. We were spending money to stir it, instead of cleaning it up.

Mr. Speaker, important water projects, infrastructure investment are in this bill. It is very balanced between

energy and water. Sometimes the Senate goes more towards energy investments and takes away water money, sometimes the House has more water, less energy. This committee has balanced the approach from the very start, which is what we need.

For instance, in the Tennessee Valley, we have this river system with a number of dams and locks, but we have one lock with bad concrete growth problems. The Corps of Engineers has said for a number of years it needs to be replaced, but it is a \$300 million ticket. This bill starts the process of replacing the Chickamauga lock on the Tennessee River.

The gentleman from Tennessee (Mr. DUNCAN) from the Subcommittee on Water Resources and the Environment, our chairman, he wrote a bill to replace this lock; and we passed the bill. The President signed the bill into law. This committee puts the money in to start the process. We need to get it rolling and clean it up.

Now, what does this bill not have? This bill does not have everything we need to keep the nuclear energy program in this country robust and growing which has been flat for a number of years because of the long-term waste issue. That is the Yucca Mountain piece. We do not have the money. We are going to keep fighting. We believe that nuclear is a safe, clean alternative to fossil emissions. If Members want clean air, we need nuclear power.

Other countries get it. Other countries which are more environmentally sensitive, from time to time, than America are in the nuclear business because they see it as clean green energy. We need that, but we have to work out this long-term storage issue. That is Yucca Mountain. We fully funded it last year. The chairman knows that we have to have this, but we do not have the money. But we are not giving up. This is the beginning of the process with the Senate, with the budgeteers and all of the people who would have imposed caps on it. This is a great bill with bipartisan support.

Mr. MCGOVERN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me repeat what I said at the beginning. We have no problem with this bill. We congratulate the gentleman from Ohio (Chairman Hobson) and the gentleman from Indiana (Mr. VISCLOSKEY), the ranking member, for a job well done. We are just frustrated the Committee on Rules, when it comes to amendments of substance, continues to shut us out. That is what we are upset about today.

Mr. Speaker, I yield 4 minutes to the gentleman from California (Mr. SHERMAN).

Mr. SHERMAN. Mr. Speaker, in the late 1990s, California, whose energy markets dominate the effect up and down the West Coast, adopted a competitive market for electric generation. Under Federal law, if a State adopts that competitive model, it gives up the right to regulate wholesale energy

prices and transfers that responsibility to the Federal Energy Regulatory Commission. In late 2000 and early 2001, the Federal Energy Regulatory Commission, FERC, slept during an artificial crisis during the winter; and over \$9 billion was stolen.

Why do I emphasize winter? West-erners will understand this. We had enough electric generation capacity to power our air conditioners in the summer, but somehow there was not enough electricity for the much lower demand to keep the lights on in the winter. Why? We were told that there was a shortage because plants were "closed for maintenance."

Here is the chart that illustrates what happened. The blue indicates the noncrisis previous year as to the number of plants and the amount of electricity not generated thereby due to maintenance. The yellow shows the crisis, closed for maintenance.

Now the transcripts are out. Not just Enron but Reliant and other Presidentially protected corporate criminals were closing the plants in order to create an artificial shortage.

Now the transcripts that are most famous are obscene. They include the now-famous quote that says, Gramma Millie, she wants her F-ing money back for all the money you jammed up her orifice for \$250 a megawatt hour. That is thought to be the most obscene quote, but truly the most obscene, and there are dozens like this quote, is when an Enron trader turns to the plant manager and says, "just go ahead and shut it down." Closed for maintenance, artificial shortage, \$9 billion stolen.

The responsibility for this, the greatest economic crime in our history, is not just for the thieves but those who protect them.

Whose side are Members on? Reliant and Enron and the others who shut plants down to create an artificial shortage? Or on the side of Gramma Millie and other western consumers? Members define themselves and define their party with their vote on the previous question.

Reliant is relying on the other side to protect them; and the other side may indeed enjoy a hollow victory today as they shut down debate and prevent us from even discussing an amendment to require FERC to let the western States see the documents, to require FERC to look at the fraud that occurred before a complaint was filed. They can win that hollow victory today, but 45 million westerners, including the voters of three swing States, are watching. The other side of the aisle cannot hide from them, and Gramma Millie's revenge is less than 5 months away.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LAHOOD). Members should avoid engaging in personality toward the President, even by innuendo.

Mr. MCGOVERN. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Speaker, I rise in opposition to this rule but only the rule, because I certainly support the underlying legislation. I do not support the rule because it does nothing to help Californians who have been bilked out of at least a billion dollars by Enron. It is unbelievable to me that the California members on the Committee on Rules would not make this issue that is so important to California part of today's debate.

During the 2001 energy crisis, Californians begged the President for relief, but the President did nothing. Each week, \$50 million was drained from the pockets of Californians by Texas-based energy producers. The President actually called this supply and demand. Californians, however, called it highway robbery. As it turns out, while this was happening, Enron traders were laughing about sticking it to Gramma Millie in California.

It has taken a small utility in Washington State to do what this administration has refused to do: Bring to light the callous manipulation that harmed millions of Californians and West Coasters. Enron fleeced more than \$1.1 billion from consumers while literally laughing all of the way to the bank. And even with the evidence brought out by the Enron tapes, the leadership of this House once again leaves millions of California consumers in the dark. I guess they want to hide what they have done to help Enron behind closed doors, much like the Bush administration has been working in the shadows with its energy plan for the Nation. Maybe they will not be happy until they have turned out the lights on all Americans. This bill does nothing to help California and the other western States get their retribution.

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Mr. MCGOVERN. Mr. Speaker, I yield 2 minutes to the gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. Mr. Speaker, like those Members who rose before me, I support the underlying bill. It is a vital investment in our country. But I do object to the rule because it is long past time to begin to rectify this massive theft that went on.

Every day, today every Oregonian, every residential ratepayer, every business will pay, on average, 42 percent more for the electrons purchased from the same plants transmitted over the same electric lines as 4 years ago. Just one thing happened in between. That is the Bush administration, the Bush FERC and Kenny Boy Enron Lay, the President's previous largest single contributor until this year.

The Snohomish utility found that on 473 of 537 days, Enron manipulated the market. How can the Bush FERC say that is just and reasonable and not require that those illegal contracts achieved through market manipulation be voided? We do not know because they will not release the documents. They do not want people to know how

involved Enron was in setting the national energy policy.

In the year before the Bush administration released their energy policy, Enron officials met with members of the Federal Energy Regulatory Commission and their staff on 272 occasions during one work year. That means on every day there was an Enron official in the FERC offices. Were they also in Vice President CHENEY's office? We do not know because he is fighting release of those records. We need these illegal contracts to be voided, and we need all of the documentation released about this massive market manipulation.

This is continuing to cast a pall over the economy of the Pacific Northwest. We have some of the worst unemployment in the country over the last few years, and a good part is because billions of dollars have been illegally extracted from our ratepayers by the Texas-based Enron company with the Federal Energy Regulatory Commission appointed by President Bush standing by complicit, compliant and silent.

Mr. SESSIONS. Mr. Speaker, I reserve the balance of my time to close with one speaker at the very end.

Mr. MCGOVERN. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Mrs. CAPPs).

Mrs. CAPPs. Mr. Speaker, I rise in opposition to this rule on behalf of ratepayers in the West who depended on the Eshoo amendment being made in order.

Time and time again, members of the California, Oregon and Washington delegations have attempted to get this House to focus on the damage caused in the western electricity crisis a few years back. We have been trying to get the House to do something to return the money stolen from my constituents and millions of others. The electricity market manipulation that went on was shameful. It was surpassed, perhaps, only by the actions or rather inaction of the FERC and this Congress.

Literally billions of dollars were stolen from consumers and taxpayers by pirate firms like Enron. Recently, we were all treated to a front-row seat to the carnage demonstrated in tapes of Enron traders figuring out how best to create shortages, to drive up prices, and rip off consumers. It was sickening. But, in reality, there was nothing new in those tapes. It was just more evidence of what I and many in our delegation have been requesting for over 3 years. Enron and other power companies were shutting down power plants, diverting electricity, and engaging in illegal actions in order to drive up electricity prices.

The amendment brought before the Rules Committee by the gentlewoman from California (Ms. ESHOO) would be a great step in bringing some justice here. It would open up all the records at FERC on these cases of price fixing and market manipulation. It would force FERC to let States participate in the settlement negotiations, and it

would make some key changes in the Power Act to enable full refunds to these western States.

The Committee on Rules should have made it in order and the House should have adopted it, but that would be breaking the practice of this House and this administration in doing nothing in response to one of the great hijackings in American history. It is disgraceful. I urge my colleagues to vote against this unfair rule.

Mr. MCGOVERN. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. FARR).

Mr. FARR. Mr. Speaker, I, like others, rise in support of the bill. I think the authors of this bill, particularly the gentleman from Ohio (Mr. HOBSON) and the gentleman from Indiana (Mr. VISCLOSKY), have done a great job, but this is the only bill we have before Congress which allows us to have a debate on FERC, the Federal Energy Regulatory Commission.

It would be a better bill if we put an amendment in there, but the Committee on Rules has not allowed that amendment, and that is wrong. It is really wrong because this is the only place where we can address that issue. The administration should address it. They have been silent. They sit by and allow FERC to continue to do nothing.

FERC is a regulatory agency. This is where the consumers can go to get some protection. That is the only agency in the Federal Government that can do anything about it; and when they do not act, we have nowhere to turn.

This is an agency that ought to have money withheld from it until it answers the questions. That is something that we do in the legislative process all the time. And since the administration has failed to hold them accountable, Congress should. We are asleep at the switch. When that switch was asleep at FERC, a regulatory agency, they allowed all of these companies to just screw California.

Mr. Speaker, it took \$9 billion of taxpayer money to pay these bills. This is absolutely absurd. It is more than absurd. It is obscene, it is criminal and it ought to stop now. The Eshoo amendment should be debated. It is a shame on the Committee on Rules that they did not make it in order.

Mr. MCGOVERN. Mr. Speaker, I yield myself the balance of my time to close.

Mr. Speaker, I am going to call for a no vote on the previous question so this body can consider and vote on the Eshoo amendment.

We all remember the horror stories of the energy crisis in California in 2000 and 2001. Virtually overnight, energy prices went through the roof, causing a fiscal crisis and chaos due to energy shortages. Energy became prohibitively expensive. Electricity that had cost under \$50 the previous year was suddenly costing over \$1,000, and some days peaked above that.

Energy disruptions brought enormous disruption to the everyday lives of the people of that State. There were

rolling brownouts that shut down traffic signals and crowded intersections, endangering those stuck in the gridlock. Even some hospitals suffered temporary power loss with little or no notice. To add insult to injury, we found out months later that this so-called energy crisis was a fraud on the part of the companies that sold the energy. They created a fake shortage and jacked up energy prices.

Mr. Speaker, we need to do something to make sure that this never happens again. The Eshoo amendment is a step in that direction. It deserves consideration in this House. A no vote on the previous question will not stop the House from taking up the energy and water appropriations bill, which is a good bill. However, a yes vote will prevent the House from considering the Eshoo amendment.

Mr. Speaker, I am not quite sure what we did yesterday on the House floor, but it was a complete waste of time. Overwhelmingly, the bill considered yesterday and all the amendments were rejected. We have an opportunity today to actually debate something meaningful that will make a difference in people's lives.

I would urge my colleagues on the other side of the aisle to join with us in voting no on the previous question. My colleagues on the other side of the aisle say they are outraged by Enron and Enron-style companies that ripped off the consumers in California. If they are truly outraged, then they should put their action where their rhetoric is: Vote no on the previous question and allow us to have a meaningful debate that will make a real difference in the lives of the people of this country and allow us to vote on the Eshoo amendment. I urge my colleagues to vote no on the previous question.

Mr. Speaker, I ask unanimous consent to insert the text of the Eshoo amendment immediately prior to the vote on the previous question.

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

There was no objection.

Mr. MCGOVERN. Mr. Speaker, I yield back the balance of my time.

Mr. SESSIONS. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. DREIER), the chairman of the Committee on Rules, to close this great debate and this opportunity we have had to talk about energy and water.

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

Mr. DREIER. Mr. Speaker, I thank the gentleman for yielding me this time, and I thank him for the management of this rule. Thanks to the manager of the rule, he has allowed me to patiently listen to the statements that have been made by my colleagues on the other side of the aisle about this legislation. And so I sat patiently and listened to my very distinguished California colleagues, all very good friends

of mine, and I would like to say, as we have agreed in a bipartisan way, a very good bill. This is a bill that is focused on the energy and water needs that exist for this country, and they are priorities in many ways, ranging from ensuring the kind of growth that we need to national security issues and research, which are very important.

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So I believe that we are going to, based on the work of the gentleman from Ohio (Chairman HOBSON) and the full committee chairman, the gentleman from Florida (Mr. YOUNG), and the ranking minority member of the subcommittee, the gentleman from Indiana (Mr. VISCLOSKY), and the vice chairman of the subcommittee, the gentleman from Tennessee (Mr. WAMP) who spoke earlier, we are going to be able to move ahead with a very, very good piece of legislation.

But over the last few minutes, Mr. Speaker, we have been listening to a great deal of talk about my State of California. I would like to take just a few moments to talk about exactly where we are and the challenge that we have faced.

We know that we have a horribly, horribly serious situation when it comes to ripping off the energy consumers of California and the West. We all have demonstrated how extraordinarily distraught we have been, when we saw and heard the transcript of those executives who were talking about taking advantage of our constituents, the consumers out there. That is one of the reasons that we joined in wanting to do everything that we possibly can to ensure that we get to the bottom of this issue, address this issue, and resolve it in behalf of the consumers.

Now, Mr. Speaker, this bill is being considered under an open amendment process. It is an open rule, meaning that any Member will have an opportunity to stand up and offer a germane amendment. There was bipartisan agreement among Democrats and Republicans, the gentleman from Ohio (Chairman HOBSON) and the ranking minority member, the gentleman from Indiana (Mr. VISCLOSKY), to move ahead with a rule that would allow for protection of the legislation itself and an open amendment process. That is why the request which has just been made by my colleagues on the other side of the aisle, somehow saying that we are unfair, we are denying an opportunity; we are simply complying with the Rules of the House and the bipartisan request that was made of the Committee on Rules.

I heard a statement, and I am the lone Californian on the Committee on Rules and I happen to have the honor of chairing the committee, but a statement that I somehow denied the opportunity for the consideration of the Eshoo amendment. That is not the case at all, Mr. Speaker. I want to say that, under this open amendment process, we

are going to be able to have a chance to bring about a successful resolution of this.

Now, we all know that a couple of things have happened. In the Ninth Circuit Court in California, this case is under consideration. We have this process under way, and we know that the Federal Energy Regulatory Commission is scrupulously looking through those transcripts and the other concerns are there, and we are on track towards seeing reimbursement for our consumers, which is the right thing to do.

The second thing is, we in the House passed H.R. 6 just this past week. It is pending in the Senate. That legislation goes a long way towards addressing the concerns which we share and are a very high priority to us. They are designed to improve the operation of electricity markets by providing for an electronic system to increase transparency in electricity markets, something that we are all very interested in. It prohibits filings of false information and round trip or wash trading. It dramatically increases criminal and civil penalties, limits and expands penalty provisions to cover all violations of the Federal Power Act. It moves the refund effective date up to the complaint, so the refund effective date will be when the complaint was launched; and it extends the Federal Energy Regulatory Commission's refund authority to cover sales by otherwise nonjurisdictional utilities in certain markets. That is legislation that we passed right here in a bipartisan way.

Now, Mr. Speaker, I would like to close in saying that we do plan to address this issue under the Rules of the House by accepting the Eshoo amendment. The Eshoo amendment is going to be offered under an open amendment process, and I have discussed with the gentleman from Ohio (Mr. HOBSON) the issue of this great, great problem that we have of horrible abuse that has taken place in California and the West.

Ms. PELOSI. Mr. Speaker, will the gentleman yield?

Mr. DREIER. I yield to the gentlewoman from California.

Ms. PELOSI. Mr. Speaker, I appreciate the gentleman yielding to me.

Will the gentleman concede that the amendment that is going to be accepted by the gentleman from Ohio (Mr. HOBSON), and we appreciate the great leadership of the gentleman from Ohio (Mr. HOBSON), is not the same amendment that the Committee on Rules did not allow to come to the floor this morning?

Mr. DREIER. Mr. Speaker, if I could simply reclaim my time, and in reclaiming my time, Mr. Speaker, what I will say is that the amendment, of course, is not identical to the one that is, in fact, in violation of the Rules of the House. With the bipartisan request that was made of the Committee on Rules, we are having an open amendment process, and that means, as my friend, the gentlewoman knows very

well, that any amendment that is germane and falls within the Rules of the House will be in order.

The Eshoo amendment gets right at the problem that we are trying to address here, and we all know that we have pending, we have pending the important case that is before the Ninth Circuit Court, as well as the successful passage of H.R. 6. The Eshoo language, which is going to be accepted, gets at the root of the problem and underscores our bipartisan concern for this issue.

So, Mr. Speaker, let me say that I very much want us to bring about a successful conclusion to what has been a very tragic time for our consumers. Contrary to what I have heard from the other side of the aisle, there is, in fact, bipartisan concern, and we will take a back seat to no one when it comes to standing up for our constituents against any powerful interest.

So, with that, Mr. Speaker, I urge strong support of the rule; and I yield back the balance of my time.

The amendment previously referred to by Mr. MCGOVERN is as follows:

PREVIOUS QUESTION FOR H. RES. 694—RULE ON H.R. 4614 THE ENERGY AND WATER DEVELOPMENT APPROPRIATIONS BILL FOR FY2005

At the end of the resolution, add the following:

“SEC. 2. Notwithstanding any other provision of this resolution, the amendment printed in section 3 shall be in order without intervention of any point of order and before any other amendment if offered by Representative Eshoo of California or a designee. The amendment is not subject to amendment except for pro forma amendments or to a demand for a division of the question in the committee of the whole or in the House.”

SEC. 3. The amendment referred to in section 2 is as follows:

AMENDMENT TO H.R. 4614, AS REPORTED OFFERED BY MS. ESHOO

Page 29, after line 13, insert the following: The Congress finds that—

(1) incontrovertible evidence has come to light that certain sellers of wholesale electricity, including Enron, manipulated energy markets in order to overcharge electricity consumers in the Western United States;

(2) these overcharges have adversely affected state economies, families, small business, and other consumers;

(3) the Federal Energy Regulatory Commission has failed to expose this wrongdoing in a timely manner and has failed to take effective action to make consumers whole, and has undercut the ability of States and other parties to pursue relief by withholding critical documents and disaggregating claims into dozens of small proceedings; and

(4) the Federal Energy Regulatory Commission should fully disclose evidence in its possession, fully involve States, and ensure that refunds are ordered for any time period in which market manipulation occurred.

The Federal Energy Regulatory Commission shall publicly disclose all documents and evidence obtained in the following proceedings: Western Energy Markets: Enron Investigation (Docket No. PA02-2), the California Refund case (Docket No. EL00-95), the Anomalous Bidding Investigation (Docket No. IN03-10), the Physical Withholding Investigation, and the Gaming Investigation (Dockets EL03-157 et al, EL03-180 et al).

The Federal Energy Regulatory Commission shall allow States affected by market

manipulation, acting through their public utility commissions, to fully participate in settlement negotiations regarding disgorgement of profits. The Federal Energy Regulatory Commission shall consolidate the various refund and disgorgement matters related to activity in the Western markets since May 2000 into a single proceeding in order to facilitate effective participation by states and other parties. No settlement shall be adopted by the Commission if it is opposed by any state whose public utility customers have an economic interest in the results of the settlement.

Section 206(b) of the Federal Power Act is amended as follows:

(1) By amending the first sentence to read as follows: “In any proceeding under this section, the refund effective date shall be the date of the filing of a complaint or the date of the Commission motion initiating the proceeding, except that in the case of a complaint with regard to market-based rates, the Commission shall establish such earlier refund effective date as is necessary to provide a refund of any rate or charge that is not just and reasonable, as determined by the Commission. To the extent necessary to achieve the purposes of this section, the Commission shall initiate new proceedings, including investigations, and issue appropriate refunds.”

(2) By striking the second and third sentences.

(3) By striking out “the refund effective date or by” and “, whichever is earlier,” in the fifth sentence.

(4) In the seventh sentence by striking “through a date fifteen months after such refund effective date” and insert “and prior to the conclusion of the proceeding” and by striking the proviso.

PARLIAMENTARY INQUIRY

Ms. PELOSI. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore (Mr. LAHOOD). The gentlewoman will state it.

Ms. PELOSI. Mr. Speaker, I have a parliamentary inquiry to the point of addressing what our distinguished chairman said. Is it not appropriate under the Rules of the House that the Committee on Rules could have made the Eshoo amendment, as submitted to the Committee on Rules last night, in order for debate on this floor today, with waivers?

The SPEAKER pro tempore. The Committee on Rules may propose special orders of business to the House.

Ms. PELOSI. So if I may just clarify, then it would have been possible and not outside the regular order for the Committee on Rules to have put the Eshoo amendment, as presented in the Committee on Rules, with the waiver.

The SPEAKER pro tempore. The Chair will not speculate about actions in the Committee on Rules.

The question is on ordering the previous question.

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

Mr. MCGOVERN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for electronic voting, if ordered, on adoption of the resolution.

The vote was taken by electronic device, and there were—yeas 209, nays 182, not voting 42, as follows:

[Roll No. 320]
YEAS—209

Aderholt	Gibbons	Osborne
Akin	Gilchrest	Ose
Bachus	Gillmor	Otter
Baker	Gingrey	Oxley
Balleger	Goodlatte	Paul
Barrett (SC)	Goss	Pearce
Bartlett (MD)	Granger	Pence
Bass	Graves	Petri
Beauprez	Green (WI)	Pickering
Biggart	Greenwood	Pitts
Bilirakis	Gutknecht	Pombo
Bishop (UT)	Hall	Porter
Blackburn	Harris	Portman
Blunt	Hart	Pryce (OH)
Boehrlert	Hayes	Putnam
Boehner	Hayworth	Quinn
Bonilla	Hefley	Radanovich
Bonner	Hensarling	Ramstad
Bono	Hershey	Regula
Boozman	Hobson	Rehberg
Bradley (NH)	Hoekstra	Renzi
Bradley (TX)	Hostettler	Reynolds
Brown (SC)	Houghton	Rogers (AL)
Brown-Waite,	Hulshof	Rogers (KY)
Ginny	Hunter	Rogers (MI)
Burgess	Hyde	Rohrabacher
Burns	Isakson	Ros-Lehtinen
Burr	Istook	Royce
Burton (IN)	Jenkins	Ryan (WI)
Buyer	Johnson (CT)	Ryan (KS)
Calvert	Johnson (IL)	Saxton
Camp	Jones (NC)	Schrock
Cannon	Keller	Sensenbrenner
Cantor	Kelly	Sessions
Capito	Kennedy (MN)	Shadegg
Carter	King (IA)	Shaw
Castle	King (NY)	Shays
Chabot	Kingston	Sherwood
Chocola	Kirk	Shimkus
Coble	Kline	Shuster
Cole	Knollenberg	Simmons
Crane	Kolbe	Simpson
Crenshaw	LaHood	Smith (MI)
Culberson	Latham	Smith (NJ)
Cunningham	LaTourette	Smith (TX)
Davis, Jo Ann	Leach	Souder
Davis, Tom	Lewis (CA)	Stearns
Deal (GA)	Lewis (KY)	Sullivan
DeLay	Linder	Sweeney
DeMint	LoBiondo	Tancredo
Diaz-Balart, L.	Lucas (OK)	Taylor (NC)
Diaz-Balart, M.	Manzullo	Terry
Doolittle	McCotter	Thomas
Dreier	McCreery	Thornberry
Duncan	McHugh	Tiahrt
Ehlers	McInnis	Tiberi
Emerson	McKeon	Toomey
English	Mica	Turner (OH)
Everett	Miller (FL)	Upton
Feeney	Miller (MI)	Walden (OR)
Ferguson	Miller, Gary	Walsh
Flake	Moran (KS)	Wamp
Foley	Murphy	Weldon (PA)
Forbes	Musgrave	Weller
Fossella	Myrick	Whitfield
Franks (AZ)	Neugebauer	Wicker
Frelinghuysen	Ney	Wilson (NM)
Galleghy	Northup	Wilson (SC)
Garrett (NJ)	Nunes	Wolf
Gerlach	Nussle	Young (FL)

NAYS—182

Abercrombie	Bishop (NY)	Carson (OK)
Alexander	Blumenauer	Case
Allen	Boswell	Chandler
Andrews	Boucher	Clyburn
Baca	Boyd	Conyers
Baird	Brady (PA)	Cooper
Baldwin	Brown (OH)	Costello
Becerra	Brown, Corrine	Cramer
Bell	Capps	Crowley
Berkley	Capuano	Davis (AL)
Berry	Cardin	Davis (CA)
Bishop (GA)	Cardoza	Davis (FL)

Davis (IL)	Lampson	Peterson (MN)
Davis (TN)	Langevin	Pomeroy
DeFazio	Lantos	Price (NC)
DeGette	Larsen (WA)	Rahall
DeLahunt	Larson (CT)	Rangel
DeLauro	Lee	Ross
Dicks	Levin	Roybal-Allard
Dingell	Lewis (GA)	Ruppersberger
Doggett	Lofgren	Rush
Dooley (CA)	Lowe	Ryan (OH)
Doyle	Lucas (KY)	Sabo
Edwards	Lynch	Sánchez, Linda
Emanuel	Majette	T.
Eshoo	Maloney	Sanchez, Loretta
Etheridge	Markey	Sanders
Evans	Marshall	Sandlin
Farr	Matheson	Schakowsky
Fattah	Matsui	Schiff
Finer	McCarthy (MO)	Scott (GA)
Frank (MA)	McCarthy (NY)	Scott (VA)
Frost	McCollum	Serrano
Gonzalez	McDermott	Sherman
Gordon	McGovern	Skelton
Green (TX)	McIntyre	Smith (WA)
Grijalva	McNulty	Snyder
Gutierrez	Meehan	Solis
Harman	Meek (FL)	Spratt
Herseth	Meeke (NY)	Stenholm
Hill	Menendez	Strickland
Hinchee	Michaud	Stupak
Hoefel	Millender-	Tanner
Holden	McDonald	Tauscher
Holt	Miller (NC)	Taylor (MS)
Honda	Miller, George	Thompson (CA)
Hoolley (OR)	Moore	Thompson (MS)
Hoyer	Moran (VA)	Tierney
Inslee	Murtha	Towns
Israel	Nadler	Turner (TX)
Jackson (IL)	Napolitano	Udall (CO)
Jackson-Lee	Neal (MA)	Udall (NM)
(TX)	Nethercutt	Van Hollen
Jefferson	Obey	Velázquez
Johnson, E. B.	Olver	Visclosky
Kanjorski	Ortiz	Waters
Kennedy (RI)	Owens	Watson
Kildee	Pallone	Watt
Kilpatrick	Pascrell	Woolsey
Kind	Pastor	Wu
Kleczka	Payne	Wynn
Kucinich	Pelosi	

NOT VOTING—42

Ackerman	Gephardt	Peterson (PA)
Barton (TX)	Goode	Platts
Bereuter	Hastings (FL)	Reyes
Berman	Hastings (WA)	Rodriguez
Carson (IN)	Hinojosa	Rothman
Clay	Issa	Slaughter
Collins	John	Stark
Cox	Johnson, Sam	Tauzin
Cubin	Jones (OH)	Vitter
Cummings	Kaptur	Waxman
Deutsch	Lipinski	Weiner
Dunn	Mollohan	Weldon (FL)
Engel	Norwood	Wexler
Ford	Oberstar	Young (AK)

□ 1029

Mr. COOPER and Mr. BERRY changed their vote from “yea” to “nay.”

So the previous question was ordered.

The result of the vote was announced as above recorded.

Stated for:

Mr. ISSA. Mr. Speaker, if I had been present for rollcall vote No. 320, I would have voted “yea.”

Stated against:

Mr. HINOJOSA. Mr. Speaker, I regret that I was unavoidably detained this morning. Had I been present, I would have voted “no” on rollcall 320.

The SPEAKER pro tempore (Mr. LAHOOD). The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR CONDITIONAL ADJOURNMENT OR RECESS OF THE SENATE AND THE HOUSE OF REPRESENTATIVES

The SPEAKER pro tempore. Pursuant to Section 2 of House Resolution 683, the Chair lays before the House the following privileged Senate concurrent resolution (S. Con. Res. 120) providing for a conditional adjournment or recess of the Senate and the House of Representatives.

The Clerk read the Senate concurrent resolution, as follows:

S. CON. RES. 120

Resolved by the Senate (the House of Representatives concurring), That when the Senate recesses or adjourns on any day from Thursday, June 24, 2004, through Monday, June 28, 2004, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Tuesday, July 6, 2004, or at such other time on that day as may be specified by its Majority Leader or his designee in the motion to recess or adjourn, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the House adjourns on the legislative day of Thursday, June 24, 2004, or Friday, June 25, 2004, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2:00 p.m. on Tuesday, July 6, 2004, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Majority Leader of the Senate and the Speaker of the House or their respective designees, acting jointly after consultation with the Minority Leader of the Senate and the Minority Leader of the House, shall notify the Members of the Senate and the House, respectively, to reassemble at such place and time as they may designate whenever, in their opinion, the public interest shall warrant it.

The SPEAKER pro tempore. Without objection, the Senate concurrent resolution is concurred in.

There was no objection.

A motion to reconsider was laid on the table.

□ 1030

PERMISSION FOR COMMITTEE ON APPROPRIATIONS TO HAVE UNTIL MIDNIGHT FRIDAY, JULY 2, 2004, TO FILE PRIVILEGED REPORT ON DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 2005

Mr. WOLF. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations have until midnight Friday, July 2, 2004, to file a privileged report, making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2005, and for other purposes.

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

There was no objection.

The SPEAKER pro tempore. Pursuant to clause 1, rule XXI, all points of order are reserved on the bill.

PERMISSION FOR COMMITTEE ON APPROPRIATIONS TO HAVE UNTIL MIDNIGHT FRIDAY, JULY 2, 2004, TO FILE PRIVILEGED REPORT ON LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2005

Mr. KINGSTON. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations have until midnight Friday, July 2, 2004, to file a privileged report, making appropriations for the Legislative Branch for the fiscal year ending September 30, 2005, and for other purposes.

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

There was no objection.

The SPEAKER pro tempore. Pursuant to clause 1, rule XXI, all points of order are reserved on the bill.

GENERAL LEAVE

Mr. HOBSON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill, H.R. 4614, and that I may include tabular and extraneous material.

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

There was no objection.

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 2005

The SPEAKER pro tempore. Pursuant to House Resolution 694 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 4614.

The Chair designates the gentleman from Georgia (Mr. ISAKSON) as Chairman of the Committee of the Whole, and requests the gentleman from Michigan (Mr. UPTON) to assume the chair temporarily.

□ 1032

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 consideration of the bill (H.R. 4614) making appropriations for energy and water development for the fiscal year ending September 30, 2005, and for other purposes, with Mr. UPTON (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Ohio (Mr. HOBSON) and the gentleman from Indiana (Mr. VISCLOSKY) each will control 30 minutes.

The Chair recognizes the gentleman from Ohio (Mr. HOBSON).

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

Mr. Chairman, this bill provides the annual funding for a wide range of Fed-

eral programs, including such diverse matters as flood control, navigation improvements, environmental restoration, nuclear waste disposal, advanced scientific research, maintenance of our nuclear stockpile, and nuclear non-proliferation. Total funding for the energy and water development in fiscal year 2005 is \$27.988 billion. This funding amount represents an increase of \$50 million over fiscal year 2004 and \$734 million over the President's budget request. The bill is right at our subcommittee's 302(b) allocation and provides adequate funds to meet the priority needs of the House.

I believe we do some good things for the Nation in our bill. Members will not receive as many water earmarks as they might like, but we did take care of their top priorities. Instead of a steady regimen of pork, we try to put the corps back on a balanced diet. We hope that we can leave the corps civil works program in better shape than we found it, and I am confident the changes we make in this bill will have lasting positive effects. The same holds true for DOE.

Lastly, I would like to thank all of the members of this subcommittee for their cooperation and especially thank my ranking member and partner, the gentleman from Indiana (Mr. VISCLOSKY). It has been a pleasure working with the gentleman and his staff on this bill, Dixon Butler and Peder Maarbjerg. I want also to thank the committee staff, Kevin Cook, Dennis Kern, Scott Burnison, and Tracey LaTurner, as well as Kenny Kraft on my own staff. I also want to recognize our agency detailees, Tim Winchell and Jim Spratt. Their assistance was invaluable in putting this bill and report together. I think this is a good bill. We ought to pass it expeditiously.

Mr. Chairman, it is my privilege to submit to the House for its consideration H.R. 4614, the 2005 Energy and Water Development Appropriations Bill for fiscal year 2005. The Appropriations Committee approved this bill unanimously on June 16th, and I believe it is a good bill that merits the support of the entire membership of the House.

I want to thank all the members of the Energy and Water Development Subcommittee for their help in bringing this bill to the floor today. I especially want to thank my Ranking Member, Mr. VISCLOSKY of Indiana, for his extraordinary cooperation. This is truly a bipartisan bill—that is not to say we agreed on every issue, but we did agree to work together in a professional manner to resolve our differences. I am proud of the product and equally proud of the process behind this bill. I also want to thank the Chairman of the Appropriations Committee, Mr. YOUNG, and the Ranking Minority Member, Mr. OBEY, for allowing us to move this bill forward in an expeditious manner.

Mr. Chairman, this bill provides annual funding for a wide range of Federal programs, including such diverse matters as flood control, navigation improvements, environmental restoration, nuclear waste disposal, advanced scientific research, maintenance of our nuclear stockpile, and nuclear nonproliferation. Total

funding for energy and water development in fiscal year 2005 is \$27.988 billion. This funding amount represents an increase of \$50 million over fiscal year 2004 and \$734 million over the President's budget request. This bill is right at our subcommittee's 302(b) allocation, and provides adequate funds to meet the priority needs of the House.

Title I of the bill provides funding for the Civil Works program of the Army Corps of Engineers, the Formerly Utilized Sites Remedial Action Program which is executed by the Corps, and the Office of the Assistant Secretary of the Army for Civil Works. The Committee recommends a total of \$4.833 billion for Title I activities, \$252 million above the current year and \$713 million above the budget request. That gives you an idea of how inadequate the budget request for the Corps really was. The Corps has been in an unhealthy situation the past couple of years because Congress has given them more work to do but not enough money to do it. This year, we were determined to correct that situation and put the Corps on the road to fiscal recovery. For a change, we have over-subscribed the Civil Works budget. We exercise restraint on the number of projects that we put on the Corps plate and we provide sufficient funds to get the work done. For the projects that we do fund in fiscal year 2005, we decided to concentrate on protecting existing water infrastructure and completing ongoing projects.

This country has invested over \$300 billion in current dollars in our existing water infrastructure, and this infrastructure provides over \$38 billion in annual benefits to the economy. We can't afford to ignore the maintenance of this critical infrastructure. Imagine what would happen if we have to shut down part of our inland navigation system because one of the lock structures fails—the consequences to our economy would be enormous.

Over recent years, we have created a huge backlog of work for the Corps. Existing projects take longer to complete and cost more. Let me give you just one example from my part of the country, the replacement of the McAlpine Lock on the Ohio River. Ideally, this lock replacement should take no more than 4 years to complete and should cost roughly \$230 million. However, it will cost the taxpayer an additional 10 percent for every year of additional delay on this project. We have to reverse that trend and finish what we started, and finish projects in a timely and cost-effective manner. We do not include any new project studies, new construction starts, or new project authorizations in our bill.

We task the Corps to begin preparing 5-year budget plans, similar to what the Department of Defense prepares in its Future Years Defense Plans. This should provide some consistency and stability if Congress has a clear picture of the future Civil Works program. Also, the Office of the Assistant Secretary of the Army for Civil Works is now funded in our Energy and Water bill rather than in Defense appropriations.

Title II of our bill provides \$1.1 billion for the Department of Interior and the Bureau of Reclamation, an increase of \$36 million above the amount appropriated in fiscal year 2004 and \$46 million over the budget request. The Committee does not provide funding for the California Bay-Delta Restoration program in California pending the enactment of authorizing legislation, but includes funding for several authorized components of this program.

The Department of Energy receives a total of \$22.48 billion in our bill, an increase of \$511 million over fiscal year 2004. As with the Corps, we task the Department of Energy to begin preparing 5-year budget plans, first for individual programs and then an integrated plan for the entire Department. This plan must include business plans for each of the DOE laboratories, so we understand the mission and resource needs of each laboratory.

The Committee funds the Yucca Mountain repository at the Administration's net budget request of \$131 million, and does not include the proposed authorization language to reclassify the fees paid into the Nuclear Waste Fund. As I have mentioned many times, OMB played Russian roulette when they assumed the House and Senate would pass the proposed reclassification language. By assuming the offset of \$749 million, OMB reduced the total request for discretionary spending by that amount. The House Budget Resolution reduced it even more. I don't like going forward with so little money for Yucca Mountain, but we are playing the hand that we were dealt. I remain supportive of the proposed reclassification language, and hope the efforts of the Energy and Commerce Committee to enact such legislation will be successful.

For the Energy Supply account, which funds the Department's research on renewable energy, nuclear energy, and electricity transmission and distribution technologies, the Committee provides \$817 million, an increase of \$84 million over the current year by \$18 million below the request. The Committee provides a modest increase of \$51 million for the Office of Nuclear Energy, with a focus on improving the infrastructure at the Idaho National Laboratory. We reduced the funding for hydrogen research by \$31 million below the request because the Department failed to comply with House and conference guidance regarding competition and cost sharing of hydrogen research.

The Committee provides an increase of \$168 million for the Office of Science to sup-

port research on an advanced leadership-class scientific computer and nanoscale science, and to increase the availability DOE user facilities to the scientific community.

Funding for the National Nuclear Security Administration (NNSA), is \$9 billion, an increase of \$372 million over fiscal year 2004 and a decrease of \$22 million from the budget request. The Congress just received a plan that finally shows major reductions in our nuclear weapons stockpile. However, much of the DOE weapons complex is still sized to support a Cold War stockpile. The NNSA needs to take a "time-out" on new initiatives until it completes a review of its weapons complex in relation to security needs, budget constraints, and this new stockpile plan.

The Committee provides no funds for advanced concepts research, the robust nuclear earth penetrator study, the modern pit facility, and enhanced test readiness. Our bill does provide significant increases for weapons dismantlement, for consolidation of weapons-grade materials, and for security upgrades at several sites in the weapons complex. The Committee fully funds the National Ignition Facility (NIF) and directs the National Nuclear Security Administration to complete NIF by 2008 and conduct all necessary experimental work to support first ignition in 2010.

For nuclear nonproliferation, the Committee provides the request of \$1.35 billion. We reduce funding for the domestic MOX plant and spend the resources on other high-priority non-proliferation needs.

The Committee provides the requested amount of \$943 million for non-defense environmental management, the same as the budget request. For defense environmental management activities, the Committee provides \$6.9 billion, \$301 million more than fiscal year 2004 and \$65 million less than the budget request. The Committee does not provide the full request of \$350 million for the Administration's high-level waste proposal for Waste Incidental to Reprocessing, and reduces the request by \$77 million for two specific projects

at the Savannah River Site. The Committee does not support partial solutions to the Waste Incidental to Reprocessing problem that do not address all of the affected States.

Across the entire Department of Energy, the Committee fully funds the request of \$1.4 billion for safeguards and security to protect sensitive materials, facilities, and information, and provide additional funds to address selected high-risk areas.

Title IV of our bill provides \$202 million for several Independent Agencies. The bill includes the requested funding for the Defense Nuclear Facilities Board, the Delta Regional Authority, the Nuclear Regulatory Commission and its Inspector General, and the Nuclear Waste Technical Review Board. Reduced funding is provided for the Appalachian Regional Commission, and no funding for the Denali Commission or the Office of Inspector General for the Tennessee Valley Authority.

I believe we do some good things for the Nation in our bill. Members won't receive as many water earmarks as they might like, but we did take care of their top priorities. Instead of a steady regimen of pork, we try to put the Corps back on a balanced diet. We hope that we can leave the Corps Civil Works program in better shape than we found it, and I am confident the changes we make in this bill will have lasting positive effects. The same holds true for DOE.

Lastly, I would like to thank all of the Members of this Subcommittee for their cooperation, and especially thank my Ranking Member, PETE VISCLOSKEY. Pete, it has been a pleasure working with you and your minority staff, Dixon Butler and Peder Maarbjerg. I want to thank the Committee staff—Kevin Cook, Dennis Kern, Scott Burnison, and Tracey LaTurner, as well as Kenny Kraft on my own staff. I also want to recognize our agency detailees, Tim Winchell and Jim Spratt. Their assistance was invaluable in putting this bill and report together.

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS BILL, FY 2005 (H.R. 4614)
(Amounts in thousands)

	FY 2004 Enacted	FY 2005 Request	Bill	Bill vs. Enacted	Bill vs. Request

TITLE I - DEPARTMENT OF DEFENSE - CIVIL					
DEPARTMENT OF THE ARMY					
Corps of Engineers - Civil					
General investigations.....	116,259	90,500	149,000	+32,741	+58,500
Construction, general.....	1,712,157	1,421,500	1,876,680	+164,523	+455,180
Miscellaneous appropriations (P.L. 108-199).....	13,669	---	---	-13,669	---
Miscellaneous appropriations (P.L. 108-199).....	22,268	---	---	-22,268	---
Rescissions.....	---	-94,000	---	---	+94,000
Flood control, Mississippi River and tributaries, Arkansas, Illinois, Kentucky, Louisiana, Mississippi, Missouri, and Tennessee.....	322,309	270,000	325,000	+2,691	+55,000
Rescissions.....	---	-5,000	---	---	+5,000
Operation and maintenance, general.....	1,956,314	1,931,000	1,982,000	+25,686	+51,000
Regulatory program.....	139,174	150,000	140,000	+826	-10,000
FUSRAP.....	139,174	140,000	190,000	+50,826	+50,000
Flood control and coastal emergencies.....	---	50,000	---	---	-50,000
Rescissions.....	---	-1,000	---	---	+1,000
General expenses.....	159,056	167,000	167,000	+7,944	---
Office of Assistant Secretary of the Army.....	---	---	2,600	+2,600	+2,600
	-----	-----	-----	-----	-----
Total, title I, Department of Defense - Civil....	4,580,380	4,120,000	4,832,280	+251,900	+712,280
	=====	=====	=====	=====	=====
TITLE II - DEPARTMENT OF THE INTERIOR					
Central Utah Project Completion Account					
Central Utah project construction.....	26,880	30,806	30,806	+3,926	---
Fish, wildlife, and recreation mitigation and conservation.....	9,367	15,469	15,469	+6,102	---
	-----	-----	-----	-----	-----
Subtotal.....	36,247	46,275	46,275	+10,028	---
Program oversight and administration.....	1,718	1,734	1,734	+16	---
	-----	-----	-----	-----	-----
Total, Central Utah project completion account..	37,965	48,009	48,009	+10,044	---
	-----	-----	-----	-----	-----
Bureau of Reclamation					
Water and related resources.....	852,439	794,476	855,305	+2,866	+60,829
Loan program.....	199	---	---	-199	---
Central Valley project restoration fund.....	39,366	54,695	54,695	+15,329	---
California Bay-Delta restoration.....	---	15,000	---	---	-15,000
Working capital fund (rescission).....	-4,525	---	---	+4,525	---
Policy and administration.....	55,197	58,153	58,153	+2,956	---
	-----	-----	-----	-----	-----
Total, Bureau of Reclamation.....	942,676	922,324	968,153	+25,477	+45,829
	=====	=====	=====	=====	=====
Total, title II, Department of the Interior....	980,641	970,333	1,016,162	+35,521	+45,829
	=====	=====	=====	=====	=====
TITLE III - DEPARTMENT OF ENERGY					
Energy supply.....	733,190	835,266	817,126	+83,936	-18,140
Miscellaneous appropriations (P.L. 108-199).....	4,971	---	---	-4,971	---
Non-defense site acceleration completion.....	162,411	151,850	151,850	-10,561	---
Uranium enrichment decontamination and decommissioning fund.....	414,027	500,200	500,200	+86,173	---
Non-defense environmental services.....	337,465	291,296	291,296	-46,169	---
Science.....	3,431,335	3,431,718	3,599,964	+168,629	+168,246
Miscellaneous appropriations (P.L. 108-199).....	50,948	---	---	-50,948	---
Nuclear Waste Disposal.....	188,879	749,000	---	-188,879	-749,000
Departmental administration.....	215,255	261,873	243,876	+28,621	-17,997
Miscellaneous revenues.....	-123,000	-122,000	-122,000	+1,000	---
	-----	-----	-----	-----	-----
Net appropriation.....	92,255	139,873	121,876	+29,621	-17,997
Office of the Inspector General.....	39,229	41,508	41,508	+2,279	---

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS BILL, FY 2005 (H.R. 4614)
(Amounts in thousands)

	FY 2004 Enacted	FY 2005 Request	Bill	Bill vs. Enacted	Bill vs. Request
Atomic Energy Defense Activities					
National Nuclear Security Administration:					
Weapons activities.....	6,235,502	6,568,453	6,514,424	+278,922	-54,029
Defense nuclear nonproliferation.....	1,319,779	1,348,647	1,348,647	+28,868	---
Naval reactors.....	761,878	797,900	807,900	+46,022	+10,000
Office of the Administrator.....	337,974	333,700	356,200	+18,226	+22,500
Subtotal, National Nuclear Security Administration.....	8,655,133	9,048,700	9,027,171	+372,038	-21,529
Defense site acceleration completion.....	5,617,719	5,620,837	5,930,837	+313,118	+310,000
High-level waste (Waste Incidental to Reprocessing) (legislative proposal).....	---	350,000	---	---	-350,000
Defense environmental services.....	985,296	982,470	957,976	-27,320	-24,494
Defense environmental management privatization (rescission).....	-15,329	---	---	+15,329	---
Subtotal, Defense environmental management.....	6,587,686	6,953,307	6,888,813	+301,127	-64,494
Other defense activities.....	670,510	663,636	697,059	+26,549	+33,423
Defense nuclear waste disposal.....	387,699	131,000	131,000	-256,699	---
Total, Atomic Energy Defense Activities.....	16,301,028	16,796,643	16,744,043	+443,015	-52,600
Power Marketing Administrations					
Operation and maintenance, Southeastern Power Administration.....	4,869	5,200	5,200	+331	---
Operation and maintenance, Southwestern Power Administration.....	28,420	29,352	29,352	+932	---
Construction, rehabilitation, operation and maintenance, Western Area Power Administration.....	175,778	173,100	173,100	-2,678	---
Falcon and Amistad operating and maintenance fund.....	2,624	2,827	2,827	+203	---
Total, Power Marketing Administrations.....	211,691	210,479	210,479	-1,212	---
Federal Energy Regulatory Commission					
Salaries and expenses.....	203,194	210,000	210,000	+6,806	---
Revenues applied.....	-203,194	-210,000	-210,000	-6,806	---
Total, title III, Department of Energy.....	21,967,429	23,147,833	22,478,342	+510,913	-669,491
TITLE IV - INDEPENDENT AGENCIES					
Appalachian Regional Commission.....	65,611	66,000	38,500	-27,111	-27,500
Defense Nuclear Facilities Safety Board.....	19,444	20,268	20,268	+824	---
Delta Regional Authority.....	4,971	2,096	2,096	-2,875	---
Denali Commission.....	54,676	2,500	---	-54,676	-2,500
Nuclear Regulatory Commission:					
Salaries and expenses.....	618,328	662,777	662,777	+44,449	---
Revenues.....	-538,844	-534,354	-534,354	+4,490	---
Subtotal.....	79,484	128,423	128,423	+48,939	---
Office of Inspector General.....	7,297	7,518	7,518	+221	---
Revenues.....	-6,716	-6,766	-6,766	-50	---
Subtotal.....	581	752	752	+171	---
Total, Nuclear Regulatory Commission.....	80,065	129,175	129,175	+49,110	---
Nuclear Waste Technical Review Board.....	3,158	3,177	3,177	+19	---

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS BILL, FY 2005 (H.R. 4614)
 (Amounts in thousands)

	FY 2004 Enacted	FY 2005 Request	Bill	Bill vs. Enacted	Bill vs. Request

Tennessee Valley Authority:					
Office of Inspector General.....	---	9,000	---	---	-9,000
	=====	=====	=====	=====	=====
Total, title IV, Independent agencies.....	227,925	232,216	193,216	-34,709	-39,000
	=====	=====	=====	=====	=====
Grand total:					
New budget (obligational) authority.....	27,756,375	28,470,382	28,520,000	+763,625	+49,618
Appropriations.....	(27,776,229)	(28,570,382)	(28,520,000)	(+743,771)	(-50,382)
Rescissions.....	(-19,854)	(-100,000)	---	(+19,854)	(+100,000)
	=====	=====	=====	=====	=====

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

Mr. VISCLOSKY. Mr. Chairman, I yield myself such time as I may consume. I want to first of all congratulate the gentleman from Ohio (Mr. HOBSON), as well, on a very well-crafted bill. I would start by thanking the chairman very much for his friendship as well as his fairness and discretion in his dedication to make sure that the right thing is done and that the agencies under our jurisdiction are made as efficient and as effective as possible.

As the chairman noted, we have an excellent staff that works very, very well together and they have helped us craft a very good bill. I too want to enumerate them because they are all so very important to us: Tracey LaTurner; Tim Winchell; Jim Spratt; Kenny Kraft; Dennis Kern; Scott Burnison; Kevin Cook, whom, I might add, is a Cornell graduate and has replaced a Notre Dame graduate as clerk of the committee; Dixon Butler and Peder Maarbjerg.

This is a very good bill. There are a lot of good things to recommend it to the membership.

Mr. Chairman, let me begin by thanking the gentleman from Ohio, Chairman HOBSON, for the courtesy shown to me and the Democratic staff by him and the majority staff of our Subcommittee. The positive environment and cooperation engendered makes work on this bill a joy and pleasure.

I share with the Chairman the frustration that more cannot be done, particularly for the water and environmental infrastructure of our nation. The constraints imposed by the budget are very real. Our subcommittee mark increases funding for the U.S. Army Corps of Engineers above last year's level and well above the ridiculously low request of the President. That said, the level recommended for FY 2005 is only 2.6% above that enacted by FY 2003; clearly this increase is below the level of inflation, so the buying power of the Corps-Civil Works budget is again below what it was two years ago.

This bill puts a priority on completion of ongoing construction projects and studies and maintenance of high priority existing infrastructure. It does not contain any new starts, and this should help to begin to clear the current backlog of projects and enable the accomplishment of these projects in less time—thereby reducing total project costs and accelerating the realization of benefits to our economy. However, current funding levels will not truly fix this problem. In my opinion, substantive increases to the budget of the Corps are needed—increases above the rate of inflation. A transformation in the way that water infrastructure and environmental restoration are supported through the Corps of Engineers and the Bureau of Reclamation will require a transforming rather than simply sustaining increase in the funds we provide. Without this, completion of construction and maintenance projects and studies will continue to take too long and major new projects will languish.

There are those who have flirted with radical changes to our nation's approach to nuclear weapons—seeking to study new weapons for new missions and to develop a nuclear bunker buster. These same individuals have pushed

to have this Nation prepare to resume underground nuclear testing within 18 months of a Presidential decision and to begin development of a major new facility to build plutonium pits—also referred to as nuclear triggers. All of these steps jeopardize our position in the world as advocates of restraint in the development of weapons of mass destruction. They all portend major increases in funding requirements. Today, conventional national defense and homeland security, including nuclear nonproliferation, are far better investments than enhancements to our nuclear deterrent. Under the leadership of Chairman HOBSON, no funding is provided in the Energy and Water Development bill for any of these ill-considered policies.

As many members realize, plutonium, highly enriched uranium and some highly radioactive products of nuclear fission in the hands of terrorists could pose major hazards to the United States and its allies. Accordingly, this bill fully funds the President's request of almost \$1.35 billion for Defense Nuclear Nonproliferation at DOE. Some elements of the DOE program are stalled while other opportunities have opened up to protect major quantities of fissionable material. Accordingly, I fully support the shifts in this bill of \$177.25 million to priority targets for nonproliferation including: security of Russian Strategic Rocket Forces sites (+\$32M), MegaPorts (+\$30M), and efforts outside the Former Soviet Union (+\$60M). Also, I am pleased to note that this year no reductions are taken to nuclear nonproliferation efforts due to uncostered prior year funds; this helps keep the pressure on to move aggressively to initiate new projects in Russia.

Last year, in the first year that the gentleman from Ohio served as chairman of the subcommittee, the FY 2004 Energy and Water Development appropriation fenced some funds for advanced nuclear weapons concepts, specifying that \$4 million could not be spent until the Administration provided a revised nuclear stockpile plan. Thanks to this action, the Departments of Defense and Energy have finally delivered a revised plan that details how the United States will achieve our treaty commitments to bring the number of deployed nuclear weapons down to the range of 1,700 to 2,200 by the year 2012. The development of this plan is vital to our nation.

Now, the spending plans of the National Nuclear Security Administration need to be brought into alignment with the revised nuclear stockpile plan. I am committed to working with the majority and DOE to bring this about. For FY 2005, the bill will fund the beginning of this process by providing support for an ongoing program of disassembly for nuclear weapons that are no longer needed. A smaller stockpile will be less expensive to maintain and certify while still providing a more-than-adequate nuclear deterrent.

Experience shows that when the Department of Energy's labs are forced to compete with universities and other outside research groups, the country gets more for its money and the labs actually do better work. The Department has for some time asserted that open competition between its labs and external entities, such as universities, is not allowed under federal procurement law and regulations. I am particularly pleased that this year this bill instructs DOE to find a way to accomplish fully open competitions and to propose changes to law or regulation if any are

needed. I note that DOE labs are already involved in space missions where traditionally competition for science investigations, including major research instruments, is open to NASA centers, DOE and other agency labs, universities, and corporations, so DOE may find that this is easier than they have asserted in the past.

As we in the Congress push the Administration to develop a five-year plan for DOE and business plans for each of its labs, we also should work to clarify the role of DOE in the life sciences. Our nation continues to make major investments in the National Institutes of Health, yet the DOE is seeking to develop major facilities to support research in protein synthesis and the control genes exert over processes in living cells. Many of these facilities involve the use of advanced physics techniques—a traditional strength of DOE. Does this traditional role in physics research mandate that DOE fund these facilities? Furthermore, does DOE's traditional role as the chief supporter of high energy physics mean that DOE should co-fund satellite missions in astronomy that are traditionally the responsibility of NASA? NSF supports astronomy of all kinds and has since its inception, yet it does not seek funding for satellite missions.

This year, the bill again provides strong support to the Office of Science at DOE. This office is leading efforts to develop a U.S. supercomputer that will be the most capable in the world—a distinction currently held by the Japanese Earth Simulator. Last year, an extra \$30 million was provided to jump-start this effort. This year, the Department included this increase in its base budget, but this level of funding will not get the job done. So, again another increase of \$30 million is provided for this effort. DOE provides the science and industrial communities with powerful research tools. In the President's budget request, operating time on some of these user facilities would have been less than optimum. To get the most from our past investment in these facilities, funding levels are provided to increase the number of weeks they can operate in FY 2005. More support also is provided for nanoscale science and technology and maintenance of DOE science facilities around the nation.

Long ago, our nation made a commitment to to use nuclear energy to power our submarines and aircraft carriers and to provide a significant amount of our commercial electricity generation. We have operated a nuclear weapons complex for about 60 years. The result is considerable amounts of high-level nuclear waste that is currently spread around our country. For our safety and that of coming generations, this waste needs proper, long-term burial. The Congress and the Executive have decided that this burial will be in Yucca Mountain on the edge of the Nevada Test Site.

Funding for long-term disposal of high level nuclear waste in FY 2005 should be \$880 million, but OMB muddled the situation by needlessly proposing that the civilian support of \$749 million be funded through a legislated reclassification of money paid into the nuclear waste fund and kept in the general treasury. This, along with the constraints of the budget, has left us unable to provide these funds in this bill. I find it hard to believe that a poorly timed proposal, which in no way affects the

actual deficit, will undermine a policy consensus carefully developed over decades, but that is where we are.

So, I would say to my fellow members, the FY 2005 Energy and Water Development bill is a very good bill. It makes major progress on crucial issues. It provides for many activities that are critical to our nation and the world as well as to regions of our country and individual localities and member districts. I think it will give the House a strong position in our conference negotiations with the Senate. It does not fix all problems, but it provides for significant improvements. I strongly urge that it be passed by this House.

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

Mr. HOBSON. Mr. Chairman, I yield such time as he may consume to the gentleman from Florida (Mr. YOUNG), the chairman of the Committee on Appropriations.

Mr. YOUNG of Florida. Mr. Chairman, I want to first compliment Chairman HOBSON for having done an outstanding job in preparing this bill along with his ranking member, the gentleman from Indiana (Mr. VISCLOSKEY). One can tell from the way the markups in the subcommittee and the full committee went that they obviously did their work very effectively and have produced a really good bill.

I wanted to take just a couple of minutes to give the Members a bit of a status report on where we are with appropriations and what they can expect in the next couple of weeks. For example, from the time we received the President's budget request in February until we received the deeming resolution on the budget on May 19, the Committee on Appropriations and our 13 subcommittees held nearly 300 oversight hearings that were very lengthy and very thorough.

Since May 19 when the budget was deemed, there have been 16 legislative days. In those 16 legislative days, the committee marked up eight bills in subcommittee and seven bills in full committee. When we pass this bill today, we will have passed four bills in the House and sent them to the other body.

When we reconvene the week after next, we will mark up two more bills in subcommittee, the District of Columbia and Military Construction bills. We will also consider Military Construction and Foreign Operations in the full committee. So we are preparing a queue of bills to move through the House. We expect to consider the Commerce-State-Justice and the Legislative Branch appropriations bills in the House the very same week that we return and are doing the other markups. We also expect to appoint conferees on the Defense bill, which the House and Senate have passed. We are now preparing to go to conference on that bill. While the House is in the Fourth of July District Work Period, our staffs will be doing the preparation for the conference on the Defense bill. We plan to have that conference report completed and on the way to the Presi-

dent's desk before the August District Work Period begins.

The Appropriations Committee will report all 13 bills from full committee before the beginning of the August District Work Period, and the House will probably complete work on as many as 11 of those bills. There are only 14 legislative days remaining before the summer recess in August, so we have to expedite the consideration of these bills. But the Appropriations Committee, once we had the deeming resolution on the budget, has been going full speed. We hope to pass this bill quickly today and be on our way.

Mr. VISCLOSKEY. Mr. Chairman, I yield such time as he may consume to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Chairman, in May 2004 the General Accounting Office released a report entitled "NRC Needs to More Aggressively and Comprehensively Resolve Issues Related to the Davis Besse Nuclear Power Plant's Shutdown." The report was requested by me, the gentleman from Ohio (Mr. LATOURETTE), and Senator VOINOVICH. The scope of the report was to examine the failures of the NRC related to the recent troubles at the Davis Besse nuclear power plant.

The report also examined options to improve the Nuclear Regulatory Commission's ability to effectively regulate. The report offers five important recommendations to the Nuclear Regulatory Commission that will greatly improve nuclear reactor safety. I would like to work with the chairman and the ranking member to include language in the conference report that directs the Nuclear Regulatory Commission to follow the recommendations found in the May 2004 General Accounting Office report.

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

Mr. KUCINICH. I yield to the gentleman from Ohio.

Mr. HOBSON. Mr. Chairman, I appreciate the gentleman's statement. I want to assure him that I will work with him to insert acceptable language into the Statement of Managers to accompany the conference report to encourage the Nuclear Regulatory Commission to address the recommendations found in the May 2004 General Accounting Office report.

Mr. KUCINICH. I want to thank the chairman and the ranking member for their assistance to resolve this matter.

Mr. HOBSON. Mr. Chairman, I yield such time as he may consume to the gentleman from Indiana (Mr. BUYER).

Mr. BUYER. Mr. Chairman, I wish to engage the chairman of the subcommittee of the appropriations subcommittee in a colloquy.

Mr. Chairman, I thank the gentleman from Ohio for bringing a bill to the floor that is responsible and yet still attempts to address the many water-related infrastructure needs throughout the Nation. I am concerned, however, with the prohibition on any new

starts in this bill, including new studies contained in title I of the bill. In the past 2 years, there has been severe flooding along the Wabash River in my congressional district. The Tippecanoe River and the Wabash River merge just above the greater Lafayette region. During the 2003 Labor Day weekend floods, more than 150 people were forced from their homes. During the more recent floods over the Memorial Day weekend, which were much more widespread, roads, culverts, bridges, and homes were significantly damaged.

In both instances, the President declared the flooding a national disaster, making flood victims eligible for FEMA grants and loans. Thus far, over 240 families have applied for assistance after the 2004 flooding. I had requested funding through the Army Corps of Engineers to assist in preparing a master plan for flood damage reduction and control associated with the Wabash River. This master plan would also help with economic redevelopment of the riverfront area of the greater Lafayette region affected by river flooding. Because of the new start prohibition, the funding is not included in this measure.

Mr. Chairman, I understand the difficult budget pressures on the subcommittee, but I ask that the gentleman work with me to ensure that consideration is provided for this worthy endeavor in the future.

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

Mr. BUYER. I yield to the gentleman from Ohio.

Mr. HOBSON. Mr. Chairman, I thank the gentleman for his comments. The committee wrestled with the need to balance existing commitments of the Corps of Engineers with new projects such as the Wabash River study in Tippecanoe County. Unfortunately, we were not able to satisfy both demands.

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

Mr. BUYER. I yield to the gentleman from Indiana.

Mr. VISCLOSKEY. Mr. Chairman, I want to congratulate the gentleman from Indiana (Mr. BUYER), as well, for his dedication on trying to resolve this situation, helping his constituents, and also make note that he has also been in very close coordination with our office so that we can solve this problem. I do appreciate his very hard work on this.

Mr. BUYER. Mr. Chairman, I look forward to working with the gentleman from Indiana (Mr. VISCLOSKEY) and the gentleman from Ohio (Mr. HOBSON).

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Mr. VISCLOSKEY. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey (Mr. ANDREWS).

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

Mr. ANDREWS. Mr. Chairman, I thank the gentleman from Indiana for yielding me this time. And I rise to thank the gentleman from Ohio (Chairman HOBSON) and the gentleman from

Indiana (Mr. VISCLOSKEY), ranking member, for their cooperation on the issue of the Delaware River deepening. We have many friendships in our Delaware River region. We have a friendly disagreement about what to do with this project. I believe this project is the wrong thing to do for the taxpayers. The GAO has told us that for every dollar that we invest as federal taxpayers, we would only get back 43 cents. I think the project is wrong for the environment.

It will stir up potentially toxic substances on the bottom of the river and create an enormous disposal problem, and I think it is unfair the way the dredge spoils are going to be disposed.

The committee has heard our concerns and placed into this bill a very minor amount of funds that permits us in the region to work out our differences. I continue to strongly oppose the project and want to thank the committee for its assistance in this matter. I also want to thank the gentleman from Pennsylvania (Mr. HOLDEN), who has been a strong and active voice against this project. He has stood firmly for the concerns of his constituents so they are not dumped on. He has been a very worthy ally, and I want the RECORD to reflect that I am very pleased with his assistance and very grateful for his assistance in this matter.

I believe this is a wrongful use of federal taxpayers' funds. I appreciate the fact there was a need to put a very small amount in the bill to keep the discussion going, but I want to thank the committee.

Mr. HOBSON. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Illinois (Mrs. BIGGERT) for the purpose of a colloquy.

Mrs. BIGGERT. Mr. Chairman, I thank the gentleman from Ohio (Chairman HOBSON) for agreeing to engage in a colloquy about the efforts by the Army Corps of Engineers to keep an invasive species of fish, the Asian Carp, from reaching the Great Lakes. Preying upon and competing with native species for food, living space, and spawning areas, these voracious fish grow to between 50 and 150 pounds, eat up to 40 percent of their body weight every day, and each female can carry up to a million eggs.

If the Asian Carp reach Lake Michigan, they will devastate the ecosystem of the Great Lakes and endanger the multi-billion dollar commercial fishing industry.

That is why the Army Corps of Engineers built on the Chicago Ship and Sanitary Canal an invisible, electronic fence that repulses fish. Becoming operational in April, 2002, and designed to function for only 3 or 4 years, this demonstration barrier is fast approaching the end of its useful life. Only after the State of Illinois agreed to become the nonfederal sponsor was the Corps able to initiate the planning and construction of a permanent barrier. This permanent barrier is under construction right now.

I wish I could say that these barriers are up and running and ready to halt the spread of the Asian Carp into Lake Michigan, but they are not. Why not? Because the Army Corps of Engineers lacks the necessary funding and authority. The Corps needs \$500,000 to operate and maintain the original, temporary barrier until construction of the permanent barrier is complete and becomes fully operational. The Corps needs additional authority and \$5.5 million to upgrade and make permanent the original temporary barrier to provide redundant protection and to continue repelling aquatic invasive species when the power fails or maintenance is needed.

The Corps needs additional authority and \$3.5 million to reimburse the State of Illinois and other interested parties that have or will contribute to this year's construction of the permanent barrier, which is arguably a national, if not international, project. The Corps needs another \$500,000 to operate and maintain the permanent barrier so improvements can be made to the original, temporary barrier to make it permanent too.

Finally, the Corps needs additional authority to operate and maintain at full federal expense both barriers as a system to maximize their effectiveness.

Mr. Chairman, this additional authority and funding is urgently needed. Just last month the U.S. Fish and Wildlife Service spotted an Asian Carp in the Illinois River, just 21 miles away from the existing temporary barrier and 50 miles away from Lake Michigan. In 1 year alone, the Carp will travel the better part of 40 miles.

I know that the chairman of the subcommittee represents part of a Great Lakes State. I hope that he shares my concern about the spread of this invasive species, and I hope he will do any and everything possible in conference to ensure that the Corps has the authority and the resources it needs to respond quickly to the threat of the fast-approaching Asian Carp.

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

Mrs. BIGGERT. I yield to the gentleman from Ohio.

Mr. HOBSON. Mr. Chairman, I do share the concerns of my colleague from Illinois. That is why I commit to her and the rest of our Great Lakes colleagues that I will work in conference, I am sure with my ranking member, to see that the Corps receives the funding and authority it needs to complete work on these barriers and have them up and running as soon as possible. I agree we need a permanent redundant protection against the spread of aquatic invasive species between the Great Lakes and the Mississippi River basins and the Federal Government should be responsible for the long-term operation and maintenance of this project of national and international significance.

Mrs. BIGGERT. Mr. Chairman, I thank the chairman for his commit-

ment, and I look forward to working with him to ensure that every precaution is taken to protect the Great Lakes from such a harmful species as the Asian Carp.

Mr. VISCLOSKEY. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania (Mr. HOLDEN).

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

Mr. Chairman, I would like to congratulate the ranking member and the chairman of the subcommittee for bringing this important legislation to the floor. And I would like to associate myself with the remarks of the gentleman from New Jersey (Mr. ANDREWS).

First, let me say to my friend from Philadelphia that I understand his desire to have the Delaware River channel dredged for commerce reasons, particularly with the container ships getting larger, but as the gentleman from New Jersey (Mr. ANDREWS), who has been the leader on this issue for many years, has stated, it needs to be done in an economically sound and environmentally friendly manner.

The proposal that is before us is, as the gentleman from New Jersey (Mr. ANDREWS) has pointed out over the years, is not economically sound. The return to the taxpayers is not cost efficient. It does not make an awful lot of sense. The proposal also is not environmentally friendly. One of the proposals to take the dredged material out of the Delaware River and truck it or put it on rail and take it 100 miles northwest to my congressional district to the anthracite coal fields and dispose of it there.

The Army Corps of Engineers should be sensitive to local concerns, whether that be in New Jersey or Delaware or the anthracite coal fields of Pennsylvania. And, quite frankly, the boroughs of Tamaqua and the boroughs of Coaldale in Schuylkill County do not want these dredged materials dumped in their backyard. They have been on record with that at their borough council meetings. They have gone to the State legislature. They have gone to the county commissioners.

Also, I want to thank the chairman and the ranking member for this meager investment of \$300,000. That, quite frankly, I believe, will stop this project and not allow it to go forward.

So I again thank the chairman, I thank the ranking member, and I really want to thank the gentleman from New Jersey (Mr. ANDREWS) for being the leader in this fight over the years.

Mr. VISCLOSKEY. Mr. Chairman, I yield 3 minutes to the gentleman from Wisconsin (Mr. KIND).

Mr. KIND. Mr. Chairman, I thank the gentleman from Indiana (Mr. VISCLOSKEY) for his leadership on the committee and for yielding me this time.

Mr. Chairman, in a few minutes, I am going to be offering a very important amendment to highlight an incredibly valuable program that affects the

Upper Mississippi River basin, the Environmental Management Program. It has been in existence since 1986. It deals with habitat restoration along the river, along with long-term resource monitoring so we can better manage the river basin and the ecosystem. I look forward to being able to continue the work on this important project with the chairman and the ranking member of the committee as we move to conference in dealing with the funding issue.

But right now, Mr. Chairman, I want to recognize and draw attention in this Chamber to a very important and fun event that is going to occur in the Upper Mississippi River over the next week. It is the re-creation of the Grand Excursion that occurred there 150 years ago. The Grand Excursion is regarded as one of the greatest promotional trips ever devised in our Nation's history, one that changed the face of the Upper Mississippi River forever. In 1854, the Chicago and Rock Island Railroad became the first railroad to reach the Mississippi River.

To celebrate, the owners and contractors for the railroad proposed an excursion for a select group of stockholders, friends, and family. But word spread quickly about the occasion, resulting in a 1,200 person entourage traveling from Rock Island, Illinois, to what is now known as Minneapolis, Minnesota. It was the Grand Excursion of paddle boats up the Mississippi River.

My district in Western Wisconsin has more miles along the Mississippi River than any other district and will play host to this excursion coming through our communities over the next week.

According to the Chicago Tribune, the excursionists were considered "the most brilliant ever assembled in the West." Statesmen, historians, diplomats, poets, newspaper editors. As the media wrote home to their newspapers, word spread about the wonders of the Nation's "dark interior."

This event turned into an opportunity to show some of our Nation's most influential people the fantastic beauty, numerous resources, and the unlimited opportunities that the Mississippi River and the West could provide. The year after, steamboat traffic along the Upper Mississippi River doubled, flooding the region with new settlers. The Grand Excursion also brought millions of dollars of investment to the area and positioned the Upper Mississippi region as a dominant force in the development of the Nation in the 19th Century.

The Grand Excursion of 2004 is an opportunity now to draw awareness from around the Nation and around the world about the recreational, the commercial, and the environmental opportunities that the Mississippi River and all its communities provide. In addition to the "Grand Flotilla," the retracing of the Grand Excursion's journey by trains, paddlewheelers, and steamboats, over 50 communities along the 419 mile route will hold festivals

and educational events to commemorate their 150th anniversary. Those who are unable to participate firsthand in the celebrations will be able to experience the excitement through the dynamic Web site that has been created.

I wish the participants of the Grand Excursion much fun and success in the upcoming week.

Mr. VISCLOSKY. Mr. Chairman, I yield 4 minutes to the gentlewoman from Nevada (Ms. BERKLEY).

Ms. BERKLEY. Mr. Chairman, I would like to thank the gentleman from Indiana (Mr. VISCLOSKY) for yielding me this time.

While we do not agree on the issue that I will be speaking on, he is a very good friend and a very good Member of Congress, and I appreciate his courtesy today.

I would like to begin by thanking the Committee on Rules for not allowing language that would have allowed budget gimmicks to pay for the Yucca Mountain Project.

I strongly oppose funding for the proposed Yucca Mountain Waste Repository. There is no single greater threat to the health and safety of Southern Nevada residents than the Bush administration's plan to dump high-level nuclear waste in the Silver State. The Nuclear Waste Technical Review Board, not a friend of the State of Nevada, has said that there is no question that canisters stored in Yucca Mountain will corrode, allowing deadly nuclear waste to escape and contaminate water supplies.

Listen to the language of the Nuclear Waste Technical Review Board. They said the canisters will leak and deposit thousands of tons of radioactivity into the groundwater at Yucca Mountain.

Decades of scientific study have failed to answer even the most fundamental questions about Yucca Mountain's ability to withstand earthquakes, volcanic activity, and now perhaps more immediate coordinated terrorist assault.

No plans have been put in place to address the risks that will be created by thousands of shipments of nuclear waste, traveling past schools, hospitals, churches, and through communities across 43 States in this country, across hundreds, literally hundreds, of congressional districts, to be buried in a hole in the Nevada desert. One terrorist strike or accident involving a load of high-level nuclear waste could seriously injure or kill those living nearby and cause millions of dollars of environmental damage.

Who will pay for this damage? Who will pay for the loss of property? Who will pay for the environmental damage? Who will pay to clean up the spill? Who will pay for the loss of life?

Fire and police departments are unequipped and untrained to deal with the hazards presented by nuclear waste, and no study has been completed to date on the vulnerability of shipments to a 9-11 terrorist-type attack.

I would also remind my colleagues that despite the administration's approval of Yucca Mountain, a license to construct the repository has yet to be issued, and with close to 200 scientific and technical questions left unanswered, the project is in real danger of collapsing as a result of a long list of problems that have been identified and remain uncorrected.

And if the Members want to have a chilling conversation, I invite them to speak to the representatives of the GAO, who did an exhaustive 10-month study and determined that there are over 200 remaining scientific and technical problems to work out before this project can be approved.

The State of Nevada has filed numerous lawsuits that are now pending in federal court which raise serious questions about the legality of DOE's design for the repository.

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It is sloppy science. The State of Nevada would also like to recover the oversight funding stripped from the State of Nevada. So we do not even have the money to protect our own people.

Rather than waste one more cent on this dangerous and ill-conceived project, it is time that we put the health and safety of all Americans above the profits of the nuclear industry. Transporting nuclear waste to Yucca Mountain will require decades of shipments that will leave our communities vulnerable to accident and will provide inviting targets for would-be terrorists.

It is beyond comprehension that the Members of this body would accept this. I urge Members on both sides of the aisle to reconsider their position and vote against this ridiculous, expensive, dangerous project.

Mr. VISCLOSKY. Mr. Chairman, I yield 2 minutes to the gentleman from New Mexico (Mr. UDALL)

Mr. UDALL of New Mexico. Mr. Chairman, I thank the ranking member for yielding me time to discuss an issue of great importance to my constituents and to America's security. First, however, I want to offer my thanks to the chairman and the ranking member for their work and leadership on this bill.

As many of my colleagues who have DOE facilities in their district know, there is a significant backlog of applications for employee security clearances, especially those known as Q clearances. Many qualified and capable trade workers are unable to start work on a timely basis or sometimes are not able to work for the national laboratories at all. That means the jobs important for our national security are not getting done. It also means that citizens living near the national laboratories are not afforded the economic opportunities that should be made available to them.

Although I recognize the difficulties the investigative agencies face in processing security clearances in light of

September 11, the backlog has existed long since that tragic day, and this situation must be addressed.

The DOE reports that Q clearance processes are taking at least twice as long as they should, and stories on the ground indicate that people are waiting over a year for a clearance that should be completed in no more than 75 days.

I would like to clarify that the main reasons for the backlog exist not in DOE, but instead in the investigative agencies responsible for doing the background checks. Regardless, it impacts DOE directly, so Congress may choose to try to solve this problem through the energy and water spending bill. For example, perhaps we need to direct more funds towards programs such as the little known Accelerated Access Authorization Program, or the "Triple-A P." This program offers qualified applicants the opportunity to get an interim Q clearance and get to work while their full clearance is being processed. This program demonstrates that there are innovative solutions out there. But obviously the small numbers of workers that are able to process this will only scratch the surface.

Mr. Chairman, I hope that the chairman and ranking member are willing to work with me to find solutions on this serious problem.

Mr. HOBSON. Mr. Chairman, I yield 1 minute to the gentleman from Tennessee (Mr. WAMP), the vice chairman of our committee.

Mr. WAMP. Mr. Chairman, I would like to engage in a colloquy with the distinguished chairman, and I appreciate very much his fielding it, for a clarification on some language in the report.

Mr. Chairman, is it your understanding that the language under the fusion energy section of the report dealing with the additional funds for development of "compact Stellarator Experiment" should actually be "experiments" plural?

Mr. HOBSON. Mr. Chairman, if the gentleman will yield, yes.

Mr. WAMP. Mr. Chairman, reclaiming my time, I thank the gentleman for the clarification.

Mr. VISCLOSKEY. Mr. Chairman, I yield 1 minute to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the ranking member and chairman for their work on this bill.

Mr. Chairman, let me raise an issue of concern for my constituents. I appreciate very much the funding for the Army Corps of Engineers, but let me express my disappointment that we have not been able to stretch the dollars to provide work on new projects. I am speaking particularly about Sims Bayou, Greens Bayou, White Oaks Bayou and Braes Bayou.

More importantly, having worked on legislation dealing with inland flooding, I can tell you that we probably have now received more rain in this period of time in Houston and other re-

gions than any other years. Flooding is a very serious issue in our community, and I would look forward to working with this appropriations subcommittee through conference to be able to provide some greater assistance.

Mr. Chairman, might I also acknowledge my concern on the funding for nonproliferation in nuclear weapons. I wish we had been able to include more dollars in that area.

Mr. Chairman, I hope to be able to work with this committee in its very fine work to increase the resources for these very important programs.

Mr. Chairman, I would like to commend the chairman and ranking member of the Energy and Water Subcommittee of the Appropriations Committee for their excellent work on crafting this bill. There are several elements of debate between the majority and the minority, and between the House and the administration, but in general it seems that fair compromises have been reached.

The bill before us could have been improved by some incorporation of some of the good amendments offered by my colleagues from the minority side. Several of those were ruled out of order, but as we all know, when desired, points of order can be waived if true bipartisanship is desired by the majority. Those amendments could have made this Nation less dependent on foreign sources of fossil fuels, and could have improved fairness for consumers gouged by high energy costs. But there is much common ground reflected in the bill. I look forward to working with the chairman and the ranking member, to ensure that the funds provided in H.R. 4614 get to critical water supply and flood control programs in my district and around Texas.

Such programs greatly enhance the lives and security of my constituents. I am pleased that the Appropriations Committee rejected the administration's proposal to cut water project construction by the Army Corps of Engineers, by eliminating \$100 million and 41 current projects. I support the \$4.8 billion provided for the Corps, 15 percent more than the President requested. This is a smart investment. I wish there could have been added funds for new projects. Obviously, the needs of this Nation change on a daily basis. Saying that this year, we will not start any new projects is a bit illogical. New projects are extremely efficient in job creation. There are many competitive projects across the Nation and in my district, which should have been provided for. However, at least this bill is not a step backward, like the administration requested. I commend the committee for their leadership on this issue.

One portion of the bill I am concerned about is the underfunding of the National Nuclear Security Administration (NNSA), \$21.5 million less than the president's request. I understand that some of this withheld money would have gone to the "robust nuclear earth penetrator." I agree with the Committee that we need to think long and hard before we start creating new nuclear weapons, when we are pushing the rest of the world to put aside such implements of violence and destruction. We are being accused on every front of employing double standards: as we march to war and talk about peace in the Middle East; as we spurn our own neighbors in Cuba but ask people in the occupied territories or in Korea or in South Asia, to forgive and forget; as we talk

about liberating people but allow tens of millions to die from HIV/AIDS in Africa. We do not need to further degrade our own standing as a beacon of liberty and justice by creating such violent and polluting weaponry now. So, I am glad that this bill does not provide for the nuclear earth penetrator. But, I hope we can all work together to ensure that other critical non-proliferation work done by the NNSA will be fully provided for in the years to come.

Through my work on the Science Committee I have come to understand the amazing new technologies on the horizon that will decrease our reliance on foreign sources of fossil fuels, and help preserve our environment for generations to come. It is good to see that this bill has allotted \$3.6 billion, 5 percent more than the administration requested, on Science programs. However, of the energy research out there, hydrogen fuels and fuel cells are some of the most promising areas that need to be developed. The Science Committee has encouraged strong support of these programs, and the administration also has recognized the value. But this appropriations bill provides for less than half of what the administration has requested for hydrogen technology research. I represent Houston, the energy capital of the world. I understand the needs of this Nation for ample and affordable energy. As gas prices are high, and we are realizing that we are buying too much from people we might rather not be so dependent on, it seems irresponsible to under-invest in these next-generation technologies. Perhaps this is something that can be re-visited in conference.

Again I thank the chairman and the ranking member for their work on this bill. The lagging economy of the past 3 years, and huge deficits that have been created by our fiscal policies, have made budgets very tight. I wish this were not the case. But considering the box we are in, I believe our appropriators have done an admirable job here to fund important priorities and serve the Nation's energy and water needs.

Mr. VISCLOSKEY. Mr. Chairman, I yield 2½ minutes to the gentlewoman from California (Ms. WATSON).

Ms. WATSON. Mr. Chairman, I thank the ranking member and the chairman.

Mr. Chairman, I rise to raise a concern and to support an amendment by the gentlewoman from California (Ms. ESHOO). I am particularly concerned with recent developments in my home State of California, where consumers are being forced to repay over \$270 million to Enron and other energy corporations amidst growing evidence of Enron and other energy companies' manipulative practices.

The recent release of Enron tapes, where traders openly discuss a manipulation of California power markets to the tune of \$1 million to \$2 million a day, is unfair to all residents of California. Instead of FERC ordering refunds repaid by States, they should step in and investigate, so that western consumers may receive well-deserved refunds for poor service. FERC should also give the American people the right to view all documents related to energy market deception in 2000 and 2001.

Mr. Chairman, the administration continues to give billions of dollars in

tax breaks to special interest oil, gas and coal companies that are doing nothing to help lower fuel prices, instead of giving tax breaks, we need to provide everything possible to help consumers in our States and right the wrongs the energy crisis created. I am appalled and dismayed with the administration's coddling of special interests, while leaving taxpayers the task of having to foot the bills for years of wrongdoing by Enron and other corporations.

The refunds my home State is forced to pay reward market manipulators for predatory pricing activities. As legislators we should punish, not reward, companies who have deceived our citizens.

Mr. Chairman, I urge my colleagues to support the Eshoo amendment.

Mr. VISCLOSKY. Mr. Chairman, I yield 2 minutes to the gentleman from Colorado (Mr. UDALL).

Mr. UDALL of Colorado. Mr. Chairman, I thank my friend for yielding me time. I rise for the purpose of a colloquy with the gentleman from Ohio (Chairman HOBSON), the manager of the bill.

Mr. Chairman, I understand that the bill does not provide for any new investigations or other projects by the Corps of Engineers. However, as the chairman knows, last year's energy and water bill included \$40,000 for the Corps to proceed with a preliminary restoration plan for South Boulder Creek.

After enactment of the appropriations bill, at the request and recommendation of the Corps, the project was moved from section 206 to programming as a General Investigation Study. The President's budget then proposed an additional \$100,000 for this General Investigation Study. I regret that money for that purpose is not included in the bill because recent technical analysis shows that some 2,500 homes in the study area are subject to possible flood damage.

Mr. Chairman, I am concerned about how interruption of funding could affect this project and the people who live in the area.

So, I would like to ask whether the chairman would be willing to work with me as the bill goes to conference to try to enable the Corps to do its work.

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

Mr. UDALL of Colorado. I yield to the gentleman from Ohio.

Mr. HOBSON. Mr. Chairman, I will agree to work with the gentleman on this as the bill goes to conference, but I want to remind him, though I am sure this study deserves to proceed, the fact is that not all deserving new studies can go forward at the same time.

It is one of the basic cornerstones of this bill that we tried to limit projects and studies until we finished some of the things we have already started. There has been a lot of criticism of the Corps that it does not get things done and costs get out of line. What we have tried to do is limit the new starts.

But I want to assure the gentleman that should the door open and new studies in conference are available, we will take another look at the merits of the Boulder Creek study.

Mr. UDALL of Colorado. Mr. Chairman, reclaiming my time, I thank the chairman.

I would like to ask the same question of the distinguished ranking member.

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

Mr. UDALL of Colorado. I yield to the gentleman from Indiana.

Mr. VISCLOSKY. Mr. Chairman, I assure the gentleman I will join the chairman in reconsideration of this project if the opportunity presents itself.

Mr. Chairman, I yield 2 minutes to the gentleman from Washington (Mr. INSLEE).

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

Mr. INSLEE. Mr. Chairman, I am very disappointed in my Republican colleagues on the Committee on Rules who did not allow the House to consider an effort to get refunds from Enron for our consumers. But, nonetheless, I want to rise to defend the Republican Vice President of the United States who this morning is taking some criticism and grief because he used some non-king's English on the floor of the Senate while discussing Halliburton.

I wanted to put that in context, because, you know, that happens to people sometimes when they get angry. For instance, when my consumers open up their power billings in Snohomish County, Washington, and find out they have gone up 52 percent because Enron has stolen millions of dollars from them, sometimes they think, if not say, an expletive.

Sometimes when people find out that millions of dollars were stolen from them, but FERC refused to lift a finger to help them get their money back, sometimes my constituents at least think for a moment of using something that is not in the dictionary.

Sometimes when my constituents find out that this administration refused to lift a finger to help the West Coast as we were going down in flames, sometimes my constituents think about using language that is not acceptable in Sunday school.

And sometimes when my constituents find out that when we went on a bipartisan basis to the vice president of the United States and begged him to help us solve this problem, because 32 percent of all the generating capacity was turned off at the moment that the stoplights were out in California, and he looked at us, and obviously someone was gaming the system, obviously the Enrons of the world were manipulating the system, obviously there were violations of Federal law, he looked at us and said, "You know what your problem is? You just don't understand economics."

Well, we do understand economics. We just do not understand Enronomics, and we do not understand how this administration could turn its back on Americans.

We should forgive the Vice President for his momentary lapse, but we should never forgive this administration for failing to stand up to Enron.

Mr. VISCLOSKY. Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. ISRAEL).

Mr. ISRAEL. Mr. Chairman, I thank the gentleman for yielding me time to speak on this very important legislation.

Mr. Chairman, I rise today with very great concern for the future of our beaches. Beach tourism contributes \$260 billion to the United States economy every year. The administration's fiscal year 2005 budget, unfortunately, cuts shore protection projects and studies by nearly 50 percent. Now, this includes canceling the Fire Island to Montauk Point Reformulation Study, a project that provides storm protection and beach erosion control along an 83-mile portion of Long Island's south shore.

An estimated 11.3 million people visit Suffolk County's beaches every year. In Suffolk County alone, south shore beaches contribute \$256 million to the regional economy and thousands of jobs.

The Fire Island to Montauk Point Study is over 4 decades old and \$20 million in the making. Completing this nearly completed study is a top concern for thousands of homeowners and beachgoers in my congressional district.

This is like bringing the ball 99 yards downfield, putting it on the 1 yard line, and walking away.

The Army Corps of Engineers has recognized on Fire Island that it must work with different groups and associations, from homeowners' associations to environmental advocates. The Corps has utilized a process called project reformulation to build support among all agencies, governments and interest groups involved, and each of those groups recognizes that reaching an overall consensus is the best way to preserve this national treasure for future generations.

The U.S. Army Corps of Engineers has agreed to work with the Senate Committee on Appropriations to ensure the continuation of the Reformulation Study.

I want to express my very deep appreciation to the ranking member for his commitment to support the Fire Island to Montauk Point study in conference. As this legislation moves forward, I encourage all of my colleagues to continue working to protect our beaches and support a \$260 billion contributor to our Nation's economy.

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Mr. VISCLOSKY. Mr. Chairman, I yield 4 minutes to the gentleman from California (Mr. WAXMAN).

Mr. WAXMAN. Mr. Chairman, like many of my colleagues, I was disappointed that the Republican majority would not accept the Eshoo amendment to even be offered to the Members of the House as we had requested of the Committee on Rules. This will certainly come as a disappointment to Western families.

As everyone knows, in the year 2000 and 2001, energy companies like Enron ruthlessly gouged Nevada, California, Washington and Oregon. Yet for too long, this administration and the Federal Energy Regulatory Commission tried to hide this reality from Congress and the public.

In fact, energy Secretary Spencer Abraham dismissed the whole matter as a myth. Vice President CHENEY met with all of us and said it is overzealous environmental laws that are causing this problem. He did not tell us that at the same time he was meeting with Enron officials in the capacity as chairman of his energy committee, and he would not tell us who else he met with, because now even the Supreme Court has allowed him to continue without disclosing that information for a while.

Price gouging occurred in both 2000 and 2001. Yet FERC has said it only intends to grant refunds for gouging that occurred in October 2000 and thereafter.

The Eshoo amendment would have required FERC to issue refunds whenever the gouging occurred, whether the misconduct occurred before or after October 2000.

This is only common sense. A law breaker is a law breaker regardless of when the law is broken, and the people who have lost their funds and demand a refund as a result of this manipulation are entitled to it.

Without the Eshoo amendment, FERC will continue to settle cases behind closed doors for only pennies on the dollar. Without the Eshoo amendment, Western families stand to lose billions of dollars in legitimate refunds.

However, today, the House is going to agree unanimously to a small part of the Eshoo amendment, and that is to require FERC to turn over and reveal the documents and other evidence that they have about the misdeeds of Enron and other energy companies.

This is a positive step, but the real test will come to see whether the Republican majority will make sure that FERC now lives up to this directive. I am disappointed we did not go further. This is a small step forward, but the point that I want to underscore is that justice is not being done.

Mr. HOBSON. Mr. Chairman, I yield to the gentleman from California (Mr. OSE) such time as he may consume.

Mr. OSE. Mr. Chairman, I thank the gentleman from Ohio (Mr. HOBSON), and I thank the chairman.

I find it interesting to come to the floor today virtually 3 years on to discuss the issue of energy in California.

Frankly, I have spent my entire chairmanship on the Subcommittee on Energy Policy, Natural Resources and Regulatory Affairs dealing with energy issues, in particular the California issue.

We have heard a lot of talk about certain companies manipulating market behavior, and the transcripts clearly indicate that that is the case. The question that we ought to ask is what were the precursor conditions that led to that. I think that is a fair question. I mean, instead of treating the symptoms, let us treat the root cause of the issue; and the fact of the matter is that for all the complaints that might be registered against the current administration, the same requests being registered with them were registered with the previous administration. And in accordance with the law, the previous administration said there is not a thing we could do.

Go back and check the record. I encourage you to do that. Go back and see how many requests were made of the Clinton-Gore administration to intervene on this issue, and you will find that Clinton-Gore routinely and regularly said the law is very clear, and we cannot intervene. And the law has not changed. The law has not changed in terms of how FERC can intervene on these things. I think that is an important point to make. So if you are going to complain about how the law is interpreted, perhaps we ought to first look at the law itself and change that.

Now, the second thing is that in California there is this interesting mix in terms of how the energy markets are regulated. And California being kind of like the big market in the entire United States, the consequences of how the market in California operates have ramifications for Oregon and Washington, Nevada and Arizona and the rest of the country.

Well, in California the ability to build new plants or price the product is controlled by what is called the Public Utilities Commission, and in California at the very onset of this electricity crisis, a request was made of the Governor to ask the Public Utilities Commission to provide the investor-owned utilities, PG&E and Southern California Edison and Sempra in San Diego, the ability to forward contract for delivery of power.

There is a letter on record sent from the assembly Republicans to the Governor asking him to exercise his authority over the PUC and get this forward contracting ability in place. And you know what the Governor did? The Governor never responded. He did nothing.

The consequence of that is that the investor-owned utilities were left defenseless. Under a set of rules adopted unanimously by the California legislature, that effectively forced them into the day ahead of market. In other words, they had to go into the market no more than 24 hours ahead of time and buy the power for their customers.

Now, think about that. Do you buy your mortgage 24 hours ahead of the time when you occupy your house? No, you do not. Do you buy your gasoline or your food or your health care insurance, do you buy that 24 hours ahead of the time when you need it? No, you do not, because the price is not going to be very favorable. And yet the structure in which the California Public Utilities Commission set this up was such as to be self-defeating, and to now come forward 3 years on and complain about the circumstances that existed in California is somewhat interesting to me at best.

Now, there is a demand and supply imbalance in California. The demand and supply imbalance in California has ramifications for the folks in Oregon and for the folks in Nevada and for the folks in Arizona and Washington, because the demand in California is so great that we will suck up every kilowatt of power that is anywhere in the market. We will not let our families and our factories go quiet or be without power, and the price will act accordingly.

Now, there was a proposal that I put forward to allow FERC to immediately assess the impact of inappropriate behavior, rather than waiting for 60 days. I got no cosponsors from that side of the aisle for that. There is a proposal I put forward that eventually led FERC to a solution in terms of the pricing imbalance in California that allowed FERC to set overall prices in the marketplace at the last marginal pricing unit. I not only did not get any cosponsors from that side of the aisle; I got attacked from that side of the aisle. And now I find, interestingly enough, that is exactly the proposal my Democrat colleagues all are putting forward.

Mr. Chairman, we cannot solve these problems by snapping our fingers. These are not things that get solved 24 hours beforehand. We can no more solve this problem in 24 hours' time than we can reasonably expect investor-owned utilities in California or anywhere else to be able to meet their power demand in a 24-hour-ahead market. We cannot do it. We have to plan ahead.

Now, to come out here 3 years on and beat your chests about the behavior of the current administration, which is exactly the same as the behavior of the previous administration that you all refused to hold accountable, I mean, that is just unacceptable. Now, you can go on and do it, but the facts of the matter speak very loudly.

I invite you, and I have invited you, to look at the bills that I have put forward. I have been harangued by some of you; and upon examination, you have not even read the bills that I have put forward to try and solve this problem. I invite you to come help us. We are looking for partners to solve this thing.

There are three legs to this solution. The first is the PUC, which has yet, has yet to adopt the regulation in allowing

investor-owned utilities to contract for forward delivery of power. That is the first leg. The second leg is to allow the construction of new facilities instead of defending these dinosaur facilities that are high-polluting, using coal, or oil, or diesel for power generation; the second leg of this is to allow new technology to come to the market. But you stand over there and you object to everything. You stand there like Horatio at the pass, and you will not let us into the Valley of Solutions.

I ask you to stand next to us, not in front of us objecting or preventing us to move forward. I will tell my colleagues why. Because the facilities we can bring on line today with new technology, created in California, perfected in California will allow us to generate power with less adverse impact on the environment at lower price, at a higher efficiency. It is unfathomable to me, after 5½ years, the last 3½ years of which I have been chairman of a subcommittee, to find that my friends who happen to live in California with me are only now coming to look at this solution. And the path of solution that they propose is to beat their chests, attacking an administration which did exactly the same thing as the previous one.

Mr. Chairman, I ask my colleagues in California to look at these solutions. We need to give these investor-owned utilities the ability to forward-contract for power. That is a huge step in the right direction. We need to create the new facilities that use natural gas and far less polluting carbon-based power sources to provide us the energy for our homes and our factories. We need to find a way where we can talk sensibly about a market-based solution.

My Democrat colleagues cannot come down here and beat their chests in 2004 because it is a Presidential election year and try and rewrite history. Governor Davis tried that, and now he is writing his memoirs. That is just the fact. I am not interested in you guys writing your memoirs. I am interested in you joining with us to find solutions. That is what this is all about.

I am not going to be here a year from now. You all are going to have this in your lap, and you are going to have to deal with it. I am going to be out in California dealing with the consequences. But I ask you to please focus on solutions.

Mr. Chairman, I say to the gentleman from Ohio (Chairman HOBSON), he has been a mentor of mine and he has done heavy lifting across this country on energy issues, and I thank him. The CHAIRMAN pro tempore (Mr. UPTON). The gentleman from Indiana (Mr. VISCLOSKEY) has 2 minutes remaining; the gentleman from Ohio (Mr. HOBSON) has 8 minutes remaining.

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

Ms. ESHOO. Mr. Chairman, I thank the distinguished ranking member for yielding me this time.

Since my friend from California would not yield any time, I just would like to set this down for the record. The amendment relative to the previous question this morning had solutions in it. We are now in the year 2004. We do not need any more debates about the markets. The energy companies have essentially signed confession slips on this. So let us not go back to 1999. We now have evidence.

That is why we are saying the FERC should order refunds. The gentleman, by voting for the previous question, he turned down the solution of refunds. Let us make that very clear here this morning.

Mr. PORTER. Mr. Chairman, I rise today to voice my opposition to the funding of the Yucca Mountain project in the Fiscal Year 2005 Energy and Water Appropriations Bill. As you know, the Yucca Mountain issue has for over two decades been of intense personal interest to me and my Nevada constituents.

Currently, the Yucca Mountain project is being fought in the halls of justice, and no more tax dollars should be allocated to this project until the courts have provided their input which I believe will be favorable for Nevada. Furthermore, nearly 200 key scientific questions remain unanswered by the Department of Energy and the facility has yet to obtain a license from the Nuclear Regulatory Commission. At a time when the project is facing potentially insurmountable licensing obstacles, why would we want to spend another dime on this ill-thought plan?

Any assessment of Yucca Mountain's suitability as the national nuclear waste repository must look at the feasibility of transporting waste to the site. Taking 70,000 metric tons of dangerous radioactive nuclear waste, removing it from reactor sites around the country, and putting it on trucks and trains and barges, and moving it through cities, towns and waterways across America is a disastrous scheme. This highly hazardous material will ultimately travel through 43 States and pass by more than 50 million Americans who live within 1 mile of the proposed transportation routes.

As many of you are aware, a GAO report concluded that the risk of an accident during nuclear waste transport is low and that even if an accident or terrorist attack were to occur, the potential for widespread harm is low. However, the GAO characterizes irradiated nuclear fuel as "one of the most hazardous materials made by man" and recommends that shipments be minimized.

Mr. Chairman, it's just not worth the risk to transport 70,000 metric tons of nuclear waste across our nation. Even with Yucca Mountain, there will continue to be nuclear waste stored at all operating reactor sites. All of this is completely unnecessary. Nuclear utilities can and do store waste safely on site at reactors. In fact, the very same storage technology that is planned to be used at Yucca Mountain is currently used at reactor sites around the country. No reactor in the United States has ever closed for lack of storage.

As a legislator, like all of you, I need to be fully informed about the effects legislation and issues will have on my constituents. The multiple risks associated with transporting large volumes of nuclear waste over long distances to Nevada cannot be justified. You are being asked to risk the health and safety of your

constituents for a scheme that will leave this country looking for another nuclear waste storage in the decades to come.

At the end of the day, all Yucca Mountain will do is create one more large storage facility and millions of new security threats, one for every road, rail, and water mile this waste will travel along. On September 11, we witnessed the single-most horrific event in our nation's history. Instantly we became all too aware of our country's vulnerability to threats from outside our borders. Transporting tens of thousands of tons of nuclear waste across the country was not a good idea before September 11, and it's certainly not a good idea now. We had never thought of a fully fueled passenger plane as a weapon. Let's not make the same mistake with the trucks, trains, and barges that will be transporting nuclear waste.

Mr. SHAYS. Mr. Chairman, I strongly support H.R. 4614, the Energy and Water Development Appropriations Act for Fiscal Year 2005, which contains funding for four important dredging projects in my district.

The maritime industry in Connecticut has enormous potential and these projects play pivotal roles in that industry.

With these much-needed funds, the Army Corps of Engineers will be able to advance dredging projects in Bridgeport, Norwalk and Southport Harbors, as well as Mill River in Stamford, ensuring our ports remain viable for recreation and commerce.

Long Island Sound is a valuable resource to our state both environmentally and economically—providing a watershed for 10 percent of the American population and contributing \$6 billion annually to the regional economy—and it is critical we treat it well. Dredging is necessary to maintain the Sound's safe navigation and long-term viability and vitality.

In Bridgeport, the funds will support efforts to find an environmentally sound disposal method for toxic sediment in Bridgeport Harbor. The harbor has not been dredged for 40 years due to contaminants in the dredged material that would be unsuitable for disposal in open water and the result is a shallow harbor, which restricts commercial viability.

In Norwalk, the money will allow the Army Corps of Engineers to complete the necessary planning to begin dredging Norwalk Harbor. Norwalk Harbor Federal Navigation Project has not been maintained since 1981. The channel's depths have become so low that the passage of commercial and recreational vessels is restricted to the point that public safety and the viability of water-dependent businesses have been adversely affected.

The funding for Southport will be used to dredge Southport Harbor, which has long served as a center of boating activity in western Long Island Sound and as a vital centerpiece of a historic district included on the National Register of Historic Places. The Southport Harbor FNP has not been maintained since 1962 and consequently the navigability is restricted by shoaling in a number of locations.

In Stamford, the funding will be used for a design project to address ecosystem restoration, sedimentation, and dredging issues at the Mill River. The Mill River ecosystem has been severely degraded by years of polluted urban runoff, thwarting public enjoyment of the resource and threatening its natural values. The funding will assist a multi-year effort to restore the shoreline and aquatic ecosystem of the

Mill River, acquire and preserve shoreline properties, reduce polluted urban runoff into the Long Island Sound, foster commercial and ferry navigation, and create public recreational facilities and other mixed-used development.

Bridgeport, Norwalk, Southport and Stamford desperately need this money to continue, or complete, essential dredging projects that will help alleviate the state's transportation issues while benefiting our state's economy and mitigating air pollution. I am grateful these critical funds are included in H.R. 4614 and am hopeful the House will approve the bill today.

Ms. MCCARTHY of Missouri. Mr. Chairman, I rise to address H.R. 4614, the FY05 Energy and Water Appropriations bill. Although I am pleased that this legislation includes funding for a number of important water projects in my district, including the Blue River Channel, Blue River Basin, Swope Park Industrial Area, Brush Creek Basin, Seven River Levees, and the Missouri Riverfront Habitat Restoration, I continue to have serious concerns about the overall level of funding in this legislation.

In particular, today's legislation provides only 3% more funding for critical energy and water projects than was provided in FY04. This is barely enough to account for the rate of inflation. Because of this shortage of funding, H.R. 4614 does not include any funding for new projects or studies, leaving us unprepared to properly respond to new flood control emergencies. In my own district, \$100,000 is urgently needed to begin addressing critical flood and stormwater control issues surrounding the Little Blue River watershed in Jackson County, Missouri. Rapid growth in this area has created numerous flood control and storm drainage challenges for communities throughout my district. Left unaddressed, these flood threats could cost local communities and businesses millions of dollars. We need to act now to adequately investigate and plan for these developing challenges. Delaying action will only force more expensive intervention at a later date. I hope that Chairman HOBSON and Ranking Member VISCLOSKY will work with our colleagues in the Senate to ensure that these issues and other emerging flood threats are properly addressed in Conference.

This legislation also fails to address our renewable energy needs. The bill provides only \$343 million for renewable energy programs, \$31 million less than the administration requested. During a time when energy prices are soaring, we must remain committed to investments in long term renewable energy alternatives. In my own district, we have had great success encouraging the use of biodiesel as an alternative to dirtier, non-renewable fuel sources. We need to continue our commitment to this important initiative.

Finally, I am very concerned that this legislation fails to guarantee adequate funding for the Yucca Mountain Project. Specifically, I am alarmed that funding does not exist to ensure that all transportation routes to the mountain are as secure as possible. Missouri is a railroad and interstate hub. Given the likelihood that a majority of waste from east of the Mississippi River will be transported through Missouri, it is downright frightening to think of the consequences if we do not properly fund the secure transport of this waste. It is my understanding that the Office of Management and Budget has the ability to secure the additional funding for this project. I am hopeful that they

will take on this responsibility or that additional funds will be found in Conference.

Mr. TERRY. Mr. Chairman, it is with regret that I come to the floor today in opposition to this legislation—H.R. 4614, the Fiscal 2005 Energy and Water Appropriations bill. Unfortunately, this bill fails to adequately address America's future energy needs.

I realize H.R. 4614 is about more than just energy, and it does contain some good provisions. There is funding for important flood control projects, scientific research, nuclear non-proliferation programs, and environmental cleanup.

But this legislation falls well short in the realm of energy, especially in this time of tight energy supplies and volatile energy prices. The most glaring shortfall is that it provides only 14 percent of the amount requested for construction of the nuclear waste facility at Yucca Mountain, Nevada. The administration has stated that the Yucca Mountain facility will need to have about \$1.3 billion a year if it is to meet the 2010 deadline for opening. This bill appropriates only \$131 million for fiscal 2005.

Yesterday, the House Energy and Commerce Committee, on which I sit, overwhelmingly approved legislation introduced by Chairman JOE BARTON (H.R. 3981) that would dedicate the next 5 years of receipts in the Nuclear Waste Fund to the construction of the Yucca Mountain facility, keeping the project on schedule. The Barton bill would also ensure that the fund would be used only for Yucca Mountain and not diverted by appropriators for other purposes.

Chairman BARTON's legislation should have been attached to H.R. 4614. That was not permitted, and now this energy and water bill risks delaying the Yucca Mountain project—22 years after Congress first called for the creation of a single, secure repository for the Nation's spent nuclear fuel. Furthermore, it casts doubt on the growth of nuclear power, the cleanest, most abundant form of energy America has today.

My state of Nebraska is home to two nuclear power plants that provide almost a third of the electricity produced in our state. To date, Nebraskans have paid more than \$216 million into the Nuclear Waste Fund. Yet our public power utilities are being forced to build additional storage space for spent fuel because we are still without a national repository. In fairness to the ratepayers, we must keep the Yucca Mountain project on track for completion by 2010.

The Yucca project is also essential to our security concerns. Today, 50,000 tons of spent nuclear fuel are scattered across the country, at 131 sites in 39 states—including Nebraska. Oftentimes, these storage sites are near major cities and waterways.

Billions of dollars from U.S. electric consumers have already been invested in Yucca Mountain. It is the most suitable location for this repository. And with today's tough environmental standards and surging demand for electric power, nuclear energy must continue to play a substantial role in the Nation's energy portfolio. The bill on the floor today fails to recognize this.

I want to make it clear that I have objections to this bill beyond the funding for Yucca Mountain.

Under H.R. 4614, renewable energy resources are shortchanged by \$31.5 million,

about 9 percent less than the President's request. I am especially disappointed that the bill provides less than half of what the President wanted for hydrogen technology research, about \$31 million (48 percent) under the requested amount.

Funding for hydropower is \$1 million (20 percent) under the administration's request. And the measure provides \$15.5 million (20 percent) less than requested for the Office of Electricity Transmission and Distribution, the newest division of the Department of Energy, which is leading efforts nationwide to modernize and expand our electric delivery system.

It seems the appropriators chose to ignore the energy challenge facing our Nation. Or maybe they simply forgot that America today imports 60 percent of its oil supply; that gasoline prices are hovering around \$2; that natural gas supplies are at an all time low; and that just 10 months ago, the worst blackout in our history left a quarter of the country in the dark.

Still, appropriators managed to spend \$28 billion in this legislation—about \$50 million more than the President's request. H.R. 4614 is yet another example of what happens when the appropriators ignore their colleagues who sit on the authorizing committees, hold hearings, conduct oversight, and produce thoughtful legislation. In failing to address the Yucca Mountain issue today, appropriators have essentially overlooked the hard work of the Energy and Commerce Committee.

Congress must address the Nation's outdated energy infrastructure. As a father of three young children and as a Member of this chamber who has long pushed for a modernized energy policy, I cannot in good conscience vote for this legislation.

Mr. BISHOP of New York. Mr. Chairman, I rise in support of this legislation. Given difficult budget choices, and an egregious Administration budget proposal for the Army Corps of Engineers, the Chair and Ranking Member of the Subcommittee have done their best to craft a good bill.

I am particularly pleased that this legislation adequately funds our country's national labs. In this time of budget cuts, we cannot forget that basic science is a building block for scientific innovation and economic growth in the information age. Under this budget, Brookhaven Lab, which is located in my district, will continue to make great contributions in the areas of nuclear physics, structural biology, environmental research and nonproliferation.

This bill also adequately funds environmental cleanup efforts at the Lab vital to the health and safety of residents on the East End of Long Island. I am grateful to the Chair and Ranking Member of the Subcommittee for attending to these vital needs.

I am concerned, however, with one particular project in this bill of vital importance to the south shore of Long Island. The Fire Island to Montauk Point Reformulation study—which covers an 83 mile stretch of Southern Long Island—has been underway for decades at a cost of more than \$20 million. Unfortunately, this bill contains no funding to continue this study.

I understand, however, that the Ranking Member of the Subcommittee is committed to work with me and my Long Island colleagues in conference, to protect any funding included

in the Senate bill for this study. I look forward to the successful and timely completion of this project, and I again thank the Chair and Ranking Member for their cooperation and good work.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I want to thank the gentleman from Ohio (Chairman HOBSON) and the gentleman from Indiana (Mr. VISCLOSKY), the ranking minority member, for the leadership they have provided in putting together this legislation to fund important programs like the Army Corps of Engineers, Dallas Floodway Extension and for continued work on a study of flood control on the Upper Trinity.

I support the fiscal year 2005 Energy and Water development appropriation measure.

Mr. Chairman, in 1998, the voters of Dallas approved the largest bond issue in the City's history, \$246 million, to make improvements to the Trinity River Corridor. There are many aspects to these projects, including transportation, recreation, and economic development. But at its heart, the Trinity River Corridor is about flood control. It is about protecting homes, businesses, people, and property. The flood control protection currently afforded to the City and its residents is simply no longer adequate.

Urban development and growth patterns have occurred that require improvements and extensions to the existing flood control system. These improvements and extensions must be designed, engineered, and constructed in a manner that will not only improve flood control protection for the City and its residents, but will do so in a manner that is sensitive to our other needs.

We must improve flood protection, but we need to be certain that such flood protection infrastructure also enhances our quality of life. The legislation before us includes funding to help assure that the quality of life of the people of Dallas, and our economic vitality, are indeed improved.

This legislation includes \$10 million for the construction of the Dallas Floodway Extension. This will consist of a chain of flood conveyance wetlands and a system of protective levees that will enhance the security of 12,500 structures in the Dallas area.

While I recognize the difficult constraints the Committee worked under in developing this legislation, and appreciate the funding included, I also know it is imperative to the public health and safety of the people of Dallas that this project proceed as quickly as possible.

With that in mind, I do wish to note that it will be my intent to try and secure a total of \$20 million for this project; an amount consistent with the capability that the Corps has expressed for 2005.

This legislation contains \$1.3 million for continued work on a study of flood control on the Upper Trinity as well as additional flood control improvements to the existing Dallas Floodway. This is such an exciting project that should include the development of two flood conveyance lakes within the floodway, along with new wetlands, river meandering, and boardwalks that will serve to unite the City and bring families to the levees, which currently have the impact of, literally dividing our communities.

Mr. Chairman, I appreciate the bipartisan effort that went into the drafting of this legislation, commend that effort as a model for the

way in which this Chamber ought to routinely work, and urge the support of all our colleagues for passage of H.R. 4614.

Mr. EVERETT. Mr. Chairman. I rise today in support of this legislation, but as chairman of the Strategic Forces Subcommittee on Armed Services, I must express my concerns about some of the funding levels for important National Nuclear Security Administration (NNSA) programs that are authorized within my subcommittee. The Fiscal Year 2005 Energy and Water Appropriations bill provides no funds for the robust nuclear earth penetrator (RNEP), advanced concepts, modern pit facility, nor enhanced test readiness. The Fiscal Year 2005 National Defense Authorization bill, which passed this House overwhelmingly just weeks ago, fully funded the President's request for these important initiatives. Furthermore, this elimination of funding for these programs jeopardizes our country's ability to respond to future national security threats, as pointed out in the Statement of Administration Policy. I now include that complete Statement of Administration in this RECORD.

Of particular concern to me is the \$27.6 million authorized in the House-passed bill for RNEP would support the Air Force-led study concerning the feasibility of modifying an existing nuclear weapon to destroy what are known as hardened and deeply buried targets. It has long been recognized that these hardened targets are increasingly being used by potential adversaries to conceal and protect leadership, command and control, weapons of mass destruction, and ballistic missiles. I believe it is imperative that we finish this review as part of a larger effort to ensure that we further our technological edge.

Critics of RNEP say that they are not convinced that this money will only fund a study. This simply is not the case. This funding does not authorize the production of any weapons. In fact, Section 3117 of Fiscal Year 2004 National Defense Authorization Act (Public Law 108-136) clearly states and I quote, "The Secretary of Energy may not commence the engineering development phase (phase 6.3) of the nuclear weapons development process, or any subsequent phase, of a Robust Nuclear Earth Penetrator weapon unless specifically authorized by Congress."

Opponents also point to the NNSA Future Years Security Plan inclusion of \$484.7 million for RNEP in the future. This budget estimation is required by congressional direction, and represents a placeholder should Congress and the President decide to go any further than a study. Without the placeholders by both NNSA and the Department of Defense (DoD) in the out year budgets, if authorized, the start of the RNEP's next phase would be delayed until funding was appropriated. This would nullify the schedule and cost estimates and require the costing and schedule to be redone causing additional taxpayer cost. Moreover, by the statute cited earlier, these funds could not be used for anything other than basic research without subsequent approval by Congress.

Although I plan to support this legislation, as chairman of the subcommittee of jurisdiction, I felt it necessary to set the record straight concerning this program, and I am hopeful that the House/Senate conference will provide a reasonable level of funding for these programs.

STATEMENT OF ADMINISTRATION POLICY

The Administration supports House passage of the FY 2005 Energy and Water Development Appropriations Bill.

The President supports a discretionary spending total of not more than \$819 billion, in addition to the \$2.5 billion in advance appropriations for Project BioShield, consistent with his FY 2005 Budget. The President's Budget responsibility holds the growth in total discretionary spending to less than four percent and the growth in non-security spending to less than one percent, while providing the critical resources needed for our Nation's highest priorities: fighting the War on Terror, strengthening our homeland defenses, and sustaining the momentum of our economic recovery.

Consistent with the need for responsible spending restraint, the Administration urges the Congress to fully fund unavoidable obligations and not to include any emergency funding, including contingent emergencies, unless mutually agreed upon in advance by both the Congress and the Administration. Within this context, the Administration urges the House to fully fund Presidential priorities, such as the Nuclear Waste Repository at Yucca Mountain, NV and the Hydrogen Fuel initiative.

The Administration is pleased that the Committee-reported bill is consistent with the overall \$819 billion discretionary total and looks forward to working with the House to address the following concerns.

ADMINISTRATION PRIORITIES

Nuclear Waste Repository. It is vital to secure nuclear waste now scattered at 126 sites in 39 States in one appropriate underground facility. Further delay increases the costs and security risk of storing materials at these various sites. Therefore, it is imperative that the Department of Energy (DOE) have the necessary resources for licensing and constructing the repository at Yucca Mountain, Nevada. The President's Budget contains a proposal to facilitate the long-term financing for this project and the Energy and Commerce Committee has reported a bill consistent with the proposal. We strongly urge the House to adopt this financing proposal and will continue to work with the Congress to ensure its enactment.

Hydrogen Fuel Initiative. The Administration strongly urges the House to fund the President's Hydrogen Fuel Initiative, which will reduce the Nation's dependence on foreign oil and provide cleaner air. The Committee's \$31 million reduction for fuel cell technologies should be restored by redirecting funds from the Corps of Engineers, which is funded well above the President's request.

National Security. The Administration strongly opposes the elimination of funding for the Advanced Concepts Initiative, the Robust Nuclear Earth Penetrator study, and planning for the Modern Pit Facility. These reductions, if sustained, would diminish the Nation's ability to respond to future national security threats. Once again, this reduction could be restored by redirecting some of the funds from the Corps of Engineers or DOE's nuclear energy research and development program.

ARMY CORPS OF ENGINEERS—CIVIL WORKS

The Administration commends the Committee for focusing the Civil Works program on completing projects already under construction and limiting new starts. These efforts are consistent with the Administration's policy to reduce the backlog of ongoing civil works construction projects. We urge the House to eliminate funding and cancel balances for projects that have low estimated economic or environmental returns or

that are outside the Corps main mission, as requested.

We urge the House to restore funding that is necessary to sustain operations on four nationally significant Corps projects: \$18 million for Columbia River fish recovery to comply with a biological opinion pursuant to the Endangered Species Act (ESA); \$12 million to revitalize the side channels of the Upper Mississippi River; \$8 million for Everglades Restoration; and \$51 million to improve Missouri River habitat and support continued operation of the river in compliance with the ESA. We also request that the House restore \$10 million to the Regulatory Program to avoid delays in the permitting process and ensure effective enforcement.

DEPARTMENT OF ENERGY

The Administration strongly opposes reductions to the National Nuclear Security Administration's (NNSA) Nonproliferation programs to eliminate weapons-grade plutonium production in Russia and to dispose of 68 metric tons of surplus weapons-usable plutonium in the Russian Federation and the United States. The proposed reductions could delay the programs and escalate their costs, thereby damaging critical components of the Nation's comprehensive nonproliferation strategy.

The Administration objects to the bill's reductions to important nuclear stockpile stewardship programs, such as the Life Extension Programs, Directed Stockpile Work, and the science and engineering campaigns. Furthermore, the Committee's restrictive funding controls for the complex Inertial Confinement Fusion National Ignition Facility program may prevent NNSA from achieving the milestones the Congress has directed for the program.

The Administration is concerned with the \$76 million reduction to the high-level waste proposal. The Defense Nuclear Facilities Safety Board has recently communicated to DOE its view that the safety consequences of delaying radioactive waste disposition activities at the Savannah River site are unacceptable. Moreover, the Administration and the State of South Carolina have reached agreement on radioactive waste disposal and underground storage tank closure at DOE's Savannah River site. While we share the Committee's preference for a legislative solution that extends beyond the Savannah River site and are continuing to pursue a consensus with all affected States on such legislation, the funds are crucial to allowing the clean up of the Savannah River tanks.

The Administration rejects the Committee's suggestion to reduce spending on the International Thermonuclear Experimental Reactor in FY 2005, as well as its shift in funding for the Gridwise and Gridworks programs from the Office of Electric Transmission and Distribution (OETD) to the Office of Energy Assurance. OETD was established to provide a single, focused organization to strengthen Federal leadership on electricity reliability.

While we understand the need to restrain expenses for departmental overhead, the funding reductions to the Department Administration account in the House bill would hinder the Secretary's ability to manage the Department.

BUREAU OF RECLAMATION AND THE CENTRAL UTAH PROJECT

The Administration appreciates the Committee's support for fully funding the Water 2025 Initiative and for directly funding the Utah mitigation and conservation activities through the Central Utah Project rather than indirectly through the Western Area Power Administration. However, we urge the House to include the Administration's proposal to make a corresponding transfer of

authority for project mitigation from the Secretary of Energy to the Secretary of the Interior.

TENNESSEE VALLEY AUTHORITY (TVA)

The Administration is disappointed that the Committee did not provide, as the Subcommittee did, the requested appropriation of \$9 million for TVA's Office of Inspector General (OIG) to be derived from the TVA Fund. This proposal would allow the OIG to conduct its duties in a more independent manner, similar to the Inspectors General of other Federal agencies.

CONSTITUTIONAL CONCERNS

Section 501 of the bill purports to limit the use of appropriated funds by the Executive Branch in communicating with the Congress. To the extent this provision would preclude the President or his subordinates from initiating communications with the Congress, it would interfere with the Executive Branch's ability to influence congressional action and would violate the Recommendations Clause of the Constitution. The Administration urges the House to remove this provision or amend it to allow normal and necessary Executive Branch communications.

Mr. FRELINGHUYSEN. Mr. Chairman, I rise today in support of H.R. 4614, the Fiscal Year 2005 Energy and Water Appropriation's bill.

First, let me thank the distinguished Chairman of this Committee, DAVE HOBSON, for his work in crafting this legislation. He and ranking member PETE VISCLOSKY have drafted an excellent bill that focuses on our national priorities.

Mr. Chairman, our country continues to benefit from advances in science, technology and engineering. We've discovered the potential for fusion energy, advanced renewable energy, and improved energy efficiency. Through cutting research and the development of these programs at the U.S. Department of Energy, we are rapidly advancing our scientific knowledge.

Mr. Chairman, I have long supported funding for renewable energy sources. The Committee's investment of \$343 million in renewable energy resources will be integral to creating alternative energy solutions for our nation. The Department of Energy is pursuing other new technologies to meet future energy and environmental needs. These technologies will change how we use and produce energy. The DOE, with this Committee's support, is pursuing a path towards making affordable, safe zero emission fuel cell vehicles.

I am pleased that year after year this Committee continues to recognize the incredible potential of fusion energy by providing a \$12 million dollar increase in funding for a total of \$276 million in funding for the program—which will advance the vital work of the domestic fusion community to prosper at sites such as New Jersey's Princeton Plasma Physics Laboratory.

The Committee also continues to address electricity reliability, of special importance to the East Coast with last summer's blackout. We've included funds for transmission reliability, research and development.

Since 1775 when the Continental Congress authorized the first Chief Engineer—whose first task it was to build fortifications near Boston at Bunker Hill—the Army Corps of Engineers has grown to be the world's largest public engineering, design and construction management agency.

The Army Corps keeps our waterways open for business, prevents our communities from flooding and our beaches from eroding.

In New Jersey alone, the Army Corps budget helps keep the 127 miles of New Jersey coastline open to visitors from across the country. Serving as one of New Jersey's greatest attractions, our beaches generate over 30 billion dollars for our state's economy each year, while providing over 800,000 people with jobs.

One of the most important Army Corps projects is the Port of New York and New Jersey Harbor Deepening. For the second year in a row, President Bush's budget message recognized the dredging of this port as a national priority and called for it to be one of five national navigational projects.

It goes without saying that projects like the Port drive our national economy it is a national secret asset. As the largest port in the northeast and a leading job center for the New Jersey/New York Metropolitan area, we must continue to focus our efforts on deepening its major navigation channels so that the port is able to meet the 21st Century needs of our economy.

The importance of the Army Corps budget is not limited to just navigational projects. In an effort to protect New Jerseyans, their homes, and their businesses from the destruction and devastation of flooding, this bill also provides the framework and the funding to purchase wetlands for natural storage areas, and to work with the local governments in across northern New Jersey to develop long-term solutions to re-occurring floods. In New Jersey this means that projects like the Jackson Brook Flood Control project in my own district and the dredging of the Hudson Raritan Estuary Lower Passaic River Restoration, among several other critical local projects have the funding to remain on track.

Mr. Chairman, for all of these reasons, I urge my colleagues to support this important legislation.

Mr. SIMPSON. Mr. Chairman, I rise in strong support of the Energy and Water bill. I want to commend Chairman HOBSON and the ranking member, Mr. VISCLOSKY, for producing a bill that should enjoy the support of every single member of this chamber. I am impressed by the way in which Chairman HOBSON and Mr. VISCLOSKY worked together to produce the Energy and Water bill and you both should be congratulated for the bipartisan way in which you wrote this bill.

This bill is certainly a good bill for my home state of Idaho—and I want to thank the committee for that. But more importantly, this is a good bill for the nation as a whole. It addresses national and international needs by improving our nation's water infrastructure, expanding our efforts to produce more energy for a growing economy, and protecting nuclear materials from falling into the hands of terrorists.

I fully support the Subcommittee's efforts to demand some accountability from the DOE and the Russians regarding our efforts to help secure nuclear materials in the former Soviet Union.

Spending money in Russia and the former Soviet Union to locate, identify and secure nuclear materials is clearly in our own national interest as well as the interests of the rest of the world. However, as I have repeatedly pointed out to Russian officials, I cannot explain to my constituents why we spend American taxpayers' money to secure nuclear materials in Russia while at the same time Russia is planning to cooperate with Iran in their

efforts to develop nuclear energy. In light of recent IAEA statements regarding the lack of openness regarding Iran's nuclear program—Russia must reexamine its position vis-a-vis Iran.

I also strongly support the Subcommittee's continued efforts to limit activities associated with the development of a Robust Nuclear Earth Penetrator. Our nation clearly has many priorities regarding the management of our nuclear stockpile without adding new nuclear weapons to the list.

Finally, this bill fully funds the Federal government's responsibility to cleanup nuclear sites across the nation—including in my home state of Idaho. The bill rejects the DOE's attempt to wall off hundreds of millions of dollars in cleanup funding and provides sufficient direction to ensure the DOE keeps its commitments to States like Idaho and Washington.

Mr. Chairman, I will enthusiastically vote in favor of the Energy and Water Appropriations bill and urge my colleagues to do the same.

Ms. LEE. Mr. Chairman, I rise in support of this bill.

I would first like to thank the Chairman of the Subcommittee, Mr. HOBSON, and the Ranking Member, Mr. VISLOSKY for their work in putting together Energy and Water Appropriations Bill.

I also want to thank both of them for including \$35 million in the bill to continue funding the Port of Oakland's 50-foot dredging project in my district in California.

As the fourth largest container port in the country, the Port of Oakland serves as one of our premier international trade gateways to Asia and the Pacific Ocean.

The 50 foot dredging project serves to underpin an \$800 million expansion project funded by the Port that will improve the infrastructure at Oakland by expanding capacity and increasing efficiencies throughout the distribution chain.

Current projections indicated that at the conclusion of the project an additional 8,800 jobs will be added, business revenue will increase by \$1.9 billion, local tax revenues will go up by \$55.5 million, and 100% of the dredging materials will be reused for wetlands restoration, habitat enhancement, and upland use within the San Francisco Bay Area.

I'm glad that the Subcommittee understands the importance of this project, and I look forward to continuing to work with the Chairman and Ranking Member to complete it.

Mr. GREEN of Texas. Mr. Chairman, I rise in strong support of the work that Chairman HOBSON and Ranking Member VISLOSKY have done on this legislation. And as always, my colleague Congressman CHET EDWARDS from Texas has been a champion for the significant port, harbor, and flood control needs of the great state of Texas.

The House Subcommittee on Energy and Water has done the best they could with the inadequate allocation for energy and water projects that they have been given. This bill provides \$4.8 billion for the Corps—\$712 million (15%) more than requested and \$252 million (5%) more than this year's level.

Unfortunately the Administration does not often agree on the necessity of investing in water infrastructure.

The Corps of Engineers' work keeping our ports and harbors expanding and maintained is absolutely essential to our national economy. When crafting the U.S. Constitution our

founders recognized the necessity of functioning ports and waterways to interstate and international commerce, so they gave the federal government the responsibility for maintaining the navigable waters of the United States.

Without the proper resources, we will fall behind this Constitutional responsibility.

In particular, I wish to thank the Subcommittee of Energy and Water and its leadership for providing \$24 million in construction general funding for the Houston-Galveston navigation channels and \$14 million for operations and maintenance.

We will try to increase those numbers in conference with the Senate, particularly the operations and maintenance account, which if left underfunded year after year will undermine the benefits of the investments we have made.

I also wish to thank the Subcommittee for including \$750,000 in construction general funding for Hunting Bayou and \$340,000 in General Investigations funding for Greens Bayou.

Both of these watersheds have experienced major flooding over the past years and are crying out for investment to protect the hundreds of thousands of residents and thousands of businesses in those areas.

And finally, I want to note that while this bill does not yet provide general investigations funding to begin a study of a federal project for Halls Bayou, a tributary of Greens Bayou, that project is authorized as part of the Water Resources Development Act of 1990.

Also, there is a section of the pending House Water Resources Development Act of 2004 (H.R. 2557) that would reclassify Halls Bayou as a section 211 reimbursement project under the Water Resources Development Act of 1996.

Again, I thank the subcommittee, its leadership, and particularly Congressman EDWARDS of Texas for their fine work on this piece of legislation. I urge support of H.R. 4614.

Mr. GUTKNECHT. Mr. Chairman, as the House passes the FY2005 Energy and Water Development appropriations bill today, I would like to draw attention to the Lewis & Clark Rural Water project. While Minnesota has thousands of lakes, southwest Minnesota, in my district, is described as the place the glaciers missed. In fact, Rock County the southwestern most county in Minnesota, it the only county in my home state that does not have a single lake.

To deal with this problem, sixteen communities and five rural water systems joined together in 1990 to create the non-profit Lewis & Clark Rural Water System. This water system project, when completed, will cover an area of 5,000 square miles in southwest Minnesota, northwest Iowa, and southeast South Dakota. The twenty-one members of the Lewis & Clark Rural Water System serve a population of over 200,000 people.

Construction on the Lewis & Clark Rural Water Project is underway and moving ahead. The groundbreaking and first official construction took place in August 2003. A large diameter casing and two wells have been installed and the first segment of pipe was installed on June 14, 2004. Another contract, for roughly \$15 million, will be awarded in July. This contract, using funds appropriated in FY2004, will complete the Raw Water Pipeline, which will take the untreated water from the well fields to the water treatment plant.

This important project will greatly improve quality of life and enhance economic opportunity in my district. Over 100 rural families in southwest Minnesota are on a waiting list to receive water from Lincoln-Pipestone Rural Water (L-PRWS), one of the members of Lewis & Clark. Until the Lewis & Clark project in this area is completed, there will not be enough water for these families.

Economic development will be enhanced by allowing communities to provide additional water to expanding industries and value-added agriculture, thereby preserving jobs, as well as attracting new industries. One community in my district, Worthington, has actually had to turn away inquiries from companies considering locating their because of the lack of water. This is a serious problem and I applaud the dedication of those individuals who have worked long and hard to get this project going.

In the 108th Congress I have made the Lewis & Clark project a priority of mine and submitted a request for \$35 million dollars. Included in this appropriations bill is \$17.5 million for the Lewis & Clark project. While this funding is less than the amount for which we had hoped, it is a good start, and I applaud the President for making this a priority in his budget request.

Rural Minnesota, South Dakota, and Iowa need the Lewis & Clark Rural Water Project and I am excited construction has begun. For the sake of these communities I urge Congress to continue to make this project a priority.

Mr. BARRETT of South Carolina. Mr. Chairman, as a Representative of the Savannah River Site located in South Carolina's Third Congressional District, I rise today to voice my concerns regarding this bill. The Savannah River Site (SRS) is South Carolina's largest single site employer, employing approximately 13,500 workers from around the southeast region, and it serves a vital function to our nation's nuclear infrastructure. The Fiscal Year 2005 Energy and Water Appropriations bill in its current form potentially jeopardizes several programs at the SRS including the waste incidental to reprocessing, the Savannah River National Laboratory, the mixed-oxide fuel program, and the modern pit facility.

While I strongly commend the Committee for preventing the DOE from setting aside funding for their High-level Waste Proposal pending the outcome of the waste incidental to reprocessing issue, I respectfully disagree with the Committee's position regarding resolution of that issue. Although efforts to agree in good faith on comprehensive legislation to uniformly resolve the issue failed between the DOE, Washington, Idaho, and South Carolina, other alternative solutions should be pursued. For example, state specific solutions should be supported so long as those states retain the authority to ensure the DOE takes into consideration the state's regulations upon implementation of its nuclear cleanup program.

Moreover, failure to support agreements between each interested state and the DOE places increased risk to each site's surrounding communities and imposes greater costs to America's taxpayers. I fear the longer a delay occurs the longer period of time the residual waste will be left in its liquid form,

which poses a greater threat to the nearby rivers that may serve as a water source for surrounding communities. If single state agreements would allow sufficient environmental remediation method to proceed in a safe manner, it is unnecessary for our nation's taxpayers to incur additional costs to research and develop new, unproven cleanup methods. As a result, single state solutions, would preclude continued delay of processing waste stored at the affected sites, which would prevent undue additional risk and increased costs to cleanup the sites.

I also respectfully disagree with the Committee's support for the DOE's decision that the Salt Waste Processing Facility and the Salt Waste Process Facility Alternative are prohibited by the Idaho District Court ruling regarding waste incidental to reprocessing. On the contrary, the objectives of these facilities are approximately a mirror image of the work being conducted at the Defense Waste Processing Facility, which has been processing nuclear waste for several years and continues to do so despite the outstanding waste incidental to reprocessing issue. By the Committee's zeroing out funding for these projects in FY05, the SRS community is greatly concerned with the future job outlook that these facilities are scheduled to provide in the near and long term.

With respect to the Committee's position on the Savannah River National Laboratory, I understand the Committee's concern with the level of consultation provided by the DOE regarding the designation of the Savannah River National Laboratory. However, I am disappointed this bill fails to provide funding for one of nation's premier science labs. I believe now is the time for our nation to show its commitment to scientific research and development at our national labs to encourage young American professionals to enter a scientific field that is increasingly losing many of America's best scientists to retirement. Our national labs are a unique asset to our nation's scientific community and national security, and unfortunately, limiting the number of labs limits the opportunities we provide to America's scientific youth. As a result, I strongly support designation of the Savannah River Technology Center as our Nation's 13th national laboratory.

In regards to the mixed-oxide fuel program, the United States and Russia need to continue to expedite negotiations over the program's liability provisions, and I appreciate the Committee's consideration to restore the program's funding cuts should an agreement be reached in 2005.

Finally, I respectfully disagree with the Committee's decision to zero out funding for the modern pit facility (MPF), and to prohibit site selection from occurring in FY05. The MPF is crucial to sustaining the integrity of the United States nuclear deterrent for the foreseeable future. After 1989, the United States became the only nuclear power without the ability to manufacture plutonium pits for its nuclear stockpile. Many of the weapons in our nuclear stockpile have outlived their intended design life, and while the integrity of these weapons is not currently in jeopardy, the potential risk for functional degradation of the plutonium pit is too great not to take action. Therefore, I fully support the Administration's efforts to develop advanced nuclear concepts like the MPF to mitigate against the risk of being unable to maintain our current nuclear deterrent.

Furthermore, locating the MPF at the Savannah River site (SRS) is important for the country and the state of South Carolina. SRS is the most capable location for the mission because it has an excellent safety and security record, all necessary infrastructure requirements for any capacity size, and a proven and successful history of plutonium operations. As a result, locating the mission at SRS should save from \$300 to over \$500 million in taxpayer funds. Also, the mission is estimated to create 3,600 additional jobs in the private sector, which would partially offset SRS employment losses as it nuclear clean-up missions are completed. The SRS community has a long history of proudly serving our nation and fully supports the MPF. As a result, I am hopeful the Committee will remove its objections to site selection as it conferences with the Senate on this bill.

Mr. Chairman, while I support the interests of my Congressional district, I understand the enormous responsibility this Committee must endure as it considered appropriations legislation for our nation's energy programs. Although this bill does not fully provide the SRS community with the resources the Administration has requested, I do believe the Chairman and the Committee are steadfastly working in good faith to enhance our nation's energy problems, and I look forward to working with the Chairman on future issues related to the Savannah River Site and our nation.

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

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

The CHAIRMAN pro tempore. All time for general debate has expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule.

During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

The Clerk will read.

The Clerk read as follows:

H.R. 4614

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2005, for energy and water development, and for other purposes, namely:

TITLE I

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

The following appropriations shall be expended under the direction of the Secretary of the Army and the supervision of the Chief of Engineers for authorized civil functions of the Department of the Army pertaining to rivers and harbors, flood control, shore protection, aquatic ecosystem restoration, and related purposes.

GENERAL INVESTIGATIONS

For expenses necessary for the collection and study of basic information pertaining to rivers and harbors, flood control, shore protection, storm damage reduction, and related projects, restudy of authorized projects, miscellaneous investigations, and, when author-

ized by law, surveys and detailed studies and plans and specifications of projects prior to construction, \$149,000,000, to remain available until expended: *Provided*, That for the Ohio Riverfront, Cincinnati, Ohio, project, the cost of planning and design undertaken by non-Federal interests shall be credited toward the non-Federal share of project design costs: *Provided further*, That in conducting the Southwest Valley Flood Damage Reduction Study, Albuquerque, New Mexico, the Secretary of the Army, acting through the Chief of Engineers, shall include an evaluation of flood damage reduction measures that would otherwise be excluded from the feasibility analysis based on policies regarding the frequency of flooding, the drainage areas, and the amount of runoff.

POINT OF ORDER

The CHAIRMAN. For what purpose does the gentleman from Tennessee rise?

Mr. DUNCAN. Mr. Chairman, I raise a point of order against the paragraph.

The CHAIRMAN. The gentleman will state his point of order.

Mr. DUNCAN. Mr. Chairman, at the request of the gentleman from Alaska (Chairman YOUNG) and on behalf of the Committee on Transportation and Infrastructure I rise to raise a point of order against page 2 line 23 beginning with "provided further" through page 3 line 5.

Let me say, first of all, that I want to commend the gentleman from Ohio (Chairman HOBSON) and the gentleman from Indiana (Ranking Member VISCLOSKY) who have done such an outstanding job on this legislation. But this provision, this particular provision, violates clause 2 of rule 21. It directs the Secretary of Army to include additional analysis in the southwest Valley Flood Damage Reduction Study and, therefore, constitutes legislating on an appropriations bill in violation of House rules.

The CHAIRMAN. Does any other Member wish to be heard on the point of order?

In that case, the Chair will rule.

The Chair finds this provision includes language imparting direction to the Secretary of the Army. The provision therefore constitutes legislation in violation of clause 2 of rule XXI.

The point of order is sustained. The provision is stricken from the bill.

The Clerk will read.

The Clerk read as follows:

CONSTRUCTION GENERAL

For expenses necessary for the prosecution of river and harbor, flood control, shore protection, storm damage reduction, and related projects authorized by law; and for conducting detailed studies, and plans and specifications, of such projects (including those for development with participation or under consideration for participation by States, local governments, or private groups) authorized or made eligible for selection by law (but such detailed studies, and plans and specifications, shall not constitute a commitment of the Government to construction); \$1,876,680,000, to remain available until expended, of which such sums as are necessary to cover the Federal share of construction costs for facilities under the Dredged Material Disposal Facilities program shall be derived from the Harbor Maintenance Trust Fund as authorized by Public

Law 104-303; and of which such sums as are necessary pursuant to Public Law 99-662 shall be derived from the Inland Waterways Trust Fund for one-half of the costs of construction and rehabilitation of inland waterways projects (including the rehabilitation costs for Lock and Dam 11, Mississippi River, Iowa; Lock and Dam 19, Mississippi River, Iowa; Lock and Dam 24, Mississippi River, Illinois and Missouri; and Lock and Dam 3, Mississippi River, Minnesota); *Provided*, That using \$10,000,000 of the funds appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to continue construction of the Dallas Floodway Extension, Texas, project, including the Cadillac Heights feature, generally in accordance with the Chief of Engineers report dated December 7, 1999: *Provided further*, That the Secretary of the Army is directed to accept advance funds, pursuant to section 11 of the River and Harbor Act of 1925, from the non-Federal sponsor of the Los Angeles Harbor, California, project authorized by section 101(b)(5) of Public Law 106-541: *Provided further*, That the Secretary of the Army, acting through the Chief of Engineers, is directed to proceed with the construction of the New York and New Jersey Harbor project, 50-foot deepening element, upon execution of the Project Cooperation Agreement; *Provided further*, That no funds made available under this Act or any other Act for any fiscal year may be used by the Secretary of the Army to carry out the construction of the Port Jersey element of the New York and New Jersey Harbor or reimbursement to the Local Sponsor for the construction of the Port Jersey element until commitments for construction of container handling facilities are obtained from the non-Federal sponsor for a second user along the Port Jersey element: *Provided further*, That the Secretary of the Army, acting through the Chief of Engineers, is directed to use \$6,000,000 of the funds appropriated herein to proceed with planning, engineering, design or construction of the Grundy, Buchanan County, and Dickenson County, Virginia, elements of the Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River Project: *Provided further*, That the Secretary of the Army, acting through the Chief of Engineers, is directed to use funds appropriated for the navigation project, Tampa Harbor, Florida, to carry out, as part of the project, construction of passing lanes in an area approximately 3.5 miles long, centered on Tampa Bay Cut B, if the Secretary determines that such construction is technically sound, environmentally acceptable, and cost effective: *Provided further*, That using \$500,000 of the funds appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to plan, design, and initiate reconstruction of the Cape Girardeau, Missouri, project, originally authorized by the Flood Control Act of 1950, at an estimated total cost of \$9,000,000, with cost sharing on the same basis as cost sharing for the project as originally authorized, if the Secretary determines that the reconstruction is technically sound and environmentally acceptable: *Provided further*, That the planned reconstruction shall be based on the most cost-effective engineering solution and shall require no further economic justification: *Provided further*, That the Secretary of the Army, acting through the Chief of Engineers, is directed to proceed without further delay with work on the permanent bridge to replace Folsom Bridge Dam Road, Folsom, California, as authorized by the Energy and Water Development Appropriations Act, 2004 (Public Law 108-137), and, of the \$8,000,000 available for the American River Watershed (Folsom Dam Mini-Raise), California, project, up to \$5,000,000 of those funds

be directed for the permanent bridge, with all remaining devoted to the Mini-Raise.

FLOOD CONTROL, MISSISSIPPI RIVER AND TRIBUTARIES, ARKANSAS, ILLINOIS, KENTUCKY, LOUISIANA, MISSISSIPPI, MISSOURI, AND TENNESSEE

For expenses necessary for the flood damage reduction program for the Mississippi River alluvial valley below Cape Girardeau, Missouri, as authorized by law, \$325,000,000, to remain available until expended.

OPERATION AND MAINTENANCE, GENERAL

For expenses necessary for the operation, maintenance, and care of existing river and harbor, flood and storm damage reduction, aquatic ecosystem restoration, and related projects; for providing security for infrastructure owned and operated by, or on behalf of, the United States Army Corps of Engineers, including administrative buildings and facilities, laboratories, and the Washington Aqueduct; for the maintenance of harbor channels provided by a State, municipality, or other public agency that serve essential navigation needs of general commerce, where authorized by law; and for surveys and charting of northern and northwestern lakes and connecting waters, clearing and straightening channels, and removal of obstructions to navigation; \$1,982,000,000, to remain available until expended, of which such sums as become available in the Harbor Maintenance Trust Fund, pursuant to Public Law 99-662, may be derived from that fund; of which such sums as become available from the special account for the United States Army Corps of Engineers established by the Land and Water Conservation Act of 1965, as amended (16 U.S.C. 4601-6a(i)), may be derived from that account for resource protection, research, interpretation, and maintenance activities related to resource protection in the areas at which outdoor recreation is available; and of which such sums as become available under section 217 of the Water Resources Development Act of 1996, Public Law 104-303, shall be used to cover the cost of operation and maintenance of the dredged material disposal facilities for which fees have been collected: *Provided*, That the Secretary of the Army, acting through the Chief of Engineers, is directed to use funds appropriated herein to rehabilitate the existing dredged material disposal site for the project for navigation, Bodega Bay Harbor, California, and to continue maintenance dredging of the Federal channel: *Provided further*, That the Secretary shall make suitable material excavated from the site as part of the rehabilitation effort available to the non-Federal sponsor, at no cost to the Federal Government, for use by the non-Federal sponsor in the development of public facilities.

AMENDMENT NO. 4 OFFERED BY MS. NORTON

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Ms. NORTON:

Page 3, line 17, after the dollar amount insert the following: "(increased by \$20,000,000 (reduced by \$20,000,000))".

(Ms. NORTON asked and was given permission to revise and extend her remarks.)

Ms. NORTON. Mr. Chairman, my amendment addresses a crisis that affects Members of Congress and all who live and work here resulting from a public health advisory regarding lead in the drinking water in the Nation's Capitol.

I am seeking to increase general project construction money in the amount of \$20 million by increasing the amount of savings in slippage. The \$20 million will help to address a federally created drinking water crisis caused by leaching from lead pipes installed by the U.S. Army Corps of Engineers more than 100 years ago amidst controversy that lead pipes were not safe even then.

EPA standards for lead in the drinking water is 15 parts per billion, yet thousands of homes in this city have tested above this standard, hundreds above 300 parts per billion. The water crisis I am asking Congress to address, however, not only affects people who live here but 200,000 Federal employees in the Capitol, the Supreme Court, the White House and Federal office buildings and millions of tourists from throughout the country and world who come here.

Public health officials testified at a May 21 Committee on Government Reform hearing that lead contaminated drinking water is dangerous for everyone, but can be especially dangerous to fetuses and young children under the age of 6, hindering their brain development and lowering their IQs. Yet, pregnant women and young children drank the water here not knowing about dangerous levels of lead. At the hearing a mother, Katherine Funk, testified that she unknowingly drank lead contaminated water throughout her entire pregnancy.

I support what we are spending to provide safe drinking water for the innocent people of Iraq. Today I am requesting a mere \$20 million to begin the process here in the Nation's Capitol. The \$20 million will help replace lead lines. The lion's share is being borne locally, but some contribution from the Federal Government to reduce this crisis is particularly appropriate.

The lead water crisis emanates from the decision of the U.S. Army Corps of Engineers to build the District's water infrastructure system using lead pipes more than 100 years ago. And that was so controversial then. I will insert into the RECORD two articles from the Washington Post of 1893 and 1895 discussing the controversy. Also discussed there is the role that the Army Corps of Engineers played in constructing these pipes.

The articles point out that the Army Corps knew of the health dangers of lead pipes that carried the District's drinking water but chose to use them anyway.

The Federal Government's role in providing water here goes beyond the pipes to the treatment of water itself. The Army Corps also built and still runs the Washington aqueduct which treats the water supply for the district and parts of northern Virginia.

The Committee on Government Reform hearing heard testimony from scientific experts that the switch in chemical treatment of the drinking water in 2000 at the aqueduct without

adequate testing is the likely cause of leaching of lead pipes into the drinking water.

With the Corps embedded in the crisis through lead lines and faulty chemical treatment, the government should assume at least some share of the responsibility. The amount being requested here will not and is not intended to cover anything close to the cost of replacing these lines, but it will hasten the current replacement efforts being undertaken by the D.C. Water and Sewer Authority.

I certainly ask that the Federal Government step up to its responsibility. The residents of the District of Columbia have more than stepped up to their responsibility. This was done well before there was any home rule when the residents could have and did have no affect upon it.

The water I am talking about is the water that is on our rostrums every time we go to committee hearing. We should do something to protect ourselves, to protect Federal employees, and to protect the residents of the District of Columbia.

Mr. Chairman, at this point, I will insert the two articles I previously referred to.

[From the Washington Post, June 9, 1893]

LEAD PIPES UNSATISFACTORY

Capt. Powell, the Engineer Commissioner, has determined that a substitute must be found for lead pipes which, according to the present plumbing regulations, must be used in providing a water service for residences. The general fear that such pipes might cause lead poisoning under certain conditions makes their general adoption in the District a menace to the health of the people.

It has been shown that the chemical character of Potomac water causes such pipes to become coated on the inside with an insulation of carbonate of lime, soda, and clay, held in solution in the water. This coating, it has been argued, is a sure protection from danger of lead poisoning, but the engineer department has decided that it is too slight a safeguard. It is probable that the city's supply of water will be filtered at some future day, as sand filtration of drinking water has been adopted in many large cities abroad and is rapidly becoming popular.

Just what effect the filtered water may have in the coating of lead pipes has not been determined. The fact that iron pipes become thickly rusted on the inside, which causes a material loss of water pressure, makes their use unsatisfactory. Yesterday Capt. Derby, in charge of the division of water and sewers, examined the first substitute for lead pipe that has been presented since the investigation began. It was what is known as the improved Bower-Barff process, being a steel pipe coated inside and out with black oxide of iron. Capt. Derby reported it was "worth experimenting with," and tests of the pipe will be commenced at once. Several other styles of pipe are to be examined.

[From the Washington Post, Sept. 15, 1895]

POTOMAC WATER AND LEAD PIPE

A.W. Dow, inspector of asphalt and cements, yesterday made his report to the Engineer Commissioner. In it he says considerable change has been made in the past year in asphalt pavement by the addition of a fine sand to a sand similar to that formerly used. Under the present circumstances this is the

best that can be done. The only fine sand now available is that dredged off the foot of Seventeenth Street.

The inspector deals also with the public wells analyzed. There were found to be 96 good ones, 41 suspicious, and 57 condemned.

The most interesting part of the report deals with the investigation of the action of Potomac water on lead pipe, to determine if enough lead is dissolved by the water to be injurious to public health. In order to have all conditions corresponding as near as possible with those of actual service, the inspector had one new forty foot lead service pipe in Anacostia and fifty feet of new lead pipe attached to the high service main at the U street pumphouse. From the investigation the inspector concludes that the only great source of danger is where the coating becomes detached by a rapid flow of water after the pipe had remained unused for some time. He will continue the investigation.

Mr. HOBSON. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I share my colleague's concern about the lead in parts of the D.C. water system. However, I have to point out that such work is really not in the Corps of Engineers bailiwick. They are not authorized and we do not include any new water project authorization in our bill at this time.

I should also note that the Corps is probably not the best agency to conduct this kind of work. The Corps' role in the water system for the District of Columbia is limited to operating the water treatment plant. The Corps currently has no responsibility after the water leaves the plant for the water distribution and supply lines are a district responsibility and not that of the Corps.

Therefore, regrettably, I mean this sincerely, I do not have any way to really take care of this right now. This is a problem that the District has. At some point we ought to find a solution to help the District solve this problem. I just do not have the tools at this time to do that. Therefore, I must oppose the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from the District of Columbia (Ms. NORTON).

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

Ms. NORTON. Mr. Chairman, I demand a recorded vote.

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

Mr. KIND. Mr. Chairman, I move to strike the last word.

Mr. Chairman, based on previous conversations and the agreement I had with the Chair and the ranking member of the committee, I was offering this amendment with the intent to ask unanimous consent to withdraw and continue working with them and with the conferees in regards to a very important program that affects the upper Mississippi river basin, the Environmental Management Program.

It is an authorized program that first passed in 1986. It was reauthorized on a

permanent basis in 1999. The authorization level has gone up to \$33 million. My concern is that we have over the last few years been backtracking in regards to the funding of this important program.

As co-chair of the bipartisan upper Mississippi river basin Congressional task force, I have worked with my colleagues from this five-State region to build consensus about how best to protect and restore the nationally significant and environmental treasures of the upper Mississippi River.

I want to commend my colleagues who are here today, the gentlewoman from Minnesota (Ms. MCCOLLUM) and my good friend, the gentleman from Missouri, Mr. HULSHOF, for their strong support for the EMP program and the support we have had in the bipartisan Mississippi River Caucus.

Earlier this year, 013 of us of the River Caucus wrote to the committee asking the committee to respect and appropriate funds for EMP at the President's budget request of \$28 million. The committee, however, in this underlying report is only recommending \$16 million.

The fear is we are backsliding on current projects that are in the works that will delay the completion of these projects by years. It will delay the implementation of new identified habitat restoration projects along the upper Mississippi River, along with the crucial long-term resource monitoring and the data collection which helps us better manage this important national treasure that we have in middle America.

The upper Mississippi and the entire Mississippi River basin area is North America's largest migratory route for waterfowl. It is the primary drinking source for 33 million Americans. It adds countless billions of dollars to our regional economy through industry and companies and farmers with the commercial navigation that is available along the Mississippi, not to mention a \$6 billion tourism impact on the upper area and close to \$2 billion recreation impact in the upper Mississippi River area.

And we have always recognized the legislation that has preceded us today that this is a multi-use river system between commercial navigation, which has existed in the past since the 1930s when the lock and dam system was created to harness the power of the river, to the recreation and the tourist impact.

The EMP program was established in the 1980s recognizing the need to maintain that important balance along the river between the infrastructure needs that are ongoing, but also the habitat restoration and long-term resource monitoring that the EMP program currently does. But, unfortunately, again, we have had backsliding over the last few years in regards to the commitment of the program.

Fortunately, the administration sees it a little bit differently. Based on a

letter that I wrote to the administration requesting funding earlier this year, the President responded to my request by a letter dated April 20, and I quote, "As you know, the President submitted his 2005 budget on February 2004. I am pleased to say that the budget identifies EMP as one of the eight highest priority Army Corps of Engineer construction projects in the Nation and proposes \$28 million in funding for it an increase of \$9 million or 47 percent from the previous fiscal year."

The point is, this has received wide bipartisan support, support from the governors and the five States of Wisconsin, Minnesota, Iowa, Illinois, and Missouri, that have supported this project. Various groups that are concerned about river management issues are very supportive of the environmental management program. The Corps of Engineers has had a multiyear, multimillion dollar navigation study that they have initially released a preliminary report upon asking in part for \$5.3 billion ecosystem management project to go along with a proposed lock and dam expansion project.

In light of where we seem to be heading in regards to the river management issues, we would hope we could get more support for the funding of a program that has proven itself year in and year out with wide bipartisan support, with tangible results that we see along the upper Mississippi River, something that thousands of people will see in the coming week as the 1854 grand excursion is recreated with a grand flotilla going up the Mississippi and finally ending up, I believe, in the district of the gentlewoman from Minnesota (Ms. MCCOLLUM) for a 4th of July celebration.

□ 1145

The river has played an incredibly important role in the development of middle America, the Great Plains States, and the upper Midwest generally. From the exposure it received in 1854 with the Grand Excursion to the great American novels that Mark Twain wrote of two kids growing up on the Mississippi, Tom Sawyer and Huck Finn, to the ongoing uses of the river, we believe we need to do a better job of funding the EMP; and hopefully with the leadership's cooperation, we can accomplish that in conference.

Mr. HULSHOF. Mr. Chairman, I move to strike the last word.

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

Mr. HULSHOF. Mr. Chairman, I want to, first of all, say thank you to my friend for his kind words and the work that he has done on the upper Mississippi; and, two, the chairman of the subcommittee during general debate, the chairman talked about trying to find a balanced approach, and I applaud that; and I think the underlying bill does just that.

We certainly appreciate trying to fund the critical programs through the

upper Mississippi River basin. Despite, quite frankly, the recent core budgets that have made this task extremely challenging, it is critical that adequate funding be provided to support a multiple-use river, as the gentleman from Wisconsin spoke of.

Whether it is the Environmental Management Plan that he spoke of to the navigation study and a comprehensive plan for flood control and floodplain management, the Mississippi River does, in fact, have diverse uses and, accordingly, diverse needs.

Again, I applaud the chairman and the subcommittee who have worked with our office and our constituents to make a difference in the basin. In fact, I know that the chairman has logged thousands of miles personally to inspect and view many of the civil works projects around the country, and I would be remiss if I did not extend a personal invitation to the gentleman to come to Missouri and to see the upper Mississippi and especially the locks and dams as the previous chairman did some years ago.

In fact, it was on that visit that we had a chance to view from the air some of the true benefits of the Environmental Management Plan specifically, and it really gave me a sense of a greater appreciation for what the Corps of Engineers was doing with the EMP. Already hundreds of acres of prime wetlands have been reclaimed, critical back waters have been restored, habitats are thriving. We are helping to promote flood control throughout the region, and we know too often, I think, the Corps of Engineers receives only barbs for its environmental record; but I think its successes in the EMP, which has really only been limited by funding issues, are indeed worthy of praise.

So accordingly, I support the bipartisan efforts of the gentleman from Wisconsin (Mr. KIND), my friend, as well as the gentleman from Ohio (Mr. HOBSON), to achieve this balanced approach to the management of one of our Nation's greatest natural resources, the mighty Mississippi.

WITHDRAWAL OF REQUEST FOR RECORDED VOTE ON AMENDMENT NO. 4 OFFERED BY MS. NORTON

Ms. NORTON. Mr. Chairman, after speaking with the distinguished chairman concerning matters involving lead in the water that are transpiring in the other body, I think a vote is unnecessary. I ask unanimous consent to withdraw my request for a vote.

The CHAIRMAN. The gentlewoman withdraws her request. Accordingly, the yeas have it, and the amendment is not agreed to.

Mr. HOBSON. Mr. Chairman, I ask unanimous consent that the remainder of the bill through title II be considered as read, printed in the RECORD and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The text of the remainder of the bill through title II is as follows:

REGULATORY PROGRAM

For expenses necessary for administration of laws pertaining to regulation of navigable waters and wetlands, \$140,000,000, to remain available until expended.

FORMERLY UTILIZED SITES REMEDIAL ACTION PROGRAM

For expenses necessary to clean up contamination at sites in the United States resulting from work performed as part of the Nation's early atomic energy program, \$190,000,000, to remain available until expended.

GENERAL EXPENSES

For expenses necessary for general administration and related civil works functions in the headquarters of the United States Army Corps of Engineers, the offices of the Division Engineers, the Humphreys Engineer Center Support Activity, the Institute for Water Resources, the United States Army Engineer Research and Development Center, and the United States Army Corps of Engineers Finance Center, \$167,000,000, to remain available until expended: *Provided*, That no part of any other appropriation provided in title I of this Act shall be available to fund the activities of the Office of the Chief of Engineers or the executive direction and management activities of the division offices: *Provided further*, That none of these funds shall be available to support an office of congressional affairs within the executive office of the Chief of Engineers.

OFFICE OF ASSISTANT SECRETARY OF THE ARMY (CIVIL WORKS)

For expenses necessary for the Office of Assistant Secretary of the Army (Civil Works), as authorized by 10 U.S.C. 3016(b)(3), \$2,600,000.

ADMINISTRATIVE PROVISIONS

Appropriations in this title shall be available for official reception and representation expenses (not to exceed \$5,000); and during the current fiscal year the Revolving Fund, Corps of Engineers, shall be available for purchase (not to exceed 100 for replacement only) and hire of passenger motor vehicles.

GENERAL PROVISIONS

CORPS OF ENGINEERS—CIVIL

SEC. 101. Agreements proposed for execution by the Assistant Secretary of the Army for Civil Works or the United States Army Corps of Engineers after the date of the enactment of this Act pursuant to section 4 of the Rivers and Harbor Act of 1915 (P.L. 64-291); section 11 of the River and Harbor Act of 1925 (P.L. 68-585); the Civil Functions Appropriations Act, 1936 (P.L. 75-208); section 215 of the Flood Control, Act of 1968, as amended (P.L. 90-483); sections 104, 203, and 204 of the Water Resources Development Act of 1986, as amended (P.L. 99-662); section 206 of the Water Resources Development Act of 1992, as amended (P.L. 102-580); section 211 of the Water Resources Development Act of 1996 (P.L. 104-303); and any other specific project authority, shall be limited to credits and reimbursements per project not to exceed \$10,000,000 in each fiscal year, and total credits and reimbursements for all applicable projects not to exceed \$50,000,000 in each fiscal year.

SEC. 102. None of the funds appropriated in this or any other Act may be used by the United States Army Corps of Engineers to support activities related to the proposed Ridge Landfill in Tuscarawas County, Ohio.

SEC. 103. None of the funds appropriated in this or any other Act shall be used to demonstrate or implement any plans divesting or transferring any Civil Works missions, functions, or responsibilities of the United States Army Corps of Engineers to other government agencies without specific direction in a subsequent Act of Congress.

SEC. 104. None of the funds appropriated in this or any other Act may be used by the United States Army Corps of Engineers to support activities related to the proposed Indian Run Sanitary Landfill in Sandy Township, Stark County, Ohio.

SEC. 105. ALAMOGORDO, NEW MEXICO. The project for flood protection at Alamogordo, New Mexico, authorized by the Flood Control Act of 1962 (P.L. 87-874), is modified to authorize and direct the Secretary to construct a flood detention basin to protect the north side of the City of Alamogordo, New Mexico, from flooding. The flood detention basin shall be constructed to provide protection from a 100-year flood event. The project cost share for the flood detention basin shall be consistent with section 103(a) of the Water Resources Development Act of 1986, notwithstanding section 202(a) of the Water Resources Development Act of 1996.

SEC. 106. Section 214(a) of Public Law 106-541 is amended by striking "2003" and inserting "2007".

SEC. 107. FLOOD DAMAGE REDUCTION, MILL CREEK, CINCINNATI, OHIO. The Secretary of the Army is directed to complete the General Reevaluation Report on the Mill Creek, Ohio, project not later than March 1, 2005, at 100 percent Federal cost. The report shall provide plans for flood damage reduction throughout the basin equivalent to and commensurate with that afforded by the authorized, partially implemented, Mill Creek, Ohio, Flood Damage Reduction Project, as authorized in section 201 of the Flood Control Act of 1970 (P.L. 91-611).

SEC. 108. The Secretary shall provide credit to the non-Federal sponsor for preconstruction engineering and design work performed by the non-Federal sponsor for the environmental dredging project at Ashtabula River, Ohio, prior to execution of a Project Cooperation Agreement.

SEC. 109. The Secretary of the Army, acting through the Chief of Engineers, is directed to design the Central Riverfront Park project on the Ohio Riverfront in Cincinnati, Ohio, as described in the Central Riverfront Park Master Plan performed by the City of Cincinnati, dated December 1999, and the Section 905(b) analysis, performed by the Louisville District of the Corps of Engineers, dated August 2002. The cost of project work undertaken by the non-Federal interests, including but not limited to prior and current planning and design, shall be credited toward the non-Federal share of design costs.

SEC. 110. Amounts in the revolving fund may not be used for the Dredge MCFARLAND overhaul, the replacement of the side-casting propulsion system of the Dredge MERRITT, the pontoon pipeline replacement of the Dredge JADWIN, the bow discharge replacement and repowering for the Dredge ESSAYONS, the repowering of the Dredge YAQUINA, or the floating pipeline replacement for the Dredge POTTER.

TITLE II

DEPARTMENT OF THE INTERIOR CENTRAL UTAH PROJECT CENTRAL UTAH PROJECT COMPLETION ACCOUNT

For carrying out activities authorized by the Central Utah Project Completion Act, \$48,009,000 to remain available until expended, of which \$15,469,000 shall be deposited into the Utah Reclamation Mitigation and Conservation Account for use by the Utah Reclamation Mitigation and Conservation Commission.

In addition, for necessary expenses incurred in carrying out related responsibilities of the Secretary of the Interior, \$1,734,000, to remain available until expended.

BUREAU OF RECLAMATION

The following appropriations shall be expended to execute authorized functions of the Bureau of Reclamation:

WATER AND RELATED RESOURCES (INCLUDING TRANSFER OF FUNDS)

For management, development, and restoration of water and related natural resources and for related activities, including the operation, maintenance, and rehabilitation of reclamation and other facilities, participation in fulfilling related Federal responsibilities to Native Americans, and related grants to, and cooperative and other agreements with, State and local governments, Indian tribes, and others, \$860,000,000, to remain available until expended, of which \$53,299,000 shall be available for transfer to the Upper Colorado River Basin Fund and \$33,794,000 shall be available for transfer to the Lower Colorado River Basin Development Fund; of which such amounts as may be necessary may be advanced to the Colorado River Dam Fund; and of which not more than \$500,000 is for high priority projects which shall be carried out by the Youth Conservation Corps, as authorized by 16 U.S.C. 1706: *Provided*, That such transfers may be increased or decreased within the overall appropriation under this heading: *Provided further*, That of the total appropriated, the amount for program activities can be financed by the Reclamation Fund or the Bureau of Reclamation special fee account established by 16 U.S.C. 4601-6a(i) shall be derived from that Fund or account: *Provided further*, That funds contributed under 43 U.S.C. 395 are available until expended for the purposes for which contributed: *Provided further*, That funds advanced under 43 U.S.C. 397a shall be credited to this account and are available until expended for the same purposes as the sums appropriated under this heading: *Provided further*, That funds available for expenditure for the Departmental Irrigation Drainage Program may be expended by the Bureau of Reclamation for site remediation on a non-reimbursable basis: *Provided further*, That section 301 of Public Law 102-250, the Reclamation States Emergency Drought Relief Act of 1991, as amended, is amended further by inserting "2004, and 2005" in lieu of "and 2004".

CENTRAL VALLEY PROJECT RESTORATION FUND

For carrying out the programs, projects, plans, and habitat restoration, improvement, and acquisition provisions of the Central Valley Project Improvement Act, \$54,695,000, to be derived from such sums as may be collected in the Central Valley Project Restoration Fund pursuant to sections 3407(d), 3404(c)(3), 3405(f), and 3406(c)(1) of Public Law 102-575, to remain available until expended: *Provided*, That the Bureau of Reclamation is directed to assess and collect the full amount of the additional mitigation and restoration payments authorized by section 3407(d) of Public Law 102-575: *Provided further*, That none of the funds made available under this heading may be used for the acquisition or leasing of water for in-stream purposes if the water is already committed to in-stream purposes by a court-adopted decree or order.

POLICY AND ADMINISTRATION

For necessary expenses of policy, administration, and related functions in the office of the Commissioner, the Denver office, and offices in the five regions of the Bureau of Reclamation, to remain available until expended, \$58,153,000, to be derived from the Reclamation Fund and be nonreimbursable as provided in 43 U.S.C. 377: *Provided*, That no part of any other appropriation in this Act shall be available for activities or functions

budgeted as policy and administration expenses.

ADMINISTRATIVE PROVISION

Appropriations for the Bureau of Reclamation shall be available for purchase of not to exceed 14 passenger motor vehicles, of which 11 are for replacement only.

GENERAL PROVISIONS

DEPARTMENT OF THE INTERIOR

SEC. 201. (a) None of the funds appropriated or otherwise made available by this Act may be used to determine the final point of discharge for the interceptor drain for the San Luis Unit until development by the Secretary of the Interior and the State of California of a plan, which shall conform to the water quality standards of the State of California as approved by the Administrator of the Environmental Protection Agency, to minimize any detrimental effect of the San Luis drainage waters.

(b) The costs of the Kesterson Reservoir Cleanup Program and the costs of the San Joaquin Valley Drainage Program shall be classified by the Secretary of the Interior as reimbursable or nonreimbursable and collected until fully repaid pursuant to the "Cleanup Program-Alternative Repayment Plan" and the "SJVDP-Alternative Repayment Plan" described in the report entitled "Repayment Report, Kesterson Reservoir Cleanup Program and San Joaquin Valley Drainage Program, February 1995", prepared by the Department of the Interior, Bureau of Reclamation. Any future obligations of funds by the United States relating to, or providing for, drainage service or drainage studies for the San Luis Unit shall be fully reimbursable by San Luis Unit beneficiaries of such service or studies pursuant to Federal reclamation law.

SEC. 202. None of the funds appropriated or otherwise made available by this or any other Act may be used to pay the salaries and expenses of personnel to purchase or lease water in the Middle Rio Grande or the Carlsbad Projects in New Mexico unless said purchase or lease is in compliance with the purchase requirements of section 202 of Public Law 106-60.

The CHAIRMAN. Are there points of order against that portion of the bill?

POINTS OF ORDER

Mr. DUNCAN. Mr. Chairman, once again, I will say that I certainly commend the gentleman from Ohio (Chairman HOBSON) and his staff for the fine work they have done on this bill, but I do have six points of order that I am required to raise at this time.

The CHAIRMAN. The gentleman will state his points of order.

Mr. DUNCAN. Mr. Chairman, I raise a point of order against section 105. This section violates clause 2 of rule XXI. It changes existing law and, therefore, constitutes legislating on an appropriations bill in violation of House rules.

The CHAIRMAN. Does any Member wish to be heard on the point of order?

Hearing none, the Chair finds that this provision directly modifies an existing flood project. The provision, therefore, constitutes legislation in violation of clause 2 of rule XXI. The point of order is sustained. The provision is stricken from the bill.

Mr. DUNCAN. Mr. Chairman, I raise a point of order against section 106. This provision violates clause 2 of rule XXI. It changes existing law and,

therefore, constitutes legislating on an appropriation bill in violation of House rules.

The CHAIRMAN. Does any Member wish to be recognized on the point of order? If not, the Chair will rule.

The Chair finds that this provision directly amends existing law. The provision, therefore, constitutes legislation in violation of clause 2 of rule XXI. The point of order is sustained. The provision is stricken from the bill.

Mr. DUNCAN. Mr. Chairman, I raise a point of order against section 107. This provision violates clause 2 of rule XXI. It establishes a deadline for completing the general reevaluation report for the Mill Creek, Ohio, project and adds a planning requirement. This constitutes legislating on an appropriations bill in violation of House rules.

The CHAIRMAN. Does any other Member wish to be heard on the point of order? If not, the Chair will rule.

The Chair finds that this provision includes language imparting direction to the Secretary of the Army. The provision, therefore, constitutes legislation under clause 2 of rule XXI. Therefore, the point of order is sustained. The provision is stricken from the bill.

Mr. DUNCAN. Mr. Chairman, I raise a point of order against section 108. This provision violates clause 2 of rule XXI. It authorizes the Secretary to provide certain credit to the non-Federal sponsor for the project at Ash-tabula River, Ohio. It, therefore, constitutes legislating on an appropriations bill in violation of House rules.

The CHAIRMAN. Does any Member wish to be heard on the point of order? If not, the Chair is prepared to rule.

The Chair finds this provision includes language imparting direction to the Secretary of the Army. The provision, therefore, constitutes legislation in violation of clause 2, rule XXI. The point of order is sustained. The provision is stricken from the bill.

Mr. DUNCAN. Mr. Chairman, I raise a point of order against section 109. This section violates clause 2 of rule XXI. It directs the Corps of Engineers to proceed to the design phase of the Central Riverfront Project on the Ohio riverfront in Cincinnati. This, therefore, constitutes legislating on an appropriations bill in violation of House rules.

The CHAIRMAN. Does any other Member wish to address the point of order? If not, the Chair is prepared to rule.

The Chair finds this provision includes language imparting direction to the Secretary of the Army. The provision of the legislation is in violation of clause 2 of rule XXI. The point of order is sustained, and the provision is stricken from the bill.

Mr. DUNCAN. Finally, Mr. Chairman, once again, on behalf of the Committee on Transportation and Infrastructure and the gentleman from Alaska (Chairman YOUNG), I raise a point of order against section 110. Mr. Chairman, this section violates clause

2 of rule XXI. It prohibits amounts in the Corps of Engineers revolving fund from being used for certain maintenance work on corps dredges. It limits the use of funds not made available in this bill and, therefore, constitutes legislating on an appropriations bill in violation of House rules.

The CHAIRMAN. Does any other Member wish to address the point of order? If not, the Chair is prepared to rule.

The Chair finds this provision addresses funds and other acts. The provision, therefore, constitutes legislation in violation of clause 2, rule XXI. The point of order is sustained. The provision is stricken from the bill.

Are there any amendments to this portion of the bill?

Ms. MCCOLLUM. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like today to rise in strong support for what the gentleman from Wisconsin was so eloquently up here speaking about before, the Environmental Management Program.

This is a program that provides critical resources to keep the Mississippi River healthy and enjoyable for all of our citizens. The Mississippi River is a working river, and it is a river, which, when navigation takes place and projects by the Army Corps are put in effect for flood control projects, we quite often find ourselves with unintended consequences to the river's habitat.

Without additional funding, the river habitat will continue to be lost and hundreds of species that depend upon the health of the river will struggle to survive, but it is not just fish and wildlife at stake. Millions of visitors spend annually billions of dollars on recreating along the Mississippi-Illinois rivers supporting thousands of jobs.

The Mississippi River is also a source of drinking water for millions of Americans. The Environmental Management Program is the Nation's premier large-river monitoring and restoration program. It is a model for interagency and interstate cooperation on an equal system level national resources management.

This is a very important management program; and as the committee moves forward, I would encourage it to look for any additional funding dollars.

The CHAIRMAN. The Clerk will read. The Clerk read as follows:

TITLE III

DEPARTMENT OF ENERGY

ENERGY PROGRAMS

ENERGY SUPPLY

For Department of Energy expenses including the purchase, construction, and acquisition of plant and capital equipment, and other expenses necessary for energy supply activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, and the purchase of not to exceed 9 passenger motor vehicles for replacement only, and one ambulance,

\$817,126,000, to remain available until expended.

AMENDMENT NO. 5 OFFERED BY MR. SANDERS

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Mr. SANDERS: Page 19, line 14, after the dollar amount, insert the following: "(increased by \$30,000,000)".

Page 23, line 5, after the dollar amount, insert the following: "(reduced by \$30,000,000)".

Mr. HOBSON. Mr. Chairman, I ask unanimous consent that debate on this amendment and any amendments thereto be limited to 24 minutes to be equally divided and controlled by the proponent and myself, the opponent.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The CHAIRMAN. The gentleman from Vermont (Mr. SANDERS) is recognized for 12 minutes.

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

Mr. Chairman, let me begin by thanking the gentleman from Ohio (Chairman HOBSON) and the gentleman from Indiana (Ranking Member VISCLOSKEY) for all of their hard work on this important legislation.

The amendment that I am offering is cosponsored by the gentleman from New York (Mr. HINCHAY) and the gentleman from Oregon (Mr. DEFAZIO) and the gentlewoman from Ohio (Ms. KAPTUR).

Mr. Chairman, this amendment deals, in fact, with one of the important issues of our time, and that is, whether the United States Government will take the bold step to break our dependency on fossil fuels, break our dependency on nuclear power and move forward as aggressively as we can into the new world of safe, clean, cost-effective, sustainable energy.

The truth is that we have made some progress in recent years, but the truth also is that we have a long, long way to go; and this amendment will help us move in that direction.

Mr. Chairman, specifically, the legislative intent of this amendment is to increase funding for renewable energy programs such as solar energy, wind, biomass, clean hydrogen, and geothermal by \$30 million, to be offset by a decrease of \$30 million in funding for the nuclear weapons advance simulation and computing program in the weapons activities budget. That offset, by the way, is a decrease of less than 5 percent for this program and a tiny fraction of the \$6.5 billion for weapons that are funded in this bill.

Mr. Chairman, this amendment would bolster critical research and development so that we can deliver unlimited clean energy for generations to come. Improving the technology for sustainable energy is a huge step forward in protecting our environment,

improving our economy and making this world a safer place so that our foreign policy is not significantly dictated by energy needs.

Mr. Chairman, this amendment is supported by every major environmental organization in the country, including the League of Conservation Voters, the Sierra Club, the Natural Resources Defense Council, American Rivers, U.S. PIRG and Public Citizen.

Mr. Chairman, if one looks at the big picture, it is clear that we are on the cusp of a historic opportunity to move from finite polluting fossil fuels to abundant, nonpolluting, clean energy sources that can be developed, refined, and manufactured here in the United States of America, not in the Mideast. The potential for these technologies is without limits as long as we adequately fund the research and development now.

The programs increased under this amendment, solar, wind, clean hydrogen, biomass and geothermal, offer our country a new path of abundant clean energy that will revolutionize our impact on this planet.

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Passage of this amendment would send a message to the Nation that we are going to take the right path, that we are going to break from our destructive fossil fuel habits of the past and commit to a sane, clean, and cost effective energy future. When taken together, the funding for renewable energy sources in this bill falls \$31.6 million below the President's own request. So this amendment for \$30 million simply brings us up to what the President wants, which is, by no means, a radical concept.

Certainly we can add a modest amount of money to research, develop, discriminate and disseminate these technologies, which will prevent smog, acid rain, and global climate change. Certainly we can redirect a mere \$30 million in a bill of over \$28 billion to R&D that promises to dramatically reduce lung damaging sulfur dioxide and neurotoxic mercury in the air we breathe and the water we drink.

For those who might wonder whether we are already doing enough to support renewable energy, let me put our Government's support for different energy sources in historic perspective. From 1943 through 1999, cumulative Federal Government subsidies to nuclear photovoltaic, solar thermal and wind electric generating technologies, excluding hydropower, totaled about \$151 billion. The nuclear industry received \$145 billion, or over 96 percent of the subsidies.

Remarkably, even the alternative technology available today, which has been subsidized at a fraction of the amount we have historically thrown at nuclear power and fossil fuels, is competitive in the market and can eliminate substantial amounts of toxins from the air. If it is competitive in the marketplace today, let us think about what we can do if we adequately fund research.

In solar, we are making significant progress, but we are not funding solar any more today than we did in 1993. In wind, we are making progress, making real efforts to lower the cost of generating electricity from wind, but we are not adequately funding wind. Biomass, in my State of Vermont, 23 schools are now heated with wood chips. We are making progress. But everybody understands we can do a lot more. Geothermal the same, hydrogen the same.

Mr. Chairman, this is a modest amendment, but it is an important step forward in telling the world that we understand that a revolution can happen in breaking our dependency on fossil fuels, on nuclear power, and moving forward to clean, safe, sustainable energy.

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

Mr. HOBSON. Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Mrs. TAUSCHER).

Mrs. TAUSCHER. Mr. Chairman, I must rise reluctantly to oppose this amendment. As an energy consumer and a strong environmentalist, I fully support the increased development of renewable sources of energy. California, my State, has suffered tremendously in recent years from felonious manipulations, interruptions, and fluctuations in the energy market. Increasing the availability of renewable energy is absolutely necessary to achieving energy independence, and that is why this House should have passed a more balanced energy bill that makes the right investments in renewable energy and resources.

Unfortunately, Mr. Chairman, this amendment would take needed money away from the Advanced Simulation and Computing Initiative, better known as ASCI. ASCI is an essential component of our Nation's Stockpile Stewardship Program, which is designed to evaluate nuclear weapons so we do not have to return to nuclear testing. The ASCI program has developed some of the most powerful computers in the world to examine the aging of our nuclear stockpile. It has also led to breakthrough discoveries in science that have important civilian applications.

The funding for ASCI in this bill is already \$75 million below the level requested by the President. Mr. Chairman, while I strongly support increased development of renewable energy resources, I cannot do it at further expense of the ASCI program. So I urge my colleagues to oppose the Sanders amendment.

Mr. HOBSON. Mr. Chairman, I yield myself such time as I may consume, and I rise to oppose the amendment to increase funding for the renewable energy program. Everything we did in the major renewable accounts, with the exception of the hydrogen program, which were reduced because the Department ignored congressional guidance on competition and cost sharing, is at or above the President's budget request.

While I am supportive of the renewable energy programs, there are many other areas of the bill I would have included additional funds, if possible. However, the committee's allocation was tight and we had to make some tough decisions. I believe we wrote a fair and balanced bill, and the renewable energy programs did very well.

I might point out that I have already taken a hard line in our committee with the nuclear weapons computer programs, and additional major reductions, I do not think, are helpful or necessary at this time. So I urge a "no" vote on the amendment.

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

Mr. SANDERS. Mr. Chairman, I yield myself such time as I may consume, and I will close in a minute by saying that what we are talking about here is not a huge sum of money. It is \$30 million. And one can always argue that where you take the money there is a reason for that money, and I respect that. But I think the evidence is overwhelming that we are on the cusp of major breakthroughs which can change our entire use of energy in this country and lead us and the entire world to move toward clean, sustainable energy and away from nuclear power, of which we do not know how to dispose of today, and away from fossil fuels, which are causing so many serious environmental problems.

So this amendment is not just a \$30 million amendment, but I think it is an indication of the sentiment of this Congress to tell the American people and the world that we are prepared to go forward in a bold new way with huge potential, and so I would urge support for this amendment.

Mr. MARKEY. Mr. Chairman, before I speak in support of the Sanders amendment, I would like to applaud the Chairman, Ranking Member and all the members of the subcommittee for their wise decision to eliminate all funding for new nuclear weapons initiatives, including the nuclear bunker buster, mini-nukes, the Modern Pit Facility, and accelerated nuclear test readiness. The committee has taken a farsighted and courageous step toward nuclear sanity by eliminating funding for these wasteful, dangerous and entirely unnecessary programs, and this action will help restore America's nonproliferation credibility around the world.

The Sanders amendment would inject some of that same farsightedness into our allocation of funding for energy research and development by increasing funding for solar, wind, biomass, hydrogen and geothermal renewable energy technology.

President Bush's Fiscal Year 2005 budget request and this legislation take us backward, not forward, in our national investment in the clean, renewable technologies that will power us safely and reliably in the 21st century. In this legislation, renewable energy research and development programs are either cut or flat funded from last year. Mr. Sanders' amendment would ensure that we increase funding for each of the renewable energy programs next year, not cut them.

The amendment would shift \$30 million from "Advanced Simulation and Computing" in the

nuclear weapons activities program to five renewable energy programs. This cut of \$30 million represents less than a five percent of the total \$633 million budget for advanced simulation and computing and would leave the program with almost twice as much funding as the total funding for solar and renewable energy research and development.

Renewable energy is good for America. It creates jobs. It lowers electricity prices. It eliminates pollution and waste. It increases our national energy security. But the appropriation levels in front of us suggest that Congress does not consider renewable energy important. If my colleagues believe that renewable energy is important, I urge them to support the Sanders amendment so that funding for renewable energy programs can be increased, not cut, next year.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from Vermont (Mr. SANDERS).

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

Mr. SANDERS. 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 Vermont (Mr. SANDERS) will be postponed.

Mr. HOBSON. Mr. Chairman, I ask unanimous consent the remainder of the bill through page 42, line 6 be considered as read, printed in the RECORD and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The text of the remainder of the bill through page 42, line 6 is as follows:

NON-DEFENSE SITE ACCELERATION COMPLETION

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other expenses necessary for non-defense environmental management site acceleration completion activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, \$151,850,000, to remain available until expended.

URANIUM ENRICHMENT DECONTAMINATION AND DECOMMISSIONING FUND

For necessary expenses in carrying out uranium enrichment facility decontamination and decommissioning, remedial actions, and other activities of title II of the Atomic Energy Act of 1954, as amended, and title X, subtitle A, of the Energy Policy Act of 1992, \$500,200,000, to be derived from the Fund, to remain available until expended, of which \$100,614,000 shall be available in accordance with title X, subtitle A, of the Energy Policy Act of 1992.

NON-DEFENSE ENVIRONMENTAL SERVICES

For Department of Energy expenses necessary for non-defense environmental services activities that indirectly support the accelerated cleanup and closure mission at environmental management sites, including the purchase, construction, and acquisition of plant and capital equipment and other

necessary expenses, \$291,296,000, to remain available until expended.

SCIENCE

For Department of Energy expenses including the purchase, construction and acquisition of plant and capital equipment, and other expenses necessary for science activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or facility or for plant or facility acquisition, construction, or expansion, and purchase of not to exceed four passenger motor vehicles for replacement only, including one ambulance, \$3,599,964,000, to remain available until expended.

DEPARTMENTAL ADMINISTRATION

For salaries and expenses of the Department of Energy necessary for departmental administration in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the hire of passenger motor vehicles and official reception and representation expenses (not to exceed \$35,000), \$243,876,000, to remain available until expended, plus such additional amounts as necessary to cover increases in the estimated amount of cost of work for others notwithstanding the provisions of the Anti-Deficiency Act (31 U.S.C. 1511 et seq.): *Provided*, That such increases in cost of work are offset by revenue increases of the same or greater amount, to remain available until expended: *Provided further*, That moneys received by the Department for miscellaneous revenues estimated to total \$122,000,000 in fiscal year 2005 may be retained and used for operating expenses within this account, and may remain available until expended, as authorized by section 201 of Public Law 95-238, notwithstanding the provisions of 31 U.S.C. 3302: *Provided further*, That the sum herein appropriated shall be reduced by the amount of miscellaneous revenues received during fiscal year 2005, and any related unappropriated receipt account balances remaining from prior years' miscellaneous revenues, so as to result in a final fiscal year 2005 appropriation from the general fund estimated at not more than \$121,876,000.

OFFICE OF THE INSPECTOR GENERAL

For necessary expenses of the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, \$41,508,000, to remain available until expended.

ATOMIC ENERGY DEFENSE ACTIVITIES

NATIONAL NUCLEAR SECURITY ADMINISTRATION

WEAPONS ACTIVITIES

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other incidental expenses necessary for atomic energy defense weapons activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion; and the purchase of not to exceed 19 passenger motor vehicles, for replacement only, including not to exceed two buses; \$6,514,424,000 to remain available until expended.

DEFENSE NUCLEAR NONPROLIFERATION

For Department of Energy expenses, including the purchase, construction and acquisition of plant and capital equipment and other incidental expenses necessary for atomic energy defense, defense nuclear non-proliferation activities, in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), includ-

ing the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, \$1,348,647,000, to remain available until expended.

NAVAL REACTORS

For Department of Energy expenses necessary for naval reactors activities to carry out the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition (by purchase, condemnation, construction, or otherwise) of real property, plant, and capital equipment, facilities, and facility expansion, \$807,900,000, to remain available until expended.

OFFICE OF THE ADMINISTRATOR

For necessary expenses of the Office of the Administrator in the National Nuclear Security Administration, including official reception and representation expenses (not to exceed \$12,000), \$356,200,000, to remain available until expended.

ENVIRONMENTAL AND OTHER DEFENSE ACTIVITIES

DEFENSE SITE ACCELERATION COMPLETION

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other expenses necessary for atomic energy defense site acceleration completion activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, \$5,930,837,000, to remain available until expended.

DEFENSE ENVIRONMENTAL SERVICES

For Department of Energy expenses necessary for defense-related environmental services activities that indirectly support the accelerated cleanup and closure mission at environmental management sites, including the purchase, construction, and acquisition of plant and capital equipment and other necessary expenses, and the purchase of not to exceed three ambulances for replacement only, \$957,976,000, to remain available until expended.

OTHER DEFENSE ACTIVITIES

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other expenses, necessary for atomic energy defense, other defense activities, and classified activities, in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, \$697,059,000, to remain available until expended.

DEFENSE NUCLEAR WASTE DISPOSAL

For nuclear waste disposal activities to carry out the purposes of Public Law 97-425, as amended, including the acquisition of real property or facility construction or expansion, \$131,000,000, to remain available until expended.

POWER MARKETING ADMINISTRATIONS

BONNEVILLE POWER ADMINISTRATION FUND

Expenditures from the Bonneville Power Administration Fund, established pursuant to Public Law 93-454, are approved for official reception and representation expenses in an amount not to exceed \$1,500. During fiscal year 2005, no new direct loan obligations may be made.

OPERATION AND MAINTENANCE, SOUTHEASTERN POWER ADMINISTRATION

For necessary expenses of operation and maintenance of power transmission facilities

and of marketing electric power and energy, including transmission wheeling and ancillary services, pursuant to the provisions of section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the southeastern power area, \$5,200,000, to remain available until expended: *Provided*, That, notwithstanding the provisions of 31 U.S.C. 3302, up to \$34,000,000 collected by the Southeastern Power Administration pursuant to the Flood Control Act of 1944 to recover purchase power and wheeling expenses shall be credited to this account as offsetting collections, to remain available until expended for the sole purpose of making purchase power and wheeling expenditures.

OPERATION AND MAINTENANCE,
SOUTHWESTERN POWER ADMINISTRATION

For necessary expenses of operation and maintenance of power transmission facilities and of marketing electric power and energy, for construction and acquisition of transmission lines, substations and appurtenant facilities, and for administrative expenses, including official reception and representation expenses in an amount not to exceed \$1,500 in carrying out the provisions of section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the southwestern power area, \$29,352,000, to remain available until expended: *Provided*, That, notwithstanding the provisions of 31 U.S.C. 3302, up to \$1,800,000 collected by the Southwestern Power Administration pursuant to the Flood Control Act of 1944 to recover purchase power and wheeling expenses shall be credited to this account as offsetting collections, to remain available until expended for the sole purpose of making purchase power and wheeling expenditures.

CONSTRUCTION, REHABILITATION, OPERATION
AND MAINTENANCE, WESTERN AREA POWER
ADMINISTRATION

For carrying out the functions authorized by title III, section 302(a)(1)(E) of the Act of August 4, 1977 (42 U.S.C. 7152), and other related activities including conservation and renewable resources programs as authorized, including official reception and representation expenses in an amount not to exceed \$1,500, \$173,100,000, to remain available until expended, of which \$170,756,000 shall be derived from the Department of the Interior Reclamation Fund: *Provided*, That, notwithstanding the provisions of 31 U.S.C. 3302, up to \$186,000,000 collected by the Western Area Power Administration pursuant to the Flood Control Act of 1944 and the Reclamation Project Act of 1939 to recover purchase power and wheeling expenses shall be credited to this account as offsetting collections, to remain available until expended for the sole purpose of making purchase power and wheeling expenditures.

FALCON AND AMISTAD OPERATING AND
MAINTENANCE FUND

For operation, maintenance, and emergency costs for the hydroelectric facilities at the Falcon and Amistad Dams, \$2,827,000, to remain available until expended, and to be derived from the Falcon and Amistad Operating and Maintenance Fund of the Western Area Power Administration, as provided in section 423 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995.

FEDERAL ENERGY REGULATORY COMMISSION
SALARIES AND EXPENSES

For necessary expenses of the Federal Energy Regulatory Commission to carry out the provisions of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including services as authorized by 5 U.S.C. 3109, the hire of passenger motor vehicles, and official reception and representation expenses (not to exceed \$3,000), \$210,000,000, to

remain available until expended: *Provided*, That, notwithstanding any other provision of law, not to exceed \$210,000,000 of revenues from fees and annual charges, and other services and collections in fiscal year 2005 shall be retained and used for necessary expenses in this account, and shall remain available until expended: *Provided further*, That the sum herein appropriated from the general fund shall be reduced as revenues are received during fiscal year 2005 so as to result in a final fiscal year 2005 appropriation from the general fund estimated at not more than \$0.

GENERAL PROVISIONS
DEPARTMENT OF ENERGY

SEC. 301. (a)(1) None of the funds in this or any other appropriations Act for fiscal year 2005 or any previous fiscal year may be used to make payments for a noncompetitive management and operating contract unless the Secretary of Energy has published in the Federal Register and submitted to the Committees on Appropriations of the House of Representatives and the Senate a written notification, with respect to each such contract, of the Secretary's decision to use competitive procedures for the award of the contract, or to not renew the contract, when the term of the contract expires.

(2) Paragraph (1) does not apply to an extension for up to two years of a noncompetitive management and operating contract, if the extension is for purposes of allowing time to award competitively a new contract, to provide continuity of service between contracts, or to complete a contract that will not be renewed.

(b) In this section:

(1) The term "noncompetitive management and operating contract" means a contract that was awarded more than 50 years ago without competition for the management and operation of Ames Laboratory, Argonne National Laboratory, Lawrence Berkeley National Laboratory, Lawrence Livermore National Laboratory, and Los Alamos National Laboratory.

(2) The term "competitive procedures" has the meaning provided in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403) and includes procedures described in section 303 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253) other than a procedure that solicits a proposal from only one source.

(c) For all management and operating contracts other than those listed in subsection (b)(1), none of the funds appropriated by this Act may be used to award a management and operating contract, or award a significant extension or expansion to an existing management and operating contract, unless such contract is awarded using competitive procedures or the Secretary of Energy grants, on a case-by-case basis, a waiver to allow for such a deviation. The Secretary may not delegate the authority to grant such a waiver. At least 60 days before a contract award for which the Secretary intends to grant such a waiver, the Secretary shall submit to the Committees on Appropriations of the House of Representatives and the Senate a report notifying the Committees of the waiver and setting forth, in specificity, the substantive reasons why the Secretary believes the requirement for competition should be waived for this particular award.

SEC. 302. None of the funds appropriated by this Act may be used to—

(1) develop or implement a workforce restructuring plan that covers employees of the Department of Energy; or

(2) provide enhanced severance payments or other benefits for employees of the Department of Energy under section 3161 of the National Defense Authorization Act for Fiscal Year 1993 (P.L. 102-484; 42 U.S.C. 7274h).

SEC. 303. None of the funds appropriated by this Act may be used to augment the funds made available for obligation by this Act or any other appropriations Act for fiscal year 2005 or any previous fiscal year for severance payments and other benefits and community assistance grants under section 3161 of the National Defense Authorization Act for Fiscal Year 1993 (P.L. 102-484; 42 U.S.C. 7274h) unless the Department of Energy submits a reprogramming request subject to approval by the appropriate congressional committees.

SEC. 304. None of the funds appropriated by this Act may be used to prepare or initiate Requests For Proposals (RFPs) for a program if the program has not been funded by Congress.

(TRANSFERS OF UNEXPENDED BALANCES)

SEC. 305. The unexpended balances of prior appropriations provided for activities in this Act may be transferred to appropriation accounts for such activities established pursuant to this title. Balances so transferred may be merged with funds in the applicable established accounts and thereafter may be accounted for as one fund for the same time period as originally enacted.

SEC. 306. None of the funds in this or any other Act for the Administrator of the Bonneville Power Administration may be used to enter into any agreement to perform energy efficiency services outside the legally defined Bonneville service territory, with the exception of services provided internationally, including services provided on a reimbursable basis, unless the Administrator certifies in advance that such services are not available from private sector businesses.

SEC. 307. When the Department of Energy makes a user facility available to universities or other potential users, or seeks input from universities or other potential users regarding significant characteristics or equipment in a user facility or a proposed user facility, the Department shall ensure broad public notice of such availability or such need for input to universities and other potential users. When the Department of Energy considers the participation of a university or other potential user as a formal partner in the establishment or operation of a user facility, the Department shall employ full and open competition in selecting such a partner. For purposes of this section, the term "user facility" includes, but is not limited to: (1) a user facility as described in section 2203(a)(2) of the Energy Policy Act of 1992 (42 U.S.C. 13503(a)(2)); (2) a National Nuclear Security Administration Defense Programs Technology Deployment Center/User Facility; and (3) any other Departmental facility designated by the Department as a user facility.

SEC. 308. The Administrator of the National Nuclear Security Administration may authorize the manager of a covered nuclear weapons research, development, testing or production facility to engage in research, development, and demonstration activities with respect to the engineering and manufacturing capabilities at such facility in order to maintain and enhance such capabilities at such facility: *Provided*, That of the amount allocated to a covered nuclear weapons facility each fiscal year from amounts available to the Department of Energy for such fiscal year for national security programs, not more than an amount equal to 2 percent of such amount may be used for these activities: *Provided further*, That for purposes of this section, the term "covered nuclear weapons facility" means the following:

(1) the Kansas City Plant, Kansas City, Missouri;

(2) the Y-12 Plant, Oak Ridge, Tennessee;

(3) the Pantex Plant, Amarillo, Texas;
 (4) the Savannah River Plant, South Carolina; and
 (5) the Nevada Test Site.

SEC. 309. Funds appropriated by this or any other Act, or made available by the transfer of funds in this Act, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2005 until the enactment of the Intelligence Authorization Act for fiscal year 2005.

SEC. 310. None of the funds made available in this or any other appropriations Act for fiscal year 2005 or any previous fiscal year may be used to select a site for a Modern Pit Facility during fiscal year 2005.

SEC. 311. None of the funds made available in this Act for fiscal year 2005 or any previous fiscal year may be used to finance laboratory directed research and development activities at Department of Energy laboratories on behalf of other Federal agencies.

SEC. 312. (a) None of the funds made available by this Act may be used to issue any license, approval, or authorization for the export or reexport, or transfer, or retransfer, whether directly or indirectly, of nuclear materials and equipment or sensitive nuclear technology, including items and assistance authorized by section 57 b. of the Atomic Energy Act of 1954 and regulated under part 810 of title 10, Code of Federal Regulations, and nuclear-related items on the Commerce Control List maintained under part 774 of title 15 of the Code of Federal Regulations, to any country whose government has been identified by the Secretary of State as engaged in state sponsorship of terrorist activities (specifically including any country the government of which has been determined by the Secretary of State under section 620A(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2371(a)), section 6(j)(1) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)(1)), or section 40(d) of the Arms Export Control Act (22 U.S.C. 2780(d)) to have repeatedly provided support for acts of international terrorism).

(b) This section shall not apply to exports, reexports, transfers, or retransfers of radiation monitoring technologies, surveillance equipment, seals, cameras, tamper-indication devices, nuclear detectors, monitoring systems, or equipment necessary to safely store, transport, or remove hazardous materials, whether such items, services, or information are regulated by the Department of Energy, the Department of Commerce, or the Nuclear Regulatory Commission, except to the extent that such technologies, equipment, seals, cameras, devices, detectors, or systems are available for use in the design or construction of nuclear reactors or nuclear weapons.

(c) The President may waive the application of subsection (a) to a country if the President determines and certifies to Congress that the waiver will not result in any increased risk that the country receiving the waiver will acquire nuclear weapons, nuclear reactors, or any materials or components of nuclear weapons and—

(1) the government of such country has not within the preceding 12-month period willfully aided or abetted the international proliferation of nuclear explosive devices to individuals or groups or willfully aided and abetted an individual or groups in acquiring unsafeguarded nuclear materials;

(2) in the judgment of the President, the government of such country has provided adequate, verifiable assurances that it will cease its support for acts of international terrorism;

(3) the waiver of that subsection is in the vital national security interest of the United States; or

(4) such a waiver is essential to prevent or respond to a serious radiological hazard in the country receiving the waiver that may or does threaten public health and safety.

(d) This section shall apply with respect to exports that have been approved for transfer as of the date of the enactment of this Act but have not yet been transferred as of that date.

TITLE IV

INDEPENDENT AGENCIES

APPALACHIAN REGIONAL COMMISSION

For expenses necessary to carry out the programs authorized by the Appalachian Regional Development Act of 1965, as amended, for necessary expenses for the Federal Co-Chairman and the alternate on the Appalachian Regional Commission, for payment of the Federal share of the administrative expenses of the Commission, including services as authorized by 5 U.S.C. 3109 and hire of passenger motor vehicles, \$38,500,000, to remain available until expended.

DEFENSE NUCLEAR FACILITIES SAFETY BOARD SALARIES AND EXPENSES

For necessary expenses of the Defense Nuclear Facilities Safety Board in carrying out activities authorized by the Atomic Energy Act of 1954, as amended by Public Law 100-456, section 1441, \$20,268,000, to remain available until expended.

DELTA REGIONAL AUTHORITY

SALARIES AND EXPENSES

For necessary expenses of the Delta Regional Authority and to carry out its activities, as authorized by the Delta Regional Authority Act of 2000, as amended, notwithstanding sections 382C(b)(2), 382F(d), and 382M(b) of said Act, \$2,096,000, to remain available until expended.

NUCLEAR REGULATORY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Commission in carrying out the purposes of the Energy Reorganization Act of 1974, as amended, and the Atomic Energy Act of 1954, as amended, including official representation expenses (not to exceed \$15,000), and purchase of promotional items for use in the recruitment of individuals for employment, \$662,777,000, to remain available until expended: *Provided*, That of the amount appropriated herein, \$69,050,000 shall be derived from the Nuclear Waste Fund: *Provided further*, That revenues from licensing fees, inspection services, and other services and collections estimated at \$534,354,300 in fiscal year 2005 shall be retained and used for necessary salaries and expenses in this account, notwithstanding 31 U.S.C. 3302, and shall remain available until expended: *Provided further*, That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 2005 so as to result in a final fiscal year 2005 appropriation estimated at not more than \$128,422,700: *Provided further*, that none of the funds made available in this Act or any other appropriations Act for fiscal year 2005, or for any previous fiscal year, may be used by the Commission to issue a license during fiscal year 2005 to construct or operate a new commercial nuclear power plant in the United States.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, \$7,518,000, to remain available until expended: *Provided*, That revenues from licensing fees, inspection services, and other services and collections estimated at \$6,766,200 in fiscal year 2005 shall be retained and be available until expended, for necessary salaries and expenses in this account,

notwithstanding 31 U.S.C. 3302: *Provided further*, That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 2005 so as to result in a final fiscal year 2005 appropriation estimated at not more than \$751,800.

NUCLEAR WASTE TECHNICAL REVIEW BOARD SALARIES AND EXPENSES

For necessary expenses of the Nuclear Waste Technical Review Board, as authorized by Public Law 100-203, section 5051, \$3,177,000, to be derived from the Nuclear Waste Fund, and to remain available until expended.

TITLE V

GENERAL PROVISIONS

SEC. 501. None of the funds appropriated by this Act may be used in any way, directly or indirectly, to influence congressional action on any legislation or appropriation matters pending before Congress, other than to communicate to Members of Congress as described in 18 U.S.C. 1913.

SEC. 502. (a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American-made.

(b) NOTICE REQUIREMENT.—In providing financial assistance to, or entering into any contract with, any entity using funds made available in this Act, the head of each Federal agency, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (a) by the Congress.

(c) PROHIBITION OF CONTRACTS WITH PERSONS FALSELY LABELING PRODUCTS AS MADE IN AMERICA.—If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

POINT OF ORDER

Mrs. WILSON of New Mexico. Mr. Chairman, I make a point of order.

The CHAIRMAN. The gentlewoman from New Mexico will state her point of order.

Mrs. WILSON of New Mexico. Mr. Chairman, section 311 of the bill violates clause 2 of rule XXI of the Rules of the House of Representatives prohibiting legislation on appropriation bills.

Section 311 restricts funding in the bill for certain Department of Energy laboratory functions in fiscal year 2005 and any previous fiscal year. Because the language restricts funding not just for 2005 but for all previous years, it constitutes legislation on an appropriation bill. For that reason, it violates clause 2 of rule XXI of the Rules of the House.

The CHAIRMAN. Does any other Member wish to speak to the point of order?

If not, the Chair is prepared to rule. The gentlewoman from New Mexico makes a point of order that section 311 addresses funds in other acts. The gentlewoman asserts that a valid reading of the section is to limit any funds

made available in any previous fiscal year.

The Chair finds the language in this section ambiguous. The Chair would note that previous rulings cited in section 1052 of the House Rules and Manual allow the Chair to examine legislative history when attempting to resolve an ambiguity when ruling on a point of order.

In this case, the Chair finds that the committee report to accompany this bill, on page 174, indicates that section 311 intends to limit funds in this or any other appropriation act. Also, as recorded in the note in Deschler's Precedence, volume 8, chapter 26, section 57.17, where the terms in a purported limitation are challenged because of their ambiguity, the burden is on the proponent to show that no legislation is found in the relevant language.

In the opinion of the Chair, the committee has not met its burden and the section constitutes legislation. The point of order is sustained, and section 311 is stricken.

Are there any other points of order?

AMENDMENT OFFERED BY MR. HOBSON

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

The Clerk read as follows:

Amendment offered by Mr. HOBSON:

Page 35, insert the following new section after line 11:

SEC. 311. None of the funds made available in this Act may be used to finance laboratory directed research and development activities at Department of Energy laboratories on behalf of other Federal agencies.

Mr. HOBSON (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. HOBSON. Mr. Chairman, I would just ask for approval of the amendment. This restores the language for one year in the bill.

Mr. VISCLOSKEY. Mr. Chairman, I rise in support of the gentleman's amendment.

Mrs. WILSON of New Mexico. Mr. Chairman, I move to strike the last word.

Mr. Chairman, the chairman of the subcommittee is certainly within his rights to try to restrict language to one year, but I would point out that the intent of this section of legislation seriously undermines the ability of the laboratories to do their work. And while he may be able to do this in a narrow way, this is a very important piece of law, and from a policy point of view, very unwise.

I look forward to working with him in conference on substantive matters related to this problem, but I will have to be voting against this amendment.

Mr. GEORGE MILLER of California. Mr. Chairman, I move to strike the last word.

(Mr. GEORGE MILLER of California asked and was given permission to revise and extend his remarks.)

Mr. GEORGE MILLER of California. Mr. Chairman, I rise in support of the Eshoo, DeFazio, Inslee amendment, and I want to thank the committee for agreeing to accept that amendment later, and to thank the committee for their consideration of the economic development projects for shipping in the San Francisco Bay area.

I rise in support of the amendment. Nearly four years ago, energy companies led by Enron purposefully manipulated consumer markets and ruthlessly price gouged California consumers. Recently publicized tapes and financial records from Enron's West Coast trading desk provide the proof. On the tapes, Enron traders can be heard bragging about how they were taking the California utilities—the "grandmothers"—to the "tune of a million bucks or two a day." Just last week, the San Francisco Chronicle noted that the market manipulation and the Enron tapes are a "display of arrogance and abuse that . . . argue powerfully for the need for government to maintain a level of oversight on energy markets."

California consumers have a right to recover the billions of energy overcharges that resulted from this widespread illegal behavior. Yet nearly 4 years after the fact, the Federal Energy Regulatory Commission (FERC) has simply failed to deliver justice to California's energy consumers. Instead of providing timely refunds for the unreasonable rates California consumers were forced to pay, FERC has ignored court orders to give the parties representing the people of California the opportunity to gather new evidence concerning energy market manipulation during the summer of 2000. As a result, FERC has been able to minimize the amount that energy wholesalers and marketers will be required to pay back. Instead, FERC has initiated a slew of largely closed door investigations against individual generators. Settlements in these dockets represent only a fraction of the billions taken from California consumers and industry during the energy crisis.

In Rules Committee, we offered an amendment to help move the process forward fairly by requiring the Commission to publicly disclose all the documents and evidence obtained in its legal proceedings; by allowing the states, like California, affected by market manipulation to fully participate in any and all settlement negotiations; and by adjusting the timeline for the investigation to adequately reflect the period of suspected criminal behavior. That amendment was ruled out of order.

Mr. Chairman, it's time for the Bush Administration to stop dragging its heels and deliver real justice to the people of California—and all up and down the West coast—who were bilked by the bigwigs at Enron out of their hard earned paychecks.

Since the broader amendment was not made in order, we are instead offering an amendment to ensure that none of the money appropriated under this act can be used to circumvent the court order to shine some sunlight into this process by making public the evidence attained through the investigations.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. HOBSON).

The amendment was agreed to.

AMENDMENT OFFERED BY MS. ESHOO

Ms. ESHOO. Yes, Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Ms. ESHOO:

At the end of the bill (before the short title), insert the following:

SEC. _____. None of the funds made available in this Act may be used to deny requests for the public release of documents or evidence obtained through or in the Western Energy Markets: Enron Investigation (Docket No. PA02-2), the California Refund case (Docket No. EL00-95), the Anomalous Bidding Investigation (Docket No. IN03-10), or the Physical Withholding Investigation.

Ms. ESHOO (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentlewoman from California?

There was no objection.

Mr. HOBSON. Mr. Chairman, I ask unanimous consent that debate on this amendment and any amendments thereto be limited to 30 minutes to be equally divided and controlled by the proponent and myself.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The CHAIRMAN. The gentlewoman from California (Ms. ESHOO) is recognized for 15 minutes.

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

This is a very simple and clear amendment and it states that none of the funds made available in this act may be used to deny requests for the public release of documents or evidence obtained through or in the western energy markets.

What brings this amendment, the intent of this amendment, and why we are making it, Mr. Chairman, is really very clear. There are mounds of evidence relative to the manipulation of energy and the energy markets in the Pacific Northwest and in California between 2000 and 2001. We need to secure what is there. There is so much evidence that is being withheld. That is why we bring this amendment forward.

Mr. Chairman, I yield 1 minutes to the gentlewoman from California (Ms. PELOSI), the very distinct minority leader of the House.

Ms. PELOSI. Mr. Chairman, I thank the distinguished gentlewoman, member of the Committee on Energy and Commerce, for yielding me this time.

I am pleased to rise in support of the Eshoo, DeFazio, Inslee amendment to the energy and water bill. Before I speak to it, though, I want to sing the praises of the very distinguished chairman of the committee, the gentleman from Ohio (Mr. HOBSON), for the leadership that he brings to this committee and the understanding that he has of the issues before it. He is a long-standing and respected member of the Committee on Appropriations on both sides of the aisle. I thank him for his service and leadership.

I also recognize the contribution to all of this and leadership of the gentleman from Indiana (Mr. VISCLOSKEY),

the ranking member on the Democratic side of the Subcommittee on Energy and Water Development. I commend them both for this excellent product that they have brought to the floor today.

□ 1215

Mr. Chairman, before I speak directly to the amendment on the floor, I want to put it in context. Last night, the gentlewoman from California (Ms. ESHOO) went to the Committee on Rules to request a waiver to offer an amendment that would help Western families to get the refunds they deserve after they were ripped off by Enron and others.

The Eshoo amendment as advanced last night would have also allowed States to participate in claims at FERC on behalf of consumers and provided more time for the public to file complaints. The amendment would have put this Congress on record recognizing the misconduct of Enron and other energy companies, and it would have required perspective to disclose the evidence of manipulation that it has accumulated over the past 4 years. It was a very wise amendment. It was exactly what the consumers of the Western States needed to remedy the energies against them.

Unfortunately, and it is hard to understand why, the Committee on Rules, chaired by the gentleman from California (Mr. DREIER), did not allow the amendment to be offered today. We are told this is an open rule with open debate, but the Committee on Rules ruled against Western consumers when it did not allow the original Eshoo amendment to come to the floor. It did not give the consumers the measure they deserve.

That is why I am very pleased that we were able at least to bring a partial amendment and that the gentleman from Ohio (Mr. HOBSON), as I understand, will perhaps be accepting this amendment offered by the gentlewoman from California (Ms. ESHOO), the gentleman from Oregon (Mr. DEFAZIO), and the gentleman from Washington (Mr. INSLEE). This much more limited amendment would ensure public access to documents on the 2000 and 2001 electricity crisis in California and other western States held by the Federal Energy Regulatory Commission.

This amendment is a crucial first step, not as good as what last night would have been, the amendment offered by the gentlewoman from California (Ms. ESHOO) last night, but it is a critical first step in bringing justice to consumers who were gouged by Enron and other energy companies; but it is not enough.

Mr. Chairman, the constituents of those of us who represent the western States were victims of an enormous scam. Yes, the electricity deregulation signed by Republican Governor Pete Wilson was fatally flawed; but when the flaws became clear, when the elec-

tricity crisis began to spike, when the blackouts began to roll across California, the Federal Energy Regulatory Commission should have been our safety net. Instead, month after month as electricity prices went sky high, FERC refused to act.

Time and time again, my Western colleagues, the gentleman from Washington (Mr. INSLEE), the gentleman from Oregon (Mr. DEFAZIO), the gentlewoman from Oregon (Ms. HOOLEY), and so many others stood together to call on FERC and President Bush to stop the looting of the western States by rapacious energy companies. We wrote to FERC. We wrote to the FERC. We stood up in the Committee on Appropriations. We stood up on the floor of the House, but time and time again FERC failed to stop the rampant abuse of consumers by Enron and other energy companies.

Finally, as Western consumers had lost billions of dollars and the worst of the damage was done, FERC stepped in and brought the Western electricity markets under control. We knew all along that Enron and the energy companies were gaming the system.

The tapes, the now notorious tapes that every Member of this body has an obligation to observe, the tapes of the Enron traders confirm what we knew all along, that Enron and the other energy companies were laughing all the way to the bank as they stole from families and businesses of California.

Enron and its kind lied, cheated and stole; and it is long past time for Enron to pay consumers and the States back, as the amendment of the gentlewoman from California (Ms. ESHOO) that she offered last night, but was turned down by the Committee on Rules, would have required.

Even after adoption of this amendment that we are considering today, settlements will still be made by FERC behind closed doors without representatives of the States present. We wish we were voting today on the original Eshoo amendment that we wanted so that the House could address the larger problems; but at least with the cooperation of the gentleman from Ohio (Mr. HOBSON), we are taking this first step toward justice for consumers.

I think that the handwriting was on the wall. I think it was a wise move by the gentleman from Ohio (Mr. HOBSON), because I do not think he wanted to subject his Members to voting against this amendment.

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

Ms. PELOSI. Mr. Chairman, I will yield in a minute.

We wish that we were voting today on the amendment that we wanted so that the House could address the larger problem, but at least we are taking this first step toward justice for consumers.

Today the House has unanimously agreed that FERC release its evidence of corporate misconduct to the public. That is what the Committee on Rules

should have allowed us to do in a broader way last night, but they rejected it. I call on the Republicans to join us in ensuring that FERC live up to this bipartisan decision and that it release this information.

Mr. Chairman, I will yield a few seconds to the distinguished chairman of the Committee on Rules.

Mr. DREIER. Mr. Chairman, I thank my friend for yielding, and the only reason I am here is that I understand that my good friend from San Francisco, the distinguished minority leader, mentioned the fact that I am in California and the fact that I chair the House Committee on Rules.

Let me just, in light of what was raised, explain, once again as I did during the debate on the rule, exactly what has taken place here.

Ms. PELOSI. Mr. Chairman, reclaiming my time, I think the gentleman can get time from his distinguished chairman to go to that length.

Mr. DREIER. Mr. Chairman, I just wanted to respond to the points that the minority raised.

Ms. PELOSI. Mr. Chairman, I am sure his distinguished chairman will yield him time. My point is because the gentleman was not in the room and I want to reiterate it while he is in the room, I would have hoped he would have been here, because this is an issue of such major concern to our great State of California.

What I said was that the consumers of California were rejected last night in the Committee on Rules, because the chairman of the Committee on Rules would not allow the Eshoo amendment, which would have been the right way to go in order to get refunds for California.

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

Ms. PELOSI. I think that you are going to have to get time from your own chairman.

Mr. DREIER. Well, I was happy to yield earlier to the gentlewoman when I controlled time in the Committee on Rules.

Ms. PELOSI. Mr. Chairman, for 10 seconds, and I yielded more time to you at this time.

Mr. DREIER. Mr. Chairman, I thank my friend for yielding.

Ms. PELOSI. Mr. Chairman, no, I did not yield. I said when you yielded to me for 10 seconds.

Mr. Chairman, I yield back to the gentlewoman from California (Ms. ESHOO).

Ms. ESHOO. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. Mr. Chairman, crimes were committed, and we are simply asking for restitution. At this point, 10 Enron executives have pled guilty, 19 others have been charged, and we are waiting for the charges against Ken Lay, the President's single greatest lifetime contributor, which have not yet come forward.

During the crisis, Vice President CHENEY said the basic problem in California was caused by Californians. He

basically said the ratepayers in Oregon, Washington, and Northern California were at fault. I was in a meeting where he said this was nothing but market forces at work. Of course it has now been proven that Enron manipulated the markets. They manipulated the markets on 473 of 537 days of crisis. People in Oregon and the Pacific Northwest and California are paying a great amount more for their electricity today, generated by the same plants, by many of the same companies, transmitted over the same lines because of the market manipulation by Enron.

Plain and simple, we want justice. Justice means we should have restitution. That is being denied by the Republican majority. It is being denied by the President's Republican-dominated Federal Energy Regulatory Commission. It is being denied by the Republican-led Congress.

But at least here with this amendment, what we will get is some of the information that our utilities could use that is being closely held by the Federal Energy Regulatory Commission under the pretense that they might someday take some action with this to prove that the rates were not just and reasonable and to pursue civil remedies. If the Bush administration will not act in the public interest, will not protect consumers, if the Federal Energy Regulatory Commission will not act in the public interest and protect consumers, then at least the consumers and their utilities can take action on behalf of themselves. But they need this information.

This amendment will make that information available to the public. Some of it, I am sure, will be obscene and as appalling as the tapes we have had so far from Enron where they talk about putting it to the consumers day in and day out and laugh about it, but the acceptance of this amendment will move us down that path even if they will not take positive action to help people.

Mr. HOBSON. Mr. Chairman, I yield 7 minutes to the gentleman from California (Mr. OSE).

Mr. OSE. Mr. Chairman, we talked about this a little earlier today. I was listening to the minority leader's comments very carefully in my office, and I ran over here. I apologize for being a little short of breath.

I just want to refresh everybody's memory about what happened in 2000 and 2001 and to point out the empirical fact that there have been no statewide blackouts or brownouts in California since, frankly, the Republican-dominated FERC got put into place.

First of all, the law was very clear. When the previous administration was in control, these same complaints were uttered, the same concerns were brought to the floor, and the same response was given by FERC down to the last period or punctuation mark. You got no more response from the FERC under Clinton-Gore than you are complaining about today. The reason is

that the law is clear. If you are unhappy about that, change the law.

The prohibition of funds that the gentlewoman is asking for here will not do one thing to create another megawatt of power for California. It will not do a single thing to help us replace the carbon-based, high-polluting facilities that exist in California today with much more efficient and less adverse impact to the environment. It does not do a single thing to reduce the pricing that the California PUC board regulates which is dominated by appointees of former Governor Gray Davis. It does not do a single thing to solve the problem on forward contracting for investor-owned utilities.

I repeat my invitation. I said Horatio earlier. I meant Hannibal. Rather than acting as Hannibal at the gates to the valley of solutions, stopping us from entering, come over and join us. Help us put in place the infrastructure and the technology that California is so good at creating. Help us put that in place to create the megawatts of power that our people need and our factories depend upon. Help us bring power to the peninsula of San Francisco which is probably one of the most difficult places to get power to in the entire United States. Help us eliminate the variability in power that Santa Clara depends upon. Help us bring power to our food processors up and down the State where agriculture remains the largest industry. Abandon this Hannibal at the gates concept and come over here and help us. Instead of haranguing us about past history and attempting to rewrite it, come over here and propose your solutions.

This is not a witch-hunt. It should not be a witch-hunt. The response you are getting today is the same response you got under Clinton-Gore. The law is very clear about what FERC's prerogatives are. So come over here and help us find solutions. Help us create the technology and put it in place that allows us to create power at less adverse impact to our environment.

I know you are environmentalists. I know you are, because I watch you very carefully. One of my models on environmental issues is the gentleman from California (Mr. GEORGE MILLER), one of your fine, outstanding Members and one of your leaders. Help us put that technology in place and make California's environment even more suitable for our use. I know that PG&E is based in San Francisco. They have just gone through a horrendous bankruptcy. I know the gentlewoman as the minority leader is very curious about the outcome.

I am trying to find solutions. We need to work together on this.

Mr. GEORGE MILLER of California. Mr. Chairman, will the gentleman yield?

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

Mr. GEORGE MILLER of California. I thank the gentleman for his comments, and I thank the gentleman for

his work. But as the gentleman knows, we have been working on some of those solutions. As the gentleman knows, I have been involved in the plants in Yolo County and Solano County and Contra Costa County where we have brought on new generation, clean generation, site-based generation, replacing old, inefficient production of energy. We are working on a cable system now to go under the bay to put power from the East Bay into the South Bay, into San Francisco.

□ 1230

We are working on more efficient pipelines to move fuel around Northern California. So I mean I think clearly those are there.

This amendment is a little different. This is about people who stole money. This is not about people who are building power plants. This is about people who took power out of service. Knowing that if they removed 1 or 2 percent of the power, they would drive up their revenues by hundreds of percent.

Mr. OSE. Madam Chairman, reclaiming my time, I thank the gentleman, who is a neighbor of mine, because all of those are good ideas. And to the extent that we have bad actors that have manipulated the system, we are going to get at it because the chairman is going to probably accept this amendment.

But the point is that we cannot sit here flailing away at the past history. We have to come to a solution, and the solution is along the lines that you would otherwise advocate for and advocated for when President Clinton was here and Vice President Gore was here and advocated for when Governor Davis was in office and now that he is not and those people are gone, you are opposing them. We want to get at the bad actors. There are two or three who manipulated the market. There is no question about it. And they did it to the detriment of every single one of us who lives in California. Every single one of us.

Whether one lives in San Francisco or Modesto or Santa Clara, every single one of us suffered from that. But I ask you to come over here and help us find solutions on a bipartisan manner, on a manner that does not attempt to rewrite history. History is history. It is gone. It is done. It is over. Clinton is gone. Davis is gone. There is no point in pointing the finger. We know what the facts are. Help us put in place the facilities that give us power with the least detriment to our environment, that give us power at the lowest price, that give our investor-owned utilities, who employ thousands of people up and down the State, who give our investor-owned utilities the opportunity to forward contract because if they had the opportunity to do that, to remove the uncertainty on supply, the very same thing that Governor Davis was asked to do, that the PUC was asked to do, that both declined to do, if we gave them that power, we would not have to

build new facilities. We would not have additional constraints on supply. We would not have prices going through the roof.

I want to repeat my compliments to the gentleman from Ohio. I left one thing out earlier. Oftentimes he has been a gentle hand in my tenure here. Sometimes he has been a heavy hand. In every instance I have appreciated it.

I thank the folks on the other side because we are in this together.

Ms. ESHOO. Madam Chairman, I yield for the purpose of making a unanimous consent request to the gentleman from Nevada (Ms. BERKLEY).

(Ms. BERKLEY asked and was given permission to revise and extend her remarks.)

Ms. BERKLEY. Madam Chairman, I rise in strong support of Eshoo amendment given the fact that Enron has stolen more than \$1 billion from Nevada's ratepayers by ruthlessly gouging our consumers and our utilities nearly went bankrupt, and that is why the Eshoo amendment is so important.

The Western United States has suffered an artificial energy crisis created by Enron to rake in enormous profits. The company executives deliberately and maliciously manipulated the energy market. Enron stole more than \$1 billion from Nevada's ratepayers by ruthlessly gouging consumers. This is just the tip of the iceberg. It is likely that Enron made more than \$10 billion in profits by breaking the law.

Not only did Enron's actions cost Nevada's families more than \$1 billion, our utilities nearly went bankrupt. We cannot allow this rampant corporate misconduct to continue. After years of asking for answers, people in my state are still waiting for this administration to take measures to correct this wrongdoing and hold Enron accountable.

I urge you to support the Eshoo amendment and ensure that the Enrons of the world cannot collect another fraudulent dime from Nevadans.

Mr. HOBSON. Madam Chairman, I have no further requests for time, and I am prepared to accept the amendment.

Ms. ESHOO. Madam Chairman, I yield 3 minutes to the gentleman from Washington State (Mr. INSLEE).

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

Mr. INSLEE. Madam Chairman, blaming the Enron scandal on Bill Clinton, with all due respect, give us a break. The only malediction in this country you have not laid at the feet of Bill Clinton is DICK CHENEY's vocabulary malfunction on the Senate floor, and I suppose that will be next.

We listen to these tapes, and the Enron traders were scandalous scoundrels who were smart. Do my colleagues know what they said on these tapes? We cannot wait until George Bush is President because maybe then we will have Ken Lay as Secretary of Energy.

They understood whose side their bread was buttered and they got what they wanted. They got an administra-

tion that sat on their hands while Enron got into our pockets to the tune of over \$8 billion, and they did nothing. And now the Republican Party, and we very much appreciate the gentleman from Ohio's (Mr. HOBSON) agreeing to this small little amendment, but you are denying us the ability for this Chamber to do exactly what the gentleman from California (Mr. OSE) says we should do: change the law, if that is necessary, to get refunds from Enron. You will not allow this Chamber to vote on that.

The gentleman from California (Mr. OSE) comes here and says, If you do not like the law, change it, but we will not allow a vote to do it.

Let me tell my colleagues why maybe that is necessary. We need one or two things to happen. The fact of the matter is we have written FERC. I have wrote and many other Members have written FERC saying that they have concluded there was a scandal, they have concluded there was theft, they have concluded there was manipulation, but they refuse to give us refunds. And what did Mr. Pat Wood write back and say to me? "Therefore, FDA Section 206 does not permit retroactive refund relief for rates covering periods prior to the refund effective date established on complaint or the initiation of Commission investigation, even if the Commission determines that such past rates were unjust or unreasonable."

It does not matter how many of these records we get. Your administration under George Bush and DICK CHENEY, friends of Ken Lay, are not going to act. Your administration has said if we get a videotape of Ken Lay using all kinds of expletives to take money out of our pockets, you have decided you are not going to act. And that is wrong.

The gentleman from California (Mr. DREIER) says we cannot allow an amendment because this is an appropriation bill. My question is I would like to know the date the House of Representatives, which has now spurned two efforts to get relief from Enron, I want to know the date the House of Representatives is going to give Americans an opportunity to vote to get refunds on an Enron amendment.

I am going to ask the gentleman a real question. What date is this House going to vote to do that?

Mr. DREIER. Madam Chairman, will the gentleman yield?

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

Mr. DREIER. Madam Chairman, obviously I cannot tell the gentleman exactly what date we are going to have a vote. I will tell the gentleman that we voted on H.R. 6.

Mr. INSLEE. Madam Chairman, I reclaim my time. The gentleman from California (Mr. DREIER) is incapable of giving us a date.

I would like to yield to the gentleman from Illinois (Mr. HASTERT), if he would be so kind, if he is com-

fortable with this, in advising us in what situation he may allow to come to the floor of this House an amendment.

Mr. HOBSON. Madam Chairman, I yield such time as he may consume to the gentleman from California (Mr. DREIER).

Mr. DREIER. Madam Chairman, I thank the gentleman for yielding me this time.

This has been a very interesting debate. I have regularly yielded, and I look forward to yielding to the gentleman from Washington (Mr. INSLEE); gentlewoman from San Francisco, the minority leader; or anyone else who wants to talk about this issue because I think that a healthy exchange is important for us.

I will say in response to the question posed by my friend from Washington that every single Member of this House is passionately committed to the goal of ensuring that consumers are not penalized and that they are successfully compensated for any wrong that has been inflicted on them. We all are very, very concerned about the fact that any individual whom we represent could possibly have been done in, and that is why we are in the midst of several very important things.

Number one, the Ninth Circuit Court of Appeals in California is right now in the midst of a measure which is very important. They are considering exactly how to appropriately deal with this issue. FERC, the Federal Energy Regulatory Commission, itself is closely looking at those horrible, horrible transcripts of the things that were said which were absolutely beyond the pale and absolutely reprehensible. No one of either political party is somehow sympathetic with hurting our constituents.

So that is why to me it is absolutely outrageous for us to constantly be painted as somehow sympathetic with people like those involved in Enron.

I do not want to spend time going into the list of campaign contributions and all of this sort of stuff that has gone on, but I recall that our friends on the other side of the aisle have received just as much, if not more, in campaign contributions from many of those who are in question. This is an issue, as the gentleman from California (Mr. OSE) has said, that we want to address in a bipartisan way.

We last week passed H.R. 6, energy legislation, which also goes a long way towards trying to address this issue by enhancing the ability of the Federal Energy Regulatory Commission to address this. When we yesterday had the gentlewoman from California (Ms. ESHOO) and the gentlewoman from California (Ms. LOFGREN) testify before the Committee on Rules, I know my friend will remember what I said.

I said please work to fashion this amendment so that it will comply within the rules of the House, so that the bipartisan request made by the gentleman from Ohio (Mr. HOBSON) and the gentleman from Indiana (Mr. VIS-CLOSKY) protecting the legislation

itself but allowing for an open amendment process would be the way that we could go, and that is exactly what she has done. That is why the gentleman from Ohio (Mr. HOBSON) has stood here ready to accept the amendment. He is ready to accept the amendment which will help us address this issue.

Ms. ESHOO. Madam Chairman, will the gentleman yield?

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

Ms. ESHOO. Madam Chairman, we made our presentation. The gentleman was complimentary of how the presentation was made and of the substance and the last thing he said was, I cannot support this amendment. That is what he said.

Mr. DREIER. Madam Chairman, reclaiming my time, that is not what I said. I am happy to yield again if the gentleman would like to challenge me on this.

What I said was that the amendment as proposed did not comply with the rules of the House.

Ms. ESHOO. Madam Chairman, will the gentleman yield?

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

Ms. ESHOO. I thank the gentleman for yielding to me.

I asked that the Committee on Rules waive in order for the amendment to be accepted.

Mr. DREIER. Madam Chairman, reclaiming my time, that was the request that was made. And I will tell the gentleman the request that was made for the structure of the rule by the chairman of the subcommittee and the ranking minority member of the subcommittee was that we have an open amendment process and provide protection for those provisions that were reported out of the Committee on Appropriations, and that is exactly what we did.

The bipartisan request for the structure of the rule is what we put together and what we reported out. It would have been extraordinary if we had, in fact, provided a waiver that would have allowed for this amendment. That was why I made the request of my friend, to fashion a rule so that we can address our shared concern to ensure that our constituents are correctly compensated and are not done in. And that is, I believe, exactly what has happened, along with passage of H.R. 6, our legislation, and the case that is underway before the Ninth Circuit Court of Appeals.

Madam Chairman, would anyone else like for me to yield to them? Would the minority leader like me to yield? Is there anyone else who would like me to answer questions? I am more than happy to.

Mr. INSLEE. Madam Chairman, will the gentleman yield?

Mr. DREIER. I yield to the gentleman from Washington.

Mr. INSLEE. Madam Chairman, I think I understand the nature of the gentleman's argument. But the problem that we have on this side is that

not only have we offered an amendment in the appropriations process to allow refunds for Americans who have been gouged by Enron, but we also offered essentially the same amendment on the energy bill that was clearly germane to the issue, clearly would have been allowable, and under his leadership in the Committee on Rules, it was refused to be allowed under the energy bill.

Mr. DREIER. Madam Chairman, reclaiming my time, I will say that if one goes back and looks at legislation that we passed in this House, H.R. 6, it, in fact, takes very bold steps towards ensuring that our constituents are correctly compensated. And so we have done just that.

Madam Chairman, I thank my friend for yielding me this time, and I know that I have nearly exhausted the time for this side.

Ms. ESHOO. Madam Chairman, I yield 2 minutes to the gentleman from Oregon (Mr. DEFAZIO).

□ 1245

Mr. DEFAZIO. Madam Chairman, there is a simple fact here: crimes were committed. At this point, 10 Enron executives have gone to jail. They defrauded the ratepaying public, the businesses, the homeowners, the factories of the Western United States, and illegally extorted money from them by manipulating the market.

Now, there is a lot of reconstructive history going on here today. The Clinton administration did impose price caps, actually. It was the Federal Energy Regulatory Commission, led by Pat Wood of Texas, under the leadership of George Bush of Texas and DICK CHENEY of Texas, now Wyoming, who refused to take any action, said that these were merely market forces at work. DICK CHENEY said at a meeting that I was in that unless we built one 500-megawatt plant a week for the next 15 years, this would continue.

Well, of course, he was pretty famously wrong. It was market manipulation. People have now gone to jail. We have crimes.

But what we do not have is restitution. The law must be changed. Even if the Bush appointee leading the Federal Energy Regulatory Commission, from Texas, wants to give refunds to ratepayers in the Western United States, he has said he does not have that authority.

We have asked simply for a vote to give him that authority. We do not have to mandate. If he is going to do his job, just give him the authority and let him go to work and give that money back to the people in the Western United States. It was stolen from them.

Earlier we talked about put this behind us. The gentleman talked about putting it behind us. It is history. Well, you really cannot put a crime behind you when you have not had restitution, and we have not had our restitution. In fact, we are still paying more for our electricity today, day in, day out.

Nothing is more detrimental to the economic recovery of the Pacific Northwest than the fact that we are still paying more than we should for our electricity because it was stolen from us by the Enron Corporation, based in Texas, and no relief has been granted by the Federal Energy Regulatory Commission, led by Pat Wood of Texas, who was recommended for that job by Ken Lay of Enron, who still has not gone to jail and who was factually before this campaign the single largest lifetime contributor to George Bush, the President of the United States.

This stinks.

Ms. ESHOO. Madam Chairman, I yield to the gentleman from California (Mrs. DAVIS), for the purpose of a unanimous consent request.

(Mrs. DAVIS of California asked and was given permission to revise and extend her remarks.)

Mrs. DAVIS of California. Madam Chairman, I rise in support of this amendment, because I think it is appropriate to address the failure of FERC for adjusting reasonable rates within this energy bill.

I support the Energy and Water Bill that is before us today because on balance there are a number of important programs that are supported.

However, it is an energy bill, and it has failed to address a critical energy issue facing the western states.

I support the amendment of my California colleague Ms. ESHOO.

This bill should address the failure of the Federal Energy Regulatory Commission [FERC] over the past four years to see that energy rates are "fair and just"; to review the evidence in the tapes which they have had in their possession to look for market manipulation; to hold meaningful, public hearings on the energy market gaming that occurred so widely in California and the West Coast beginning in the spring of 2000; and to order the energy companies which committed massive fraud to refund the \$9 billion that should be restored to California ratepayers in addition to refunds for manipulated rates in other states.

You have heard how the recently revealed tapes of employees of the energy companies show that they intentionally, cynically, and repeatedly manipulated energy supplies in order to create exorbitant, unjustified profits for those companies.

My district San Diego bore the brunt of the first tripling of energy bills. Not only the mythical Grandma Millie but many real people suffered: the elderly and frail on fixed incomes; small business owners whose product requires high levels of energy; museums, churches and temples, schools and universities, government offices; and every family struggling to meet its budget.

Congress has an obligation to address this failure by FERC to take action. Potential court action is no excuse for Congressional inaction.

Ms. ESHOO. Madam Chairman, I yield myself the balance of my time to make a closing statement.

Madam Chairman, I thank all of my colleagues that have fought so hard and so courageously for 4 years.

Madam Chairman, this is an issue about greed, greed gone absolutely

wild; and the victims of the greed, this insatiable greed for money, money, money, money, money, are the people of my State of California, the people of the State of Washington, the people of the State of Oregon, the people of the State of Nevada.

I have heard some really outrageous things here today. You, my friends, have been given the power by the people of the United States of America to hold the majority here. For 4 years we have fought. Not one hearing was even granted in the Committee on Energy and Commerce.

We have presented solutions for restitution to our people, for refunds, and have been denied over and over and over again. So there has not only been an abuse of power by the power companies, but by the majority party in this House.

Now we have come forward and requested last evening at the Committee on Rules that all points be waived in order to present an amendment for refunds. That was denied. Now the gentleman from Ohio (Mr. HOBSON) has allowed this limited amendment that we now have on the floor.

Make no mistake, not one Republican from the State of California supported in 4 years a refund to our people. This legislation has been there. We have sent Dear Colleague letters. I will not yield, because I waited 4 years for this moment, and this is for our constituents. They have not used their power to bring about restitution to them.

How much more evidence do you need? You have heard the tapes. It is not just about being upset about the evidence. It is up to us, those who have been vested with the power, to do something on behalf of the consumer. It is not enough to say our constituents have been hurt. Use the power. Use the power to override the power of the power companies that manipulated, that extracted, and then bragged about it.

Shame on anyone that would not stand next to the grandmother that these people referred to and were so gleeful about picking her pockets. Shame on them. Shame on anyone that does not fight every day to make good for these people.

These are the extraordinary, ordinary people of our country. That is who we stand next to. We invite you to finally do something, to take one tiny step, if you have it in you, to do that.

The White House turned us down, the Federal Energy Regulatory Commission turned us down, the chairman of the Committee on Energy and Commerce turned us down over and over and over again.

So I say to those that stand next to the consumer, no matter how frustrating, no matter how dark it has been, let us do something about it. We have had the solution. We come forward now with a very small one.

I thank everyone that has been part of the effort. You have been absolutely

magnificent. And I am proud to serve with those that, even in the worst of times, sought to do something about it. It is what people sent us here for. Do not forget that. That is what our power is for. Not for Enron, not for Reliant, not for people that commit criminal activities against those that send us here to stand up for them.

Madam Chairman, I thank the gentleman from Ohio (Mr. HOBSON) for allowing this to be brought to the floor and debated.

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

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

The CHAIRMAN pro tempore (Mrs. BIGGERT). The question is on the amendment offered by the gentleman from California (Ms. ESHOO).

The amendment was agreed to.

AMENDMENT NO. 2 OFFERED BY MR. HEFLEY

Mr. HEFLEY. Madam 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. 2 offered by Mr. HEFLEY:
Page 38, line 11, after the dollar amount, insert the following: "(reduced by \$28,500,000)".

Mr. HEFLEY. Madam Chairman, I rise today to offer an amendment, which I am going to ask unanimous consent to withdraw, but I do want to make this point: this amendment would cut the line item for the Appalachian Regional Commission by \$28.5 million. The amendment would leave \$10 million for termination of the program.

Three weeks ago, we buried Ronald Reagan. Some of us were moved to reminisce about those days and the ideas that brought many of us here. Looking back, a lot of those ideas that made sense then still make sense today. And one of those ideas was getting rid of the Appalachian Regional Commission, and it still makes sense today.

Now, first of all, I want to applaud the efforts of our chairman, the gentleman from Ohio (Mr. HOBSON), in looking at this program critically and cutting a good deal out of this program. He is going in the right direction. Last year, he stated that if he had his way he would do away with the ARC; and, true to his word, he is doing what he can to eliminate it.

This year, the bill recommends a \$38.5 million appropriation for the commission, \$27.5 million, or about 45 percent, less than the President's request. This is much less than just 5 to 10 years ago, when we spent upwards of \$200 million on this program.

So I am saying, let us go the rest of the way and eliminate this redundant program altogether.

The ARC purports to provide guidance and financial assistance to 13 Appalachian States to promote economic growth in the region. Let me read you those States and you see if by any rea-

sonable definition this is Appalachia. Alabama, Georgia, Kentucky, Maryland, Mississippi, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, and West Virginia.

West Virginia was the cornerstone of the Appalachian Commission, and since the Appalachian Commission has been in existence, West Virginia has gone from 43rd in economic development to 49th. So it tells you the effectiveness of the Appalachian Commission.

Until the past few years, the ARC was among our most expensive economic development programs, \$282 million in 1995, just 10 years ago. Yet despite such spending, after 30 years of existence, there is no convincing evidence that the ARC has created new jobs or capital investment. Indeed, there is some evidence that this region is getting poorer relative to the rest of the country.

It is time to try something different. There are other programs that do better what the ARC does less well: the Department of Transportation's highway program, a host of programs under the Department of Housing and Urban Development.

Further, each of the 13 States and within them many of the counties and municipalities within those States have economic development agencies that are better suited and better qualified to judge the needs of these areas than the ARC.

As I said, it is time to phase out this program. But in deference to the excellent job that I think the chairman is doing, the gentleman from Ohio (Mr. HOBSON) is headed in the right direction on this, I will ask unanimous consent that my amendment be withdrawn.

Madam Chairman, I ask unanimous consent to withdraw my amendment.

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

Mr. HOBSON. Madam Chairman, reserving the right to object, and I will not object, I would just like to state that I appreciate the amendment offered by my colleague from Colorado. I happen to agree with the gentleman about this agency. I think it is one of the biggest pork-barrel projects we have here. When I was on the Committee on the Budget with John Kasich, we tried to do away with this.

However, there are a lot of people that like to give their Governors the ability to do these pork-barrel projects; and, therefore, I do not think this amendment will pass, even though I would probably vote for it. So I appreciate the gentleman withdrawing his amendment.

Madam Chairman, I withdraw my reservation of objection.

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

Mr. RAHALL. Madam Chairman, reserving the right to object, I appreciate the gentleman from Colorado agreeing

to withdraw his amendment. Of course, I would have spoken very vehemently in opposition to it.

The gentleman has mentioned that my home State of West Virginia is not necessarily being improved by the ARC. I would submit those conditions from whatever report the gentleman is quoting are based on other conditions, other than what ARC has done for our region, because the Appalachian Regional Commission has dramatically improved life in Appalachia, and it has helped us get back on our feet in many depressed areas of this country.

It is a program that works, it works from the grassroots up, not from the top down. So I would submit to the gentleman that the ARC is still vitally needed in many Appalachian poor rural parts of this Nation.

My home State of West Virginia happens to be the only State that is totally within the 13-state ARC region, and we strongly support the program.

Madam Chairman, I rise to protest the amendment to gut the Appalachian Regional Commission ARC, just as we prepare to cut the ribbon on a new wastewater treatment system for Baghdad paid for by the American people. The ARC provides vital infrastructure investments throughout Appalachia, a historically distressed area of the country that spans 13 states including all of West Virginia, my home state.

In the 1960s, President Johnson carried out a promise to help raise the Appalachian region out of its crushing poverty when he formed the ARC. His efforts created a federal-state partnership that works with the people of Appalachia to create opportunities for self-sustaining economic development and improved quality of life.

Today, the ARC plays an integral role in providing for development and jobs throughout 410 counties across a 200,000 square mile region. And, the Appalachian region is dramatically improved because of this effort.

Madam Chairman, some have questioned the value of the ARC. In response, I would like to note a few examples of the good work the ARC has done most recently in Southern West Virginia:

\$1 million grant to the Wyoming County Commission and the eastern Wyoming Public Service District (PSD) for construction of a new water treatment plant that will allow the consolidation of seven local providers into a regional water system serving 1549 customers. Six area communities are currently served by small private water systems (originally built to serve coal camps) that chronically violate water quality standards.

A \$250,000 grant to West Virginia Citizens Conservation Corps, Inc. to the Twin Branch Recreation and Environmental Education Center near Davy, located on reclaimed mine lands, and with the purpose of developing a sustainable outdoor recreation center that would attract visitors to McDowell County. The complex will ultimately include trailheads on the Hatfield-McCoy trail system, campsites and cabins, a retreat center, and an environmental education center.

Other recent ARC projects about which I have proudly spoken in the recent past include:

A \$100,000 grant to the Prichard, WV Public Service District to construct a wastewater col-

lection and treatment system that will provide water to 225 customers and create 148 jobs in Wayne County, WV.

A \$1 million grant to the Glen White/Trap Hill Public Service District in Raleigh County, WV, will fund construction of a three water storage tanks and replace some existing water lines while extending service to surrounding communities that had to rely on underground wells.

In Boone County, WV, a \$680,000 grant from the ARC is being used to extend waterlines to Julian, WV.

A \$75,000 grant to the West Virginia Access Center for Higher Education in Bluefield, WV, to help increase the number of high school students who go on to attend college.

Now, I don't think the people who live in Wyoming County, Twin Branch, Prichard, Glen White, Julian, or Bluefield will claim that the ARC is somehow not worthwhile.

However, Madam Chairman, Mr. Speaker, there remains more work to be done to fulfill the promise made. We're still struggling to get on our feet.

But the amendment will undo all of those efforts. At a time when the Appalachian people need the sustained help to achieve their potential, this amendment would pull the rug out from underneath them.

Madam Chairman, that's just wrong. It's crass, and it's craven.

Madam Chairman, that great West Virginian, Senator ROBERT BYRD, is the sponsor of a Senate bill to complete construction of the Appalachian Development Highway System. I proudly note that I am the sponsor of the House version of the same bill, H.R. 2381, which is cosponsored by my fellow West Virginian and close friend, ALAN MOLLOHAN, and that stalwart ARC supporter from Ohio, my friend TED STRICKLAND. Each of us recognizes the value of the Appalachian Regional Commission.

I urge my colleagues recognize that value too.

I urge my colleagues to remember the ARC is a worthwhile program that has benefited so many lives, and continues to do so.

Vote against this amendment.

Mr. BOUCHER. Madam Chairman, I rise in strong opposition to the amendment offered by the gentleman from Colorado.

The ARC is a tremendous force for progress in the region I represent. Almost every water and wastewater project has an element of ARC funding at its core.

The ARC has helped us build industrial parks, shell buildings and industrial access roads that have enabled broad economic growth.

Community libraries, health care clinics and vital broadband deployment projects have been boosted in my region by the ARC.

Studies have shown that every dollar expended by the ARC on an industry attracting infrastructure project stimulates \$12 in private investment, creating jobs, improving the economy, and expanding revenues for local governments.

The ARC has helped us tremendously, and we need its help in the future as much as in past years.

I urge defeat of the amendment and full funding for the Appalachian Regional Commission.

Mr. OBERSTAR. Madam Chairman, I rise in strong opposition to the amendment offered by the gentleman from Colorado.

Madam Chairman, the Appalachian Regional Commission (ARC) is a true American success story. Throughout its existence, it has consistently risen to the challenge of leveraging federal dollars in a prudent manner, providing a fair return, both socially and economically, for the Federal Government's investment.

The Appalachian Regional Commission was created in 1965 to provide social and economic support to severely distressed counties in the Appalachian states stretching from New York to Mississippi. Its goal is to bring over 23 million citizens in 410 counties into America's economic mainstream.

There is no doubt the public works and infrastructure projects supported by the ARC are having a very positive effect in meeting the challenges of the Appalachian region. Building on their successful strategy of a regional approach, the ARC encourages affected states to work cooperatively to address issues of economic distress particular to the Appalachian region.

Very importantly, Madam Chairman, ARC programs do not duplicate other federal programs. ARC programs respond to locally identified needs and are extremely flexible in their ability to quickly respond to the unique problems of the Appalachian region.

The ARC's record is truly impressive. Under its tenure, the number of distressed counties has been cut by more than half, from 223 in 1965 to 91 in 2004. Furthermore, the poverty rate has been cut by more than half, from 31 percent to 13 percent. Infant mortality has dropped significantly, high school graduation rates now mirror those of the nation as a whole, and more than 800,000 Appalachian residents have access to clean water and sanitation facilities through ARC projects.

In 2003, the ARC's "smart business" approach leveraged \$185,905,000 in other public funds, and over \$464,107,000 in private funds.

Much work still needs to be done. This region has been disproportionately hard hit by loss of jobs in the manufacturing sector. One out of every five jobs lost in manufacturing has been in Appalachia. In northern Appalachia, the steel industry has likewise suffered major job losses, while in central Appalachia the number of workers in the mining industry continues to fall. Unemployment rates stubbornly continue to exceed the national average, and the Appalachian region continues to suffer from disproportionately high rates of chronic disease such as cardiovascular disease, cancer and diabetes.

Now is certainly not the time to short-change this Commission, which has a proven track record of effectiveness, and efficiency.

Madam Chairman, as I recall the last attempt to dismantle the ARC through a reduction in funding was overwhelmingly rejected by this body by a vote of 328 to 97. I urge my colleagues to join me once again to reject, resoundly and overwhelmingly, this amendment.

Mr. RAHALL. Madam Chairman, I withdraw my reservation of objection.

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

There was no objection.

The CHAIRMAN pro tempore. The amendment is withdrawn.

Ms. LORETTA SANCHEZ of California. Madam Chairman, I move to strike the last word.

Madam Chairman, I rise in strong support of the Energy and Water Development Appropriations Act, H.R. 4614. I would, however, like to ask the distinguished chairman about language in the bill report that would require the Army Corps of Engineers to seek congressional approval whenever the Corps reprograms funds for major water development programs.

□ 1300

My district in Orange County, California, would be particularly affected by any changes to the reprogramming policy. In recent years, the Army Corps of Engineers reprogrammed between \$10 million to \$12 million that Congress had originally appropriated to shore up flood protection along the Santa Ana River in my area.

We are now in dire need of that money to continue building up our flood protection for the growing urban communities in Orange, Riverside, and San Bernardino counties.

Without the successful completion of the project, the corps estimates that over 3.35 million people would be endangered and that it could probably destroy up to \$15 billion in property value if we do not get that project completed.

So I am asking the distinguished chairman, will the Army Corps continue to have the authority to ship money back to those ongoing projects from which it had previously borrowed? I understand there is report language directing the court to return funds to appropriated programs. I would like to know, would this apply to the Santa Ana River Mainstem project?

Mr. HOBSON. Madam Chairman, will the gentlewoman yield?

Ms. LORETTA SANCHEZ of California. I yield to the gentleman from Ohio.

Mr. HOBSON. Madam Chairman, I thank the gentlewoman for her support and her inquiry.

I would assure her that nothing in the bill or the report would prevent the Army Corps of Engineers from returning funds to donor projects. In fact, as the gentlewoman has observed, the bill report includes language that specifically instructs the corps to be as diligent in returning funds as it has been in reprogramming them. Again, I thank the gentlewoman from California for her inquiry and hope this clarification has worked to address her concerns.

The ranking member and I have undertaken a very strong look at the reprogrammings in the Corps of Engineers, much more so than in past years, and we are making them report to us, and we are signing off on them, and we are watching these much more diligently than we had been in the past, and we think it will work out much better in the future.

Ms. LORETTA SANCHEZ of California. Madam Chairman, I know that the gentleman from Ohio (Mr. HOBSON) as the other subcommittee had been able to tighten things up also, and I ap-

preciate the new policy that the gentleman is trying to move forward. Again, I am just concerned, as this is a major project for almost 4 million people in that area, and we are at that point where we are really going to get a lot of it done, and we need those funds to be brought back in.

Mr. HOBSON. Madam Chairman, I agree.

AMENDMENT OFFERED BY MRS. WILSON OF NEW MEXICO

Mrs. WILSON of New Mexico. Madam Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mrs. WILSON of New Mexico:

Page 21, line 16, after the dollar amount, insert "(reduced by \$5,000,000)".

Page 23, line 16, after the dollar amount, insert "(increased by \$5,000,000)".

Mrs. WILSON of New Mexico (during the reading). Madam Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore (Mrs. BIGGERT). Is there objection to the request of the gentlewoman from New Mexico?

There was no objection.

Mr. HOBSON. Madam Chairman, I ask unanimous consent that debate on this amendment and any amendments thereto be limited to 10 minutes to be equally divided and controlled by the proponent and myself, the opponent.

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

There was no objection.

Mrs. WILSON of New Mexico. Madam Chairman, I yield myself such time as I may consume.

(Mrs. WILSON of New Mexico asked and was given permission to revise and extend her remarks.)

Mrs. WILSON of New Mexico. Madam Chairman, this amendment transfers \$5 million from administrative accounts in the Department of Energy to two different programs in the Defense Nuclear Nonproliferation account. Those two programs do two things: first, accelerate the return of highly enriched uranium from Russian-built reactors abroad and transition those reactors to low-enriched uranium; and, secondly, convert other reactors to low-enriched uranium.

All of us here understand the difficulty and the importance of nonproliferation efforts. One of the most successful efforts has been working with the Russians and with others to consolidate highly enriched uranium, because the material is the most difficult thing to get in order to build a nuclear weapon.

In the House Committee on Armed Services we had discussions about whether these programs could be accelerated and how fast they could be accelerated. Unfortunately, we did not get answers to those questions before the Defense authorization bill passed this House, and we will have to address it in conference.

Since this time, the administration has come forward with numbers and with a global threat initiative focusing, in particular, on consolidation of nuclear material. And the answer is, to accelerate this program significantly, they can do so with a very small amount of money, and that is the \$5 million we are proposing to move.

It takes that money from the administrative line in the Department. I would note that the Department administration has been increased by \$28 million over the previous year, and I think that a priority must be for this House to make very clear that we wish to accelerate the consolidation of highly enriched uranium around the world.

I would also, Madam Chairman, like to express my concerns about other problems in the report language to this, that accompanies this bill. I intend to vote in favor of this bill. We cannot amend report language, because report language does not have the status of law. But when I vote "yes," I am not voting "yes" on the report language. There are serious problems with the report language: inconsistencies in the report language with actually other elements of law. But the overall numbers in the bill will allow the Department of Energy to carry out its important work for the Nation, and the weapons program in particular is funded at \$6.5 billion.

I would particularly like to applaud the chairman on his increase in research in the Office of Science, and I would urge support of my amendment and the acceptance of the amendment so that we can accelerate the consolidation of this material elsewhere and accelerate the transitioning of reactors around the world from using highly enriched uranium which can be used in nuclear weapons to low-enriched uranium, which cannot.

Madam Chairman, I reserve the balance of my time.

Mr. HOBSON. Madam Chairman, I rise in opposition to this amendment, and I yield myself such time as I may consume.

We have been very generous to a lot of the accounts in here. Some of the accounts we have taken money away from that are being stripped out here. I would oppose this amendment. Nonproliferation is very important. Over the years we have continued to fund nonproliferation, even sometimes when the accounts were carried very high. I think this amendment is not meritorious at this time; and, therefore, I oppose the amendment.

Madam Chairman, I yield such time as he may consume to the gentleman from Indiana (Mr. VISCLOSKY).

Mr. VISCLOSKY. Madam Chairman, I simply want to rise to associate myself with the gentleman's remarks and the gentleman's objection. I do appreciate the intent, and I do want to work with the gentlewoman as we proceed at conference, but I am opposed to the amendment.

Mrs. WILSON of New Mexico. Madam Chairman, I yield myself such time as I may consume.

It seems to me that this is a small price to pay to accelerate one of the most important programs for the country in order to fight the problem of proliferation of weapons of mass destruction. It is a very, very small amount of money. And if we weigh the importance of administration and the importance of rapidly accelerating one of the most important programs and consolidating weapons-grade uranium that was formerly in the former Soviet Union, I think there is no question about what our priorities as a Nation should be. It is a small amount of money; and, frankly, I am a little surprised that it was not just accepted by the committee.

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

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

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

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

Mrs. WILSON of New Mexico. Madam 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 gentlewoman from New Mexico (Mrs. WILSON) will be postponed.

Mr. HOBSON. Madam Chairman, I move that the Committee do now rise. The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. SHIMKUS) having assumed the chair, Mrs. BIGGERT, 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. 4614) making appropriations for energy and water development for the fiscal year ending September 30, 2005, and for other purposes, had come to no resolution thereon.

LIMITATION ON AMENDMENTS DURING FURTHER CONSIDERATION OF H.R. 4614, ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 2005

Mr. HOBSON. Mr. Speaker, I ask unanimous consent that during further consideration of H.R. 4614 in the Committee of the Whole, pursuant to House Resolution 694, that the bill shall be considered as read and open for amendment at any point from page 19, line 16 through the end of the bill; points of order against provisions in the bill shall be permitted to be raised at any time; no further amendment to the bill may be offered, except: pro forma amendments offered by the chairman or ranking member of the Committee on Appropriations or their designees for the purpose of debate; amendment

No. 1, which shall be debatable for 10 minutes; an amendment by Mr. INSLEE regarding the reclassification of nuclear waste, which shall be debatable for 10 minutes; and an amendment by Mr. MEEHAN regarding a transfer of funds between NNSA and the non-proliferation account, which shall be debatable for 20 minutes.

Each such amendment may be offered only by the Member designated in this request, or the designee, or the Member who caused it to be printed, or a designee, shall be considered as read, shall not be subject to amendment, and shall not be subject to a demand for a division of the question in the House or in the Committee of the Whole.

Each amendment shall be debatable for the time specified, equally divided and controlled by the proponent and an opponent.

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

There was no objection.

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 2005

The SPEAKER pro tempore. Pursuant to House Resolution 694 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. 4614.

□ 1311

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. 4614) making appropriations for energy and water development for the fiscal year ending September 30, 2005, and for other purposes, with Mrs. BIGGERT (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 earlier today, a recorded vote demanded on the amendment offered by the gentlewoman from New Mexico (Mrs. WILSON) had been postponed.

Pursuant to the order of the House of today, the bill shall be considered as read and open for amendment at any point from page 19, line 16 through the end of the bill.

The text of the bill from page 19, line 16 through the end of the bill is as follows:

NON-DEFENSE SITE ACCELERATION COMPLETION

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other expenses necessary for non-defense environmental management site acceleration completion activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, \$151,850,000, to remain available until expended.

URANIUM ENRICHMENT DECONTAMINATION AND DECOMMISSIONING FUND

For necessary expenses in carrying out uranium enrichment facility decontamination and decommissioning, remedial actions, and other activities of title II of the Atomic Energy Act of 1954, as amended, and title X, subtitle A, of the Energy Policy Act of 1992, \$500,200,000, to be derived from the Fund, to remain available until expended, of which \$100,614,000 shall be available in accordance with title X, subtitle A, of the Energy Policy Act of 1992.

NON-DEFENSE ENVIRONMENTAL SERVICES

For Department of Energy expenses necessary for non-defense environmental services activities that indirectly support the accelerated cleanup and closure mission at environmental management sites, including the purchase, construction, and acquisition of plant and capital equipment and other necessary expenses, \$291,296,000, to remain available until expended.

SCIENCE

For Department of Energy expenses including the purchase, construction and acquisition of plant and capital equipment, and other expenses necessary for science activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or facility or for plant or facility acquisition, construction, or expansion, and purchase of not to exceed four passenger motor vehicles for replacement only, including one ambulance, \$3,599,964,000, to remain available until expended.

DEPARTMENTAL ADMINISTRATION

For salaries and expenses of the Department of Energy necessary for departmental administration in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the hire of passenger motor vehicles and official reception and representation expenses (not to exceed \$35,000), \$243,876,000, to remain available until expended, plus such additional amounts as necessary to cover increases in the estimated amount of cost of work for others notwithstanding the provisions of the Anti-Deficiency Act (31 U.S.C. 1511 et seq.): *Provided*, That such increases in cost of work are offset by revenue increases of the same or greater amount, to remain available until expended: *Provided further*, That moneys received by the Department for miscellaneous revenues estimated to total \$122,000,000 in fiscal year 2005 may be retained and used for operating expenses within this account, and may remain available until expended, as authorized by section 201 of Public Law 95-238, notwithstanding the provisions of 31 U.S.C. 3302: *Provided further*, That the sum herein appropriated shall be reduced by the amount of miscellaneous revenues received during fiscal year 2005, and any related unappropriated receipt account balances remaining from prior years' miscellaneous revenues, so as to result in a final fiscal year 2005 appropriation from the general fund estimated at not more than \$121,876,000.

OFFICE OF THE INSPECTOR GENERAL

For necessary expenses of the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, \$41,508,000, to remain available until expended.

ATOMIC ENERGY DEFENSE ACTIVITIES

NATIONAL NUCLEAR SECURITY

ADMINISTRATION

WEAPONS ACTIVITIES

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and

other incidental expenses necessary for atomic energy defense weapons activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion; and the purchase of not to exceed 19 passenger motor vehicles, for replacement only, including not to exceed two buses; \$6,514,424,000 to remain available until expended.

DEFENSE NUCLEAR NONPROLIFERATION

For Department of Energy expenses, including the purchase, construction and acquisition of plant and capital equipment and other incidental expenses necessary for atomic energy defense, defense nuclear nonproliferation activities, in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, \$1,348,647,000, to remain available until expended.

NAVAL REACTORS

For Department of Energy expenses necessary for naval reactors activities to carry out the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition (by purchase, condemnation, construction, or otherwise) of real property, plant, and capital equipment, facilities, and facility expansion, \$807,900,000, to remain available until expended.

OFFICE OF THE ADMINISTRATOR

For necessary expenses of the Office of the Administrator in the National Nuclear Security Administration, including official reception and representation expenses (not to exceed \$12,000), \$356,200,000, to remain available until expended.

ENVIRONMENTAL AND OTHER DEFENSE ACTIVITIES

DEFENSE SITE ACCELERATION COMPLETION

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other expenses necessary for atomic energy defense site acceleration completion activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, \$5,930,837,000, to remain available until expended.

DEFENSE ENVIRONMENTAL SERVICES

For Department of Energy expenses necessary for defense-related environmental services activities that indirectly support the accelerated cleanup and closure mission at environmental management sites, including the purchase, construction, and acquisition of plant and capital equipment and other necessary expenses, and the purchase of not to exceed three ambulances for replacement only, \$957,976,000, to remain available until expended.

OTHER DEFENSE ACTIVITIES

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other expenses, necessary for atomic energy defense, other defense activities, and classified activities, in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, \$697,059,000, to remain available until expended.

DEFENSE NUCLEAR WASTE DISPOSAL

For nuclear waste disposal activities to carry out the purposes of Public Law 97-425, as amended, including the acquisition of real property or facility construction or expansion, \$131,000,000, to remain available until expended.

POWER MARKETING ADMINISTRATIONS

BONNEVILLE POWER ADMINISTRATION FUND

Expenditures from the Bonneville Power Administration Fund, established pursuant to Public Law 93-454, are approved for official reception and representation expenses in an amount not to exceed \$1,500. During fiscal year 2005, no new direct loan obligations may be made.

OPERATION AND MAINTENANCE, SOUTHEASTERN POWER ADMINISTRATION

For necessary expenses of operation and maintenance of power transmission facilities and of marketing electric power and energy, including transmission wheeling and ancillary services, pursuant to the provisions of section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the southeastern power area, \$5,200,000, to remain available until expended: *Provided*, That, notwithstanding the provisions of 31 U.S.C. 3302, up to \$34,000,000 collected by the Southeastern Power Administration pursuant to the Flood Control Act of 1944 to recover purchase power and wheeling expenses shall be credited to this account as offsetting collections, to remain available until expended for the sole purpose of making purchase power and wheeling expenditures.

OPERATION AND MAINTENANCE, SOUTHWESTERN POWER ADMINISTRATION

For necessary expenses of operation and maintenance of power transmission facilities and of marketing electric power and energy, for construction and acquisition of transmission lines, substations and appurtenant facilities, and for administrative expenses, including official reception and representation expenses in an amount not to exceed \$1,500 in carrying out the provisions of section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the southwestern power area, \$29,352,000, to remain available until expended: *Provided*, That, notwithstanding the provisions of 31 U.S.C. 3302, up to \$1,800,000 collected by the Southwestern Power Administration pursuant to the Flood Control Act of 1944 to recover purchase power and wheeling expenses shall be credited to this account as offsetting collections, to remain available until expended for the sole purpose of making purchase power and wheeling expenditures.

CONSTRUCTION, REHABILITATION, OPERATION AND MAINTENANCE, WESTERN AREA POWER ADMINISTRATION

For carrying out the functions authorized by title III, section 302(a)(1)(E) of the Act of August 4, 1977 (42 U.S.C. 7152), and other related activities including conservation and renewable resources programs as authorized, including official reception and representation expenses in an amount not to exceed \$1,500, \$173,100,000, to remain available until expended, of which \$170,756,000 shall be derived from the Department of the Interior Reclamation Fund: *Provided*, That, notwithstanding the provisions of 31 U.S.C. 3302, up to \$186,000,000 collected by the Western Area Power Administration pursuant to the Flood Control Act of 1944 and the Reclamation Project Act of 1939 to recover purchase power and wheeling expenses shall be credited to this account as offsetting collections, to remain available until expended for the sole purpose of making purchase power and wheeling expenditures.

FALCON AND AMISTAD OPERATING AND MAINTENANCE FUND

For operation, maintenance, and emergency costs for the hydroelectric facilities at the Falcon and Amistad Dams, \$2,827,000, to remain available until expended, and to be derived from the Falcon and Amistad Operating and Maintenance Fund of the Western Area Power Administration, as provided in section 423 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995.

FEDERAL ENERGY REGULATORY COMMISSION SALARIES AND EXPENSES

For necessary expenses of the Federal Energy Regulatory Commission to carry out the provisions of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including services as authorized by 5 U.S.C. 3109, the hire of passenger motor vehicles, and official reception and representation expenses (not to exceed \$3,000), \$210,000,000, to remain available until expended: *Provided*, That, notwithstanding any other provision of law, not to exceed \$210,000,000 of revenues from fees and annual charges, and other services and collections in fiscal year 2005 shall be retained and used for necessary expenses in this account, and shall remain available until expended: *Provided further*, That the sum herein appropriated from the general fund shall be reduced as revenues are received during fiscal year 2005 so as to result in a final fiscal year 2005 appropriation from the general fund estimated at not more than \$0.

GENERAL PROVISIONS

DEPARTMENT OF ENERGY

SEC. 301. (a)(1) None of the funds in this or any other appropriations Act for fiscal year 2005 or any previous fiscal year may be used to make payments for a noncompetitive management and operating contract unless the Secretary of Energy has published in the Federal Register and submitted to the Committees on Appropriations of the House of Representatives and the Senate a written notification, with respect to each such contract, of the Secretary's decision to use competitive procedures for the award of the contract, or to not renew the contract, when the term of the contract expires.

(2) Paragraph (1) does not apply to an extension for up to two years of a noncompetitive management and operating contract, if the extension is for purposes of allowing time to award competitively a new contract, to provide continuity of service between contracts, or to complete a contract that will not be renewed.

(b) In this section:

(1) The term "noncompetitive management and operating contract" means a contract that was awarded more than 50 years ago without competition for the management and operation of Ames Laboratory, Argonne National Laboratory, Lawrence Berkeley National Laboratory, Lawrence Livermore National Laboratory, and Los Alamos National Laboratory.

(2) The term "competitive procedures" has the meaning provided in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403) and includes procedures described in section 303 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253) other than a procedure that solicits a proposal from only one source.

(c) For all management and operating contracts other than those listed in subsection (b)(1), none of the funds appropriated by this Act may be used to award a management and operating contract, or award a significant extension or expansion to an existing management and operating contract, unless such contract is awarded using competitive procedures or the Secretary of Energy grants, on

a case-by-case basis, a waiver to allow for such a deviation. The Secretary may not delegate the authority to grant such a waiver. At least 60 days before a contract award for which the Secretary intends to grant such a waiver, the Secretary shall submit to the Committees on Appropriations of the House of Representatives and the Senate a report notifying the Committees of the waiver and setting forth, in specificity, the substantive reasons why the Secretary believes the requirement for competition should be waived for this particular award.

SEC. 302. None of the funds appropriated by this Act may be used to—

(1) develop or implement a workforce restructuring plan that covers employees of the Department of Energy; or

(2) provide enhanced severance payments or other benefits for employees of the Department of Energy under section 3161 of the National Defense Authorization Act for Fiscal Year 1993 (P.L. 102-484; 42 U.S.C. 7274h).

SEC. 303. None of the funds appropriated by this Act may be used to augment the funds made available for obligation by this Act or any other appropriations Act for fiscal year 2005 or any previous fiscal year for severance payments and other benefits and community assistance grants under section 3161 of the National Defense Authorization Act for Fiscal Year 1993 (P.L. 102-484; 42 U.S.C. 7274h) unless the Department of Energy submits a reprogramming request subject to approval by the appropriate congressional committees.

SEC. 304. None of the funds appropriated by this Act may be used to prepare or initiate Requests For Proposals (RFPs) for a program if the program has not been funded by Congress.

(TRANSFERS OF UNEXPENDED BALANCES)

SEC. 305. The unexpended balances of prior appropriations provided for activities in this Act may be transferred to appropriation accounts for such activities established pursuant to this title. Balances so transferred may be merged with funds in the applicable established accounts and thereafter may be accounted for as one fund for the same time period as originally enacted.

SEC. 306. None of the funds in this or any other Act for the Administrator of the Bonneville Power Administration may be used to enter into any agreement to perform energy efficiency services outside the legally defined Bonneville service territory, with the exception of services provided internationally, including services provided on a reimbursable basis, unless the Administrator certifies in advance that such services are not available from private sector businesses.

SEC. 307. When the Department of Energy makes a user facility available to universities or other potential users, or seeks input from universities or other potential users regarding significant characteristics or equipment in a user facility or a proposed user facility, the Department shall ensure broad public notice of such availability or such need for input to universities and other potential users. When the Department of Energy considers the participation of a university or other potential user as a formal partner in the establishment or operation of a user facility, the Department shall employ full and open competition in selecting such a partner. For purposes of this section, the term "user facility" includes, but is not limited to: (1) a user facility as described in section 2203(a)(2) of the Energy Policy Act of 1992 (42 U.S.C. 13503(a)(2)); (2) a National Nuclear Security Administration Defense Programs Technology Deployment Center/User Facility; and (3) any other Departmental facility designated by the Department as a user facility.

SEC. 308. The Administrator of the National Nuclear Security Administration may authorize the manager of a covered nuclear weapons research, development, testing or production facility to engage in research, development, and demonstration activities with respect to the engineering and manufacturing capabilities at such facility in order to maintain and enhance such capabilities at such facility: *Provided*, That of the amount allocated to a covered nuclear weapons facility each fiscal year from amounts available to the Department of Energy for such fiscal year for national security programs, not more than an amount equal to 2 percent of such amount may be used for these activities: *Provided further*, That for purposes of this section, the term "covered nuclear weapons facility" means the following:

(1) the Kansas City Plant, Kansas City, Missouri;

(2) the Y-12 Plant, Oak Ridge, Tennessee;

(3) the Pantex Plant, Amarillo, Texas;

(4) the Savannah River Plant, South Carolina; and

(5) the Nevada Test Site.

SEC. 309. Funds appropriated by this or any other Act, or made available by the transfer of funds in this Act, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2005 until the enactment of the Intelligence Authorization Act for fiscal year 2005.

SEC. 310. None of the funds made available in this or any other appropriations Act for fiscal year 2005 or any previous fiscal year may be used to select a site for a Modern Pit Facility during fiscal year 2005.

SEC. 311. None of the funds made available in this Act for fiscal year 2005 or any previous fiscal year may be used to finance laboratory directed research and development activities at Department of Energy laboratories on behalf of other Federal agencies.

SEC. 312. (a) None of the funds made available by this Act may be used to issue any license, approval, or authorization for the export or reexport, or transfer, or retransfer, whether directly or indirectly, of nuclear materials and equipment or sensitive nuclear technology, including items and assistance authorized by section 57 b. of the Atomic Energy Act of 1954 and regulated under part 810 of title 10, Code of Federal Regulations, and nuclear-related items on the Commerce Control List maintained under part 774 of title 15 of the Code of Federal Regulations, to any country whose government has been identified by the Secretary of State as engaged in state sponsorship of terrorist activities (specifically including any country the government of which has been determined by the Secretary of State under section 620A(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2371(a)), section 6(j)(1) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)(1)), or section 40(d) of the Arms Export Control Act (22 U.S.C. 2780(d)) to have repeatedly provided support for acts of international terrorism).

(b) This section shall not apply to exports, reexports, transfers, or retransfers of radiation monitoring technologies, surveillance equipment, seals, cameras, tamper-indication devices, nuclear detectors, monitoring systems, or equipment necessary to safely store, transport, or remove hazardous materials, whether such items, services, or information are regulated by the Department of Energy, the Department of Commerce, or the Nuclear Regulatory Commission, except to the extent that such technologies, equipment, seals, cameras, devices, detectors, or systems are available for use in the design or construction of nuclear reactors or nuclear weapons.

(c) The President may waive the application of subsection (a) to a country if the President determines and certifies to Congress that the waiver will not result in any increased risk that the country receiving the waiver will acquire nuclear weapons, nuclear reactors, or any materials or components of nuclear weapons and—

(1) the government of such country has not within the preceding 12-month period willfully aided or abetted the international proliferation of nuclear explosive devices to individuals or groups or willfully aided and abetted an individual or groups in acquiring unsecured nuclear materials;

(2) in the judgment of the President, the government of such country has provided adequate, verifiable assurances that it will cease its support for acts of international terrorism;

(3) the waiver of that subsection is in the vital national security interest of the United States; or

(4) such a waiver is essential to prevent or respond to a serious radiological hazard in the country receiving the waiver that may or does threaten public health and safety.

(d) This section shall apply with respect to exports that have been approved for transfer as of the date of the enactment of this Act but have not yet been transferred as of that date.

TITLE IV

INDEPENDENT AGENCIES

APPALACHIAN REGIONAL COMMISSION

For expenses necessary to carry out the programs authorized by the Appalachian Regional Development Act of 1965, as amended, for necessary expenses for the Federal Co-Chairman and the alternate on the Appalachian Regional Commission, for payment of the Federal share of the administrative expenses of the Commission, including services as authorized by 5 U.S.C. 3109 and hire of passenger motor vehicles, \$38,500,000, to remain available until expended.

DEFENSE NUCLEAR FACILITIES SAFETY BOARD
SALARIES AND EXPENSES

For necessary expenses of the Defense Nuclear Facilities Safety Board in carrying out activities authorized by the Atomic Energy Act of 1954, as amended by Public Law 100-456, section 1441, \$20,268,000, to remain available until expended.

DELTA REGIONAL AUTHORITY
SALARIES AND EXPENSES

For necessary expenses of the Delta Regional Authority and to carry out its activities, as authorized by the Delta Regional Authority Act of 2000, as amended, notwithstanding sections 382C(b)(2), 382F(d), and 382M(b) of said Act, \$2,096,000, to remain available until expended.

NUCLEAR REGULATORY COMMISSION
SALARIES AND EXPENSES

For necessary expenses of the Commission in carrying out the purposes of the Energy Reorganization Act of 1974, as amended, and the Atomic Energy Act of 1954, as amended, including official representation expenses (not to exceed \$15,000), and purchase of promotional items for use in the recruitment of individuals for employment, \$662,777,000, to remain available until expended: *Provided*, That of the amount appropriated herein, \$69,050,000 shall be derived from the Nuclear Waste Fund: *Provided further*, That revenues from licensing fees, inspection services, and other services and collections estimated at \$534,354,300 in fiscal year 2005 shall be retained and used for necessary salaries and expenses in this account, notwithstanding 31 U.S.C. 3302, and shall remain available until expended: *Provided further*, That the sum

herein appropriated shall be reduced by the amount of revenues received during fiscal year 2005 so as to result in a final fiscal year 2005 appropriation estimated at not more than \$128,422,700: *Provided further*, that none of the funds made available in this Act or any other appropriations Act for fiscal year 2005, or for any previous fiscal year, may be used by the Commission to issue a license during fiscal year 2005 to construct or operate a new commercial nuclear power plant in the United States.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, \$7,518,000, to remain available until expended: *Provided*, That revenues from licensing fees, inspection services, and other services and collections estimated at \$6,766,200 in fiscal year 2005 shall be retained and be available until expended, for necessary salaries and expenses in this account, notwithstanding 31 U.S.C. 3302: *Provided further*, That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 2005 so as to result in a final fiscal year 2005 appropriation estimated at not more than \$751,800.

NUCLEAR WASTE TECHNICAL REVIEW BOARD SALARIES AND EXPENSES

For necessary expenses of the Nuclear Waste Technical Review Board, as authorized by Public Law 100-203, section 5051, \$3,177,000, to be derived from the Nuclear Waste Fund, and to remain available until expended.

TITLE V GENERAL PROVISIONS

SEC. 501. None of the funds appropriated by this Act may be used in any way, directly or indirectly, to influence congressional action on any legislation or appropriation matters pending before Congress, other than to communicate to Members of Congress as described in 18 U.S.C. 1913.

SEC. 502. (a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American-made.

(b) NOTICE REQUIREMENT.—In providing financial assistance to, or entering into any contract with, any entity using funds made available in this Act, the head of each Federal agency, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (a) by the Congress.

(c) PROHIBITION OF CONTRACTS WITH PERSONS FALSELY LABELING PRODUCTS AS MADE IN AMERICA.—If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

SEC. 503. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriations Act.

This Act may be cited as the "Energy and Water Development Appropriations Act, 2005".

The CHAIRMAN pro tempore. Points of order against provisions in the bill

shall be permitted to be raised at any time; no further amendment to the bill may be offered, except: pro forma amendments offered by the chairman or ranking member of the Committee on Appropriations or their designees for the purpose of debate; amendment No. 1, which shall be debatable for 10 minutes; an amendment by Mr. INSLEE regarding the reclassification of nuclear waste, which shall be debatable for 10 minutes; and an amendment by Mr. MEEHAN regarding a transfer of funds between NNSA and the non-proliferation account, which shall be debatable for 20 minutes.

Each such amendment may be offered only by the member designated in this request, or a designee, or the Member who caused it to be printed, or a designee, shall be considered as read, shall not be subject to amendment, and shall not be subject to a demand for a division of the question in the House or in the Committee of the Whole.

Each amendment shall be debatable for the time specified, equally divided and controlled by the proponent and an opponent.

POINT OF ORDER

Mr. TOM DAVIS of Virginia. Madam Chairman, I make a point of order.

The CHAIRMAN pro tempore. The gentleman will state his point of order.

Mr. TOM DAVIS of Virginia. I make a point of order against section 502. This provision violates clause 2(b) of House Rule XXI. It proposes to change existing law and, therefore, constitutes legislation under an appropriations bill in violation of House rules.

The CHAIRMAN pro tempore. Does any Member wish to be heard on the point of order?

Mr. VISCLOSKEY. Madam Chairman, if I could ask again which section of the bill the gentleman is looking to strike.

Mr. TOM DAVIS of Virginia. Section 502.

Mr. VISCLOSKEY. Madam Chairman, I do not know if the Chair is going to uphold the point of order, but I would simply point out that I think it is a very important provision in this bill. I appreciate the fact that the chairman included it in this legislation; and I think from a social and economic standpoint, it ought to remain in the legislation.

Section 502, paragraph A states that it is the sense of the Congress that to the greatest extent practical, all equipment and products purchased with funds made available in this act should be American-made.

□ 1315

Subsection C of that same section states that if it has been finally determined by a court or Federal agency that any person intentionally affects a label bearing "Made in America" in description or any in description with the same meaning to any product sold or shipped in the United States, that is not made in the United States, the person shall be ineligible to receive any

contract or subcontract made with funds made available in this act.

I understand the gentleman's intent as far as his motion to strike relative to jurisdictional issues, but I do believe this is a very key and fundamental issue to protect American workers in a living wage in the United States of America. And given the problems we have in this country as far as outsourcing where you have people intentionally lying and violating the law so the United States of America, we ought to protect American workers.

I thank the gentleman from Ohio (Mr. HOBSON) for having this measure in this legislation.

The CHAIRMAN pro tempore (Mrs. BIGGERT). Does anyone else wish to be heard on the point of order?

The gentleman from Ohio (Mr. HOBSON) is recognized.

Mr. HOBSON. Madam Chairman, I have not agreed totally with my ranking member, and I understand the chairman's point of order, but we have carried this in our bill for a number of years. We think it has been very productive to carry this in our bill. As far as I know, in the past it has not been challenged and to do so now I think sends the wrong messages. But I understand the Chairman's feeling that this is legislating on appropriation bills. I think sometimes that may be necessary. Maybe we ought to figure out a better way to work with him.

Mr. TOM DAVIS of Virginia. Madam Chairman, I say to my friend from Ohio and my friend from Indiana, they work on our committee. We could probably structure something that would accomplish the goals that they would like to achieve. But we feel this is legislating on an appropriation bill in violation of House rules. Therefore, I would insist on my point of order.

The CHAIRMAN pro tempore. The Chair is prepared to rule.

The Chair finds this provision expresses a legislative sentiment. The provision, therefore, constitutes legislation in violation of clause 2 of rule XXI.

The point of order is sustained and the provision is stricken from the bill.

POINT OF ORDER

Mrs. WILSON of New Mexico. Madam Chair, I make a point of order that the final proviso of the Nuclear Regulatory Commission funding, appearing on page 39, lines 23 through page 40 line 4, violates clause 2 of rule XXI of the rules of the House of Representatives prohibiting legislation on appropriations bills.

The proviso restricts funding to the Nuclear Regulatory Commission to issue any commercial nuclear power plant licenses using fiscal year 2005 Energy and Water appropriations funds and funds from "any other appropriations Act for fiscal year 2005 or any previous year." Because the language restricts funding not just for 2005 but for all previous years, it constitutes legislation on an appropriations bill.

For that reason, the language violates clause 2 of rule XXI of the rules of

the House and is subject to a point of order.

The CHAIRMAN pro tempore. Will the gentlewoman respecify the page and line.

Mrs. WILSON of New Mexico. Madam Chairman, I believe it is page 39, line 23 through page 40, line 4.

The CHAIRMAN pro tempore. Does any other Member wish to be heard on the point of order?

Mr. HOBSON. Madam Chairman, I strenuously oppose this approach to the bill. Part of the problem we have is there is no other vehicle where we can do this. This is a very difficult time in our country. We do not have a nuclear repository available in this country to accept the waste that we have today around the country.

To go to the folly, the folly of granting new licenses when we do not have any place to take the material that is in Illinois and move it somewhere and to start granting licenses without a plan in place is not good policy. I do not like having to include this kind of language in this bill, but I think it is important to include it to send a message that the repository is important. The repository is important to the future of this country and the nuclear industry in this country. If we do not start taking a stand on this, then we are going to get things out of whack in this country to the point where we have an even more problem and more costly problem.

Right now, many States in this country cannot move their material. They are under lawsuits, there are all kinds of problems. This bill, because of some other problems, does not move forward even in my judgment enough to getting that repository going.

So, therefore, this language is put in to send a message. I think taking it out sends absolutely the wrong message in this country and it should be retained in this bill.

The CHAIRMAN pro tempore. Does any other Member wish to be heard on this point of order?

The Chair is prepared to rule.

The Chair finds that this provision addresses funds in other acts and, therefore, constitutes legislation in violation of clause 2 of rule XXI.

The point of order is sustained and the provision is stricken from the bill.

AMENDMENT OFFERED BY MR. MEEHAN

Mr. MEEHAN. Madam Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MEEHAN:
Page 23, line 5, after the dollar amount, insert "(reduced by \$30,000,000)".

Page 23, line 16, after the dollar amount, insert "(increased by \$30,000,000)".

The CHAIRMAN pro tempore. Pursuant to the order of the House of today, the gentleman from Massachusetts (Mr. MEEHAN) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Massachusetts (Mr. MEEHAN).

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

Madam Chairman, this amendment provides an additional \$30 million for the Department of Energy's Global Threat Reduction Initiative to secure, remove, and dispose of nuclear and radiological materials around the world.

In February, President Bush stated in a speech at the National Defense University that the greatest risk to the United States and the world is the possibility of a nuclear or radiological attack. And I could not agree more. And in today's world, the most urgent nuclear threat might not be from hostile states, it may be from a non-state terrorist group.

The technology to produce a nuclear bomb is easier to obtain than we might like to believe. Earlier this year, a Pakistani scientist named A.Q. Khan confessed to operating a global black market for nuclear technology. The head of the International Atomic Energy Agency, Mohamed El Baradei called it a "veritable nuclear Wal-Mart."

The design for a simple nuclear weapon is not beyond the reach of many terrorist groups. The best way, perhaps the only way, to prevent terrorists from obtaining nuclear weapons is to make sure they do not get the ingredients to make one. Alarming, fissile material is in abundant supply around the world today. Some 20 tons of highly enriched uranium exist at 345 civilian facilities in 58 countries, enough to make 1,000 nuclear weapons.

Many of these are academic or industrial facilities that have no more security than a night watchman or a chain link fence. The threat is real.

The CIA determined in 2002 that weapons grade or weapons-usable materials have been stolen from Russia. According to the IAEA, there have been 18 confirmed thefts involving plutonium or enriched uranium in the former Soviet Union. Highly enriched uranium is a dangerous tool in the hands of terrorist groups seeking to develop nuclear weapons. And we must do everything in our power to deter this threat.

The Energy Department already has several programs aimed at securing nuclear and radiological materials around the world, but they are seriously underfunded. I was encouraged to hear that Secretary of Energy Spence Abraham unveiled a new global threat reduction initiative last month which will consolidate and accelerate the four existing programs. This program has been endorsed by political leaders and nonproliferation experts across the political spectrum. In a recent speech, former Senator Sam Nunn calls it a significant global effort.

If we are serious about preventing nuclear terrorism we must cooperatively and effectively with international partners to secure quickly or remove the most at risk dangerous material first, wherever it may be.

We are in a race between cooperation and catastrophe. However, if the Global Threat Reduction Initiative is to suc-

ceed, we have to fund it. Nonproliferation experts at Harvard University and the nuclear threat initiative headed by Sam Nunn argue that we need an additional \$30 million in fiscal 2005 to remove highly enriched uranium from 2 dozen vulnerable sites through the Russian Research Reactor Fuel Return program.

This is one of the four existing programs that have been under the consolidation under the Global Threat Reduction Initiative. Some of my colleagues may argue that we should not be appropriating funds for this new initiative before the Energy Department has submitted a budget request. But I do not think al-Qaeda is waiting for the next fiscal year to seek nuclear materials. And we should not wait to act either.

Moreover, programs like the Russian Research Reactor Fuel Return program have a proven track record developed over many years. In 2001, the United States, Serbia, Russia, the IAEA and the Nuclear Threat Initiative worked together to remove 48 kilograms of potentially vulnerable unirradiated HEU from a research facility in Serbia. This was enough material for two and a half nuclear bombs.

And in December of 2003, the United States, Russia, Bulgaria, and the IAEA collaborated to air lift 16.9 kilograms of HEU from a shut-down research reactor to Bulgaria to a secure facility in Russia.

The urgency is clear, we need to be quicker and bolder in securing these dangerous nuclear and radiological materials. This amendment would boost funding for the global threat reduction initiative by rolling over \$30 million in unobligated balances from the National Nuclear Science Agencies Weapons Activities Account.

Madam Chairman, I reserve the balance my time.

Mr. HOBSON. Madam Chairman, I rise to claim the time in opposition to the amendment, and I yield myself such time as I may consume.

I am opposed to the amendment to increase funding for the Global Threat Reduction Initiative. I am very supportive of the nuclear nonproliferation programs in this bill. We provide a significant additional funds for nonproliferation programs aimed at securing nuclear weapons and weapons grade nuclear material in Russia where the threat is really real. We have been there, we have seen it.

However, as I have said many times since taking over the chairmanship of this subcommittee, I view with great skepticism the large increases that are proposed by the National Nuclear Security Administration, particularly when these new initiatives are proposed outside the regular annual budget and appropriations process.

Unfortunately, the Department of Energy's Global Threat Reduction Initiative announcement at a press conference in May is a perfect example. All of the individual programs that

compromise this initiative are in the nonproliferation budget that we have funded in this bill. These are not activities that are being left out of the Department of Energy's nonproliferation budgets. They are funded at the President's request.

I believe we wrote a fair and balanced bill in the nuclear nonproliferation program very well. I do not support changes that are proposed in this amendment.

Let me close by saying I support the nonproliferation programs targeted in this amendment. As we prepare for conference, I will work with the interested members to address their concerns, but I reluctantly urge a no vote on the amendment.

Madam Chairman, I reserve the balance of my time.

Mr. MEEHAN. Madam Chairman, I yield such time as he may consume to the gentleman from California (Mr. SCHIFF), my friend and co-author of this amendment.

Mr. SCHIFF. Madam Chairman, I rise in support of the Meehan-Schiff amendment to accelerate the funding of the Global Threat Reduction Initiative.

The most significant threat to the national security of the United States is the risk that terrorists will acquire the material, the expertise, and the technology to create a nuclear weapon. Of these three components, the material, the expertise, and the technology, it is the material, highly enriched uranium or plutonium, that has posed the greatest bar to the acquisition of the bomb by terrorists.

□ 1330

And that material is far too easy to obtain. Beginning in the 1950s, the U.S. and Russia exported research reactors with highly enriched uranium to many nations around the world. Today, as my colleague pointed out, 345 operating or shutdown reactors in 58 countries possess highly enriched uranium.

The State Department has identified 24 of the highest priority facilities for clean-out operations, because they contain enough highly enriched uranium to make a bomb. Many of these facilities are terrifyingly insecure.

The energy and water bill contains only \$9.8 million for global clean-out of these reactors, enough to clean out only one site per year. At this pace it will take more than 2 decades to merely clean out the top 24. We cannot wait that long.

Osama bin Laden has declared that the acquisition of weapons of mass destruction is a religious duty. After the Taliban was defeated, blueprints of a crude nuclear program were found in the deserted al Qaeda headquarters in Afghanistan. Does anyone doubt that if al Qaeda could assemble a nuclear weapon, they would use it? They would use it.

Last month, the Secretary of Energy announced what may be one of the most important national security initiatives of our time, a \$450 million ef-

fort to clean out highly enriched uranium around the world. We cannot wait to implement this initiative. Al Qaeda is not waiting, and we must act now.

The Secretary's initiative will take almost a decade to implement, and there is no guarantee that nuclear material will not be stolen in the interim. Far from it. We must accelerate the time line for this initiative. Tragically today, we find ourselves in a new nuclear arms race. It is very simply a race as to whether we can secure nuclear material before the terrorists can buy or steal it.

The Meehan-Schiff amendment provides \$30 million in additional funding for this initiative to get this program underway immediately.

We have spent countless billions of dollars on the war in Iraq, a war that was waged to remove stockpiles of weapons of mass destruction from the reach of terrorists. The terrible irony of our present situation is that, while we have not found weapons of mass destruction in Iraq, we know where there are large stockpiles of weapons of mass destruction, large stockpiles of nuclear material, and we have a cooperative means of securing them and placing them beyond the reach of terrorists.

To scrimp on this effort is worse than negligent. It is a betrayal of the public trust. In this race, as Senator Nunn so aptly describes it, we are in a race between cooperation and catastrophe. We must not flag or fail in this race. Vote "yes" on the Schiff-Meehan amendment to jump-start the global threat reduction initiative.

Mr. HOBSON. Mr. Chairman, I yield such time as he may consume to the gentleman from California (Mr. SCHIFF).

Mr. SCHIFF. Mr. Chairman, I appreciate the gentleman yielding me this time.

I certainly want to congratulate my colleagues from California and Massachusetts for bringing this matter to our attention. I certainly agree with their intent and their assessment of the problem we face. It is one reason why I am happy that in the bill that was crafted by the subcommittee, there is a shift of \$177.5 million for priority targets for nonproliferation. Among others, that includes Russia's strategic rocket forces. It includes megaports. It includes the second-line-of-defense efforts in the Baltics and efforts outside the former Soviet Union.

As the chairman had indicated earlier, the Secretary made the announcement of this program in Vienna. He has not had discussion or shared specifics of the program with the subcommittee or committee. There has been no transmission of the specifics to Congress on the program or its implementation.

So while, again, the intent is excellent, against the lack of specifics and given the prioritization within the bill, I would reluctantly express my opposition to the amendment, but would suggest that the chairman and I will work with both gentlemen as we proceed to conference relative to DOE's plan.

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

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

Just to close, I really think this is an important issue to the national security of the country, and the reason why we bring the amendment forward is nonproliferation experts at Harvard University and the Nuclear Threat Initiative headed by Sam Nunn have clearly stated that we need an additional \$30 million in fiscal year 2005 to remove highly enriched uranium from two dozen vulnerable research reactor sites throughout the Russian reactor fuel program.

That is why we offered the amendment. This is an amendment that would take up obligated balances from the National Security Agency's weapons activities account. So I want to be clear. These are unexpended funds from fiscal year 2004, and shifting these funds will not come at any cost to the NNSA's weapons program or the American taxpayers. Instead, they will help safeguard us against dangerous nuclear and radiological weapons materials, that if they get in the hands of terrorists, as we know they could, could be used to kill thousands or tens of thousands of Americans.

I believe, as the gentleman from California (Mr. SCHIFF) believes, that this amendment is vital to our national security and to our winning the war on terrorism. Therefore, I urge that my colleagues' support this amendment.

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

The CHAIRMAN pro tempore (Mr. LINDER). The question is on the amendment offered by the gentleman from Massachusetts (Mr. MEEHAN).

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

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

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

Mr. HOBSON. Mr. Chairman, I move to strike the last word, and I yield to the gentleman from Illinois (Mr. SHIMKUS) for the purpose of a colloquy.

Mr. SHIMKUS. Mr. Chairman, I thank the gentleman for yielding. As he knows, and he has spoken so eloquently about the need for a national repository at Yucca Mountain, and I can remember that in the appropriation bill there is \$131 million, and this amount is grossly inadequate for the Yucca Mountain project. At that funding level, the Department of Energy would have to lay off 70 percent of its Yucca Mountain workforce, the license application would be delayed, and the repository opening would be delayed beyond the year 2010. All of the spent nuclear fuel would stay at the 77 field facilities spread out across the country, and this is unacceptable.

Yesterday, the Committee on Energy and Commerce passed a 5-year authorization bill, H.R. 3981, that authorizes

offsetting collection over 5 years from fees paid into the Nuclear Waste Fund. Our proposal could help solve the funding problem and provide the much-needed funds for Yucca Mountain.

The amounts authorized in H.R. 3981 would be sufficient to keep the Yucca Mountain project on track and keep the hundreds of key technical staff employed in the Las Vegas office of the DOE's Yucca Mountain office.

Again, I know of the chairman's strong support for the repository in Yucca Mountain.

I ask the gentleman from Ohio (Chairman HOBSON) if he would work with us as we proceed on this bill and find a way in the conference report to move to increase the funding level for Yucca Mountain.

Mr. HOBSON. Mr. Chairman, I was not going to talk very long on this, but since we spent so much time on California before, the time is gone. So I might as well vent my emotions a little bit more than I was going to.

In February of this year, when I found out what the proposal was from OMB, I tried to reason with him that this was not a political year to do this with this sort of thing. While I agree with the policy, I did not agree with the politics of what was going to happen, because it is very difficult to make the program work, which I must say that the Committee on Energy and Commerce worked so well with us to craft.

The problem is that we were not able to get it all done. We are willing to accept it. We are willing to carry it, but there are certain things we could not get done. We hope that when we get to the conference committee that we can fix this. This, at some point in the process, in my opinion, must be fixed; but I am outraged at certain people who put us in this position. We did not need to be in this position.

Last year, this committee, with my ranking member by my side, came within the most amount of money that has gone into Yucca Mountain in recent history. Our reward for that was not to get the money back we needed this year under the conditions that we could do this without absolute warfare and putting a lot of people, including ourselves and the Committee on the Budget and everybody else into a very, very difficult situation.

While the policy may be good, we have to deal with the other body, and the other body has not been receptive in some respects to funding Yucca Mountain to the degree it should be until last year; but I must share with my colleague, this is a program that this country has taken a position on. It is one of the reasons, on the last amendment, that I do not think we can go forward with new licenses, even though we all want new licenses and even though I am supportive of the nuclear industry and of having this available so that we can have safe, environmentally safe, quality low-cost power. We need to have that, but we have to

have it where we have a repository and we have to solve this problem.

The country has taken a position that this is where the repository is supposed to go. We have spent money on it, tons of money on it, and it is moving forward. This committee, with my ranking member's help, last year got the Department of Energy to move forward and site the railroad so we can take the politics out of where the rail is going to go and not move this material, even though it could have done it through the city of Las Vegas. That does not satisfy a lot of people. Some people just do not want anything.

Well, we are going to have something. At some point, at some point in this process, in spite of the objections of some people, this will have to be fixed for the future of this country and the nuclear power industry, but more importantly, those communities that have been promised from this government that this material would not stay, the spent fuel would not stay in their communities.

Mr. VISCLOSKY. Mr. Chairman, I move to strike the last word, for just one moment.

I would assure the gentleman from Illinois that we all do share his concern. It is my view we have a policy of the United States Government, but that we need a repository.

As the chairman pointed out, we had an extended conference last year with the other body to make sure that Yucca was fully funded. We had a page of permutations as to how to work through the situation OMB placed us in this year. This is not a matter of our doing, and I do assure my colleague that I and the members of the subcommittee want to work through this with the Chair to make sure we proceed in an expeditious manner, and we have to solve this problem.

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

Mr. VISCLOSKY. I yield to the gentleman from Illinois.

Mr. SHIMKUS. Mr. Chairman, I thank my colleague, and I would just also remind people and place in the record for this debate, the ratepayers have paid billions of dollars to make this thing move forward, and my ratepayers want to see a return on that investment.

So I thank the gentleman and I thank the chairman.

Mr. HOBSON. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to enter into a colloquy with the gentleman from Georgia (Mr. BURNS).

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

Mr. HOBSON. I yield to the gentleman from Georgia.

Mr. BURNS. Mr. Chairman, I thank the chairman for his hard work over the past year in bringing this legislation to the floor and for his willingness to continue working with us, even though we may still face some differences of opinion on several issues that relate to the Savannah River site.

As the chairman knows, we had an amendment that would have requested continued action in the coming year on one of those issues, the selection of a site for a new modern pit facility. I believe that Savannah River site is the leading candidate for the site, and a timely decision on this project would help in planning future operations and also on job levels.

However, I would like for my good friend, the gentleman from South Carolina (Mr. BARRETT), to further express the interests of the Savannah River site.

Mr. BARRETT of South Carolina. Mr. Chairman, will the gentleman yield?

Mr. HOBSON. I yield to the gentleman from South Carolina.

Mr. BARRETT of South Carolina. Mr. Chairman, I thank the chairman for yielding to me.

Mr. Chairman, I would also like to express my strong support for comments just made by my good friend and colleague, the gentleman from Georgia (Mr. BURNS); and it is my hope that in conference with the Senate funding concerns for current and potential programs at the Savannah River site will be addressed.

I look forward to working with the chairman who has been so gracious with us on future issues related to the Savannah River site and would like to extend a personal invitation to the chairman to visit SRS in the upcoming months so that he can see this tremendous asset for our current and future generations.

Mr. HOBSON. Mr. Chairman, I want to thank my colleagues for their work, their very aggressive work, I might add, on behalf of the Savannah River site. That is one site I have not visited in this country yet. We are trying to get around and look at a lot of the different sites. I have some good friends who live down there so it is a very inviting place to go and visit.

□ 1345

I accept your invitation to visit the site and look forward to meeting the men and women doing such important work in your part of the country.

AMENDMENT OFFERED BY MR. INSLEE

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

The CHAIRMAN pro tempore (Mr. LINDER). The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. INSLEE:

At the end of the bill, before the short title, insert the following:

SEC. ____ None of the funds made available in this Act may be used by the Department of Energy to make "waste incidental to reprocessing" determinations in order to reclassify high-level radioactive waste. For purposes of this section, the term "high-level radioactive waste" has the meaning given that term in the Nuclear Waste Policy Act of 1982.

The CHAIRMAN pro tempore. Pursuant to the order of the House of today,

the gentleman from Washington (Mr. INSLEE) and a Member opposed each will control 5 minutes.

Mr. HOBSON. Mr. Chairman, I reserve a point of order on the gentleman's amendment.

The CHAIRMAN pro tempore. The point of order is reserved.

Mr. HEFLEY. Mr. Chairman, I object. Is it not the policy of the House to go from one side to the other side on these amendments?

The CHAIRMAN pro tempore. The Chair recognized the gentleman who stood up at the microphone.

Mr. HEFLEY. Well, that is a different policy than we have been following all afternoon, Mr. Chairman.

Mr. INSLEE. Mr. Chairman, I would be happy to yield to the gentleman, at the Chair's discretion.

The CHAIRMAN pro tempore. The gentleman from Washington (Mr. INSLEE) may withdraw his amendment for a period of time.

Mr. INSLEE. Mr. Chairman, I ask unanimous consent to withdraw my amendment at this time.

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

There was no objection.

AMENDMENT NO. 1 OFFERED BY MR. HEFLEY

Mr. HEFLEY. 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. 1 offered by Mr. HEFLEY:

At the end of the bill (before the short title), insert the following:

SEC. ____ Total appropriations made in this Act (other than appropriations required to be made by a provision of law) are hereby reduced by \$279,880,000.

The CHAIRMAN pro tempore. Pursuant to the order of the House of today, the gentleman from Colorado (Mr. HEFLEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Colorado (Mr. HEFLEY).

Mr. HEFLEY. Mr. Chairman, I yield myself such time as I may consume, and I hope we do not take near that much time, but I rise to offer an amendment to cut the level of funding in this appropriations bill by \$278,880,000, or approximately 1 percent of the total outlays of the bill.

This amendment is in the form of a retrenchment under the Holman rule. If we cut these funds, it will be up to the administration to decide where the cuts should fall. The bill totals approximately \$28 billion, \$49.6 million above the President's request, and \$734.5 million, or 2.7 percent, over last year.

Now, last week, we debated the interior appropriations bill, which actually showed a decrease in funding from last year, and I voted for the bill because I thought that was a terrific step in the right direction towards getting a grip on our deficit. It focused on the core functions, I think, that needed to be

done and eliminated some things which were nonessential.

Now I understand that there are needs that need to be addressed in this bill, important needs, but given this year's budget deficit is still projected at around \$400 billion, I think some of these needs should be postponed.

Energy and water, I believe, should have to meet the same kinds of strictures as the other appropriations bills, namely either a freeze or cut. Naturally, we will hear about the impact of a 1 percent cut on certain specific popular programs, and it is possible a 1 percent cut could impact some of the smallest programs. That is why this amendment leaves those cuts to the administration.

Mr. Chairman, let us look at what the 1 percent cut would mean to other programs. One percent of the \$1.87 billion general construction budget for the Army Corps of Engineers would total \$18.7 million. For one of the Corps' recommendations in my district, \$273,000 for the flood control study along Fountain Creek, 1 percent would amount to \$2,730. Mr. Chairman, \$2,730, though no doubt the Corps would disagree, I cannot see how they would miss that particularly. It probably would not pay for the printing.

Mr. Chairman, we have a terrible deficit. Our children are going to be paying for it. Given that context, I do not think asking the administration to find us a savings of one cent on the dollar is too much to ask.

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

Mr. HOBSON. Mr. Chairman, I claim the time in opposition to the amendment and I yield myself such time as I may consume.

Mr. Chairman, I have to oppose this amendment. I know there are a lot of things that one may or may not like in this bill, but we started off with the concept in this bill that we would not do any new starts, no new studies, and there were a number of things where we tried to cut back on because our funds were very limited. And, frankly, the bill we got out of the Committee on the Budget would not have allowed us to do many of the things we did for Members because we were about \$400 million short.

But due to some shifting around in the Committee on Appropriations, thanks to the staff and the Members, we were able to come up with some money to help Members. So we have done that.

Now, even though this looks like a small amount of money, when you add it up, it is a big amount of money and it has a lot of negative effect on a lot of projects. Further cuts would just exacerbate the problems we have tried to do in this finely-tuned bill, so I would urge a "no" vote on this bill.

Mr. Chairman, I yield such time as he may consume to the gentleman from Indiana (Mr. VISCLOSKEY), the ranking member.

Mr. VISCLOSKEY. Mr. Chairman, I appreciate the chairman yielding me this

time, and I would join in his opposition.

I respect my good friend, however, I have to vehemently disagree. The administration has proposed a budget, and it is up to us to make a determination as to how to allocate those resources. The subcommittee has done so in a balanced and fair fashion, and I would ask my colleagues to oppose the amendment.

Mr. HEFLEY. Mr. Chairman, I yield myself such time as I may consume, and in closing we are talking about one penny on a dollar. And I think many businessmen will tell you if you cannot find one penny on a dollar of savings, you should not be in business. I think we should apply that to our governmental spending here in our budget.

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

Mr. HOBSON. 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 Colorado (Mr. HEFLEY).

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

Mr. HEFLEY. 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 Colorado (Mr. HEFLEY) will be postponed.

AMENDMENT OFFERED BY MR. INSLEE

Mr. INSLEE. 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 offered by Mr. INSLEE:

At the end of the bill, before the short title, insert the following:

SEC. ____ None of the funds made available in this Act may be used by the Department of Energy to make "waste incidental to reprocessing" determinations in order to reclassify high-level radioactive waste. For purposes of this section, the term "high-level radioactive waste" has the meaning given that term in the Nuclear Waste Policy Act of 1982.

The CHAIRMAN pro tempore. Pursuant to the order of the House of today, the gentleman from Washington (Mr. INSLEE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Washington (Mr. INSLEE.)

Mr. HOBSON. Mr. Chairman, I rise to reserve a point of order on the gentleman's amendment.

The CHAIRMAN pro tempore. A point of order is reserved.

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

Mr. Chairman, I intend to withdraw my amendment, but prior to that I would like to enter into a colloquy with the gentleman from Ohio (Mr. HOBSON).

First, I would like to thank the chairman of the subcommittee, the gentleman from Ohio (Mr. HOBSON) and

the ranking member, the gentleman from Indiana (Mr. VISCLOSKY) for their continued support for funding the cleanup at the Hanford site in Washington. And I want to particularly thank Chairman HOBSON for his stalwart work in ending this practice of dumping waste in unlined trenches. He has truly been remarkable, and the people of the State of Washington appreciate his efforts.

The Department of Energy has been seeking legislative authority to reclassify high-level radioactive waste as "waste incidental to reprocessing." This high-level waste contains highly toxic radionuclides stored in underground tanks at sites in the State of Washington, South Carolina, Idaho, and New York. In agreement with these States and with Congress, the Department is required to remove as much of these wastes as is technically feasible.

In order to achieve its target deadline for cleaning up these tanks, the Department now argues that it requires the authority to reclassify some of the waste at the bottom of the tanks as "incidental waste," so that these wastes may be left on site or disposed of in a manner that does not live up to the federal agreement. Such authority is currently disputed by many of the involved States, who argue that the long-term impacts of such an action are unknown and potentially harmful to human health.

Does the gentleman agree that it is the intent of Congress that the Department engage in fair and reasonable negotiations with the States and involved parties?

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

Mr. INSLEE. I yield to the gentleman from Ohio.

Mr. HOBSON. Mr. Chairman, in answer to the gentleman's question, I would say, yes, the House supports a fair and reasonable negotiation with the States and involved parties.

And I should tell the gentleman that I have been out there and looked at these tanks, and also, as the gentleman spoke about last year, we made him a promise we would take care of the unlined trenches, and I believe, as of yesterday, their record of decision is that the citizens out there deserve this, and I think it is going to go forward.

But in answer, yes, I think we do need to negotiate with the States and the involved parties on this.

Mr. INSLEE. Mr. Chairman, reclaiming my time, I thank the gentleman.

And would the gentleman agree that any strategy to resolve the issue should be consistent nationwide?

Mr. HOBSON. Well, if the gentleman will continue to yield, yes. And I think in some other instances in this bill we have also taken a stand that you cannot have one standard one place and one standard another. So any conclusion must be comprehensive and consistent nationwide.

Mr. INSLEE. Mr. Chairman, finally, does the gentleman agree that the

House should strongly encourage the conferees to the defense authorization bill to retain the language in the House Report requiring the Secretary of Energy to engage the National Research Council to study the Department's plans to manage its high-level waste streams instead of providing the Department blanket reclassification authority?

Mr. HOBSON. I agree.

Mr. INSLEE. Once again reclaiming my time, Mr. Chairman, I want to thank the gentleman for his efforts to move the DOE in the right direction.

Mr. Chairman, I ask unanimous consent to withdraw my amendment.

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

There was no objection.

Mr. HOBSON. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to enter into a colloquy with the gentleman from Iowa (Mr. KING).

Mr. KING of Iowa. Mr. Chairman, will the gentleman yield?

Mr. HOBSON. I yield to the gentleman from Iowa.

Mr. KING of Iowa. Mr. Chairman, I appreciate the chairman's willingness to enter into a colloquy and to yield to me on this issue. I would just say to him that Missouri is downstream from where I live.

Mr. Chairman, I had authored an amendment to this legislation that would prohibit funds intended for use for endangered species' habitat restoration from being used by the Fish and Wildlife Service and State Departments of Natural Resources. I am not pursuing this amendment because the good gentleman from Ohio has agreed the funding in this act should be used for its intended purposes.

As the Members of this body may remember, every year the energy and water development appropriations bill brings to light the issues of the Missouri River, which flows along the border of the district I represent in western Iowa. In the ecosystem of the Missouri River, there are three endangered species, the least tern, the piping plover, and the pallid sturgeon. A dire legal situation involving regulation of the Missouri River flow has resulted in complex reg. issues that impact the entire Missouri River basin. A multiplicity of interests, including agriculture, flood control, river freight transportation, electrical generation, water, recreation, and the environment have been impacted by decisions affecting the flow of the river.

Currently, the Army Corps of Engineers is working on a habitat restoration for the two birds and the fish that have created such a problem for people who need the river for economic reasons. As they have been working to reestablish this habitat, we have discovered some of the money that is diverted to Fish and Wildlife and State Departments of Natural Resources to help with this effort is being used for other purposes, such as duck habitat.

Mr. Chairman, my father took me to the duck blind when I was two years old. I have been going there ever since, that is half a century or more, and I can tell you there is no endangered species of ducks in my district. As much as I like duck habitat, it should not be at the expense of funds that are directed to priority habitat for endangered species, which can go a long ways towards resolving this Missouri River issue.

So not only do I care to see the issues of the Missouri River resolved, as a responsible Member of this body, I also believe it is our responsibility to stop abuse in its tracks. My amendment would have alleviated both of these problems.

Mr. HOBSON. Mr. Chairman, reclaiming my time, I agree with the gentleman from Iowa (Mr. KING) that the purposes and intentions of this act should be met. The funds appropriated for endangered species habitat restoration on the Missouri River should be used for those purposes.

As the Army Corps of Engineers works to that end, let us encourage the Corps to properly oversee that the funds are being utilized for their purposes.

Mr. KING of Iowa. Mr. Chairman, if the gentleman will continue to yield, I thank the distinguished chairman for his consideration of this issue.

Mr. HOBSON. Mr. Chairman, I move to strike the last word, and I seek this time to enter into a colloquy with the gentleman from Ohio (Mr. PORTMAN).

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

Mr. HOBSON. Mr. Chairman, I yield to the gentleman from Ohio.

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

Mr. PORTMAN. Mr. Chairman, I wanted to rise to congratulate the chairman on balancing difficult competing interests in this legislation. Once again, I think we will see on final passage what a good job he has done.

But in particular, I want to thank him very much for helping with regard to our energy needs at the Port Smith Gaseous Diffusion Plant. Once again, he has provided the President's request and has been instrumental in being sure that we have not only jobs in southern Ohio but that the centrifuge technology moves forward, which is so critical to our Nation's energy security.

So, again, I rise to congratulate the chairman, and I look forward to working with him going into the future, and congratulate him on his bill and strongly support it this afternoon.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: Amendment No. 5 offered by the gentleman from Vermont (Mr.

SANDERS), amendment offered by the gentlewoman from New Mexico (Mrs. WILSON), amendment offered by the gentleman from Massachusetts (Mr. MEEHAN), and amendment No. 1 offered by the gentleman from Colorado (Mr. HEFLEY).

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

□ 1400

AMENDMENT NO. 5 OFFERED BY MR. SANDERS

The CHAIRMAN pro tempore (Mr. LINDER). The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Vermont (Mr. SANDERS) 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 150, noes 241, not voting 42, as follows:

[Roll No. 321]

AYES—150

Abercrombie	Hinchey	Nussle
Alexander	Hinojosa	Oberstar
Allen	Hoefel	Obey
Andrews	Holt	Olver
Baca	Hookey (OR)	Owens
Baird	Hoyer	Pallone
Baldwin	Inslee	Pascarell
Bartlett (MD)	Israel	Payne
Becerra	Jackson (IL)	Peterson (MN)
Berkley	Jackson-Lee	Pomeroy
Bishop (GA)	(TX)	Price (NC)
Bishop (NY)	Jefferson	Rahall
Blumenauer	Johnson (IL)	Ramstad
Boehler	Jones (OH)	Rangel
Boswell	Kaptur	Roybal-Allard
Brown (OH)	Kelly	Ruppersberger
Brown, Corrine	Kennedy (RI)	Rush
Capps	Kildee	Ryan (OH)
Capuano	Kind	Ryan (WI)
Cardin	Kleczka	Sabo
Case	Kucinich	Sánchez, Linda
Clay	Lampson	T.
Clyburn	Langevin	Sanders
Conyers	Larsen (WA)	Schakowsky
Cooper	Latham	Scott (VA)
Costello	Leach	Sensenbrenner
Crowley	Lee	Serrano
Cummings	Levin	Shays
Davis (AL)	Lowey	Sherman
Davis (CA)	Majette	Simmons
Davis (FL)	Maloney	Smith (NJ)
Davis (IL)	Markey	Solis
DeFazio	McCarthy (NY)	Stark
DeGette	McColum	Strickland
Dingell	McDermott	Stupak
Doggett	McGovern	Tanner
Doyle	McNulty	Terry
Ehlers	Meehan	Thompson (MS)
Emanuel	Meek (FL)	Tierney
Engel	Meeks (NY)	Tornes
Evans	Menendez	Udall (CO)
Farr	Michaud	Udall (NM)
Fattah	Millender	Van Hollen
Filner	McDonald	Velazquez
Ford	Miller (NC)	Waters
Frank (MA)	Moore	Watson
Green (TX)	Moran (KS)	Watt
Green (WI)	Moran (VA)	Waxman
Grijalva	Nadler	Weimer
Gutierrez	Napolitano	Wexler
Herseth	Neal (MA)	Wu

NOES—241

Aderholt	Gillmor	Ortiz
Akin	Gingrey	Osborne
Bachus	Gonzalez	Ose
Baker	Goode	Otter
Balinger	Goodlatte	Oxley
Barrett (SC)	Gordon	Pastor
Bass	Goss	Pearce
Beauprez	Granger	Pelosi
Bell	Graves	Pence
Bereuter	Greenwood	Petri
Berry	Gutknecht	Pickering
Biggett	Hall	Pitts
Bilirakis	Harris	Platts
Bishop (UT)	Hart	Pombo
Blackburn	Hayes	Porter
Blunt	Hayworth	Portman
Boehner	Hefley	Putnam
Bonilla	Hensarling	Quinn
Bonner	Herger	Radanovich
Bono	Hill	Regula
Boozman	Hobson	Rehberg
Boucher	Hoekstra	Renzi
Bradley (NH)	Holden	Reyes
Brady (PA)	Honda	Rogers (AL)
Brady (TX)	Hostettler	Rogers (KY)
Brown (SC)	Hulshof	Rogers (MI)
Brown-Waite,	Hunter	Rohrabacher
Ginny	Hyde	Ros-Lehtinen
Burns	Issa	Ross
Burr	Istook	Royce
Burton (IN)	Jenkins	Sanchez, Loretta
Buyer	Johnson (CT)	Sandlin
Calvert	Johnson, E. B.	Saxton
Camp	Johnson, Sam	Schiff
Cannon	Kanjorski	Schrock
Cantor	Keller	Scott (GA)
Capito	Kennedy (MN)	Sessions
Cardoza	King (IA)	Shadegg
Carson (OK)	King (NY)	Shaw
Carter	Kingston	Sherwood
Castle	Kirk	Shimkus
Chabot	Kline	Shuster
Chandler	Knollenberg	Simpson
Chocola	Kolbe	Skelton
Cole	LaHood	Smith (TX)
Cox	Lantos	Smith (WA)
Cramer	Larson (CT)	Snyder
Crane	LaTourette	Souder
Crenshaw	Lewis (CA)	Spratt
Culberson	Lewis (KY)	Stearns
Davis (TN)	Linder	Stenholm
Davis, Jo Ann	LoBiondo	Sullivan
Davis, Tom	Lofgren	Sweeney
DeLauro	Lucas (KY)	Tancredo
DeLay	Lucas (OK)	Tauscher
DeMint	Lynch	Taylor (MS)
Diaz-Balart, L.	Manzullo	Taylor (NC)
Diaz-Balart, M.	Marshall	Thompson (CA)
Doolittle	Matheson	Thornberry
Dreier	Matsui	Tiahrt
Duncan	McCotter	Tiberi
Edwards	McCrery	Toomey
Emerson	McHugh	Turner (OH)
English	McIntyre	Turner (TX)
Esho	McInnis	Upton
Etheridge	McKeon	Visclosky
Everett	Mica	Walden (OR)
Feeney	Miller (FL)	Walsh
Ferguson	Miller (MI)	Wamp
Flake	Miller, Gary	Weldon (FL)
Foley	Miller, George	Weldon (PA)
Forbes	Murphy	Weller
Fossella	Murtha	Whitfield
Franks (AZ)	Musgrave	Wicker
Frelinghuysen	Myrick	Wilson (NM)
Frost	Nethercutt	Wilson (SC)
Gallegly	Neugebauer	Wolf
Garrett (NJ)	Ney	Woolsey
Gerlach	Northup	Wynn
Gibbons	Norwood	Young (FL)
Gilchrest	Nunes	

NOT VOTING—42

Dooley (CA)	Mollohan
Dunn	Paul
Gephardt	Peterson (PA)
Harman	Pryce (OH)
Hastings (FL)	Reynolds
Hastings (WA)	Rodriguez
Carson (IN)	Rothman
Coble	Ryun (KS)
Collins	Isakson
Cubin	John
Cunningham	Jones (NC)
Deal (GA)	Kilpatrick
Delahunt	Lewis (GA)
Deutsch	Lipinski
Dicks	McCarthy (MO)

□ 1224

Messrs. BEAUPREZ, BARRETT of South Carolina, BRADY of Texas, CARDOZA, LYNCH, HONDA, CHANDLER, and DAVIS of Tennessee changed their vote from “aye” to “no.”

Messrs. JOHNSON of Illinois, SHERMAN, BARTLETT of Maryland, COSTELLO, DOGGETT, TERRY, NUSSLE, RAMSTAD, EHLERS, BISHOP of Georgia, HOLT, and Ms. ROYBAL-ALLARD changed their vote from “no” to “aye.”

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Ms. MCCARTHY of Missouri. Mr. Chairman, on rollcall No. 321, I was unavoidably detained. Had I been present, I would have voted “aye.”

AMENDMENT OFFERED BY MRS. WILSON OF NEW MEXICO

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

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

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

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 163, noes 224, not voting 46, as follows:

[Roll No. 322]

AYES—163

Abercrombie	Evans	Kind
Allen	Farr	Kleczka
Andrews	Filner	Kucinich
Baca	Flake	Langevin
Baldwin	Foley	Lantos
Bass	Fossella	Larsen (WA)
Becerra	Frank (MA)	Leach
Bereuter	Franks (AZ)	Lee
Berkley	Gibbons	Lucas (OK)
Blumenauer	Gilchrest	Majette
Bono	Gillmor	Maloney
Boswell	Gonzalez	Manzullo
Boucher	Gordon	Markey
Bradley (NH)	Graves	Marshall
Brady (TX)	Green (WI)	Matheson
Brown (OH)	Greenwood	McCarthy (NY)
Cardin	Grijalva	McColum
Carson (OK)	Gutierrez	McDermott
Case	Hayworth	McIntyre
Chabot	Hefley	McNulty
Chandler	Hensarling	Meehan
Conyers	Herseth	Michaud
Cooper	Hinchey	Millender-
Cox	Hinojosa	McDonald
Crowley	Hoefel	Miller (NC)
Davis (AL)	Holt	Miller, Gary
Davis (IL)	Hookey (OR)	Moore
Davis, Tom	Hulshof	Moran (KS)
DeFazio	Inslee	Musgrave
DeGette	Jackson (IL)	Nadler
DeLauro	Jackson-Lee	Napolitano
Diaz-Balart, L.	(TX)	Norwood
Diaz-Balart, M.	Jefferson	Obey
Dingell	Johnson (CT)	Otter
Doggett	Jones (OH)	Owens
Ehlers	Kaptur	Payne
Engel	Kelly	Pearce
English	Kennedy (RI)	Pitts
Etheridge	Kildee	Pomeroy

Porter
Price (NC)
Radanovich
Rangel
Renzi
Rohrabacher
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sánchez, Linda
T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky

Schiff
Scott (VA)
Sensenbrenner
Shadegg
Sherman
Shimkus
Simmons
Skelton
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Sullivan
Taylor (MS)

Thornberry
Tierney
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Walden (OR)
Watson
Waxman
Weiner
Weller
Wexler
Wilson (NM)
Woolsey
Wu

Cunningham
Deal (GA)
DeLaHunt
Deutsch
Dicks
Dooley (CA)
Dunn
Gephardt
Harman
Hastings (FL)
Hastings (WA)
Houghton
Hunter

Isakson
John
Jones (NC)
Kilpatrick
King (NY)
Lewis (GA)
Lipinski
Lowey
Matsui
McCarthy (MO)
Mollohan
Paul
Peterson (PA)

Pryce (OH)
Reynolds
Rodriguez
Rothman
Smith (KS)
Slaughter
Smith (MI)
Tauzin
Thomas
Vitter
Young (AK)

Serrano
Shays
Sherman
Skelton
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland

Stupak
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez

NOES—235

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Bass
Beauprez
Bereuter
Berry
Biggart
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boucher
Brady (PA)
Brady (TX)
Brown (SC)
Brown-Waite,
Ginny
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carson (OK)
Carter
Castle
Chabot
Chocola
Cole
Costello
Cox
Cramer
Crane
Crenshaw
Culberson
Davis (TN)
Davis, Jo Ann
Davis, Tom
DeLay
DeMint
Doolittle
Doyle
Dreier
Duncan
Edwards
Emanuel
Emerson
Eshoo
Everett
Fattah
Feeney
Ferguson
Forbes
Frost
Frelinghuysen
Frost
Gallegly
Garrett (NJ)

Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (TX)
Greenwood
Gutknecht
Hall
Harris
Hart
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinojosa
Hobson
Hoekstra
Holden
Honda
Hostettler
Hoyer
Hulshof
Hyde
Israel
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (OH)
Kanjorski
Keller
Kelly
Kennedy (MN)
King (IA)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Lampson
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lucas (KY)
Lucas (OK)
Lucas (IL)
Neal (MA)
Oberstar
Obey
Olver
Owens
Pallone
Pascarell
Payne
Pelosi
Peterson (MN)
Petri
Pomeroy
Price (NC)
Rahall
Rangel
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda
T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Scott (VA)
Sensenbrenner

Ney
Northup
Norwood
Nunes
Nussle
Ortiz
Osborne
Ose
Otter
Oxley
Pastor
Pearce
Pence
Pickering
Pitts
Platts
Pombo
Porter
Portman
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reyes
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Roybal-Allard
Royce
Ryan (WI)
Sandlin
Saxton
Schroek
Scott (GA)
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (TX)
Soder
Sterns
Stenholm
Sullivan
Sweeney
Tancred
Tanner
Tauscher
Taylor (NC)
Terry
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Visclosky
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (FL)

NOT VOTING—47

NOES—224

Aderholt
Akin
Alexander
Bachus
Baird
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Beauprez
Bell
Berry
Biggart
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Boozman
Brady (PA)
Brown (SC)
Brown, Corrine
Brown-Waite,
Ginny
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carter
Castle
Chocola
Clay
Clyburn
Cole
Costello
Cramer
Crane
Crenshaw
Culberson
Cummins
Davis (CA)
Davis (FL)
Davis (TN)
Davis, Jo Ann
DeLay
DeMint
Doolittle
Doyle
Dreier
Duncan
Edwards
Emanuel
Emerson
Eshoo
Everett
Fattah
Feeney
Ferguson
Forbes
Frost
Frelinghuysen
Frost

Gallegly
Garrett (NJ)
Gerlach
Gingrey
Goode
Goodlatte
Goss
Granger
Green (TX)
Gutknecht
Hall
Harris
Hart
Hayes
Herger
Hill
Hobson
Hoekstra
Holden
Honda
Hostettler
Hoyer
Hyde
Israel
Issa
Istook
Jenkins
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Kanjorski
Keller
Kennedy (MN)
King (IA)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Lampson
Larson (CT)
Latham
LaTourette
Levin
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lucas (KY)
Lucas (OK)
Lucas (IL)
Neal (MA)
Oberstar
Obey
Olver
Owens
Pallone
Pascarell
Payne
Pelosi
Peterson (MN)
Petri
Pomeroy
Price (NC)
Rahall
Rangel
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda
T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Scott (VA)
Sensenbrenner

Nussle
Oberstar
Olver
Ortiz
Osborne
Ose
Oxley
Pallone
Pascarell
Pastor
Pelosi
Pence
Peterson (MN)
Petri
Pickering
Platts
Pombo
Portman
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reyes
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Roybal-Allard
Royce
Ryan (WI)
Sandlin
Saxton
Schroek
Scott (GA)
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (TX)
Soder
Sterns
Stenholm
Sullivan
Sweeney
Tancred
Tanner
Tauscher
Taylor (NC)
Terry
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Visclosky
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (FL)

NOT VOTING—46

Ackerman
Barton (TX)
Berman

Boyd
Burgess
Carson (IN)
Coble
Collins
Cubin

□ 1431

Mr. THOMPSON of California changed his vote from “aye” to “no.” So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Ms. MCCARTHY of Missouri. Mr. Chairman, on rollcall No. 322 I was unavoidably detained. Had I been present, I would have voted “aye.”

AMENDMENT OFFERED BY MEEHAN

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

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

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

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 151, noes 235, not voting 47, as follows:

[Roll No. 323]

AYES—151

Abercrombie
Allen
Andrews
Baca
Baird
Baldwin
Beccerra
Bell
Berkley
Bishop (NY)
Blumenauer
Boswell
Bradley (NH)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Case
Chandler
Clay
Clyburn
Conyers
Cooper
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
DeLauro
Dingell
Doggett
Emanuel
Engel
Etheridge
Evans
Fattah

Filner
Ford
Frank (MA)
Gonzalez
Gordon
Green (WI)
Grijalva
Gutierrez
Hersteth
Hinchee
Hoeffel
Holt
Hooley (OR)
Inslee
Jackson (IL)
Jackson-Lee
(TX)
Jefferson
Johnson, E. B.
Kaptur
Kennedy (RI)
Kildee
Kind
Kleczka
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lynch
Majette
Maloney
Markey
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott

McGovern
McIntyre
McNulty
McNulty
Meehan
Meeks (NY)
Menendez
Michaud
Millender-
McDonald
Miller (NC)
Miller, George
Moore
Moran (VA)
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Owens
Pallone
Pascarell
Payne
Pelosi
Peterson (MN)
Petri
Pomeroy
Price (NC)
Rahall
Rangel
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda
T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Scott (VA)
Sensenbrenner

Delahunt	John	Reynolds	Carson (OK)	Jackson (IL)	Peterson (MN)	Delahunt	Jones (NC)	Rodriguez
Deutsch	Jones (NC)	Rodriguez	Carter	Jackson-Lee	Pickering	Deutsch	Kilpatrick	Rothman
Dicks	Kilpatrick	Rothman	Case	(TX)	Platts	Dicks	King (NY)	Ryun (KS)
Dooley (CA)	King (NY)	Ryun (KS)	Castle	Jefferson	Pombo	Dooley (CA)	Lewis (GA)	Sabo
Dunn	Lewis (GA)	Sabo	Chandler	Jenkins	Pomeroy	Dunn	Lipinski	Slaughter
Gephardt	Lipinski	Slaughter	Clay	Johnson (CT)	Portman	Gephardt	Lowey	Smith (MI)
Harman	Lowey	Smith (MI)	Clyburn	Johnson (IL)	Price (NC)	Harman	McCarthy (MO)	Tauzin
Hastings (FL)	McCarthy (MO)	Tauzin	Cole	Johnson, E. B.	Putnam	Hastings (FL)	Mollohan	Thomas
Hastings (WA)	Mollohan	Thomas	Conyers	Jones (OH)	Quinn	Hastings (WA)	Paul	Vitter
Houghton	Paul	Vitter	Cooper	Kanjorski	Radanovich	Houghton	Peterson (PA)	Young (AK)
Hunter	Peterson (PA)	Young (AK)	Costello	Kaptur	Rahall	Isakson	Pryce (OH)	
Isakson	Pryce (OH)		Cox	Kelly	Rangel	John	Reynolds	

□ 1439

Mr. ABERCROMBIE changed his vote from “no” to “aye.”

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Ms. MCCARTHY of Missouri. Mr. Chairman, on rollcall No. 323, I was unavoidably detained. Had I been present, I would have voted “aye.”

AMENDMENT NO. 1 OFFERED BY MR. HEFLEY

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

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

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

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 68, noes 319, not voting 46, as follows:

[Roll No. 324]

AYES—68

Bachus	Gibbons	Pence
Barrett (SC)	Graves	Petri
Bartlett (MD)	Green (WI)	Pitts
Bass	Gutknecht	Porter
Beauprez	Harris	Ramstad
Bishop (UT)	Hefley	Rogers (MI)
Blackburn	Hensarling	Rohrabacher
Boehner	Hostettler	Royce
Brady (TX)	Johnson, Sam	Ryan (WI)
Burton (IN)	Keller	Sensenbrenner
Buyer	King (IA)	Sessions
Cannon	Lewis (KY)	Shadegg
Chabot	Linder	Shimkus
Chocola	Manzullo	Smith (WA)
Crane	McCotter	Stearns
Davis, Jo Ann	Miller (FL)	Sullivan
DeMint	Miller, Gary	Tancredo
Diaz-Balart, M.	Moran (KS)	Tanner
Duncan	Musgrave	Taylor (MS)
Feeney	Myrick	Taylor (NC)
Flake	Neugebauer	Toomey
Franks (AZ)	Norwood	Wilson (SC)
Garrett (NJ)	Otter	

NOES—319

Abercrombie	Biggert	Brown (OH)
Aderholt	Bilirakis	Brown (SC)
Akin	Bishop (GA)	Brown, Corrine
Alexander	Bishop (NY)	Brown-Waite,
Allen	Blumenauer	Ginny
Andrews	Blunt	Burns
Baca	Boehler	Burr
Baird	Bonilla	Calvert
Baker	Bonner	Camp
Baldwin	Bono	Cantor
Becerra	Boozman	Capito
Bell	Boswell	Capps
Bereuter	Boucher	Capuano
Berkley	Bradley (NH)	Cardin
Berry	Brady (PA)	Cardoza

Cramer	Crenshaw	Crowley	Culberson	Cummings	Davis (AL)	Davis (CA)	Davis (FL)	Davis (IL)	Davis (TN)	Davis, Tom	DeFazio	DeGette	DeLauro	DeLay	Diaz-Balart, L.	Dingell	Doggett	Doolittle	Doyle	Dreier	Edwards	Ehlers	Emanuel	Emerson	Engel	English	Eshoo	Etheridge	Evans	Everett	Farr	Fattah	Ferguson	Filner	Foley	Forbes	Ford	Fossella	Frank (MA)	Frelinghuysen	Frost	Gallegly	Gerlach	Gilchrest	Gillmor	Gingrey	Gonzalez	Goode	Goodlatte	Gordon	Goss	Granger	Green (TX)	Greenwood	Grijalva	Gutierrez	Hall	Hart	Hayes	Hayworth	Herger	Herseth	Hill	Hinche	Hinojosa	Hobson	Hoeffel	Hoekstra	Holden	Holt	Honda	Hoolley (OR)	Hoyer	Hulshof	Hunter	Hyde	Inslee	Isaiah	Issa	Istook
Kennedy (MN)	Kennedy (RI)	Kildee	Kind	Kingston	Kirk	Kleczka	Kline	Knollenberg	Kolbe	Kucinich	LaHood	Lampson	Langevin	Lantos	Larsen (WA)	Larson (CT)	Latham	LaTourette	Leach	Lee	Levin	Lewis (CA)	LoBiondo	Lofgren	Lucas (KY)	Lucas (OK)	Lynch	Majette	Maloney	Markey	Marshall	Matheson	Matsui	McCarthy (NY)	McColum	McCrery	McDermott	McGovern	McHugh	McInnis	McIntyre	McKeon	McNulty	Meehan	Meek (FL)	Meeks (NY)	Menendez	Mica	Michaud	Millender-	McDonald	Miller (MI)	Miller (NC)	Miller, George	Moore	Moran (VA)	Murphy	Murtha	Nadler	Napolitano	Neal (MA)	Nethercutt	Ney	Northup	Nunes	Nussle	Oberstar	Obey	Oliver	Ortiz	Osborne	Ose	Owens	Oxley	Pallone	Pascrell	Pastor	Payne	Pearce	Pelosi
Rehberg	Renzi	Reyes	Rogers (AL)	Rogers (KY)	Ros-Lehtinen	Ross	Roybal-Allard	Ruppersberger	Rush	Ryan (OH)	Sanchez, Linda	T.	Sanchez, Loretta	Sanders	Sandlin	Saxton	Schakowsky	Schiff	Schroek	Scott (GA)	Scott (VA)	Serrano	Shaw	Shays	Sherman	Sherwood	Shuster	Simmons	Simpson	Skelton	Smith (NJ)	Smith (TX)	Snyder	Solis	Souder	Spratt	Stark	Stenholm	Strickland	Stupak	Sweeney	Tauscher	Terry	Thompson (CA)	Thompson (MS)	Thornberry	Tiahrt	Tiberi	Tierney	Towns	Turner (OH)	Turner (TX)	Udall (CO)	Udall (NM)	Upton	Van Hollen	Velázquez	Visclosky	Walden (OR)	Walsh	Wamp	Waters	Watson	Watt	Waxman	Weiner	Weldon (FL)	Weldon (PA)	Weller	Wexler	Whitfield	Wicker	Wilson (NM)	Wolf	Woolsey	Wu	Wynn	Young (FL)		

NOT VOTING—46

Ackerman	Boyd	Collins
Ballenger	Burgess	Cubin
Barton (TX)	Carson (IN)	Cunningham
Berman	Coble	Deal (GA)

□ 1446

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Ms. MCCARTHY of Missouri. Mr. Chairman, on rollcall No. 324, I was unavoidably detained. Had I been present, I would have voted “no.”

The CHAIRMAN pro tempore. Under the rule and the previous order of the House, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. FOLEY) having assumed the chair, Mr. LINDER, 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. 4614) making appropriations for energy and water development for the fiscal year ending September 30, 2005, and for other purposes, pursuant to House Resolution 694, 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.

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

Pursuant to clause 10 of rule XX, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 370, nays 16, not voting 47, as follows:

[Roll No. 325]

YEAS—370

Abercrombie	Bishop (UT)	Burton (IN)
Aderholt	Blackburn	Buyer
Akin	Blumenauer	Calvert
Alexander	Blunt	Camp
Allen	Boehler	Cannon
Baca	Boehner	Cantor
Bachus	Bonilla	Capito
Baird	Bonner	Capps
Baker	Bono	Capuano
Baldwin	Boozman	Cardin
Barrett (SC)	Boswell	Cardoza
Bartlett (MD)	Boucher	Carson (OK)
Bass	Bradley (NH)	Carter
Beauprez	Brady (PA)	Case
Becerra	Brady (TX)	Castle
Bell	Brown (OH)	Chabot
Bereuter	Brown (SC)	Chandler
Berry	Brown, Corrine	Chocola
Biggert	Brown-Waite,	Clay
Bilirakis	Ginny	Clyburn
Bishop (GA)	Burns	Cole
Bishop (NY)	Burr	Conyers

Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Culberson
Cummins
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
DeFazio
DeGette
DeLauro
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Doggett
Doolittle
Doyle
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Foley
Forbes
Ford
Fossella
Frank (MA)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harris
Hart
Hayes
Hayworth
Heger
Herseth
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hoyer
Hulshof
Hunter
Hyde
Inlee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee
(TX)
Jefferson

Jenkins
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kind
King (IA)
Kingston
Kirk
Klecza
Kline
Knollenberg
Kolbe
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-
McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell

Pastor
Payne
Pearce
Pelosi
Peterson (MN)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sánchez, Linda
T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schroek
Scott (GA)
Scott (VA)
Serrano
Sessions
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Vislosky
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)

Weldon (PA)
Wexler
Whitfield
Wicker

Wilson (NM)
Wilson (SC)
Wolf
Woolsey

Wu
Wynn
Young (FL)

NAYS—16

Andrews
Berkeley
Flake
Franks (AZ)
Gibbons
Hefley

Hensarling
Hostettler
Kucinich
Porter
Royce
Sensenbrenner

Shadegg
Stearns
Terry
Toomey

NOT VOTING—47

Ackerman
Ballenger
Barton (TX)
Berman
Boyd
Burgess
Carson (IN)
Coble
Collins
Cubin
Cunningham
Deal (GA)
DeLahunt
Deutsch
Dicks
Dooley (CA)

Dunn
Gephardt
Harman
Hastings (FL)
Hastings (WA)
Houghton
Isakson
John
Jones (NC)
Kilpatrick
King (NY)
Lewis (GA)
Lipinski
Lowe
McCarthy (MO)
Mollohan

Paul
Peterson (PA)
Pryce (OH)
Reynolds
Rodriguez
Rothman
Ryun (KS)
Sabo
Slaughter
Smith (MI)
Tauzin
Thomas
Vitter
Weller
Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. FOLEY) (during the vote). Members are advised there are 2 minutes in which to record their votes.

□ 1504

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:

Ms. MCCARTHY of Missouri. Mr. Speaker, on rollcall No. 325, I was unavoidably detained. Had I been present, I would have voted "yea."

PERSONAL EXPLANATION

Ms. SLAUGHTER. Mr. Speaker, I was unable to be present for rollcall votes 320, 321, 322, 323, 324, and 325. Had I been present, I would have voted "aye" on rollcall votes 321, 322, 323, and 325. I would have voted "nay" on 320 and 324.

PERSONAL EXPLANATION

Ms. KILPATRICK. Mr. Speaker, personal reasons prevent me from being present for legislative business scheduled for today, Friday, June 25, 2004. Had I been present, I would have voted "aye" on the amendment offered by Mr. SANDERS (rollcall No. 321); "no" on the amendment offered by Mrs. WILSON of New Mexico (rollcall No. 322); "aye" on the amendment offered by Mr. MEEHAN (rollcall No. 323); "no" on the amendment offered by Mr. HEFLEY (rollcall No. 324); and "aye" on final passage of H.R. 4614, the Energy and Water Appropriations Act for Fiscal Year 2005 (rollcall No. 325).

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed without amendment bills of the House of the following titles:

H.R. 1731. An act to amend title 18, United States Code, to establish penalties for aggravated identity theft, and for other purposes.

H.R. 3846. An act to authorize the Secretary of Agriculture and the Secretary of the Interior to enter into an agreement or contract with Indian tribes meeting certain criteria to carry out projects to protect Indian forest land.

The message also announced that the Senate has passed bills of the following titles in which the concurrence of the House is requested:

S. 1292. An act to establish a servitude and emancipation archival research clearinghouse in the National Archives.

S. 1932. An act to provide criminal penalties for unauthorized recording of motion pictures in a motion picture exhibition facility, to provide criminal and civil penalties for unauthorized distribution of commercial prerelease copyrighted works, and for other purposes.

S. 2192. An act to amend title 35, United States Code, to promote cooperative research involving universities, the public sector, and private enterprises.

S. 2237. An act to amend chapter 5 of title 17, United States Code, to authorize civil copyright enforcement by the Attorney General, and for other purposes.

PERMISSION FOR COMMITTEE ON SCIENCE TO HAVE UNTIL 4 P.M., FRIDAY, JULY 2, 2004 TO FILE SUNDRY REPORTS

Mr. BOEHLERT. Mr. Speaker, I ask unanimous consent that the Committee on Science be allowed to file the following reports by 4:00 p.m. Friday, July 2:

H.R. 4218, High Performance Computing Revitalization Act of 2004; H.R. 4516, Department of Energy High-End Computing Revitalization Act of 2004; H.R. 3890, To Reauthorize the Steel and Aluminum Energy Conservation and Technology Competitiveness Act of 1988; H.R. 3598, Manufacturing Technology Competitiveness Act of 2004; and H.R. 3980, National Windstorm Impact Reduction Act of 2004.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York.

There was no objection.

PERMISSION FOR COMMITTEE ON FINANCIAL SERVICES TO HAVE UNTIL MIDNIGHT JULY 2, 2004, TO FILE REPORT ON H.R. 3574, REQUIRING MANDATORY EXPENSING OF STOCK OPTIONS GRANTED TO EXECUTIVE OFFICERS

Mr. BOEHLERT. Mr. Speaker, I ask unanimous consent that the Committee on Financial Services have until midnight on July 2, 2004, to file its report on H.R. 3574, a bill to require the mandatory expensing of stock options granted to executive officers and for other purposes.

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

There was no objection.

DISPENSING WITH CALENDAR
WEDNESDAY BUSINESS ON
WEDNESDAY, JULY 7, 2004

Mr. BOEHLERT. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday, July 7, 2004.

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

There was no objection.

APPOINTMENT OF HONORABLE
ROSCOE G. BARTLETT OR THE
HONORABLE MIKE PENCE TO
ACT AS SPEAKER PRO TEMPORE
TO SIGN ENROLLED BILLS AND
JOINT RESOLUTIONS THROUGH
JULY 6, 2004

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

THE SPEAKER'S ROOMS,
HOUSE OF REPRESENTATIVES,
Washington, DC, June 25, 2004.

I hereby appoint the Honorable ROSCOE G. BARTLETT or, if he is not available to perform this duty, the Honorable MIKE PENCE to act as Speaker pro tempore to sign enrolled bills and joint resolutions through July 6, 2004.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

The SPEAKER pro tempore. Without objection, the appointment is approved.

There was no objection.

COMMUNICATION FROM PROFES-
SIONAL STAFF MEMBER OF COM-
MITTEE ON TRANSPORTATION
AND INFRASTRUCTURE

The Speaker pro tempore laid before the House the following communication from Geoff Bowman, Professional Staff Member of the Committee on Transportation and Infrastructure:

HOUSE OF REPRESENTATIVES, COM-
MITTEE ON TRANSPORTATION AND
INFRASTRUCTURE,

Washington, DC, June 23, 2004.

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

DEAR MR. SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a subpoena, issued by the United States Department of Commerce, National Oceanic and Atmospheric Administration (NOAA), for testimony.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the precedents and privileges of the House.

Sincerely,

GEOFF BOWMAN,
Professional Staff Member.

UNFAIR ALLOCATION OF
HOMELAND SECURITY FUNDS

(Mr. SHAW asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHAW. Mr. Speaker, this is the third day in a row that I have come to

the floor to speak in protest of the unfair practice by the City of Miami in allocating Federal urban security money to Broward and Palm Beach Counties. Of the \$30 million allocated to the south Florida urban area, zero dollars, zero, have been assigned to Palm Beach County. For the City of Miami to neglect providing the necessary funding for this county is simply outrageous, in that they have kept 90 percent of these funds for themselves.

Palm Beach County is home to 1.2 million people, and it has a large and very busy international airport, as well as three general aviation airfields. The port of Palm Beach is the fourth busiest container port in Florida and the 18th busiest in the continental United States, making it an attractive target for would-be terrorists.

Mr. Speaker, the hijackers of September 11 spent part of their time in south Florida, and Palm Beach was the site of an anthrax attack, killing one person and injuring many more; and, yet, Palm Beach County is not getting one dime in antiterrorist funds. This is outrageous, Mr. Speaker, and I am asking Homeland Security to designate Broward and Palm Beach Counties as its own region under the Urban Area Security Initiative Program so that we can be eligible to receive the necessary funds we must protect our infrastructure, our community and our residents.

SUSAN FAJT

(Mr. WELDON of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WELDON of Florida. Mr. Speaker, I rise to introduce my colleagues in the House to a young lady by the name of Susan Fajt. I am going to rise later into the 5-minute rule and talk a little bit more about her case, but I have a picture here I just want to introduce everyone to that I took in my office yesterday. This lady was injured in a car wreck and could not walk or stand, and she underwent a stem cell treatment and she is now able to walk and stand. Quite miraculous.

The main thing that I want it to point out, I know many people in this body have been led to believe this can only be done with embryonic stem cells. It actually cannot be done with embryonic stem cells. It was done with an adult stem cell. The stem cell was taken from her nose and she is continuing to improve.

Only inside the beltway do people believe what is not true to be true and what is true to be what is not true.

Adult stem cells allow people previously paralyzed to walk.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. PEARCE). Under the Speaker's announced policy of January 7, 2003, and under a previous order of the House,

the following Members will be recognized for 5 minutes each.

TIMKEN AND THE MIDDLE CLASS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. BROWN) is recognized for 5 minutes.

Mr. BROWN of Ohio. Mr. Speaker, I would like to tell today the tale of two visits. President Bush last year visited Canton, Ohio, visited his friends at the Timken Company. JOHN KERRY today visited Canton, Ohio.

I would like to tell you a little bit about each visit. When President Bush came to Canton, Ohio, he came to the Timken Company, a fourth generation manufacturing firm in Ohio, one of George Bush's largest contributors. The Timken family has given and raised for President Bush well over \$1 million over last 2 years. He came to Mr. Timken's plant and celebrated his program, his economic program.

He stood at the Timken plant and bragged on Timken's workers, as he should have, saying that Timken employees were 10 percent more productive this year, he said that a year ago, this year, than the year before. Ten percent more productive.

Now, a few months later Timken announced, earlier this year, that they had their best, their highest sales, highest quarterly sales they had ever had. A week after that they announced they had a 60 percent increase in earnings per share over the same quarter a year ago. Ten percent more productive workers, highest sales ever, very good earnings per share.

A week later, the Timken management announced that it was closing its three plants in Canton, Ohio, shutting down its Ohio production, laying off 1,300 workers and moving the factories to China.

Now, the President has come to Ohio time after time trying to justify his economic program when Ohio has been a State that has lost one-sixth of its manufacturing jobs. Ohio has been a State that has lost 190 jobs every single day of the Bush administration.

President Bush would be the first President since Herbert Hoover to have lost jobs during his time in office. Yet he goes to Timken, he says that is the picture of the future.

Now, the President's answer to every single piece of bad economic news is two-fold. First of all, the President says more tax cuts for the wealthiest people in society. A person making \$1 million on average last year got a \$123,000 tax cut. More tax cuts for the wealthiest people in our society, the largest corporations in our society, hoping that those tax cuts trickle down and create jobs. That is one of the President's answers.

The other is more trade agreements like the North American Free Trade Agreement, Central American Free Trade Agreement, Free Trade Area of

the Americas, all of these trade agreements that continue to ship jobs, continue to hemorrhage jobs overseas. That has been the President's answer.

Mr. DREIER. Mr. Speaker, would the gentleman yield?

Mr. BROWN of Ohio. I will yield.

Mr. DREIER. Mr. Speaker, I will try to be very brief because I know you only have 5 minutes. I have an hour special order and I will be talking in a little while about this.

I think it is important to note that you just described this sort of trickle down in the area of tax cuts. And it is important to know what you describe as trickle down in the last 9 months has created 1.4 million new jobs right here in the United States. Month before last we saw the largest increase in 45 months in manufacturing jobs.

I am very familiar with the Timken Company. I am very sympathetic and concerned about the issue that has just been raised on that issue.

Similarly, if we look at the issue of trade we now enjoy a quarter of a trillion dollars, a quarter of a trillion dollars in trade between the United States of America and Mexico.

Mr. BROWN of Ohio. Mr. Speaker, reclaiming my time, the fact is this quarter trillion dollars of trade we had a trade surplus with Mexico before NAFTA that is now a turned into a trade deficit. We had a small trade deficit with China when the gentleman from California (Mr. DREIER) came to this body and when I came to this body that is now \$120 billion trade deficit.

The fact is we continue to have lost jobs in our State, even with some economic growth that has taken place in the last few months. Ohio and the Nation still are 2 million jobs behind what President Bush had when he came into office. There were 22 million jobs created during the Clinton administration. There is a net loss of close to 2 million jobs during the Bush administration.

Now, today, Mr. KERRY came to Canton to talk about some of these same issues. Mr. KERRY's solutions are not more tax cuts for the richest people in society, the major contributors to the Republican party.

□ 1515

His solution is not more trade agreements that continue to hemorrhage jobs overseas. His solutions are several things.

First of all, extend unemployment benefits to the million people who have lost their jobs in this country, who have tried to find work and have not and had their benefits expire.

Second, expand rather than eliminate, like the President wants to do, the manufacturing extension program which helps small manufacturers figure out how to navigate the global economy.

Third, Mr. KERRY says Congress should put a hold on trade agreements and go back and re-examine and look at changing the trade agreements that are already in effect.

Fourth, all of us in this body say pass the Crane-Rangel bill, which gives incentives to those companies and rewards those companies which manufacture in this country, rather than the Bush tax breaks that give manufacturing all kinds of incentives to companies that shift jobs overseas.

EXCHANGE OF SPECIAL ORDER TIME

Mr. WELDON of Florida. Mr. Speaker, I ask unanimous consent to take the time of the gentleman from Indiana (Mr. BURTON).

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

There was no objection.

EMBRYONIC STEM CELL RESEARCH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. WELDON) is recognized for 5 minutes.

Mr. WELDON of Florida. Mr. Speaker, I rose a short while ago, spoke for 1 minute about a brave young lady. She was in my office just yesterday, along with another brave young lady. This is Susan Fajt, and she was accompanied by Laura Dominguez. Both had suffered spinal cord injuries. Both ladies were injured in a car wreck. Laura's injury was in the neck, and this young lady's injury was in what we call T-6. It is the thoracic spine which is sort of the upper part of the chest, middle of the chest area.

I practiced medicine for 15 years before I was elected to the House. I still see patients once a month. I used to take care of a lot of spinal cord injuries, and in the past it has been very hard and very difficult because there really was not very much that you could do.

What both of these ladies had done, this is a new treatment, a new intervention; and it is not approved to be done in the United States. The place where it is currently being done is in Portugal by a Dr. Carlos Lima. One of the doctors working with Carlos Lima is an American doctor from Alabama, and what they do is stem cell transplant. They harvest the stem cells from the nose, what we call the olfactory mucosa, and place them in strips along the injured section of the spinal cord.

This lady previously was confined to a wheelchair. She had no sensation from about the middle of her chest down, no muscle control in her lower body and in her legs. So she was confined to a wheelchair, unable to walk; and with this intervention, she is now able to walk with braces on her legs, and we can see the braces down there, and with the assistance of a walker. Still obviously very handicapped, but she is actually continuing to show improvement.

She and I talked at some length. She feels the same way that I do, that em-

bryonic stem cell research should not be illegal, and it is not illegal in the United States.

We hear around this town that we need to lift the restrictions on embryonic stem cell research. There are no restrictions. The real debate in this town is because we destroy an embryo in the process of doing embryonic stem cell research, a lot of people feel that that is morally and ethically wrong and that it should not be funded by taxpayer dollars; and this is really what the debate is about in Washington. It is really about funding the destruction of more embryos because in reality the NIH today is funding some embryonic stem cell research. They are just not funding the further destruction of more embryos.

What we will also hear over and over and over again is that embryonic stem cells have all the potential and the adult stem cells do not, and I have risen on this floor multiple times over the past 4 years pointing out to my colleagues that in the medical literature today we can read research articles reporting that diseases like multiple sclerosis and lupus and rheumatoid arthritis and even Parkinson's disease are being cured or significantly improved with adult stem cells. You cannot show me one article that embryonic stem cells have ever been used for anything like that. Indeed, you cannot even show me a good animal model where embryonic stem cells are successful in treating an animal with a disease.

There is one study in rats showing that they may have some application in this arena here, but the embryonic stem cells are genetically unstable. They form tumors called teratomas.

The real reason why so many people are excited about embryonic stem cell is because you cannot patent this procedure. You do this procedure, you cannot get rich; but if you can develop an embryonic stem cell that can do that, you can become perhaps one of the richest people in the world.

I just rise to point out to my colleagues that adult stem cells are being used for incredible things, and Susan and Laura were both tremendously helped by adult stem cells. Nobody on the other side of this argument can get up on the floor of the House today with a picture like this using embryonic stem cells, and Susan and Laura both felt the same way, Laura did not have her braces with her so I could not get a shot of her standing up, that they do not want to make embryonic stem cells illegal, but they feel the same way that I do. They are insulted when people say adult stem cells have no potential.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

(Mr. DEFAZIO addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

ORDER OF BUSINESS

Mr. FILNER. Mr. Speaker, I ask unanimous consent to speak out of the order.

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

There was no objection.

KURDISH PRISONERS RELEASED

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. FILNER) is recognized for 5 minutes.

Mr. FILNER. Mr. Speaker, I rise today to spend a few minutes to talk about some developments recently in the country of Turkey, some of which we celebrate, some of which we have great concern about.

Let me first, by the way, extend my condolences to victims of yesterday's terrorist bombings in Turkey and to the families of the victims. Certainly we want the perpetrators brought to justice quickly.

But I rise to celebrate a small, but very important, victory for human rights that took place last week. Four human rights prisoners in Turkey were released. Leyla Zana, a prominent Kurdish advocate for human rights, and her colleagues, Hatip Dicle, Slim Sadak and Ornhan Dogan, were released from prison following a June 9 appeals court ruling in their favor.

These were Kurdish citizens of Turkey. These were citizens who were elected by majority vote to the Turkish Parliament. These were Kurds who had the nerve to speak their own native language, Kurdish, in the Turkish Parliament; and they were arrested and sentenced to 15 years in prison.

Amnesty International declared them prisoners of conscience. They have been there 10 years.

Leyla Zana was probably the best known of the four prisoners. She was the first Kurdish woman elected to Turkey's Parliament who openly and proudly identified herself as a Kurd. In fact, the European Parliament awarded her a Sakharov Prize in 1995 for defending human rights.

I had the great pleasure of getting to know her husband, Mayda, who traveled around the world to talk about the injustice of his wife being in prison. I spent time with her son Ronee who was for a short time a student in Los Angeles. This was a whole family dedicated to human rights for all, and especially to the Kurdish minority who has been denied them in Turkey.

The release of these prisoners of conscience was a result of international pressure, and I want to thank the 21 Members of Congress who joined with me in H. Res. 302 that called for the release of these four parliamentarians. The Kurdish community in the United States, as well as human rights advocates across the country, played an important role in gaining their release.

So we welcome the release of these prisoners of conscience, as well as

other reforms in Turkey, including the introduction of public broadcasting in minority languages. However, serious human rights and repression of the Kurds continue in Turkey.

From June 8-10, Human Rights Watch, Amnesty International, and the International Federation for Human Rights joined with Turkish human rights groups in a joint delegation to investigate the situation in Turkey. They heard continuing allegations of torture and violations of freedom of expression, assembly, association, religion, and the right to a fair trial. They expressed concern about prisons, national minorities, the lack of independent investigations into human rights violations, and internal displacement.

The State Department human rights report, released just in February, also found that serious human rights problems exist. The report says that security forces killed 43 people last year and participated in widespread torture, beatings, and other abuses. The Turkish Government continued to limit free speech in the press and, in particular, restricted expression by people sympathetic to Kurdish cultural or nationalist viewpoints.

So we are pleased at the release of Leyla Zana and her colleagues, but we are not placated by this good news. We demand greater progress. The European Union should insist that Turkey take greater strides to improve its human rights record and treatment of the Kurds before joining the European Union. Turkey needs to realize that its Kurdish citizens enrich the country rather than threaten it.

President Bush will visit Turkey for a NATO summit next week. He should use this opportunity to press for greater respect for human rights. I would hope that he meets with Leyla Zana and shows his respect for human rights for the Kurdish minority in Turkey.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

(Mr. BURTON of Indiana addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Nebraska (Mr. OSBORNE) is recognized for 5 minutes.

(Mr. OSBORNE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

EXCHANGE OF SPECIAL ORDER TIME

Mr. PENCE. Mr. Speaker, I ask unanimous consent to speak out of turn and claim the gentleman from Nebraska's (Mr. OSBORNE) time.

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

There was no objection.

TWO INDEPENDENCE DAYS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. PENCE) is recognized for 5 minutes.

Mr. PENCE. Mr. Speaker, as we depart for the Independence Day recess on Capitol Hill, families and communities across America will prepare for celebrations and remembrances of the 4th of July; and as I and my family and my heartland district in eastern Indiana prepare to do likewise, I could not help but feel that, in fact, in coming days we will celebrate not one, but two Independence Days: one for an 18th century colonial power born in violent conflict, aided by an ally in liberty to throw off the shackles of a despotic tyrant who beset its people for decades, and of that struggle, those people would write some 228 years ago that they held truths to be self-evident, that all men are created equal, and that governments are instituted among men deriving their just powers from the consent of the governed, that whenever any form of government becomes destructive of these ends, that it is the right of the people to alter or abolish it and institute a new government, laying its foundation on such principles and organizing its powers in such form as to them shall seem most likely to effect their safety and happiness.

They went on to cite a long string of abuses and usurpations pursuing invariably the same object of absolute despotism, and claimed with their lives, their fortunes and their sacred honor that it was their right and their duty to throw off such government. One independence day.

The other will take place for the first time this coming Wednesday, not an 18th century colonial nation, but a 21st century modern power in the Middle East whose freedom is also being born at this very hour in violent conflict, aided by the armies of a liberty-loving ally to throw off the despotism and tyranny that has beset its people for decades and of their freedom the people of Iraq wrote these words in the preamble to their Constitution:

"The people of Iraq, striving to reclaim their freedom which was usurped by the previous tyrannical regime, rejecting violence and coercion in all its forms, and particularly when used as instruments of governance, have determined that they shall hereafter remain a free people governed under the rule of law."

Two Independence Days: One, 228th anniversary of ours on the 4th of July; and the other, the first-ever Independence Day for a free and democratic Iraq on a day that will live in history for the people of that great nation as a day of celebration, June 30, 2004.

□ 1530

Two independence days. We will celebrate in each of them the inexorable

rise of freedom in the world, and its advance is ever to be heralded. And may we ever add to the calendar of this planet, until each and every month is filled with the anniversary of such freedom days.

Until that great day comes, and the veil of tyranny is lifted from the four corners of planet earth, two independence days in the next 7 days. Let freedom ring in the United States of America and in a free and Democratic Iraq.

ACT NOW TO STOP HUMANITARIAN CATASTROPHE IN DARFUR, SUDAN

The SPEAKER pro tempore (Mr. PEARCE). Under a previous order of the House, the gentleman from Maryland (Mr. VAN HOLLEN) is recognized for 5 minutes.

Mr. VAN HOLLEN. Mr. Speaker, 10 years ago, as bloated corpses floated down Rwanda's rivers, the international community debated whether the atrocities being committed in Rwanda fit the legal definition of "genocide." By the time the world stopped debating, it was too late. Over 800,000 men, women, and children had been killed. The failure of the world to act in Rwanda remains a stain on our collective conscience.

We must learn from the tragic mistakes of the past. Today, just 1,000 miles north of Rwanda in the Darfur region of Sudan, more than 30,000 people have already been killed by the Sudanese military's aerial bombardments and the atrocities being committed by their ruthless proxies, the Jangaweed militia. Gang rapes, the branding of raped women, amputations, and summary killings are widespread as we speak.

More than a million people have been driven from their homes as villages have been burned and crops destroyed. The Sudanese government has deliberately blocked the delivery of food, medicine, and other humanitarian assistance. More than 160,000 Darfurians have become refugees in neighboring Chad. Conditions are ripe for the spread of fatal diseases such as measles, cholera, dysentery, meningitis and malaria. The United States Agency for International Development estimates that 350,000 people are likely to die in the coming months and that the death toll could reach more than a million unless the violence stops and the Sudanese government immediately grants international aid groups access to Darfur.

Here in Washington and at the United Nations headquarters in New York, many officials are again debating whether this unfolding tragedy constitutes genocide, ethnic cleansing, or something else. This time let us not debate until it is too late to stop this human catastrophe. Let us not wait until thousands more children are killed before we summon the will to stop this horror. America and the international community have a moral duty to act. The United States and 130

other signatories to the Genocide Convention also have a legal obligation to, and I quote, "undertake to prevent and punish" the crime of genocide.

The Convention defines genocide as actions undertaken "with intent to destroy, in whole or in part, a national, ethnic, racial, or religious group, as such." The actions include "deliberately inflicting on members of the group conditions of life calculated to bring about its physical destruction in whole or in part." By all accounts, including reports of U.N. fact finders and the USAID, it is the African peoples in the Darfur region who have been targeted for destruction by the Khartoum-backed Arab Jangaweed death squads.

In the middle of an unfolding crisis like that in Darfur today, there will always be debate over whether what is happening constitutes genocide. But it is important to remember that the Genocide Convention does not require absolute proof of genocidal intentions before the international community is empowered to intervene. The Convention would, after all, offer no protection to innocent victims if we had to wait until there were tens of thousands or more corpses before we act. A key part of the Genocide Convention is prevention, not just punishment after the fact.

The United States has already done more than any other nation to call attention to and respond to this tragedy. But our efforts to date have not brought an end to the growing crisis. We must take additional measures, and we must take them now.

The May 25 Security Council statements expressing grave concern about the situation in Darfur does not provide any authority for international action. The United States should immediately call for an emergency meeting of the United Nations Security Council and introduce and call for a vote on a resolution that demands the government of Sudan take the following steps:

First, allow international relief groups and human rights monitors free and secure access to the Darfur region; second, the government of Sudan must immediately terminate its support for the Jangaweed and dispatch its forces to disarm them; third, the Sudanese government must allow the more than one million displaced persons to return to their homes.

This resolution must include stiff sanctions if the Sudanese government refuses to meet these conditions, and it must authorize the deployment of peacekeeping forces to Darfur to protect civilians and individuals from CARE and other humanitarian organizations seeking to provide assistance.

It is also critical that United Nations Secretary General Kofi Annan exhibit strong leadership on Darfur. I was pleased to join with the gentleman from Virginia (Mr. WOLF) in urging him to go to Sudan to address the crisis there, and I am pleased that Mr. Annan will finally be going next week.

However, this visit must be more than just an expression of concern. Secretary General Annan must make it clear that if the Sudanese government does not cooperate fully in stopping the killings and the destruction, he will push for immediate international sanctions.

And he must let the Sudanese government know that the welcome progress in reaching accommodation with the south in Sudan will not prevent the world from taking action to stop the horror in Darfur. The U.N. ignored warnings of mass murder a decade ago in Rwanda. It must not stand idly by again.

We should not allow other members of the U.N. Security Council to engage in endless negotiations and delay a vote on a strong resolution. Every day that goes by without action means more lives lost. Let's vote on a resolution. If the rest of the world refuses to authorize collective action, shame on them. Failure to pass such a resolution would not represent a failure of American leadership; it would be a terrible blot on the world's conscience.

Whether or not the United Nations acts, the United States should take steps on its own. We should make it clear that if the Sudanese government does not meet the demands in the proposed resolution, the United States will impose travel restrictions on Sudanese officials and move to freeze their assets. Even apart from U.N. action, we can immediately urge other nations to join us in taking these and other measures.

I commend Secretary of State Colin Powell for his decision to travel to Sudan next week and visit the Darfur region. It is critical that the Secretary's visit do more than simply call attention to the tragedy unfolding there. He must make it clear that the failure of Khartoum to fully cooperate in ending the destruction and killings will result in a concerted American effort to punish the Sudanese government and harness international support to intervene in Darfur.

Mr. Speaker, we must not look back on Darfur 10 years from now and decry the fact that the world failed to stop the crime of genocide. Rwanda and other genocides should have taught us that those who knowingly fail to confront such evil are themselves complicit through inaction. We are all God's children. These are crimes against humanity. Let us respond to this unfolding human disaster with the urgency it demands.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. SMITH) is recognized for 5 minutes.

(Mr. SMITH of Michigan addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

SAUDI ARABIA: THE NEED FOR AMERICAN ENGAGEMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. SCHIFF) is recognized for 5 minutes.

Mr. SCHIFF. Mr. Speaker, the NBC Nightly News broadcast a segment in which the Saudi Crown Prince Abdullah was quoted as telling Saudi television that "Zionists" were behind May 1 attack on contractors at the Saudi oil facility in Yanbu. That attack killed five westerners, including two Americans.

The Crown Prince's remarks were echoed by Saudi Interior Minister Prince Nayef, who said that, "al Qaeda is backed by Israel and Zionism." Prince Abdullah's comments were scurrilous and inflammatory; unfortunately, they are part of a persistent pattern by the Saudi government of saying one thing to the United States and the west and another thing altogether to its own citizens, 15 of whom participated in the September 11 attacks against our Nation.

Indeed, the fact that three-quarters of the 9-11 terrorists were Saudis and that their leader, Osama bin Laden, was a member of a family that long enjoyed close ties to the Saudi royal family, should have spurred the Saudi government to immediate action. Instead, Saudi officials engaged in a protracted effort to deny that any of their citizens had been involved in the 9-11 attacks and instead blamed Israel for terrorism.

Saudi double-talk has had the effect of undermining the efforts that Kingdom has belatedly made in combating terrorism. In the wake of the May 2003 bombing of the housing compounds in Riyadh, the Saudi government began to take steps to cut off sources of terrorism funding, but much more needs to be done. A new report from the Council on Foreign Relations notes that while Riyadh has enacted new laws, regulations, and institutions dealing with money laundering, charitable donations, and financial operations, those new measures have not been fully implemented and there have been no arrests of prominent Saudis who have supported al Qaeda financially.

While we must work with the Saudis to ensure they are continuing to move forward in their efforts in counterterrorism, the war against Islamic terrorism requires the United States to engage Saudi Arabia on a broad range of issues. As the Council on Foreign Relations noted, our relationship with Saudi Arabia over the past 7 decades was built on a bargain in which the Kingdom would ensure stability in the world's oil markets and would play a constructive role in regional security. In exchange, the United States would guarantee Saudi security and would not interfere or raise questions about Saudi domestic issues.

The events of September 11 compel us to challenge the Saudis to change the conditions in the Kingdom that have made it a breeding ground for extremism. We must do this for our own security, but also to help ensure the stability of Saudi Arabia and of the entire

Arab world. A stable, moderate and reforming Saudi government is in America's national interest, and we must push for reform in Saudi Arabia without destabilizing the country further and throwing it into chaos.

Saudi Arabia's problems did not arise overnight. They are the product of decades of tension between the Saudi royal family and the Wahhabi clerics, whose ultra-conservative brand of Islam predominates in the Kingdom. When the House of Saud came to power, it sought to bring electricity, modern communications, and infrastructure to a traditional nomadic desert society.

In November 1979, these contradictions exploded when a group of Islamic militants invaded Mecca's Grand Mosque and took hundreds of pilgrims hostage. Government forces retook the Mosque and executed dozens of Islamic extremists. Instead of working to root out extremism throughout the country, the government sought accommodation with the extremists and handed over control of many aspects of Saudi life, including education, the Judiciary, and cultural affairs to the clerics. As a Saudi businessman tellingly told Newsweek's Fareed Zakaria recently, "Having killed the extremists, the regime implemented their entire agenda."

Thus, at the height of the Saudi oil boom of the 1970s and 1980s, Saudi Arabia took a sharp conservative turn. Even as thousands of young Saudis were being educated in the west, the majority of their countrymen were being fed a diet of religious and cultural bigotry. The rights of women, already almost nonexistent, were even more circumscribed.

By September 2001, the Saudi economy had faltered, its cities were filled with large numbers of undereducated, underemployed, and unmotivated young people who had both tasted modernity and were steeped in an ideology that preached hatred toward the west.

While the Saudis have begun to address the terrorist financing issue, Riyadh has yet to begin the more difficult task of recapturing the country from the extremists. This battle will be long, it will be difficult, and it will be bloody, but we must keep the pressure on the government of Saudi Arabia to do this. Our security and their future depends upon it.

TRIBUTE TO LAGRANGE GRANGERS, GEORGIA'S 2004 AAA HIGH SCHOOL BASEBALL CHAMPIONS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. GINGREY) is recognized for 5 minutes.

Mr. GINGREY. Mr. Speaker, I rise today to pay tribute to the LaGrange High School Grangers, Georgia's 2004 AAA high school baseball champions.

To win the State championship, LaGrange had to beat one of Georgia's greatest baseball powerhouses, the

Cartersville Purple Hurricanes, a program that captured State titles for the past 3 years in a row. I am proud to say that the runner up and defending champion, Cartersville High School, is also in Georgia's 11th congressional district.

The Grangers' crown did not come easily. They split a double-header to force a decisive game three. In that final game, LaGrange jumped out to a big lead, going ahead 9 to 2. But the Purple Hurricanes were not done yet. They crawled back, and then notched three runs in the sixth inning to tie the game at 10 to 10. That is when the Grangers proved they had the heart of champions.

In the bottom of the sixth, LaGrange knocked in three runs, and senior Josh Edmonson took the mound in the seventh inning to snuff out any more comeback hopes for the Purple Hurricanes.

□ 1545

After winning game three of the series, the Grangers finished the year 31-6. I am proud for the team and I am proud for the coaches, Donnie Branch and Jon Powell, who have been together with the team since 1989. Their teams had advanced far in the tournament in previous years, but the ultimate crown had remained elusive until now.

As Coach Powell explained his excitement to the LaGrange Daily News, "You can't put it into words. You dream about it and you work and you work and you work."

Coach Branch, congratulations on a dream come true and a job well done.

The SPEAKER pro tempore (Mr. PEARCE). Under a previous order of the House, the gentleman from Washington (Mr. INSLEE) is recognized for 5 minutes.

(Mr. INSLEE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

EVENTS IN SUDAN AND IN MEMORY OF MATTIE STEPANEK

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Allow me, Mr. Speaker, to join in with a number of my colleagues and as well the Congressional Black Caucus on this question of the people in Sudan. I add my appreciation to the leadership of the gentleman from New Jersey (Mr. PAYNE) and the gentleman from Virginia (Mr. WOLF) and Senator BROWNBACK on recognizing the enormity of the genocide that is occurring in Sudan. I know that if the nation of Sudan wants to do better, it can do better.

Right now we have 400,000 Sudanese being displaced and thousands being killed every day. As some of us said

this week, we cannot return to the Rwanda where we lost millions of lives in the conflict and bloodshed of a few years ago. This is genocide, Arab against Black Muslim, and it must stop. I would encourage Secretary Kofi Annan, who will be heading to Sudan, to give a very strong and very noncompromising statement and demand.

I would likewise encourage and suggest that Secretary Powell must be noncompromising and demanding, the immediate cease-fire and disarming of the Janjaweed and as well the immediate response, humanitarian efforts to be able to go into that area. My understanding is that bloodshed continues and whatever the representations have been of the government, the bloodshed has not stopped.

Might I say that those of us who care about people care about all of the people in Sudan, but not the violent murderers that have been intimidating and frightening and killing innocent people. As I said, the Government of Sudan can in fact make changes. The question is to them, Do they want to make these changes? The Ambassador has said so, and I would like to hear from the government to know that they are stopping the bloodshed.

Mr. Speaker, I want to transition, because my comments are about peace and tranquility and the need for such. I would like to transcend just for a moment to honor a young man that I did not know, but as Chair of the Congressional Children's Caucus I am obligated to acknowledge young Mattie Stepanek, a young, 13-year-old poet who suffered with muscular dystrophy, a child poet who continued to inspire us, whose inspirational verse made him a best-selling writer and a prominent voice for muscular dystrophy sufferers. He died Tuesday of a rare form of the disease. Interestingly enough, not only did he lose his life, but his mother lost children before with the same disease. Can you imagine?

Mattie died at Children's National Medical Center in Washington, the hospital said. He had been hospitalized since early March from complications related to the disease that impaired most of his body. But, Mr. Speaker, it did not impair his mind and his spirit. His poetry sold millions of copies. And when I saw his last repeated interview with Larry King, I saw him say that he wanted to be a peacemaker, he wanted his life to exude what we could do as a human family. He wanted this Earth to be full of peace. His mother, Jeni, 44, has the adult onset form of the disease and his three oldest siblings had died of the same disease in early childhood.

Mattie began writing poetry at age 3 to cope with the death of a brother. In 2001, a small publisher issued a slim volume of his poems called "Heartsongs." Within weeks, the book reached the top of the Times best-seller list. He wrote four other books: "Journey Through Heartsongs," "Hope Through Heartsongs," "Celebrate Through Heartsongs" and "Loving

Through Heartsongs." He said that if he could be the one to change people's minds about war and peace, he wanted it to be him. And so as he sat in his wheelchair with a breathing tube, no one could stop having their heart go out to him and be moved by a child guiding us, adults who are based in conflict and who cause wars.

Here was a child encouraging us to educate the public and plead with us whether we would stand for peace over war and life over death. This young man who suffered his entire life, you would never know that Mattie suffered, for he spoke with eloquence and compassion and spirit, and he just drew you to him. Mattie was 13 years old, but he could say to those far beyond his years in wisdom and in age, he could tell them that they were loved and that there was another place and that he believed in peace.

One of his songs says, "Have you witnessed the early morning, right before the sun rises and the sky glows purple lava lamp? The clouds are the dark, floating lumps, and the still, gentle Earth is to look upon." He called it "Rapture." He then had one called "Hope": "Gentle and peaceful. We are the children of one God yet so many faiths. True, we are different. Unique mosaics of life. Still, we are the same. United we are the festive fabric of life. Divided we fall."

Mr. Speaker, I would say to you that if we listen for just a moment to that fleeting voice of this young man who now I know lives above us in heaven, we would understand the sweetness of a tranquil peace and to recognize that as conflicts abound in Afghanistan and Iraq and as this world looks to America and its future, maybe, Mr. Speaker, we will be allowed to take a brief message from Mattie and regain our moral high ground, the Nation who defends and not offends, the Nation who stands for the morality of peace.

I salute Mattie Stepanek and to his loving mother who has lost four of her children, I pray for them, I pray for his soul. God bless him. God bless America.

Mattie Stepanek, the 13-year-old child poet, whose inspirational verse made him a best-selling writer and a prominent voice for muscular dystrophy sufferers, died Tuesday of a rare form of the disease.

Mattie died at Children's National Medical Center in Washington, the hospital said. He had been hospitalized since early March for complications related to the disease that impaired most of his body's functions.

In his short life, the tireless Mattie Stepanek wrote five volumes of poetry that sold millions of copies. Three of the volumes reached the New York Times' best-seller list.

Mattie had dysautonomic mitochondrial myopathy, a genetic disease that impaired his heart rate, breathing, blood pressure and digestion, and caused muscle weakness. His mother, Jeni, 44, has the adult-onset form of the disease, and his three older siblings died of it in early childhood.

Mattie began writing poetry at age 3 to cope with the death of a brother. In 2001, a small publisher issued a slim volume of his poems,

called "Heartsongs." Within weeks, the book reached the top of the Times' best-seller list. He wrote four other books: "Journey Through Heartsongs," "Hope Through Heartsongs," "Celebrate Through Heartsongs," and "Loving Through Heartsongs."

His poems brought him admirers including Oprah Winfrey and former President Carter and made him one of the best-selling poets in recent years.

Mattie was hospitalized many times over the years. He rolled around his home in a wheelchair he nicknamed "Slick," and relied on a feeding tube, a ventilator and frequent blood transfusions to stay alive.

Despite his condition, Mattie was upbeat, saying he didn't fear death. His work was full of life, a quest for peace, hope and the inner voice he called a "heartsong."

"It's our inner beauty, our message, the songs in our hearts," he said in an interview with The Associated Press in November 2001. "My life mission is to spread peace to the world."

I also want to use this time to speak about the Ad Council's new public opinion survey, entitled, "Turning Point: Engaging the Public on Behalf of Children." This report concludes what many of us in the Congressional Children's Caucus have known for some time: we need to effectively communicate to the public about helping kids. "Turning Point" indicates that the public is willing to listen and the children need our help more than ever.

I have spoken with the Ad Council, and their panel of experts which included Warren Kornblum, Chief Marketing Officer, Toys 'R' Us, Gary Knell, President and CEO, Sesame Workshop, and Paul Kurnit, Founder & President, KidShop. Based on their research and interviews, the report concludes that the public has a more positive view of children and the majority of Americans believe that parents are responsible for raising children with the support of their community. Instead of focusing on blame, we are going to focus on a solution.

There are a myriad of challenges facing our children, and we must work to make children a top legislative priority or it will be a constant struggle to address them. In my State of Texas, 120,370 children were reported as abused or neglected and referred for investigation in the year 2001. This is a rate of 20 per every 1000 Texan children. Even more troubling, 206 children died as a result of abuse or neglect in Texas in 2001.

As Chair of the Congressional Children's Caucus, I am always appreciative of ways to put the needs of children at the forefront of our legislative agenda. The Ad Council has provided us communication and message tools. We in Congress can use these to convey that children are indeed a high priority.

Educating the public about children is not something we can leave alone, in hopes of it occurring by itself. I hope that many of you here can take these communication tools back to your offices, your districts and your own homes.

MATTIE STEPANEK'S POEMS (AS READ ON
LARRY KING LIVE)
HEARTSONG

And a heartsong is your inner message, it's your inner beauty, like what you are meant to do in life. My heartsong is to help others hear theirs again.

And all heartsongs are different and unique and beautiful. And even though similarities are good, it's the differences

that make them special. And we should never try to force our heartsongs on others or have all the same heartsongs.

And it's sad that people are fighting over whose heartsong is better nowadays, because they're all different and beautiful.

RAPTURE

Have you witnessed the early morning, right before the sun rises and the sky glows purple lava lamp? The clouds are the dark, floating lumps, and the still, gentle earth is to look upon.

HOPE HAIKU

Gentle and peaceful. We are the children of one God yet so many faiths. True, we are different. Unique mosaics of life. Still, we are the same. United we are the festive fabric of life. Divided we fall.

RESOLUTION INVOCATION

Let this truly be the celebration of a new year. Let us remember the past, yet not dwell in it. Let us fully use the present, yet not waste it. Let us live for the future, yet not count on it. Let this truly be the celebration of a new year, as we remember and appreciate and live, rejoicing with each other.

ABOUT HEAVEN

Now I will tell you about heaven. Where is heaven? It is way over there. And it is way over there. And it is way over there, too. It is everywhere. What does it look like? It looks like a school. And it looks like a farm. And it looks like a home. It looks like everything. What does it sound like? Well, I really don't know, because I'm just a little big boy with a brother and another brother and sister and a friend who live in the everywhere and everything of heaven. But perhaps heaven sounds like forever.

I AM

I am black. I am white. I am all skins in between. I am young. I am old. I am each age that has been. I am scrawny. I am well fed. I am starving for attention. I am famous. I am cryptic. I am hardly worth the mention. I am short. I am height. I am any frame or stature. I am smart. I am challenged. I am striving for a future. I am able. I am weak. I am some strength. I am none. I am being. I am thoughts. I am all things, said and done. I am born. I am dying. I am dust of humble roots. I am grace. I am pain. I am labor of willed fruits. I am a slave. I am free. I am bonded to my life. I am rich. I am poor. I am wealth amid strife. I am shadow. I am glory. I am hiding from my shame. I am hero. I am loser. I am yearning for a name. I am empty. I am proud. I am seeking my tomorrow. I am growing. I am fading. I am hope amid the sorrow. I am certain. I am doubtful. I am desperate for solutions. I am leader. I am student. I am fate and evolutions. I am spirit. I am voice. I am memory not recalled. I am chance. I am cause. I am effort, blocks and walls. I am him. I am her. I am reasons without rhymes. I am past. I am nearing. I am present in all times. I am many. I am no one. I am seasoned by each being. I am me. I am you. I am all souls now decreeing: I am.

MATTIE STEPANEK BACKGROUND

Mattie Stepanek, the child poet whose inspirational verse made him a best-selling writer and a prominent voice for muscular dystrophy sufferers, died Tuesday of a rare form of the disease. He was 13.

Mattie died at Children's National Medical Center in Washington, the hospital said. He had been hospitalized since early March for complications related to the disease that impaired most of his body's functions.

In his short life, the tireless Stepanek wrote five volumes of poetry that sold millions of copies. Three of the volumes reached the New York Times' best-seller list.

"Mattie was something special, something very special," entertainer Jerry Lewis, who chairs the Muscular Dystrophy Association, said in a statement.

"His example made people want to reach for the best within themselves."

Mattie had dysautonomic mitochondrial myopathy, a genetic disease that impaired his heart rate, breathing, blood pressure and digestion, and caused muscle weakness.

His mother, Jeni, 44, has the adult-onset form of the disease, and his three older siblings died of it in early childhood.

Mattie began writing poetry at age 3 to cope with the death of a brother. In 2001, a small publisher issued a slim volume of his poems, called "Heartsongs." Within weeks, the book reached the top of the Times' best-seller list.

He wrote four other books: "Journey Through Heartsongs," "Hope Through Heartsongs," "Celebrate Through Heartsongs" and "Loving Through Heartsongs."

His poems brought him admirers including Oprah Winfrey and former President Carter and made him one of the best-selling poets in recent years.

Mattie was hospitalized many times over the years. He rolled around his home in a wheelchair he nicknamed "Slick," and relied on a feeding tube, a ventilator and frequent blood transfusions to stay alive.

In the summer of 2001, Mattie nearly died from uncontrollable bleeding in his throat and spent five months at Children's National. When it seemed he would not survive, the hospital got in touch with a Virginia publisher on his behalf.

Mattie and his mother had sent the book to dozens of New York publishers, all of whom rejected it, according to Peter Barnes of VSP Publishers. Barnes said he was caught off guard when he read the work.

VSP Books printed 200 copies of "Heartsongs" to be handed out to friends. But after a news conference publicizing the book, interest exploded. "Heartsongs" went on to sell more than 500,000 copies.

Despite his condition, Mattie was upbeat, saying he didn't fear death. His work was full of life, a quest for peace, hope and the inner voice he called a "heartsong."

"It's our inner beauty, our message, the songs in our hearts," he said in an interview with The Associated Press in November 2001. "My life mission is to spread peace to the world."

JUSTICES RAISE DOUBTS ON SENTENCING RULES

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from the District of Columbia (Ms. NORTON) is recognized for 5 minutes.

Ms. NORTON. Mr. Speaker, I come to the floor because of two court decisions that will have, I think, very important effects on the criminal justice system, on justice in our country, and on the lives of many Americans who have indeed not had the benefits of equal justice in our country. One comes from the Massachusetts Supreme Court

where a district judge has thrown out the Federal sentencing guidelines as unconstitutional. This is an interesting case because the guidelines were upheld in 1989 by the Supreme Court, so it will be important to look closely at this case because the judge clearly feels that there are now grounds to throw the sentencing guidelines out notwithstanding the Supreme Court decision and probably because the Supreme Court decision does not take into effect all that the Massachusetts district judge has found.

This has to go, of course, to the First Circuit Court of Appeals. It is very significant. What makes it more significant is that the Supreme Court itself has now just thrown out Washington State guidelines of a kind that are very similar to the Federal guidelines, at least in many respects, in an opinion written by Justice Scalia.

Essentially what the court found in the 5-4 decision is that the Washington State guidelines violate the sixth amendment right to a jury trial because the sentence is beyond the ordinary range for the crime and this increase in punishments was decided by a judge and not by a jury. Therefore it was in violation, according to the Supreme Court, of the sixth amendment right to a jury trial.

Essentially what the court seemed to be saying was that the Washington State sentencing guidelines allow a judge to enhance sentences beyond what has been placed before a jury and beyond what the crime usually carries. That is exactly what the Federal guidelines do and that is why everyone is scrambling to see whether or not we have something very significant and how to take charge of it.

Its significance, of course, cannot be doubted. For myself, my chief interest is not only as a constitutional lawyer but my interest as well is on the effect of the Federal sentencing guidelines on an entire generation of young black men. Only crack cocaine drug offenses have enhanced sentences. That is to say, if you have cocaine, there is no enhanced sentence. But if you have crack cocaine, there is an enhanced sentence. As you might imagine, crack cocaine, because it is cheap, is found in lower-income communities. The effect has been quite outrageous. Essentially if you look at our country today, black men are 5 percent of the population. They are almost 50 percent of those in jail. Have they been in jail for being drug kingpins? Not at all. These are mostly drug users. Any selling they have done has been to support their habit for the most part. And the Federal sentencing guidelines have so outraged the Federal judiciary that the Judicial Conference has in fact for years now been for the repeal of the guidelines. No less than two conservative justices, Justice Rehnquist and Justice Kennedy, have come forward in speeches against the Federal judicial guidelines.

These cases merit real attention. The harm that has been done has been done

by this Congress. It is the Congress who in effect has virtually instructed the sentencing commission to enhance sentences and to enhance sentences as much as possible and particularly for these drug offenses which are far from where the harm is being done.

The essential effect is to destroy the African American family. Young women, well educated, who are out in the world working in disproportionate numbers to the young men who are there; young men as boys siphoned off into the drug economy, the gun economy, the underground economy which is the economy left in the inner cities of our country; a huge disparity between marriageable young men and marriageable young women, all traces back to the criminal justice system.

These cases have a lot to teach our country. They are going to make their own changes. These cases are an instruction to us to look closely at the Federal sentencing guidelines so that we can do our part to get rid of this injustice in the criminal justice system.

INTRODUCTION OF CENTER FOR SCIENTIFIC AND TECHNICAL ASSESSMENT ACT OF 2005

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. HOLT) is recognized for 5 minutes.

Mr. HOLT. Mr. Speaker, I rise today to introduce the Center For Scientific and Technical Assessment Act of 2005. I have introduced the creating legislation with the gentleman from New York (Mr. HOUGHTON), the gentleman from Virginia (Mr. MORAN), the gentleman from California (Mr. HONDA), the gentleman from Tennessee (Mr. GORDON), the gentleman from Washington (Mr. MCDERMOTT), the gentleman from California (Mr. WAXMAN), the gentleman from Massachusetts (Mr. OLVER), the gentleman from Pennsylvania (Mr. GREENWOOD), the gentleman from Delaware (Mr. CASTLE), the gentleman from Maryland (Mr. VAN HOLLEN), the gentleman from Texas (Mr. FROST), the gentleman from California (Mr. BERMAN), the gentleman from Maryland (Mr. RUPPERSBERGER), and the gentleman from Michigan (Mr. EHLERS). The Center For Scientific and Technical Assessment would be a bicameral and bipartisan resource providing Congress with highly respected, impartial analysis and assessment of scientific and technical issues. The center would provide Congress with early warnings on technology's impacts both here and abroad. The center would assess the issues that impact current and future legislation encompassing medicine, telecommunications, computer sciences, agriculture, materials, transportation, defense, indeed every discipline and sector important to the United States and to our work here in Congress.

It would undertake controversial subjects, examining them objectively and comprehensively for the Nation's

benefit. The center would offer much needed sound principles to reap the benefits of technological change in industry, in the Federal Government, in the workplace, in our schools and look at the estimated economic and social impacts of rapid technological change. The center would enable Congress better to oversee Federal science and technology programs which now amount to over \$130 billion. Finally, the center would help Congress better to understand complex technological issues by tailoring reports for legislative users.

Today's legislative environment involves highly complex issues of science, engineering and technology. High-wage, advanced technology workforce growth is a prerequisite to a strong economy whose future is predicated on our continuing global dominance in science and technology.

□ 1600

If the United States is to maintain and continue its leading role into the 21st Century, then Congress needs to recognize that the future is being shaped by new science and technology discoveries arising from our past investments in basic and applied research and their deployment into present and new industrial sectors. A well-informed Congress with the foresight to pass the right legislation must understand the effects of that technology on all sectors of our society and must understand the scientific aspects of all the legislation under our consideration.

Our Nation must exploit these new advances or prepare to be exploited ourselves by others. Given how technology underlies many aspects of our constituents' lives, concerns, and jobs, unbiased technical assessment is not a luxury but a necessity.

Today Congress is deluged with facts, figures, opinions, and arguments from thousands of interested citizens. Congress does not need more facts and data on these issues of science and technology; it needs balanced analysis and synthesis that conclude with a framing of issues and extraction of knowledge and insight, a process beyond most Members of Congress and our immediate staffs. The Congressional Science Fellows program is a help in some respects. For example, Dr. Marti Sokolowski in my own office provides some of this, and there are some Fellows scattered around other offices around Capitol Hill, but it is not enough.

For 2 decades, Congress could call upon the Office of Technology Assessment for nonpartisan scientific and technical advice. OTA published dozens of reports a year. Its work ran the gamut of subject matter. OTA brought science into the center of many congressional discussions. And at times OTA was a major factor in major pieces of legislation.

Unfortunately, OTA closed its doors in September, 1995. However, many of

its reports are still relevant and useful, but no more such reports are being produced. The loss of that technology assessment is great. Now we have no advice or sometimes haphazard review panels whose composition may tempt some to politicize science. Therefore, the gentleman from New York (Mr. HOUGHTON) and I have introduced a bill to establish the Center for Scientific and Technology Assessment.

We have done much research on the advantages and disadvantages of the former Office of Technology Assessment. We have looked at the recent successful technical assessment program prepared by the General Accounting Office. We have taken into the account the GAO's document and its recommendations. Finally, we have examined the study "Science and Technology Advice for Congress" and considered the lessons of that publication in constructing this bill.

Our country will move into the 21st Century whether we in Congress are prepared or not. Congress will have at least the possibility of charting the course for our Nation with understanding of the applications of science and technology if we enact this legislation.

HAPPY INDEPENDENCE DAY TO THE UNITED STATES MILITARY

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, we have had a vigorous legislative week that included a resolution affirming and applauding the Iraqi transitional government. It was a vigorous debate because many of us were pained to go to the floor to acknowledge a war that we had such great concern and opposition to. I voted for that resolution, with qualifications as to some of the language, but no qualifications on the affirmation of the young men and women on the front line. To be able to recognize their service, to thank their families, and to pray for those families who have lost loved ones.

I could not leave this body this week without acknowledging, as this country celebrates its anniversary of independence, the importance of recognizing freedom and how much and how long we fought for it and the way that we should lead our foreign policy to reflect on the principles of that freedom.

I will spend time, Mr. Speaker, this week with returning veterans and their families and families of those who have lost loved ones in Iraq. But most of all, I think it is important that we take this somewhat holiday week to reflect on the freedom that we as Americans have in this country and to never stray away from the rights of freedom, protesting when we believe it is wrong, supporting when we believe it is right, but, most of all, embracing the Constitution that allows us the freedom of

expression, the freedom of speech, and the freedom to move and the freedom to debate and, most of all, a country that is grounded in the principles of democracy because if we are to show that to others, we must show it amongst ourselves.

Congratulations and happy Independence Day to the United States of America and to all of those serving in the United States military. I thank them for their service. And to our fallen heroes, again to their families and for their loss and the loss of their lives, we will protect the freedom of this Nation.

THE U.S. ECONOMY AND OUR WAR ON TERROR

The SPEAKER pro tempore (Mr. GINGREY). Under the Speaker's announced policy of January 7, 2003, the gentleman from California (Mr. DREIER) is recognized for 60 minutes as the designee of the majority leader.

Mr. DREIER. Mr. Speaker, several of my colleagues over the last few minutes have talked about the fact that we are about to mark Independence Day, and virtually all of our colleagues have left the Chamber and are en route to their homes, to their districts, for this work period.

But I think that it is very important for us to take a few minutes to talk about what is on the horizon. Of course, Independence Day will be a week from this coming Sunday, July 4. But there is a very important date that we will be marking next Wednesday, and that, of course, is the turnover in Iraq from the Coalition Provisional Authority, the CPA, to the IIG, the Iraqi Interim Government, and the leadership of the new president, Ghazi al-Yawar, and the prime minister, who has been facing recently threats on his life, but has stood up courageously talking about the importance of the role that the United States of America and the coalition forces have played in bringing this about. So Iyad Allawi, the new prime minister, is an individual who suffered tremendously, faced nearly the loss of his life at the hands of Saddam Hussein's forces when he was in London, and he has now emerged as one who will be in charge of leading the government there.

This clearly is an historic effort which is designed to bring about peace and stability to what is obviously a very troubled region. And we know, Mr. Speaker, that this is going to yield tremendous dividends to not only the region, but to the entire world and the security around the world and right here at home as well.

What I would like to do during my period of time here this afternoon, Mr. Speaker, is to talk about our economy, but I want to start talking about it as it relates to this global war on terrorism and, again, the handover that we are going to be facing next Wednesday, on June 30.

Clearly, the terrorists attacked us on September 11. When they did that, they

went after the three very important pillars of America's success. What is it that they went after, Mr. Speaker? They went after our national defense capability when they launched the attack and flew the plane into the Pentagon. We know that they were headed towards the government. The report of the 9-11 Commission clearly shows that the plane that was courageously taken into the ground by those passengers in Pennsylvania were headed right towards this building, the great symbol of freedom, the dome that is above us right here, Mr. Speaker, the U.S. Capitol. And we know that the first two targets were the center of the global economy, the World Trade Center Towers.

The months following September 11 were obviously very difficult for us because in attacking the World Trade Center Towers, what was it they were trying to do? They were trying to attack and undermine the strength and vibrance of the U.S. economy.

We all know that our Nation's economy was already in a downturn before September 11. In fact, it was the last two quarters of the year 2000 that we saw the economy begin to slow. And then in early 2001, just after President Bush took the oath of office, we saw two quarters of negative economic growth, which basically means we were in economic recession.

Thankfully, during that period of time, we had passed tax relief just before September 11, and the goal of the tax relief that we provided at that point, Mr. Speaker, was to get our economy going again. And The Washington Post actually, as they looked at what happened on September 11, described the tax relief as "fortuitously well timed," is the term that the Washington Post used to actually describe the timing of the tax relief that we put into place back in 2001.

Why, one would ask, do we believe that tax relief is important? And the fact is that we find that the federal tax coffers do not suffer when we bring about tax cuts. They suffer when our economy is not growing and revenues are not being created. I know that that is counterintuitive, that one believes that somehow if we bring about taxes that we lose revenue coming into the Federal Treasury when, in fact, the opposite is the case. We know that the combined tax relief of the 2001 and 2003 tax package, the two tax packages, had the desired effect of growing the economy and generating more revenue for our Federal Treasury. In fact, the Treasury Department data that we had proves that. Through May of this year, Mr. Speaker, federal tax receipts for this fiscal year are running 2.3 percent higher than for the same period in 2003.

Think about that for a minute. We cut taxes last year for millions of American workers and businesses, the job creators, and what is it? We have been actually getting more money to the Federal Treasury that had been anticipated.

In March of this year, the Congressional Budget Office projected that receipts would be up \$35 billion this year over the same period of time last year. Even further, the Congressional Budget Office noted in a recent report: "Recent trends suggest that the deficit in 2004 will be less than what the CBO had projected in March." Outlays to date are consistent with CBO's expectations, but revenues are running \$30 billion to \$40 billion higher than anticipated, meaning that as we move towards our goal of getting back to a balanced budget, having dealt with the economic recession of 2001, the September 11 attacks on our national security, on our government, and on our economy, as well as tragically killing thousands of Americans and others, and then the war in Iraq, our tax cuts have generated an unanticipated \$30 billion to \$40 billion in revenues to the Federal Treasury.

Right now our men and women in uniform are overseas fighting to protect us, our homeland, from another attack like the one that we saw on September 11, 2001. The good news, Mr. Speaker, is that our economy right here is working for them, our men and women in uniform, too. These increased revenues are what will be used to supply them with everything they need to complete their mission just as quickly and as safely as possible.

We need the funds to provide everything from ammunition to Humvees and, of course, food and water for our troops.

Our national security benefits from a strong, dynamic, growing economy right here in the United States and, of course, a strong, dynamic, growing economy here in the United States ensures to the benefit of other economies throughout the world, and that helps us. Tax relief creates a strong economy.

So let us take a more detailed look at exactly how our economy is doing.

□ 1615

I have been talking an awful lot in the recent months about the strength of our economy. One way of illustrating the nature of our 21st century economy is to look at it in the context of the past 20 years.

Certainly a great deal of change has taken place over the past 20 years, since 1984. The past two decades have transformed not just the business world, but our daily lives as well. But while the changes over the past 2 decades are striking, the parallels between 1984, the things that were said in 1984, and 2004, are perhaps even more remarkable, and they are not getting an awful lot of attention; and that is one of the reasons that I and my very distinguished colleagues, the gentlemen from both Indiana and New Mexico, are joining me here this afternoon.

Looking at 20 years of change, it becomes clear that the more things change, the more they stay the same.

What I would like to do is I would like at this moment to yield to my

friend from New Mexico, who has just been sharing with me the fact that we have been, as we have looked at these tax cuts that have taken place in 2001 and 2003. We have begun to see very, very positive benefits to our economy, and he has been sharing with me anecdotal evidence in New Mexico of benefits we have seen.

I would like at this point to yield to my friend from New Mexico.

Mr. PEARCE. Mr. Speaker, I thank the gentleman for yielding, and I would recognize that the Governor of New Mexico really put it in perspective before the 2003 session. He declared that tax cuts create jobs, and the Democrats need to get over that and pass the tax cuts. That was the tax cut in New Mexico passed in 2003.

Mr. DREIER. If I can reclaim my time just to remind my colleagues, the Governor of New Mexico formerly served in this House. He was elected to this House one term after I was elected here. It is Bill Richardson, who served with great distinction as the Ambassador to the United Nations and the Secretary of Energy, and I worked very closely with him on global trade issues. He is now the Governor of New Mexico and has talked about and put into place important tax cuts to stimulate growth in your economy.

Mr. PEARCE. And he did stimulate growth in the economy. At one point, July of last year, New Mexico was number two in job growth. Keep in mind, they were like 43rd or 44th in per capita income. So job growth that high is tremendous.

The next thing that I would observe is that since I graduated from college, tax freedom day, that is the day which we all work until to pay the taxes, tax freedom day has always been in late May, early June. And now, because of the tax cuts we have given, tax freedom day this year occurred on April 11, and I hear people telling me thank you.

A gentleman in Ruidoso, New Mexico, grabbed me the last time I was there, shook my hand and said, "I have six kids," and he said, "I will tell you that I saw the tax breaks in my paycheck."

Watson Trucking Supply in Hobbs, New Mexico, are goods friends of mine; I have known them throughout my career there in Hobbs. They were set to lay off people before our tax cuts. They had run completely out of manufacturing back orders, no new business; they were set to lay off. The day that we passed the tax and jobs bill here in Congress, he got more back orders than he had ever had, he had 2 years' worth of work laid out in front of them; and instead of laying off people, they began to hire people.

The potash mines in New Mexico have begun to hire because now the potash market is lifting with the overall market.

The copper mines in western New Mexico, Phelps Dodge has put miners back to work there mining copper. They have told me in my office that if

they had regulatory certainty, that is not to roll back regulations, but the certainty that they would be able to get the rules that are in place and keep the rules that are in place, that they would open a smelter and hire 600 people for very good, high-paying jobs in an area that has just been decimated.

We have an MPC plant going into New Mexico, only the second MPC plant in the world; and that is going into New Mexico. There are going to be about 200 jobs there, all good, high-paying jobs.

I have seen in New Mexico the fact that these tax cuts have really created job opportunities, the job growth in New Mexico continues to today, and I appreciate the gentleman yielding time to talk about these exact examples.

Mr. DREIER. Reclaiming my time, I thank my friend for pointing to the tremendous benefits that these reductions in the tax burden have had on the economy of New Mexico; and, frankly, they could take place in the economy of Mexico, too, if we could encourage that, and that is one of the other things. Global trade is a very important part of this component.

I thought before yielding to my friend from Indiana that I would take a moment to juxtapose, as I was saying earlier, the things that are being said and the proposals that were offered back in 1984, to what has taken place in 2004.

As we all know, 1984, like 2004, was a Presidential year. The incumbent President, Ronald Reagan, had inherited a very troubled economy 4 years earlier. We all spent a great deal of time talking about that just a couple of weeks ago as we were memorializing Ronald Reagan. You remember the terms that were used, the fact that President Carter had referred to our Nation as being in a state of malaise. We saw a tremendous, tremendous increase in the interest rates, we saw a very high rate of inflation; and we saw, frankly, a devastated economy that Ronald Reagan inherited.

But clearly, and I am very proud, I was elected to the Congress the day Ronald Reagan was elected President, and I stood here in this well in May of 1981, before my colleagues were born, and at that time when I stood here in that well, we were able to cast the deciding vote with bipartisan support for, first what was known then as the Gramm-Latta budget package, which reduced by 17 percent the rate of growth of Federal spending. It did not cut back Federal spending as much as we all were trying to do, and we are still working on that effort, but it did reduce the rate of growth. Then 3 months later, in August of 1981, we passed what was known as the Economic Recovery Tax Act of 1981.

As we put those very, very important job-creating economic-growth-stimulating packages into place, we saw by 1984 that the economy had been turned around through cutting taxes and by empowering companies to become more

competitive, and tearing down the barriers, as I mentioned when I accidentally said Mexico as opposed to New Mexico, tearing down the barriers to the free flow of goods and services and capital.

Yet inexplicably, the candidate ran a campaign in 1984 of economic isolationism. He ran a campaign based on pessimism about the present and the future, and he called for America to retreat into its borders and restrict the freedom of individuals to engage in the global marketplace. We all know that candidate was our former colleague, the former Vice President of the United States, Walter Mondale.

In that 1984 campaign, he said when the American economy leads, the jobs are here. The prosperity is here for our children. But that is not what is happening today.

Again, this is Walter Mondale speaking in 1984. He said, "This is the worse trade year in American history. Three million of our jobs have gone overseas." That is what he said in 1984.

Speaking of the American companies that were global leaders in fields from manufacturing, to finance, to the burgeoning high-tech industry, which was in its infancy in the 1980s, Walter Mondale said, "To big companies that send our jobs overseas, my message is, we need these jobs here at home, and our country won't help your business unless your business helps our country."

That is what Walter Mondale said as a candidate challenging Ronald Reagan back in 1984.

2004, Mr. Speaker, is a Presidential election year. We have an incumbent President who inherited an economy that was heading for recession, shedding jobs and reeling from a stock market whose bubble had burst. These circumstances were then compounded by the worst terrorist attack in American history, as I was saying, several high-profile corporate scandals, and the uncertainty and anxiety of the ongoing war on terror, including our challenge in Iraq.

Again, President Bush, like Ronald Reagan in the early 1980s, was able to turn the economy around with an agenda of cutting taxes, improving the regulatory environment for U.S. businesses, and knocking down barriers to trade, both here and abroad.

Again, despite the tremendous success that these policies have met, the challenging candidate, our colleague, Senator KERRY, is running a campaign based on raising taxes and reversing our trade liberalization agenda. The Mondale quotes that I just shared with our colleagues, Mr. Speaker, could easily be slipped into a JOHN KERRY campaign speech, and they would be right at home in the midst of that speech.

In fact, we know that KERRY's whole platform could well be called the Mondale legacy campaign. JOHN KERRY's term for the heads of U.S. companies that are global leaders, creating jobs, investing in growing overseas markets, is, as we all know, Benedict Arnold

CEOs. Now he is trying to step away from that after having used it in 25 speeches, but clearly he described those job creators as Benedict Arnold CEOs.

Mr. Speaker, these are companies that are America's greatest innovators, job creators and growth stimulators, and KERRY has proposed raising their taxes as punishment for their leadership. Senator KERRY is apparently oblivious to our 5 percent, four-quarter GDP growth; the record 69 percent homeownership, we just saw it surge in a report we got the day before yesterday; the 4.5 percent productivity growth, which is the fastest in four decades; and, of course, what we are enjoying is low inflation and low interest rates.

These economic gains, Mr. Speaker, have resulted in hundreds of thousands of jobs being created every month, bringing us an unemployment rate which we all know is lower than the average during the seventies, eighties or nineties; 1.4 million new jobs created over the past 7 months alone, since August of last year. And yet JOHN KERRY has said, "The economy in this country is in the worst shape it has been in many, many years. It is the worst jobs record since Herbert Hoover was President. It is the worst growth record since World War II. And the Bush administration policy is dead wrong."

That is what JOHN KERRY has said about the surging, bold, dynamic economic growth that Americans are creating because of policies that George Bush and this Congress have put into place to create that.

Now, that makes for very compelling rhetoric; but actually, Mr. Speaker, I am more interested in the facts, and I believe the American people are as well.

So let us take a look at some economic numbers from the 2004 economy. In keeping with our 20-year theme, I am going to compare them to 1984 numbers. 1984 was a year that witnessed some of the most dramatic economic gains in our country's history. By comparing the 2004 data with the 1984 data, we can put our current economic situation into context and better understand what the numbers mean.

1984: Real GDP growth was at a rate of 7.2 percent in that year, the fastest annual growth rate in 30 years. 2004: real GDP growth has been at 5 percent during the last four quarters, the fastest growth rate in 20 years.

Back in 1984, productivity grew at a 4.5 percent rate, the fastest annual rate on record at that time. Today, 2004, productivity has grown at a 4.5 percent annual rate, which has taken place over the past 3 years, which is the fastest productivity growth rate in 4 decades.

Business investment surged 18 percent in 1984, the highest annual percentage on record; and this year, business investment surged 12.5 percent in the last four quarters alone.

Back in 1984, CEO confidence in the U.S. economy reached an all-time high

in the second quarter of 1983, according to the Conference Board's CEO Confidence Index, which covers more than 100 CEOs in a wide range of industries across the country. This year, 2004, CEO confidence in the U.S. economy is at the highest level in the past 20 years, according to the Conference Board's CEO Confidence Index.

Back in 1984, capacity utilization, which is the Federal Reserve's monthly estimate of the percentage of factory capacity that is being used, increased 8 percent in the 12 months ending in February of 1984, which was the largest 12 month jump on record. In 2004, capacity utilization is at its highest level since July of 2001, and it has increased 2.9 percent since June of 2003, so just about a year ago right now.

Back in 1984, Mr. Speaker, shipments of manufactured durable goods increased 14 percent in 1984 as a whole, one of the largest yearly increases on record. December 1983 saw one of the highest readings in the history of the ISM manufacturing index at 69.9 index points.

This year, 2004, industrial production saw its largest quarterly increase in nearly 4 years, 6.2 percent at an annual rate during the first quarter of 2004, and it increased further in April. The ISM manufacturing employment index increased to its highest level since April of 1973.

Back in 1994, non-farm payroll employment in the first 5 months of 1984 increased by 1.9 million, Mr. Speaker. Now, 2004, the first 5 months of this year, non-farm payroll employment has increased by 1.2 million, on pace for nearly 3 million new jobs to be created in 2004, which is the highest since 1999.

□ 1630

Back in 1984, the unemployment rate fell 3.5 percentage points from 10.8 percent. Remember that: 10.8 percent in the early 1980s was our unemployment rate, December of 1982; and it dropped 3.5 down to 7.3 percent in June of 1983. That is an unemployment rate, Mr. Speaker, from 10.8 percent in December of 1982 down to 7.3 percent in June of 1983.

What is it today in 2004? The unemployment rate is 5.6 percent, not an acceptable level by any means; but it is down from the peak that we saw of 6.3 percent. And as I have said, it is lower than the average unemployment rate during the 1970s, 1980s, and the 1990s.

Mr. Speaker, back in 1994, housing starts surged to 1.8 million, the highest level in 11 years. 2004, housing starts remained near record levels, new-home sales surged by 15 percent last month, and are up over 25 percent from just a year ago. Despite a recent uptick in interest rates, mortgage rates remain near historic lows, making home buying continually easier.

Back in 1984, real disposable personal income increased 7.6 percent in 1983 as a whole, the fastest yearly growth on record. This year, 2004, two decades

later, real disposable income increased at a 4.9 percent annual rate in the first quarter of 2004, faster than its annual pace in 1999 through 2003.

Now, Mr. Speaker, clearly our 2004 economy is strong on all counts, from GDP growth, to job creation, to personal income, to homeownership, right down the line. In fact, our economy is so strong, that even Senator KERRY is having a hard time insisting that we are facing tough economic times.

Now, I suspect that we will continue to hear references, and we actually heard it here on the floor of the House earlier today, to the worst economic record since Herbert Hoover; but that tune is changing just a little. Instead of trying to claim that no jobs are being created, what we are hearing from Senator KERRY is that only bad jobs are being created.

The hamburger-flipping jobs, remember that back to the 1980s, Mr. Speaker? The term "hamburger-flipping jobs" was first coined by a New York Times piece in, surprise, surprise, what year? 1984. And has been resurrected time and time again by people like Ross Perot, Pat Buchanan, John Sweeney, Lou Dobbs; and now JOHN KERRY is trying to breathe new life into the rhetoric of the past by telling Americans that the only jobs being created are those in the local fast-food joint.

JOHN KERRY sent out a press release just last week stating, "The economy has failed to create the new jobs that Bush said his stimulus package would create, and the jobs that have come back pay lower wages."

Now, Mr. Speaker, the fact is real incomes and real purchasing power have been steadily rising for months. Average after-tax income is up nearly \$2,000 since the start of the Bush administration.

Real disposable incomes are growing at an annual 5 percent rate. Job creation in 2004 has been strong in every single occupation category except government work; and it has been particularly strong in high-wage sectors, like professional and business services.

In fact, two-thirds, Mr. Speaker, of all job creation in 2004 has been in industries that pay above the average wage. Americans are finding jobs in amazing fields that years ago did not even exist; but they are very important fields, fields like health care, biotechnology and pharmaceuticals, education, movies, entertainment and digital gaming, recreation, telecommunications, cable, satellite, TV and radio, phones, cellular phones and wireless networks, fashion, insurance, real estate, autos, maintenance and repair, mass transit, investments, whether you call it in the stock market, in pensions or securities and other areas, leisure, hospitality and tourism. Then there are the businesses that service other businesses, like engineering, environmental protection services and technologies, risk management, export and import financing, express delivery.

Now, there are jobs that are directly related to the increasingly global forces and the focus of the U.S. economy, like this entirely new field, this entirely new field of logistics specialists. As supply and production lines become more and more complicated and diverse, businesses are relying on the expertise of this entire new field of logistics experts to coordinate and manage these complex systems.

In fact, the Massachusetts Institute of Technology, MIT, has established this new, entirely new department of logistics studies because of the movement of all these goods. More and more Americans, Mr. Speaker, are also following their entrepreneurial spirit by starting their own businesses and working as independent contractors.

In the example that I pointed to time and time again, and I was thinking of when a moment ago I mentioned the fact that some of those businesses did not even exist, certainly in the 1980s or even a decade ago. There are 430,000 Americans who make their full-time strong living, good income living doing what? Selling full-time on eBay.

Now, again, a decade ago no one would have even contemplated this. The 21st-century economy is affording more and more people the freedom and flexibility to work independently, far from becoming a Nation of hamburger flippers, which was said back in that New York Times article and then through the Presidential campaigns of 1984 and then Michael Dukakis. In 1988, I remember he used the line "McJobs" to describe the jobs that were being created, and now we are hearing that exact same argument coming at us again from JOHN KERRY.

So Americans are actually instead putting innovation and creativity to work making a living in these cutting-edge fields and dramatically improving their quality of life.

And JOHN KERRY keeps reaching for something, anything that he can possibly use to convince the American people that our economy is in the doldrums and that our lives are getting worse and worse.

One of his most recent gimmicks, of course, has been this misery index, which I know my colleague from Indiana has seen, that was put forward back in the 1970s when our economy was in real trouble. Jimmy Carter came up with the misery index, the sum of the national unemployment and inflation rates. It has been used ever since to unofficially gauge the Nation's economic health, that combination of unemployment and inflation. In fact, during the 1996 Presidential campaign, Democrats touted the low misery index as a reason to reelect Bill Clinton, and even many of our colleagues here in the Congress used that.

JOHN KERRY, running for the Senate that year, that year when he was running, he proudly proclaimed that he was proud to run in a year when the misery index was at its lowest level that it had been in 27 years.

Mr. Speaker, it is 2004. The misery index is not very high, because inflation is low and the unemployment rate is low and getting lower, in decline. So what is it that JOHN KERRY has done? He makes up a new misery index because, obviously, the misery index that he was proud to run on, the best in 27 years when he was running in 1996, is a misery index that is even better today than it was when he was so proud. So he has come up with a new idea, and he is trying to tell Americans how miserable they are.

KERRY's new index is, of course, much more complicated than that old favorite which was simply the combination of inflation and unemployment. It is based on seven factors rather than the two that I mentioned: median family income, college tuition, health care costs, gasoline prices, bankruptcies, the homeownership rate, and private sector job growth.

But, Mr. Speaker, the facts just do not wash. According to Senator KERRY's new misery index, President Carter received a higher rating than President Reagan on the misery index, and I would venture to guess that most Americans who lived through the Carter and Reagan years would certainly say that they were better off during Ronald Reagan's term than they were during the Carter Presidency, which plagued them with over 10 percent unemployment rate, as I said, 10.8 percent; and remember, because we know gasoline prices are very high; we do not have the kinds of lines that we had back then in the 1970s when Jimmy Carter was President.

Lower taxes and expanded trade opportunities are the policies that Ronald Reagan vigorously pursued, and they were the exact same policies again that George W. Bush has pursued and that have led to the latest increases that we have seen in job creation. Senator KERRY would do just the opposite of those policies that have continued to create historic, dynamic, bold, job-creating, economic growth.

The policies of KERRY's proposals are to raise taxes, to discourage open trade. He said of the North American Free Trade Agreement that he voted for it back then; but if he had to do it over again, he would vote against it. As I said in my exchange earlier with the gentleman from Ohio (Mr. BROWN), we now enjoy a quarter of a trillion dollars of two-way trade between Mexico and the United States. It needs to get better. We still have very serious problems. But this notion of trying to blame the notion of free trade and JOHN KERRY calling for a renegotiation is really pandering to the lowest common denominator. And, of course, that kind of talk does play a role in creating a degree of misery.

This made-up misery index of Senator KERRY's actually ignores some key facts about our growing economy. After-tax incomes are up by 11 percent since December of 2000, just before President Bush took office, substan-

tially higher than following the last recession; and household wealth is near an all-time high. Inflation is low, as we discussed, and interest rates and mortgage rates are near historic lows. Homeownership rates, as I have mentioned, are near record highs, with minority homeownership at its highest rate ever.

I underscore that again for our colleagues on both sides of the aisle who regularly try to create this very, very divisive view. Minority homeownership today, Mr. Speaker, is at its highest level in our Nation's history. Homeownership rates, as I have discussed, continue, continue to grow all the way across the board. The Dow Jones Industrial Average rose by 25 percent in 2003, and the NASDAQ rose by 50 percent. Consumer confidence is on the rise again, according to an ABC News Money Magazine Consumer Comfort Index.

In case you are wondering what the old misery tells us about the economy today and the economies of the past, here are the numbers. And remember, the higher it is, the more miserable we are supposed to be. In 1976, it was 13.5 percent; in 1996 it was 8.4 percent; and today, the misery index is 7.7 percent. Sounds like Mr. KERRY is the only one who is actually miserable these days.

Another gimmick that has been used by Senator KERRY that he likes to talk about are the "glory days" of 1996 when Bill Clinton was running for reelection. He likes to talk about what a strong, vibrant economy we had back then, and he likes to claim that today, we are far worse off than we were then. We have already taken a detailed look at the parallels between 1984, 2 decades ago, when Walter Mondale was the candidate for President of the United States for the Democrats, and 2004; but since JOHN KERRY is so fond of reminiscing about 1996, I would like to, in just a moment, after I yield to my colleagues, talk about a juxtaposition between what Senator KERRY and Senator KENNEDY of course would describe as the glory days of 1996, and compare those to what we are witnessing today.

So I would be happy to yield to either of my colleagues, the gentleman from Indiana or the gentleman from New Mexico, if they would like to actually enlighten our colleagues on these issues. So since he is on his feet, I am happy to yield to my friend, the gentleman from New Mexico (Mr. PEARCE).

Mr. PEARCE. Mr. Speaker, I have just a couple of comments. As the gentleman is talking about the actual economy and the country right now, what I have found is that the continued harping from the other side here in this body has caused the Nation to be a little suspicious that maybe their success is the only success. I have found in my district that people come up and say, you know, I know they are not having too good results in the rest of the country, but I am having my best year ever. A window manufacturer in my district told me that exact thing, that they

have had their best year ever and they have been in business for several years.

We have another business in Berlin that is beginning to export very high-quality welding across the world; and again, they are saying, we are having a tremendous year.

One of the things that I would like to point out is that during the committee hearings yesterday on the soda ash industry, we found that back about 3 years ago, arbitrarily, the government raised taxes from 4 percent to 6 percent on soda ash.

□ 1645

Now, that soda ash industry made \$700 million in revenue last year, they made no profit but they paid \$100 million in taxes. We are losing business to China because China, in the same number of \$700 million in revenue, actually in the soda ash industry, paid no taxes. And so our companies make no profit and yet they pay \$100 million in taxes.

I will augment what the gentleman said about free trade, that free trade is beginning to point out the deficiencies of our tax systems here that we do actually have a repressive tax system that is costing us jobs in the soda ash industry, in the potash industry, in every manufacturing industry that there is.

And I think that it is time for us to begin to try to help American manufacturers, American miners, and American oil companies rather than hurt them.

Mr. DREIER. Mr. Speaker, I thank my friend for that very helpful contribution, again underscoring the fact that many of our colleagues have a tendency to point the finger outward and blame everyone else as to why we have economic challenges here at home.

It is one of the reasons that we dealt with last week the American Jobs Creation Act, a very important piece of legislation designed to decrease the tax that we have and, later, the regulatory burden, continuing on that road towards creating more and more incentive right here at home, opportunity for job creators to be able to succeed and compete globally. We need to shape the global economy. I regularly argue that if we do not shape the global economy, we will be shaped by it. And that is very important for us.

Now, another very, very hard working and thoughtful new Member of Congress who is now a veteran having served almost 2 years ago, the gentleman from Indiana (Mr. PENCE), I am happy to recognize him.

Mr. PENCE. Mr. Speaker, I thank the chairman for yielding. It is an honor to be able to join the most energetic voice for growth and prosperity in America in this Congress today. I commend the chairman for his leadership and his passion, so evident to anyone looking in today.

But it is not really about the passion or eloquence that people have been exposed to today, Mr. Speaker, it is just

simply about the facts and has been stated and quoted on this floor. Facts are stubborn things. And the reality is that because of the leadership of George W. Bush and because of this Congress's willingness in the wake of both recession that took hold in the waning days of the Clinton administration, and a horrific national tragedy that took place on a day that I was in this building in September of 2001, this President, nevertheless, has led this Nation on the world stage to a place where we will celebrate, as the chairman said moments ago, an Independence Day for a free and democratic Iraq this week, just a few days before we celebrate the 228th anniversary of our own Independence Day.

And because of the leadership of that very same president, George W. Bush, we are, despite the best efforts of the likely democratic nominee, Senator JOHN KERRY and many in his party on this floor who would wish it away or talk it away, we are in the midst of an extraordinary recovery that is as my colleague just suggested, being experienced by Americans in real ways in New Mexico, in the State of Indiana, in the State of California where the chairman serves, and all across this Nation.

But I was very intrigued by the comments of the gentleman from New Mexico that he is hearing from citizens that he serves that they are sorry that things are not better elsewhere, but they are really good here. Because I am going home to my heartland district in eastern Indiana hearing much the same thing.

It is as though, when the statistics that the gentleman from California (Chairman DREIER) just went over, Mr. Speaker, 1.5 million new jobs since August, 257,000 new jobs per month, I pulled the Indiana statistics in preparation for this, Indiana, where manufacturing is really right there with agriculture, Indiana is the second leading exporting State in the union. And manufacturing and exporting in our state, rather than the 11 percent of the national average, is 20 percent of our State's economy.

And in the State of Indiana in the last year alone, international exports from Indiana increased nearly 10 percent in 2003. And it is because of the President's lean-forward approach to tax relief, deregulation, and an issue that probably no one champions here more than the gentleman from California, Mr. Speaker, is this business of expanded international trade.

Hoosiers know that trade means jobs. And it is contributing mightily to these undeniable statistics that the chairman has cited so eloquently and passionately today. America's standard of living is on the rise. Real after-tax income up 11 percent since December of 2000, consumer confidence at its highest level in the past 4 months alone, mortgage rates remain near historic lows, and yet it is as though many of our colleagues on the other side of the aisle and their democratic presidential

candidate would say to us what Groucho Marx said famously in his career, "Who are you going to believe, me or your own eyes?"

And it seems to me all together fitting that as we approach this Independence Day recess, that the gentleman from California (Chairman DREIER) would pull this special order together as many of us are outbound back to our States, as I and my family are, to go to work and to enjoy picnics and have family times to say one last time before we go into this break what the reality is.

The reality is that freedom is expanding at home and abroad, a free market economy is expanding because of the policies and practices of George W. Bush and a Republican majority in the House and in the Senate that have doggedly and determinedly pursued economic freedom at home and abroad.

And for all those reasons, as the chairman said, I think very eloquently in his opening remarks, for all of those reasons, the United States of America is able to be the arsenal of democracy, is able to come along side the people of Iraq and even 30 years of despotism by a murderous, barbaric, dictator who literally claimed the lives, snuffed out the lives of over 1.2 million men and women, boys and girls over the last 30 years. 400,000 bodies have been found, 600,000, 700,000 remain missing. These are the facts. Facts are stubborn things.

But we are able, and the families of American servicemen and women are able, to project forward the interest of the advancement of liberty because we are prosperous at home.

It seems to me, as I close and prepare to yield back my time, that freedom is contagious, economic freedom is contagious, political freedom is contagious, but it is only contagious when freedom at home is vibrant. What my colleague understands and what the gentleman from Illinois (Speaker HASTERT) understands, and President George Bush understands, and I hope anyone looking in today understands, is that that Republican majority and this Republican President believe in freedom. They believe in a vibrant freedom at home and a contagious freedom across the world, economic and political, and are prepared to make the sacrifices and take the blows from the left to achieve that.

So I thank the chairman for his dogged optimism and vision.

Mr. DREIER. Mr. Speaker, let me express my appreciation to the very thoughtful and provocative remarks by my friend from Indiana. He put it extraordinarily well. The interdependence of economic and political freedom are so clear.

And getting back to this notion that a strong, bold, dynamic vibrant U.S. economy is going to have a positive ripple effect, and it directly itself is going to help provide the revenues necessary for us to help in our continued quest to bring about political pluralism, self-determination, the rule of

law in Iraq, we know full well that it is going to be a continued painful time.

We got the tragic news yesterday of the death of nearly 100 Iraqis. But that will lead us to strengthen our resolve. And, again, the important thing we need to do is underscore our commitment right here at home to keep this economy growing so that we can help others.

Before I yielded to my friend from Indiana, I was talking about earlier the juxtaposition of 1984 and what was said by Walter Mondale at that time, who was running against Ronald Reagan, what is taking place today in the campaign between JOHN KERRY and George W. Bush and the fact that JOHN KERRY and many others referred to 1996 as the glory days.

And we were talking about this misery index, the traditional one that has existed which is a combination of unemployment and inflation, and this new one which has five criteria that are included in the mix here.

What I would like to do is to focus back on 1996 and compare that to 2004. In 1996, Mr. Speaker, the average monthly payroll job creation was 233,000, as was just said by my colleague, the average monthly payroll job creation has been in excess of 238,000. He referred to the 257,000 number that we saw last month, but it has consistently been in excess, higher than it was back in those glory days of 1996.

Back in 1996 the number of manufacturing jobs created was 15,000. In 2004, so far, the number of manufacturing jobs, manufacturing jobs created has been 91,000. In fact, last month we saw the largest manufacturing job growth in 45 months. Again, that compares to the glory days of 1996 where we saw 15,000 created.

Back in 1996, the percent of new jobs paying above the median wage was 60 percent. Actually in 2004 the number is exactly the same. The percent of new jobs paying above the median wage is 60 percent.

In 1996, Mr. Speaker, the glory days of 1996, to which JOHN KERRY refers, guess what the unemployment rate was? Mr. Speaker, it was 5.6 percent. Those were the glory days. Today the unemployment rate is 5.6 percent. Again, not an acceptable level at all. We want it to get better. But as people juxtapose 1996 and those glory days to the horrible miserable days of 2004, we need to recognize that those numbers are the exact same.

Mr. Speaker, the unemployment rate back in 1996 for African Americans was 10.2 percent. Today, again, not an acceptable level, but a full percentage point lower, 9.2 percent. Back then the unemployment rate in the Latino community, much of which I am privileged to represent in southern California, was 9.6 percent back in the glory days of 1996. In the miserable time as described by Mr. KERRY of 2004, the unemployment rate for Latinos is 7 percent.

Back in the glory days of 1996, as described by Mr. KERRY, the average GDP growth over the previous three quarters was 3.1 percent. This year, 2004, what is described again by Mr. KERRY as the miserable time, the average GDP growth rate over the previous three quarters has been 5.4 percent.

Back in 1996, again, the glory days as described by Mr. KERRY, the inflation rate was 2.8 percent. Today, 2004, this miserable time, the inflation rate is only 2.2 percent.

Now, JOHN KERRY likes to talk about how strong the economy was during Bill Clinton's reelection campaign and this current economic situation. But a look at the actual facts reveals that despite a recession, a massive terrorist attack, corporate scandals, and this ongoing war on terror, our economy weathered these storms and came out even stronger than those so-called booming days of 1996.

Now, I have gone through, Mr. Speaker, along with my colleagues a lot of economic data to demonstrate the strength of our economy and the success of an economic agenda based on cutting taxes and tearing down barriers to the worldwide economy. But it is easy to get lost in these numbers and lose sight of what exactly all of this means.

So I would like to talk about some real life examples as my colleague from New Mexico did, examples of how granting Americans greater economic freedom empowers them to prosper and create new opportunities. In March of this year, President Bush travelled to New Hampshire to meet with small business owners. One of the people he spoke with was a first generation American, George Kassas, a native of Lebanon. Mr. Kassas founded his own company, founded his own company back in 2001, shortly after President Bush took office. He was his own boss and the only employee.

Today Mr. Kassas employs 100 people in Derry, New Hampshire. The company is called Cedar Point Communications. It produces voice-over IP switching technology which is used by broadband service providers like cable operators so that they can provide telephone service over cable wires.

□ 1700

Mr. Speaker, again, this is a new technology, something that consumers could not have even imagined two decades ago, but George Kassas came up with an idea and built a business out of it. His burgeoning company is flourishing, and it is an economic environment that is specifically geared towards expanding the economy and creating more jobs. Lower taxes and more investment opportunities like business expensing have made it possible.

Mr. Kassas is hoping to start exporting his products this year and to continue to do so well into the future. Now, that means he needs and wants the opportunity to export his product so that his company can grow and grow and hire more people.

It is a fact. Economic isolationism would prevent George Kassas from growing his company. We need to continue pursuing open trade policies through trade agreements that create exporting opportunities for small business owners like George Kassas.

Another prime example of small business success in this economy is D.G. O'Brien, Incorporated, another high-tech company in New Hampshire. D.G., Incorporated, is an older company than Cedar Point, but it has thrived thanks to lower taxes and greater investment opportunities.

D.G., Inc., employs 175 people. They produce electrical and optical interconnection systems for high pressure, highly corrosive, sub-sea and nuclear systems. D.G., Inc., is a medium-sized company that pays its taxes in the top 35 percent tax bracket.

Thanks to the tax relief that we have passed in the last 3 years, D.G., Inc.'s, tax burden has lowered, and it was able to spend \$400,000 in capital equipment in 2003 and will be spending \$500,000 in capital equipment this year. With that money they have bought everything from machine tools to computers, all of it helping improve their productivity and the health of their company.

Under JOHN KERRY's economic plan, companies like D.G., Inc., would see that tax relief totally erased. A higher tax burden would translate into fewer investment dollars and would otherwise enable this growing company to create new jobs.

A higher tax burden would derail the strong growth that we have been witnessing for many months, powered by both small and large companies, as well as entrepreneurs who are out there creating opportunities for themselves.

The Bureau of Labor Statistics Payroll Survey shows not only robust job creation of payroll jobs for the past several months, but these gains are widespread, spanning over all sectors and all parts of our country. Net job creation is up in 44 of the 50 States over the last year, and the unemployment rate is down in all regions and in 46 of the 50 States.

The most recent payroll jobs data show that for the month of May this widespread net job creation continues: 10,700 new jobs in Pennsylvania; 8,300 new jobs in Michigan; 4,100 new jobs in Connecticut; 23,600 new jobs in my State of California; 13,400 new jobs in North Carolina; 9,700 new jobs in Massachusetts; 8,400 new jobs in Arizona; 1,100 new jobs in Ohio; 25,400 new jobs created in New York; 12,900 new jobs created in Texas; 6,800 new jobs created in Florida; 12,100 new jobs created in Wisconsin; 9,500 new jobs created in New Jersey; 8,300 new jobs created in Virginia; 5,700 new jobs in Oklahoma; 8,100 new jobs created in Maryland; 4,100 new jobs in Kansas.

The list goes on and on and on, Mr. Speaker. Furthermore, these jobs numbers encompass every single category of work except government employment. Every field, from manufacturing

to construction to business services, witnessed the creation of thousands of new jobs.

Again, these numbers that I share with my colleagues are just from last month alone, and these numbers do not even take into account the fastest growing sector of our labor force, self-employment and independent contracting. Those numbers were not even included in the figures that I gave my colleagues, which make up a third of all new job creation.

There is simply no denying the fact that we have a strong, growing, bold, dynamic economy that is creating good jobs in every corner of our Nation. JOHN KERRY wants to deny the facts. He wants Americans to believe that we are in a state of economic crisis. He wants us to believe that there are no good job opportunities out there. He wants us to believe that our lives are getting worse.

Of course, things can get better, but pessimism is not based in reality. It is not based on the strong growth, rapid job creation, thriving small businesses and climbing incomes that we are witnessing across this country.

This pessimism, Mr. Speaker, is also dangerous. Our prosperity is helping us to wage a global war on terrorism.

Next Wednesday marks this very important handover. We are going through difficult times, there is no doubt about it, but our economic strength right here at home is part of the foundation of our security as a Nation, and that clearly has a ripple effect across the world.

The evidence shows of the inextricable tie between our growing economy and peace and stability and growing job-creating economies throughout the world. It is the right thing do.

I appreciate the fact that my colleagues have participated in this. I appreciate the forbearance that the Speaker has shown, as well as those of the staff who have joined us here.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BOYD (at the request of Ms. PELOSI) for today on account of personal reasons.

Ms. KILPATRICK (at the request of Ms. PELOSI) for today after 1:00 p.m. on account of personal reasons.

Ms. SLAUGHTER (at the request of Ms. PELOSI) for today on account of illness.

Ms. CARSON of Indiana (at the request of Ms. PELOSI) for today on account of personal reasons.

Mr. COBLE (at the request of Mr. DELAY) for today after 11:45 a.m. on account of obligations in his district.

Mr. BARTON of Texas (at the request of Mr. DELAY) for today on account of attending the funeral of a district staff person.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legis-

lative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. FILNER) to revise and extend their remarks and include extraneous material:)

Mr. BROWN of Ohio, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. FILNER, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Mr. VAN HOLLEN, for 5 minutes, today.

Mr. SCHIFF, for 5 minutes, today.

Mr. INSLEE, for 5 minutes, today.

Mr. HOLT, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

(The following Members (at the request of Mr. PENCE) to revise and extend their remarks and include extraneous material:)

Mr. WELDON of Florida, for 5 minutes, today.

Mr. OSBORNE, for 5 minutes, today.

Mr. SMITH of Michigan, for 5 minutes, today.

Mr. PENCE, for 5 minutes, today.

Mr. GINGREY, for 5 minutes, today.

SENATE BILLS REFERRED

Bills and a concurrent resolution of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 1292. An act to establish a servitude and emancipation archival research clearinghouse in the National Archives; to the Committee on Government Reform.

S. 1932. An act to provide criminal penalties for unauthorized recording of motion pictures in a motion picture exhibition facility, to provide criminal and civil penalties for unauthorized distribution of commercial pre-release copyrighted works, and for other purposes; to the Committee on the Judiciary.

S. 2237. An act to amend chapter 5 of title 17, United States Code, to authorize civil copyright enforcement by the Attorney General, and for other purposes; to the Committee on the Judiciary.

S. 2322. An act to amend chapter 90 of title 5, United States Code, to include employees of the District of Columbia courts as participants in long term care insurance for Federal employees; to the Committee on Government Reform.

S. Con. Res. 83. Concurrent resolution promoting the establishment of a democracy caucus within the United Nations; to the Committee on International Relations.

ENROLLED BILLS SIGNED

Mr. Trandahl, Clerk of the House, reported and found truly enrolled bills and a joint resolution of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 884. An act to provide for the use and distribution of the funds awarded to the Western Shoshone identifiable group under Indian Claims Commission Docket Numbers 326-A-1, 326-A-3, and 326-K, and for other purposes.

H.R. 1731. An act to amend title 18, United States Code, to establish penalties for aggravated identity theft, and for other purposes.

H.R. 2751. An act to provide new human capital flexibilities with respect to the GAO, and for other purposes.

H.R. 3864. An act to authorize the Secretary of Agriculture and the Secretary of the Interior to enter into an agreement or contract with Indian tribes meeting certain criteria to carry out projects to protect Indian forest land.

H.R. 4103. An act to extend and modify the trade benefits under the African Growth and Opportunity Act.

H.R. 97. Joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003.

BILLS PRESENTED TO THE PRESIDENT

Jeff Trandahl, Clerk of the House reports that on June 25, 2004 he presented to the President of the United States, for his approval, the following bills.

H.J. Res 97. Approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003.

H.R. 884. To provide for the use and distribution of the funds awarded to the Western Shoshone identifiable group under Indian Claims Commission Docket Numbers 326-A-1, 326-A-3, and 326-K, and for other purposes.

H.R. 2751. To provide new human capital flexibilities with respect to the GAO, and for other purposes.

ADJOURNMENT

Mr. DREIER. Mr. Speaker, pursuant to Senate Concurrent Resolution 120, 108th Congress, I move that the House do now adjourn.

The motion was agreed to.

The SPEAKER pro tempore (Mr. GINGREY). Pursuant to the provisions of Senate Concurrent Resolution 120, 108th Congress, the House stands adjourned until 2 p.m. on Tuesday, July 6, 2004.

Thereupon (at 5 o'clock and 7 minutes p.m.), pursuant to Senate Concurrent Resolution 120, 108th Congress, the House adjourned until Tuesday, July 6, 2004, at 2 p.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

8822. A communication from the President of the United States, transmitting requests for FY 2005 budget amendments for the Departments of Commerce, Health and Human Services, Justice, State, and Transportation; as well as the General Services Administration, the Election Assistance Commission, and the Federal Communications Commission; (H. Doc. No. 108-197); to the Committee on Appropriations and ordered to be printed.

8823. A letter from the Assistant to the Board, Board of Governors of the Federal Reserve System, transmitting the Board's final rule — Fair Credit Reporting Act [Regulation V; Docket No. R-1187] received June 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

8824. A letter from the Deputy Assistant Secretary for Policy, Employee Benefits Security Administration, Department of Labor, transmitting the Department's final rule — Health Care Continuation Coverage, Correction (RIN: 1210-AA60) received June 24, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

8825. A letter from the Assistant Secretary for Legislative Affairs, Department of State,

transmitting a report to Congress on Bulgaria's status as an adherent to the Missile Technology Control Regime (MTCR), pursuant to 22 U.S.C. 2797b-1; to the Committee on International Relations.

8826. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A319 and A320 Series Airplanes [Docket No. 2002-NM-278-AD; Amendment 39-13608; AD 2004-09-19] (RIN: 2120-AA64) received June 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8827. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — IFR Altitudes; Miscellaneous Amendments [Docket No. 30412 ; Amdt. No. 448] received June 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8828. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Moberly, MO. [Docket No. FAA-2004-17420; Airspace Docket No. 04-ACE-21] received June 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8829. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Chappell, NE. [Docket No. FAA-2004-17421; Airspace Docket No. 04-ACE-22] received June 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8830. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30415; Amdt. No. 3098] received June 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8831. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30410; Amdt. No. 3094] received June 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8832. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30411; Amdt. No. 3095] received June 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8833. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30413; Amdt. No. 3096] received June 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8834. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30414; Amdt. No. 3097] received June 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8835. A letter from the Paralegal Specialist, FAA, Department of Transportation,

transmitting the Department's final rule — Establishment of Class E Airspace; Allakaket, AK [Docket No. FAA-2004-17496; Airspace Docket No. 04-AA1-04] received June 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8836. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Revision of Class E Airspace; Kipnuk, AK [Docket No. FAA-2004-17497; Airspace Docket No. 04-AA1-05] received June 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8837. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Lockheed Model L-1011 Series Airplanes [Docket No. 2000-NM-145-AD; Amendment 39-13618; AD 2004-09-28] (RIN: 2120-AA64) received June 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8838. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Manchester, NH [Docket No. FAA-2003-16707; Airspace Docket No. 2003-ANE-104] received June 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8839. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bell Helicopter Textron Canada Model 407 Helicopters [Docket No. 2004-SW-08-AD; Amendment 39-13637; AD 2004-10-07] (RIN: 2120-AA64) received June 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8840. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Wayne, NE. [Docket No. FAA-2004-17912; Airspace Docket No. 04-ACE-38] received June 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8841. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Fokker Model F27 Mark 100, 200, 300, 400, 500, 600, and 700 Series Airplanes [Docket No. 2002-NM-253-AD; Amendment 39-13613; AD 2004-09-23] (RIN: 2120-AA64) received June 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8842. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Model MD-11 and -11F Airplanes [Docket No. 2001-NM-161-AD; Amendment 39-13430; AD 2004-01-16] (RIN: 2120-AA64) received June 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8843. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Raytheon Aircraft Company Model 1900, 1900C, 1900C (C-12J), and 1900D Airplanes [Docket No. 95-CE-46-AD; Amendment 39-13596; AD 2004-09-07] (RIN: 2120-AA64) received June 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8844. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 727-100, and -200; 737-100, -200, -200C, -300, -400, and -500; and 747 Series Airplanes [Docket No.

2001-NM-297-AD; Amendment 39-13636; AD 2004-10-06] (RIN: 2120-AA64) received June 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8845. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; BAE Systems (Operations) Limited (Jetstream) Model 4101 Airplanes [Docket No. 2002-NM-58-AD; Amendment 39-13607; AD 2004-09-18] (RIN: 2120-AA64) received June 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8846. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 757-200 Series Airplanes [Docket No. 2004-NM-44-AD; Amendment 39-13622; AD 2004-09-32] (RIN: 2120-AA64) received June 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8847. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB-135 and EMB-145 Series Airplanes [Docket No. 2002-NM-165-AD; Amendment 39-13604; AD 2004-09-15] (RIN: 2120-AA64) received June 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8848. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Dornier Model 328-100 and -300 Series Airplanes [Docket No. 2003-NM-263-AD; Amendment 39-13605; AD 2004-09-16] (RIN: 2120-AA64) received June 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8849. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 747-400, 747-400D, 747-400F, 757-200, 757-200PF, 757-200CB, 767-200, 767-300, and 767-300F Series Airplanes [Docket No. 2003-NM-40-AD; Amendment 39-13635; AD 2004-10-05] (RIN: 2120-AA64) received June 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8850. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A300 B4-600, A300 B4-600R, and A300 F4-600R (Collectively Called A300-600), A310, A319, A320, A321, A330, and A340-200 and -300 Series Airplanes [Docket No. 2003-NM-19-AD; Amendment 39-13632; AD 2004-10-02] (RIN: 2120-AA64) received June 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8851. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Model CL-215-6B11 (CL215T Variant), and CL-215-6B11 (CL415 Variant) Series Airplanes [Docket No. 2003-NM-199-AD; Amendment 39-13634; AD 2004-10-04] (RIN: 2120-AA64) received June 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8852. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Glasflugel — Ing. E. Hanle Model GLASFUGEL Kestrel Sailplanes [Docket No. 2003-CE-60-AD; Amendment 39-13591; AD 2004-09-02] (RIN: 2120-AA64) received June 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8853. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Model CL-600-1A11 (CL-600), CL-600-2A12 (CL-601), and CL-600-2B16 (CL-601-3A, CL-601-3R, and CL-604) Series Airplanes [Docket No. 2003-NM-175-AD; Amendment 39-13628; AD 2004-09-37] (RIN: 2120-AA64) received June 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8854. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Dornier Model 328-100 and Model 328-300 Series Airplanes [Docket No. 2003-NM-112-AD; Amendment 39-13601; AD 2004-09-12] (RIN: 2120-AA64) received June 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8855. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Gulfstream Aerospace LP Model Galaxy and Gulfstream 200 Airplanes [Docket No. 2004-NM-70-AD; Amendment 39-13614; AD 2004-09-24] (RIN: 2120-AA64) received June 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8856. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 767 Series Airplanes Powered by General Electric or Pratt & Whitney Engines [Docket No. 2002-NM-275-AD; Amendment 39-13603; AD 2004-09-14] (RIN: 2120-AA64) received June 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8857. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB-135BJ and EMB-145XR Series Airplanes [Docket No. 2003-NM-218-AD; Amendment 39-13602; AD 2004-09-13] (RIN: 2120-AA64) received June 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8858. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 747 Series Airplanes [Docket No. 2003-NM-47-AD; Amendment 39-13566; AD 2004-07-22] (RIN: 2120-AA64) received June 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8859. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A330-200 Series Airplanes [Docket No. 2003-NM-128-AD; Amendment 39-13589; AD 2004-08-19] (RIN: 2120-AA64) received June 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8860. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Dornier Model 328-300 Series Airplanes [Docket No. 2002-NM-156-AD; Amendment 39-13588; AD 2004-08-18] (RIN: 2120-AA64) received June 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8861. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Cessna Aircraft Company Models 208 and 208B Airplanes [Docket No. 2004-CE-09-AD; Amendment 39-13587; AD 2004-08-17] (RIN: 2120-AA64) received

June 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8862. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Gulfstream Aerospace LP Model Astra SPX and 1125 Westwind Astra Series Airplanes [Docket No. 2002-NM-236-AD; Amendment 39-13565; AD 2004-07-21] (RIN: 2120-AA64) received June 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8863. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Model DC-9-14, DC-9-15, and DC-9-15F Airplanes; Mode DC-9-20, -30, -40, and -50 Series Airplanes; and Model DC-9-81 (MD-81), DC-9-82 (MD-82), DC-9-83 (MD-83), DC-9-87 (MD-87), MD-88, and MD-90-30 Airplanes [Docket No. FAA-2003-16647; Directorate Docket No. 2002-NM-203-AD; Amendment 39-13520; AD 2004-05-25] (RIN: 2120-AA64) received June 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8864. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 747-400 and -400D Series Airplanes [Docket No. 2004-NM-01-AD; Amendment 39-13564; AD 2004-07-20] (RIN: 2120-AA64) received June 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8865. A letter from the Acting Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Significant reduction in retiree health coverage during the cost maintenance period. (Rev. Rul. 2006-65) received June 24, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8866. A letter from the Chief, Publications & Regulations, Internal Revenue Service, transmitting the Service's final rule — Required Distributions from Retirement Plans [TD 9130] received June 24, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8867. A letter from the Secretary, Department of Homeland Security, transmitting a report entitled "Unmanned Aerial Vehicles Applications to Homeland Security Missions," pursuant to Public Law 108-136, section 1034; jointly to the Committees on Armed Services and Transportation and Infrastructure.

8868. A letter from the Deputy Architect/Chief Operating Officer for the Architect of the Capitol, transmitting an action plan addressing the policies, procedures, and actions to be implemented in carrying out the responsibilities entrusted to the Office, pursuant to Public Law 108-7, section 1203; jointly to the Committees on House Administration and Transportation and Infrastructure.

8869. A letter from the Secretary, Department of Commerce, transmitting a draft bill "To establish the National Oceanic and Atmospheric Administration (NOAA), to amend the organization and functions of the NOAA Advisory Committee on Oceans and Atmosphere, and for other purposes"; jointly to the Committees on Resources and Science.

8870. A letter from the Secretary, Department of Energy, transmitting a draft of proposed legislation to enhance the effectiveness of the Department's defense and national security programs; jointly to the Committees on Armed Services, International Relations, and Energy and Commerce.

8871. A letter from the Secretary, Department of Homeland Security, transmitting a

letter prepared jointly by the Secretary of the Department in which the Coast Guard is operating, the Secretaries of Commerce and Interior, Environmental Protection Agency, and the Attorney General transmitting the report on the immunity of a private responder (other than a person responsible for the vessel or facility from which oil is discharged) from liability for criminal and civil penalties for the incidental take of a protected species while carrying out oil spill response actions, as required by Section 400 of the Maritime Transportation Security Act of 2002; jointly to the Committees on Transportation and Infrastructure, the Judiciary, and Resources.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. POMBO: Committee on Resources. H.R. 3819. A bill to redesignate Fort Clatsop National Memorial as the Lewis and Clark National Historical Park, to include in the park sites in the State of Washington as well as the State of Oregon, and for other purposes; with an amendment (Rept. 108-570). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. H.R. 2831. A bill to authorize the Secretary of the Interior to convey the Newlands Project Headquarters and Maintenance Yard Facility to the Truckee-Carson Irrigation District; with an amendment (Rept. 108-571). Referred to the Committee of the Whole House on the State of the Union.

Mr. SMITH of New Jersey: Committee on Veterans' Affairs. H.R. 1716. A bill to amend title 38, United States Code, to improve educational assistance programs of the Department of Veterans Affairs for apprenticeship or other on-job training, and for other purposes; with an amendment (Rept. 108-572 Pt. 1). Ordered to be printed.

Mr. POMBO: Committee on Resources. H.R. 2828. A bill to authorize the Secretary of the Interior to implement water supply technology and infrastructure programs aimed at increasing and diversifying domestic water resources; with an amendment (Rept. 108-573 Pt. 1). Ordered to be printed.

DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XII the Committee on Armed Services discharged from further consideration. H.R. 1716 referred to the Committee of the Whole House on the State of the Union.

Pursuant to clause 2 of rule XII the Committee on Transportation and Infrastructure discharged from further consideration. H.R. 2828 referred to the Committee of the Whole House on the State of the Union.

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

H.R. 1716. Referral to the Committee on Armed Services extended for a period ending not later than June 25, 2004.

H.R. 2828. Referral to the Committee on Transportation and Infrastructure extended for a period ending not later than June 25, 2004.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. SAM JOHNSON of Texas:

H.R. 4714. A bill to amend the Internal Revenue Code of 1986 to provide for retirement savings accounts, and for other purposes; to the Committee on Ways and Means.

By Mr. NUSSLE:

H.R. 4715. A bill to clarify the obligations of the Federal Communications Commission to issue licenses using competitive bidding procedures; to the Committee on Energy and Commerce.

By Ms. WATERS:

H.R. 4716. A bill to authorize the Secretary of the Interior to study the suitability and feasibility of designating Ballona Bluff, located in Los Angeles, California, as a unit of the National Park System, and for other purposes; to the Committee on Resources.

By Mr. OTTER (for himself, Mr. STENHOLM, Mr. FLAKE, Mr. SIMPSON, Mr. BEREUTER, Mr. PEARCE, Mr. CANNON, Mr. KOLBE, and Mr. DOOLITTLE):

H.R. 4717. A bill to allow small public water systems to request an exemption from the requirements of any national primary drinking water regulation for a naturally occurring contaminant, and for other purposes; to the Committee on Energy and Commerce.

By Mr. LEWIS of Kentucky (for himself and Mr. WHITFIELD):

H.R. 4718. A bill to amend the Internal Revenue Code of 1986 to provide a credit to certain agriculture-related businesses for the cost of protecting certain chemicals; to the Committee on Ways and Means.

By Mr. BAKER (for himself, Mr. ROYCE, and Mr. HENSARLING):

H.R. 4719. A bill to amend the Truth in Lending Act to limit the liability of any assignee of a creditor, and for other purposes; to the Committee on Financial Services.

By Ms. BALDWIN (for herself, Mr. KUCINICH, Mr. KILDEE, Ms. SOLIS, and Mr. RUSH):

H.R. 4720. A bill to amend the Family and Medical Leave Act of 1993 to eliminate an hours of service requirement for benefits under that Act; to the Committee on Education and the Workforce, and in addition to the Committees on Government Reform, and House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BISHOP of New York (for himself, Mrs. MCCARTHY of New York, Mr. GRIJALVA, and Mr. BISHOP of Georgia):

H.R. 4721. A bill to amend the Internal Revenue Code of 1986 to exclude from estate taxes the value of farmland so long as the farmland use continues and to repeal the dollar limitation on the estate tax exclusion for land subject to a qualified conservation easement; to the Committee on Ways and Means.

By Mr. BRADLEY of New Hampshire (for himself and Mr. BASS):

H.R. 4722. A bill to authorize the establishment at Antietam National Battlefield of a memorial to the officers and enlisted men of the Fifth, Sixth, and Ninth New Hampshire Volunteer Infantry Regiments and the First New Hampshire Light Artillery Battery who fought in the Battle of Antietam on September 17, 1862, and for other purposes; to the Committee on Resources.

By Mr. BRADLEY of New Hampshire (for himself and Mr. SENSENBRENNER):

H.R. 4723. A bill to amend the Internal Revenue Code of 1986 to provide an exclusion from gross income for student loan payments made by an employer on behalf of an employee; to the Committee on Ways and Means.

By Mr. BURR (for himself, Mr. BALLENGER, Mr. COBLE, and Mr. PRICE of North Carolina):

H.R. 4724. A bill to amend title XVIII of the Social Security Act to provide for coverage of clinical pharmacist practitioner services under part B of the Medicare Program; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CARSON of Oklahoma:

H.R. 4725. A bill to amend the Wild and Scenic Rivers Act to designate a segment of the Glover River in the State of Oklahoma as a component of the National Wild and Scenic Rivers System; to the Committee on Resources.

By Mr. CARTER:

H.R. 4726. A bill to prevent discriminatory taxation of natural gas pipeline property by the States; to the Committee on the Judiciary.

By Mr. CHABOT:

H.R. 4727. A bill to amend the Agricultural Trade Act of 1978 to eliminate the market access program; to the Committee on Agriculture.

By Mr. CONYERS (for himself, Ms. LOFGREN, Mr. MEEHAN, Ms. WATERS, and Ms. LINDA T. SANCHEZ of California):

H.R. 4728. A bill to affirm that the United States may not engage in torture or cruel, inhuman, or degrading treatment or punishment, and for other purposes; to the Committee on Armed Services, and in addition to the Committees on the Judiciary, and International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. EMANUEL:

H.R. 4729. A bill to amend the Internal Revenue Code of 1986 to rename the earned income credit as the Ronald Reagan earned income credit; to the Committee on Ways and Means.

By Mr. ENGLISH (for himself and Mr. VISCLOSKEY):

H.R. 4730. A bill to maintain and expand the steel import licensing and monitoring program; to the Committee on Ways and Means.

By Mr. GERLACH (for himself and Mrs. TAUSCHER):

H.R. 4731. A bill to amend the Federal Water Pollution Control Act to reauthorize the National Estuary Program; to the Committee on Transportation and Infrastructure.

By Mr. GERLACH (for himself, Mr. UDALL of Colorado, Mr. HOLDEN, Mr. OTTER, Mr. MILLER of Florida, and Mr. HOSTETTLER):

H.R. 4732. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income amounts received as damages and attorneys fees and costs under Federal whistleblower protection laws and to allow income averaging for amounts received as lost income; to the Committee on Ways and Means.

By Ms. HOOLEY of Oregon:

H.R. 4733. A bill to provide improved income security for members of the Individual Ready Reserve who are called to active duty; to the Committee on Armed Services, and in addition to the Committee on Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. JOHN:

H.R. 4734. A bill to amend the Indian Gaming Regulatory Act to include a definition of initial reservation and consultation, and for other purposes; to the Committee on Resources.

By Mr. LATHAM (for himself, Mr. NUSSLE, Mr. BOSWELL, Mr. LEACH, and Mr. KING of Iowa):

H.R. 4735. A bill to authorize the Secretary of Agriculture to make a grant to the World Food Prize Foundation to assist the Foundation in covering renovation expenses related to the World Food Prize, which is awarded to individuals who make vital contributions to improving the quality, quantity, or availability of food throughout the world; to the Committee on Agriculture.

By Ms. MCCARTHY of Missouri (for herself, Mr. RANGEL, Mr. BURTON of Indiana, Ms. SLAUGHTER, Mr. DOGGETT, Mr. KUCINICH, Mr. SCHIFF, Mr. MCINTYRE, Mr. MCGOVERN, and Ms. MILLENDER-MCDONALD):

H.R. 4736. A bill to amend the Internal Revenue Code of 1986 to encourage the production of independent motion picture films in the United States; to the Committee on Ways and Means.

By Mr. MEEKS of New York (for himself, Mr. ISRAEL, Ms. LEE, Mr. TOWNS, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. FRANK of Massachusetts, Mr. NADLER, Mr. ENGEL, Mr. OWENS, Mr. CROWLEY, Mrs. MALONEY, Mr. BISHOP of Georgia, and Mr. SERRANO):

H.R. 4737. A bill to provide additional exemptions from the community service requirement for a resident of a public housing project; to the Committee on Financial Services.

By Mr. MEEKS of New York (for himself, Mr. ISRAEL, Ms. LEE, Mr. TOWNS, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. FRANK of Massachusetts, Mr. NADLER, Mr. ENGEL, Mr. OWENS, Mr. CROWLEY, Mrs. MALONEY, Mr. BISHOP of Georgia, and Mr. SERRANO):

H.R. 4738. A bill to provide that a resident of a public housing project who performs community service shall receive priority consideration for participation in economic self-sufficiency programs sponsored by a public housing agency, and for other purposes; to the Committee on Financial Services.

By Mr. MICHAUD (for himself, Mr. ALLEN, Mr. BASS, Mr. SANDERS, and Mr. MCHUGH):

H.R. 4739. A bill to establish the Northeast Regional Development Commission, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GEORGE MILLER of California (for himself, Ms. PELOSI, Mr. OWENS, Mr. LANTOS, Mr. PALLONE, Ms. LEE, Mr. HOFFFEL, Mr. SANDLIN, Mr. FRANK of Massachusetts, Mr. TIERNEY, Mr. FROST, Mr. MARKEY, Mr. DEFAZIO, Ms. SOLIS, Mr. BISHOP of Georgia, Ms. BALDWIN, Ms. WATSON, Mr. MEEHAN, Mr. BROWN of Ohio, Ms. WOOLSEY, Mr. VISCLOSKEY, Ms. SLAUGHTER, Mr. MCDERMOTT, Ms. LINDA T. SANCHEZ of California, Ms. DELAURO, and Mr. KANJORSKI):

H.R. 4740. A bill to amend the Worker Adjustment and Retraining Notification Act to provide protections for employees relating to the offshoring of jobs; to the Committee on Education and the Workforce.

By Mrs. MYRICK:

H.R. 4741. A bill to suspend temporarily the duty on Diresul Brown CR Liquid Crude; to the Committee on Ways and Means.

By Mrs. MYRICK:

H.R. 4742. A bill to suspend temporarily the duty on Foron Blue S-BGL granules; to the Committee on Ways and Means.

By Mrs. MYRICK:

H.R. 4743. A bill to suspend temporarily the duty on Diresul Brown FS Liquid Crude; to the Committee on Ways and Means.

By Mrs. MYRICK:

H.R. 4744. A bill to suspend temporarily the duty on Diresul Tan RDT-RW Liquid; to the Committee on Ways and Means.

By Mrs. MYRICK:

H.R. 4745. A bill to suspend temporarily the duty on Diresul Brown GN Liquid Crude; to the Committee on Ways and Means.

By Mr. OWENS:

H.R. 4746. A bill to amend the Military Selective Service Act to terminate the registration requirement and the activities of civilian local boards, civilian appeal boards, and similar local agencies of the Selective Service System, and for other purposes; to the Committee on Armed Services.

By Mr. PALLONE:

H.R. 4747. A bill to ensure that the goals of the Dietary Supplement Health and Education Act of 1994 are met by authorizing appropriations to fully enforce and implement such Act and the amendments made by such Act, and for other purposes; to the Committee on Energy and Commerce.

By Mr. PORTER:

H.R. 4748. A bill to amend the Internal Revenue Code of 1986 to modify and make refundable the credit for expenses for household and dependent care services necessary for gainful employment; to the Committee on Ways and Means.

By Mr. PRICE of North Carolina (for himself, Mr. WAXMAN, Mr. SPRATT, Mr. MEHAN, and Mr. CRAMER):

H.R. 4749. A bill to require accountability for personnel performing Federal contracts with private security contractors; to the Committee on Government Reform, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RENZI (for himself and Mr. HAYES):

H.R. 4750. A bill to require any uniforms purchased for the Border Patrol to be made in the United States; to the Committee on Government Reform.

By Mr. REYES (for himself, Mr. BELL, Mr. BRADY of Texas, Mr. DOGGETT, Mr. EDWARDS, Mr. FROST, Mr. GONZALEZ, Mr. GREEN of Texas, Mr. HALL, Mr. HINOJOSA, Ms. JACKSON-LEE of Texas, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. LAMPSON, Mr. ORTIZ, Mr. RODRIGUEZ, Mr. SANDLIN, Mr. SESSIONS, Mr. STENHOLM, and Mr. TURNER of Texas):

H.R. 4751. A bill to redesignate the Rio Grande American Canal in El Paso, Texas, as the "Travis C. Johnson Canal"; to the Committee on Resources.

By Mr. SCOTT of Virginia (for himself, Mr. CONYERS, Ms. JACKSON-LEE of Texas, Mr. RANGEL, Mr. DAVIS of Illinois, Ms. LEE, Ms. KAPTUR, Mr. GREEN of Texas, Mr. FROST, Ms. WATSON, and Mr. MCDERMOTT):

H.R. 4752. A bill to amend title 18, United States Code, to award credit toward the service of a sentence to prisoners who participate in designated educational, vocational, treatment, assigned work, or other developmental programs, and for other purposes; to the Committee on the Judiciary.

By Mr. SMITH of Washington:

H.R. 4753. A bill to improve certain compensation, health care, and education benefits for individuals who serve on active duty in a reserve component of the uniformed services, and for other purposes; to the Committee on Armed Services, and in addition to the Committees on Government Reform, and

Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. SCHAKOWSKY (for herself, Mr. GRIJALVA, Mr. BELL, Ms. KAPTUR, Mr. WEXLER, Mr. STARK, Mr. SANDERS, Mr. KUCINICH, Mr. OWENS, Mr. RENZI, Mr. KIND, Mr. BLUMENAUER, Mr. MCGOVERN, Mr. CONYERS, Mr. PAYNE, Mr. BRADY of Pennsylvania, Ms. LEE, Mrs. JONES of Ohio, Mr. TOWNS, Mr. HINCHEY, Mr. GUTIERREZ, Mr. LANTOS, Ms. CARSON of Indiana, Ms. WATERS, Mr. MCDERMOTT, Ms. MCCARTHY of Missouri, Ms. BORDALLO, Ms. WOOLSEY, Mr. EMANUEL, Ms. MILLENDER-MCDONALD, Ms. ROYBAL-ALLARD, Mr. JACKSON of Illinois, and Mrs. CHRISTENSEN):

H. Con. Res. 468. Concurrent resolution expressing the sense of the Congress with respect to the world's freshwater resources; to the Committee on International Relations, and in addition to the Committees on Financial Services, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FERGUSON:

H. Res. 698. A resolution recognizing the 54th anniversary of the start of the Korean War and honoring the members of the United States Armed Forces; to the Committee on Armed Services.

By Mr. CONYERS (for himself, Ms. PELOSI, Mr. HOYER, Mr. MENENDEZ, Mr. CLYBURN, Mr. DINGELL, Mr. OBEY, Mr. RANGEL, Mr. WAXMAN, Mr. SKELTON, Mr. LANTOS, and Mr. HINCHEY):

H. Res. 699. A resolution directing the Secretary of State to transmit to the House of Representatives documents in the possession of the Secretary of State relating to the treatment of prisoners and detainees in Iraq, Afghanistan, and Guantanamo Bay; to the Committee on International Relations.

By Mr. CONYERS (for himself, Ms. PELOSI, Mr. HOYER, Mr. MENENDEZ, Mr. CLYBURN, Mr. DINGELL, Mr. OBEY, Mr. RANGEL, Mr. WAXMAN, Mr. SKELTON, Mr. LANTOS, and Mr. HINCHEY):

H. Res. 700. A resolution directing the Attorney General to transmit to the House of Representatives documents in the possession of the Attorney General relating to the treatment of prisoners and detainees in Iraq, Afghanistan, and Guantanamo Bay; to the Committee on the Judiciary.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

381. The SPEAKER presented a memorial of the Legislature of the State of Louisiana, relative to House Concurrent Resolution No. 5 memorializing the United States Congress to study and consider revising the income guidelines for senior citizens and reduce them by ten percent so that they may participate in or receive more assistance through the federal food stamp program; to the Committee on Agriculture.

382. Also, a memorial of the Legislature of the State of Louisiana, relative to House Concurrent Resolution No. 68 memorializing the United States Congress, the Louisiana Congressional Delegation, and the United States Army Corps of Engineers to promptly close the Mississippi River Gulf Outlet in the manner contemplated by the Coast 2050 Plan and memorializing the United States Congress and the Louisiana Congressional Delegation to authorize the full funding capa-

bility of the United States Army Corps of Engineers for the Inner Harbor Navigation Canal lock project; to the Committee on Transportation and Infrastructure.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 156: Mr. CLYBURN.
 H.R. 369: Mr. LEWIS of Georgia.
 H.R. 734: Mr. GREEN of Texas and Ms. WATSON.
 H.R. 742: Mr. GERLACH.
 H.R. 745: Mr. WU.
 H.R. 779: Ms. LOFGREN.
 H.R. 839: Mr. SMITH of Washington, Mr. FORBES, Mr. RYUN of Kansas, Mr. WU, Ms. VELAZQUEZ, Mr. UDALL of New Mexico, Mr. GREENWOOD, and Mr. MARKEY.
 H.R. 846: Ms. LOFGREN.
 H.R. 852: Mrs. CHRISTENSEN.
 H.R. 918: Mr. KENNEDY of Minnesota, Mr. GRAVES, Mr. SCHROCK, Mr. CLAY, Mrs. JO ANN DAVIS of Virginia, and Ms. JACKSON-LEE of Texas.
 H.R. 933: Mr. HALL.
 H.R. 1002: Mr. BELL.
 H.R. 1051: Mr. HALL.
 H.R. 1083: Mr. FORBES, Mr. BEREUTER, and Mr. PLATTES.
 H.R. 1205: Mrs. MCCARTHY of New York.
 H.R. 1251: Mr. GRIJALVA.
 H.R. 1428: Mr. DEAL of Georgia and Mr. FATTAH.
 H.R. 1613: Mr. BECERRA, Mr. EMMANUEL, Mr. ANDREWS, Mr. LAMPSON, and Mr. SCOTT of Georgia.
 H.R. 1924: Mr. LAMPSON.
 H.R. 2217: Mr. VITTER.
 H.R. 2394: Mr. ROTHMAN.
 H.R. 2808: Mr. VITTER.
 H.R. 2843: Mr. SHIMKUS and Mr. HONDA.
 H.R. 2895: Mr. KOLBE, Mr. SOUDER, Mr. MILLER of Florida, and Mrs. MUSGRAVE.
 H.R. 2900: Mr. GINGREY and Mr. BURNS.
 H.R. 2929: Mr. ISRAEL.
 H.R. 2934: Mr. FOSSELLA.
 H.R. 2959: Mr. ROGERS of Kentucky and Mr. WU.
 H.R. 3014: Mrs. TAUSCHER.
 H.R. 3111: Mr. MOORE, Mr. LANGEVIN, Mr. THOMPSON of Mississippi, Mr. GORDON, Mr. RADANOVICH, Ms. PRYCE of Ohio, Mr. MENENDEZ, Mr. LATOURETTE, Mr. DINGELL, and Mr. MARKEY.
 H.R. 3180: Mr. SANDLIN.
 H.R. 3235: Mrs. NORTHUP.
 H.R. 3310: Mr. SAM JOHNSON of Texas and Mrs. NORTHUP.
 H.R. 3317: Mr. HOFFFEL.
 H.R. 3482: Mr. VAN HOLLEN, Mr. MCCOTTER, and Mr. WU.
 H.R. 3539: Mr. ISRAEL.
 H.R. 3545: Mr. NADLER.
 H.R. 3707: Mr. DAVIS of Illinois, Ms. WATSON, and Ms. HERSETH.
 H.R. 3729: Mr. RODRIGUEZ, Mr. VAN HOLLEN, Mr. RAHALL, Mr. HINCHEY, and Ms. KAPTUR.
 H.R. 3730: Mr. MCGOVERN.
 H.R. 3755: Mr. HAYES and Mr. WYNN.
 H.R. 3799: Mr. KING of Iowa.
 H.R. 3805: Ms. LEE, Mr. LANTOS, and Mr. FILNER.
 H.R. 3858: Mr. EHLERS.
 H.R. 3865: Mr. LEWIS of Georgia.
 H.R. 3933: Mr. SHAW, Mr. CAMP, and Mr. DREIER.
 H.R. 3968: Mr. GUTIERREZ and Ms. MCCOLLUM.
 H.R. 3989: Mr. STARK, Mr. GRIJALVA, Mrs. CHRISTENSEN, Mr. THOMPSON of Mississippi, Ms. WATSON, Ms. DELAURO, Ms. WOOLSEY, Ms. MCCOLLUM and Mr. LEWIS of Georgia.
 H.R. 4022: Mr. WELDON of Pennsylvania.

H.R. 4032: Mr. FROST and Mr. RANGEL.
 H.R. 4036: Mr. THOMPSON of Mississippi.
 H.R. 4048: Mr. VITTER.
 H.R. 4064: Mr. CAMP, Mr. STENHOLM, and Mr. FRANKS of Arizona.
 H.R. 4093: Ms. LEE, Mr. CUMMINGS, Mr. McDERMOTT, and Mr. PAYNE.
 H.R. 4116: Mr. ROSS, Mr. OWENS, and Ms. DELAURO.
 H.R. 4126: Mr. GILLMOR, Mr. ROGERS of Michigan, Mr. CHABOT, Mr. TURNER of Ohio, Mrs. CUBIN, and Mr. VITTER.
 H.R. 4147: Mr. LEWIS of Georgia.
 H.R. 4161: Mr. OWENS and Mrs. EMERSON.
 H.R. 4177: Mr. DOYLE.
 H.R. 4187: Mr. ADERHOLT.
 H.R. 4192: Mr. SMITH of Washington, Mr. FATTAH, and Mr. BISHOP of Georgia.
 H.R. 4214: Mr. VITTER and Mr. SAXTON.
 H.R. 4225: Mr. HOYER.
 H.R. 4249: Mr. THOMPSON of California, Mr. FRANK of Massachusetts, Mr. WAXMAN, Ms. WATSON, Ms. ROYBAL-ALLARD, Mrs. DAVIS of California, Mrs. NAPOLITANO, Ms. LINDA T. SANCHEZ of California, Mr. BACA, and Ms. LOFGREN.
 H.R. 4304: Mr. PRICE of North Carolina.
 H.R. 4306: Ms. HART, Mr. FLAKE, and Mr. CARTER.
 H.R. 4346: Mr. PETERSON of Minnesota, Mrs. NAPOLITANO, Mr. MEEHAN, Mr. CASE, Mr. BISHOP of New York, and Mr. TIERNEY.
 H.R. 4358: Mr. CAMP.
 H.R. 4383: Mr. ISAKSON and Mr. COLLINS.
 H.R. 4387: Mr. STARK, Ms. LEE, and Mr. LEWIS of Georgia.
 H.R. 4391: Mr. HINOJOSA and Ms. ROYBAL-ALLARD.
 H.R. 4420: Mr. SMITH of Texas, Mr. MANZULLO, Mr. SULLIVAN, and Mr. HAYES.
 H.R. 4469: Mr. LEWIS of Georgia.
 H.R. 4476: Ms. DELAURO, Mr. MCGOVERN, Mr. FRANK of Massachusetts, Mr. BRADY of Pennsylvania, and Mr. TIERNEY.
 H.R. 4479: Mr. CUMMINGS and Mrs. CHRISTENSEN.
 H.R. 4491: Mr. BLUNT, Mr. BRADLEY of New Hampshire, Mr. BOUCHER, Mr. ISRAEL, Mrs. MCCARTHY of New York, Mr. KENNEDY of Rhode Island, and Ms. HERSETH.
 H.R. 4498: Ms. SLAUGHTER.
 H.R. 4528: Mr. FEENEY.
 H.R. 4533: Mr. KOLBE and Mr. CANNON.
 H.R. 4550: Mr. MEEK of Florida, Mr. OWENS, Mr. FROST, and Mr. MCINTYRE.
 H.R. 4561: Mr. KUCINICH.
 H.R. 4571: Mr. BRADY of Texas and Mr. PAUL.
 H.R. 4585: Mr. BISHOP of Georgia, Mr. KILDEE, Mr. GREEN of Texas, Mr. GEORGE MILLER of California, Mr. OWENS, and Mr. FROST.
 H.R. 4595: Mr. SCHIFF, Mr. RUPPERSBERGER, and Mr. GRIJALVA.
 H.R. 4605: Mrs. DAVIS of California, Ms. MCCOLLUM, Mr. CASE, Mr. VAN HOLLEN, Mr. SCOTT of Virginia, and Mr. MEEHAN.

H.R. 4620: Mr. FILNER, Mr. SIMPSON, Mr. OTTER, and Mr. NEUGEBAUER.
 H.R. 4626: Mr. JEFFERSON, Mr. McDERMOTT, Mr. RUPPERSBERGER, and Mr. BOUCHER.
 H.R. 4628: Mr. MCGOVERN and Mr. ALLEN.
 H.R. 4634: Ms. GINNY BROWN-WAITE of Florida, Mr. GARRETT of New Jersey, Mr. COLLINS, Mr. GREENWOOD, and Mr. VITTER.
 H.R. 4636: Ms. BORDALLO and Mr. BOSWELL.
 H.R. 4654: Mr. MANZULLO.
 H.R. 4655: Mr. RYAN of Ohio and Mr. FROST.
 H.R. 4662: Mr. LINDER.
 H.R. 4673: Mr. LEWIS of Georgia.
 H.R. 4682: Mr. OSE.
 H.R. 4685: Mr. DINGELL.
 H. Con. Res. 111: Mr. PASTOR, Mr. TOWNS, and Mr. WALSH.
 H. Con. Res. 126: Mr. NORWOOD.
 H. Con. Res. 218: Mr. RENZI and Mr. CAPUANO.
 H. Con. Res. 415: Mr. BERMAN, Mr. UDALL of Colorado, Mr. BEREUTER, Mr. MCCOTTER, Ms. MCCARTHY of Missouri, Mr. GALLEGLY, Ms. WATSON, Mr. FALEOMAVAEGA, Mr. SHERMAN, Mr. WEXLER, Ms. SLAUGHTER, Mr. BALLENGER, Mr. LEACH, Mr. ROHRBACHER, Mr. ROYCE, Mrs. JO ANN DAVIS of Virginia, Ms. KAPTUR, Mr. CARDIN, Mr. BURTON of Indiana, Mr. ADERHOLT, Mr. CHABOT, Mr. BELL, and Mr. KING of New York.
 H. Con. Res. 425: Mr. SAXTON and Ms. SLAUGHTER.
 H. Con. Res. 462: Mr. BILIRAKIS.
 H. Res. 129: Mr. STARK.
 H. Res. 556: Mr. WOLF and Mr. HINCHEY.
 H. Res. 562: Mr. RODRIGUEZ, Mrs. NAPOLITANO, Ms. SOLIS, Mr. ORTIZ, Mr. GUTIERREZ, Mr. BECERRA, Mr. GONZALEZ, Mr. CARDOZA, Ms. VELAZQUEZ, Mr. SERRANO, Mr. MENENDEZ, Mr. HINOJOSA, Mr. PASTOR, Mr. BACA, Mr. GRIJALVA, Ms. ROYBAL-ALLARD, Mr. ACEVEDO-VILA, Ms. MILLENDER-MCDONALD, Ms. CARSON of Indiana, Mr. CLYBURN, Mr. TOWNS, Mr. MEEKS of New York, Ms. NORTON, Mr. WYNN, Mr. CONYERS, Ms. CORRINE BROWN of Florida, Ms. JACKSON-LEE of Texas, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. SANDLIN, Mr. TURNER of Texas, Mr. HALL, Mr. DOGGETT, Mr. EDWARDS, Mr. STENHOLM, Mr. FROST, Mr. BELL, Mr. GREEN of Texas, Mr. SESSIONS, Mr. BRADY of Texas, Mr. RUPPERSBERGER, Mr. BOSWELL, Mr. HUNTER, and Mr. WELDON of Pennsylvania.
 H. Res. 5596: Mr. WILSON of South Carolina, Mr. KUCINICH, and Ms. LOFGREN.
 H. Res. 647: Mr. CUNNINGHAM and Mr. JONES of North Carolina.
 H. Res. 654: Mr. LANTOS, Mr. PAYNE, Mr. RUSH, Mr. BALLENGER, Mr. WELLER, Mr. RANGEL, Ms. LEE, Mr. DELAHUNT, Mrs. JONES of Ohio, Mr. McDERMOTT, Mr. FARR, Mrs. CHRISTENSEN, Mr. CUMMINGS, Mr. FORD, and Mr. JACKSON of Illinois.
 H. Res. 687: Mr. KUCINICH.
 H. Res. 688: Mr. ABERCROMBIE, Mr. WALSH, Mr. OSE, Mr. MARIO DIAZ-BALART of Florida,

Mr. LINCOLN DIAZ-BALART of Florida, Mr. CARTER, Mr. CANTOR, Mr. COX, Mr. QUINN, Mr. MCCOTTER, Mr. SWEENEY, Mr. LATOURETTE, Mr. NEY, Mr. MCHUGH, Mr. SHUSTER, Mr. OTTER, Mr. SIMPSON, Mr. LATHAM, Mr. LEWIS of California, Mr. GREEN of Wisconsin, and Ms. HARRIS.
 H. Res. 689: Mr. MEEHAN.
 H. Res. 695: Mr. STARK.

DISCHARGE PETITION—ADDITIONS OR DELETIONS

The following Members added their names to the following discharge petitions:

Petition 6, by Mr. TURNER of Texas on House Resolution 523: Chaka Fattah, John D. Dingell, and Adam Smith.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 4614

OFFERED BY: Ms. ESHOO

AMENDMENT No. 6: At the end of the bill (before the short title), insert the following: SEC. ____ None of the funds made available in this Act may be used to deny requests for the public release of documents or evidence obtained through or in the Western Energy Markets: Enron Investigation (Docket No. PA02-2), the California Refund case (Docket No. EL00-95), the Anomalous Bidding Investigation (Docket No. IN03-10), or the Physical Withholding Investigation.

H.R. 4614

OFFERED BY: MR. INSLER

AMENDMENT No. 7: At the end of the bill, before the short title, insert the following:

SEC. ____ None of the funds made available in this Act may be used by the Department of Energy to make "waste incidental to reprocessing" determinations in order to reclassify high-level radioactive waste. For purposes of this section, the term "high-level radioactive waste" has the meaning given that term in the Nuclear Waste Policy Act of 1982.

H.R. 4614

OFFERED BY: Mr. MEEHAN

AMENDMENT No. 8: Page 23, line 5, after the dollar amount, insert "(reduced By \$30,000,000)".

Page 23, line 16, after the dollar amount, insert "(increased by \$30,000,000)".