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House of Representatives

The House met at 9 a.m.

The Reverend Henry Holley, Director of Asian Affairs, Billy Graham Evangelistic Association, Marietta, Georgia, offered the following prayer:

O Lord, You have said that first of all prayers, supplications, and intercessions be made for those in authority.

I pray for this Chamber of Representatives, that they may have wisdom, integrity, courage, faithfulness in their performance. I pray for the Speaker of this House and our President. Bless each one with Your presence, enfold them with Your love and strengthen them by Your spirit.

May all remember that government is an institution ordained by Almighty God, for Thou does not desire that mankind should live in anarchy in which everyone does that which seems right in his own eyes.

I pray for all citizens of our land. Cause us to know that righteousness exalteth a nation, but sin is a reproach. May we do justly, love mercy and walk humbly with Thee. God bless America.

I pray this with all respect for persons of other faiths. I pray this in the name of my savior, Jesus Christ. 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.

Mr. PALLONE. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on agreeing to the Speaker's approval of the Journal.

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

Mr. PALLONE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER. Pursuant to clause 8, rule XX, further proceedings on this question will be postponed.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentlewoman from Wisconsin (Ms. BALDWIN) come forward and lead the House in the Pledge of Allegiance.

Ms. BALDWIN 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.

INTRODUCTION OF REVEREND HENRY HOLLEY, GUEST CHAPLAIN

(Mr. PRICE of Georgia asked and was given permission to address the House for 1 minute.)

Mr. PRICE of Georgia. Mr. Speaker, what a distinct privilege and honor to come before you today to introduce our guest Chaplain, the Reverend Henry Holley. As Members of Congress we are truly blessed with the opportunity to meet and get to know many wonderful Americans from all walks of life, many of whom have dedicated their lives to the betterment of the human race. Henry Holley is one of Georgia's and America's greatest treasures and a man who has given all and then some in his work on behalf of a grateful nation followed by his glorious affiliation with the Billy Graham Evangelistic Association.

Following service in World War II in the Pacific, Reverend Holley continued on active duty in the United States Marine Corps until 1966. He then joined the Reverend Billy Graham, ultimately becoming ordained into the gospel ministry by the Johnson Ferry Baptist Church in my district in Marietta, Georgia.

He has literally given his life to further outreach and evangelism. Rev-

erend Holley has organized 10s of crusades worldwide, many attended by literally millions. The Hong Kong crusade in 1990, for example, extended its message of hope and faith to over 100 million people with the gospel, an effort directed by Reverend Holley.

He has served as a special assistant to Dr. Billy Graham on projects and missions too numerous to count, and has recently lent his talent to Reverend Franklin Graham. Reverend Holley is the embodiment of love and compassion and humility. He has been supported in his life work by Betty, his dear wife of 56 years, who joins us today. For the past 33 years they have made Georgia their home. They have three children and four grandchildren. Reverend Holley has brightened and made more meaningful so many lives, and I am privileged to have been able to add my name to that list. I appreciate the opportunity to share him with the House today.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will recognize five 1-minutes on each side.

CAREFUL ADHERENCE TO MEDICATION THERAPIES SAVES LIVES

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

Mr. MURPHY. Mr. Speaker, failure to take prescription medications properly accounts for approximately 125,000 deaths, and an additional \$100 billion per year in preventable hospitalizations, emergency department and repeat physician visits. Twenty-three percent of nursing home admissions and 10 percent of all hospital admissions result from patients failing to take medications properly.

Why do they skip their medications? Some forget, some want to save money,

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some did not believe that drugs were effective. Some doubted they needed to take them, or experienced unwanted side effects. Much of this can be solved by improving communication between doctor and pharmacist and patient.

Under the new Medicare bill, pharmacists will manage and monitor medications for patients with chronic illness. These programs have the potential to save billions of dollars and thousands of lives each year. It is a welcome addition to the Medicare bill and one that will help many seniors.

To learn more about the careful adherence to medication therapies and how they can save lives and money, I would encourage my colleagues to visit my Web site at murphy.house.gov.

NATIONAL COMING OUT DAY

(Ms. BALDWIN asked and was given permission to address the House for 1 minute.)

Ms. BALDWIN. Mr. Speaker, I rise today to recognize the importance of National Coming Out Day. Next Tuesday, October 11th, will be the 18th annual National Coming Out Day.

As public officeholders, we know the power of telling real life stories and putting a human face on the policy issues that we deal with to convey the ideas that a dry public policy speech could not convey.

In the movement towards full equality for gay, lesbian, bisexuals and transgender Americans, no actions have been more important than the steps that millions of Americans have taken in being open, truthful, forthright, with their friends, families, coworkers and neighbors about who they are.

For much of history, gays and lesbians were invisible, so people knew us through stereotypes and myths. Visibility serves to shatter those stereotypes. Truth telling not only chips away at the myths, but serves to open minds and hearts.

National Coming Out Day is a time for us to celebrate that freedom and rededicate ourselves to the freedoms yet to be won.

OUTSTANDING SCHOOLS IN OHIO

(Mr. CHABOT asked and was given permission to address the House for 1 minute.)

Mr. CHABOT. Mr. Speaker, we all know the key to America's future is providing an excellent education for children. As a former school teacher myself, it gives me great pleasure to recognize two school districts located in my congressional district that truly live up to this commitment.

Wyoming City School District was recently named the State's most outstanding school district, receiving the highest performance index score in Ohio's State report card. 100 percent of students tested were at or above the proficient level, and their high school graduation rate has reached 100 percent.

The Oak Hills Local School District was also rated excellent, continuing in its long-standing tradition of academic excellence. Superintendent Patricia Brenneman has a lot to be proud of. With a graduation rate of 98.4 percent, Oak Hills boasts the highest rate of any high school its size in the entire State of Ohio.

These numbers are a testament to the hard work and dedication of the teachers, administrators, parents, and last but not least, the students of Wyoming City Schools and the Oak Hill School District. I would like to congratulate both communities on this outstanding achievement.

HOUSE OF SHAME

(Mr. PALLONE asked and was given permission to address the House for 1 minute.)

Mr. PALLONE. Mr. Speaker, Republican cronyism here in Washington is something that has become quite evident to people outside the Beltway in recent weeks. I just wanted to reference today an article in the last issue of Newsweek magazine by Jonathan Alter called "Tom DeLay's House of Shame." It talks about how Mr. Alter a decade ago called on TOM DELAY in his ornate office in the Capitol and what he found there.

Alter goes on to say, and I quote, "Thus began what historians will regard as the single most corrupt decade in the long and colorful history of the House of Representatives. Never before has the leadership of the House been hijacked by a small band of extremists bent on building a ruthless shakedown machine, lining the pockets of their richest constituents and rolling back popular protections for ordinary people."

He goes on to say that "the 21st century radical Republican agenda, that is today, repeals health and safety regulations and spends billions on shameless pork-barrel projects to keep the GOP at the trough."

The bottom line is that Republican cronyism is now evident to everyone.

COOSA MIDDLE SCHOOL

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

Mr. GINGREY. Mr. Speaker, I rise today to congratulate Coosa Middle School in Rome, Georgia, for being named a Blue Ribbon School by the United States Department of Education. This award recognizes schools that dramatically improve student performance on State tests and whose students excel at the educational standards set by our States. I am extremely proud Coosa Middle School has attained these goals. Coosa Middle School was one of only 12 middle schools across the Nation to win this prestigious award and the only middle school in the State of Georgia to do so.

Floyd County Superintendent Kelly Henson, Coosa Principal Lisa Landrum, the Floyd County Board of Education and all the teachers at Coosa Middle School deserve our praise and admiration for the fine work they do educating Rome's schoolchildren.

Their efforts show how much our students can achieve when we give them a solid educational foundation based on high expectations and the resources needed to help students meet these expectations.

Mr. Speaker, I ask that you join me in congratulating Coosa Middle School.

IRAQ AND THE WAR ON TERROR

(Mr. KUCINICH asked and was given permission to address the House for 1 minute.)

Mr. KUCINICH. Mr. Speaker, the President's speech yesterday proved one thing, that this administration is intent on war and nothing else. They are intent on sending more troops to die for a shifting tale of pure fiction, about WMDs, about trying to establish a democracy, about a war on terror.

Come home, America. Deal with the terror of joblessness in the United States. Deal with the terror of lack of adequate health care, of people losing their homes and their hope. Deal with things here at home. Give people a chance to make things work for their families. Create a new WPA program to put millions back to work. Give health care for all. Stop taking this Nation to the edge of total war with the world.

SUPPORTING OUR TROOPS

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

Mrs. DRAKE. Mr. Speaker, this weekend I had the privilege to lead an armed services congressional delegation to Iraq. We had the great opportunity to visit with our brave fighting men and women, attend briefings by their commanders, and see firsthand the progress that is being made. We visited Camp Victory, Baghdad, Ballad, and Qatar. Our brave men and women are working very hard, they are making incredible progress, they are proud of what they are doing, they are determined to prevent another attack on our Nation, and they know a free and democratic Iraq means the spread of freedom throughout the Middle East and a safer world for all of us.

As these courageous American heroes stand side by side with our allies and with Iraqi soldiers, they want to be assured that the American people support them, that the American people understand the mission, and that the American people understand the threat to the entire world. Today New Yorkers are on alert because of their efforts. What happens in Iraq matters to Americans. I thank them for their service.

CONSUMER CONFIDENCE

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

Mrs. MALONEY. Mr. Speaker, last week we saw new evidence that Americans are becoming increasingly pessimistic about this economy. Two separate measures of consumer attitudes plunged drastically, posting their largest declines in decades.

The impact of the hurricanes was the immediate cause of pessimism, but Americans have never had much confidence in the Bush economy. The President has the worst job creation record since Herbert Hoover. American workers have been left behind in the economic recovery from the 2001 recession.

For the typical worker and household, wages and incomes are not keeping up with the cost of living. The gap between the haves and the have-nots continues to grow and I find that tremendously troubling for our country. This record does not inspire confidence in our economy. We can do better.

□ 0915

RECOGNIZING NATIONAL FIRE PREVENTION WEEK

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

Mr. BRADLEY of New Hampshire. Mr. Speaker, this morning I rise to recognize National Fire Prevention Week, which is October 9 through October 15. Fire Prevention Week is an opportunity for Americans of all ages to learn more about how to avoid fires and fire injuries and how to respond to them as well.

This year's theme, "Use Candles With Care," reflects how proper use of candles can go a long way in protecting one's home and family from the devastating effects of fires. Candle fires in 2002 alone resulted in an estimated 130 deaths. Fire Prevention Week also serves as the time to honor our brave firefighters for risking their lives every day to protect us. They work tirelessly to educate their fellow citizens about fire safety and the importance of being prepared for emergencies.

I especially would like to recognize the brave and fine firefighters in my home State of New Hampshire for their efforts to make the granite State's community safer. We owe all firefighters a debt of gratitude for their courage and dedication to keeping us out of harm's way. I encourage all my colleagues to take a moment to thank their local first responders for their hard work and to heed the important lessons they impress upon us.

AMENDMENT TO HOUSE RESOLUTION 481, PROVIDING FOR CONSIDERATION OF H.R. 3893, GASOLINE FOR AMERICA'S SECURITY ACT OF 2005

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I ask unanimous consent that House Resolution 481 be considered as amended by striking the number 3983 in each place it appears and inserting in lieu thereof the number 3893.

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

There was no objection.

PERMITTING INDIVIDUALS TO BE ADMITTED TO HALL OF HOUSE TO OBTAIN FOOTAGE OF HOUSE IN SESSION

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I ask unanimous consent that it shall be in order at any time to consider in the House the resolution, H. Res. 480; the resolution shall be considered as read; the previous question shall be considered as ordered on the resolution to its adoption without intervening motion except 10 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Rules.

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

There was no objection.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, pursuant to the previous order of the House, I call up the resolution (H. Res. 480) permitting individuals to be admitted to the Hall of the House in order to obtain footage of the House in session for inclusion in the orientation film to be shown to visitors at the Capitol Visitor Center, and ask for its immediate consideration.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 480

Resolved, That the Speaker, in consultation with the minority leader, may designate individuals to be admitted to the Hall of the House and the rooms leading thereto in order to obtain film footage of the House in session for inclusion in the orientation film to be shown to visitors at the Capitol Visitor Center.

The SPEAKER pro tempore. Pursuant to the order of the House of today, the gentleman from Florida (Mr. LINCOLN DIAZ-BALART) and the gentleman from New York (Ms. SLAUGHTER) each will control 5 minutes.

The Chair recognizes the gentleman from Florida (Mr. LINCOLN DIAZ-BALART).

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this is a very simple resolution which allows the Speaker, in consultation with the minority leader, to allow individuals to be admitted to

the Hall of the House in order to film the House in session for inclusion in an orientation film to be shown to visitors at the Capitol Visitor Center. This resolution is necessary because clause 2(b) of rule IV of the rules of the House provides that the Speaker may not entertain a unanimous consent request or a motion to suspend clause 2 of rule IV, which restricts access to the floor of the House while the House is in session.

Mr. Speaker, I would urge all Members to support this resolution which will provide edification for millions of visitors to our Nation's Capitol.

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

Ms. SLAUGHTER. Mr. Speaker, we are pleased to support the resolution.

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

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield back the balance of my time.

Pursuant to the order of the House of today, the resolution is considered read and the previous question is ordered.

The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 3893, GASOLINE FOR AMERICA'S SECURITY ACT OF 2005

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 481 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 481

Resolved, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the bill (H.R. 3893) to expedite the construction of new refining capacity in the United States, to provide reliable and affordable energy for the American people, and for other purposes. The bill shall be considered as read. The amendment in the nature of a substitute recommended by the Committee on Energy and Commerce now printed in the bill, modified by the amendment printed in part A of the report of the Committee on Rules accompanying this resolution, shall be considered as adopted. All points of order against the bill, as amended, are waived. The previous question shall be considered as ordered on the bill, as amended, to final passage without intervening motion except: (1) one hour of debate on the bill, as amended, equally divided and controlled by the chairman and ranking minority member of the Committee on Energy and Commerce; (2) the amendment in the nature of a substitute printed in part B of the report of the Committee on Rules accompanying this resolution, if offered by Representative Stupak of Michigan or his designee, which shall be in order without intervention of any point of order, shall be considered as read, and shall be separately debatable for 40 minutes equally divided and controlled by the proponent and an opponent; and (3) one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Florida (Mr. LINCOLN DIAZ-BALART) is recognized for 1 hour.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to my dear friend from New York (Ms. SLAUGHTER), 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.

(Mr. LINCOLN DIAZ-BALART of Florida asked and was given permission to revise and extend his remarks.)

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, House Resolution 481 is a structured rule that provides for the consideration of H.R. 3893. The rule provides 1 hour of general debate evenly divided and controlled by the chairman and the ranking minority member of the Committee on Energy and Commerce. The rule also provides one motion to recommit with or without instructions.

Mr. Speaker, in the last 24 years, our refinery capacity has dropped from almost 19 million barrels a day to less than 17 million barrels a day. Now, this has happened at the same time that our gross domestic product has quadrupled. In other words, because of the sustained growth of our economy and the fact that we have not built a new refinery in almost 30 years, the United States is now forced to import over 4 million barrels a day in refined products, and that is when our refineries are running at full capacity.

I thought it was impacting when I learned this fact that I have just relayed. We have not built a single refinery in the country during the time period that our gross domestic product has quadrupled. I think if there has ever been an example of a great superpower really sitting on its laurels, it is pointed out by this example. We have to take steps, as we are with this legislation that we bring to the floor today, to maintain the necessary infrastructure to continue being the most successful economy in the world.

Now, any change in our refinery capacity can cause supply constraints and price spikes, especially, for example, in the gulf coast, where we have almost 50 percent of our refinery capacity. That is what happened when we had the two natural disasters in the last weeks, hurricanes Katrina and Rita. They hit the gulf coast, causing gasoline prices to rise significantly.

On August 25, Hurricane Katrina began her path of destruction. The eye of that hurricane passed right by my district. It was fortunately then only a category 1 hurricane, but it hit us in South Florida; and then of course, as we all know, it went into the Gulf of Mexico and became a monster storm. That storm then headed towards Louisiana and then the Mississippi gulf coast as a category 4, almost category 5, storm.

Once that storm passed, we awoke to the greatest natural disaster that the United States has ever faced. The Mississippi gulf coast was decimated by that deadly combination of the power-

ful winds and the storm surge caused by Hurricane Katrina.

In Louisiana, the storm surge submerged a large portion of the southeastern part of the State, toppling over the levees that protected the area, including the city of New Orleans. In the immediate aftermath of the hurricane, several refineries were shut down, accounting for about 11 percent of the total United States refinery capacity.

As of the beginning of October, four oil refineries remain closed. Now, those refineries provide almost a million barrels a day, almost 5 percent of our refining capacity; and even at this time it is still not known when those four refineries will be able to reopen.

□ 0930

A month later, we had Hurricane Rita hit the Texas-Louisiana Gulf Coast with 120-mile-an-hour winds, causing widespread damage and flooding. In anticipation of the storm, several oil refineries in the warning area, constituting over 4 million barrels a day in refining capacity, were shut down. Some of those refineries were able to restart, but as of the first of October, nine refineries with the capacity to refine over 2 million barrels a day, about an eighth of our capacity, remain shut down.

Now combine that with the four refineries closed because of Hurricane Katrina, approximately 18 percent of the refining capacity in the United States is off line. Pipelines from the gulf to the Midwest and East Coast have also been affected by the hurricanes. The Colonial and Plantation pipelines serving the whole East Coast with refined products resumed operation not long after Hurricane Katrina. However, they were shut down again by the subsequent hurricane, Hurricane Rita, and are still not working at full capacity.

In order to prevent the sharp price increases we have seen after the hurricanes, we have to make sure that we do everything possible so that refineries, new refineries, are built. And if another hurricane or a terrorist attack were to hit our refineries, we will still have the capacity to produce enough gasoline for the needs of our economy; that must be our goal.

Mr. Speaker, H.R. 3893, I am so pleased to see the author, the gentleman from Texas (Chairman BARTON) here who has done a tremendous job. He has done a tremendous amount of hard work in a very difficult area. This is an area that you cannot alleviate, much less solve, this problem overnight. It requires the kind of hard work, dedication, seriousness, that the gentleman from Texas (Mr. BARTON) has demonstrated day in and day out. We are seeing it in legislation that we are bringing to the floor today.

Now, this bill, H.R. 3893, will remove some of the obstacles that have prevented the construction of new refineries. The underlying legislation streamlines the cumbersome environ-

mental and energy provisions that affect construction of facilities such as refineries and oil pipelines. Bringing new refineries online will alleviate our reliance on foreign sources of refined products, will allow us to have enough refinery capacity to meet the needs of our growing economy, while providing a backup if any of our refineries are shut down in the future.

Now, to help conserve gasoline, the legislation also directs the Secretary of Energy to establish and carry out programs to encourage the use of carpooling and van pooling. After the hurricanes, we saw reports of unscrupulous business practices engaged in in some instances. The bill addresses unfair or deceptive acts or practices of any person selling crude oil or gasoline or diesel fuel or home heating oil at a price that constitutes price gouging.

Mr. Speaker, H.R. 3893, as I stated before, required a tremendous amount of hard work. It was introduced by the gentleman from Texas (Chairman BARTON), reported out of the Committee on Energy and Commerce on September 29. It is a good bill. I think it is very important to our energy needs, to the health of our economy and to the national security of this country.

So again I thank the gentleman from Texas (Mr. BARTON). I know the ranking member, the gentleman from Michigan (Mr. DINGELL) has worked extraordinarily hard, as he has for decades in this House on so many important issues. I urge my colleagues to support both the rule and the underlying legislation.

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

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

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

Ms. SLAUGHTER. Mr. Speaker, there are two fundamental problems with the bill before us today: What it does and what it does not do. The bill will not address the very real and very immediate problems millions of Americans are facing every day. People are struggling to be able to afford to drive to work in the morning, and families are wondering how they are going to pay to heat their homes this winter.

But the GAS Act we are considering today will not help them. This energy bill, written in the midst of what is threatening to become the worst energy crisis the country has ever experienced, does nothing to help reduce the price of gasoline.

That is not me talking, the chairman of the House Committee on Energy and Commerce, the gentleman from Texas (Mr. BARTON), admitted this very fact in the Committee on Rules yesterday. He told us without taking command and control measures, this Congress cannot do anything in the short term to lower gas prices, even if the bill is passed, and he wrote the bill.

I hope every American pays attention to that fact because it is a very

important one. With this bill, the Republican leadership is telling you they know there is a problem, they know you are suffering, but there is nothing they can do about it; but it is not true that they cannot, it is just true that they will not.

There are things that this Congress can do to help our fellow Americans in this time of crisis. There are measures that can be taken that will help reduce the price of gasoline. I know because we debated many of those measures in the Committee on Rules just last night. Amendments that I and my colleagues have proposed, such as eliminating the zone pricing methods employed by gasoline suppliers, would help to mitigate the high gas prices not years down the road but now.

These amendments were rejected by the majority. In fact, of the 18 Democratic amendments offered only one was allowed. We are offering that amendment by the gentleman from Michigan (Mr. STUPAK) as a substitute for the bill, but it begs the question, what is the leadership doing with their time and energy if we cannot have a real debate on how to solve these very real problems?

If unconcerned with the present, does the bill at least offer a plan for the future? Does it call for our Nation to raise its energy efficiency standards or for us to aggressively explore alternatives fuels? Amendments that were not allowed to be considered called for those things, but the GAS Act is silent on them.

Since the GAS Act will not address the needs of the people either now or in the years ahead, what will it do? The answer is as simple as it is predictable: It is a give-away to the oil industry. To justify this action, the Republican leadership first invented a problem. America needs to expand its refinery capacity, they said. This premise is dubious at best.

Edward Murphy, a refinery specialist with the American Petroleum Institute, told *The Washington Post* just yesterday there is not a shortage of capacity in America because capacity is a global issue. His learned opinion was clearly ignored by the authors of the legislation, for having invented their problem, they have already come up with a solution to it: Throw the money at the oil companies, and that will induce them to build more refineries.

The simple truth of the matter is that for three decades, oil companies have not been building refineries because it has not been profitable for them to do so. In almost 30 years, no oil company has applied to build one. By intentionally limiting the supply of available gasoline on the market, they keep its price up. Numerous industry memos available to the public have advocated just such an approach to business.

Furthermore, it is impossible to seriously argue that throwing even more money at the oil companies would change their minds. The American oil

industry is already flush with cash, just as the people of the Nation struggle to foot the bill. In fact, since 2001, 4 years ago, the top five oil companies in the United States have recorded combined profits. This is important, Mr. Speaker, they have reported combined profits of \$254 billion. That is more money than we have spent on the war in Iraq, and it is split between just five companies.

If we were to open that figure out to the entire industry, it would be even more staggering. This is not the only way in which the Republicans are standing up today for the corporations who need help the least. Under this bill, if an oil company wins a suit against a local government over the right to build a new refinery within that government's jurisdiction, this bill will force the locality to pay for the court costs.

But conversely, if the locality wins the suit, the company under this law does not have to pay a dime. So if Exxon wants to build a refinery in your backyard or near your child's school, and you and the local community want to oppose it, it means you very well may have the pleasure of paying Exxon's legal fees for trying to protect your community. It is an official incentive for corporations to take communities for all they are worth and then some.

Next, what about price gouging? Rather than punish this outrageous, immoral and deeply damaging practice, the bill will place a limit on the maximum daily fine that can be given to an individual guilty of that practice.

Sadly, we are lucky this is all the GAS Act will do because until late last night, it was much worse. The legislation included an unjustified attack on the Clean Air Act and was intent on rolling back 30 years of progress on protecting the quality of air that we and our children breathe. It seems that being good corporate citizens and mandating that companies not pump their waste into the air we breathe and the water we drink was just too much for this leadership to ask of their energy industry. Apparently, they would rather have Americans pay for corporate profits with their health.

Thankfully, the majority was shamed into removing such a provision from the bill as its own rank and file objected to this basic assault on the health of our country.

But what we are left with is still deeply troubling. It is legislation that is not responsive to the welfare of the people and does not offer real solutions for the future. It is the kind of legislation produced by a Congress that has forgotten who it works for, a Congress more concerned with corporate lobbyists who write bills than concerned with the working people who struggle to deal with their consequences. It is the product of congressional leadership out of touch with the citizens of this country.

This bill is a living, breathing example of the culture of corruption which

has plagued this body and ails this Nation, and I urge my colleagues to oppose this rule, this bill, and to support the Democratic alternative.

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

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. DREIER), chairman of the Committee on Rules.

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

Mr. DREIER. Mr. Speaker, I rise in strong support of this rule, and I thank my friend from Miami for his superb management of this, as well as the hard work he is doing upstairs as we worked late last night to ensure we could put this package together.

Since he has left the floor, I want to take this time to praise the very distinguished chairman of the Committee on Energy and Commerce, the gentleman from Texas (Mr. BARTON). I do not want him to actually hear this, Mr. Speaker, but I want to say he has done an absolutely phenomenal job in fashioning this very important piece of legislation that is designed to increase our Nation's refinery capacity.

We know full well that our constituents are complaining, understandably, about the high cost of gasoline. It is absolutely outrageous. I am privileged to represent the Los Angeles area, and we see prices in excess of \$3.15 and \$3.20 a gallon. Obviously, we have seen some relief, but it is clear if we look at the history of refinery capacity, it is one that has played a big role in exacerbating the cost of gasoline.

Since 1981, we have seen the number of refineries in the United States of America cut in half. It has been three decades since we have seen a new oil refinery constructed. Why? People have argued it is the oil companies that have not done this. An argument made, which is an appropriate one, is it has not been a great profit center.

The fact of the matter is when you have a regulatory burden which is designed to create a disincentive for the construction of refineries, why would anyone in the industry consider it? This bill is designed to address that issue. Our goal is clear and simple. We want to do everything within our power to bring the cost of energy down for the American people.

Now, many have argued that this is a partisan bill when in fact the gentleman from Texas (Mr. BARTON) has turned himself inside out to try and accommodate concerns that Members of the minority have. The combination of the base text of the bill and the manager's amendment, which will be in fact passed when we pass this rule, we address the concerns on heating oil put forward by the very distinguished gentleman from Massachusetts (Mr. MARKEY), and you can go right down the line and look at a number of issues that were brought forward by Members of the minority, including the gentleman from Illinois (Mr. RUSH), the

gentleman from Washington (Mr. INSLEE), the gentleman from Washington (Mr. DICKS), and others who have raised issues of concern, and the gentleman from Texas (Mr. BARTON) has worked diligently to address those.

Mr. Speaker, it is my hope this bill will enjoy strong bipartisan support. It is our one opportunity, our one opportunity now to step forward and actually take decisive steps to work towards diminishing the high cost of gasoline for the American people. I strongly support this rule and the underlying legislation. I thank my friends for their hard work on this important issue.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts (Mr. MCGOVERN).

Mr. MCGOVERN. Mr. Speaker, we have a national energy crisis now. If my colleagues on the other side of the aisle do not appreciate that fact, I would suggest that they go home to their districts and listen to their constituents. Instead, we are rushing a flawed bill to the floor that will once again reward the very industries that have gouged the American people.

It is unacceptable for anybody in this Congress to say we cannot do anything about the short-term crisis of high energy costs.

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We must. That is what our constituents expect us to do. That is what we should be doing today here on the floor. The cost of filling a tank of gas ranges between \$40 and \$100. There are workers whose wages do not compensate for the cost of driving to and from work. I have senior citizens in my district and low- and moderate-income families who are scared out of their minds about how they will heat their homes this winter. We must crack down on price gouging in the short term and find other ways to lower prices. This is an emergency. It requires dramatic action by the Government of the United States.

In the long term, we should reduce our reliance on foreign oil by aggressively pursuing renewable energy sources, something that we should have been doing a long time ago.

What we have here in this so-called "Gas Act" is more of the same: tax breaks to reward the bad behavior of oil and gas companies; reduced regulations that compromise our communities; and nothing, absolutely nothing, for the relief of our citizens.

Let me say to my colleagues who vote for this, do not go home and tell their constituents that they did anything for them because in truth they have not. When they ask them what did they do to lower the prices of gas and home heating oil, they can say honestly they did nothing.

Mr. Speaker, I would urge my colleagues to support the Stupak substitute, which will deal head-on with the issue of price gouging; and if that fails, I would urge my colleagues to de-

feat this bill and to go back to the committee and do something meaningful. The status quo does not work. It is time for a comprehensive, honest-to-goodness energy plan, and this is not it.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. BARTON), distinguished chairman of the Committee on Energy and Commerce.

Mr. BARTON of Texas. Mr. Speaker, I thank the distinguished member of the Committee on Rules for yielding me this time.

Mr. Speaker, I rise in very strong support of this rule and, of course, in strong support of the underlying bill, H.R. 3893.

I want to make a few comments first about the rule. We have made in order the Democratic substitute. My understanding is that the Democrat substitute is similar, if not identical, to the Democrat alternative that was put in play in the Committee on Energy and Commerce at our 16-hour markup last week. So point one is our friends on the minority side are going to get an opportunity to have their ideas on this issue addressed by the body and voted on; so that would be a very good reason for everybody to vote on the rule.

Another good reason to vote for the rule is that the manager's amendment that has been incorporated into the base text takes into account many of the issues that were debated in the Committee on Energy and Commerce and many of the issues that were supported by our minority members of that committee last week, in particular the concerns about price gouging.

The amendment that was adopted in committee on price gouging last week only referred to price gouging within a disaster area that had been declared by the President of the United States, and it only applied to gasoline and diesel fuel. The manager's amendment incorporates many of the ideas that the gentleman from Michigan (Mr. STUPAK) and the gentlewoman from New Mexico (Mrs. WILSON) on the majority side had in their alternative price gouging amendments.

It would expand the authority of the President to allow a price gouging investigation outside of the disaster area. It would allow the FTC to prosecute price gouging outside the disaster area if they felt that there was price gouging. It also expands the jurisdiction of price gouging that would be under the control of the Federal Trade Commission from gasoline and diesel fuel to home heating oil. And I know there are very legitimate concerns in the Northeast and the Midwest this winter about the price and availability of home heating oil.

So those are the reasons that I think we should vote for the rule.

When it comes time to vote for the bill, obviously we are going to have a

very spirited debate, which is what this body is all about. As we have that debate, there are several facts that I think we should keep in mind. Number one, since 1981 we have closed 176 refineries in this country. That means that we have in operation today 148. We have closed over half of the refineries in the United States of America in the last 30 years. That might be acceptable if the demand for their products was going down; but, in fact, the opposite is true. The demand for refined products in our Nation is rising every year, somewhere between 1 percent to 3 percent a year. If we convert that to barrels per day, that is somewhere between 250,000 to 750,000 barrels a day. Our Nation uses 30 billion barrels of oil every year.

Our refinery capacity has simply not kept pace with our demand for the refined products. The consequences were clear for every American to see in the aftermath of Katrina and Rita when over half of our refineries shut down temporarily and about 25 percent of our oil and gas production shut down. In some parts of the country, the price of gasoline doubled and even tripled. Even with most of those refineries back on line, there is still enough refinery capacity disabled that the prices remain somewhere between 30 to 50 cents a gallon higher than they were before the hurricane.

So quite simply, Mr. Speaker, it is time to invest in our energy infrastructure, and one of the critical components of that is our refinery capacity. This bill would do that without putting direct Federal dollars into it. It would do it by eliminating the red tape that we have to go through to get a refinery permitted. It would not eliminate or reduce any environmental law on the books today, but it would create an expedited process that a Governor of a State that wished to build a new refinery or expand an existing one could utilize.

The bill would also make it easier to build some new oil pipelines. We have not built a new oil pipeline in this country in over 40 years. Again, the only two pipelines serving the Midwest and the Northeast, both of those were temporarily shut down because of Katrina. This bill takes some steps to do that.

The bill would also reduce the number of boutique fuels, which currently is over 40, down to six. If the EPA thinks that that is practical to do so, that would make these fuels more fungible, more efficient to refine, and less expensive for the taxpayers, motorists of our country, to have to purchase.

It also has some incentives and some emphasis on carpooling. Carpooling is not a real sexy high-tech issue; but if we could get one out of every three Americans to actually carpool on their way to and from work, we would save over 1 million barrels of oil per day, which, again, reducing the demand would reduce the cost of the gasoline.

This is a good bill. It is a bill that both sides of the aisle can support. I

would hope that we vote for the rule and then vote for the bill later this afternoon.

I want to thank the distinguished Committee on Rules for bringing this rule to the floor, and I look forward to working with them on this issue and other issues in the future.

Mr. Speaker, I rise in strong support of this rule.

The House today takes an important step in recovering from Hurricane Katrina. With the Gasoline for America's Security Act, we will make our country less dependent upon imports of gasoline and address high gas prices.

The bill increases U.S. fuel supply by encouraging new refineries and reducing the number of boutique fuels around the country. We promote conservation through carpooling. We also outlaw price gouging for gasoline.

The bill before us today is the product of a markup in committee that started at 8 a.m. and ended after midnight. It follows countless hearings over the last several years on gasoline markets, refinery capacity, and Clean Air Act issues.

Our Nation is dangerously dependent upon tight refinery capacity and refined product imports. Hurricane Katrina hit in the wrong place at the wrong time, and American consumers are suffering. Offshore crude oil production was shut down. Refineries went down and are struggling to come on line. Oil and gasoline pipelines were without power and couldn't pump their product. We are paying the price at the pump and must take action.

I keep hearing "it doesn't matter how much crude oil we import if we don't build or expand refineries." Katrina proved that right when refineries were damaged or unable to move their product.

Mr. Speaker, our Nation has not seen a new refinery built since 1976. The bill today encourages companies to come forward with proposals to build refineries. Many refiners have just given up because of an endless stream of red tape and the threat of nuisance litigation. The permitting process is overly cumbersome, and this bill fixes it.

We want all States to be able to build refineries under an expedited permitting process. Any Governor can request that we cut through the red tape. The President can designate Federal lands to be considered for a refinery, even a military base that is being closed. If a State needs to see a pipeline built to service a refinery, we let the Governor request expedited permitting, too.

The manager's amendment before us today improves the bill further from the bill reported out of the Energy and Commerce Committee. It extends the geographic reach of our price gouging provision and increases penalties for violations. The manager's amendment also drops provisions that are very important policies but which I will save for another day. Nothing should stand in the way of this bill passing.

If you want to increase the supply of gasoline, you need to do two things: Increase the supply of crude oil; and increase refinery capacity.

In the end, the issue before us is whether people who work for a living will get the gasoline they need to go to work, at a price they can afford to pay. Some seem to believe that Americans will float to work on a cloud of our good intentions. But they drive to work in cars

and trucks that run gasoline. That could change some day, and I hope it does, but it will not change this day or this decade.

We've known about the problem in refinery capacity for 30 years, and done nothing. Katrina and Rita demonstrated that the do-nothing policy is dangerous. Today we can start doing something about gasoline prices and gasoline supplies. The Energy Policy Act of 2005 will help on crude oil prices, as will future legislation by the Resources Committee. We can increase refinery capacity today by voting "yes" on this rule and "yes" on the GAS Act.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentlewoman from California (Ms. MATSUI).

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

Ms. MATSUI. Mr. Speaker, I thank the gentlewoman from New York for yielding me this time.

I rise today in opposition to the rule and the underlying bill, H.R. 3893.

Hurricane Katrina highlighted the failure of the Republican leadership's first attempt to create a national energy policy. We now have a second chance to craft a forward-looking strategic plan. Unfortunately, H.R. 3893 fails to do this. Instead of tackling America's very serious energy challenges, we are looking at the cast-aside from the earlier legislation. I therefore urge my colleagues to support the substitute.

Every American now clearly sees that our energy policy affects everything, from a family's monthly budget to our national security. My constituents, like the other Members, are paying over \$3 a gallon at the pump. Yet H.R. 3893 does not include price gouging provisions that would sufficiently protect American consumers, particularly when we have oil companies making as much as \$80 million a day.

We owe our constituents more than empty promises on high gas prices. And we can do this with the substitute. It gives the FTC real authority to investigate the energy supply chain. The substitute provides for significant fines that actually have the power to deter companies from gouging consumers.

H.R. 3893's shortcomings are not exclusive to its attempts at immediate relief. The legislation also fails to address our Nation's long-term needs. Constructing new facilities would increase the Nation's capacity to process crude oil and soften the effects of future supply disruptions, but the oil refiners are not interested in incentives to do so. In fact, they have minimized capacity to maximize profit.

Again, Congress has a responsible alternative: Establish a strategic refinery reserve, a logical complement to the existing Strategic Petroleum Reserve. This would give us the increased flexibility and control to respond to future energy disruptions.

But this legislation fails to do that; and worse still, it ignores the larger causes of our energy security. A for-

ward-looking energy policy should curb our reliance on unstable foreign oil markets and accelerate research for alternative sources of energy.

This bill takes only nominal steps toward that goal. There is an almost laughable \$2.5 million for an education program and encouragement to Federal agencies to buy energy-efficient light bulbs. This is not exactly the bold out-of-the-box thinking that will free the next generation from dependence on foreign sources of energy. Congress needs to pause and examine our energy stance in a long-term strategic manner. We owe that to our children and our grandchildren.

I urge my colleagues to vote against the rule and reject this opportunistic legislation.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Indiana (Mr. PENCE).

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

Mr. PENCE. Mr. Speaker, I rise in support of the rule and the underlying bill and commend Chairman BARTON for his exceptional and timely work on this legislation.

But I also rise, Mr. Speaker, to say, while we respond to the energy crisis that was revealed by Hurricane Katrina, it is also vital that we respond to the fiscal crisis that was laid bare by the hurricane as well. For what began as a hurricane of nature very quickly became a hurricane of spending here on Capitol Hill: \$60 billion appropriated in 6 days, paid for by simply adding to the national debt.

Now, some of us thought we should pay for the big cost of Hurricane Katrina by cutting Big Government; and this week, with the leadership of President George W. Bush and the leadership of the Republican majority in Congress, we are beginning to do just that.

Last night, Speaker HASTERT unveiled a bold plan to cut billions of dollars from every branch of government to offset the extraordinary cost of Hurricane Katrina and its aftermath. And while the details take shape that would save tens of billions of dollars through an across-the-board spending cut; through additional entitlement savings; through a Presidential rescission package, the first time in this administration; by reopening the Budget Act with a Budget Act amendment, the first time Congress has done that since 1977; and by ending nearly 100 outdated Federal programs, we are beginning that process as well.

So I rise today to say on behalf of House conservatives we are pleased, but not content. We are encouraged, but not satisfied. For while the debate has been difficult at times, the work of cutting government spending to offset the extraordinary cost of Hurricane Katrina will be harder still. With more hurricane spending right around the corner, I rise humbly to challenge my

colleagues in the House and, Mr. Speaker, I rise to challenge my colleagues in the United States Senate to be strong and courageous and do the work.

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Let us have the courage to make the tough choices, to find the means to pay for the cost of Hurricane Katrina and its aftermath through reductions in government spending. Let us do the work of rebuilding our gulf coast with the compassion and the fiscal discipline that the American people expect from a Republican Congress.

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. Mr. Speaker, I thank the gentlewoman for yielding me time.

The bill we are debating today is exactly what the American people expect from a Republican Congress. It is a set of giveaways to big oil and to big gas, while simultaneously out here on the floor the last two speakers are calling for a gutting of environmental laws and cutting of Medicaid and other social programs for the poorest people in our country as a response to Hurricanes Katrina and Rita.

This Republican Party is so out of touch that it believes that the oil and gas industries, the wealthiest industries in our country, the industries that are tipping American consumers upside-down and shaking money out of their pockets, is the first bill they should bring to the floor to respond to Hurricane Katrina, even after 10 years of a conscious conspiracy on the part of the oil industry to shut down 30 refineries, voluntarily.

And the reason is clear. In a series of memos 10 years ago, the oil industry said that we have too much refining capacity in our country. We must shut it down if we want to charge the consumers in our country more money.

That is what is going on out here on the floor, this leave-no-oilman-behind bill. We cannot fund leave No Child Behind, but can leave-no-oilman, who today planned this complete catastrophe that occurs because they shut down 30 refineries. They shut them down deliberately to cause this crisis.

We should be debating out here on the floor, which the Republicans refuse to do. Increasing fuel economy standards for automobiles, they refuse to even allow that debate out here on the floor. Increasing, doubling, tripling, quadrupling solar energy, wind energy out here on the floor, they refuse to have that debate. Instead, it is this leave-no-oilman-behind bill. Today, they have failed the historic test of preparing our country for this day.

We are here because this party believes that an energy policy is the President holding the hand of a Saudi prince and taking him in for a barbecue at Crawford, that it can substitute for the kind of plan which President Kennedy had in 1961 when the Soviets were

challenging our supremacy in outer space.

President Kennedy had a plan for us to take on the Soviet Union. This administration says there is no magic wand, and, if there is one, it is only to give more breaks, more environmental breaks, more subsidies, to the oil and gas industry, which is reporting profits that they admit they cannot even spend themselves. There is no plan from the Republican Party, except giving more to the largest industries that have dug this hole.

Mr. Speaker, the Republican Party is in violation of the first law of holes: When you are in one, stop digging. What they have out here today on the floor is a huge excavation device digging our country ever deeper, without looking at automotive technology, solar technology and the future of technology for our country.

Mr. Speaker. I rise in opposition to the Rule providing for consideration of H.R. 3893, the Gasoline for America's Security Act of 2005."

Let me begin by saying that I've been in Congress for 29 years now, and this is absolutely the worst energy bill that I've seen in the last eight weeks.

Moreover, the Rule that we are considering this morning is pretty much a gag Rule. It makes only one Substitute in order, and it bars the amendment filed by the Gentleman from New York (Mr. BOEHLERT), myself, and the Gentlelady from California (Ms. ESHOO) to mandate new fuel efficiency standards for cars and SUVs. This amendment was identical to one that I offered in the Energy and Commerce Committee, and it is unconscionable that at a time when gas prices are over \$3.00 a gallon nationwide that the Republican Leadership of this House would deny the Members an opportunity to debate the issue of whether or not to increase CAFE standards.

What is the Republican Leadership afraid of? Are they afraid that the Members, if given an opportunity to approve a measure that might actually do something to reduce gas prices, might vote for a fuel efficiency standard increase? We should be able to have that debate and vote on this issue today.

The last Energy bill that President Bush signed into law way back in August was praised by the Chairman of the Energy and Commerce Committee, who said its boutique fuels provisions would "make it more efficient to use our boutique fuels" by reducing the number of these fuels "so that we have greater transportability of our boutique fuels between those regions of the country that need those fuel sources."

Eight weeks later, we are about to take up a bill that repeals those boutique fuels provisions and replaces them with a completely new boutique fuels statute. Without any hearings, and without any Record, we're just going to rewrite those provisions.

When the last Republican energy bill was on the House floor in July, the Speaker of the House said it "promotes greater refinery capacity so more gasoline will be on the market and it increases gasoline supply by putting an end to the proliferation of boutique fuels."

Eight weeks later, this House is about to repeal the refinery provisions the Speaker praised, and replace with a whole new refinery bill.

This bill is based on a false premise, the premise that somehow our Nation's environmental laws stand in the way of building more refineries around the country. Nothing could be further from the truth. The Clean Air Act isn't the problem, it's the Anti-Competitive Acts of the oil companies that has led to our current problems. Consider these facts.

Since 1994, 30 refineries have been closed across the country, reducing the Nation's refinery capacity by a collective 750,000 barrels per day.

This reduction represents nearly 5% of the Nation's current refinery production capability of 17.1 million barrels per day.

Twenty-one of the 30 refineries that the refiners voluntarily closed—or 78% of the shut down refinery capacity—were located in states that are not on the Gulf Coast and therefore would not have been affected by Hurricanes Katrina or Rita.

Nine of the top 10 producing refineries that were shut down were located outside the Gulf Coast, including 3 in Illinois, one in Kansas, one in Michigan, 2 in California, and 1 in Washington.

Why are these refineries being closed down?

Is it environmental regulations? No. During this same period, the refinery industry increased capacity at existing sites—with all the permits and approvals granted by the EPA. The one new refinery permit application that was submitted out in Arizona was approved by the EPA in less than a year.

So, why did the oil companies close these refineries? The reason is very clear. During the last decade, there was a wave of mergers in the refinery industry. The Big Oil companies got bigger, and as they gobbled up their smaller competitors, they closed down certain refineries for strategic business reasons.

Oil industry documents from the mid-1990s suggest that at that time, major players sought to shut down refineries in order to decrease supply and thereby drive up prices. Consider this:

A 1996 Chevron internal memo stated that "A senior energy analyst at the recent API [American Petroleum Institute] convention warned that if the U.S. petroleum industry doesn't reduce its refining capacity it will never see any substantial increase in refinery margins."

A March 1996 memo from Texaco discussed concerns that "the most critical factor facing the refining industry on the West Coast is the surplus of refining capacity, and the surplus gasoline production capacity. . . . This results in very poor refinery margins and very poor refinery financial results. Significant events need to occur to assist in reducing supplies and/or demand for gasoline."

It seems clear that the oil industry, in closing 30 refineries over the course of the last decade, was pursuing a deliberate business profit-maximization strategy aimed at addressing the oil industry's "problem" of low profit margins in refinery operations. By closing down refineries, and by consolidating any increased production at existing refineries, the oil industry has been able to drive up their profit margins.

This strategy has worked out quite well for the oil industry. During the course of this year, the profit margins of each of these companies have risen higher and higher and higher. According to a recent article in the Washington

Post, there's been a 255 percent average increase in refiner profit margins over the last two years. Now, all of that is great news if you are a shareholder in any of the big companies. But it's terrible news if you're a consumer paying \$3.00 a gallon or more to fill up the gas tank on your car or paying a \$1,000 more this winter to fill up the oil tank to heat your home.

So, what does this bill proposed to do?

Is it going to impose a windfall profit tax on the big oil companies? No.

Is it going to mandate an increase in fuel efficiency standards for cars and SUVs so we can begin reducing consumer demand? No.

Is it going to promote investment in and deployment of solar and wind energy technologies that could be an alternative to natural gas? No.

Is it going to give the Federal Trade Commission and the State Attorneys General tough new enforcement powers to go after price gouging at both the wholesale and retail level? No.

What this bill proposes is more giveaways for the big oil and gas companies at the expense of consumers and the environment.

This bill shamelessly tries to exploit the terrible human tragedy of Hurricanes Katrina and Rita to advance a radical anti-environmental agenda, of gutting the Clean Air Act, of gutting the principle of local control over land use decisions, all to advance an oil company agenda.

The sponsors of this bill call it the GAS Act. In reality, it should be called the "Leave no Oil Company Behind Act."

This is a terrible bill. It deserves to be defeated.

I strongly urge a "no" vote on the Rule and a "no" vote on final passage.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, it is interesting how today is a clear example of how anything, anything, is possible on this floor. Anything can be said. That is freedom. Even the most inconceivable, out of touch with reality statements.

Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. BARTON), the author of the legislation, the distinguished chairman of the Committee on Energy and Commerce.

Mr. BARTON of Texas. Mr. Speaker, I want to thank the distinguished gentleman from Florida for yielding me time.

Mr. Speaker, I want to point out one thing to the body: There is one thing in this bill, one thing, that scores as a cost by the Congressional Budget Office. One thing. Do you know what it is? It is the Markey amendment that we accepted in committee to increase the home heating oil reserve from 2 million barrels to 5 million barrels. We accepted it because the gentleman from Massachusetts has a legitimate concern about the plight of people that need home heating oil in the northeast. We accepted his amendment to increase the reserve by 150 percent. That is the only thing in the bill before us that the CBO has scored.

Now, is that a giveaway to big oil? Is that some kind of a payoff to industry? Or is that a legitimate need of the American people that we put into the bill because the gentleman from Mas-

sachusetts (Mr. MARKEY) asked for it, legitimately so, and it made sense, and we put it in the bill?

Ms. SLAUGHTER. Mr. Speaker, I yield 2½ minutes to the gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. Mr. Speaker, well, the majority party is shocked, shocked that price gouging took place in the wake of Katrina. Of course, they turned a blind eye to the gouging of consumers for months and years before that by big oil working in collusion with OPEC.

In the last 4 years, the top five oil companies have made \$254 billion of profits. Exxon-Mobil, in the quarter before Katrina, \$14 billion in one-quarter. And this bill does nothing to provide price relief to consumers or prevent gouging. Big oil gets a pass yet again. They are not getting as big of a gift this time, just a pass.

They point the finger at the retailers. Well, with rare exceptions, the gouging is not at the retail level. Producers of gas, they are getting 46 percent more, 47 cents a gallon; refiners, they are up to 250 percent in one year, 70 cents a gallon. Every American is paying 70 cents a gallon more to the refiners and 2 cents more on average to the retail people. It is not the retailers who are price gouging.

The chairman says "we have closed 175 refineries." He can only say "we" if he is the oil industry. The oil industry has consciously colluded to close refineries to squeeze supply to drive up the price. It is the same thing Enron did in California to stick it to everybody on the West Coast of America. Tried and true. The industry has been doing that for years.

It is not environmental laws or regulation which have closed these refineries. They have been closed by mergers and a conscious decision of the chief operating officers and CEOs of big oil to drive up their profits, and boy, have they done that. Unfortunately, it is about to destroy small businesses and consumers across America.

But they still cannot take them on. They cannot take on their benefactors here on the floor. The President offered last year to let Valero or anybody else build a new refinery on a closed military base, waiving all environmental laws, and the chief operating officer of Valero, stock up 263 percent in one year, you thought Google was doing good, he said, why would we do that? It is working really well the way it is. It is phenomenally profitable for them and the few others who still operate refineries.

We need real help for Americans, short-term relief against price gouging, take on OPEC in the World Trade Organization. And then we need longer-term new technology, new fuels, more efficiency, true energy independence for the United States of America from big oil and the Saudi and the OPEC cartels. That would be something for the American people. You are not doing that.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Pennsylvania (Mr. MURPHY).

Mr. MURPHY. Mr. Speaker, we find ourselves with so many things happening now. We have increased gasoline prices, increased winter heating costs, natural gas prices are up, manufacturing jobs are down, all because the cost of energy has remained high. Our demand for oil has grown, our production simply cannot meet demands, and this has caused increased prices. We have increased population, and we want more manufacturers to remain in the United States. That means that we have to do something.

Mr. Speaker, we do not need another hurricane to remind us that our energy infrastructure is wholly inadequate. Had we taken action to prevent our energy problems years ago, we would not have been vulnerable to natural disasters. For 30 years, we sat back. We did not want to study it. We did not want to take inventories. We did not want to explore. We resisted drilling for oil or gas. We did not build refineries. We did not move to develop clean coal technology. We did not build nuclear power plants over those 30 years, while demand grew. And eventually the system snapped. We did the same thing over and over again and expected different results.

Until our refining capacity and production capacity expands, our oil markets will remain vulnerable to disruptions. We have to have increased conservation measures. We have to have the car-pooling measures in this bill. We have to have energy-efficient cars, but we have to have more refineries.

During the last 30 years, our dependence on foreign energy has increased from 24 to 62 percent. How much further do we have to go? The American people understand this, and that is why they support this. That is why labor unions support this bill. That is why we have to move this forward.

The Gasoline for America's Security Act builds on the Energy Policy Act of 2005 and keeps us moving in the right direction. It addresses a great deal of what we need, the use of biomass debris, car pooling, van pooling, requirements to direct the FTC to conduct an investigation into nationwide gasoline prices, and it does include anti-price-gouging measures.

The other side says repeatedly it is not in there, but it does. It has anti-price-gouging measures and enforcement for gasoline, for diesel, for home heating oil, for crude oil. It is massive.

There will be a temptation to blame the high gas prices on the storms alone or to use politics to block this. But the American people understand, you cannot drive a car with politics in your tank or heat a home with politics.

I support the rule and this bill.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. HINCHEY).

Mr. HINCHEY. Mr. Speaker, one of the things that you can say about the

way in which the national Republican Party has handled America's energy problem is that they are being very consistent, and that goes back to the first moment when they controlled both the Congress and the White House; when the President, charged by the Bush administration to develop an energy policy, did the natural thing for them, brought in the energy companies to tell them what kind of policy we should have. That attitude is reflected in this bill, as well as the one that this Congress passed last July. They are both deferential to the energy companies at the expense of the American people. Everything goes to the energy companies; nothing goes to the American people.

The energy companies last year, the oil companies, made record profits, more than \$125 billion. One corporation alone made more than \$25 billion in profits in 2004. Their profits in 2005 are even higher, while the American people struggle to get back and forth to work because of the price of gasoline and as they will struggle this winter to heat their homes to try to stay safe and secure. Lives will be lost because of the way in which the national Republican Party is handling this energy problem.

In order to justify gasoline being sold at \$3 a gallon under a free, open market, you would have to have oil priced at \$95 a barrel. But we do not have a free and open market, even though the Republicans claim we do. We have a market that is controlled by the oil companies, for the oil companies and against the interests of the American people, and all of that is conspired and entered into by the national Republican Party, in the White House and in this Congress as well.

That is what we are seeing here today in the context of this legislation: More for the oil companies, less for Americans. Struggle, struggle, struggle for the American worker; struggle, struggle, struggle for the American family, while huge profits are given to the oil companies over and over again. It has got to stop. Defeat this rule, defeat the bill, pass the Stupak substitute.

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 2 minutes to the gentlewoman from California (Ms. ESHOO).

Ms. ESHOO. I thank our distinguished ranking member for yielding me time.

Mr. Speaker, I rise in opposition to the rule. I want to point out something that is in the underlying bill which authorizes the President to designate Federal lands that might be suitable for the construction of an oil refinery.

Once he has made a designation, the land must be leased for the construction of a refinery. The refinery would be permitted under expedited procedures with limited judicial review. Although the manager's amendment requires the President to conduct an analysis of the suitability of the site, there is no obligation that he take the analysis into account before designating

Federal property as suitable for a refinery. So there is no requirement that there be an opportunity for citizen input.

The sponsors of the bill did bar the President from designating lands that are part of the National Park System, the National Wilderness System and national monuments.

□ 1015

But they failed to place language in the bill that would protect millions of acres of other equally sensitive lands, including national forests, the National Wildlife Refuge System, National Conservation Areas, Wilderness Study Areas, the National Wild and Scenic River System, the National Trail System, and the National Landscape Conservation System.

I offered an amendment that was turned back by the Committee on Rules that would have protected these lands which have been set aside for the American people. I cannot imagine why a President would want to clear the path for building a new refinery in Chincoteague, Virginia; the Great Bay Refuge in New Hampshire; or in Arkansas's Cache River Refuge. My question is, why would Congress want to give him the chance?

Vote against the rule. This is a bad bill for the American people.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Speaker, first of all, at the appropriate time, I will enter some extraneous information into the RECORD.

Mr. Speaker, it is very clear when we look at what has happened in the last few years where we have had a number of mergers of oil companies, the top five oil companies, I believe, now dominate more than a third of the market. As a result, we see that prices keep increasing as market concentration increases. This is a clear example of what happens when monopolies dominate an economy. We have high prices, and we also have manipulation of supplies, increased profits; and now we have price gouging.

With this manipulation of supply, we are also seeing an attempt today to attack our environmental laws. That puts us in a position where we sacrifice not only the standard of living of many Americans to the oil companies but now we are sacrificing the environment itself.

I think that many Americans are already aware that one of the reasons that we are in Iraq is because of oil. I mean, very few people would dispute that now. There were no weapons of mass destruction, they are not going to have a democracy there, but the administration is preparing to stay there for the long haul, and it is because of oil. Oil is corrupting this government. Oil is costing us peace in the world. Oil is putting us on a path to economic ruin. Oil is dominating this political process right now.

We need to take a new course. We can start with the windfall profits tax, but we have to go beyond that. We need to look at alternative energy, the power of the sun. Sunlight is a disinfectant in many ways, but it is also a powerful energy source. We need wind power, we need geothermal, we need to tap all available technologies to take us in a new direction where the globe itself is not at stake.

What a disgrace it is that we put the lives and the existence of the Gwich'in Indians in Alaska at risk for more oil. What a disgrace it is that we violate people's human rights for more oil. What a disgrace it is that we are not taking a new direction, not just to save the planet, but to save democracy. Vote down the bill.

PUBLIC CITIZEN,

Washington, DC, October 5, 2005.

DEAR REPRESENTATIVE: On Friday, October 7 the House will consider H.R. 3893, the "Gasoline for America's Security (GAS) Act of 2005." This bill takes the approach that environmental laws must be weakened in order to encourage the U.S. refining industry to expand or construct new refining capacity. This is false. The facts clearly show that not only are current environmental laws in place at a time when the refining industry is experiencing record profits, but that recent, fundamental changes to the refining industry—namely recent mergers—have created financial incentives for refineries to encourage tight supplies. Until these market fundamentals—and not environmental rules—are corrected, Americans will continue to be price-gouged by oil companies.

This week, the national average gasoline price hit \$2.93/gallon, up 50 percent from a year ago. These prices were well on their way to hitting record highs long before Hurricane Katrina. Oil and gasoline prices were rising long before Hurricane Katrina wreaked havoc. U.S. gasoline prices jumped 14 percent from July 25 to August 22.

The problem is that too few oil companies control too much of the refineries, squelching competition but guaranteeing record profits for the industry.

In 1993, the 5 largest U.S. oil refining companies controlled 34.5 percent of domestic oil refinery capacity; the top 10 companies controlled 55.6 percent. By 2004, the top 5—ConocoPhillips, Valero, ExxonMobil, Shell and BP—controlled 56.3 percent and the top 10 refiners controlled 83 percent. As a result of all of these recent mergers, the largest 5 oil refiners today control more capacity than the largest 10 did a decade ago. This dramatic increase in the control of just the top 5 companies makes it easier for oil companies to manipulate gasoline prices.

The proof is in the numbers. According to the Energy Information Administration, profit margins for U.S. oil refiners have been at record highs. In 1999, U.S. oil refiners made 22.8 cents for every gallon of gasoline refined from crude oil. By 2004, they were making 40.8 cents for every gallon of gasoline refined, a 79 percent jump. And the Washington Post noted that those profit margins have soared even higher in 2005, to 99 cents on each gallon sold, for a more than 300 percent increase since 1999.

It is no coincidence that oil corporation profits—including refining—are enjoying record highs. Since 2001, the largest 5 oil refiners in America have recorded \$228 billion in profits.

And will the environmental regulations make it easier to build new refineries? No, because the financial structure of the refining industry is what is prohibiting additional

investment. That's because the industry is making record profits off of the current tight supplies. They have no interest in creating surplus capacity because that will erode their profit margins.

Want proof? Start with the U.S. Federal Trade Commission. In March 2001, FTC concluded in its Midwest Gasoline Price Investigation:

"... A significant part of the supply reduction was caused by the investment decisions of three firms . . . One firm increased its summer-grade RFG [reformulated gasoline] production substantially and, as a result, had excess supplies of RFG available and had additional capacity to produce more RFG at the time of the price spike. This firm did sell off some inventoried RFG, but it limited its response because selling extra supply would have pushed down prices and thereby reduced the profitability of its existing RFG sales. An executive of this company made clear that he would rather sell less gasoline and earn a higher margin on each gallon sold than sell more gasoline and earn a lower margin. Another employee of this firm raised concerns about oversupplying the market and thereby reducing the high market prices. A decision to limit supply does not violate the antitrust laws, absent some agreement among firms. Firms that withheld or delayed shipping additional supply in the face of a price spike did not violate the antitrust laws. In each instance, the firms chose strategies they thought would maximize their profits."

So, that settles it: U.S. oil refineries would rather sell less gasoline and earn bigger profits than flood the market and earn lower profit margins. So gutting environmental laws, as H.R. 3893 proposes, will do nothing to expand refining capacity, but it will reduce public health protections for Americans.

And a May 2004 U.S. Government Accountability Office report agreed with Public Citizen that recent mergers in the oil industry have directly led to higher prices. It is important to note, however, that this GAO report severely underestimates the impact mergers have on prices because their price analysis stops in 2000—long before the mergers that created ChevronTexaco, ConocoPhillips, and Valero-Ultramar/Diamond Shamrock-Premcor.

Rolling back environmental laws will do nothing to lower prices, but it will weaken public health protections for Americans.

Sincerely,

TYSON SLOCUM,

Public Citizen's Energy Program.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, after hearing more prophecies of pessimism, I yield 2 minutes to the distinguished gentleman from Pennsylvania (Mr. PETERSON).

Mr. PETERSON of Pennsylvania. Mr. Speaker, I thank the gentleman for yielding me this time. I rise, after listening to the last two or three speakers, because we are short of energy in this country because we have locked up our energy. We are short of energy in this country because we have built no refineries to process the oil that we purchase now from Third World countries.

We cannot shut down supply; we cannot shut down our capacity or not increase our capacity with the growing need and not have high prices. When we restrict supply, we give the power to the big companies. When we bring on supply, our market system works, and

prices will come down; but then we have to have, we have to have the refineries to refine it.

To not pass this bill today is a tragedy. I am going to support this rule, even though my amendment that I think was very important to open up supply was not allowed to be a part of it.

I want to tell my colleagues, natural gas is an issue that this Congress has to deal with. We have to deal with the supply of oil and gas both. We have to deal with having the capacity to process and provide the products. This winter, home heating oil is going to be in very short supply. In some markets, it will be way higher than others because it is not an even distribution system.

But natural gas is the one thing that we have to deal with this fall, in my view, because natural gas has not doubled; it is 700 percent more. We are going to endanger home heating. We are going to endanger major industries who are natural gas-intensive. We have companies who use it. Polymers, plastics, petrochemicals, fertilizers use natural gas as an ingredient and as a fuel. They cannot afford \$14 and \$15 natural gas. They will leave American shores.

My brick companies are closing down until it gets less costly. The last plant they are shutting down because they cannot properly make glass and compete with these natural gas prices. It is the one we have where we can be totally self-sufficient in this country on the clean fuel natural gas that fuels our industry, heats our homes, heats our schools, heats our hospitals.

Folks, let us not go home this fall until we deal with natural gas.

Ms. SLAUGHTER. Mr. Speaker, I yield 30 seconds to the gentleman from Michigan (Mr. STUPAK) for the purpose of asking a question to the previous speaker.

Mr. STUPAK. Mr. Speaker, the gentleman from Pennsylvania makes a good point, but if you look at today's Washington Post, "Natural Gas Danger Signs," they talk about a 90 percent increase in natural gas. Higher costs threaten our economic growth in U.S. manufacturing. Here is USA Today: "Staying Warm Costs Up 90 Percent More."

There is no way you are going to vote for the Barton bill, the main bill, if you believe the price of natural gas is too high. If you believe everything the gentleman from Pennsylvania said, you would vote against the Barton bill, because it does not include natural gas. Only the Democratic substitute, the Stupak-Boucher bill does.

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

Ms. LEE. Mr. Speaker, I want to thank the gentlewoman for yielding me this time and for her leadership.

I rise in strong opposition to this very restrictive rule. Now, we are all touched by the magnitude of the devastation caused by Hurricane Katrina

and Hurricane Rita in the gulf coast. The human and environmental costs of these disasters are unimaginable. But as in any catastrophe, there is always somebody waiting in the wings to make a profit off the human misery and suffering. Today, once again, it is the energy companies. This adds insult to injury. We just gave them over \$12.8 billion in subsidies and tax breaks 2 months ago, and now they are back asking for more help. Why?

The top 10 energy companies last year made over \$125 billion. Why should the American public be subsidizing these megaprofits? Once again, instead of allowing us to take a real stand to address our short-and long-term energy needs, the Committee on Rules has reported a restrictive rule that rejects consideration of many amendments which would have made this bill much better.

Despite a recent survey indicating that 86 percent, 86 percent of Americans favor an increase in fuel economy standards, the Committee on Rules prevented, prevented consideration of the Boehlert-Markey amendment which would do just that. We were prevented from considering the Gas Price Spike Act of 2005 offered as an amendment by the gentleman from Ohio (Mr. KUCINICH), the gentleman from New York (Mr. HINCHY), the gentleman from Arizona (Mr. GRIJALVA), and myself. It would have discouraged price gouging by implementing a windfall tax on oil and gasoline profits. And we were also prevented from considering the Larson-Slaughter amendment which would have put an end, an end to gasoline price discrimination based on location, creating a free market for gasoline dealers.

Our current energy strategy will only further increase our dependence on foreign oil. We must break this chain by implementing a strategy of energy independence and defeat this giveaway to the oil industry.

Vote for a new strategy, not more of the same. We must oppose this rule and support the Stupak substitute.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. WAXMAN).

Mr. WAXMAN. Mr. Speaker, the Republican leadership has done it. They have turned the House of Representatives into a banana republic. We have a bill on the floor today that had no hearings. It had no subcommittee markup. It was rushed through the committee without any attempt to find a compromise.

A few hours ago, in the dark of night, the bill was rewritten. There is not one Member who really understands everything that is in this bill or understands what this bill will really do. But there are dozens of cronies and special interest lobbyists smiling this morning because they know the fix is in.

The Republican leadership is so scared of open debate and the democratic process that they will not allow the bill's provisions to be debated or amended. They only will permit one amendment to one of the most anti-environmental, backward, and intellectually dishonest bills that has ever come before the House. And that may not be the worst of it, because the Republican leadership is trying to do all of this in the name of Katrina.

America watched with horror as this hurricane struck. The damage was immense, and so was our responsibility in Congress to do all we can to help those who have been displaced rebuild their lives. But that is what makes this legislation so shameful. At a time of desperate need and profound responsibility, the response of Washington Republicans is crass opportunism.

The bill will not help a single victim of Katrina. It will do nothing to help lower gas prices. Instead, Washington Republicans are using the devastation caused by the hurricanes to stampede Congress into undermining our environmental laws.

Exploitation is an ugly word, but that is what this is. I would urge Members to vote against the rule and, more importantly, vote against this bill. It is a shameful piece of legislation. It is the legislative equivalent of price gouging, and the American people deserve better, and we can do better.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Georgia (Mr. WESTMORELAND).

Mr. WESTMORELAND. Mr. Speaker, I hope the American people are watching this debate; and if they are watching this debate on TV, I hope they have a video recorder, because they need to record this debate.

When you are talking in your church or in your home or where you work about high fuel prices, you can play this and let people see why we have the prices that we have right now; why they are going to be paying more for home heating oil; why they are paying more for gasoline, because this side of the aisle over here does not understand the problems that we have in this country.

Play it; listen to it. You are an individual out there. You can car pool if you want to. If you want to buy a car that gets 50 miles to the gallon, they make them every day. You can go buy them by the hundreds. If you want to buy a car that gets 10 miles to the gallon, that is up to you. You are an individual, and you have individual responsibilities.

Let us quit blaming the people who are trying to be leaders in this country and put us on the right track for an energy policy.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SIMPSON). The Chair would advise Members to address their remarks to the Chair and not to guests in the gallery or the television audience.

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

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, how much time remains?

The SPEAKER pro tempore. The gentleman from New York (Ms. SLAUGHTER) has 1½ minutes remaining. The gentleman from Florida (Mr. LINCOLN DIAZ-BALART) has 2 minutes remaining.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 1½ minutes to the gentleman from Texas (Mr. BARTON), the author of the legislation.

Mr. BARTON of Texas. Mr. Speaker, I want to try to respond to some of the comments that have been made. One comment that has been made is that the U.S. oil companies somehow control the market. We consume 21 million barrels a day of oil in this country. We only produce 8 million barrels a day. We import 1 million to 2 million barrels a day from Saudi Arabia. We import a million barrels a day from Venezuela. We import a half a million barrels a day from Libya. We import some oil, believe it or not, from Iraq. We import a million barrels a day from Mexico.

One thing the U.S. oil companies do not do is control the market. They do accept a world market price. The reason the price of oil is high is because the world is using about 84 million barrels of oil a day and the world is producing about 84 million barrels of oil a day.

□ 1030

Economies like China and India are growing at 2 to 3 to 4 to 5 percent a year. The amount of oil that China is going to need from the world market in the next year is expected to go up perhaps as much as a million barrels a day. So that is one reason the oil prices are high.

The gentleman from Michigan (Mr. STUPAK) comments that his price gouging amendment does something on natural gas. That is true. I would like to point out that every State PUC in the country already regulates the retail price of natural gas, so in that particular instance, I am not sure that his amendment would do much good. The pending bill does have a provision to get information from the gathering systems, the Gulf of Mexico for natural gas production, which is something that we do not have under current law.

With that I would just ask us to vote for the rule.

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

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, this is an important piece of legislation that the gentleman from Texas (Mr. BARTON) has brought forward today. I urge support of the rule. I urge that we reject the arguments we have heard from the prophets of pessimism. This is an important piece of legislation to keep the economy's infrastructure in place for sustained economic growth and for the lifestyle that this great Nation has be-

come accustomed to, and so we would ask all colleagues to support the underlying legislation as well as the rule.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today to express my disappointment and opposition to the Rule regarding H.R. 3893.

The Gasoline Security Act, as reported by the Committee on Energy and Commerce, includes language that takes away States' rights to have State decisions on Clean Water Act permits and water quality related to the placement of refineries and pipelines decided in State courts. Instead, the Gasoline Security Act overturns 33 years of successful State/Federal partnership and forces States to defend their actions in the U.S. Court of Appeals for the District of Columbia.

In the absence of this provision, challenges to State decisions would be brought in State courts as they always have.

The Gasoline Security Act dilutes State authority to protect water quality. I offered an amendment that would have prevented this dilution; unfortunately it was not made in order.

Section 401 of the Clean Water Act requires that before any Federal permit or license is issued that could result in a discharge into the State's waters, the State in which the discharge would occur must issue a certification that the proposed activity is consistent with the State's water quality standards.

Such a certification must be issued within a reasonable time (not more than one year), and if the certification is denied, the Federal permit or license may not be issued.

This authority is the States' ability to ensure a role in Federally-permitted activity within the State's borders.

The provisions contained in both the refinery and pipeline titles of the Gasoline Security Act are modeled on a similar provision in the recently enacted Energy Policy Act. This language was inserted in response to a specific case in Connecticut where the business community wanted to construct a pipeline over State and public objections.

The proponents of the pipeline believe that Federal courts will be less deferential to Connecticut's position in denying the water quality certification. In fact, less than two hours after President Bush signed the Energy Policy Act, Islander East Pipeline Co. went to the Federal Appeals Court seeking to overturn Connecticut's decision.

I urge my colleagues and members of the Rules Committee to help stop the trampling of the States' rights to defend the quality of the environment and public health by making in order my amendment to modify these provisions from H.R. 3893.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered. The SPEAKER pro tempore (Mr. SIMPSON). The question is on the resolution.

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

Ms. SLAUGHTER. 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 8 of rule XX, this 15-minute vote on adoption of House Resolution 481 will be followed by a 5-minute vote on approval of the Journal.

The vote was taken by electronic device, and there were—yeas 216, nays 201, not voting 16, as follows:

[Roll No. 515]

YEAS—216

Aderholt	Gillmor	Northup
Akin	Gingrey	Nunes
Alexander	Gohmert	Nussle
Bachus	Goode	Osborne
Baker	Goodlatte	Otter
Barrett (SC)	Granger	Oxley
Bartlett (MD)	Graves	Paul
Barton (TX)	Green (WI)	Pearce
Bass	Gutknecht	Pence
Biggert	Hall	Peterson (PA)
Bilirakis	Harris	Petri
Bishop (UT)	Hart	Pickering
Blackburn	Hastings (WA)	Pitts
Blunt	Hayes	Platts
Boehner	Hayworth	Pombo
Bonilla	Hefley	Porter
Bonner	Hensarling	Price (GA)
Bono	Herger	Pryce (OH)
Boozman	Hobson	Putnam
Boustany	Hoekstra	Radanovich
Bradley (NH)	Hostettler	Ramstad
Brady (TX)	Hulshof	Regula
Brown (SC)	Hunter	Rehberg
Brown-Waite,	Hyde	Reichert
Ginny	Inglis (SC)	Renzi
Burgess	Issa	Reynolds
Burton (IN)	Istook	Rogers (AL)
Buyer	Jenkins	Rogers (KY)
Calvert	Jindal	Rogers (MI)
Camp	Johnson (CT)	Rohrabacher
Cannon	Johnson, Sam	Ros-Lehtinen
Cantor	Jones (NC)	Ryan (WI)
Capito	Keller	Ryun (KS)
Carter	Kelly	Saxton
Chabot	Kennedy (MN)	Schmidt
Chocola	King (IA)	Sensenbrenner
Coble	King (NY)	Sessions
Cole (OK)	Kingston	Shadegg
Conaway	Kirk	Shaw
Crenshaw	Kline	Sherwood
Cubin	Knollenberg	Shimkus
Culberson	Kolbe	Shuster
Cunningham	Kuhl (NY)	Simpson
Davis (KY)	LaHood	Smith (NJ)
Davis, Jo Ann	Latham	Smith (TX)
Davis, Tom	LaTourette	Sodrel
DeLay	Lewis (CA)	Souder
Dent	Lewis (KY)	Stearns
Diaz-Balart, L.	Linder	Sullivan
Diaz-Balart, M.	LoBiondo	Sweeney
Doolittle	Lucas	Tancred
Drake	Lungren, Daniel	E.
Dreier	E.	Taylor (NC)
Duncan	Mack	Terry
Ehlers	Manzullo	Thomas
Emerson	Marchant	Thornberry
English (PA)	McCaul (TX)	Tiahrt
Everett	McCotter	Tiberi
Feeney	McCrery	Turner
Ferguson	McHenry	Upton
Flake	McHugh	Walden (OR)
Foley	McKeon	Walsh
Forbes	McMorris	Wamp
Fortenberry	Mica	Weldon (FL)
Fossella	Miller (FL)	Weldon (PA)
Fox	Miller (MI)	Weller
Franks (AZ)	Miller, Gary	Westmoreland
Frelinghuysen	Moran (KS)	Whitfield
Gallely	Murphy	Wicker
Garrett (NJ)	Musgrave	Wilson (NM)
Gerlach	Myrick	Wilson (SC)
Gibbons	Neugebauer	Wolf
Gilchrest	Ne	Young (FL)

NAYS—201

Abercrombie	Bean	Boehlert
Ackerman	Becerra	Boren
Allen	Berkley	Boucher
Andrews	Berman	Boyd
Baca	Berry	Brady (PA)
Baird	Bishop (GA)	Brown (OH)
Baldwin	Bishop (NY)	Brown, Corrine
Barrow	Blumenauer	Butterfield

Capps	Jackson-Lee	Pelosi
Capuano	(TX)	Peterson (MN)
Cardin	Jefferson	Pomeroy
Cardoza	Johnson (IL)	Price (NC)
Carnahan	Johnson, E. B.	Rahall
Carson	Jones (OH)	Rangel
Case	Kanjorski	Reyes
Castle	Kaptur	Ross
Chandler	Kennedy (RI)	Rothman
Cleaver	Kildee	Roybal-Allard
Clyburn	Kilpatrick (MI)	Ruppersberger
Conyers	Kind	Rush
Cooper	Kucinich	Ryan (OH)
Costa	Langevin	Sabo
Costello	Lantos	Salazar
Cramer	Larsen (WA)	Sánchez, Linda
Crowley	Larson (CT)	T.
Cuellar	Leach	Sanchez, Loretta
Cummings	Lee	Sanders
Davis (AL)	Levin	Schakowsky
Davis (CA)	Lewis (GA)	Schiff
Davis (FL)	Lipinski	Schwartz (PA)
Davis (IL)	Lofgren, Zoe	Scott (GA)
Davis (TN)	Lowe	Scott (VA)
DeFazio	Lynch	Serrano
DeGette	Maloney	Shays
DeLauro	Markey	Sherman
Dicks	Marshall	Skelton
Dingell	Matheson	Slaughter
Doggett	Matsui	Smith (WA)
Doyle	McCarthy	Snyder
Edwards	McCollum (MN)	Solis
Emanuel	McDermott	Spratt
Engel	McGovern	Stark
Eshoo	McIntyre	Strickland
Etheridge	McKinney	Stupak
Evans	McNulty	Tanner
Farr	Meehan	Tauscher
Fattah	Meek (FL)	Taylor (MS)
Finer	Meeke (NY)	Melancon
Ford	Menendez	Thompson (CA)
Frank (MA)	Michaud	Thompson (MS)
Gonzalez	Millender-	Tierney
Gordon	McDonald	Towns
Green, Al	Miller (NC)	Udall (CO)
Green, Gene	Miller, George	Udall (NM)
Grijalva	Mollohan	Van Hollen
Gutierrez	Moore (KS)	Velázquez
Harman	Moore (WI)	Visclosky
Hersteth	Moran (VA)	Wasserman
Higgins	Murtha	Schultz
Hinchee	Nadler	Waters
Hinojosa	Napolitano	Watson
Holden	Oberstar	Watt
Holt	Obey	Waxman
Honda	Ortiz	Weiner
Huoley	Owens	Wexler
Hoyer	Pallone	Woolsey
Inslee	Pascarell	Wu
Israel	Pastor	Wynn
Jackson (IL)		

NOT VOTING—16

Beauprez	Hastings (FL)	Royce
Boswell	Neal (MA)	Schwartz (MI)
Clay	Norwood	Simmons
Deal (GA)	Olver	Young (AK)
Delahunt	Payne	
Fitzpatrick (PA)	Poe	

□ 1055

Messrs. CARNAHAN, WYNN and KENNEDY of Rhode Island changed their vote from “yea” to “nay.”

So the resolution was agreed to. The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. SIMPSON). Without objection, the title is amended to conform to the number of the bill reflected in the text.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 1858. An act to provide for community disaster loans.

THE JOURNAL

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the pending business is the question of agreeing to the Speaker’s approval of the Journal on which the yeas and nays are ordered.

The question is on agreeing to the Speaker’s approval of the Journal.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 348, nays 63, not voting 22, as follows:

[Roll No. 516]

YEAS—348

Abercrombie	Davis (IL)	Inslee
Aderholt	Davis (TN)	Issa
Akin	Davis, Jo Ann	Istook
Alexander	Davis, Tom	Jackson (IL)
Allen	DeGette	Jackson-Lee
Baca	DeLauro	(TX)
Bachus	DeLay	Jefferson
Baker	Dent	Jenkins
Barrett (SC)	Diaz-Balart, L.	Jindal
Bartlett (MD)	Diaz-Balart, M.	Johnson (CT)
Barton (TX)	Dicks	Johnson (IL)
Bass	Dingell	Johnson, E. B.
Bean	Doggett	Johnson, Sam
Becerra	Doolittle	Jones (NC)
Berkley	Doyle	Jones (OH)
Berman	Drake	Kanjorski
Biggert	Dreier	Kaptur
Bilirakis	Duncan	Keller
Bishop (GA)	Ehlers	Kelly
Bishop (NY)	Emanuel	Kennedy (RI)
Bishop (UT)	Emerson	Kildee
Blackburn	Engel	Kilpatrick (MI)
Blumenauer	Eshoo	Kind
Blunt	Etheridge	King (IA)
Boehlert	Everett	King (NY)
Boehner	Farr	Kingston
Bonilla	Fattah	Kirk
Bonner	Feeney	Kline
Bono	Ferguson	Knollenberg
Boozman	Flake	Kolbe
Boren	Foley	Kuhl (NY)
Boucher	Forbes	LaHood
Boustany	Ford	Langevin
Boyd	Fortenberry	Lantos
Bradley (NH)	Fox	LaTourette
Brady (TX)	Frank (MA)	Leach
Brown (OH)	Franks (AZ)	Lee
Brown (SC)	Frelinghuysen	Levin
Brown, Corrine	Gallely	Lewis (GA)
Brown-Waite,	Garrett (NJ)	Lewis (KY)
Ginny	Gerlach	Lipinski
Burgess	Gibbons	Lofgren, Zoe
Burton (IN)	Gilchrest	Lowe
Butterfield	Lucas	Lucas
Buyer	Gingrey	Lungren, Daniel
Calvert	Gohmert	E.
Camp	Gonzalez	Mack
Cannon	Goode	Manzullo
Cantor	Goodlatte	Marchant
Capito	Gordon	Matsui
Capps	Granger	McCaul (TX)
Cardin	Green (WI)	McCollum (MN)
Cardoza	Green, Al	McCrery
Carnahan	Green, Gene	McGovern
Carson	Grijalva	McHenry
Carter	Gutierrez	McHugh
Case	Hall	McIntyre
Castle	Harman	McKeon
Chabot	Harris	McKinney
Chocola	Hart	McMorris
Cleaver	Hastings (WA)	Meehan
Clyburn	Hayes	Meek (FL)
Coble	Hayworth	Meeke (NY)
Cole (OK)	Hensarling	Menendez
Conaway	Herger	Mica
Conyers	Hersteth	Michaud
Cooper	Higgins	Millender-
Costa	Hinojosa	McDonald
Cramer	Hobson	Miller (FL)
Crenshaw	Hoekstra	Miller (MI)
Crowley	Holden	Miller (NC)
Cubin	Honda	Miller, Gary
Cuellar	Huoley	Mollohan
Culberson	Hostettler	Moore (KS)
Cummings	Hoyer	Moore (WI)
Cunningham	Hulshof	Moran (VA)
Davis (AL)	Davis (AL)	Murphy
Davis (CA)	Hyde	Murtha
Davis (FL)	Inglis (SC)	Musgrave

Myrick	Reichert	Smith (TX)
Nadler	Renzi	Smith (WA)
Napolitano	Reyes	Snyder
Neugebauer	Reynolds	Sodrel
Ney	Rogers (AL)	Solis
Northup	Rogers (KY)	Souder
Nunes	Rogers (MI)	Spratt
Nussle	Rohrabacher	Stearns
Obey	Ros-Lehtinen	Sullivan
Ortiz	Ross	Tancredo
Osborne	Rothman	Tanner
Otter	Roybal-Allard	Taylor (NC)
Owens	Ruppersberger	Terry
Oxley	Rush	Thomas
Pallone	Ryan (OH)	Thornberry
Pascarell	Ryan (WI)	Tiahrt
Pastor	Ryun (KS)	Tiberi
Paul	Salazar	Tierney
Pearce	Sánchez, Linda	Turner
Pelosi	T.	Upton
Pence	Sanders	Van Hollen
Peterson (MN)	Saxton	Walden (OR)
Peterson (PA)	Schiff	Walsh
Petri	Schmidt	Wamp
Pickering	Schwartz (PA)	Wasserman
Pitts	Scott (GA)	Schultz
Platts	Scott (VA)	Watt
Pombo	Sensenbrenner	Waxman
Pomeroy	Serrano	Weiner
Porter	Sessions	Weldon (FL)
Price (GA)	Shadegg	Weldon (PA)
Price (NC)	Shaw	Westmoreland
Pryce (OH)	Shays	Wicker
Putnam	Sherman	Wilson (NM)
Radanovich	Sherwood	Wilson (SC)
Rahall	Shimkus	Wolf
Rangel	Simpson	Woolsey
Regula	Skelton	Wynn
Rehberg	Smith (NJ)	Young (FL)

NAYS—63

Ackerman	Kennedy (MN)	Schakowsky
Baird	Kucinich	Shuster
Baldwin	Larsen (WA)	Slaughter
Barrow	Larson (CT)	Stark
Berry	Latham	Strickland
Brady (PA)	LoBiondo	Stupak
Capuano	Lynch	Sweeney
Chandler	Maloney	Tauscher
Costello	Markey	Taylor (MS)
Davis (KY)	Marshall	Thompson (CA)
DeFazio	Matheson	Thompson (MS)
English (PA)	McCarthy	Towns
Evans	McCotter	Udall (CO)
Filner	McDermott	Udall (NM)
Fossella	McNulty	Velázquez
Graves	Miller, George	Visclosky
Gutknecht	Moran (KS)	Waters
Hefley	Oberstar	Watson
Hinchee	Ramstad	Weller
Holt	Sabo	Whitfield
Israel	Sanchez, Loretta	Wu

NOT VOTING—22

Andrews	Hastings (FL)	Poe
Beauprez	Lewis (CA)	Royce
Boswell	Linder	Schwarz (MI)
Clay	Melancon	Simmons
Deal (GA)	Neal (MA)	Wexler
Delahunt	Norwood	Young (AK)
Edwards	Olver	
Fitzpatrick (PA)	Payne	

□ 1103

So the Journal was approved.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. SIMMONS. Mr. Speaker, I was regretfully delayed in a meeting at the Pentagon, and was unable to be on the House Floor for rollcall votes 515 and 516.

Had I been present, I would have voted "yea" on rollcall 515, the rule providing for consideration of the bill H.R. 3893 and "yea" on rollcall 516, approving the Journal.

GASOLINE FOR AMERICA'S SECURITY ACT OF 2005

Mr. BARTON of Texas. Mr. Speaker, pursuant to House Resolution 481, I

call up the bill (H.R. 3893) to expedite the construction of new refining capacity in the United States, to provide reliable and affordable energy for the American people, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. LAHOOD). Pursuant to House Resolution 481, the bill is considered read.

The text of the bill is as follows:

H.R. 3893

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Gasoline for America's Security Act of 2005".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Findings.

Sec. 3. Definitions.

TITLE I—INCREASING REFINERY CAPACITY

Sec. 101. State participation and presidential designation.

Sec. 102. Process coordination and rules of procedure.

Sec. 103. Refinery revitalization repeal.

Sec. 104. Standby support for refineries.

Sec. 105. Military use refinery.

Sec. 106. New source review under Clean Air Act.

Sec. 107. Waiver authority for extreme fuel supply emergencies.

Sec. 108. List of fuel blends.

Sec. 109. Attainment dates for downwind ozone nonattainment areas.

Sec. 110. Northwest crude oil supply.

Sec. 111. Discounted sales of royalty-in-kind oil to qualified small refineries.

Sec. 112. Study and Report Relating to Streamlining Paperwork Requirements.

TITLE II—INCREASING DELIVERY INFRASTRUCTURE

Sec. 201. Process coordination; hearings; rules of procedure.

Sec. 202. Issuance of Commission order.

Sec. 203. Backup power capacity.

Sec. 204. Sunset of loan guarantees.

Sec. 205. Offshore gathering pipelines.

Sec. 206. Savings clause.

TITLE III—CONSERVATION

Sec. 301. Department of Energy carpooling and vanpooling program.

Sec. 302. Evaluation and assessment of carpool and vanpool projects.

Sec. 303. Internet utilization.

Sec. 304. Fuel consumption education campaign.

TITLE IV—GASOLINE PRICE REFORM

Sec. 401. FTC investigation on price-gouging.

Sec. 402. FTC study of petroleum prices on exchange.

TITLE V—STRATEGIC PETROLEUM RESERVE

Sec. 501. Strategic Petroleum Reserve capacity.

Sec. 502. Strategic petroleum reserve sale.

SEC. 2. FINDINGS.

The Congress makes the following findings:

(1) No new refinery has been constructed in the United States since 1976. There are 148 operating refineries in the United States, down from 324 in 1981. Refined petroleum product imports are currently projected to grow from 7.9 percent to 10.7 percent of total

refined product by 2025 to satisfy increasing demand.

(2) While the number of American refineries in operation has reduced over the last 20 years, much of the resulting lost capacity has been replaced by gains from more efficient refineries.

(3) Hurricanes Katrina and Rita substantially disrupted petroleum production, refining, and pipeline systems in the Gulf Coast region, impacting energy prices and supply nationwide. In the immediate aftermath of Katrina alone, United States refining capacity was reduced by more than 2,000,000 barrels per day. However, before Hurricanes Katrina and Rita, United States refining capacity was already significantly strained by increased levels of production, with industry average utilization rates of 95 percent of capacity or higher.

(4) It serves the national interest to increase refinery capacity for gasoline, heating oil, diesel fuel, and jet fuel wherever located within the United States, to bring more reliable and economic supply to the American people.

(5) According to economic analysis, households are conservatively estimated to spend an average of \$1,948 this year on gasoline, up 45 percent from 3 years ago, and households with incomes under \$15,000 (½ of all households) this year will spend, on average, more than ¼ of their income just on gasoline.

(6) According to economic analysis, rural Americans will spend \$2,087 on gasoline this year. Rural Americans are paying an estimated 22 percent more for gasoline than their urban counterparts because they must drive longer distances.

(7) A growing reliance on foreign sources of refined petroleum products impairs our national security interests and global competitiveness.

(8) Refiners are subject to significant environmental and other regulations and face several new Clean Air Act requirements over the next decade. New Clean Air Act requirements will benefit the environment but will also require substantial capital investment and additional government permits. These new requirements increase business uncertainty and dissuade investment in new refinery capacity.

(9) There is currently a lack of coordination in permitting requirements and other regulations affecting refineries at the Federal, State, and local levels. There is no consistent national permitting program for refineries, compared with the Federal Energy Regulatory Commission's lead agency role over interstate natural gas pipelines, liquefied natural gas, and hydroelectric power and the Nuclear Regulatory Commission's role over nuclear plant licensing. More regulatory certainty and coordination is needed for refinery owners to stimulate investment in increased refinery capacity.

SEC. 3. DEFINITIONS.

For purposes of this Act—

(1) the term "Administrator" means the Administrator of the Environmental Protection Agency;

(2) the term "refinery" means a facility designed and operated to receive, load, unload, store, transport, process, and refine crude oil by any chemical or physical process, including distillation, fluid catalytic cracking, hydrocracking, coking, alkylation, etherification, polymerization, catalytic reforming, isomerization, hydrotreating, blending, and any combination thereof, in order to produce gasoline or other fuel; and

(3) the term "Secretary" means the Secretary of Energy.

TITLE I—INCREASING REFINERY CAPACITY

SEC. 101. STATE PARTICIPATION AND PRESIDENTIAL DESIGNATION.

(a) FEDERAL-STATE REGULATORY COORDINATION AND ASSISTANCE.—

(1) GOVERNOR'S REQUEST.—The governor of a State may submit a request to the Secretary for the application of process coordination and rules of procedure under section 102 to the siting, construction, expansion, or operation of any refinery in that State.

(2) STATE ASSISTANCE.—The Secretary and the Administrator are authorized to provide financial assistance to State governments to facilitate the hiring of additional personnel with expertise in fields relevant to consideration of applications to site, construct, expand, or operate any refinery in that State.

(3) OTHER ASSISTANCE.—The Secretary and the Administrator shall provide technical, legal, or other assistance to State governments to facilitate their review of applications to site, construct, expand, or operate any refinery in that State.

(b) PRESIDENTIAL DESIGNATION.—

(1) REQUIREMENT.—Not later than 90 days after the date of enactment of this Act, the President shall designate sites on Federal lands, including closed military installations, that are appropriate for the purposes of siting a refinery. Any such designation may be based on an analysis of—

(A) the availability of crude oil supplies to the site, including supplies from domestic production of shale oil and tar sands and other strategic unconventional fuels;

(B) the distribution of the Nation's refined petroleum product demand;

(C) whether such sites are in close proximity to substantial pipeline infrastructure, including both crude and refined petroleum product pipelines, and potential infrastructure feasibility;

(D) the need to diversify the geographical location of the Nation's domestic refining capacity;

(E) the effect that increased refined petroleum products from a refinery on that site may have on the price and supply of gasoline to consumers;

(F) national defense; and

(G) such other factors as the President considers appropriate.

(2) MILITARY INSTALLATIONS.—Among the sites designated pursuant to this subsection, the President shall designate no less than 3 military installations closed pursuant to a base closure law (as defined in section 101(a)(17) of title 10, United States Code), as suitable for the construction of a refinery. Until the expiration of 2 years after the date of enactment of this Act, the Federal Government shall not sell or otherwise dispose of the military installations designated pursuant to this subsection.

(c) APPLICABILITY.—Section 102 shall only apply to refineries sited or proposed to be sited or expanded or proposed to be expanded—

(1) in a State whose governor has requested applicability of such section pursuant to subsection (a) of this section; or

(2) on a site designated by the President under subsection (b).

(d) DEFINITION.—For purposes of this section—

(1) the term "Federal lands" means all land owned by the United States, except that such term does not include land—

(A) within the National Park System;

(B) within the National Wilderness Preservation System; and

(C) designated as a National Monument; and

(2) the term "State" means a State, the District of Columbia, the Commonwealth of

Puerto Rico, and any other territory or possession of the United States.

SEC. 102. PROCESS COORDINATION AND RULES OF PROCEDURE.

(a) DEFINITION.—For purposes of this section and section 105, the term "Federal refinery authorization"—

(1) means any authorization required under Federal law, whether administered by a Federal or State administrative agency or official, with respect to siting, construction, expansion, or operation of a refinery; and

(2) includes any permits, special use authorizations, certifications, opinions, or other approvals required under Federal law with respect to siting, construction, expansion, or operation of a refinery.

(b) DESIGNATION AS LEAD AGENCY.—

(1) IN GENERAL.—The Department of Energy shall act as the lead agency for the purposes of coordinating all applicable Federal refinery authorizations and related environmental reviews with respect to a refinery.

(2) OTHER AGENCIES.—Each Federal and State agency or official required to provide a Federal refinery authorization shall cooperate with the Secretary and comply with the deadlines established by the Secretary.

(c) SCHEDULE.—

(1) SECRETARY'S AUTHORITY TO SET SCHEDULE.—The Secretary shall establish a schedule for all Federal refinery authorizations with respect to a refinery. In establishing the schedule, the Secretary shall—

(A) ensure expeditious completion of all such proceedings; and

(B) accommodate the applicable schedules established by Federal law for such proceedings.

(2) FAILURE TO MEET SCHEDULE.—If a Federal or State administrative agency or official does not complete a proceeding for an approval that is required for a Federal refinery authorization in accordance with the schedule established by the Secretary under this subsection, the applicant may pursue remedies under subsection (e).

(d) CONSOLIDATED RECORD.—The Secretary shall, with the cooperation of Federal and State administrative agencies and officials, maintain a complete consolidated record of all decisions made or actions taken by the Secretary or by a Federal administrative agency or officer (or State administrative agency or officer acting under delegated Federal authority) with respect to any Federal refinery authorization. Such record shall be the record for judicial review under subsection (e) of decisions made or actions taken by Federal and State administrative agencies and officials, except that, if the Court determines that the record does not contain sufficient information, the Court may remand the proceeding to the Secretary for further development of the consolidated record.

(e) JUDICIAL REVIEW.—

(1) IN GENERAL.—The United States Court of Appeals for the District of Columbia shall have original and exclusive jurisdiction over any civil action for the review of—

(A) an order or action, related to a Federal refinery authorization, by a Federal or State administrative agency or official; and

(B) an alleged failure to act by a Federal or State administrative agency or official acting pursuant to a Federal refinery authorization.

The failure of an agency or official to act on a Federal refinery authorization in accordance with the Secretary's schedule established pursuant to subsection (c) shall be considered inconsistent with Federal law for the purposes of paragraph (2) of this subsection.

(2) COURT ACTION.—If the Court finds that an order or action described in paragraph

(1)(A) is inconsistent with the Federal law governing such Federal refinery authorization, or that a failure to act as described in paragraph (1)(B) has occurred, and the order, action, or failure to act would prevent the siting, construction, expansion, or operation of the refinery, the Court shall remand the proceeding to the agency or official to take appropriate action consistent with the order of the Court. If the Court remands the order, action, or failure to act to the Federal or State administrative agency or official, the Court shall set a reasonable schedule and deadline for the agency or official to act on remand.

(3) SECRETARY'S ACTION.—For any civil action brought under this subsection, the Secretary shall promptly file with the Court the consolidated record compiled by the Secretary pursuant to subsection (d).

(4) EXPEDITED REVIEW.—The Court shall set any civil action brought under this subsection for expedited consideration.

(5) ATTORNEY'S FEES.—In any action challenging a Federal refinery authorization that has been granted, reasonable attorney's fees and other expenses of litigation shall be awarded to the prevailing party. This paragraph shall not apply to any action seeking remedies for denial of a Federal refinery authorization or failure to act on an application for a Federal refinery authorization.

SEC. 103. REFINERY REVITALIZATION REPEAL.

Subtitle H of title III of the Energy Policy Act of 2005 and the items relating thereto in the table of contents of such Act are repealed.

SEC. 104. STANDBY SUPPORT FOR REFINERIES.

(a) DEFINITION.—For purposes of this section, the term "authorization" means any authorization or permit required under State or Federal law.

(b) CONTRACT AUTHORITY.—

(1) IN GENERAL.—The Secretary may enter into contracts under this section with non-Federal entities that the Secretary determines, at the sole discretion of the Secretary, to be the first non-Federal entities to enter into firm contracts after the date of enactment of this Act to construct new refineries in the United States or refurbish and return to commercial operation existing but nonoperating refineries in the United States. The Secretary may enter into contracts under this section with respect to new refineries or refurbished refineries that add a total of no more than 2,000,000 barrels per day of refining capacity to the refining capacity of the United States as in existence on the date of enactment of this Act.

(2) CONDITIONS.—Except as provided in paragraphs (4) and (5), under a contract authorized under paragraph (1), the Secretary shall pay to the non-Federal entity the costs specified in paragraph (3), using funds deposited in the Standby Refinery Support Account established under subsection (c), if—

(A) the non-Federal entity has substantially completed construction of the new refinery or the refurbished refinery and the initial commercial operation of the new refinery or of the refurbished refinery is delayed because of—

(i) litigation that could not have been reasonably foreseen by the non-Federal entity at the time the non-Federal entity entered into the firm contract to construct; or

(ii) a failure of an agency of the Federal Government or of a State government to grant an authorization within a period specified in the contract authorized by this section; or

(B) the throughput level of commercial operation of the new or refurbished refinery is substantially reduced due to—

(i) State or Federal law or regulations enacted or implemented after the firm contract was entered into; or

(ii) litigation, that could not have been reasonably foreseen by the non-Federal entity, disputing actions taken by the non-Federal entity to conform with and satisfy Federal law or regulations enacted or implemented after the firm contract was entered into.

(3) COVERED COSTS.—Under a contract authorized under this section, the Secretary shall pay—

(A) in the case of a delay described in paragraph (2)(A), all costs of the delay in the initial commercial operation of a new refining or a refurbished refinery, including the principal or interest due on any debt obligation of the new refinery or of the refurbished refinery during the delay, and any consequential damages; and

(B) in the case of a substantial reduction described in paragraph (2)(B), all costs necessary to offset the costs of the reduced throughput and the costs of complying with the new State or Federal law or regulations.

(4) COSTS NOT COVERED.—The Secretary shall not enter into a contract under this section that would obligate the Secretary to pay any costs resulting from—

(A) except as provided in paragraph (3)(B), a failure of the non-Federal entity to take any action required by law or regulation; or

(B) events within the control of the non-Federal entity.

(5) DEPOSIT.—The Secretary shall not enter into a contract authorized under this section until the Secretary has deposited into the Standby Refinery Support Account amounts sufficient to cover the costs specified in paragraph (3).

(c) STANDBY REFINERY SUPPORT ACCOUNT.—There is established in the Treasury an account known as the Standby Refinery Support Account. The Secretary shall deposit into this account amounts appropriated, in advance of entering into a contract authorized by this section, to the Secretary for the purpose of carrying out this section and payments paid to the Secretary by any non-Federal source for the purpose of carrying out this section. The Secretary may receive and accept payments from any non-Federal source, and amounts deposited into the account, whether appropriated or received from a non-Federal source, shall be available to the Secretary, without further appropriation, for the payment of the costs specified in subsection (b)(3).

(d) REGULATIONS.—The Secretary may issue regulations necessary or appropriate to carry out this section.

(e) REPORTS.—The Secretary shall file with Congress annually a report of the Secretary's activities under this section and the activities of the non-Federal entity under any contract entered into under this section.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as are necessary to carry out this section.

(g) APPLICABILITY.—This section shall only apply to refineries sited or proposed to be sited—

(1) in a State whose governor has requested applicability of this section; or

(2) on a site designated by the President under section 101(a).

SEC. 105. MILITARY USE REFINERY.

(a) AUTHORIZATION.—The President may authorize the design of, obtain all necessary Federal refinery authorizations for, acquire an appropriate site for, and authorize the construction and operation of a refinery for the purpose of manufacturing petroleum products for consumption by the Armed Forces of the United States. A refinery constructed under this section shall be located at a site designated by the President under section 101(b).

(b) SOLICITATION FOR DESIGN AND CONSTRUCTION.—The President shall solicit proposals for the design and construction of a refinery under this section. In selecting a proposal under this subsection, the President shall consider—

(1) the ability of the applicant to undertake and complete the project;

(2) the extent to which the applicant's proposal serves the purposes of the project; and

(3) the ability of the applicant to best satisfy the criteria set forth in subsection (c).

(c) REFINERY CRITERIA.—A refinery constructed under this section shall meet or exceed the industry average for—

(1) construction efficiencies; and

(2) operational efficiencies, including cost efficiencies.

(d) OPERATION.—When all design, Federal refinery authorization, acquisition, and construction activities are completed with respect to a refinery under this section, the President shall offer for sale or lease the rights to operate such refinery. If the President is unable to sell or lease the right to operate the refinery, it shall be operated by the Federal Government.

(e) USE OF PRODUCTS.—

(1) IN GENERAL.—Except as provided in paragraph (2), all petroleum products manufactured at a refinery constructed under this section shall be for use by the Armed Forces of the United States.

(2) EXCEPTION.—The Secretary of Energy, at the direction of the President, may sell any portion of the petroleum products manufactured at the refinery that are not needed for the purposes described in paragraph (1) in private markets at the products' fair market value.

SEC. 106. NEW SOURCE REVIEW UNDER CLEAN AIR ACT.

(a) RULEMAKING.—Considering the devastation brought about by the recent natural disasters, and the adverse impact of such disasters on the United States energy markets, including both the availability and the price of energy, the Administrator shall initiate a rulemaking, to issue guidance, and to take all other appropriate steps to reform, as expeditiously as practicable, the New Source Review programs under title I, parts C and D of the Clean Air Act. Taking into account the urgent need to increase the efficiency and availability and to improve the reliability of the energy supply to consumers and industrial sources, and to secure a decrease in energy prices, the Administrator, in undertaking these reform efforts, should utilize and draw upon the maximum legal flexibility available under existing law, in order to enable energy industry facilities, including, but not limited to, refineries, electric power generating stations, and compressor stations, to undertake without hindrance, promptly and in the least-cost manner, projects to maintain, to restore, and to improve the efficiency, the reliability, or the availability of such facilities.

(b) DEFINITION.—Section 302 of the Clean Air Act (42 U.S.C. 7602) is amended by adding the following new subsection at the end thereof:

“(aa) PHYSICAL CHANGE, OR CHANGE IN THE METHOD OF OPERATION OF EXISTING EMISSIONS UNIT.—For purposes of parts C and D of this title, the term ‘physical change, or change in the method of operation of,’ as applied to an existing emissions unit, means a ‘modification’ as defined in paragraphs (a), (b), (c), (e), and (h) of title 40 of the Code of Federal Regulations, section 60.14 (as in effect on September 22, 2005), except that paragraph (h) shall apply to all industrial categories and paragraph (e)(1) shall include all repairs and replacements covered by section 51.166(y) of title 40 of the Code of Federal Regulations (as in effect on December 31, 2004).”.

SEC. 107. WAIVER AUTHORITY FOR EXTREME FUEL SUPPLY EMERGENCIES.

Section 211(c)(4)(C) of the Clean Air Act (42 U.S.C. 7545) is amended—

(1) by redesignating the second clause (v) as clause (viii);

(2) by redesignating clause (v) as clause (vii);

(3) by inserting after clause (iv) the following:

“(v)(I) For the purpose of alleviating an extreme and unusual fuel or fuel additive supply emergency resulting from a natural disaster, the President, in consultation with the Administrator of the Environmental Protection Agency and the Secretary of Energy—

“(aa) may temporarily waive any control or prohibition respecting the use of a fuel or fuel additive required by this section; and

“(bb) may preempt and temporarily waive any related or equivalent control or prohibition respecting the use of a fuel or fuel additive prescribed by a State or local statute or regulation, including any such requirement in a State implementation plan.

“(II) The effective period of a waiver under this clause shall be the time period necessary to permit the correction of the extreme and unusual fuel or fuel additive supply emergency caused by the natural disaster.”; and

(4) by inserting after clause (v) (as inserted by paragraph (3)) the following:

“(vi) A State shall not be subject to any finding, disapproval, or determination by the Administrator under section 179, no person may bring an action against a State or the Administrator under section 304, and the Administrator shall not take any action under section 110(c) to require the revision of an applicable implementation plan, because of any emissions attributable to a waiver granted by the Administrator under clause (ii) or by the President under clause (v).”.

SEC. 108. LIST OF FUEL BLENDS.

(a) LIST OF BLENDS.—Section 211(c)(4)(C)(viii) of the Clean Air Act (42 U.S.C. 7545(c)(4)(C)(viii)), as so redesignated by section 107(1) of this Act, is amended—

(1) by striking subclauses (I) through (V);

(2) by redesignating subclause (VI) as subclause (V); and

(3) by inserting the following before subclause (V), as so redesignated by paragraph (2) of this subsection:

“(I) The Administrator, in coordination with the Secretary of Energy (hereinafter in this clause referred to as the ‘Secretary’), shall identify and publish in the Federal Register, within 12 months after the enactment of this subclause and after notice and opportunity for public comment, a list of 6 gasoline and diesel fuel blends to be used in States that have not received a waiver under section 209(b) of this Act or any State dependent on refineries in such State for gasoline or diesel fuel supplies. The list shall be referred to as the ‘Federal Fuels List’ and shall include one Federal diesel fuel, one alternative diesel fuel blend approved under this subparagraph before enactment of this subclause, one conventional gasoline for ozone attainment areas, one reformulated gasoline (RFG) meeting the requirements of subsection (k), and 2 additional gasoline blends with Reid vapor pressure (RVP) controls for use in ozone nonattainment areas of varying degrees of severity. None of the fuel blends identified under this subclause shall control fuel sulfur or toxics levels beyond levels required by regulations of the Administrator.

“(II) Gasoline and diesel fuel blends shall be included on the Federal Fuels List based on the Administrator's analysis of their ability to reduce ozone emissions to assist States in attaining established ozone standards under this Act, and on an analysis by

the Secretary that the adoption of the Federal Fuels List will not result in a reduction in supply or in producibility, including that caused by a reduction in domestic refining capacity triggered by this clause. In the event the Secretary concludes that adoption of the Federal Fuels List will result in a reduction in supply or in producibility, the Administrator and the Secretary shall report that conclusion to Congress, and suspend implementation of this clause. The Administrator and the Secretary shall conduct the study required under section 1541(c) of the Energy Policy Act of 2005 on the timetable required in that section to provide Congress with legislative recommendations for modifications to the proposed Federal Fuels List only if the Secretary concludes that adoption of the Federal Fuels List will result in a reduction in supply or in producibility.

“(III) Upon publication of the Federal Fuels List, the Administrator shall have no authority, when considering a State implementation plan or State implementation plan revision, to approve under this subparagraph any fuel included in such plan or plan revision if the fuel proposed is not one of the fuels included on the Federal Fuels List; or to approve such plan or revision unless, after consultation with the Secretary, the Administrator publishes in the Federal Register, after notice and opportunity for public comment, a finding that, in the Administrator’s judgment, such revisions to newly adopt one of the fuels included on the Federal Fuels List will not cause fuel supply or distribution interruptions or have a significant adverse impact on fuel producibility in the affected area or contiguous area. The Administrator’s findings shall include an assessment of reasonably foreseeable supply distribution emergencies that could occur in the affected area or contiguous area and how adoption of the particular fuel revision would effect supply opportunities during reasonably foreseeable supply distribution emergencies.

“(IV) The Administrator, in consultation with the Secretary, shall develop a plan to harmonize the currently approved fuel blends in State implementation plans with the blends included on the Federal Fuels List and shall promulgate implementing regulations for this plan not later than 18 months after enactment of this subclause. This harmonization shall be fully implemented by the States by December 31, 2008.”

(b) STUDY.—Section 1541(c)(2) of the Energy Policy Act of 2005 is amended to read as follows:

“(2) FOCUS OF STUDY.—The primary focus of the study required under paragraph (1) shall be to determine how to develop a Federal fuels system that maximizes motor fuel fungibility and supply, preserves air quality standards, and reduces motor fuel price volatility that results from the proliferation of boutique fuels, and to recommend to Congress such legislative changes as are necessary to implement such a system. The study should include the impacts on overall energy supply, distribution, and use as a result of the legislative changes recommended. The study should include an analysis of the impact on ozone emissions and supply of a mandatory reduction in the number of fuel blends to 6, including one Federal diesel fuel, one alternative diesel fuel blend, one conventional gasoline for ozone attainment areas, one reformulated gasoline (RFG) meeting the requirements of subsection (k), and 2 additional gasoline blends with Reid vapor pressure (RVP) controls for use in ozone nonattainment areas of varying degrees of severity.”

SEC. 109. ATTAINMENT DATES FOR DOWNWIND OZONE NONATTAINMENT AREAS.

Section 181 of the Clean Air Act (42 U.S.C.7511) is amended by adding the following new subsection at the end thereof:

“(d) EXTENDED ATTAINMENT DATE FOR CERTAIN DOWNWIND AREAS.—

“(1) DEFINITIONS.—

“(A) The term ‘upwind area’ means an area that—

“(i) affects nonattainment in another area, hereinafter referred to as a downwind area; and

“(ii) is either—

“(I) a nonattainment area with a later attainment date than the downwind area, or

“(II) an area in another State that the Administrator has found to be significantly contributing to nonattainment in the downwind area in violation of section 110(a)(2)(D) and for which the Administrator has established requirements through notice and comment rulemaking to eliminate the emissions causing such significant contribution.

“(B) The term ‘current classification’ means the classification of a downwind area under this section at the time of the determination under paragraph.

“(2) EXTENSION.—Notwithstanding the provisions of subsection (b)(2) of this section, a downwind area that is not in attainment within 18 months of the attainment deadline required under this section may seek an extension of time to come into attainment by petitioning the Administrator for such an extension. If the Administrator—

“(A) determines that any area is a downwind area with respect to a particular national ambient air quality standard for ozone;

“(B) approves a plan revision for such area as provided in paragraph (3) prior to a reclassification under subsection (b)(2)(A); and

“(C) determines that the petitioning downwind area has demonstrated that it is affected by transport from an upwind area to a degree that affects the area’s ability to attain,

the Administrator, in lieu of such reclassification, may extend the attainment date for such downwind area for such standard in accordance with paragraph (5).

“(3) APPROVAL.—In order to extend the attainment date for a downwind area under this subsection, the Administrator may approve a revision of the applicable implementation plan for the downwind area for such standard that—

“(A) complies with all requirements of this Act applicable under the current classification of the downwind area, including any requirements applicable to the area under section 172(c) for such standard;

“(B) includes any additional measures needed to demonstrate attainment by the extended attainment date provided under this subsection, and provides for implementation of those measures as expeditiously as practicable; and

“(C) provides appropriate measures to ensure that no area downwind of the area receiving the extended attainment date will be affected by transport to a degree that affects the area’s ability to attain, from the area receiving the extension.

“(4) PRIOR RECLASSIFICATION DETERMINATION.—If, after April 1, 2003, and prior to the time the 1-hour ozone standard no longer applies to a downwind area, the Administrator made a reclassification determination under subsection (b)(2)(A) for such downwind area, and the Administrator approves a plan consistent with subparagraphs (A) and (B) for such area, the reclassification shall be withdrawn and, for purposes of implementing the 8-hour ozone national ambient air quality standard, the area shall be treated as if the reclassification never occurred. Such plan must be submitted no later than 12 months following enactment of this subsection—

“(A) the plan revision for the downwind area complies with all control and planning

requirements of this Act applicable under the classification that applied immediately prior to reclassification, including any requirements applicable to the area under section 172(c) for such standard; and

“(B) the plan includes any additional measures needed to demonstrate attainment no later than the date on which the last reductions in pollution transport that have been found by the Administrator to significantly contribute to nonattainment are required to be achieved by the upwind area or areas.

The attainment date extended under this paragraph shall provide for attainment of such national ambient air quality standard for ozone in the downwind area as expeditiously as practicable but no later than the end of the first complete ozone season following the date on which the last reductions in pollution transport that have been found by the Administrator to significantly contribute to nonattainment are required to be achieved by the upwind area or areas.

“(5) EXTENDED DATE.—The attainment date extended under this subsection shall provide for attainment of such national ambient air quality standard for ozone in the downwind area as expeditiously as practicable but no later than the new date that the area would have been subject to had it been reclassified under subsection (b)(2).

“(6) RULEMAKING.—Within 12 months after the enactment of this subsection, the Administrator shall, through notice and comment, promulgate rules to define the term ‘affected by transport to a degree that affects an area’s ability to attain’ in order to ensure that downwind areas are not unjustly penalized, and for purposes of paragraphs (2) and (3) of this subsection.”

SEC. 110. NORTHWEST CRUDE OIL SUPPLY.

Section 5(b) of the Act entitled “An Act to authorize appropriations for fiscal year 1978 to carry out the Marine Mammal Protection Act of 1972”, enacted October 18, 1977 (Public Law 95-136) is amended by striking “for consumption in the State of Washington”.

SEC. 111. DISCOUNTED SALES OF ROYALTY-IN-KIND OIL TO QUALIFIED SMALL REFINERIES.

(a) REQUIREMENT.—The Secretary of the Interior shall issue and begin implementing regulations by not later than 60 days after the date of the enactment of this Act, under which the Secretary of the Interior shall charge a discounted price in any sale to a qualified small refinery of crude oil obtained by the United States as royalty-in-kind.

(b) AMOUNT OF DISCOUNT.—The regulations shall provide that the amount of any discount applied pursuant to this section in any sale of crude oil to a qualified small refinery—

(1) shall reflect the actual costs of transporting such oil from the point of origin to the qualified small refinery; and

(2) shall not exceed \$4.50 per barrel of oil sold.

(c) TERMINATION OF DISCOUNT.—This section and any regulations issued under this section shall not apply on and after any date on which the Secretary of Energy determines that United States domestic refining capacity is sufficient.

(d) QUALIFIED SMALL REFINERY.—In this section the term “qualified small refinery” means a refinery of a small business refiner (as that term is defined in section 45H(c)(1) of the Internal Revenue Code of 1986) that demonstrates to the Secretary of the Interior that it had unused crude oil processing capacity in 2004.

SEC. 112. STUDY AND REPORT RELATING TO STREAMLINING PAPERWORK REQUIREMENTS.

(a) STUDY.—The Administrator of the Environmental Protection Agency shall study

ways to streamline the paperwork requirements associated with title V of the Clean Air Act and corresponding requirements under State laws, particularly with regard to States that have more stringent requirements than the Federal Government in this area.

(b) REPORT.—Not later than one year after the date of the enactment of this Act, the Administrator shall report to Congress the results of the study made under subsection (a), together with recommendations on how to streamline those paperwork requirements.

TITLE II—INCREASING DELIVERY INFRASTRUCTURE

SEC. 201. PROCESS COORDINATION; HEARINGS; RULES OF PROCEDURE.

(a) DEFINITIONS.—For purposes of this title—

(1) the term “Commission” means the Federal Energy Regulatory Commission; and

(2) the term “Federal pipeline authorization”—

(A) means any authorization required under Federal law, whether administered by a Federal or State administrative agency or official, with respect to siting, construction, expansion, or operation of a crude oil or refined petroleum product pipeline facility in interstate commerce; and

(B) includes any permits, special use authorizations, certifications, opinions, or other approvals required under Federal law with respect to siting, construction, expansion, or operation of a crude oil or refined petroleum product pipeline facility in interstate commerce.

(b) COMMISSION AUTHORIZATION REQUIRED.—

(1) REQUIREMENT.—No person shall site, construct, expand, or operate a crude oil or refined petroleum product pipeline facility in interstate commerce without an order from the Commission authorizing such action.

(2) NOTICE AND HEARING.—Upon the filing of an application to site, construct, expand, or operate a crude oil or refined petroleum product pipeline facility in interstate commerce, the Commission shall—

(A) set the matter for hearing;

(B) give reasonable notice of the hearing to all interested persons;

(C) decide the matter in accordance with this title; and

(D) issue or deny the appropriate order accordingly.

(c) DESIGNATION AS LEAD AGENCY.—

(1) IN GENERAL.—The Commission shall act as the lead agency for the purposes of coordinating all applicable Federal pipeline authorizations and for the purposes of complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) with respect to a crude oil or refined petroleum product pipeline facility.

(2) OTHER AGENCIES.—Each Federal and State agency or official required to provide Federal pipeline authorization shall cooperate with the Commission and comply with the deadlines established by the Commission.

(d) SCHEDULE.—

(1) COMMISSION’S AUTHORITY TO SET SCHEDULE.—The Commission shall establish a schedule for all Federal pipeline authorizations with respect to a crude oil or refined petroleum product pipeline facility. In establishing the schedule, the Commission shall—

(A) ensure expeditious completion of all such proceedings; and

(B) accommodate the applicable schedules established by Federal law for such proceedings.

(2) FAILURE TO MEET SCHEDULE.—If a Federal or State administrative agency or official does not complete a proceeding for an approval that is required for a Federal pipe-

line authorization in accordance with the schedule established by the Commission under this subsection, the applicant may pursue remedies under subsection (f).

(e) CONSOLIDATED RECORD.—The Commission shall, with the cooperation of Federal and State administrative agencies and officials, maintain a complete consolidated record of all decisions made or actions taken by the Commission or by a Federal administrative agency or officer (or State administrative agency or officer acting under delegated Federal authority) with respect to any Federal pipeline authorization. Such record shall be the record for judicial review under subsection (f) of decisions made or actions taken by Federal and State administrative agencies and officials, except that, if the Court determines that the record does not contain sufficient information, the Court may remand the proceeding to the Commission for further development of the consolidated record.

(f) JUDICIAL REVIEW.—

(1) IN GENERAL.—The United States Court of Appeals for the District of Columbia shall have original and exclusive jurisdiction over any civil action for the review of—

(A) an order or action related to a Federal pipeline authorization by a Federal or State administrative agency or official; and

(B) an alleged failure to act by a Federal or State administrative agency or official acting pursuant to a Federal pipeline authorization.

The failure of an agency or official to act on a Federal pipeline authorization in accordance with the Commission’s schedule established pursuant to subsection (d) shall be considered inconsistent with Federal law for the purposes of paragraph (2) of this subsection.

(2) COURT ACTION.—If the Court finds that an order or action described in paragraph (1)(A) is inconsistent with the Federal law governing such Federal pipeline authorization, or that a failure to act as described in paragraph (1)(B) has occurred, and the order, action, or failure to act would prevent the siting, construction, expansion, or operation of the crude oil or refined petroleum product pipeline facility, the Court shall remand the proceeding to the agency or official to take appropriate action consistent with the order of the Court. If the Court remands the order, action, or failure to act to the Federal or State administrative agency or official, the Court shall set a reasonable schedule and deadline for the agency or official to act on remand.

(3) COMMISSION’S ACTION.—For any civil action brought under this subsection, the Commission shall promptly file with the Court the consolidated record compiled by the Commission pursuant to subsection (e).

(4) EXPEDITED REVIEW.—The Court shall set any civil action brought under this subsection for expedited consideration.

(5) ATTORNEY’S FEES.—In any action challenging a Federal pipeline authorization that has been granted, reasonable attorney’s fees and other expenses of litigation shall be awarded to the prevailing party. This paragraph shall not apply to any action seeking remedies for denial of a Federal pipeline authorization or failure to act on an application for a Federal pipeline authorization.

SEC. 202. ISSUANCE OF COMMISSION ORDER.

(a) CRITERIA.—Upon application by a qualified applicant, the Commission shall issue an order authorizing, in whole or in part, the siting, construction, expansion, or operation of a crude oil or refined petroleum product pipeline facility in interstate commerce—

(1) unless the Commission finds that such actions or operations will not be consistent with the public interest; and

(2) if the Commission has found that the applicant is—

(A) able and willing to carry out the actions and operations proposed; and

(B) willing to conform to any terms, conditions, or other requirements of the Commission under this section.

(b) TERMS AND CONDITIONS.—The Commission may by its order grant an application, in whole or in part, with such modification and upon such terms and conditions as the Commission may find necessary or appropriate.

(c) RIGHTS-OF-WAY.—When any holder of an order from the Commission under this section cannot acquire by contract, or is unable to agree with the owner of property to the compensation to be paid for—

(1) the necessary right-of-way to site, construct, operate, and maintain a pipeline or pipelines for the transportation of crude oil or refined petroleum products; and

(2) the necessary land or other property for the location of compressor stations, pressure apparatus, or other stations or equipment necessary to the proper operation of such pipeline or pipelines,

the holder of the order may acquire such property by the exercise of the right of eminent domain in the district court of the United States for the district in which such property may be located, or in the State courts. The practice and procedure in any action or proceeding under this subsection in the district court of the United States shall conform as nearly as may be with the practice and procedure in similar action or proceeding in the courts of the State where the property is situated.

SEC. 203. BACKUP POWER CAPACITY.

(a) REQUIREMENT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall issue regulations requiring the owners or operators of crude oil or refined petroleum product pipeline facilities that the Secretary finds to be significant to the Nation’s supply needs to ensure the availability of sufficient backup power capacity, in areas that have historically been subject to higher incidents of natural disasters such as hurricanes, earthquakes, and tornados, to provide for the continued operation of the pipeline facilities in the event of any reasonably foreseeable emergency situation.

(b) SUSPENSION OF CERTAIN REQUIREMENTS.—The Administrator shall promulgate regulations providing for the temporary suspension, for the duration of an emergency described in subsection (a), of all or part of any requirement (including any Federal or State permitting requirement, emissions limit, or operations limit) in effect under the Clean Air Act or under any implementation plan in effect under that Act to the extent that such requirement applies to the process or equipment necessary to provide backup power capacity under subsection (a).

SEC. 204. SUNSET OF LOAN GUARANTEES.

Section 116(a) of the Alaska Natural Gas Pipeline Act is amended by adding at the end the following new paragraph:

“(4) The Secretary shall not enter into an agreement under paragraph (1) or (2) after the date that is 60 days after the date of enactment of the Gasoline for America’s Security Act of 2005 if the State of Alaska and all interested parties have not entered into an agreement pursuant to Alaska Stranded Gas Development Act which contractually binds the parties to deliver North Slope natural gas to markets via the proposed Alaska Natural Gas Pipeline.”

SEC. 205. OFFSHORE GATHERING PIPELINES.

Section 1(b) of the Natural Gas Act (15 U.S.C. 717(b)) is amended—

(1) by striking “and to natural gas companies” and inserting “to natural gas companies”;

(2) by inserting “, gathering in Federal waters,” after “such transportation or sale”; and

(3) by striking “the production or gathering of natural gas” and inserting “the production of natural gas or to the gathering onshore or in State waters of natural gas”.

SEC. 206. SAVINGS CLAUSE.

Nothing in this title shall be construed to amend, alter, or in any way affect the jurisdiction or responsibilities of the Department of Transportation with respect to pipeline safety issues under chapter 601 of title 49, United States Code, or any other law.

TITLE III—CONSERVATION

SEC. 301. DEPARTMENT OF ENERGY CARPOOLING AND VANPOOLING PROGRAM.

(a) FINDINGS.—Congress finds the following:

(1) Metropolitan transit organizations have reported heightened interest in carpooling and vanpooling projects in light of recent increases in gasoline prices.

(2) The National Transportation Database reports that, in 2003, American commuters traveled over 440,000 miles using public transportation vanpools, an increase of 60 percent since 1996.

(3) According to the Natural Resource Defense Council, if each commuter car carried just one more passenger once a week, American gasoline consumption would be reduced by about 2 percent.

(b) ESTABLISHMENT OF PROGRAM.—The Secretary shall establish and carry out a program to encourage the use of carpooling and vanpooling to reduce the consumption of gasoline. The program shall focus on carpool and vanpool operations, outreach activities, and marketing programs, including utilization of the Internet for marketing and outreach.

(c) GRANTS TO STATE AND LOCAL GOVERNMENTS.—As part of the program established under subsection (b), the Secretary may make grants to State and local governments for carpooling or vanpooling projects. The Secretary may make such a grant only if at least 50 percent of the costs of the project will be provided by the State or local government. If a private sector entity provides vehicles for use in a carpooling or vanpooling project supported under this subsection, the value of those vehicles may be counted as part of the State or local contribution to the project.

SEC. 302. EVALUATION AND ASSESSMENT OF CARPOOL AND VANPOOL PROJECTS.

(a) IN GENERAL.—The Administrator, in consultation with the Secretary, shall evaluate and assess carpool and van pool projects funded under the congestion mitigation and air quality program established under section 149 of title 23, United States Code, to—

- (1) reduce consumption of gasoline;
- (2) determine the direct and indirect impact of the projects on air quality and congestion levels; and
- (3) ensure the effective implementation of the projects under such program.

(b) REPORT.—Not later than 180 days after the date of enactment of this Act, the Administrator, in consultation with the Secretary, shall submit to Congress a report including recommendations and findings that would improve the operation and evaluation of carpool and vanpool projects funded under the congestion mitigation and air quality improvement program and shall make such report available to all State and local metropolitan planning organizations.

SEC. 303. INTERNET UTILIZATION.

The program established under section 301 shall include outreach activities and marketing programs, including the utilization of the Internet for marketing and outreach, to encourage, facilitate, provide incentives for,

and maintain carpools and vanpools without regard to any limitation on operating costs.

SEC. 304. FUEL CONSUMPTION EDUCATION CAMPAIGN.

(a) PARTNERSHIP.—The Secretary shall enter into a partnership with interested industry groups to create an education campaign that provides information to United States drivers about measures that may be taken to conserve gasoline.

(b) ACCESSIBILITY.—The public information campaign shall be designed to reach the widest audience possible. The education campaign may include television, print, Internet website, or any method designed to maximize the dissemination of gasoline savings information to drivers.

(c) COST SHARING.—The Secretary shall provide no more than 50 percent of the cost of the campaign created under this section.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary \$2,500,000 for carrying out this section.

TITLE IV—GASOLINE PRICE REFORM

SEC. 401. FTC INVESTIGATION ON PRICE-GOUGING.

(a) STUDY.—The Federal Trade Commission shall conduct an investigation into nationwide gasoline prices in the aftermath of Hurricane Katrina, including any evidence of price-gouging by subject companies described in subsection (b). Such investigation shall include—

(1) a comparison of, and analysis of the reasons for changes in, profit levels of subject companies during the 12-month period ending on August 31, 2005, and their profit levels for the month of September, 2005, including information for particular companies on a basis that does not permit the identification of any company to which the information relates;

(2) a summary of tax expenditures (as defined in section 3(3) of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 622(3)) for such companies;

(3) an examination of the effects of increased gasoline prices and gasoline price-gouging on economic activity in the United States; and

(4) an analysis of the overall cost of increased gasoline prices and gasoline price-gouging to the economy, including the impact on consumers' purchasing power in both declared State and National disaster areas and elsewhere.

Chapter 35 of title 44, United States Code, does not apply to the collection of information for the investigation required by this section.

(b) SUBJECT COMPANIES.—The companies subject to the investigation required by this section shall be—

(1) any company with total United States wholesale sales of gasoline and petroleum distillates for calendar year 2004 in excess of \$500,000; and

(2) any retail distributor of gasoline and petroleum distillates against which multiple formal complaints (that identify the location of the particular retail distributor and provide contact information for the complainant) of price-gouging were filed in August or September 2005, with a Federal or State consumer protection agency.

(c) EVIDENCE OF PRICE-GOUGING.—In conducting its investigation, the Commission shall treat as evidence of price-gouging any finding that the average price of gasoline available for sale to the public in September, 2005, or thereafter in a market area located in an area designated as a State or National disaster area because of Hurricane Katrina, or in any other area where price-gouging complaints have been filed because of Hurricane Katrina with a Federal or State con-

sumer protection agency, exceeded the average price of such gasoline in that area for the month of August, 2005, unless the Commission finds substantial evidence that the increase is substantially attributable to additional costs in connection with the production, transportation, delivery, and sale of gasoline in that area or to national or international market trends.

(d) REPORTS.—

(1) NOTIFICATION TO STATE AGENCIES.—In any areas of markets in which the Commission determines price increases are due to factors other than the additional costs, it shall also notify the appropriate State agency of its findings.

(2) PROGRESS AND FINAL REPORTS TO CONGRESS.—The Commission shall provide information on the progress of the investigation to the Appropriations Committees of the House of Representatives and the Senate, the Committee on Energy and Commerce of the House of Representatives, and the Committee on Commerce, Science, and Transportation of the Senate, every 30 days after the date of enactment of this Act. The Commission shall provide those Committees a written interim report 90 days after such date, and shall transmit a final report to those Committees, together with its findings and recommendations, no later than 180 days after the date of enactment of this Act. Such reports shall include recommendations, based on its findings, to for any legislation necessary to protect consumers from gasoline price-gouging in both State and National disaster areas and elsewhere.

(e) EVIDENCE OF CRIMINAL MISCONDUCT.—If, during the investigation required by this section, the Commission obtains evidence that a person may have violated a criminal law, the Commission may transmit that evidence to appropriate Federal or State authorities.

SEC. 402. FTC STUDY OF PETROLEUM PRICES ON EXCHANGE.

Not later than 180 days after the date of enactment of this Act, the Federal Trade Commission shall transmit to Congress a report on the price of refined petroleum products on the New York Mercantile Exchange and the effects on such price, if any, of the following:

- (1) The geographic size of the delivery market and the number of delivery points.
- (2) The proximity of energy futures markets in relation to the source of supply.
- (3) The specified grade of gasoline deliverable on the exchange.
- (4) The control of the storage and delivery market infrastructure.
- (5) The effectiveness of temporary trading halts and the monetary threshold for such temporary trading halts.

TITLE V—STRATEGIC PETROLEUM RESERVE

SEC. 501. STRATEGIC PETROLEUM RESERVE CAPACITY.

(a) AUTHORITY TO DRAWDOWN AND SELL PETROLEUM PRODUCTS FOR EXPANSION OF RESERVE.—Notwithstanding any other provision of law, the Secretary may drawdown and sell petroleum products from the Strategic Petroleum Reserve to construct, purchase, lease, or otherwise acquire additional capacity sufficient to permit filling the Strategic Petroleum Reserve to its maximum authorized level.

(b) ESTABLISHMENT OF SPR EXPANSION FUND.—The Secretary of the Treasury shall establish in the Treasury of the United States an account to be known as the “SPR Expansion Fund” (in this section referred to as the “Fund”) and the proceeds from any sale pursuant to subsection (a) shall be deposited into the Fund.

(c) OBLIGATION OF FUNDS FOR EXPANSION.—Amounts in the Fund may be obligated by

the Secretary to carry out the purposes in subsection (a) to the extent and in such aggregate amounts as may be appropriated in advance in appropriations Acts for such purposes.

(d) **OFFSETTING COLLECTIONS.**—The proceeds from any sale pursuant to subsection (a) shall be credited to the Fund as offsetting collections in amounts not to exceed the amounts annually appropriated from the Fund.

SEC. 502. STRATEGIC PETROLEUM RESERVE SALE.

Section 161(e) of the Energy Policy and Conservation Act (42 U.S.C. 6241(e)) is amended by inserting after paragraph (2) a new paragraph as follows:

“(3) Any contract under which petroleum products are sold under this section shall include a requirement that the person or entity that acquires the petroleum products agrees—

“(A) not to resell the petroleum products before the products are refined; and

“(B) to refine the petroleum products primarily for consumption in the United States.”.

The **SPEAKER** pro tempore. The amendment in the nature of a substitute printed in the bill, modified by the amendment printed in part A of House Report 109–245, is adopted.

The text of the amendment in the nature of a substitute, as modified, is as follows:

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Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the “Gasoline for America’s Security Act of 2005”.

(b) **TABLE OF CONTENTS.**—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Findings.

Sec. 3. Definitions.

TITLE I—INCREASING REFINERY CAPACITY

Sec. 101. State participation and presidential designation.

Sec. 102. Process coordination and rules of procedure.

Sec. 103. Refinery revitalization repeal.

Sec. 104. Standby support for refineries.

Sec. 105. Military use refinery.

Sec. 106. Waiver authority for extreme fuel supply emergencies.

Sec. 107. List of fuel blends.

Sec. 108. Attainment dates for downwind ozone nonattainment areas.

Sec. 109. Rebates for sales of royalty-in-kind oil to qualified small refineries.

Sec. 110. Study and report relating to streamlining paperwork requirements.

Sec. 111. Response to biomass debris emergency.

TITLE II—INCREASING DELIVERY INFRASTRUCTURE

Sec. 201. Federal-State regulatory coordination.

Sec. 202. Process coordination and rules of procedure.

Sec. 203. Backup power capacity study.

Sec. 204. Sunset of loan guarantees.

Sec. 205. Offshore pipelines.

Sec. 206. Savings clause.

TITLE III—CONSERVATION AND EDUCATION

Sec. 301. Department of Energy carpooling and vanpooling program.

Sec. 302. Evaluation and assessment of carpool and vanpool projects.

Sec. 303. Internet utilization study.

Sec. 304. Fuel consumption education campaign.

Sec. 305. Procurement of energy efficient lighting devices.

Sec. 306. Minority employment.

TITLE IV—GASOLINE PRICE REFORM

Sec. 401. Short title.

Sec. 402. Gasoline price gouging prohibited.

Sec. 403. FTC investigation on price-gouging.

Sec. 404. FTC study of petroleum prices on exchange.

TITLE V—STRATEGIC PETROLEUM RESERVE

Sec. 501. Strategic Petroleum Reserve capacity.

Sec. 502. Strategic Petroleum Reserve sale.

Sec. 503. Northeast Home Heating Oil Reserve capacity.

TITLE VI—COMMISSION FOR THE DEPLOYMENT OF THE HYDROGEN ECONOMY

Sec. 601. Establishment.

Sec. 602. Duties of Commission.

Sec. 603. Membership.

Sec. 604. Staff of Commission; experts and consultants.

Sec. 605. Powers of Commission.

Sec. 606. Report.

TITLE VII—CRITICAL ENERGY ASSURANCE

Sec. 701. Evacuation plan review.

Sec. 702. Disaster assistance.

Sec. 703. Critical Energy Assurance Account.

Sec. 704. Regulations.

SEC. 2. FINDINGS.

The Congress makes the following findings:

(1) No new refinery has been constructed in the United States since 1976. There are 148 operating refineries in the United States, down from 324 in 1981. Refined petroleum product imports are currently projected to grow from 7.9 percent to 10.7 percent of total refined product by 2025 to satisfy increasing demand.

(2) While the number of American refineries in operation has reduced over the last 20 years, much of the resulting lost capacity has been replaced by gains from more efficient refineries.

(3) Hurricanes Katrina and Rita substantially disrupted petroleum production, refining, and pipeline systems in the Gulf Coast region, affecting energy prices and supply nationwide. In the immediate aftermath of Katrina alone, United States refining capacity was reduced by more than 2,000,000 barrels per day. However, before Hurricanes Katrina and Rita, United States refining capacity was already significantly strained by increased levels of production, with industry average utilization rates of 95 percent of capacity or higher.

(4) It serves the national interest to increase refinery capacity for gasoline, heating oil, diesel fuel, and jet fuel wherever located within the United States, to bring more reliable and economic supply to the American people.

(5) According to economic analysis, households are conservatively estimated to spend an average of \$1,948 this year on gasoline, up 45 percent from 3 years ago, and households with incomes under \$15,000 (1/5 of all households) this year will spend, on average, more than 1/10 of their income just on gasoline.

(6) According to economic analysis, rural American households will spend \$2,087 on gasoline this year. Rural Americans are paying an estimated 22 percent more for gasoline than their urban counterparts because they must drive longer distances.

(7) A growing reliance on foreign sources of refined petroleum products impairs our national security interests and global competitiveness.

(8) Refiners are subject to significant environmental and other regulations and face several new Clean Air Act requirements over the next decade. New Clean Air Act requirements will benefit the environment but will also require substantial capital investment and additional government permits. These new requirements increase business uncertainty and dissuade investment in new refinery capacity.

(9) There is currently a lack of coordination in permitting requirements and other regulations affecting refineries at the Federal, State, and local levels. There is no consistent national permitting program for refineries, compared with the Federal Energy Regulatory Commission’s lead agency role over interstate natural gas pipelines, liquefied natural gas, and hydroelectric power and the Nuclear Regulatory Commission’s role over nuclear plant licensing. More regulatory certainty and coordination is needed for refinery owners to stimulate investment in increased refinery capacity.

SEC. 3. DEFINITIONS.

For purposes of this Act—

(1) the term “Administrator” means the Administrator of the Environmental Protection Agency;

(2) the term “refinery” means—

(A) a facility designed and operated to receive, load, unload, store, transport, process, and refine crude oil by any chemical or physical process, including distillation, fluid catalytic cracking, hydrocracking, coking, alkylation, etherification, polymerization, catalytic reforming, isomerization, hydrotreating, blending, and any combination thereof, in order to produce gasoline or other fuel; or

(B) a facility designed and operated to receive, load, unload, store, transport, process, and refine coal by any chemical or physical process, including liquefaction, in order to produce gasoline, diesel, or other liquid fuel as its primary output; and

(3) the term “Secretary” means the Secretary of Energy.

TITLE I—INCREASING REFINERY CAPACITY

SEC. 101. STATE PARTICIPATION AND PRESIDENTIAL DESIGNATION.

(a) **FEDERAL-STATE REGULATORY COORDINATION AND ASSISTANCE.**—

(1) **GOVERNOR’S REQUEST.**—The governor of a State may submit a request to the Secretary for the application of process coordination and rules of procedure under section 102 to the siting, construction, expansion, or operation of any refinery in that State.

(2) **STATE ASSISTANCE.**—The Secretary and the Administrator are authorized to provide financial assistance to State governments to facilitate the hiring of additional personnel with expertise in fields relevant to consideration of applications to site, construct, expand, or operate any refinery in that State.

(3) **OTHER ASSISTANCE.**—The Secretary and the Administrator shall provide technical, legal, or other assistance to State governments to facilitate their review of applications to site, construct, expand, or operate any refinery in that State.

(b) **PRESIDENTIAL DESIGNATION.**—

(1) **DESIGNATION REQUIREMENT.**—Not later than 90 days after the date of enactment of this Act, the President shall designate sites on Federal lands, including closed military installations “subject to paragraph (3)”, that are appropriate for the purposes of siting a refinery.

(2) **ANALYSIS OF REFINERY SITES.**—IN CONSIDERING ANY SITE ON FEDERAL LANDS FOR POSSIBLE DESIGNATION UNDER THIS SUBSECTION, THE PRESIDENT SHALL CONDUCT AN ANALYSIS OF—

(A) the availability of crude oil supplies to the site, including supplies from domestic production of shale oil and tar sands and other strategic unconventional fuels;

(B) the distribution of the Nation’s refined petroleum product demand;

(C) whether “such sites is” in close proximity to substantial pipeline infrastructure, including both crude oil and refined petroleum product pipelines, and potential infrastructure feasibility;

(D) the need to diversify the geographical location of the domestic refining capacity;

(E) the effect that increased refined petroleum products from a refinery on that site may have

on the price and supply of gasoline to consumers;

(F) “the impact of locating a refinery on the site on the readiness and operations of the Armed Forces”; and

(G) such other factors as the President considers appropriate.

(3) SPECIAL RULES FOR CLOSED MILITARY INSTALLATIONS.—

(A) DESIGNATION FOR CONSIDERATION AS REFINERY SITE.—Among the sites designated pursuant to this subsection, the President shall designate no less than 3 closed military installations, or portions thereof, as suitable for the construction of a refinery.

(B) EFFECT OF DESIGNATION.—In the case of a closed military installation, or portion thereof, designated by the President as a potentially suitable refinery site pursuant to this subsection—

(i) the redevelopment authority for the installation, in preparing or revising the redevelopment plan for the installation, shall consider the feasibility and practicability of siting a refinery on the installation; and

(ii) the Secretary of Defense, in a managing and disposing of real property at the installation pursuant to the base closure law applicable to the installation, shall give substantial deference to the recommendations of the redevelopment authority, as contained in the redevelopment plan for the installation, regarding the siting of a refinery on the installation.

(c) USE OF DESIGNATED SITES.—

(1) LEASE.—Except as provided in paragraph (2), the Federal Government shall offer for lease any site designated by the President under subsection (b) consistent with procedures for the disposition of such site under applicable Federal property laws. Notwithstanding any provision of such Federal property laws providing for the disposition or reuse of the site, a lease under this paragraph shall be deemed to be the appropriate disposition of the site. A site shall not be leased under this paragraph except for the purpose of construction of a refinery.

(2) SPECIAL RULES FOR CLOSED MILITARY INSTALLATIONS.—Paragraph (1) shall not apply to a closed military installation. The management and disposal of real property at a closed military installation, even a closed military installation or portion thereof found to be suitable for the siting of a refinery under subsection (b)(3), shall be carried out in the manner provided by the base closure law applicable to the installation.

(d) APPLICABILITY.—Section 102 shall only apply to a refinery sited or proposed to be sited or expanded or proposed to be expanded—

(1) in a State whose governor has requested applicability of such section pursuant to subsection (a);

(2) on a site (other than a closed military installation or portion thereof) designated by the President under subsection (b);

(3) on a closed military installation, or portion thereof, made available for the siting of a refinery in the manner provided by the base closure law applicable to the installation; or

(4) on a site leased by the Secretary of a military department under section 2667 of title 10, United States Code, or by the Secretary of Defense under section 2667a of such title for the siting of a refinery.

(e) DEFINITION.—For purposes of this section—

(1) the term “base closure law” means the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) and title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100–526; 10 U.S.C. 2687 note);

(2) the term “closed military installation” means a military installation closed or approved for closure pursuant to a base closure law;

(3) the term “Federal lands” means all land owned by the United States, except that such term does not include land—

(A) within the National Park System;

(B) within the National Wilderness Preservation System;

(C) designated as a National Monument; or

(D) under the jurisdiction of the Department of Defense or withdrawn from the public domain for use by the Armed Forces (other than a closed military installation); and

(4) the term “State” means a State, the District of Columbia, the Commonwealth of Puerto Rico, and any other territory or possession of the United States.

SEC. 102. PROCESS COORDINATION AND RULES OF PROCEDURE.

(a) DEFINITION.—For purposes of this section and section 105, the term “Federal refinery authorization”—

(1) means any authorization required under Federal law, whether administered by a Federal or State administrative agency or official, with respect to siting, construction, expansion, or operation of a refinery; and

(2) includes any permits, special use authorizations, certifications, opinions, or other approvals required under Federal law with respect to siting, construction, expansion, or operation of a refinery.

(b) DESIGNATION AS LEAD AGENCY.—

(1) IN GENERAL.—The Department of Energy shall act as the lead agency for the purposes of coordinating all applicable Federal refinery authorizations and related environmental reviews with respect to a refinery.

(2) OTHER AGENCIES.—Each Federal and State agency or official required to provide a Federal refinery authorization shall cooperate with the Secretary and comply with the deadlines established by the Secretary.

(c) SCHEDULE.—

(1) SECRETARY’S AUTHORITY TO SET SCHEDULE.—The Secretary shall establish a schedule for all Federal refinery authorizations with respect to a refinery. In establishing the schedule, the Secretary shall—

(A) ensure expeditious completion of all such proceedings; and

(B) accommodate the applicable schedules established by Federal law for such proceedings.

(2) FAILURE TO MEET SCHEDULE.—If a Federal or State administrative agency or official does not complete a proceeding for an approval that is required for a Federal refinery authorization in accordance with the schedule established by the Secretary under this subsection, the applicant may pursue remedies under subsection (e).

(d) CONSOLIDATED RECORD.—The Secretary shall, with the cooperation of Federal and State administrative agencies and officials, maintain a complete consolidated record of all decisions made or actions taken by the Secretary or by a Federal administrative agency or officer (or State administrative agency or officer acting under delegated Federal authority) with respect to any Federal refinery authorization. Such record shall be the record for judicial review under subsection (e) of decisions made or actions taken by Federal and State administrative agencies and officials, except that, if the Court determines that the record does not contain sufficient information, the Court may remand the proceeding to the Secretary for further development of the consolidated record.

(e) JUDICIAL REVIEW.—

(1) IN GENERAL.—The United States Court of Appeals for the District of Columbia shall have original and exclusive jurisdiction over any civil action for the review of—

(A) an order or action, related to a Federal refinery authorization, by a Federal or State administrative agency or official; and

(B) an alleged failure to act by a Federal or State administrative agency or official acting pursuant to a Federal refinery authorization.

The failure of an agency or official to act on a Federal refinery authorization in accordance with the Secretary’s schedule established pursuant to subsection (c) shall be considered inconsistent with Federal law for the purposes of paragraph (2) of this subsection.

(2) COURT ACTION.—If the Court finds that an order or action described in paragraph (1)(A) is inconsistent with the Federal law governing such Federal refinery authorization, or that a failure to act as described in paragraph (1)(B) has occurred, and the order, action, or failure to act would prevent the siting, construction, expansion, or operation of the refinery, the Court shall remand the proceeding to the agency or official to take appropriate action consistent with the order of the Court. If the Court remands the order, action, or failure to act to the Federal or State administrative agency or official, the Court shall set a reasonable schedule and deadline for the agency or official to act on remand.

(3) SECRETARY’S ACTION.—For any civil action brought under this subsection, the Secretary shall promptly file with the Court the consolidated record compiled by the Secretary pursuant to subsection (d).

(4) EXPEDITED REVIEW.—The Court shall set any civil action brought under this subsection for expedited consideration.

(5) ATTORNEY’S FEES.—In any action challenging a Federal refinery authorization that has been granted, reasonable attorney’s fees and other expenses of litigation shall be awarded to the prevailing party. This paragraph shall not apply to any action seeking remedies for denial of a Federal refinery authorization or failure to act on an application for a Federal refinery authorization.

SEC. 103. REFINERY REVITALIZATION REPEAL.

Subtitle H of title III of the Energy Policy Act of 2005 and the items relating thereto in the table of contents of such Act are repealed.

SEC. 104. STANDBY SUPPORT FOR REFINERIES.

(a) DEFINITION.—For purposes of this section, the term “authorization” means any authorization or permit required under State or Federal law.

(b) CONTRACT AUTHORITY.—

(1) IN GENERAL.—The Secretary may enter into contracts under this section with non-Federal entities that the Secretary determines, at the sole discretion of the Secretary, to be the first non-Federal entities to enter into firm contracts after the date of enactment of this Act to construct new refineries in the United States or refurbish and return to commercial operation existing but nonoperating refineries in the United States. The Secretary may enter into contracts under this section with respect to new refineries or refurbished refineries that add a total of no more than 2,000,000 barrels per day of refining capacity to the refining capacity of the United States as in existence on the date of enactment of this Act.

(2) CONDITIONS.—Except as provided in paragraphs (4) and (5), under a contract authorized under paragraph (1), the Secretary shall pay to the non-Federal entity the costs specified in paragraph (3), using funds deposited in the Standby Refinery Support Account established under subsection (c), if—

(A) the non-Federal entity has substantially completed construction of the new refinery or the refurbished refinery and the initial commercial operation of the new refinery or of the refurbished refinery is delayed because of—

(i) litigation that could not have been reasonably foreseen by the non-Federal entity at the time the non-Federal entity entered into the firm contract to construct; or

(ii) a failure of an agency of the Federal Government or of a State government to grant an authorization within a period specified in the contract authorized by this section; or

(B) the throughput level of commercial operation of the new or refurbished refinery is substantially reduced due to—

(i) State or Federal law or regulations enacted or implemented after the firm contract was entered into; or

(ii) litigation, that could not have been reasonably foreseen by the non-Federal entity, disputing actions taken by the non-Federal entity

to conform with and satisfy Federal law or regulations enacted or implemented after the firm contract was entered into.

(3) **COVERED COSTS.**—Under a contract authorized under this section, the Secretary shall pay—

(A) in the case of a delay described in paragraph (2)(A), all costs of the delay in the initial commercial operation of a new refinery or a refurbished refinery, including the principal or interest due on any debt obligation of the new refinery or of the refurbished refinery during the delay, and any consequential damages; and

(B) in the case of a substantial reduction described in paragraph (2)(B), all costs necessary to offset the costs of the reduced throughput and the costs of complying with the new State or Federal law or regulations.

(4) **COSTS NOT COVERED.**—The Secretary shall not enter into a contract under this section that would obligate the Secretary to pay any costs resulting from—

(A) except as provided in paragraph (3)(B), a failure of the non-Federal entity to take any action required by law or regulation; or

(B) events within the control of the non-Federal entity.

(5) **DEPOSIT.**—The Secretary shall not enter into a contract authorized under this section until the Secretary has deposited into the Standby Refinery Support Account amounts sufficient to cover the costs specified in paragraph (3).

(c) **STANDBY REFINERY SUPPORT ACCOUNT.**—There is established in the Treasury an account known as the Standby Refinery Support Account. The Secretary shall deposit into this account amounts appropriated, in advance of entering into a contract authorized by this section, to the Secretary for the purpose of carrying out this section and payments paid to the Secretary by any non-Federal source for the purpose of carrying out this section. The Secretary may receive and accept payments from any non-Federal source, which shall be made available without further appropriation for the payment of the covered costs.

(d) **REGULATIONS.**—The Secretary may issue regulations necessary or appropriate to carry out this section.

(e) **REPORTS.**—The Secretary shall file with Congress annually a report of the Secretary's activities under this section and the activities of the non-Federal entity under any contract entered into under this section.

(f) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to the Secretary such sums as are necessary to carry out this section.

(g) **APPLICABILITY.**—This section shall only apply to refineries sited or proposed to be sited—

(1) in a State whose governor has requested applicability of this section pursuant to section 101(a)(1); or

(2) on a site designated by the President under section 101(b).

SEC. 105. MILITARY USE REFINERY.

(a) **AUTHORIZATION.**—If the President determines that there is not sufficient refining capacity in the United States, the President may authorize the design and construction of a refinery that will be—

(1) located at a site—

(A) designated by the President under section 101(b), other than a closed military installation or portion thereof; or

(B) on a closed military installation, or portion thereof, made available for the siting of a refinery in the manner provided by the base closure law applicable to the installation;

(2) disposed of in the manner provided in paragraph (1) of section 101(c) or, in the case of a closed military installation, or portion thereof, paragraph (2) of such section; and

(3) reserved for the exclusive purpose of manufacturing petroleum products for consumption by the Armed Forces.

(b) **SOLICITATION FOR DESIGN, CONSTRUCTION, AND OPERATION.**—The President shall solicit proposals for the design, construction, and operation of a refinery “(or any combination thereof)” under this section. In selecting a proposal or proposals under this subsection, the President shall consider—

(1) the ability of the applicant to undertake and complete the project;

(2) the extent to which the applicant's proposal serves the purposes of the project; and

(3) the ability of the applicant to best satisfy the criteria set forth in subsection (c).

(c) **REFINERY CRITERIA.**—A refinery constructed under this section shall meet or exceed the industry average for—

(1) construction efficiencies; and

(2) operational efficiencies, including cost efficiencies.

(d) **USE OF PRODUCTS.**—All petroleum products manufactured at a refinery constructed under this section shall be sold to the Federal Government at a price not to exceed the fair market value of the petroleum products,” for use by the Armed Forces of the United States.

(e) **FUNDING.**—A contract for the design or construction of a refinery may not be entered into under this section in advance of the appropriation of funds sufficient for such purpose. Funds appropriated for the Department or Defense or for Department of Energy national security programs may not be used to enter into contracts under this section for the design, construction, or operation of a refinery. Funds appropriated for the Department of Defense may be used to purchase petroleum products manufactured at a refinery constructed under this section for use by the Armed Forces.

(f) **DEFINITIONS.**—For purposes of this section, the terms “base closure law” and “closed military installation” have the meanings given those terms in section 101.

SEC. 106. WAIVER AUTHORITY FOR EXTREME FUEL SUPPLY EMERGENCIES.

Section 211(c)(4)(C) of the Clean Air Act (42 U.S.C. 7545) is amended—

(1) by redesignating the second clause (v) as clause (viii);

(2) by redesignating clause (v) as clause (vii);

(3) by inserting after clause (iv) the following:

“(v)(I) For the purpose of alleviating an extreme and unusual fuel or fuel additive supply emergency resulting from a natural disaster, “the President, in consultation with the Administrator and the Secretary of Energy may temporarily waive any control or prohibition respecting the use of a fuel or fuel additive required by this subsection or by subsection (h), (i), (k), or (m); and may, with respect to a State implementation plan, temporarily waive any equivalent control or prohibition respecting the use of a fuel or fuel additive required by this subparagraph. Nothing in this clause shall be construed to authorize the waiver of, or to affect in any way, any Federal or State law or regulation pertaining to ethanol or methyl tertiary butyl ether.”

(4) by inserting after clause (v) (as inserted by paragraph (3)) the following:

“(vi) A State shall not be subject to any finding, disapproval, or determination by the Administrator under section 179, no person may bring an action against a State or the Administrator under section 304, and the Administrator shall not take any action under section 110(c) to require the revision of an applicable implementation plan, because of any emissions attributable to a waiver granted by the Administrator under clause (ii) or by the President under clause (v).”

SEC. 107. LIST OF FUELS.

(a) **LIST OF FUELS.**—Section 211(c)(4)(C) of the Clean Air Act (42 U.S.C. 7545(c)(4)(C)) is amended as follows:

(1) By redesignating subclause (VI) of clause (viii) (as so redesignated by section 107(1) of this Act) as clause (x).

(2) In such redesignated clause (x) by striking “this clause” and inserting “clause (viii) or clause (ix)”.

(3) By inserting the following new subclause at the end of clause (viii) (as so redesignated by section 107(1) of this Act):

“(VI) The provisions of this clause, including the limitations of the authority of the Administrator and the limit on the total number of fuels permitted, shall remain in effect until the publication of the list under subclause (III) of clause (ix).”

(4) By inserting the following new clause after clause (viii) (as so redesignated):

“(ix)(I) The Administrator”, in coordination with the Secretary of Energy (hereinafter in this clause referred to as the ‘Secretary’), shall identify and publish in the Federal Register, within 12 months after the enactment of this subclause and after notice and opportunity for public comment, a list of ‘6 gasoline and diesel fuels’ to be used in States that have not received a waiver under section 209(b) of this Act or any State dependent on refineries in such State for gasoline or diesel fuel supplies. The list shall be referred to as the ‘Federal Fuels List’ and shall include one Federal diesel fuel, ‘one other diesel fuel’, one conventional gasoline for ozone attainment areas, one reformulated gasoline (RFG) meeting the requirements of subsection (k), and ‘2 additional gasolines’ with Reid vapor pressure (RVP) controls for use in ozone nonattainment areas of varying degrees of severity. ‘None of the fuels’ identified under this subclause shall control fuel sulfur or toxics levels beyond levels required by regulations of the Administrator.

“(II) Gasoline and ‘diesel fuels’ shall be included on the Federal Fuels List based on the Administrator’s analysis of their ability to reduce ozone emissions to assist States in attaining established ozone standards under this Act, and on an analysis by the Secretary that the adoption of the Federal Fuels List will not result in a reduction in supply or in producibility, including that caused by a reduction in domestic refining capacity triggered by this clause. In the event the Secretary concludes that adoption of the Federal Fuels List will result in a reduction in supply or in producibility, the Administrator and the Secretary shall report that conclusion to Congress, and suspend implementation of this clause. The Administrator and the Secretary shall conduct the study required under section 1541(c) of the Energy Policy Act of 2005 on the timetable required in that section to provide Congress with legislative recommendations for modifications to the proposed Federal Fuels List only if the Secretary concludes that adoption of the Federal Fuels List will result in a reduction in supply or in producibility.

“(III) Upon publication of the Federal Fuels List, the Administrator shall have no authority, when considering a State implementation plan or State implementation plan revision, to approve under this subparagraph any fuel included in such plan or plan revision if the fuel proposed is not one of the fuels included on the Federal Fuels List; or to approve such plan or revision unless, after consultation with the Secretary, the Administrator publishes in the Federal Register, after notice and opportunity for public comment, a finding that, in the Administrator’s judgment, such revisions to newly adopt one of the fuels included on the Federal Fuels List will not cause fuel supply or distribution interruptions or have a significant adverse impact on fuel producibility in the affected area or contiguous area. The Administrator’s findings shall include an assessment of reasonably foreseeable supply distribution emergencies that could occur in the affected area or contiguous area and how adoption of the particular fuel revision would effect supply opportunities during reasonably foreseeable supply distribution emergencies.

“(IV) The Administrator, in consultation with the Secretary, shall develop a plan to harmonize

the “currently approved fuels” in State implementation plans with “the fuels included” on the Federal Fuels List and shall promulgate implementing regulations for this plan not later than 18 months after enactment of this subclause. This harmonization shall be fully implemented by the States by December 31, 2008.”

(b) **STUDY.**—Section 1541(c)(2) of the Energy Policy Act of 2005 is amended to read as follows:

“(2) **FOCUS OF STUDY.**—The primary focus of the study required under paragraph (1) shall be to determine how to develop a Federal fuels system that maximizes motor fuel fungibility and supply, preserves air quality standards, and reduces motor fuel price volatility that results from the proliferation of boutique fuels, and to recommend to Congress such legislative changes as are necessary to implement such a system. The study should include the impacts on overall energy supply, distribution, and use as a result of the legislative changes recommended. The study should include an analysis of the impact on ozone emissions and supply of a mandatory reduction in “the number of fuels” to 6, including one Federal diesel fuel, “one other diesel fuel”, one conventional gasoline for ozone attainment areas, one reformulated gasoline (RFG) meeting the requirements of subsection (k), and 2 “additional gasolines” with Reid vapor pressure (RVP) controls for use in ozone nonattainment areas of varying degrees of severity.”

SEC. 108. ATTAINMENT DATES FOR DOWNWIND OZONE NONATTAINMENT AREAS.

Section 181 of the Clean Air Act (42 U.S.C. 7511) is amended by adding the following new subsection at the end thereof:

“(d) **EXTENDED ATTAINMENT DATE FOR CERTAIN DOWNWIND AREAS.**—

“(1) **DEFINITIONS.**—In this subsection:

“(A) The term ‘upwind area’ means an area that—

“(i) affects nonattainment in another area, hereinafter referred to as a downwind area; and

“(ii) is either—

“(I) a nonattainment area with a later attainment date than the downwind area, or

“(II) an area in another State that the Administrator has found to be significantly contributing to nonattainment in the downwind area in violation of section 110(a)(2)(D) and for which the Administrator has established requirements through notice and comment rulemaking to eliminate the emissions causing such significant contribution.

“(B) The term ‘current classification’ means the classification of a downwind area under this section at the time of the determination under paragraph (2).

“(2) **EXTENSION.**—Notwithstanding the provisions of subsection (b)(2) of this section, a downwind area that is not in attainment within 18 months of the attainment deadline required under this section may seek an extension of time to come into attainment by petitioning the Administrator for such an extension. If the Administrator—

“(A) determines that any area is a downwind area with respect to a particular national ambient air quality standard for ozone;

“(B) approves a plan revision for such area as provided in paragraph (3) prior to a reclassification under subsection (b)(2)(A); and

“(C) determines that the petitioning downwind area has demonstrated that it is affected by transport from an upwind area to a degree that affects the area’s ability to attain, the Administrator, in lieu of such reclassification, may extend the attainment date for such downwind area for such standard in accordance with paragraph (5).

“(3) **APPROVAL.**—In order to extend the attainment date for a downwind area under this subsection, the Administrator may approve a revision of the applicable implementation plan for the downwind area for such standard that—

“(A) complies with all requirements of this Act applicable under the current classification of

the downwind area, including any requirements applicable to the area under section 172(c) for such standard;

“(B) includes any additional measures needed to demonstrate attainment by the extended attainment date provided under this subsection, and provides for implementation of those measures as expeditiously as practicable; and

“(C) provides appropriate measures to ensure that no area downwind of the area receiving the extended attainment date will be affected by transport to a degree that affects the area’s ability to attain, from the area receiving the extension.

“(4) **PRIOR RECLASSIFICATION DETERMINATION.**—If, after April 1, 2003, and prior to the time the 1-hour ozone standard no longer applies to a downwind area, the Administrator made a reclassification determination under subsection (b)(2)(A) for such downwind area, and the Administrator approves a plan consistent with subparagraphs (A) and (B) for such area, the reclassification shall be withdrawn and, for purposes of implementing the 8-hour ozone national ambient air quality standard, the area shall be treated as if the reclassification never occurred. Such plan must be submitted no later than 12 months following enactment of this subsection, and—

“(A) the plan revision for the downwind area must comply with all control and planning requirements of this Act applicable under the classification that applied immediately prior to reclassification, including any requirements applicable to the area under section 172(c) for such standard; and

“(B) the plan must include any additional measures needed to demonstrate attainment no later than the date on which the last reductions in pollution transport that have been found by the Administrator to significantly contribute to nonattainment are required to be achieved by the upwind area or areas.

The attainment date extended under this subsection shall provide for attainment of such national ambient air quality standard for ozone in the downwind area as expeditiously as practicable but no later than the end of the first complete ozone season following the date on which the last reductions in pollution transport that have been found by the Administrator to significantly contribute to nonattainment are required to be achieved by the upwind area or areas.

“(5) **EXTENDED DATE.**—The attainment date extended under this subsection shall provide for attainment of such national ambient air quality standard for ozone in the downwind area as expeditiously as practicable but no later than the new date that the area would have been subject to had it been reclassified under subsection (b)(2).

“(6) **RULEMAKING.**—Within 12 months after the enactment of this subsection, the Administrator shall, through notice and comment, promulgate rules to define the term ‘affected by transport to a degree that affects an area’s ability to attain’ in order to ensure that downwind areas are not unjustly penalized, and for purposes of paragraphs (2) and (3) of this subsection.”

SEC. 110. REBATES FOR SALES OF ROYALTY-IN-KIND OIL TO QUALIFIED SMALL REFINERIES.

(a) **REQUIREMENT.**—The Secretary of the Interior shall issue and begin implementing regulations by not later than 60 days after the date of the enactment of this Act, under which the Secretary of the Interior shall pay to a qualified small refinery a rebate for any sale to the qualified small refinery of crude oil obtained by the United States as royalty-in-kind.

(b) **AMOUNT OF REBATE.**—The amount of any rebate paid pursuant to this section with respect to any sale of crude oil to a qualified small refinery—

(1) shall reflect the actual costs of transporting such oil from the point of origin to the qualified small refinery; and

(2) shall not exceed \$4.50 per barrel of oil sold.

(c) **SUBJECT TO APPROPRIATIONS.**—The requirement to pay rebates under this section is subject to the availability of funds provided in advance in appropriations Acts.

(d) **TERMINATION.**—This section and any regulations issued under this section shall not apply on and after any date on which the Secretary of Energy determines that United States domestic refining capacity is sufficient.

(e) **QUALIFIED SMALL REFINERY DEFINED.**—In this section the term “qualified small refinery” means a refinery of a small business refiner (as that term is defined in section 45H(c)(1) of the Internal Revenue Code of 1986) that demonstrates to the Secretary of the Interior that it had unused crude oil processing capacity in 2004.

SEC. 111. STUDY AND REPORT RELATING TO STREAMLINING PAPERWORK REQUIREMENTS.

(a) **STUDY.**—The Administrator shall study ways to streamline the paperwork requirements associated with title V of the Clean Air Act and corresponding requirements under State laws, particularly with regard to States that have more stringent requirements than the Federal Government in this area.

(b) **REPORT.**—Not later than one year after the date of the enactment of this Act, the Administrator shall report to Congress the results of the study made under subsection (a), together with recommendations on how to streamline those paperwork requirements.

SEC. 112. RESPONSE TO BIOMASS DEBRIS EMERGENCY.

(a) **USE OF BIOMASS DEBRIS AS FUEL.**—Notwithstanding any other provision of law, the Secretary of Energy may authorize any facility to use as fuel biomass debris if—

(1) the debris results from a major disaster declared in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170);

(2) the debris is located in the area for which the major disaster is declared; and

(3) the requirements of subsection (b) are met.

(b) **CERTIFICATION.**—A facility described in subsection (a)—

(1) shall certify to the State in which the facility is located that no significant impact on meeting national ambient air quality standards will result and shall propose emission limits adequate to support such certification; and

(2) may begin burning biomass debris fuel upon filing the certification required by paragraph (1) unless the State notifies the facility to the contrary.

(c) **EMISSION LIMITS.**—The State in which a facility described in subsection (a) is located shall—

(1) adopt (or as appropriate amend) the proposed emission limits for the biomass burning at the facility; and

(2) retain other existing emissions limits wherever they are necessary and reasonable.

(d) **NEW SOURCE REVIEW.**—No activities needed to qualify a facility to burn biomass debris as fuel in accordance with this section shall trigger the requirements of new source review or new source performance standards under the Clean Air Act.

TITLE II—INCREASING DELIVERY INFRASTRUCTURE

SEC. 201. FEDERAL-STATE REGULATORY COORDINATION.

(a) **GOVERNOR’S REQUEST.**—The Governor of a State may submit a request to the Commission for the application of process coordination and rules of procedure under section 202 to the siting of a crude oil or refined petroleum product pipeline facility in that State.

(b) **APPLICABILITY.**—Section 202 shall only apply to crude oil or refined petroleum product pipeline facilities sited or proposed to be sited in a State whose Governor has requested such applicability under subsection (a).

(c) **INTERSTATE COMPACTS.**—(1) The consent of Congress is given for 2 or more contiguous States to enter into an interstate compact, subject to approval by Congress, establishing regional pipeline siting agencies to facilitate siting of future crude oil or refined petroleum product pipeline facilities within those States.

(2) The Secretary may provide technical assistance to regional pipeline siting agencies established under this subsection.

SEC. 202. PROCESS COORDINATION AND RULES OF PROCEDURE.

(a) **DEFINITIONS.**—For purposes of this title—
(1) the term “Commission” means the Federal Energy Regulatory Commission; and

(2) the term “Federal pipeline authorization”—

(A) means any authorization required under Federal law, whether administered by a Federal or State administrative agency or official, with respect to siting of a crude oil or refined petroleum product pipeline facility in interstate commerce; and

(B) includes any permits, special use authorizations, certifications, opinions, or other approvals required under Federal law with respect to siting of a crude oil or refined petroleum product pipeline facility in interstate commerce.

(b) **DESIGNATION AS LEAD AGENCY.**—

(1) **IN GENERAL.**—The Commission shall act as the lead agency for the purposes of coordinating all applicable Federal pipeline authorizations and related environmental reviews with respect to a crude oil or refined petroleum product pipeline facility.

(2) **OTHER AGENCIES.**—Each Federal and State agency or official required to provide Federal pipeline authorization shall cooperate with the Commission and comply with the deadlines established by the Commission.

(c) **SCHEDULE.**—

(1) **COMMISSION’S AUTHORITY TO SET SCHEDULE.**—The Commission shall establish a schedule for all Federal pipeline authorizations with respect to a crude oil or refined petroleum product pipeline facility. In establishing the schedule, the Commission shall—

(A) ensure expeditious completion of all such proceedings; and

(B) accommodate the applicable schedules established by Federal law for such proceedings.

(2) **FAILURE TO MEET SCHEDULE.**—If a Federal or State administrative agency or official does not complete a proceeding for an approval that is required for a Federal pipeline authorization in accordance with the schedule established by the Commission under this subsection, the applicant may pursue remedies under subsection (e).

(d) **CONSOLIDATED RECORD.**—The Commission shall, with the cooperation of Federal and State administrative agencies and officials, maintain a complete consolidated record of all decisions made or actions taken by the Commission or by a Federal administrative agency or officer (or State administrative agency or officer acting under delegated Federal authority) with respect to any Federal pipeline authorization. Such record shall be the record for judicial review under subsection (e) of decisions made or actions taken by Federal and State administrative agencies and officials, except that, if the Court determines that the record does not contain sufficient information, the Court may remand the proceeding to the Commission for further development of the consolidated record.

(e) **JUDICIAL REVIEW.**—

(1) **IN GENERAL.**—The United States Court of Appeals for the District of Columbia shall have original and exclusive jurisdiction over any civil action for the review of—

(A) an order or action related to a Federal pipeline authorization by a Federal or State administrative agency or official; and

(B) an alleged failure to act by a Federal or State administrative agency or official acting pursuant to a Federal pipeline authorization.

The failure of an agency or official to act on a Federal pipeline authorization in accordance

with the Commission’s schedule established pursuant to subsection (e) shall be considered inconsistent with Federal law for the purposes of paragraph (2) of this subsection.

(2) **COURT ACTION.**—If the Court finds that an order or action described in paragraph (1)(A) is inconsistent with the Federal law governing such Federal pipeline authorization, or that a failure to act as described in paragraph (1)(B) has occurred, and the order, action, or failure to act would prevent the siting of the crude oil or refined petroleum product pipeline facility, the Court shall remand the proceeding to the agency or official to take appropriate action consistent with the order of the Court. If the Court remands the order, action, or failure to act to the Federal or State administrative agency or official, the Court shall set a reasonable schedule and deadline for the agency or official to act on remand.

(3) **COMMISSION’S ACTION.**—For any civil action brought under this subsection, the Commission shall promptly file with the Court the consolidated record compiled by the Commission pursuant to subsection (d).

(4) **EXPEDITED REVIEW.**—The Court shall set any civil action brought under this subsection for expedited consideration.

(5) **ATTORNEY’S FEES.**—In any action challenging a Federal pipeline authorization that has been granted, reasonable attorney’s fees and other expenses of litigation shall be awarded to the prevailing party. This paragraph shall not apply to any action seeking remedies for denial of a Federal pipeline authorization or failure to act on an application for a Federal pipeline authorization.

SEC. 203. BACKUP POWER CAPACITY STUDY.

Not later than 6 months after the date of enactment of this Act, the Secretary shall transmit to the Congress a report assessing the adequacy of backup power capacity in place as of the date of enactment of this Act, and the need for any additional capacity, to provide for the continuing operation during any reasonably foreseeable emergency situation, of those crude oil or refined petroleum product pipeline facilities that the Secretary finds to be significant to the Nation’s supply needs, in areas that have historically been subject to higher incidents of natural disasters such as hurricanes, earthquakes, and tornados.

SEC. 204. SUNSET OF LOAN GUARANTEES.

Section 116(a) of the Alaska Natural Gas Pipeline Act is amended by adding at the end the following new paragraph:

“(4) The Secretary shall not enter into an agreement under paragraph (1) or (2) after the date that is 24 months after the date of enactment of the Gasoline for America’s Security Act of 2005 if the State of Alaska has not entered into an agreement pursuant to the Alaska Stranded Gas Development Act which in good faith contractually binds the parties to deliver North Slope natural gas to markets via the proposed Alaska Natural Gas Pipeline.”

SEC. 205. OFFSHORE PIPELINES.

The Natural Gas Act is amended—

(1) in section 1(b) 15 U.S.C. 717(b) by inserting after “to the production or” the following: “, except as provided in section 4(g),”; and

(2) in section 4 (15 U.S.C. 717(b)) by adding at the end the following:

“(g)(1) For the purposes of this subsection—

“(A) the term ‘gas service provider’ means an entity that operates a facility located in the outer Continental Shelf that is used to ‘gather or transport natural gas’ on or across the outer Continental Shelf; and

“(B) the term ‘outer Continental Shelf’ has the meaning given that term in section 2(a) of the Outer Continental Shelf Lands Act (43 U.S.C. 1331(a)).

“(2) All gas service providers shall submit to the Commission annually the conditions of service for each shipper served, consisting of—

“(A) the full legal name of the shipper receiving service;

“(B) a notation of shipper affiliation;

“(C) the type of service provided;

“(D) primary receipt points;

“(E) primary delivery points;

“(F) rates between each pair of points; and

“(G) other conditions of service deemed relevant by the gas service provider.

“(3) This subsection shall not apply to—

“(A) a gas service company that serves exclusively a single entity (either itself or one other party), until such time as—

“(i) the gas service provider agrees to serve a second shipper; or

“(ii) a determination is made that the gas service provider’s denial of a request for service is unjustified;

“(B) a gas service provider that serves exclusively shippers with ownership interests in both the pipeline operated by the gas service provider and the gas produced from a field or fields connected to a single pipeline, until such time as—

“(i) the gas service provider offers to serve a nonowner shipper; or

“(ii) a determination is made that the gas service provider’s denial of a request for service is unjustified;

“(C) service rendered over facilities that feed into a facility where natural gas is first collected, separated, dehydrated, or otherwise processed; and

“(D) gas service providers’ facilities and service regulated by the Commission under section 7 of this Act.

“(4) When a gas service provider subject to this subsection alters its affiliates, customers, rates, conditions of service, or facilities, within any calendar quarter, it must then file with the Commission, on the first business day of the subsequent quarter, a revised report describing the status of its services and facilities.”

SEC. 206. SAVINGS CLAUSE.

Nothing in this title shall be construed to amend, alter, or in any way affect the jurisdiction or responsibilities of the Department of Transportation with respect to pipeline safety issues under chapter 601 of title 49, United States Code, or any other law.

TITLE III—CONSERVATION AND EDUCATION

SEC. 301. DEPARTMENT OF ENERGY CARPOOLING AND VANPOOLING PROGRAM.

(a) **FINDINGS.**—Congress finds the following:

(1) Metropolitan transit organizations have reported heightened interest in carpooling and vanpooling projects in light of recent increases in gasoline prices.

(2) The National Transportation Database reports that, in 2003, American commuters traveled over 440,000 miles using public transportation vanpools, an increase of 60 percent since 1996.

(3) According to the Natural Resource Defense Council, if each commuter car carried just one more passenger once a week, American gasoline consumption would be reduced by about 2 percent.

(b) **ESTABLISHMENT OF PROGRAM.**—The Secretary shall establish and carry out a program to encourage the use of carpooling and vanpooling to reduce the consumption of gasoline. The program shall focus on carpool and vanpool operations, outreach activities, and marketing programs, including utilization of the Internet for marketing and outreach.

(c) **GRANTS TO STATE AND LOCAL GOVERNMENTS.**—As part of the program established under subsection (b), the Secretary may make grants to State and local governments for carpooling or vanpooling projects. The Secretary may make such a grant only if at least 50 percent of the costs of the project will be provided by the State or local government. If a private sector entity provides vehicles for use in a carpooling or vanpooling project supported under this subsection, the value of those vehicles may be counted as part of the State or local contribution to the project.

(d) **CONSIDERATIONS.**—In making grants for projects under subsection (c), the Secretary shall consider each of the following:

- (1) The potential of the project to promote oil conservation.
- (2) The contribution of the project to State or local disaster evacuation plans.
- (3) Whether the area in which the project is located is a nonattainment area (as that term is defined in section 171 of the Clean Air Act (42 U.S.C. 7501)).

SEC. 302. EVALUATION AND ASSESSMENT OF CARPOOL AND VANPOOL PROJECTS.

(a) **IN GENERAL.**—The Administrator, in consultation with the Secretary, shall evaluate and assess carpool and vanpool projects funded under the congestion mitigation and air quality program established under section 149 of title 23, United States Code, to—

- (1) reduce consumption of gasoline;
- (2) determine the direct and indirect impact of the projects on air quality and congestion levels; and
- (3) ensure the effective implementation of the projects under such program.

(b) **REPORT.**—Not later than 180 days after the date of enactment of this Act, the Administrator, in consultation with the Secretary, shall submit to Congress a report including recommendations and findings that would improve the operation and evaluation of carpool and vanpool projects funded under the congestion mitigation and air quality improvement program and shall make such report available to all State and local metropolitan planning organizations.

SEC. 303. INTERNET UTILIZATION STUDY.

(a) **IN GENERAL.**—The Secretary, under the program established in section 301, shall evaluate the capacity of the Internet to facilitate carpool and vanpool operations through—

- (1) linking riders with local carpools and vanpools;
- (2) providing real-time messaging communication between drivers and riders;
- (3) assisting employers to establish intercompany vanpool and carpool programs; and
- (4) marketing existing vanpool and carpool programs.

(b) **REPORT.**—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to Congress a report including recommendations and findings that would improve Internet utilization in carpool and vanpool operations and shall make such report available to all State and local metropolitan planning organizations.

SEC. 304. FUEL CONSUMPTION EDUCATION CAMPAIGN.

(a) **PARTNERSHIP.**—The Secretary shall enter into a partnership with interested industry groups to create an education campaign that provides information to United States drivers about measures that may be taken to conserve gasoline.

(b) **ACCESSIBILITY.**—The public information campaign shall be designed to reach the widest audience possible. The education campaign may include television, print, Internet website, or any method designed to maximize the dissemination of gasoline savings information to drivers.

(c) **COST SHARING.**—The Secretary shall provide no more than 50 percent of the cost of the campaign created under this section.

(d) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to the Secretary \$2,500,000 for carrying out this section.

SEC. 305. PROCUREMENT OF ENERGY EFFICIENT LIGHTING DEVICES.

Section 553(d) of the National Energy Conservation Policy Act is amended by adding at the end the following new paragraph:

“(3) The head of an agency shall procure the most energy efficient and cost-effective light bulbs or other electrical lighting products, consistent with safety considerations, for use in that agency’s facilities and buildings.”.

SEC. 306. MINORITY EMPLOYMENT.

Section 385 of the Energy Policy Act of 2005 is amended by adding at the end the following:

“(d) **PROGRAM.**—The Secretary of Energy is authorized and directed to establish a program to encourage minority students to study the earth sciences and enter the field of geology in order to qualify for employment in the oil, gas, and mineral industries. There are authorized to be appropriated for the program established under the preceding sentence \$10,000,000.”.

TITLE IV—GASOLINE PRICE REFORM

SEC. 401. SHORT TITLE.

This title may be cited as the “Gas Price Gouging Prevention Act”.

SEC. 402. GASOLINE PRICE GOUGING PROHIBITED.

(a) **UNLAWFUL CONDUCT.**—During a period of a major disaster, it shall be unfair or deceptive act or practice in violation of section 5 of the Federal Trade Commission Act for any person to sell crude oil, gasoline, diesel fuel, or home heating oil at a price which constitutes price gouging as defined by rule pursuant to subsection (b).

(b) **PRICE GOUGING.**—Not later than 6 months after the date of the enactment of this Act, the Federal Trade Commission shall promulgate any rules necessary for the enforcement of this section. Such rules shall define “price gouging” for purposes of this section, and shall be consistent with the requirements for declaring unfair acts or practices in section 5(n) of the Federal Trade Commission Act (15 U.S.C. 45(n)).

(c) **ENFORCEMENT BY FTC.**—

(1) **IN GENERAL.**—A violation of subsection (a) shall be treated as a violation of a rule defining an unfair or deceptive act or practice prescribed under section 18(a)(1)(B) of the Federal Trade Commission Act (15 U.S.C. 57a(a)(1)(B)). The Federal Trade Commission shall enforce this section in the same manner, by the same means, and with the same jurisdiction as though all applicable terms and provisions of the Federal Trade Commission Act were incorporated into and made a part of this section.

(2) **EXCLUSIVE ENFORCEMENT.**—Notwithstanding any other provision of law, no person or State or political subdivision of a State other than the Federal Trade Commission, or the Attorney General to the extent provided for in section 5 of the Federal Trade Commission Act, shall have any authority to enforce this section, or any rule prescribed pursuant to this section.

(d) **PENALTIES.**—Any person who violates subsection (a), or the rules promulgated pursuant to this section, shall be subject to a civil penalty of not more than \$11,000 per violation.

(e) **DEFINITION OF MAJOR DISASTER.**—

(1) **DETERMINATION.**—As used in this section, and for purposes of any rule promulgated pursuant to this section, the term “major disaster” means a major disaster declared by the President as defined in section 102(2) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122(2)) that the Secretary of Energy determines to have substantially disrupted the production, distribution, or supply of crude oil, gasoline, diesel fuel, or home heating oil.

(2) **APPLICABLE AREA AND PERIOD.**—The prohibition in subsection (a) shall apply to the United States or a specific geographic region of the United States as determined by the President and the Secretary of Energy at the time in which a determination under paragraph (1) is made, and for a period of 30 days after such determination is made. The President may extend the prohibition for such additional 30-day periods as the President determines necessary.

SEC. 403. FTC INVESTIGATION ON PRICE-GOUGING.

(a) **STUDY.**—The Federal Trade Commission shall conduct an investigation into nationwide gasoline prices in the aftermath of Hurricane Katrina, including any evidence of price-gouging by subject companies described in subsection (b). Such investigation shall include—

(1) a comparison of, and analysis of the reasons for changes in, profit levels of subject companies during the 12-month period ending on August 31, 2005, and their profit levels for the month of September, 2005, including information for particular companies on a basis that does not permit the identification of any company to which the information relates;

(2) a summary of tax expenditures (as defined in section 3(3) of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 622(3))) for such companies;

(3) an examination of the effects of increased gasoline prices and gasoline price-gouging on economic activity in the United States;

(4) an analysis of the overall cost of increased gasoline prices and gasoline price-gouging to the economy, including the impact on consumers’ purchasing power in both declared State and National disaster areas and elsewhere; and

(5) an analysis of the role and overall cost of credit card interchange rates on gasoline and diesel fuel retail prices.

(b) **SUBJECT COMPANIES.**—The companies subject to the investigation required by this section shall be—

(1) any company with total United States wholesale sales of gasoline and petroleum distillates for calendar year 2004 in excess of \$500,000,000; and

(2) any retail distributor of gasoline and petroleum distillates against which multiple formal complaints (that identify the location of the particular retail distributor and provide contact information for the complainant) of price-gouging were filed in August or September 2005, with a Federal or State consumer protection agency.

(c) **EVIDENCE OF PRICE-GOUGING.**—In conducting its investigation, the Commission shall treat as evidence of price-gouging any finding that the average price of gasoline available for sale to the public in September, 2005, or thereafter in a market area located in an area designated as a State or National disaster area because of Hurricane Katrina, or in any other area where price-gouging complaints have been filed because of Hurricane Katrina with a Federal or State consumer protection agency, exceeded the average price of such gasoline in that area for the month of August, 2005, unless the Commission finds substantial evidence that the increase is substantially attributable to additional costs in connection with the production, transportation, delivery, and sale of gasoline in that area or to national or international market trends.

(d) **REPORTS.**—

(1) **NOTIFICATION TO STATE AGENCIES.**—In any areas of markets in which the Commission determines price increases are due to factors other than the additional costs, it shall also notify the appropriate State agency of its findings.

(2) **PROGRESS AND FINAL REPORTS TO CONGRESS.**—The Commission shall provide information on the progress of the investigation to the Appropriations Committees of the House of Representatives and the Senate, the Committee on Energy and Commerce of the House of Representatives, and the Committee on Commerce, Science, and Transportation of the Senate, every 30 days after the date of enactment of this Act. The Commission shall provide those Committees a written interim report 90 days after such date, and shall transmit a final report to those Committees, together with its findings and recommendations, no later than 180 days after the date of enactment of this Act. Such reports shall include recommendations, based on its findings, for any legislation necessary to protect consumers from gasoline price-gouging in both State and National disaster areas and elsewhere.

(e) **EVIDENCE OF CRIMINAL MISCONDUCT.**—If, during the investigation required by this section, the Commission obtains evidence that a person may have violated a criminal law, the Commission may transmit that evidence to appropriate Federal or State authorities.

SEC. 404. FTC STUDY OF PETROLEUM PRICES ON EXCHANGE.

Not later than 180 days after the date of enactment of this Act, the Federal Trade Commission shall transmit to Congress a report on the price of refined petroleum products on the New York Mercantile Exchange and the effects on such price, if any, of the following:

- (1) The geographic size of the delivery market and the number of delivery points.
- (2) The proximity of energy futures markets in relation to the source of supply.
- (3) The specified grade of gasoline deliverable on the exchange.
- (4) The control of the storage and delivery market infrastructure.
- (5) The effectiveness of temporary trading halts and the monetary threshold for such temporary trading halts.

TITLE V—STRATEGIC PETROLEUM RESERVE**SEC. 501. STRATEGIC PETROLEUM RESERVE CAPACITY.**

(a) **AUTHORITY TO DRAWDOWN AND SELL PETROLEUM PRODUCTS FOR EXPANSION OF RESERVE.**—“In addition to the authority provided under part B of title 1 of the Energy Policy and Conservation Act (42 U.S.C. 6231 et seq.),” the Secretary may drawdown and sell petroleum products from the Strategic Petroleum Reserve to construct, purchase, lease, or otherwise acquire additional capacity sufficient to permit filling the Strategic Petroleum Reserve to its maximum authorized level.

(b) **ESTABLISHMENT OF SPR EXPANSION FUND.**—The Secretary of the Treasury shall establish in the Treasury of the United States an account to be known as the “SPR Expansion Fund” (in this section referred to as the “Fund”), and the proceeds from any sale pursuant to subsection (a) shall be deposited into the Fund.

(c) **OBLIGATION OF FUNDS FOR EXPANSION.**—Amounts in the Fund may be obligated by the Secretary to carry out the purposes in subsection (a) to the extent and in such aggregate amounts as may be appropriated in advance in appropriations Acts for such purposes.

SEC. 502. STRATEGIC PETROLEUM RESERVE SALE.

Section 161(e) of the Energy Policy and Conservation Act (42 U.S.C. 6241(e)) is amended by inserting after paragraph (2) a new paragraph as follows:

“(3) Any contract under which petroleum products are sold under this section shall include a requirement that the person or entity that acquires the petroleum products agrees—

“(A) not to resell the petroleum products before the products are refined; and

“(B) to refine the petroleum products primarily for consumption in the United States.”.

SEC. 503. NORTHEAST HOME HEATING OIL RESERVE CAPACITY.

Section 181(a) of the Energy Policy and Conservation Act (42 U.S.C. 6250(a)) is amended by striking “2 million barrels” and inserting “5 million barrels”.

TITLE VI—CRITICAL ENERGY ASSURANCE**SEC. 601. EVACUATION PLAN REVIEW.**

Not later than 6 months after the date of enactment of this Act, the Secretary shall transmit to the Congress a report of the Secretary’s review of the fuel supply plan components of State evacuation plans and the National Capitol region. Such report shall determine the sufficiency of such plans, and shall include recommendations for improvements thereto. Annually after the transmittal of a report under the preceding sentence, the Secretary shall transmit a report to the Congress assessing plans found insufficient under previous reports.

SEC. 602. DISASTER ASSISTANCE.

(a) **AUTHORITY.**—During any federally declared emergency or disaster, the Secretary may provide direct assistance to private sector entities that operate critical energy infrastructure, including refineries.

(b) **ASSISTANCE.**—Assistance under this section may include emergency preparation and recovery assistance, including power generation equipment, other protective or emergency recovery equipment, assistance to restore access to water, power, or other raw materials, and transportation and housing for critical employees. The Secretary may request assistance from other Federal agencies in carrying out this section.

SEC. 603. CRITICAL ENERGY ASSURANCE ACCOUNT.

There is established in the Treasury an account known as the Critical Energy Assurance Account. The Secretary shall deposit into this account amounts appropriated to the Secretary for the purpose of carrying out this title and payments paid to the Secretary by any non-Federal source for the purpose of carrying out this title. The Secretary may receive and accept payments from any non-Federal source, which shall be available to the Secretary, without further appropriation, for carrying out this title.

SEC. 604. REGULATIONS.

The Secretary may issue regulations necessary or appropriate to carry out this title.

The SPEAKER pro tempore. After 1 hour of debate on the bill, as amended, it shall be in order to consider the further amendment printed in part B of the report, if offered by the gentleman from Michigan (Mr. STUPAK) or his designee, which shall be considered read, and shall be debatable for 40 minutes, equally divided and controlled by the proponent and an opponent.

The gentleman from Texas (Mr. BARTON) and the gentleman from Michigan (Mr. DINGELL) each will control 30 minutes of debate on the bill.

The Chair recognizes the gentleman from Texas (Mr. BARTON).

GENERAL LEAVE

Mr. BARTON of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the legislation before us and to insert extraneous material on the bill.

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

There was no objection.

Mr. BARTON of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. STEARNS), the distinguished subcommittee chairman.

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

Mr. STEARNS. Mr. Speaker, let me say to all my colleagues that are concerned about this bill, within the bill is a gas price gouging prevention portion, the “Gas Price Gouging Prevention Act,” my amendment that was approved in Committee. Included in the manager’s amendment, it will for the first time direct the Federal Trade Commission to define price gouging and prosecute it as an unfair and deceptive trade practice.

It will direct Federal Trade Commission expertise and resources in addition to existing State anti-gouging laws on eliminating retail and wholesale price gouging in a designated disaster area as well as any extended problem in the areas around the country, as determined by the President and the Sec-

retary of Energy. Penalties include fines up to \$11,000 for violation in addition to equitable remedies, like returning ill-gotten profits.

The amendment prohibits price gouging in the market for crude oil, home heating oil, gasoline, and diesel fuel. This has been extended. It is difficult to define price gouging. For the first time in this country, we are going to define it. We are going to prosecute it, and we are going to give the Federal Trade Commission the authority to do just that.

The amendment provides for the exclusive enforcement by the Federal Trade Commission of the provisions as a violation of a rule defining an unfair deceptive act or practice under the FTC Act. As I mentioned earlier, there are stiff penalties involved.

The bill is triggered for 30 days in the affected area, not just 1 or 2 weeks, but 30 days and beyond if the President of the United States, in consultation with the Secretary of Energy, deems it to be appropriate. When the President declares a major disaster, and only for those major disasters that the Secretary has determined could significantly affect production, distribution or supply, then it is extended, it is enforced. As mentioned earlier, it includes not just crude oil, home heating oil, and gasoline and diesel fuel.

I urge my colleagues to look carefully at this bill. If you are going to vote against this bill, you are going to vote against a provision that establishes for the first time price gouging that is defined and prosecuted on a Federal level.

I urge all my colleagues to support the bill.

The amendment prohibits price gouging in the market for crude oil, home heating oil, gasoline and diesel fuel.

It is difficult to define “price gouging.” The existing State statutes in this area have vastly different definitions and interpretations. Therefore, the amendment directs the FTC to define price gouging within 6 months of enactment consistent with the requirements for declaring unfair acts or practices in Section 5 of the FTC Act.

The FTC’s authority to define “price gouging” is tempered by the traditional unfairness principles under Section 5(n) of the FTC Act. Under this section, to be “unfair” a practice must: cause or be likely to cause substantial injury to consumers; not be reasonably avoidable by consumers themselves; and not be outweighed by countervailing benefits to consumers or to competition.

The amendment provides for the exclusive enforcement by the FTC of the provision as a violation of a rule defining an unfair or deceptive act or practice under the FTC Act.

The amendment provides for civil penalties of up to \$11,000 per violation.

The bill is triggered for 30 days in the affected areas—and beyond if the President, in consultation with the Secretary of Energy, deems it to be appropriate—when the President declares a major disaster, and only for those major disasters that the Secretary has determined could significantly affect production, distribution, or supply. The President may

extend the prohibition for such additional 30-day periods as he or she determines necessary.

In addition, the issue of price gouging must be addressed. Unfortunately, the tremendous goodwill of the American people in helping their fellow citizens on the devastated gulf coast was marred by some now infamous instances of gasoline price gouging. Experts say the rapid rise in gasoline and diesel fuel prices nationwide following these natural disasters primarily resulted from a supply crisis. Yet, there were some specific gasoline price increases that the average American, and maybe even the experts, knows are gouging. Certain market situations, particularly those involving natural disasters like Hurricanes Katrina and Rita, require aggressive and targeted Federal prosecution of gasoline price gouging.

My amendment, the "Gas Price Gouging Prevention Act," which is included in the Manager's amendment, will for the first time direct the Federal Trade Commission to define price gouging and prosecute it as an unfair and deceptive trade practice. The "Gas Gouging Prevention Act" will direct FTC expertise and resources, in addition to existing state anti-gouging laws, on eliminating retail and wholesale price gouging in a designated disaster area, as well as any extended problem areas around the country as determined by the President and Secretary of Energy. Penalties include fines of up to \$11,000 per violation, in addition to equitable remedies like returning ill-gotten profits.

It's time to flush out the gougers and protect consumers with a new Federal weapon to prosecute gasoline price gouging. I thank my colleagues, especially Mr. WALDEN, for their help in making the amendment even better and I urge that we pass "Gas Price Gouging Prevention Act" included in H.R. 3893, the "Gasoline for America's Security Act."

In closing, this legislation will go a long way to better protect the U.S. oil markets, as well as all consumers who depend on them. I urge my colleagues to support it.

Mr. DINGELL. Mr. Speaker, I yield myself 3 minutes.

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

Mr. DINGELL. Mr. Speaker, we have before us today a hastily crafted minimally reviewed bill of doubtful value and most curious circumstance. We have had no hearings on the specific measure before us. The major changes in language in the bill were revealed late last night, I believe at 11 p.m. We have not received a single response to the questions we asked of the Department of Energy and the Environmental Protection Agency.

We do not know whether the provisions in the energy bill passed less than 2 months ago to expedite refinery siting are working. We do not know what these new provisions on refinery sitings are going to do. We literally have before us a bill which is composed of scraps assembled from the waste baskets at the House Legislative Counsel, crafted together by my Republican colleagues to do something which they will have great difficulty in explaining today.

There can only be one explanation for this rush to the floor, and that is the desire of the Republican leadership of the House to use the hardship of the devastation of Hurricanes Katrina and Rita to push various parts of their agenda. The former majority leader, as is custom, has tried to blame Democrats for all ills, saying, and I quote, "[t]he Democrats made us drop many important issues out of the last energy bill that would have helped this situation that we have found ourselves in now, and it is time to go back and re-visit those."

I would remind the House that it was widely pointed out when that legislation was before us what a remarkable example of bipartisanship and legislative cooperation it was. Of course, the committee chairman has offered to negotiate, and I want to express my affection and respect for him.

But the predetermined schedules of the goal meant that all the Republicans wished to negotiate for was political cover for themselves and perhaps surrender by the Democratic members. Now we have before us a poorly thought out and poorly vetted effort to pass the Republican and energy wish list. This is not the way to respond to energy issues raised by hurricanes.

If we decide to act on an expedited basis, we should be focusing on immediate problems of rising gasoline prices and anticipated increases in natural gas and home heating oil prices which are coming upon us in the fall. Democrats will today offer a sensible substitute that provides tough consequences for price gouging whenever it occurs in the industry, not just by the little corner gas station.

Our substitute will tackle the problem of limited refinery capacity head-on by creating a national Strategic Refinery Reserve patterned after the successful Strategic Petroleum Reserve. We direct the Secretary of Energy to establish and operate refineries that will help protect our national security and protect consumers from supply disruptions. The public interest demands no less.

I urge my colleagues to vote against the bill and for the Democratic substitute.

Mr. BARTON of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. LEWIS), the distinguished chairman of the Appropriations Committee.

□ 1115

Mr. LEWIS of California. Mr. Speaker, I would say to the gentleman from Texas (Mr. BARTON), I appreciate the expeditious way he has responded to this crisis. If there is a silver lining to the Hurricane Katrina crisis, it is that it has opened the eyes of Congress and our business community to the urgent need to add to the capacity of our oil refineries. The fact that gas prices shot up in the wake of this monstrous hurricane is a reflection of the reality that

we do not have the capability to meet the sort of refining needs the country has that will put the kind of pressure on gas prices that are so important to our consuming public.

Hurricane Katrina is telling us very clearly that we have a challenge and an opportunity here to increase that capacity. In the last year, I met on several occasions with Adel Al-Jubeir, a representative of the country of Saudi Arabia. On any number of occasions he has rather smiled at me saying America does not have the capacity to provide the gasoline that your consuming public needs. You have not built a refinery in three generations.

We do have that opportunity by this action today, and I strongly urge the House to recognize it. This is the one chance for us to make a long-term commitment to reducing gasoline prices. I strongly urge an "aye" vote on this measure.

Mr. DINGELL. Mr. Speaker, I ask unanimous consent to yield the remainder of my time to the gentleman from Virginia (Mr. BOUCHER), and that he be allowed to control the time for this side.

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

There was no objection.

Mr. BOUCHER. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. WAXMAN), a senior member of the Committee on Energy and Commerce.

Mr. WAXMAN. Mr. Chairman, I rise in strong opposition to H.R. 3893 and in strong support of the Stupak substitute.

The Gulf Coast of the United States was devastated by a catastrophic hurricane. Hundreds of thousands of Americans lost their homes and their possessions. Gasoline prices jumped 46 cents per gallon overnight. Price gouging was rampant. The big oil companies charged more, simply because they could. The oil companies took shameless advantage of the disaster, and now Washington Republicans are trying to do the very same thing.

The Republican leadership is trying to use this tragedy and Missouri to undermine our environmental laws and pass more special interest giveaways to the oil industry. It wants to exploit Hurricane Katrina for a special interest bonanza. This is the legislative equivalent of price gouging, and it is unconscionable.

The bill before us is supposed to be a response to Hurricane Katrina. It is supposed to respond to the damage done to our Nation's energy infrastructure and address the Nation's runaway energy prices, but what it does is give the oil companies even more taxpayer subsidies and exemptions from environmental laws, and the bill is not even limited to the oil industry.

If this bill becomes law, the entire eastern half of the United States can suffer more pollution for years to come. The ideas in this bill are not

new. They are the same egregious environmental assaults that Republicans in Congress have tried unsuccessfully to pass for years. All that is new is the rationale. There is no excuse for this legislation to allow children with asthma to have to suffer more medical problems on the eastern coast of the United States in order to address a tragedy in the gulf coast of the United States.

Ten years ago, the gentleman from Texas (Mr. DELAY) introduced legislation to repeal the Clean Air Act piece by piece. Today, Washington Republicans are using hurricanes as a cover to enact his radical agenda. These were very bad ideas when they were first proposed. To pass them now in the guise of helping hurricane victims would be shameful.

Mr. BARTON of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from Wisconsin (Mr. RYAN), a member of the Committee on Ways and Means.

Mr. RYAN of Wisconsin. Mr. Speaker, I thank the chairman for putting this bill together. I want to talk about one very important provision of this bill, and I want to endorse the passage of this legislation.

This legislation builds on progress we had in the energy bill dealing with boutique fuels, but what I want to do is explain the problem we have with boutique gasoline blends in America.

Today we have 18 different fuel types, which translates into 45 different fuel blends. This map of America looks like a piece of modern art and shows the different fuel blends we have to have running through America today. When we designed our pipeline and refinery system three generations ago, it was designed for one kind of gasoline: conventional gasoline. Today we have to pump 45 different blends of gasoline through that system.

Any time there is a problem with supply, a pipeline break, a hurricane, a refinery fire, what happens? The price of gas skyrockets. There are refineries that cannot even make the needed gasoline for particular areas. The problem is getting worse. This map is because we have 217 counties that have to have some kind of reformulated boutique fuel. Because of the new, 8-hour ozone regulations this year, 474 counties will have to adopt new blends of gasoline so the problem will get even worse if we do nothing. This bill fixes that.

This bill says that, over the next year, the EPA and the DOE will have to design a six-fuel-blend system. So we go from 18 different base blends with 45 different fuels down to six fuels, to make sure we can meet and exceed our Clean Air Act standards, no compromise on those, and have stable, fungible blends of gasoline.

Mr. Speaker, we can have cheap gas and clean gas at the same time in this country. We need to harmonize our gasoline blends so we have standard, stable blends of gasoline. If we do that, we stabilize the supply. If we do that, we stabilize the price. I urge passage of this legislation.

Mr. BOUCHER. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, the bill before us today was rushed through the committee. It did not receive a single legislative hearing. It would weaken environmental protections but would do nothing to reduce the price of gasoline.

There has been much attention given to the fact that our Nation's refinery capacity is limited, but there has been no substantial evidence presented to conclude that the reason for this shortage is difficulty in siting or obtaining the environmental permits necessary in order to build a new refinery. In fact, there has been some evidence that suggests the reason for the thin refinery capacity is that refiners are reluctant to build new facilities since they are enjoying record profits under the current regime.

The bill before us would seek to increase refinery capacity by easing environmental requirements and providing additional Federal authorities for siting new facilities. Based on the evidence before us, that would be the wrong remedy. There is a better approach.

Later today I will be joining with our colleague, the gentleman from Michigan (Mr. STUPAK), in offering a substitute for the bill. Our substitute would address the refinery capacity issue by creating a strategic refinery reserve. The new reserve would build on the success of the strategic petroleum reserve and would provide the Nation with a reserve refinery capacity that could be used in times of national emergency to increase the supply of gasoline and minimize supply disruptions and price spikes.

Given the choices that are before us today, the substitute that the gentleman from Michigan (Mr. STUPAK) and I will be offering is far more likely to address our real gasoline supply problems than the underlying bill.

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

Mr. BARTON of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. SHIMKUS).

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

Mr. SHIMKUS. Mr. Speaker, 1976 was a great year. We built our last refinery in this country, and I graduated from high school. That is too long for that to occur.

Our domestic demand for crude oil averages 21 million barrels a day. We refine only 17 million barrels a day. That means we import gasoline. People understand we have a dependence upon foreign oil. What they do not understand and find incredibly ridiculous is that we import refined product just making us more dependent on the industry.

This is a great piece of legislation, and anyone from coal country ought to support it. Coal to liquid, fisher trope technology developed during World War II is evident in production in

South Africa today. What we have done in this bill is we have taken the definition of refinery and added coal to liquid, which means we can harvest the great coal reserves of this country. We can turn them into clean fuel and use that clean fuel to reduce our demand for foreign oil. We are also able to disburse our refinery assets around the country so we are not held hostage by having 47 percent of our refineries in hurricane alley.

This bill is a tremendous step forward in decreasing our reliance on foreign oil, new technology, diversifying our refinery portfolio, and I ask all of my colleagues to join me in support of this legislation.

Mr. BOUCHER. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. ENGEL).

Mr. ENGEL. Mr. Speaker, I thank the gentleman for yielding me this time, and I rise in strong opposition to this bill.

It is ironic that this bill is called the Gasoline for America's Security Act, or GAS Act, because this bill is certainly filled with a lot of hot air.

This bill will do nothing to bring down the cost of gasoline. My constituents and millions of Americans want to know why they are paying \$3 and more for gasoline. Just today in the newspaper it reported that Americans can expect to spend 45 to 90 percent more on home heating fuel this year than they did last winter. This is absolutely unconscionable.

We saw during Hurricane Katrina looters in New Orleans, but the real looters are the big oil companies. They are looting the American people. They are making record profits. What does this bill do? It does nothing to bring down the price of gasoline. That is what Americans want. They do not want rhetoric. They do not want more SOP to the oil and gas industry. They do not want more of the same.

Since I am from the Bronx, I will quote Yogi Berra of the Yankees: It is *deja vu* all over again.

Once again, the majority has presented us with legislation that purports to respond to skyrocketing gas prices, but does nothing of the sort. Under the guise of responding to Hurricane Katrina, we are voting on a bill that guts environmental and public health protections and does nothing to reduce our Nation's devastating dependence on Middle Eastern oil.

Further, we are once again witnessing the majority undermining States' rights on the floor of the House. This bill includes provisions that preempt State and local government's authority to decide where refinery facilities are placed in individual communities.

What this country critically needs, but was neither in the Energy Policy Act of 2005, which was signed into law, nor in this bill, is a policy to reduce our addiction to oil through the promotion of alternatives and clean renewables, automotive fuel efficiency

and the reduction of greenhouse gases. We must create policies that achieve these goals, and we need not destroy the environment and the rights of our citizens in doing so.

This is a sop to the industry. It gives us more of the same. It does nothing to lower gas prices. I urge a "no" vote.

Mr. BARTON of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. UPTON), a member of the Committee on Energy and Commerce and chairman of the Subcommittee on Telecommunications.

Mr. UPTON. Mr. Speaker, what have Members been hearing in their districts? I will tell Members what I have been hearing: There is a constant uproar and anguish about the gas prices across this country.

One of the home builders that I met with earlier this week, it cost him \$94 to fill up his pickup. Sadly, I do not see that price going down any time soon. This is a long-term, not a short-term, problem.

Worldwide, we consume what we produce. This country uses 25 percent of the world's energy, yet we have only 2.5 percent of the world's energy reserves. And in fact in Alaska, we are getting 50 percent of what we got only 7 years ago.

The energy bill signed in August will help us in the long term, but it will not help us in the short term. This bill will help us in the long term, not in the short term.

We have heard the arguments. We have fewer refineries than we had 30 years ago. We have not built a new refinery in a generation. We need more, and this bill will bring that about.

We have dozens of boutique fuels, 45 different blends of gasoline to serve this country. That means we have a different blend for St. Louis than Milwaukee than Detroit than Los Angeles than Houston than Philadelphia than Washington. It is crazy.

□ 1130

This bill is going to reduce that from 45 blends to no more than six or eight.

The bottom line is if we are not happy with \$3 gas, we need to vote "yes" on this bill. We need to send it to the Senate. I will remind my colleagues that this bill passed by a voice vote after 16 hours of markup, and I applaud the gentleman from Texas (Mr. BARTON), my chairman, for making sure we did it in a bipartisan way.

Mr. BOUCHER. Mr. Speaker, I yield 2 minutes to the gentlewoman from Colorado (Ms. DEGETTE).

Ms. DEGETTE. Mr. Speaker, I have always believed something many politicians do not realize: the American people are not stupid. This winter, as their car gasoline prices remain high, their home heating bills from natural gas and heating oil go up, they are going to understand this bill has no connection to lowering gas prices and no connection to Hurricane Katrina.

What this bill does do is it rides roughshod over environmental laws,

and it rides roughshod over local control of new refineries. Just wait for the public outcry if this bill passes when people find out that refineries can be put up in their backyards with no local input and especially when they find out that these refineries' profits went up 255 percent last year.

So what should we be doing? Number one, we should genuinely address price gouging. The provisions in this bill are toothless at best. If we really want to stop price gouging, what we should do is pass the Democratic substitute, which would actually beef up the FTC's ability to prosecute this practice.

Number two, I have been saying this for the 9 years I have been in Congress: we need a forward-looking energy policy that puts real teeth into conservation and renewables so that we can reduce our dependence on foreign oil.

What does this bill do about conservation? Members will be pleased to know it encourages carpooling and van pooling. I am going to tell the Members the other soccer moms at my kids' school would be appalled to know that this is all Congress is doing to encourage conservation.

What about renewables? Well, I offered an amendment both in committee and at the Committee on Rules which was denied. All this amendment says is let us increase the use of renewable energy in this country. I think that the majority of Coloradans who voted for an initiative on a ballot last year would agree with this along with the rest of Americans. What we need, Mr. Speaker, is a comprehensive energy policy that is more than a sop to Big Oil.

Vote for the substitute and "no" on final.

Mr. BARTON of Texas. Mr. Speaker, I yield 2 minutes to the gentlewoman from Tennessee (Mrs. BLACKBURN), a member of the committee.

Mrs. BLACKBURN. Mr. Speaker, I thank the chairman for his excellent work on this issue.

It is so interesting for me to stand here in this body and listen to people say it was rushed through committee, that we have not given proper thought to this issue.

Mr. Speaker, it seems this issue has been around for about 10 years, trying to get an energy bill through, and we did. We passed the Energy Policy Act of 2005. But this issue has been on the table for 10 years, and if former President Clinton had not vetoed drilling in ANWR in 1995, we might not be standing here having this discussion today. But that happened.

So this is not being rushed through. This is something that is the culmination of a decade's worth of talk. And the people in Tennessee, in my district, are tired of the talk, Mr. Speaker. They are ready for some action. This is a right step. It is the right time.

I want to hit two provisions that are included in this bill. One is streamlining the countless regulations, then helping to prevent some of the frivo-

lous lawsuits. When we look at streamlining some of the process they have to go through to build a refinery, that is a good thing. It is going to help us to be able to move forward on refineries in a more expeditious manner. The other thing is establishing the Department of Energy as the lead agency for siting refineries and eliminating some of the unnecessary requirements on waiting on multiple bureaucracies to respond to a request to build one refinery. This is not about bureaucrats and building. It is about meeting real American needs of real families for energy uses on a daily basis.

Mr. BOUCHER. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. DOYLE).

Mr. DOYLE. Mr. Speaker, I rise today in strong opposition to the wrongly named Gasoline for America's Security Act. It would be more appropriate to call this the Don't Hold Your Breath Act, as this bill will not do what my colleagues on the other side claim.

While it is clear to all of us that our Nation does not have the refinery capacity that we need, it is equally clear that the bill before us will not increase this shortfall. The idea that simply eliminating environmental standards and removing judicial control will solve this problem is absolutely wrong.

Over the past 30 years, there has been only one application filed to build a new refinery. I will say that again: only one application has been filed. We are not talking about permit after permit being thrown out. We are not talking about an industry trying time after time to site a facility and being denied.

What we are talking about is the fact that the gasoline industry makes the vast majority of their profits at the refinery level, and there is zero economic incentive for them to increase their capacity. As long as the refineries are operating at near 100 percent, their profit margins are through the roof. This bill ignores this obvious fact and instead focuses on eliminating environmental protections, which is nothing more than a scapegoat measure that will not do anything to address the basic problem.

So what does this bill actually do? It strips virtually all of the environmental protections of the Clean Air Act, the Clean Water Act, and the Endangered Species Act when they come into conflict with the siting of a refinery. The bill removes all cases challenging refinery siting from local State courts and forces communities to come to Washington, D.C. in order to challenge the selection of their hometown for a new refinery. And, further, if the local communities lose in court, they have to pay all of the industry's legal bills. This bill also will limit the Federal Trade Commission's ability to impose penalties when presented with evidence of price gouging, effectively incentivizing industry to take advantage of disasters like Katrina.

For these reasons, I ask my colleagues to reject this bill. Democrats

have a substitute that will address critical shortages during disasters without gutting our environmental laws, and it deserves our support.

Mr. BARTON of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana (Mr. BUYER), a member of the committee and the distinguished chairman of the Committee on Veterans' Affairs.

Mr. BUYER. Mr. Speaker, I appreciate the gentleman's comments, the speaker before me, because what he has really laid out is sort of the complaints that we hear from the Democrat side of the aisle, the complaints for years when they controlled Congress and laid out policies and rules and regulations that prevented, really, people to bring capital at risk to build refineries. So we hear a lot of complaints, but we do not hear of ideas and actions to help an industry that will help America.

This is a good bill. I support the bill. I want to compliment the chairman for his good work.

I also believe that Hurricane Katrina did reveal a weakness in our energy supply systems, highlighting the reliance this country has on the gulf coast for our energy resources. Approximately 47 percent of the U.S. refining capacity and 28 percent of oil production are located in the hurricane-prone region. So I think it is time for America to take steps to build more refineries and protect this country in time of natural disaster.

This is a good bill. It will address our growing need for gasoline, heating oil, and other fuels and will bring more supply to the market and for the American people. So despite the noise that we maybe hear on the floor, for the American people this is a good bill.

I am concerned, though, that a section of the bill was removed that dealt with the interchange rates, and what we wanted to do was to address the channels of trade to bring more transparency to how credit card companies actually apply these interchange rate fees and how the consumer then picks it up. I am pleased, in a conversation with the chairman and the gentleman from Florida (Mr. STEARNS), they are going to consider having a hearing on the issue; and I think that is a good thing.

I strongly support the Bush Administration's clean diesel rules, which will reduce air pollution from diesel engines by more than 90 percent, and reduce the sulfur content of diesel fuel by more than 95 percent. These rules will not only help clean the air, but they will also encourage greater use of highly fuel-efficient clean diesel engines. The use of highly fuel-efficient clean diesel engines is a mandates free way of making our existing domestic refining and oil production go further. In fact, according to the Department of Energy, if diesel vehicles made up 20 percent of our fleet in 15 years, we would save 350,000 barrels of oil a day.

I understand the challenges that so-called "boutique fuels" present. Section 108 takes steps towards addressing these challenges. However, I want to make it clear that I have been assured by the Chairman of the Energy

and Commerce Committee, the Gentleman from Texas, that Section 108 of the legislation does not intend to alter or delay—in any way—the Bush Administration's on- and off-road diesel rules.

Mr. BOUCHER. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Mrs. CAPPs), a member of the Committee on Energy and Commerce.

Mrs. CAPPs. Mr. Speaker, I rise in strong opposition to this ill-conceived legislation.

This bill is a shameless attempt to use the tragedy of Katrina as an engine to drive bad policies into law. The purported reason behind the bill is the high cost of gas caused by Katrina, and this is the bill that is supposed to meet that challenge. But gas prices were at record highs before Katrina hit. Katrina merely ramped them up and provided an excuse to push more failed Republican energy ideas.

I guess the best thing we can say about the bill is what is not in it, namely, the repeal of the longstanding, bipartisan moratorium on new offshore drilling. But the bill, however, does gut public health and environmental laws. It does strip States and localities of the authority to protect their own citizens. And, bottom line, it fails to protect consumers from price gouging at the pump, which we have seen going on on a regular basis.

Mr. Speaker, the problem of high gas prices is a serious one. It affects businesses and families on a daily basis, and I should know because my gas prices in my district are usually among the highest in the Nation. Right now they hover around \$3.50 a gallon. But this bill is not about trying to do something about that. It is about trying to distract the American people from a failed Republican energy strategy, a strategy that fails to realize that we have 3 percent of the world's oil reserves while we account for 25 percent of the world demand. This is a strategy that relies on increasing our supplies at all costs while conservation efforts are ridiculed by our Vice President as "signs of personal virtue." This is a strategy that says if laws that protect public health or environment get in the way, we should just waive them. It is a strategy that dooms America to never-ending energy crises that consistently enrich energy companies at the expense of hard-working American families and businesses.

Over the past several years, we have had repeated chances to craft common-sense, efficient, and effective energy legislation that would set America on a more stable future; but this Republican Congress has failed to do that and this, failure is once again realized in this bill.

So I urge my colleagues to vote for the alternative and to vote down this awful legislation.

Mr. BARTON of Texas. Mr. Speaker, I yield myself 4 minutes.

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

Mr. BARTON of Texas. Mr. Speaker, I want to cut to the chase on this issue.

In 1981 there were 324 operating refineries in the boundaries of the United States of America. Today there are 148. Do the math: 184 is a smaller number by 176 than 324. There are a lot of reasons for it, but one of the reasons is this flow diagram to my left.

To the left we have all of the permits that are required for what is called "new source review." That is if they want to expand an existing refinery. Now, this is actually the permitting application to expand an existing refinery in the State that I live in, the State of Texas. In the new source review, every one of these steps has to go forward. On the right of the chart are additional permits in addition to the new source review.

This is not a made-up chart. This is the law as it exists today. What company's board of directors in their right minds would want to go through this process and tie up billions of dollars for years and years if they did not know that they would at least get a definite decision in a timely fashion?

The bill before us may not be the best bill. It may not be the only approach. But it is a fact that we use 21 million barrels of oil a day in this country and we only have the refining capacity for about 16 on a good day; and, unfortunately, since Katrina and Rita, we have had many good days. We are down to 14 million barrels of refinery capacity that is available, and we need 21 million barrels of refinery capacity to refine our consumer demands that we have right now in this country. So this bill before us today does not eliminate any of these requirements. It does not lower the standard.

What it does do is require the Environmental Protection Agency and the Department of Energy to appoint officials within their agencies to consolidate and to coordinate all of these reviews if, if, a State Governor wants them to or if the President of the United States wants them to on Federal property. If a Governor does not want it to expedite the review, they do not have to; and this stays in existence, which means in those States they will not get any new or existing refineries built or expanded.

□ 1145

But in some States, and I hope my State of Texas is one, I think Governor Perry would ask for this expedited review. If that happens, and if we can get a company that wants to invest in a new refinery or expand an existing refinery, you will actually get a decision in a timely fashion. I have reason to believe that if we pass this bill and if the Senate passes this bill within the next year, you are going to see America's systems step forward and actually ask to build new refineries in the United States of America.

This is a good bill. We should vote for it. We should send it to the Senate, encourage them to vote for a similar bill

and then go to conference and produce a conference report that the President can sign, and let us get our country moving again and at least begin to start the process to lower gasoline prices for every American in this country.

In the days right after Hurricane Katrina, gasoline prices shot up past the \$3 dollar mark almost everywhere. Shortages caused some gasoline stations to run dry. Americans nationwide worried if the price would be higher on their way home from work than it was in the morning. Many consumers worried that they were getting gouged, and wondered if prices would ever go down again. Today, we take action. Today, the House of Representatives will support building new refineries, improving gasoline markets, and outlawing price gouging.

My committee was voting on the Gasoline for America's Security Act just 4 weeks after Hurricane Katrina crossed the coast. On that day, 11 refineries remained closed by flooding and power failures, and most had no restart dates. Roughly 18 percent of all U.S. gasoline production was still halted, and prices everywhere had spiked as a consequence.

Katrina damaged refineries all over Louisiana and Mississippi. Then Hurricane Rita came along and damaged refineries in Louisiana and Texas. Some have not restarted yet. We were all surprised to learn what happens when a chunk of our domestic capacity goes off line. Every driver in America has endured shortages and price spikes that still have not fully subsided.

This bill encourages new refineries to increase supply. We improve siting procedures, provide regulatory risk insurance, suggest non-park Federal lands for consideration, and give refiners more certainty about the rules they have to live under. Our Nation is more secure if refineries are spread more throughout the country.

This bill promotes new pipelines to get new crude oil and gasoline to consumers at lower prices. We encourage those who might build the Alaska Natural Gas Pipeline to speed up, by setting a deadline on their incentives. We require a study of whether pipelines should have backup power capability, so that they could operate during power outages.

The bill outlaws price gouging during emergencies for gasoline, crude oil, and home heating oil. We leave in place State measures against price gouging. We increase penalties to \$11,000 per incident and expand the geographic scope of the provision. I want to thank Chairman CLIFF STEARNS of our Commerce, Trade and Consumer Protection Subcommittee and Congressman GREG WALDEN for their help on this provision.

We promote conservation with a DOE program to encourage carpooling and vanpooling. We also require evaluation of using CMAQ funds, Congestion Mitigation and Air Quality, for carpool and vanpool projects. We can make it easier for Americans to network and do these voluntary reductions of demand.

We authorize a refinery built for military use. If the President determines that there is insufficient refining capacity, the President can enter into contracts to permit, construct and operate a refinery with private industry to manufacture refined products for the military.

This bill doesn't do everything I think it should do. Last night, I agreed to drop very

important New Source Review provisions that would give clarity to refiners and other energy providers. An operator of a refinery, a power plant, or an industrial facility should not feel scared to conduct routine maintenance or modernize the system without hurting emissions. A bipartisan majority of the Energy & Commerce Committee believes we should codify the Administration's return to a sensible NSR policy. Those who want to delay these sensible reforms are taking a step back from increasing supplies of gasoline, heating oil and other forms energy.

But I don't want this to get in the way of expanding refinery capacity after Hurricane Katrina, so I will set it aside for now until we can hold the additional hearings that some believe are needed. We will have a vote in the future on this policy, and when it passes, our Nation's supply of both energy supply and common sense will expand.

But today we have a chance to strike a blow against high gasoline prices. We can increase competition among refineries by seeing new ones built. We let any retail gasoline provider know the Federal government is watching—so don't gouge consumers in an emergency.

People everywhere expect us to do the right thing, and there's been honest and candid debate about what constitutes the right thing. According to some, doing nothing is not only right, but cheap and easy, too. The do-nothing plan is the one we've followed for decades. I think the two killer hurricanes have weakened the will to continue doing nothing, however. I hope so.

Our country needs more oil refineries because the people who work for a living need gasoline to get to work. These are people who earn paychecks and buy groceries at the Safeway and pay their bills, including their taxes. That means they use gasoline every day. They need it, and they need it at a price they can afford. They aren't activists and they don't contribute to campaigns or hire any lobbyists. Sometimes Washington forgets about them, but I haven't, and that's why we're taking up this bill.

Our cars, our jobs, our Nation's economic growth and our people's opportunity to prosper—they all rely on gasoline. Gasoline does not come from heaven, it comes from a refinery.

Let's send to the Senate and the President this antidote for high gasoline prices. Vote "yes" on this bill.

Mr. BOUCHER. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Massachusetts (Mr. MARKEY).

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

Mr. MARKEY. I thank the gentleman for yielding me time.

We cannot begin to discuss how we are going to reduce our dependence upon imported oil unless we debate increasing the fuel economy standards for automobiles and SUVs in the United States. The gentleman from New York (Mr. BOEHLERT) and I have made this amendment for 4 years in a row. Now that the public's attention is on it, the Republican majority refuses to have a debate on how we can dramatically increase the fuel economy standards for SUVs and automobiles,

and we put 70 percent of all the oil we consume into gasoline tanks.

We also are not having the debate out here on solar energy. Europe now outspends us on solar energy by four to one. Japan outspends us four to one. China is now passing us. No debate, however, under the Republican rules, on solar energy as a solution.

Instead, what we have here is new law which will allow for refineries to be built on closed-down military bases, on wildlife refuges, with a mayor or a State incapable of blocking it. In fact, if the State or city sues and loses, they must pay the legal bills of Exxon-Mobil. But if the city wins, Exxon-Mobil does not have to pay the legal bills of the city. That just shows you how backwards all of this is.

We should be debating a futuristic, innovative, energy strategy to cut in half our dependence upon imported oil, to use automotive technologies, to use solar and wind, to quadruple our expenditures, to surpass the world, to be number one looking over our shoulders at number two and three in the world, to do what President Kennedy did in responding to the Sputnik challenge of the Soviet Union.

Instead, our industry that engaged in a conspiracy to shut down 30 refineries in the last 10 years is now coming here and asking us to waive the Clean Air Act as the answer to their irresponsible actions. That is absolutely wrong. This bill must be defeated.

Mr. Speaker, I rise in opposition to this bill.

The race is on. It is a worldwide race among nations to embrace and own the energy technology of the future. Right now, the United States is not even at the starting line. We're not even tying up the laces on our running shoes.

Energy is the lifeblood of our economy, of our security, or our lives. Oil, black gold, runs our cars, machines, and planes and heats our homes—what if it just stopped coming? Think about it. It would take simply a decision of one or two oil producing nations to cut off critical supplies of oil to the U.S. tomorrow. The impact of such disruption to our economy would be crippling.

Al Qaeda has already identified this American vulnerability—our energy dependency Achilles heel. They call on jihadists everywhere to attack not just people, but also oil wells and pipelines, arguing that "the killing of 10 American soldiers is nothing compared to the impact of the rise in oil prices on America and the disruption that it causes in the international economy."

The decisions being made today by the Republican-controlled Congress are handicapping our nation at the starting line.

While this House is busying itself with the care and feeding of the industries of the last century—oil and gas production and refining, we are doing precious little to develop the energy technologies of the 21st Century. The only solution the Republican Leadership in Congress has to offer up to our current energy problems is giving oil companies more giveaways and more exemptions from environmental laws. Meanwhile, other nations around the world are beginning to race ahead of us.

The European Union already has set a target of meeting at least 20 percent of its overall

energy consumption with renewable energy technologies by 2020. They've just passed a resolution in the European Parliament to increase that target up to 25 percent.

Aggressive renewable energy policies have put Europe on track to increase electricity generated from wind ten-fold and from solar photovoltaics 45 times by 2020. A major factor making this rapid growth possible is the significant investments European governments have made in R&D. We spend a paltry \$80 million on photovoltaics, for example, whereas Europe spends \$300 million. So does Japan.

What's more, according to Christopher Flavin, Chairman of the World Watch Institute, China is set to overtake everyone. "In 5 years' time we see China as a world leader in this department. . . . Already, 35-million homes in China get their hot water from solar collectors. That is more than the rest of the world combined." China has also adopted CAFE standards that by 2008 will require cars to get 40 miles per gallon and trucks to get 21 miles per gallon. China is also purchasing Hybrids from abroad and developing hybrid production capabilities.

How do we expect to keep up, let alone lead, in these emerging innovative energy technology markets if we starve our R&D sector and refuse to set bold goals that stimulate creativity and achievement?

Americans know in their bones that we need to do more—that we are lagging behind in this race. Every time we pull up to the pump and watch the cost of the gasoline filling up our cars, ringing up to \$40.00 for a tank that is barely full, we are reminded of the need to get out of this mess.

Consumers are paying the price for the Republican Congress' subservience to the Big Oil companies, for its lack of vision.

Consumers lose when the Republican Congress allows America to slip behind the pack of nations racing to lead the energy industries of the future. Right now, we have few choices but to return to the pump, fill our cars and hope that this spike that has lasted for over 2 years is going to break soon.

We owe our citizens a new vision for America's energy future to hang their hopes on. Hope without vision is a four letter word—our vision for restoring America's greatness through an energy challenge gives wings to the hopes of Americans wondering when this crunch will end.

This is a can-do Nation that has never stepped down from a challenge. Today we cannot afford to walk away from the challenge to lead the world in the future of energy technology.

In 1961, President Kennedy announced a goal of sending a Man to the Moon and returning him safely to Earth. By 1969, Neil Armstrong was standing on the Moon looking up at the earth. We need a similar visionary leadership today.

Instead of the bill before us now, we should be bringing a bill to the floor of this House which would:

Adopt a national policy of cutting our dependence on imported oil in half within the next decade.

Recognize that since we consume 25 percent of the world's energy but have only 3 percent of the world's oil reserves, we cannot drill our way into energy independence.

Embrace innovative energy technologies to improve the fuel efficiency of our cars and

SUVs so that we make our motor vehicles at least 1 mile per gallon more efficient every year for the next 10 years.

Launch a Manhattan Project scale R&D initiative that is twice the size of comparable programs in the European Union, Japan, and China combined.

Mandate that at least 30 percent of our Nation's overall energy needs be met with solar, wind or other renewable energy sources, or with energy efficiency measures.

Create public and private partnerships to help rapidly commercialize and deploy a whole new generation of super-efficiency hybrid vehicles to deploy solar energy to our homes and businesses, to broadly deploy wind turbines around the country, to deploy Fuel Cells, clean-burning coal, more efficient natural gas and alternative fuels.

The U.S. is the technological engine of the world and we must lead the innovation in wind, solar energy and new fuel sources. We cannot, we must not lose this race.

If the Democrats were in charge of this House, we would be challenging America to establish a national oil savings goal, drive the future of the energy industry, and revolutionize our domestic use of fuels.

Democrats would be setting an agenda of innovation and establishing measurable goals to test the success of this to measure the success of their energy policy.

We would be demonstrating that a modern economy can grow and provide jobs to its citizens without sacrificing the quality of its air, its water or its most precious natural heritage areas.

That is what we need to be doing on the Floor of this House, and that is what the bill before us today entirely fails to do.

I urge the House to vote down this bill.

Mr. HALL. Mr. Speaker, I yield 2 minutes to the gentleman from Louisiana (Mr. BOUSTANY).

Mr. BOUSTANY. Mr. Speaker, I rise today in vigorous support of H.R. 3893. This bill takes us back to Earth in reality. This bill recognizes the need for increased supplies of refined petroleum products and takes the necessary steps to increase refining capacity.

No new refinery has been constructed in the United States since 1976. We just heard the numbers earlier. The demand for gasoline exceeds domestic production by an average of 4 million barrels per day. This growing gap is met by importing refined petroleum from foreign sources, which is a threat to market stability and national security. Refining capacity is not being increased, due in part to a permitting process that is overly cumbersome and capital intensive.

The two hurricanes only further exposed the lack of a comprehensive national energy security policy. Currently, 20 percent of our Nation's refinery production is shut down. 600,000 barrels are off line in my southwest Louisiana district.

This bill makes the necessary commitments to expand and diversify the refining industry in this country. By reforming and expediting a permitting process that is excessively slow and nearly impossible to navigate, we will enable refiners to meet the energy needs of America's citizens.

This legislation would not circumvent or remove any environmental protection, but would simply coordinate and streamline the process. It would also encourage investment in new pipelines and expansion of existing infrastructure to transport petroleum products more efficiently and at a lower cost to consumers.

The farmers of Louisiana need to harvest crops. The industries of Louisiana need to rebuild, and families of Louisiana would like to return. Affordable energy is going to be an important factor in our ability to do that.

The people of my district have realized the responsibility of providing fuel for this Nation for a long time, and they are happy to do so. It is now time to give them the tools to meet this growing task and share it with others. I urge the passage of this bill.

Mr. BOUCHER. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from New York (Mr. BOEHLERT), the distinguished chairman of the Committee on Science.

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

Mr. BOEHLERT. Mr. Speaker, I rise in strong opposition to this bill. H.R. 3893 will increase the deficit, harm the environment, undermine the States and give charity to oil companies, while doing virtually nothing, virtually nothing, to help consumers.

The whole premise of this bill is faulty: Refining capacity in U.S. is increasing. Let me repeat that: Refining capacity in the U.S. is increasing, and it has been increasing for a decade.

Yes, the number of refineries has declined, but that is irrelevant. Saying that we have less refining capacity today because we have fewer refineries is like saying that we have fewer crops today than we did in 1920 because fewer Americans are farming. It just does not make sense. It does not pass the laugh test.

Not only that, the marketplace offers incentives, and plenty of them, for oil companies, all the incentives they need to build more refineries. They have record profits and demand for their products keeps increasing. Refining capacity is likely to increase even more with or without this bill responding to the market demand.

But with this bill, we burden taxpayers by sending their hard-earned tax dollars into the pockets of oil companies through rebates and special payments. With this bill, we interfere with environmental rules designed to improve public health. With this bill, we take away, take away, authority from the States and local governments.

What we do not do with this bill is take any steps to reduce demand for oil, the only step that will actually reduce the price of gasoline, not to mention to make our Nation more secure.

I urge opposition. The priorities are all wrong.

Mr. HALL. Mr. Speaker, I yield 2 minutes to the gentlewoman from New

Mexico (Mrs. WILSON), a member of the committee.

Mrs. WILSON of New Mexico. Mr. Speaker, one of the things that bothered me at the time of Katrina and then Rita was when you saw on the television long lines of cars at gas stations that were charging \$5 or \$6 for gas that you knew they did not pay that much to get in there. I do not believe that disasters should be a windfall for opportunists, and I appreciate the chairman and his staff working with us over the last week to strengthen the price-gouging provisions in this bill.

Currently, under current law, most price-gouging statutes are at the State level, and only 23 States in the Nation have price-gouging statutes. The only authority at the Federal level is through antitrust laws. You have to have two companies colluding in order to investigate it. With this bill, that will change for the first time.

For the first time, there will be Federal authority under the Federal Trade Commission to investigate price gouging after a disaster area has been declared. We have worked to strengthen this bill from the committee. The fines will be up to \$11,000 per instance. It will apply in a disaster area and also beyond that disaster area if the President expands the area of coverage.

It covers any person or company, not just the retailers, but up and down the supply chain, and it applies to gasoline, crude oil, home heating oil and natural gas. It is quite a broad provision compared to what we had coming out of the committee.

I want to thank the chairman for his leadership and his staff for really strengthening the price-gouging provisions in this bill and, for the first time in this country, giving the Federal Government the tools they need to combat people who are taking advantage of terrible situations and take care of this problem of windfalls.

Mr. BOUCHER. Mr. Speaker, I am pleased to yield 2 minutes to the gentlewoman from California (Ms. ESHOO).

Ms. ESHOO. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I rise in opposition to the bill and in support of the Democratic substitute. I would like to start out by saluting the gentleman from New York (Mr. BOEHLERT) for having the courage as a Republican to stand up and to take the position that he has.

I think it is a sad day when the Republican Party is no longer holding on to the environmental mantle. One of my predecessors, Pete McCloskey, was a great champion in the Congress on those issues, and I think it is regrettable that that is where the Republicans are today, because if there were more that would stand up, we would be able to put into place a bill that would really serve the American people well.

Hurricanes Katrina and Rita only exacerbated what has been happening to consumers in our country for the past year. Weeks before Katrina hit, con-

sumers were paying higher and higher prices at the pump. In California, prices climbed \$1 between January and August. They rose 50 cents in a month's time between July and August, with prices rising to well over \$3 a gallon. I paid close to \$4 a gallon in my congressional district just a week ago. Consumers in other parts of the country have seen similar hikes.

If we look at what the Washington Post recently reported, it is painfully evident that the oil industry and the refiners have profited handsomely. The money going to crude producers has climbed 46 percent over the last year. For refiners, revenues have increased 255 percent in one year, from September 2004 to September 2005.

The last time I remember seeing revenue increases like this was when Enron, Reliant and other gougers were raking in their profits during the so-called California energy crisis. And the explanations are also too familiar. We are being told again we are paying the price for having too little capacity. It is not the case, Mr. Speaker. The record shows otherwise. It is economics, not regulations, that have led to the shortfall in capacity.

I hope everyone will support the Democratic substitute. It is the legislation that will really put the gougers' feet to the fire and do something about it. I urge everyone to vote for the substitute and against the base bill.

Mr. HALL. Mr. Speaker, I yield 2 minutes to the gentleman from New Hampshire (Mr. BASS), a member of committee.

Mr. BASS. Mr. Speaker, I thank the chairman for yielding me time, and I want to thank the gentleman from Texas (Mr. BARTON) for working so hard to accommodate those of us who represent the northeastern part of this country in this bill. I rise in strong support of this legislation, and I do so having worked hard to make sure that those of us who represent the northeastern part of the country are satisfied with what we have before us today.

I wish to make three points. The first is that the issue of new source review is gone. It is a debate for another day, and I think that is an enormous improvement to the bill. The issue of pollution in this country needs to be addressed, and the Clean Air Act definitely needs to be amended, but I felt for a long time a refinery bill was not the place to do that, and I commend my leadership for being able to work that out. As the gentlewoman from New Mexico mentioned in her speech, there is a wonderful provision on price gouging that will protect consumers against price gouging from the refinery on down.

The third point is that the only cost in this bill is the cost associated with increasing the Northeast Home Heating Oil Reserve from 2 million to 5 million barrels a day, which is critical to the northeast.

The bottom line is, if you are satisfied with higher gas prices, if you are

satisfied with the concentration of refinery capacity in hurricane-prone areas, if you are satisfied with the fact that we have not built a new refinery in so many years, if you are satisfied with the status quo and if you think your constituents are satisfied with that, if you think that 2 million barrels is enough for the Northeast Heating Oil Reserve, if you think this bill is going to cost money even though it will not, then vote against it.

□ 1200

But this is your opportunity to support an energy bill that you can tell your constituents will help, over the short term and the long term, provide gasoline and heating oil to your constituents who need it badly.

Mr. BOUCHER. Mr. Speaker, I am pleased to yield 2 minutes to the gentlewoman from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. Mr. Speaker, I rise in strong opposition to this bill and in support of the Stupak-Boucher substitute.

This bill does nothing to help us gain energy independence, to increase refining capacity, or lower prices at the pump. And no Member, and particularly no one who represents the Midwest, should vote for this bill.

The Federal Energy Information Agency predicted that the price of natural gas would increase by 71 percent in the Midwest this winter. In Chicago, the average heating bill is predicted to be \$1,475 per household. Yet, instead of addressing an impending heating crisis and protecting consumers, this bill is filled with giveaways to the same energy companies that are making record profits in the aftermath of the hurricanes.

This bill's attempt to prevent gasoline price gouging is little more than a charade. But this bill does not even pretend to prevent natural gas companies from gouging consumers. Even though natural gas prices are four times what they were in 2001, there is no mention of natural gas in the price gouging section of this bill. For natural gas suppliers and distributors, this bill is a green light to jack up the prices.

In Illinois, to qualify for the Low Income Home Energy Assistance Program, a family of four must earn under \$29,000 a year, under that. Because of increasing energy costs, LIHEAP has covered a smaller share of a family's average heating bill over the last 4 years, and that share will be lower this year due to these record price spikes. This winter, millions more Americans may find that they cannot pay their home heating bills, not just poor Americans. What are we doing to protect them?

The Democratic substitute gives the FTC new authority to prevent and punish corporations that gouge consumers for the oil, gasoline, and natural gas they need to get to work, heat their homes, and run their businesses. It is

the only proposal before the House today that will address the impending heating crisis facing millions of Americans this winter.

Mr. Speaker, we were unprepared for Katrina. We cannot let that happen again. Members in this body are faced with a choice: representing consumers and small businesses, or big oil companies. We should not leave the American people in the cold this winter while energy companies are left with money to burn.

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

Mr. BOUCHER. Mr. Speaker, I am pleased to yield 2 minutes to the gentlewoman from California (Ms. SOLIS).

Ms. SOLIS. Mr. Speaker, today I rise in opposition to the anti-public health, anti-consumer "GAS Act." The legislation is an insult to the American public which needs real relief, but this is an attack on our public health; and it is a giveaway to corporate America.

Their interests will harm, in my opinion, 5.5 million Latinos that live within 10 miles of coal-powered plants and the 68 percent of all African Americans that live within 30 miles of a coal-powered plant.

These changes will increase the risk of disease to schoolchildren in Texas who are exposed right now to 43.4 million tons of toxic pollutants in just 1 year because of almost 140 nearby industrial facilities. These changes will increase the risk of disease to over 207,000 children who go to schools within a 2-mile radius of a chemical plant or refinery in Texas. These changes will not help construct new refineries or guarantee an increase in refinery capacity and will do nothing to lower the cost of gasoline.

This is a Washington bill drafted on K Street by those lobbyists and is an attack on our public health. No State air boards were consulted, no mayors, no city managers, no land use planners, no attorneys general, not even mine from California.

There is a reason why the bill is opposed by the National Association of Counties, the National League of Cities, and nine attorneys general. The local air pollution program and control officers, the South Coast Air Quality Management District, the American Lung Association, and many others are in opposition to this bill.

It is time that the administration and the Republican leadership learn that public health and the environment and the voices of our communities are not exploitable commodities.

I will support the Democratic alternative which protects public health, protects consumers, and secures our refineries in times of emergency. I will not support the underlying legislation which gives Americans a false sense of hope and security. I urge my colleagues to join me in opposition. America deserves better.

Mr. HALL. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. ROGERS), a member of the committee.

Mr. ROGERS of Michigan. Mr. Speaker, I am a little surprised by the discourse from my colleagues on the other side of the aisle, very 1960s rhetoric for a 2005 problem. You cannot regulate and put hurdles and tell the oil industry that is really global these days that you cannot build refining capacity in America. It is bad.

Most Americans, when they saw the hurricane strike, realized that 30 percent of our refineries were at risk, 30 percent. They understood that you cannot concentrate our refineries in one place and that you have to have more capacity.

The reason it is expensive is because we import refined product. Americans understand that. Your rhetoric today, the old-fashioned ideas of regulate and hinder and put hurdles up, will not solve these problems. It took 20 years to get here because we would not allow them to build refineries across this country to meet public demand.

I tell you, I have working families in my district that pull up to that pump and talk about mortgaging their house in order to get it completely full. This is a serious problem, and it needs serious solutions.

This bill goes a long way. It says we are going to protect the environment, we are encouraging some conservation, and we are going to build capacity so that we do not have to have this foreign dependence on refined product. I thank the chairman for doing this. This is the responsible thing to do, moving this country forward, and putting us in a place where we are not foreign-dependent and we have the ability to lower the prices and give stable prices in the future in this great country.

Mr. BOUCHER. Mr. Speaker, I yield 2 minutes to the gentleman from Maryland (Mr. WYNN).

Mr. WYNN. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in strong opposition to this bill, the so-called Gasoline For America's Security Act. Now, this is not a partisan rant. I am a Democrat, but I supported the last energy bill. It had considerable merit and a few flaws. This bill is very flawed and has very little merit.

Let us talk about refineries. Over the past 20 years, U.S. demand has increased 20 percent. No new refineries have been built. In fact, refining capacity has declined by 10 percent. But contrary to what my colleagues just heard, there are no barriers stopping the refining industry from building new refineries and expanding capacity. In fact, the key thing people need to understand in this debate is that the profit margins for the refineries has gone up 255 percent. They are making more money than anybody else. So there is no reason why we should give them some big subsidy or big benefit to encourage them to build refinery capacity.

This bill really is outrageous in terms of having the taxpayers pay the

refineries to cover their unanticipated costs. It is in the bill and it is called stand-by support, stand-by support. What that means is if they encounter some sort of reasonable delay, government regulation, or something like that, and they suffer losses and they cannot open on time or they are delayed in their operations, we, the taxpayer, get to pay for that. That is not unusual. That is not a crisis situation. That is not the airlines after September 11. That is not an unusually high-risk situation. These are delays in the normal course of business; but, yet, this bill would have the taxpayer pay for those losses, and that does not make sense.

Let me take a minute and talk about price gouging. Now, they came out of committee with a very limited bill that basically talked about gasoline, and now they say, well, we want to broaden it a little bit. Let me suggest that the broadest possible protection for the American people in terms of price gouging comes from the Democratic substitute. It gives the broadest jurisdiction over the most types of fuel, including propane, home heating oil, crude oil. That is where we need to be, not with the limited approach of the Republicans.

They also do not deal with market manipulation, and market manipulation is where the consumer takes the hit. I urge rejection of the Republican bill and adoption of the Democratic alternative.

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

Mr. Speaker, this is one of the two most important bills that has come before this Congress maybe in the last 10 years, one we passed a couple or 3 months ago. This bill is not just important to us in Congress that we pass something; it is not just important to companies that have to adhere to the contents of it; not just to the big oil companies, as they have been referred to, we need them, they need us, we need what they can do for us; but it is important to the youth of our Nation. This is really a generational bill because it affects your children and my children and my grandchildren.

I probably have asked myself a dozen times what is the primary duty of a Member of Congress. It is probably to prevent a war. And how do you do that? You do that by removing the causes of war, and energy or lack of energy is a major cause of most wars that I know anything about or remember.

Who fights wars? Your children do. They are today in school, juniors or seniors or maybe in junior college, totally unaware of what we are doing here, but so affected by what we do. Our children have to fight wars, not us anymore. About 64 years ago I was a senior in high school, and I heard Frank Roosevelt at that podium right there stand up and say in a speech after our Nation had been attacked, "To some generations much is given, of some generations, much is expected,

but this generation has a rendezvous with destiny.' That rendezvous was World War II. We do not want that rendezvous for our children. If we remove the causes of war, and energy is a major cause of war, if we pass this bill, we will have refinery capacity to prevent a war for this generation and those that are waiting.

So, Mr. Speaker, of course I rise today in support of H.R. 3893. While the impetus for the bill arose from tragedy, it opened our eyes to the vulnerability of our Nation's gasoline supply and causes us to act to prevent the price spikes and shortages from happening again, and everything we have said or done here on this floor is going to be in the CONGRESSIONAL RECORD for the American people to see. I would hate to say that I opposed everything that had been offered to solve the energy crisis.

There has not been a new refinery built in some 25 or 30 years, and the ones that are currently running are doing so at 95 percent of operating capacity and at peak times of the year, even higher.

The main thrust of this bill before us today encourages the building of new refineries, and in more diverse locations. It gives areas with closed military bases a chance to convert these bases into refineries so that they can keep their citizens employed and remain economically stable. I have one in my district at Texarkana, not subject to the vicissitudes of nature or the hurricanes; it is inland far enough. There are other areas in here. I hope consideration is given to them.

I encourage my colleagues to vote for H.R. 3893 inasmuch as it is a bill that addresses head-on the high price of gasoline and provides solutions from supply to conservation. I am tired of seeing my constituents have to pay almost 3 bucks for a gallon of gas. If you want your constituents to keep on paying these exorbitant prices, then go ahead and vote against this bill. If you want to help them, like I do, I ask my colleagues to vote "yes."

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

Mr. BOUCHER. Mr. Speaker, I am pleased to yield 1 minute to the gentleman from Washington (Mr. INSLEE), a member of the Committee on Energy and Commerce.

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

Mr. INSLEE. Mr. Speaker, this bill is a giant missed opportunity. We had an opportunity to do something significant. Kennedy said we were going to go to the Moon in 10 years; this bill will not get us to Cleveland. And the reason is it invests in old technology. Did Kennedy challenge the country to invest in propeller plane technology? Here we are simply investing in oil fossil fuel technology, a giveaway to the oil and gas industry of millions and billions of dollars of taxpayer money.

We need a new Apollo energy project. H.R. 2828 will get us there with new

technologies and fuel-efficient cars, new technologies and new productive capabilities in wind and solar and wave power and a whole slew of other things. We need new ideas, we need a new vision, not an old giveaway to oil and gas.

Mr. Speaker, this bill is one small misstep for man and one giant leap backwards for mankind, and it should be defeated.

□ 1215

Mr. BOUCHER. Mr. Speaker, I yield the balance of my time to the gentleman from Maine (Mr. ALLEN).

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman from Maine is recognized for 2 minutes.

Mr. ALLEN. Mr. Speaker, I rise in strong opposition to H.R. 3893. This bill is a laundry list of giveaways to the oil industry, one of the most profitable industries in America and one that is right now gouging American consumers. Big oil and its supporters are exploiting the tragedy and human suffering caused by Hurricane Katrina to ram through Congress ideas so bad they were rejected just 2 months ago when Congress last approved a laundry list of giveaways to the oil industry.

For example, the bill guts key environmental and human health protections of the Clean Air Act by limiting the States ability to use specialized blends of gasoline to achieve their clean air goals, and permitting up-wind States to continue to send pollution downwind. The result: More dirty air at higher emissions rates for a longer period of time.

Supporters of this bill will tell you that environmental regulations make it impossible to build or expand refineries. But that simply is not true. Environmental regulations are not the problem. The truth is that the oil industry's profits will decline if the capacity is increased, so they have not really tried to keep up with demand. The oil companies are making billions these days. They do not need another subsidy.

Moreover, there are no offsets for subsidies to big oil in this bill. Apparently, the Republican operation offset applies only to programs that help poor people, like Medicaid and food stamps, and not to oil industry subsidies.

I am pleased that the manager's amendment appropriately modified the provision requiring the President to designate three closed military bases for construction of a refinery against the will of the local community. I am also pleased that the chairman deleted the section of the bill that eviscerated the Clean Air Act's new source review program.

But these welcome programs do not make the underlying bill a good one. I believe that we should act to increase refinery capacity, and that the Stupak-Boucher amendment is the right approach. Let us reject this bill and move forward on a better solution to our energy crisis.

Mr. LANGEVIN. Mr. Speaker, I rise today in opposition to H.R. 3893, which pretends to be a response to our Nation's exorbitant energy costs, but which is actually a giveaway to oil and gas companies that doesn't help America's struggling consumers. In fact, many of the provisions in this legislation are not new; we have seen them before, but they have proven so controversial that they were excluded from the energy bill that Congress passed earlier this year.

Rhode Islanders are paying an average of \$2.86 for a gallon of gasoline, and high home heating oil and natural gas prices are causing families to wonder how they will be able to afford to stay warm in the coming winter months. In recent weeks, Rhode Islanders have learned of two utility rate increases for both electricity and gas. These proposed increases come at a time when the average price of gasoline at the pump is up 51 percent, compared with last year, and home heating oil is up 57 percent in the same period.

Congress must take swift action to reduce the cost of energy, but this bill benefits only the oil and gas industries, which have been reaping record profits in recent months. We have heard legitimate questions about how much of the recent increase in energy costs is the result of price fixing, yet this legislation's provisions to combat price gouging are insufficient and amount to no more than a slap on the wrist. Furthermore, it would reverse longstanding health and environmental protections, despite strong opposition nationwide to these proposals. In fact, one of the bill's original provisions—expanding loopholes for refineries and power plants to avoid compliance with the Clean Air Act—was deemed so controversial that it was removed in the dead of night.

I support the Democratic plan to establish strong federal laws and new penalties to crack down on price gouging. The Stupak-Boucher substitute empowers the Federal Trade Commission to combat price gouging for gasoline, diesel, natural gas, home heating oil, and propane. Unlike the Republican bill, the Democratic proposal includes real penalties for price gouging and energy market manipulation—up to \$3 million per day. Additionally, the Democratic plan would create a Strategic Refinery Reserve, which like the Strategic Petroleum Reserve, would improve our Nation's ability to prevent oil and gasoline shortages in the wake of a natural disaster such as a hurricane.

Our Nation needs a new, long-term energy policy that encourages the use of renewable fuels and energy conservation efforts. To this end, I have cosponsored legislation to increase automobile fuel efficiency standards and have strongly supported Congressman INSLEE's New Apollo Energy Act, which would establish a nationwide commitment to developing and promoting new energy sources for the future. This strategy is important not only for our economy, but also for our national security.

Unfortunately, the Republican bill considered today does nothing to move us toward that goal, but instead offers us more of the failed policies of the past. I urge my colleagues to support the Stupak-Boucher substitute and to oppose H.R. 3893.

Mrs. WILSON of New Mexico. Mr. Speaker, times of tragedy should not be windfalls for opportunists in the wake of Hurricane Katrina gas prices fluctuated to upwards of \$6.00 in some communities.

Prosecution for price gouging is generally a state matter unless it involves some form of collusion or other activity in violation of federal laws.

Only 23 states have anti-gouging laws on the books, and definitions vary widely. Only 13 of those states have emergency anti-gouging laws. The aftermath of Hurricane Katrina has shown that the patchwork of state anti-gouging laws does not work to deter opportunists.

While the Federal Trade Commission (FTC) monitors gas prices and investigates possible antitrust violations in the petroleum industry, there is no federal law to prohibit price gouging by individual bad actors.

I welcome H.R. 3893 the Gasoline for America's Security (GAS) Act of 2005 price gouging language. It incorporates penalties of up to \$11,000 per violation and covers retail and wholesale sellers of crude oil, gasoline, diesel fuel and home heating oil.

The GAS Act Requires the FTC to enact a price gouging definition as soon as possible within six months, an improvement from the potential delay in the language reported out of Committee.

The House should pass a strong price gouging law that would be in effect in disaster areas. This bill includes a strong national policy providing stiff penalties for gasoline price gouging. Times of tragedy should not be windfalls for opportunists. I urge my colleagues to vote in favor of H.R. 3893, the Gasoline for America's Security Act of 2005.

Mr. VAN HOLLEN. Mr. Speaker, I rise in strong opposition to H.R. 3893, which in many ways is little more than a hastily assembled—and opportunistically revived—retread of discarded ideas from past energy debates.

Mr. Speaker, our constituents are asking for transparency in markets and price relief at the pump. So what does this bill do?

Rather than empowering the FTC to launch an aggressive investigation into recent reports of market manipulation, this legislation actually reduces the maximum penalty for price gouging from \$11,000 per incident to \$11,000 per day. So much for strengthening transparency and deterrence.

Instead of ensuring additional refining capacity, this bill blames and then proposes to eliminate key provisions of the Clean Air Act—as if public health protections are the barrier to additional refining capacity. They are not. The Government Accountability Office (GAO) has concluded—and industry representatives concede—that the decisive factor is economics. Indeed, far from cheering this legislation, Attorneys General from across the nation are sounding the alarm that H.R. 3893 will cripple states' ability to meet basic clean air standards for our citizens.

Finally, not content to relieve industry of its environmental obligations, H.R. 3893 extends the gravy train begun several months ago by lavishing oil companies with an additional \$1.5 billion over and above the \$4 billion they just received under the last energy bill. This—during a time of record deficits and industry profits.

Mr. Speaker, we do indeed have an energy crisis in this country—one that cannot begin to be solved by the kind of special interest wish list being passed off as legislation today. In the near term, we need to restore confidence and transparency to the marketplace by taking decisive steps to punish and deter market manipulation where necessary. Next, it is impera-

tive we make long overdue improvements in automobile fuel economy while diversifying our fuel mix to include alternatives like cellulosic ethanol and biodiesel. Finally, we need to invest in the next generation of 21st century technologies that create jobs, protect the environment and move us towards energy independence.

I ask my colleagues to embrace that vision and to oppose this bill.

Mr. SKELTON. Mr. Speaker, the Gasoline for America's Security Act has a nice name, but it does little to help Missouri's farmers and rural commuters who are experiencing record high energy costs.

Motorists in Missouri and across the Nation are paying a premium for gasoline and diesel fuel, especially in the wake of severe weather in the Gulf of Mexico. Missouri's Fourth Congressional District is primarily rural, and residents rely heavily on transportation in going about their daily lives. This is especially true for farmers who are also facing additional costs for natural gas, propane, fertilizer, and pesticides.

As energy expenses have sky-rocketed over the past few weeks, many Missourians have expressed concern and skepticism about high prices and simultaneous reports of record oil industry profits.

In order to make sure consumers are being treated fairly, the Federal Trade Commission and the Justice Department should be given explicit authority to investigate collusion and price gouging within the oil industry. Penalties must have teeth and must be severe. And, importantly, the government must be guaranteed broader authority to look into potentially illegal behavior within other energy sectors, at least during times of national emergency.

The bill being considered by the House today contains scant assistance for the rural Americans I am privileged to represent. It will not lower their energy prices and it puts in place weak price gouging standards. It also does little to promote additional refining capacity, while gutting important environmental safeguards and creating additional corporate tax breaks.

Waiving environmental protections and offering federal tax breaks to oil companies will not entice them to build new oil refineries. While more refineries would certainly help produce more gasoline, oil companies have had the opportunity and financial capability for years to increase their refining capacity. Environmental regulations are not stopping them. Rather, the inability to build profitable refineries has led oil company executives away from constructing or resurrecting them.

An alternative to this bill is being offered by Mr. STUPAK of Michigan and others. The Stupak bill would strengthen the hands of the Federal Trade Commission and the Justice Department, targeting price gouging across the energy spectrum. It would also help Americans who are struggling to deal with high gas prices and bracing for record home heating bills this winter, while creating a Strategic Refinery Reserve to provide additional gas supplies during energy shortages like the one we are currently facing.

I urge my colleagues to oppose the Republican bill and support the more wisely drafted alternative.

Mr. PAYNE. Mr. Speaker, I come before you today to express my opposition to H.R. 3893, the so-called "Gasoline for America's Security Act of 2005."

I share my colleagues' concern for the rising costs of fuel in this country, and I too am outraged at the allegations of those who would profit through other Americans' misfortunes by price gouging. However, I do not feel that we should join in the exploitation of this tragedy by using it as an opportunity to pass unsound, short-sighted, and irresponsible legislation.

This bill will do virtually nothing to lower gasoline and other fuel costs. It will not get relief to those Americans who are currently bearing the burden of more expensive gas and those who will be facing much bigger home heating bills this winter.

In fact, as far as I can tell, the only ones who will see relief from this bill are the ones who need it least: the gas and oil industry who are currently enjoying record profits. We seem to be offering subsidies to big oil with one breath and excuses to the American people with the next.

Just last week I came before you and assured you that I could not and would not support a bill that ignores and endangers public health. I make that promise again today. This bill's weakening of environmental protections poses a great threat not only to the viability and sustainability of our environment, but also to the people who inhabit it. Limiting judicial review and EPA oversight, allowing increased air emissions, and permitting delays in meeting current deadlines under the Clean Air Act is irresponsible and dangerous.

In my own state of New Jersey, studies have shown that our air pollution levels cause 2,000 premature deaths every year. At this rate, pollution ranks as the 3rd most serious public health threat in the State. Only smoking and obesity kill more New Jerseyans each year. Air pollution has also been directly linked to the rise in child asthma rates, lung cancer, learning disabilities, and heart attacks.

I will not endanger the lives and health of the people of my State. I will not support the weakening of environmental protections that will lead to increased pollution and threats to public health. I will not participate in fiscal irresponsibility by giving the oil and gas industry subsidies that do nothing to ease the cost burden on the American people, especially those who can least afford it.

In other words, I will not support H.R. 3893.

Mr. LARSON of Connecticut. Mr. Speaker, I rise today in opposition to the Gasoline for America's Security Act and in strong support for the substitute offered by the gentleman from Michigan (Mr. STUPAK) and the gentleman from Virginia (Mr. BOUCHER).

Our Nation is facing a real energy crisis. The people of Connecticut, and millions of Americans, are paying record amounts to fill their gas tanks. The Energy Information Administration (EIA) estimates that in the upcoming winter, homeowners in the northeast can expect to pay almost 30 percent more to heat their homes. American families will pay hundreds, if not thousands, more in extra energy costs this year. This will be a hard year for too many Americans.

Yet, in the name of Hurricane Katrina the House majority leadership is pushing a bill that does nothing to reduce our dependence on oil, lower gas prices, or help Americans get through the upcoming winter. We cannot solve high gas prices by throwing money at oil companies. We need to bring some real transparency into the oil industry and shine the brightest possible light on how these companies—making billions in record profits are

squeezing every possible dollar out of the American people. It's our American families who are struggling to heat their homes and fill their tanks this winter that need relief, not big oil.

I was honored to join the gentlewoman from New York (Mrs. SLAUGHTER) in offering an amendment that would have ended the practice of wholesale price discrimination by prohibiting oil companies from restricting the source of a dealer's supply of gasoline. This amendment, based on legislation proposed by Connecticut Attorney General Richard Blumenthal, would have gotten straight to the heart of high gas prices by freeing our local gas stations from the hold of big oil companies. The hard truth is that our small local gas station owners are just as much at the whim of big oil companies as the rest of us. They are locked into restrictive franchising agreements that require them to purchase their supply from a single wholesaler. As a result many of these owners, who may own two or more stations in different towns, often have to pay different prices on the same gas on the same day, depending on where their stations are located. Our amendment would have simply freed station owners to find the most competitive and fair market price to purchase their supply and pass real savings on to their customers.

Last night, while I was waiting at the Rules Committee to testify on our amendment, I had the opportunity to listen to many of my colleagues offer amendments that would have significantly improved this bill. From increasing fuel efficiency, addressing the natural gas crisis and making our Nation energy independent, it was clear to me that there are many worthwhile ideas that deserve real debate on the House floor. Unfortunately, as they do time and again, the majority rejected these excellent amendments in favor of pushing a bill that will do nothing for Americans paying high energy costs.

Instead of throwing taxpayer dollars at an industry making record profits, let us debate the real issues that are driving up the cost of energy. Let us take on the price gouging and market manipulation that is happening at all levels of oil production and distribution. Let us have a real discussion on how we can free our nation from dependence on foreign oil and develop the hydrogen and fuel cell technologies that will lead our energy future.

These debates are not taking place on the House floor today. The American people deserve better.

Mr. BLUMENAUER. Mr. Speaker, I rise in strong opposition to H.R. 3893, the "Second Energy Special Interest Act of 2005." The Bush administration's energy policy and the machinations of the Republican leadership on this subject have an Alice in Wonderland quality.

It was the Vice President, after all, who said that energy conservation may have been a virtue but it was no basis for a national energy policy. Yet just last week the President was compelled by circumstances to urge the only things that are really going to work to get us out of this energy crisis: conservation, the use of mass transit, and changing American driving habits. Unfortunately, the administration has not put forward any concrete proposals or recommendations for conservation initiatives. Instead, he has cut funding for the conservation and efficiency programs we already have in place.

It is unconscionable that this most recent energy bill completely misses the point. We're not going to drill, dig, and subsidize our way out of this energy crisis. Burning money is not an efficient way to produce energy. We must have an energy program for this century, not the 1950s. This new energy policy should consist of more efficiency, new technology, and less petroleum.

If we're going to spend more money, it should be invested in programs that actually help people. Higher fuel efficiency standards, public transit, and even bicycles, will do much more to reduce our dependence on foreign oil than what's in this bill. If just two percent of trips taken nationwide were taken by bikes, we would save more than two thirds of a billion gallons of gasoline a year and up to \$5 billion in total consumer driving costs.

Increasing fuel economy standards by a mere 1.5 miles per gallon—less than 10 percent—over the next 10 years would save more oil than we currently import from the Persian Gulf and more than we could ever recover from the Arctic National Wildlife Refuge, combined.

Last but not least, this bill's focus on making it easier to build more refineries by limiting our environmental standards completely misses the point. The fact is, the energy industry makes more money by restricting refinery capacity; the refiners' profits have jumped 80 percent over the past 5 years. As long as the oil companies stand to make more money with limited supply, this approach is doomed to fail.

This energy bill is not only a missed opportunity, but it is a cynical effort by Washington Republicans to exploit the tragedy of Hurricanes Katrina and Rita to give more subsidies to oil companies and to roll back environmental laws.

Mrs. MALONEY. Mr. Speaker, I rise today in strong opposition to H.R. 3893, the Gasoline for America's Security Act of 2005. This legislation will do nothing to lower the high cost of gas or help families pay for home heating oil this winter. Rather, it's another taxpayer subsidy from the Republican Majority to the oil and gas companies while the American people continue to face the increasing burdens that the rising cost of fuel is placing on family budgets.

I urge my colleagues to oppose this legislation.

Mr. COSTA. Mr. Speaker, since the 1973 energy crisis, we are no more energy independent now than we were then, and this legislation will do nothing to resolve this Nation's bankrupt energy policy.

For those of you who support federalism, this measure goes in opposition to state rights!

Our current energy policy is bankrupt. If this Congress is to pass a real energy policy, here are some things what we must do: Open up ANWR; invest the revenue into renewable energy resources; and provide incentives to promote the ingenuity of Americans to develop energy measures that are progressive and will rid us of energy dependence. The President has it right, we must conserve, but we must go further like improve CAFE standards and provide incentives to build a High Speed Rail network. Conservation is an American value, and it is lacking from this bill.

This Congress must craft a real energy policy that goes beyond the status quo.

Therefore, I urge that we vote down this measure, and support the Democratic substitute.

Mr. STARK. Mr. Speaker, I rise in strong opposition to H.R. 3893, the so-called Gasoline for America's Security Act of 2005.

This bill represents the worst of legislation written by and for corporations. In the name of helping the economy, it decimates environmental laws and eliminates the ability of state and local governments to decide what's best for them. It then reimburses oil companies for the inconvenience of having to act appropriately to protect our air and water. It is so far afield of economic reality that even the oil companies admit that refining capacity will increase without it. It is so environmentally reckless that one has to wonder if Republicans think that they, in addition to being exempt from our ethics rules, breathe different air than the rest of us.

While the Majority says that environmental regulations are the reason for high gas prices, the facts just don't support their claim. The reason that the cost of refining has increased is because oil companies voluntarily closed 30 refineries in the late eighties and early nineties to increase their profit margins. The scheme worked: Refinery revenues increased by 255 percent last year alone.

As one would expect, high profits are now encouraging companies to once again build and expand refineries. 1.4 million barrels per day of refining capacity were added between 1996 and 2003. Due to this expansion, even the American Petroleum Institute acknowledges that the Republican's bill is completely unnecessary.

This bill is shamefully using hurricanes and high gas prices as an excuse to advance the extreme anti-environment agenda of the Republican Party's corporate bankrollers. It would:

Allow the President to place new refineries in national forests, wildlife refuges, and closed military bases. The military base in my district would probably be an appealing target for this President. It's the site of a planned National Wildlife Refuge. Like many communities around the country, the City of Alameda has undergone an extensive planning process to convert the base to civilian use, but if the President said the word, all that could be undone without any local recourse.

Give the Federal Government sole authority to place new refineries, even those not on federal land. Apparently the oil executives running the Bush Energy Department know better than your City Council where an oil refinery should be placed.

Requires the Federal Government to reimburse refinery operators for the cost of lawsuits and any new environmental regulations. Citizens beware: If the Bush Administration wants to put a refinery next to your child's preschool, you can sue to block it, but you'll have to pay back the oil company every cent the lawsuit costs them.

We could have raised fuel economy standards today—the one policy that would actually have a dramatic impact on gas prices—but the Majority blocked the House from even voting on the issue. Then again, it would hardly be germane to consider such an amendment on a bill that has nothing whatsoever to do with lowering gas prices. I vote no on this reckless bill.

Mr. GENE GREEN of Texas. Mr. Speaker, these are very hard times for energy consumers—from people on fixed incomes filling up their tanks to multi-billion dollar chemical

companies facing soaring natural gas feed-stock costs.

I think we did a good job with the energy bill, which cannot provide immediate relief, but will allow prices to stabilize in the future and to become more affordable over time.

If the global market gives us \$60 per barrel oil, we are going to pay a lot for gas.

People say there is no global spare oil capacity.

Well, there is a lot here in the U.S. but we aren't allowed to use it—that is why I support expanded oil and gas production offshore in the OCS.

Limited refining capacity is leading to higher prices, but it is not the refiners fault.

We have 12 refining companies that make over 500,000 barrels per day.

That is more competitive than the software operating system industry, the airline industry, the semiconductor industry, and many others.

In the refining business, historical profits are well below average—that's why no one invested in expansion until recently, when margins improved.

Throughout this process, I have been concerned with both parties' approach to consumer protection on gasoline prices.

The original refinery bill had no FTC authority to protect consumers, only a study.

However, I am grateful to Chairman BARTON for making significant improvements to the committee-passed version of this bill.

The Stupak substitute goes even further by expanding refining capacity and applying tougher and clearer consumer protection standards to this bill.

It is clear that some price increases should be investigated—especially given price spikes in Atlanta that topped \$6 after Hurricane Katrina.

But, I object to singling out the energy industry.

If we need the FTC to investigate price spikes for gasoline during emergencies, it should have the authority to investigate price increases for any necessity during an emergency.

We should cover water supplies, financial services, clothing, food, and other things we need to survive in the modern world.

I also don't agree with critics of this bill who call it a give-away to the energy industry.

When the refining industry has historically low returns and lots of pollution control investments to make, there is not much we can do to force them to expand capacity.

I am particularly grateful to Chairman BARTON for eliminating the New Source Review reform provisions in the committee-passed version of the bill.

That language had the potential to hinder our efforts to improve air quality in Houston.

My constituents are extremely concerned with air pollution in our district, and we are working on solutions with the help of both industry and residents.

The elimination of this provision greatly improves this bill and ensures that it will do no environmental harm to the Houston area, which has long struggled to contain air pollution and smog.

The courts and the EPA are working to reform New Source Review, a highly complex and controversial program, and it is wise for Congress to let them address this issue.

For my part, I am thankful for the Chairman accepting my amendment to respond to the

crisis that brought us here—gasoline shortages and prices spikes after Hurricane Katrina and now Rita.

The amendment added an Energy Assurance title to the bill to require the Department of Energy to review, approve, and offer recommendations of the fuel supply segments of State evacuation plans.

The amendment also specifically authorizes critical energy facilities like refineries to request direct help from the Department of Energy during a federally declared emergency or disaster. It is in the national interest for refineries not to go down, and if they do, to get back up quickly.

The Department of Energy is authorized to provide assistance with generation capacity, water service, critical employees, ensure raw materials can be accessed, and any other necessity.

Neither the base bill nor the Stupak amendment is a perfect answer to our problems with refining capacity.

However, it is clear that the American public is feeling an energy pinch and is looking to Congress for action.

At this time, some amount of positive action is better than no action—which is why I will ultimately support this bill and encourage my colleagues to do the same.

Mr. UDALL of Colorado. Mr. Speaker, I rise in strong opposition to this bill today.

This so-called GAS Act has nothing to do with bringing the prices of gasoline down—its ostensible purpose—and everything to do with the Republican leadership overreaching, exploiting the catastrophes of Hurricanes Katrina and Rita to their own advantage.

As I said earlier this year when the House passed the Energy Policy Act, there is nothing I'd rather vote for than a balanced energy bill that sets us on a forward-looking course—one that acknowledges that this country is overly dependent on a single energy source—fossil fuels—to the detriment of our environment, our national security, and our economy.

But like its predecessor, this bill is far from balanced.

Although there is bipartisan recognition that this bill should—at a minimum—address price-gouging that occurred in the wake of Katrina, this bill's price-gouging provisions are weak. They give the Federal Trade Commission (FTC) authority to pursue price gouging by sellers of gasoline or diesel fuel only in those areas where a natural disaster has occurred. And the provisions are directed at small gas station owners rather than at refiners, when recent studies show that refineries' prices have increased 255 percent—as compared to an increase of retailers' margin of about 5 percent.

The bill also includes subsidies for oil companies if a refinery is delayed because of litigation, even if the litigation results from the oil company violating the law. We shouldn't be using taxpayer dollars to help profitable oil companies evade local, state, and federal laws and regulations.

More problematic, the bill claims to solve a problem that doesn't exist. The Republicans would have us believe that environmental permit requirements are to blame for the fact that no new refineries have been built since 1976. In fact, the only refinery that industry has attempted to build since 1976—a facility in Arizona—received its permit in just nine months. The truth is that over the last ten years, 30 ex-

isting refineries have been closed, but our refining capacity has been increasing. Refining capacity has become tight in recent years—so now companies can use their substantial profits to increase that capacity. But there is no reason to think that market forces cannot solve the current problem, and no reason to believe that “burdensome” environmental rules had anything to do with industry decisions not to add to refining capacity in recent years.

The Republicans tell us we need a smaller federal government and greater local government control. Yet this bill is yet another example of where their message doesn't mesh with reality. The reality is that this bill preempts state and local government responsibilities and relaxes environmental laws. The National Association of Counties, National Conference of State Legislatures, National League of Cities, and U.S. Conference of Mayors oppose this bill—and for good reason.”

H.R. 3893 gives federal bureaucrats at the Department of Energy sole authority over the location of new refineries, taking away the primary permitting and oversight authority from all other state and local agencies. The bill also gives the D.C. Appeals Court exclusive jurisdiction over states' actions related to refineries or pipelines, as opposed to allowing state and local agencies review refinery and pipeline construction. And even though the energy bill passed earlier this year limited the number of gasoline and diesel fuel blends, H.R. 3893 would limit them even further, undermining the ability of states and localities that already cannot meet national air quality goals to clean up the air their constituents breathe.

The bill instructs the president to designate sites on Federal lands, including closed military installations, for the purposes of siting a refinery. The bill excludes national parks, national monuments, and wilderness areas, but wildlife refuges and wilderness-quality lands such as Wilderness Study Areas and National Forest roadless areas are fair game.

I share the concerns of Thomas Markham, the Executive Director of the Lowry Redevelopment Authority in Colorado who also serves as the president of the Association of Defense Communities, about how this provision might affect former military bases. As he writes in a letter on behalf of the ADC, “Shifting the responsibility to the federal government for planning how closed military installation will be re-used would interfere with the time-tested approach developed over the past two decades. The conversion of military property to civilian uses is the responsibility of the community. Communities must be in charge when planning for life after closure.”

I realize that the rule as adopted today improved the bill language slightly to give communities more voice in the proposed process. But the essence of the bill language is the same. Again, this provision is a solution in search of a problem. There is nothing in the BRAC statute or in new DoD regulations that prevents a local community, through its redevelopment authority, from building or permitting an oil refinery on a military base.

And then there are the things the bill would not do. It fails on the “demand side” by not increasing vehicle fuel economy standards, which have been frozen since 1996. Raising CAFE standards is the single biggest step we can take to reduce oil consumption, since about half of the oil used in the U.S. goes into the gas tanks of our passenger vehicles.

I support legislation that would actually help lower gas prices.

I support the substitute introduced by Representative BART STUPAK that gives explicit authority to the FTC to define, for the first time, price gouging—not just for gasoline and diesel, but for natural gas, home heating oil, and propane. And the provisions are directed at the entire chain of gasoline production and distribution, including refineries. The substitute also authorizes new civil penalties of up to three times the amount of unjust profits gained by companies who engage in price gouging. The substitute would also increase our nation's refinery capacity by establishing a federal Strategic Refinery Reserve, patterned after the Strategic Petroleum Reserve, with capacity equal to 5 percent of the total U.S. demand for gasoline, home heating oil and other refined petroleum products.

Hurricanes Katrina and Rita did highlight a serious problem this country faces—our excessive reliance on fossil fuels. But the solution isn't to give still more incentives to oil and gas companies to drill. Instead, we should act to wean our nation from its dependence on fossil fuels, especially foreign oil. The Republican leadership claims this bill will help us reduce our dependence on foreign oil by stimulating domestic development and production. Yet with only 3% of the world's known oil reserves, we are not in a position to solve our energy vulnerability by drilling at home.

Our excessive dependence on fossil energy is a pressing matter of national security. We have an energy security crisis. We need to think anew to devise an energy security strategy that will give future generations of Americans an economy less dependent on oil and fossil fuels.

Unfortunately, this bill does not even begin to address this problem. For that reason, I cannot vote for it.

Ms. KILPATRICK of Michigan. Mr. Speaker, the spike in gasoline prices after hurricanes Katrina and Rita has drawn national attention to domestic energy supplies, as well as fuel efficiency standards. Instead of the Bush Administration and the Republican Congress offering a bill reducing gas prices, home heating prices, declare our Nation's energy independence, protect the environment, and put funds into increasing energy research and development, this Republican Congress promotes a bill that includes massive subsidies to oil companies at the expense of Americans.

Hurricanes Katrina and Rita devastated much of the energy infrastructure in the Gulf of Mexico. The region contains 47 percent of the Nation's oil refining capacity, and 19 percent of the Nation's natural gas production. Immediately after Hurricane Katrina the national average price for gasoline increased 46 cents to \$3.07 per gallon.

Home heating costs, including home heating oil, natural gas and electricity are predicted to increase 50–90 percent over last year's prices. Since 2001, home heating oil costs have nearly tripled, and natural gas costs have more than doubled, nearing crisis levels for homeowners and Americans on a fixed and low income.

President Bush recently gave a speech calling on consumers to conserve gasoline and other fuels. I have yet to hear the President urge oil, coal, utility, and energy companies to reduce their costs. During a time oil and refinery company profits are more than 200 per-

cent, the Republican solution is to offer subsidies to a profitable industry, to rollback environmental regulations, and to increase gasoline and home heating prices to Americans.

This bill is anti-consumer and anti-environment. The American people need real relief at the gas pump and with their heating bills. Democrats support an energy policy that helps Americans by stopping price gouging and increasing refinery capacity to keep gas and home heating prices low. The bill before us today will do nothing to lower gas prices at the pump or lower home heating costs.

If the alternative offered by my Michigan colleague, Representative BART STUPAK is accepted, we would have a strong energy bill. The Stupak substitute gives the Federal Trade Commission new powers to prohibit price gouging for gasoline, diesel, natural gas, home heating oil, and propane. The substitute also creates a new Strategic Refinery Reserve that would give our country the ability to produce refined oil products during extreme energy situations. This approach is more favorable and will help Americans at this most difficult time.

The underlying legislation is a bad deal for America. I urge my colleagues to join me in voting against passage of the energy bill.

Ms. JACKSON-LEE of Texas. Mr. Speaker, it goes without saying that we are facing a serious energy crisis in this country. Since the beginning of the year, crude oil prices have been continuously escalating, and most recently have exceeded \$70 dollars a barrel. Many factors, ranging from the war in Iraq, to increased demand from China and India have caused the spike in prices. While the factors may vary, the results are constant. Many Americans are suffering from the high cost of gasoline which has exceeded \$3 dollars a gallon in some areas. In addition, as winter approaches the price of natural gas is also expected to be exceedingly high which will further increase the burden Americans, particularly those who fall into low income brackets, will have to shoulder as they figure out how to pay for gas to get to work and electricity to heat their homes.

Unfortunately, Hurricane Katrina and Rita did not help the situation. With their devastating power, Katrina caused U.S. oil and refinery operations in the Gulf of Mexico to shut down an estimated 1 million barrels of refining capacity. With Louisiana and Mississippi being such a crucial part of the U.S. energy infrastructure, these interruptions played a vital role in spiking prices. Both hurricane Katrina and Rita should serve as flashing light that we need more refineries in this country. While this may be the case, we as policy makers must go about it in smart way that gives us the capacity we need, but also does not jeopardize the environment and health of the American people. This means ensuring that we have sound environmental laws that protect, but not restrict development. While I realize this can be difficult to achieve at first sight, I believe this goal can be achieved if party lines are dropped and the needs and concerns of the American people are put first. I hope this will be the course followed as we move through conference.

While I am pleased that the New Standard Review provision has been removed from the Barton bill, it is still not perfect. For example it does not list factors that the FTC must use when defining price gouging. In addition, the

bill does not provide any additional penalties for those who engage in price gouging, and does not direct penalties collected back to consumers. Further, the bill does not even mention market manipulation or price transparency.

In contrast, the Stupak/Boucher substitute list factors that the FTC must use when defining price gouging. It also applies to all crude and refined petroleum products including propane and Natural Gas. The substitute also strengthens enforcement against those who price gouge by providing new civil penalties with up to triple damages of the profits gained by the violation. In addition, it directs penalties collected from price gougers to go towards LIHEAP. Further, it provides the FTC with authority to stop market manipulation and provide information on price transparency. Finally, the bill builds on the proven success of the Strategic Petroleum Reserve by requiring the Federal Government to operate Strategic Refinery Reserve to ensure adequate supply of refined products in emergency situations. Most importantly, the bill maintains environmental standards.

Before closing let me take a few moments to mention my amendment that was adopted by voice vote during the Full Committee Markup. I appreciate Chairman BARTON's willingness to work with me on this issue. In essence, the provision would authorize and direct the Secretary of Energy to establish a program at Historically Black Universities, Hispanic serving institutions, and community colleges to encourage minority students to study the earth and other sciences and enter the field of geology in order to qualify for employment in the oil, gas, and mineral industries. As we continue to deal with the energy crises we are facing, we need qualified individuals in the fields who can assist with providing new information as to the location of reserves. As we are all aware, there has been a great deal of talk about where the next source of oil will come from that will sustain this country. If we do not encourage individuals to study the earth sciences we may never find this country's next source of oil. Geology is more than the study of rocks; it has become the corner stone of this country's oil supply.

Today, HBCU's remain one of the surest ways for an African American, or student of any race, to receive a high quality education. Seven of the top eleven producers of African American baccalaureates in engineering were HBCU's, including #1 North Carolina A&T State University. The top three producers of African American baccalaureates in health professions (#1 Southern University and A&M College, #2 Florida A&M University and #3 Howard University) were HBCU's. The twelve top producers of African American baccalaureates in the physical sciences, including #1 Xavier University of Louisiana, were all HBCU's. While, Hispanic Serving Institutions (HIS's) have also produced great leaders in this country, according to the Hispanic Association of Colleges and Universities Hispanics are historically underrepresented in the areas of science, technology, engineering and mathematics. HIS's receive only half the federal funding per student, on average, accorded to every other degree-granting institution. This provision would seek to encourage all minorities to study the earth sciences and geology to better equip them for jobs in the oil and gas and minerals industries.

Mr. MORAN of Virginia. Mr. Speaker, I rise in opposition to this rule and this legislation.

This legislation is a corruption of special energy interests, it displays an abject disregard for human health and the environment, and it fails completely to find consensus to address the impending energy crisis.

Today, we have the opportunity to lead and help the people of this country in a genuine and lasting manner.

Instead, we are turning our back on the people and are catering to the self-interests of the highest bidders.

History will not look favorably on the actions of this administration and this Congress.

Confirmation of this criticism is contained in today's rule.

The rule corrects an overreach by some within the oil and gas and electric utility industries.

It seems the majority could not muster the votes to perpetrate a complete gutting of the Clean Air Act's New Source Review provisions.

Under the pretext of lowering the cost of building new refineries by waiving certain environmental laws designed to protect the public, a few bad electric utilities operators tried to hitch a ride and enact what they have been trying for years to achieve: enable their older coal-fired power plants to operate without adding modern emission controls to reduce harmful emissions.

Given the refinery industry's high profits and cash reserves, I find it hard to believe that we need to endanger the public's health to increase refinery capacity, but why should electric utilities be granted the same exemption from the New Source Review provisions?

Despite the full support of the Bush administration, the utility companies' goals have been blocked by the courts and enforcement actions by the Justice Department which has continued to uphold the law and prosecute violators.

The bill approved by the Energy and Commerce Committee would have enabled refineries and utilities making physical changes that do not increase emissions above a maximum level the plant could have theoretically once emitted to be exempt from the New Source Review requirements.

The late Senator John Chafee, when crafting the New Source Review provisions, stated:

[O]lder plants are operating well below their maximum capacity. To allow a refurbished utility to emit at its old potential levels could permit an almost twofold increase in emissions. * * * So this amendment could permit a powerplant, even one where its emissions directly affected a national park, for example, to refurbish or add a new boiler, to double its NO_x and particulate emissions, triple its SO₂ emissions and cover these SO₂ emissions by purchasing allowances and never have to demonstrate what impact this would have on visibility or other air quality standards. Similarly, a powerplant * * * could increase emissions in one of these nonattainment areas and neither have to demonstrate air quality impacts nor be required to offset these increases of emissions as they are required to do under existing law.

Beyond making it easier and cheaper to increase refining capacity and to prosecute for price gouging, what does this legislation do to wean our dependency from oil and from a growing worldwide shortage in oil?

Nothing.

In fact, this rule blocks us from even considering what is clearly one greatest opportunities to reduce the country's dependence of imported oil.

My colleagues Representatives BOEHLERT and MARKEY had an amendment that this rule does not allow us to consider that would require auto manufacturers to improve the fuel efficiency of their automobiles by raising the Corporate Fuel Economy Standards (CAFE) for SUVs and minivans.

Had the current President's father adopted tougher CAFE standards, put us on a gradual path to 27 miles per gallon for light trucks and 34 gallons for cars, we would have displaced all oil we import from the Persian Gulf today.

Of course we would still be importing oil from the Persian Gulf, but our economy and our transportation sector and today's auto manufacturers would not be reeling from the consequences of \$60 barrels of oil and \$3.00 gallons of gasoline.

We are an oil-based economy, with about 60 percent of our oil imported from abroad. While coal, uranium and some renewable sources such as wind and hydro comprise a majority of the fuel used to generate electricity, most of our economy is dependent or exclusively reliant on oil, from fertilizers for agriculture, plastics for manufacturing to gasoline and diesel for transportation.

You would think that, in light of world events and the vulnerabilities Hurricane Katrina and Rita illuminated, we would have a different bill. World oil supplies have tightened, the price of oil has shot up to over \$60 a barrel and many of our foreign sources of oil, the Middle East, in particular, but Africa and Venezuela as well, have grown even less stable.

This bill, while better than what was approved by the Energy and Commerce last week, is woefully deficient and heads our country in the wrong direction. It rushes us closer to the day oil shortages occur and sets us backward on our ability to address it.

Oppose today's rule and oppose this bill.

Mr. WOLF. Mr. Speaker, Hurricane Katrina may not only have been one of the most destructive natural disasters in our nation's history, the argument could be made that Katrina was the perfect storm in exposing our nation's vulnerabilities in supplying oil and gas to meet our energy needs.

There is absolutely no doubt that our country must become energy independent. Today we rely on foreign sources of oil to supply 60 percent of our energy needs. We are at the mercy of the Oil Producing Export Countries. Disruption in our energy supply—whether through OPEC policies to reduce production, disruption in domestic drilling and shipping caused by hurricanes, or limited refining capacity—energy security is a matter of national security.

I understand the serious impact that rising fuel prices have on the everyday lives of people and the strength of our economy. It is an issue which impacts everyone who drives or uses oil and every sector of our economy. We must find ways to improve conservation of oil resources, increase domestic production and oil refining capacity. Progress also needs to be made in developing alternative fuels as well as making the machines we use more energy efficient.

The argument has been made that our nation's ability to refine both imported and domestic sources of oil is limited because no

new oil refineries have opened in the United States in almost 30 years. Additionally, just under half our refinery capacity or 47 percent is concentrated in the Gulf of Mexico. If every refinery is operating at full capacity, 17 million barrels per day are refined, however, demand averages at 21 million barrels a day. The legislation before the House today, H.R. 3893, the Gasoline for America's Security Act of 2005, attempts to increase refining capacity through provisions to encourage new refinery construction and streamline the regulatory path to build new refineries, among other provisions.

Mr. Speaker, I am giving the benefit of the doubt to Chairman BARTON and the Energy and Commerce Committee on this bill and I will vote for it, albeit reluctantly, to help move the process forward. But I believe we need more debate, especially on the issue of making certain we maintain strong environmental protections for clean air and water and endangered species when siting refineries, and I am hopeful that the House can negotiate with the Senate to come up with a more balanced bill. I am glad to see that the provisions modifying the New Source Review Program and the New Source Performance Standards Programs, which would reduce protections against pollutants, were removed from the final version of the bill.

I also am pleased that the bill authorizes the president to have a refinery permitted, constructed and operated for the sole consumption of the United States Armed Forces. It is absolutely necessary that we do everything possible to ensure that our ability to defend our citizens is inhibited by a simple lack of oil and refined gas.

If our nation ever hopes to reduce its dependence on imported oil, we also must increase automobile fuel economy standards. I was very disappointed that the Rules Committee failed to make in order an amendment to H.R. 3893 to increase Corporate Average Fuel Economy (CAFE) standards. I enclose for the record a copy of the text of the letter I signed with Representatives BOEHLERT, SHAYS, GILCHREST and others to the Rules Committee. We must have fuel efficient automobiles that do not waste gasoline. I support boosting CAFE standards for U.S. auto makers to 33 mpg over 10 years (by 2015), consistent with the findings of the National Academy of Sciences, in order to save 10 percent of the gasoline the nation would otherwise consume by 2015. The current standard of 27.5 miles per gallon has been in effect for nearly two decades despite proven technology that promises to stretch engine efficiency to much higher levels. I believe such a reasonable approach is needed to put U.S. auto makers on notice that they must work to produce more fuel efficient vehicles.

I am also disappointed that, although the bill establishes a program to encourage the use of carpooling and vanpooling to save energy, there is absolutely no mention of telework. Ridesharing is important, but telework is the most efficient way to reduce gasoline consumption and reduce pollutants by taking commuters off the roads and allowing them to work at home or at a telework center close to home. Allowing all eligible federal employees to telework is the law of the land. Why is telework not included in this bill?

I also believe we must have tough penalties on price gouging. I am very concerned when

I hear from my constituents who don't understand how the price of gasoline at the pump can jump 25 cents in one day or how the same brand of gasoline can be selling at widely different prices at gas stations only a few miles apart. Then we hear the major oil companies reporting record profits while consumers deal with skyrocketing gas prices.

This is far from a perfect bill. In the wake of the perfect storm that Katrina brought to our nation, we need to take action to both increase our energy supply and to become more energy and fuel efficient. Congress has an opportunity to craft a fair and balanced bill. I hope the legislation that is brought to the House after conference with the Senate is a bill that protects consumers, protects the environment and moves our nation to energy efficiency and is a final bill that I can support.

Hon. DAVID DREIER,
Chairman, House Committee on Rules,
The Capitol, Washington, DC.

DEAR MR. CHAIRMAN: We are writing to urge that the Rules Committee make in order Congressman Boehlert's amendment to increase Corporate Average Fuel Economy (CAFE) standards when it reports out a rule for the consideration of H.R. 3893, the "Gasoline for America's Security Act of 2005."

The amendment, a version of which has been made in order in each of the last three Energy Bill debates in the House, is germane to H.R. 3893. Indeed, it is difficult to see how the House could be seen to have a complete debate on the availability of gasoline without a discussion of fuel economy standards. In the wake of Hurricane Katrina and \$3 per gallon gasoline prices, more Americans are becoming aware of the need to address the demand, as well as the supply side of our gasoline crisis—to protect their own family pocketbooks, as well as to enhance the nation's energy security. Indeed one recent poll found that 86 percent of Americans favor higher fuel economy standards, more than the percentage favoring any other approach to the current energy pinch. At this time when both the public and their representatives are becoming more open to toughening fuel economy standards, fairness dictates that a serious amendment on fuel economy standards be part of the debate about how the nation will ensure that gasoline remains affordable and accessible.

The transportation sector is the nation's single largest consumer of oil, yet it is also the only sector of the economy that is less fuel efficient than it was 20 years ago. A debate on gasoline needs to include measures that will address that fact, especially when the National Academy of Sciences concluded four years ago that the technology exists to accomplish fuel economy goals cost-effectively and safely. And the study did not even consider three important technologies that automakers have since begun to introduce in the marketplace that can achieve even greater fuel economies: hybrid engine technologies, clean diesel technologies and high-strength, lightweight composites and steels.

The House needs and deserves to have a discrete debate on fuel economy, just as it has had during the debate on past energy bills. The issue must not get lost in disputes about other aspects of H.R. 3893, which deals with a wide variety of legal and regulatory issues. We urge you to allow a clear, full and open debate on the single measure that would do the most to reduce the U.S. demand for oil.

Sincerely, _____

Mr. ETHERIDGE. Mr. Speaker, I rise today in opposition to H.R. 3893.

Our country is facing a painful energy crisis under the policies of this Administration and

Congressional leadership. Just last week, I received a letter from a constituent of mine, Paul Perry of Dunn, North Carolina, a small businessman struggling to make ends meet. He wrote: "We just broke ground on a new brick plant and should be in operation by August of 2006. I just hope gas prices don't break us before we get the new plant in production." The American people desperately need effective new energy policies, but H.R. 3893 is simply more of the same failed giveaways to Big Oil.

The bill on the floor today is nothing more than a giveaway to big oil companies; and on top of this, it contains environmental rollbacks that the Administration has been unsuccessfully pursuing for years for gas and coal fired power plants. These provisions would relax existing pollution controls on thousands of industrial facilities across the country in what one energy industry official even called the most blatant attack on state and local environmental authority that he's ever seen.

This legislation would throw out provisions my state of North Carolina implemented when we passed our own clean smokestacks legislation. This legislation would cap penalties levied against big oil companies and refineries caught price gouging to meager amounts at a time when they are recording record profits. Finally, this bill would give tax breaks to those same oil companies at a time of record budget deficits.

I urge my colleagues to vote against this bill, and to support the substitute that provides real provisions to crack down on price gouging. The substitute bill provides real help to the American people. It punishes price gougers, not just the gas stations but the refineries, the wholesalers, and any of the big oil companies if they are caught taking advantage of the American people.

The substitute also creates a strategic refining capacity for the country in times of a national emergency, without jeopardizing the environmental safeguards put in place by the Congress to protect our air, water, land, and public health.

Again, I urge my colleagues to support the Democratic substitute.

Mr. HONDA. Mr. Speaker, I rise today to express my opposition to H.R. 3893. Hurricanes Katrina and Rita caused tremendous devastation along the Gulf coast, and I appreciate the need to address the suffering and destruction that resulted. However, I am appalled at this effort by the Republican majority to exploit this national tragedy to weaken environmental, public health, and consumer protections under the guise of lower gasoline prices; and protect consumers from price-gouging on gasoline. Sadly, the bill will accomplish none of these things, while being loaded down with controversial unrelated provisions. This is why it was opposed by every Democrat on the Committee on Energy and Commerce.

While claiming to protect consumers, this bill actually weakens the Federal Trade Commission's authority to deal with price gouging, at a time when we have seen gasoline prices rise at astronomical rates. It focuses all price gouging efforts on mom-and-pop retailers, rather than the big oil companies and refiners who are actually reaping enormous profits. This bill limits the areas that can be investigated for price-gouging, and there is no real enforcement authority to prosecute bad behavior.

The bill gives new regulatory subsidies to the refining industry at a time when that indus-

try's profits are breaking records. The Washington Post reported last month that over the past year, refinery profit margins on a gallon of gasoline have increased over 255 percent. Yet the bill could also put taxpayers on the hook for unlimited damages if a refinery is stalled in litigation or must meet new regulatory standards. The fact is that refineries are not being built in this country because the companies do not want to build them for economic reasons.

And this bill will undermine local control by forcing some communities with closed military bases to accept refineries without having any input in the process. These communities will not be able to develop sites for years even if the Federal Government does not ultimately build refineries on them.

I was at a roundtable with high tech leaders last weekend, and the one thing they talked most about was energy. They emphasized the need for new alternative energy supplies and highlighted the role that new technologies can play in using energy more efficiently and generating it in new ways. Sadly, the Republican bill will do nothing in this area. And one amendment that would have led to real strides in efficiency, the Boehlert-Markey amendment which would have increased fuel economy standards for cars and trucks to 33 miles per gallon by 2015, was not even allowed by the Rules Committee. I am incredulous as to how we could be considering a bill that is supposed to address high gasoline prices and not have a debate on increasing the efficiency with which vehicles use fuel. Even the President is now advocating conservation, which his own Vice President once claimed was a virtue but not a policy.

That is why I oppose H.R. 3893 and support the Democratic substitute, which will provide real enforcement against energy price gouging and establish a Strategic Refinery Reserve, patterned on the successful Strategic Petroleum Reserve, to protect against loss of refinery capacity.

Mr. CASTLE. Mr. Speaker, more than ever in the wake of the recent hurricanes, Congress and the American people are focused on meeting our energy needs. Whether it's the rise in gas prices at the pump or the anticipation of expensive home heating bills this winter, all Americans are feeling the pinch.

We have already signed into law an energy bill that sought to expand domestic production of oil and other sources of energy, but we have done very little to reduce demand. Yet again, we are considering a bill that will only address the supply end of the equation. Even if increasing refinery capacity were to positively affect gasoline prices, as the The Gasoline for America's Security Act of 2005 (H.R. 3893) purports, it would do so at the expense of our environment and public health, and by trumping state law.

While I am pleased that the manager's amendment strikes changes to the "New Source Review" program, provisions remain that ill hurt taxpayers, pollute our environment, supersede state law, and give unnecessary payments to the oil companies. This bill outlines erroneous solutions to our current energy challenges, and ultimately fails to "secure" Americans from energy price surges.

Whereas intended to respond to temporary refinery shortages caused by recent hurricanes and to address high gasoline prices, the bill weakens environmental laws and undermines states' rights by limiting the kinds of

cleaner fuels states can require to meet their clean air targets; federalizing many siting and permitting decisions relating to refineries; limiting the kinds of diesel fuel that can be required and interfering with the low sulfur diesel rule that was championed by the Bush Administration; rewriting the permitting process for refineries to limit environmental reviews without any evidence that current processes are at all a problem; and enabling cities with harmful levels of ozone air pollutants to delay improving air quality.

Adoption of this bill would constitute a major setback for air quality across the nation. The longterm costs for backtracking on important pollution measures will be far greater than the short term gains from this bill. Our states have worked aggressively to ensure that improvements are made to air quality and it is our duty to support, not hinder, such efforts.

Instead of only meeting our energy needs by increasing supply, we need to continue to improve conservation methods and our R&D efforts in renewable sources of energy like wind and solar power. And, we must take a hard look at automobiles, from creating additional consumer incentives for domestic production and purchase of efficient hybrid-electric vehicles to the possibility of increasing fuel economy standards, so cars can go further on a tank of gas. A diversified approach, based on a variety of resources, will truly save consumers money at the pump and help to reduce our dependence on foreign oil.

The legislation before us today can only hurt our states and our environment and I urge a no vote on this legislation.

Mr. BARTON of Texas. Mr. Speaker, I submit the following exchange of letters for the RECORD.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE JUDICIARY,
Washington, DC, October 5, 2005.

Hon. JOE BARTON,
Chairman, Committee on Energy and Commerce,
U.S. House of Representatives, Washington,
DC.

DEAR CHAIRMAN BARTON: On September 28, 2005, the Committee on Energy and Commerce ordered reported H.R. 3893, the "Gasoline for America's Security Act of 2005." In recognition of the desire to expedite floor consideration of H.R. 3893, the Committee on the Judiciary hereby waives any consideration of the bill.

Several sections of H.R. 3893 contain matters within the Committee on the Judiciary's rule X jurisdiction. A summary of principal provisions within the Committee on the Judiciary's jurisdiction follows.

Section 102(e) grants original and exclusive Federal court jurisdiction to adjudicate civil actions filed under this section. Section 202(e) grants original and exclusive Federal court jurisdiction to adjudicate civil actions filed under this section. These matters fall within the Committee on the Judiciary's jurisdiction under rule X(1)(1)(1) ("The judiciary and judicial proceedings, civil and criminal").

Section 605(f) grants members of the "Commission for the Deployment of the Hydrogen Economy," as created under Title VI of the bill, the authority to issue subpoenas without requesting the assistance of the Attorney General. This matter falls within the Committee on the Judiciary's jurisdiction under rule X(1)(1)(1) ("The judiciary and judicial proceedings, civil and criminal").

The Committee on the Judiciary agrees to waive any formal consideration of the bill with the understanding that its jurisdiction over these and other provisions contained in

the legislation is no way altered or diminished. This waiver is further conditioned upon the understanding between our Committees that there are no provisions contained in H.R. 3893 that could be construed or interpreted to alter, modify, or to have any effect on any laws or regulations pertaining to any fuel additive, including ethanol and MTBE. The Committee on the Judiciary also reserves the right to seek appointment to any House-Senate conference on this legislation. I would appreciate your including this letter in the Congressional Record during consideration of H.R. 3893 on the House floor. Thank you for your attention to these matters.

Sincerely,
F. JAMES SENSENBRENNER, JR.,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON ENERGY AND COMMERCE,
Washington, DC, October 4, 2005.
Hon. F. JAMES SENSENBRENNER, JR.,
Chairman, Committee on the Judiciary, House
of Representatives, Rayburn House Office
Building, Washington, DC.

DEAR CHAIRMAN SENSENBRENNER: I write in regards to H.R. 3893, Gasoline for America's Security Act of 2005.

While the Committee on the Judiciary did not receive a referral of the bill upon introduction, I appreciate your willingness not to seek a referral on H.R. 3893. I agree that your decision to forego action on the bill will not prejudice the Committee on the Judiciary with respect to its jurisdictional prerogatives on this or future legislation.

Further, knowing of your interest in the debate surrounding fuel additive liability, nothing in H.R. 3893 should be construed or interpreted to alter, modify, or to have any effect on any laws or regulations pertaining to any additive, including ethanol and MTBE.

I will include our exchange of letters in the Committee's report on H.R. 3893, and I look forward to working with you as we prepare to pass this important energy legislation for the American people.

Sincerely,
JOE BARTON,
Chairman.

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

The SPEAKER pro tempore. All time for debate on the bill has expired.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2360) "An Act making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes."

AMENDMENT IN THE NATURE OF A SUBSTITUTE
OFFERED BY MR. STUPAK

Mr. STUPAK. Mr. Speaker, I offer an amendment in the nature of a substitute.

The Clerk will designate the amendment in the nature of a substitute.

The text of the amendment in the nature of a substitute is as follows:

Amendment in the nature of a substitute offered by Mr. STUPAK:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Federal Response to Energy Emergencies Act of 2005".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:
Sec. 1 Short title; table of contents.

TITLE I—PROTECTING CONSUMERS FROM ENERGY PRICE GOUGING

Sec. 101. Unconscionable pricing of gasoline, oil, natural gas, and petroleum distillates during emergencies.
Sec. 102. Declaration of energy emergency.
Sec. 103. Enforcement by the Federal Trade Commission.

Sec. 104. Enforcement at retail level by State attorneys general.

Sec. 105. Low income energy assistance.

Sec. 106. Effect on other laws.

Sec. 107. Market transparency for crude oil, gasoline, and petroleum distillates.

Sec. 108. Report on United States energy emergency preparedness.

Sec. 109. Protective action to prevent future disruptions of supply.

Sec. 110. Authorization of Appropriations.

TITLE II—ENSURING EMERGENCY SUPPLY OF REFINED PETROLEUM PRODUCTS

Sec. 201. Refineries.

TITLE I—PROTECTING CONSUMERS FROM ENERGY PRICE GOUGING

SEC. 101. UNCONSCIONABLE PRICING OF GASOLINE, OIL, NATURAL GAS, AND PETROLEUM DISTILLATES DURING EMERGENCIES.

(a) UNCONSCIONABLE PRICING.—

(1) IN GENERAL.—During any energy emergency declared by the President under section 102, it is unlawful for any person to sell crude oil, gasoline, natural gas, or petroleum distillates in, or for use in, the area to which that declaration applies at a price that—

(A) is unconscionably excessive; or

(B) indicates the seller is taking unfair advantage of the circumstances to increase prices unreasonably.

(2) FACTORS CONSIDERED.—In determining whether a violation of paragraph (1) has occurred, there shall be taken into account, among other factors, whether—

(A) the amount charged represents a gross disparity between the price of the crude oil, gasoline, natural gas, or petroleum distillate sold and the price at which it was offered for sale in the usual course of the seller's business immediately prior to the energy emergency; or

(B) the amount charged grossly exceeds the price at which the same or similar crude oil, gasoline, natural gas, or petroleum distillate was readily obtainable by other purchasers in the area to which the declaration applies.

(3) MITIGATING FACTORS.—In determining whether a violation of paragraph (1) has occurred, there also shall be taken into account, among other factors, whether the price at which the crude oil, gasoline, natural gas, or petroleum distillate was sold reasonably reflects additional costs, not within the control of the seller, that were paid or incurred by the seller.

(b) FALSE PRICING INFORMATION.—It is unlawful for any person to report information related to the wholesale price of crude oil, gasoline, natural gas, or petroleum distillates to the Federal Trade Commission if—

(1) that person knew, or reasonably should have known, the information to be false or misleading;

(2) the information was required by law to be reported; and

(3) the person intended the false or misleading data to affect data compiled by that department or agency for statistical or analytical purposes with respect to the market for crude oil, gasoline, natural gas, or petroleum distillates.

(C) MARKET MANIPULATION.—It is unlawful for any person, directly or indirectly, to use or employ, in connection with the purchase or sale of crude oil, gasoline, natural gas, or petroleum distillates at wholesale, any manipulative or deceptive device or contrivance, in contravention of such rules and regulations as the Federal Trade Commission may prescribe as necessary or appropriate in the public interest or for the protection of United States citizens.

(d) RULEMAKING.—Not later than 180 days after the date of the enactment of this title, the Federal Trade Commission shall promulgate rules necessary and appropriate to enforce this section.

SEC. 102. DECLARATION OF ENERGY EMERGENCY.

(a) IN GENERAL.—If the President finds that the health, safety, welfare, or economic well-being of the citizens of the United States is at risk because of a shortage or imminent shortage of adequate supplies of crude oil, gasoline, natural gas, or petroleum distillates due to a disruption of the national distribution system for crude oil, gasoline, natural gas, or petroleum distillates (including such a shortage related to a major disaster (as defined in section 102(2) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122))), or significant pricing anomalies in national or regional energy markets for crude oil, gasoline, natural gas, or petroleum distillates of a more than transient nature, the President may declare that a Federal energy emergency exists.

(b) SCOPE AND DURATION.—The declaration shall apply to the Nation, a geographical region, or 1 or more States, as determined by the President, but may not be in effect for a period of more than 45 days.

(c) EXTENSIONS.—The President may—

- (1) extend a declaration under subsection (a) for a period of not more than 45 days; and
- (2) extend such a declaration more than once.

SEC. 103. ENFORCEMENT BY THE FEDERAL TRADE COMMISSION.

(a) ENFORCEMENT BY FTC.—A violation of section 101 shall be treated as a violation of a rule defining an unfair or deceptive act or practice prescribed under section 18(a)(1)(B) of the Federal Trade Commission Act (15 U.S.C. 57a(a)(1)(B)). The Federal Trade Commission shall enforce this title in the same manner, by the same means, and with the same jurisdiction as though all applicable terms and provisions of the Federal Trade Commission Act were incorporated into and made a part of this title. In enforcing section 101(a) of this title, the Commission shall give priority to enforcement actions concerning companies with total United States wholesale or retail sales of crude oil, gasoline, and petroleum distillates in excess of \$500,000,000 per year.

(b) CIVIL PENALTIES.—

(1) IN GENERAL.—Notwithstanding the penalties set forth under the Federal Trade Commission Act, any person who violates section 101 shall be subject to the following penalties:

(A) PRICE GOUGING; UNJUST PROFITS.—Any person who violates section 101(a) shall be subject to—

- (i) a fine of not more than 3 times the amount of profits gained by such person through such violation; or
- (ii) a fine of not more than \$3,000,000.

(B) FALSE INFORMATION; MARKET MANIPULATION.—Any person who violates section 101(b)

or 101(c) shall be subject to a civil penalty of not more than \$1,000,000.

(2) METHOD OF ASSESSMENT.—The penalties provided by paragraph (1) shall be assessed in the same manner as civil penalties imposed under section 5 of the Federal Trade Commission Act (15 U.S.C. 45).

(3) MULTIPLE OFFENSES; MITIGATING FACTORS.—In assessing the penalty provided by subsection (a)—

(A) each day of a continuing violation shall be considered a separate violation; and

(B) the Federal Trade Commission shall take into consideration the seriousness of the violation and the efforts of the person committing the violation to remedy the harm caused by the violation in a timely manner.

SEC. 104. ENFORCEMENT AT RETAIL LEVEL BY STATE ATTORNEYS GENERAL.

(a) IN GENERAL.—A State, as *parens patriae*, may bring a civil action on behalf of its residents in an appropriate district court of the United States to enforce the provisions of section 101(a) of this title, or to impose the civil penalties authorized by section 103(b)(1)(B), whenever the attorney general of the State has reason to believe that the interests of the residents of the State have been or are being threatened or adversely affected by a violation of this title or a regulation under this title.

(b) NOTICE.—The State shall serve written notice to the Federal Trade Commission of any civil action under subsection (a) prior to initiating such civil action. The notice shall include a copy of the complaint to be filed to initiate such civil action, except that if it is not feasible for the State to provide such prior notice, the State shall provide such notice immediately upon instituting such civil action.

(c) AUTHORITY TO INTERVENE.—Upon receiving the notice required by subsection (b), the Federal Trade Commission may intervene in such civil action and upon intervening—

- (1) be heard on all matters arising in such civil action; and
- (2) file petitions for appeal of a decision in such civil action.

(d) CONSTRUCTION.—For purposes of bringing any civil action under subsection (a), nothing in this section shall prevent the attorney general of a State from exercising the powers conferred on the attorney general by the laws of such State to conduct investigations or to administer oaths or affirmations or to compel the attendance of witnesses or the production of documentary and other evidence.

(e) VENUE; SERVICE OF PROCESS.—In a civil action brought under subsection (a)—

- (1) the venue shall be a judicial district in which—
 - (A) the defendant operates;
 - (B) the defendant was authorized to do business; or
- (2) where the defendant in the civil action is found;

(3) process may be served without regard to the territorial limits of the district or of the State in which the civil action is instituted; and

(4) a person who participated with the defendant in an alleged violation that is being litigated in the civil action may be joined in the civil action without regard to the residence of the person.

(f) LIMITATION ON STATE ACTION WHILE FEDERAL ACTION IS PENDING.—If the Federal Trade Commission has instituted a civil action or an administrative action for violation of this title, no State attorney general, or official or agency of a State, may bring an action under this subsection during the pendency of that action against any defendant named in the complaint of the Federal Trade Commission or the other agency for

any violation of this title alleged in the complaint.

(g) ENFORCEMENT OF STATE LAW.—Nothing contained in this section shall prohibit an authorized State official from proceeding in State court to enforce a civil or criminal statute of such State.

SEC. 105. LOW INCOME ENERGY ASSISTANCE.

Amounts collected in fines and penalties under sections 103 of this title shall be deposited in a separate fund in the treasury to be known as the Consumer Relief Trust Fund. To the extent provided for in advance in appropriations Acts, such fund shall be used to provide assistance under the Low Income Home Energy Assistance Program established under title XXVI of the Omnibus Budget Reconciliation Act of 1981 (42 U.S.C. 8621 et seq.).

SEC. 106. EFFECT ON OTHER LAWS.

(a) OTHER AUTHORITY OF FEDERAL TRADE COMMISSION.—Nothing in this title shall be construed to limit or affect in any way the Federal Trade Commission's authority to bring enforcement actions or take any other measure under the Federal Trade Commission Act (15 U.S.C. 41 et seq.) or any other provision of law.

(b) STATE LAW.—Nothing in this title preempts any State law.

SEC. 107. MARKET TRANSPARENCY FOR CRUDE OIL, GASOLINE, AND PETROLEUM DISTILLATES.

(a) IN GENERAL.—The Federal Trade Commission shall facilitate price transparency in markets for the sale of crude oil and essential petroleum products at wholesale, having due regard for the public interest, the integrity of those markets, fair competition, and the protection of consumers.

(b) MARKETPLACE TRANSPARENCY.—

(1) DISSEMINATION OF INFORMATION.—In carrying out this section, the Federal Trade Commission shall provide by rule for the dissemination, on a timely basis, of information about the availability and prices of wholesale crude oil, gasoline, and petroleum distillates to the Federal Trade Commission, States, wholesale buyers and sellers, and the public.

(2) PROTECTION OF PUBLIC FROM ANTI-COMPETITIVE ACTIVITY.—In determining the information to be made available under this section and time to make the information available, the Federal Trade Commission shall seek to ensure that consumers and competitive markets are protected from the adverse effects of potential collusion or other anticompetitive behaviors that can be facilitated by untimely public disclosure of transaction-specific information.

(3) PROTECTION OF MARKET MECHANISMS.—The Federal Trade Commission shall withhold from public disclosure under this section any information the Commission determines would, if disclosed, be detrimental to the operation of an effective market or jeopardize system security.

(c) INFORMATION SOURCES.—

(1) IN GENERAL.—In carrying out subsection (b), the Federal Trade Commission may—

(A) obtain information from any market participant; and

(B) rely on entities other than the Commission to receive and make public the information, subject to the disclosure rules in subsection (b)(3).

(2) PUBLISHED DATA.—In carrying out this section, the Federal Trade Commission shall consider the degree of price transparency provided by existing price publishers and providers of trade processing services, and shall rely on such publishers and services to the maximum extent possible.

(3) ELECTRONIC INFORMATION SYSTEMS.—The Federal Trade Commission may establish an electronic information system if it determines that existing price publications are

not adequately providing price discovery or market transparency. Nothing in this section, however, shall affect any electronic information filing requirements in effect under this title as of the date of enactment of this section.

(4) DE MINIMUS EXCEPTION.—The Federal Trade Commission may not require entities who have a de minimus market presence to comply with the reporting requirements of this section.

(d) COOPERATION WITH OTHER FEDERAL AGENCIES.—

(1) MEMORANDUM OF UNDERSTANDING.—Within 180 days after the date of enactment of this title, the Federal Trade Commission shall conclude a memorandum of understanding with the Commodity Futures Trading Commission and other appropriate agencies (if applicable) relating to information sharing, which shall include provisions—

(A) ensuring that information requests to markets within the respective jurisdiction of each agency are properly coordinated to minimize duplicative information requests; and

(B) regarding the treatment of proprietary trading information.

(2) CFTC JURISDICTION.—Nothing in this section may be construed to limit or affect the exclusive jurisdiction of the Commodity Futures Trading Commission under the Commodity Exchange Act (7 U.S.C. 1 et seq.).

(e) RULEMAKING.—Within 180 days after the date of enactment of this title, the Federal Trade Commission shall initiate a rulemaking proceeding to establish such rules as the Commission determines to be necessary and appropriate to carry out this section.

SEC. 108. REPORT ON UNITED STATES ENERGY EMERGENCY PREPAREDNESS.

(a) POTENTIAL IMPACTS REPORT.—Within 30 days after the date of enactment of this title, the Federal Trade Commission shall transmit to the Congress a confidential report describing the potential impact on domestic prices of crude oil, residual fuel oil, and refined petroleum products that would result from the disruption for periods of 1 week, 1 year, and 5 years, respectively, of not less than—

(1) 30 percent of United States oil production;

(2) 20 percent of United States refinery capacity; and

(3) 5 percent of global oil supplies.

(b) PROJECTIONS AND POSSIBLE REMEDIES.—The President shall include in the report—

(1) projections of the impact any such disruptions would be likely to have on the United States economy; and

(2) detailed and prioritized recommendations for remedies under each scenario covered by the report.

SEC. 109. PROTECTIVE ACTION TO PREVENT FUTURE DISRUPTIONS OF SUPPLY.

The Secretary of Energy and the Energy Information Administration shall review expenditures by, and activities undertaken by, companies with total United States wholesale or retail sales of crude oil, gasoline, and petroleum distillates in excess of \$500,000,000 per year to protect the energy supply system from terrorist attacks, international supply disruptions, and natural disasters, and ensure a stable and reasonably priced supply of such products to consumers in the United States, and, not later than 180 days after the date of the enactment of this title, shall transmit a report of their findings to Congress. Such report shall include an assessment of the companies' preparations for the forecasted period of more frequent and more intense hurricane activity in the Gulf of Mexico and other vulnerable coastal areas.

SEC. 110. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this title.

TITLE II—REFINERIES

SEC. 201. REFINERIES.

Title I of the Energy Policy and Conservation Act is amended by adding at the end the following new part:

“PART E—REFINERIES

“SEC. 191. STRATEGIC REFINERY RESERVE.

“(a) ESTABLISHMENT.—The Secretary shall establish and operate a Strategic Refinery Reserve in the United States. The Secretary may design and construct new refineries, or acquire closed refineries and reopen them, to carry out this section.

“(b) OPERATION.—The Secretary shall operate refineries in the Strategic Refinery Reserve for the following purposes:

“(1) During any period described in subsection (c), to provide petroleum products to the general public.

“(2) To provide petroleum products to the Federal Government, including the Department of Defense, as well as State governments and political subdivisions thereof who choose to purchase refined petroleum products from the Strategic Refinery Reserve.

“(c) EMERGENCY PERIODS.—The Secretary shall make petroleum products from the Strategic Refinery Reserve available under subsection (b)(1) only—

“(1) during a severe energy supply interruption, within the meaning of such term under part B; or

“(2) if the President determines that there is a regional petroleum product supply shortage of significant scope and duration and that action taken under subsection (b)(1) would assist directly and significantly in reducing the adverse impact of such shortage.

“(d) LOCATIONS.—In determining the location of a refinery for the Strategic Refinery Reserve, the Secretary shall take into account the following factors:

“(1) Impact on the local community (determined after requesting and receiving comments from State, county or parish, and municipal governments, and the public).

“(2) Regional vulnerability to a natural disaster.

“(3) Regional vulnerability to terrorist attacks.

“(4) Proximity to the Strategic Petroleum Reserve.

“(5) Accessibility to energy infrastructure.

“(6) The need to minimize adverse public health and environmental impacts.

“(7) The energy needs of the Federal Government, including the Department of Defense.

“(e) INCREASED CAPACITY.—The Secretary shall ensure that refineries in the Strategic Refinery Reserve are designed to enable a rapid increase in production capacity during periods described in subsection (c).

“(f) IMPLEMENTATION PLAN.—Not later than 6 months after the date of enactment of this section, the Secretary shall transmit to the Congress a plan for the establishment and operation of the Strategic Refinery Reserve under this section. Such plan shall provide for establishing, within 2 years after the date of enactment of this section, and maintaining a capacity for the Reserve equal to 5 percent of the total United States daily demand for gasoline, home heating oil, and other refined petroleum products. If the Secretary finds that achieving such capacity within 2 years is not feasible, the Secretary shall explain in the plan the reasons therefor, and shall include provisions for achieving such capacity as soon as practicable. Such plan shall also provide for adequate delivery systems capable of providing Strategic Refinery Reserve product to the entities described in subsection (b)(2).

“(g) COMPLIANCE WITH FEDERAL ENVIRONMENTAL REQUIREMENTS.—Nothing in this section shall affect any requirement to comply

with Federal or State environmental or other law.

“SEC. 192. REFINERY CLOSING REPORTS.

“(a) CLOSING REPORTS.—The owner or operator of a refinery in the United States shall notify the Secretary at least 6 months in advance of permanently closing the refinery, and shall include in such notice an explanation of the reasons for the proposed closing.

“(b) REPORTS TO CONGRESS.—The Secretary, in consultation with the Federal Trade Commission, shall promptly report to the Congress any report received under subsection (a), along with an analysis of the effects the proposed closing would have on petroleum product prices, competition in the refining industry, the national economy, regional economies and regional supplies of refined petroleum products, and United States energy security.”

The SPEAKER pro tempore. Pursuant to House Resolution 481, the gentleman from Michigan (Mr. STUPAK) and the gentleman from Texas (Mr. BARTON) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan (Mr. STUPAK).

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

Mr. Speaker, I urge every member to support this amendment which provides meaningful relief for our Nation that is facing record gas prices. This amendment has support of the Minority Leader PELOSI as well as the ranking member of the Energy and Commerce Committee, Congressman DINGELL. I would like to commend them for their support on this important initiative.

I would also like to thank the gentleman from Virginia (Mr. BOUCHER) for his hard work on the refinery portions of this amendment. The results of our efforts have produced a quality product that will benefit all Americans.

I would also like to recognize Congressmen BISHOP, BARROW and ETHERIDGE and Congresswomen HERSETH and SCHWARTZ for their valued input on this legislation.

Even before the devastation caused by Hurricane Katrina, skyrocketing oil and gasoline prices were taxing American families and burdening our Nation's economy, with notable exceptions of the oil and gas industry which continued to rack up record profits.

Following Katrina, gas prices in some States reached \$6 per gallon, deepening suspicion of the oil industry profiteering. Our amendment would ensure that the President has the tools needed to adequately respond to any energy emergency and prohibits price gouging on all petroleum products with a priority on refineries and big oil.

Whether it is gasoline or natural gas, the problem lies right here at the refinery level, with a 255 percent increase in the last 12 months alone. Here is a 1995 memo from the American Petroleum Industry, and I quote. “A senior analyst, at the recent American petroleum energy convention, warned that if the U.S. petroleum industry does not refine or reduce its refining capacity, it will never see any substantial increase in refining margins.”

So since 1995, since this memo, they have closed 30 refineries. This conclusion is also backed up by the GAO, Government Accountability Office, which said in 2004 that by closing refineries, they were able to drive up to those exorbitant prices we are paying today at the pump.

Currently, there are only 28 states that have laws on the books that define price gouging and have enforcement mechanisms to go after those ripping off consumers. At the Federal level, there is no oversight to protect consumers from this predatory pricing, gouging or market manipulation. We need to pass this amendment today. No American should have to pay too much for gas because the oil companies are rigging prices.

Our amendment will give the President authority to take immediate action in the face of energy crisis by declaring a national energy emergency.

It will provide the Federal Trade Commission with new authority to investigate and prosecute those that engage in predatory pricing, from oil companies on down to gas stations, with the emphasis on those who profit the most. This includes price gouging of gasoline and natural gas, home heating oil, propane.

H.R. 3893 does nothing to address natural gas and propane gas prices, even though gas prices are expected to rise by more than 90 percent as shown in today's USA Today. Staying warm is to cost up to 90 percent more. That is natural gas. And this bill does not even address it.

Our amendment also empowers the Federal Government to impose tough civil penalties of up to triple damage on all excess profits on companies that have cheated consumers. The base bill provides no additional penalties for those who engage in price gouging.

Our amendment will also provide for relief to consumers paying skyrocketing energy and transportation costs and increase funding for the low-income home energy assistance program through fines from price-gouging companies.

It would also put in place new consumer protections to prevent market manipulation and ensure greater transparency in the cost of a gallon of gas. The base bill provides no transparency. Why is it, we in America, no one can tell us what does it cost for a gallon of gas? What does it cost for a cubic foot of natural gas? Why do they not want us to know how they are manipulating the market, gouging the American consumer?

In the wake of Hurricane Katrina, Americans are pulling together, donating to relief organizations and giving their time to help the people of the Gulf Coast recover. That is how American people react when they see their fellow citizens in need.

Unfortunately, some people have looked at Hurricane Katrina not as a chance to give but as an opportunity to profit. Some have decided to take ad-

vantage of this terrible tragedy and line their own pockets by gouging the American people at the gas pump.

As eight governors wrote to us in Congress urging passage of our legislation, they stated, and I quote, "to price gouge consumers under normal circumstances is dishonest enough. But to take money off from the severe misfortune of others is downright immoral."

Skyrocketing oil and gas prices are hurting the American consumer as well as our economy. Sadly, the majority bill does nothing to crack down on those who are manipulating the market and price gouging. The Stupak-Boucher amendment provides the kind of relief from high gas and energy prices that consumers deserve.

Our amendment will protect all consumers from unfair energy and gas prices and punish those who think that a time of a national tragedy is the right time to rob the American people of their hard-earned money.

I urge a "yes" vote on our amendment.

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

Mr. BARTON of Texas. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. HALL).

Mr. HALL. Mr. Speaker, people are sick and tired of the two words, do nothing. And that is just no answer to folks who are startled when they go to gas their vehicle, 50 bucks, 60 bucks, \$70 to fill it up. They are startled that we have airlines that are flying full and going broke because of the cost of energy, and we just cannot afford to do nothing.

Let me just list a few of the areas here of the Stupak substitute that do nothing. It will do nothing to limit boutique fuels that have propped up gasoline prices by artificially limiting supply. It will do nothing to encourage private industry to build new refineries that will increase daily supplies of gasoline. It will do nothing to help diversify our domestic refining capacity away from the gulf coast. It will do nothing to help site crude oil and petroleum product pipelines that transport gasoline to Americans. It will do nothing to help small refineries utilize their capacity to increase supply and encourage robust competition in the industry. It will do nothing to provide authority to the President to temporarily waive Federal, State and local fuel additive requirements in the event of an extreme and unusual supply circumstance caused by a natural disaster, which proved to be critical in the wake of Katrina and Rita. It will do nothing to encourage conservation like carpooling and van pooling. Do nothing to strengthen the Strategic Petroleum Reserve to ensure that critical crude oil supply is there when the Nation needs it. It will do nothing to ensure that the crude oil sold from the Strategic Petroleum Reserve is used for its intended purpose, to be refined for our domestic use. And finally, it will do nothing for the northeast to help de-

velop the northeast home heating oil. We cannot afford to do nothing outlined in the Stupak amendment. I urge a vote against it.

Mr. STUPAK. Mr. Speaker, I yield 3 minutes to the gentleman from Virginia (Mr. BOUCHER), a member of the committee and my partner in drafting this amendment, the substitute amendment.

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

Mr. BOUCHER. Mr. Speaker, I am pleased to join with Mr. STUPAK in offering this substitute which would replace the underlying bill with two targeted provisions aimed at increasing our Nation's refinery capacity and giving the Federal Government the tools necessary to investigate, deter and punish price gouging. Together, these two provisions would be an effective response to problems in our gasoline market.

The gentleman from Michigan (Mr. STUPAK) has drafted the price-gouging provisions of our amendment. I fully support those provisions, and I commend the gentleman for his outstanding efforts.

I will direct my remarks today to the refinery specific provisions of our substitute. We would create a strategic refinery reserve. In doing so, we would build upon the success of the Strategic Petroleum Reserve by creating a natural extension of that successful program of refinery reserve. Under our amendment, the Secretary of Energy would establish refineries with capacity equal to 5 percent of the total United States demand for gasoline, home heating oil and other refined petroleum products. The location of these refineries would be out of harm's way at places to be designated by the Secretary of Energy.

During times of nonemergency, the refineries which make up the strategic reserve would produce refined gasoline for use by the Federal Government. In addition, State and local governments could choose to purchase refined products from the reserve. Keeping the refinery reserve operational in that fashion would ensure that there would be no lag time in it going on-line when needed to address a national emergency.

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Weakening the clean air laws and providing incentives to the refinery industry as proposed in the underlying bill is not the best way to ensure new refinery construction. There has been no evidence that environmental permitting is the problem that leads to no new refinery capacity.

The truth is that the refinery owners are benefiting enormously from the current limited capacity, with profits increasing 255 percent during the past year alone, 255 percent of profit increase in a single year. Simply put, the refiners are making more money by refining less gasoline.

The substitute which the gentleman from Michigan (Mr. STUPAK) and I are offering is a commonsense approach to our problems, establishing a Federal mechanism to investigate and punish price gouging and creating a strategic refinery reserve to assure adequate refining capacity during times of emergencies.

I support strongly the substitute, and I urge its approval by the House.

Mr. BARTON of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. SHIMKUS), a distinguished member of the committee.

Mr. SHIMKUS. Mr. Speaker, I would like to address my friends and colleagues.

We have got a lot of good Members on the Committee on Energy and Commerce, and I have great respect for my friends, the gentleman from Michigan (Mr. STUPAK) and the gentleman from Virginia (Mr. BOUCHER), who come here with serious public policy concerns.

I want to speak on an issue they do not address, in fact, I think they roll back, which I think is critical to addressing the price spike, and that is boutique fuels. I will just give an example.

When I fly back home, I fill up in St. Louis. I fill up my vehicle in St. Louis, and then I drive across the river to my hometown in Collinsville, which is 30 minutes from the St. Louis airport, and then I drive up to Springfield, Illinois, which is the northern part of my district, probably 100, maybe 200 miles separation, I go through three different fuel markets. In other words, the unleaded gas I burn in St. Louis is not allowed to be purchased and bought in Illinois, and it is not allowed to be purchased and sold in Springfield, even though I am burning that fuel and driving back and forth. These environmental regulations on the boutique fuels really make sense.

What makes it more difficult is that when you have constrained refinery capacity and you have one refinery producing for one area of the country, when that refinery has a disruption or goes down, then there is no way you can get fuel in there unless you waive environmental regulations, which is what the bill allows us to do if there is a natural disaster or hurricane. It says we need to move fuel from St. Louis to Springfield, Illinois; Mr. President, you can waive those regulations.

So we should not discount the importance of addressing this boutique fuel. Boutique fuels, 48 to 58 different fuel brands around our country, will be pared down to six so that we can still meet the needs of the different regions of the country without holding us hostage.

I thank the chairman for the time.

Mr. STUPAK. Mr. Speaker, I yield 1½ minutes to the gentleman from Texas (Mr. GENE GREEN), a member of the committee.

Mr. GENE GREEN of Texas. Mr. Speaker, I thank my colleague for yielding me time.

I have to admit, it is frustrating when you have someone from an energy producing State and when you hear speaker after speaker complain about high energy prices, and yet the only thing they bring to the table is an empty tank. What we need is supply solutions, but I am supporting the Stupak substitute only because of the additional consumer protections.

I applaud the gentleman from Texas' (Mr. BARTON) amendment to the version we passed out of committee for strengthening consumer protections and for removing the new source review, or the NSR, language that would have weakened clean air protections.

But the language in the gentleman from Michigan's (Mr. STUPAK) amendment is clearer, and the penalties are much stronger than those in the original bill. This is a critical issue that must be addressed to prevent price spikes like we saw in Atlanta after the hurricane that drove prices to nearly \$6 a gallon.

I am disappointed the substitute does not include my amendment that was accepted by the committee to address energy needs after a disaster. The amendment would require the Department of Energy to review and approve and offer recommendations on fuel supply segments of State evacuation plans.

It would also specifically authorize critical energy facilities like refineries to request direct help from the Department of Energy during a federally declared emergency or disaster.

If refineries go down, they must get back up quickly. The amendment would have authorized the DOE to provide assistance with generation capacity, water service, critical employees and ensure raw materials could be accessed, and any other necessity.

Mr. Speaker, this amendment strengthens the consumer protections in the overall bill, and that is why I support it, and I urge my colleagues to do the same.

Mr. BARTON of Texas. Mr. Speaker, I yield 2½ minutes to the gentleman from Florida (Mr. STEARNS), one of my subcommittee chairmen.

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

Mr. STEARNS. Mr. Speaker, I thank the distinguished chairman for the time, and I come to the floor to speak against the Stupak substitute.

I would tell all my colleagues in the energy markup in the full committee, the gentleman from Michigan (Mr. STUPAK) did offer his amendment. It was defeated. I offered an amendment that was dealing with price gouging, and I won by only one vote.

The gentleman from Michigan (Mr. STUPAK) did an able job of pointing out some of the things in my amendment that he felt were weak. So the chairman and I and others on the committee went back, and we incorporated a lot of what the gentleman from Michigan (Mr. STUPAK) brought up in the debate.

We included it in this manager's amendment.

So there is really no reason to vote for the Stupak substitute because much of what we have in the manager's amendment is already included. As a Member on this side of the aisle, I wanted to thank the gentleman from Michigan (Mr. STUPAK) for his help so that we are able to include in the manager's amendment some of his points, and I think we made a stronger bill.

I would say to those Members on both sides of the aisle, there is really no reason to support the Stupak amendment because lots of what he is talking about dealing with price gouging, as I mentioned earlier in my speech, we have included in the manager's amendment.

There are some other things I would like to point out dealing with the Stupak amendment. It does not provide consumer protection against price gouging in the crude oil or home heating oil market. The manager's amendment that I mentioned earlier offers these important consumer protections.

The Stupak amendment caps damages at \$3 million per day, while the manager's amendment allows for \$11,000 per violation with no cap on the amount of damages that can be assessed. I think that is an important difference, and I think we should realize that is why the manager's amendment is better.

The Stupak amendment has a market manipulation provision that is current law. The manager's amendment does not include this provision because the Federal Trade Commission has authority under current antitrust law to enforce against market manipulation.

The Stupak amendment includes petroleum distillates that are subject to price-gouging violations. Unfortunately, petroleum distillates, which are used in so many products that are sold to consumer product companies, such as cosmetics, could be subject to price gouging under this amendment. That is our interpretation. My colleagues might not agree with it, but that is an area we are concerned about. If we have price gouging, it could affect such things as cosmetics.

Overall, I think the point I am trying to make is, we incorporate a lot of the gentleman from Michigan's (Mr. STUPAK) concerns in our manager's amendment. It made our bill stronger. We thank him for what he did.

In the end, I think my colleagues should realize we should vote against the Stupak substitute.

I agree we should have legislation to prevent people from lining their own pockets by taking advantage of others in a time of crisis. However, I cannot support the manner in which Mr. STUPAK's amendment addresses the problem.

The Stupak amendment will create serious problems for consumers at a time of disaster. There is no mechanism to allow prices to reflect the changes in the market dynamic following a disaster other than cost.

The Stupak amendment defines price gouging violations with very subjective terms,

such as “unconscionable” and “grossly exceeds”, that will prove unworkable for the FTC. Instead, the FTC possesses a history of determining what is unfair under the FTC Act and we should rely upon their expertise to define price gouging.

Because the amendment only accounts for price increases related to costs increases and does not include other factors—such as fear or panic—it will artificially restrain prices that lead to shortages in gasoline at the time consumers in a disaster area most need access to gasoline. This is because the amendment does not adequately allow for actual or anticipated changes in supply to be reflected in price.

The Stupak amendment includes “petroleum distillates” that are subject to price-gouging violations. Unfortunately, petroleum distillates are used in so many products that selling distillates to consumer products companies, such as cosmetics, could be subject to price gouging under this amendment.

While it does provide supply and demand considerations as a mitigating factor, it does so only for dollar costs actually incurred by the seller. It does not allow the FTC to consider countervailing benefits to consumers, namely that an increase in price can discourage hoarding by the first consumers to arrive at the gas station, leaving no gas for those who arrive later.

The amendment is not adequately tied to a time of disaster. It gives the President authority to declare an emergency for any disruption of gasoline distribution or any significant pricing anomalies in the market. If exercised, this would interfere with supply and demand and lead to shortages for extended periods of time.

The Stupak amendment caps damages at \$3 million per day while the Manager’s Amendment allows for \$11,000 per violation, with no cap on the amount of damages that can be assessed.

The Stupak amendment has a market manipulation provision that is current law. The Manager’s Amendment does not include this provision because the FTC has authority under current antitrust law to enforce against market manipulation.

The Stupak amendment does not provide consumer protection against price gouging in the crude oil or home heating oil markets. The Manager’s Amendment offers these important consumer protections.

Mr. STUPAK. Mr. Speaker, I yield 2 minutes to the gentlewoman from Pennsylvania (Ms. SCHWARTZ), one of the authors of this substitute, and we appreciate her.

Ms. SCHWARTZ of Pennsylvania. Mr. Speaker, I rise in strong support of the Stupak-Boucher-Bishop-Schwartz-Barrow substitute amendment, and I want to thank the gentleman from Michigan (Mr. STUPAK) for his leadership on this issue of national importance.

Mr. Speaker, Americans across the country are deeply concerned about the skyrocketing costs of gasoline, and rightly so. This year, the average American family will pay nearly \$4,500 to meet their energy needs. This is 19 percent more than last year.

Contributing to these costs, as we all know, is the dramatic increase in the price of gasoline. In the midst of Hurricane Katrina, gas refiners were selling

a barrel of gasoline for 434 percent more than a barrel was selling exactly 1 year ago.

These steep costs make it difficult for hardworking Americans to meet their financial obligations, and they underscore the reality that the President and the majority party in Congress have failed to enact policies to protect American consumers from price gouging and reduce the Nation’s overall dependence on gasoline and oil.

The American public is concerned, and they are concerned that at the same time that oil refiners’ profits are more than tripled over the last year, consumers are paying record high gas prices.

They are concerned because after a double-digit increase in home heating costs last year, prices are expected to increase at even higher rates this winter.

They are concerned that the cost of gasoline is rising faster than the actual price of crude oil.

Mr. Speaker, they are concerned that neither the White House nor the Republican Congress has put forward a plan to address this problem.

The bill before us is yet another giveaway, not a plan. Behind the rhetoric is an empty bill that favors the oil industry while failing to take meaningful action to reduce prices for consumers. In fact, it makes matters worse.

It ignores the harsh realities of price gouging at the pump by weakening our ability to crack down on those trying to manipulate the market for their own profit.

And it eliminates long-standing production and refining standards that safeguard the environment and the public’s health.

My colleagues, we have the opportunity to answer the concerns of everyday Americans and to promote our nation’s and our families’ security and economic well-being. To meet this goal, we must make clear that price gouging and profiteering is unacceptable and will be met with stiff penalties. We must reduce our reliance on foreign oil. We must find better, more efficient ways to use traditional energy sources. And must help bring to market more affordable, reliable, and cleaner energy sources. And, the plan we are offering in the substitute amendment today will help to meet these goals.

It will provide relief at the pump by bolstering our ability to punish oil companies and refiners who wrongly ratchet up the cost of their product. Our plan will stop price gouging, not just for gasoline, but for natural gas, home heating oil, and propane. And our plan will improve our nation’s energy security through the establishment of a Strategic Refining Reserve so that we are never again in the position of releasing crude oil from our emergency reserves, but unable to refine it and bring it to market.

Do not be fooled by the title of this bill, vote for this substitute. Enact a plan that will deliver real relief to the American people.

Mr. BARTON of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from Mississippi (Mr. PICKERING), the vice chairman of the committee.

Mr. PICKERING. Mr. Speaker, I rise in opposition to the Stupak substitute

and in support of the underlying legislation.

I want to thank the gentleman from Texas (Mr. BARTON), the chairman of the committee, my friend, for his leadership. We have seen this year that we have passed comprehensive energy legislation, but that legislation did not address really the linchpin of the need in our country for greater refining capacity and greater pipeline security, redundancy and reliability. Katrina exposed that fundamental weakness in our Nation’s energy security and in our Nation’s economic security.

For 30 years, we have done nothing. We have not had a new refinery come into our Nation. No one has invested. And much of that reason is that the cost of doing business, a refinery investment in this country, is so much higher than offshore. If we can streamline the regulatory process, give new incentives so that companies will invest in our country and new pipeline security and redundancy and reliability, as well as a new refining capacity, then we can do something about high gas prices and the disruptions that occur in a natural disaster like Katrina.

We must act. We cannot fail to act. We have seen the fundamental flaw and weakness. It has been exposed with Katrina, and the other side reminds me of those who, when a barn is burning and the fire truck is wanting to come and put the fire out and do something about it, they stand in the way and block the road and then want to blame the fire department for failing to put the fire out.

Now is the time to act. The chairman of the committee has shown remarkable speed in getting this legislation to the floor. We need to act. It is what the American people want. They would agree with us. Give us a chance to do something to make it better.

Mr. STUPAK. Mr. Speaker, I yield 1½ minutes to the gentleman from New York (Mr. BISHOP), who helped us with the substitute and had invaluable input.

Mr. BISHOP of New York. Mr. Speaker, I thank the gentleman from Michigan (Mr. STUPAK) and the gentleman from Virginia (Mr. BOUCHER) for their leadership in offering this substitute, and I am proud to join them.

I rise in strong support of this substitute for two reasons. Unlike the underlying legislation, it contains a meaningful deterrent to price gouging, and it provides an effective strategy to expand refinery capacity.

We can all agree there were some good provisions in the first energy bill, but Katrina exposed its shortcomings, as well as vulnerabilities that still exist in the energy market.

We can also agree that the hurricane made it harder to meet the challenge of delivering relief to families struggling to pay their energy bills and that a rash of price gouging compounded this problem.

Our substitute takes direct aim at these challenges by creating a strong

deterrent to price gouging that keeps gas prices stable. The underlying bill sets an \$11,000 fine for price gouging. That may sound like a lot to the average middle class family, but it is not much to the Exxon-Mobils of this world who earn record profits.

In contrast, this substitute deters price gouging at every stage of production, not just the retail phase, but at all phases in the chain of supply, and this will strengthen those measures.

Mr. Speaker, now is the time that we must stand up to profiteers by assuring hardworking American families that Congress is standing up for their interests, not the oil companies'.

I urge my colleagues to support this substitute that protects American taxpayers and our national security.

Mr. BARTON of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. MURPHY), another distinguished member of the committee.

Mr. MURPHY. Mr. Speaker, I thank the chairman for the time.

There are two points I would like to make here. First of all, with regard to the amendment, let us understand what is in there. If there is concern for giving large amounts of money to oil companies, what they propose we do is that the Federal Government gets in the business of, quote, designing and constructing refineries and then put that into use at times in their national emergencies or sell gas to States, which this bill actually allows States and governments to have some of this gasoline now, but for the government to own and operate refineries and invest all the money in there. In the alternative, if we can provide incentives for private industries to build, whether it is something small or large refineries, that makes a lot more sense.

□ 1245

And if we are concerned at all about the budget, let us do the more efficient thing, rather than have the government run these things, have them sit mothballed until times of emergency, and then suddenly act like there is a switch one can throw and start them up.

The second thing I want to point out is that I wish we could have included some important movement forward to make some changes on new source review. What happens now with a coal-fired power plant, for example, if they want to go in and do some routine maintenance, and while they are in there maybe improve the efficiency of the plant, the EPA comes by and says, no, you are going to do something different here. Even though you are going to improve efficiencies, we want you to do everything now. The energy company comes back and says we cannot afford those larger investments; we were going to make some smaller ones, so, therefore, we will do nothing.

What they have done, instead of using the abundant supply of coal, we have 300 years' worth of coal in this

Nation, they will move to natural gas instead in order to meet some of those standards. Natural gas means we have more demand, the costs go up, it affects homeowners in the price of heating their homes, and it affects our chemical industry.

The Unions for Jobs and the Environment have sent a letter, and I will submit this letter as well for the RECORD, which states the efficiency and competitiveness of our facilities and the safety of our workers hang in the balance. This is a jobs and safety issue for millions of American workers. And they go on to say that delaying the new source review issue is costly to jobs. So I want to make sure that we address this the next time when we get on to more of these energy issues.

The letter referred to is as follows:

UNIONS FOR JOBS AND THE ENVIRONMENT,

Washington, DC, October 5, 2005.

Re: Support for Section 106 of H.R. 3893

Hon. JOE BARTON,

Chairman, House Committee on Energy and Commerce, Washington, DC.

Hon. JOHN DINGELL,

Ranking Member, House Committee on Energy and Commerce, Washington, DC.

DEAR CONGRESSMEN BARTON AND DINGELL: On behalf of the members of Unions for Jobs and the Environment and the United Association of Journeymen and Apprentices of the Plumbing and Pipe Fitting Industry, we write to express our support for Section 106 of H.R. 3893, the Gasoline for America's Security Act of 2005 (the Act) to provide much needed clarification of the New Source Review (NSR) program. We oppose any effort to amend this provision, and therefore, we urge you and your colleagues to vote against any amendment or rule that would complicate implementation of these important NSR reforms.

Our unions have had a long-time commitment to clear, effective and reasonable NSR policy. Like the Act does in Section 106(a), we have encouraged the Environmental Protection Agency (EPA) to clarify the program as soon as possible. The efficiency and competitiveness of our facilities and the safety of our workers hang in the balance. This is a jobs and safety issue for millions of American workers.

NSR, correctly interpreted as we hope EPA's new rules will do, forces new sources or those undergoing major modifications, to install new technology. We support NSR in that context. However, when NSR is applied in an unclear or inflexible manner to existing facilities, very different results occur. In those cases, facilities are discouraged from undertaking appropriate actions for fear of huge penalties, long delays, or both. By applying NSR in that way, our members will not have the opportunity to work on projects that we know are extremely important to energy efficiency. Further, by reducing the useful economic life of boilers or by inaccurately setting baselines, the existing NSR confusion undermines the competitiveness of American job sites. The result is that some of the almost 20 million manufacturing jobs at stake in heavy industry are placed at risk.

Finalizing new NSR rules is also important to maintain worker safety. As the Boiler-makers testified earlier this year, "the threat of litigation too often acts as a deterrent to capital investments that create work and maintain safe facilities for our members. Boilers operate under high temperatures and pressures—with superheater tubes exposed to flue gases at temperatures as high as 2,000

degrees and pressure around 3,000 lbs./square inch—and must be maintained in order to be safe for workers." Section 106(a) and (b) ensure the orderly and timely implementation of NSR clarification.

Therefore, we ask you and your colleagues not to accept any amendment that would complicate the implementation of the final NSR rules. Thank you for your consideration of our view on this important matter.

Sincerely,

BILL CUNNINGHAM,
President, Unions for Jobs
and the Environment.

Mr. STUPAK. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. BARROW).

Mr. BARROW. Mr. Speaker, I want to address a serious problem with the underlying bill, and that is that it relies exclusively on the Federal Trade Commission and its willingness and ability and resources to enforce the price gouging remedy in the bill.

I think we should all remember this is the same FTC that said, we do not have any authority to investigate price gouging in this area; we do not need any authority in this area. Everything is just fine, thank you very much; and then, when pressed further, said we do not want any authority in this area because we will just make a bad situation worse.

Well, Mr. Speaker, relying on a sorry bunch of people that do not know their job, do not care about their job, and do not believe in their job is like going hunting and having to tote the dog.

Our substitute corrects this problem by giving the States attorneys general the same authority to enforce the price gouging remedies that we give the FTC. The attorneys general of our States are elected by our constituents, they know the conditions in their States better than we do, they have the resources and the discretion under the substitute to decide whether or not it is in the best interest of their constituents, our constituents, for them to act when we do not. This is Federalism at its best.

I urge everybody to support the substitute for this reason, if none other. Any attorney general doing something is better than the FTC doing nothing.

Mr. BARTON of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from Midland, Texas (Mr. CONAWAY), the former mayor of Midland.

Mr. CONAWAY. Mr. Speaker, I thank the gentleman for yielding me this time, but I do need to correct the record. I was not the mayor. I should have been, perhaps, but I thank my colleague.

Mr. Speaker, the issue is about refining capacity and the ability for us to convert crude oil into gasoline and other products. The record is pretty clear on both sides that we have not built a new refinery since 1976. In 1981, we had 324 refineries in production. Today, we have 148. We refine about 17 million barrels of gasoline a day, and we use about 21 million. We are importing gasoline; and, obviously, one of the choke points in the supply system is

the ability to convert crude oil into gasoline.

What this bill does, and I am speaking against the substitute and in favor of the underlying bill, is that it removes a regulatory burden that many folks who want to build a refinery have to submit themselves to. It takes about 3 years to build a refinery, exclusive of the permitting process. Major investments are needed in order to construct a refinery, and businesses simply are not willing to put those dollars at risk subject to a regulatory approval permitting scene that is disjointed at best.

Under the bill, we allow the Governor to designate a particular site subject to these provisions. We put the DOE in charge of shepherding the permitting process, not making the decisions on behalf of the State and the Federal regulators, but simply encouraging them to get it done on a timely basis.

Most businesses can deal with an answer, but a maybe or a give me more information or a delay is what is killing us. So I am standing in favor of the original bill, the manager's amendment and speaking against the Stupak substitute.

Mr. STUPAK. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. FARR).

Mr. FARR. Mr. Speaker, I rise in strong support of the Stupak substitute and in strong opposition to the underlying bill. I would use this moment just to wake up the city councils and boards of supervisors and county folks around this country, particularly if you have had a closed military base. Because this underlying bill just opens that up and says if the President of the United States decides we need oil refining capacities, they can put it in your back yard. They waive all the requirements.

They did make an amendment at midnight last night that is still vague, but says they have to following BRAC re-use law, but that does not affect Federal lands that may be in the closed base. So essentially they could parachute an oil refinery in the middle of a closed military base, and it waives all of the requirements that are local, zoning and all of that. That just would not have any effect.

I will tell you why this is crazy. Because one of the bases that would probably qualify with a deep port and a lot of land is Fort Ord, Fort Ord, California, is surrounded by the National Marine Sanctuary and is one of the most beautiful areas in the whole United States. The last thing we should ever do is have an oil refinery there. This is a crazy bill, and I urge its defeat.

Mr. BARTON of Texas. Mr. Speaker, I yield myself such time as I may consume to enter into a colloquy with the gentleman from Michigan (Mr. STUPAK) and the gentleman from Virginia (Mr. BOUCHER) if they are on the floor. I know the gentleman from Michigan (Mr. STUPAK) is. I do not know if the gentleman from Virginia (Mr. BOUCHER) is or not.

First of all, I want to say that I think it is good that we have a Democrat substitute. I think it adds to the debate. It certainly adds to the fairness of the debate. But I do have some questions for my good friend from Michigan.

On page 2, title I, section 101, it basically says if a President has issued a declaration that there is an energy emergency, it begins to talk about a price that is unconscionably excessive. That is line 4. What is unconscionably excessive?

Mr. STUPAK. Mr. Speaker, will the gentleman yield?

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

Mr. STUPAK. Mr. Speaker, when the oil refineries raise their rates 255 percent in the last 12 months, that is unconscionably excessive.

Mr. BARTON of Texas. So reclaiming my time, Mr. Speaker, if they were up 250 percent, that would not be unconscionably excessive?

Mr. STUPAK. Well, Mr. Speaker, if the gentleman will continue to yield, I guess we are going to have to look in the bill, because in the bill we also put in there factors to be considered excessively too much. If you go to the bottom of page 2, bottom of page 3, we put it in there. Our bill says that in 90 days the FTC has to define it for us.

Mr. BARTON of Texas. I am asking what if it was conscious? What if somebody set a price that was not unconscious, but said I am going to raise the price? Would that trigger it?

Look, I am asking legitimate questions.

Mr. STUPAK. I will give the gentleman examples. I think excessive is more than reasonable. When it is more than reasonable pricing.

Mr. BARTON of Texas. Then you need to put the example in the statute.

Mr. STUPAK. A great example is Georgia. Why did it go up \$6 a gallon after Hurricane Katrina? Was that reasonable, when the rest of the Nation was about \$3? That is excessive. That is unconscionable.

Mr. BARTON of Texas. Let me ask another question. It says "in the area to which the declaration applies." What if the price gouging is outside of the declaration area? What does your amendment do then?

Mr. STUPAK. Then the President, much like the manager's bill, and much like excessive, and the gentleman's bill has the same language basically because you copied our bill, so you can go outside the area. The President has the authority to go outside the area, just like he does in the underlying area.

And getting back to the FTC and what is excessive, again just like your bill, you used different words, but you allow the FTC to define it. We gave more than you gave. We actually gave concrete factors to consider.

Mr. BARTON of Texas. We do not have in the manager's amendment the words "unconscionably excessive." We

do not have the words "gross disparity." I am not disputing the intent. I understand that. I do question the advisability of putting that in statute when it is not defined. That is my question.

Can the gentleman answer questions about the strategic reserve?

Mr. STUPAK. In answer to the gentleman's last question, if you look at page 4, we have rulemaking in there, where the FTC shall promulgate the rules necessary and appropriate to enforce. Under the rulemaking process, you, myself, just about all of us have an opportunity to put in our two cents' worth on what we feel may be excessive, market manipulation, or price gouging. So, again, if you want to dwell on a word or two, I think all Americans know when they are being excessively gouged at the pump.

Mr. BARTON of Texas. Mr. Speaker, I know the gentleman's intent is honorable. I am not questioning that.

Can the gentleman answer questions about section 191, the Strategic Refinery Reserve? I know the gentleman from Virginia (Mr. BOUCHER) is the prime author.

Mr. STUPAK. Go ahead. I will try to answer it.

Mr. BARTON of Texas. First of all, it says the Secretary shall establish and operate. Does that mean that the Federal Government would actually build these refineries and operate them with Federal employees?

Mr. STUPAK. It is just like the Strategic Petroleum Reserve; it is up to the Secretary to approve it. Would the Federal Government and Federal employees operate it? No. Much like we did in the energy bill for nuclear. Let us put it up and build it, but let someone else operate it and manage it.

Mr. BARTON of Texas. Would these refineries operate continuously, around the clock, or would they only operate when the President has declared an energy emergency?

Mr. STUPAK. They would operate around the clock. Mr. Chairman, if you look on page 18 on how it would be implemented, it is starting on line 9, we have the implementation plan, and it must be established within 2 years and how they are going to do it. But we would operate it year-round. The refined product would go to, without an energy declaration by the President, refined product would go to the military to meet their military needs. At times of emergency, then we would shift to give relief at home at the pump for the American people.

Mr. BARTON of Texas. Well, on page 18, the implementation plan just says the Secretary shall transmit to the Congress a plan. But it is your understanding that if this were to become law, these refineries that would be built by the Department of Energy would actually be operated on a continual basis; is that correct?

Mr. STUPAK. "Shall transmit the plan to Congress for establishment and operation of the strategic refinery reserve," lines 11 and 12.

Again, he will submit his plan, whoever the Secretary is. They may have a different idea, but they must submit it to the Congress so we can see. It is just like SPR, subject to appropriation, subject to congressional oversight.

Mr. BARTON of Texas. But the strategic petroleum reserve is a reserve that you take crude oil and store it so if we need it you bring it up and transmit it to refineries to be refined into refined products. A strategic refinery reserve, as I understand it in this bill, you actually go out and build the refineries, and it is unclear to me whether you would operate them around the clock or just in some sort of an emergency.

I do understand that you require the Secretary of Energy to transmit the plan. But if the Secretary of Energy did not want to operate them continuously, I guess he would have that authority in the plan to have them as a sort of ready reserve.

Mr. STUPAK. Mr. Speaker, I yield 3½ minutes to the gentleman from Maryland (Mr. HOYER), the distinguished Democratic floor leader.

Mr. HOYER. Mr. Speaker, I thank the gentleman for yielding me this time, and I would like to make an observation to the chairman at the outset.

Mr. Chairman, had we had hearings on this bill, perhaps your questions could have been answered. But your side decided not to have any hearings, not to explore the facts. Your side decided to go ahead, in my opinion, for political purposes. I do not question your motives, because my understanding is you were acting under instructions, and we all understand that.

Mr. Speaker, the American people are being pummeled at the pump by high gas prices, and they are being told to brace themselves for record heating costs this winter. And what is this House majority doing to reduce the consumers' pain? Nothing.

Let us be clear: this bill is not a panacea; it is not even a solution or a plan. But do not take my word for it, just listen to the Republican chairman of the House Committee on Science, the gentleman from New York (Mr. BOEHLERT). In a letter that he sent today, after the Committee on Rules reported the manager's amendment late last night, the gentleman from New York (Mr. BOEHLERT) wrote in a Dear Colleague: "Please join me in voting no on H.R. 3893, which will increase the deficit, harm the environment, undermine the States, and give charity to the oil companies while doing virtually nothing to help consumers." Chairman BOEHLERT's remarks.

□ 1300

Mr. Speaker, it is clear that this Republican majority is exploiting the disruption to our Nation's refining capacity caused by Hurricane Katrina and Rita to push many of the same provisions that they could not pass in the Energy Policy Act we passed in July.

This Republican bill, for example, would create a fund that would pay oil companies if they are sued, even if they lose in court. It would enable cities with dirty air to delay meeting clean air requirements, and it would preempt State and local zoning regulations related to the siting of refineries.

What do these provisions have to do with reducing gas prices today? In sharp contrast, the Democratic substitute, sponsored by the gentleman from Michigan (Mr. STUPAK) and the gentleman from Virginia (Mr. BUCHER) would put some bite in the Federal Trade Commission's bark. It would give the FTC explicit authority to stop price gouging, not just for gasoline and diesel fuels, but for natural gas home heating oil and propane as well. It provides for enhanced penalties for price gouging, explicitly outlaws market manipulation, substitute Enron activities, if you will, and empowers State attorneys general to enforce the Federal law.

Furthermore, Mr. Speaker, the substitute would establish a strategic refinery reserve. The fact is our national security and economic strength are susceptible to private industry decisions that are motivated primarily by profit, but not by national security issues. This Congress has a duty to address this vulnerability.

I urge my colleagues to vote for this substantive substitute, and I urge further, that if the substitute passes, maybe vote for the bill; but if it does not pass, to vote against this bad bill, which is bad for the consumers of our country.

Mr. STUPAK. Mr. Speaker, I yield the balance of my time to the gentleman from California (Ms. PELOSI), our Democratic leader, who has been so supportive in our efforts to make sure that Americans get a fair shake at the gas pump and when they heat their homes this winter and go to work each and every day. She has been there fighting for the American people.

Ms. PELOSI. Mr. Speaker, I thank the distinguished gentleman from Michigan for yielding. I commend the gentleman from Michigan for his great leadership, and I thank him for his great leadership on behalf of the American consumer and the American taxpayer.

The gentleman from Michigan and the gentleman from Virginia with their very wise substitute give a chance to help the consumer and declare energy independence. I also want to commend the gentleman from Michigan (Mr. DINGELL), the distinguished ranking member of the full committee, for his extraordinary leadership on this and so many issues. Also, I salute the gentleman from New York (Mr. BOEHLERT), chair of the Science Committee, for his recognition that this Democratic substitute is a better way to go.

Mr. Speaker, I rise in strong opposition to the Republican energy bill. It is anti-taxpayer. It is anti-consumer. And it is anti-environment. I encourage my

colleagues to support the Stupak-Boucher substitute. This bill should be called, The Republican Gifts to Special Interests Bill. It is a perfect example of the Republican culture of cronyism and corruption. Using Hurricane Katrina as their excuse, the Republicans are once again pushing their special interest agenda at the expense of the American people.

Americans do not need legislation passed here today to enrich the oil industry. Americans need relief from high Georgia prices. This week, the average price at the pump was \$2.92 a gallon. That is 99 cents more than a year ago and 30 cents higher than just pre-Katrina. It is also twice the cost per gallon than the first year when President Bush took office.

Winter is around the corner, and so are skyrocketing increases in home heating costs. Families who heat with natural gas could see their fuel costs increase more than 70 percent in some parts of the country. It is astounding. Families are expected to spend nearly three times as much for home heating oil again than they did 4 years ago, the first year President Bush took office. Let us get this straight. Price at the pump for the consumer, per gallon of gas, is twice as high as 4 years ago, the first year President Bush took office. For home heating oil, you are expected to pay three times as much as you did 4 years ago, the first year President Bush took office.

Yet for the second time in 1 month, the Republicans have brought a bill to the floor that fails to address price gouging, fails to bring down prices and fails to put us on the road to energy independence.

As with the energy bill passed this summer, this bill ignores the real need of the American people and rewards the greed of special interests. Need or greed, take your choice. The Republicans in this culture of corruption and cronyism came down on the side of greed. This bill includes all the special favors to the energy industry that were too extreme to be included in the energy bill passed by Congress less than 3 months ago.

Refinery companies have deliberately closed and consolidated their facilities to drive up profit margins. They are making enormous profits. Do the American people really believe the right response is to waive environmental laws, brush aside State and local authorities and open up Federal lands to new refineries? Of course not. But that is the Republican approach: Greed over need.

Republicans blame the Clean Air Act for our record energy costs. Even after removing its most extreme provisions, this bill still includes the so-called bump-up provision, which would expose millions of Americans to unhealthy levels of smog for years to come. Once again, greed over need.

Our Democratic substitute to this bill, introduced again by the gentleman from Michigan (Mr. STUPAK) and the

gentleman from Virginia (Mr. BOUCHER) creates a strategic refinery initiative which would be able to produce 5 percent of the daily demand for gasoline when needed, real solutions to America's energy crisis. That is what this substitute contains. If you are able to produce 5 percent, bump that up to the daily demand, you can reduce the price of gasoline at the pump drastically.

For weeks, Democrats have demanded a new Federal law to crack down on price gouging by the energy industry. In fact, the gentleman from Michigan (Mr. STUPAK) has that very bill. Consumers are being cheated every time they fill up their cars or turn up their thermostat by an industry making record profits. But this bill does not come close to addressing the severe gouging of consumers.

Our Democratic substitute provides real protection from price gouging for the first time. We have been asking for it over and over. Here we have a bill on the floor that will do just that. The Stupak-Boucher bill gives the Federal Trade Commission broad authority to crack down on price gouging for a wide range of fuels, for businesses all along the supply chain.

Our substitute provides for tough civil penalties and allows attorneys general to enforce the Federal law without interfering with State price gouging laws. Mr. Speaker, it is time for our Nation to make a declaration of energy independence. This is an urgent issue of national security. Together, America can do better. We have the resources. We have the technology. We have the innovative ideas, and more of them are springing forth all the time. We can do it right and create millions of new jobs at the same time.

We have an enormous untapped potential in the area of energy efficiency and renewable energy. By implementing existing technologies and developing new ones in every sector of the economy and American life, we can take a giant step toward energy independence. This is not just about turning down the thermostat or driving less. Many Americans have had to do that for a long time now, they have already taken those steps; as much as this is about using our ingenuity to make our lives better and more comfortable.

Let us make progress. Let us set aside this back-to-the-future energy bill and turn our faces into the 21st Century, toward our Nation's true needs. I urge my colleagues to again reject this special interest Republican giveaway act and support the Democratic substitute. Together, Americans can do better.

Mr. MARKEY. Mr. Speaker, I rise in support of the amendment offered by the gentleman from Michigan (Mr. STUPAK) and the gentleman from Virginia (Mr. BOUCHER).

The bill before us today proposes to gut the Clean Air Act in order to promote construction of more refineries. It is predicated upon the false premise that somehow our nation's envi-

ronmental laws somehow stand in the way of the oil companies' attempts to build new refineries. Nothing could be further from the truth. The oil companies have shut down 30 refineries over the last decade. They've ordered 1 new refinery, and that one got its permit through the EPA in 9 months!

The Republican Energy bill that we passed just 8 weeks ago contained a refinery siting proposal that the Speaker of the House said "promotes greater refinery capacity so more gasoline will be on the market and it increases gasoline supply by putting an end to the proliferation of boutique fuels." The bill before us today repeals that provision. Why? Has the Majority lost confidence in its own new law?

The Republican Energy bill that we passed just 8 weeks ago contained boutique fuels language that you, Mr. Chairman, praised on the House floor, arguing that they would "make it more efficient to use our boutique fuels" by reducing the number of these fuels "so that we have greater transportability of our boutique fuels between those regions of the country that need those fuel sources." Now, the bill you have brought before us today has repealed that provision. Why? Has the Majority lost confidence that its earlier boutique fuels solution would work?

The Republican Energy bill that we passed just 8 weeks ago dropped provisions of the House bill that would have weakened the Clean Air Act. These provisions were dropped because there was bipartisan opposition to their adoption, and Chairman DOMENICI stated during the conference that the bill could not pass the Senate if they were included. The language that delays compliance with the Clean Air Act was resurrected. Why? Does the Majority really think that they've picked up any more votes for dirtying our Nation's air due to the terrible tragedies Katrina and Rita?

Why would we allow the EPA to extend deadlines for cleaning up ozone pollution, in some cases until 2015, without imposing any of the additional cleanup requirements mandated under current law? The proponents of this bad provision are trying to justify it by saying it is for the "protection" of downwind States.

However, just yesterday, 9 Attorneys General, including 6 from "downwind" States such as Massachusetts, sent a letter to the House leadership opposing this bill. Well if the States that are the supposed beneficiaries of these relaxed regulations don't want them, then who does? The polluters, that's who!

The bottom line is that these rollbacks of clean air requirements don't benefit the states that have to breathe dirty air for another 10 years, they benefit the corporations that don't want to clean up their power plants.

This bill before us today also proposes to preempt the ability of state or local officials to make decisions regarding the siting of a new refinery or an oil pipeline. Instead of allowing State and local officials to make land use decisions, to consider environmental impacts, impacts on local communities, on historic or cultural sites, or other factors, we are going to have the bureaucrats at the Department of Energy and the Federal Energy Regulatory Commission make these decisions. State and local officials, the cities, the Mayors, all oppose doing this.

The Democratic Substitute would replace the many objectionable provisions of the underlying bill with language that would give the

Federal Trade Commission new authority to investigate and punish certain manipulative or abusive practices during any presidentially declared national or regional "energy emergency." It would bar any party from selling crude oil, gasoline, home heating oil or other petroleum products at a price that is unconscionably excessive or which takes unfair advantage of the circumstances to increase prices unreasonably.

At the same time, the Substitute creates a new Strategic Refinery Reserve that builds on the highly successful Strategic Petroleum Reserve. The Refinery Reserve would provide the Federal Government with the ability to produce gasoline, home heating oil, or other refined petroleum products during an energy emergency. It would be designed to be able to serve 5 percent of daily demand. During non-emergency periods, the Reserve would produce petroleum products to serve demand from the Federal government, including the Department of Defense. It would also serve demand from State and local governments that elected to opt-in to receiving fuel supplies from the Reserve.

The Substitute avoids the extreme overreaching of the underlying bill. It limits our response to the two issues that have been highlighted for us all as the result of Katrina and Rita—the need for a Federal price gouging law and the need for a Federal refinery reserve.

I urge adoption of the amendment.

The SPEAKER pro tempore (Mr. SIMPSON). Pursuant to House Resolution 481, the previous question is ordered on the bill and on the amendment in the nature of a substitute offered by the gentleman from Michigan (Mr. STUPAK).

The question is on the amendment in the nature of a substitute offered by the gentleman from Michigan (Mr. STUPAK).

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

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 199, noes 222, not voting 12, as follows:

[Roll No. 517]

AYES—199

Abercrombie	Cardin	Dicks
Ackerman	Cardoza	Dingell
Allen	Carnahan	Doggett
Andrews	Carson	Doyle
Baca	Case	Edwards
Baird	Chandler	Emanuel
Baldwin	Clay	Emerson
Barrow	Cleaver	Engel
Bean	Clyburn	Eshoo
Becerra	Conyers	Etheridge
Berkley	Cooper	Evans
Berman	Costa	Farr
Berry	Costello	Fattah
Bishop (GA)	Cramer	Filner
Bishop (NY)	Crowley	Ford
Blumenauer	Cuellar	Frank (MA)
Boren	Cummings	Gonzalez
Boucher	Davis (AL)	Gordon
Boyd	Davis (CA)	Green, Al
Brady (PA)	Davis (FL)	Green, Gene
Brown (OH)	Davis (IL)	Grijalva
Brown, Corrine	Davis (TN)	Gutierrez
Butterfield	DeFazio	Harman
Capps	DeGette	Herseth
Capuano	DeLauro	Higgins

Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee
(TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowe
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre

McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Michaud
Millender-
McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Oberstar
Obey
Ortiz
Owens
Pallone
Pascrell
Pastor
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda
T.

Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Shays
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman
Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—222

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite,
Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Cunningham
Davis (KY)
Davis, Jo Ann
Davis, Tom
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake

Dreier
Duncan
Ehlers
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Foley
Forbes
Fortenberry
Fossella
Foxy
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)

Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel
E.
Mack
Manzullo
Marchant
McCaul (TX)
McCotter
McCreery
McHenry
McHugh
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Nunes
Nussle
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering

Pitts
Platts
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ryan (WI)
Ryun (KS)

Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry

Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—12

Beauprez
Boswell
Deal (GA)
Delahunt

Hastings (FL)
Neal (MA)
Norwood
Olver

Payne
Poe
Royce
Schwarz (MI)

□ 1332

Messrs. GOODLATTE, MCCAUL of Texas and HALL and Ms. PRYCE of Ohio changed their vote from “aye” to “no.”

Messrs. STARK, CARDOZA, CRAMER, AL GREEN of Texas, RUPPERSBERGER and SHAYS changed their vote from “no” to “aye.”

So the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. POE. Mr. Speaker, I was not present for debate on rollcall vote No. 515, rule providing for consideration of Gasoline for America's Security Act (H.R. 3893); rollcall vote No. 516, on approving the journal; and rollcall vote No. 517, substitute amendment by STUPAK to H.R. 3893.

Had I been present, I would have voted “yea” for rollcall votes 515 and 516. I would have voted “nay” for rollcall vote No. 517.

The SPEAKER pro tempore (Mr. SIMPSON). The question is on the engrossment and third reading of the bill.

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

MOTION TO RECOMMIT OFFERED BY MR. BISHOP OF NEW YORK

Mr. BISHOP of New York. Mr. Speaker, I offer a motion to recommit.

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

Mr. BISHOP of New York. In its present form, yes.

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

The Clerk read as follows:

Mr. Bishop of New York moves to recommit the bill, H.R. 3893, to the Committee on Energy and Commerce with instructions to report the bill back to the House forthwith with the following amendment:

Strike section 402 of the bill and insert the following:

SEC. 402. PROTECTING CONSUMERS FROM ENERGY PRICE GOUGING.

(a) UNCONSCIONABLE PRICING OF GASOLINE, OIL, NATURAL GAS, AND PETROLEUM DISTILLATES DURING EMERGENCIES.—

(1) UNCONSCIONABLE PRICING.—

(A) IN GENERAL.—During any energy emergency declared by the President under sub-

section (b), it is unlawful for any person to sell crude oil, gasoline, natural gas, or petroleum distillates in, or for use in, the area to which that declaration applies at a price that—

(i) is unconscionably excessive; or

(ii) indicates the seller is taking unfair advantage of the circumstances to increase prices unreasonably.

(B) FACTORS CONSIDERED.—In determining whether a violation of subparagraph (A) has occurred, there shall be taken into account, among other factors, whether—

(i) the amount charged represents a gross disparity between the price of the crude oil, gasoline, natural gas, or petroleum distillate sold and the price at which it was offered for sale in the usual course of the seller's business immediately prior to the energy emergency; or

(ii) the amount charged grossly exceeds the price at which the same or similar crude oil, gasoline, natural gas, or petroleum distillate was readily obtainable by other purchasers in the area to which the declaration applies.

(C) MITIGATING FACTORS.—In determining whether a violation of subparagraph (A) has occurred, there also shall be taken into account, among other factors, whether the price at which the crude oil, gasoline, natural gas, or petroleum distillate was sold reasonably reflects additional costs, not within the control of the seller, that were paid or incurred by the seller.

(2) FALSE PRICING INFORMATION.—It is unlawful for any person to report information related to the wholesale price of crude oil, gasoline, natural gas, or petroleum distillates to the Federal Trade Commission if—

(A) that person knew, or reasonably should have known, the information to be false or misleading;

(B) the information was required by law to be reported; and

(C) the person intended the false or misleading data to affect data compiled by that department or agency for statistical or analytical purposes with respect to the market for crude oil, gasoline, natural gas, or petroleum distillates.

(3) MARKET MANIPULATION.—It is unlawful for any person, directly or indirectly, to use or employ, in connection with the purchase or sale of crude oil, gasoline, natural gas, or petroleum distillates at wholesale, any manipulative or deceptive device or contrivance, in contravention of such rules and regulations as the Federal Trade Commission may prescribe as necessary or appropriate in the public interest or for the protection of United States citizens.

(4) RULEMAKING.—Not later than 180 days after the date of the enactment of this section, the Federal Trade Commission shall promulgate rules necessary and appropriate to enforce this section.

(b) DECLARATION OF ENERGY EMERGENCY.—

(1) IN GENERAL.—If the President finds that the health, safety, welfare, or economic well-being of the citizens of the United States is at risk because of a shortage or imminent shortage of adequate supplies of crude oil, gasoline, natural gas, or petroleum distillates due to a disruption of the national distribution system for crude oil, gasoline, natural gas, or petroleum distillates (including such a shortage related to a major disaster (as defined in section 102(2) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)), or significant pricing anomalies in national or regional energy markets for crude oil, gasoline, natural gas, or petroleum distillates of a more than transient nature, the President

may declare that a Federal energy emergency exists.

(2) SCOPE AND DURATION.—The declaration shall apply to the Nation, a geographical region, or 1 or more States, as determined by the President, but may not be in effect for a period of more than 45 days.

(3) EXTENSIONS.—The President may—

(A) extend a declaration under paragraph (1) for a period of not more than 45 days; and

(B) extend such a declaration more than once.

(c) ENFORCEMENT BY THE FEDERAL TRADE COMMISSION.—

(1) ENFORCEMENT BY FTC.—A violation of subsection (a) shall be treated as a violation of a rule defining an unfair or deceptive act or practice prescribed under section 18(a)(1)(B) of the Federal Trade Commission Act (15 U.S.C. 57a(a)(1)(B)). The Federal Trade Commission shall enforce this section in the same manner, by the same means, and with the same jurisdiction as though all applicable terms and provisions of the Federal Trade Commission Act were incorporated into and made a part of this section. In enforcing subsection (a)(1), the Commission shall give priority to enforcement actions concerning companies with total United States wholesale or retail sales of crude oil, gasoline, and petroleum distillates in excess of \$500,000,000 per year.

(2) CIVIL PENALTIES.—

(A) IN GENERAL.—Notwithstanding the penalties set forth under the Federal Trade Commission Act, any person who violates subsection (a) shall be subject to the following penalties:

(i) PRICE GOUGING; UNJUST PROFITS.—Any person who violates subsection (a)(1) shall be subject to—

(I) a fine of not more than 3 times the amount of profits gained by such person through such violation; or

(II) a fine of not more than \$3,000,000.

(ii) FALSE INFORMATION; MARKET MANIPULATION.—Any person who violates paragraph (2) or (3) of subsection (a) shall be subject to a civil penalty of not more than \$1,000,000.

(B) METHOD OF ASSESSMENT.—The penalties provided by subparagraph (A) shall be assessed in the same manner as civil penalties imposed under section 5 of the Federal Trade Commission Act (15 U.S.C. 45).

(C) MULTIPLE OFFENSES; MITIGATING FACTORS.—In assessing the penalty provided by this paragraph—

(i) each day of a continuing violation shall be considered a separate violation; and

(ii) the Federal Trade Commission shall take into consideration the seriousness of the violation and the efforts of the person committing the violation to remedy the harm caused by the violation in a timely manner.

(d) ENFORCEMENT AT RETAIL LEVEL BY STATE ATTORNEYS GENERAL.—

(1) IN GENERAL.—A State, as *parens patriae*, may bring a civil action on behalf of its residents in an appropriate district court of the United States to enforce the provisions of subsection (a)(1) or to impose the civil penalties authorized by subsection (c)(2)(a)(ii), whenever the attorney general of the State has reason to believe that the interests of the residents of the State have been or are being threatened or adversely affected by a violation of this section or a regulation under this section.

(2) NOTICE.—The State shall serve written notice to the Federal Trade Commission of any civil action under paragraph (1) prior to initiating such civil action. The notice shall include a copy of the complaint to be filed to initiate such civil action, except that if it is not feasible for the State to provide such prior notice, the State shall provide such no-

tice immediately upon instituting such civil action.

(3) AUTHORITY TO INTERVENE.—Upon receiving the notice required by paragraph (2), the Federal Trade Commission may intervene in such civil action and upon intervening—

(A) be heard on all matters arising in such civil action; and

(B) file petitions for appeal of a decision in such civil action.

(4) CONSTRUCTION.—For purposes of bringing any civil action under paragraph (1), nothing in this section shall prevent the attorney general of a State from exercising the powers conferred on the attorney general by the laws of such State to conduct investigations or to administer oaths or affirmations or to compel the attendance of witnesses or the production of documentary and other evidence.

(5) VENUE; SERVICE OF PROCESS.—In a civil action brought under paragraph (1)—

(A) the venue shall be a judicial district in which—

(i) the defendant operates;

(ii) the defendant was authorized to do business; or

(iii) where the defendant in the civil action is found;

(B) process may be served without regard to the territorial limits of the district or of the State in which the civil action is instituted; and

(C) a person who participated with the defendant in an alleged violation that is being litigated in the civil action may be joined in the civil action without regard to the residence of the person.

(6) LIMITATION ON STATE ACTION WHILE FEDERAL ACTION IS PENDING.—If the Federal Trade Commission has instituted a civil action or an administrative action for violation of this section, no State attorney general, or official or agency of a State, may bring an action under this subsection during the pendency of that action against any defendant named in the complaint of the Federal Trade Commission or the other agency for any violation of this section alleged in the complaint.

(7) ENFORCEMENT OF STATE LAW.—Nothing contained in this section shall prohibit an authorized State official from proceeding in State court to enforce a civil or criminal statute of such State.

(e) LOW INCOME ENERGY ASSISTANCE.—Amounts collected in fines and penalties under subsection (c) shall be deposited in a separate fund in the treasury to be known as the Consumer Relief Trust Fund. To the extent provided for in advance in appropriations Acts, such fund shall be used to provide assistance under the Low Income Home Energy Assistance Program established under title XXVI of the Omnibus Budget Reconciliation Act of 1981 (42 U.S.C. 8621 et seq.).

(f) EFFECT ON OTHER LAWS.—

(1) OTHER AUTHORITY OF FEDERAL TRADE COMMISSION.—Nothing in this section shall be construed to limit or affect in any way the Federal Trade Commission's authority to bring enforcement actions or take any other measure under the Federal Trade Commission Act (15 U.S.C. 41 et seq.) or any other provision of law.

(2) STATE LAW.—Nothing in this section preempts any State law.

(g) MARKET TRANSPARENCY FOR CRUDE OIL, GASOLINE, AND PETROLEUM DISTILLATES.—

(1) IN GENERAL.—The Federal Trade Commission shall facilitate price transparency in markets for the sale of crude oil and essential petroleum products at wholesale, having due regard for the public interest, the integrity of those markets, fair competition, and the protection of consumers.

(2) MARKETPLACE TRANSPARENCY.—

(A) DISSEMINATION OF INFORMATION.—In carrying out this subsection, the Federal Trade Commission shall provide by rule for the dissemination, on a timely basis, of information about the availability and prices of wholesale crude oil, gasoline, and petroleum distillates to the Federal Trade Commission, States, wholesale buyers and sellers, and the public.

(B) PROTECTION OF PUBLIC FROM ANTI-COMPETITIVE ACTIVITY.—In determining the information to be made available under this subsection and time to make the information available, the Federal Trade Commission shall seek to ensure that consumers and competitive markets are protected from the adverse effects of potential collusion or other anticompetitive behaviors that can be facilitated by untimely public disclosure of transaction-specific information.

(C) PROTECTION OF MARKET MECHANISMS.—The Federal Trade Commission shall withhold from public disclosure under this subsection any information the Commission determines would, if disclosed, be detrimental to the operation of an effective market or jeopardize system security.

(3) INFORMATION SOURCES.—

(A) IN GENERAL.—In carrying out paragraph (2), the Federal Trade Commission may—

(i) obtain information from any market participant; and

(ii) rely on entities other than the Commission to receive and make public the information, subject to the disclosure rules in paragraph(2)(C).

(B) PUBLISHED DATA.—In carrying out this subsection, the Federal Trade Commission shall consider the degree of price transparency provided by existing price publishers and providers of trade processing services, and shall rely on such publishers and services to the maximum extent possible.

(C) ELECTRONIC INFORMATION SYSTEMS.—The Federal Trade Commission may establish an electronic information system if it determines that existing price publications are not adequately providing price discovery or market transparency. Nothing in this subsection, however, shall affect any electronic information filing requirements in effect under this section as of the date of enactment of this section.

(D) DE MINIMUS EXCEPTION.—The Federal Trade Commission may not require entities who have a de minimus market presence to comply with the reporting requirements of this subsection.

(4) COOPERATION WITH OTHER FEDERAL AGENCIES.—

(A) MEMORANDUM OF UNDERSTANDING.—Within 180 days after the date of enactment of this section, the Federal Trade Commission shall conclude a memorandum of understanding with the Commodity Futures Trading Commission and other appropriate agencies (if applicable) relating to information sharing, which shall include provisions—

(i) ensuring that information requests to markets within the respective jurisdiction of each agency are properly coordinated to minimize duplicative information requests; and

(ii) regarding the treatment of proprietary trading information.

(B) CFTC JURISDICTION.—Nothing in this subsection may be construed to limit or affect the exclusive jurisdiction of the Commodity Futures Trading Commission under the Commodity Exchange Act (7 U.S.C. 1 et seq.).

(5) RULEMAKING.—Within 180 days after the date of enactment of this subsection, the Federal Trade Commission shall initiate a rulemaking proceeding to establish such rules as the Commission determines to be

necessary and appropriate to carry out this subsection.

(h) REPORT ON UNITED STATES ENERGY EMERGENCY PREPAREDNESS.—

(1) POTENTIAL IMPACTS REPORT.—Within 30 days after the date of enactment of this section, the Federal Trade Commission shall transmit to the Congress a confidential report describing the potential impact on domestic prices of crude oil, residual fuel oil, and refined petroleum products that would result from the disruption for periods of 1 week, 1 year, and 5 years, respectively, of not less than—

(A) 30 percent of United States oil production;

(B) 20 percent of United States refinery capacity; and

(C) 5 percent of global oil supplies.

(2) PROJECTIONS AND POSSIBLE REMEDIES.—The President shall include in the report—

(A) projections of the impact any such disruptions would be likely to have on the United States economy; and

(B) detailed and prioritized recommendations for remedies under each scenario covered by the report.

Mr. BISHOP of New York (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER pro tempore. The gentleman from New York (Mr. BISHOP) is recognized for 5 minutes in support of his motion.

Mr. BISHOP of New York. Mr. Speaker, 1 year ago, the price of a gallon of gasoline in America was \$1.94. The day before Hurricane Katrina struck, it was \$2.61. This difference shows that exorbitant increases began even before Katrina wreaked havoc on our economy. The day after Katrina, prices jumped to \$3.07. Today, our constituents are looking toward their elected representatives to rein in gas prices once and for all.

Earlier this year, we passed up a golden opportunity to protect Americans from price gouging when we enacted the first energy bill. If we pass this energy bill in its current form, we pass up that opportunity a second time. Let us not make the same mistake twice.

In that spirit, we offer this motion to recommit, which attacks soaring gas prices head on. Our motion achieves this objective by investing new authority in the FTC to investigate, enforce and then punish price gouging and market manipulation.

Specifically, our motion prohibits the sale of crude oil, gasoline, natural gas or any other petroleum distillates at a price that is considered either unconscionably excessive or indicates the seller is taking unfair advantage of the circumstances to increase prices unreasonably.

Any violation will result in new civil penalties, and will be enforced with up to triple the damages of the profits gained by the violation. Unlike the underlying bill, this motion has teeth by reining in scrupulous practices of the oil and gas executives, interested more

in padding their bottom line than helping middle-class families make ends meet.

I urge my colleagues to stand up to the oil companies and show hard-working Americans that we are in their corner. Now is the time we must act, to prove that their interests are paramount, not the oil companies'. Our price gouging provisions are superior to those of the underlying legislation, and our provisions are in effect at every stage of the oil and gas production, covering everyone in the supply chain.

Let us put an end to price gouging once and for all. Do not let another opportunity go by without giving middle-class families the relief that they so desperately need and deserve. If you want to do the right thing for America here and now, vote for the motion to recommit.

Mr. Speaker, I yield to the gentleman from Pennsylvania (Ms. SCHWARTZ).

Ms. SCHWARTZ of Pennsylvania. Mr. Speaker, there is no doubt that the entire Nation is paying a price for the astronomical costs of oil and gasoline, and, Mr. Speaker, Pennsylvanians are no exception. Just yesterday, Philadelphia residents were told that their home heating bills would increase by 19.4 percent. That comes on top of double-digit price increases that they had to absorb last year, and it means they will pay on average an additional \$335 to heat their homes this winter.

Winter can be very cold in Pennsylvania, and if Congress fails to take immediate action, some of my constituents will simply not have enough money to pay these high prices and may be forced to choose between heating their homes and putting food on their table. That, Mr. Speaker, is a decision that no American should be forced to make.

And it is more than just home heating costs. In the last 60 days, it has gotten a whole lot more expensive to drive to and from work, with the price of gasoline going up. It rose about 55 cents in just the last 2 months. Higher home heating costs, higher gas prices, these are daily expenses for most Americans, and they have real consequences for families across this Nation and to our national economy.

The bill under consideration today is simply another giveaway for special interests, and it comes at the expense of hardworking Americans.

The gentleman from New York (Mr. BISHOP) and I stand here today offering a way to give the Federal Government the authority to investigate and punish those using anti-competitive practices. It ensures immediate action to address the concerns of our constituents suffering from the high price of energy.

Support the Bishop motion to recommit and report this bill back to committee so we can adequately address price gouging and reduce costs for everyday Americans.

Mr. BARTON of Texas. Mr. Speaker, I claim the time in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentleman from Texas (Mr. BARTON) is recognized for 5 minutes.

Mr. BARTON of Texas. Mr. Speaker, I want to engage in a short colloquy with the gentleman from New York (Mr. McHUGH) concerning LIHEAP funding.

Mr. McHUGH. Mr. Speaker, will the gentleman yield?

Mr. BARTON of Texas. I yield to the gentleman from New York.

Mr. McHUGH. Mr. Chairman, as you know, the high energy costs are having a very negative effect on the Low Income Home Energy Assistance Program, and many State LIHEAP programs are expecting a major increase in applications and need for additional funding immediately to help ensure low-income families and seniors can afford to heat their homes.

I recently joined with more than 100 of my colleagues in writing to the Committee on Appropriations Members requesting \$1.276 billion in additional LIHEAP funding, and I hope, Mr. Chairman, that you would work with me and other Members who share those concerns to make sure this very important assistance program will be available to those who need it in the upcoming winter heating season.

Mr. BARTON of Texas. Mr. Speaker, reclaiming my time, I support increased LIHEAP funding and the Energy Policy Act of 2005 the for LIHEAP funding from \$2 billion to \$5.1 billion. I will work with the gentleman to help increase the amount of funds appropriated for LIHEAP, to help those Americans, including those Americans in your great State of New York, most vulnerable to the higher energy costs we are seeing today.

Mr. Speaker, I oppose the motion to recommit. I know we are tired and grumpy, and we want to go home and catch planes.

Let me simply say that it appears to be the Stupak language on price gouging that was in the Democratic substitute. If that is correct, we have already had the vote, and we have in the pending bill language that addresses price gouging. So I guess we just have a difference of opinion.

It reminds me of what Ginger Rogers said when she was asked to comment on what a great dancer Fred Astaire was. She said, "Yes, but I do it, and I do it in high heels backwards."

So we both agree on both sides of the aisle that we need to do something about price gouging. I would say the base bill before us does it a little bit more eloquently, and it does it so that we can actually get to the root cause without preempting the States.

Mr. Speaker, I urge a "no" vote on the motion to recommit.

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

There was no objection.

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

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

RECORDED VOTE

Mr. BISHOP of New York. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on the motion to recommit will be followed by 5-minute votes on passage of H.R. 3893, if ordered, and on the motion to suspend the rules on H. Con. Res. 248.

The vote was taken by electronic device, and there were—ayes 200, noes 222, not voting 12, as follows:

[Roll No. 518]

AYES—200

Abercrombie Green, Gene
Ackerman Grijalva
Allen Gutierrez
Andrews Harman
Baca Herseth
Baird Higgins
Baldwin Hinchey
Barrow Hinojosa
Bean Holden
Becerra Holt
Berkley Honda
Berman Hooley
Berry Hoyer
Bishop (GA) Inslee
Bishop (NY) Israel
Blumenauer Jackson (IL)
Boren Jackson-Lee
Boucher (TX)
Boyd Jefferson
Brady (PA) Johnson, E. B.
Brown (OH) Jones (OH)
Brown, Corrine Kanjorski
Butterfield Kaptur
Capps Kennedy (RI)
Capuano Kildee
Cardin Kilpatrick (MI)
Cardoza Kind
Carnahan Kucinich
Carson Langevin
Case Lantos
Chandler Larsen (WA)
Clay Larson (CT)
Cleaver Lee
Clyburn Levin
Conyers Lewis (GA)
Cooper Lipinski
Costa LoBiondo
Costello Lofgren, Zoe
Cramer Lowey
Crowley Lynch
Cuellar Maloney
Cummings Markey
Davis (AL) Marshall
Davis (CA) Matheson
Davis (FL) Matsui
Davis (IL) McCarthy
Davis (TN) McCollum (MN)
DeFazio McDermott
DeGette McGovern
DeLauro McIntyre
Dicks McKinney
Dingell McNulty
Doggett Meehan
Doyle Meek (FL)
Edwards Meeks (NY)
Emanuel Melancon
Engel Menendez
Eshoo Michaud
Etheridge Millender-
Evans McDonald
Farr Miller (NC)
Fattah Miller, George
Filner Mollohan
Ford Moore (KS)
Frank (MA) Moore (WI)
Gonzalez Moran (VA)
Gordon Murtha
Green, Al Nadler

Aderholt Gilchrest
Akin Gillmor
Alexander Gingrey
Bachus Gohmert
Baker Goode
Barrett (SC) Goodlatte
Bartlett (MD) Granger
Barton (TX) Graves
Bass Green (WI)
Biggart Gutknecht
Bilirakis Hall
Bishop (UT) Harris
Blackburn Hart
Blunt Hastert
Boehlert Hastings (WA)
Boehner Hayes
Bonilla Hayworth
Bonner Hefley
Bono Hensarling
Boozman Herger
Boustany Hobson
Bradley (NH) Hoekstra
Brady (TX) Hostettler
Brown (SC) Hulshof
Brown-Waite, Hunter
Ginny Hyde
Burgess Inglis (SC)
Burton (IN) Issa
Buyer Istook
Calvert Jenkins
Camp Jindal
Cannon Johnson (CT)
Cantor Johnson (IL)
Capito Johnson, Sam
Carter Jones (NC)
Castle Keller
Chabot Kelly
Chocola Kennedy (MN)
Coble King (IA)
Cole (OK) King (NY)
Conaway Kingston
Crenshaw Kirk
Cubbin Kline
Culberson Knollenberg
Cunningham Kolbe
Davis (KY) Kuhl (NY)
Davis, Jo Ann LaHood
Davis, Tom Latham
DeLay LaTourrette
Dent Leach
Diaz-Balart, L. Lewis (CA)
Diaz-Balart, M. Lewis (KY)
Doolittle Linder
Drake Lucas
Dreier Lungren, Daniel
Duncan E.
Ehlers Mack
Emerson Manzullo
English (PA) Marchant
Everett McCaul (TX)
Feeney McCotter
Ferguson McCrery
Fitzpatrick (PA) McHenry
Flake McHugh
Foley McKeon
Forbes McMorris
Fortenberry Mica
Fossella Miller (FL)
Foxy Miller (MI)
Franks (AZ) Miller, Gary
Frelinghuysen Moran (KS)
Gallegly Murphy
Garrett (NJ) Musgrave
Gerlach Myrick
Gibbons Neugebauer

NOT VOTING—12

Beauprez Hastings (FL)
Boswell Neal (MA)
Deal (GA) Norwood
Delahunt Oliver

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1358

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

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

Ney
Northup
Nunes
Nussle
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ryan (WI)
Ryun (KS)
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

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

RECORDED VOTE

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

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 212, noes 210, not voting 12, as follows:

[Roll No. 519]

AYES—212

Aderholt Gillmor
Akin Gingrey
Alexander Gohmert
Bachus Goode
Baker Goodlatte
Barrett (SC) Granger
Bartlett (MD) Graves
Barton (TX) Green (WI)
Bass Gutknecht
Biggart Hall
Bilirakis Harris
Bishop (UT) Hart
Blackburn Hastert
Blunt Hastings (WA)
Boehner Hayes
Bonilla Hayworth
Bonner Hefley
Bono Hensarling
Boozman Herger
Boustany Hobson
Brady (TX) Hoekstra
Brown (SC) Hostettler
Brown-Waite, Hulshof
Ginny Hunter
Burgess Hyde
Burton (IN) Inglis (SC)
Buyer Issa
Calvert Istook
Camp Jenkins
Cannon Jindal
Cantor Johnson (CT)
Capito Johnson, Sam
Carter Keller
Chabot Kennedy (MN)
Chocola King (IA)
Coble King (NY)
Cole (OK) Kingston
Conaway Kline
Crenshaw Knollenberg
Cubbin Kuhl
Culberson Knollenberg
Cunningham Kolbe
Davis (KY) Kuhl (NY)
Davis, Jo Ann Latham
Davis, Tom LaTourrette
Dent Sodrel
Diaz-Balart, L. Stearns
Diaz-Balart, M. Sullivan
Doolittle Tancredo
Drake Taylor (NC)
Dreier Terry
Duncan Thomas
Ehlers Thornberry
English (PA) Tiahrt
Everett Tiberi
Feeney Turner
Ferguson McCrery
Flake McHenry
Foley McKeon
Forbes McMorris
Fortenberry Mica
Fossella Miller (FL)
Foxy Miller (MI)
Franks (AZ) Miller, Gary
Frelinghuysen Moran (KS)
Gallegly Murphy
Garrett (NJ) Musgrave
Gerlach Myrick
Gibbons Neugebauer
Gilchrest Ney
Northup

NOES—210

Abercrombie Baldwin
Ackerman Barrow
Allen Bean
Andrews Becerra
Baca Berkley
Baird Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boehlert
Boren

Boucher	Hoyer	Pascarell
Boyd	Inslee	Pastor
Bradley (NH)	Israel	Pelosi
Brady (PA)	Jackson (IL)	Peterson (MN)
Brown (OH)	Jackson-Lee	Pomeroy
Brown, Corrine	(TX)	Price (NC)
Butterfield	Jefferson	Rahall
Capps	Johnson (IL)	Rangel
Capuano	Johnson, E. B.	Reyes
Cardin	Jones (NC)	Ross
Cardoza	Jones (OH)	Rothman
Carnahan	Kanjorski	Roybal-Allard
Carson	Kaptur	Ruppersberger
Case	Kennedy (RI)	Rush
Castle	Kildee	Ryan (OH)
Chandler	Kilpatrick (MI)	Sabo
Clay	Kind	Salazar
Cleaver	Kucinich	Sánchez, Linda
Clyburn	LaHood	T.
Conyers	Langevin	Sanchez, Loretta
Cooper	Lantos	Sanders
Costa	Larsen (WA)	Saxton
Costello	Larson (CT)	Schakowsky
Cramer	Leach	Schiff
Crowley	Lee	Schwartz (PA)
Cuellar	Levin	Scott (GA)
Cummings	Lewis (GA)	Scott (VA)
Davis (AL)	Lipinski	Serrano
Davis (CA)	LoBiondo	Shays
Davis (FL)	Lofgren, Zoe	Sherman
Davis (IL)	Lowe	Skelton
Davis (TN)	Lynch	Slaughter
DeFazio	Maloney	Smith (NJ)
DeGette	Markey	Smith (WA)
DeLauro	Marshall	Snyder
Dicks	Matheson	Solis
Dingell	Matsui	Spratt
Doggett	McCarthy	Stark
Doyle	McCollum (MN)	Strickland
Edwards	McDermott	Stupac
Emanuel	McGovern	Tanner
Engel	McIntyre	Tauscher
Eshoo	McKinney	Taylor (MS)
Etheridge	McNulty	Thompson (CA)
Evans	Meehan	Thompson (MS)
Farr	Meek (FL)	Tierney
Fattah	Meeks (NY)	Towns
Filner	Melancon	Udall (CO)
Fitzpatrick (PA)	Menendez	Udall (NM)
Ford	Michaud	Van Hollen
Frank (MA)	Millender-	Velázquez
Gonzalez	McDonald	Visclosky
Gordon	Miller (NC)	Wasserman
Green, Al	Miller, George	Schultz
Green, Gene	Mollohan	Waters
Grijalva	Moore (KS)	Watson
Gutierrez	Moore (WI)	Watt
Harman	Moran (VA)	Waxman
Hersteth	Murtha	Weiner
Higgins	Nadler	Weldon (PA)
Hinchey	Napolitano	Wexler
Hinojosa	Oberstar	Woolsey
Holden	Obey	Wu
Holt	Ortiz	Wynn
Honda	Owens	
Hooley	Pallone	

NOT VOTING—12

Beauprez	Hastings (FL)	Paul
Boswell	Neal (MA)	Payne
Deal (GA)	Norwood	Royce
Delahunt	Oliver	Schwarz (MI)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

PARLIAMENTARY INQUIRY

Mr. HOYER (during the vote). Mr. Speaker, Members have planes to catch, as you well know; and I am just wondering if you could advise us as to the time frame of this vote.

The SPEAKER pro tempore. Does the gentleman have a parliamentary inquiry?

Mr. HOYER. The parliamentary inquiry would be how long, under parliamentary procedure, will this vote continue?

The SPEAKER pro tempore. The rules specify only a minimum time for the vote.

Mr. HOYER. We have passed that, is my understanding, Mr. Speaker.

The SPEAKER pro tempore. The Chair is exercising his discretion as to when the vote has been completed.

PARLIAMENTARY INQUIRY

Mr. SANDERS (during the vote). Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore. The gentleman may state his inquiry.

Mr. SANDERS. How long was this vote for?

The SPEAKER pro tempore. There is no maximum time for a vote.

Mr. SANDERS. My understanding is this was a 5-minute vote; is that correct?

The SPEAKER pro tempore. The rule specifies only a minimum time for voting, which on this vote is 5 minutes.

Mr. SANDERS. And how many minutes have elapsed? How many minutes have elapsed since the vote was called?

The SPEAKER pro tempore. Fourteen.

Mr. SANDERS. Fourteen for a 5-minute vote. I thank the Chair.

PARLIAMENTARY INQUIRIES

Mr. MARKEY (during the vote). Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore (Mr. SIMPSON). The gentleman may inquire.

Mr. MARKEY. Mr. Speaker, I observe that we are operating in a 5-minute vote, and we are now nearing 20 minutes for this vote to have been completed. Mr. Speaker, where does the point at which at the discretion of the Chair is no longer being used for the convenience of the Members but instead in order to abuse the discretion that the Chair has in keeping—

The SPEAKER pro tempore. The Chair will inform the gentleman that the rules do not set a maximum duration for the vote. The Chair intends to bring the vote to a close at such time as he believes Members have finished voting.

Mr. FRANK of Massachusetts. Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his inquiry.

Mr. FRANK of Massachusetts. Mr. Speaker, my question is in the current uncertainty, do you know which Members the leadership from whom you are to take instruction to close the vote—

The SPEAKER pro tempore. The gentleman has not stated a proper parliamentary inquiry.

Mr. LEVIN. Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore. The gentleman may inquire.

Mr. LEVIN. Mr. Speaker, the all-time world's record for a vote was 3 hours for the prescription drug Medicare bill. Do we anticipate beating that today?

The SPEAKER pro tempore. The gentleman has not stated a proper parliamentary inquiry.

Mr. LEVIN. I am sorry, Mr. Speaker. Mr. MENENDEZ. Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore. The gentleman may inquire.

Mr. MENENDEZ. Mr. Speaker, is the discretion of the Chair or the abuse of the discretion of the Chair and the abuse of power subject to a vote of the House to continue this vote open? Because we have a history on this House floor of illegalities taking place to change people's vote. Is the discretion of the Chair and an abuse of the discretion of the Chair subject to a ruling and a vote by this House?

The SPEAKER pro tempore. The Chair has affirmed that the rules establish a minimum duration of the vote; the rules do not set a maximum duration; and the Chair intends to bring the vote to a close at such time as he believes that Members have finished voting.

The Chair feels that further parliamentary inquiry at this stage of the proceedings is not constructive.

PARLIAMENTARY INQUIRY

Mr. HOYER (during the vote). Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore (Mr. SIMPSON). The gentleman will state his inquiry.

Mr. HOYER. Mr. Speaker, I am informed by the tally clerk that every Member of Congress who is in town has voted. Has voted. Has voted.

The SPEAKER pro tempore. Does the gentleman have a parliamentary inquiry?

Mr. HOYER. I do have a parliamentary inquiry. In that instance, is it not appropriate, once the people have spoken through their representatives in this House, to bring the vote to a close?

The SPEAKER pro tempore. That is a hypothetical question. The Chair will not answer a hypothetical question.

Mr. HOYER. I do not think that is hypothetical. That is the fact.

The SPEAKER pro tempore. As previously stated, the Chair intends to bring the vote to a close at such time as he believes that Members have finished voting. Have finished voting.

Mr. HOYER. I thank the Speaker. I am disappointed at the response, but I understand it.

PARLIAMENTARY INQUIRY

Mr. WAXMAN (during the vote). Parliamentary inquiry, Mr. Speaker. When a bill does not have a hearing—

The SPEAKER pro tempore. Does the gentleman have a parliamentary inquiry?

Mr. WAXMAN. I do have an inquiry.

The SPEAKER pro tempore. The gentleman may state a parliamentary inquiry.

Mr. WAXMAN. When there is a markup without Members having more than a day to review it; when the bill is rewritten and put on the House floor without Members having had a chance to review it; when the vote is held open a long period of time after the time has expired, does that not make the House a banana republic?

The SPEAKER pro tempore. The gentleman is not stating a parliamentary inquiry.

PARLIAMENTARY INQUIRY

Mr. DINGELL (during the vote). Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore. The gentleman may inquire.

Mr. DINGELL. Mr. Speaker, I have a plane to catch in about 1 hour. Am I going to be able to make it?

The SPEAKER pro tempore. That is not a parliamentary inquiry.

Mr. DINGELL. Will my colleagues be able to make it? Will the vote be ended by that time?

The SPEAKER pro tempore. That is not a parliamentary inquiry.

PARLIAMENTARY INQUIRY

Ms. PELOSI (during the vote). Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore. The gentleman may inquire.

Ms. PELOSI. Mr. Speaker, my parliamentary inquiry is: Is it not bringing dishonor to the House of Representatives for this body to act in the shameful way that it is? Is it not part of the culture of corruption of the Republican Party to dishonor the wishes of the American people?

The SPEAKER pro tempore. Does the gentleman have a parliamentary inquiry?

Ms. PELOSI. I have a parliamentary inquiry.

PARLIAMENTARY INQUIRY

Mr. THOMAS (during the vote). Parliamentary inquiry, Mr. Speaker. Based upon the statement of the gentleman from Maryland that everyone had voted and that therefore the vote should have been closed—

The SPEAKER pro tempore. Does the gentleman have a parliamentary inquiry?

The Chair will recognize Members for appropriate parliamentary inquiries.

PARLIAMENTARY INQUIRY

Mr. WAXMAN (during the vote). Parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman may inquire.

Mr. WAXMAN. After the votes have been cast, is it not appropriate to announce the votes?

The SPEAKER pro tempore. As previously stated, the Chair intends to bring the vote to a close at such time as he believes that all Members have finished voting.

□ 1442

Messrs. MOLLOHAN, CUELLAR, GENE GREEN of Texas, and BRADLEY of New Hampshire changed their vote from “yea” to “nay.”

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

HONORING THE LIFE AND WORK OF SIMON WIESENTHAL

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 248, as amended.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 248, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 354, nays 0, not voting 79, as follows:

[Roll No. 520]

YEAS—354

- Abercrombie
- Aderholt
- Akin
- Alexander
- Allen
- Andrews
- Baca
- Baird
- Baker
- Baldwin
- Barrett (SC)
- Barrow
- Bartlett (MD)
- Barton (TX)
- Bass
- Bean
- Becerra
- Berkley
- Berman
- Berry
- Biggert
- Bilirakis
- Bishop (GA)
- Bishop (NY)
- Bishop (UT)
- Blumenauer
- Blunt
- Boehler
- Boehner
- Bonilla
- Bonner
- Bono
- Boozman
- Boren
- Boustany
- Boyd
- Bradley (NH)
- Brady (PA)
- Brown (OH)
- Brown (SC)
- Brown, Corrine
- Burgess
- Burton (IN)
- Butterfield
- Buyer
- Calvert
- Camp
- Cannon
- Cantor
- Capito
- Capuano
- Cardin
- Cardoza
- Carnahan
- Carter
- Case
- Castle
- Chabot
- Chandler
- Chocola
- Clay
- Cole (OK)
- Conaway
- Conyers
- Cooper
- Costa
- Costello
- Cramer
- Crenshaw
- Crowley
- Cubin
- Cuellar
- Culberson
- Cummings
- Cunningham
- Davis (AL)
- Davis (CA)
- Davis (IL)
- Davis (KY)
- Davis, Tom
- DeGette
- DeLay
- Dent
- Diaz-Balart, L.
- Diaz-Balart, M.
- Dingell
- Doggett
- Doilittle
- Doyle
- Drake
- Dreier
- Duncan
- Edwards
- Ehlers
- Emanuel
- Emerson
- Engel
- English (PA)
- Etheridge
- Evans
- Farr
- Fattah
- Ferguson
- Fitzpatrick (PA)
- Flake
- Foley
- Forbes
- Ford
- Fortenberry
- Fossella
- Frank (MA)
- Franks (AZ)
- Gallely
- Garrett (NJ)
- Gerlach
- Gibbons
- Gilchrest
- Gingrey
- Gohmert
- Gonzalez
- Goodlatte
- Gordon
- Green, Al
- Green, Gene
- Grijalva
- Gutknecht
- Hall
- Harman
- Hart
- Hastings (WA)
- Hayes
- Hayworth
- Hefley
- Hensarling
- Herger
- Herseth
- Higgins
- Hinojosa
- Hobson
- Hoekstra
- Holden
- Holt
- Honda
- Hostettler
- Hoyer
- Hulshof
- Hunter
- Hyde
- Inglis (SC)
- Inslee
- Issa
- Istook
- Jackson (IL)
- Jackson-Lee (TX)
- Jefferson
- Jindal
- Johnson (CT)
- Johnson, E. B.
- Johnson, Sam
- Jones (NC)
- Jones (OH)
- Kanjorski
- Kaptur
- Keller
- Kelly
- Kennedy (MN)
- Kennedy (RI)
- Kildee
- Kilpatrick (MI)
- Kind
- King (IA)
- Kingston
- Kirk
- Kline
- Knollenberg
- Kolbe
- Kucinich
- Kuhl (NY)
- Langevin
- Lantos
- Larsen (WA)
- Latham
- LaTourette
- Leach
- Lee
- Levin
- Lewis (CA)
- Lewis (GA)
- Lewis (KY)
- Linder
- Lipinski
- LoBiondo
- Lofgren, Zoe
- Lowe
- Lucas
- Lungren, Daniel E.
- Mack
- Maloney
- Manzullo
- Markey
- Marshall
- Matheson
- Matsui
- McCaul (TX)
- McCollum (MN)
- McCotter
- McCrery
- McGovern
- McHenry
- McHugh
- McIntyre
- McKeon
- McKinney
- McMorris
- McNulty
- Meek (FL)
- Meeke (NY)
- Melancon
- Menendez
- Michaud
- Millender
- McDonald
- Miller (FL)
- Miller (MI)
- Miller (NC)
- Miller, Gary
- Miller, George
- Mollohan
- Moore (KS)
- Moore (WI)
- Moran (VA)
- Murphy
- Myrick
- Nadler
- Napolitano
- Neugebauer
- Northup
- Nunes
- Oberstar
- Obey
- Ortiz
- Otter
- Owens
- Pallone
- Pastor
- Paul
- Pearce
- Pelosi
- Petri
- Pickering
- Pitts
- Platts
- Poe
- Pomeroy
- Porter
- Price (GA)
- Price (NC)
- Pryce (OH)
- Putnam
- Radanovich
- Rahall
- Ramstad
- Rangel
- Regula
- Rehberg
- Reichert
- Renzi
- Reyes
- Reynolds
- Rogers (AL)
- Rogers (KY)
- Rogers (MI)
- Rohrabacher
- Ros-Lehtinen
- Ross
- Rothman
- Roybal-Allard
- Ruppersberger
- Rush
- Ryan (OH)
- Ryan (WI)
- Ryun (KS)
- Salazar
- Sánchez, Linda T.
- Sanchez, Loretta
- Sanders
- Saxton
- Schakowsky
- Schiff
- Schmidt
- Schwartz (PA)
- Scott (GA)
- Scott (VA)
- Sensenbrenner
- Serrano
- Sessions
- Shadegg
- Shaw
- Shays
- Sherman
- Sherwood
- Shimkus
- Shuster
- Simmons
- Simpson
- Skelton
- Slaughter
- Smith (NJ)
- Smith (TX)
- Smith (WA)
- Snyder
- Sodrel
- Solis
- Souder
- Spratt
- Stearns
- Strickland
- Sullivan
- Sweeney
- Tancredo
- Tanner
- Tauscher
- Taylor (MS)
- Thomas
- Thompson (CA)
- Thompson (MS)
- Thornberry
- Tiahrt
- Tierney
- Towns
- Turner
- Udall (CO)
- Udall (NM)
- Upton
- Van Hollen
- Velázquez
- Visclosky
- Walden (OR)
- Wasserman
- Schultz
- Watt
- Waxman
- Weiner
- Weldon (FL)
- Weldon (PA)
- Weller
- Wexler
- Whitfield
- Wilson (NM)
- Wilson (SC)
- Wolf
- Woolsey
- Wu
- Wynn
- Young (AK)
- Young (FL)

- Ackerman
- Bachus
- Beauprez
- Blackburn
- Boswell
- Boucher
- Brady (TX)
- Brown-Waite, Ginny
- Capps
- Carson
- Cleaver
- Clyburn
- Coble
- Davis (FL)
- Davis (TN)
- Davis, Jo Ann
- Deal (GA)
- DeFazio
- Delahunt
- DeLauro
- Dicks
- Eshoo
- Everett
- Feeney
- Filner
- Foxx
- Frelinghuysen
- Gillmor
- Goode
- Granger
- Graves
- Green (WI)
- Gutierrez
- Harris
- Hastings (FL)
- Hinchee
- Hoolley
- Israel
- Jenkins
- Johnson (IL)
- King (NY)
- LaHood
- Larson (CT)
- Lynch
- Marchant
- McCarthy
- McDermott
- Meehan
- Mica
- Moran (KS)
- Murtha
- Musgrave
- Neal (MA)
- Ney
- Norwood
- Nussle
- Olver
- Osborne
- Oxley
- Pascrell
- Payne
- Pence
- Peterson (MN)
- Peterson (PA)
- Pombo
- Royce
- Sabo
- Schwarz (MI)
- Stark
- Stupak
- Taylor (NC)
- Terry
- Tiberi
- Walsh
- Wamp
- Waters
- Watson
- Westmoreland
- Wicker

NOT VOTING—79

□ 1453

So (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. PENCE. Mr. Speaker, I was detained this afternoon. Had I been present, I would have voted in the following manner: Rollcall 520 (On Passage—H. Con. Res. 248)—“yea.”

Mr. GREEN of Wisconsin. Mr. Speaker, had I been present, I would have voted “yea” on rollcall 520.

Mr. GUTIERREZ. Mr. Speaker, I was unavoidably absent from this Chamber for one rollcall vote today. I would like the RECORD to show that, had I been present, I would have voted “yea” on rollcall vote 520.

Mr. LARSON of Connecticut. Mr. Speaker, I was unable to vote on H. Con. Res. 248, honoring the life and work of Simon Wiesenthal

and reaffirming the commitment of Congress to the fight against anti-Semitism and intolerance in all forms, in all forums, and in all nations. Had I been present I would have voted "yea" on rollcall vote No. 520.

Mr. CLEAVER. Mr. Speaker, I was unavoidably detained from the Chamber today during rollcall vote 520. Had I been present, I would have voted "yea."

Mrs. CAPPS. Mr. Speaker, I was not able to be present for the following rollcall vote and would like the RECORD to reflect that I would have voted as follows: Rollcall No. 520—"yea."

Mr. JOHNSON of Illinois. Mr. Speaker, on rollcall No. 520 I was inadvertently detained. Had I been present, I would have vote "yea."

Mr. MICA. Mr. Speaker, I was unavoidably detained and was unable to vote on rollcall 520. Had I been present, I would have voted "yea" on this measure.

Mr. FILNER. Mr. Speaker, on rollcall No. 520, on H. Con. Res. 248, I was in route to my Congressional District on official business. Had I been present, I would have vote "yea."

PROVIDING FOR AN ADJOURNMENT OR RECESS OF THE TWO HOUSES

Mr. BAKER. Mr. Speaker, I offer a privileged concurrent resolution (H. Con. Res. 263) and ask for its immediate consideration.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 263

Resolved by the House of Representatives (the Senate concurring),

That when the House adjourns on the legislative day of Friday, October 7, 2005, or Saturday, October 8, 2005, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2 p.m. on Monday, October 17, 2005, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate recesses or adjourns on Friday, October 7, 2005, or Saturday, October 8, 2005, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Monday, October 17, 2005, 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.

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

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

CONDITIONAL ADJOURNMENT OF THE HOUSE

Mr. BAKER. Mr. Speaker, I ask unanimous consent that when the House adjourns on this legislative day,

it adjourn to meet at noon on the third constitutional day thereafter, unless it sooner has received a message from the Senate transmitting its concurrence in House Concurrent Resolution 263, in which case the House shall stand adjourned pursuant to that concurrent resolution.

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

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY, OCTOBER 19, 2005

Mr. BAKER. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday, October 19, 2005.

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

There was no objection.

COMMUNITY DISASTER LOAN ACT OF 2005

Mr. BAKER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 1858) to provide for community disaster loans, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

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

Mr. OBERSTAR. Mr. Speaker, reserving the right to object, under my reservation, I ask the gentleman from Louisiana (Mr. BAKER) to explain the substance of the bill.

Mr. BAKER. Mr. Speaker, will the gentleman yield?

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

Mr. BAKER. Mr. Speaker, there is within the construction of FEMA a loan program called the Community Disaster Loan Program. Currently as constructed, there is a \$5 million limit per loan per community under the rules that govern distributions of these loans. There is also a funding limitation of some considerable concern in light of the community needs pursuant to Hurricanes Katrina and Rita.

The purpose of this legislation is to designate \$700 million of previously appropriated funds for the purpose of making them available under the provisions of the current Community Disaster Loan Program.

Secondly, the bill would waive the \$5 million arbitrary cap in light of the current need, but only as to the \$700 million specified, and only as to the final disposition of the need for Hurricanes Katrina and Rita.

Pursuant to those modifications, the Senate has also adopted a provision which would not allow the waiver of repayment which has been historically

the case over the course of the administration of the Community Disaster Loan Program. The bill as now constructed does not permit the waiver of repayment of these loan obligations. This will in effect create a \$700 million loan program which must be repaid by the communities which have suffered the Katrina-Rita losses without a limit as to the \$5 million cap on a per-loan consideration.

Mr. OBERSTAR. Further reserving the right to object, and I thank the gentleman for that explanation. Earlier this week, under the leadership of our chairman of the Subcommittee on Water Resources of the Committee on Transportation and Infrastructure, the gentleman from Tennessee (Mr. DUNCAN), 10 House Members traveled to the three principally affected Gulf States to see firsthand the effects of Hurricane Katrina.

We met with officials in Baton Rouge at the Joint Operation Center for New Orleans and then on through Mississippi and Alabama, during which session the gentleman from Louisiana (Mr. BAKER) made, I thought, a superb, a superlative presentation of the history of the storm and the disastrous affects of Katrina and the consequences on the people and the businesses and the need for reconstruction.

Citizens of the Gulf States are doing everything they can to pick up where the storm left off and rebuild their lives. As we saw, nearly a month after the storm, they are still hurting. After 5 weeks of debris removal, the debris remaining is overwhelming.

□ 1500

Local governments' tax base is gone. In our meeting with Mayor Nagin, the mayor of New Orleans, he pointed out that the city of New Orleans accounts for 35 percent of the total economy of the State of Louisiana.

Of course, we also know very well that New Orleans is the world's most important grain export facility. Yet grain is backed up all along the Mississippi, the soybean crop coming in that will not be able to move until New Orleans is able to operate.

In the course of our meeting, Mayor Nagin said, with a heavy heart, with candor, that he had to leave that meeting and go to another news conference to announce layoff of half of the municipal workforce of New Orleans because the city has no revenue coming in and no ability to pay its workforce.

But it was not just New Orleans. We heard that in Bay St. Louis, we heard it in Biloxi, we heard it in Mobile. We saw the pain. This legislation is desperately needed. I support the transfer of \$750 million already appropriated in the emergency supplemental of September 8, transferring that money to FEMA, to the community disaster loan program.

I support waiver of the current \$5 million cap, but I think it is hard to swallow the insistence by the Office of Management and Budget that the loan

forgiveness provision is discontinued. I look back over the major hurricanes of the last decade and a half: 1889, Hurricane Hugo, Virgin Islands, \$50 million forgiven; 1992, Hurricane Andrew, Homestead, Florida, \$10 million forgiven; Kauai in Hawaii, 1992, \$50 million, Hurricane Iniki, forgiven; Virgin Islands, 1995, Hurricane Marilyn, \$127 million, forgiven. Every penny, principal and interest, forgiven. They needed it. It was desperate for those communities. They needed the loan forgiveness.

The damage from Katrina as we have seen is unprecedented. It is heart-breaking, it is devastating. It has affected the gentleman from Louisiana personally, his family, his constituents. It has affected my own family. My wife's brothers still live in New Orleans. One completely lost his home and a second home in Pass Christian.

The situation in Slidell, Louisiana, they would be eligible for a loan of \$5 million. But if they do not recover within 3 years, the loan and interest under current law must be forgiven. Under the bill pending, Slidell will have to repay. If they have not rebuilt their economy, if they have not reconstructed, how are they going to repay?

Now, I am sure that colleagues in the committee will say, welcome back, we will fix this at a later time. Now is the time to fix it. I understand, we are not going to stand in the way of the administration's policy priority here. I think we all accept that with great reluctance and heavy heart. We need to resolve to come back and address this at a later time.

Mr. BAKER. Mr. Speaker, will the gentleman yield?

Mr. OBERSTAR. Further reserving the right to object, I yield to the gentleman from Louisiana.

Mr. BAKER. Mr. Speaker, I certainly appreciate the gentleman from Minnesota yielding and just wish to express appreciation for those concerns he has noted. Certainly, the repayment obligation should be met at some point. The arbitrary deadline, in fact, may be problematic going forward.

I would suggest in consultation with the other members of the Louisiana delegation, we fully intend to examine this going forward and hope to have the opportunity to bring our concerns to the attention of this body and the Senate as well. The principal concern, as the gentleman has identified, is the Senate has passed this vehicle in its current construct. If we were to amend it as suggested, it would have to return to that body for their agreement.

We are very concerned with potential layoffs occurring next week in various municipalities. So this loan package is very much an emergency issue; and albeit with the nonwaiver of repayment provision, we fully support it in its current form, given the constraints we face.

Mr. OBERSTAR. Further reserving the right to object, I appreciate the gentleman's predicament and position, but I am also quite certain that within our committee, we will revisit this issue. I certainly intend to take the first opportunity to do so to correct what I think is an imbalance.

Mr. Speaker, I am happy to yield to the gentleman from Louisiana (Mr. MELANCON) under my reservation.

Mr. MELANCON. Mr. Speaker, I am new to the House, so maybe I should not be so shocked, so disappointed at what I have seen and heard this week. Maybe failing to address critical needs in a crisis is normal here. Maybe if I had been here a few terms, I would understand that is just part of the job to smile when you get nothing and then you say it is a good compromise.

Maybe with a little seniority, I would understand what it means to be a Member of the House of Representatives, to shake a lot of hands, make speeches on the floor, and deeply hope that your district ends up okay.

But I am new to this House. I do not understand. I do not understand why we cannot do what is so obviously the right thing. I do not understand how good people can have their hands so completely tied by leadership that refuses to let their Members voice their conscience. I have friends here and on the other side of the aisle. I do not understand why after asking me personally what they can do to help with this terrible tragedy, they are unable to explain to me why we have to compromise.

I am new here, Mr. Speaker. I heard the President make promises in Jackson Square, and I believed them. I believed the White House when they told me Wednesday that they would help local governments survive so that we can lay the ground work to rebuild. I believed the Louisiana Senators when they said they were committed to the same simple request.

Maybe it is because I am new, but what I am having trouble with today, Mr. Speaker, is the idea that this House would seek to put the people under south Louisiana under more debt and more pain. The loans that should be grants are about to become huge millstones around the necks of the people of south Louisiana when we act today.

When we leave this afternoon, we will have sent its local government along the gulf coast to hundreds of millions of dollars of debt. Why? That is what I ask. Why?

Senator VITTER tells us that it is the only way for this to pass the House. The only way he says that the leadership in this body will lift a finger to help the people in need in Louisiana, Mississippi, and Alabama is if we impose a crushing debt on them. All the signs point in the same direction, Mr. Speaker. The problem is here.

Senator VITTER worked in this House for 6 years and knows this leadership. He has placed the blame squarely at their feet, and I think they owe the entire gulf coast an explanation. Who is this compromise supposed to help, and why is it being done on the backs of those who need the help the most? Why have 90 percent of previous loans been forgiven, and why will loans for future disasters be forgiven but not these?

I will have to support this, Mr. Speaker. Then I am going to go back home, look my local leaders in the eye and tell them to take the money and run. Their Federal Government let them down again, just like we failed in the early days after this storm. They will be asked in 3 years to pay back the money, and that should have been a gift.

My advice to them, again, will be take the money and run. Spend it on your sheriffs' deputies, your firefighters, your public hospitals. Spend it and do not pay it back.

Mr. Speaker, I was sent here to do a job, to work for people that I represent, every day without exception, as hard as I know how. After Katrina and Rita, that focus has only sharpened. I now represent more homeless, broken and suffering people than almost anybody in this body. They have been drowned by the water, whipped by the wind, and now, Mr. Speaker, failed by the House.

Mr. OBERSTAR. Mr. Speaker, further reserving the right to object, I yield to the gentlewoman from New York.

Mrs. MALONEY. Mr. Speaker, I am not going to object, even though this legislation is flawed in many ways, as my colleague pointed out, because we all understand the tremendous need for the people in the gulf region. I am not a Representative from the gulf coast, but I certainly understand the impact on tax revenues after a disaster. Repealing the \$5 million cap on community disaster loans is something that I have been working on along with the New York delegation, ever since New York suffered at least \$5 billion in lost tax revenues following 9/11 and the loss from the gulf region maybe more.

The bill before us lifts the \$5 million cap, but it adds a provision that has never, ever been seen before with these loans. It prohibits, literally prohibits, the Federal Government from forgiving any part of these loans. This is incredibly important because there has been a long history of canceling these loans after they are given.

I have here with me, Mr. Speaker, a list of all the previous disaster loans that have been forgiven. So why are we now putting this terrible burden on the people in the gulf region?

CDL PROGRAM HISTORY—PRINCIPAL AND INTEREST CANCELLED

[As Sept. 30, 2001—* loan made under Credit Reform Act]

Loan No.	Local Government	Status	Approved amount	Interest rate	Amount disbursed	Principal cancelled	Interest cancelled	P&L cancelled
505-1	Madison Co., ID	Repaid	375,000	7¼	\$275,000			
505-2	Rexburg, ID	Cancel	260,000	7¼	260,000	260,000	260,000	\$249,301
505-3	Fremont Co., ID	Repaid	321,409	7¼	300,000			\$509,302
505-4	Bingham Co., ID	W/draw	854,000	7¼				
531-5	Williamson, WV	Repaid	127,000	7½	127,000		86,339	86,339
531-6	Matewan, WV	Cancel	12,000	7½	7,000	7,000	3,859	10,659
547-7	Hull, MA	Repaid	1,369,000	8¾	765,108	0		
537-9	Johnstown, PA	Cancel	1,680,000	8¾	1,680,000	1,880,000	699,782	2,379,782
537-10	Franklin Boro, PA	Cancel	50,000	9½	50,000	50,000	30,965	80,965
537-11	Dale Boro, PA	Cancel	47,000	11½	47,000	47,000		71,250
598-12A	Gulf Shores, AL	Repaid	239,000	9%	239,000			
598-12E	Gulf Shores (Sew Bd)	Repaid	16,100	10%	16,100			
598-13	Prichard, AL	Debt Col	1,540,000	9%	1,540,000	1,540,000	1,983,789	3,523,789
598-14	Gulf Shores WWB, Al	Repaid	44,000	10%	44,000			
638-15	Hurtsboro, AL	Repaid	28,000	13¾	29,000			
691-16	Clifton, AZ	Repaid	344,639	11	344,639	112,979	69,928	182,805
737-17	Wheatland Boro, PA	Cancel	65,768	9¼	65,758	85,788	21,681	87,449
753-18	Marlington, WV	Repaid	84,438	7½	84,430			
753-19	Albright, WV	W/draw	16,232					
753-20	Pendleton City, WV	Repaid	113,581	7½	113,581			
737-21A	Albion Boro, PA	Repaid	48,242	6¾	48,242	19,146	4,146	23,292
737-21E	Albion (Mun Auth)	W/draw	79,996					
774-22	Vassar, MI	Repaid	124,115	6½	124,115	55,528	21,304	76,832
841-23	USVI (Mugo)	Repaymt	89,912,000	8¼	50,100,000	21,013,658	12,154,386	33,168,044
853-24	Port of Tillamook, OR	Repaymt	172,318	8%	172,318			
955-25	Homestead City, FL	Cancel	10,325,000	6.73*	10,325,000	10,325,000	3,223,100	13,548,100
955-26	Florida City, FL	Cancel	1,048,000	8.73*	1,046,000	1,046,000	377,823	1,423,823
955-27	City of Miami, FL	Cancel	5,000,000	5.68*	5,000,000	5,000,000	915,350	5,815,350
955-27A	City of Miami, FL	Cancel	5,000,000	5.47*	5,000,000	5,000,000	707,733	5,707,733
955-28	Key Biscayne, FL	Repaid	1,000,000	5.88*	1,000,000			
961-29	County of Kauai, HI	Cancel	15,000,000	5.47*	15,000,000	15,000,000	4,071,873	19,071,873
927-30	American Samoa	Open	10,680,000	5.47*	10,179,083	8,638,009	3,332,779	11,955,788
997-31	Quincy, IL	Repaid	700,000	5.47*	1,000			
997-32	Brussels Comm Sch #4	Suspend	11,600	5.47*				
997-33	Calhoun Co., IL	Repaid	162,000	5.47*	71,000			
977-34	Calhoun Comm Sch #4	Suspend	543,000	5.47*				
997-35	Bluffdale Twp, IL	Repaid	10,000	5.47*	1,000			
997-36	Bluffdale Rd Dist	Repaid	10,700	5.47*	1,000			
997-37	Carrollton Sch Dist, IL	Suspend	762,000	5.47*				
997-38	Columbia Levee Dist, IL	Cancel	10,000	5.47*	10,000	10,000	2,646	12,646
997-38	Green Co., IL	Repaid	270,000	5.47*	1,000			
997-40	Hillview, IL	Repaymt	16,725	5.47*	13,500		4,844	4,844
997-41	Patterson Twp, IL	Repaid	11,600	5.47*	6,000			
997-42	Patterson Fid Dist	Repaid	15,500	5.47*	1,000			
997-43	Walkerville Twp, IL	Repaid	6,000	5.47*	6,000			
997-44	Walkerville Rd Dist	Repaid	8,300	5.47*	1,000			
997-45	Woodville, IL	Repaid	9,582	5.47*	1,000			
997-46	Woodville Rd Dist	Repaid	13,235	5.47*	1,000			
997-47	Grifton, IL	Repaid	92,000	5.47*	1,000			
997-48	Chouteau Twp, IL	Repaid	24,867	5.47*	500			
997-49	Chouteau Rd Dist	Repaid	48,283	5.47*	500			
997-50	Maeystown Fire Dist	Repaid	10,957	5.47*	1,000			
997-51	Monroe Co. Rd #8	Repaid	10,053	5.47*	1,000			
997-52	Monroe Co. Rd #9	Open	13,109	5.47*	13,109			
997-53	Monroe Co. Rd #10	Open	18,776	5.47*	10,000	3,947	1,088	5,035
997-54	Valmeyer, IL	Open	97,200	5.47*	97,200			
997-55	Valmeyer Sch #2	Suspend	652,295	5.47*				
997-56	Valmeyer Fire Dist	Open	7,500	5.47*	7,500			
997-57	Hull, IL	W/draw	15,694	5.47*				
997-58	Harrisonville Levee	Repaid	67,308	5.47*	36,000	36,000	9,725	45,725
997-59	North Coast Railroad	Open	615,658	5.66*	615,538			
1067-60	USVI (Marilyn)	Open	127,224,000	8.35*	127,200,000			
1175-64	Ada, MN	Open	1,423,448	4.90*	1,423,448			
Total			\$278,657,228		233,523,891	69,910,035	27,991,491	97,901,526

When you think about it, communities that have been devastated are not going to be in the position to be able to afford to pay back these loans. They cannot even afford their operating expenses. They are laying people off. How in the world is a city like New Orleans going to be able to afford to pay this back when it will be absolutely years before their tax base returns to normal?

Mr. Speaker, Congress is not requiring Iraq to pay back the money we are giving them. Why are we making the people of the gulf coast pay us back now? It is terribly unfair, and I would say unpatriotic. Why are we giving a priority to contractors in Iraq over the people in Louisiana, Mississippi, and Alabama? Again, we are not being required to pay back in Iraq, but now they are telling these devastated communities and people that they have to pay it back.

Mr. Speaker, this morning, along with the gentleman from Louisiana (Mr. JEFFERSON) and the gentleman from Louisiana (Mr. MELANCON) and

others, we have introduced H.R. 4012. This bill would remove the \$5 million cap, give assistance grants and allow for these loans to fully cover the expenses of the towns, counties, and parishes up and down the coast. We have already appropriated at least \$84 billion in aid for Katrina. We have identified the need. Why in the world are we setting up in this legislation new restrictive qualifications for the people in the gulf coast?

So I join my colleague in his efforts and other efforts on both sides of the aisle to remove this in the future. But it is wrong, in my opinion, to place this burden now on the people of the gulf coast.

Mr. OBERSTAR. Mr. Speaker, I thank the gentlewoman from New York (Mrs. MALONEY) for her observations.

I am happy to yield further to the gentleman should he wish.

Mr. BAKER. Mr. Speaker, I appreciate the courtesy. I shall be brief. I wish to express appreciation to those Members who brought to the House's

attention that the waiver of repayment has been stricken from the bill, but I would also indicate that in discussions with people and in the loan construction packages they have great latitude as to terms and conditions of repayment. They have been quite assuring that they will work with communities in a manner which is responsible to assure relief is provided, but that the taxpayers of the United States have some assurance that, when possible, communities will give back that which was extended during times of hardship.

I would also want to point out that there literally have been billions of dollars made available to constituents in Louisiana of great scope and consequence from the FEMA checks to the provision of temporary housing. There has been a great deal of work conducted here.

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I wish to express appreciation for the administration and all those who are engaged in this work and to the people of this great country, who have given

voluntarily huge charitable contributions to various organizations to be of assistance to us. We are indeed appreciative, and we do not wish to leave the House floor today with the impression that Louisianans have been ignored. Far from it.

We have a long way to go. There is much work to do. There is suffering still far too rampant in our communities. This act today will go another small step in helping those people get

back to normality. But there is a lot happening as fast as can be conducted, I believe, in the State of Louisiana, and I am sure in other coastal States as well, and I would like the record to reflect some balance, that it is not as fast as everyone would like, but help is coming, and I appreciate the gentleman's allowing me to make that statement.

Mr. OBERSTAR. Mr. Speaker, reclaiming my time, I thank the gen-

tleman for his observation. Again, I wish other Members had been present to hear his discussion and presentation of the State of affairs of the pre- and post-Katrina effects in Louisiana and throughout the gulf. The gentleman has certainly become a scholar of the issue.

Mr. Speaker, I include for the record at this point a compilation of the expenditures by FEMA and insured losses for fiscal year 1980 through 2000.

NATURAL DISASTERS IN THE UNITED STATES—FEMA EXPENDITURES AND INSURED LOSSES FISCAL YEARS 1980–2000

(dollars in millions)

FY	Major Disasters* (affected states, total FEMA cost to date)	FEMA Disaster Relief Fund Expenditures*	Insured Losses	Total Expenditures
1980		849.10	1,177.00	2,026.10
1981		228.96	714.00	942.96
1982		115.11	1,528.00	1,643.11
1983		245.23	2,254.00	2,499.23
1984		296.42	1,548.00	1,844.42
1985		319.17	2,816.00	3,135.17
1986		497.73	871.00	1,368.73
1987		246.03	905.00	1,151.03
1988		189.61	1,409.00	1,598.61
1989	Hurricane Hugo (NC, SC, PR, VI): \$1.31 billion; Loma Prieta Earthquake (CA): \$868.12 million	138.56	7,642.00	7,780.56
1990		2,026.26	2,825.00	4,851.26
1991		391.51	4,723.00	5,114.51
1992	Hurricane Andrew (FL, LA): \$1.85 billion; Hurricane Iniki (HI): \$257.5 million	1,725.57	22,907.00	24,632.57
1993	Midwest Floods (IL, IA, KS, MN, MO, NE, ND, SD, WI): \$1.17 billion	2,553.90	5,705.00	8,258.90
1994	Northridge Earthquake (CA): \$6.94 billion; Tropical Storm Alberto (AL, FL, GA): \$524.44 million	4,357.35	17,010.00	21,367.35
1995	Hurricane Marilyn (PR, VI): \$484.0 million; Hurricane Opal (AL, FL, GA): \$201.4 million	2,685.03	8,310.00	10,995.03
1996	Hurricane Fran (MD, NC, PA, SC, VA, WV): \$608.39 million; Hurricane Hortense (PR): \$291.6 million	3,613.60	7,375.00	10,988.60
1997	Red River Valley Floods (MN, ND, SD): \$730.43 million	4,344.92	2,600.00	6,944.92
1998	Hurricane Georges (AL, FL, LA, MS, PR, VI): \$2.48 billion	4,067.09	10,070.00	14,137.09
1999	Hurricane Floyd (CT, DE, FL, ME, MD, NH, NJ, NY, NC, PA, SC, VT, VA): \$880.4 million; Hurricane Irene (FL): \$134.9 million	4,402.61	8,321.00	12,723.61
2000		2,375.01	4,300.00	6,675.01
Total (1980–2000)		\$35,668.77	\$115,010.00	\$150,678.77
Total (1993–2000)		\$28,399.51	\$63,691.00	\$92,090.51

*The amount listed after each major disaster represents obligations for specific events that may have affected more than one state and whose related obligations fall over a number of fiscal years. The amount includes funds obligated from the Disaster Relief Fund for Federal Emergency Management Agency assistance programs, hazard mitigation grants, federal mission assignments, contractual services and administrative costs. Figures do not include funding provided by other participating federal agencies, e.g., Small Business Administration and Agriculture Department Farm Service disaster loan programs.

*FEMA Disaster Relief Fund expenditures represent obligations by fiscal year for all disasters declared to that date that are not officially closed. Sources: FEMA; Insurance Services Offices, Inc. Fact Books. Insured losses include catastrophes resulting in insured losses of \$5 million or more.

Mr. OBERSTAR. Mr. Speaker, I withdraw my reservation of objection.

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

Mr. OBEY. Mr. Speaker, reserving the right to object to the gentleman's request, it is my understanding that this bill allows \$750 million of the \$50 billion in disaster relief funding that we provided to be used for loans to assist local governments in providing essential local services. It is also my understanding, as has been discussed here, that there is a "fig leaf" attached to this bill, at least it has been called that by some, which would create the impression that these communities are going to be provided loans, rather than grants, and that these loans must be repaid.

I would simply make this observation: This country forgave debt to Eastern Europe, billions of dollars worth of debt. We forgave debt to the tune of billions of dollars for Third World debt. Yet we are being told today that somehow we are supposed to believe that the communities who are supposedly assisted by this legislation will in some way be able to pay back the debt which they would incur under this legislation.

I think we are fooling the American people if we pretend that those communities are going to have the capacity

any time soon to repay those debts, and I suspect that this provision is here more to deceive the American people about the true cost than to in fact reflect reality.

I think that if we are going to be honest with the American people and if we are going to be fair to the recipient communities, we need to recognize that these communities are not likely to have any ability to repay that was any greater than the ability of Eastern Europe or the Third World to repay the debts that we forgave in those cases a long time ago. That is one concern I have with the bill.

The second concern I have with the bill is a conservative concern, if you will, because while it is assumed that this bill will provide loans for functions such as police protection, fire fighting and everyday emergency work, in fact there is no guarantee that that is the only purpose for which these funds will be used. Because of that, I want to ask the gentleman whether or not he would be amenable and whether the majority leadership would be amenable to adding the following section to the legislation that the gentleman seeks to have considered. That would read as follows:

"Section 3, reporting requirements. The Committees on Appropriations of the House of Representatives and the Senate, the House Committee on Transportation and Infrastructure and

the Senate Select Committee on Homeland Security and Government Affairs shall be notified no later than 15 days after a loan is made pursuant to this act. Such notification shall include the following: Number one, the amount of the loan; number two, an assessment of the borrower's financial position; number three, reasons for the necessity of the loan; and number four, a description of the essential services to be provided with the funding from the loan."

Mr. BAKER. Mr. Speaker, will the gentleman yield?

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

Mr. BAKER. Mr. Speaker, I certainly understand the reason for the gentleman's inquiry and the illustrative list gentleman presents is very reasonable. In other circumstances, we found ourselves with the luxury of a little time with which to consider the matter. If we were to agree to that modification, I understand the matter would be referred to the Senate for further consideration and may well put in jeopardy the adoption ultimately of this loan program, which we are hoping to have in effect and available on Monday morning to affected communities.

I have, however, conversed with the gentleman from Alaska (Chairman YOUNG), the ranking member, the gentleman from Minnesota (Mr. OBERSTAR) and others on the committee who have jurisdiction over FEMA matters in

which this loan program is domiciled, and have assurances from them that we will visit the gentleman's concerns and adopt a reporting regime, if not exactly, very similar to this.

I would be supportive of and I am sure all members of the Louisiana delegation who are here on the floor would also support the gentleman's request, but would respectfully ask, given the concerns of time and the issues at hand, that the gentleman would withdraw his objection. We would be happy to note formally in the record our agreement to proceed with the gentleman on our return to work absent the Columbus Day recess to achieve the gentleman's interest.

Mr. OBEY. Mr. Speaker, continuing my reservation, I have been told by several people that they do not want me to pursue this because "the Senate is going out of session and it will be hard to get an amended version considered by the Senate."

Heaven forbid that we should ask the Senate to come back and work on something of this urgency. This is the same Senate that did not hesitate to come back in order to tell one American family, the Schiavo family, how they should deal with an end-of-life issue for one of their family members, and yet we are told that we should not build in this protection for the taxpayer because it might inconvenience the other body.

I am very reluctant to agree to proceeding with this legislation without this reporting requirement because, as we have just discovered under the previous \$50 billion that we provided to FEMA, they have given us a miserable explanation of the money that they have spent so far. They have given us meaningless spreadsheets and money defined in very broad, meaningless categories that tells the Congress nothing that will enable us to exercise our responsibilities as watchdogs of the public purse.

So, I guess my question is, if I withdraw my reservation, how soon can we expect to have this kind of reporting requirement brought to the House so that we know that in fact the money which is being provided will be used only for the purpose for which it is described today?

Mr. BAKER. Mr. Speaker, if the gentleman will yield further, I thank the gentleman for his question. I would point out, we would act forthwith, and perhaps there would be additional items that we would be interested in having reported to us on the matter of these loan dispositions. So we have some accountability to our constituencies and know what local governments are seeking in the way of assistance and how we may further provide aid.

So the gentleman's point is important to us in the delegation as well as to the gentleman for his own satisfaction that the funds are being used appropriately.

I would like to have the possibility of working with the gentleman's staff

over the recess week we are about to enter into, in consultation with the staff from the offices of the gentleman from Minnesota (Mr. OBERSTAR) and the gentleman from Alaska (Chairman YOUNG), to try to perfect a reporting regime that the gentleman and I and the chairman would find acceptable to achieve his goals, and it would be obtained as soon as agreement can be obtained. I would commit our delegation to be fully supportive of that effort.

Mr. YOUNG of Alaska. Mr. Speaker, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Alaska.

Mr. YOUNG of Alaska. Mr. Speaker, I have not communicated with the gentleman from Minnesota, because I support what the gentleman wants to do, but I would suggest that if the gentleman from Minnesota and I can reach this agreement, and I am sure we can, we can come out with a resolution out of our committee immediately and bring it to the floor under unanimous consent, because what I think what the gentleman is asking is very legitimate.

I will commit that to the gentleman as chairman of the committee, and I am sure the gentleman from Minnesota and I can work that out. So I give you that commitment.

Mr. OBEY. Mr. Speaker, continuing my reservation, I thank both gentlemen for their responses. Let me say that while I intend to withdraw my reservation, given those assurances, I would hope that that would happen as soon as possible, and I would also hope that sometime, somewhere, someone will explain to me why we can forgive billions of dollars of debt to the Third World, billions of dollars of debt to Eastern Europe, but not recognize that American citizens may need that same privilege.

Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the Senate bill, as follows:

S. 1858

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Community Disaster Loan Act of 2005".

SEC. 2. DISASTER LOANS.

(a) **ESSENTIAL SERVICES.**—Of the amounts provided in Public Law 109-62 for "Disaster Relief", up to \$750,000,000 may be transferred to the Disaster Assistance Direct Loan Program for the cost of direct loans as authorized under section 417 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5184) to be used to assist local governments in providing essential services: *Provided*, That such transfer may be made to subsidize gross obligations for the principal amount of direct loans not to exceed \$1,000,000,000 under section 417 of the Stafford Act: *Provided further*, That notwithstanding section 417(b) of the Stafford Act, the amount of any such loan issued pursuant to this section may exceed \$5,000,000: *Pro-*

vided further, That notwithstanding section 417(c)(1) of the Stafford Act, such loans may not be canceled: *Provided further*, That the cost of modifying such loans shall be as defined in section 502 of the Congressional Budget Act of 1974 (2 U.S.C. 661a).

(b) **ADMINISTRATIVE EXPENSES.**—Of the amounts provided in Public Law 109-62 for "Disaster Relief", up to \$1,000,000 may be transferred to the Disaster Assistance Direct Loan Program for administrative expenses to carry out the direct loan program, as authorized by section 417 of the Stafford Act.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. BAKER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on S. 1858.

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

There was no objection.

A FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 2863. An act making appropriations for the Department of Defense for the fiscal year ending September 30, 2006, and for other purposes.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 2863) "An Act making appropriations for the Department of Defense for the fiscal year ending September 30, 2006, and for other purposes," and requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. STEVENS, Mr. COCHRAN, Mr. SPECTER, Mr. DOMENICI, Mr. BOND, Mr. MCCONNELL, Mr. SHELBY, Mr. GREGG, Mr. HUTCHISON, Mr. BURNS, Mr. INOUE, Mr. BYRD, Mr. LEAHY, Mr. HARKIN, Mr. DORGAN, Mr. DURBIN, Mr. REID, Mrs. FEINSTEIN, and Ms. MIKULSKI, to be the conferees on the part of the Senate.

The message also announced that the Senate has passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 3765. An act to extend through December 31, 2007, the authority of the Secretary of the Army to accept and expend funds contributed by non-Federal public entities to expedite the processing of permits.

The message also announced that the Senate has passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 3971. An act to provide assistance to individuals and States affected by Hurricane Katrina.

The message also announced that the Senate has passed a concurrent resolution of the House of the following title:

H. Con. Res. 161. Concurrent resolution authorizing the use of the Capitol Grounds for an event to commemorate the 10th Anniversary of the Million Man March.

RESIGNATION AS MEMBER OF COMMITTEE ON GOVERNMENT REFORM

The SPEAKER pro tempore laid before the House the following resignation as a member of the Committee on Government Reform:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, Sept. 15, 2005.

Speaker DENNIS HASTERT,
House of Representatives, Room H-209, the Capital, Washington, DC.

DEAR SPEAKER HASTERT: This letter is to resign my seat on the Committee on Government Reform and all subcommittees under its jurisdiction as of September 30, 2005.

Sincerely,

GINNY BROWN-WAITE,
Member of Congress.

The SPEAKER pro tempore. Without objection, the resignation is accepted. There was no objection.

APPOINTMENT OF HON. TOM DAVIS AND HON. ROSCOE G. BARTLETT TO ACT AS SPEAKER PRO TEMPORE, TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS THROUGH OCTOBER 17, 2005

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

THE SPEAKER'S ROOM,
HOUSE OF REPRESENTATIVES,
Washington, DC, Oct. 7, 2005.

I hereby appoint the Honorable TOM DAVIS and the Honorable ROSCOE G. BARTLETT to act as Speaker pro tempore to sign enrolled bills and joint resolutions through October 17, 2005.

DENNIS HASTERT,
Speaker of the House of Representatives.

The SPEAKER pro tempore. Without objection, the appointment is approved.

There was no objection.

TRIBUTE TO THREE JEFFERSON COUNTY, TEXAS, HEROES

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

Mr. POE. Mr. Speaker, when the second lady of the gulf, Rita, hit Jefferson County, Texas, first responders hunkered down to wait out the storm. They did not leave during this hurricane. After the storm, the first responders began working 12-hour shifts and slept in their cars. The county had and still has no power or water. The responders had no food. So three local heroes took control.

Port Arthur police officer Marcelo Molfino, Port Arthur fire fighter David

Barclay and a lawyer by the name of Everett Sanderson of Nederland, Texas, took control. Molfino and Barclay worked 48 straight hours looking for meat and finding it before it got thawed. Sanderson opened up his beat up, old damaged restaurant and used a generator and set up a barbecue pit outside in a National Guard tent.

These three worked 7 days a week, 15 to 20 hours a day, cooking. Local grocery stores donated more meat during the weeks. One day last week, they fed 6,500 police officers, firefighters, Red Cross and FEMA workers, National Guard troops, Coast Guard and other responders from as far away as Maine, all eating Texas barbecue.

They did so without any government bureaucracy, no red tape forms, no permission and no committee meetings. These three heroes got her done.

FEDERAL RESPONSE TO NEW YORK TERRORIST THREAT LACKING

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

Mr. ENGEL. Mr. Speaker, yesterday the mayor of the City of New York announced that there was a credible threat of a terrorist bombing attack against New York City's trains.

□ 1530

The FBI concurred, and then we heard that the Department of Homeland Security disagreed and said that the threats were not credible.

Madam Speaker, what is going on? We are spending billions and billions of dollars on homeland security, and our Federal officials cannot seem to get it straight. First we had these ridiculous color-coded alerts. Now our FBI and Department of Homeland Security cannot agree on credible threats.

Today, part of Pennsylvania Station in New York City had to be evacuated.

President Bush should summon Secretary Chertoff and ask some very hard questions. This Congress ought to investigate why our Federal officials cannot seem to get their act together with regard to homeland security.

HOUSE REPUBLICANS LEAD FOR FISCAL RESPONSIBILITY

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

Mr. WILSON of South Carolina. Madam Speaker, all levels of government have recently learned the critical importance of saving and planning for a rainy day.

Hurricanes Katrina and Rita were a sudden wake-up call for our Nation. As the Federal Government begins to pay for the costs of these devastating disasters, Congress must adhere to a responsible plan and a strict budget. If we do not use this opportunity to reform the

spending habits of the Federal Government, our children and grandchildren will inherit tax increases and unimaginable deficits. They do not deserve to suffer the harsh consequences of earlier generations' fiscal irresponsibility.

Yesterday, House Republican leaders introduced a 4-point plan that will increase mandatory savings, decrease discretionary spending, offset reconstruction costs, and will eliminate wasteful government programs. By using our resources to provide for our Nation's needs, this plan will protect the future of American citizens and strengthen our economy.

In conclusion, God bless our troops and we will never forget September 11.

WILLIAM BENNETT

(Ms. WATSON asked and was given permission to address the House for 1 minute.)

Ms. WATSON. Madam Speaker, during a recent radio broadcast, conservative critic William Bennett said the following: "If you wanted to reduce crime, you could abort every black baby in this country and your crime rate would go down."

But Mr. Bennett's hypothesis, as absurd and racist as it is, does not tell the real story.

According to the Department of Justice national crime statistics of men and women behind bars, approximately 43 percent are black, 38 percent are white, and 19 percent are Hispanic. Whites, however, make up 70 percent of all persons arrested, and 60 percent of those are arrested for violent crime.

So why the disparity between whites arrested and whites convicted? Could it have to do with the fact that poorer defendants, often people of color, are more likely to receive standard legal representation and harsher sentences?

Madam Speaker, getting justice in America seems to have a lot more to do with the color of your skin and the color of the green in your pocket. Now, that is not virtuous.

HONORING THE MILLIONS OF AMERICANS OF GERMAN HERITAGE

(Mr. GARRETT of New Jersey asked and was given permission to address the House for 1 minute.)

Mr. GARRETT of New Jersey. Madam Speaker, I rise today to honor the millions of Americans of German heritage and their ancestors who emigrated from their native lands to come to the shores of this country.

The first German American Day was declared by Ronald Reagan back in 1983 to commemorate the 300th anniversary of the first group of German-speaking settlers who arrived in the American colonies. German settlers and immigrants have played a vital role in our Nation's history since its very beginning. Great American icons, too, people like Babe Ruth, Lou Gehrig, and Casey

Stengel in sports, and John Steinbeck, Kurt Vonnegut, and the inimitable Doctor Seuss in literature claim German heritage.

Madam Speaker, I urge the House to pay tribute to this Great German American Heritage Month, to the many Americans of German descent who continue to contribute to the vitality of my State of New Jersey and to these United States of America.

REMEMBERING THE VICTIMS OF THE LAKE GEORGE BOATING ACCIDENT

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

Mr. McCOTTER. Madam Speaker, I rise today to offer my condolences to the loved ones of those who were lost in the Lake George, New York, boating accident and offer my heartfelt sympathy to those who survived.

Seven of the individuals who perished were from my hometown of Livonia: Caryl and William Gilson, Louise and Charles Greenwald, Margaret and William Nadvornik, and Marge Perry. Avid members of the Livonia Travel Club, these fine people had contributed to their community and their country as mothers, fathers, grandmothers, grandfathers, veterans, volunteers, and friends and neighbors. Truly, they will all be missed.

Madam Speaker, I ask my colleagues to join me in expressing our sorrow and offering our assistance to all involved in and affected by this tragedy.

CELEBRATING THE 45TH ANNIVERSARY OF "IT'S ACADEMIC"

(Mr. TOM DAVIS of Virginia asked and was given permission to address the House for 1 minute.)

Mr. TOM DAVIS of Virginia. Madam Speaker, I rise today to call attention to and honor the 45th anniversary of the Nation's leading and longest-running educational television program, the Emmy-winning show, "It's Academic."

"It's Academic" is a nationwide, weekly high school competition that began in Washington, D.C. Since its inception 45 years ago, "It's Academic" shows have spread to other cities. During the current school year, 27 high schools in my congressional district will compete against the brightest students from public and private schools throughout the District of Columbia region. These students will be coached and encouraged by dedicated teachers and principals on a wide variety of academic subjects and the challenges of a competitive format under the television lights.

Every Saturday morning, viewers tune in to watch local high school students compete in their knowledge of math, literature, history, and current events. In many schools, students compete for the opportunity to be on the show. Not only do they enjoy the ca-

maraderie with their peers in learning challenging information and developing team skills, but they get the added bonus of being on television and performing under pressure, something many students on the football team and the drama club can simply envy.

The goals of "It's Academic" are more than showcasing intelligent students. All the students, including members of the losing teams, receive scholarship money from the corporate sponsors, which in my area has been primarily Giant Food.

In a recent editorial, The Washington Post said of the show: "Amid all the disturbing news about declining test scores and failing schools, this home-grown Saturday morning staple serves as a welcome reminder of what is right with education."

Madam Speaker, I wholeheartedly agree and look forward to the partnership between "It's Academic" and our communities and schools for many more years to come.

SPECIAL ORDERS

The SPEAKER pro tempore (Mrs. SCHMIDT). Under the Speaker's announced policy of January 4, 2005, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

(Ms. WOOLSEY addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

EXCHANGE OF SPECIAL ORDER TIME

Mr. SCHIFF. Madam Speaker, I request unanimous consent to assume the time of my colleague from California.

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

There was no objection.

AVIAN FLU: WE MUST ACT NOW

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. SCHIFF) is recognized for 5 minutes.

Mr. SCHIFF. Madam Speaker, in the midst of a press conference this past Tuesday, President Bush responded to a question relating to a possible outbreak of avian flu here in the United States by stating that he was considering the use of the American military to enforce quarantine measures in cases of a pandemic.

While a number of public health experts and civil liberties advocates quickly criticized the President for suggesting that the military be deployed to control a flu outbreak, his public musing about the need for such

a drastic step was a strong and long overdue indication that the U.S. Government is beginning to take seriously the prospect of a flu pandemic.

For several years now, epidemiologists and public health officials have been warning of a possible global pandemic of bird flu that could rival or surpass the 1918 Spanish flu pandemic that killed as many as 50 million people worldwide. We have been fortunate that none of the existing strains of avian flu that have infected thousands of birds and some 65 people in 11 countries have mutated into a form that can spread from human to human; but that threat is real, and there is growing evidence that we do not have much time to prepare.

This week's issues of the journals Nature and Science have published the results of work done at the U.S. Armed Forces Institute of Pathology here in Maryland that shows that the 1918 Spanish flu was actually a type of bird flu and was similar to the flu now affecting Asia. The research also suggests that samples of today's avian flu have begun to develop genetic changes that may allow it to spread from person to person.

Irwin Redlener, director of the National Center For Disease Preparedness at Columbia University, recently told The New York Times that a flu epidemic was the "next big catastrophe that we can reasonably expect, and the country is phenomenally not prepared for this."

Yesterday, Health and Human Services Secretary Mike Leavitt acknowledged our lack of preparation, but seemingly tried to absolve the administration by saying that "no one in the world is ready" for a flu pandemic.

That may be true, but some countries have taken greater steps to prepare than the United States. At present we have only 2 million doses of Tamiflu, an antiviral medication that has been shown to be effective against the H5NI flu virus. The Australian Government, on the other hand, has stockpiled 3.5 million courses of treatment, while Britain has ordered enough of the drug to cover a quarter of its population.

Clearly, we are lagging behind other developed countries in preparing for an outbreak here. And as ABC's "Primetime" reported last month, the Roche Company, which produces Tamiflu, is filling orders on a first-come, first-served basis. The United States, I am sorry to say, is nowhere near the top of the list.

Quote: "Do we wish we had ordered it sooner and more of it? I suspect one would say yes," admitted Secretary Leavitt. When asked why the U.S. did not place orders for Tamiflu sooner, the Secretary told ABC: "I can't answer that. I don't know the answer to that."

The American Government has finally begun to take action to prepare to confront a pandemic. The Department of State is hosting a meeting of

health officials from 80 countries today to map out a strategy for minimizing the deaths and destruction that an outbreak might wreak. At the same time, White House officials will meet today with representatives of the U.S. pharmaceutical industry to encourage them to get involved in the manufacture of a flu vaccine.

But, Madam Speaker, Congress needs to do more. My colleague, the gentlewoman from New York (Mrs. LOWEY), has been a leader in trying to push the Congress and the administration to do more to prepare. In late July, Mrs. LOWEY introduced H.R. 3369, the Attacking Viral Influenza Across Nations Act, the AVIAN Act, which provides for a comprehensive national effort to prepare for a flu outbreak. The AVIAN Act requires the Federal Government to create plans for and respond to a pandemic outbreak. It orders the procurement of antiviral treatments and vaccines for a Strategic National Stockpile.

The bill also promotes increased research in the pandemic flu, its vaccines and treatments, and expands efforts to prevent pandemic avian flu both domestically and internationally. I am a proud cosponsor of the AVIAN Act, and I strongly urge my colleagues to join us.

I was heartened to see last week that the Senate voted to add \$4 billion to the U.S. fight against deadly avian flu by stocking up on antiviral drugs and increasing global surveillance of the disease. The gentlewoman from New York (Mrs. LOWEY) and I are circulating a letter to ask House conferees to support the Senate request, and I hope our colleagues will join in that effort.

Madam Speaker, I have spoken many times in this Chamber about the danger we face from nuclear terrorism, which I believe is a primary threat to our way of life. The only other threat that remotely approaches a nuclear attack is that posed by a global flu pandemic, one which could kill tens of millions of people. We failed to prepare for 9/11. We failed to prepare adequately for Hurricane Katrina. We must not fail to prepare for a flu pandemic.

COMING HOME MAKES SENSE, STAYING DOES NOT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. PAUL) is recognized for 5 minutes.

Mr. PAUL. Madam Speaker, coming home makes sense; staying does not.

Supporters of the war in Iraq, as well as some nonsupporters, warn of the dangers if we leave. But is it not quite possible that these dangers are simply a consequence of having gone into Iraq in the first place, rather than a consequence of leaving?

□ 1545

Isn't it possible that staying only makes the situation worse? If chaos re-

sults after our departure, it is because we occupied Iraq, not because we left. The original reasons for our preemptive strike are long forgotten, having been based on false assumptions. The justification given now is that we must persist in this war or else dishonor those who already have died or been wounded. We are also told civil strife likely will engulf all of Iraq.

But what is the logic of perpetuating a flawed policy where more Americans die just because others have suffered? More American deaths cannot possibly help those who have already been injured or killed.

Civil strife, if not civil war, already exists in Iraq. And despite the infighting, all factions oppose our occupation. The insistence on using our military to occupy and run Iraq provides convincing evidence to our detractors inside and outside of Iraq that we have no intention of leaving.

Building permanent military bases and a huge embassy confirms these fears.

We deny the importance of oil and Israel's influence on our policy, yet we fail to convince the Arab/Muslim world that our intentions are purely humanitarian.

In truth, our determined presence in Iraq actually increases the odds of regional chaos, inciting Iran and Syria, while aiding Osama Bin Laden in his recruiting efforts. Leaving Iraq would do the opposite, though not without some dangers that rightfully should be blamed on our unwise invasion rather than our exit.

Many experts believe Bin Laden welcomed our invasion and occupation of two Muslim countries. It bolsters his claim that the United States intended to occupy and control the Middle East all along. This has galvanized radical Muslim fundamentalists against us. Osama Bin Laden's campaign would surely suffer if we left.

We should remember that losing a war to China over the control of North Korea ultimately did not enhance communism in China, as she now has accepted many capitalist principles. In fact, China today outproduces us in many ways, as reflected by our negative trade balance with her.

We lost a war in Vietnam and the domino theory that communism would spread throughout Southeast Asia was proven wrong. Today, Vietnam accepts American investment dollars and technology. We maintain a trade relationship with Vietnam that the war never achieved.

We contained the USSR and her thousands of nuclear warheads without military confrontation, leading to the collapse and the disintegration of a powerful Soviet empire. Today, we trade with Russia and her neighbors as the market economy spreads throughout the world without the use of arms.

We should heed the words of Ronald Reagan about his experience with a needless and mistaken military occupation of Lebanon. Sending troops into

Lebanon seemed like a good idea in 1983, but in 1990, President Reagan said in his memoirs, "We did not appreciate fully enough the depth of the hatred and complexity of the problems that made the Middle East such a jungle. In the weeks immediately after the bombing, I believed the last thing we should do was turn tail and leave. Yet, the irrationality of Middle Eastern politics forced us to rethink our policy there."

During the occupation of Lebanon by American, French and Israeli troops between 1982 and 1986 there were 41 suicide terrorist attacks in that country. One horrific attack killed 241 U.S. Marines. Yet, once these foreign troops were removed, the suicide attacks literally stopped. Today, we should once again rethink our policy in this region.

Madam Speaker, this is the point I want to make. It is amazing what ending military intervention in the internal affairs of others can achieve. Setting an example of how a free market economy works does wonders. We should have confidence in how freedom works, rather than relying on blind faith and the use of military force to spread our message. Setting an example and using persuasion is always superior to military force in showing how others might live. Force and war are tools of authoritarians. They are never tools of champions of liberty and justice. Force and war inevitably leads to dangerous unintended consequences.

The SPEAKER pro tempore (Mrs. SCHMIDT). 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.)

EXCHANGE OF SPECIAL ORDER TIME

Mr. LIPINSKI. Madam Speaker, I ask unanimous consent to assume the time of the gentleman from Oregon (Mr. DEFAZIO).

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

There was no objection.

THE OIL SANDS OF ALBERTA, CANADA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. LIPINSKI) is recognized for 5 minutes.

Mr. LIPINSKI. Madam Speaker, I rise today to raise an issue of great importance to our Nation that I fear is being overlooked, the future of the oil sands of Alberta, Canada. Aside from Saudi Arabia's oil fields, these sands contain the largest deposits of oil in the world, and thus, could be critical to our future energy security.

Just a few months ago the Chinese National Offshore Oil Company, CNOOC, attempted to purchase Unocal.

CNOOC is very different from most other companies because it is owned by the Chinese government. It could be directed to sell oil only to the Chinese, taking a large portion of its resources off of the international oil market. As a result of this possibility, the sale of Unocal raised great concerns in the American public. If it had occurred, the Chinese government would have gained control of a significant American player in the energy industry, just as we are struggling with sky-rocketing gas prices and concerns about a secure supply, especially from the volatile Middle East.

Although CNOOC withdrew its bid to buy Unocal, it did not stop looking for other sources of oil. The interest of Chinese companies in Canadian oil is especially troublesome. In May, CNOOC purchased almost 17 percent of MEG Energy Corporation, a Canadian-owned company that owns oil sand leases on almost 33,000 acres of Alberta land. Another Chinese company, SinoCanada Petroleum, has formed a joint venture with Canada's Synenco Energy to develop oil sands projects in Canada which are estimated to produce 5 tons of synthetic crude oil. These initial investments illustrate the worrisome growing Chinese interest in the estimated 178 billion barrels of recoverable oil in Alberta.

Canada is our highly respected neighbor, and our strong relationship has provided many benefits for both of our countries. Canada is our greatest trading partner with more than \$1 billion a day in goods and services traded. Canada exports almost 99 percent of its oil to the U.S., and the U.S. imports more oil from Canada than from any other country, with 16 percent of our total imports coming from our northern neighbor. With the increasing development of Alberta's oil sands, this percentage could significantly increase.

If CNOOC had purchased Unocal, it would have owned an American company but few oil resources in North America. But now, China is interested in not just in North American companies, but in Canadian oil reserves as well, the most secure source of oil outside of our own borders.

As the Chinese become more involved, the U.S. needs to become more engaged with the Canadian government and the provincial government of Alberta in discussing the potential ramifications. Let me be clear on this: Neither Congress nor the Bush Administration can or should ever be seen to be telling Canada or Alberta what to do. However, our government should utilize our good relations and strong economic ties to learn more about the Chinese interests in Canadian oil and to discuss the potential shared security concerns.

The administration has shown an interest in this important issue. Treasury Secretary Snow visited Alberta in July and Vice President CHENEY was scheduled to tour the area in September before Hurricane Katrina forced

him to cancel his visit. The Senate sent a delegation to Alberta in August. I strongly encourage the Vice President to reschedule his trip, as well as encourage other Members of Congress to travel and to learn more about this close energy source.

This is a critical time to be concerned about secure energy supplies for the future of the United States. We need to be more diligent about conservation and energy efficiency. We need to be working harder to develop alternative sources of energy. But no matter what we do and how successful we are in weaning ourselves from oil, gas and other conventional energy sources, our Nation will still be in need of foreign fossil fuels for many years to come. In the unpredictable world in which we live today, it would be best to rely on secure sources of energy close to home.

That is why I urge Congress and the administration to learn more about Alberta's oil sands and the potential to supply U.S. energy needs. We must continue to work closely with our neighbors on the north on this important security issue.

WEST GEORGIA BOYS AND GIRLS CLUB

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. GINGREY) is recognized for 5 minutes.

Mr. GINGREY. Madam Speaker, I rise today to honor the West Georgia Boys and Girls Club, an exemplary community organization in the 11th District of Georgia.

The West Georgia Club serves the youth of Troup and Meriwether counties, and it does so with distinction. The four facilities operated by the Boys and Girls Club are always buzzing with students, volunteers, friends and events.

On an average day, you will find a host of activities that contribute to the Boys and Girls Club's goal of providing every child with the essential tools needed for success and a bright future.

After-school tutoring gives students the skills they need to achieve. Friday night movies and social events give teens an alternative to street life. Service projects, leadership and skill development, even National Kids Day are all part of what makes the West Georgia Boys and Girls Club a true leader in community involvement and service.

And do not just take my word for it. The West Georgia Club has been recognized and honored on a national level for their amazing work with the youth of Georgia. At the 2005 Boys and Girls Club National Conference in California this year, the West Georgia club won seven national awards. That is right, seven awards.

These included awards for public service announcements, special events, web page, newsletter and even their an-

nual telethon, which I was proud to participate in this year. Most impressively, the West Georgia Boys and Girls Club was selected as the best overall program for clubs with a budget under \$400,000.

Madam Speaker, an organization is only as successful as the men and women who commit their time to making it great. And the West Georgia Club has a first rate team. Chris Patton and Wally West oversee the club, and its board members, Judy Wilkerson, Linda Griffies, Emmitt Clark, Mel Jackson-Kendrick, Frank Walls, Rev. Dalton Hammock, Charlie Martin and the many other volunteers from Troup and Meriwether counties give their time to ensure this club is one of the best in the Nation.

It is the commitment and creativity of community organizations like the West Georgia Boys and Girls Club that make our neighborhoods more than simply a collection of homes and buildings. The American spirit is alive and well at the West Georgia Club, and the beneficiaries in our community have a brighter future because of the club's dedication.

Madam Speaker, I ask that you join me in thanking the West Georgia Boys and Girls Club for their creativity, their commitment and, above all, their willingness to help those in need.

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 addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

FREEZING IN THE DARK

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE. Madam Speaker, when the ladies of the gulf, Katrina and Rita, came barreling through recently, we learned many lessons. Unfortunately, in the aftermath we learned that the gulf coast oil and natural gas production can be easily disrupted to the detriment of the Americans. Although there were around 2,900 platforms pelted in the path of the ladies of the gulf, very little environmental impact resulted. In the wake of these hurricanes, the need for American petroleum and natural gas and dependence on ourselves has become evident.

□ 1600

The United States must be more self-sufficient when it comes to energy.

The United States imports 60 percent of its crude oil from foreign countries. In doing so, we are subject to the illegal price fixing cartel known as OPEC. The Gulf of Mexico is responsible for one-third of the domestic oil production and 22 percent of the domestic natural gas production. We learned

from Katrina and Rita, oil and natural gas production can be disrupted to the detriment of consumers throughout the United States because production is too concentrated in the gulf coast region.

To correct these problems, I have introduced H.R. 3811. This legislation would allow for safe oil and natural gas exploration along the Outer Continental Shelf. This bill would do away with all appropriation moratoriums and executive orders that limit leasing activities, while maintaining environmental safeguards.

It is imperative that the United States begin drilling in other parts outside of the gulf. Madam Speaker, as my colleagues can see from this map, there is a wide range of areas where we can drill. Right now, the United States drills right here off my home State of Texas and Louisiana; yet, there is crude oil still in the Gulf of Mexico, on the east coast and, yes, Madam Speaker, even off the sacred coast of California. It is imperative that we think and consider drilling in these areas.

Since the 1980s, Congress has been placing appropriations moratoriums on drilling on all of these red areas that are outlined on this map. They are doing so by withholding leases. It started in California, and now about 90 percent of the Outer Continental Shelf is off limits to energy developments. All these people on these coastal States want cheap gasoline, they want natural gas, but they say do not drill in our neighborhood.

Madam Speaker, this is hypocritical. This does not make sense. It violates common sense. In this Outer Continental Shelf, there are about 300 cubic feet of natural gas and more than 50 billion barrels of oil yet to be discovered, enough to replace current imports from the Persian Gulf for 60 years and produce sufficient natural gas to heat 75 million homes for 60 years.

Madam Speaker, it would seem to me that opening up these areas would be the obvious choice. We are the only major industrial power in the world that has this silly rule about not drilling off our own shores. They drill in the North Sea, and around the world, and yet, they do so safely.

My bill would allow the Department of the Interior's Mineral and Mining Service to begin processing these leases. This would bring in additional lease revenue to Americans. Right now, Americans are receiving in this blue area \$7.5 billion a year in lease revenue. Imagine what we could get from these red areas if we allowed drilling in these areas.

It is important that we use some common sense. Americans worry about skyrocketing energy prices and want solutions. The decision on where to drill is going to have to be made and made soon. This is a price issue, but it is also a national security issue.

Hurricane season is not over and it will be back next year. It is inevitable that more storms will come down hur-

ricane alley right here in the gulf, and they are going to stop in Louisiana or Texas. With all the rigs in the same place, we are destined to repeat history. Although most of the rigs survived Hurricanes Rita and Katrina with minimal damage, there will be more storms, wind and disasters.

Those that say no to offshore drilling have no solutions to the energy problem. We can drill offshore safely, environmentally correct, when you get over the fear factor proposed by the anti-drilling people, and take control of our own energy needs. Otherwise, Madam Speaker, we will freeze in the dark. That is just the way it is.

The SPEAKER pro tempore (Mrs. SCHMIDT). Under a previous order of the House, the gentleman from Virginia (Mr. FORBES) is recognized for 5 minutes.

(Mr. FORBES 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 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.)

EXCHANGE OF SPECIAL ORDER TIME

Mr. DREIER. Madam Speaker, I ask unanimous consent to take the 5 minutes that the gentleman from Indiana (Mr. BURTON) would have had.

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

There was no objection.

THE GROWTH OF THE U.S. ECONOMY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. DREIER) is recognized for 5 minutes.

Mr. DREIER. Madam Speaker, I rise this afternoon to talk about a very important issue which, frankly, has not gotten a great deal of attention and that is the growth of the U.S. economy and what it is we have been able to see over the past several weeks and months.

Virtually everyone has acknowledged the fact that Hurricane Katrina was, if not the worst, one of the worst natural disasters to hit the United States of America, and we all know that in the wake of that disaster where we saw the tragic loss of life and, of course, the devastation of property along the gulf coast, we assumed that there would be a very, very deleterious effect on the U.S. economy. Today, we received what is news that is not what you would call overwhelmingly positive, but certainly not news that was anything like what had been anticipated.

Today, we received the news that following the tragedy of Hurricane Katrina there has been a net job loss based on the payroll survey, which is the old survey structure that has been put into place to determine the jobless rate in the country, a payroll jobs rate reduction of 35,000 nationwide.

Madam Speaker, I think it is important to note that many economists had predicted that that job loss number was going to be in excess of 200,000 in the wake of the tragedy of Hurricane Katrina and Hurricane Rita. I think it is important to also recognize that as we focus attention from the United States Congress and the State and local officials, the President of the United States, focus on reconstruction, dealing with the tragic circumstances in the aftermath of Hurricane Katrina, one of the most important things we can do is to make sure that the entire U.S. economy continues to grow as boldly and as dynamically as possible.

Let us look at the policies that we have seen put into place that have led to tremendous economic growth. We saw throughout the year of 2004 gross domestic product growth of 4.4 percent, a very positive sign of growth. This year, the number has not been quite as high, about 3.3 percent on average of GDP growth. So we have gone through the 15th quarter of positive economic growth, a very, very good indicator of what we can do as a Nation to help address the needs of those who have been victimized by this natural disaster.

One of the things that has happened is we have seen many people from that region obviously find job opportunities in other parts of the Nation. I was in my original hometown of Kansas City, Missouri, just a few weeks ago, and I met a man who said he had worked at Brennan's Restaurant in New Orleans, and he is now working in a food service capacity in Kansas City. Obviously, economic growth in other parts of the country played a role in creating opportunities for people who were subjected to that horrible natural disaster.

So, Madam Speaker, one of the things that we have got to do is make sure that we continue to keep in place our very positive, pro-growth, pro-trade, pro-economic opportunity policies.

Now, what are those policies? Those policies obviously consist of tax reduction. Tax reduction has stimulated the economy and, in fact, as we all know, generated a level of revenues to the Federal Treasury that exceeded expectations. In fact, it exceeded expectations to the point where we have now received \$94 billion in unanticipated revenues to the Federal Treasury, reducing the deficit projection from the February projection by, as I said, \$94 billion.

Madam Speaker, that is a very positive sign. It is not a Republican number that I am offering. That is a number that has come from the non-partisan Congressional Budget Office. Again, it is tax cuts that have brought

about this positive, positive economic growth.

Unfortunately, many of my colleagues on the other side of the aisle during 2001, 2002, 2003, said if we cut taxes we are going to send the U.S. economy right into the dumpster and we will send the deficit sky-high. Time and time again, many of my friends and I would appear on different programs, and that was what I heard, over and over and over again: Any kind of tax cut is going to exacerbate the deficit and ruin the U.S. economy. Madam Speaker, we have found the exact opposite to be the case.

Similarly, as we look at the trade issue, 94 percent of the world's consumers are outside of our U.S. borders. We need to do everything that we can to continue to open up new markets for U.S. goods and services.

We have put into place positive trade and growth policies, and those policies are, I am very happy to say, helping the United States of America and creating opportunity for even those victims of the tragedies on the gulf coast.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

(Mr. JONES of North Carolina 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 New Jersey (Mr. GARRETT) is recognized for 5 minutes.

(Mr. GARRETT of New Jersey addressed the House. His remarks will appear thereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. MCCOTTER) is recognized for 5 minutes.

(Mr. MCCOTTER 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 Virginia (Mr. TOM DAVIS) is recognized for 5 minutes.

(Mr. TOM DAVIS of Virginia addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

THE DEFICIT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, the gentlewoman from Ohio (Mrs. JONES) is recognized for 60 minutes as the designee of the minority leader.

Mrs. JONES of Ohio. Madam Speaker, I rise at a perfect opportunity to talk about the deficit.

The gentleman from California (Mr. DREIER), my colleague, would have the

American public believe that we are in great shape. What he did not tell us was that the deficit currently is \$8 trillion; that 20 percent of that deficit is owned by Japan, China and other foreign countries; that 40 percent of that deficit, in fact, is a trade-off between our various agencies in the Federal Government; and that our children and our grandchildren are going to be paying on that deficit. He then wants us to believe that, as a result of the tax cuts, the economy's in great shape, but give me a break. Stop trying to fool the American public.

The reality is, as a result of those tax cuts, this \$8 trillion deficit currently exists, and as we continue to throw money after money over to Iraq and rebuild Iraq, give them education, give them health care, rebuild their infrastructure, we are failing to even want to spend time to rebuild the infrastructure of New Orleans, Mississippi and Alabama, and in fact, have not even contemplated how we are going to pay for the Katrina loss. But let me give my colleagues some other news.

It is, in fact, true that the Republicans are proposing to offset the cost of Katrina against people who can least afford to lose dollars, and they are going to use dollars that go to low-income folks, Medicare, Medicaid. They are going to use dollars that go to college education. They are going to use dollars that go towards the HUD department that provides for housing, and the list goes on.

So I do not know how he could stand on the floor of this House and make people of America think that we are doing well. We are really not, and in fact, the trade deficit continues to rise, and people in America are still out of work, while many of the companies are going across the border or across the seas and giving jobs to people in China and other countries.

The gentleman from California (Mr. DREIER) needs a wake-up call so we can begin to tell the people of America the truth.

ENERGY BILL VOTE

Mrs. JONES of Ohio. Madam Speaker, let me switch horses just for a moment and talk about what just happened on the floor of the House.

We just had a vote on the energy bill, and my colleagues will recall that the vote, when it began, was supposed to be a 5-minute vote. Ultimately, it ended up probably being a 45-minute vote, and again, the Republicans are twisting arms of their colleagues to get them to vote in support of a bill when, in reality, they would not have done that. In fact, there are many times on the floor of the House when the vote should have been called and it was not.

I am going to quote some of my colleagues specifically on this issue. The gentlewoman from New York (Ms. SLAUGHTER), my colleague says, Once again, on an issue of critical importance to the American people, the Republican majority has chosen to trample the democratic process and manip-

ulate the outcome of a vote on the floor of the House of Representatives after the vote was completed. This is unethical subversion of our democracy, and the Republican leadership has brought shame on themselves in the House of Representatives. Unquote.

One would think that this was the first time that the Republican leadership had made a decision to trample on the rights of the people and to engage in shameless conduct by twisting arms on the floor of the House, but let me give my colleagues some background when this has happened previously.

On October 7, 2005, this is the bill we are talking about right now, the Gasoline for America's Security Act. The vote began at 1:57 p.m., a 5-minute vote. It was gavelled down at 2:43 p.m., some 46 minutes later.

On July 27 and 28, the legislative day of July 27, on the CAFTA, the vote started at 11:00 p.m. and went on till 1:20 a.m. Vote 442, it lasted 63 minutes. It originally was supposed to be a 15-minute vote.

In previous Congresses, on July 8, 2004, it was the Sanders amendment on the PATRIOT Act to the fiscal year 2005 Commerce Justice State appropriations bill. That was a 38-minute vote.

On March 30, 2004, on a motion to instruct conferees on PAYGO on the fiscal year 2005 budget resolution, it was a 28-minute vote when it should have been a 5-minute vote.

On November 22, 2003, the final passage of the conference report on H.R. 1, the prescription drug bill, imagine this, a 3-hour vote. During this time frame bribes allegedly offered.

On final passage of H.R. 1, the prescription drug bill, it was 50 minutes.

On March 20, 2003, final passage of the budget resolution, it was 26 minutes long.

On July 12, 2001, the campaign finance bill, this was a timeout to determine what was to occur next on the floor, 13 minutes.

On October 9, 1997, passage of fiscal year 1998 D.C. appropriations bill, 33 minutes.

The longest votes prior to the Republican majority in the House, October 3, 1994, a timeout to accommodate changes in the floor schedule was only 44 minutes.

□ 1615

And the list goes on.

Madam Speaker, this is a specific example of how the Republican leadership has used the floor because they are in the majority to push and shove and make people vote the way they want them to vote instead of the way in which the Member had chosen to vote previously. I call upon the American people to pay attention because as time goes along, it will be revealed what is happening on the floor of this House.

Let me switch veins one more time. Everybody has been talking about Hurricane Katrina and Hurricane Rita. Let

us talk about Hurricane Katrina 1 month later. It has been 1 month since Hurricane Katrina devastated the gulf coast region; yet as of September 27, less than one-tenth of the relief authorized by Congress has reached the 1.2 million households impacted by the storm and thousands of households have received no relief from FEMA at all.

Little wonder, since instead of providing relief to the survivors of the storms the Republicans continue to focus on special interests by appointing political cronies such as Michael Brown and David Safavian, who take jobs they are not qualified for and who unfairly award contracts to their supporters.

Here is a closer look at how the Republican failures are impacting the survivors of Katrina. Health care: Republican red tape leaves hurricane victims without care. Nearly one in four people living at the Houston shelters reported a time since the hurricane hit when they simply could not get the medical care they needed. This administration has failed simply to provide for basic health care needs of the Hurricane Katrina survivors.

Instead, they are pursuing a confusing and limited bureaucratic health care waiver approach that is making it difficult for Hurricane Katrina survivors to know what their health benefits are and which may leave many survivors, such as childless adults or poor parents, without any access to care at all and States without Federal funding to assist evacuees.

Democrats support a bipartisan simple and fair solution to ensure that all victims of the hurricane have temporary access to the basic care they need. They want to cut the red tape by allowing Medicaid to provide temporary health care coverage.

Now, with regard to housing, the Republicans have left thousands without a place to call home. A full 3 weeks after Katrina hit, fewer than 13,000 of the 200,000 families in need of housing assistance have received any help from the administration, even though there are more than one million low-cost rental units available in the South.

First, the administration proposed purchasing 300,000 travel trailers, recreational vehicles and manufactured housing, only to find that some of the orders may take a year to fill and only one-third of the proposed sites for the housing and the necessary infrastructure are in place. Then FEMA chartered cruise ships as temporary shelters, with little understanding that living on a ship at sea would make it difficult to find jobs and schooling. Then the President announced an urban homestead initiative which will provide little more than a lottery of properties held by the Federal Government that will help only a fraction of the affected families.

It was not until nearly 1 month after the disaster struck that the Bush administration finally announced it

would begin to provide rent payments to families displaced by the storm.

Democrats have proposed using emergency housing vouchers to meet immediate needs and support funding for construction and repair of affordable housing in the disaster area. Let me take a note from this and say that also Democratic Members of the Congress have proposed various tax initiatives to encourage people to move back to the areas from which they left.

One of the pieces of legislation that I introduced provides specifically a tax credit or a tax incentive for families to go back and build where they lived. It would be like a first-time home buyer program that would allow them to build back in the community where they lived. Because basically it is possible, based on all that we can see, that many of the families who would want to move back to the various areas which have been affected would not be able to afford to move back to those communities.

I also have proposed in a piece of legislation that I have authored that the low-income housing tax credit be doubled in order to encourage developers to build in many of these areas. Currently, it is 1.78. Under the proposal that I have presented, it would be doubled to 3.50 to allow developers to be encouraged to build in those communities.

It is high time that we stop talking about assisting the victims of Katrina and Rita and give them what they need to be successful.

In addition, let us talk about economic security. As many as 400,000 individuals have lost their jobs as a result of Hurricane Katrina; yet the Republicans have proposed no changes to extend unemployment assistance. Unemployment benefits are the lowest in the country in the three impacted States, averaging less than \$200 per week, or about 50 percent of the poverty level of a family of four.

Rather than acting to help working families, the Bush administration has cut the wages of workers working on Katrina reconstruction by suspending the Davis-Bacon rules in the gulf region which requires a payment of prevailing wage. Now, if we are going to talk about poor people in the United States of America, and then we are going to pay them below the prevailing wage, how do we expect they are going to be able to take care of their families and to afford health insurance, if that is the case?

It does not make sense at a time when the President says that poverty and racism are actually the outcome of what we see with Katrina and across this country that we would want to pay families at below prevailing wages. Also, in the process of putting in place these economic programs, the President has proposed that affirmative action policies not be put in place. Again, most of the people involved in the Katrina and Rita hurricanes were African Americans. Why would you not

want to include in there some chances or opportunities to include affirmative action?

And the list goes on, as we talk about education and the opportunity for these young people to move into school systems or move into other colleges to be successful. We go on to talk about the process that the administration has instead chosen to advance the controversial agenda for education vouchers to private schools.

Some people may want to attend private schools, but many of the children may want to attend the kind of school they were attending before, a public school, where you have a diversity of students in the system. It is a shame that after all that we have gone through, after all the suffering that we have seen as a result of Katrina that we would not have in place a system, some 30-some days later, to support and encourage the people of the particular areas.

I also want to talk about the problem that we see with regard to first responders. They were supposed to, meaning the administration and this Congress, provide dollars to the various areas to support first responders. Instead, they have decided to not meet the needs of the first responders. Additionally, when Hurricane Katrina hit, emergency personnel were on at least five different channels, which was making communications difficult. Instead of fixing the problem for first responders in communicating with each other, the Republicans allowed it to fester.

We all recognized the problem we saw on 9/11, that the first responders had no way of communicating with one another. You would have thought, understanding that, that before another event occurred, such as Katrina or Rita, that we would have put in place a system and dollars for first responders to be able to communicate with one another. But we did not fix that.

One hopes that as the weeks and months go along that this Republican Congress, this majority Republican Congress, would attempt to address the issues that are important to the people of America, such as our first responders; that they will look at a real energy bill, instead of the one they placed on the floor and beat people into submission to vote for; and that they would also look at this culture of cronyism, wherein only their friends have an opportunity to bid on contracts.

Excuse me, they do not even have to bid on the contracts. Only their friends have access to contracts, wherein they have an opportunity to do the work that is created as a result of the disasters in our country.

As I close, Madam Speaker, this afternoon, I would say to the American public that there is a lot for you to take a look at and understand what is happening here on the floor of the House of Representatives, this pushing and arm twisting, the cronyism and the like.

Because, Madam Speaker, in the upcoming weeks we will be involved in a lot of issues that are going to come before this Congress that will be important to the American public, such as additional issues with regard to energy. And this happening at a time when the American public expects that we are going to be operating above-board and we are going to be operating in a way in that all of us can stand up and say that we are proud to be Americans; that we are proud to be a part of a Congress of the United States that acts appropriately; and that we are proud to support and help those who are most in need of our help.

CONGRATULATIONS TO CLEVELAND CITY COUNCIL
PRESIDENT, FRANK JACKSON

Mrs. JONES of Ohio. Madam Speaker, if you would allow me, on a wholly different issue, I would like to take this opportunity at this time to congratulate the council president of the city of Cleveland, Frank Jackson. Frank Jackson just won the mayoral primary in the city of Cleveland, beating out the current mayor by some 4,000 votes. So this gives me a great opportunity to congratulate him for the work that he has done.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

H. Con. Res. 263. Concurrent resolution providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate.

APPOINTMENT OF HON. JEAN SCHMIDT TO ACT AS SPEAKER PRO TEMPORE TO SIGN EN- ROLLED BILLS AND JOINT RESO- LUTIONS ON TODAY

The SPEAKER pro tempore (Mrs. SCHMIDT) laid before the House the following communication from the Speaker:

THE SPEAKER'S ROOMS,
HOUSE OF REPRESENTATIVES,
Washington, DC, Oct. 7, 2005.

I hereby appoint the Honorable JEAN SCHMIDT to act as Speaker pro tempore to sign enrolled bills and joint resolutions on this day.

DENNIS HASTERT,
Speaker of the House of Representatives.

The SPEAKER pro tempore. Without objection, the appointment is approved.

There was no objection.

TRIBUTE TO LINDA HOPKINS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Ms. WATSON) is recognized for 5 minutes.

Ms. WATSON. Madam Speaker, I want to come and join with hundreds of people who yesterday had the exciting

experience of being in Hollywood on the Walk of Fame for a famous jazz and blues singer, Linda Hopkins, who received her star on the Hollywood Walk of Fame.

Linda Hopkins was honored with the 2,292nd star on the world-famous Hollywood Walk of Fame yesterday, October 6, at 11:30 a.m. in front of the Pantages Theatre. Johnny Grant, Honorary Mayor of Hollywood and Chairman of the Walk of Fame Committee, presided over the event.

Hopkins made her singing debut at the age of 3 in her hometown church in New Orleans and grew up to become an internationally acclaimed vocalist and actress. Hopkins was inspired by blues legend Bessie Smith and began to sing her songs and conceived, wrote, and starred in the one-woman musical, "Me and Bessie." The musical was the longest running show in the history of Broadway and the only one written by an African American woman. It also won the coveted Drama Desk Award.

In 1972, she won the Tony Award for best supporting actress for her performance in "Inner City." Hopkins toured with such artists as Sammy Davis, Jr. and Bradford Marsalis. From 1985 through 1997, Hopkins co-starred in the play "Black and Blue" on Broadway and in Paris.

□ 1630

She also holds the record for the most guest performances on Johnny Carson's "Tonight Show" with more than 148 appearances. She recently returned from working on "Wild Women Blues" which she created and toured throughout Europe. She will return to the show in December. Hopkins continues her work in the community by helping the homeless, presenting and assisting new and young artists in the performing arts community, and doing outreach to local communities to promote economic development.

Mr. Speaker, I want to say congratulations to Linda once again, and we are so very pleased to be the ones to nominate Linda. It took us a few years, but she got that star on the Walk of Fame.

LINDA HOPKINS TO RECEIVE STAR ON
HOLLYWOOD WALK OF FAME TODAY

Singer Linda Hopkins will be honored with the 2,292nd star on the world famous Hollywood Walk of Fame on Oct. 6, 11:30 a.m., in front of Pantages Theatre, 6233 Hollywood Blvd. Johnny Grant, Honorary Mayor of Hollywood and Chairman of the Walk of Fame Committee, will preside over the event.

Hopkins made her singing debut at the age of three in her hometown church in New Orleans and grew up to become an internationally acclaimed vocalist and actress. Hopkins was inspired by blues legend Bessie Smith and began to sing her songs and conceived, wrote and starred in the one-woman musical, "Me and Bessie." The musical was the longest running show in the history of Broadway and the only one written by an African American woman. It also won the coveted Drama Desk Award.

In 1972, she won the Tony Award for Best Supporting Actress for her performance in "Inner City." Hopkins toured with such artists as Sammy Davis Jr. and Branford

Marsalis. From 1985 through 1997, Hopkins co-starred in the play "Black and Blue" on Broadway and in Paris. She also holds the record for most guest performances on Johnny Carson's "Tonight Show," with more than 148 appearances. She recently returned from working on "Wild Women Blues," which she created and toured with throughout Europe. She will return to the show in December.

Hopkins continues her work in the community by helping the homeless, presenting and assisting new and young artists in the performing arts community and doing outreach to local communities to promote economic development.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. POE (at the request of Mr. BLUNT) for today until 1:45 p.m. on account of official business in his district.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. LIPINSKI) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Mr. SCHIFF, for 5 minutes, today.

Mr. LIPINSKI, for 5 minutes, today.

(The following Members (at the request of Mr. PAUL) to revise and extend their remarks and include extraneous material:)

Mr. GARRETT of New Jersey, for 5 minutes, today.

Mr. MCCOTTER, for 5 minutes, today.

Mr. TOM DAVIS of Virginia, for 5 minutes, today.

(The following Members (at their own request) to revise and extend their remarks and include extraneous material:)

Mr. DREIER, for 5 minutes, today.

Ms. WATSON, for 5 minutes, today.

ENROLLED BILL SIGNED

Mr. Trandahl, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 2360. An act making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes.

ADJOURNMENT

Mrs. JONES of Ohio. Madam Speaker, pursuant to House Concurrent Resolution 263, 109th Congress, I move that the House do now adjourn.

The motion was agreed to.

The SPEAKER pro tempore (Mrs. SCHMIDT). Pursuant to House Concurrent Resolution 263, 109th Congress, the

House stands adjourned until 2 p.m. on Monday, October 17, 2005.

Thereupon (at 4 o'clock and 31 minutes p.m.), pursuant to House Concurrent Resolution 263, the House adjourned until Monday, October 17, 2005, at 2 p.m.

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. S. 1339. An act to reauthorize the Junior Duck Stamp Conservation and Design Program Act of 1994 (Rept. 109-246). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mrs. MALONEY (for herself, Mr. JEFFERSON, Mr. MELANCON, Mr. GRIJALVA, Mr. SERRANO, Mr. CROWLEY, Mr. MEEKS of New York, and Ms. DELAURO):

H.R. 4012. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to modify the terms of the community disaster loan program, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. CANNON:

H.R. 4013. A bill to amend the Reclamation Projects Authorization and Adjustment Act of 1992 to provide for conjunctive use of surface and groundwater in Juab County, Utah; to the Committee on Resources.

By Mr. HYDE (for himself and Mr. LANTOS):

H.R. 4014. A bill to reauthorize the Millennium Challenge Act of 2003, and for other purposes; to the Committee on International Relations.

By Mr. NUNES (for himself, Mr. DOOLITTLE, Mr. POMBO, Mr. BOEHNER, Mr. RENZI, Mr. PORTER, Mr. FRANKS of Arizona, Mr. HERGER, Mr. GIBBONS, Mr. HAYWORTH, Mr. THOMAS, Mr. BACA, Mr. CARDOZA, Mr. COSTA, Mr. DANIEL E. LUNGREN of California, Mr. FILNER, Mr. FARR, Ms. WOOLSEY, Ms. ZOE LOFGREN of California, Ms. HARMAN, Mrs. NAPOLITANO, Mr. DUNCAN, Mr. HOLDEN, Mr. SESSIONS, Mr. THOMPSON of California, Ms. BERKLEY, Mr. PASTOR, and Ms. MATSUI):

H.R. 4015. A bill to ensure regulatory equity between and among all dairy farmers and handlers for sales of packaged fluid milk in federally regulated milk marketing areas and into certain non-federally regulated milk marketing areas from federally regulated areas, and for other purposes; to the Committee on Agriculture.

By Mr. GEORGE MILLER of California (for himself, Ms. PELOSI, Mr. KILDEE, Mr. DAVIS of Alabama, Mr. OWENS, Mr. PAYNE, Mr. SCOTT of Virginia, Ms. WOOLSEY, Mr. HINOJOSA, Mrs. MCCARTHY, Mr. HOLT, Ms. MCCOLLUM of Minnesota, Mr. DAVIS of Illinois, Mr. GRIJALVA, Mr. VAN HOLLEN, Mr. BISHOP of New York, Ms. LEE, Ms. WASSERMAN SCHULTZ, Mrs. MALONEY, Mr. CONYERS, Mr. BROWN of Ohio, Mr. STARK, Ms. WATSON, Mr. JEFFERSON, Mr. CUMMINGS, Mrs. NAPOLITANO, and Ms. BORDALLO):

H.R. 4016. A bill to provide assistance to revitalize institutions of higher education affected by the Gulf hurricane disasters; to the Committee on Education and the Workforce, and in addition to the Committee on the Budget, 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. SAM JOHNSON of Texas (for himself and Mr. MARCHANT):

H.R. 4017. A bill to provide assistance for the education of elementary and secondary students; to the Committee on Education and the Workforce.

By Mr. BOEHNER (for himself, Mr. DELAY, Mr. BLUNT, Mr. SAM JOHNSON of Texas, Mr. KLINE, Mr. MARCHANT, Ms. FOXX, Mr. CHOCOLA, Mr. DOOLITTLE, Mr. FLAKE, Mr. FRANKS of Arizona, Mr. MCHENRY, Mr. PENCE, Mr. SESSIONS, Mr. SHADEGG, and Mr. TIAHRT):

H.R. 4018. A bill to repeal certain education provisions; to the Committee on Education and the Workforce.

By Mr. CANNON:

H.R. 4019. A bill to amend title 4 of the United States Code to clarify the treatment of self-employment for purposes of the limitation on State taxation of retirement income; to the Committee on the Judiciary.

By Mr. FRANK of Massachusetts (for himself, Mr. SANDERS, Mr. JEFFERSON, and Mr. MELANCON):

H.R. 4020. A bill to authorize the Community Development Financial Institutions Fund to conduct a special round of funding in fiscal year 2006 for assistance in areas affected by Hurricane Katrina, and for other purposes; to the Committee on Financial Services.

By Ms. NORTON:

H.R. 4021. A bill to permit statues honoring citizens of the District of Columbia to be placed in Statuary Hall in the same manner as statues honoring citizens of the States are placed in Statuary Hall, and for other purposes; to the Committee on House Administration.

By Mr. ROSS:

H.R. 4022. A bill to require health insurance coverage for certain reconstructive surgery; to the Committee on Energy and Commerce, and in addition to the Committee on Education and the Workforce, 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. BACHUS (for himself, Mr. MOORE of Kansas, Mr. WAXMAN, Mr. WELDON of Pennsylvania, Ms. WASSERMAN SCHULTZ, Mr. McDERMOTT, Mr. BOSWELL, Mr. GUTIERREZ, Mr. JACKSON of Illinois, Mr. UDALL of New Mexico, Mr. PRICE of North Carolina, Mrs. MCCARTHY, Mr. MELANCON, Mr. DOGGETT, Mr. BISHOP of New York, Mr. NADLER, Mr. LARSON of Connecticut, Ms. JACKSON-LEE of Texas, Mr. MEEHAN, Ms. SLAUGHTER, Mr. ACKERMAN, Mr. RAHALL, Mr. HOYER, Mr. LEWIS of Georgia, Ms. KAPTUR, Mr. CARDIN, Mr. KENNEDY of Rhode Island, Mr. HINCHAY, Mr. WEINER, Mr. MARKEY, Mrs. DAVIS of California, Mr. DAVIS of Alabama, Mr. DAVIS of Illinois, Mr. VAN HOLLEN, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. BLUMENAUER, Mr. HOLT, Ms. CARSON, Ms. DELAURO, Ms. SOLIS, Mr. MORAN of Virginia, Mr. CLEAVER, Ms. SCHWARTZ of Pennsylvania, Mr. KILDEE, Mr. CARNAHAN, Mr. MATHEWSON, Mr. CARDOZA, Mr. WU, Mr. SPRATT, Mr. DAVIS of Tennessee, Mrs.

NAPOLITANO, Ms. SCHAKOWSKY, Ms. WOOLSEY, Mr. HOLDEN, Ms. BERKLEY, Mr. GILLMOR, Mr. SCHIFF, Mr. HONDA, Mr. EDWARDS, Mr. ISRAEL, Mr. CONYERS, Ms. ZOE LOFGREN of California, Mr. INSLIE, Mr. NEAL of Massachusetts, and Mr. TOM DAVIS of Virginia):

H.R. 4023. A bill to require the Consumer Product Safety Commission to issue regulations mandating child-resistant closures on all portable gasoline containers; to the Committee on Energy and Commerce.

By Mr. BAKER (for himself and Mr. JEFFERSON):

H.R. 4024. A bill to make funds available for community disaster loans to assist local governments in providing essential services following Hurricane Katrina, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. BARROW (for himself, Mr. FILNER, Mr. MICHAUD, Mr. JONES of North Carolina, Mr. EVANS, Ms. HERSETH, and Mr. BROWN of Ohio):

H.R. 4025. A bill to amend title 38, United States Code, to eliminate the deductible and change the method of determining the mileage reimbursement rate under the beneficiary travel program administered by the Secretary of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. CROWLEY (for himself, Mr. ISRAEL, Mr. GRIJALVA, Ms. WASSERMAN SCHULTZ, and Mr. DAVIS of Illinois):

H.R. 4026. A bill to amend the Internal Revenue Code of 1986 to allow nonrefundable credits against income tax for certain gasoline, diesel fuel, and home energy consumption expenses, and for other purposes; to the Committee on Ways and Means.

By Mr. CUMMINGS:

H.R. 4027. A bill to establish a short-term moratorium on the payment of principal or interest on certain mortgage loans secured by residential or commercial real estate located in any area declared to be a Federal disaster area due to Hurricane Katrina or Hurricane Rita, and for other purposes; to the Committee on Financial Services.

By Mr. DAVIS of Tennessee:

H.R. 4028. A bill to require employers of temporary H-2A workers to pay such workers at least the greater of the Federal or State minimum wage rate; to the Committee on the Judiciary.

By Ms. DELAURO:

H.R. 4029. A bill to ensure fairness in gasoline, diesel fuel, and home heating oil prices; to the Committee on Education and the Workforce.

By Ms. DELAURO (for herself, Mr. BROWN of Ohio, Ms. CARSON, Mr. POMEROY, Mr. GRIJALVA, Mr. PRICE of North Carolina, and Ms. SCHAKOWSKY):

H.R. 4030. A bill to amend the Internal Revenue Code of 1986 to repeal the inflation adjustment of the earned income threshold used in determining the refundable portion of the child tax credit and to restore the threshold to its original amount; to the Committee on Ways and Means.

By Mr. MARIO DIAZ-BALART of Florida (for himself, Mr. PUTNAM, Ms. HARRIS, Mr. FOLEY, Ms. WASSERMAN SCHULTZ, Mr. LINCOLN DIAZ-BALART of Florida, Mr. MILLER of Florida, Mr. MEEK of Florida, and Ms. ROSLEHTINEN):

H.R. 4031. A bill to provide assistance to nursery crop and tropical fruit producers whose agricultural operations were severely damaged by Hurricane Dennis, Hurricane Katrina, or Hurricane Rita in 2005; to the Committee on Agriculture, and in addition

to the Committee on the Budget, 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. DOOLITTLE:

H.R. 4032. A bill to amend the Immigration and Nationality Act to remove the discretion of the Secretary of Homeland Security with respect to expedited removal under section 235(b)(1)(A)(iii)(I) of such Act and to amend the Truth in Lending Act to prohibit issuance of residential mortgages to illegal aliens; to the Committee on the Judiciary, 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. ENGEL (for himself, Mr. TERRY, Mr. SHIMKUS, Mr. WAXMAN, Mr. WHITFIELD, Mr. BROWN of Ohio, Ms. ESHOO, Mr. TOWNS, Mr. RUSH, Mrs. CAPPS, Mr. ALLEN, Mr. RANGEL, Mr. FOLEY, Mr. McNULTY, Mr. MCHUGH, Ms. ROS-LEHTINEN, Mr. McDERMOTT, Ms. DELAURO, Mr. SHAYS, Mr. JEFFERSON, Mr. GOODE, Mr. LANTOS, Ms. BERKLEY, Mr. CALVERT, Ms. BORDALLO, Mr. BRADY of Pennsylvania, Mr. MOORE of Kansas, Ms. JACKSON-LEE of Texas, Mr. ABERCROMBIE, Ms. CARSON, Mr. CROWLEY, Mr. FILNER, Mr. GRIJALVA, Mr. HIGGINS, Mr. HINCHEY, Mr. KUCINICH, Mr. LYNCH, Mr. RUPPERSBERGER, Mr. SANDERS, Mr. SCHIFF, Mr. SCOTT of Georgia, Mr. VAN HOLLEN, Ms. WASSERMAN SCHULTZ, Mr. WEINER, Mr. WEXLER, Mr. CAPUANO, and Mr. OWENS):

H.R. 4033. A bill to amend the Public Health Service Act to provide for the establishment of an Amyotrophic Lateral Sclerosis Registry; to the Committee on Energy and Commerce.

By Mr. GARRETT of New Jersey:

H.R. 4034. A bill to allow a deduction for 100 percent of medical expenses, not compensated for by insurance or otherwise, for taxpayers residing in the Hurricane Katrina disaster area; to the Committee on Ways and Means.

By Mr. GARRETT of New Jersey:

H.R. 4035. A bill to amend the Internal Revenue Code of 1986 to eliminate capital gains taxes on investments in the Hurricane Katrina disaster area to reduce the estate tax for victims of Hurricane Katrina; to the Committee on Ways and Means.

By Mr. GILLMOR (for himself and Ms. DEGETTE):

H.R. 4036. A bill to amend the Public Health Service Act to allow qualifying children's hospitals to participate in the 340B drug discount program; to the Committee on Energy and Commerce.

By Mr. GONZALEZ:

H.R. 4037. A bill to prohibit offering homebuilding purchase contracts that contain in a single document both a mandatory arbitration agreement and other contract provisions, and to prohibit requiring purchasers to consent to a mandatory arbitration agreement as a condition precedent to entering into a homebuilding purchase contract; to the Committee on Financial Services.

By Mr. GONZALEZ (for himself and Mr. REYES):

H.R. 4038. A bill to amend the Immigration and Nationality Act to improve enforcement of restrictions on employment in the United States of unauthorized aliens; to the Committee on the Judiciary, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such pro-

visions as fall within the jurisdiction of the committee concerned.

By Mr. GREEN of Wisconsin:

H.R. 4039. A bill to amend title XVIII of the Social Security Act to provide for an exception to the reduction in unused medical residency positions for small family practice residency programs under the Medicare Program; to the Committee on Ways and Means.

By Mr. HERGER:

H.R. 4040. A bill to amend the Internal Revenue Code of 1986 to provide that the deduction for certain attorney fees shall be fully allowable in computing both taxable income and alternative minimum taxable income; to the Committee on Ways and Means.

By Mr. HERGER:

H.R. 4041. A bill to amend the Internal Revenue Code of 1986 to provide that the deduction for certain flood-related attorney fees shall be fully allowable in computing both taxable income and alternative minimum taxable income; to the Committee on Ways and Means.

By Mr. HERGER:

H.R. 4042. A bill to amend title XVIII of the Social Security Act to modernize payments for ambulatory surgical centers under 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. ISSA (for himself, Mr. CONAWAY, Mr. RADANOVICH, Mrs. BONO, and Mr. DOOLITTLE):

H.R. 4043. A bill to provide for a report from the National Academy of Sciences on the feasibility and design of a national strategic gasoline reserve; to the Committee on Energy and Commerce.

By Ms. JACKSON-LEE of Texas:

H.R. 4044. A bill to provide for more efficient and effective protection of the borders of the United States; to the Committee on Homeland Security, and in addition to the Committees on Government Reform, and the Judiciary, 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 Mrs. MALONEY (for herself, Mr. LANTOS, and Mr. BILIRAKIS):

H.R. 4045. A bill to award a congressional gold medal to Rabbi Arthur Schneier in recognition of his pioneering role in promoting religious freedom and human rights throughout the world, for close to half a century; to the Committee on Financial Services.

By Mr. MICHAUD:

H.R. 4046. A bill to amend title 38, United States Code, to provide authority, in certain cases, for the Secretary of Veterans Affairs to provide care for the newborn children of veterans who have been provided maternity care by the Department of Veterans Affairs; to the Committee on Veterans' Affairs.

By Mr. MILLER of Florida (for himself, Mr. PAUL, Mr. BARTLETT of Maryland, Mr. KIND, Mr. SHIMKUS, Mr. DAVIS of Tennessee, Mr. SIMMONS, Mr. COBLE, Mrs. EMERSON, Mr. MATHESON, Mr. GREEN of Wisconsin, Mr. HALL, Mr. FLAKE, Mr. BRADLEY of New Hampshire, Mr. BARRETT of South Carolina, Mr. GINGREY, Mr. KENNEDY of Minnesota, Mr. GIBBONS, and Mr. ENGLISH of Pennsylvania):

H.R. 4047. A bill to amend the Legislative Reorganization Act of 1946 to reduce the rate of pay, and to eliminate automatic pay adjustments, for Members of Congress; to the Committee on House Administration, and in addition to the Committee on Government Reform, for a period to be subsequently de-

termined 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. WOOLSEY, Mr. KILDEE, Mr. PAYNE, Mr. SCOTT of Virginia, Mr. HINOJOSA, Mrs. MCCARTHY, Mr. HOLT, Mr. DAVIS of Illinois, Ms. MCCOLLUM of Minnesota, Mr. GRIJALVA, Mr. VAN HOLLEN, Mr. JEFFERSON, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. OWENS, and Mrs. DAVIS of California):

H.R. 4048. A bill to authorize the Secretary of Education to make grants to local educational agencies to restart school operations interrupted by Hurricane Katrina or Hurricane Rita, and for other purposes; to the Committee on Education and the Workforce.

By Mr. POMBO (for himself, Mr. COSTA, Mr. CARDOZA, Mr. CASE, Mr. NUNES, Mr. BACA, Mr. HERGER, Mr. FARR, Mr. RADANOVICH, Mr. BOYD, and Ms. ZOE LOFGREN of California):

H.R. 4049. A bill to authorize the Secretary of Agriculture to enter into cooperative agreements with State and local governments to augment their efforts to conduct early detection and surveillance to prevent the establishment or spread of plant pests that endanger agriculture, the environment, and the economy of the United States; to the Committee on Agriculture.

By Mr. RAMSTAD (for himself, Mr. PETERSON of Minnesota, Mr. OBERSTAR, Mr. UDALL of Colorado, Mr. BEAUPREZ, Ms. MCCOLLUM of Minnesota, Mr. HEFLEY, and Mr. TANCREDO):

H.R. 4050. A bill to amend title XVIII of the Social Security Act to extend reasonable cost contracts under Medicare; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, 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. REHBERG (for himself, Mrs. CUBIN, and Mr. BISHOP of Utah):

H.R. 4051. A bill to establish the policy of the United States on the size of the land-based intercontinental ballistic missile force; to the Committee on Armed Services.

By Mr. SANDERS (for himself, Mr. GUTKNECHT, Mr. GEORGE MILLER of California, Mr. HINCHEY, Mr. DAVIS of Illinois, Ms. LEE, Mr. BISHOP of New York, Ms. WOOLSEY, Mr. EMANUEL, Mr. MURTHA, Mr. TAYLOR of Mississippi, Ms. BORDALLO, Mr. OBERSTAR, Mr. BRADY of Pennsylvania, Mr. DEFazio, Mrs. MALONEY, Mr. BROWN of Ohio, Mr. HOLT, Mr. BERRY, Mr. MARKEY, Mr. GRIJALVA, Ms. KILPATRICK of Michigan, Mr. LANTOS, Mr. FILNER, Mr. UDALL of New Mexico, Mr. MCGOVERN, Mr. KENNEDY of Rhode Island, Mr. FRANK of Massachusetts, Mr. VAN HOLLEN, Mr. DOYLE, Mr. PAYNE, Ms. LINDA T. SANCHEZ of California, Ms. MILLENDER-McDONALD, Mr. OLVER, Mr. PALLONE, Ms. NORTON, Ms. SCHAKOWSKY, Mr. DOGGETT, Mr. EVANS, Mr. VISCLOSKEY, Mr. MEEK of Florida, Mr. WEXLER, Mr. BOEHLERT, Mr. MEEKS of New York, Mr. TIERNEY, Mr. ENGEL, Mr. CONYERS, Ms. ESHOO, Mr. ALLEN, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. RUSH, Mr. LYNCH, Mrs. NAPOLITANO, Ms. JACKSON-LEE of Texas, Mr. STRICKLAND, Mr. ROSS, Mr. SCHIFF, Ms. SLAUGHTER, Mr. MEEHAN, Mr. BLUMENAUER, Mr. MICHAUD, Mr. KILDEE, Mrs. CAPPS, Ms. KAPTUR, Mr.

CASE, Ms. MCCOLLUM of Minnesota, Mr. UDALL of Colorado, Mr. KUCINICH, Mr. CUMMINGS, Mr. SCOTT of Virginia, and Ms. DELAURO):

H.R. 4052. A bill to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to protect pension benefits of employees in defined benefit plans and to direct the Secretary of the Treasury to enforce the age discrimination requirements of the Internal Revenue Code of 1986; to the Committee on Education and the Workforce, 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 Ms. SOLIS (for herself, Mr. BACA, Mr. BECERRA, Mr. BERMAN, Mrs. BONO, Mr. CALVERT, Mrs. CAPPS, Mr. CARDOZA, Mr. COSTA, Mr. CUNNINGHAM, Mrs. DAVIS of California, Mr. DOOLITTLE, Ms. ESHOO, Mr. FARR, Mr. FILNER, Ms. HARMAN, Mr. HERGER, Mr. HONDA, Mr. ISSA, Mr. LANTOS, Ms. LEE, Mr. LEWIS of California, Ms. ZOE LOFGREN of California, Mr. DANIEL E. LUNGREN of California, Mr. MCKEON, Ms. MATSUI, Ms. MILLENDER-MCDONALD, Mr. GARY G. MILLER of California, Mrs. NAPOLITANO, Ms. PELOSI, Mr. POMBO, Mr. ROHRABACHER, Ms. ROYBAL-AL-LARD, Mr. ROYCE, Ms. LINDA T. SANCHEZ of California, Ms. LORETTA SANCHEZ of California, Mr. SCHIFF, Mr. SHERMAN, Mr. STARK, Mrs. TAUSCHER, Mr. THOMPSON of California, Ms. WATERS, Ms. WATSON, Mr. WAXMAN, Ms. WOOLSEY, Mr. GRIJALVA, Mr. BISHOP of Georgia, Ms. SCHAKOWSKY, Mr. CONYERS, Mrs. MALONEY, Mr. REYES, Mr. TOWNS, Mr. GONZALEZ, Mr. MORAN of Virginia, Mr. GEORGE MILLER of California, Mr. RADANOVICH, Mr. HUNTER, Mr. DREIER, Mr. NUNES, Mr. GALLEGLY, and Mr. THOMAS):

H.R. 4053. A bill to designate the facility of the United States Postal Service located at 545 North Rimsdale Avenue in Covina, California, as the "Lillian Kinkella Keil Post Office"; to the Committee on Government Reform.

By Mr. SULLIVAN:

H.R. 4054. A bill to designate the facility of the United States Postal Service located at 6110 East 51st Place in Tulsa, Oklahoma, as the "Dewey F. Bartlett Post Office"; to the Committee on Government Reform.

By Mr. VISCLOSKEY:

H.R. 4055. A bill to amend the Employee Retirement Income Security Act of 1974 and title 11, United States Code, to provide necessary reforms for employee pension benefit plans; to the Committee on Education and the Workforce, and in addition to the Committee on the Judiciary, 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. BAKER:

H. Con. Res. 263. A concurrent resolution providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate; considered and agreed to.

By Mrs. JO ANN DAVIS of Virginia (for herself, Mr. HALL, Mr. REGULA, Mr. HYDE, and Mr. DINGELL):

H. Con. Res. 264. Concurrent resolution recognizing veterans who served in the Armed Forces during World War II and supporting the goals and ideals of National World War II Veterans Recognition Week; to the Committee on Veterans' Affairs.

By Mr. KIRK (for himself, Mr. LARSEN of Washington, Mr. DAVIS of Kentucky, Mr. LEACH, Mr. SMITH of Washington, and Mr. DICKS):

H. Con. Res. 265. Concurrent resolution expressing appreciation for the contribution of Chinese art and culture and recognizing the Festival of China at the Kennedy Center; to the Committee on International Relations.

By Mr. TOWNS:

H. Con. Res. 266. Concurrent resolution expressing the sense of Congress that Cote d'Ivoire be encouraged and supported by the United States in its efforts to hold democratic elections in the very near future; to the Committee on International Relations.

By Mrs. JO ANN DAVIS of Virginia:

H. Res. 486. A resolution commending the Coast Guard for its extraordinary efforts in response to Hurricane Katrina and Hurricane Rita; to the Committee on Transportation and Infrastructure.

By Mr. TOM DAVIS of Virginia (for himself, Mr. RANGEL, Mr. CAPUANO, and Mr. ROYCE):

H. Res. 487. A resolution supporting the goals and ideals of Korean American Day; to the Committee on Government Reform.

By Mr. LATOURETTE (for himself, Mr. LOBIONDO, and Mr. MCCOTTER):

H. Res. 488. A resolution requesting that the President transmit to the House of Representatives information in his possession relating to contracts for services or construction related to Hurricane Katrina recovery; to the Committee on Transportation and Infrastructure.

By Mr. LEACH (for himself and Mr. BECERRA):

H. Res. 489. A resolution commemorating the 100th Anniversary of the National Audubon Society; to the Committee on Resources.

By Ms. MILLENDER-MCDONALD:

H. Res. 490. A resolution urging the United Nations to establish a commission on the prevention of slavery, human trafficking, and exploitation; to the Committee on International Relations.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. HUNTER introduced A bill (H.R. 4056) for the relief of Fouad Yousef Hakim Mansour and Saheir Gamil Shaker Mansour; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

- H.R. 23: Mr. WELDON of Pennsylvania and Mr. ETHERIDGE.
- H.R. 34: Ms. SCHWARTZ of Pennsylvania.
- H.R. 303: Mr. RADANOVICH.
- H.R. 328: Mr. REYES.
- H.R. 373: Mr. CLAY.
- H.R. 375: Mr. FORBES, Mr. AKIN, and Mr. GOODLATTE.
- H.R. 389: Mr. MEEHAN, Ms. HARRIS, Mr. MOLLOHAN, and Mr. HASTINGS of Florida.
- H.R. 445: Mr. JONES of North Carolina, Mr. BROWN of South Carolina, and Mr. TAYLOR of North Carolina.
- H.R. 457: Mr. GARRETT of New Jersey and Mr. WEXLER.
- H.R. 543: Mr. FITZPATRICK of Pennsylvania.
- H.R. 552: Mr. GOHMERT.
- H.R. 583: Mr. CAMP.
- H.R. 586: Mr. SMITH of Washington and Mr. MCCOTTER.
- H.R. 594: Mr. WATT.

- H.R. 616: Mr. BROWN of Ohio.
- H.R. 633: Mr. CLAY.
- H.R. 668: Mr. CONYERS.
- H.R. 697: Mr. BRADLEY of New Hampshire.
- H.R. 699: Ms. MOORE of Wisconsin and Mr. ALLEN.
- H.R. 747: Mr. ALLEN and Mr. FRANK of Massachusetts.
- H.R. 752: Ms. CARSON.
- H.R. 769: Ms. ZOE LOFGREN of California.
- H.R. 791: Mr. CONYERS and Mr. CAPUANO.
- H.R. 844: Mr. BROWN of Ohio.
- H.R. 864: Mr. JOHNSON of Illinois, Ms. ZOE LOFGREN of California, Mr. MATHESON, Mr. MCHUGH, and Mrs. JOHNSON of Connecticut.
- H.R. 874: Ms. FOX.
- H.R. 896: Mr. HIGGINS.
- H.R. 910: Mr. ABERCROMBIE, Mr. MILLER of North Carolina, and Ms. DEGETTE.
- H.R. 923: Mr. HOEKSTRA.
- H.R. 949: Mrs. CAPITO.
- H.R. 986: Mr. CHANDLER, Mr. SAXTON, Mr. MCGOVERN, and Mr. ROTHMAN.
- H.R. 999: Mr. JONES of North Carolina and Mr. ADERHOLT.
- H.R. 1002: Mrs. MALONEY.
- H.R. 1043: Ms. SCHAKOWSKY.
- H.R. 864: Mr. FRANK of Massachusetts, Mr. OLVER, Mr. MARKEY, Mr. RANGEL, and Mr. CROWLEY, and Mr. NADLER.
- H.R. 1120: Mr. MICHAUD and Mr. LEACH.
- H.R. 1121: Mrs. BIGGERT and Mr. LEWIS of Kentucky.
- H.R. 1131: Ms. SCHAKOWSKY, Mr. RUPPERSBERGER, and Mr. MENENDEZ.
- H.R. 1176: Mr. AKIN.
- H.R. 1102: Mr. RUSH.
- H.R. 1190: Mr. CUNNINGHAM.
- H.R. 1227: Mr. EHLERS, Mrs. NORTHUP, Ms. GINNY BROWN-WAITE of Florida, Mr. BAKER, Mr. SWEENEY, Mrs. BONO, Mr. FOLEY, Mr. WILSON of South Carolina, Mr. MICA, Mr. WELDON of Pennsylvania, Mr. LEWIS of Kentucky, and Mr. DUNCAN.
- H.R. 1246: Mrs. BIGGERT.
- H.R. 1264: Mr. ABERCROMBIE, Mrs. LOWEY, Mr. FRANK of Massachusetts, and Mr. ALLEN.
- H.R. 1431: Mr. HOLDEN and Mr. CUNNINGHAM.
- H.R. 1498: Mr. MOLLOHAN.
- H.R. 1558: Mr. ANDREWS and Ms. MCCOLLUM of Minnesota.
- H.R. 1577: Ms. ESHOO.
- H.R. 1582: Ms. SCHAKOWSKY and Mr. GILLMOR.
- H.R. 1590: Mr. BROWN of Ohio.
- H.R. 1592: Mr. VAN HOLLEN.
- H.R. 1594: Mr. JONES of North Carolina.
- H.R. 1646: Mr. THOMPSON of California.
- H.R. 1651: Mr. FEENEY.
- H.R. 1664: Mr. MILLER of Florida.
- H.R. 1671: Mrs. CUBIN and Mr. MCINTYRE.
- H.R. 1689: Mr. GONZALEZ.
- H.R. 1707: Mr. HASTINGS of Florida and Mr. KILDEE.
- H.R. 1709: Mr. MENENDEZ and Mr. VAN HOLLEN.
- H.R. 1714: Mr. ISRAEL.
- H.R. 1814: Mrs. DAVIS of California.
- H.R. 1898: Mr. LINCOLN DIAZ-BALART of Florida.
- H.R. 1940: Mr. ALLEN, Mr. BISHOP of Georgia, Mr. BOEHLERT, Mr. CLYBURN, Mr. ETHERIDGE, Mr. HYDE, Mr. JEFFERSON, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. KAPTUR, Mr. LYNCH, Mr. MCGOVERN, Mr. MEEK of Florida, Mr. MEEKS of New York, Mr. OBERSTAR, and Mr. PASCRELL.
- H.R. 1950: Mr. SIMMONS.
- H.R. 1951: Mr. CARTER.
- H.R. 1952: Mr. TANCREDO.
- H.R. 1953: Miss MCMORRIS, Mr. ALEXANDER, Mr. SIMPSON, Mr. NORWOOD, Mr. BARRETT of South Carolina, Mr. SMITH of New Jersey, Mr. FRANKS of Arizona, Mr. PETERSON of Pennsylvania, Mr. BURTON of Indiana, Mr. WESTMORELAND, Mr. MARCHANT, Mr. BUYER, Mr. FOSSELLA, Mr. PITTS, and Mr. CHABOT.

- H.R. 2017: Mr. STARK.
H.R. 2048: Mr. SHAW and Mr. MEEK of Florida.
H.R. 2177: Mr. BRADLEY of New Hampshire.
H.R. 2257: Mr. McNULTY.
H.R. 2308: Mr. LEWIS of Georgia.
H.R. 2356: Ms. HARMAN, Mr. FORD, Mr. PASTOR, Mr. ENGEL, Mr. LATOURETTE, and Mr. GILLMOR.
H.R. 2470: Mrs. KELLY and Mr. CRENSHAW.
H.R. 2533: Mr. REYES, Ms. MOORE of Wisconsin, Mr. CHANDLER, Ms. ZOE LOFGREN of California, Mr. OWENS, Mr. PICKERING, and Miss McMORRIS.
H.R. 2587: Mr. HUNTER.
H.R. 2662: Mrs. BIGGERT.
H.R. 2669: Mr. BROWN of South Carolina, Mr. EVANS, Mr. KUCINICH, Mr. ANDREWS, and Mr. BLUMENAUER.
H.R. 2671: Ms. BALDWIN, Mr. EMANUEL, and Mr. BOYD.
H.R. 2694: Mr. ROSS.
H.R. 2717: Mr. SHERWOOD, Mr. BROWN of Ohio, Mr. BOUCHER, Mr. NEAL of Massachusetts, and Mr. OWENS.
H.R. 2719: Mr. CONYERS.
H.R. 2793: Mrs. BIGGERT.
H.R. 2811: Ms. CARSON, Mr. PAYNE, Ms. MCCOLLUM of Minnesota, Mr. CUMMINGS, Mr. CONYERS, and Mr. MICHAUD.
H.R. 2869: Ms. BALDWIN.
H.R. 2872: Mrs. LOWEY, Mr. SMITH of New Jersey, Mr. PRICE of North Carolina, Mr. EMANUEL, Mr. KING of New York, Mr. BUTTERFIELD, Mr. LEWIS of Kentucky, Mr. BERRY, and Mr. MARKEY.
H.R. 2874: Mr. LAHOOD and Mr. MENENDEZ.
H.R. 2892: Mr. SERRANO.
H.R. 2962: Mr. FALEOMAVAEGA, Mr. STRICKLAND, and Mrs. CHRISTENSEN.
H.R. 2963: Mr. MARKEY.
H.R. 2989: Mr. SHERMAN.
H.R. 3046: Mrs. LOWEY.
H.R. 3082: Mr. CARTER.
H.R. 3128: Ms. SLAUGHTER.
H.R. 3142: Mr. FILNER and Ms. WOOLSEY.
H.R. 3146: Mr. FORTUÑO.
H.R. 3160: Mr. VAN HOLLEN and Mr. BRADY of Pennsylvania.
H.R. 3171: Mr. KUCINICH.
H.R. 3296: Mr. RUPPERSBERGER and Mr. JEFFERSON.
H.R. 3334: Mr. BECERRA, Mr. MILLER of North Carolina, and Mr. CUELLAR.
H.R. 3360: Mr. KING of Iowa.
H.R. 3380: Mrs. LOWEY.
H.R. 3417: Mr. MCGOVERN.
H.R. 3427: Mr. FARR, Mr. WOLF, Mr. ENGLISH of Pennsylvania, and Mr. McNULTY.
H.R. 3437: Mr. McCOTTER.
H.R. 3449: Mr. CLEAVER.
H.R. 3452: Ms. PRYCE of Ohio and Mr. REGULA.
H.R. 3478: Ms. GINNY BROWN-WAITE of Florida.
H.R. 3492: Mr. FILNER and Ms. DELAURO.
H.R. 3505: Mr. LEWIS of Kentucky.
H.R. 3547: Mr. CAPUANO.
H.R. 3548: Ms. VELÁZQUEZ and Mrs. KELLY.
H.R. 3561: Ms. WATSON.
H.R. 3579: Mr. MILLER of North Carolina.
H.R. 3601: Mr. JACKSON of Illinois and Ms. LINDA T. SÁNCHEZ of California.
H.R. 3604: Mrs. NAPOLITANO.
H.R. 3612: Mr. McCOTTER.
H.R. 3616: Mr. McCOTTER and Mr. McHUGH.
H.R. 3622: Mr. CAMP.
H.R. 3628: Mr. GRIJALVA.
H.R. 3639: Ms. MOORE of Wisconsin and Mr. HIGGINS.
H.R. 3641: Mr. BROWN of Ohio.
H.R. 3662: Mrs. CHRISTENSEN and Mr. WYNN.
H.R. 3681: Mr. CARDOZA.
H.R. 3697: Mr. SCHIFF, Ms. SCHWARTZ of Pennsylvania, Mr. BISHOP of New York, and Ms. MOORE of Washington.
H.R. 3698: Mr. KILDEE, Mr. FARR, and Mrs. MCCARTHY.
H.R. 3711: Mr. SCHIFF, Mr. RUSH, Mr. SANDERS, and Mr. FATAH.
H.R. 3715: Mr. PAUL.
H.R. 3637: Mr. WELLER, Mrs. MILLER of Michigan, Mr. GRAVES, Mr. FORBES, Mr. BEAUPREZ, Mr. CLAY, and Mr. DINGELL.
H.R. 3739: Mr. OSBORNE.
H.R. 3740: Ms. SCHWARTZ of Pennsylvania, Ms. CORRINE BROWN of Florida, and Mr. FATAH.
H.R. 3774: Mr. RANGEL, Mr. WEXLER, Ms. MILLENDER-MCDONALD, Mr. SANDERS, Ms. SOLIS, Mrs. CHRISTENSEN, Ms. SCHAKOWSKY, and Mr. FATAH.
H.R. 3776: Mrs. BLACKBURN, Mr. SESSIONS, Mr. GINGREY, and Mr. DEAL of Georgia.
H.R. 3781: Mr. RANGEL, Mr. JEFFERSON, Mr. MCGOVERN, Mr. PAYNE, Mr. DAVIS of Illinois, Mr. McNULTY, Ms. LEE, and Mr. SHERMAN.
H.R. 3782: Mr. OBEY.
H.R. 3796: Mr. OWENS.
H.R. 3800: Mr. FATAH.
H.R. 3854: Mr. FRANK of Massachusetts.
H.R. 3858: Mr. FILNER, Mr. TANNER, Ms. LEE, Mr. INSLEE, Mr. FARR, Mr. HINCHEY, Mr. CASE, Mr. KLINE, Mr. McNULTY, Mr. SPRATT, Mr. NADLER, Ms. BERKLEY, Mr. WAXMAN, and Mr. SNYDER.
H.R. 3860: Mr. ALEXANDER, Mr. FLAKE, Mr. MARCHANT, Mr. WELDON of Florida, Mr. SAM JOHNSON of Texas, Mr. FRANKS of Arizona, Mr. GOHMERT, Mr. FEENEY, Mr. SODREL, Ms. FOX, Mr. FORTUÑO, Mr. NEUGEBAUER, Mr. KLINE, Mr. HENSARLING, Mr. WAMP, Mr. LEWIS of Kentucky, Mr. BARRETT of South Carolina, Mr. BISHOP of Utah, Mr. BARTLETT of Maryland, Mr. CHABOT, and Mr. COLE of Oklahoma.
H.R. 3861: Mr. DEFazio, Mr. FATAH, Ms. WOOLSEY, Mr. LEVIN, and Mr. CAPUANO.
H.R. 3883: Mr. BLUNT, Mr. SMITH of Texas, Mr. THOMPSON of California, Mr. SHAW, Mr. SESSIONS, Mr. JEFFERSON, Mr. GOODE, and Mr. GINGREY.
H.R. 3910: Mr. KLINE and Mr. KUHL of New York.
H.R. 3916: Mr. GRIJALVA.
H.R. 3917: Mr. CONYERS, Mr. HINCHEY, Mr. SANDERS, and Mr. OWENS.
H.R. 3922: Mr. PICKERING.
H.R. 3935: Mr. PETERSON of Pennsylvania, Mr. JENKINS, Mr. ROGERS of Michigan, and Mr. ALEXANDER.
H.R. 3936: Mr. MENENDEZ.
H.R. 3943: Mr. TERRY, Ms. HERSETH, Mr. OTTER, Mr. REHBERG, Mr. HOSTETTLER, Mr. WESTMORELAND, Mr. ROGERS of Alabama, Mr. BROWN of South Carolina, Mr. MICHAUD, Mr. BOYD, Mr. SHUSTER, Mr. BOOZMAN, Ms. GRANGER, Mr. GRAVES, Mr. JONES of North Carolina, Mr. PUTNAM, Mr. DAVIS of Kentucky, Mr. MCHENRY, Mr. GINGREY, Mr. GREEN of Wisconsin, Mr. WAMP, Mrs. CAPITO, Mr. REGULA, Mr. PASTOR, Mr. SENSENBRENNER, Mr. DUNCAN, and Mr. WHITFIELD.
H.R. 3948: Mr. FILNER.
H.R. 3957: Mr. HAYWORTH, Mr. WELLER, and Mr. BECERRA.
H.R. 3960: Mr. CANTOR, Mr. FEENEY, Mr. WELDON of Florida, Ms. FOX, Mr. FORTUÑO, Mr. PENCE, Mr. FORBES, Mr. SODREL, and Mr. DOOLITTLE.
H.R. 3974: Mr. MCINTYRE, Mr. BUTTERFIELD, Ms. HERSETH, Mr. DAVIS of Tennessee, Mr. BOSWELL, Mr. STRICKLAND, Mr. CHANDLER, Mr. SANDERS, and Ms. KAPTUR.
H.R. 3979: Mr. COSTELLO and Mr. DELAY.
H.R. 3987: Mr. TIAHRT.
H.J. Res. 38: Mr. KENNEDY of Rhode Island and Mr. MORAN of Virginia.
H.J. Res. 55: Mr. OBERSTAR and Mr. DAVIS of Illinois.
H.J. Res. 56: Ms. MCCOLLUM of Minnesota.
H.J. Res. 57: Mrs. DRAKE.
H. Con. Res. 112: Mr. OWENS, Mr. ROSS, and Mr. MCGOVERN.
H. Con. Res. 190: Mr. SHIMKUS.
H. Con. Res. 197: Mr. NADLER.
H. Con. Res. 210: Ms. HARMAN, Ms. LINDA T. SÁNCHEZ of California, Mr. PRICE of Georgia, and Mr. PEARCE.
H. Con. Res. 213: Mr. SHERMAN.
H. Con. Res. 251: Mr. DUNCAN, Mr. DAVIS of Alabama, Ms. CARSON, Mr. GRAVES, Mr. JEFFERSON, Mr. RAHALL, Ms. LEE, Mr. WOLF, Mr. ROSS, Mr. AL GREEN of Texas, and Mr. PRICE of North Carolina.
H. Con. Res. 254: Mr. SANDERS, Mrs. MALONEY, and Mr. BAKER.
H. Con. Res. 260: Mr. HYDE, Mr. LINCOLN DIAZ-BALART of Florida, Ms. PELOSI, Mr. McNULTY, Mr. PASCARELL, Mr. TANCREDO, Mr. DOGGETT, Mr. KILDEE, Mr. HASTINGS of Florida, Mr. BERMAN, Ms. ESHOO, and Mr. ACKERMAN.
H. Con. Res. 262: Mr. McNULTY and Ms. SCHAKOWSKY.
H. Res. 97: Mr. NORWOOD, Mrs. DRAKE, and Mr. GOODE.
H. Res. 141: Mr. SOUDER.
H. Res. 166: Mr. CARDIN.
H. Res. 286: Mr. NADLER.
H. Res. 323: Mr. SHERMAN and Mr. SERRANO.
H. Res. 363: Mr. JACKSON of Illinois.
H. Res. 411: Mr. BROWN of Ohio, Mr. SCHIFF, and Mr. ROTHMAN.
H. Res. 444: Mr. GENE GREEN of Texas, Mrs. MYRICK, Mr. TOWNS, Mr. PUTNAM, Mr. MATHESON, Mr. SMITH of Washington, and Mr. FITZPATRICK of Pennsylvania.
H. Res. 447: Mr. OWENS.
H. Res. 457: Ms. JACKSON-LEE of Texas and Mr. VAN HOLLEN.
H. Res. 466: Ms. LINDA T. SÁNCHEZ of California.
H. Res. 472: Mr. WEXLER, Mr. RAHALL, Mr. FORTENBERRY, and Ms. WATSON.
H. Res. 473: Ms. KILPATRICK of Michigan, Mr. JACKSON of Illinois, Mr. MEEK of Florida, Ms. KAPTUR, Mrs. DAVIS of California, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. LYNCH, Mr. RANGEL, Mr. FATAH, Mr. WYNN, Mr. MEEKS of New York, Mr. DAVIS of Illinois, and Ms. SCHAKOWSKY.
H. Res. 477: Ms. DEGETTE, Ms. SCHAKOWSKY, Mr. OBERSTAR, Mr. MARKEY, Mr. FARR, Mr. DINGELL, Ms. MILLENDER-MCDONALD, Mr. WYNN, Mr. DAVIS of Illinois, and Mr. CLAY.
H. Res. 485: Mr. HUNTER, Mr. OSBORNE, and Mr. COSTA.