□ 1201

Mrs. JONES of Ohio changed her vote from ''nay'' to ''yea.''

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. Pursuant to section 2 of House Resolution 151, the text of H.R. 418, as passed by the House, will be appended to the engrossment of H.R. 1268.

(For text of H.R. 418, see prior proceedings of the House of February 10, 2005, at Page 2011.)

THANKING STAFF AND MEMBERS FOR ASSISTANCE ON H.R. 1268

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

Mr. LEWIS of California. Mr. Speaker, I very much appreciate the Chair giving me a moment to express my deepest appreciation to the entire House for the way they handled the discussion on the bill that has just been passed.

I especially want to express my appreciation for the fabulous staff work on both sides of the aisle who allowed us to move this bill as expeditiously as we have.

The bill involves sizeable amounts of money designed essentially to support our troops, wherever they may be, but especially in the Middle East.

Mr. Speaker, I want to also express my deep appreciation to my colleague, the gentleman from Wisconsin (Mr. OBEY), who cooperated every step of the way, a demonstration that we do not have to agree on everything; but in terms of supporting our troops we are in agreement. I very much appreciate the work of the House, as well as the committee.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LAHOOD). Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken later in the day.

AMENDING INTERNAL REVENUE CODE OF 1986 EXTENDING LEAKING UNDERGROUND STORAGE TANK TRUST FUND FINANCING RATE

Mr. CHOCOLA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1270) to amend the Internal Revenue Code of 1986 to extend the Leaking Underground Storage Tank Trust Fund financing rate.

The Clerk read as follows:

H.R. 1270

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

SECTION 1. EXTENSION OF LEAKING UNDERGROUND STORAGE TANK TRUST FUND FINANCING RATE.

(a) IN GENERAL.—Paragraph (3) of section 4081(d) of the Internal Revenue Code of 1986 (relating to Leaking Underground Storage Tank Trust Fund financing rate) is amended by striking ''April 1, 2005'' and inserting ''October 1, 2005''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Indiana (Mr. CHOCOLA) and the gentleman from California (Mr. STARK) each will control 20 minutes.

The Chair recognizes the gentleman from Indiana (Mr. CHOCOLA).

GENERAL LEAVE

Mr. CHOCOLA. 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 the subject of the bill under consideration.

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

There was no objection.

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

Mr. Speaker, I rise in support of H.R. 1270, which would extend financing for the Leaking Underground Storage Tank Trust Fund. The Leaking Underground Storage Tank Trust Fund is financed with an excise tax of 0.1 cent per gallon imposed on the sale of gasoline, diesel, and other motor fuels. This tax is set to expire on March 31, 2005.

This bill would extend the trust fund's financing through September 30, 2005, the same date that the other motor fuels excise taxes expire. The administration supports the extension of this financing.

Monies appropriated from the leaking underground storage tank trust fund are used for detention, prevention, and cleanup of leaking underground storage tanks. Leaking tanks can contaminate groundwater that is ultimately used for drinking.

Since this program began in 1984, the program closed nearly 1.6 million tanks and reduced the severity of leaks from underground storage tank systems that remain in service. Approximately 675,000 tanks remain in service and are subject to regulations. However, there remains a backlog of over 100,000 sites that require remedial action. Extending the tax for 6 months will allow us time to discuss possible reforms to the program while not allowing for the disruption of the collection of the tax.

I urge my colleagues to support this bill.

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

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

Mr. Speaker, I would like to inquire how long has it been since we have really had any fun around here, and would it not be a lot better if we just cut out this leaking underground storage tank stuff; we are talking about a LUST bill. I thought we might as well get that on the record and endure whatever the smirks are, because it is really an important bill. It is not controversial. It is a straightforward extension for 6 months, and I got a smile from Mr. Speaker.

It is a 0.1 cent per gallon excise tax. It will go to clean up drinking water and the environment. I appreciate the support of the gentleman from Indiana (Mr. CHOCOLA) for this bill and look forward to its passage.

Mrs. CAPPS. Mr. Speaker, I am pleased that the House is continuing the funding mechanism for the Leaking Underground Storage Tank Fund or LUST fund.

Across this country there are hundreds of thousands of leaking underground storage tanks.

Many, if not most, of these have MTBE in them and have been linked to the contamination of groundwater in thousands of communities.

So it is important that we continue funding for the Trust Fund that helps communities get these messes cleaned up where responsible parties can't be found.

But I agree with my colleagues who, noting the needs that are out there, have called for a longer extension of this funding mechanism.

Clearly, we have to give states more support and the ability to know that the LUST fund will back up their efforts.

Mr. Speaker, I believe it is also important to note how inadequate the efforts of this Administration have been in addressing the problem of leaking tanks.

For example, the LUST fund could take in approximately $200 million in revenues this year alone.

And yet the Administration proposes to spend only slightly more than a third of that to address the problems caused by these leaking tanks.

This is a completely inadequate response to addressing the 136,000 spills across the country.

We should be spending more to help these communities clean up.

We should also be enacting common sense reforms like requiring secondary containment for underground storage tanks.

We should be requiring more frequent inspections of all underground tanks.

And we shouldn't be taking steps like those in the energy bill that would weaken ''polluter pay'' laws.

The energy bill as currently drafted weakens EPA's ability to recover the money they spend to clean up sites.

We have to continue holding polluters accountable for the damage they cause.

So while I will support this bill, I believe we should be doing much more.

Ms. SOLIS. Mr. Speaker, I rise today in support of cleanup of leaking underground storage tanks and this bill to extend part of the funding source for this program. However, I am concerned that this resolution only guarantees this funding source through October 1, 2005.

Leaking gasoline tanks are a major problem in this country. There are currently 136,000 leaking tanks across the country. More than 36,000 of these are in California—more than 100 currently leaking in my district alone. Seventy-five percent of these leaking tanks could release MTBE into our groundwater supplies. This problem is not going away.

The EPA estimates that over the next 10 years 120,000 more tanks could leak. That means 120,000 more communities polluted—harming their soil and water and public health and leaving communities with the cleanup bill.

To put it in perspective, cleanup from MTBE alone could cost at least $28 billion.

So while I support this legislation, the cleanup problem is much bigger than a 6 month extension—our communities and states deserve a real funding commitment.

Ironically, while we are here today talking about ensuring funding for 6 months, the current energy bill, like last session's bill, threatens to gut the program.

Last year language was inserted in the energy bill which would largely gut this program which our communities and water providers depend on.

Changes to this program in the energy bill restrict the Environmental Protection Agency from getting money for cleanups from polluters—therefore rewarding polluters at the expense of working families, communities and states.

Taxpayers should not shoulder the burden of cleanup costs.

Language in the energy bill also fails to require that tanks be inspected every 3 years as recommended by the General Accounting Office. In fact, under the energy bill, it could be six years before these tanks are inspected.

Adopting more stringent inspection requirements is a common sense proposal, one that will save taxpayers money and prevent unnecessary threats to our water supplies.

Finally, the energy bill fails to require secondary containment.

More than 20 states already require at least secondary containment because these states recognize the savings to taxpayers, water providers and redevelopers from preventing contaminated soil and water.

So while we are here today committing ourselves to a 6 month funding of the program, we are also preparing to unnecessarily gut important principles.

This program helps protect the health and water security of my constituents.

Changes to this program should not be done haphazardly in the energy bill. We owe it to our constituents and communities who deal with leaking tanks to not shove random provisions into legislation.

Mr. Speaker I support this bill and urge my colleagues to support it to guarantee at least some funding for cleanup, but I also urge my colleagues to seriously reject the changes to the Leaking Underground Storage Tank program included in the energy bill.

Mr. GILLMOR. Mr. Speaker, I rise in reluctant support of H.R. 1270, legislation to extend, for 6 months, the tax that finances the Leaking Underground Storage Tank, LUST, Trust Fund.

As chairman of the House Energy and Commerce Subcommittee on Environment and Hazardous Materials, I have spent the last couple of Congresses getting familiar with the LUST program. I think the goal behind this program—and its tax—is important. The LUST program, though well intentioned, is unable to realize its full potential because of the way Congress operates it.

Congress first initiated this tax in 1986 primarily through a 0.1 cent-per-gallon motor fuels tax. The LUST tax generated roughly $150 million per year over a 9-year period, and more than $1.6 billion was collected for the fund before the taxing authority expired in December 1995. Congress reinstated the LUST tax through the Taxpayer Relief Act of 1997, Public Law 105–34, from October 1, 1997, through March 31, 2005. In fiscal year 2004, the LUST tax generated $192.9 million in revenues, and the fund earned $66.7 million in interest on an accrual basis. At the end of 2004, the fund's net assets were $2.33 billion.

This is all well and good, but Congress has had a history of making annual appropriations in an amount that is close to the amount of interest that the LUST Trust Fund earns each year. In fact, the appropriated amount is much less than the annual revenues created each year by this tax. The LUST Trust Fund has been used by Presidents and Members of Congress in both parties to balance their books rather than protect and clean up groundwater pollution that was released from these tanks.

Mr. Speaker, myopic views of LUST have helped to create the program deficits facing LUST and extending the LUST tax cannot be thoughtfully considered unless it is looked at as a whole. Several experts, including the Government Accountability Office, have testified before the Energy and Commerce Subcommittee on Environment and Hazardous Materials that the LUST Trust Fund should be spent in greater quantity and that these amounts should help encourage inspection requirements, operator training, and more cleanup. These are important LUST program reforms that must be secured in order to make the justification of a LUST Trust Fund, and the tax that finances it, solid public policy arguments.

Again, while I am not going to oppose this bill on this day, it is essential that prior to another extension of the LUST tax that, at a minimum, reform to the LUST program be coupled with any extension of the tax. These reforms have passed the House on two occasions last year and are currently contained in the energy bill discussion draft currently before the Committee on Energy and Commerce. I am hopeful we can get these reforms enacted soon.

Mr. STARK. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. CHOCOLA. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Indiana (Mr. CHOCOLA) that the House suspend the rules and pass the bill, H.R. 1270.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

EXPRESSING GRAVE CONCERN OF CONGRESS REGARDING PASSAGE OF ANTI-SECESSION LAW BY NATIONAL PEOPLE'S CONGRESS OF PEOPLE'S REPUBLIC OF CHINA

Mr. SMITH of New Jersey. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 98) expressing the grave concern of Congress regarding the recent passage of the anti-secession law by the National People's Congress of the People's Republic of China.

The Clerk read as follows:

H. CON. RES. 98

Whereas on December 9, 2003, President George W. Bush stated it is the policy of the United States to ''oppose any unilateral decision, by either China or Taiwan, to change the status quo'';

Whereas in the past few years, the Government of the United States has urged both Taiwan and the People's Republic of China to maintain restraint;

Whereas the National People's Congress of the People's Republic of China passed its anti-secession law on March 14, 2005, which constitutes a unilateral change to the status quo in the Taiwan Strait;

Whereas the passage of China's anti-secession law escalates tensions between Taiwan and the People's Republic of China and is an impediment to cross-strait dialogue;

Whereas the purpose of China's anti-secession law is to create a legal framework for possible use of force against Taiwan and mandates Chinese military action under certain circumstances, including when ''possibilities for a peaceful reunification should be completely exhausted'';

Whereas the Department of Defense's Report on the Military Power of the People's Republic of China for Fiscal Year 2004 documents that, as of 2003, the Government of the People's Republic of China had deployed approximately 500 short-range ballistic missiles against Taiwan;

Whereas the escalating arms buildup of missiles and other offensive weapons by the People's Republic of China in areas adjacent to the Taiwan Strait is a threat to the peace and security of the Western Pacific area;

Whereas given the recent positive developments in cross-strait relations, including the Lunar New Year charter flights and new proposals for cross-strait exchanges, it is particularly unfortunate that the National People's Congress adopted this legislation;

Whereas since its enactment in 1979, the Taiwan Relations Act (22 U.S.C. 3301 et seq.), which codified in law the basis for continued commercial, cultural, and other relations between the people of the United States and