the question in the House or in the Committee of the Whole.

That is the unanimous consent request that I propose, and I believe we have agreement.

The Speaker pro tempore. Is there objection to the request of the gentleman from California?

Mr. OBEY. Mr. Speaker, reserving the right to object, I do not intend to object. I simply would like to point out that the distinguished chairman of the committee, the gentleman from Florida (Mr. MOORE), yesterday asked Members to give notice of amendments that they might intend to offer so that they could be incorporated in any unanimous consent request today; and also said that the committee would know what we are doing when we are asked to either accept or reject them.

I note that in the last hour there have been some eight additional amendments that have come out of the woodwork. Seven of those, I think it fair to say, are coming from the minority side of the aisle. I would simply take note, for the benefit of Members who will want to know why we will be so late tonight on this bill, that the committee tried to make certain that we have early notice of what the amendments were and apparently we have a lot more who desire to prolong the debate on that side of the aisle than we do on this side of the aisle.

Mr. Speaker, I withdraw my reservation of objection.

The Speaker. Is there objection to the request of the gentleman from California?

There was no objection.

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 2001

The Speaker pro tempore. Pursuant to House Resolution 532 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 4733.

[Roll No. 334]

AYE—165

NOES—262

Abercrombie Goodling
Ackerman Gordon
Allen Gossett
Amey Grant
Bacus Green
Baird Greenwood
Baldacci Gutierrez
Baldinger Hall
Banks Hanger
Bateman Harsfeld
Bateson Hoefsmit
Begalla Heldt
Bennett Holm
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Bilirakis Hooley
Bishop Horn
Blumenauer Horton
Boehlert Hunter
Booher Inouye
Bono Insigne
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Boutin Jasper
Boyd Johnson, E. B.
Bradley (CA) Johnson, John
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the noes prevailed by voice vote.

Proceedings were postponed and on which

Messrs. BARR of Georgia, BURTON of Indiana, EVANS, DEFAZIO, COBURN, LEWIS of Georgia, DAVIS of Illinois, SABO, MINGE, TIAHRT, SPERRY, FARR of California, UDALL of Colorado, MCNULTY, and BERMAN, and Ms. LEE changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (Mr. LAHood). Pursuant to House Resolution 532, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken on each amendment on which the Chair has postponed further proceedings.

AMENDMENT OFFERED BY MR. GILCHREST

The CHAIRMAN pro tempore. The pending business is the demand for a 5-minute vote.

A recorded vote was ordered.

The result of the vote was announced as above recorded.

(Mr. STUPAK asked and was given permission to speak out of order for 1 minute.)

EXPRESSION OF GRATITUDE FOR SUPPORT OF MEMBERS OF CONGRESS AND PEOPLE ACROSS AMERICA DURING RECENT FAMILY TRAGEDY

Mr. STUPAK. Mr. Speaker, I rise tonight to speak out of order for a few minutes to express my gratitude to the Members of this distinguished body and to the thousands of individuals and families across our district and in this great Nation who have offered our family and me their support, prayers, and love for the loss of our son and brother, B.J.

It is often said that the true measure of any institution is how it comes together for one of its own in times of trouble. As I stand here tonight with a broken heart, I am reminded of the strength and greatness in each of the Members, their congressional staffs, and the men and women who work each day with us in the U.S. House of Representatives.

Not only have they displayed their kindness to Laurie, Ken, and me, but also to the Menem Begin's family when so many Members traveled to our hometown to attend B.J.'s funeral. While Members’ trips have been reported as a Who’s Who in Congress, led by the Speaker, the Democratic leader, the gentleman from Missouri (Mr. GEPHARDT), and Tipper Gore, the newspaper failed to mention the personal sacrifice each Member made, failed to mention that a number of Members flew without a seat on the tarmac because there was no room on the plane. The newspaper failed to recognize the kindness of this House, which is found in its Members.

B.J. realized the greatness of the U.S. Congress when he was 29, so he could succeed. B.J. knew about the Article 1, Section 2 of the United States Constitution states, “No person shall be a representative who shall not have attained the age of 25 years.”
He told Laurie shortly before he died that he felt he could be an even better Congressman than his dad. I am sure he could have been. Earlier today when I announced my reelection plans for a fifth term, I knew B.J. was pleased.

We have received thousands of calls and letters from Members and their families, friends, neighbors, even complete strangers. This outpouring of support has given us strength. It has renewed our faith in the goodness of people and in the love of friends and neighbors. The love, support, and understanding that we have received and will continue to receive are blessings for which we will be forever grateful.

I would like to take a moment and thank the gentleman from Oklahoma (Mr. BALDACCI), who came to Michigan to thank the gentleman from Tennessee (Mr. DOYLE), the gentleman from Oklahoma (Mr. COBURN), the gentleman from Pennsylvania (Mr. DOYLE), who came to Michigan earlier today when he could have been. Earlier today when I announced my reelection plans for a fifth term, I knew B.J. was pleased. Earlier today when I announced my reelection plans for a fifth term, I knew B.J. was pleased.

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subject to amendment, and shall not be subject to a demand for a division of the question:

The amendment printed in House Report 106-701;
The following additional amendment, which shall be debatable for 30 minutes: Mr. SALMON, regarding solar energy;
The following additional amendments, which shall be debatable for 20 minutes: Mr. RYAN of Wisconsin regarding National Ignition Facility; and
The amendment printed in the portion of the CONGRESSIONAL RECORD designated for that purpose in clause 8 of rule XVIII, and numbered 1;
The following additional amendments, which shall be debatable for 10 minutes: Mr. GEKAS, regarding energy independence;
Mr. STEARNS, regarding Secretary of Energy travel; Mr. STEARNS, regarding Secretary of Energy travel before January 20 of 2001; Mr. RYAN of Wisconsin regarding construction of National Ignition Facility; Mr. HANSEN, regarding nuclear waste storage; Mr. CAMP, regarding Strategic Petroleum Reserve exchanges; Mr. RYUN of Kansas, regarding compensation of Department of Energy employees; Mr. NEY, regarding the Appalachian Regional Commission; Ms. BROWN of Florida, regarding alternative energy sources; and
The amendments printed in the portion of the CONGRESSIONAL RECORD designated for that purpose in clause 8 of rule XVIII, and numbered 2, 3, 4, 8, 9, 10, 11, and 12.
Mr. PACKARD. Mr. Chairman, I ask unanimous consent that the remainder of title I be considered as read, printed in the RECORD, and open to amendment at any time.
The CHAIRMAN. Is there objection to the request of the gentleman from California?
There was no objection.
The text of the bill from page 8, line 8, through page 10, line 18, is as follows:
FORMERLY UTILIZED SITES REMEDIAL ACTION PROGRAM

For expenses necessary to clean up contamination from sites throughout the United States resulting from work performed as part of the Nation’s early atomic energy program, $140,000,000, to remain available until expended.

GENERAL EXPENSES

For expenses necessary for general administration and related functions in the Office of the Chief of Engineers and offices of the Division Engineers; activities of the Coastal Engineering Office of the Chief of Engineers; Engineer Center Support Activity, the Water Resources Support Center, and headquarters support functions at the USACE Finance Center, $60,500,000, to remain available until expended: Provided, That none of this funds shall be available to support an office of congressional affairs within the executive office of the Chief of Engineers.

REVOLVING FUND

Amounts in the Revolving Fund are available for the costs of relocating the U.S. Army Corps of Engineers headquarters to office space in the General Accounting Office headquarters in Washington, D.C.

ADDITIONAL PROVISIONS

Appropriations in this title shall be available for official reception and representation expenses (not to exceed $5,000), and during the current fiscal year the Revolving Fund. The Army Corps of Engineers, shall be available for purchase (not to exceed 100 for replacement only) and hire of passenger motor vehicles.

GENERAL PROVISIONS

CORPS OF ENGINEERS—CIVIL

Sec. 101. 16 U.S.C. 777a(a) is amended in the second sentence by striking “2000” and inserting “2001”.
Sec. 102. (a) The Secretary of the Army shall enter into an agreement with the City of Grand Prairie, Texas, wherein the City agrees to assume all of the responsibilities of the Trinity River Authority of Texas under Contract 89-1131 with the United States, to include financial responsibilities, as excepted as provided for in subsection (c) of this section. The Trinity River Authority shall be relieved of all liabilities under the Contract as of the date the Secretary of the Army enters into the agreement with the City.
(b) In consideration of the agreement referred to in subsection (a), the City shall pay the Federal Government a total of $1,210,000 in two installments; one in the amount of $2,150,000, which shall be due and payable no later than December 1, 2000, and one in the amount of $2,140,000, which shall be due and payable no later than December 1, 2001.
(c) The agreement executed pursuant to subsection (a) shall include a provision requiring the City to assume all costs associated with operation and maintenance of the recreation facilities included in the Contract referred to in that subsection.

The CHAIRMAN. Are there any amendments to this portion of the bill?
Mr. VISCLOSKY. Mr. Chairman, I move to strike the last word.
Mr. Chairman, I yield such time as she may consume to the gentleman from Ohio (Ms. KAPTUR) for purposes of a colloquy.

Ms. KAPTUR. Mr. Chairman, I thank the able gentleman from Indiana (Mr. VISCLOSKY), ranking member, for yielding me this time.
Mr. VISCLOSKY. Mr. Chairman, re-claiming my time, I yield such time as he may consume to the gentleman from Wisconsin (Mr. KIND) for purposes of a colloquy.

Mr. KIND. Mr. Chairman, I thank the gentleman from Indiana (Mr. VISCLOSKY), our ranking member, for yielding me this time.
Mr. Chairman, I have risen to engage the distinguished gentleman from California (Mr. PACKARD), chairman of the Subcommittee on Energy and Water Development, in a colloquy. As the gentleman and the ranking member knows, I have an ongoing interest in the enlarged use of biomass materials as a source of domestic energy. Serving on the Subcommittee on Agriculture Appropriations, I have always known that biofuels research and development forward. I assume that that lack of coordination is the product of bureaucratic inertia and can be overcome with some well-directed prodding by this Congress.

So if the Chairman and ranking member agree, I hope that our two subcommittees and we as leaders in the Congress can work together to find ways to encourage cooperation between the Departments of Agriculture and Energy in the development of biofuels. I would suggest we ask the Departments to report back to the committee before we consider next year’s appropriation bill on suggested initiatives that can be undertaken to increase the production and use of biofuels, including recommendations for engaging more broadly the U.S. farm sector in the storage, production, processing, and distribution of biofuel inputs and outputs.
Mr. PACKARD. Mr. Chairman, will the gentlewoman yield?
Ms. KAPTUR. Mr. Chairman, I thank the gentleman for his willingness to work with me. I want to again thank the able gentleman from Indiana (Mr. VISCLOSKY), ranking member, for yielding me this time.
Mr. VISCLOSKY. Mr. Chairman, re-claiming my time, I yield such time as he may consume to the gentleman from Wisconsin (Mr. KIND) for purposes of a colloquy.

Mr. KIND. Mr. Chairman, I thank the gentleman from Indiana (Mr. VISCLOSKY), our ranking member, for yielding me this time.
Mr. CHAIRMAN. Are there any amendments to this portion of the bill?

In order to increase funding for this vitally important program, but out of the respect for the committee and the work that they have done, and the
On the Senate side that are also very strong proponents of the Environmental Management Program. As the ranking member and chairman undoubtedly recall, EMP was permanently reauthorized last year; and it was authorized from a $19 million to $33 million. This year, the committee I think did a wonderful job of trying to increase funding from $19 million for this fiscal year up to $21 million that is contained in this bill.

Mr. Chairman, we were hoping as part of the bipartisan Mississippi River Caucus to get the funding up to around $24 million, $25 million, which we feel would be sufficient for the program to absorb the new cost, yet still be able to accomplish the objectives that exist under the program; and that is still our goal. We are hoping that given the greater flexibility over the allocation numbers as they are in the Senate, we are going to be able to achieve increased funding from that side. Based on conversations I have now had with the gentleman from Indiana (Mr. VisClosky) and also the gentleman from California (Mr. Packard), ranking member and chairman of the subcommittee, we are hoping to get a more favorable outcome in conference, if we are not successful on the Senate side for EMP.

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

Mr. Kind. I yield to the gentleman from California.

Mr. Packard. Mr. Chairman, the gentleman and I have discussed this previously, and we certainly would like to work with the gentleman in trying to find additional funds for this project in conference with the Senate. If the Senate has a higher figure, there is a good chance that we could find a way to come up from what the House level is.

Mr. Kind. Mr. Chairman, reclaiming my time, I appreciate the gentleman’s commitment to the program, his leadership on the issue, and look forward to working with the gentleman in the future on this.

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

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

Mr. VisClosky. Mr. Chairman, I would also agree. Obviously, there is no guarantee at all because the budget is so very tight. But I do appreciate the commitment of the gentleman from Wisconsin (Mr. Kind). And as the chairman indicated, we would be happy to try to work with the gentleman.

Mr. VisClosky. Mr. Chairman, I moved him like the last word.

Mr. Chairman, I yield such time as he may consume to the gentleman from Iowa (Mr. Boswell) for purposes of a colloquy.

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

Mr. Boswell. Mr. Chairman, I thank the gentleman from Indiana (Mr. VisClosky) for yielding me this time. I appreciate the gentleman’s concern, particularly his concern over the health and safety of those who have worked in his district and continue to do so. I, for one, and I think the gentleman from California (Chairman Packard) shares my concern, appreciate the gentleman bringing it to the committee’s attention.

Mr. Chairman, these Cold War warriors need our country’s help to deal with the health problems they have incurred due to their service. So I hope that these gentlemen and my colleagues in the House will work with me and others to get this restored during conference committee or any other possible opportunity. That is my request that I come to the floor with today.

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

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

Mr. VisClosky. I appreciate the gentleman’s concern, and particularly his concern over the health and safety of those who have worked in his district and continue to do so. I, for one, and I think the gentleman from California (Chairman Packard) shares my concern, appreciate the gentleman bringing it to the committee’s attention.

As I indicated to the gentleman from Wisconsin, there is no guarantee in this process, except the sincerity of our efforts. And I do appreciate the gentleman’s commitment very much.

Mr. Boswell. Mr. Chairman, I thank the gentleman for his response, and I thank the gentleman from California (Mr. Packard) for his nodding response.

The Chairman. The Clerk will read. The Clerk read as follows:

TITLe II

DEPARTMENT OF THE INTERIOR

CENTRAL UTAH PROJECT

CENTRAL UTAH PROJECT COMPLETION ACCOUNT

For carrying out activities authorized by the Central Utah Project Completion Act, $19,158,000 to remain available until expended, of which $19,158,000 shall be deposited into the Utah Reclamation Mitigation and Conservation Account: Provided, That of the amounts deposited into that account, $5,500,000 shall be considered the Federal contribution authorized by paragraph 402(b)(2) of the Central Utah Project Completion Act and shall be available to the Utah Reclamation Mitigation and Conservation Commission to carry out activities authorized under that Act.

In addition, for necessary expenses incurred in carrying out related responsibilities of the Secretary of the Interior, $1,216,000, to remain available until expended.

BUREAU OF RECLAMATION

The following appropriations shall be expended to execute authorized functions of the Bureau of Reclamation:

WATER AND RELATED RESOURCES

INCLUDING TRANSFER OF FUNDS

For management, development, and restoration of water and related natural resources and for related activities, including the operation, maintenance and rehabilitation of reclamation and other facilities, participation in fulfilling related Federal responsibilities to Native Americans, and related activities, and other agreements with, State and local governments, Indian tribes, and others, $635,777,000, to remain available until expended, of which $635,777,000 shall be available for transfer to the Upper Colorado River Basin Fund and $39,467,000 shall be available for transfer to the Lower Colorado River Basin Development Fund; of which $52,666,000 may be necessary to be advanced to the Colorado River Dam Fund; and of which not to
The text of the amendment is as follows:

Amendment offered by Mr. SALMON:
Page 16, line 18, after the dollar amount insert the following: "(increased by $4,000,000)."

Page 21, line 19, after the dollar amount insert the following: "(reduced by $46,000,000)."

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Arizona (Mr. SALMON) and the gentleman from Colorado (Mr. UDALL) each will control 15 minutes.

The Chair recognizes the gentleman from Arizona (Mr. SALMON).

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

Mr. Chairman, before I begin I would like to express my gratitude to the gentleman from California (Chairman PACKARD) for graciously accepting this amendment. He and his staff have been more than generous with their ideas, their time; and thanks to their efforts, we have agreed to fund renewable energy programs well above this year’s subcommittee mark and above final full committee mark.

This is particularly notable given this year’s limited House Energy and Water budget allocation. Again, I thank the gentleman. We will go golfing together when we get out of here.

Mr. Chairman, I would also like to offer special thanks to the gentleman from Colorado (Mr. UDALL) for his assistance and support of this amendment. His outstanding work is much appreciated by my colleagues, and energy security, and myself, and the future of this planet. I thank the gentleman very much.

The amendment that the gentleman from Colorado and I are proposing today is a timely and responsible effort to increase funding for renewable energy programs. The amendment adds $40 million to the renewable energy budget. This funding is necessary to ensure continued quality research and development that is so vital to our national security.

The amendment is offset by a reduction in contractor travel. Though the committee cut funding for this program last year, abuses still persist. Additionally, given the choice between travel dollars for contractors and research dollars for the future of America, it is clear that we must choose the latter.

Today, I urge my colleagues to join me in declaring that the time for renewable energy is now. Americans are paying more for fuel right now than at any time in our history. Dependency on foreign oil is at all-time highs. We fought a war less than 10 years ago over threats to our oil supply, and we agreed then we had to decrease our reliance on foreign oil. Domestic oil production is down 17 percent since the start of the current administration.

Chairman, we must work to diversify our energy portfolio and draw on domestic renewable energy resources that, given the funding and priority they deserve, will provide much-
needed reliable, affordable energy to American homes, businesses, and industry, and free us from foreign control.

The urgency of this situation is most clearly illustrated by the recent gas prices. Climbing fuel costs. These hikes have steadily gained acceptance and are newable sources, including landfill gas, and have had a dramatic effect on the life of every American and threaten the state of our economy.

Clearly, we rely too heavily on unreliable foreign oil supply from the world's most volatile region. We must lessen our dependence on foreign oil and recognize renewable energy as a vitally important and, I believe, undervalued component of responsible energy.

**June 27, 2000**

This morning, Secretary Richardson spoke before the Committee on International Relations and commented that one-third of the increased technology and renewable energy will be one of the factors that will bring oil prices back down and lessen our dependence on foreign oil.

Despite exciting advances and promising advances, renewable energy has been underfunded in comparison to competing energy programs. From 1973, when Federal funding for renewable energy technologies started in earnest, through fiscal year 1996, in real 1997 dollars, the Federal Government has spent $42 billion for research and development in nuclear and $19 billion for fossil fuels.

Contrast those figures with the $11 billion spent for renewable energy research and development and $7 billion for energy efficiency. Clearly, renewable energy technologies need and deserve more comparable support, particularly in light of the fact that we are losing the technology race to other countries, causing an even greater imbalance in trade.

Countries like Germany and Japan are placing much higher priority on funding renewable energy research and development, posing the risk of U.S. technology advancement being lost to overseas competition.

Despite the financial inequity of research and development funding, renewable energy and energy efficiency technologies have made impressive progress. Take, for example, the advances being made in my home State of Arizona. Arizona recently became the first State to require that a certain percentage of our electricity come from solar and one of 27 States to require derivation of energy from renewable sources, including landfill gas, wind, and biomass.

These renewable energy technologies are steadily gaining acceptance and are just beginning to deliver on the promise of clean, abundant, reliable and increasingly competitive renewable energy. I am confident that with consistent, healthy funding, renewable energy technologies will continue to faithfully deliver on that promise.

As many of them know and probably are happy about this, this is my final term, and the close of my service as chairman of the House Renewable Energy and Energy Efficiency Caucus. I am very proud of the progress we have made during my stewardship. House caucus membership is at an all-time high of 160 Members. Senate caucus membership has grown to an impressive 26 Members. Nationwide support for renewable energy is strong and growing, and funding levels are back on the rise.

I am optimistic about this year's House and Senate funding levels and hope that, as more funds become available, the conference bill will further boost appropriations for renewable energy and energy efficiency programs.

I urge my colleagues to support renewable energy and energy efficiency research. Together, we can ensure a secure, abundant, clean and promising renewable energy future.

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

Mr. UDALL of Colorado. Mr. Chairman, I yield myself such time as I may consume.

(Mr. UDALL of Colorado asked and was given permission to revise and extend his remarks.)

Mr. UDALL of Colorado. Mr. Chairman, I rise today to offer this amendment with the gentleman from Arizona (Mr. SALMON) who chairs the House Caucus on Renewable Energy and Energy Efficiency, and with the gentleman from New York (Mr. BOEHLE) and the gentlewoman from Ohio (Ms. KAPTUR). I especially want to thank the gentleman from Arizona (Mr. SALMON) for working with me on this amendment. This is our second joint effort in the last 2 years.

I join with many of my colleagues in saying we will miss the leadership of the gentleman from Arizona (Mr. SALMON) on this issue. We look forward to working with him from his home State of Arizona, and who knows what the future may hold.

I also want to thank the gentleman from California (Chairman PACKARD) and the gentleman from Indiana (Mr. VISCOLSKY), ranking member, for agreeing to accept this amendment.

The amendment will add $400 million to Department of Energy programs in fiscal 2001 and will offset this sum with Department of Energy contractor funds. While this increase is not even close to the levels of the request, it is a good start, and I hope it can begin a trend toward increased funding for these programs in future years.

After all the rhetoric we have been hearing in the last few weeks in the newspapers, on the talk shows, and on the floor about our lack of an energy policy, I am glad to have this opportunity today to raise recriminations to the heart of the problem.

I want to talk about the importance of investing in a long-term policy, one that requires us to think beyond today's gasoline prices and beyond the elections in November. I want to talk about the real crisis that will develop in 10 or 20 years from now, as we are forced to consider alternative energy sources.

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10 percent of domestic energy production, and approximately 13 percent of domestic electricity generation.

While these technologies have become increasingly cost-competitive, the pace of their penetration into the market, largely due to the terminated and reduced government support for future research and development as well as by assistance in catalyzing public-private partnerships, leading to full commercialization.

Not only economic independence, but also environmental health and lower energy costs are advanced by our investment in renewable energy. But for our investment in these technologies to pay off, efforts must be sustained over the long term. It is time for us to recognize the value of clean energy research and development to our communities and to our world and to commit to sustaining our investment in clean energy in the years to come.

Our amendment does not quite do all that is needed, but it does greatly improve the bill. I urge its adoption.

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

Mr. SALMON. Mr. Chairman, I yield 4 minutes to the gentleman from Pennsylvania (Mr. PETERSON).

Mr. PETERSON of Pennsylvania. Mr. Chairman, I thank the gentleman from Arizona for yielding me this time. I thank him and congratulate him on his amendment.

Mr. Chairman, there has never been a time when this country should be ready for alternatives. There has never been a time when we should be working together to solve our energy problems in this country and start moving away from a 60 percent dependency. It is bad enough to be 60 percent dependent, but worse when one is dependent on unstable parts of the world, some parts of it who desperately do not like us.

On the renewable side, I think one part that has not gotten a lot of attention is the hydrogen side. One of the most renewable resources in this country is hydrogen. I believe it has been undervalued as a potential. I believe it has not received, for a long time, the support it should.

This is why I have such a strong interest in the potential for the evolution of a hydrogen economy, an economy where hydrogen can compete and win both as an energy supplement, a pure energy commodity rather than simply as a chemical. Rather than suffering a dependency upon imported energy sources, we can use hydrogen produced here at home as an abundant, efficient energy source with the capacity to increase U.S. competitiveness, bringing high-salaried jobs to this country.

Secondly, hydrogen is abundant. It can be produced from a variety of renewable resources, and it has many uses, offering the promise of significant benefits to the agricultural, manufacturing, transportation, and service sectors of our economy. Our aerospace and chemical industries are ready right now to implement significant increases in the production, distribution, and storage of hydrogen as an energy commodity.

Also, hydrogen is a proven, effective carrier of energy. Today, our cars are fueled with hydrogen-enriched gasoline. Our automobile industry is developing fuel-cell powered cars, and researchers are closing in on ways to power entire communities with hydrogen technology.

There are many who feel that the Third World developing countries will be able to utilize it before us. We can create it and sell it to them, another way to increase American jobs.

I am told that hydrogen can be combined with gasoline, ethanol, methanol, or natural gas. Just adding 5 percent hydrogen to the gasoline/air mixture in an internal combustion engine can reduce nitrogen oxide emissions from 30 to 40 percent. An engine converted to burn pure hydrogen produces mostly clean water as exhaust.

For example, NASA, in addition to using hydrogen to propel the space shuttle, uses hydrogen to provide all the shutdowns in the board fuel cells, whose exhaust, pure water, is used to drink by those who are on the trip.

While this is no secret, some people might be surprised to know that the largest user of hydrogen is the petrochemical industry which infuses oil with growing amounts of hydrogen in order to meet environmental regulations. Hydrogen also improves the potency and lowers emissions of natural gas. I believe this is one of the most immediate targets of continuing opportunity for our industry.

Our economy is a fossil fuel-based economy, and we should be thankful for the success we have had there. But hydrogen, not only is an energy itself, but is an enhancer of the current fossil fuels.

I urge the adoption of this amendment, and I urge a stronger emphasis be put on hydrogen. There is no downside to using hydrogen, and we should put our investment in. I believe it will be the fuel that will operate our future economy.

Mr. UDALL of Colorado. Mr. Chairman, I yield myself such time as I may consume, before yielding to my colleague from Ohio, to speak to the gentleman from California (Mr. PACKARD) and tell him that I was very interested to hear his remarks and I look forward to working together with him on this exciting potential that hydrogen does offer to us.

As the gentleman points out, it may well be the long-term economy of the future, and it has very clean by-products and has applications across all the energy needs we now have in our society. So I look forward to working with the gentleman to promote the use of hydrogen for the long-term economy of the country.

Mr. Chairman, I yield 3 minutes to the gentlewoman from Ohio (Ms. KAPTUR).

Ms. KAPTUR. Mr. Chairman, I thank the gentleman from Colorado (Mr. UDALL) for yielding me this time, and I also want to thank the gentleman from Arizona (Mr. SALMON) and the gentleman from New York (Mr. BOEHLERT) for their cosponsorship of this very important amendment.

I want to also thank the chair of the subcommittee, the gentleman from California (Mr. PACKARD), and the ranking member, the gentleman from California (Mr. VISSER) for their cooperation. Because when this legislation was considered in the full Committee on Appropriations, I offered an amendment to make sure that we did not spend any less this coming year than we did the current year, and the original bill that came to us was about $12 million under what we were spending for this area of renewables and solar. In fact, it was $106 million under the administration's request. The gentleman from California (Mr. PACKARD) was not only in agreement with us and to tick up this account a bit.

Certainly in light of rising fuel prices in this country, we really thank the chairman for his cooperation and interest, and I sincerely hope as this bill progresses, this will be one of the appropriations process in our work with the other body we will be able to find additional dollars for this important addition to America's energy security.

Every person in this Chamber and every American should know that this is the right direction for America, and that in fact America's chief strategic vulnerability now is our energy dependence. To see American diplomats on their knees to the leaders of other countries, oil producing states, asking them to try to take care of us and to increase their production, is not a position America wants to be in at the beginning of this new millennium.

We spend over $50 billion a year on imported petroleum products and crude. And when we go and pump gasoline in our tanks, over half of every dollar that we spend goes in the pocket of a leader of business in some other nation, not this one. To put it in perspective, America's farmland and our farmers, our agriculture infrastructure, can produce enough energy to replace half of our Nation's gasoline usage and all of our nuclear power supply. And we can do so without a major impact on food prices. That is how products of American agriculture can be competitive.

Imagine taking that $50 billion we pay to someone else and putting it to work here at home for domestic investment in rural America, in terms of jobs created for production, harvesting, storage of biofuel inputs, and industrial growth with the creation of facilities for the conversion of biomass to fuel. What an energy boost, in fact, this would be and an income boost for so many communities across this country.

I have been very surprised at how slow we have made progress in this
area. Progress has come, but not in as fast a way as we have seen progress, for example, in our space program. So I rise in very strong support of the amendment. This is the right direction for America, the right direction for the future. The gentleman from Arizona (Mr. SALMON) is providing leadership in, we can be producing these fuels in our home areas and in ways that provide maximum freedom to all our citizens.

It is an interesting thought and an exciting one for the gentleman for his leadership on this. Mr. Chairman, I yield 3 minutes to the gentleman from Wisconsin (Mr. KIND).

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

Mr. KIND. Mr. Chairman, I thank the gentleman from Colorado (Mr. UDALL) for yielding me this time, and I rise in strong support of this alternative energy amendment.

In the past few months, gasoline prices have skyrocketed, with my western Wisconsin constituents paying nearly $1.90 per gallon for conventional gasoline, not the reformulated gasoline, but conventional gasoline. Unfortunately, many elected officials, from both sides of the political aisle, would rather play politics with this issue and blame someone else for the problem rather than work to find answers and fix the problem for the future.

Many of my colleagues believe the big oil companies and refiners are gouging consumers with inflated gasoline prices, leading to a 512 percent profit margin for the oil industry in this year alone. While the arguments of both parties may well have some merit, it is undeniable that this Nation needs to invest more in renewable and alternative energy technologies that are more environmentally friendly. Wind, solar, geothermal, biomass, and hydropower are important components in our Nation's energy mix. Unfortunately, between fiscal year 1973 and fiscal year 1995, renewable energy technologies accounted for approximately 10 percent of all Federal Government research and development spending. Private sector energy R&D declined 42 percent between 1993 and 1994. In fact, it has continued, this downward decline.

Investments in efficient and renewable energy sources deliver value for taxpayers by lowering our energy demand while developing additional domestic energy sources that strengthen our national security, spur new high-tech jobs, boost world economic development, and help protect the environment.

My constituents are currently suffering from inordinately high gas prices. And while it is important that we find out the causes for the regional disparity in gas prices, it is also important that we develop a responsible domestic energy policy. We must shift our focus to domestic fuel sources, like wind, like solar and geothermal; and we must assure a guaranteed supply of available and affordable energy. Yet in order for us to have options other than foreign-produced fossil fuel in the future, we must have genuine investments in renewables today.

This amendment is a key step in that direction. It is also a statement of what our energy priorities must be. It is prudent that we support the technological development of renewable energy sources, especially in light of the current oil price crisis we are all experiencing across this Nation.

I firmly believe that we already rely too heavily on foreign oil. We must develop a responsible domestic energy policy. We must shift our focus to domestic fuel sources, like wind, like solar and geothermal; and we must assure a guaranteed supply of available and affordable energy. Yet in order for us to have options other than foreign-produced fossil fuel in the future, we must have genuine investments in renewables today.

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Mr. UDALL of Colorado. Mr. Chairman, I yield myself such time as I may consume. Again, I want to just close and thank my colleague, the gentleman from Arizona (Mr. SALMON), for all his terrific work in this regard over the last couple of years. I do look forward to working with him in the future.

I might leave the discussion with a couple of additional thoughts. I was reminded that just 100 years ago humans depended on three sources of energy: their muscle, the power, that of animals, and wood. And over the last hundred years we have created an immensely powerful supply of energy that is based on petroleum and fossil fuels.
When that potential energy source became apparent, the Federal Government was very involved in the research and development that occurred that determined and explored and discovered all these various uses for petroleum. Now we are on the cusp of a new age, and I think it is very appropriate that we continue this kind of involvement as we move into a new energy century and we explore all the great possibilities of clean energy that involves biomass, solar, hydrogen, and the like. This is something that will be exciting, that will be great for our economy and great for our environment.

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

Mr. SALMON. Mr. Chairman, I yield myself such time as I may consume and would simply like to concur with the gentleman from Colorado.

We have a very exciting opportunity right now. We are on the cusp of some things that are very great. We can stay at the leading edge on technology, or we can move to the back of the pack. I propose that we are doing the right thing tonight by moving one step closer on this commitment toward renewable energy.

I thank the gentleman for his tireless commitment. It has been an honor and a privilege to work with him on this.

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

The CHAIRMAN. The amendment was agreed to.

Mr. PACKARD. Mr. Chairman, I yield 3 minutes to the gentleman from Michigan (Mr. KNOLLENBERG). Mr. KNOLLENBERG. Mr. Chairman, I thank the gentleman for yielding me the time.

I rise in strong opposition to this amendment. The gentleman from Florida (Mr. FOLEY) and the gentleman from Massachusetts (Mr. MARKEY) would pull the rug out from under the Department of Energy’s important Nuclear Research Initiative, NERI, as it is called.

This chart behind me represents the latest data from the Energy Information Agency. There are 103 operating nuclear power plants in this country. They provide 23 percent of the nation’s electricity, more than ever before in our history. Think about it, almost one quarter comes from nuclear. Nuclear is clean and it is green and it is emissions free.

I implore every Member with a nuclear-related university or industry in their district to think about this. Regardless of whether it is a university program or nuclear research at a national laboratory or one of those 103 power plants, the NERI program provides vital information to support innovative research in nuclear technology.

This program is reinvigorating the Department of Energy’s nuclear energy R&D based upon competitive and, more importantly, peer-reviewed projects. Even the President’s very own committee of advisors says that PCAST as it is called, recommends that further nuclear energy research and development is absolutely necessary to maintain the nation’s energy mix.

So it is absolutely amazing to me that someone would want to cut this modest amount of funding for the NERI program and instead send it to fund solar and renewables.

Let us take a look at this chart for a little bit. This is 1999. In 1999, 22.78, almost 23 percent, more than 10 years ago, more than it was 20 years ago. And guess what? The very things that my colleagues are talking about, such as the renewables, we can hardly find them on here.

When my colleagues turn the switch on in their house, where do they think the power comes from? It does not come from solar. It does not come from biomass or wind. In fact, the gentleman over here said 13 percent of it was wrapped up in renewables. He is counting hydro. Hydro is a part of this.

Hydro is clean.

But look at this. This is 1999. In 1990, it was the same thing, with nuclear down about 2 percent. In 1980, about the same thing. And guess what we have been funding this renewable program, we have seen very little gain.

I am not suggesting we drop it. I am suggesting we balance it. Do not take away funding that is needed. There are kids that want to go to school to learn how to keep these things going in the new generation of these nuclear plants that is coming on line.
Would my colleagues believe that nuclear plants can operate at a 100 percent capacity. Do they know that wind cannot get above 28? They talk about 100 percent capacity. Look, the wind does not blow all the time. Do not let that fool us, Solar. The sun does not shine all the time.

So they said 100 percent capacity. No such thing, my colleagues. It is way below 28 percent, down around 20 percent. So keep that in mind when we are talking about dropping this program. I admit it, too, like the solar. But let us not kill what works. We have got to prove this thing works. And it does not yet, the way nuclear does—reject the Markey-Foley amendment.

Mr. Chairman, I rise in strong, strong opposition to this amendment.

Students and teachers and universities are the issue here.

Students are endangered by Mr. Foley and Mr. Markey. They are threatening the education of real live students. Students, as a part of their education, engage in research. This scientific research enables them to get their degrees. In fact, without this research, these students don’t get their degrees.

Let’s take real, live students and professors in the state of Massachusetts where Mr. Markey lives and the interests of which he supposedly represents.

The Massachusetts Institute of Technology (MIT) happens to be in Massachusetts. In fact it is about one mile from the edge of Mr. Markey’s congressional district. The Massachusetts Institute of Technology has been awarded eleven NERI grants. These grants are awarded on a competitive, peer-reviewed, sound scientific basis by a panel of expert scientists.

At the Massachusetts Institute of Technology, fully 20 students and eight professors thus receive the very funds that Mr. Markey is trying to take away and benefit from the very program that Mr. Markey is destroying.

For example, let’s take two students at the Massachusetts Institute of Technology: Jini Curran and Martin Busse. These students are studying engineering and they have chosen to study the specific discipline of nuclear engineering. Jini and Martin are doing research under the guidance of a particular Professor Mujid Kazimi.

Without the funding that the NERI program provides, Jini and Martin’s NERI research will have to be stopped and the future of their education is in doubt.

Professor Kazimi’s research here will cease. Substantial financial resources that now go to the Massachusetts Institute of Technology will be stopped dead by Mr. Markey. MIT’s Nuclear Engineering Department will therefore be diminished.

When these students Jini and Martin and the other eighteen students at MIT are hurt by Mr. Markey, and when Professor Kazimi and the other seven professors at MIT are hurt by Mr. Markey, and MIT’s Nuclear Engineering Department is diminished in this way by Mr. Markey, then indeed the city of Boston and the state of Massachusetts themselves are hurt by Mr. Markey.

Rest assured that if they are not already aware of the damage Mr. Markey seeks to do here today, I will work to make sure that all of the students and the professors and the universities all across this great nation will be made fully aware of his actions and the effects of his actions.

Perhaps some of these twenty student and these eight professors live in Mr. Markey’s congressional district. Thus, perhaps they are thus his years to represent excellence. Out of 120 proposals received by DOE, only 10 were selected, including one from Texas A&M University.

Through NERI, the Department has initiated an R&D effort focused on solving barriers to the future expansion of nuclear energy—including proliferation, economics and nuclear waste.

Through NERI, we are maintaining our seat at the table of the international discussion on the future of nuclear energy. This is critical if we are to participate in discussions on clean air, climate change and energy security.

Advancing the state of nuclear science and technology, resolving key technology issues, and engaging the international community will all contribute to enabling the United States to reassess its leadership role in the development of nuclear energy technologies.

I am therefore pleased to support NERI and oppose the Markey amendment that would eliminate this vital program at DOE.

Mr. MARKEY. Mr. Chairman, a few summers ago a boondoggle was born: the Nuclear Energy Research Initiative—NERI. When I think of this program, I can’t help but think of the movie from which it was inspired, this program is a bad spoof—it passes itself off as a necessary research initiative to maintain the viability of the nuclear power industry. But it is really nothing more than the same subsidy for the nuclear power industry that Congress cut in 1998.

It is amazing that such a mature, established industry still has a subsidy from the federal government. In the last few years, the nuclear power industry has been a $140 billion dollar a year industry. In fact, the Nuclear Energy Institute (NEI), the industry trade group for the revenue were nuclear utilities. That hardly sounds like a fledgling industry in need of government subsidy.

But that is exactly what the industry would have you think. They will tell you we need this money to conduct research into new reactor designs. The problem is this research helps the industry improve the economic performance of existing facilities. I don’t think an industry that already produces 20% of the nation’s electricity needs any more help from the federal government to improve the performance of its facilities. The industry has the resources and expertise to deal with those issues on its own.

Before you think this is important academic research let me remind you that NERI awards $300 million dollars a year to General Electric to develop new advanced reactor designs. These are companies that have been designing and building equipment for the nuclear industry for over 40 years. They should know by now how to develop new generations of reactors. More importantly, they have the resources to carry out that research.

Mr. Chairman, this industry has received $47 billion dollars in subsidy over the last fifty years.
years. That's close to $1 billion dollars a year! Imagine what wind, solar or other clean renewable energy projects could do in fifty years if they received subsidies of $1 billion per year.

The time to be subsidizing this industry is over. The use of this single transaction film on the last reel and it is time to begin making room for the digital age of electricity generation—multiple, reliable, clean renewable energy generating sources integrated into a seamless transmission network.

So far the information available from NERI, we will take $6 million from the NERI program and put it into research into the reliability of the electricity transmission system. Brownouts and blackouts are looming this summer. This research will help keep the lights on and the air conditioners running. In addition, the research will examine how to ensure that the clean, renewable distributed generating facilities can be integrated into the transmission infrastructure.

In addition, we will increase wind power research and development by $13 million to bring us to Administration request level. This is a true, clear renewable energy source. With the research the Department of Energy is conducting, the industry will ensure wind energy a viable alternative to other forms of electric energy generation.

We need to be able to make the future of our electricity generating facilities. I encourage members to put a stop to subsidies for mature industries. Instead give the new industries a chance to research their potential to deliver clean, renewable energy for the future.

I urge members to vote yes on the Foley Amendment.

Mrs. BIGGERT. Mr. Chairman, I rise today in strong opposition to the Foley/Markay amendment to eliminate the Nuclear Energy Research Initiative, or NERI.

I support both renewable energy research programs and nuclear energy research programs, but the numbers speak for themselves.

This bill already provides $350 million for solar and renewable energy programs compared to $40 million for nuclear energy research and development.

With passage of the Salmon amendment earlier this evening, funding for solar and renewable research programs has increased to almost $400 million.

Funding for solar and renewable energy research now dwarfs funding for nuclear energy research. In this situation, it makes no sense to eliminate what little funding exists for research aimed at an energy source that provides 20 percent of the nation's electricity. In my home state of Illinois, that percentage is even higher.

Again, the numbers speak for themselves. In FY 1999, 91 percent of NERI's funding went to independent, peer-reviewed research projects at America's research universities and national laboratories, including Argonne National Laboratory, a Department of Energy multi-program laboratory located in the district I represent. Only 9 percent went to private sector entities.

I would encourage my colleagues to remember that we are talking about a source of energy that does not produce harmful air emissions, again, the number speak for themselves. At least 165 million metric tons of carbon are not emitted each year because of this country's operating nuclear power plants.

Mr. Chairman, as electricity demand grows, we cannot ignore a viable and significant source of electricity like nuclear energy, especially one that does not dirty the air. I support nuclear energy research and development, and would urge my colleagues to oppose the Foley/Markay amendment.

Mr. HOEFFLING, Mr. Chairman, I rise in support of the Foley-Markay amendment with transfers funds from nuclear energy research to renewable energy programs.

As a follow-up to the Budget Committee's hearing on my legislation, the Corporate Welfare Reform Act, I continue to support efforts to root out corporate welfare. While my legislation is a comprehensive approach to get at all corporate welfare in the federal budget and tax code, I have been looking closely at programs funded through the appropriations bills that provide unnecessary and wasteful subsidies to industry.

Over the past fifty years, the nuclear power industry has received $47 billion in subsidies from the American taxpayers. The nuclear power industry is now a mature industry with over $5 billion in revenues last year alone.

Funding under the Nuclear Energy Research Initiative (NERI) is funneled to some of the largest corporations in the country. These successful companies can stand to do without the support of the American taxpayer.

This amendment also has the benefit of transferring this money to a more deserving cause which is in the early stages of development and which provides a truly clean source of energy: wind power research. Some of the funds transferred under this amendment would also go to research on other renewable, cleaner forms of energy.

I urge the House to support the amendment by Mr. FOLEY and Mr. MARKEY.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida (Mr. FOLEY).

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

Mr. FOLEY. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 532, further proceedings on the amendment offered by the gentleman from Florida (Mr. FOLEY) will be postponed.

The CHAIRMAN. The Clerk will read. The Clerk read, as follows:

NON-DEFENSE ENVIRONMENTAL MANAGEMENT

For Department of Energy expenses, including the purchase, construction and acquisition of plant and capital equipment and other expenses necessary for non-defense environmental management activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or for plant or facility acquisition, construction, or expansion, and purchase of not to exceed 58 passenger motor vehicles for replacement only, $301,400,000, to remain available until expended.

URANIUM FACILITIES MAINTENANCE AND REMEDIATION (INCLUDING TRANSFER OF FUNDS)

For necessary expenses to maintain, decontaminate, decommission, and otherwise remediate uranium processing facilities, $301,400,000, of which $260,000,000 shall be derived from the Uranium Enrichment Decon-
the estimated amount of cost of work for others notwithstanding the provisions of the Anti-Deficiency Act (31 U.S.C. 1511 et seq): Provided, That such increases in cost of work are offset by revenue increases of the same or greater amount, to remain available until expended: Provided further, That money received by the Department for miscellaneous revenues estimated to be $113,000,000 in fiscal year 2001 may be retained and used for operating expenses within this account, and may remain available until expended, as authorized by section 201 of Public Law 95-238, notwithstanding the provisions of 31 U.S.C. 3302: Provided further, That the sum herein appropriated shall be reduced by the amount of miscellaneous revenues received during fiscal year 2001 so as to result in a final fiscal year 2001 appropriation from the General Fund estimated at not more than $42,572,000.

AMENDMENT OFFERED BY MR. NEY

Mr. NEY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. NEY:

Page 20, line 8, after the dollar amount insert ``(increased by $3,000,000).''

Page 20, line 11, after the dollar amount insert ``(reduced by $3,000,000).''

Page 33, line 13, after the dollar amount insert ``(reduced by $3,000,000).''

The CHAIRMAN. Pursuant to the order of the House today, the gentleman from Georgia (Mr. KINGSTON) and a Member opposed each will control 5 minutes.

The gentleman from Ohio (Mr. NEY) is recognized for 5 minutes.

Mr. NEY. Mr. Chairman, today I wanted to offer an amendment that would increase funding for the Appalachian Regional Commission. However, it is my intention to withdraw my amendment and ask the distinguished chairman the gentleman from California (Mr. PACKARD) if he would instead enter into a colloquy with me in regard to this matter.

Mr. Chairman, I say to the gentleman from California (Mr. PACKARD) that I have offered my amendment today and have withdrawn it in order to bring attention to the funding level contained in the Energy and Water appropriations bill for the Appalachian Regional Commission.

I assure the gentleman it is with my utmost respect to the chairman and members of the subcommittee and full committee that I bring this matter to the attention of the House because I am fully aware of the constraints placed on them with regard to the 302(b) allocation made to it.

I commend the chairman and ranking member on the fine job they have done on this bill, considering the funding levels with which they have had to work.

Unfortunately, because of the funding restraints placed on the subcommittee, the Appalachian Regional Commission is being funded at a level that is $3,000,000 less than the appropriation in fiscal year 2000. That funding is also nearly $8.4 million less than was requested in the President’s budget.

As Members of Congress and as a Member of Congress that represents counties that have some of the highest unemployment rates in the State and are indicative of conditions within Appalachia, I believe it is important to properly and adequately fund the ARC so that those depressed counties can take advantage of the economic development opportunities that ARC provides.

It is my understanding that the chairman, along with other members of the subcommittee, the distinguished gentleman from Kentucky (Mr. ROGERS) who is also well aware of the needs of Appalachia residents, would consider increased funding for ARC should the subcommittee’s 302(b) allocation be increased.

I ask the gentleman, am I correct in assuming that?

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

Mr. NEY. I yield to the gentleman from California (Mr. PACKARD) if he is correct in assuming this. Should the committee receive a revised 302(b) allocation which increases our funding level by at least $3,000,000, will the gentleman consider increasing funding for the ARC to at least the fiscal year 2000 funding level?

Mr. NEY. Mr. Chairman, I thank the gentleman for his comments.

It is also my understanding that the other body intends on appropriating a level for ARC which is higher than the level proposed in this bill. As a result, I would like to inquire further of the chairman if it would be his intention during conference negotiations that he could support an agreement to increase this funding for ARC at least to the fiscal year 2000 levels even if an increase in the 302(b) allocation is not made?

Mr. PACKARD. Mr. Chairman, if the gentleman continues to increase the funding for the ARC by at least $3,000,000, I will support an agreement to increase this funding for ARC at least to the fiscal year 2000 levels.

Mr. NEY. Mr. Chairman, I thank the distinguished chairman for entering into this colloquy. I appreciate all of his hard work on this bill and his willingness to take the time to speak with me on a matter that affects millions of people in Appalachia.

I look forward to seeing this bill advance as the process moves along and offer any assistance that I can.

Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The CHAIRMAN. The Clerk will read the Clerk’s report as follows:

OFFICE OF THE INSPECTOR GENERAL

The text of the amendment is as follows:

Amendment No. 8 Offered by Mr. KINGSTON

Mr. KINGSTON. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 8 offered by Mr. KINGSTON: Page 21, line 5 insert: ``(increased by $3,000,000),'' including conducting a study of the economic basis of recent gasoline price levels after until expended.

The CHAIRMAN. Mr. Chairman, I thank the gentleman for his hard work on this bill and for taking the time to speak with me on a matter that affects millions of people in Appalachia.

I commend the gentleman and ranking member on the fine job they have done in the Department of Energy. The gentleman is obviously we are dealing with the Inspector General’s office and not the Department of Energy. The gentleman continues to make sure that there are enough funds to do this, because we are not exactly sure what all the various factors controlling the recently increased energy prices are.

Mr. KINGSTON. Mr. Chairman, I ask unanimous consent to this amendment.

Mr. KINGSTON. Mr. Chairman, I appreciate the gentleman from Georgia (Mr. KINGSTON) for his hard work on this bill and for taking the time to speak with me on a matter that affects millions of people in Appalachia.

I appreciate the gentleman from Georgia (Mr. KINGSTON) for his hard work on this bill and for taking the time to speak with me on a matter that affects millions of people in Appalachia.

I look forward to seeing this bill advance as the process moves along and offer any assistance that I can.

Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The CHAIRMAN. The Clerk will read the Clerk’s report as follows:

OFFICE OF THE INSPECTOR GENERAL


Mr. KINGSTON. Mr. Chairman, let me say this, that we will be happy to work with this committee as the process continues to make sure that there are enough funds to do this, because we think that it is important. I know the gentleman has been a leader in this also. So we will be glad to work with him.
We do have another amendment that affects the Secretary of Energy in a similar way. The CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia (Mr. KINGSTON). The amendment was agreed to. The CHAIRMAN. The Clerk will read. The Clerk read as follows:

ATOMIC ENERGY DEFENSE ACTIVITIES
NATIONAL NUCLEAR SECURITY ADMINISTRATION
WEAPONS ACTIVITIES

For Department of Energy expenses, including the construction and acquisition of plant and capital equipment and other incidental expenses necessary for atomic energy defense weapons activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion; and the purchase of passenger motor vehicles (not to exceed 12 for replacement only), $4,625,688,000, to remain available until October 1, 2003.

DEFENSE NUCLEAR NONPROLIFERATION

For Department of Energy expenses necessary for atomic energy defense and defense nuclear nonproliferation activities to carry out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including acquisition (by purchase, condemnation, construction, or otherwise) of real property, plant, and capital equipment, facilities, and facilities expansion, $963,477,000, to remain available until October 1, 2003; Provided, That not to exceed $7,000 may be used for official reception and representation expenses in an amount not to exceed $1,500,000, to remain available until expended.

POWER MARKETING ADMINISTRATIONS

BONNEVILLE POWER ADMINISTRATION FUND

Expenditures from the Bonneville Power Administration Fund, established pursuant to the provisions of the Public Law Approved for the Nez Perce Tribe Trout Substitution Program, the Cour D'Alene Tribe Trout Production facility, and for official reception and representation expenses in an amount not to exceed $1,500,000, to remain available until expended.

For necessary expenses of operation and maintenance of power transmission facilities and of marketing electric power and energy, including transmission wheeling and ancillary services and collections in fiscal year 2001, up to $3,900,000, to remain available until expended; Provided, That not exceeding $6,100,000 may be used for administrative and maintenance expenses to be offset against collections credited to this account as offsetting collections.

FEDERAL ENERGY REGULATORY COMMISSION

For necessary expenses of the Federal Energy Regulatory Commission to carry out the provisions of the Federal Energy Regulatory Commission, 16 U.S.C. 825s), as applied to the southwestern electric power area, $3,900,000, to remain available until expended.

ATOMIC ENERGY DEFENSE ACTIVITIES
DEFENSE ENVIRONMENTAL MANAGEMENT PRIVATIZATION

For Department of Energy expenses for privatization projects necessary for atomic energy defense environmental management activities authorized by the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), $3,000,000,000, to remain available until expended.

OTHER DEFENSE ACTIVITIES

For Department of Energy expenses, including the purchase, construction and acquisition of plant and capital equipment and other expenses necessary for atomic energy defense, other defense activities, in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or for plant or facility acquisition, construction, or expansion, $592,235,000, to remain available until expended.

DEFENSE NUCLEAR WASTE DISPOSAL

For nuclear waste disposal activities to carry out the purposes of Public Law 97-425, as amended, including the acquisition of real property or facility construction or expansion, $983,800,000, to remain available until expended.

POWER MARKETING ADMINISTRATIONS

BONNEVILLE POWER ADMINISTRATION FUND

Expenditures from the Bonneville Power Administration Fund, established pursuant to the provisions of the Public Law Approved for the Nez Perce Tribe Trout Substitution Program, the Cour D'Alene Tribe Trout Production facility, and for official reception and representation expenses in an amount not to exceed $1,500,000, to remain available until expended.

For necessary expenses of operation and maintenance of power transmission facilities and of marketing electric power and energy, including transmission wheeling and ancillary services and collections in fiscal year 2001, up to $3,900,000, to remain available until expended; Provided, That not exceeding $6,100,000 may be used for administrative and maintenance expenses to be offset against collections credited to this account as offsetting collections.

FEDERAL ENERGY REGULATORY COMMISSION

For necessary expenses of the Federal Energy Regulatory Commission to carry out the provisions of the Federal Energy Regulatory Commission, 16 U.S.C. 825s), as applied to the southwestern electric power area, $3,900,000, to remain available until expended.

ATOMIC ENERGY DEFENSE ACTIVITIES
DEFENSE ENVIRONMENTAL MANAGEMENT PRIVATIZATION

For Department of Energy expenses for privatization projects necessary for atomic energy defense environmental management activities authorized by the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), $3,000,000,000, to remain available until expended.

OTHER DEFENSE ACTIVITIES

For Department of Energy expenses, including the purchase, construction and acquisition of plant and capital equipment and other expenses necessary for atomic energy defense, other defense activities, in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or for plant or facility acquisition, construction, or expansion, $592,235,000, to remain available until expended.

DEFENSE NUCLEAR WASTE DISPOSAL

For nuclear waste disposal activities to carry out the purposes of Public Law 97-425, as amended, including the acquisition of real property or facility construction or expansion, $983,800,000, to remain available until expended.
5 be considered as read, printed in the Record and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

The CHAIRMAN. Are there amendments at this point?

The Clerk will read.

The Clerk read as follows:

GENERAL PROVISIONS

DEPARTMENT OF ENERGY

SEC. 301. (a) None of the funds appropriated by this Act may be used to award a management and operating contract unless such contract is awarded using competitive procedures or the Secretary of Energy grants, on a case-by-case basis, a waiver to allow for such a deviation. The Secretary may not delegate the authority to grant such a waiver.

(b) At least 60 days before a contract award, amendment, or modification for which the Secretary intends to grant such a waiver, the Secretary shall submit to the Subcommittee on Energy and Water Development of the Committee on Appropriations of the House of Representatives and the Senate a report notifying the subcommittees of the waiver and setting forth the reasons for the waiver.

SEC. 302. (a) None of the funds appropriated by this Act may be used to award, amend, or modify a contract in a manner that deviates from the Federal Acquisition Regulation, unless the Secretary of Energy grants, on a case-by-case basis, a waiver to allow for such a deviation. The Secretary may not delegate the authority to grant such a waiver.

(b) At least 60 days before a contract award, amendment, or modification for which the Secretary intends to grant such a waiver, the Secretary shall submit to the Subcommittee on Energy and Water Development of the Committees on Appropriations of the House of Representatives and the Senate a report notifying the subcommittees of the waiver and setting forth the reasons for the waiver.

SEC. 303. None of the funds appropriated by this Act may be used to—

(1) develop or implement a workforce restructuring plan that covers employees of the Department of Energy; or

(2) provide enhanced severance payments or other benefits for employees of the Department of Energy, under section 3010 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 106 Stat. 2644; 42 U.S.C. 7274h).

SEC. 304. None of the funds appropriated by this Act may be used to augment the $24,500,000 made available for obligation by this Act for severance payments and other benefits provided by community assistance grants under section 3016 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 106 Stat. 2644; 42 U.S.C. 7274h).

SEC. 305. None of the funds appropriated by this Act may be used to prepare or initiate Requests for Proposals (RFPs) for a program if the program has not been funded by Congress.

(TRANSFERS OF UNEXPENDED BALANCES)

SEC. 306. The unexpended balances of prior appropriations provided for activities in this Act may be transferred to appropriations for accounts for such activities established pursuant to this title. Balances so transferred may be merged with funds in the applicable established accounts. The balances transferred may be accounted for as one fund for the same time period as originally enacted.

SEC. 307. Of the funds in this Act provided to government-owned, contractor-operated laboratories, not to exceed 4 percent shall be available to be used for Laboratory Directed Research and Development.

SEC. 308. (a) Of the funds appropriated by this title to the Department of Energy, not more than 1 percent shall be available for reimbursement of management and operating contractor travel expenses.

(b) Funds appropriated by this title to the Department of Energy may be used to reimburse a Department of Energy management and operating contractor for travel costs of its employees under the contract to the extent that the Secretary agrees with the employee the same rates and amounts as those that apply to Federal employees under subchapter I of chapter 57 of title 5, United States Code, for amounts established by the Secretary of Energy. The Secretary of Energy may provide exceptions to the reimbursement requirements of this section as the Secretary considers appropriate.

SEC. 309. No funds are provided in this Act or any other Act for the Administrator of the Bonneville Power Administration to enter into any agreement to perform energy efficiency services outside the legally defined Bonneville service territory, with the exception of work purchased on a reimbursable basis, including services provided on a reimbursable basis, unless the Administrator certifies that such services are not available from private sources.

SEC. 310. None of the funds appropriated in this Act or any previous Energy and Water Development Appropriation Act for payment into the Department of Energy Working Capital Fund may be used to pay salaries and expenses of any employee of the United States Government.

AMENDMENT NO. 9 OFFERED BY MR. KINGSTON

Mr. KINGSTON. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 9, offered by Mr. KINGSTON: Page 33, after line 2, insert the following new section:

SEC. 331. Not later than 30 days after the date of the enactment of this Act, the Secretary of Energy shall transmit to the Congress a report on activities of the executive branch to address high gasoline prices and to develop an overall national energy strategy.

The CHAIRMAN. Pursuant to the order of the House today, the gentleman from Georgia (Mr. KINGSTON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Georgia (Mr. KINGSTON).

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

Mr. Chairman, this is somewhat similar to the last amendment which asks the Inspector General’s office to come up with a report on what the economic basis for the gas price increase so rapidly was and/or has been, and this is similar to that in that it asks the Secretary of Energy to transmit to the Congress a report on the activities of the executive branch and, of course, the agency, the Department of Energy, does serve at the will of our executive agency and The Inspector General’s office is going to do a report within 30 days and what activities the executive branch is doing to address the high gasoline prices.

I know, having served on the Subcommittee on the Interior of the Committee on Appropriations and having had the Secretary of Energy come before our committee, they have been working on this. So I hope this is not something that will be expensive for them just to give us the report of what they have been up to.

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

Mr. KINGSTON. I yield to the gentleman from California.

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

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

Mr. VISCLOSKY. Mr. Chairman, as with the gentleman’s earlier amendment, I am not going to rise in opposition to it but would again point out an additional burden has now been placed on the Department of Energy with no additional funding for it, and just want to state that for the appropriations committee.

Mr. KINGSTON. Mr. Chairman, I do think that this probably is going to be a lot easier for the Secretary of Energy than the other one was for the Inspector General. We will work with the committee, obviously, and follow their wisdom on it; but we just want to make sure that we in government on the legislative branch do anything we can to address this situation.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia (Mr. KINGSTON).

The amendment was agreed to.

Mr. KINGSTON. The Chair will read. The Clerk read as follows:

TITLE IV

INDEPENDENT AGENCIES

APPALACHIAN REGIONAL COMMISSION

For expenses necessary to carry out the programs authorized by the Appalachian Regional Development Act of 1965, as amended, $17,000,000 for the Appalachian Regional Commission, for necessary expenses for the Federal Co-Chairman and the alternate on the Appalachian Regional Commission, for payment of the Federal share of the administrative expenses of the Commission, including services as authorized by 5 U.S.C. 3109, and hire of passenger motor vehicles, $63,000,000, to remain available until expended.

DEFENSE NUCLEAR FACILITIES SAFETY BOARD

SALARIES AND EXPENSES

For necessary expenses of the Defense Nuclear Facilities Safety Board in carrying out activities authorized by the Atomic Energy Act of 1954, as amended by Public Law 100–456, section 1441, $17,000,000, to remain available until expended.

NUCLEAR REGULATORY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Commission in carrying out the purposes of the Energy Reorganization Act of 1974, as amended, and the Atomic Energy Act of 1954, as amended, including official representation expenses (not to exceed $5,000), $561,900,000, to remain available until expended: Provided, That the amount appropriated herein, $21,600,000—House.
shall be derived from the Nuclear Waste Fund: Provided further, That revenues from licensing fees, inspection services, and other services and collections estimated at $457,100,000 in fiscal year 2001 shall be retained and used for necessary salaries and expenses in this account, notwithstanding 31 U.S.C. 3302, and shall remain available until expended. That $5,200,000 of the funds herein appropriated for regulatory reviews and assistance to other Federal agencies and States shall be excluded from license fee and inspection services and other services and collections estimated at $5,500,000 in fiscal year 2001 shall be retained and be available until expended, for necessary salaries and expenses in this account, notwithstanding 31 U.S.C. 3302: Provided further, That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 2001 so as to result in a final fiscal year 2001 appropriation estimated at not more than $24,800,000.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $5,500,000, to remain available until expended: Provided, That revenues from licensing fees, inspection services, and other services and collections estimated at $5,500,000 in fiscal year 2001 shall be retained and be available until expended, for necessary salaries and expenses in this account, notwithstanding 31 U.S.C. 3302: Provided further, That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 2001 so as to result in a final fiscal year 2001 appropriation estimated at not more than $24,800,000.

NUCLEAR WASTE TECHNICAL REVIEW BOARD

Of the funds appropriated in Public Law 101-166 for interim storage of nuclear waste, $85,000,000 are transferred to this heading: Provided, That such amount is hereby redesignated as revenues received during fiscal year 2001 and that such amount shall be used for the Nuclear Waste Technical Review Board, as authorized by Public Law 100-203, section 5051, $2,700,000, to be derived from the Nuclear Waste Fund, and to remain available until expended.

TITLES V—RESCISSIONS

DEPARTMENT OF ENERGY

Interim Storage Activities

(INCLUDING TRANSFER OF FUNDS)

(RESCISSION)

(INCLUDING TRANSFER OF FUNDS)

Of the funds appropriated in Public Law 100-166 for interim storage of nuclear waste, $85,000,000 are transferred to this heading: Provided, That such amount is hereby redesignated as revenues received during fiscal year 2001 and that such amount shall be used for the Nuclear Waste Technical Review Board, as authorized by Public Law 100-203, section 5051, $2,700,000, to be derived from the Nuclear Waste Fund, and to remain available until expended.

TITLES VI—GENERAL PROVISIONS

SEC. 601. None of the funds appropriated by this Act may be used in any way, directly or indirectly, to influence congressional action on any legislation or appropriation matters pending before Congress, other than to communicate to Members of Congress as described in section 1913 of title 18, United States Code.

SEC. 602. (a) PURCHASE OF AMERICAN-MADE EQUIPMENT.—It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American-made.

(b) NOTICE REQUIREMENT.—In providing financial assistance to, or entering into any contract with, any entity using funds made available in this Act, the head of each Federal agency, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (a) by Congress. (c) PROHIBITION OF CONTRACTS WITH PERSONS FALSELY LABELING PRODUCTS AS MADE IN AMERICA.—If it has been finally determined by an appropriate Federal agency that any person intentionally affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

SEC. 603. (a) None of the funds appropriated or otherwise made available by this Act may be used to determine the final point of disembarkation for the San Luis Unit until development by the Secretary of the Interior and the State of California of a plan, which shall conform to the energy standards of the State of California as approved by the Administrator of the Environmental Protection Agency, to minimize any detrimental effect of the San Luis drainage waters. (b) The costs of the Kesterson Reservoir Cleanup Program and the costs of the San Joaquin Valley Drainage Program shall be classified by the Secretary of the Interior as reimbursable or nonreimbursable and collected until fully repaid pursuant to the "Cleanup Program Initiative Repayment Plan" and the "SJ VDP—Alternate Repayment Plan" described in the report entitled "Repayment Report, Kesterson Reservoir Cleanup Program, San Joaquin Valley Drainage Program, February 1995": prepared by the Department of the Interior, Bureau of Reclamation. Any future obligations of funds by or for the United States relating in any way, directly or indirectly, to drainage service or drainage studies for the San Luis Unit shall be fully reimbursable by San Luis Unit beneficiaries of such service and studies pursuant to Federal Reclamation law.


SEC. 605. None of the funds appropriated by this Act shall be used to propose or issue rules, regulations, decrees, or orders for the purpose of implementation, or in preparation for implementation, of the Kyoto Protocol which was adopted on December 11, 1997, in Kyoto. Japan on the Third Conference of the Parties to the United Nations Framework Convention on Climate Change, which has been signed by the President of the United States for the purpose of signature with the same meaning, to any person intentionally affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

Mr. Chairman, I offer an amendment.

Mr. VISCLOSKY. Mr. VISCLOSKY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. Mr. Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 12 offered by Mr. VISCLOSKY.

Mr. VISCLOSKY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. Mr. Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 12 offered by Mr. VISCLOSKY:

Page 39, line 5, insert after the period the following:

The limitation established in this section shall not apply to any activity otherwise authorized by law (including subchapter 1 of chapter 29 of title 42, the Code of Federal Regulations).

The CHAIRMAN. Pursuant to the order of the House today, the gentleman from Indiana (Mr. VISCLOSKY) and a Member opposed each will control 5 minutes.

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

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

Mr. Chairman, this amendment deals with the Kyoto Protocol that has been debated a number of times on the House floor within literally the last several days, as well as committee; and I would simply want to point out several things.

One is, Kyoto did not simply come full clothed from the Clinton administration but rather from negotiations begun under President Bush's administration pursuant to a treaty that President Bush signed on June 1, 1992.

There was a Kyoto Protocol and subsequent to that, and concerns have been expressed as far as various administration agencies engaging in actions that are not authorized.

The gentleman from Michigan (Mr. KNOLENBERG) has made a point of this, and I would simply indicate that the concern I have is we have legitimate authorized programs that the various departments in this case, the Department of Energy, should pursue and they should not in any way, shape or form be precluded from doing so because coincidentally they also happen to have been mentioned in the Kyoto Protocol.

I would agree with the concerns expressed on previous occasions by the gentleman from Michigan (Mr. KNOLENBERG) that the Kyoto Treaty is not the law of the land. We should not be implementing it; but because there are diversions and parallel tracks in many programs, I do want to make sure that we are not in any way inhibiting duly authorized programs from proceeding.

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

Mr. PACKARD. Mr. Chairman, I do not rise in opposition. In fact, on the contrary, I am willing to accept the amendment.

Mr. KNOLENBERG. Mr. Chairman, today the House Appropriations Committee accepted my amendment to the Foreign Operations Appropriations bill. The amendment that the gentleman from Indiana now offers is exactly the same wording as what I offered and what was accepted this morning in the full House Appropriations Committee.

Mr. Chairman, I want to point out that this amendment regarding the Kyoto Protocol offered by me earlier and now by Mr. VISCLOSKY cannot, under the Rules of the House of Representatives, authorize anything whatsoever on this Energy and Water Appropriations bill. H.R. 4733, lest it be subject to a point of order.

This amendment shall not go beyond recognition of the original and enduring meaning of the law that has existed for years now—specifically that no funds be spent on unauthorized activities for the fatally flawed and unratiﬁed Kyoto Protocol.

Mr. Chairman, the whole nation deserves to hear the plea of this Administration in the wake of the coordinator of all environmental policies for this administration, George Frampton, in his position as Acting Chair of the Council on Environmental Quality. On March 1, 2000, on behalf of the Administration...
he stated before this appropriations subcommittee, and I quote, "Just to finish our dialogue here, my point was that it is the very uncertainty about the scope of the language . . . that gives rise to our wanting to not have the continuation of this uncertainty created next year.

Mr. Chairman, I agree with Mr. OBEN when he stated to the Administration, "You're nuts!" upon learning of the fatally flawed Kyoto Protocol that Vice President GORE negotiated.

Mr. Chairman, I thank the gentleman from Indiana for his focus on the activities of this Administration, both authorized and unauthorized.

This amendment shall be read to be fully consistent with the provision that has been signed by President Clinton in six current appropriations laws.

A few key points must be reviewed:

First, no agency can proceed with activities that are not specifically authorized and funded. Mr. Chairman, there has been an effort to confuse the long-standing support that I as well as other strong supporters of the provision on the Kyoto Protocol have given to the important energy supply and energy conservation programs. For example, there has never been a question about strong support for voluntary programs, development of clean coal technology, and improvements in energy conservation efforts. Mr. Chairman, in my recollection of the discussions, I would have had no difficulty clarifying what activities are and are not authorized.

Second, no new authority is granted. Mr. Chairman, as you know, the Administration negotiated the Kyoto Climate Change Protocol but has decided not to submit this treaty to the United States Senate for ratification.

The Protocol places severe restrictions on the United States while exempting most countries, including China, India, Mexico, and Brazil, from taking measures to reduce carbon dioxide equivalent emissions. The Administration undertook this course of action despite unanimous support in the United States Senate for the Senate's advice in the form of the Byrd-Hagel resolution calling for commitments by all nations and on the condition that the Protocol not adversely impact the economy of the United States.

We are also concerned that actions taken by Federal agencies constitute the implementation of this treaty before its submission to Congress as required by the Constitution of the United States. Clearly, Congress cannot allow any agency to attempt to interpret current law to avoid constitutional due process.

Certainly, we would not need this debate if the Administration would send the treaty to the Senate. The treaty would be disposed of and the Administration would send the treaty to the Senate. The treaty would be disposed of and the Administration would send the treaty to the Senate. The treaty would be disposed of and the Administration would send the treaty to the Senate. The treaty would be disposed of and the Administration would send the treaty to the Senate.

In that regard I would like to include in the Record a letter with legislative history of the Clean Air Act reported by Congresman John DINGELL who was the Chairman of the House Commerce Committee and conferees on the current Clean Air Act of 1990. No one knows the Clean Air Act like Congressman DINGELL. He makes clear, and I quote, "Congress has not enacted implementing legislation authorizing EPA or any other agency to regulate greenhouse gases." In any event, I look forward to the report language to clarify what activities are and are not authorized.

OCTOBER 5, 1999.

HON. DAVID M. MCINTOSH,
Chairman, Subcommittee on National Economic Growth, Natural Resources, and Regulatory Affairs, Committee on Government Reform,
Washington, D.C.

Dear Mr. Chairman: I understand that you have asked, based on discussion between our staffs, about the disposition by the House-Senate conferees of the amendments in 1990 to the Clean Air Act (CAA) regarding greenhouse gases such as methane and carbon dioxide. In making this inquiry, you call my attention to an April 10, 1998 Environmental Protection Agency (EPA) memorandum entitled "EPA's Authority to Regulate Pollutionants Emitted by Electric Power Generation Sources" and an October 12, 1998 memorandum entitled "EPA to Regulate Carbon Dioxide Under the Clean Air Act" prepared for the National Mining Association. The latter memorandum discusses the legislative history of the 1990 amendments.

First, the House-passed bill (H.R. 3030) never included any provision regarding the regulation of any greenhouse gas, such as methane or carbon dioxide, nor did the bill address global climate change. The House, however, did include provisions aimed at implementing the protocol on Substances that Deplete the Ozone Layer. Second, as to the Senate version (S. 1630) of the proposed amendments, the October 12, 1998 memorandum notes that the Senate did address greenhouse gas matters and global warming, along with provisions implementing the Montreal Protocol. Nevertheless, only Montreal Protocol related provisions were agreed to by the House-Senate conferees (see Conf. Rep. 101-952, Oct. 26, 1990).

However, I should point out that Public Law 101-549 of November 15, 1990, which contains the 1990 amendments to the CAA, includes some provisions, such as sections 813, 817 and 819, relating to free-standing provisions separate from the CAA. Although the Public Law often refers to the 'Clean Air Act Amendments of 1990,' the Public Law does not specify that reference as the 'short title' of all of the provisions included in the Public Law. For example, of these free-standing provisions, section 821, entitled 'Information Gathering on Greenhouse Gases contributing to Global Climate Change' appears to be a 'note' (at 42 U.S.C. 7653k). It requires regulations by the EPA to 'monitor carbon dioxide emissions' from all affected sources subject to title V of the CAA and specifies that the emissions are to be reported to the EPA. That section does not designate carbon dioxide as a 'pollutant' for any other purpose.

Finally, Title IX of the Conference Report, entitled 'Clean Air Research,' was primarily negotiated at the time by the House and Senate Science Committees. It had no regulatory jurisdiction under House-Senate Rules. This title amended section 103 of the CAA by adding new subsections (c) through (k). New subsection (j), entitled 'Pollution Prevention and Control,' calls for non-regulatory strategies and technologies for air pollution. While it refers, as noted in the EPA memorandum, to carbon dioxide as a 'pollutant,' House and Senate conferees never agreed to designate carbon dioxide as a pollutant for regulatory or other purposes.

Based on my review of this history and my recollection of the discussions, I would have difficulty concluding that the House-Senate conferees, who rejected the Senate regulations with the exception of the above-referenced section 821, contemplated regulating greenhouse gas emissions or addressing global warming under the Clean Air Act. Shortly after enactment of Public Law 101-549, the United Nations General Assembly established in December 1990 the Inter-Governmental Negotiating Committee that ultimately led to the Framework Convention on Climate Change, which was ratified by the United States after advice and consent by the Senate. That Convention is, of course, not self-executing, and the Congress has not enacted implementing legislation authorizing EPA or any other agency to regulate greenhouse gases.

I hope that this is responsive. With best wishes,

Sincerely,

JOHN D. DINGELL
Ranking Member.

Mr. VISCLOSKEY. Mr. Chairman, if there are no further speakers, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana (Mr. VISCLOSKY). The amendment was agreed to.

PARLIAMENTARY INQUIRY

Mr. KINGSTON. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman from Georgia (Mr. KINGSTON) will state his parliamentary inquiry.

Mr. KINGSTON. Mr. Chairman, I have an amendment at the desk to section 607, which would be inserting at line 19, and I am not certain if I am in order now or if the gentleman from Wisconsin (Mr. RYAN) or the gentleman from Pennsylvania (Mr. SHERWOOD) would be first.

The CHAIRMAN. The Clerk will have to read the next section first before the Committee gets to that point.

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

Mr. Chairman, I yield to the gentleman from Georgia (Mr. KINGSTON) to discuss his upcoming amendment.
Mr. KINGSTON. Mr. Chairman, I thank the gentleman from California (Mr. PACKARD) for yielding to me.

Mr. Chairman, let me say, first of all, I certainly appreciate the hard work that the gentleman from California (Chairman PACKARD) and the ranking member on this bill.

This bill is extremely important to all of the 435 Congressional districts, and we all appreciate their work. I represent coastal Georgia and do a lot of Corps of Engineer-type projects in our area. The majority of those are easy, but, hell, all can be controversial. I appreciate the way, the delicate touch that the ranking member and the chairman have when dealing with this.

The amendment that I have deals with the Secretary of Energy's Department, not the Secretary of Energy, but it deals with some of the recent, the I am not going to use the word scandal, but some of the recent concern that has gone on at the Los Alamos labs, which this Congress, has on a bipartisan basis tried to address and do our best to work with it.

It appears that there are certain employees who have decided that well, it is good enough to take a government paycheck, the government is not good enough to require that they take a polygraph test. I stress that we do not randomly ask people to take polygraph tests, but when there has been an apparent disappearance of highly-sensitive nuclear secrets, then if there are employees who are not necessarily even under suspicion, but in the category where it is possible they could have some knowledge on it, then it is appropriate for the U.S. government in a highly-sensitive nuclear lab to go out and ask some questions and, unfortunately, some employees are far from that investigation.

Mr. Chairman, that is what we will be dealing with on this amendment when the appropriate time comes, and I will be glad to deal with the gentleman from New Jersey (Mr. ANDREWS) if he wanted to comment on that, because I know the gentleman has been very concerned about security at Los Alamos.

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

Mr. PACKARD. I yield to the gentleman from New Jersey.

Mr. ANDREWS. Mr. Chairman, I commend the gentleman from Georgia (Mr. KINGSTON) for this effort. We are embarking on a long national nightmare about security in this area. It is not a short-term problem or a Democratic problem. It is a national problem. It deserves a heightened degree of attention, and I commend my friend, the gentleman from Georgia (Mr. KINGSTON) for giving it that attention.

PARLIAMENTARY INQUIRY

Mr. ANDREWS. Mr. Chairman, is this a parliamentary inquiry?

The CHAIRMAN. The gentleman from New Jersey (Mr. ANDREWS) will state his parliamentary inquiry.

Mr. ANDREWS. Mr. Chairman, at what point in the bill is the Clerk now reading?

The CHAIRMAN. We are to the point where the Clerk will read section 606.

Mr. ANDREWS. Mr. Chairman, I have an amendment to section 607; is that in order at this time?

The CHAIRMAN. After 606 is read it would be in order.

The Clerk will read. The Clerk read as follows:

"AUTHORIZATION OF APPROPRIATIONS"

"SEC. 166. There are authorized to be appropriated for fiscal years 2000 and 2001 such sums as may be necessary to implement this part;"

(1) in amendment section 166 (42 U.S.C. 6246) to read as follows:


"SEC. 606. The Energy Policy and Conservation Act is amended—"

(b) in section 281 (42 U.S.C. 6251) by striking "March 31, 2000" both places it appears and inserting "September 30, 2001"; and

(c) in section 281 (42 U.S.C. 6251) by striking "March 31, 2000" both places it appears and inserting "September 30, 2001".

AMENDMENT NO. 1 OFFERED BY MR. ANDREWS

Mr. ANDREWS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. ANDREWS:

"SEC. 606. The Energy Policy and Conservation Act is amended—"

(a) in section 281 (42 U.S.C. 6251) by striking "March 31, 2000" both places it appears and inserting "September 30, 2001"; and

(b) in section 281 (42 U.S.C. 6251) by striking "March 31, 2000" both places it appears and inserting "September 30, 2001".

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from New Jersey (Mr. ANDREWS) will control 10 minutes and a Member opposed will control 10 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. ANDREWS). Mr. ANDREWS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment, which is co-sponsored by the gentleman from South Carolina (Mr. SANFORD), my very able colleague, the gentleman from Maryland (Mr. GILCHREST), is a sensible due diligence amendment, and here is what it says. The bill proposes to spend approximately $30 million of our constituents' money to pursue a project to deepen the main channel of the Delaware River which divides the States of New Jersey and Pennsylvania, and which empties into a bay which sits next to the State of Delaware.

We believe that there are significant unanswered questions about this project, and the purpose of our amendment is to be sure that there is adequate time for this Congress to first get the facts, and then decide whether to spend the money at all.

There are questions about environmental concern which is why the amendment is supported by the League of Conservation Voters, the Sierra Club, the U.S. Public Interest Research Group, the National Wildlife Federation and Friends of the Earth.

There are questions about the economic benefit of this project. Why the amendment is supported by Citizens Against Government Waste and Taxpayers for Common Sense. Finally, there are questions about the equity and feasibility of the plan to distribute the dredged spoils from this project.

The proponents would say that they gain the answers to these questions, and that is the way this amendment works. It says that funds for this deepening project are prohibited to be spent before June 1 of 2001 so that this Congress and the executive branch can answer these kinds of questions.

Environmentally, is this project going to be a significant threat to the drinking water and the natural resources of the Delaware River and bay? The proponents would say that the environmental impact statement answers that question.

I think the environmental impact statement raises more questions. The method that is used with respect to toxic and polluted sediment, average the presence of those sediments in the river bed, that does not allow for toxic hot spots which could arise.

It does not deal with the question of the environmental consequences that could be done to the dredged disposal sites, and it does not deal with the consequences of the dredging that would take place for berths next to oil refineries, if they are ever dredged, that are relevant to this project. There are too many environmental questions to go forward with this project at this time.

On the economics, the proponents of this project, the Army Corps of Engineers, say that 80 percent of the economic benefit derives from being able to move crude oil from six oil refineries along the Delaware River at a cheaper rate which then lowers production costs. Mr. Chairman, that requires those oil refineries to make a commitment with their money to dredge their berths and make themselves available for this crude oil before we spend $30 million of the public's money.

The record shows that Best One Company has committed to make that investment; the others have not. They have given us words. They have given us gestures. They have not given us commitment or money. Mr. Chairman, this project proposes to build a superhighway with no exit ramps. A $311 million superhighway without an exit to N.J.

Mr. Chairman, finally, there is the question of the equity of dredged disposal sites. This project calls for 10 million cubic yards of dredged material to be distributed on the beaches of Delaware, but the proponents has refused to cooperate with the Delaware environmental agency and get the appropriate permits which is why Senator ROTH and Senator BIDEN in the
other body have urged that this project not be funded at this time. The project takes the remaining 22 million cubic yards of material and proposes to put it all in southern New Jersey, which is why elected officials, Republican and Democrat, state, local, and county throughout southern New Jersey have objected to this project. We need due diligence here, Mr. Chairman. We need to look at the essentials of this project when it comes to environment, economics and dredged disposal. I am willing to commit $30 million of the public's money to this project, which is why environmental groups and taxpayer groups support this amendment and why I urge my colleagues to do so as well. Mr. Chairman, I reserve the balance of my time.

Mr. VISCOLOSKY. Mr. Chairman, I rise in opposition to the gentleman's amendment.

The CHAIRMAN. The gentleman from Indiana (Mr. VISCOLOSKY) is recognized for 10 minutes.

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

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

Mr. FRELINGHUYSEN. Mr. Chairman, I thank the ranking member for yielding me the time.

Mr. Chairman, I rise in opposition to the Andrews amendment. Quite frankly, I make no apologies for fighting for our State, the gentleman from New Jersey (Mr. ANDREWS) and my State and our priorities. I do so within the spending restraints of the Balanced Budget, and I have looked and investigated closely the actual nature of each of these types of projects in the Appropriations Subcommittee on Energy and Water Development.

Let me say I do not and have not supported one of these projects in New Jersey that would harm my State's environment. The Delaware Deepening project meets all environmental standards and has been approved by the Environmental Protection Agency. Since some groups in the sponsor have raised the prospect that this project is nonenvironmentally justified, I decided to contact the Environmental Protection Agency Region 2 Office, the agency required under the Federal law to review the project.

Mr. Chairman, asked if the EPA had any outstanding environmental concerns over the deepening of the Delaware River. The EPA's response was no.

I have also heard the argument that the State of New Jersey is opposed to the project. Let me state very clearly to all Members that the State of New Jersey supports the project and Governor Whitman has written to me to express her support. She writes, and I quote from the letter of June 5, "given the importance of this project to New Jersey's economy and Pennsylvania's willingness to work with us to ensure that they accept a more equitable share of the dredged materials, I support Congress funding this project in the fiscal year 2000 Energy and Water Appropriations bill."

In addition to Governor Whitman, our senior senator from New Jersey, Senator LAUTENBERG, supports this project.

Dredging on the Delaware River is not new. The U.S. Army Corps of Engineers has dredged the river every year for generations. The shorelines of both sides of the river contain dirt and sand removed from the river. None of the dire environmental consequences predicted as a result of the project have ever occurred. My colleague from New Jersey (Mr. ANDREWS) has repeatedly stated in letters and other things that the dirt and sand taken from the Delaware River is dangerous. It is not. The EPA, the U.S. Fish and Wildlife, the New Jersey DEP, the Pennsylvania DER have studied the project. Surely one of these agencies after years of review would have raised some objection. Mr. Chairman, I oppose the amendment most strongly.

Mr. ANDREWS. Mr. Chairman, I yield myself 20 seconds.

Mr. Chairman, I am surprised to say to my friend, the gentleman from New Jersey (Mr. FRELINGHUYSEN), that the New Jersey legislature has failed to yet appropriate its match for this project because of the very concerns that I made reference to.

Mr. Chairman, I yield 2 minutes to the gentleman from Maryland (Mr. GILCHREST), my friend and coauthor.

The gentleman from Maryland is one of the leading environmentalists of this Congress who will reflect some of the reasons that the League of Conservation Voters, the Sierra Club, the U.S. Public Interest Research Group, National Wildlife Federation and others so strongly support this amendment.

Mr. GILCHREST. Mr. Chairman, I thank the gentleman from New Jersey (Mr. ANDREWS) for yielding me the time.

Mr. Chairman, I will make a comment about the State of Delaware and the State of New Jersey supporting this project. There are numerous agencies within each of those States, and the State of Delaware has a problem with this dredging from the governor to the two senators, to the Member of Congress from that State.

The issue is that there have been environmental issues, and those environmental issues deal with the toxics that are in these regions of the river that is going to be dredged. They have a problem with the dredged spoil that is supposed to be considered clean, which, in fact, when we move tiny particles of dredged material, each of those grains of sand, because of the physical nature of that structure, when it is moved, exposed to air, deposited somewhere else, releases nitrogen and phosphorus. Those are concerns.

Delaware does not want this project to go forward, because of the environmental concerns that the Corps of Engineers have been asked to address, and they have not addressed those issues.

The other issue my colleagues from New Jersey talked about, when they dredge this channel in the river from 40 to 45 feet, it is going to cost the taxpayers millions of dollars. Well, what good is that dredged deeper channel going to do, we do not dredge the substantial benefits, I urge the members who are the ships are going to dock? And almost all of those ships are owned by somebody. Whether it is an oil company or a foreign steamship company, they have intimated that they are not going to dredge from the channel to the berths.

Now, why are we dredging? I think that is the question that needs to be asked. What are we dredging? We are dredging for fundamentally two reasons. One so that we can get a 6-pack of Heineken for a couple of pennies less. That is what it amounts to.

Mr. Chairman, I strongly urge support for the Andrews amendment. Mr. VISCOLOSKY. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. PACKARD), the chairman of the subcommittee.

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

Funding should not be withheld, and this project should not be delayed. Issues raised by the opponents to the project have been adequately addressed during the planning stages and appropriate analyses and project modifications have been made to ensure the environment is protected. This project is included in the President's budget request; it is supported by the governors of both States, New Jersey and Pennsylvania, as well as numerous Members of this body.

The project will deepen the Delaware main shipping channel from the existing 40 feet to 45 feet and will provide substantial benefits. During the planning stages and appropriate analyses and project modifications have been made to ensure the environment is protected.

Mr. ANDREWS. Mr. Chairman, I yield 2 minutes to the gentleman from Delaware (Mr. CASTLE), the former governor of the State of Delaware and a supporter of the amendment.

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

I would point out to my colleagues than there are three States involved in this. The State of Delaware actually runs the whole length of this Delaware River and our State, at this moment, at least, opposes this particular measure to dredging this channel deeper, and we support the Andrews amendment.

There are various reasons for that. One could argue waste or whatever it may be, because this is an expensive project. But in Delaware, we are trying to determine the environmental impact. It has been stated by several speakers here, whether it will cause undue harm to Delaware's natural resources.
Last year I supported funding because it moved the process forward and we could find out more. Then we tried to work with the Army Corps of Engineers in the course of this year, and the Army Corps of Engineers and our Department [of Natural Resources] and Environmental Control began negotiations about how the environment would be guaranteed: would it be through a State permit or some memorandum of agreement. It is my opinion that the latter is not as important as the substance. Any agreement needs to be mutually acceptable, legally enforceable, and allow for meaningful public participation.

Mr. Chairman, I had hoped that I would be able to come to the floor tonight saying these conditions have been met, but I cannot do that; they have not been met. Given the lack of assurances from the Corps to my State’s environmental agency, I cannot support funding for this project this year, and that is exactly what the gentleman from New Jersey’s amendment does, it delays it for a year. I think the wiser course of action today is to delay funding for actual dredging until this issue is resolved.

In fact, many in my State thought that that was the Corps’ position too. This spring, a Corps spokesman stated to the Delaware press that the Corps had all the necessary permits, and it had addressed all of the environmental concerns created by the dredging project. The very next day the Corps reversed itself and stated that we are not going to start dredging without resolving wetland restoration and beach fill issues first, admitting they did not have it resolved. Sadly, a few weeks ago when I gave the Corps the opportunity to support my efforts to put their promise in writing and delay actual dredging funds, they declined.

Mr. Chairman, it is no wonder citizens in Delaware do not trust the economic justifications and environmental propositions the Corps makes. It is no wonder our Department of Natural Resources insists on a legally enforceable agreement with the Corps. I know we all hope the DNREC, our environmental people and the Corps can reach a mutually acceptable, legally enforceable agreement with the Corps. I urge the House to withhold funding for this project.

Mr. VisClosky. Mr. Chairman, I yield 4 minutes to the gentleman from Pennsylvania (Mr. Borski). (Mr. Borski asked and was given permission to revise and extend his remarks.)

Mr. Borski. Mr. Chairman, I rise in opposition to the amendment from the gentleman from New Jersey and in strong support of the Delaware River main channel deepening project. This project was included in the President’s fiscal year 2001 budget and is supported by Governor Ridge and Governor Whitman.

In the early 1980s, Congress directed the Army Corps to study the viability of modifying the channel. We authorized this and funded it in 1992. The final Environmental Impact Statement was filed by the Corps in 1997; and it was approved by EPA, U.S. Fish and Wildlife, and the U.S. Geological Survey. The Corps based its recommendation on numerous studies over the past 6 years. Reports have been submitted on salinity, shellfish, sediments, wetlands, groundwater, and oil spills; and all of these reports have shown no significant impact on these areas of concern.

As for economics, the Army Corps cost-benefit ratio is $1.40 for every dollar invested. There is also an unprecedented level of involvement by beneficiaries. It is not only the oil companies who will benefit, even though Sunoco and Valero have expressed support for this project and are ready to take advantage of a deeper tier channel. Additionally, there are almost 1,200 groups that support the deepening of the Delaware River to 45 feet. This affects shippers from to port groups. Virtually every facet of the community that benefits from port commerce is supportive of this project.

Why does the Port of Philadelphia need to go to 45 feet? Because the trend in the world is towards bigger ships. If we do not deepen the Delaware, the region will be severely affected. We will lose jobs and our port will become less competitive.

In addition to benefiting labor, oil companies, and shippers, deepening only 5 more feet can potentially benefit consumers from Maine to Maryland. Because of reduced transportation costs associated with the deepening, oil companies could very well pass these lower costs on to consumers in order to stay competitive. These savings by oil companies can translate into reduced home heating oil and gas prices for consumers.

As to the environmental issues associated with this project, deepening gives less of a chance for oil spills. Second, this project provides for wetland restoration and beach fill projects built with clean sand.

Finally, Mr. Chairman, the gentleman from New Jersey has requested a GAO report. He has asked that the money for this project be delayed until a report is finished. However, my experience with the GAO as a former chairman of the Subcommittee on Investigations and Oversight leads me to believe that this is beyond the purview of the GAO. Typically, the GAO conducts more broad-based reviews which are requested by committees of jurisdiction or mandated by law. The GAO does not have the resources to respond to individual Member requests; and it is highly unlikely, in my view, that a report would be available within a year.

Mr. Chairman, I oppose the amendment offered by the gentleman from New Jersey, and I offer my strong support for this important project.

Mr. VisClosky. Mr. Chairman, I yield myself such time as I may consume.
further work on the project and should not act on the proposed legislation to exempt the project from the Endangered Species Act until more current information is received.

Report by the U.S. General Accounting Office: Information on Corps of Engineers' Clarence Cannon Dam and Mark Twain Lake Projects

This report discusses the 1981 flooding along the Salt River in northeast Missouri and the resulting damages above and below the Corps of Engineers' Clarence Cannon Dam and Mark Twain Lake Projects. It further discusses the potential impact hydropower operations of the dam will have on downstream landowner, and the current cost and schedule estimates for completing the project.

Report to the Honorable George Miller, United States House of Representatives by the U.S. General Accounting Office: Proposed Pricing of Irrigation Water from California's Central Valley New Melones Reservoir

The New Melones Reservoir in California is the latest addition to the Bureau of Reclamation's vast network of dams, reservoirs, canals, and pumping stations known as the Central Valley Project. Since New Melones is part of the CVP, the Bureau adds its irrigation construction, operation, and maintenance costs to other CVP costs. The entire irrigation cost is then used in calculating rates for water repayment.

As a result, New Melones irrigation rates are lower than they would be if its water users operated their own construction and operating costs of the reservoir. Costs associated with New Melones will eventually cause the rates of other CVP users to increase. Because of existing long-term contracts, however, the increased rates cannot be passed on to other users until their contracts expire or are amended.

Report to the Honorable James H. Weaver House of Representatives by the Comptroller General of the United States: Corps of Engineers Should Reevaluate the Elk Creek Project's Benefits and Costs

The Corps of Engineers' fiscal year 1982 estimates of benefits and costs for the Elk Creek Project, which is under consideration in Oregon, show an excess of benefits over costs.

This report questions most of the Corps' estimates of increased benefits to be obtained from the project's flood control, water supply, recreation, irrigation, and area redevelopment purposes. It also questions some of the Corps' project cost estimates. These issues affect the benefit cost ratio reported to the Congress in support of the project's economic feasibility.

GAO recommends that the Corps resolve these matters and reevaluate project benefits and costs.


Many water resource projects provide benefits to large segments of the country; however, the Corps of Engineers and the Soil Conservation Service have built projects that primarily benefit only a few landowners or businesses.

For Corps and Service projects, the non-Federal entity is seldom required to share a large portion of project cost to compensate for these special benefits, such as land enhancement or increased local taxes. The Congress needs to clarify its intent regarding cost sharing on such projects.

Non-Federal entities provide land, easements, rights-of-way, and relocate utilities. The estimated cost items are shown as the non-Federal cost share in project feasibility studies. GAO found that the estimated non-Federal share for Service projects usually contained extraneous cost items which are not actual project costs. Such costs inflate the total project cost and so make the non-Federal share appear much higher than it actually is. GAO says this practice should be stopped.

Chapter 3: Some Water Resource Projects Do Not Provide Widespread Benefits

The Corps and SCS, after congressional approval, finance, construct, and often maintain water resource projects. In some water resource projects, these projects have only one primary beneficiary or provide special localized benefits—such as increased earning potential or extraordinary land enhancement—to certain groups, businesses, or individuals primarily at the expense of the U.S. taxpayer. However, cost sharing between Federal and non-Federal entities for these projects is generally the same as for other projects providing more general flood control benefits. Legislation for the projects generally requires local project sponsors to provide the necessary land, easements, rights-of-way, and utility relocations at cost. Reimbursement for these costs is generally the same as for other projects providing more general flood control benefits. Additional non-Federal contributions were not recommended by the Corps despite the fact that the project is expected to benefit only three users and one user is expected to receive 86 percent of the estimated annual savings. One of the beneficiaries, American Oil Company, could completely repay the project cost in 3 years with its annual transportation savings. Instead, the Nation's taxpayers, if this project is approved, would have to pay for 95 percent of the project.

Identifiable Beneficiaries Should Make Additional Contributions

Some projects built by the Corps and SCS provided significant special localized benefits to direct, identifiable beneficiaries. These benefits accrue in the form of increased earning potential, land enhancement, or in the case of a State or local entity, increased local real estate and income tax bases.

In these situations, the Federal Government is subsidizing individuals or groups of individuals who often have the ability (because of increased earnings) to make additional contributions.

Pokhri Watershed Flood Prevention Project

The SCS Pokhri Watershed project in Fairfax County, Virginia, provides significant special localized benefits to direct, identifiable beneficiaries. These benefits accrue in the form of increased earning potential and land enhancement, or in the case of a State or local entity, increased local real estate and income tax bases.

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The Corps analysis of future land use acknowledges that the project will permit 5,400 acres—presently used for pasture, rangeland, woodland, and truck crops cultivation—to be upgraded for sugarcane production. The four largest landowners have stated that once the land is upgraded for sugarcane production, the four large land development company building a subdivision around the lakeshores. At project completion, the seven lakes formed by the floodwater retarding structures will create 571 choice lakefront homesites. Subdivisions have already been completed around four of the seven lakes. According to local real estate agents and county officials, homes in Fairview are selling for a $2,000 premium; therefore, the developers could receive additional income of $1,142,000 because of the lakefront sites. One development company building a subdivision around one of the lakes paid $104,000 to increase the lake size. The subdivision has 350 lakefront homesites, and as a result of the sites, the company received additional gross income of $300,000.

The Fairfax County real estate tax base has increased greatly during the period 1970 to 1980. Total county assessed value has increased 146 percent while the value in the Pohick Watershed area has increased about 1,800 percent. County officials did not now require additional funds for transportation projects later authorized because of the SCS project. SCS has not required additional non-Federal contributions to compensate for these special localized benefits. We believe the local sponsor should have contributed more because there were readily identifiable beneficiaries who receive significant secondary benefits because of the project.

**Hendry County Flood Control Project**

In Hendry County, Florida, the Corps has planned a $17.7 million flood control and water supply project which will benefit a total of 21 local farmers/corporations—four owned by the largest landowner, plans to move current cattle operations to its 17,846 acres in the water supply area. This move will allow them to develop their present ranch near Clewiston, Florida, into sugarcane, which they indicated would be more profitable. The proposal also involved plans to convert 960 acres of land from cattle to sugarcane when the project is completed. Another rancher indicated plans to produce sugarcane on upland used as pasture but has not determined the exact acres involved.

In addition, the project could provide a large land development company an estimated additional $18 million gross income from sales. In 1975 the company transferred 2,560 acres...
the authorized project purpose. In addition to flood damage prevention (a NED benefit which is related to the project purpose), secondary benefits such as significant land enhancement, and changed or intensified land use accrue to individuals, businesses, and communities located around a project. These benefits also contribute to increased national productivity; however, the impact of the benefit is much greater to the individual whose income or property is directly affected or improved.

Second, many of those who read our reports are not necessarily familiar with the Council’s precise definitions which Federal agencies use in their planning.

Mr. Chairman, I urge a yes vote; and I yield the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey (Mr. ANDREWS).

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

Mr. ANDREWS. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 532, further proceedings on the amendment offered by the gentleman from New Jersey (Mr. ANDREWS) will be postponed.

AMENDMENT OFFERED BY MR. GEKAS

Mr. GEKAS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. GEKAS:

Page 39, after line 19, insert the following new text:

TITLES V—RESOURCE GOVERNANCE

SEC. 701. SHORT TITLE.

This title may be cited as the “National Resource Governance Act of 2007”.

SEC. 702. FINDINGS.

Congress finds that—

(1) energy prices have risen dramatically, leading to significant harm to particular sectors of the economy;

(2) an affordable domestic energy supply is vital to the continued growth and vitality of our Nation’s economy;

(3) an uninterrupted supply of oil and other energy is necessary to protect the United States national security interests; and

(4) the United States continued dependence on foreign sources of energy, particularly in the Organization of Petroleum Exporting Countries (OPEC), for the majority of its petroleum and energy needs is harmful to our national security and will not guarantee lower energy prices and protect our economy.

SEC. 703. ESTABLISHMENT OF COMMISSION.

There is established the National Energy Self-Sufficiency Commission (in this title referred to as the “Commission”).

SEC. 704. DUTIES OF COMMISSION.

(a) DUTIES.—The duties of the Commission are—

(1) to investigate and study issues and problems related to issues involving the importation of and dependence on foreign sources of energy;

(2) to evaluate proposals and current arrangements with respect to such issues and problems with the goal of seeking out ways to make the United States self-sufficient in the production of energy by the year 2010;

(3) to develop alternate sources of energy such as ethanol, solar power, electricity, natural gas, coal, hydrogen, wind energy, and any other forms of alternative power sources should be considered, including other potential and actual sources;

(4) to investigate the affordability of oil exploration in areas which are currently not being used for drilling, whether because of the cost of doing so, because of current law, or because of environmental regulation; and

(5) to appear at any congressional oversight hearing before the proper congressional oversight committee to testify as to the progress and development of the Commission and its findings;

(6) to consider tax credits and other financial incentives, along with expanded drilling in areas such as the Federal Wildlife Refuge and offshore, to help promote and establish the viability and research of alternative forms of energy and domestic oil exploration;

(7) to prepare and submit to the Congress and the President a report in accordance with section 709; and

(8) to take into account the adverse environmental impact of its proposals.

(b) LIMITATION.—This title shall not permit the Commission to recommend an increase in taxes or other restrictions on oil or other commodities.

SEC. 705. MEMBERSHIP.

(a) NUMBER AND APPOINTMENT.—The Commission shall be composed of 9 members as follows:

(1) 3 members appointed by the President, 1 of whom shall be designated as chairman by the President.

(2) 2 members appointed by the Majority Leader of the Senate.

(3) 1 member appointed by the Minority Leader of the Senate.

(4) 2 members appointed by the Speaker of the House of Representatives.

(5) 1 member appointed by the Minority Leader of the House.

(b) TERM.—Members of the Commission shall be appointed for the life of the Commission.

(c) QUORUM.—5 members of the Commission shall constitute a quorum, but a lesser number may conduct meetings.

SEC. 706. COMPENSATION.

(a) PAY.—

(1) NONGOVERNMENT EMPLOYEES.—Each member of the Commission who is not otherwise employed by the United States Government shall be entitled to receive the daily equivalent of the annual rate of basic pay payable to a GS-18 under Schedule F of subchapter II of chapter 53 of title 5, United States Code, for each day (including travel time) during which he or she is engaged in the actual performance of duties as a member of the Commission.

(2) GOVERNMENT EMPLOYEES.—A member of the Commission who is otherwise employed by the United States Government shall serve without additional compensation.

(b) TRAVEL.—Members of the Commission shall be reimbursed for all travel, subsistence, and other necessary expenses incurred by them in the performance of their duties.

SEC. 707. STAFF OF COMMISSION: EXPERTS AND CONSULTANTS.

(a) STAFF.—

(1) APPOINTMENT.—The chairman of the Commission may, with the advice and consent of the Senate, appoint and terminate an executive director and such other personnel as are necessary to enable the Commission to carry out its duties. The employment of an executive director shall be subject to confirmation by the Commission.

(2) COMPENSATION.—The chairman of the Commission may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 51 and subchapter II of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the executive director and other personnel may not exceed the maximum payable for level GS-15 under the General Schedule under section 5316 of that title.

(b) EXPERTS AND CONSULTANTS.—The Commission may procure temporary and intermittent services of experts and consultants under section 3109(b) of title 5, United States Code.

SEC. 708. POWERS OF THE COMMISSION.

(a) HEARINGS AND MEETINGS.—The Commission, or, on authorization of the Commission, a member of the Commission may hold such hearings, and act at such time and places, take such testimony, and receive such evidence as the Commission considers appropriate. The Commission or a member of the Commission may administer oaths or affirmations to witnesses appearing before it.

(b) OFFICIAL DATA.—The Commission may secure directly from any Federal department, agency, or court information necessary to enable it to carry out this title. Upon request of the chairman of the Commission, the head of a Federal department or agency or chief judge of a Federal court shall furnish such information to the Commission.

(c) FACILITIES AND SUPPORT SERVICES.—The Administrator of the National Aeronautics and Space Administration may provide to the Commission on a reimbursable basis facilities and support services as may be requested by the Commission. If the head of the Commission, the head of a Federal department or agency may make any of the facilities or services of the agency available to the Commission to assist the Commission in carrying out its duties under this title.

(d) EXPENDITURES AND CONTRACTS.—The Commission, or, on authorization of the Commission, a member of the Commission may make expenditures and enter into contracts for the procurement of such supplies, services, property, or information as may be necessary or appropriate for the purposes of carrying out the duties of the Commission. Such expenditures and contracts may be made only in such amounts as are provided in appropriation Acts.

(e) MAIL.- The Commission may use the United States mails in the same manner and under the same conditions as other Federal departments and agencies of the United States.

(f) GIFTS.—The Commission may accept, use, and dispose of gifts or donations of services or property.

SEC. 709. REPORTS AND STATEMENTS.

The Commission shall submit to the Congress and the President a report not later
than 2 years after the date of its first meet-
ing. The report shall contain a detailed
statement of the findings and conclusions of
the Commission, together with its recom-
mendations, legislative or administra-
tive action as it considers appropriate.

SEC. 710. TERMINATION.
The Commission shall cease to exist on the
date that is 30 days after the date on which it
submits its report under section 709.

SEC. 711. AUTHORIZATION OF APPROPRIATIONS.
There is authorized to be appropriated $3,500,000 to carry out this title for each fis-
cal year for the duration of the Commission.

Mr. PACKARD. Mr. Chairman, I re-
solve a point of order.

The CHAIRMAN. The gentleman
from California (Mr. PACKARD) reserves a
point of order.

The Chair recognizes the gentleman
from Pennsylvania (Mr. GEKAS).

Mr. GEKAS. Mr. Chairman, I thank
the Chair, but I do not thank my friend, the gentleman from California, for
reserving a point of order, but I un-
derstand.

There is no question about it, I say to
my colleagues, that the current crisis and all the crises that came before it
with respect to the rising tide of prices
for gas at the pump have come about because we have had dependence on foreign oil. That is the short and the tall of it.
We are dependent for our sustenance in
this country on foreign oil; more than 55 percent of it comes from other coun-
tries.

What does that mean? It means that
our energy policy as a Nation is re-
duced to sending an ambassador to the
foreign countries involved, to OPEC in
particular, to beg them to produce more oil. Our policy is, please sell us
more oil. Please produce more oil. That
is intolerable, and it is embarrassing to
the greatness of our Nation to have to so depend.

So my amendment is one which will
allow ourselves to pledge as a Nation
that within 10 years, we will become self-sustaining. How? Through the ap-
pointment now of a nine-member, blue ribbon commission, much like the one
that was appointed and worked to save
Social Security in the 1970s and 1980s
and which did save the then tottering Social Security program. This blue rib-
bon commission would be empowered to
look at every conceivable source of domestic, self-induced and self-pre-
pared energy for the use of our people.
This would include, of course, the Alas-
kaANWR, which the ANWR reserves. It
would include tax incentives for domes-
tic drilling. It would include explo-
ation of natural gas and solar energy
and water energy and ethanol and every other conceivable type of energy
that has been proved to be somewhat, if not greatly, sufficient and efficient
for the uses of our people.

This commission would report back,
and then we would be on the road to self-sufficiency within 10 years. Does that sound spectacularly narrow in its
scope? Would businesspersons be self-suffi-
cient? We went to the moon in 10 years; we now have discovered there is water
on Mars, and no one can tell me that if
we did not focus on this crisis after cri-
sis type of situation, that we could not
produce a program within 10 years and recommend it to the Congress and
bring it about so that we will have no need any longer to depend on foreign oil.

Mr. Chairman, this amendment is
one that is bred of common sense. I
have noticed that over the last 6 or 7
weeks, piece by piece, the administra-
tion is moving ever more closely to the
adoption of some of the facets of what I have been speaking of.

For instance, right after I introduced a bill and others started talking about
Alaskan exploration, Joe Lockhart of
the White House denounced it as being
something that the White House would
not be interested in developing.

Very recently, little bits and pieces have come out of the White House
where the exploration of ANWR seems
more feasible now. Where 7 months ago
and a year ago there was no talk of tax credits for domestic drilling, now drib-
bles of information coming out of the
White House indicate that they could, very well, include some tax credits for
domestic drilling.

We can do it, I say to my colleagues.

We can enforce a speed-up program
of development of our own resources, and
fairly soon we will see that OPEC will
be out of the game as a menacing
feature of our existence today, because
that is what it is. It is endangering our
national security, it endangers our domes-
tic security, and prevents us from
doing what Americans do best, to be
independent in every way. The White
House indicated that they could, very
well, include some tax credits for foreign
energy. In addition to giving us energy, the President the authority to tap into
our resources gives us to use cost-efficient alternative energy. The intent is to decrease our dependency on foreign oil so in the fu-
ture Americans will not be subject to
the ups and downs of the crude oil mar-
ket.

Therefore, I must insist on the point
of order. I hate to do that to one of my
dear colleagues and classmates, but if I
made an exception here, I would have
to make it in many, many other cases.

Mr. GEKAS. Mr. Chairman, may I be
heard on the point of order?

The CHAIRMAN. The gentleman may
be heard.

Mr. GEKAS. I may be heard, but I
may be heard agreeing with the gen-
tleman from California, that it indeed is
so appropriate at this time.

So, with a song in my heart, I with-
draw the amendment.

The CHAIRMAN. Without objection, the amendment is withdrawn.

There was no objection.

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

Mr. Chairman, I want to use this
time to engage in a colloquy with the gentlewoman from Florida (Ms. Brown).

Ms. BROWN of Florida. Mr. Chair-
man, will the gentleman yield?

Mr. VISCLOSKY. I yield to the gen-
tlewoman from Florida.

Ms. BROWN of Florida. Mr. Chair-
man, I have an amendment at the desk
that I am going to withdraw, but I hope
that the ranking member and the com-
mittee will work with me to get it in
conference.

I have had several Members call me
concerning my amendment because they think it is so appropriate at this
time. I would like to take a moment to
discuss this amendment.

Mr. Chairman, independent truckers in my home State of Florida have expe-
rienced difficulty earning an honest living as a result of the escalating gas
prices. The average independent truck-
ers earn roughly $35,000 a year. With
the cost of the fuel skyrocketing, these
independent truckers spend approxi-
mately $15,000 a year on fuel. As a re-
sult, they are faced with making in-
teresting decisions that impact their ability to take care of their fami-
lies. Almost half of their income goes to
gas.

As recently as last week, a con-
stituent called my office to tell me
that his truck will be repossessed soon.

It is sitting in the front of his house idle because he simply cannot afford the
cost of the fuel. At one point his
wife, who was a homemaker, had to
leave their children and take a second
job so her husband could afford to
purchase fuel.

This amendment is an attempt to
emphasize the importance and urgency
of the problem. In addition to giving the President the authority to tap into
the petroleum reserve, we should be ag-
gressively engaging in research that al-
 lows us to use cost-efficient alternative energy. The intent is to decrease our dependency on foreign oil so in the fu-
ture Americans will not be subject to
the ups and downs of the crude oil mar-
ket.

As the administration pointed out, with mounting evidence of global cli-
mate change and concerns over oil,
prices, the DOE’s renewable energy budget is $11 million below the current appropriation, and $106 million, or 23 percent, below the President’s request. This shortsightedness undercuts our Nation’s efforts to implement a 21st century energy policy. I understand that the point of order is important, but we have a responsibility in Congress to do our part to make sure that our energy policy is pro-American, and making sure that we are not dependent upon foreign oil. I feel the gentleman very much for giving me the opportunity to discuss this issue. I am hoping that on this amendment, we can work as we go to conference and it can be included.

Mr. VISCLOSKY. I appreciate the gentlewoman’s commitment to her constituents, and also, in terms of her attempt in trying to begin to solve the energy crisis we face in this country. I do look forward to working with the gentlewoman on this issue as we approach conference, but obviously I cannot make a commitment to the gentlewoman here on the House floor. Again, I do appreciate the gentlewoman raising the issue this evening.

AMENDMENT OFFERED BY MR. SHERWOOD
Mr. SHERWOOD. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore (Mr. L.A. Woody). The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment printed in House Report 106-703 of Mr. SHERWOOD:
Page 39, lines 6 through 19, amend section 606 to read as follows:

SEC. 606. (a) ENERGY POLICY AND CONSERVATION ACT AMENDMENTS.—The Energy Policy and Conservation Act is amended—
(1) by amending section 166 (42 U.S.C. 6246) to read as follows:

"AUTHORIZATION OF APPROPRIATIONS"

"Sec. 166. There are authorized to be appropriated for years 2000 through 2003 such sums as may be necessary to implement this part:"
(2) in section 181 (42 U.S.C. 6251) by striking "March 31, 2000" both places it appears and inserting "September 30, 2003"; and
(3) in section 281 (42 U.S.C. 6285) by striking "March 31, 2000" both places it appears and inserting "September 30, 2003".

(b) PURCHASE OF OIL FROM MARGINAL WELLS.—

"PURCHASE OF OIL FROM MARGINAL WELLS.—Part B of Title I of the Energy Policy and Conservation Act (42 U.S.C. 622 et seq.) is amended by adding the following new section after section 166:

"PURCHASE OF OIL FROM MARGINAL WELLS

"Sec. 169. (a) IN GENERAL.—From amounts authorized under section 166, in any case in which the price of oil decreases to an amount less than $15.00 per barrel (an amount equal to the annual average well head price per barrel for all domestic crude oil), adjusted for inflation, the Secretary may purchase oil from a marginal well at $15.00 per barrel, adjusted for inflation.

"(b) DEFINITION OF MARGINAL WELL.—The term ‘marginal well’ means a well that—

(1) has an average daily production of 15 barrels or less;
(2) has an average daily production of 25 barrels or less with produced water accounting for 95 percent or more of total production; or
(3) produces heavy oil with an API gravity less than 20 degrees.

(2) CONFORMING AMENDMENT.—The table of contents for the Energy Policy and Conservation Act is amended by inserting after the item relating to section 168 the following new item:

"Sec. 169. Purchase of oil from marginal wells."

(c) NORTHEAST HOME HEATING OIL RESERVE.—

"(1) AMENDMENT.—Title I of the Energy Policy and Conservation Act is amended by—

(A) redesignating part D as part E;
(B) redesignating section 181 as section 191; and
(C) inserting after part C the following new part D:

"PART D—NORTHEAST HOME HEATING OIL RESERVE

"ESTABLISHMENT"

"Sec. 181. (a) Notwithstanding any other provision of this Act, the Secretary may establish, maintain, and operate the Northeast Home Heating Oil Reserve, a Reserve established under this part is not a component of the Strategic Petroleum Reserve established under part B of this title. A Reserve established under this part shall contain no more than 2 million barrels of petroleum distillate.

"(b) For the purposes of this part—

"(1) the term ‘Northeast’ means the States of Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, Pennsylvania, and New Jersey; and
"(2) the term ‘petroleum distillate’ includes heating oil and diesel fuel.

"AUTHORITY"

"Sec. 182. To the extent necessary or appropriate to carry out this part, the Secretary may—

"(1) purchase, contract for, lease, or otherwise acquire, in whole or in part, storage and related facilities, and storage services; use, lease, maintain, sell, or otherwise dispose of storage and related facilities acquired under this part;

"(2) acquire by purchase, exchange (including exchange of petroleum product from the Strategic Petroleum Reserve or received as royalty from Federal lands), lease, or otherwise dispose of petroleum distillate from the Reserve established under this part; and

"(3) sell, lease, exchange, or otherwise dispose of petroleum distillate from the Reserve established under this part, and

"CONDITIONS FOR RELEASE; PLAN"

"Sec. 183. (a) The Secretary may release petroleum distillate from the Reserve under this section if—

"(1) the estimated costs of establishment, maintenance, and operation of the Reserve; and
"(2) the acquisition of petroleum distillate for storage in the Reserve;

"(3) the anticipated methods of disposition of petroleum distillate from the Reserve, and
"(4) the estimated costs of establishment, maintenance, and operation of the Reserve. The storage of petroleum distillate in a storage facility that meets existing environmental requirements and major Federal action significantly affecting the quality of the human environment as that term is used in section 102(2)(C) of the National Environmental Policy Act of 1969.

NORTHEAST HOME HEATING OIL RESERVE ACCOUNT"

"Sec. 184. (a) Upon a decision of the Secretary of Energy to establish a Reserve under this part, the Secretary of the Treasury shall establish in the Treasury of the United States an account known as the ‘Northeast Home Heating Oil Reserve Account’ (referred to in this section as the ‘Account’).

"(b) The Secretary of the Treasury shall deposit in the Account any amounts appropriated to the Account and any receipts from the sale, exchange, or other disposition of petroleum distillate from the Reserve.

"(C) The Secretary of Energy may obligate amounts in the Account to carry out activities under this part without the need for further appropriation, provided that the Secretary of Energy for obligation under this section shall remain available without fiscal year limitation.

"EXCEPTIONS"

"Sec. 185. An action taken under this part—

"(1) is not subject to the rulemaking requirements of section 523 of this Act, section 5 of the Department of Energy Organization Act, or section 553 of title 5, United States Code; and
"(2) is not subject to laws governing the Federal procurement of goods and services, including the Federal Property and Administrative Services Act of 1949 (including the Competition in Contracting Act) and the Small Business Act.

"AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated such sums as may be necessary to carry out part D of title I of the Energy Policy and Conservation Act.

The CHAIRMAN pro tempore. Pursuant to House Resolution 532, the gentleman from Pennsylvania (Mr. SHERWOOD) and a Member opposed each will control 15 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. SHERWOOD).

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

Mr. Chairman, my amendment simply substitutes the language in Section 606, which contains a 1-year reauthorization of the Strategic Petroleum Reserve, with the text of H.R. 2884, which passed the House 416 to 8. This House-passed bill reauthorizes the Strategic Petroleum Reserve through fiscal year 2003. Additionally, it provides new discretion for the Secretary of Energy to purchase oil from marginal domestic wells known as stripper wells when the average market price falls below $15 per barrel.

Finally, it provides new authority for the Secretary of Energy to dispose of home heating oil from the future Northeast Home Heating Oil Reserve during a national emergency, a regional emergency.
The Northeast Heating Oil Reserve, which will be a separate entity from the Strategic Petroleum Reserve, will be authorized to contain no more than 2 million barrels of petroleum distillate. Additionally, the reserve may be employed during severe energy disruptions, extreme price hikes, or when the President determines an energy emergency merits its use in the Northeast.

The bottom line is that this amendment will help to preserve and enhance our domestic energy-producing industry structure, and help provide reasonably-priced home heating fuel oil during supply shortages.

It is simple, having more domestic oil production and supply capacity will result in lower prices at the pump and less dependence on foreign oil.

This last winter in the Northeast were feeling the economic sting of an oil crisis due to high heating oil and diesel prices. That was our first warning. We will not merely increase baseline prices across the Nation, the rest of the country is feeling the pain that we in the Northeast have experienced for several months.

The question on everyone’s mind is, why were we not prepared, and why were we not doing something in advance to prepare? I am here today to work with the Members in this Chamber to find the answers to these questions; also, to make sure that we will never be held hostage again by Middle East oil prices. These are the same friends for whom a decade ago we risked the lives of our sons and daughters to protect against Iraqi aggression.

The bottom line, and this is probably the most important thing that will be said tonight, is that we lack a coherent national energy policy to insulate us from the volatility of these markets.

During the 1998-1999 time frame, our Nation lost 500,000 barrels of production on any given day due to the failure of marginal stripper wells to be economically viable. This amendment allows the Secretary of Energy to purchase oil from stripper wells when prices are low so they can adequately operate during extreme price drops, and our Nation’s new heating oil reserve can be filled more cheaply.

This is an excellent bill which will help maintain the Nation’s oil production capacity when prices are low, and provide strong support to homeowners when heating prices are high and in short supply. I strongly urge the Secretary of Energy to utilize the new authority given him with the establishment of the Northeast Heating Oil Reserve and the reauthorization of the Strategic Petroleum Reserve, to use these reserves as pressure release valves during energy crises.

Support of this measure is a step in the right direction towards solving our current gas price crisis, which we are all suffering from. It is simple: the more domestic oil supply capacity we can maintain, the lower the prices will be at the pump.

I urge my colleagues to vote for this bipartisan, prudent, and timely measure so that relief can be brought to the pocketbook of the American consumer. In closing, I would like to thank the gentleman from Texas (Mr. BARTON) and the gentleman from Massachusetts (Mr. MARKY) for all their hard work in crafting this legislation, and the gentleman from Vermont (Mr. SANDERS) for his leadership on the issue.

I urge passage of this very commonsense, bipartisan amendment. Mr. Chairman, I reserve the balance of my time.

Mr. VISCLOSKY. Mr. Chairman, I would seek to claim the time, on the understanding that no other Member is seeking the time in opposition.

The CHAIRMAN. Without objection, the gentleman from Indiana (Mr. VISCLOSKY) is recognized for 15 minutes.

There was no objection.

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

Mr. Chairman, as I indicated on the remarks on the rule earlier, we find ourselves with an amendment that I do support that the gentleman from Pennsylvania (Mr. SHERWOOD) has offered. But I would want to remind Members of the history of this House in legislative action over the last several weeks.

First of all, we had an amendment that was offered by the gentleman from Vermont (Mr. SANDERS) to the Interior bill about a week ago. His proposal was essentially to fund the Northeast Home Heating Oil Reserve that the gentleman would seek authorization for in his legislation. The amendment of the gentleman from Vermont (Mr. SANDERS) was defeated by two votes in this body literally a week ago.

Additionally, this body has essentially already passed through the authorization process the amendment that the gentleman has already put forth, so we are for a second time now stating a proposition that to date the majority in the other body has refused to act on.

I would further point out that in full committee, when the energy and water bill was considered during the past week, the gentlewoman from Michigan (Ms. KILPATRICK), in trying to break this logjam, whether it be in this body or in the other body, offered an amendment to increase the extension of the Strategic Petroleum Reserve that was essentially unanimously agreed to by the committee.

Under the amendment, her language stripped out “and a full 3-year authorization is entered into.”

Again, I support what the gentleman is doing. I would simply encourage people to remember that the gentlewoman from Michigan (Ms. KILPATRICK) was active on this issue and offered her amendment a week ago. The gentleman from Vermont (Mr. SANDERS) was denied on a two-vote margin in this House funding for one of the propositions the gentleman put forth, and a majority in the other body, again, refuses to act.

I appreciate again the gentleman’s initiative, but there is, again, bipartisan support for what is taking place here tonight.

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

Mr. SHERWOOD. Mr. Chairman, I yield 3 minutes to the gentleman from Texas (Mr. BARTON).

Mr. BARTON of Texas. Mr. Chairman, I thank the gentleman from Pennsylvania for offering this amendment. It is similar to an amendment that we reported out of the Subcommittee on Energy and Power on a bipartisan basis.

Mr. Chairman, it was debated and voted on in the House, and passed I think in the neighborhood of 400 votes for and five or six votes against. It is an amendment that is in conference now with the Senate on the reauthorization of the Strategic Petroleum Reserve and the Energy Policy Conservation Act of 1992.

It is a classic compromise in that it has the heating oil reserve in the Northeast, which would be filled most likely with fuel oil. It has for the Southwest in the production region the ability for the Secretary of Energy to purchase stripper well oil, which is oil that comes from wells that produce less than 10 barrels a day when the price of oil falls below $25 a barrel on the world market, if that would ever happen again.
This is an amendment that will address that need in a very responsible way. And as the gentleman from Texas (Mr. BARTON), my friend who preceded me, said, this is a delicate compromise that has been worked out on a bipartisan basis. This amendment is something that for all the right reasons, deserves our very strong support. I ask my colleagues to do just that, give it strong support.

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

Mr. Chairman, this winter we had severe price disruptions in the Northeast that would be almost unbelievable if we had not experienced them. In a period of 60 days, home heating oil, which all the old people depend on in the Northeast, we do not have any gains and home heating oil is the heating source of choice, went from 80 cents a gallon to $1.80 a gallon. People could not afford it in their budgets. Diesel fuel for trucks and tractors and farm equipment and snowmobiles and school buses went from $1.30 to $2.60 per gallon. Now, there is no real understandable reason for a price spike of that magnitude. What happened, we had a shortage and then because there was a shortage, they got speculating on the New York Merc and this price was run up to double its historic record and double what we were expecting for the winter.

Mr. Chairman, the purpose of my amendment is to put some things in place that will help this from happening again. If we could keep these stripper wells in production during low-price periods, we will have that much more domestic production. If we can have the Northeast Heating Reserve, that will be some hedge against this happening again.

These are things that we need to do. We need to do more self-sufficient. I think that is a much bigger discussion for another day. But we have to look at our drilling policies and find out how we got in this position where we have all of these reserves, but we do not have refinery capacity enough and we do not have domestic capacity enough. We need to look these policies over down the road and develop a very comprehensive energy policy.

Mr. SHERWOOD. Mr. Chairman, how much time do I have?

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

Mr. SHERWOOD. I yield to the gentleman from New York.

Mr. BOEHLERT. Mr. Chairman, I am just reading the handout that our colleagues and our members are well aware of. It reads: “When prices are high in the northeast, which uses a lot of home heating oil, the Secretary of Energy may, not must, but may, ‘disburse home heating oil from a reserve.’”

This reserve, as we all know all too well, does not exist today, although current law allows it. This amendment would authorize the creation of a 2 million barrels and allow it to be tapped during a regional emergency. And I thank the gentleman for yielding me this time. That is a very important observation.

Mr. SHERWOOD. Mr. Chairman, how much time do I have remaining?

The CHAIRMAN pro tempore. The gentleman from Pennsylvania (Mr. SHERWOOD) has 1 minute remaining.

Mr. SHERWOOD. Mr. Chairman, I yield 1 minute to the gentleman from New York (Mr. LAZIO).

Mr. VISCLOSKY. Mr. Chairman, I assume the gentleman from Pennsylvania has the right to close. So he would use his time to close?

The CHAIRMAN pro tempore. The gentleman from Indiana (Mr. VISCLOSKY) has the right to close.

Mr. LAZIO. Mr. Chairman, I want to begin by thanking the gentleman from Pennsylvania (Mr. SHERWOOD) for his leadership on this issue which addresses a crisis that is facing the Northeast: high gas prices and high fuel prices.

We experienced this during the winter when many of our most vulnerable citizens, our seniors, our disabled, those in rural America were suffering the most. Many of us have been calling for immediate relief, including the rollback of the 4.3-cent Clinton-Gore gas tax at the gas pump.

But this method of creating a regional reserve will help address an issue, that has been a dramatic problem, in the years ahead. The ability to try and provide more liquidity in the market, to lance the boil of insufficient supply of oil, especially in our Northeast area that is dependent on both oil for transportation and for home fuel oil.

Mr. Chairman, I want to thank the gentleman from Pennsylvania, and I urge our colleagues to support this amendment.

Mr. VISCLOSKY. Mr. Chairman, I yield 2 minutes to the gentleman from Connecticut (Mr. MALONEY).

Mr. MALONEY of Connecticut. Mr. Chairman, I thank the gentleman from Indiana for yielding me this time.

Mr. Chairman, I rise to express my strong support for this amendment, which is modeled in large part after legislation that I and many of my colleagues introduced earlier this year.

This amendment will not only provide relief to residents in the Northeast through the creation of a regional home heating oil reserve, it will give the President the authority he needs to release oil from the Strategic Petroleum Reserve to have an impact on the market price. As the price of gasoline reaches $2 a gallon in Connecticut and $2.50 across the Midwest, there is no better time to address this issue. My constituents and families across the Northeast have been hit with high gasoline prices; and if we do not act, they will face high heating bills during the cold winter months ahead. If this crisis is not addressed now, the situation will only become worse. Most importantly, the seniors and others in rural districts who are living on fixed incomes cannot afford these high prices. Having to choose between heating their home and other life necessities is simply unacceptable.
Mr. Chairman, I say to my colleagues, this crisis has gone on already far too long. We have the means; we have the ability to solve this problem. Let us act, and let us act now.

Mr. VISCLOSKY. Mr. Chairman, I yield 2 minutes to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Chairman, this past winter, families across the Northeast saw their budget stretched to the limit by skyrocketing home heating oil costs. Over 50 percent of families in Connecticut depend on oil to heat their homes in the winter months. For middle-class working families in my State and throughout the Northeast, the increase in home heating oil prices broke the bank.

I received thousands of calls from my constituents asking for help. For example, I received a call from Thomas Marcarelli of East Haven, a family with four children, ages three, six, seven and nine. In order to pay for heating oil, he has had to send in his mortgage payment late, cut back on his family’s groceries, and drop his thermostats with the children in the house to stretch out his supply.

It appears that Mr. Marcarelli and his family and families across the Northeast may face another very cold season. This winter they are estimating that home heating oil will increase by another 10 percent.

My concern is, and I support this amendment, but we had an opportunity several weeks ago with the gentleman from Vermont (Mr. SANDERS) when he offered such an amendment and was defeated by two votes. In terms of allowing the President the authority to release the Strategic Petroleum Reserve, the gentlewoman from Michigan (Ms. KILPATRICK) offered this amendment in committee just a few days ago.

I support this amendment, but my concern, as always, is that we try to play politics with these issues when families in my part of the country and families in other parts of the country are suffering because, in fact, the Republican leadership has not allowed us to create an energy policy in this country. It fails to reduce our dependence on oil.

That is the direction that we need to move in. We need to support this amendment. But we also need to do something about solar renewable energy. We also need to do something about providing the opportunity for an energy policy that meets the needs of the people in this country.

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

Mr. PALLONE. Mr. Chairman, I rise on behalf of the gentleman from Massachusetts (Mr. MARKET) and myself in support of the Sherwood-Markay-Barton amendment to reauthorize the Energy Policy and Conservation Act and establish the Northeast Home Heating Oil Reserve.

On April 12 of this year, the House overwhelmingly approved the Energy Policy Conservation Act reauthorization by a vote of 416 to 8. This bill included language that the gentleman from Massachusetts (Mr. MARKET) authored to provide for the establishment of the heating oil reserve in the Northeast. Unfortunately, these provisions have languished at the hands of the Republican leadership in the Senate. The administration supports these provisions, and these provisions have bipartisan support here in the House.

The Democrats and some House Republicans are working to address our high gas and heating oil prices by crafting bipartisan solutions. Unfortunately, some members of the Republican leadership are using tactics to prevent this Congress from implementing a long-term energy strategy, one that will provide real energy security for all Americans.

This legislation would give the President the flexibility that he needs to create a Northeast heating oil reserve and release the heating oil from this reserve in the event we have a repetition of the type of severe price spikes, supply disruptions or severe weather situations that we saw last winter that drove home heating oil prices way up.

This provision helped assure that as we are reauthorizing EPICA, that we are addressing both the needs of the producing States, who are worried about what happens when prices go too low, and the consuming States, who worry about what happens when prices get too high.

So if my colleagues voted yea for H.R. 2284, the EPICA reauthorization to create a Northeast Home Heating Oil Reserve, they should vote yea today to assure that we can make the Reserve a reality.

I urge adoption of this bipartisan amendment.

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (Mr. LAHOO). The Chair was in error a minute ago in stating that the gentleman from Indiana (Mr. VISCLOSKY) had the right to close. Since he is not opposed to the amendment, the gentleman from Pennsylvania has the right to close.

Without objection, the Chair will extend to each side 1 additional minute. The gentleman from Pennsylvania (Mr. SHERWOOD), at the conclusion, will have 1 minute remaining to close. We will add 1 minute on the time of the gentleman from Indiana (Mr. VISCLOSKY), so he has 8 minutes remaining.

Mr. VISCLOSKY. Mr. Chairman, that is perfect. I appreciate the Chair’s courtesy.

Mr. Chairman, I yield 2½ minutes to the gentleman from New Jersey (Mr. MENENDEZ) (Mr. MENENDEZ asked and was given permission to revise and extend his remarks.)

Mr. MENENDEZ. Mr. Chairman, I rise to support the Markey amendment, and I certainly believe that this is a step in the right direction.

Exorbitant gasoline prices are clearly a problem as we begin the summer season. I am even more concerned about home heating oil costs for next winter. In fact, the current inventory for home heating oil on the East Coast is 40 percent lower than at this time last year. And yet, the Democrats have delayed urgent action on several fronts. We have asked the Federal Trade Commission to expedite its investigation into price gouging on the part of oil companies. Major oil companies have nearly tripled their profits as a result of these price increases, from $4.5 billion in profits in the first 3 months of 1999 to more than $12 billion in the same period this year.

Democrats have also urged the Republican leadership and Congress to show some leadership and renew the Strategic Petroleum Reserve. This is a key tool in our Nation’s energy security, and the President must have the authority to release or exchange oil reserves from the SPR.

Finally, we have called on the Congress to authorize the Northeast Oil Reserve.

I am glad that we have finally gotten our colleagues in the majority to move in this direction, despite all of our previous efforts to get them to move in that direction. But we must also understand that the Republican leadership is also responsible and has failed to provide Americans with energy security. It has failed to reauthorize the Strategic Petroleum Reserve to date. It has failed to fund research and development into alternative fuels and energy efficiency.

In the past 5 years, Republicans in Congress have funded only 12 percent of the administration’s request for new investments in renewable sources of energy and energy efficiency initiatives. This is a very irresponsible level of funding has been nearly $2 billion short of the administration’s request.

When they were not funding the requests, they were out trying to get rid of the Department of Energy and selling off the reserve policy itself. That would have been extremely detrimental if carried out as proposed.

So I am glad that we begin on a course tonight that works with the Democrats in proposing what we have talked about and that clearly have been copied here in the context of the work of the gentleman from Massachusetts (Mr. MARKET) and to begin to work on energy security for American families before we enter into a winter of discontent.

Mr. VISCLOSKY. Mr. Chairman, I yield 2 minutes to the gentleman from Connecticut (Mr. SHAH).

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

Mr. Chairman, I rise in strong support of the Sherwood-Barton-Markay
amendment to replace section 606 of this bill with the text of H.R. 2884, which passed the House by a vote of 416 to 8 on April 12.

Among its provisions, H.R. 2884 authorized the creation of a two million barrel home heating oil reserve in the Northeast to stabilize home heating oil prices throughout the year.

Winter is a perennial event. It is sensible to prepare for the cold weather, regardless of external circumstances.

We can help ensure stable home heating oil prices, jet fuel prices, and diesel fuel prices by creating a two million barrel reserve of home heating oil that can be drawn down when fuel prices rise dramatically, as they did last winter.

The recent increase in oil prices led fuel costs in some areas of the Northeast to reach their highest point since the Gulf War. This winter it cost some Connecticut residents as much as $2 for a gallon of home heating oil, approximately double the cost of a year ago.

We should not force families to choose between heating their homes and buying food during the winter months.

Establishing a home heating oil reserve in the Northeast, much like the Strategic Petroleum Reserve, to help stabilize home heating oil prices will dramatically will ensure consumers have access to home heating fuel at predictable, affordable prices.

I commend my colleagues for their hard work and leadership on this issue.

Many industry experts agree an influx of home heating oil into the market would drive prices down and allow families access to affordable home heating oil in times of drastic price increases.

According to a 1998 Department of Energy report, the creation of a home heating oil reserve will be an effective method of stabilizing home heating oil prices in the future, and the use of a Government-owned reserve in the Northeast would provide benefits to consumers in the Northeast and to the Nation at large.

Mr. Chairman, I hope we move forward with this amendment.

Mr. Chairman, I urge my colleagues on both sides of the aisle to support this effort to ensure consumers have an adequate supply of home heating fuel at reasonable, predictable prices throughout the year.

Mr. VISCLOSKY. Mr. Chairman, I yield 3 minutes to the gentleman from Vermont, Mr. Sanders.

Mr. SANDERS. Mr. Chairman, I thank the gentleman from Indiana, the ranking member, for giving me this time.

Mr. Chairman, I rise in very strong support of this amendment authored by the gentleman from Pennsylvania (Mr. SHERWOOD), the gentleman from Texas (Mr. BARTON), and the gentleman from Massachusetts (Mr. MARKEY), authorizing the establishment of a Northeast Home Heating Oil Reserve.

This amendment is very similar to freestanding legislation which I have authored which has some 98 cosponsors and similar to an amendment that passed this body as part of a larger bill a little while ago.

What is important to understand is that we not only have to pass this amendment tonight, but that we must go forward to adequately appropriate money to make sure that this Northeast Home Heating Oil Reserve becomes a reality.

We had a vote last week where we lost by two votes, but I think a majority of the Members actually support it, and I hope we will support the roughly $10 million that we need for appropriations.

It is no secret to anybody that this country is facing an energy crisis from one end of the Nation to the other. We are seeing gasoline prices skyrocketing. We know that the price of crude oil has more than tripled since last year and is the highest that it has been since the Gulf War. The reason that prices are high is because the supply for gasoline is low. That obviously isn't the only thing; and that is, if we do not adequately prepare now for next winter, we will have a home heating oil disaster on our hands. That is why we have got to move very quickly on this Home Heating Oil Reserve.

I urge you to pass this amendment tonight, but that we must go forward to adequately appropriate money to make sure that this forever. There is no reason in this country that we have to. I urge passage of this amendment.

Mrs. McCARTHY of New York. Mr. Chairman, I rise today in support of the Sherwood amendment. But I must ask why this House continues to debate this issue? On April 13th of this year we voted 417 to 8 in favor of H.R. 2884, which would authorize a Northeast Home Heating Oil Reserve.

This legislation, calls for the federal government to create a two million barrel home heating oil reserve in New York—which could be released by the President when oil prices rise sharply.

It's now 75 days later and the only thing that has happened is that our gas prices have continued to rise.

We have been working hard to make sure that our neighbors and family do not have to spend another winter being gouged by home heating oil prices—which is why the Senate must act today.

Today I again ask for swift passage of H.R. 2884.

Mr. MARKEY. Mr. Chairman, I support the Sherwood-Markey-Barton amendment to authorize the Energy Policy and Conservation Act and establish a Northeast Home Heating Oil Reserve.

On April 12th of this year, the House approved the Energy Policy and Conservation Act authorization by an overwhelming vote of 416 to 8. This bill included language that I authored to provide for the establishment of a heating oil reserve in the Northeast.

What we did on that legislation was to work out an agreement with the Chairman of the Committee for the Energy and Power Subcommittee (Mr. BARTON) that constructed a kind of a classic Austin-Boston piece of legislation. The gentleman from Texas was concerned about the fate of certain marginal oil producers that operate so-called stripper wells. He noted that during the 1998-1999 price drop, these domestic producers had the proper set of incentives in order to keep their wells open. As a result, our Nation lost at least 500,000 barrels per day due to the closure of hard-to-re-open stripper wells.

So, what the legislation says is that if the price of stripper well oil goes below $15 a barrel, that there would be an authorization for that oil to be purchased in order, one, to fill up the Strategic Petroleum Reserve but, secondly, in order to keep the price of stripper well oil high enough so that these incentives for that industry to continue to make the proper investment in maintaining them as viable domestic sources of energy for our country.

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As well, the legislation made it possible for there to be constructed a Regional Home Heating Oil Reserve in the northeastern part of the United States. That is very important to those of us that live within a region that does have, on an ongoing basis, the threat that we are going to be cut off from that home heating oil supply. Our region experienced a very severe spike the price of home heating oil, and supplies were so tight that had the bad weather continued we faced the very real prospect of being just a few days away from having no supply on hand to meet the needs of our constituents. This was simply unacceptable.

Now, maybe over the next 20 years, as Sable Island, this rich resource of natural gas off of the Newfoundland coast comes on line, and as our constituents convert over to gas, we may not need this kind of protection. But that is not really going to be possible for another 5, 10, 15 years before it fully penetrates the entire Northeast. And by the Northeast, I also mean Eastern Pennsylvania, all of New Jersey, and the State of New York. Those are the parts of our country that are very much dependent on imported oil are at risk.

Now, we have, without question, the need to give the President the flexibility that he needs to release the heating oil from the reserve in the event of an emergency. One of the dangers of severe price spikes, supply disruptions or severe weather situations that we saw last winter which drove home heating oil prices over the $2 a gallon level. This provision helped assure that as we are reauthorizing EPCA, that we are able to meet the needs of the producing States, who are worried about what happens when prices go too low, and the consuming States, who worry about what happens when prices get too high.

Now, H.R. 2884 is currently sitting over in the other body. So far, the leadership in that body has failed to take any action on the bill. I am informed, however, that there may be some efforts underway to work out an agreement on both the stripper well and the Northeast Home Heating Oil Reserve provisions that would be acceptable to various Senators and to the Administration. If so, I promise to you and our friends over in the Senate that we can send the EPCA reauthorization to the President's desk that contains both the stripper well and regional reserve provisions.

But what we also need to do, and what the amendment that gentleman from Pennsylvania, the gentleman from Texas, and myself would accomplish, is to demonstrate to the other body that this House is seriously committed to an EPCA reauthorization that contains both the Northeast Home Heating Oil and stripper well provisions. And so, if you were one of the 416 Members who on April 12th of this year voted for H.R. 2884, the EPCA reauthorization to create a Northeast Home Heating Oil Reserve, you should vote "aye" today to assure that we can make the Reserve a reality. At the same time, I would hope and expect that the Appropriators would recognize the urgent need to provide the estimated $10 million in funding needed to get the Northeast Reserve up and running. We cannot afford to waste and delay on this matter any longer. It is time to act now.

I urge adoption of this bipartisan amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. SHERWOOD).

The question is on the amendment offered by the gentleman from Pennsylvania (Mr. SHERWOOD). The chairman announced that the ayes appeared to have it.

Mr. SHERWOOD. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 532, further proceedings on the amendment offered by the gentleman from Pennsylvania (Mr. SHERWOOD) will be postponed.

Mr. VISCONSKEY. Mr. Chairman, I move to strike the text and engage in a colloquy with the gentleman from Texas (Mr. STENHOLM).

Mr. STENHOLM asked and was given permission to revise and extend his remarks.

Mr. STENHOLM. Mr. Chairman, I appreciate the courtesy of the gentleman from Indiana for allowing me to take these 5 minutes and to speak relatively out of order.

I do not have an amendment, but I want to speak about a very, very real and growing problem in my district back home dealing with water. In almost any part of Texas, drive into a rural area and look for a large pond and when one finds one, it is likely to have been built, funded and managed through a unique coalition of Federal, State, and local agencies.

These projects provide many benefits, including flood control and bettering water quality, but more importantly the improve water availability in areas of perpetual drought.

No resource is more crucial than water. There is an increasing need for water as the population and economy continues to grow rapidly. Water shortage problems arise primarily as a result of limited access to supplies and uneven distribution of water resources. It is these small watershed projects that provide many communities the means to maintain available water supply and literally keep the community alive.

Unfortunately, many of these projects do not always find their way to completion on a smooth road. Time and time again I have seen projects back home held up by multiple bureaucratic hurdles that in the end seriously impact the health, safety, and welfare of the community involved.

A diversion project was formulated to supplement the inflow to Lake Stamford. The diversion project would be located on Paint Creek and would consist of a pump station, a pipeline and a channel dam, creating a detent along the Paint Creek and Sable Island.

The city began by requesting a pre-application meeting to speed up the process. However, this request was denied by the Corps on the grounds that dams generally destroy and/or degrade riverine systems, even those that do not permanently impound water.

As such, they should be avoided when a practical alternative exists. The applicant, City of Stamford, should evaluate alternatives to supplementing its water supply. Obviously, the authors of this regulatory requirement have never set foot in west Texas, as finding an alternative water source is about as likely as finding an udder on a bull.

After 6 months of jumping through hoops and over hurdles, including the proposed mitigation of 2,200 acres of mesquite trees, a species and often eradicated throughout the State, the city was faced with their next obstacle, an on-site assessment of the project site. To evaluate these resource sites identified through a required archaeological survey which was requested to discuss the project's potential impact on the aquatic environment and formulate possible alternatives that might help reduce the project's adverse environmental impact.

As expected, a site was identified, a site which if left alone would continue to wash away as a result of normal creek flow regardless of whether or not this project was implemented. However, the city is now required to mitigate this site as a mandate by the National Historic Preservation Act. As a result of this untimely process, and because of some recent spring rains as required by the USGS, Stamford has missed out on a 2-year water supply increase of approximately 4,400 acre feet of water because the infrastructure was not in place.

Opportunities to collect water come rarely in west Texas, and it is painful for those of us from the area to watch the opportunities flow away from us unnecessarily.

Now, Stamford is not alone in this problem. Most, if not all, of the communities in my district are facing similar water availability challenges. The cities of Throckmorton and Winters have a 118-day supply of drinking water remaining with no other options, and the cities of Abilene and Snyder are currently working on potential solutions to their water shortage problem.

Each of these cases will likely involve the Corps, as well as the numerous laws and regulations that require the Corps to do little and cross every hoop unnecessarily.

Granted, it is important to carefully scrutinize projects ensuring that the requirements of the Clean Water Act, the Endangered Species Act, and the
National Historic Preservation Act are fulfilled; but 118 days does not allow much room for bureaucratic red tape, especially when one is dealing with an emergency situation involving the economic stability of a community, in addition to the health and safety of that community.

The situation at hand is not entirely the fault of the Corps. We in Congress need to be mindful of the legislation passed. It is not implemented in a vacuum. A common sense approach to emergency situations like this, I hope, will not only prevent the proliferation of this committee and the committees of jurisdiction so that we might in fact find a solution to a very, very real problem in the near future.

AMENDMENT OFFERED BY MR. HANSEN

Mr. HANSEN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. HANSEN:

Page 39, after line 19, insert the following new section:

SEC. 607. No funds appropriated under this Act shall be used for the purpose of processing, granting, or otherwise moving forward a license, permit, or other authorization or permission for the interim storage of spent high-level radioactive waste, or high-level radioactive waste on any reservation lands of the Skull Valley Band of Goshute Indians.

The CHAIRMAN. Pursuant to the order of the House today, the gentleman from Utah (Mr. HANSEN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Utah (Mr. HANSEN).

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

Mr. Chairman, I think it is very interesting that we just had an amendment earlier in the day about sludge going into a certain State. It was amazing how many people stood up and were incensed at the idea that they may have sludge go into their State.

I find it interesting that the State of Utah right now a lot of people want to put in high-level nuclear waste, and why is that? That is because many of us voted in both Houses to put a permanent place for nuclear waste in Yucca Mountain, and the President, who is from Utah, has said no to this. Yet, the President has said no to this, another example of the poor, irresponsible program that they have.

So where do we go now? We do not have a place to put it. Because the President, after we spent literally billions of dollars, determined, oh, I am going to veto this. Obviously, for political reasons; but I guess he has a right to do that. So a group of five big polluters called the Private Fuel Storage, who have already studied the East right now, decided what they would do is they would go to the West.

So they went to a place called the Goshute Indian Reservation, that is Skull Valley. Maybe some of my colleagues think it is a God-forsaken place, but a lot of folks live out there. We have a lot of military issues out in that particular area. And they decided that they could go in there and put a temporary site down.

What is temporary? Four hundred years? I have never seen one of these temporary sites that ever stayed temporary, at least not in my lifetime. Maybe that will happen.

Now in this situation, they decided what they are going to do. Did anyone check out the water source to see if any of these aquifers would fill up? No, not anybody.

What about the idea that the Utah Testing and Training Range, one of the largest testing and training ranges in the world, is right there? I want to point out that 1 mile away from this site a cruise missile crashed not too long ago. Numerous F-16s, F-4s and others have crashed there. It does not take much wisdom to tell people who have gotten these things in the East.

Now as I look at my friends in the East, I find it very interesting that they have never been to our State, but they want to put bills to tell us how they would handle our land but they never bother to come out, I wish they were all standing here now saying the beautiful area that we put all these bills in is now going to be inundated with high-level nuclear waste. I do not see them here, but I guess that is their privilege.

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

Mr. HANSEN. I yield to the gentleman from California.

Mr. PACKARD. Mr. Chairman, I appreciate the gentleman from Utah (Mr. HANSEN) yielding.

Mr. Chairman, I do consider him one of my dear friends here, but I have to oppose the amendment and would urge him to withdraw the amendment.

We should not prevent the NRC from licensing nuclear waste disposal sites. It is very difficult to find suitable sites, and in this instance we should certainly not interfere with the established procedures of the NRC. I would hope that the investigation that has been mentioned by the gentleman from Utah (Mr. HANSEN) would shed light on where we should go with this in the future, but let us not kill it tonight.

Mr. HANSEN. Would the gentleman like to have it in his district?

Mr. PACKARD. I do not know that there is any room in my district for it. It is already filled with houses.

Mr. HANSEN. Mr. Chairman, I ask unanimous consent to withdraw the amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Utah?

There was no objection.

AMENDMENT OFFERED BY MR. RYAN OF WISCONSIN

Mr. RYAN of Wisconsin. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. RYAN of Wisconsin:

At the end of the bill, insert after the last section (preceding the short title) the following new section:

Sec. 320. None of the funds made available in this Act may be used for construction of the National Ignition Facility.

The CHAIRMAN. Pursuant to the order of the House today, the gentleman from Wisconsin (Mr. RYAN) and a Member opposed will each control 5 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. RYAN).

Mr. RYAN of Wisconsin. Mr. Chairman, I would like to go to the gentleman from Ohio (Mr. KUCINICH), a co-sponsor of this amendment.

Mr. KUCINICH. Mr. Chairman, I rise today in support of the Ryan-Kucinich
amendment. I rise in support of nuclear nonproliferation and concern for U.S. taxpayers.

The National Ignition Facility, NIF, is planned to be the most powerful laser in the world, a super laser designed to initiate U.S. nuclear weapons through laboratory simulations of nuclear explosions.

The construction of this facility will promote the expansion of nuclear weapons testing at a time when the United States should be working toward nonproliferation both here and internationally. I strongly support cutting $741 million, the construction budget for the National Ignition Facility. This investment in nuclear weapons research capabilities runs counter to achieving a comprehensive test ban treaty and undermines efforts worldwide to reduce the spread of nuclear weapons.

The NIF would enhance the capability for design of new nuclear weapons and is a manifestation of existing weapons. Laboratory directors might then agree that some of the new nuclear weapons cannot be reliably certified without full scale nuclear testing, providing a rationale for future testing. The creation of new nuclear weapons may serve to ignite a new arms race.

Mr. PACKARD. Mr. Chairman, I claim the time in opposition to the amendment.

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

Mr. Chairman, this project has been underway for 5 years now. To interrupt the ongoing construction project, I think, would be very inappropriate, would be a very wasteful effort with monies that have already been expended. I would strongly urge that we oppose the amendment and allow us to continue the project. The committee has provided $80 million for the National Ignition Facility in this bill. This is what the Department of Energy wanted. The Department requested $95 million, but the committee did not believe that the Department had provided sufficient information on the new cost schedule. Therefore, we funded it, however, at $80 million. We certainly are not passing judgment on the quality of the project at this time, but we should not take the money away from it.

I also understand that there are several Members that wish to speak on this. Mr. Chairman, I yield 1 minute to the gentleman from California (Mrs. TAUSCHER).

(Mrs. TAUSCHER asked and was given permission to revise and extend her remarks.)

Mrs. TAUSCHER. Mr. Chairman, I thank the gentleman from California (Mr. PACKARD) for yielding.

Mr. Chairman, I rise in strong opposition to the Kucinich-Ryan amendment. This amendment would eliminate funding for construction of the National Ignition Facility, called the NIF, at the Lawrence Livermore National Labora-

tory. It would waste nearly $1 billion that has already been spent on development of this important project. It would contradict the action this House took last month when we authorized $175 million for the NIF.

Most importantly, this amendment would severely cripple our Nation's arms control and nonproliferation efforts.

The United States has made a commitment to end nuclear testing, and that commitment is a fundamental tenet of our national security. In the absence of testing, Mr. Chairman, the only way to maintain an effective, secure, reliable nuclear deterrent is through a science-based stockpile stewardship program.

Mr. Chairman, the NIF is the cornerstone of that program. The NIF is the best way to ensure the safety and reliability of our nuclear weapons and to promote arms control and nonproliferation efforts.

I urge my colleagues very strongly to oppose the Kucinich-Ryan amendment. Mr. RYAN of Wisconsin. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, this NIF project is over budget. It is behind schedule. It has experienced several technical difficulties and problems. It has been criticized by the other labs, and it has been plagued with mismanagement.

For example, first in the FY 2000 energy and water appropriations bill, the committee asked the DOE for a rebase-lining of costs by June 1 of 2000 for this year's appropriations. However, the DOE has pushed off this deadline until mid-September, conveniently past the appropriations date.

Given the fact that the GAO report has cited so many problems with the management and the construction of this facility, which DOE acknowledges, these overruns should not be continued. Congress should not appropriate these funds until we have that rebase-lining report.

Second, a GAO report again was requested by the House Committee on Science last September in 1999. However, we still do not have this report yet, but we have found some preliminary findings from the draft report which is imminently due, yet not in time for this appropriations bill.

It shows that the cost estimates are still being overrun. It shows that a project management assessment was required as part of the DOD authorization bill in this year, and that has not been done.

It shows that this project began as a $1.2 billion project in 1997 and then slipped to $2.1 billion in the year 2000, according to the DOE. Now the GAO is telling us this thing is going to cost us between $3.6 billion and $4 billion.

Mr. ROGERS. Mr. Chairman, I yield 1 minute to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Chairman, I think the gentleman from Wisconsin (Mr. RYAN) for yielding to me.

Mr. Chairman, many experts agree that the National Ignition Facility has no relevance to its goal of maintaining the nuclear arsenal. Edward Teller, better known as the Father of the Atomic Bomb when asked about the NIF's usefulness in maintaining nuclear weapons he replied, none whatsoever.

Los Alamos's theoretical weapon physicist Rod Schultz wrote that the NIF supposed importance to the weapons stockpile does not reflect the technical judgment of the nuclear weapons designed community. Eliminating funding for the National Ignition Facility does not cut funding for research and development for future commercial energy technology.

Mr. Chairman, our future energy path is clearly in renewable technologies, such as fuel cells, wind and solar power. As currently stated from Wisconsin (Mr. RYAN) has said, NIF is a budgetary black hole. The Department of Energy's initial estimate of NIF's cost overruns were about $350 million,
but current cost overruns estimates from the DOE stand between $750 million to $1 billion, 100 percent more than originally estimated.

Mr. PACKARD. Mr. Chairman, I yield

1 minute to the gentleman from Indiana (Mr. VISCLOSKY).

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

Mr. Chairman, I also rise in opposition to the amendment. I do think the NIF is an important program. Clearly there have been some very serious problems that have angered everyone in this body, and clearly have angered the Secretary of Energy; that is why a penalty was imposed, that is why $5 million of the proposed $95 million additional investment that needs to be made is going to come out of the hide of the contractor essentially Lawrence Livermore.

I do think that the Department of Energy, finding a very serious problem, is trying to take the appropriate corrective action. I do not believe the amendment of the gentleman from Wisconsin (Mr. RAM) is in the best interests of our national security or the testing program and do oppose the amendment.

Mr. RYAN of Wisconsin. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment is very simple. It does not cut off the research and development. I am not suggesting that I am opposing the goal of this project, what it does say is do not go forward with the construction and the laser components are completed. This amendment simply says let us watch our taxpayers' dollars. Congress asked the DOE to actually take a look at this. Congress asked the GAO to get back to us to see if these problems had been dealt with.

We have not heard from the DOE. We have not heard from the GAO yet. I would suggest that on behalf of our taxpayers that we represent, let us wait until we have from them before obliterating this money, and let us spend it on research and development in the meantime.

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

The Ryan amendment would take $74 million from the National Ignition Facility and terminate the project; that is premature. We are aware that the project has not run smoothly, and that it has had its problems both management and schedule. But some of this funding will be needed, whether the committee agrees to complete NIF or not.

If the decision is made to cancel NIF, the funds will be needed for termination costs.

For the last remaining few seconds that I have, I will yield to the gentleman from New York (Ms. SLAUGHTER).

Ms. SLAUGHTER. Mr. Chairman, I thank the gentleman for yielding me the time, and I rise in opposition to this amendment offered by my friend, the gentleman from Ohio (Mr. KUCINICH) and the gentleman from Wisconsin (Mr. RYAN) because of the effect it would have on the national deterrent power of the United States.

The National Ignition Facility is a cornerstone requirement of the stockpile stewardship program and the only facility that would allow the experimental study of fusion burning in the laboratory. The capability is an essential element of our ability to maintain our national deterrent into the future.

Mr. PACKARD. Mr. Chairman, I yield myself such time as I may consume. Mr. Chairman, let me simply say that let us not kill the project tonight; the jury is still out on it. I urge a no vote on the amendment.

Ms. LEE. Mr. Chairman, I strongly support the Ryan-Kucinich amendments to cut construction funds for the National Ignition Facility. Every time this project comes before us, its costs rise and its scientific rationale grows more dubious.

Criticism of NIF has come from groups as diverse as the Friends of the Earth and the Armed Services Committee. This project has already sucked up billions of taxpayer dollars while endangering our environment and sabotaging efforts to reduce nuclear proliferation.

The National Ignition Facility represents the flagship of the Stockpile Stewardship nuclear weapons program. That is no great honor.

This project, together with National Missile Defense, symbolizes the American failure to lead the way in global nuclear arms control. If the National Ignition Facility continues to fail to achieve its stated goal of ignition, it will remain a financial quagmire that has depleted badly needed financial resources. If it succeeds, it threatens to send the arms race spiraling to an even higher level.

Now is the time to seriously evaluate this program. We should not put more money into construction for a project that is neither necessary nor productive. This project now approaches one billion dollars over budget. It is 5 years behind schedule.

Ultimately, there are economic, geopolitical, and environmental reasons to oppose continued construction of the National Ignition Facility.

Economically, NIF is over budget and over due. Geopolitically, this effort to create thermo-nuclear explosive power in a laboratory setting undermines U.S. efforts to reduce nuclear weapons across the globe.

Environmentally, Californians are already justifiably concerned about the release of tritium into their environment. Increasing nuclear waste is unacceptable.

I repeat, it is time to seriously reevaluate this program. I urge your support for the Ryan-Kucinich amendments.

Mr. KNOLENBERG. Mr. Chairman, I rise in strong opposition to the amendment offered by Mr. RYAN and Mr. KUCINICH. It is simply too early to cut funding for the National Ignition Facility. We all realize that there are problems with the project. I am just as concerned as my colleague here with the troubles that have beset this project. This subcommittee Members and myself are keeping a watchful eye on each and every development at NIF. The Department of Energy has indeed determined that NIF will take longer than projected and cost more than originally expected. But the final cost and schedule are yet to be determined.

Those increases must be viewed in light of the fact that the National Ignition Facility is a key component of our stockpile stewardship program. With over 60 times the energy of any laser in existence, NIF will provide us with unprecedented insights into the science of nuclear fusion. The NIF project will provide vital information on our weapons stockpile that would have previously required expensive underground testing. In addition, NIF will offer some exceptional science related to the underlying physics of nuclear fusion—a source of power that could potentially fuel our future.

The Department of Energy is working hard to straighten out the difficulties with the NIF project. It is currently undertaking a thorough evaluation of this project and considering every alternative. It has already been determined that the underlying science associated with NIF is sound.

Until DOE's investigation is complete, it is premature to cut funding for this program. We need to get all the facts before proceeding—especially when the issue is the security of our national defenses. I urge my colleagues to oppose this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin (Mr. RYAN).

The amendment was rejected.

AMENDMENT NO. 10 OFFERED BY MR. KINGSTON

Mr. KINGSTON. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 10 offered by Mr. KINGSTON.

Page 30, after line 19, insert the following new section:

SEC. 607. None of the funds made available by this Act shall be used to pay the salaries of employees of the Department of Energy who handle classified information related to computer equipment containing sensitive national security information at Los Alamos, New Mexico, and who take a falsely authorized lie detector test related to their official duties.

MODIFICATION TO AMENDMENT NO. 10 OFFERED BY MR. KNOLLENBERG

Mr. KINGSTON. Mr. Chairman, I ask unanimous consent to change Amendment No. 10 to another amendment that is at the desk.

The CHAIRMAN. The Clerk will report the modification.

The Clerk read as follows:

Modification to Amendment No. 10 offered by Mr. KINGSTON.

Page 39, after line 19, add the following new section:

SEC. None of the funds in this Act may be used to pay the salary of any employee of
Mr. Chairman, I just want to rise in support of the amendment of the gentleman from Georgia (Mr. KINGSTON). Let me just say there are people, a number of people, at the laboratories who have clearances and access to classified material, that is, nuclear material or nuclear design material. Also what we know is special access programs, it is absolutely imperative that we have the right to polygraph those folks, and it is absolutely equitable and fair that those who would refuse to take the polygraphs cannot be paid, cannot be employed in this capacity.

Mr. Chairman, I support the gentleman. I think it is an excellent amendment. I thank the subcommittee for agreeing to accept this amendment. Mr. KINGSTON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this is part of the continuing effort of this House on a bipartisan basis to reign in maybe the loose security or the mistakes we have all made in the security at the Los Alamos lab, and this is not directed at anything. This is supposed to be a constructive amendment.

The idea behind it is, we had the situation, as all Members of the House well know, where it appears that those in the House are concerned about, that has to do with the disappearance of two highly sensitive disks, computer disks, that contained nuclear secrets. The disks disappeared and reappeared, and during that period of time, we are not exactly sure what happened.

We do know that they searched behind a copying machine, and then later, they researched behind there and found out that they were there. It appears that they were kind of stuck in after the search. What we are trying to do as a Government is to investigate this and yet much to our dismay, I believe on a bipartisan basis, we have employees out there who have refused to take a polygraph test.

Mr. Chairman, we have a precedent now. We have a law that can require employees in sensitive areas to take polygraph tests and certainly employees who are dealing with nuclear secrets are in highly sensitive areas, and what this simply says is that if you will not take a polygraph test and you are working in a highly-sensitive area, we are not going to pay you. We are urging employees and have the lawful right to do that.

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

Mr. VISCLOSKY. Mr. Chairman, I have no objection to the Kingston amendment.

Mr. PACKARD. Mr. Chairman, I would like to say that I think it is probably micromanaging to a degree, but I am willing to accept the amendment.

Mr. KINGSTON. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. HUNTER) to speak on this amendment, who is a member of the Committee on Armed Services.

Mr. HUNTER. Mr. Chairman, I thank the gentleman for yielding to me.
Mr. Chairman, I have to rise in opposition to the amendment. This is an issue that should be addressed and has been addressed by the authorizing committee. The House Committee on Armed Services did not include this provision in the bill that passed this House recently.

The Senate has included the provision in the Defense authorization bill; and, therefore, it will clearly be a conferencible item between the House and Senate on the defense authorization bill. This House should not preempt the Senate committee in doing their job. Let us leave it to those that have the responsibility, and that is the authorizers.

We believe this amendment should be addressed by the authorizing committee. It will be addressed in the conferring of the Defense authorization bill, and for that reason, I urge the Members to allow that process to take its rightful place; and I urge the Members to vote against the amendment.

Mr. Chairman, I yield such time as he may consume to the gentleman from Indiana (Mr. Visclosky), the ranking member of the subcommittee.

Mr. Visclosky. Mr. Chairman, I rise in opposition to the Ryun amendment, which would restrict the ability of the Department of Energy to maintain the country’s nuclear stockpile.

The amendment would prohibit the Department from dual-hatting certain senior scientists and military officers in order to maintain the critical nuclear weapons complex and one job outside the nuclear weapons complex. I would tell my friend from Indiana, it is not nuclear weapons experts these are procurement people, these are law enforcement people, and counterintelligence people.

The American Law Division at CRS has said that this dual-hatting practice is against the law we passed, period. The Ryun amendment simply enforces the law that we passed. The gentleman is correct, it is less than 20 people that this applies to, but let me tell my colleagues who one of those persons is.

In the bill that we passed last year, we created a Chief of Defense for National Nuclear Security, whose job explicitly in the law is to set up policies and implement security policies at our nuclear laboratories and plants. That position has been held by a part-time person.

What the amendment is attempting to do is to set a date certain by which these scientists must be dual-hatted. Hiring permanent replacements for these officials is not a frivolous issue. Replacing nuclear weapon experts takes time and is very careful consideration.

Earlier this month, the Senate confirmed the new head of the National Nuclear Security Administration, General Gordon. General Gordon has a Ph.D. in nuclear physics and is a former deputy director of the Central Intelligence Agency. General Gordon should not be forced to hire 38 new senior government executives in literally the next 30 to 60 days, and I do not believe that it is a sound proposition, and I am opposed to the gentleman’s amendment.

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

Mr. Ryun of Kansas. Mr. Chairman, I would like to point out that the House Committee on Armed Services does not oppose this.

Mr. Chairman, I yield the remainder of my time to the gentleman from Texas (Mr. Thornberry), the Chairman of the National Security Special Oversight Panel and a member of the Energy Reorganization, who has been a leader in this effort, watching over our nuclear secrets.

Mr. Thornberry. Mr. Chairman, I thank the gentleman from Kansas for yielding me this time and for all of his contributions to the special oversight panel.

Mr. Chairman, when Congress passed the bill to reorganize the Department of Energy last year, it was clear from the language of the law and the intention behind the law that we intended to have some separation between the nuclear weapons complex and the rest of the Department of Energy. That is exactly what the President’s foreign intelligence advisory board recommended last year. We did exactly what his commission recommended.

Yet, in implementing the law, the current Department has dual-hatted several positions. What that means is that one person two jobs, one job inside the nuclear weapons complex and one job outside the nuclear weapons complex. I would tell my friend from Indiana, it is not nuclear weapons experts these are procurement people, these are law enforcement people, and counterintelligence people.

The American Law Division at CRS has said that this dual-hatting practice is against the law we passed, period. The Ryun amendment simply enforces the law that we passed. The gentleman is correct, it is less than 20 people that this applies to, but let me tell my colleagues who one of those persons is.

In the bill that we passed last year, we created a Chief of Defense for Nuclear Security, whose job explicitly in the law is to set up policies and implement security policies at our nuclear laboratories and plants. That position has been held by a part-time person.

That position has been held by a guy who has a job inside and a job outside in the rest of the Department of Energy.

Now, I would suggest that that is partly responsible for the serious security problems that we have had. We have not had a person looking at security inside the NNSA.

Mr. Chairman, this amendment stops dual-hatting. It says we have to have a full-time person dealing with security; we have to have a full-time person dealing with counterintelligence, a full-time procurement officer, a full-time lawyer inside the NNSA.

I would also say to my friend from Indiana that I suggest General Gordon looks forward to the opportunity of putting his people in here so that he can have them devoted fully to the nuclear weapons complex, rather than have other responsibilities in the rest of the Department.

Mr. Chairman, this nuclear security breach at Los Alamos is a very, very serious matter. Certainly, there are other proposals to deal with it, but I think we have to be very careful and be responsible in what we do. Knee-jerk reactions are not appropriate.

What the authorizers are dealing with several provisions associated with this, but we should not miss any opportunity to stand up and say, when Congress passes a law and the President signs a law, it ought to be enforced. We should not allow any administration to get away with not enforcing the law, particularly when it has such serious security consequences for our country.

Mr. Chairman, this amendment ought to be passed, and it ought to be passed strongly.

Mr. Packard. Mr. Chairman, I yield myself such time as I may consume to simply reiterate this is being done and taken care of by the authorizers both in the House and in the Senate. Let us leave it to them to do it.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from Kansas (Mr. Ryun).

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

Mr. Ryun of Kansas. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 532, further proceedings on the amendment offered by the gentleman from Kansas (Mr. Ryun) will be postponed.

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

For the benefit of the Members, I believe this is the last business before we call for the series of votes. I am not aware of any other amendments, but I do have a gentleman from Michigan (Mr. Knollenberg), a member of the subcommittee, for a very short colloquy.

Mr. Knollenberg. Mr. Chairman, I report to the gentleman that today it was emphasized to me that the Department of Energy is readying a “Power Scorecard” that disparages energy produced by nuclear means, coal and natural gas. I ask that as we move forward to and through the conference that the matter be investigated and addressed, if necessary.

Mr. Packard. Mr. Chairman, reclaiming my time, I appreciate the gentleman bringing that to our attention, and we will certainly look at the issue as we go into conference; and hopefully, we can resolve it.
The Chair will reduce to 5 minutes the time for any electronic vote after the time for any electronic vote after an amendment by Mr. R YUN of Kansas.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been ordered.

The vote was taken by electronic device, and there were—ayes 71, noes 356, not voting 7, as follows:

[AYES]—71

[NOES]—356

The result of the vote was announced as above recorded.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Pursuant to House Resolution 532, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken on each amendment on which the Chair has postponed further proceedings.

The Chair will reduce to 5 minutes the period of time within which a vote by electronic device will be taken on each amendment on which the Chair has postponed further proceedings.

The Clerk will redesignate the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been ordered.

The vote was taken by electronic device, and there were—ayes 176, noes 249, not voting 9, as follows:

[AYES]—176

[NOES]—249

The result of the vote was announced as above recorded.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Pursuant to House Resolution 532, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken on each amendment on which the Chair has postponed further proceedings.
Mr. KUCINICH changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

[No. 339] AYES—393, noes 33, not voting 8, as follows:

AYES—393

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Mr. KUCINICH changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

[No. 339]

AYES—393

Mr. KUCINICH changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

[No. 339] AYES—393, noes 33, not voting 8, as follows:

AYES—393

Mr. KUCINICH changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

[No. 339] AYES—393, noes 33, not voting 8, as follows:

AYES—393

Mr. KUCINICH changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

[No. 339] AYES—393, noes 33, not voting 8, as follows:

AYES—393
SO the amendment was agreed to.

The result of the vote was announced as above recorded.

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Mr. MEEHAN changed his vote from "aye" to "no."

Mr. BOEHLERT and Mr. ENGLISH changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Mr. PACKARD, Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. PEASE) having assumed the chair, Mr. BARRETT of Nebraska, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4733) making appropriations for energy and water development for the fiscal year ending September 30, 2001, and for other purposes, had come to no resolution thereon.

AMENDING INTERNAL REVENUE CODE TO REQUIRE 527 ORGANIZATIONS TO DISCLOSE POLITICAL ACTIVITIES

Mr. HOUGHTON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4762) to amend the Internal Revenue Code of 1986 to require 527 organizations to disclose their political activities.

The Clerk read as follows:

Section 1. Required notification of section 527 status.

(a) In general.—Section 527 of the Internal Revenue Code of 1986 (relating to political organizations) is amended by adding at the end the following new subsection:

"(i) Organizations must notify Secretary that they are section 527 organizations."