

railroads; and airport and seaport rehabilitation. Of vital importance is the Corp's work with the Coalition Provisional Authority, the U.S. State Department, and U.S. engineering societies that help Iraqi engineers gain knowledge lost during the last 30 years.

Mr. Speaker, I wholeheartedly support this conference report and urge my colleagues to do the same.

Mr. MATSUI. Mr. Speaker, I rise today in support of the Conference Report on H.R. 2754, the Energy and Water Development Appropriations Act for fiscal year 2004. As this Congress is well aware, my district of Sacramento, CA, is the most at-risk river city in the Nation. Situated at the confluence of the American and Sacramento Rivers, Sacramento has narrowly escaped certain disaster twice over the last two decades. My number one priority as a Member of this body has always been to put an end to this grave public safety risk and to provide my constituents with the flood protection they both need and deserve. I am happy to say this bill will do just that. In fact, in the eyes of Sacramento, the passage of this bill is an historic moment.

A major flood along the American River would cripple this economy, causing between \$7 and \$16 billion in direct property damages and likely result in significant loss of life. The Sacramento floodplain is home to half-a-million people, 5,000 businesses providing 200,000 jobs, 160,000 homes, 1,300 government facilities including the State Capital, over 100 schools, six major hospitals, 26 nursing homes, three major freeways systems, and a regional economy that supports over one million people.

For almost as long as Sacramento has been at risk of a catastrophic flood, there has been a dispute over how to resolve the issue. Earlier this year, my colleague JOHN DOOLITTLE and I reached an agreement that moves forward the two most pressing issues for Northern California: flood control and water supply. This bill contains that agreement and successfully addresses both of those issues for the indefinite future.

I would like to take a moment and recognize the tremendous efforts that have made this possible. Without the leadership of Chairman HOBSON and Ranking Member VISCOSKY of the Energy and Water Appropriations Subcommittee and Chairman YOUNG and Ranking Member OBERSTAR of the Transportation and Infrastructure Committee Sacramento would still be fighting for incremental flood control projects. Their recognition of Sacramento's dire flood control situation advanced this solution. On behalf of my constituents, thank you.

More specifically, this bill provides for the construction of the Folsom Dam Mini-Raise. This is the crowning project in a series of vital flood control improvements and surpasses the region's long held goal of reaching 200-year level protection. By raising the existing Folsom Dam seven feet, Sacramento's flood control system will be able to weather a storm 50 percent larger than anything in the recorded history of the watershed. In addition, the project provides a new permanent bridge to replace the Folsom Dam Road, which was closed in February due to security concerns, and for ecosystem restoration on the lower American River. Congressional approval of the Mini-Raise benefits the entire Sacramento region, by addressing not only the area's flood control needs, but also ecosystem restoration, trans-

portation issues and Homeland Security needs.

I am grateful for the continued Federal assistance that Sacramento has received throughout the years to bring us to this moment. That commitment is evident in this bill and will ensure that those living and working in the region will be kept out of harm's way.

Mr. HOBSON. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the conference report.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the conference report.

Pursuant to clause 10 of rule XX, the yeas and nays are ordered.

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

CONFERENCE REPORT ON H.R. 6, ENERGY POLICY ACT OF 2003

Mr. TAUZIN. Mr. Speaker, pursuant to House Resolution 443, I call up the conference report on the bill (H.R. 6) to enhance energy conservation and research and development, to provide for security and diversity in the energy supply for the American people, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. LAHOOD). Pursuant to House Resolution 443, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of November 17, 2003, Book II.)

The SPEAKER pro tempore. The gentleman from Louisiana (Mr. TAUZIN) and the gentleman from Michigan (Mr. DINGELL) each will control 30 minutes.

The Chair recognizes the gentleman from Louisiana (Mr. TAUZIN).

GENERAL LEAVE

Mr. TAUZIN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and insert extraneous material into the RECORD on H.R. 6.

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

There was no objection.

Mr. TAUZIN. Mr. Speaker, I yield myself 4 minutes.

Mr. Speaker, there may be no other bill the House considers this year or next that will benefit America more than H.R. 6, the Energy Policy Act of 2003. Let me tell my colleagues what this conference report is about. It is about America's energy security, America's energy reliability, and it is about American jobs.

First, Mr. Speaker, apart from homeland security and defense appropriations, this bill will do more for the security of our country than any legislation that we will consider in a long time. The Middle East remains one of the most dangerous corners of the world, and our heavy dependence upon oil from that region simply cannot continue. That is why H.R. 6 removes the

artificial impediments to domestic oil and gas exploration and development. That is also why the bill takes a 21st-century approach to energy by investing literally billions of dollars into research and technology to promote non-conventional sources of power.

I am pleased, in particular, that we have followed through on President Bush's request to fund the FreedomCar initiative. If hydrogen cars are the wave of the future, and they may well be, then 20 or 30 years from now, people will look back on the investments we make in this conference report as the genesis for zero-emission, highly efficient vehicles. We also make enormous strides in the area of conservation and efficiency. Indeed, according to the American Council on an Energy Efficient Economy, the provisions of this bill in these areas will eliminate the need for 294 new 300-megawatt electricity plants by the year 2020. That is real conservation.

Next, Mr. Speaker, the conference report is about energy reliability. We can have all of the oil, natural gas, coal, and renewable energy in the world; but it does not do us any good if we cannot get the energy to America's families and businesses. Two years ago, we witnessed rolling blackouts in California. And, of course, just 3 months ago, we saw some 50 million Americans in much of the Northeast and Midwest crippled by power failures that could cost the economy billions and billions of dollars. These blackouts are intolerable in the year 2003. We simply cannot permit this. And so we have adopted consensus-based reliability standards that have been negotiated over the past several years.

We have included transmission incentives to build new transmission systems. We have new provisions on siting to make sure we can improve transmission facilities. And we have eliminated artificial barriers to new investment in the electricity grid by repealing the old Public Utility Holding Company Act. In short, when the provisions of H.R. 6 are fully deployed in the marketplace, the American people will be able to count on a stronger, more reliable electricity system.

Finally, H.R. 6 is about jobs. We estimate this conference report will create upwards of 800,000 new jobs, not to mention preserving valuable jobs in manufacturing, construction, agriculture, and technology that are frankly being lost today because of the high energy prices in our society. Here is how: the construction of the new Alaska natural gas pipeline will create some 400,000 direct and indirect jobs. Investment in clean coal technologies will create 40,000 new jobs and 10,000 white collar jobs in math, engineering, physics, and science. The new renewable fuel standard could create as many as 214,000 new jobs alone. Incentives for the solar industry will create 20,000 new jobs.

Mr. Speaker, the list goes on and on. The point is that through a combination of removing barriers to energy

production and making sound, enlightened developments in America's energy future, we will do more for the American economy than virtually any other legislation we consider in the 108th Congress. Our economy is recovering. This bill makes it certain.

I urge my colleagues to vote in favor of this conference report, for America's security, for America's energy reliability, and for American jobs.

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

Mr. DINGELL. Mr. Speaker, I yield myself 3 minutes.

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

Mr. DINGELL. Mr. Speaker, we have before us a highly partisan project, written in secret and kept from the light of day just like the Cheney task force. The result speaks for itself. And when you lift the lid, like lifting the lid on a garbage can, you get a strong smell of special interest provisions.

There are some worthy titles and some worthy items, but they are much submerged in the special interest provisions of this legislation. The conference report does include consensus electric reliability provisions that the Democrats have supported, but the report will probably handcuff the Federal Energy Regulatory Commission's ability to prevent future blackouts. It repeals the Public Utility Holding Company Act of 1935 with its consumer and investor protections. It favors certain utilities and other special interests. It preempts State and local authorities on transmission line siting decisions.

The conference report shortchanges our rivers and conservationists as well. It tilts the relicensing process in favor of utilities by giving them special rights and procedures not afforded to other parties who have interests in these same uses of special public resources, such as the States, the Indian tribes, the sportsmen, or the conservationists.

One of the more troublesome aspects of this report is its direct assault on the Nation's safe drinking water supply. It weakens the Safe Drinking Water Act. It forces State and local taxpayers to pay billions of dollars to clean up the MTBE manufacturers' mess and requires taxpayers, not polluters, to pay for the cleanup of contamination caused by leaking underground storage tanks, even when the responsible party can afford to pay.

The bill contains a number of provisions which are not included in either bill and on which there is no legislative record at all, including significant Clean Air Act rollbacks. The conference agreement includes even worse provisions outside the jurisdiction of the Committee on Energy and Commerce. For example, the tax subsidies alone will cost about \$23 billion compared with the President's request of \$8 billion, but I note there are no complaints from the administration which regularly objects to smaller amounts

being spent for education, health care, or for our Nation's veterans.

The bill was conceived in a secret, one-sided process; and, as a result, flawed provisions are obvious to all who would observe. I must oppose this legislation and urge my colleagues to do likewise. This is a bad bill. It is a special interest bill. It does not help the people. It takes care of the special interests, and it is not going to save or emancipate this country with regard to the energy demands that we confront.

I urge a "no" vote on the legislation.

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

Mr. TAUZIN. Mr. Speaker, I am honored to yield 1½ minutes to the distinguished gentleman from North Carolina (Mr. BURR), vice chairman of the Committee on Energy and Commerce.

Mr. BURR. I thank the gentleman for yielding me this time.

Mr. Speaker, I want to briefly address the electricity transmission and reliability provision that is included in this conference report. Both the Clinton and the Bush administrations cited the need to attract new investment in the transmission sector as an integral component for modernizing our electricity delivery system. The evolution of our system demands an electricity grid that is reliable, secure and robust, all qualities that are essential in a 21st-century economy. However, our electricity transmission system today remains overburdened, outdated, and underfunded.

According to industry observer Eric Hurst, transmission investment over the past 25 years has declined at a rate of \$115 million per year. Hurst further indicates that there needs to be an investment of at least \$56 billion in the transmission sector to upgrade existing lines and add additional capacity in order to meet existing peak electricity demands. In its current projection, however, the industry will only spend \$3 billion each year during the next decade on upgrades.

Working with my good friend, the gentleman from Maryland (Mr. WYNN), we drafted the Interstate Transmission Act of 2003, which would require FERC to adopt transmission rules to promote capital investment in the system, improve the operating system, and allow for returns to investors reflecting financial, operational, and other risks inherent in transmission investments.

I am pleased to say that this final conference report incorporates a tremendous move forward on our transmission infrastructure. I urge my colleagues to support this legislation.

Mr. DINGELL. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Colorado (Ms. DEGETTE).

Ms. DEGETTE. Mr. Speaker, the United States needs an energy policy for the 21st century. We need to reduce our reliance on Middle East oil and increase our energy independence. Unfortunately, this Republican conference report completely fails to do any of this.

We need an energy policy for 2003, but the plan we have before us was designed for 1973. The authors of this plan act as if reliance on foreign oil, climate change, and the need for energy conservation are of no consequence. The plan gives billions of dollars to the oil and gas industries so that our Nation will continue to rely on the Middle East for petroleum.

It does nothing to encourage energy conservation. It does nothing to reduce greenhouse gas emissions. It does nothing to encourage investment in renewable energy, a technology that was new and exciting in the 1970s and, with proper congressional support, could finally be part of our energy infrastructure in the future.

It is our duty as Congresspeople to lead and not follow. Sadly, this conference report is not forward-looking. I must vote "no" on this energy bill because it is nothing more than a whole lot of yesterday.

Mr. TAUZIN. Mr. Speaker, I am pleased to yield 1 minute to the distinguished gentleman from Illinois (Mr. SHIMKUS), a member of the committee.

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

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

Mr. SHIMKUS. Mr. Speaker, I would like to thank the chairman of the committee for giving me a once-in-a-lifetime opportunity, and that is to serve on this conference committee that is now reporting this bill. This is a bill that has been debated since I have been a Member of Congress going on my 7th year, numerous hearings, numerous markups, and now we have a chance to do what we need to do. Diversify our electric energy portfolio, making sure that nuclear power, coal power, and hydroelectric power are all part of the mix, along with renewables. We also get a chance to adjust the crisis of importation of foreign oil with a 5 billion gallon renewal requirement primarily using ethanol. Soy beans also has a big seat at the table with improvements there that will help use homegrown fuels to help decrease our reliance on foreign oil.

This is a bill that I am proud to have a chance to serve on the committee and the conference report. I think it is something that I will be able to tell my kids in many years to come that I was proud to serve in the House of Representatives and be a part of this conference report that addresses the first energy bill legislation in decades on the floor of the House.

Mr. DINGELL. Mr. Speaker, I yield for the purpose of making a unanimous consent request to the distinguished gentleman from Massachusetts (Mr. OLVER).

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

Mr. OLVER. Mr. Speaker, I rise in opposition to the conference report on this bill before us.

The energy bill before us today fails to provide a realistic sustainable energy plan for America's future. Instead, the bill includes environmental rollbacks, threatens public health, weakens key consumer protections against electricity market manipulation, and gives out billions of dollars in subsidies to the fossil fuel and nuclear industries. In addition, this bill missed nearly every opportunity to increase renewable energy development and energy efficiency.

The rollbacks of two of our most fundamental environmental laws—the Clean Air Act and the Clean Water Act are terrible environmental policy.

This bill would allow more smog pollution for longer than the current Clean Air Act authorizes by allowing areas with the worst air pollution to have more time to cleanup without having to implement stronger air pollution controls.

This bill exempts all oil and gas construction activities, including roads, drill pads, pipeline corridors, refineries and compressor stations from having to control storm-water runoff, as is currently required under the Clean Air Act.

Early estimates on this bill show at least \$25 billion in subsidies to the oil, coal, gas, and nuclear industries. Some estimates tally over \$100 billion in giveaways to the “dirty fuel industry” including over \$6 billion in tax credits for nuclear power companies, and \$1.1 billion to build a new nuclear reactor in Idaho. It is reckless and irresponsible policy to promote new nuclear power production when we have yet to develop a safe way and place to dispose of the high-level nuclear waste we have already created.

By comparison, the renewable energy industry received only crumbs—a piddling \$3–6 billion for solar, wind, geothermal, and biomass development. The Renewable Portfolio Standard included by the Senate, which would have required utilities to generate 10 percent of their power from renewable sources by 2020, was struck from the bill.

Tragically, this bill is a missed opportunity for job creation. The Tellus Institute estimates 1.3 million jobs could be created in the renewable energy sector. Instead, this bill only ensures we will continue to lose our technological edge in the global renewable market to countries like Denmark and Japan.

What we needed was a bill to decrease our dependence on foreign oil and strengthen our national security, but this bill won't conserve a drop of oil. We need to protect our consumers, our public lands and our public health, but instead this bill weakens protections. We needed to give a boost to the renewable energy sector, but instead this bill is a kickback to the fossil fuel industry.

I urge a “no” vote on this irresponsible legislation.

Mr. DINGELL. Mr. Speaker, I yield 2 minutes to the distinguished gentlewoman from California (Mrs. CAPPS).

Mrs. CAPPS. Mr. Speaker, I thank my colleague, the ranking member, for yielding me this time.

Mr. Speaker, it must be close to Thanksgiving because this bill has the energy industry doing a lot of thanking and taxpayers doing a lot of giving.

Odd couple Jerry Taylor of the Cato Institute and Dan Becker of the Sierra

Club together call this energy bill “three parts corporate welfare and one part cynical politics.” They are absolutely right.

For our colleagues to consider themselves friends of the environment, I note the following: This bill drills holes in the Clean Water Act, the Safe Drinking Water Act, NEPA, and the Coastal Zone Management Act. It reverses a long-standing polluter pays principle by forcing taxpayers to clean up leaking underground storage tanks. It is clearly the most anti-environmental bill in a long time.

As for my colleagues who say they are concerned with wasteful government spending and heavy-handed government mandates, this bill's \$23 billion of tax provisions are triple the administration's proposal. They shovel billions in taxpayer-funded subsidies to wealthy corporations. The cost of the bill could be as high as \$135 billion in new government spending, industry subsidies, and mandates increasing consumer prices for gas and electricity. So much for fiscal discipline.

May I cite, Mr. Speaker, one set of provisions which epitomizes the bill's failures. This bill grants liability protection for MTBE producers responsible for polluting groundwater in virtually every State, leaving harmed communities saddled with billions in cleanup costs. Supporters claim it is fair to protect producers from liability since Congress mandated its use in the Clean Air Act, but there is no mandate for MTBE. And, in fact, nearly 100,000 barrels were added to gasoline a year before the Clean Air Act regs were issued.

It is also a fact that manufacturers knew MTBE would get into groundwater and that it would render groundwater unusable. Adding insult to injury, the bill provides these same companies with \$2 billion, that is \$2 billion worth, to help them get out of the MTBE business. What a ripoff. And this is just one example.

I urge my colleagues to give their constituents something to be thankful for this holiday season. Vote no on this turkey.

Mr. Speaker, it must be close to Thanksgiving because the energy industry is doing a lot of thanking and taxpayers are doing a lot of giving in this bill.

Odd couple Jerry Taylor of the Cato Institute and Dan Becker of the Sierra Club call the energy bill “. . . three parts corporate welfare and one part cynical politics.” They call it “a complete waste of energy” and say the “1700 page bill fails to address the fuel and power needs of the average American.”

They are absolutely right!

For my colleagues who fashion themselves as friends of the environment I would note the following extremely troubling provisions:

The bill seriously weakens the Coastal Zone Management Act, the Federal law that States use to manage development and preservation of coastal resources. The bill limits States' roles in weighing in on oil and gas proposals and fasttracks the decisionmaking process. I would note that it was CZMA that California

successfully used in forcing the termination of 36 undeveloped leases off the coast.

The bill provides major incentives for energy development in sensitive coastal areas. It also permits coastal States to spend so-called “impact assistance” funding, which is supposed to be designed to promote environmental protection, on activities that could further damage sensitive coastal areas. There is nothing in the bill to prevent a coastal State from spending most of all of their allocation on environmentally damaging infrastructure construction projects, including roads, ports, or jetties. The money made available under this section for areas impacted by offshore oil and gas development should be used to prevent and mitigate environmental damage; not create more.

The bill also contains a provision to assign unilateral permitting and regulatory authority to the Secretary of Interior for all energy-related industrial facilities within the Outer Continental Shelf, including those under areas long protected by executive and Congressional moratoria. Under the bill, all leasing, permitting, and regulation for a broad range of unidentified “oil and gas related” projects, including offshore Liquefied Natural Gas (LNG) facilities, would be expedited through the use of one-stop permitting under the sole authority of the Secretary of Interior. California is presently facing two proposed offshore LNG terminals and gasification facilities off the coast of Malibu and Oxnard, and several other LNG proposals elsewhere along its coastline. California's local communities and the State of California would be stripped of important jurisdictional oversight over such projects if this bill were approved. Industrial projects in our coastal waters must not be allowed to circumvent existing laws that ensure protection of environmentally and economically sensitive coastal and marine areas.

The Leaking Underground Storage Tank program ensures that polluters clean up the damage caused by leaking tanks. But the energy bill violates this longstanding “polluter pays” principle by forcing taxpayers, rather than polluters, to pay for cleanup of contamination from these leaking tanks. This provision wasn't included in either the House or Senate bill.

The bill excludes deals between energy companies and tribes from National Environmental Protection Act, the Federal law that insures energy projects meet environmental and public health standards. It also requires the Department of Interior (DOI) to act as an enforcer for energy companies in their deals with tribes to make sure the tribes live up to the agreements. Unfortunately, there is no similar DOI oversight of energy company obligations to the tribes.

The Clean Air Act classified cities by their level of pollution, with dirtier cities given longer time to clean up their air, but also being required to adopt tougher anti-pollution standards. If an area fails to clean its air up by the statutory deadline, the area is “bumped up” to a higher classification, meaning it gets more time to meet their standards, but it has to institute stronger pollution controls. The energy bill will allow these polluted cities extended deadlines for achieving healthy air, but without “bumping up” the city. This means cities with dirty air won't have to clean up for a long time. And people living in these cities—and people living downwind—will suffer longer from dirty air and its damaging health effects.

The bill undermines the Clean Water Act by giving oil and gas companies a permanent exemption from pollution control requirements, like obtaining a permit to control polluted stormwater runoff caused by construction activities at drilling sites. But the industry already has a temporary exemption for small sites and EPA is now studying this issue. There is no reason to shortcut this process.

Hydraulic fracturing is a drilling technique that injects chemicals into the ground during oil and gas development. But the bill exempts hydraulic fracturing practices from the Safe Drinking Water Act, threatening drinking water sources, public health and the environment.

The energy bill does nothing to decrease our dependence on oil. There is no increase in the Corporate Average Fuel Economy Standards (CAFE), even though 70 percent of imported oil is used in our cars. Clearly, one of the most important steps we could take to increase our energy security would be to reduce our dependence on foreign oil. Instead, we are going in the opposite direction with average fuel economy on the decline and Congress even giving tax breaks for businesses that want to buy luxury SUVs. At a minimum, the bill should encourage us to stop wasting oil. The Senate adopted a provision to reduce U.S. demand for oil by 1 million barrels per day. Yet, the conference report even leaves this minimal step out.

The bill drops provisions establishing a Renewable Fuels Standard, which would require utilities to get increasing amounts of their energy from renewable sources. Increasing utilities' use of renewables is a key step in achieving energy security for the Nation; that is why thirteen States already have or are considering setting similar goals. My own State of California has such a requirement and the utilities there tell me they have no problem complying with its provisions. The Senate supported such a provision but the House was never even given an opportunity to vote on the matter.

The bill does not contain any provisions to address global climate change, even though many have previously passed the House, or even unanimously passed the Senate. The provisions that were included in the Senate energy bill are modest steps on this important issue. They include: ensuring public disclosure of greenhouse gas emissions from large factories and power plants, creating a White House Office on Climate Policy, encouraging U.S. participation in global talks on climate change, and expanding research and innovative technology. These provisions do not create any mandatory programs to cap greenhouse gas emissions, but would lay the groundwork so we can understand the nature of this problem and begin to work on solutions.

Mr. Speaker, this is clearly the most anti-environment bill in a long time.

And for my colleagues who say they are concerned with wasteful government spending and heavy-handed government mandates, I bring the following to their attention:

The bill's \$23 billion tax provisions are triple the Administration's proposal, shoveling billions in taxpayer-funded subsidies to corporations.

The overall cost of the bill could be as high as \$135 billion in new government spending, industry subsidies, and mandates increasing consumer prices for gas and electricity.

Right now, oil and gas companies pay royalties to taxpayers for the privilege of drilling on public lands. The bill grants these wealthy industries royalty "holidays," so they pay nothing for extracting billions of dollars worth of oil and gas from public lands. The bill also changes the royalty payment programs, modeling them on pilot projects GAO says have cost taxpayers up to \$367 million annually.

The bill mandates a tripling in the use of ethanol, effectively forcing consumers on both coasts to subsidize giant Midwest agribusiness. The Energy Information Agency has indicated that gas prices could rise by 10 cents and it is likely to be even higher as the ethanol mandate will also make gas prices subject to even more variables—such as drought or other factors affecting the price of corn. In addition, a Cornell University study indicates, it takes about 70 percent more energy to produce ethanol, than the energy ethanol creates." Because much of the energy that goes into making and transporting ethanol (by truck, since it can't be sent in pipelines) comes from fossil fuel sources, this provision will do little to reduce foreign oil dependence.

While the 1700 page bill was drafted in secret, some of the pork barrel spending has begun to leak out. For example, there is one \$1 billion in subsidies for a nuclear power plant and millions in subsidies for an Alaska pipeline. But the list of pork barrel projects is certain to be long and embarrassing when it finally becomes public. Senator McCain said the bidding process reminded him of a "bazaar." So much for fiscal discipline.

Mr. Speaker, one set of provisions epitomizes the bill's failures.

The bill grants liability protection for MTBE producers responsible for polluting groundwater in virtually every State. This liability is granted even though documents unearthed in recent court cases show that manufacturers knew as early as the mid-1980's that their product would contaminate groundwater, but continued to push it.

Even when present in extremely small amounts MTBE makes water taste and smell like kerosene, rendering it unusable. This contaminated groundwater is difficult and extremely expensive to clean up, and a growing problem in hundreds of communities across the country. MTBE may also be a suspected carcinogen.

Supporters claim it is fair to protect MTBE producers from liability since Congress mandated its use in the Clean Air Act. But there is no mandate for MTBE in the Clean Air Act. In fact, nearly 100,000 barrels of MTBE were being put in gasoline a year before the Clean Air regulations were issued.

This provision leaves communities with MTBE polluted groundwater saddled with billions of dollars in cleanup costs. For example, in my district the town of Cambria recently reached a \$10 million settlement with Chevron to clean up the MTBE contamination that has ruined a good part of the town's drinking water supply. Under this bill, there will be no incentive for MTBE producers to be responsible for the damage they have caused and towns like Cambria will be left to fend for themselves.

Finally, adding insult to injury, the bill provides these same companies with \$2 billion in taxpayer funds to help these wealthy oil and gas companies get out of the MTBE business. There is absolutely no justification for this blatant waste of money.

I urge my colleagues to give our constituents something to be thankful for here on the eve of Thanksgiving. Vote "no" on this turkey.

Mr. TAUZIN. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. THOMAS), the distinguished chairman of the Committee on Ways and Means.

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

Mr. THOMAS. Mr. Speaker, first of all, I want to thank the chairman and I want to thank the Senate. Knowing the difficulty of putting a package together and being a part of it, I am very pleased that we are here on the floor today.

Mr. Speaker, despite protestations to the contrary, this country has remained dependent on foreign energy sources, leaving our Nation vulnerable to rogue nations. Mr. Speaker, Americans have faced price spikes at the gas pump and high monthly energy bills. High energy costs have closed U.S. plants and factories and laid off U.S. workers. And as recently as last summer, U.S. cities experienced blackouts resulting from problems with the energy grid. Lacking a comprehensive energy plan has left the United States susceptible to energy shortcomings and downfalls.

However, we have the opportunity today to reverse this course. Congress is poised, and I believe we are poised, to send legislation to the President that will put a balanced comprehensive energy plan in front of America's long-suffering consumers. The tax incentives included in this agreement are the most sweeping changes in energy policy in over a decade.

The plan before us today encourages the use of nontraditional energy sources, wind, geothermal, solar, and other renewable sources. This diversification will foster self-reliance and lessen dependence on foreign energy supplies. We devoted nearly 40 percent of the resources in this tax package to that effort. Additionally, today's agreement promotes the use of traditional energy sources like our abundant coal supplies but focusing them in cleaner forms.

To protect our country from experiencing further blackouts, we have devoted nearly one-fifth of the tax incentives to bettering the distribution of the United States electric and gas distribution and transmission systems.

The production incentives in this agreement will encourage the development and use of alternative fuels like biodiesel and ethanol.

Working with the Senate, we have compiled a package that promotes conservation, better reliability, and more production. This comprehensive agreement combines the best elements of the House and the best elements of the Senate bill, and it deserves and, I believe, will receive strong support. My compliments to the chairman.

Mr. DINGELL. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Virginia (Mr. BOUCHER).

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

Mr. BOUCHER. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in support of the conference agreement and urge its approval by the House. As the gentleman from Michigan (Mr. DINGELL) has said, there is much in this measure not to like. I am particularly troubled by the repeal of the Public Utility Holding Company Act and the investor and consumer protections that it contains.

My support for the bill is based on its provisions that will encourage the use of coal in many of the 1,600 new electricity-generating plants that will be built around the United States during the coming 20 years. Under current estimates, more than 80 percent of these 1,600 new units will be fueled with natural gas.

With today's natural gas prices in the range of \$5 per million Btus, homeowners who heat with gas and the broad swath of the American industry that is gas dependent are already feeling the effects. The problem will grow much worse and even threaten the health of the Nation's economy if 80 percent of all of the new electricity generators are fueled with gas as well.

To this problem there is an obvious answer. Coal is the Nation's most abundant fuel with reserves sufficient for the next 250 years. Coal generates electricity at less than one-half the cost of the fuel alternatives, and consumers get the best prices when they purchase electricity that comes from coal-fired facilities. But utilities are reluctant to use coal in new generating plants because of the high cost of installing clean coal technologies.

The bill before us contains tax provisions that will make a new generation of clean coal technology more affordable. It will encourage electric utilities to use coal instead of natural gas in many of the new electricity-generating units that will be constructed. That is a major contribution to the Nation's energy policy, and I applaud the inclusion of these provisions in the bill. And I want to commend the gentleman from Louisiana, the gentleman from Texas, and the gentleman from Michigan for their work on in measure.

Mr. Speaker, I urge approval of the conference report.

Mr. TAUZIN. Mr. Speaker, I thank the gentleman from Virginia for his comments.

Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Ohio (Mr. GILLMOR), chairman of the Environment and Hazardous Materials Subcommittee of the Committee on Energy and Commerce.

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

Mr. GILLMOR. Mr. Speaker, I thank the gentleman for yielding me this time, and I also thank him for his leadership on this issue.

I am pleased to rise in support of this energy bill conference report which will help ensure an adequate supply of energy. It has significant measures for conservation, to encourage renewable fuels, and to provide for the reliability of our electricity delivery system.

While there are a number of good things in this report, because of time I want to mention only two.

I was happy to see that two bills which I introduced earlier this session have been incorporated in the report. The first permits States to provide tax credits for the use of clean coal and renewable fuels, and those provisions will save the consumers of Ohio \$36 million.

The second is the first comprehensive rewriting of the leaking underground storage tank program since it was created. There are approximately 700,000 underground storage tanks, and as of March of this year, there have been over 430,000 confirmed releases. A strong underground storage tank program is essential to protecting our environment and our groundwater supply.

It requires that 80 percent of the money of the funds go to the States. It would require an on-site inspection of tanks every year. It requires operator training, permits red tagging of non-compliant tanks, a process that stops delivery to noncompliant tanks.

These improvements have a cost, and I am happy that the current underground storage tank program has adequate resources in it that we can provide a significant increase of funds to States to administer this program, and this bill does it.

This bill is a win-win for the environment and for those people who use our water supply, and for these two reasons and a number of others, I encourage the Members to support the conference committee report.

Mr. Speaker, I am pleased to rise in support of this energy bill conference report which will do a great deal to assure an adequate supply of energy, has significant measures for conservation, and to encourage renewable fuels, and to provide for the reliability of our electricity delivery system.

While there are many good things in this conference report, because of time, I will mention only two of those.

I was happy to see that 2 bills which I introduced earlier this session have been incorporated in this conference report. The first, H.R. 3336, permits States to provide tax credits for the use of clean coal and for the use of renewable fuels. These provisions, for example, will save the electricity consumers of the State of Ohio \$36 million.

The second, H.R. 3335, is the first comprehensive rewriting of the Leaking Underground Storage Tank Program since it was created. There are approximately 700,000 underground storage tanks in the United States containing gasoline, diesel fuel, and toxic chemicals. As of March of this year, there have been, over the years, approximately 430,000 confirmed releases from such tanks. A strong underground storage tank program is essential to protecting our environment and our ground water supply.

First it would require that a least 80 percent of all the funds collected for the Federal tank fund go directly to the States to help them with their inspection and clean up programs.

Next it would require an onsite inspection of tanks every 3 years. At the current time there is no inspection requirement, and some tanks can go as long as 10 years or more without being inspected.

It requires operator training. Most of the spills have come from improper operation of tanks.

It also permits red-tagging of non-compliant tanks. This is a process which gives the States authority to effectively prohibit delivery to non-compliant tanks.

It stops Federal facilities from exempting themselves for all Federal, State and local underground tank laws. These improvements do have a cost, and I am happy that the current underground storage tank fund has adequate resources in it so that we can provide a significant increase of funds to the States to administer this program, and this bill does that.

This bill is a win-win for the environment, for those people who use our water supply, and for those in the industry who want the support. It is a responsible program to protect our environment.

For these reasons and many more, I would urge my colleagues in the House to support this conference committee report.

Mr. DINGELL. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Illinois (Mr. RUSH).

Mr. RUSH. Mr. Speaker, I thank the gentleman from Michigan (Mr. DINGELL) for yielding me this time, and I want to thank him for his leadership on this issue as our ranking member on the Committee on Energy and Commerce, the committee on which I am proud to serve.

Mr. Speaker, I rise in strong opposition to this conference report. There are some provisions of the bill I do support. I support the ethanol provisions, and I support the very modest, yet unsatisfactory, provisions dealing with LIHEAP. However, Mr. Speaker, there is much more in this bill that I do not like, and I want to associate myself with the comments of my colleagues who argue that this bill will do irreparable harm to the environment, put consumer protections at risk, and give away billions of taxpayer dollars to large corporate interests. It continues to amaze me that the Republicans love to lecture us Democrats on the need for fiscal austerity and spending restraint; yet, they lavishly spend billions of dollars on needless subsidies and tax breaks for wealthy energy companies.

What is worse, Mr. Speaker, is that this generosity does not extend to the neediest and most vulnerable in our society. Last night during our only substantive conference committee meeting, the Republican conferees rejected my amendment that would have significantly increased funding for the LIHEAP and the Weatherization Assistance programs. Both of these Federal programs provide valuable aid to low-income homes to help them pay for and efficiently manage their energy costs. However, Republican generosity

towards energy companies did not extend to the poor, and my amendment was rejected on pure partisan party lines.

Lastly, Mr. Speaker, I want to comment on the process, the unfair process, of this entire energy bill. Last night at 8 p.m. marked the first and only time that my Democratic colleagues and I had the formal opportunity to work on this bill. My staff and I had 48 hours to read 816 pages and to dissect it, and this certainly was not time enough. This conference report was been largely drafted in secret, behind closed doors, with no input or participation from well-meaning Democrats.

□ 1530

Mr. Speaker, I take seriously the fact that I am the sole African American conferee with full jurisdiction over this bill, and I would have hoped that the majority would have been interested in my unique perspective and the perspectives of the constituents that I represent. Instead, I and others like the gentleman from Michigan (Mr. DINGELL) were completely shut out of the process. I do not take this very lightly. Furthermore, I do not think that this is how we craft a thoughtful, bipartisan energy bill.

For this reason alone, Mr. Speaker, I would urge my colleagues to reject this very one-sided, unthoughtful conference report.

Mr. TAUZIN. Mr. Speaker, I am pleased to yield 2 minutes to the distinguished gentleman from Texas (Mr. GREEN), a member of the Committee on Energy and Commerce.

(Mr. GREEN of Texas asked and was given permission to revise and extend his remarks.)

Mr. GREEN of Texas. Mr. Speaker, I thank the chairman of the committee for yielding me this time.

Mr. Speaker, this conference report before us is the first comprehensive energy bill in over 10 years, and it improves our energy security for the entire country. There is a lot of room for disagreement on energy policy, and I would have drafted the bill differently, but I strongly urge my colleagues to support this bill because it increases our energy security.

It is interesting, because we hear that people do not like energy companies. Well, they do not want to produce, they do not want to transport, they do not want to refine, whether it is electricity, gas, or oil; and what they do not want, they do not want to produce computers. What if we heard we did not want to produce computers or steel or autos? We still have to in a vibrant economy. Congress is always willing to help the steel industry that I vote for, the high-tech industry that I vote for, the aviation industry that I vote for, the agriculture industry. Yet when we hear about the energy industry, all we can say is, oh, they are just those rich companies. Well, let us look at our agriculture policy and some of our other policies.

A strong economy is not going to continue to be strong without a strong domestic energy production. This bill has a number of important incentives to improve our domestic supply of conventional energy sources. It allows for expensing of geological seismic work so we can look better for the industry. Faster depreciation for natural gas pipelines, deductions for independent oil and gas drilling activity. Royalty relief for marginal wells and deepwater wells in the Gulf of Mexico, which is where we are producing most of the energy offshore, since my colleagues in California and whoever else does not want it produced off their coast; but they do not mind driving their cars with it.

The bill makes a number of improvements in our electricity market. We are moving the national electricity market towards more what I consider a Texas model, meaning more open access to transmission systems for all power producers, leading to a competitive wholesale market for electricity. More choices and no blackouts. People wonder why MTBE producers are granted a safe harbor and grants to assist conversions. The Clean Air Act that everyone defends provided for oxygenates that included MTBE. That is why we need to deal with that, because it was required by law 10 years ago.

People wonder why MTBE producers are granted safe harbor and grants to assist in conversion of eligible facilities to new products. The reason is that oxygenates were required by the Clean Air Act because they clean our air, but the properties of oxygenates make them vulnerable in leaking tanks.

The public policy problem here is the leaking tanks and the unused tank repair money in the LUST (Leaking Tank) Trust Fund.

I also want to note H.R. 6's provision to study the Low Income Home Energy Assistance Program. Frankly, I've long-urged this, and look forward to its enactment.

It's a fact: extreme weather kills. Heat's particularly deadly. In 1999 alone, nearly 500 deaths resulted from extreme heat, while seven were attributed to cold.

The Centers for Disease Control advises that home cooling effectively protects against heat-related death and injuries. CDC suggests "exposure to air conditioning for even a few hours a day will reduce the risk of heat-related illness."

As more Americans live within urban heat domes, and move to warmer climates, LIHEAP must respect our population and health science alike.

LIHEAP now fails to reach most qualified Americans wherever they live. This stems both from inadequate funds and their apportionment.

As the Secretary undertakes this analysis, it is important that the study identified and assesses:

Biases within formula toward heating or cooling, and resulting regional effects; LIHEAP's ability to adjust as Americans move about the country; the New or Old formulas' ability to accommodate changes in energy costs; "home energy burden" as an alternative means to guide distributions; extreme tem-

peratures' effect upon human mortality and health, and LIHEAP's ability to protect at-risk Americans from these effects.

The Secretary's study offers a step toward reform. While woefully long in coming, it's an important opportunity to improve this essential program—which I welcome.

I urge my colleagues to unite in the support of energy security for our country. Millions of jobs, including manufacturing jobs are very much at stake here today.

Mr. MARKEY. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. BROWN).

Mr. BROWN of Ohio. Mr. Speaker, I thank the gentleman from Massachusetts for yielding me this time.

Mr. Speaker, America does need an energy policy, but not this one. This policy started with bad process as Vice President CHENEY himself, a former oil man, actually still on the payroll at \$3,000 a week of an oil company, Halliburton, when Vice President CHENEY convened a secret group of energy lobbyists to draft the administration's energy plan. It ended with bad process as the conference committee met last night for only the second time, and then only to take a series of party line votes and rubber stamp this bill. When we use bad process, we usually get bad product. That is why our colleague in the other body, JOHN MCCAIN, a Republican, called this conference report a "no lobbyist left behind bill."

This was a great week for lobbyists. Like the Medicare bill we will debate later this week, which throws uncounted taxpayer dollars at prescription drug companies and insurance companies, this energy bill is an early present, an early Christmas present for the oil, gas, and utility lobbyists. Mr. Speaker, \$100 billion in all, according to some estimates.

These special interest giveaways line the pockets of this Chamber's most influential lobbyists. They do so at the expense of clean air, at the expense of safe drinking water, at the expense of public health and public safety. One small, but telling, example is a last-minute addition by the other body that benefits a single New Mexico company. That company wants to build a uranium enrichment plant, and this bill exempts that plant from the customary review of the National Environmental Policy Act. Special interests favors, Mr. Speaker, and environmental rollbacks are not the way to make energy policy.

I urge my colleagues to oppose this bill. America needs an energy policy, but not this one.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LAHOOD). The Chair would remind Members it is not in order in debate to quote a Senator, except as provided in clause 1 of rule XVII.

Mr. TAUZIN. Mr. Speaker, I am pleased to yield such time as he may consume to the gentleman from Indiana (Mr. BUYER).

Mr. BUYER. Mr. Speaker, I rise in support of the conference report, and I

congratulate the gentleman from Louisiana (Chairman TAUZIN) and the gentleman from Texas (Chairman BARTON).

Mr. TAUZIN. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. UPTON).

Mr. UPTON. Mr. Speaker, I rise to engage in a colloquy with the distinguished chairman of our committee today and also with my colleague, the gentleman from Michigan from my neighboring district (Mr. HOEKSTRA).

Mr. Speaker, section 970 of title IX of the conference report includes a demonstration project that is designed to address the effect of ozone transport in southwest Michigan where projected nonattainment is the result of transported ozone across Lake Michigan. This project will assess the difficulties due to transported ozone across the lake to determine the extent of ozone transport and develop alternatives to achieve compliance apart from local controls.

I just want to be sure that the purpose and intent of the committee in this legislation is clear. Am I correct in saying that the counties in particularly our two districts in southwest Michigan, Cass County, Berrien, Van Buren, Kalamazoo, Allegan, that are not in attainment for the ozone standards due to ozone transport are included in the provision and will be eligible for the demonstration project?

Mr. TAUZIN. Mr. Speaker, will the gentleman yield?

Mr. UPTON. I yield to the gentleman from Louisiana.

Mr. TAUZIN. Mr. Speaker, the gentleman's statement is correct. That is the purpose and intent of section 970 of title IX.

Mr. UPTON. Mr. Speaker, I yield to the gentleman from Michigan (Mr. HOEKSTRA).

Mr. HOEKSTRA. Mr. Speaker, as a Member of Congress whose congressional district is adjacent to the gentleman from Michigan's (Mr. UPTON) and is also part of southwest Michigan, I am assuming that this also includes Ottawa, Muskegon, Oceana, Newaygo, Mason, Manistee, and also Kent counties; is that correct?

Mr. TAUZIN. Mr. Speaker, if they meet the terms of the section, that is correct.

Mr. HOEKSTRA. Great. I thank the chairman for this clarification of the recognition of the unique problem of the ozone transport into southwest Michigan.

Mr. UPTON. Mr. Speaker, reclaiming my time, I just want to say that our two districts in southwest Michigan share a boundary. We are a victim of transient air coming from Milwaukee, from Chicago, and Gary, Indiana. Our problem is not with the clean air. We want those communities to have clean air and to have transient clean air so that we do not have a problem on our side of the State. We are a victim. We would have to impose literally a fan to send this air someplace else without

this legislation to avoid some type of sanction that will cost tens of millions of dollars.

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

Mr. WAXMAN. Mr. Speaker, I thank the gentleman for yielding me this time.

I was amused at the comment of our colleague who said that this bill can be characterized as "leave no lobbyist behind." This is the worst special interest piece of legislation I think I have seen in almost 30 years in the House of Representatives. Do we know how much this bill is going to cost? Over \$140 billion. We give the oil, gas, coal, and nuclear industries direct grants and tax breaks; and in many cases, we give them money because we forgive them from liability for their own wrongdoing. It used to be if a polluter caused pollution, we said the polluter had to pay to clean it up. This legislation turns that on its head.

For example, with MTBE, which is an additive in gasoline that gets into our ground water, the companies are going to be forgiven for any liability, which means it shifts the costs on to the victims, the communities, to have to pay for it.

This bill might be justified if it really were a good energy policy, and it would get us away from dependence on oil and importing oil. I mean, after all, we are fighting against weapons that were paid for by Saddam Hussein from the money we paid him to bring in oil from Iraq. But it does not do that. This bill makes us more dependent on importing foreign oil.

One could say, well, if we are going to have an energy policy, we ought to be more efficient in our use of energy resources. We ought to look for alternative fuels. This bill does not do that.

What this bill does is roll back environmental protections; it rolls back the Clean Air Act, the drinking water law, the Clean Water Act. It allows our coasts to be attacked by the oil and gas companies for exploitation. This is a bill that is really a giveaway. And I think it is a sad result of a process that was tainted, because the process was Republicans meeting with other Republicans behind closed doors figuring out what the policy ought to be. It is the same thing that happened with the origin of the bill when Vice President CHENEY had a task force where he only met with the energy producers, would not even meet with the environmentalists, and then came out with recommendations that really favored Enron and some of these other energy corporations.

So I think that we ought to reject this legislation. I urge my colleagues to defeat it. I will certainly vote against it. From California's perspective, it is particularly harmful, because we were gouged by the energy wholesalers and with electricity rates, and we get no relief from this legislation. In fact, I think a lot of the energy elec-

tricity provisions are going to cause the problem we had in California to be a problem that will be experienced elsewhere around the country while some of these oil companies get richer.

Mr. TAUZIN. Mr. Speaker, I am pleased to yield 1 minute to the distinguished member of our committee from the great State of Nebraska (Mr. TERRY).

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

Mr. TERRY. Mr. Speaker, I want to thank the chairman for his persistence on this bill. There was a time in conference when passage of this bill looked bleak, but he made sure that it passed. I want to thank the last speaker too, because I too care about energy dependence and our dependence on foreign oil, and I wish that we would have had provisions that allowed us to use more of our own domestic resources. But the people I hear from the other side that talk about energy dependence are the ones that barred us from using public lands.

But let us talk about some of the good things in here that do allow us to be more independent: more use of ethanol; fuel cell for auto technology, \$2.1 billion authorized for this new innovative technology; distributive power of fuel cells where we help offset the incredibly high cost of using this new technology; Energy Star program expanded, with a \$2,000 tax credit to homeowners that upgrade their windows and doors and other things for their house to become more energy efficient; electrical transmission high capacity wires are used. There is so much in here to reduce our dependence on foreign oil. It is a great bill.

Mr. MARKEY. Mr. Speaker, I yield 2 minutes to the gentleman from California (Ms. ESHOO).

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

Mr. Speaker, I rise in opposition to this conference report. It rewards a huge group of energy interests but, for most Americans and my constituents, it offers nothing but higher prices, higher deficits, dirty air, and increased national security risks.

There are \$23 billion in tax benefits for the energy sector. These costs will be directly added to the national credit card. So hold on, Americans. You are getting a big bill.

The costs of the tax provisions, plus other mandates, siphon \$137 billion from American consumers and our economy. The bill forces consumers to buy high-priced ethanol, regardless of whether it is needed to improve air quality. California is a good example for this.

The bill provides liability protection for MTBE producers whose product contaminates water supplies. I know that; I am a Californian. We found that out directly. It gives MTBE producers a \$2 billion transition fund to help them find a new line of work.

The bill also fails to increase fuel economy standards for cars and SUVs, and refuses to close the \$100,000 loophole that you can drive a Peterbilt truck through. It was on the front page of *The Washington Post* about 10 days ago.

This bill fails to address malfeasance in the electricity industry and, in fact, scraps decades-old consumer protection laws. It promotes deregulation in some areas of the country, and it overrides the role of State public utility commissions, while giving some States, particularly the State of Texas, surprise, surprise, special treatment under the law.

This bill is all about the past, and it embraces the mistakes of the past. It is a yesterday bill instead of a tomorrow policy. I cannot support it, and I urge my colleagues to vote against the conference report. It is a jewel in the crown of those of this administration, particularly the President and the Vice President, whose former profession is celebrated in this bill.

Mr. TAUZIN. Mr. Speaker, I am pleased to yield 1½ minutes to the distinguished gentleman from the great State of Louisiana (Mr. MCCRERY), a member of the Committee on Ways and Means.

Mr. MCCRERY. Mr. Speaker, I rise in strong support of the conference agreement on H.R. 6, particularly title XIII, the Energy Tax Policy Act of 2003.

□ 1545

Since beginning work on this bill in the Committee on Ways and Means more than 30 months ago, my goal has been to create legislation which, in fact, looks forward to the promise and potential of conservation and renewable fuels but recognizes that for the foreseeable future traditional fossil fuels will continue to provide the vast majority of our energy supplies. Our tax policy must also address bottlenecks in the distribution chain, which gets energy to where it is needed, when it is needed.

The tax title of this agreement is a success on all accounts. It extends the current law incentives for the production of electricity from wind and adds several new renewable energy sources, including production from open-loop biomass.

It will encourage automakers to develop more fuel-efficient cars and trucks. It will help promote the use of fuel cells, by both businesses and individuals, as a clean source of power which reduces the load being carried on our already strained transmission grids.

It repeals the 4.3 cent surtax currently charged on rail and barge fuel taxes. It improves the reliability of the energy system by encouraging investment in electric transmission lines, something we hope will prevent another blackout like the one which hit the Northeast in August.

It will extend and expand proven tax incentives for producing oil and gas

from nonconventional sources. It encourages investment in technologies which turn coal into electricity more efficiently and with lower emissions.

Finally, it contains incentives which will be of particular benefit to the construction of a pipeline to bring natural gas from Alaska to the lower 48 States.

Mr. Speaker, I urge all the Members to support this very good, comprehensive energy bill.

Mr. MARKEY. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. ENGEL).

Mr. ENGEL. Mr. Speaker, I thank my colleague from Massachusetts (Mr. MARKEY), and I rise in disapproval of the bill. I am very disappointed in this bill. America faces real problems with its energy needs. We need to reduce our dependence on foreign oil. But instead of pursuing the program of energy efficiency, we here have a bill that pursues the policy of political payback to Republican friends and corporate welfare.

The bill takes us back in time by weakening the Clean Air Act and the Clean Water Act. Why would we do this? Why are we letting polluters make policy? Why, when we have made so much progress, would we go back to weaker standards? I think we all know the answer: Because oil and gas companies find it cheaper to pollute and push off the real cost of their activities to the real people of this country. The citizens will pay more for cleanups and, even more disturbing, will pay more for health care costs, for more asthma treatment, and more for cancer treatment, more for everything.

I must also say that the ethanol special interest subsidies in this bill are shameful and talk about special interests subsidies, special interest industry tax breaks. This bill has ballooned from the President's \$8 billion tax cut proposal, up from the House's \$16 billion tax cut proposal, to a whopping \$23.5 billion tax cut proposal of subsidies to the industry. Have we all forgotten the \$400 billion deficit we have right now?

I am afraid my Republican colleagues can no longer call themselves fiscal conservatives. Let us increase the debt and push it off so our children and grandchildren can pay it because we are not going to.

I, for one, am sick and tired of coddling polluters. I am sick and tired of sticking the average Joe with the cost of fixing polluters' problems. We should be concerned with conservation, with the environment, with alternate sources of energy. We should try to lessen our dependence on Middle East oil. This bill does none of that and it should be defeated.

Mr. TAUZIN. Mr. Speaker, I yield 1 minute to the gentleman from the state of New Jersey (Mr. FERGUSON).

Mr. FERGUSON. Mr. Speaker, I want to congratulate the gentleman from Louisiana (Mr. TAUZIN) and the gentleman from Texas (Mr. BARTON) on the great work that they have done on this bill, not only for the energy needs of

our country, but, indeed, for the economic needs. As our economy is coming out of recession and growing, a comprehensive energy policy is vital to continue the growth and job creation.

Mr. Speaker, I rise today to ask for a clarification regarding one technical issue of the energy bill conference report. That is an issue related to the definition of a small refiner as it appears in title XV, on Ethanol and Motor Fuels.

Under section 1501 of title XV of the conference report on the energy bill, small refineries are defined as, quote, "a refinery for which average aggregate daily crude oil throughput," unquote, is 75,000 barrels a year or less. Mr. Speaker, is it intended that this definition include refineries which refine crude oil intermediates by cracking or distillation and that have a throughput of below this amount?

Mr. TAUZIN. Mr. Speaker, if the gentleman will yield, it is my understanding that this definition is intended to include crude oil intermediate refiners, as well under the definition included in section 1501 of the conference report.

Mr. FERGUSON. Mr. Speaker, I congratulate my colleagues on a great piece of legislation.

Mr. MARKEY. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. FARR).

(Mr. FARR asked and was given permission to revise and extend his remarks, and include extraneous material.)

Mr. FARR. Mr. Speaker, our Nation's hope to be the world leader in clean energy is flushed down the drain with this bill. This bill is about old politics, old oil, old coal. It is about making us more dependent, not less dependent on fossil fuels. It is about tax breaks to the polluting companies. It is about power lines through national forests and offshore oil drilling. It is about removing State and local governments from the planning and conditioning of energy projects in their backyards. It is about opening up the coast of California for oil drilling.

The bill is a slap in the face to innovation and creativity and to alternatives. Wake up, Japan and Europe, this bill hands you the world's future for clean energy technology development. It is a sad day when the United States Congress looks at our energy future by looking in the rear view mirror.

HUNTERS AND ANGLERS AGREE: PUBLIC LANDS PROVISIONS OF THE ENERGY BILL ARE UNWISE

DEAR SENATOR DOMENICI AND REPRESENTATIVE TAUZIN: We, the undersigned organizations, represent millions of hunters, anglers, wildlife and fish professionals and commercial interests, and others concerned about fish and wildlife habitat. The Energy Bill presently in conference between the Senate and the House of Representatives contains numerous oil and gas leasing provisions that could diminish conservation measures on public lands for water resources, wildlife and fish habitats, and scenic landscapes. As you know, informed energy development does not

have to impact fish and wildlife and their habitats on public land.

Public lands are home to some of the most important fish and wildlife habitat and outdoor recreation opportunities in the nation. We urge you to resist reducing protection of the lands and waters that sustain these resources. Specifically, we are concerned about certain provisions within the Oil and Gas title of the bill that may have the effect of elevating energy development on public lands to a dominant use over fish and wildlife, water, recreation, and other multiple-use values. We believe this is both unwise and unnecessary.

Fish, wildlife, and water resources found on our public lands are extremely valuable, and are growing more so each day as private lands become developed. We urge you to ensure that these resources receive the high level of stewardship they deserve, and conservation efforts for them are enhanced, not undermined, by the Energy Bill on which you are working. Thank you for considering our recommendations.

American Fisheries Society.
American Fly Fishing Trade Association.
Campfire Club of America.
Izaak Walton League of America.
North American Grouse Partnership.
Pure Fishing.
Trout Unlimited.
Wildlife Management Institute.
American Sportfishing Association.
International Association of Fish and Wildlife Agencies.
Mule Deer Foundation.
Orion the Hunters Institute.
The Wildlife Society.
Wildlife Forever.

WHY CALIFORNIANS SHOULD OPPOSE THE ENERGY BILL

The Energy bill provides plenty of reasons for opposition. It tramples states rights, punches holes in the Clean Water Act and Safe Drinking Water Act, gives away billions of dollars in special interest pork, and establishes massive pro-pollution subsidies and incentives. It does all this while doing nothing to address the nation's dependence on oil or the threat of climate change.

Californians, in particular, appear to be targeted by this bill. The energy bill lays the groundwork for drilling off the California coast. In fact, one provision would authorize the federal government to issue easements for activities supporting oil exploration and development off the California coast. The bill tilts management of public lands in California toward energy production. The bill requires Californians to provide hundreds of millions of dollars in subsidies to ethanol producers in the Midwest each year. It shields oil companies from liability for having to clean up California groundwater that they are responsible for contaminating. It slants the relicensing of hydroelectric projects in California towards the energy industry by excluding the state, cities, businesses, and Indian tribes from participation in the new relicensing process. And the bill fails to address any of the Enron-style market manipulations that cost California consumers billions of dollars.

The following is a more detailed explanation of some of the reasons Californians should oppose this energy bill.

The Energy Bill Protects MTBE Producers from Liability for Groundwater Contamination.—House Energy and Commerce Committee Chairman BILLY TAUZIN has vowed that the final energy bill will contain a provision that provides liability protection for the producers of the gasoline additive methyl tertiary butyl ether (MTBE). MTBE has been linked to contaminated groundwater

supplies throughout the country, and it will cost billions of dollars to clean it up. California has been affected more than any other state. For example, in Santa Monica, 75% of the drinking-water wells are now unusable because of MTBE contamination; in South Lake Tahoe, one-third of the city's 34 drinking water wells have been shut down because of MTBE contamination; and in Los Angeles, San Francisco, Santa Clara Valley, and Sacramento, numerous wells are affected by MTBE.

The form of liability that the bill would remove is precisely the form of liability that has successfully triggered a cleanup of the contamination in South Lake Tahoe. The MTBE liability waiver gives MTBE producers an escape from their financial and cleanup responsibilities, and instead imposes these burdens on taxpayers and local communities. For these reasons it is opposed by the National League of Cities, the U.S. Conference of Mayors, and other state and local officials throughout the country.

The Energy Bill Requires California Motorists to Provide Hundreds of Millions of Dollars in Subsidies to Midwest Ethanol Producers.—The energy bill will contain a requirement that a portion of the price of every gallon of gasoline sold in California will go to ethanol producers, which are located overwhelmingly in the Midwest. California motorists will pay for this ethanol even though in most cases the ethanol will not actually be in the gasoline they purchase. According to the American Petroleum Institute, at full implementation of the program, California would be required to purchase 556 million gallons of ethanol each year, at a cost of hundreds of millions of dollars, even if the state only used a fraction of that amount. The ethanol that California purchased but did not use would likely be used in the Midwest states.

The Energy Bill Tilts Management of 15.1 Million Acres of BLM Land in California toward Energy Production.—Sec. 349 removes the discretion of the Secretary of Interior to deny applications to drill on public lands. While the text is ambiguous, this provision may also apply to national forests. Since the establishment of the BLM, the Department of the Interior has managed BLM land for many uses, including recreation and wildlife protection. Upon receiving an application for a permit to drill, sec. 349 allows the Secretary just 30 days to determine if any additional information is necessary in order to grant the permit to drill. The Secretary is required to approve the application regardless of whether or not the application is inherently flawed. For example, a well may be sited near sensitive areas like streams or steep slopes, where drilling would have impacts that could not be mitigated. This section was in neither the House—nor the Senate—passed energy bills.

The Energy Bill Exempts the Construction of Facilities for Oil and Gas Exploration and Production from the Clean Water Act.—Sec. 328 exempts the construction of facilities for oil and gas exploration and production from the Clean Water Act. The effects in California could be significant. There were over 100 applications for permits to drill and almost 100 new wells in California in 2002. Over 70,000 acres of BLM land alone in California is in producing status. Oil and gas development also occurs on other federal lands, such as National Forests, state lands, and private lands.

The Energy Bill Opens the Outer Continental Shelf to Development Without Even Providing for Consultation with California.—Section 321 would grant very broad authority to the Interior Department to allow activities on the Outer Continental Shelf (OCS) that support energy exploration, production,

transportation, or storage. These activities could be authorized even within areas currently protected by congressional oil and gas leasing and development moratoria. This section contains no standards for issuing or revoking easements; does not require consultation with or concurrence of the Secretary of Commerce, which has jurisdiction over the living marine resources of the OCS that could be affected by these activities; and would permit industrial energy facility construction virtually anywhere on the OCS, with few exceptions. This provision does not require Interior to consult with California prior to issuing an easement, let alone involve California in the decision making process.

The Energy Bill Undercuts California's Role in Decisions That Affect Its Coast.—Section 325 undercuts the central tenet of the Coastal Zone Management Act (CZMA)—that states have a right to object to federal activities that adversely affect their coastal zones. The bill would impose unreasonable deadlines on the Secretary of Commerce in ruling on appeals filed against a coastal state's determination that a particular OCS activity is not consistent with that state's coastal zone management program. Such appeals often pose difficult and challenging issues of fact, law, and policy, and the time required to review and analyze them carefully should not be subject to arbitrary and inflexible deadlines. Although there was a bipartisan agreement that addressed this issue in the House, the agreement was discarded in favor of this new provision, which was not passed by either house of Congress. According to the California Coastal Commission: "This provision would severely restrict the ability of coastal states to exercise their right to protect coastal resources pursuant to the federal consistency review provisions of the CZMA that have been in law for more than thirty years. Section 325 would eliminate meaningful state participation in the appeal to the Secretary of Commerce of consistency decisions relative to OCS oil drilling and other federal activities by imposing unreasonable and unworkable time limitations for the processing of the appeal."

The Energy Bill Designates Rights-of-Way for Pipelines and Transmission Lines across National Forests and Other Public Lands.—Section 351 requires the Secretaries of Interior and Agriculture and other federal agencies to designate new rights-of-way across federal lands in a process that would trump traditional land management planning and environmental reviews. While the federal officials must consult with utility industries, they are not directed to involve the state government, local governments, nearby communities, or the public in this process. Once the corridors are established, the federal agencies, in consultation with utility industries, must establish procedures to expedite applications to construct oil and gas pipelines and electricity transmission lines in these corridors. As there are almost 45 million acres of federal lands in California, this provision could have effects throughout the state.

The Energy Bill Excludes California Citizens, Farmers, Small Businesses, the State, and Indian Tribes from a New Process for Hydroelectric Relicensing.—California has the largest number of FERC-regulated hydroelectric projects in the country. Over 300 dams in California are regulated by FERC. The hydroelectric title of the energy bill will exclude all stakeholders from a new relicensing process except the energy companies that own the hydroelectric projects. In this new process, the energy companies will be allowed to suggest alternatives to relicensing requirements and will be able to pursue them through a "trial-type" process that only

they can use. The potential losers are anyone that uses the water, such as municipalities or farmers, the recreation industry (fishing, whitewater), Indian tribes, and the environment. The effects to California of this provision could be substantial. Approximately 70 dams are currently being relicensed and an additional 150 dams will undergo relicensing in the next 10 to 15 years.

The Energy Bill Mandates Approval of a Transmission Line That Is Neither Necessary Nor Cost-Effective in the Cleveland National Forest.—Section 354 requires the Department of Interior and Department of Agriculture to issue all “grants, easements, permits, plan amendments, and other approvals” to allow for the siting and construction of a transmission line through the Trabuco Ranger District of the Cleveland National Forest in Southern California. This congressional approval is not contingent on any reviews regarding the need for the project or the environmental impacts of the project. San Diego Gas and Electric has already attempted to get this project approved by the California Public Utilities Commission (CPUC). The CPUC denied the project because it was unnecessary and not cost-effective to ratepayers. In its decision, the CPUC stated:

“The evidence shows that SDG&E will continue to meet their liability criteria until at least 2008, even under the conservative planning assumptions utilized in today’s analysis. Therefore, the proposed project is not needed for reliability purposes.

“Because the proposed project cannot be justified on the basis of reliability, the Commission evaluated whether the proposed Valley-Rainbow Project would provide positive economic benefits to SDG&E ratepayers and California generally. The evidence shows that the proposed project is not cost-effective to ratepayers except under the extreme assumptions that six consecutive years of 1-in-35 year drought conditions occur, all new generation available to serve California is located in San Diego or northern Baja California, Mexico, and a major transmission project (Path 15) is constructed in Northern California. Under all other assumptions, the projected costs exceed the projected benefits, thus the proposed project cannot be justified on economic grounds.”

San Diego Gas and Electric appealed this decision, but its appeal was denied.

The Energy Bill Fails to Address the Market Manipulation That Occurred in Western Energy Market.—Republican energy staff have repeatedly made it clear that there is no interest in strengthening the law to prevent the kinds of rampant market manipulation that occurred in 2000 and 2001 in California and other Western states. Although Enron’s manipulations are the most well-publicized, FERC and California have documented that other companies, such as Reliant, also blatantly worked to price-gouge consumers. By conservative estimates, California lost over \$9 billions to market manipulation. Although 193 members supported the Dingell electricity amendment, which would have prohibited Enron-style market manipulation, the Republicans have been unwilling to include any meaningful protections.

The Energy Bill Limits Competitive Liquefied Natural Gas (LNG) Imports into California.—Due in part to illegal activities by El Paso Natural Gas, which limited competition in California’s natural gas market, California endured record-high natural gas prices in 2000 and 2001. These prices in turn drove up the price of electricity from natural gas-fired electricity generation plants, costing California billions. Several LNG facilities are currently in the permitting process in California to allow LNG to be imported from

broad. These facilities should help meet natural gas demands in the state while preventing California from being so dependent on one source of gas and avoiding price gouging in the future. Sec. 320 restrains the authority of FERC to require these facilities to be “common carriers,” thus allowing the builder of the facility to have a monopoly on any LNG supplies imported.

The Energy Bill Guts California’s Ability to Review Natural Gas and LNG Pipeline Proposals Approved by Federal Regulators.—Under the Coastal Zone Management Act, California has the right to review natural gas and LNG pipeline proposals. If the state finds that the proposal is not in the best overall interest of the state, it can reject it. This decision can then be appealed to the Secretary of Commerce, who reviews the entire record—both the federal approval and the state’s rejection—in deciding the appeal. However, if Sec. 330 is enacted, the only information that would go to the Secretary would be that compiled by federal regulators, which is essentially the information supporting their approval of the project. Information supporting California’s rejection will not be part of the appeal record. The Secretary’s decision would be made from a limited record, skewed toward development and away from coastal protection.

This provision is completely unnecessary. Since enactment of the CZMA, thousands of these types of projects have been reviewed. Yet only 15 projects have resulted in appeals to the Secretary. Seven appeals decisions supported the states’ position, seven supported industry, and one was worked out to the satisfaction of all parties.

The Energy Bill Requires the Department of Energy to Examine the Feasibility of Building New Nuclear Reactors at DOE Site in California.—Section 630 requires the Department of Energy to examine the “feasibility of developing commercial nuclear energy generation facilities at Department of Energy sites in existence on the date of enactment of this Act.” The term “Department of Energy sites” is undefined in the legislation, but DOE has a number of presences in California. For example, Lawrence Berkeley National Lab (Berkeley, CA) and Lawrence Livermore National Lab (Livermore, CA) are both DOE labs. The Western Area Power Administration (Folsom, CA) is a self-contained entity within the Department of Energy, much like a wholly owned subsidiary of a corporation. The Western Area Power Administration also owns shares of major transmission lines in California.

Requires an Inventory of Oil and Gas Resources off the California Coast.—Section 334 includes a provision that was unanimously repudiated by the House and not included in the Senate bill. It requires the Interior Department to inventory the oil and gas resources of the entire Outer Continental Shelf (OCS), including the protected moratorium areas, and requires that the Secretary report to Congress on impediments to the development of OCS oil and gas, including moratoria, lease terms and conditions, operational stipulations, approval delays by the federal government and coastal states, and local zoning restrictions for onshore processing facilities and pipeline landings. This section provides a foundation for an attack on the moratoria, as well as on the rights of coastal states and local governments to have a say in offshore development and related onshore industrial development. This section conflicts with the OCS protections initiated by President George H.W. Bush in 1991 and extended by President Clinton, as well as with the bipartisan congressional moratorium that has been in place for more than two decades. This section was eliminated from the House bill by the adoption of the

Capps amendment on the House floor. At the time, both Chairman Pombo and Chairman Tauzin committed not to reinsert the language in conference. This provision was not in the final Senate bill either. It is unclear whether it will be in the final bill.

In opposing the provision the California Coastal Commission has stated: “The provision seriously undermines the longstanding bipartisan legislative moratorium on new mineral leasing activity on submerged lands of the OCS that has been included in every Appropriations bill for more than 20 years. Moreover, the Section 334 would allow for use of 3-D seismic technology that has been found to have adverse affects on marine mammals, as well as threaten the viability of commercial fishing. The effect of Section 334 is to weaken the prohibitions on development off the California coast that were first put in place in 1990 through executive order by President George H.W. Bush and then extended to the year 2012 by President Bill Clinton.”

Mr. TAUZIN. Mr. Speaker, I am honored to yield such time as he may consume to the gentleman from Texas (Mr. DELAY), the distinguished majority leader of the House, for whom this conference owes a debt great of gratitude for his help and support.

Mr. DELAY. Mr. Speaker, after a very long and important debate, the American people will finally, finally get a comprehensive energy policy worthy of the challenges that they face. Everyone on both sides of the aisle and both sides of the Capitol deserves to be commended for the tireless work that they have put into these last several weeks and, actually, the last 2 years.

The gentleman from Louisiana (Mr. TAUZIN) has done an outstanding job. We owe an incredible debt to the gentleman from Louisiana and the gentleman from Texas (Mr. BARTON), my friend from Texas, who has worked extremely hard. We appreciate the Senators that have worked on this too.

And certainly the staff, all these people have worked to finish this bill, and they have worked to give rise to the occasion and produce a creative, intelligent and comprehensive policy for the American people.

The bill addresses a host of issues without losing sight of America’s basic need for new, independent, and reliable sources of energy to support our information age economy. Today our economy is poised for a tremendous recovery with incomes rising, companies hiring, and new businesses and jobs being created. But without the energy production and distribution and security provisions outlined in this bill, the growth that we need and deserve will falter.

America needs this energy bill. Today we are too dependent on foreign oil. This bill will generate new production of energy within the United States sufficient to reduce that dependence and thereby reduce unsavory regimes’ influence over America’s economic health.

Today we are using an outdated electricity grid whose reliability has been seriously undermined by the major blackout this summer. This bill will establish new reliability standards for

that grid and improve the system by which energy can be transported from one part of the country to another. The bill makes unprecedented investments in renewable energies and alternative power sources.

So, all told, these reforms will create jobs, spur investment and competition, improve homeland security, and address the long-term energy needs of the American people.

Mr. Speaker, America is the greatest engine of freedom, security, and prosperity in the world today. And this bill will provide that engine with the fuel that it needs to lead our Nation and the world into the future. I urge all our Members to support it.

Mr. MARKEY. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. DAVIS).

Mr. DAVIS of Florida. Mr. Speaker, I agree with the previous speaker that the citizens of this country need and deserve a forward-thinking energy policy, although the bill before us fails miserably in that regard.

This bill is ultimately a waste of taxpayer's money and a waste of the consumer's dollar. The bill was tainted by the fact that it was developed by a small group of people under private circumstances, and ultimately the bill was finished in that fashion.

This was not just about Democrats and Republicans, it was ultimately about shutting out the public and, as a result, giving the private interests here in Washington a greater hand in the writing of this bill. As a result, we as a country will suffer.

There are legitimate aspects of this bill that the chairman worked hard to put in there. I support the tax incentives for more deep water drilling in the central and western Gulf of Mexico. I commend the chairman in ultimately keeping his word and not pursuing the moratorium in the eastern Gulf of Mexico. But the sum result of this bill is that we, as taxpayers, we as consumers, are by way of subsidies and by way of tax breaks in excess of \$23 billion, simply paying industries to do what they were already doing, what they already would have to do to earn a profit.

Let me just cite to you one example. This bill includes a massive, unprecedented mandate of the use of ethanol strictly to enrich certain companies, certain parts of the country at the expense of consumers throughout the Nation. The EPA and a staff white paper study some time ago estimated that this mandate could increase by as much as 15 cents per gallon today's ethanol prices.

This is simply one example of the painful price we, as consumers, will pay at the pump as a result of a reckless bill that is a waste of money and a missed opportunity to develop a forward-thinking energy policy that could have moved this country forward.

Mr. TAUZIN. Mr. Speaker, I yield 4 minutes to the gentleman from Texas (Mr. BARTON), the distinguished chair-

man of the Committee on Energy and Commerce Energy Subcommittee to whom so much of this bill holds its origin and support.

(Mr. BARTON of Texas asked and was given permission to revise and extend his remarks.)

Mr. BARTON of Texas. Mr. Speaker, I want to thank the gentleman from Louisiana (Mr. TAUZIN) for his strong leadership and excellent work in this. He is to be commended for one of the most important bills that is going to pass this Congress.

Mr. Speaker, I would like to engage the chairman in a colloquy regarding two important elements of the conference agreement subtitle A of title XV regarding ethanol and motor fuels. I note that the conference report includes authority to prohibit use of methyl tertiary-butyl ether in gasoline, or MTBE.

Mr. TAUZIN. Mr. Speaker, will the gentleman yield?

Mr. BARTON of Texas. I yield to the gentleman from Louisiana.

Mr. TAUZIN. Mr. Speaker, the gentleman from Texas (Mr. BARTON) is correct. That authority is in section 1504. It is intended that the Administrator of the Environmental Protection Agency have the authority to prohibit the use of MTBE in gasoline after December 31, 2014. Prior to this time, under section 1505 the National Academy of Sciences shall conduct a review of the use of MTBE in 2013 and 2014. This study is to inform regulations to enact the allowed prohibition on MTBE as well as to inform the President who retains power, under section 1505, to not ban MTBE.

Mr. BARTON of Texas. Mr. Speaker, I also understand that the renewable fuels definition under section 1501 of the conference report includes ethanol tertiary-butyl ether, or ETBE.

Mr. TAUZIN. Mr. Speaker, the gentleman is correct again. ETBE is included within the definition of a renewable fuel. The conference report attempts to provide maximum flexibility to the refining marketplace to achieve the goals of both the new renewable fuels requirement and, therefore, ETBE is both defined and afforded all the advantages of a renewable fuel under Title XV.

Mr. BARTON of Texas. Mr. Speaker, there are some bills that come before this body that are showhorse bills. They are full of glitz and glamour and lots of slogans and sloganeering. Some bills that come before this body are workhorse bills. They are full of common sense and solutions. This is a workhorse bill. It is full of solutions, not a lot of glitz and glamour in the bill.

If we look at our energy sources, we see that in the conventional sources, whether it is oil, gas, coal, nuclear or hydro, we have real solutions. We increase the strategic petroleum reserve for oil to 1 billion barrels. We authorize up to \$18 billion in loan guarantees to build the Alaska natural gas pipeline

for the natural gas industry. We have the most extensive set of clean coal technology credits for coal that we have ever put before this body in terms of a tax package for clean coal. We have the most fundamental reform of our hydro relicensing procedure in over 30 years. And over half of our hydroelectric dams are up for renewal in the next 5 years.

□ 1600

Those are solutions. They are not slogans.

If you look at renewables, we have unlimited authorization for credits for wind and solar power. That is a solution, not a slogan.

If you look at the new alternative fuel, hydrogen, we have the President's hydrogen fuel initiative in this bill. We have the goal of having a hydrogen-fueled car available in the marketplace by 2015. That is a solution, not a slogan.

If you look at structural reforms, turn to the electricity section of our bill; we have the most fundamental transforms in transmission we have ever had in any before this Congress in terms of electricity. We have incentives for transmission pricing. We have the creation of regional transmission organizations. We have a good compromise on participant funding, a good compromise on protective native low. Those are solutions, not slogans.

We have mandatory reliability for electricity. That is a solution, not a slogan. For the first time ever we have Federal backstop authority for siting of new transmission lines. That is a solution, not a slogan.

We turn to the environmental section of the bill. As the gentleman from Ohio (Mr. GILLMOR) has already pointed out, we have the first comprehensive form of the LUST bill, the Leaking Underground Storage Tank bill. We are actually going to require the States to go out and inspect these underground storage tanks every 3 years. That is a solution, not a slogan.

I could go on and on, Mr. Speaker; but I will simply say this: if you want a slogan, vote "no." If you want a solution, vote "yes." This is a good bill.

Mr. MARKEY. Mr. Speaker, I yield 30 seconds to the gentleman from Illinois (Mr. EMANUEL).

Mr. EMANUEL. Mr. Speaker, I thank the gentleman for yielding me time.

President Kennedy once said, To govern is to choose. And we are now about to spend \$23 billion on tax credits for the energy industry. With \$1.8 billion we are spending on clean coal, we could raise the maximum Pell grant benefit to \$4,500, making college affordable for an additional 200,000 families. In fact, with the \$11.9 billion subsidy for oil and gas companies for production, we could even double our Nation's total investment in Pell grants. For the \$2.2 billion we are spending to develop hydrogen technologies, we could extend the \$4,000 tuition deduction for higher education for an additional year.

I oppose this bill because it is a give-away to the energy industry.

Mr. TAUZIN. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. FOSSELLA), a member of the committee.

Mr. FOSSELLA. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I want to engage in a colloquy with the chairman of the House Committee on Energy and Commerce regarding section 1211 of the conference report, which adds a new section to the Federal Power Act, entitled, "Electric Reliability Standards."

Section 1211 provides for the establishment of mandatory reliability rules for transmitting electricity. The blackout of August 14 of this year clearly demonstrates the need for such rules. Following the blackouts of 1965 and 1977, New York implemented its own reliability standards for New York City.

Any disruption in electricity in New York City can have devastating effects, as we saw, not just on the daily lives of city residents, but for the economy of the entire Nation.

It is my understanding of the new section 215, subsection (i)(3) of the Federal Power Act is not meant to prohibit State or regional entities from adopting more stringent reliability standards, such as those in effect for New York City, as long as such action does not result in lesser reliability outside the State or region than that provided by the Electric Reliability Organization reliability standards. Is that correct?

Mr. TAUZIN. Mr. Speaker, will the gentleman yield?

Mr. FOSSELLA. I yield to the gentleman from Louisiana.

Mr. TAUZIN. Mr. Speaker, the gentleman's understanding is perfectly correct.

Mr. FOSSELLA. Mr. Speaker, I thank the chairman for the clarification and his leadership in developing this important piece of legislation.

Mr. MARKEY. Mr. Speaker, how much time remains?

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman from Massachusetts (Mr. MARKEY) has 6½ minutes remaining. The gentleman from Louisiana (Mr. TAUZIN) has 5½ minutes remaining.

Mr. MARKEY. Mr. Speaker, I yield myself 5½ minutes.

Mr. Speaker, this bill is a historic failure. Our country has 3 percent of the oil reserves in the world; 75 percent of the oil reserves in the world are in the Middle East. We put 70 percent of all the oil we consume in our country into gasoline tanks. This bill does nothing about the ever-increasing percentage of the oil which we consume that goes into gasoline tanks.

It is a disservice to those 130,000 young men and women who are in the Middle East right now fighting to protect the flow of oil into the Western industrialized countries. This bill does nothing to protect against that.

This bill harms the environment. This bill will weaken the Clean Air Act, weaken the Clean Water Act, increase the number of children with asthma. Eight million have asthma today. It increases as each year goes by. Twenty-four million Americans have asthma. Other respiratory illnesses increase as each year goes by.

This bill will increase pollution. It will increase the amount of damage to the environment. It does nothing to help on the global warming issue. It is without question the single worst environmental bill of all time. And in addition to that, it gives enormous subsidies to industries across America. It gives subsidies to the oil industry, the gas industry, the coal industry, the nuclear industry. It at the same time underfunds conservation, renewables. It is a complete distortion of what the agenda for our country should be as the years move along.

With regard to fuel economy standards, this bill includes a \$100,000 subsidy for Hummers. The Senate took it out last night. But the Republicans in the House insisted that a \$100,000 subsidy for the purchase of Hummers remain in the bill. That is all you have to know about this bill, because we put 70 percent of all the oil we consume into gasoline tanks. They could not repeal it last night. They did not think there was time. Maybe we will do it next year, they said.

Well, in addition, they did not think it was the right time to do anything about air conditioning standards. We use about 70 percent of all peak electricity in the summer to put into air conditioners. Nothing in the bill on that. On computers, we have about 200 million of them in America. We could have mandated the improvement of efficiency and electricity consumption in computers. That would have saved about 30 new large coal or natural gas plants from being built. Air conditioning would have saved about 40 new plants.

There was a renewable portfolio standard mandating that utilities have to use renewable energy for about 10 percent of their electricity generation. That would have saved 156 new power plants from being built, large power plants. But the Republican majority in the House stripped that out yesterday as well. Air conditioners, Hummers, computers, renewables, all of it out that could have made a huge difference in reducing our dependence on import oil.

We import about 60 percent of all the oil we consume today. This bill does nothing about that problem. In another 10 years we will be up to 80 percent of the oil that we consume being imported. There will be irresistible pressure as generation after generation of American young men and women are sent to the Middle East to protect those oil supplies.

It is an environmental disaster. It is a public health disaster. It is an energy policy disaster. This bill on all fronts is

the worst bill to come before Congress in a generation given the challenge from Iraq in the Middle East that we are confronted with.

And on electricity, there are sensible justifications for moving at this time. There is no antifraud protection built into this bill. It actually directs the Federal Energy Regulatory Commission to raise electricity rates. And it repeals PUHCA, the Public Utility Holding Company Act, which is an invitation to Enron-like scandals, making that scandal look like child's play in the years ahead. This bill is a historic failure.

Mr. TAUZIN. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Louisiana (Mr. JOHN) who understands this is a great energy bill for America's future.

Mr. JOHN. Mr. Speaker, I rise in support of this very balanced bill, and I think that is a very important point, that this bill is about balance. I just wish that maybe this process would have been a little more balanced. But notwithstanding any of that partisanship, this bill is important.

This bill to me and to America is about jobs. This is a jobs bill. Is it a silver bullet that will help our economy? No. But this is a shot in the arm for an economy that today is in desperate need of jobs. And it will go a long way into something that we are most vulnerable to and that is energy security.

This bill is very balanced from conservation measures that deal with the demand side to the production side and from the supply.

Two items in the bill that are very important to me. I am very pleased that we have the Shallow Shelf Deep Gas legislation that I worked on with the gentleman from Louisiana (Mr. TAUZIN) to start dealing with the price of natural gas. That is about jobs.

We are losing jobs in America every day because of the cost of natural gas.

Finally, the coastal impact assistance. Louisiana and other coastal States deserve their break and their fair share. I support this legislation.

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

Mr. Speaker, like any conference report of this magnitude, as a committee chairman you cannot ever do it alone. There are far too many people to thank, and I apologize for that; but let me single out a few people.

The subcommittee chairman, the gentleman from Texas (Mr. BARTON). He has done an amazing job for this House and for this country and deserves a great deal of thanks. I want to thank my good friend, the gentleman from Michigan (Mr. DINGELL). I suspect we will not be voting the same way today, but in every step of the process he has been a gentleman. He has earned, as he always does, my great respect and admiration.

I want to thank the gentleman from Virginia (Mr. BOUCHER), a member of our committee, the ranking member on

the Subcommittee on Energy whose keen intellect is only exceeded by his desire to work for bipartisan solutions. He spoke today in favor of this bill.

I want to thank my fellow committee chairmen. We had a remarkable 10 committees of outside jurisdiction in this conference. That is without precedent. And without their cooperation we would not be here today.

Let me thank the staff. For 3 years now we have lived and breathed energy, and they have lived and breathed it with us. First of all, staff director Dan Brouillette; chief energy counsel, Mark Menezes; my own staffer, Garrett Graves; Bob Meyers, Bill Cooper, Andy Black, Jason Bentley, Sean Cunningham, Jerry Couri, Kelly Zerzan, Dwight Cates, Jim Barnette, our counsel, Kathleen Weldon, Jennifer Robertson, Jackie Lissau, Mary Ellen Grant and Peter Kiely.

These staffs burn more midnight oil than you can imagine. They deserve the great gratitude of this House and this Nation.

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

Mr. MARKEY. Mr. Speaker, I yield the balance of my time to the gentleman from California (Ms. PELOSI), the leader of the Democratic Party.

Ms. PELOSI. Mr. Speaker, I thank the distinguished gentleman from Massachusetts (Mr. MARKEY) for yielding me time. I commend him for his exceptional service to this Congress and this country on issues that relate to energy and the environment. He has been a champion for clean air, clean water, and reducing our dependence on foreign oil. The list goes on and on. We are all deeply in his debt. Indeed, everyone who breathes air and drinks water in this country is deeply in his debt.

Mr. Speaker, I came to the floor earlier today and told the story about the disgraceful Medicare bill that we will be doing later this week in which House Democrats were shut out in favor of a back-room deal.

Sadly, this energy bill is more of the same. While House Democrats were excluded from the deliberations on this bill, they were not allowed to participate in the conference. The Vice President of the United States and the Halliburton crowd had a seat at the table.

□ 1615

Republicans met behind closed doors to write this bill, shutting out House Democrats and the 130 million Americans we represent, while the special interests had special access. It is just not about the quantity, the number of Americans shut out. It also is about the diversity and the quality of the people who were shut out.

When House Democrats do not have a seat at the table, a seat is excluded to the members of our Congressional Black Caucus, our Congressional Hispanic Caucus, our Congressional Asian Pacific Caucus, our large Women's Caucus. The list goes on and on of the diversity that we have in our thinking.

The benefit of the thinking of a caucus of that diversity should not be lost in any legislation that we put forth.

Whether my Republican colleagues like it or not, that diversity represents the future, and you shut out the future from the table. That is why you have a bill that looks back. You have a bill that could have been written in the 1950s, and it is a missed opportunity.

The energy bill is almost 1,200 pages long, but Democrats were not allowed to see the text until Saturday, and here we are, 3 days later, voting on the most comprehensive overhaul of energy policy since 1992. Now that we can see the bill, we know why the Republicans wanted to hide it. It is loaded to the brim with special interest giveaways. It puts the special interest before the public interest.

Yes, there are a few table scraps thrown toward clean energy resources and technologies, but for the most part, the bill will allow big energy companies to feast on a buffet of new tax breaks. It will cost Americans more than \$142 billion over the next 10 years.

How bad is this bill? So bad that the CATO Institute, not known as a Democratic institution, so bad that the CATO Institute joined the Sierra Club in saying, in a rare moment of agreement, this bill is three parts corporate welfare and one part cynical politics.

Meanwhile, this bill does not provide the sound energy policy we need. The American people deserve an energy policy that is worthy of the 21st century, not one mired in the policies of the past, but this bill looks backward, not forward.

This bill will not reduce our dependence on foreign oil. It will make it harder to increase fuel efficiency standards. It does not adequately invest in new technologies and promote energy efficiencies. It will not protect average Americans from price gouging and fraud, and it throws environmental concerns overboard.

Just look at what this bill does to the environment. It waives the Clean Water Act for construction of oil and gas facilities. It waives the Clean Air Act in communities that are blanketed with smog, hurting millions of children. It waives the Safe Drinking Water Act to allow injection of diesel fuel into the water table, and it allows the gasoline additive MTBE to remain in use for years to come, even though it pollutes drinking water and is a suspected carcinogen. The bill even makes sure that the MTBE industry will not have to pay to clean up water it has contaminated. It has held them harmless for the damage that they do. That burden will fall on the people already suffering its effects.

Mr. Speaker, it is no accident that we are voting on this energy bill in the final days before we adjourn. The Republicans did not really want the American people nor the Members of Congress to see what was in this bill. When Americans learn what is in this

bill, they will be offended, and they will be disappointed.

This Congress had the opportunity to craft an energy policy that would boost the economy, reduce our dependence on foreign oil, clean up the environment and protect public health, but instead, we have before us an energy policy that looks to the past, not the future, and gives away huge, unnecessary tax breaks to the Republicans' special interest friends.

A vote "no" on this bill is a vote in the public interest. A vote "yes" is a vote for the special interest. I urge my colleagues to support the public interest and vote no.

Mr. TAUZIN. Mr. Speaker, I am honored to yield the balance of the time to the gentleman from Illinois (Mr. HASTERT), the distinguished Speaker of the House, a gentleman who has led our House with fairness, dignity and civility for many years now.

Mr. HASTERT. Mr. Speaker, I thank all the folks who have worked for months and years to bring this bill to fruition. During that period of time, we have seen oil prices go up and down in this country. We have seen a dependence on foreign oil of almost 72 percent of all the petroleum that comes in this country from overseas. Twenty-seven percent of that oil comes from a country called Saudi Arabia.

We have seen blackouts in this country, in California and New York. We have seen natural gas prices go up and down, but on the way up because we do not have the infrastructure, the pipelines and the grids to be able to move our natural resources and our commodities across this country.

We have the wherewithal to solve these problems. We have the ability to move our energy across this country. We have the engineering potentials. We have the engineers. We have the ability to build and solve problems, but we need the legislation to make it happen, and this legislation helps that come to a reality.

I want to rise in support today of this conference report on the Energy Policy Act of 2003. First of all, I want to thank the gentleman from Louisiana (Chairman TAUZIN) and all the House conferees for their work in producing this much-needed legislation.

I think of the problems that we have before us, and I have listened to some of the debate before about what this bill does not include. There are some things that this bill does not include. Probably some of the richest oil reserves that we have in this Nation are not included in this bill, maybe for good environmental reasons, maybe for fear that we do not have a reason to fear, but it is not in it. Maybe that is a good thing, maybe it is a bad thing, I do not know, but it is not here.

So we have to find ways to make up for it. We have to find new ingenuity, new ways, new engineering ways to find the great willpower and the science and the American people that we can find new ways to bring energy

into our homes and into the vehicles that we use to create the transportation, to move people from place to place, to move the products that creates our commerce.

America does need a fair, a balanced, and a comprehensive energy policy now and not later. It is about our peace of mind. It is about our daily security and our energy security, our economic security and even our national security.

Over the past years, Americans have experienced the effects of overburdened and out-of-date energy systems. We have seen high prices at the gas pump, staggering home energy bills, and many of our citizens have been victims of no power at all, and this has cost our Nation billions of dollars and our economy thousands of jobs.

Congress needs to act to meet this need. America must have a comprehensive energy policy that will provide access to more efficient, affordable and environmentally friendly energy. Just as important, this bill will deliver nearly a million new jobs as we update and upgrade our energy infrastructure.

The Energy Policy Act helps meet America's energy needs by improving our electricity system. Everybody here can remember the blackouts just this last year of August 14. This bill helps ensure that that does not happen again. It mandates enforceable, reliable standards that provides incentives for transmission grid improvements, and it makes it easier to site new transmission lines. These reforms, coupled with additional investment in our aging transmission system, will increase the reliability of our Nation's power grid to help future blackouts.

This bill also goes a long way toward reducing our dependence on foreign oil and increasing our dependence on homegrown, renewable fuel sources.

I am pleased that the energy policy conference report includes a renewable fuel standard. It increases the use of renewable fuels such as ethanol. This helps certainly the potential that this Nation has to find new sources and renewable sources, and one other thing that would be a great remiss if I did not mention.

The gentleman from Texas (Mr. BARTON), the chairman of the subcommittee who worked diligently, who had nothing to gain in these bills, worked hard to make sure that these provisions were in the bill. I appreciate that. He did a great job and made sure that all of the interests of this country and all of the interests of people who had the ability to do great things were included in this bill, and I thank him for that effort.

This bill also provides significant incentives for clean coal technology. Coal is vital to our Nation's economy. Fully one-half of our electricity comes from coal, and we have 250 years worth of reserves. This bill makes important investments in coal-based research and development that focuses on new technologies to significantly reduce emissions. It offers incentives for existing

coal plants to purchase advanced air pollution control equipment, and it also ensures that clean coal will continue to play a major role in America's future energy needs but will do so with vastly-reduced air emissions.

This fair and balanced bill also helps provide our future energy needs while protecting the environment. The Energy Policy Act launches the state-of-the-art programs that have emission-free hydrogen cell fuel vehicles on the road by 2020. It improves the regulations governing hydroelectric dams to allow more hydroelectric generation. It provides grants to State and local governments to acquire alternative-fueled vehicles, hybrids, and ultra-low sulfur vehicles.

Finally, it takes steps to reduce greenhouse emissions by offering financial incentives for the production of electricity from renewable and alternative fuel sources such as wind, solar, biomass and geothermal.

We certainly cannot overlook that the Energy Policy Act is also about jobs, specifically securing the future of current workers and creating new jobs for the next generation. Investment in our Nation's energy infrastructure means putting Americans to work. While this bill will create nearly 1 million jobs nationally in our manufacturing, construction, agriculture and technological sectors, in my own home State it means 146,000 new jobs will be added to farm fields, factory floors and laboratories.

This bill is fair and it is balanced and it is comprehensive, and it is good energy policy, and I hear the complaints on the other side of the aisle, it is huge investments. To have good energy policy, we have to have investment. We have to put capital where capital can be an investment and we can make change.

This bill does exactly that. This bill will make a difference. This bill is bold. It is the right thing to do, and I would congratulate the sponsors. It is time to move it. It is time to make a difference in this country. Let us pass it.

Mr. BUYER. Mr. Speaker, I rise in support of the Energy Policy Act of 2003. Overall, this bill is the blueprint our Nation needs to get us on the road toward greater energy security. It addresses the energy issues in a broad based and strategic manner to build the necessary diversified portfolio of energy resources for our country. For the first time in over a decade it sets a course for a national energy policy.

I commend President Bush for his leadership on this issue as well as the efforts of Chairmen TAUZIN and BARTON and the conferees for their hard work. This bill addresses many of the most serious energy challenges facing our country.

It balances our need to increase supplies with the need to promote conservation.

It improves our production and distribution infrastructure, while stimulating the development of alternative or renewable sources.

It strengthens our national security by reducing our dependence on foreign sources.

And it helps those having trouble paying ever-higher energy bills.

But Mr. Speaker, I'm also disappointed. There is more that could have been done to increase domestic production by tapping into sources such as those in Alaska's northern slope, western lands, and rich gas fields sitting off our shores. There are still more issues to be addressed such as the need to increase the use of other sources of energy, in particular nuclear power, the upgrading of the electric lines of the grid, and to improve our pipeline infrastructure and increased our refinery capacity. While I am relieved to finally pass an energy bill in the 108th Congress, we should not lose sight of the fact this legislation is only the beginning.

I look forward to building on the work done today. I urge the adoption of the conference report.

Mr. SHAYS. Mr. Speaker, protecting our environment and promoting energy independence are two of the most important jobs I have as a Member of Congress. Unfortunately, the conference report before us today represents a real missed opportunity to reduce our dependence on foreign oil, promote energy efficiency and conservation, and improve our air, land and water quality.

For decades, our country has lacked a national energy policy. While I did not agree with the Administration's energy plan, I was grateful President Bush put forward a comprehensive proposal. The President's energy plan was superior to the severely flawed bill before us today.

We had a chance to devise a forward-looking energy policy that would have increased fuel efficiency, made polluters, including MTBE producers, pay for harming our environment, and advanced a renewable portfolio standard. Instead what we have is quite a bad bill.

Instead of creating a balanced energy policy that provides incentives to make renewable energy more affordable and widely available, we are making fiscally irresponsible and environmentally-reckless decisions for the benefit of a few profitable industries that don't need this kind of help from taxpayers.

I fail to understand why the major thrust of the bill's tax provisions involve further subsidizing the fossil fuel industry, rather than providing incentives for conservation and renewable sources of energy. These are enormously profitable industries operating in a time of record energy prices. Clearly, these profits demonstrate the market has already provided the fossil fuel industries with sufficient incentive to increase production.

I strongly oppose a provision in the bill that allows for the permanent activation of the Cross Sound Cable. In doing so, the bill subverts the regulatory process and ignores sound environmental policy regarding the depth at which the Cable should be buried.

In addition to its environmental shortsightedness, I also oppose provisions in this bill related to the transmission of electricity. For instance, the Energy Policy Act allows the Federal Electric Regulatory Commission [FERC] to preempt state siting authority when it is determined that a high-voltage power line is of "national significance." The fact is FERC arbitrarily gets to make that determination.

I look forward to the day when we will have an opportunity to vote for a fiscally-prudent, environmentally-responsible national energy policy. Today is not that day.

Ms. KILPATRICK. Mr. Speaker, one Republican more accurately characterized H.R. 6,

the Energy Policy Act, as the "No Lobbyist Left Behind bill." This bill gives \$20 billion in tax breaks and subsidies to the oil, gas, coal and nuclear industries. No one has had a chance to look over this bill. I read from the papers that the bill is more than 1,700 pages in length. You can believe that there are many provisions contained in this bill that the other side does not want the public to know. So what better way to disguise this bad legislation than by burying it inside of 1,700 pages.

This bill is bad for our national security—it facilitates the proliferation of nuclear fuel. It reverses a long-standing prohibition on the reprocessing of spent fuel from commercial reactors. It promotes, through the Department of Energy's Advanced Fuel Cycle Initiative, joint nuclear research efforts with non-weapon states, and encourages the advancement of advanced nuclear weapons systems.

This bill encourages production over conservation. The conservation provisions are estimated to amount to only 3 months of U.S. energy consumption between now and 2020.

This bill is bad for consumers as it repeals the Public Utility Holding Company Act (PUHCA). The PUHCA protects consumers by limiting the size and scope of utility companies and subjecting utility holding companies to Securities and Exchange Commission (SEC) regulation. PUHCA also required revenues from utility ratepayers to go into electric infrastructure maintenance, instead of risky financial investments like we saw in the Enron case. In fact, it was PUHCA that kept Enron from owning more than one electric utility and prevented their bankruptcy from affecting more utility customers. Repeal of PUHCA would allow venture capitalists to put utility ratepayers into almost anything they wanted.

The conference agreement is also bad for the environment. The bill exempts the construction activities at oil and gas drilling sites from compliance with the Clean Water Act. Clean air requirements are relaxed in order to delay reductions in smog pollution. A process to extract oil and gas trapped underground by injecting chemical solutions is exempted from the Clean Water Act. The ability of States to protect their coasts and beaches from energy development projects is weakened.

A provision inserted by the Republican Leadership exempts manufacturers of MTBE, Methyl Tertiary-Butyl Ether, from liability resulting from ground water contamination. Not only does the bill release MTBE manufacturers from limited liability but also rewards those companies with \$2 billion in federal aid. So the bill shifts a potential \$29 billion clean up cost from MTBE manufacturers to taxpayers and water customers. This bill turns the concept of "the polluter pays" on its head.

Finally, H.R. 6 does little to enhance our domestic energy security and lessen our dependence on foreign oil supplies. America has only 3 percent of the world's oil reserves; whereas, countries affiliated with the Organization of Petroleum Exporting Countries [OPEC] control more than 70 percent of the world's reserves. As was previously cited in today's debate, America is a technological giant. But instead of investing in our ingenuity to make us a country that is more efficient in its usage of energy resources, this bill assumes we can fulfill our energy needs by drilling for more oil and natural gas supplies and excavating our way to energy independence.

The bill represents a failed promise for energy consumers. They will be asked to pay

more in energy costs as well as provide subsidies to the energy industry. At the same time, Americans are asked to sacrifice their environmental responsibilities and surrender their rights as energy consumers. This is a bad deal for my constituents in Detroit and southeast Michigan. It is a bad deal for America, and I urge my colleagues to vote down the conference agreement that has been handed to us.

Mr. TOWNS. Mr. Speaker, while I intend to support the Energy Conference Report, I want to emphasize the importance of flexibility in the new section, to the Federal Power Act, section 16031 on Electric Reliability Standards. Given the recent "blackouts" in areas like my home State of New York, it is critical that State or regional entities not be prohibited from adopting more stringent reliability standards as long as this action does not result in lesser reliability outside the State or region than what is provided by the Electric Reliability Organization's reliability standards. I recognize that compromise was needed to bring this bill to the floor today but I do not believe that reliability is an area where our standards can or should be reduced, particularly in areas like New York where reliability is so critical to preventing future blackouts.

Mr. STARK. Mr. Speaker, I rise in strong opposition to this final Energy bill. It's fiscally irresponsible, unfair to consumers and a threat to our health and environment. It provides too little for conservation and clean, renewable energy sources. And it won't reduce our dependence on foreign oil or lower energy costs for consumers as Republicans have claimed.

No matter the Republican rhetoric, this isn't smart energy policy. It doesn't reflect forward thinking. It isn't the result of thoughtful debate or bipartisan cooperation. Democrats were shut out as this backroom deal was cut by special interests on the backs of American taxpayers. And as they say, to the winner go the spoils.

This bill is nothing less than a special interest giveaway piled high with huge corporate tax breaks totaling \$23.5 billion. Half of these go to the oil and gas industry alone despite huge profit margins and a robust energy market where crude oil prices have risen over \$30 a barrel. But, there are also tax breaks for renewed development of nuclear power and subsidies for the production of so-called "clean coal"—an oxymoron if I ever heard one.

With all this money for pumped up fossil fuel production, what about conservation? After all, that is a critical piece of reducing energy costs and ending dependence of foreign oil. Well, this conference agreement falsely claims to provide \$9 billion in tax incentives for energy conservation. But, consider what this is for: the repeal of the excise tax on diesel fuel used for railroads and inland waterway barges; a tax credit for nuclear power production; and an extension of energy production credits. I'd call that conserving corporate profits, not energy.

So what about clean renewable technologies such as wind and solar power? Well, to use the words of the lead Senate conferee in opposing subsidies for renewable energy, "You will be sick of seeing windmills in about 10 years." Well, most Americans are sick of the kind of pollution big oil companies put into our air and water or the way drilling can destroy our oceans and wilderness.

Make no mistake, it is the oil industry that makes out big under this bill. And don't think these Republicans hold these big energy corporations any more accountable with all these subsidies. They expect less—not more—from industry when it comes to protecting our air and water. Consider the byproducts this Republican Energy bill is dumping on the American people:

Under one special interest provision, the EPA is barred from taking enforcement actions under the Clean Water Act against Halliburton and other oil companies for using a drilling technique known as hydraulic fracturing. This process speeds up oil extraction by shooting diesel fuel into the ground, allowing this fuel and its cancer causing agents to leak into underground aquifers and contaminating drinking water supplies.

Oil companies are exempted from the Clean Water Act's so-called waste-water runoff rules allowing them to pollute our Nation's waterways with industrial byproducts. Another provision allows these and other energy producers to flaunt the Clean Air Act by delaying deadlines for compliance with air quality standards in certain, select areas in which they operate. This means that clean air standards will be weakest in the areas in which air pollution is the worst.

But, that's not all.

Local taxpayers get stuck with the bill for cleaning up pollution caused by the fuel additive MTBE, which the National League of Cities estimates will cost \$30 billion. This is a serious problem in my State of California. But, in a recent study, the U.S. Geological Survey found that nearly 55 percent of all urban water systems have been polluted by MTBE. Yet, Republicans are exempting oil and gas companies from any liability for the drinking water contamination caused by their fuel additive.

That simply isn't fair to the cash-strapped local communities that will have to bear this burden. Nor is it responsible to threaten the health of every American as expensive clean-ups are further delayed without the resources to carry them out. I believe we ought to hold these corporate polluters accountable, especially as Republicans dole out huge subsidies to the oil and gas industry that is responsible for this mess.

Now, you may be asking yourselves then, what exactly do Americans get in return for all this pork and swindle? Cheaper gas prices? Cheaper electricity? Hardly.

The Republicans fail to take a stand to protect consumers against exorbitant energy prices or fraudulent pricing schemes. Given the billions Enron swindled from consumers in California, this ought to be a top priority. But lo and behold, the Republicans have barred the Federal Energy Regulatory Commission from instituting new rules to protect consumers from price gouging. Their bill fails to include strict anti-fraud provisions to crack down on shady business schemes such those employed by Enron—those that sparked the Energy Crisis. Republicans even repeal the Public Utility Holding Company Act that insulates ratepayers from bearing the cost of risky energy ventures while protecting investors from tricky corporate accounting maneuvers.

I urge my colleagues to say no to this shameful bill. Americans deserve better than this special interest giveaway. Let's stand up for an innovative, clean and responsible energy policy that conserves our resources and

preserves our environment. Vote down this bill.

Ms. SOLIS. Mr. Speaker, I rise in opposition to the conference report on H.R. 6, the National Energy Policy Act, on behalf of America's taxpayers who will now have to shoulder the financial burden of cleaning up corporate pollution.

In the past, our nation's environmental laws have been based on the principle that polluters would pay to clean up their messes. Today, that principle changes from "polluters pay" to "polluters get paid".

Mr. Speaker, under this bill, over the next 10 years, the American taxpayers will dole out \$23.5 billion in tax breaks for the oil and gas industry. In addition, taxpayers will pay \$6.9 billion in higher gas prices because this bill mandates that we put ethanol in our gasoline. Polluters will be able to access federal funds to clean up their leaking underground storage tanks—money that they don't have to pay back. And consumers will pay higher electricity prices because basic consumer protections have been repealed with the end of the Public Utilities Holding Company Act (PUHCA).

The people who will suffer the greatest consequences of these blatantly irresponsible regulations will be the poorest of our society. These families will be forced to pay more at the gas pump and higher utility bills. As people who are more likely to live and work near a polluting industry, they will breathe dirtier air and drink unsafe water.

This bill will perpetuate poverty as we reward industries that are environmental failures while neglecting to prepare an energy policy that will help future generations. What do we get in return for this egregious bill? Unfortunately, at the end of the day there is little that will alleviate the problems that are so obvious in this bill. It will not reduce our dependence on foreign oil. It will not create jobs. It will not invest in science that will give us energy technologies for the future.

The Energy Policy Act before us is anti-environmental, anti-health, anti-consumer, anti-science and anti-jobs. An energy policy needs to make sure that our original principles are in place and make sure that polluters are paying, not getting paid.

If we start with this principle, we can create an energy policy that not only is good for our country's future, but also for the future of working families.

Ms. MCCARTHY of Missouri. Mr. Speaker, I rise in opposition to the Conference Report on H.R. 6, the Energy Policy Act of 2003. I strongly support a comprehensive national solution to our energy needs. In developing a national energy policy, it is imperative that we address electricity reliability issues, environmental impacts, and consumer protection. We must consider ways to invest in alternative energy technologies that reduce our dependence on foreign oil, address global warming and bolster our nation's energy security. I supported the original Energy and Commerce Committee version of this legislation which accomplished these goals. Instead, we are considering legislation that reinforces our dependency on foreign sources of energy and leaves our national security at risk.

Our economy is dependent upon reliable and affordable electricity, and any break in our electric supply threatens the security of our nation. The Conference Report fails to resolve reliability issues. Months after the largest

blackout in our nation's history, this legislation fails to clarify who is responsible for preventing future blackouts. The legislation also fails to offer any meaningful assistance in the effort to update and modernize our nation's transmission system. Although Missouri was not effected by the recent blackouts, much of our transmission system suffers from the same outdated equipment that left our neighbors to the north and east in the dark.

Mr. Speaker, this legislation does include a few commendable items. One such provision is the establishment of a biodiesel fuel tax credit. The credit, which will be available through 2005, will offer those who use biodiesel as fuel a 50 cent per gallon tax credit. In my district, the Kansas City Area Transportation Authority has been a leader among public transit agencies using biodiesel to fuel city buses. The biodiesel provisions on today's bill will help build on my past efforts to recognize this clean burning fuel as a solution to our efforts mandated in the Clean Air Act. I am also pleased to learn that the bill dramatically expands the requirements for the use of ethanol. My home state of Missouri has two ethanol plants, and we are working to build three more facilities to meet the growing demand for this renewable fuel.

Despite this legislation's positive ethanol and biodiesel provisions, the bill otherwise fails to encourage the transition from fossil fuels to indigenous, renewable energy. The conferees chose to reject Senate approved provisions to establish a Renewable Portfolio Standard (RPS). The RPS provision would have required power plants to use minimum amounts of renewable fuels. Energy experts have argued that RPS will save us from building 156 new power plants. The result of this effort would be lower prices for consumers and cleaner air. Those are the long term gains a strategic energy plan could generate.

Rather than providing the American people with a more secure system, H.R. 6 provides subsidies to oil and gas companies and exempts them from vital environmental regulations. Further, it repeals the Public Utility Holding Company Act—legislation specifically designed to protect ratepayers from risky investments. Instead of preventing another California energy crisis or Enron scam, this legislation enables more fraud, more price gauging, and more corporate abuse at the expense of consumers.

This legislation also fails to secure our nation's drinking water. Despite the fervent objections of communities who experienced the devastating effects of the dangerous fuel additive MTBE, this legislation includes a waiver of all liability for MTBE manufacturers. MTBE has contaminated the drinking water of hundreds of towns and cities across the nation and this legislation forces taxpayers instead of polluters to pay the bill.

The legislation we are considering today fails to address the most pressing needs of the American people. Of particular concern are provisions that endanger the environment and could lead to further global warming. The report contains an amendment to the Clean Air Act that allows certain areas to ignore ozone attainment deadlines and exemptions for oil and gas exploration companies from waste water runoff rules designed to protect our lakes, rivers and streams.

Mr. Speaker, Americans deserve an energy policy that protects our consumers, our envi-

ronment, and our national security. The Conference Report fails that test. I urge my colleagues to reject the conference report and instruct the conferees to craft real, long-term, comprehensive energy legislation similar to that approved by the House Energy and Commerce Committee and the United States Senate.

Mrs. WILSON of New Mexico. Mr. Speaker, we need a balanced, long term energy policy to reduce our dependence on foreign oil, keep the lights on and preserve the beauty of the land we love and I think this bill promotes this aim. This legislation is good for our environment and will create nearly 1 million new jobs. I commend Chairman TAUZIN and Chairman DOMENICI for putting this important piece of legislation together.

I want to highlight three provisions in this bill that I think are important. first, section 602 of this bill extends Price-Anderson indemnification for 20 years to 2023. Price-Anderson is a critical component of our national energy policy. Nuclear energy is a viable energy source that helps us keep our air clean and reduces our reliance on foreign sources of energy. Without extending Price-Anderson indemnification, there would be a severe negative impact on private investment in nuclear energy and nuclear related research at Sandia and Los Alamos National Laboratories.

The Price-Anderson Act, first passed in 1957 as part of the Atomic Energy Act, has encouraged the development of the nuclear industry, while protecting the public by allowing DOE to fine its contractors for safety violations. It subjects contractor employees and directors to criminal penalties for violating nuclear safety rules, and provides immediate insurance compensation to the public in the highly unlikely event of a nuclear accident at a commercial power plant or a DOE facility.

The Act also consolidates in a single federal court all lawsuits arising from an accident and reduces delays often associated with such cases. The federal payout provisions in the Act have never been used, but its existence has allowed private investment in nuclear energy to go forward.

Price-Anderson is a critical component of our national energy policy. Nuclear energy is a viable energy source that helps us keep our air clean and reduces our reliance on foreign sources of energy. Additionally, extending Price-Anderson indemnification would protect 61,800 jobs at 103 plants nationwide.

Second, I strongly support Section 1285, the FERC refund authority provisions. These provisions ensure that prices charged for wholesale power sales, regardless of seller, must meet FERC's "just and reasonable" standard and allows FERC to recover proceeds from the largest public power utilities in the event that they gouge consumers.

FERC is pursuing multiple investigations into allegations of overcharging and manipulation in western electricity markets by sellers. However, some of these entities have filed lawsuits challenging FERC's legal authority to order them to pay refunds. This provision clarifies FERC's authority to order refunds from wholesale power sellers if they charge prices that are not "just and reasonable."

Third, I also strongly support Section 1522, the underground storage tank compliance provisions. In the mid-1980's Congress mandated that all petroleum underground storage tanks ("USTs") be upgraded, replaced, or closed by

December 22, 1998. To assist the EPA and the states to implement the 1998 deadline, Congress in 1996 established the Leaking Underground Storage Tank ("LUST") Trust Fund and enacted a 0.1 cent per gallon federal tax on petroleum products—the proceeds from which are directed to the LUST Trust Fund.

According to the Administration's FY 2004 budget, the LUST Trust Fund balance at the end of 2030 will be \$2.0 billion; Trust Fund tax collections in 2003 will be \$183 million; and, the Trust Fund will earn \$85 million in interest in 2003. Despite this huge fund balance, the Bush Administration has requested only \$72 million be appropriated from the Trust Fund for FY 2004—below the amount of interest the Trust Fund will earn during the year.

This legislation will ensure that an adequate percentage of funds appropriated from the LUST Trust Fund is delivered to state UST programs for proper regulatory enforcement and remediation assistance and that all UST owners and operators—including government agencies, commercial operators, and native American tribes—are held to the same standards and comply with existing regulations. It also will provide funds to the states to develop a UST operator training programs based on EPA guidelines.

Mr. BOEHNER. Mr. Speaker, I rise in support of H.R. 6, the Energy Policy Act of 2003 and in particular Title VX, which sets forth a Renewable Fuels Standard to advance renewable fuel development in this country.

As a representative of the nation's third-largest ethanol consuming state, I congratulate my colleagues on incorporating this standard into a national energy policy. In my view, a renewable fuels standard achieves two policy objectives simultaneously—it begins to break out nation's dependence on volatile sources of foreign oil, and it creates new market opportunities—with a tremendous upside for America's farmers.

This provision has been criticized because of its costs. But let me remind those critics of another cost—the cost of farm program payments. By reaching 5 billion gallons of ethanol in 2012, the RFS will provide a tremendous boost to annual farm income and add substantial value to the corn market—value that will reduce the amount of money going out of the federal Treasury in the form of price support payments. The RFS and expanded ethanol production will add value to agriculture and provide price and income support to our nation's ailing farm sector in the most sustainable way possible—through the marketplace.

In addition, this bill sets the foundation for a correction to a flawed highway funding formula that penalizes ethanol consuming states to the tune of \$2 billion a year, including my home state of Ohio, which loses nearly \$160 million per year in valuable transportation infrastructure dollars.

I congratulate the Chairman on his hard work to make comprehensive energy policy a reality, and I urge my colleagues to support this bill.

Ms. WOOLSEY. Mr. Speaker, I rise in opposition to this conference report. While my colleagues on the other side of the aisle are calling this a jobs bill, let's call this what it really is—billions of dollars in pay-offs to republican campaign contributors. . . . Today, we have given up an opportunity to do the right thing for our energy future; for our environmental future and for true national security.

We have missed an important opportunity to make our Nation more secure. This could have been an opportunity to decrease our reliance on foreign oil and to relieve the burden on our power grid by investing in efficient and renewable energy sources.

Instead the republican conferees, excluding democrats from the conference, have delivered a conference report that will allow large companies to pollute our air, contaminate our water, and all the while giving pork to big business.

The majority party has only paid lip service to renewable energy. Instead of focusing on the benefits of solar, wind, and other renewable energy sources, this bill contains billions of dollars of pork for ethanol producers.

And, apparently they ran out of pork because they have even included some turkey because I guess they really got into Thanksgiving because they included a \$95 million tax credit in the bill that will help a single plant dispose of turkey carcasses.

Mr. Speaker, I urge my colleagues to join me in opposing this conference report and asking the conferees to send us back something that will really help our national security.

Mr. SAM JOHNSON of Texas. I want to congratulate and thank both Chairman DOMENICI and Chairman TAUZIN for taking on the enormous task of crafting comprehensive energy legislation, and doing so in a manner that was fair, effective, and successful. In years past we have allowed energy legislation to die in Conference. This year we have made good on our promises, and are closer to enacting much-needed energy reforms.

It has been almost a decade since this country has had any type of sound energy policy. I commend President Bush for his courage in advocating a balanced energy plan, and both of our Chairmen for taking these measures up as quickly and decisively as possible. I am pleased to have been part of the Conference on this legislation, and to support everyone's hard work here today.

This Conference Report conserves energy, increases energy production, and will help end our dependence on foreign oil. As I noted when we started Conference on this legislation, today over fifty percent of our oil comes from other countries—that is not only a threat to national security, but it affects the energy prices of every American.

The legislation we consider today is an improvement over both the House and Senate bills passed earlier this year. Indeed, in many instances, we have taken "the best of both worlds."

The Conference Report adopts the House language regarding Alaskan pipeline construction training. This provision ensures that training will be delivered through our existing one-stop WIA delivery systems, and that the program will be available to a broad range of participants.

Natural gas gathering lines is an issue that I have worked closely on for years. This is an important provision that settles a long-running dispute between the IRS and natural gas producers. There have been differing opinions in various circuit courts on the proper depreciable life of these gas lines. I am glad that this issue is finally being resolved.

The Conference Report's provisions regarding workplace protections for so-called "whistleblowers" has been much improved. House language in last year's energy bill has been

strengthened to ensure that employees have the necessary protections they deserve, while also balancing the ability of the Department of Labor to investigate these complaints. This ensures that while all workers are protected, we are not allowing for frivolous actions.

The Conference Report also supports the President's proposal by including House language to ensure that we maintain a viable weatherization assistance program.

Language in the conference report regarding energy-related scientific and technical careers has been tailored to target those truly in need of help, and to eliminate outdated models of "assistance."

Finally, the Conference Report deletes several unnecessary provisions, including Senate language expanding the federal government's role in school construction, and language that would micro-manage personnel decisions at the Department of Labor.

I would express my disappointment in the final product before us in just one regard. I am disappointed that the Conference Report before us does not include the House language providing for an oil and gas leasing program for the exploration, development, and production of the oil and gas resources in the Arctic National Wildlife Reserve. I strongly supported this provision, which would have expanded our natural energy supply, which now more than ever is critical to our national energy security policy.

I would hope that as we pass this bill today, we do not lose sight of the importance of this provision. I would urge our Republican leadership to revisit this critically important issue when we return next year.

In closing, I reiterate my support for the President in proposing a comprehensive plan, and both houses of Congress, and in particular our Chairmen, for taking quick action to make this plan law. The legislation before us goes a long way toward addressing our nation's near- and long-term energy needs, as well as our national energy security policy.

I urge my colleagues to support this important and much-needed legislation.

Mr. SKELTON. Mr. Speaker, throughout the time I have been privileged to serve in the House of Representatives, I have been honored to work with my colleagues on both sides of the aisle to do what is right for rural America. Today, the House is considering H.R. 6, its first comprehensive energy policy legislation in more than a decade. This measure will provide farm families and rural areas with an important economic boost and will recognize the unique role rural electric cooperatives play in delivering power to rural Americans. I am pleased to support this bill.

H.R. 6 is good for rural Missouri. The conference report includes a long sought after Renewable Fuels Standard (RFS) that will gradually increase the contribution of ethanol (made from corn) and biodiesel (made from soybeans) to America's fuel supply to 5 billion gallons in 2012. The bill also includes a federal phase down and ban of the gasoline additive known as MTBE. Although I am disappointed that liability protections were included in the bill for this cancer-causing additive, I am pleased that the conference report phases MTBE out of existence over a period of time.

H.R. 6 provides important renewable fuel tax provisions for ethanol and biodiesel. The conference report modifies the small ethanol

producer tax credit to enable farmer-owned cooperatives, like Mid Missouri Energy, Inc., an ethanol production facility under construction near Malta Bend, Missouri, to pass along the credit to their farmer owners. The bill contains the Volumetric Ethanol Excise Tax Credit (VEETC) provision, which will continue the tax credit for ethanol, create a tax credit for biodiesel, and will keep the Highway Trust Fund whole. Importantly, the measure creates a new tax incentive for biodiesel that will stimulate production of both soybeans and other agricultural products. No longer will biodiesel be treated as a luxury product, but one that vehicle owners throughout America will embrace as a clean-burning renewable fuel.

For corn and soybean farmers, H.R. 6 could well be the best piece of legislation in decades. The renewable fuels embraced by this legislation are produced from crops that rise out of Show-Me State fields, and Congress' commitment to the production of more renewable fuels will act as a significant economic stimulus for rural Missouri. This comprehensive bill will also decrease U.S. reliance on foreign energy sources and create jobs.

I am also pleased that H.R. 6 recognizes the unique role rural electric cooperatives play in providing power to those who live throughout the countryside. Electric cooperatives have a long and distinguished history in our country. They provide private ownership to consumers of their electric utility and operate at-cost. This type of ownership has been very successful in rural Missouri where population densities and revenues are low. It has also immunized electric cooperatives from the price gouging, market manipulation, and corporate malfeasance activities that have emerged in the energy industry over the past few years.

Mr. Speaker, the comprehensive energy bill before us today is good for rural America, and I urge my colleagues to support it.

Mr. McKEON. Mr. Speaker, I rise today in support of H.R. 6, the Energy Policy Act of 2003. I want to commend and thank Chairman TAUZIN for his work with his Senate counterpart, Chairman DOMENICI, for working with many Members and Senators to reach agreement on this historic legislation. For the first time in over a decade we will have comprehensive national energy policy. Both chairmen deserve credit for completing this process and getting the job done for the American people.

In addition, I commend President Bush for putting forth a responsible national energy plan, much of which is reflected in the legislation before us today.

This bill makes significant improvements in both energy conservation and generation. The legislation before us today contains new energy efficiency and conservation provisions, expands the use of renewable energy sources, encourages diverse energy technologies, increases our federal commitment to research and development, and will reduce America's dependence on foreign oil and gas by developing domestic sources of fuels. In addition, the bill improves reliability standards for electricity transmission, which we know is critical given the recent blackouts in the Northeast and Midwest and ongoing challenges regarding electricity supply in my own state of California.

I am pleased to have been part of this conference as a member of the Committee on Education and the Workforce. The conference

report before us today contains several important provisions under the Education and the Workforce Committee's purview that I would like to highlight.

H.R. 6 reauthorizes the Low-Income Home Energy Assistance Program, or LIHEAP, for two years. This critical program helps many low-income families, particularly some elderly individuals, survive extreme temperatures by covering the cost of heating and cooling. In addition, the legislation increases the funding authorized for the Weatherization Assistance Program, through which funds are provided to low-income households for weatherization efforts. This increase puts Congress on track to increase funding for the program by over \$1 billion over the next ten years as proposed by President Bush.

The conference agreement includes an Alaskan Pipeline Construction Training program to ensure enough skilled workers are available to design, construct, and operate an Alaska gas pipeline system, should one be constructed. While it is appropriate to create a new program to address this significant employment need, the conference agreement ensures that the training program would operate through the State of Alaska's existing workforce development system created under the Workforce Investment Act of 1998 (WIA). This will prevent duplication and ensure the new training program is connected to the wider package of services available through the one-stop delivery system created under WIA.

The conference agreement includes a provision requiring the Secretary of Energy to provide a preference in making grants under the Science Education programs to institutions that encourage underrepresented populations to pursue scientific and technical careers. In addition, the bill before us today requires the national laboratories that participate in the Department's Science Education programs to increase the participation of Historically Black Colleges and Universities, Hispanic Serving Institutions, and Tribal Colleges in activities that increase their capacity to train personnel in science or engineering. This is consistent with Congress's efforts to reach out to minority serving institutions to help build their capacity. The provision should result in increased access to energy-related scientific careers.

I must, however, raise strong concerns with two provisions in the bill, one dealing with the denial of tax benefits for solar energy and the other dealing with providing liability protection for manufacturers of Methyl Tertiary Butyl Ether, or MTBE.

The first provision, if removed, would have opened the doors in my and adjacent congressional districts in California for increased production of concentrated solar power and would have provided as many as 7,000 jobs in the Antelope Valley region of my district. Our nation's electricity grid does not have the capacity to move electricity freely from east to west without encountering significant congestion and financial disincentives. Until these hurdles are overcome, we must work towards becoming more self-sufficient when it comes to energy production. Financial incentives, such as the Investment Tax Credit and the Production Tax Credit, further encourage the production of solar energy to provide an efficient, clean energy source that has not yet been tapped to its full potential for conventional use. A recent Department of Energy-supported study demonstrates that concentrated solar power could

produce electricity at a cost of 3.5 to 7 cents per kilowatt-hour within 10 years, which is very competitive with traditional electric peaking power. Unfortunately, the conference report stipulates that solar companies cannot have access to both credits, which completely defeats their purpose.

The second provision in the conference report would have a detrimental impact on many areas in my state of California by giving a product liability waiver for MTBE and nullifying many of the recent lawsuits that were filed to aid in the cleanup of the problem. Recently, it has come to my attention that a MTBE spill is located in my congressional district near the Marine Corps Logistics Base in Barstow, California. This additive has been found to pollute drinking water supplies in at least 28 states, including my own, when gasoline containing MTBE leaks or is spilled into surface or groundwater. While I certainly understand the argument that the federal government was responsible for promoting the use of MTBE and should provide some protections to companies, I remain concerned that exempting MTBE manufacturers from groundwater contamination by giving them such a blanket protection will devastate the drinking water supply for area residents.

Notwithstanding these provisions, I believe the conference report before us today represents an enormous step forward in addressing short-term energy needs and stabilizing our long-term energy supply. I applaud my colleagues and the Bush Administration for working to ensure this comprehensive legislation is completed this year. I urge Members to support H.R. 6, the Energy Policy Act of 2003.

Mr. BURR. Mr. Speaker, I rise today in support of the Energy Conference Report. This Report now cements a blueprint for our nation's domestic energy policy for the first quarter of the 21st century.

The need for a long-term energy policy is simple. We are experiencing a fundamental imbalance between energy supply and consumer demand that poses a tremendous risk to our nation's economic well-being, our standard of living and, to a great extent, our national security. If we continue energy production and consumption at a rate equal to the one set in the 1990s, by 2020 we will be experiencing a shortfall of supply and demand of nearly 50 percent. That shortfall can be made up in only three ways: import more energy; improve energy efficiency even more than expected; and increase domestic energy supply.

This bill moves us away from our dependence on foreign sources of fuel and moves us in the positive direction of promoting a diverse mix of domestic sources of energy that will increasingly come from solar, wind, biomass, and geothermal sources.

An extension of the wind energy production tax credit will breathe new life into wind farm projects throughout the country. Appalachian State University, located in my District, has identified areas in western North Carolina that might be the most suitable locations in the Southeast for developing wind farms. A production tax credit for energy generated from animal waste opens new opportunities for energy production, innovative and useful methods of waste disposal and increased farm income for North Carolina hog and poultry farmers.

Our soybean farmers will also benefit from tax credits that encourage the production of

biodiesel fuels from soybean oil. Corn, sweet potato and even tobacco farmers will benefit from the ethanol provisions in this bill, as demand for products that can be converted into ethanol-blended fuels will increase.

Improvements in energy efficiency and conservation are prevalent throughout this bill. It expands the scope of the Energy Star program and establishes new energy efficiency standards for many new commercial and consumer products that use large amounts of energy. It authorizes \$2.15B for hydrogen fuel cell program with a goal of launching hydrogen fuel cell cars by 2020. Finally, Congress will lead by example by requiring a 20 percent reduction in federal building energy use in the next 10 years as well as provide funding for energy efficiency programs for public buildings. All in all, the conservation and energy efficiency provisions of H.R. 6 will eliminate the need for at least 130 new 300 megawatt power plants by 2020.

The bill helps modernize our aging electric generating facilities as well as promote the increased use of nuclear energy. Nuclear energy is essentially emission free and allowed us to avoid the emission of 167 million tons of carbon last year and more than 2 billion tons since the 1970's. In 1999, nuclear power plants provided about half of the total carbon reductions achieved by U.S. industry under the federal voluntary reporting program.

The bill will go a long way to retain jobs in our country as well as create new jobs throughout the country. By allowing the Southeast, which enjoys cheap and reliable power, to develop our electric marketplaces as we see fit, we will see jobs retained in North Carolina and throughout the South. Knowing that the cost of electricity is one of the highest overhead costs manufacturers and factories assume, keeping costs low and reliability high will lead to the return of more manufacturing jobs to our region of the country.

The bill will create the certainty in the investment markets that will allow Wall Street to finally attract the necessary capital to build and upgrade our electric transmission system. Long before the northeastern blackouts of this past August, my colleague from Maryland, Mr. Wynn, and I have been warning of a pending electricity outage if we didn't mandate reliability standards and give the marketplace the tools it needs to attract the capital to invest the reported \$53 billion necessary to meet the electricity demand of the coming decade. I am pleased to see that the principles of our bill, the Interstate Transmission Act have been incorporated into the final Conference Report. Through the strength of our combined efforts and commitment to improving our nation's energy grid, I am pleased that the Wynn-Burr language for mandatory reliability provisions and new incentives for investment in transmission was included in this legislation.

The bill also increases the authorized funding from the Leaking Underground Storage Trust Fund. Earlier this year Representative FOSSELLA and I introduced H.R. 2733 and working with Subcommittee Chairman GILLMOR, we were able to incorporate this bill into the final conference report. H.R. 6 will allow states to use Federal funds to enforce the law. It will direct EPA and the States to implement operator-training programs and require all tanks be inspected on a regular basis.

Mr. Speaker, the 1000-plus pages this bill encompasses will be a much-needed shot in

the arm of our recovering economy. It will begin our march towards energy independence and will best utilize all resources at our disposal to make sure that the lights stay on and the factories and small businesses stay open. I urge its passage and implementation into law.

Mr. NUSSLE. Mr. Speaker, as I communicate with Iowans, they often share their concern about our country's economic vulnerability in regard to its energy supply. Spikes in oil and gas prices, high utility costs and the dangers of a heavy reliance on foreign suppliers have a very real impact on our rural economy and Iowans' family budgets.

I rise today to express my support for the long-awaited, comprehensive energy policy legislation.

America's long-term national energy policies must include a focus on developing the renewable sources of energy that can be produced in this country. This energy bill makes farmers in Iowa and other states part of the solution by moving the nation toward a common-sense future that is less dependent on fossil-based sources of energy. With the establishment of an overall Renewable Fuels Standard for motor fuels, significant portions of all U.S. gasoline will be required to contain renewable fuel content, including ethanol and biodiesel. This provision alone will create more than 200,000 jobs over the next decade.

The bill goes well beyond previous efforts to promote value-added agriculture by streamlining and making new incentives for ethanol production as well as creating a new tax credit for biodiesel production. This legislation simplifies a very complicated tax system for Iowa's ethanol producers and taxpayers while ensuring these payments are properly credited toward vital transportation priorities. These tax reforms are significant developments for Iowa's future because they promote the development of small ethanol cooperatives, create value-added business opportunities, and ensure the long-term future of Iowa's transportation needs.

The bill also supports enhanced energy efficiency and conservation, environmental protection measures and domestic production. Consumers will be encouraged to purchase more fuel-efficient automobiles and make sensible home improvements. New, advanced environmental friendly technologies will be promoted. In addition, electricity generation and transmission will be strengthened to help rural electric cooperatives and public and private utilities provide affordable electricity to their customers.

My support for the bill is somewhat tempered by the recognition that it exceeds the spending limits established by the FY 2004 budget resolution. I believe that many of the key objectives of this bill could have been realized within the confines of the budget resolution. By contrast, the tax provisions, while significant in cost are fully consistent with the revenue levels established by this year's budget.

Mr. Speaker, I believe that the Energy Policy Act represents impressive progress toward a balanced, long-term energy policy to reduce our reliance on foreign oil, stabilize prices for consumers and stimulate our economy. I am particularly proud of the renewable energy provision in this bill and urge my colleagues to join me in approving this significant legislation.

Mr. BOEHLERT. Mr. Speaker, sadly, I rise in opposition to H.R. 6. I say sadly because

the Nation needs a balanced, forward-looking energy policy. Our economic and national security depend on our energy security. That's why I was so pleased when President Bush and Vice President CHENEY took a step that their predecessors hadn't and challenged the Congress to come up with a sensible energy plan.

Unfortunately, we have failed to live up to that challenge. What we have instead is a bill that purports to be what it is not. We hear that H.R. 6 is forward-looking, but in reality it just protects the status quo. We hear that H.R. 6 is balanced, but in reality it is weighted heavily toward fossil fuels. We hear that H.R. 6 is fair, but in reality it is replete with targeted subsidies and tax breaks and projects. We hear that the process of writing H.R. 6 was open, but in reality that was not the case.

I don't have time to list all the provisions that could prove my point. In fact, I'm sure Members will be finding provisions for years as their constituents call about problems that will be traced back to this bill. All I will point out now is that what is missing from this bill is as problematic as what it contains. This bill has no fuel economy standards for cars; it has no renewable energy goals for utilities. Indeed, it has nothing much at all that will make us more energy independent and secure.

We've missed an opportunity with this bill. This bill will not give our Nation more energy, but only more regrets.

Ms. LEE. Mr. Speaker, I rise in strong opposition to this rule and the underlying bill.

This bill is a failure in process and policy. The Republican majority has steamrolled concerns, facts, and opposition, all to benefit powerful energy industries at the expense of American people.

This bill not only fails to promote a healthy energy policy, it will also cost the American people over \$115 billion over the next decade.

It was written for big energy companies by big energy companies to benefit big energy companies, with a \$416 billion package of tax breaks and production subsidies for the oil, coal, and nuclear industries.

Mr. Speaker, this bill threatens more than the pocketbooks of the American people, it also poses an imminent threat to our Nation's air quality, drinking water, and public land.

We see this threat to our public health most clearly in my home State of California.

MTBE, a known cause of cancer, is leaking out of storage tanks, but this bill shields MTBE producers and oil companies from product liability lawsuits and pays them \$2 billion.

The gasoline additive, intended to reduce air pollution, has contaminated groundwater supplies in numerous California communities.

This bill will cause catastrophic harm to the public health and the public interest.

I strongly oppose this rule and this bill and I urge you to protect America's environment, protect America's health, and protect American taxpayers and to vote against this bill.

Mr. FRELINGHUYSEN. Mr. Speaker, I rise in support of this comprehensive energy package, the Conference Report on H.R. 6.

Three months ago the lights went out in the Northeast, Midwest and throughout parts of my congressional district in northern New Jersey, leaving millions of New Jerseyans sitting in the dark.

More than anything else this event taught us that we cannot lurch from energy crisis to energy crisis. It's an economic risk we cannot afford to take or ever let happen again.

While Americans are beginning to find jobs, our economy is still volatile to domestic and international events. Too many New Jerseyans are still looking for work.

That is why I believe it is important that we continue to advance more aggressive pro-growth, pro-job policies including this first step toward a long-term comprehensive, national energy plan that is before us today.

This package will further strengthen our economy and ensure the stability of our energy supply by preventing the loss of jobs while creating hundreds of thousands of new jobs in all sectors including manufacturing, construction, agriculture and technology.

While prices at the gas pump are going down and more jobs are being created—make no mistake about it—many families face natural gas, oil and electric bills two or three times higher than they did just a few years ago and some employers are still hiring fewer workers to absorb the rising cost of energy.

Mr. Speaker, we need this legislation to promote more energy conservation, research, and development, and to provide for security and diversity in the energy supply for the American people.

While I am pleased that this legislation is good for our economy, I am also happy to know that it is working to promote conservation. This legislation takes great strides to promote energy efficient products, renewable energy and alternative fuels—all of which are environmentally responsible energy policies.

We live and work in a nation that demands more energy than we can adequately supply. Every American, whether they realize it not, depends upon reliable, affordable energy. To drive a car, run a small business, or own a home—we need energy.

We are also a nation that relies on fossil fuels, and whether we think that's good or bad, it's a fact that is not going to change anytime soon. Oil, gas, coal and nuclear energy fuel our Nation. In fact, half of our of our Nation's electricity is generated in powerplants that burn coal, 20 percent of our Nation's electricity is nuclear powered, and 18 percent of America's lights are turned on by natural gas.

Specifically, New Jersey generates 37 percent of its energy from coal, 17 percent from nuclear energy, another 17 percent from natural gas, 15 percent from oil, 5 percent from hydroelectric energy and 1 percent from other sources.

In recent weeks, New Jersey was reported to have one of the highest heating oil prices at \$1.45 a gallon, while at the same time homeowners are expected to pay an average of \$841 to heat their homes with natural gas this winter.

Clearly, we must all share the goal of energy conservation. To keep our prices down, we must be smarter and more efficient about the way we produce and consume energy.

Mr. Speaker, we need to pass this energy package to strengthen our national security by reducing dependence on foreign energy sources. Our Nation has become dangerously dependent on foreign sources of oil, especially since America imports 60 percent of the oil we use from other countries including nearly 20 percent from Persian Gulf countries and 40 percent from OPEC countries as well as Canada and Venezuela.

We need to pass this package so that we can increase funding for programs to help low-income residents over their high energy costs.

At the present time, it is estimated that the Northeast Heating Oil Reserve's maximum inventory of heating oil is 2 million barrels. The Department of Energy believes that this reserve will provide relief from weather-related shortages from approximately 10 days, which is just enough time for ships to bring heating oil from the Gulf of Mexico to our New Jersey/New York Harbor. To protect against the risk of empty oil barrels, especially as we approach the winter season, we need to pass this legislation so that New Jersey's low-income families do not have to choose between heating their homes and putting food on the table. They need immediate assistance to overcome the burden of rising energy costs.

In direct response to August's blackout, we also need to modernize our electrical infrastructure. This legislation contains important measures to help attract new investment into the industry and ensure the reliability of our Nation's electricity grid. It provides for enforceable mandatory reliability standards, incentives for transmission grid improvement and reforms of transmission rules.

Mr. Speaker, there is no doubt about it that we need a stronger and more stable supply of energy. By passing this energy plan we can upgrade our electrical grids, develop new techniques for energy efficiency, increase domestic production and ultimately create hundreds of thousands new jobs.

But more than anything else, we can provide Americans with a more steady and reliable stream of power and help them pay less in their electric bills.

It has been 11 years since Congress has sent an energy bill to the White House. That's 11 years too long. And now the August blackout has only crystallized the urgent need for action.

We cannot afford to wait any longer. The stakes are too high.

I strongly urge the passage of this energy package.

Mr. COOPER. Mr. Speaker, I have a particular interest in the provisions of the Energy Bill Conference Report regarding modernizing the management structure of the Tennessee Valley Authority, in Title XIV Miscellaneous, Subtitle C, of H.R. 6.

Senator FRIST introduced a version of these changes earlier this year (S. 1351), and I introduced my own version (H.R. 3044) several months later. The two bills were substantially similar.

I was very disturbed to discover that two key provisions that had been in both Senator FRIST's and my bills have been omitted in the Energy Bill Conference Report. These provisions concern the intended bipartisan nature of the new nine-member board—no more than five members of one party, and four of the other, and the requirement that prospective board members believe in the mission of TVA, as described in the TVA Act. Without these key provisions, modernizing the TVA board could become, at worst, and entirely partisan enterprise and/or an effort to privatize TVA or disrupt TVA's historic mission.

Due to the last minute drafting of this legislation, and the waiving of the customary 3-day layover rule for such bills to be studied carefully by members, which I just voted against an hour ago, mistakes like this have been made. I was not a member of the Conference Committee and had no access to the drafting of the language, and was only given a copy of

the language less than an hour ago. This hurried legislative process is an outrage and deprives both parties the ability to have properly drafted legislation. I intend to work with my colleagues to remedy these errors of omission so that the original language and intent of Senator FRIST's and my legislation can be restored to the bill.

In the meantime, it is important for all participants in the board modernizing process to honor the omitted provisions so that there is no danger of partisanship on the board, or of damage to TVA's historic mission. I will be watching very carefully in order to protect the interest of TVA ratepayers.

Mr. VAN HOLLEN. Mr. Speaker, I rise in strong opposition to the energy bill now before us. It has been said that the end depends upon the beginning—and that has never been more true than it is with this final conference report.

It is worth remembering that this initiative began with the now infamous series of secret meetings between Vice President CHENEY and his well-connected energy industry lobbyist friends. As a result of those meetings, the Bush administration's initial proposal called for \$10 billion of taxpayer giveaways to the fossil fuel and nuclear industries. Now, after shutting duly appointed Democratic conferees out of the negotiating room, that number has apparently ballooned to over \$20 billion.

So much for fiscal discipline.

The proponents of this legislation like to use words like balanced. For most Americans, the word balanced means roughly equally divided. Between, say, production and conservation. Or fossil fuels and renewables. Or where we are, and where we want to be.

By any reasonable measure, this bill fails that test. In fact, this conference report provides an estimated \$3 in tax credits to the fossil fuel and nuclear industries for every \$1 it allocates to renewables and energy efficiency.

So much for balance.

Another claim being made by proponents of this bill is that it will create jobs. We do need to create new jobs—especially after this administration's economic performance. But throwing a hodge-podge of special interest tax breaks together and calling it a jobs package is simply not a substitute for sound economic policy—and it won't retrieve the 1.7 million jobs that have been lost since President Bush took office.

Which is a shame. Because the right energy bill—one that gives the United States the competitive advantage we really ought to have in the renewable energy and green technologies of the 21st century—would provided a massive boost to the economy, creating up to two million good, high-skilled, high-wage manufacturing, installation and servicing jobs. And these are the kind of jobs that won't go overseas.

There's just no reason we should be losing to the Japanese on hybrid cars, or to the Danes on wind turbines, or to the Germans on solar PV. We should be the dominant leader in the world on all these technologies. And if we were, we'd be cleaning up the environment, enhancing our national security, gaining our energy independence and revitalizing our economy—instead of debating this 1,200 page missed opportunity.

The truth is, Mr. Speaker, the legislation before us is long on unwarranted, special interest goodies for the oil and gas industries. And

it falls woefully short on needed investments in the renewable, nonpolluting energy technologies of the future.

Instead of a national Renewable Portfolio Standard, we have increased reliance on fossil fuels. Instead of improved automobile efficiency, we have a weakening of the Clean Air Act. Instead of aggressive action to curb energy-associated pollution, we have a liability shield for the polluters.

The American people deserve an energy policy worthy of the promise and challenges of the 21st century. We need to reduce our reliance on foreign oil and develop clean, less polluting energy sources. This is not that policy. Let's go back to the drawing board and develop an energy policy that reflects the public interest, rather than the special interests.

Mr. NUSSLE. Mr. Speaker, as I communicate with Iowans, they often share their concern about our country's economic vulnerability in regard to its energy supply. Spikes in oil and gas prices, high utility costs and the dangers of a heavy reliance on foreign suppliers have a very real impact on our rural economy and Iowans' family budgets.

I rise today to express my support for the long-awaited, comprehensive energy policy legislation.

America's long-term national energy policies must include a focus on developing the renewable sources of energy that can be produced in this country. This energy bill makes farmers in Iowa and other States part of the solution by moving the Nation toward a common-sense future that is less dependent on fossil-based sources of energy. With the establishment of an overall Renewable Fuels Standard for motor fuels, significant portions of all U.S. gasoline will be required to contain renewable fuel content, including ethanol and biodiesel. This provision alone will create more than 200,000 jobs over the next decade.

The bill goes well beyond previous efforts to promote value-added agriculture by streamlining and making new incentives for ethanol production as well as creating a new tax credit for biodiesel production. This legislation simplifies a very complicated tax system for Iowa's ethanol producers and taxpayers while ensuring these payments are properly credited toward vital transportation priorities. These tax reforms are significant developments for Iowa's future because they promote the development of small ethanol cooperatives, create value-added business opportunities, and ensure the long-term future of Iowa's transportation needs.

The bill also supports enhanced energy efficiency and conservation, environmental protection measures and domestic production. Consumers will be encouraged to purchase more fuel-efficient automobiles and make sensible home improvements. New, advanced environmentally friendly technologies will be promoted. In addition, electricity generation and transmission will be strengthened to help rural electric cooperatives and public and private utilities provide affordable electricity to their customers.

My support for the bill is somewhat tempered by the recognition that it exceeds the spending limits established by the fiscal year 2004 budget resolution. I believe that many of the key objectives of this bill could have been realized within the confines of the budget resolution. By contrast, the tax provisions, while significant in cost, are fully consistent with the

revenue levels established by this year's budget.

Mr. Speaker, I believe that the Energy Policy Act represents impressive progress toward a balanced, long-term energy policy to reduce our reliance on foreign oil, stabilize prices for consumers and stimulate our economy. I am particularly proud of the renewable energy provisions in this bill and urge my colleagues to join me in approving this significant legislation.

Mr. STENHOLM. Mr. Speaker, today, I rise in support of H.R. 6; the energy bill that America has waited so long for. Like the original House version of this legislation, I intend to support the conference report on the floor today.

I truly believe this legislation provides the proper framework to diversify America's fuel sources. As Ranking Member on the House Agriculture Committee, I'm glad that there are greater incentives for increased production of ethanol. I'm glad to see production tax credits for wind energy, solar, biomass and nuclear electricity generation. Diversification of our nation's energy sources will help us meet our goal of reducing our dependence on foreign sources of fuel.

More importantly, this energy bill provides the right tools for independent oil and gas producers to continue producing from our own fields. I've been fighting for these measures for years, and I'm glad Congress is finally going to implement them. The time is long overdue for Congress to recognize the importance for America to decrease our use of oil and gas from foreign countries and to capitalize on the resources beneath our own soil. And, contrary to what many groups will lead us to conclude, we can drill for oil and gas without doing damage to our environment. Former Texas Senator Lloyd Bentsen once said that when America imported more than half of its crude and petroleum products, it would have reached a point of peril. Friends and colleagues, we have reached that point.

Although I intend to support this legislation, I must express my extreme disappointment of the process in which this bill was considered. I have worked for years in Congress to promote equality and bipartisanship in this great institution. However, this bill was written behind closed doors with no input from the public. Unfortunately, my Democratic colleagues were not given the opportunity to offer significant amendments to the legislation. This legislation isn't perfect, and it could have been improved significantly if my colleagues were allowed to bring their ideas to the negotiating table.

Mr. KIND. Mr. Speaker, as ranking member of the Subcommittee on Energy and Minerals Resources of the Committee on Resources, I rise in disappointed opposition to H.R. 6.

Like my friend and colleague, Mr. DINGELL, I too was a conferee "in name only" on a bill that should have been—and could have been—a comprehensive and balanced plan for our Nation to meet its short and long term energy needs.

The centerpiece of this atrocious energy bill is a multi-billion dollar package of tax breaks and incentives designed to slant the market in favor of fossil fuel industries, and away from meaningful reform through the development of safe, clean and renewable alternatives. Should this bill pass, the Republican leadership will have locked the American economy into the

old energy regime for most of the 21st century, with dire environmental and global security consequences.

Current provisions of the bill offer an inexcusably watered down version of the renewable energy production incentives program for solar, wind and geothermal energy, with meager and uncertain monetary incentives, barely reaching \$5 million per year, providing little impetus for installing new capacity and unlikely to affect investments in renewable energy in any meaningful way. In addition, conservation efforts, such as mandating the reduction of one million barrels of oil per day by the year 2013, as the other body had approved on a vote of 99–1, was simply left out of the Republican planning.

The few good provisions of the bill, like the renewable fuel standards provision and its potential to aid our Nation's struggling family farmers, have been suffocated by the bloated excess and taxpayer-funded subsidies for some of our Nation's largest oil and gas companies.

Mr. Speaker, when the House considered the energy bill this past spring, I led an effort to stop the Federal Government from providing "royalty relief" for multi-billion dollar oil companies such as Exxon Mobil and Chevron Texaco operating on public lands and in coastal waters. This "royalty holiday" was once characterized as "giving major oil companies a huge tax break" by a candidate for the 2000 presidential election . . . No, not Al Gore but George W. Bush.

So what happened to that assessment? How can President Bush now support a bill that not only contains this very same taxpayer funded giveaway to some of the biggest oil companies in the world—already swimming in huge profits—but a bill that actually expands them?

Unfortunately, the House-passed oil and gas incentive provisions were scored by CBO and projected to reduce the Federal revenues by \$20 billion over ten years. The total cost of this bill is \$141 billion and it is not paid for. It will be added to historically larger budget deficits for many years.

Mr. Speaker, our Nation is facing huge structural budget deficits, escalating war costs and a sluggish economy. We simply cannot afford to open our checkbook and spend the American taxpayers' money to subsidize industries to do what their business plan would have them do anyway—explore and produce domestic energy sources if it is cost effective to do so.

Mr. PAUL. Mr. Speaker, today we are once again voting to take our Nation further down the path toward a system of centralized Federal planning of our energy supply. The very notion of a national energy policy is collectivist; it assumes that an energy supply would not exist without a government plan. Yet basic economics teaches us that nothing could be further from the truth.

The best energy policy is the free market! Energy is no different than any other commodity—free market, competition produces the most efficient allocation of resources. In a true free market, conservation of scarce energy resources occurs naturally. When coal, natural gas, or other nonrenewable sources are depleted, the price goes up. When alternative energy sources like wind and solar become economically feasible, demand for such sources arises naturally. There is always a

natural market for clean and cheap energy. Only an unregulated free market creates the environment that allows critical technological innovation to flourish, innovation that holds the key to cheaper and cleaner energy.

The approach we take today, however, distorts the market and favors certain industries and companies at the expense of American taxpayers.

It's always the same old story in Washington: instead of allowing the free market to work, Congress regulates, subsidizes, and taxes an industry, and when inevitable problems arise, the free market is blamed! The solution is always more Federal intervention; no one suggests that too much Federal involvement created the problems in the first place.

Let me provide just a few examples of the most egregious, wasteful spending measures and corporate subsidies contained in this legislation: It spends even more than the President requested; it provides \$90 million in subsidies for hydroelectric power plants; it provides \$500 million for research and development of Biomass; it authorizes almost \$2 billion for the Energy Department to do what the private sector would if it was profitable—develop hydrogen cars; it allows FERC to use eminent domain to ride roughshod over State and local governments; it increases failed ethanol subsidies to favored agribusiness companies, while providing liability protection for those companies; it requires States to reduce energy consumption by 25 percent in 2010, including States with growing populations like Texas; it forces taxpayers to guarantee loans for pipeline projects, despite the easy availability of cheap credit; it spends \$20 million for the Labor Department to recruit and train Alaskan employees to build a new pipeline; and it authorizes the Energy Department to create efficiency standards for vending machines!

Mr. Speaker, this conference report represents the usual pork, subsidies, protectionism, and regulations that already distort our energy markets. I strongly urge my colleagues to vote "no" on this terrible bill.

Ms. DELAURO. Mr. Speaker, in the more than thirteen years that I have been honored to serve in this distinguished institution, I have never seen a piece of legislation less crafted with the public interest in mind than the one we discuss today—the Energy Policy Conference Report (H.R. 6). It consists entirely of subsidies to corporations and rollbacks of environmental protection laws. It is a virtual grab-bag of giveaways to corporate interests.

To say nothing of the severe public health threat posed as a result of the environmental exemptions included in the bill affecting the air we breathe and the water we drink, I would specifically like to raise my strong opposition to two provisions that exemplify the special interest giveaways in this twelve hundred-plus page bill. The first permits a controversial Long Island Sound energy cable, entitled the Cross Sound Cable, to stay activated despite being found in violation of both state and federal permits. The language, listed under Title XIV, Sec. 1441 of Subtitle D, was slipped into the bill by the energy company's newly hired lobbyist, former New York Senator Alfonse D'Amato, and would allow the Cross Sound Cable to remain activated unless rescinded by an act of Congress. It disregards pending litigation by the Connecticut Attorney General pertaining to the safety of the cable and trumping the regulatory authority of Con-

necticut and the Army Corps of Engineers, which together govern the installation of such transmission cables.

Also included in this bill, under Title XIV, Sec. 1442 of Subtitle D, is a provision, which subordinates all state and federal agencies to the authority of the Federal Energy Regulatory Commission when it comes to the laying of natural gas pipelines. The language would pave the way for the construction of the Islander East gas pipeline across Long Island Sound, stretching from Branford, Connecticut and Shoreham, New York. As a result of this controversial provision that will have wide implications on the construction and appeals of all natural gas pipelines, the Islander East pipeline will be installed over and above the objections of the Army Corps of Engineers and the Connecticut Department of Environmental Protection.

These provisions disregard the needs of our state's economy, our environment and the voices of millions of Connecticut citizens who are directly affected by these provisions. The Republican leadership and high-priced corporate lobbyists have determined that they—and not Connecticut's citizens or elected officials—know what is best for our state.

This is a disgraceful giveaway to special interests at the expense of citizens in my state, and I urge my colleagues to oppose this bill.

Mr. OBERSTAR. Mr. Speaker, I rise in opposition to the Energy Conference Report. As a Member of the Energy Conference, I am exceedingly disappointed that the Conference was not conducted in a bipartisan fashion. Instead, conference meetings were held behind closed doors with only a select group of Republican House and Senate Members in attendance. As a result of this secretiveness, the Conference squandered an opportunity to craft meaningful, forward-looking energy legislation that could be supported by both sides of the aisle.

House and Senate conferees at long last met yesterday evening, although it was more for show and tell than for a substantive debate on the conference report. Amendments to the report were offered by Democrats and were defeated strictly on party-line votes. The conference meeting was an event patently designed for Republicans to be able to say that they held a meeting of conferees and that they made an attempt—no matter how hollow—at bipartisanship. While the argument that conferees did meet might be persuasive to those unfamiliar with the legislative process, I have served on many conference committees and I know how a true conference is conducted.

A conference of real inclusiveness is one in which Members from both bodies and from both sides of the aisle meet to discuss ideas, exchange views, and make adjustments to their respective positions. Proceeding title-by-title, section-by-section, and line-by-line, conferees adapt the legislation to reflect a broad consensus of views that serve the entire country in ways that neither the House nor Senate bill standing alone would have done. The Energy Bill was never subjected to that test of a true conference. Instead, the bill was crafted by a very small number of partisans in both the House and Senate who, it seems, did not even include a majority of conferees from their own side of the aisle. The result is a bill that tilts egregiously on the side of corporate America and the already privileged.

The number of offensive provisions littered throughout the bill are simply too many to enumerate, so I will highlight just a few examples.

Section 328 of the Conference Report exempts the oil and gas industry from complying with the Clean Water Act's stormwater permitting requirements for construction activities. This provision makes oil and gas exploration the only construction activity not subject to Clean Water Act requirements. It is a complete, unprecedented end-run around one of our Nation's most successful environmental laws, and was written into this legislation without the benefit of public hearings or testimony on the provision.

Section 756(c) of the conference report allows a 250-pound increase in the weight of some heavy trucks, purportedly to provide incentives for trucking companies to utilize a certain type of idle reduction technology. While I support the environmental benefits of reducing truck idling, I cannot support an increase in truck weights that will inflict further damage upon the highway infrastructure and threaten the safety of the driving public. At a time when states are searching for the funds necessary to fix roads that are worn to the point of being unsafe, this provision will increase the stress on our Nation's highway infrastructure, costing taxpayers approximately \$300 million each year in increased highway damage. Further, this exemption is unnecessary. The industry's own figures show that idling reduction technologies pay for themselves in reduced fuel costs in approximately two years.

Section 1502 provides special protection for MTBE (Methyl Tertiary Butyl Ether) producers from liability associated with clean up costs and damages caused by MTBE contamination of groundwater. MTBE is a gasoline additive that helps make gas burn cleaner and reduces air pollution, but it also becomes a suspected carcinogen that can contaminate groundwater and surface water. As a result of this special interest provision, taxpayers will be forced to pay the estimated \$29 billion cost of cleaning MTBE-contaminated water across the country.

Section 326 establishes a dangerous precedent under the National Environmental Policy Act (NEPA) by authorizing the federal government to reimburse oil and gas companies for the costs of undertaking environmental impact analyses relating to oil and gas leasing. This provision, in combination with a similar provision for geothermal energy, is estimated to cost taxpayers \$165 million over the next ten years.

The Conference Report does nothing to increase the average fuel economy standards. One way to ensure that we decrease our dependence on foreign oil is to increase the number of miles per gallon achieved by our cars, trucks, and sport utility vehicles. However, this massive legislation does nothing to address this issue and simply leaves in place the status quo.

The Conference Report contains tax subsidies of approximately \$23.5 billion to energy industries—over half of that amount (\$119 billion) goes to oil and gas companies. At a time when our country is facing debilitating deficits, there are no offsets to pay for the cost of these enormous tax breaks for energy industries.

These provisions demonstrate the dangers of writing such an expansive bill without allowing participation by all parties. But as we know, not all conferees were allowed to participate in conference meetings. It is a shame

that the Republican majority chose to proceed in this manner because there are some promising provisions in this bill that could begin to move this country in the right direction, such as a provision to equip public buildings with photovoltaic solar energy systems and a provision to promote fuel conservation by encouraging bicycling instead of driving. Not surprisingly, these provisions were adopted from Democratic amendments that my colleagues and I offered on the floor of the House during consideration of H.R. 6 last April. If the conference process had been open to Democrats, I am confident that we could have seen more of these forward-looking provisions in the bill.

But the few positive provisions in the conference report are overwhelmingly outweighed by the many special interest provisions in the bill designed to benefit some large energy corporations at the expense of the American public. When the voice of the Minority is silenced, as it has been these past few months, the result is a misguided policy that benefits the few, not the broad national energy policy that this country needs and which the American people deserve.

Mr. DAVIS of Illinois. Mr. Speaker, I rise today in opposition to H.R. 6, the Energy bill that is before us today. I am against this bill due to repealing of provisions that will continue and empower the Enron's of tomorrow and will make our drinking water and air over time unsafe. However, with every bad, I believe there is some good.

Although I realize LIHEAP will be funded under the Labor-HHS Appropriations, I wanted to take a minute to mention section 121 under subtitle B in this bill. I am particularly happy with the amount of \$3.4 Billion for each of fiscal years 2004 through 2006 considering that the Appropriations Committee proposed funding LIHEAP at \$1.8 billion, which was \$200 million less than the President's budget request. We can not let LIHEAP sustain any cuts at a time when projections predict that natural gas prices will be at least 50 percent higher in the coming winter as more than half of LIHEAP recipients rely on natural gas. Last year in Chicago, LIHEAP provided grants averaging \$430 per household. No one should have to suffer from the cold this winter.

I am committed to ensuring that our low-income families do not have to rely on their oven or stove or a space heater to stay warm during the winter months.

Unfortunately, Mr. Speaker, this bill does more damage than good for our energy resources, energy usage, and to our environment.

Ms. SLAUGHTER. Mr. Speaker, I ask unanimous consent to revise and extend my remarks. I rise to express my opposition to this energy bill, which backfires on our responsibility to pass a balanced energy bill.

Let me be clear, you should support this bill only if you thought the Cheney Energy Task Force report was a balanced solution to our nation's energy problems, because this bill is more of the same. Since we got a copy of this bill at 3:30 a.m. this morning, I cannot be sure of all the special interest provisions in this 1,700 page bill. However, I do know that it is harmful for national security, harmful for consumers, and harmful for the environment. Here are just some of the highlights:

The bill seems to be a throw back to the nation's 1950s energy policy. It fails to include standards for providing clean, renewable en-

ergy sources that would save consumers money on their utility bills, create jobs, reduce air pollution, and global warming emissions. Instead, this energy bill relies on tax breaks and subsidies for big energy companies. According to the Congressional Budget Office, the bill's price tag exceeds \$50 billion over the next decade, adding \$18 billion to the deficit. It would give away \$3.7 billion to coal-based technology and \$6 billion to new nuclear power companies to name a few.

We are missing an opportunity to craft an energy bill that relies on energy efficiency and renewable energy sources instead of fossil fuels. Unlike this bill on the floor today, a bill that supported renewable energy would create four times as many jobs without adding to the deficit, not to mention improving our air and water.

Unfortunately, instead of reducing our dependence on foreign oil, this legislation would actually increase our dependence by creating more hurdles to raising the fuel economy standards for cars and trucks. On top of not addressing the biggest source of air pollution, the bill preserves the \$100,000 tax write-off, which professionals can use to purchase Hummers. The Hummer H2 has the unbelievably low fuel efficiency of 10 miles per gallon. While this vehicle does comply with 1950s fuel standards, that is not good enough given the latest research with global warming and technological advances.

Beyond the pollution created by vehicle emissions, my district in Upstate New York, like many communities, has been the unfortunate beneficiary of bad air quality that has been transported from other parts of the country. This bill will not help. In fact, it would greatly compromise the quality of air we breathe by loosening the ozone standards. The bill would allow communities not in compliance with the ozone standards to get more time to clean up without having to implement strong air pollution controls, placing a significant burden on states and communities downwind of these urban areas. However, this bill does not stop at creating loopholes for clean air.

As I discussed in an earlier floor statement today, I am particularly troubled that this bill lets producers off the hook for contaminating groundwater with the gasoline additive, MTBE, a probable human carcinogen. In addition to forcing taxpayers to assume an estimated \$29 billion in cleanup costs, it also contains language preventing lawsuits against the industry. As if that was not enough of a break, the bill would also give the industry nearly \$2 billion for transition costs, and allow the President or any state to opt out of the MTBE phase out. As a Member representing a state that has found drinking water contaminated with MTBE, this is unconscionable.

So from the details in the bill that I know, we are voting today on an expensive bill with \$115 billion in industry giveaways, including \$20 billion in direct tax incentives, with only 20 percent of that money going to renewable energy sources, and a bill that roll backs environmental protections. The bill does not save one drop of oil, or value public health and fiscal responsibility. For these reasons, I am forced to vote against H.R. 6.

Mr. SIMMONS. Mr. Speaker, I rise today in support of H.R. 6, the "Energy Policy Act of 2003." H.R. 6 is a critically important piece of legislation that will provide a strong, com-

prehensive national energy policy that promotes conservation, alternative fuels and technologies, in conjunction with maintaining sound environmental practices.

My constituents in eastern Connecticut support an energy policy that reflects America's 21st century values, its technology and certainly our homeland security needs. My constituents expect Congress to put forth an energy bill that advances a balanced approach to energy production and use by encouraging a responsible, diverse mix of energy sources and options along with a significant investment in conservation and increased efficiency. The Energy Policy Act before this body today does all this by charting a path toward increased energy security and a cleaner environment—in short: secure, reliable, affordable energy for all Americans in a growing economy.

This conference report provides \$3.4 billion in LIHEAP funding, including \$70 million for Connecticut. These dollars will keep our elderly and poor warm this winter and they need our help.

My home State is known as the "fuel cell Capital of the World." H.R. 6 provides \$1.8 billion in R&D funds for fuel cell research, allowing Connecticut to continue to be on the cutting edge of alternative fuel development. The measure puts forth \$325 million for the next 3 years for State energy conservation programs; \$2.9 billion over the next 5 years for renewable energy research and development; and \$2.5 billion over the next 10 years to develop "clean coal" technology.

For our Nation's security, H.R. 6 provides \$1.5 billion for the Strategic Petroleum Reserve, expanding the Reserve from 700 million to 1 million barrels. Given the instability of the Middle East, this is a prudent energy security move.

Today's bill also includes bipartisan reauthorization of the Price-Anderson Act, which provides insurance in the case of a nuclear accident. The measure contains a number of provisions aimed at enhancing the security of commercial nuclear reactors, including a directive that the president prepare a study of potential threats, authorization to perform background checks on employees, a requirement that the Nuclear Regulatory Commission consult with the Homeland Security Department before issuing a license, and authorization for the commission to allow its employees and the employees of certain contractors and subcontractors engaged in the protection of nuclear facilities to carry firearms. These provisions are particularly important to my district, which relies heavily on nuclear power and is home to all of Connecticut's nuclear power plants; two fully operational and two decommissioned.

Legislation before the House today places our Nation on a forward path toward stronger and more reliable electricity markets. H.R. 6 is a far-reaching, long-term energy policy that will improve the security and reliability of our nation's energy supply in the following ways: it will increase transmission capacity; it will improve the operation of existing transmission and it will make wholesale competition even more successful than it currently is today.

Finally, the bill prohibits opening the Arctic National Wildlife Refuge to drilling and prohibits oil and gas exploration in the Great Lakes. As a life member of the Sierra Club, I am pleased with these prohibitions.

This being said, however, there is one provision I am extremely disappointed was included

in the final product. It concerns a 24-mile cable that runs between new Haven, Connecticut and the former Shoreham nuclear power plant on eastern Long Island, New York. The state of Connecticut and its congressional delegation has adamantly opposed this provision and objects to its inclusion in the final energy bill. This provision will not preclude me from voting for this bill, but I am upset with its inclusion. Where I come from, we call this "swallowing a rat," which means taking the bad with the good. I will "swallow the rat" on this provision but I am not happy about it.

Overall, I believe Congress put forth a comprehensive national energy bill. I have long supported finding solutions to the energy crisis that strike a proper balance between conservation and production. I believe that the conference report to The Energy Policy Act of 2003 represents a long-term energy policy that will improve the security, reliability and affordability of our nation's energy supply.

I urge my colleagues to support its passage.

Mr. McDERMOTT. Mr. Speaker, in the midst of a record Federal budget deficit during a time of war, the House today is considering a \$23.5 billion tax cut, the overwhelming bulk of which will be enjoyed by oil, gas, and other traditional energy companies.

Sometimes tax incentives can be a valuable tool to help spur innovations in the energy sector. This bill, however, merely provides expensive incentives for the status quo that has only increased our reliance on oil that comes from Middle East monarchies that control the price of our oil through a global cartel.

Even though Republicans argue about the merits of free market competition, the Republicans-controlled House is about to pass a 1000 page measure created behind closed doors with energy industry executives that would provide billions of dollars in Federal subsidies to oil, coal, and nuclear energy companies. These benefits are provided at a time when the price of oil per barrel is over \$30, a price that yields generous profits for oil companies.

Never before has our nation cut taxes in a time of war. We didn't cut taxes during the Civil War, either of the World Wars, Korea or Vietnam. Despite our deteriorating fiscal situation, the burgeoning budget deficit, and escalated costs and casualties in Iraq, the Bush Administration and the Bush Congress is intent on sacking our children and grandchildren with an additional \$23.5 billion in government debt.

In addition to my budget concerns, this bill erodes laws that protect our environment. The quality of the air that we breathe and the water we drink will be worse tomorrow than it is today, if the Congress adopts this Republican-authored bill.

This bill would roll back portions of the Clean Air Act to allow certain cities to ignore air quality standards.

It would exempt construction at oil and gas company sites from rules on wastewater runoff designed to protect our lakes, rivers, and streams.

It provides a waiver of liability for producers of MTBE, a gasoline additive that has contaminated the drinking water of countless American communities. This waiver, which is sought by Republican Majority Leader, TOM DELAY, would shift the cost of MTBE cleanup from its producers to its taxpayers.

Mr. Speaker, I can create a list as long as my arm detailing the poor policy choices embodied in this energy measure. I urge my colleagues to vote against it.

Mr. UDALL of New Mexico. Mr. Speaker, I rise today in strong opposition to this conference report. In this bill, the most significant energy legislation in 10 years, we had the chance to craft a smart, forward-looking, efficient energy policy. Unfortunately, the 1700-page bill, which costs \$140 billion and includes over \$23 billion in giveaways, repeals crucial consumer protections, and fails to address global warming and our nation's dependence on foreign oil, is not what I envision as twenty-first century energy policy.

I regret that Senator BINGAMAN's renewable portfolio standard provision was deleted by the conferees. Everyone in my state of New Mexico knows that expanding clean, renewable energy has amazing economic potential for our State, and the country. 1.4 million jobs could be created with a sound renewable energy plan, according to the Economic Policy Institute. Moreover, the lack of a renewable energy plan does nothing to address our dependence on foreign sources of oil, and the national security implications are astounding. I will continue to push my renewable portfolio standard legislation as a stand-alone bill next year.

I am also disappointed that the dangerous uranium provision that may be harmful to my constituents in northwest New Mexico, including many members of the Navajo Nation, stayed in the final bill. Don't let the red herring exemption for New Mexico fool you—since corporate funds are fungible, any monies a corporation may receive to conduct this type of mining will release other funds to conduct this dangerous technique anywhere. I will work with others to minimize the harm caused by this needless subsidy.

Adding to the list of bad provisions, this bill lets polluters off the hook for contaminating groundwater with MTBE, and allows other companies to produce more smog pollution that the Clean Air Act authorizes. It also dramatically increases the potential for global warming by offering huge incentives for burning coal, oil, and gas. In essence the bill reverses "polluter pays."

I am thankful for the few provisions in this bill that will be beneficial to my constituents and for our environment and economy. The electricity title does contain some provisions that are beneficial to the rural electric cooperatives in my district. In addition, I am pleased with efforts in the bill to advance the Federal government toward increased energy efficiency, such as the goal of a 20 percent reduction in Federal building energy use by 2013, and funds directed to solar programs with the goal of installing 20,000 solar roof-top systems in federal buildings by 2010. However, weighing the few good provisions with the many bad provisions, I am unable to support the final bill.

Most of all, I am disappointed by the process by which this bill was negotiated. The saying is that no one wants to see the process of making laws or sausage. Unfortunately, Democrats weren't even given the choice. We were repeatedly ignored as Republicans met behind closed doors. The expertise and input of Democrats could have made this a better bill. I hope as we move forward on other conference reports the majority will allow other voices to be heard.

I oppose this conference report and I urge my colleagues to do the same.

Thank you, Mr. Speaker.

Mr. LANTOS. Mr. Speaker, although I am unable to be present for the final vote on the Conference Report on H.R. 6 because of a long-standing commitment, I want to voice my very strong opposition to H.R. 6, the Energy Policy Act of 2003.

Mr. Speaker, only in a one-party process is such a one-sided and ill-conceived bill possible. By excluding Democrats from meaningful participation in the conference committee, the Republican majority has failed to achieve the bipartisan consensus that is necessary to deal with America's real energy security needs.

This bill does little or nothing to help the most populous state in our Nation—my home state of California. I am seriously concerned about the environmental impact of this ill-conceived and one-sided legislation. The bill protects manufacturers of the gasoline additive MTBE that has contaminated water supplies in California. It doubles the subsidy for ethanol, the corn-based anti-pollution gasoline additive that is not particularly helpful in our state. It does little or nothing to protect against an energy crisis such as the one California faced 2 years ago. I am seriously concerned that it opens the door to off-shore drilling in California.

Mr. Speaker, this bill fails to reduce our dependence on foreign oil, and it fails to provide sufficient help for conservation or alternative energy development. In the end, I believe that the only beneficiaries are the oil and gas interests which are slated to receive increased subsidies, not the American consumer that needs help the most. Once again the Republicans in this House are selling out the American consumer in order to benefit their friends in Big Oil and the gas industry.

Ms. WATSON. Mr. Speaker, I rise today to strongly urge my colleagues to vote against the final conference report for H.R. 6.—The Energy Policy Act of 2003.

Just like the medicare prescription drug bill that we will be considering later this week, the latest energy plan is nothing but a big giveaway for this Administration's special-interest friends and will cost our taxpayers over \$137 billion.

In fact, the \$100 billion tax breaks contained in the energy bill do very little to strengthen our Nation's energy policy. More than a quarter of the tax breaks and incentives in this bill go directly to the oil and gas industry, many of which are the biggest contributors to this President's re-election campaign. These tax breaks will cause our consumers over \$6.9 billion due to increases in fuel prices.

What is left are few incentives to encourage energy conservation and very little support for exploring alternative sources of fuel. Even worse, MTBE manufacturers that have caused major water contamination problems throughout my state of California are shielded from product liability lawsuits.

When the bill was first on the floor in April, I protested that the electricity provisions would do little to provide significant new oversight protections to prevent the type of market manipulation that contributed to California's energy crisis 2 years ago. To my astonishment, the final electricity provision in the conference report is even worse. There are nothing but confusing and contradicting provisions on the

development of the electricity grid. Moreover, states are allowed to play only a minimal role in determining the location of new pipelines and transmission lines.

The new energy plan is a disastrous special-interest reward to this Administration's polluter friends and does nothing to stimulate our stagnant economy and create jobs.

It lays out no vision for the future of our energy policy and provides no relief for my home state of California as well as the rest of the nation. I strongly urge my colleagues to defeat this conference report and allow both minority and majority sides the opportunity to formulate a better Energy bill for our citizens.

Mr. HOLT. Mr. Speaker, I rise in opposition to the energy conference agreement that has been brought to the House floor today.

As an energy scientist who spent nearly a decade working at one of the nation's premiere alternative energy research labs, I have worked in Congress to help craft a strategy that will provide real energy security for central New Jersey residents and the United States. That's why Congress should focus on the development of better ways to produce and use energy, including fuel cells, wind power, and fusion. We can fulfill the energy needs of a growing economy without compromising our national security interests or devastating our environment.

Unfortunately, rather than leading us into a secure energy future with a lower dependence on foreign oil, this bill merely subsidizes oil and gas companies to do more drilling—a short-term, ineffective solution.

Before I go into greater detail about my reasons for opposing this bill, I want to mention that I am pleased to see that provisions opening the Arctic National Wildlife Refuge to harmful oil and gas drilling have been removed. This misguided policy would have sacrificed one of our most precious public lands for a minimal amount of resources.

What most concerns me about this bill, however, are provisions that will cause unnecessary harm to our environment while doing little to move this country towards a sustainable energy future. This is not an energy blueprint; it is a clumsy collection of special interest goodies.

I am most concerned about provisions that will affect the Jersey Shore, where the environment means a great deal to the local economy. While I am pleased to see that the conferees rejected a provision what would undo the moratorium on outer continental shelf oil and gas exploration, it seems they are still trying to do the same thing in a much more nefarious fashion, by mandating a "study" of ways to prevent natural gas shortages by estimating holdings in areas currently off-limits, this bill could in effect open OCS areas to damaging seismic exploration.

Other provisions affecting the Jersey shore include giving the Secretary of Interior Czar-like authority to permit energy projects in the OCS, weakening the Coastal Zone Management Act to undermine states' abilities to protect their own coastal environments, and exempting oil and gas construction from stormwater provisions of the Clean Water Act.

New Jersey also has the dubious distinction of having some of the worst air quality in the nation, but it's not completely our fault—prevailing winds carry pollution from the Midwest to our state, causing more asthma, emphysema, and premature death. That's why I am

alarmed to see that right after the Bush administration relaxed Clean Air rules, the conferees have given certain cities a free pass to continue to avoid meeting other clean air requirements enforced by the EPA. This hurts residents of the affected cities and of my central New Jersey district—and certainly doesn't help address our energy problems.

This conference agreement also sets a dangerous precedent—that the primary use of our public lands should be oil and gas drilling or coal mining. Mr. Speaker, my constituents own these public lands just as much as any other American, and I'm quite sure most of them believe that we need a much more balanced approach to the use of our public lands.

Finally, this bill is notable for a few glaring omissions. First, it contains no renewable portfolio standard, a provision that would actually move our country towards a sustainable energy future by increasing our reliance on renewable energy. It contains pitiful levels of incentives for creating new renewable energy sources. It also fails to close the SUV loophole, a shameful part of our tax code that gives the wealthy tremendous incentives to continue buying the largest and most inefficient vehicles on the road.

What's worse, the bill does virtually nothing to reduce our prodigious dependence on oil. At a time when it is clear that our dependence on foreign oil affects national security and it is apparent we will never drill our way to independence domestically, we have an energy bill that refuses to mandate greater efficiency. Not only are there no provisions to increase automobile efficiency, this bill could actually undermine current fuel economy standards.

The real failure of the authors of this bill—in their closed, partisan sessions—is that they have not produced an energy bill. We need an energy bill. The country needs an energy bill, one that lays out a rational, coherent energy plan. The world needs us to do this, so that we not foul our earth by the way we produce and use energy. Instead, we get a grab bag of special interest goodies.

Mr. Speaker, I am voting against this conference agreement today because it is the wrong policy for America's future. Rather than leading us into a secure energy future with a lower dependence on foreign oil, this bill merely subsidizes oil and gas companies to do more drilling—a short-term short-sighted solution.

We need a responsible and sustainable approach to addressing our nation's energy needs. On behalf of the residents of the 12th District, I pledge to continue to work towards the development of a balanced, comprehensive energy plan—one that finds environmentally friendly, sustainable ways to decrease our dependence on foreign oil and slow the degradation of our planet.

Mr. WILSON of South Carolina. Mr. Speaker, I rise today to call attention to an issue debated during the Energy Conference, whose time for reform and resolution has come. I am speaking of the Reachback issue, established as part of the Coal Act in the 1992 Energy bill. This insidious tax has caused numerous businesses to fail over the past ten years as a result of its inequitable taking from those that should not have been included in this effort in the first place.

The 1992 Coal Act, as part of the 1992 Energy Policy Act, established the United Mine Workers of America (UMWA) retiree health

benefit fund—the Combined Benefit Fund (CBF)—to replace the health care programs that had been created through the collective bargaining process. Not only did the Coal Act require companies who were signatories to the 1988 collective bargaining agreement to pay, but it also retroactively went after companies—referred to as "Reachback" companies—that were no longer in the bituminous coal mining business, and assessed them liability for the CBF. These Reachback Companies did not sign the 1988 or later agreements, which were the contracts that guaranteed lifetime healthcare benefits for retired coal miners. Needless to say, the provisions of the Coal Act that created the Combined Benefit Fund were hastily crafted and rushed into law.

This retroactive "Reachback tax" has been so crippling for a number of these companies that many have ceased to exist, and the very existence of others continues to be threatened. In order to pay this unfair tax, Reachback companies have had to significantly scale back spending on Research and Development, business expansion (jobs), and economic security.

Many of us in the House, during both the 106th and 107th Congress, pursued legislation aimed at solving the Reachback issue in a comprehensive fashion. We took on these efforts in order to create stability and fairness in the Combined Benefit Fund, and to thereby provide a solution that would address the needs of all interested parties.

I urge the Congress to act expeditiously to provide a solution that will permanently resolve this issue.

Ms. KILPATRICK. Mr. Speaker, one Republican more accurately characterized H.R. 6, the Energy Policy Act, as the "No Lobbyist Left Behind bill." This bill gives \$20 billion in tax breaks and subsidies to the oil, gas, coal and nuclear industries. No one has had a chance to look over this bill. I read from the papers that the bill is more than 1,700 pages in length. You can believe that there are many provisions contained in this bill that the other side does not want the public to know. So what better way to disguise this bad legislation than by burying it inside of 1700 pages.

This bill is bad for our national security—it facilitates the proliferation of nuclear fuel. It reverses a long-standing prohibition on the reprocessing of spent fuel from commercial reactors. It promotes, through the Department of Energy's Advanced Fuel Cycle Initiative, joint nuclear research efforts with non-weapon states, and encourages the advancement of advanced nuclear weapons systems.

This bill encourages production over conservation. The conservation provisions are estimated to amount to only three months of U.S. energy consumption between now and 2020.

This bill is bad for consumers as it repeals the Public Utility Holding Company Act (PUHCA). The PUHCA protects consumers by limiting the size and scope of utility companies and subjecting utility holding companies to Securities and Exchange Commission (SEC) regulation. PUHCA also required revenues from utility ratepayers to go into electric infrastructure maintenance, instead of risky financial investments like we saw in the Enron case. In fact, it was PUHCA that kept Enron from owning more than one electric utility and prevented their bankruptcy from affecting more

utility customers. Repeal of PUHCA would allow venture capitalists to put utility ratepayers into almost anything they wanted.

The conference agreement is also bad for the environment. The bill exempts the construction activities at oil and gas drilling sites from compliance with the Clean Water Act. Clean air requirements are relaxed in order to delay reductions in smog pollution. A process to extract oil and gas trapped underground by injecting chemical solutions is exempted from the Clean Water Act. The ability of States to protect their coasts and beaches from energy development projects is weakened.

A provision inserted by the Republican Leadership exempts manufacturers of MTBE (Methyl Tertiary-Butyl Ether) from liability resulting from ground water contamination. Not only does the bill limit MTBE manufacturers from limited liability but also rewards those companies with \$2 billion in Federal aid. So the bill shifts a potential \$29 billion clean up cost from MTBE manufacturers to taxpayers and water customers. This bill turns the concept of "the polluter pays" on its head.

Finally, H.R. 6 does little to enhance our domestic energy security and lessen our dependence on foreign oil supplies. America has only 3 percent of the world's oil reserves; whereas, countries affiliated with the Organization of Petroleum Exporting Countries (OPEC) controls more than 70 percent of the world's reserves. As was previously cited in today's debate, America is a technological giant. But instead of investing in our ingenuity to make us a country that is more efficient in its usage of energy resources, this bill assumes we can fulfill our energy needs by drilling for more oil and natural gas supplies and excavating our way to energy independence.

This represents a failed promise for energy consumers. They will be asked to pay more in energy costs as well as provide subsidies to the energy industry. At the same time, Americans are asked to sacrifice their environmental responsibilities and surrender their rights as energy consumers. This is a bad deal for my constituents in Detroit and Southeast Michigan. It is a bad deal for America, and I urge my colleagues to vote down the conference agreement that has been handed to us.

Mr. MATHESON. Mr. Speaker, I rise to support H.R. 6, the Energy Policy Act. I believe that our country needs a balanced, comprehensive national energy policy that promotes short-term and long-term solutions. We need to increase our energy supplies in an environmentally responsible manner, improve energy infrastructure, and invest in research and development. In the short term, we need more supply, more conservation and energy efficiency, and additional transmission lines and pipelines. But equally as important, a forward-thinking, long-term energy strategy requires a strong commitment to the research and development of current and future energy sources and energy-efficient technologies.

My support for this bill is based on these principles; however, I am extremely disappointed that a provision was inserted in conference that would reclassify radioactive waste from Ohio and allow it to be shipped to Utah. I strongly oppose this provision and I will do everything in my power to ensure that this waste is not dumped on Utah.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of this conference report for the Energy Act of 2003. The bill is not perfect

but it will make a great stride toward ensuring that the Energy needs of America continue to be met in a changing world. Energy and energy policy are inextricably linked to the U.S. economy, and to the lifestyles of the American people. The business of energy is of critical importance to my constituents.

I wish this bill had more conservation measures in it and had more job creation; however, I believe that it is time to move forward in the Energy debate. We cannot risk going through another Congress without a comprehensive energy policy. There is much good in this bill, much of which came from some creative ideas and hard work in the Science Committee on which I serve. So, I will support this bill.

I come from Houston, Texas, what has been called the energy capital of the world, and I appreciate that oil and fossil fuels deserve much credit for driving our economy and prosperity over the past centuries. I know that coal, oil, and natural gas will continue to play a large role over the next century at meeting our energy needs. However, we all know that fossil fuels are not the wave of the new millennium. Our children, especially in the inner cities like in my District of Houston, have an epidemic of asthma from breathing smog and polluted air. We are overly dependent on foreign sources of oil, bought from people that we would prefer not to be reliant on. No matter how safe we try to be, shipping and pumping oil will occasionally lead to spill and leaks that have tremendous detrimental effects on the environment.

As we craft our national energy strategy, we must balance the need to power our economy and our lives, with our responsibilities as stewards of the environment. As we have worked in Committee, and as I cast my vote today, I will strive to achieve that balance.

I am pleased to see that four amendments that I offered in Science Committee in this and last Congress have been incorporated into today's bill. Ensuring that our nation's Historically Black Colleges and Universities receive their fair share of research funding, will allow us to harvest their great expertise and skills. It will also ensure that the next generation of leaders in the critical field of energy production and utilization will reflect the diversity of our great nation.

Second, my provision for the secondary use of batteries will also help keep our environment clean and improve the efficiency of energy use in the future.

Third, I am gratified to see that language offered by my colleague from Houston NICK LAMPSON and me has been preserved, requiring the Secretary of the Interior to report to the Congress as to the oil and natural gas reserves in waters off the coast of Louisiana and Texas. That provision will lead to a much more comprehensive understanding of our nation's oil production capabilities. No matter how we decide to manage our resources in the future, it is important that we take stock and are informed about our options.

One reason I felt it important to study the production potential in the waters off of Louisiana and Texas, was that Gulf of Mexico oil has been successfully pumped and shipped for years. Thus, little additional impact on the environment would be expected if oil exploration were to be expanded in the future. Tapping such reserves will help satisfy our domestic needs, and will enable us not to pump oil of previously untouched areas—national

treasures like the Arctic National Wildlife Refuge. ANWR belongs to all of the American people, and to future generations of Americans. It only contains about a 6-month supply of oil. I do not feel that it is worth the risk to the environment to go take that oil, especially when so many alternatives exist for sources of oil, and options to oil.

New technologies are emerging rapidly to harvest the power of the sun, the wind, and of water to drive progress in the new millennium. Hydrogen holds great promise for becoming a fuel of the future to power our cars and trucks and even household devices with fuel cells. If we know that such technologies will be the way of the future—it is just smart policy to do all we can to stimulate the transition to go as efficiently and expeditiously as possible. We must also ensure that once the transition occurs, that it is American companies that are on the cutting edge of technology—leading and enjoying a good proportion of market share.

Another amendment that I offered in the Science Committee markup, and is in this conference report, will help that transition occur. The provision will require the Department of Energy to enter into discussions with the NASA Administrator, which will enable DOE to tap into the vast expertise in energy gained from past and future research—in order to find technologies that could bolster the existing commercial applications programs at the DOE.

Recently, six agencies, including NIST, DOE, NASA, and the Office of Energy Efficiency and Renewable Energy, launched an effort to improve the exchange of information about their technical programs and to collaborate, in order to "enhance payoffs from federal investments." I applaud that effort. Unfortunately, they have limited their initial priority areas of focus to intelligence in manufacturing and nanotechnology.

Energy security is absolutely vital to our nation's long-term survival, and the well-being of our environment. My provision will build on the existing agreement between the six agencies, by broadening their focus to include DOE/NASA interactions meant to stimulate progress in development of alternative and renewable energy sources. It will have minimal cost, but could yield great benefits.

Our energy needs are complex. We need to be approaching energy policy from multiple directions, with diverse input, in a bipartisan fashion, in order to develop creative strategies for fueling the economy of the future in the sensitive global environment. I am troubled by the fashion in which this conference report was rushed to a vote. We need an Energy policy, but three-days to let us all read the bill would have been better.

Regardless, this battle is over, and we need to move forward. I will vote for this conference report, but will continue fighting to improve conservation measures, and research into the technologies that will provide for the energy demands of the future.

Mr. LARSON of Connecticut. Mr. Speaker, I rise today in unfortunate opposition to the Conference Report on H.R. 6, the Energy Policy Act of 2003.

After months of closed door deliberations between Majority Republicans in both chambers, the Conference Report is being rushed to the floor after being filed at 3 a.m. this morning. Additionally, in order to ensure that no one has an opportunity to actually read and examine the text of the Conference Report,

the rule they are bringing it to the floor under waives the normal three-day layover requirement in the House Rules established to ensure Members and the public have the opportunity to review what should be the public business of any operating democracy.

I remain concerned about many provisions that I understand are in the bill, some of which are provisions that were never considered by either legislative body in the House, and by the many provisions that were approved by both chambers and have mysteriously disappeared from the Conference Report. For example, the last minute inclusion of provisions that would give the Federal Energy Regulatory Commission (FERC) the sole authority over natural gas pipelines, would leave my home state of Connecticut powerless to stop construction of natural gas pipelines through Long Island Sound. These provisions are opposed by Governor Rowland and many other Connecticut State officials. The bill waives Clean Air Act requirements, it bars the EPA from taking actions to protect drinking water, it promotes nuclear proliferation by reversing long-standing nuclear policies to not reprocess nuclear waste, it provides more than \$23.5 billion in taxpayer subsidies to big energy companies and more than \$11 billion to oil and gas companies, just for starters. That's from just a few minutes opportunity to actually look at the text of the bill, let alone determine what the long-term consequences of these actions might be.

Despite these problems, I do want to extend thanks to Science Committee Chairman BOEHLERT and his staff, who were able to stay above the bitter partisan fray the encompassed so much of the drafting. His leadership on the Science Committee, his willingness to discuss ideas and work with each individual member on his committee to craft a truly bipartisan bill that reflects the makeup of his Committee and the constituencies its members represent should be the model for legislative deliberations in this body rather than the exception. In particular, I have enjoyed working with the Chairman on the important fuel cell and hydrogen research provisions in the bill, including the establishment of a \$25 million five-year fuel cell transit bus demonstration program and language addressing key fuel cell vehicle and research programs.

It is a shame that so many good efforts and intentions have been swallowed in what has become a haphazard collection of secret back room negotiations and special interest paybacks. The American people deserve an energy policy drafted by the legislative leaders they elected to Congress, not one written by lobbyists in downtown Washington, DC.

Mr. TAUZIN. Paul Gillmor and I make the following joint statement.

The Committee on Energy and Commerce exercises exclusive jurisdiction over the protection of drinking water and groundwater sources. As a result, we believe it is essential that certain provisions in this bill be clarified.

The first area in the conference report to H.R. 6 that we wish to provide further guidance on is section 327, relating to hydraulic fracturing. Section 327 is meant to set the record straight on and clarify any lingering questions regarding the proper role of the states in overseeing the use of this technology. Of course, nothing in the language should be construed as affecting the U.S. Environmental Protection Agency's emergency authority under section 1431 of the Safe Drinking Water Act, 42 U.S.C. 300i.

On another topic, we feel strongly that sound, quality research on groundwater is the best way to contain existing problems and prevent future ones. There are many sections in the conference report to H.R. 6 that call upon the scientific expertise of our nation to understand and aid our national effort to safeguard our natural resources. For instance, section 961 relates to arsenic in groundwater, and there are projects authorized in Subtitle E of Title IX. When evaluating institutions and resources outside of the Federal community to aid in this work, we strongly encourage the use of the Water Quality Laboratory at Heidelberg College in Tiffin, Ohio. Heidelberg College has operated this lab for 33 years and has upgraded monitoring, research, and educational activities. In fact, the work done there is nationally and internationally recognized for the quality of its research and the great detail of its databases on water quality. The Water Quality Laboratory's well water program has a specific specialty in focusing on private rural well conditions. On several occasions, the lab has provided the majority of the data available to examine regional or national water quality issues and implications for environmental and human health concerns. Both government and industry frequently consult this facility for its expertise in the interpretation of water quality data, and we recommend its use for these purposes as well.

Mr. POMBO. Mr. Speaker, the conference report accompanying the comprehensive energy bill (H.R. 6) contains numerous provisions to assist communities around the country with forward thinking new technologies that will provide transportation solutions that are environmentally preferable and more energy efficient. Allow me to highlight one such project in my area that stands to benefit from the programs authorized in this important bill.

To comply with State regulations, Santa Clara County's Valley Transportation Authority (VTA) and San Mateo County's Transportation Authority (SamTrans) are working in partnership on a zero-emission bus (ZEB) demonstration program. Under this partnership, VTA and SamTrans are planning to purchase three hydrogen fuel-cell buses initially and three more at a later date, for a total of six buses. A fuel cell is an electrochemical device that combines hydrogen fuel and oxygen to produce electricity, heat and water. The electricity produced powers the buses. The bus manufacturer is Gillig Corporation, which is based in Hayward, California. The fuel-cell engine manufacturer is Ballard Power Systems, Inc. The buses will be equipped with standard equipment, including air conditioning, ramps for ADA accessibility, destination signs, and audio announcement systems.

Currently, three hydrogen fuel-cell buses are on order, with delivery expected to begin in April 2004. The contract has an option for the purchase of the three remaining buses when funding becomes available. VTA is taking the lead in demonstrating the operation of these buses, with SamTrans sharing in the operating costs. In addition to the buses, this demonstration program consists of: (a) the installation of a hydrogen fueling station at VTA's Cerone Operating Division that would allow the fuel to be stored in liquid form; (b) the completion of several modifications to the facilities at Cerone, including the installation of two bus maintenance bays with hydrogen detection and safety systems, to allow for the

proper maintenance of the new technology and to ensure the safe handling of the hydrogen gas; (c) the training of VTA and SamTrans personnel on the use of the new technology; and (d) the evaluation of the demonstration program.

In addition to being an important element of VTA's and SamTrans' efforts to comply with State regulations, the zero-emission bus demonstration program is intended to test the viability of emerging clean-fuels technology. If successful, the program will help move this technology closer to becoming commercialized and available to public transit across the country.

The conference report accompanying H.R. 6 will authorize new programs that will assist communities like Santa Clara and San Mateo Counties with exciting projects like the ZEB. Specifically, I want to mention three specific provisions that may help in that regard.

Part 2 of Title VII, authorizes a \$200 million competitive grant program under the Department of Energy's (DOE's) Clean Cities Program for up to 15 dispersed grants to State or local governments or metropolitan transportation authorities for acquisition of certain alternative fueled, hybrid or fuel cell vehicles, including buses for public transportation. The original committee report accompanying the House bill from which the language in Part 2 was taken (H.R. 238) directs DOE to give special consideration to "proposals that address environmental needs. . . in communities seeking to meet zero air emission goals, like Santa Clara County, California" in carrying out the program.

Part 3 of Title VII, authorizes \$10 million per year for the next five fiscal years for DOE for a fuel cell bus program to assist with the purchase of up to 25 buses in 5 locations. The language requires that DOE give preference to projects most likely to mitigate congestions and improve air quality, as would be the case with the ZEB project.

Finally, Title VIII, of the conference report enacts the President's visionary program for hydrogen research. The provisions specifically authorize over \$2.1 billion over the next five years for hydrogen-related R&D, as well as for the demonstration of fuel cell and related technologies that advance our understanding and acceptance of these innovative systems. Section 803(c) calls for demonstration projects consistent with a determination of the maturity, cost effectiveness, and environmental impacts of technologies supporting each project. The ZEB project represents an excellent example of the kind of project DOE should be looking at in carrying out the new hydrogen program.

Mr. Speaker, I commend the conferees for crafting such a comprehensive bill and the Administration for having the vision to put forward these innovative new energy solutions. I intend to work with the Administration to improve opportunities for cooperation between DOE and communities like Santa Clara and San Mateo Counties in carrying out the ZEB project.

The SPEAKER pro tempore (Mr. LAHOOD). All time has expired.

Without objection, the previous question is ordered on the conference report.

There was no objection.

The SPEAKER pro tempore. The question is on the conference report.

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

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-minute vote on adoption of the conference report will be followed by 5-minute votes on the conference report to accompany H.R. 2754, by the yeas and nays; and the motion to suspend the rules on H.R. 1274, by the yeas and nays.

The vote was taken by electronic device, and there were—yeas 246, nays 180, not voting 9, as follows:

[Roll No. 630]

YEAS—246

Aderholt	Ferguson	Miller (FL)
Akin	Foley	Miller (MI)
Alexander	Forbes	Miller, Gary
Baca	Franks (AZ)	Moore
Bachus	Frelinghuysen	Moran (KS)
Baker	Gallely	Murphy
Ballenger	Garrett (NJ)	Musgrave
Barrett (SC)	Gerlach	Myrick
Bartlett (MD)	Gibbons	Nethercutt
Barton (TX)	Gillmor	Neugebauer
Beauprez	Gingrey	Ney
Bell	Goode	Northup
Bereuter	Goodlatte	Norwood
Berry	Gordon	Nunes
Biggert	Goss	Nussle
Bilirakis	Granger	Ortiz
Bishop (GA)	Graves	Osborne
Bishop (UT)	Green (TX)	Otter
Blackburn	Greenwood	Oxley
Blunt	Gutknecht	Pearce
Boehner	Hall	Pence
Bonilla	Harris	Peterson (MN)
Bonner	Hart	Peterson (PA)
Bono	Hastert	Pickering
Boozman	Hastings (WA)	Platts
Boswell	Hayes	Pommo
Boucher	Hayworth	Pomeroy
Brady (TX)	Hefley	Porter
Brown (SC)	Hensarling	Portman
Brown-Waite,	Herger	Pryce (OH)
Ginny	Hinojosa	Putnam
Burgess	Hobson	Quinn
Burns	Hoekstra	Radanovich
Burr	Holden	Ramstad
Burton (IN)	Hostettler	Regula
Buyer	Houghton	Rehberg
Calvert	Hulshof	Renzi
Camp	Hunter	Reyes
Cannon	Hyde	Reynolds
Cantor	Isakson	Rodriguez
Capito	Issa	Rogers (AL)
Cardoza	Istook	Rogers (KY)
Carson (OK)	Janklow	Rogers (MI)
Carter	Jefferson	Ros-Lehtinen
Chabot	John	Ross
Chocola	Johnson (CT)	Ryun (KS)
Coble	Johnson (IL)	Sandlin
Cole	Johnson, Sam	Schrock
Collins	Jones (NC)	Scott (GA)
Costello	Keller	Sessions
Cox	Kennedy (MN)	Shadegg
Cramer	King (IA)	Shaw
Crane	Kingston	Sherwood
Crenshaw	Kline	Shimkus
Cubin	Knollenberg	Shuster
Culberson	Kolbe	Simmons
Cunningham	LaHood	Simpson
Davis (AL)	Lampson	Skelton
Davis (TN)	Latham	Smith (MI)
Davis, Jo Ann	LaTourette	Smith (TX)
Davis, Tom	Leach	Souder
Deal (GA)	Lewis (CA)	Stearns
DeLay	Lewis (KY)	Stenholm
Diaz-Balart, L.	Linder	Sullivan
Diaz-Balart, M.	Lipinski	Tancredo
Dooley (CA)	Lucas (KY)	Tauzin
Doolittle	Lucas (OK)	Taylor (NC)
Doyle	Manzullo	Terry
Dreier	Matheson	Thomas
Duncan	McCotter	Thompson (MS)
Dunn	McCrery	Thornberry
Edwards	McHugh	Tiahrt
Emerson	McInnis	Tiberi
English	McIntyre	Toomey
Evans	McKeon	Towns
Everett	Meek (FL)	Turner (OH)
Feeney	Mica	Turner (TX)

Upton
Visclosky
Vitter
Walden (OR)
Walsh
Wamp

Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)

Wilson (SC)
Wynn
Young (AK)
Young (FL)

NAYS—180

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldwin
Ballance
Bass
Becerra
Berkley
Berman
Bishop (NY)
Blumenauer
Boehlert
Bradley (NH)
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Carson (IN)
Case
Castle
Clay
Clyburn
Conyers
Cooper
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutsch
Dicks
Dingell
Doggett
Ehlers
Emanuel
Engel
Eshoo
Etheridge
Filner
Flake
Ford
Fossella
Frank (MA)
Frost
Gilchrest
Gonzalez
Green (WI)
Grijalva
Gutierrez
Harman
Hastings (FL)
Hill

Hinchey
Hoeffel
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Kleczka
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
LoBiondo
Lofgren
Lowey
Lynch
Majette
Maloney
Markley
Marshall
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McNulty
Meehan
Meeks (NY)
Menendez
Michaud
Millender-
 McDonald
Miller (NC)
Miller, George
Mollohan
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ose

Owens
Pallone
Pascarell
Pastor
Paul
Payne
Pelosi
Petri
Price (NC)
Rahall
Rangel
Rohrabacher
Rothman
Kelly
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sabo
Sanchez, Linda
 T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Scott (VA)
Sensenbrenner
Serrano
Shays
Sherman
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Sweeney
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Tierney
Udall (CO)
Udall (NM)
Van Hollen
Velazquez
Waters
Watson
Watt
Waxman
Weiner
Wexler
Wolf
Woolsey
Wu

NOT VOTING—9

Boyd
DeMint
Fattah
Fletcher

Gephardt
Jackson-Lee
 (TX)
Jenkins

Lantos
Pitts

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LAHOOD) (during the vote). Members are advised 2 minutes remain in this vote.

□ 1651

Messrs. LANGEVIN, PASTOR, FORD, OWENS and WATT changed their vote from “yea” to “nay.”

Messrs. TURNER of Ohio, SMITH of Texas, PEARCE and BONNER changed their vote from “nay” to “yea.”

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

CONFERENCE REPORT ON H.R. 2754, ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 2004

The SPEAKER pro tempore. The pending business is the question on agreeing to the conference report on the bill, H.R. 2754, on which the yeas and nays are ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the conference report.

Pursuant to clause 10 of rule XX, the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 387, nays 36, not voting 11, as follows:

[Roll No. 631]

YEAS—387

Abercrombie	Cooper	Hall
Ackerman	Costello	Harman
Aderholt	Cramer	Harris
Alexander	Crane	Hart
Allen	Crenshaw	Hastings (FL)
Baca	Crowley	Hastings (WA)
Bachus	Cubin	Hayes
Baird	Culberson	Hayworth
Baker	Cummings	Herger
Baldwin	Cunningham	Hill
Ballance	Davis (AL)	Hinchey
Ballenger	Davis (CA)	Hinojosa
Barrett (SC)	Davis (FL)	Hobson
Bartlett (MD)	Davis (IL)	Hoeffel
Barton (TX)	Davis (TN)	Hoekstra
Bass	Davis, Jo Ann	Holden
Beauprez	Davis, Tom	Holt
Becerra	Deal (GA)	Honda
Bell	DeFazio	Hooley (OR)
Bereuter	DeGette	Houghton
Berman	Delahunt	Hoyer
Berry	DeLauro	Hulshof
Biggert	DeLay	Hunter
Bilirakis	Deutsch	Hyde
Bishop (GA)	Diaz-Balart, L.	Inslee
Bishop (NY)	Diaz-Balart, M.	Isakson
Bishop (UT)	Dicks	Israel
Blackburn	Dingell	Issa
Blumenauer	Dooley (CA)	Istook
Blunt	Doolittle	Jackson (IL)
Boehlert	Doyle	Janklow
Boehner	Dreier	Jefferson
Bonilla	Duncan	John
Bonner	Dunn	Johnson (CT)
Bono	Edwards	Johnson (IL)
Boozman	Ehlers	Johnson, E. B.
Boswell	Emanuel	Jones (NC)
Boucher	Emerson	Jones (OH)
Bradley (NH)	Engel	Kanjorski
Brady (PA)	English	Kaptur
Brady (TX)	Eshoo	Keller
Brown (OH)	Etheridge	Kelly
Brown (SC)	Everett	Kennedy (RI)
Brown, Corrine	Farr	Kildee
Brown-Waite,	Feeney	Kilpatrick
Ginny	Ferguson	King (IA)
Burgess	Filner	King (NY)
Burns	Foley	Kingston
Burr	Forbes	Kirk
Burton (IN)	Ford	Kline
Buyer	Fossella	Knollenberg
Calvert	Frank (MA)	Kolbe
Camp	Frelinghuysen	LaHood
Cannon	Frost	Lampson
Cantor	Gallegly	Langevin
Capito	Garrett (NJ)	Larsen (WA)
Capps	Gerlach	Larson (CT)
Capuano	Gilchrest	Latham
Cardin	Gillmor	LaTourette
Cardoza	Gingrey	Leach
Carson (IN)	Gonzalez	Lee
Carson (OK)	Goode	Levin
Carter	Goodlatte	Lewis (CA)
Case	Gordon	Lewis (GA)
Castle	Goss	Lewis (KY)
Chabot	Granger	Linder
Chocola	Graves	Lipinski
Clay	Green (TX)	LoBiondo
Clyburn	Greenwood	Lofgren
Coble	Grijalva	Lowey
Cole	Gutierrez	Lucas (KY)
Collins	Gutknecht	Lucas (OK)