

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

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

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

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

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

Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

**ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 2001**

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

□ 1826

**IN THE COMMITTEE OF THE WHOLE**

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 4733) making appropriations for energy and water development for the fiscal year ending September 30, 2001, and for other purposes, with Mr. BARRETT of Nebraska in the chair.

The CHAIRMAN. When the Committee of the Whole rose earlier today, the amendment offered by the gentleman from New York (Mr. BOEHLERT) had been disposed of, and the bill was open for amendment from page 6, line 6 through page 8, line 7.

**SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE**

The CHAIRMAN. Pursuant to House Resolution 532, proceedings will now resume on those amendments on which further proceedings were postponed in

the following order: amendment No. 5 by the gentleman from Missouri (Mr. HULSHOF); amendment by the gentleman from Maryland (Mr. GILCHREST); a second amendment by the gentleman from Maryland (Mr. GILCHREST).

The Chair will reduce to 5 minutes the time for any electronic vote after the first in this series.

**AMENDMENT NO. 5 OFFERED BY MR. HULSHOF**

The CHAIRMAN. The pending business is the demand for a recorded vote on amendment No. 5 offered by the gentleman from Missouri (Mr. HULSHOF) on which further proceedings were postponed and on which the ayes prevailed by a voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

**RECORDED VOTE**

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 165, noes 262, not voting 7, as follows:

[Roll No. 334]

**AYES—165**

- |              |                |               |
|--------------|----------------|---------------|
| Aderholt     | Gejdenson      | Nussle        |
| Andrews      | Gephardt       | Oxley         |
| Archer       | Gibbons        | Paul          |
| Baca         | Gilchrest      | Pelosi        |
| Graham       | Graham         | Peterson (PA) |
| Barr         | Green (WI)     | Petri         |
| Barrett (WI) | Gutknecht      | Phelps        |
| Bartlett     | Hall (OH)      | Pickering     |
| Barton       | Hansen         | Pitts         |
| Becerra      | Hastings (FL)  | Porter        |
| Berman       | Hayes          | Portman       |
| Berry        | Hill (MT)      | Price (NC)    |
| Biggert      | Hilliard       | Ramstad       |
| Blagojevich  | Hinchev        | Rangel        |
| Bliley       | Hoekstra       | Riley         |
| Boehner      | Holt           | Rogan         |
| Boswell      | Hostettler     | Ros-Lehtinen  |
| Brady (TX)   | Hoyer          | Ryan (WI)     |
| Brown (FL)   | Hulshof        | Sabo          |
| Bryant       | Hutchinson     | Salmon        |
| Burr         | Hyde           | Sanders       |
| Burton       | Isakson        | Sandlin       |
| Buyer        | Jenkins        | Sanford       |
| Camp         | Johnson, Sam   | Scarborough   |
| Canady       | Jones (NC)     | Schakowsky    |
| Cannon       | Kennedy        | Sensenbrenner |
| Capps        | Kildee         | Serrano       |
| Carson       | Kind (WI)      | Shadegg       |
| Chambliss    | Kleczka        | Shays         |
| Clay         | LaHood         | Sherman       |
| Clyburn      | Lantos         | Shimkus       |
| Coburn       | Largent        | Shows         |
| Cooksey      | Latham         | Shuster       |
| Costello     | Leach          | Skelton       |
| Crane        | Lee            | Smith (MI)    |
| Cubin        | Lewis (GA)     | Smith (TX)    |
| Danner       | Linder         | Souder        |
| Davis (FL)   | Luther         | Spence        |
| Davis (IL)   | Manzullo       | Stark         |
| Deal         | McCarthy (MO)  | Sununu        |
| DeFazio      | McCrery        | Sweeney       |
| Deutsch      | McDermott      | Talent        |
| Diaz-Balart  | McHugh         | Tancredo      |
| Doggett      | McInnis        | Tauzin        |
| Dooley       | McKinney       | Thompson (CA) |
| Ehrlich      | McNulty        | Thompson (MS) |
| Emerson      | Meek (FL)      | Thune         |
| English      | Miller, George | Thurman       |
| Eshoo        | Minge          | Tiahrt        |
| Etheridge    | Moran (KS)     | Udall (CO)    |
| Evans        | Myrick         | Vitter        |
| Ewing        | Nadler         | Weller        |
| Farr         | Ney            | Wexler        |
| Foley        | Northup        | Whitfield     |
| Ganske       | Norwood        | Wynn          |

- |                |                |               |
|----------------|----------------|---------------|
| Abercrombie    | Goodling       | Ortiz         |
| Ackerman       | Gordon         | Ose           |
| Allen          | Goss           | Owens         |
| Armey          | Granger        | Packard       |
| Bachus         | Green (TX)     | Pallone       |
| Baird          | Greenwood      | Pascrell      |
| Baker          | Gutierrez      | Pastor        |
| Baldacci       | Hall (TX)      | Payne         |
| Ballenger      | Hastings (WA)  | Pease         |
| Barcia         | Hayworth       | Peterson (MN) |
| Barrett (NE)   | Hefley         | Pickett       |
| Bass           | Herger         | Pombo         |
| Bateman        | Hill (IN)      | Pomeroy       |
| Bentsen        | Hilleary       | Pryce (OH)    |
| Bereuter       | Hobson         | Quinn         |
| Berkley        | Hoefel         | Radanovich    |
| Bilbray        | Holden         | Rahall        |
| Bilirakis      | Hoolley        | Regula        |
| Bishop         | Horn           | Reyes         |
| Blumenauer     | Houghton       | Reynolds      |
| Blunt          | Hunter         | Rivers        |
| Boehlert       | Inslee         | Rodriguez     |
| Bonilla        | Istook         | Roemer        |
| Bonior         | Jackson (IL)   | Rogers        |
| Bono           | Jackson-Lee    | Rohrabacher   |
| Borski         | (TX)           | Rothman       |
| Boucher        | Jefferson      | Roukema       |
| Boyd           | John           | Roybal-Allard |
| Brady (PA)     | Johnson (CT)   | Royce         |
| Brown (OH)     | Johnson, E. B. | Rush          |
| Callahan       | Jones (OH)     | Ryun (KS)     |
| Calvert        | Kanjorski      | Sanchez       |
| Campbell       | Kaptur         | Sawyer        |
| Capuano        | Kasich         | Saxton        |
| Cardin         | Kelly          | Schaffer      |
| Castle         | Kilpatrick     | Scott         |
| Chabot         | King (NY)      | Sessions      |
| Chenoweth-Hage | Kingston       | Shaw          |
| Clayton        | Klink          | Sherwood      |
| Clement        | Knollenberg    | Simpson       |
| Coble          | Kolbe          | Sisisky       |
| Collins        | Kucinich       | Skeen         |
| Combest        | Kuykendall     | Slaughter     |
| Condit         | LaFalce        | Smith (NJ)    |
| Conyers        | Lampson        | Smith (WA)    |
| Cox            | Larson         | Snyder        |
| Coyne          | LaTourette     | Spratt        |
| Cramer         | Levin          | Stabenow      |
| Crowley        | Lewis (CA)     | Stearns       |
| Cummings       | Lewis (KY)     | Stenholm      |
| Cunningham     | Lipinski       | Strickland    |
| Davis (VA)     | LoBiondo       | Stump         |
| DeGette        | Lofgren        | Stupak        |
| Delahunt       | Lowe           | Tanner        |
| DeLauro        | Lucas (KY)     | Tauscher      |
| DeLay          | Lucas (OK)     | Taylor (MS)   |
| DeMint         | Maloney (CT)   | Taylor (NC)   |
| Dickey         | Maloney (NY)   | Terry         |
| Dicks          | Martinez       | Thornberry    |
| Dingell        | Mascara        | Tierney       |
| Dixon          | Matsui         | Toomey        |
| Doolittle      | McCarthy (NY)  | Towns         |
| Doyle          | McCollum       | Traficant     |
| Dreier         | McGovern       | Turner        |
| Duncan         | McIntyre       | Udall (NM)    |
| Dunn           | McKeon         | Upton         |
| Edwards        | Meehan         | Velazquez     |
| Ehlers         | Meeks (NY)     | Vislosky      |
| Engel          | Menendez       | Walden        |
| Everett        | Metcalf        | Walsh         |
| Fattah         | Mica           | Wamp          |
| Filner         | Millender-     | Waters        |
| Fletcher       | McDonald       | Watkins       |
| Forbes         | Miller (FL)    | Watt (NC)     |
| Ford           | Miller, Gary   | Watts (OK)    |
| Fossella       | Mink           | Waxman        |
| Fowler         | Moakley        | Weiner        |
| Frank (MA)     | Mollohan       | Weldon (FL)   |
| Franks (NJ)    | Moore          | Weldon (PA)   |
| Frelinghuysen  | Moran (VA)     | Weygand       |
| Frost          | Morella        | Wicker        |
| Gallegly       | Murtha         | Wilson        |
| Gekas          | Napolitano     | Wise          |
| Gillmor        | Neal           | Wolf          |
| Gilman         | Nethercutt     | Woolsey       |
| Gonzalez       | Oberstar       | Wu            |
| Goode          | Obey           | Young (AK)    |
| Goodlatte      | Olver          | Young (FL)    |

**NOT VOTING—7**

- |          |          |       |
|----------|----------|-------|
| Cook     | Markey   | Vento |
| Hinojosa | McIntosh |       |
| Lazio    | Thomas   |       |

□ 1852

Messrs. SMITH of Washington, CUMMINGS, HALL of Texas, LEWIS of

California, KUCINICH, WEYGAND, ACKERMAN, ALLEN, ROHR-ABACHER, CONYERS, MEEKS of New York, TOWNS, HAYWORTH, FORD, CROWLEY, HERGER and MEEHAN, and Ms. SANCHEZ, Mrs. MINK of Hawaii, and Ms. MILLENDER-MCDONALD changed their vote from "aye" to "no."

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

So the amendment was rejected.

The result of the vote was announced as above recorded.

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

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

AMENDMENT OFFERED BY MR. GILCHREST

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Maryland (Mr. GILCHREST) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 153, noes 273, not voting 8, as follows:

[Roll No. 335]

AYES—153

|              |             |               |
|--------------|-------------|---------------|
| Abercrombie  | Combest     | Hilleary      |
| Andrews      | Cooksey     | Hobson        |
| Archer       | Cox         | Hoekstra      |
| Barr         | Cubin       | Horn          |
| Barrett (NE) | Cunningham  | Houghton      |
| Bartlett     | Davis (VA)  | Hunter        |
| Barton       | Deal        | Hyde          |
| Bass         | DeFazio     | Inslee        |
| Bereuter     | Delahunt    | Isakson       |
| Biggert      | DeLay       | Jenkins       |
| Bilbray      | Diaz-Balart | Johnson (CT)  |
| Bilirakis    | Duncan      | Johnson, Sam  |
| Bliley       | Ehlers      | Jones (NC)    |
| Blumenauer   | Ewing       | Kelly         |
| Boehlert     | Farr        | Kolbe         |
| Bonilla      | Foley       | Kuykendall    |
| Bono         | Ganske      | LaHood        |
| Brady (TX)   | Gilchrest   | LaTourette    |
| Bryant       | Gillmor     | Leach         |
| Burton       | Gilman      | Lewis (CA)    |
| Calvert      | Goode       | Lewis (GA)    |
| Campbell     | Goodlatte   | Linder        |
| Canady       | Goss        | LoBiondo      |
| Cannon       | Graham      | Lucas (OK)    |
| Castle       | Greenwood   | Luther        |
| Chabot       | Gutknecht   | Manzullo      |
| Chambliss    | Hansen      | Martinez      |
| Coble        | Hefley      | McCarthy (MO) |
| Coburn       | Hill (IN)   | McCollum      |
| Collins      | Hill (MT)   | McCreary      |

|               |               |             |
|---------------|---------------|-------------|
| McInnis       | Ramstad       | Smith (WA)  |
| McKeon        | Riley         | Spence      |
| Mica          | Rivers        | Stump       |
| Miller (FL)   | Rohrabacher   | Sununu      |
| Miller, Gary  | Ros-Lehtinen  | Tancredo    |
| Moran (KS)    | Roukema       | Tauzin      |
| Morella       | Royce         | Taylor (MS) |
| Myrick        | Ryan (WI)     | Terry       |
| Nethercutt    | Salmon        | Toomey      |
| Norwood       | Sanford       | Traficant   |
| Nussle        | Saxton        | Udall (CO)  |
| Oliver        | Scarborough   | Upton       |
| Oxley         | Sensenbrenner | Walden      |
| Paul          | Sessions      | Wamp        |
| Pease         | Shadegg       | Watts (OK)  |
| Peterson (PA) | Shaw          | Weldon (FL) |
| Petri         | Shays         | Weldon (PA) |
| Pickering     | Sherwood      | Weller      |
| Pombo         | Shimkus       | Whitfield   |
| Porter        | Smith (MI)    | Wilson      |
| Pryce (OH)    | Smith (NJ)    | Wolf        |

NOES—273

|                |                |                |
|----------------|----------------|----------------|
| Ackerman       | Evans          | Maloney (NY)   |
| Aderholt       | Everett        | Mascara        |
| Allen          | Fattah         | Matsui         |
| Armey          | Filner         | McCarthy (NY)  |
| Baca           | Fletcher       | McDermott      |
| Bachus         | Forbes         | McGovern       |
| Baird          | Ford           | McHugh         |
| Baker          | Fossella       | McIntyre       |
| Baldacci       | Fowler         | McKinney       |
| Baldwin        | Frank (MA)     | McNulty        |
| Ballenger      | Franks (NJ)    | Meehan         |
| Barcia         | Frelinghuysen  | Meek (FL)      |
| Barrett (WI)   | Frost          | Meeks (NY)     |
| Bateman        | Gallegly       | Menendez       |
| Becerra        | Gejdenson      | Metcalf        |
| Bentsen        | Gekas          | Millender-     |
| Berkley        | Gephardt       | McDonald       |
| Berman         | Gibbons        | Miller, George |
| Berry          | Gonzalez       | Minge          |
| Bishop         | Goodling       | Mink           |
| Blagojevich    | Gordon         | Moakley        |
| Blunt          | Granger        | Mollohan       |
| Boehner        | Green (TX)     | Moore          |
| Bonior         | Green (WI)     | Moran (VA)     |
| Borski         | Gutierrez      | Murtha         |
| Boswell        | Hall (OH)      | Nadler         |
| Boucher        | Hall (TX)      | Napolitano     |
| Boyd           | Hastings (FL)  | Neal           |
| Brady (PA)     | Hastings (WA)  | Ney            |
| Brown (FL)     | Hayes          | Northup        |
| Brown (OH)     | Hayworth       | Oberstar       |
| Burr           | Herger         | Obey           |
| Buyer          | Hilliard       | Ortiz          |
| Callahan       | Hinchee        | Ose            |
| Camp           | Hoeffel        | Owens          |
| Capps          | Holden         | Packard        |
| Capuano        | Holt           | Pallone        |
| Cardin         | Hooley         | Pascrell       |
| Carson         | Hostettler     | Pastor         |
| Chenoweth-Hage | Hoyer          | Payne          |
| Clay           | Hulshof        | Pelosi         |
| Clayton        | Hutchinson     | Peterson (MN)  |
| Clement        | Istook         | Phelps         |
| Clyburn        | Jackson (IL)   | Pickett        |
| Condit         | Jackson-Lee    | Pitts          |
| Conyers        | (TX)           | Pomeroy        |
| Costello       | Jefferson      | Portman        |
| Coyne          | John           | Price (NC)     |
| Cramer         | Johnson, E. B. | Quinn          |
| Crane          | Jones (OH)     | Radanovich     |
| Crowley        | Kanjorski      | Rahall         |
| Cummings       | Kaptur         | Rangel         |
| Danner         | Kasich         | Regula         |
| Davis (FL)     | Kennedy        | Reyes          |
| Davis (IL)     | Kildee         | Reynolds       |
| DeGette        | Kilpatrick     | Rodriguez      |
| DeLauro        | Kind (WI)      | Roemer         |
| DeMint         | King (NY)      | Rogan          |
| Deutsch        | Kingston       | Rogers         |
| Dickey         | Klecza         | Rothman        |
| Dicks          | Klink          | Roybal-Allard  |
| Dingell        | Kucinich       | Rush           |
| Dixon          | LaFalce        | Ryun (KS)      |
| Doggett        | Lampson        | Sabo           |
| Dooley         | Lantos         | Sanchez        |
| Doolittle      | Largent        | Sanders        |
| Doyle          | Larson         | Sandlin        |
| Dreier         | Latham         | Sawyer         |
| Dunn           | Lee            | Schaffer       |
| Edwards        | Levin          | Schakowsky     |
| Ehrlich        | Lewis (KY)     | Scott          |
| Emerson        | Lipinski       | Serrano        |
| Engel          | Lofgren        | Sherman        |
| English        | Lowe           | Shows          |
| Eshoo          | Lucas (KY)     | Shuster        |
| Etheridge      | Maloney (CT)   | Simpson        |

|            |               |            |
|------------|---------------|------------|
| Sisisky    | Tanner        | Walsh      |
| Skeen      | Tauscher      | Waters     |
| Skelton    | Taylor (NC)   | Watkins    |
| Slaughter  | Thompson (CA) | Watt (NC)  |
| Smith (TX) | Thompson (MS) | Waxman     |
| Snyder     | Thornberry    | Weiner     |
| Souder     | Thune         | Wexler     |
| Spratt     | Thurman       | Weygand    |
| Stabenow   | Tiahrt        | Wicker     |
| Stark      | Tierney       | Wise       |
| Stearns    | Towns         | Woolsey    |
| Stenholm   | Turner        | Wu         |
| Strickland | Udall (NM)    | Wynn       |
| Stupak     | Velazquez     | Young (AK) |
| Sweeney    | Visclosky     | Young (FL) |
| Talent     | Vitter        |            |

NOT VOTING—8

|             |          |        |
|-------------|----------|--------|
| Cook        | Lazio    | Thomas |
| Hinojosa    | Markey   | Vento  |
| Knollenberg | McIntosh |        |

□ 1900

Mrs. NORTHUP changed her vote from "aye" to "no."

Messrs. GRAHAM, ROYCE, and COOKSEY changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

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

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

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

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

Not only have they displayed their kindness to Laurie, Ken, and me, but also to the Menominee community when so many Members traveled to our hometown to attend B.J.'s funeral. While Members' trips have been reported as a Who's Who in Congress, led by the Speaker, the Democratic leader, the gentleman from Missouri (Mr. GEPHARDT), and Tipper Gore, the newspaper failed to mention the personal sacrifice each Member made, failed to mention that a number were left standing on the tarmac because there was no room on the plane. The newspaper failed to recognize the kindness of this House, which is found in its Members.

B.J. realized the greatness of the U.S. House of Representatives, as he often told me that I could not leave the House until he was 25, so he could succeed me. B.J. knew that Article 1, Section 2 of the United States Constitution states, "No person shall be a representative who shall not have attained the age of 25 years."

He told Laurie shortly before he died that he felt he could be an even better Congressman than his dad. I am sure he could have been. Earlier today when I announced my reelection plans for a fifth term, I know B.J. was pleased.

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

I would like to take a moment and thank the gentleman from Oklahoma (Mr. LARGENT), the gentleman from Pennsylvania (Mr. DOYLE), the gentleman from Oklahoma (Mr. COBURN), the gentleman from Tennessee (Mr. WAMP), and the gentleman from Maine (Mr. BALDACC), who came to Michigan immediately after B.J. died. These Members and I, we all live together here in D.C., not as Democrats or Republicans, but as individuals who have profound respect and love for one another. They are a great source of comfort for me, Laurie, and Ken.

My family and I ask that each Member also keeps in mind and close to heart the friends and classmates of B.J. at Menominee High School as they deal with this tragedy. They need all our love, care, and support. B.J. was their class leader. He would have been president of the student body this coming year.

B.J. was concerned when the student leadership team could not attend out-of-town functions or conferences because there was never enough money in the student government budget. So in B.J.'s memory we have established the B.J. Fund, to finance in part student participation in leadership programs.

Through the generosity of many individuals, organizations, and some Members of this House, I am proud to say we have over \$35,000 in the B.J. Fund. Mr. Speaker, I do not wish to make my son larger than what he was in life, but B.J. was one of those people who we remember they were here. He was blessed with a personality, charm, and charisma. That was B.J. His life is a harsh reminder of how fragile life is, for we do not know what life holds for any of us.

For Laurie, Ken, and me, B.J. will be forever in our hearts, on our minds, and on our lips. Tonight we would like to express our heartfelt thanks for Members' support.

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (Mr. LAHOOD). Without objection, the next vote will be 5 minutes.

There was no objection.

AMENDMENT OFFERED BY MR. GILCHREST

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Maryland

(Mr. GILCHREST) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 145, noes 281, not voting 8, as follows:

[Roll No. 336]

AYES—145

|              |               |               |
|--------------|---------------|---------------|
| Abercrombie  | Goodling      | Norwood       |
| Andrews      | Goss          | Nussle        |
| Archer       | Graham        | Olver         |
| Armey        | Greenwood     | Ose           |
| Barrett (NE) | Gutknecht     | Oxley         |
| Bartlett     | Hansen        | Paul          |
| Bass         | Hayes         | Pease         |
| Bereuter     | Hefley        | Petri         |
| Biggert      | Hill (MT)     | Porter        |
| Bilbray      | Hilleary      | Pryce (OH)    |
| Bilirakis    | Hobson        | Ramstad       |
| Blumenauer   | Hoekstra      | Rohrabacher   |
| Boehlert     | Horn          | Ros-Lehtinen  |
| Bonilla      | Houghton      | Roukema       |
| Brady (TX)   | Hunter        | Royce         |
| Bryant       | Hyde          | Ryan (WI)     |
| Burton       | Inslee        | Salmon        |
| Campbell     | Isakson       | Sanford       |
| Canady       | Johnson (CT)  | Saxton        |
| Cannon       | Johnson, Sam  | Scarborough   |
| Castle       | Jones (NC)    | Sensenbrenner |
| Chabot       | Kelly         | Sessions      |
| Chambliss    | Kingston      | Shadegg       |
| Coble        | Kolbe         | Shaw          |
| Coburn       | Kuykendall    | Shays         |
| Collins      | LaHood        | Sherwood      |
| Combest      | LaTourrette   | Skeen         |
| Cooksey      | Leach         | Smith (MI)    |
| Cox          | Lewis (GA)    | Smith (NJ)    |
| Cunningham   | Linder        | Smith (TX)    |
| Davis (VA)   | LoBiondo      | Smith (WA)    |
| Deal         | Lucas (OK)    | Sununu        |
| DeFazio      | Luther        | Tancredo      |
| DeGette      | Manzullo      | Taylor (MS)   |
| Delahunt     | Martinez      | Terry         |
| DeLay        | McCarthy (MO) | Thornberry    |
| Diaz-Balart  | McCollum      | Thune         |
| Duncan       | McInnis       | Trafigant     |
| Ehlers       | McKeon        | Udall (CO)    |
| Ewing        | Metcalf       | Upton         |
| Farr         | Mica          | Walden        |
| Foley        | Miller (FL)   | Wamp          |
| Fossella     | Miller, Gary  | Watts (OK)    |
| Ganske       | Minge         | Weller        |
| Gilchrest    | Moran (KS)    | Whitfield     |
| Gillmor      | Morella       | Wolf          |
| Gilman       | Myrick        | Young (FL)    |
| Goode        | Nethercutt    |               |
| Goodlatte    | Ney           |               |

NOES—281

|              |                |            |
|--------------|----------------|------------|
| Ackerman     | Boehner        | Condit     |
| Aderholt     | Bonior         | Coyers     |
| Allen        | Bono           | Costello   |
| Baca         | Borski         | Coyne      |
| Bachus       | Boswell        | Cramer     |
| Baird        | Boucher        | Crane      |
| Baker        | Boyd           | Crowley    |
| Baldacci     | Brady (PA)     | Cubin      |
| Baldwin      | Brown (FL)     | Cummings   |
| Ballenger    | Brown (OH)     | Danner     |
| Barcia       | Burr           | Davis (FL) |
| Barr         | Buyer          | Davis (IL) |
| Barrett (WI) | Callahan       | DeLauro    |
| Barton       | Calvert        | DeMint     |
| Bateman      | Camp           | Deutsch    |
| Becerra      | Capps          | Dickey     |
| Bentsen      | Capuano        | Dicks      |
| Berkley      | Cardin         | Dingell    |
| Berman       | Carson         | Dixon      |
| Berry        | Chenoweth-Hage | Doggett    |
| Bishop       | Clay           | Dooley     |
| Blagojevich  | Clayton        | Doolittle  |
| Biley        | Clement        | Doyle      |
| Blunt        | Clyburn        | Dreier     |

|               |                |               |
|---------------|----------------|---------------|
| Dunn          | Lantos         | Rogers        |
| Edwards       | Largent        | Rothman       |
| Ehrlich       | Larson         | Roybal-Allard |
| Emerson       | Latham         | Rush          |
| Engel         | Lee            | Ryun (KS)     |
| English       | Levin          | Sabo          |
| Eshoo         | Lewis (CA)     | Sanchez       |
| Etheridge     | Lewis (KY)     | Sanders       |
| Evans         | Lipinski       | Sandlin       |
| Everett       | Lofgren        | Sawyer        |
| Fattah        | Lowey          | Schaffer      |
| Filner        | Lucas (KY)     | Schakowsky    |
| Fletcher      | Maloney (CT)   | Scott         |
| Forbes        | Maloney (NY)   | Serrano       |
| Ford          | Mascara        | Sherman       |
| Fowler        | Matsui         | Shimkus       |
| Frank (MA)    | McCarthy (NY)  | Shows         |
| Franks (NJ)   | McCrery        | Shuster       |
| Frelinghuysen | McDermott      | Simpson       |
| Frost         | McGovern       | Sisisky       |
| Gallegly      | McHugh         | Skelton       |
| Gejdenson     | McIntyre       | Slaughter     |
| Gekas         | McKinney       | Snyder        |
| Gephardt      | McNulty        | Souder        |
| Gibbons       | Meehan         | Spence        |
| Gonzalez      | Meek (FL)      | Spratt        |
| Goss          | Meeks (NY)     | Stabenow      |
| Granger       | Menendez       | Stark         |
| Green (TX)    | Millender-     | Stearns       |
| Green (WI)    | McDonald       | Stenholm      |
| Gutierrez     | Miller, George | Strickland    |
| Hall (OH)     | Mink           | Stump         |
| Hall (TX)     | Mollohan       | Stupak        |
| Hastings (FL) | Moore          | Sweeney       |
| Hastings (WA) | Moran (VA)     | Talent        |
| Hayworth      | Murtha         | Tanner        |
| Herger        | Nadler         | Tauscher      |
| Hill (IN)     | Napolitano     | Tauzin        |
| Hilliard      | Neal           | Taylor (NC)   |
| Hinchey       | Northup        | Thomas        |
| Hoeffel       | Oberstar       | Thompson (CA) |
| Holden        | Obey           | Thompson (MS) |
| Holt          | Ortiz          | Thurman       |
| Hooley        | Owens          | Tiahrt        |
| Hostettler    | Packard        | Tierney       |
| Hoyer         | Pallone        | Toomey        |
| Hulshof       | Pascrell       | Towns         |
| Hutchinson    | Pastor         | Turner        |
| Istook        | Payne          | Udall (NM)    |
| Jackson (IL)  | Pelosi         | Velazquez     |
| Jackson-Lee   | Peterson (MN)  | Visclosky     |
| (TX)          | Phelps         | Vitter        |
| Jefferson     | Pickering      | Walsh         |
| Jenkins       | Pickett        | Waters        |
| John          | Pitts          | Watkins       |
| Johnson, E.B. | Pombo          | Watt (NC)     |
| Jones (OH)    | Pomeroy        | Waxman        |
| Kanjorski     | Portman        | Weiner        |
| Kaptur        | Price (NC)     | Weldon (FL)   |
| Kasich        | Quinn          | Weldon (PA)   |
| Kennedy       | Radanovich     | Wexler        |
| Kildee        | Rahall         | Weygand       |
| Kilpatrick    | Rangel         | Wicker        |
| Kind (WI)     | Regula         | Wilson        |
| King (NY)     | Reyes          | Wise          |
| Klecza        | Reynolds       | Woolsey       |
| Klink         | Riley          | Wu            |
| Knollenberg   | Rivers         | Wynn          |
| Kucinich      | Rodriguez      | Young (AK)    |
| LaFalce       | Roemer         |               |
| Lampson       | Rogan          |               |

NOT VOTING—8

|          |          |               |
|----------|----------|---------------|
| Cook     | Markey   | Peterson (PA) |
| Hinojosa | McIntosh | Vento         |
| Lazio    | Moakley  |               |

□ 1914

So the amendment was rejected. The result of the vote was announced as above recorded.

The CHAIRMAN. Pursuant to the order of the House of today, no further amendments shall be in order except pro forma amendments offered by the chairman and the ranking member or their designees and the following further amendments which may be offered only by the Member designated in the order of the House or a designee, or the Member who has caused it to be printed or a designee, shall be considered read, debatable for the time specified, equally divided and controlled by the proponent and opponent, shall not be

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

The amendment printed in House Report 106-701;

The following additional amendment, which shall be debatable for 30 minutes: Mr. SALMON, regarding solar energy;

The following additional amendments, which shall be debatable for 20 minutes:

Mr. RYAN of Wisconsin regarding National Ignition Facility; and

The amendment printed in the portion of the CONGRESSIONAL RECORD designated for that purpose in clause 8 of rule XVIII, and numbered 1;

The following additional amendments, which shall be debatable for 10 minutes:

Mr. GEKAS, regarding energy independence;

Mr. STEARNS, regarding Secretary of Energy travel;

Mr. STEARNS, regarding Secretary of Energy travel before January 20 of 2001;

Mr. RYAN of Wisconsin regarding construction of National Ignition Facility;

Mr. HANSEN, regarding nuclear waste storage;

Mr. CAMP, regarding Strategic Petroleum Reserve exchanges;

Mr. RYUN of Kansas, regarding compensation of Department of Energy employees;

Mr. NEY, regarding the Appalachian Regional Commission;

Ms. BROWN of Florida, regarding alternative energy sources; and

The amendments printed in the portion of the CONGRESSIONAL RECORD designated for that purpose in clause 8 of rule XVIII, and numbered 2, 3, 4, 8, 9, 10, 11, and 12.

Mr. PACKARD. Mr. Chairman, I ask unanimous consent that the remainder of title I be considered as read, printed in the RECORD, and open to amendment at any time.

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

There was no objection.

The text of the bill from page 8, line 8, through page 10, line 18, is as follows:

FORMERLY UTILIZED SITES REMEDIAL ACTION PROGRAM

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

GENERAL EXPENSES

For expenses necessary for general administration and related functions in the Office of the Chief of Engineers and offices of the Division Engineers; activities of the Coastal Engineering Research Board, the Humphreys Engineer Center Support Activity, the Water Resources Support Center, and headquarters support functions at the USACE Finance Center, \$149,500,000, to remain available until expended: *Provided*, That no part of any other appropriation provided in title I of this Act shall be available to fund the activities of the Office of the Chief of Engineers or the executive direction and management activities of the division offices: *Provided further*,

That none of these funds shall be available to support an office of congressional affairs within the executive office of the Chief of Engineers.

REVOLVING FUND

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

ADMINISTRATIVE PROVISIONS

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

GENERAL PROVISIONS

CORPS OF ENGINEERS—CIVIL

SEC. 101. 16 U.S.C. 777c(a) is amended in the second sentence by striking "2000" and inserting "2001".

SEC. 102. (a) The Secretary of the Army shall enter into an agreement with the City of Grand Prairie, Texas, wherein the City agrees to assume all of the responsibilities of the Trinity River Authority of Texas under Contract #DACW63-76-C-0166, other than financial responsibilities, except as provided for in subsection (c) of this section. The Trinity River Authority shall be relieved of all of its financial responsibilities under the Contract as of the date the Secretary of the Army enters into the agreement with the City.

(b) In consideration of the agreement referred to in subsection (a), the City shall pay the Federal Government a total of \$4,290,000 in two installments, one in the amount of \$2,150,000, which shall be due and payable no later than December 1, 2000, and one in the amount of \$2,140,000, which shall be due and payable no later than December 1, 2003.

(c) The agreement executed pursuant to subsection (a) shall include a provision requiring the City to assume all costs associated with operation and maintenance of the recreation facilities included in the Contract referred to in that subsection.

The CHAIRMAN. Are there any amendments to this portion of the bill?

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

Mr. Chairman, I yield such time as she may consume to the gentlewoman from Ohio (Ms. KAPTUR) for purposes of a colloquy.

Ms. KAPTUR. Mr. Chairman, I thank the able gentleman from Indiana (Mr. VISCLOSKEY) for yielding me this time.

Mr. Chairman, I have risen to engage the distinguished gentleman from California (Mr. PACKARD), chairman of the Subcommittee on Energy and Water Development Appropriations, in a colloquy.

As the gentleman and the ranking member knows, I have an ongoing interest in the enlarged use of biomass materials as a source of domestic energy. Serving on the Subcommittee on Agriculture Appropriations, I have always been somewhat puzzled that biomass fuels such as ethanol and biodiesel have not become a more substantial energy resource for our country to displace our unwise reliance on imported sources of energy.

Mr. Chairman, it appears that we have a win-win-win situation if biomass fuels can provide a domestic energy source to help relieve our depend-

ence on foreign oil, if we maintain it as a renewable resource that will last as long as we can grow crops, and it will provide a new and substantial market for our farmers, especially if linked to on-farm storage of inputs and broadly competitive processing and distribution arrangements.

One issue that seems to stand in the way of additional progress in the development of biomass fuels is the reluctance of the Departments of Energy and Agriculture to work together to move biofuels research and development forward. I assume that that lack of coordination is the product of bureaucratic inertia and can be overcome with some well-directed prodding by this Congress.

So if the Chairman and ranking member agree, I hope that our two subcommittees and we as leaders in the Congress can work together to find ways to encourage cooperation between the Departments of Agriculture and Energy in the development of biomass fuels. I would suggest we ask the Departments to report back to the committee before we consider next year's appropriation bill on suggested initiatives that can be undertaken to increase the production and use of biofuels, including recommendations for engaging more broadly the U.S. farm sector in the storage, production, processing, and distribution of biofuel inputs and outputs.

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

Ms. KAPTUR. I yield to the gentleman from California.

Mr. PACKARD. Mr. Chairman, we would be very happy, and I would be very happy, to work with the gentlewoman on this issue and, of course, with the committee upon which she serves.

Ms. KAPTUR. Mr. Chairman, I thank the gentleman for his willingness to work with me. I want to again thank the able gentleman from Indiana (Mr. VISCLOSKEY), ranking member, for yielding me this time.

Mr. VISCLOSKEY. Mr. Chairman, reclaiming my time, I yield such time as he may consume to the gentleman from Wisconsin (Mr. KIND) for purposes of a colloquy.

Mr. KIND. Mr. Chairman, I thank the gentleman from Indiana (Mr. VISCLOSKEY), our ranking member, for yielding me this time for purposes of a colloquy. As the ranking member and the chairman of the subcommittee understand, I have been a strong proponent of the Environmental Management Program for the Upper Mississippi River Basin. This is a program that has habitat restoration and long-term resource monitoring to better preserve and protect the Mississippi River Basin.

I had originally intended to offer an amendment with appropriate offsets in order to increase funding for this vitally important program, but out of the respect for the committee and the work that they have done, and the

302(b) allocations that they have had to work within, and the difficulty, frankly, of finding appropriate offsets without impinging upon other vitally important programs in this bill, I decided not to offer the amendment.

We do have allies on the Senate side that are also very strong proponents of the Environmental Management Program. As the ranking member and chairman undoubtedly recall, EMP was permanently reauthorized last year; and it was authorized from a \$19 million level up to \$33 million. This year, the committee I think did a wonderful job of trying to increase funding from \$19 million for this fiscal year up to \$21 million that is contained in this bill.

Mr. Chairman, we were hoping as part of the bipartisan Mississippi River Caucus to get the funding up to around \$24 million, \$25 million, which we feel would be sufficient for the program to absorb the new cost, yet still be able to accomplish the objectives that exist under the program; and that is still our goal. We are hoping that given the greater flexibility over the allocation numbers as they are in the Senate, we are going to be able to achieve increased funding from that side. Based on conversations I have now had with the gentleman from Indiana (Mr. VISCLOSKY) and also the gentleman from California (Mr. PACKARD), ranking member and chairman of the subcommittee, we are hoping to get a more favorable outcome in conference, if we are more successful on the Senate side for EMP.

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

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

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

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

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

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

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

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

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

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

Mr. BOSWELL. Mr. Chairman, I thank the gentleman from Indiana (Mr. VISCLOSKY) for yielding me this time. I appreciate that.

Mr. Chairman, it seems like I go these long spells and do not say much, but today I come asking for the consideration of the gentleman from California (Mr. PACKARD). I had intended, I had hoped today, to offer an amendment which would have added \$4.3 million to the Environment, Health, and Safety section of title III of the bill. This addition would have matched the administration's request for important health screening and treatment for workers at the Iowa Army Ammunition Plant in Burlington, Iowa, which I am proud to represent. Unfortunately, this was not accepted by the committee. I know, from what we have discussed earlier, I understand the dilemma that the committee is in.

Mr. Chairman, I will say that from 1946 until 1975, the U.S. Atomic Energy Commission operated a portion of this plant near Burlington to assemble nuclear weapons, employing approximately 4,000 people, 4,000 workers. A recent review by the EPA of documents provided by the Department of Energy has revealed the release of radioactive isotopes and hazardous chemicals at the plant during this time period. This development raises serious concerns regarding the health and welfare of the workers at the plant. There is a tremendous need for this funding to properly screen and treat those that were exposed to harmful elements.

Funding for screening and treatment at this plant at Burlington is not the only important screening activity which will not be funded in this bill. Medical monitoring of more than 1,000 workers who were employed at Amchitka, Alaska, during the time that the U.S. Government maintained a nuclear testing facility on the island will be canceled. The project identifies, locates and provides targeted medical screening for those workers.

Other sites such as Pantex in Texas and Los Alamos in New Mexico will not be able to begin medical monitoring projects because the funding is not available.

So, Mr. Chairman, I ask of the gentleman from California (Chairman PACKARD) and the gentleman from Indiana (Mr. VISCLOSKY), the ranking member, and so on and all the rest, that when they go to conference, and any other opportunity that they may have, I ask that they consider the service the workers in these ammunition plants, these tests sites, did for our country during this Cold War period. Their noble service is as responsible as some of us who wore the uniform, some of us that make the decisions we have to make in operations such as this now.

Mr. Chairman, these Cold War warriors need our country's help to deal

with the health problems they have incurred due to their service. So I hope that these gentlemen and my colleagues in the House will work with me and others to get this restored during conference committee or any other possible opportunity. That is my request that I come to the floor with today.

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

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

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

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

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

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

## TITLE II

### DEPARTMENT OF THE INTERIOR

#### CENTRAL UTAH PROJECT

##### CENTRAL UTAH PROJECT COMPLETION ACCOUNT

For carrying out activities authorized by the Central Utah Project Completion Act, \$38,724,000, to remain available until expended, of which \$19,158,000 shall be deposited into the Utah Reclamation Mitigation and Conservation Account: *Provided*, That of the amounts deposited into that account, \$5,000,000 shall be considered the Federal contribution authorized by paragraph 402(b)(2) of the Central Utah Project Completion Act and \$14,158,000 shall be available to the Utah Reclamation Mitigation and Conservation Commission to carry out activities authorized under that Act.

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

#### BUREAU OF RECLAMATION

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

##### WATER AND RELATED RESOURCES

###### (INCLUDING TRANSFER OF FUNDS)

For management, development, and restoration of water and related natural resources and for related activities, including the operation, maintenance and rehabilitation of reclamation and other facilities, participation in fulfilling related Federal responsibilities to Native Americans, and related grants to, and cooperative and other agreements with, State and local governments, Indian tribes, and others, \$635,777,000, to remain available until expended, of which \$1,916,000 shall be available for transfer to the Upper Colorado River Basin Fund and \$39,467,000 shall be available for transfer to the Lower Colorado River Basin Development Fund; of which such amounts as may be necessary may be advanced to the Colorado River Dam Fund; and of which not to

exceed \$200,000 is for financial assistance for the preparation of cooperative drought contingency plans under Title II of Public Law 102-250: *Provided*, That such transfers may be increased or decreased within the overall appropriation under this heading: *Provided further*, That of the total appropriated, the amount for program activities that can be financed by the Reclamation Fund or the Bureau of Reclamation special fee account established by 16 U.S.C. 4601-6a(i) shall be derived from that Fund or account: *Provided further*, That funds contributed under 43 U.S.C. 395 are available until expended for the purposes for which contributed: *Provided further*, That funds advanced under 43 U.S.C. 397a shall be credited to this account and are available until expended for the same purposes as the sums appropriated under this heading: *Provided further*, That funds available for expenditure for the Departmental Irrigation Drainage Program may be expended by the Bureau of Reclamation for site remediation on a non-reimbursable basis: *Provided further*, That section 301 of Public Law 102-250, Reclamation States Emergency Drought Relief Act of 1991, as amended, is amended further by inserting "2000, and 2001" in lieu of "and 2000": *Provided further*, That the amount authorized for Minidoka Project North Side Pumping Division, Idaho, by section 5 of Public Law 81-864, is increased by \$2,805,000: *Provided further*, That none of the funds appropriated in this Act may be used by the Bureau of Reclamation for closure of the Auburn Dam, California, diversion tunnel or restoration of the American River channel through the Auburn Dam construction site.

BUREAU OF RECLAMATION LOAN PROGRAM  
ACCOUNT

For the cost of direct loans and/or grants, \$8,944,000, to remain available until expended, as authorized by the Small Reclamation Projects Act of August 6, 1956, as amended (43 U.S.C. 422a-422l): *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: *Provided further*, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed \$27,000,000.

In addition, for administrative expenses necessary to carry out the program for direct loans and/or grants, \$425,000, to remain available until expended: *Provided*, That of the total sums appropriated, the amount of program activities that can be financed by the Reclamation Fund shall be derived from that Fund.

CENTRAL VALLEY PROJECT RESTORATION FUND

For carrying out the programs, projects, plans, and habitat restoration, improvement, and acquisition provisions of the Central Valley Project Improvement Act, \$38,382,000, to be derived from such sums as may be collected in the Central Valley Project Restoration Fund pursuant to sections 3407(d), 3404(c)(3), 3405(f), and 3406(c)(1) of Public Law 102-575, to remain available until expended: *Provided*, That the Bureau of Reclamation is directed to assess and collect the full amount of the additional mitigation and restoration payments authorized by section 3407(d) of Public Law 102-575.

POLICY AND ADMINISTRATION

For necessary expenses of policy, administration, and related functions in the office of the Commissioner, the Denver office, and offices in the five regions of the Bureau of Reclamation, to remain available until expended, \$47,000,000, to be derived from the Reclamation Fund and be nonreimbursable as provided in 43 U.S.C. 377: *Provided*, That no part of any other appropriation in this Act

shall be available for activities or functions budgeted as policy and administration expenses.

ADMINISTRATIVE PROVISION

Appropriations for the Bureau of Reclamation shall be available for purchase of not to exceed four passenger motor vehicles for replacement only.

GENERAL PROVISIONS

DEPARTMENT OF THE INTERIOR

SEC. 201. None of the funds appropriated or otherwise made available by this or any other Act may be used to pay the salaries and expenses of personnel to purchase or lease water in the Middle Rio Grande or the Carlsbad Projects in New Mexico unless said purchase or lease is in compliance with the purchase requirements of section 202 of Public Law 106-60.

SEC. 202. The Secretary of the Interior is authorized to assess and collect annually from Central Valley Project (CVP) water and power contractors the sum of \$540,000 (June 2000 price levels), and to remit that amount annually to the Trinity Public Utilities District (TPUD). This assessment shall be payable 70% by CVP Preference Power Customers and 30% by CVP Water Contractors. The CVP Water Contractor share of this assessment shall be collected by the Secretary through established Bureau of Reclamation (Reclamation) Operation and Maintenance ratesetting practices. The CVP Power Contractor share of this assessment shall be assessed by Reclamation to the Western Area Power Administration, Sierra Nevada Region (Western), and collected by Western through established power ratesetting practices. The authorized amount collected shall be paid annually to the TPUD.

Mr. PACKARD (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of the title II be considered as read, printed in the RECORD, and open for amendments at any point.

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

There was no objection.

The CHAIRMAN. Are there amendments to that portion of the bill?

If not, the Clerk will read.

The Clerk read as follows:

TITLE III

DEPARTMENT OF ENERGY

ENERGY PROGRAMS

ENERGY SUPPLY

For Department of Energy expenses including the purchase, construction and acquisition of plant and capital equipment, and other expenses necessary for energy supply, and uranium supply and enrichment activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion; and the purchase of not to exceed 17 passenger motor vehicles for replacement only, \$576,482,000 to remain available until expended: *Provided*, That, in addition, royalties received to compensate the Department of Energy for its participation in the First-Of-A-Kind-Engineering program shall be credited to this account to be available until September 30, 2002, for the purposes of Nuclear Energy, Science and Technology activities.

AMENDMENT OFFERED BY MR. SALMON

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. SALMON:  
Page 16, line 18, after the dollar amount insert the following: "(increased by \$40,000,000)".

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

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

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

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

Mr. Chairman, before I begin I would like to express my gratitude to the gentleman from California (Chairman PACKARD) for graciously accepting this amendment. He and his staff have been more than generous with their ideas, their time; and thanks to their efforts, we have agreed to fund renewable energy programs well above this year's subcommittee mark and above final funding levels for the last 2 years.

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

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

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

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

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

Mr. Chairman, we must now work to diversify our energy portfolio and draw on domestic renewable energy resources that, given the funding and priority they deserve, will provide much-

needed reliable, affordable energy to American homes, businesses, and industry, and free us from foreign control.

The urgency of this situation is most clearly illustrated by the recent gas prices. Climbing fuel costs across the Nation have served as a painful reminder of our overdependence on foreign oil. For over a year, countries from the OPEC cartel and other oil-producing countries have conspired to steal from Americans by artificially inflating the price of oil. These hikes have had a dramatic effect on the life of every American and threaten the state of our economy.

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

□ 1930

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

Despite exciting advances and promising advantages, renewable energy has been underfunded in comparison to competing energy programs. From 1973, when Federal funding for renewable energy technologies started in earnest, through fiscal year 1996, in real 1977 dollars, the Federal Government has spent \$42 billion for research and development in nuclear and \$19 billion for fossil fuels.

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

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

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

These renewable energy technologies are steadily gaining acceptance and are just beginning to deliver on the prom-

ise of clean, abundant, reliable and increasingly competitive renewable energy. I am confident that with consistent, healthy funding, renewable energy technologies will continue to faithfully deliver on that promise.

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

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

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

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

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

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

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

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

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

The amendment will add \$40 million to solar and renewable energy programs in fiscal 2001 and will offset this sum with Department of Energy contractor funds. While this increase is not even close to the levels of the request, it is a good start, and I hope it can begin a trend toward increased funding for these programs in future years.

After all the rhetoric we have been hearing in the last few weeks in the

newspapers, on the talk shows, and on the floor about our lack of an energy policy, I am glad to have this opportunity today to rise above recrimination to get to the heart of the problem.

I want to talk about the importance of agreeing on a long-term energy policy, one that requires us to think beyond today's gasoline prices and beyond the elections in November. I want to talk about the real crisis that will develop in 10 or 20 years from now when oil prices will probably go up permanently as a result of increasing global demand and of passing the peak in global petroleum production.

We have not done enough to prepare for this eventuality. But we might have the opportunity to do so now. If there is a silver lining to the current crisis in oil prices, it is that we are being forced to consider alternative energy sources.

The Department of Energy has been looking into these alternatives for years. Twenty years after research on clean energy technologies began, these technologies are becoming a part of the solution to concerns about the quality of our water and air and changes in our climate.

DOE's renewable energy programs are vital to our Nation's interests, helping to provide strategies and tools to address the environmental challenges we will face in the coming decades. By reducing air pollution and other environmental impacts from energy production and use, these programs also constitute the single largest and most effective Federal pollution prevention program.

Investments in sustainable energy technologies meet multiple other public policy objectives. Far from decreasing, U.S. dependence on imported oil has actually increased to record levels over the past 25 years. The gentleman from Arizona (Mr. SALMON) and I are old enough to remember the gas lines and the early crisis of the early 1970s. These programs are helping us to reduce our reliance on oil imports, thereby strengthening our national security, and also creating hundreds of new domestic businesses, supporting thousands of American jobs, and opening new international markets for American goods and services.

It is estimated that the world market for energy supply and construction over the next 30 years will be in the range of several hundred billion dollars per year. America currently leads the world technologically in developing advanced renewable instruments and products; and we cannot, I say cannot, afford to surrender this lead to our foreign competitors.

Past Federal support for sustainable energy programs has been key to the rapid growth of these emerging renewable technologies. Solar, wind, geothermal, and biomass technologies have together more than tripled their contribution to the Nation's energy mix of our Nation over the last two decades. Including hydropower renewables, renewables now account for over



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

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

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

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

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

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

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

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

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

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

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

in the production, distribution, and storage of hydrogen as an energy commodity.

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

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

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

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

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

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

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

□ 1945

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

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

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

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

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

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

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

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

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

I have been very surprised at how slow we have made progress in this



area. Progress has come, but not in as fast a way as we have seen progress, for example, in our space program. So I rise in very strong support of the amendment. This is the right direction for America, the right direction for the future, and I commend both gentlemen.

Mr. SALMON. Mr. Chairman, I yield such time as he may consume to the gentleman from Florida (Mr. FOLEY), who not only talks the talk, he walks the walk. He has a convertible so that he does not have to use his blow dryer in the morning and saves on energy that way.

Mr. FOLEY. Mr. Chairman, I certainly appreciate the personal observation of the gentleman from Arizona.

Mr. Chairman, I first want to salute the gentlewoman from Ohio (Ms. KAPTUR), who just made some very, very important statements. I think it is important for America to note the strongest Nation on Earth, the one everyone comes to for aid and assistance, is on bended knee at OPEC headquarters pleading for lower fuel prices. The United States of America, who when asked to defend other nations is the first to respond, sends its emissaries to plead with the oil emirates to please bring down our prices, our voters are upset.

This amendment goes a long way to rectifying not only the pleadings but, hopefully, the passage of a new era in seeking alternative fuels that will not degrade the environment, that will be available, and will create opportunities and jobs. So I applaud the gentleman from Arizona and the gentleman from Colorado (Mr. UDALL) for their leadership on this initiative. I do think it is important.

Mr. Chairman, we flick on switches and electricity immediately comes on. We start our cars; we drive. We immediately have access to virtually anything we want in this country. Yet at the end of the day we are indeed dependent on other people to supply the basic resources of this country to run our operations. Let us not continue to find ourselves at this place at this time. Let us support this amendment, let us move forward, let us strive in the 21st century to bring about technologies that will improve the quality of life, that will improve the quality of the atmosphere and make our lives less dependent on outside and external forces.

Mr. UDALL of Colorado. Mr. Chairman, I yield myself such time as I may consume to respond to my colleague from Florida that I agree with him; that this is an issue of national security at its core. It is also an issue of great economic opportunity. And in an interesting way, it is an issue that could provide more freedom to every American.

If we think about it, we bring our oil from all over the world, and we have to centralize the production of it and the distribution of it. If we move in the direction that the gentlewoman from Ohio (Ms. KAPTUR) and the gentleman

from Arizona (Mr. SALMON) are providing leadership in, we can be producing these fuels in our home areas and in ways that provide maximum freedom to all our citizens.

It is an interesting thought and an exciting one, I thank the gentleman for his leadership on this.

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

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

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

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

Many of my colleagues claim that the current gasoline prices are the result of an inadequate national energy policy. To them, however, increased domestic drilling and greater reliance on oil seems to be the panacea for decreasing the rising prices at the pump. Other Members believe the big oil companies and refiners are gouging consumers with inflated gasoline prices, leading to a 512 percent profit margin for the oil industry in this year alone.

While the arguments of both parties may well have some merit, it is undeniable this Nation needs to invest more in renewable and alternative energy technologies that are more environmentally friendly. Wind, solar, geothermal, biomass, and hydropower are important components in our Nation's energy mix. Unfortunately, between fiscal year 1973 and fiscal year 1995, renewable energy technologies accounted for approximately 10 percent of all Federal Government research and development spending. Private sector energy R&D declined 42 percent between 1985 and 1994. In fact, it has continued, this downward decline.

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

My constituents are currently suffering from inordinately high gas prices. And while it is important that we find out the causes for the regional differentials in gas prices as they exist today, especially in the upper Midwest region, we must also use this opportunity to advance a proactive and more sustainable long-term energy policy so

we are in more control of our own energy needs in the future. This amendment helps us get there, and I urge my colleagues to support it.

Mr. UDALL of Colorado. Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Ms. WOOLSEY).

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

Ms. WOOLSEY. Mr. Chairman, I rise in strong support of the Salmon-Udall amendment to increase funding for renewable programs. Renewables are a clean energy source and renewables are good for our environment.

It is no secret that current sources of energy, nuclear and fossil fuel-burning power plants, produce emissions and pollutants. These harmful by-products include long-lived radioactive wastes, greenhouse gases, and the air pollutants responsible for acid rain. By increasing our support for renewable energy sources to meet our Nation's electric needs, we can significantly reduce our contribution to the release of these pollutants.

Supporting renewable energy is a powerful and direct way to help protect the environment, and it is also a way to make a long-lasting commitment to our children's future and to the future of our planet. It is only responsible, and it is prudent that we support the technological development of renewable energy sources, especially in light of the current oil price crisis we are all experiencing across this Nation.

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

This amendment is a key step in that direction. It is also a statement of what our energy priorities must and should be. Mr. Chairman, I urge my colleagues to support this amendment. We must develop renewable sources of energy that our children can depend upon.

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

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

I might leave the discussion with a couple of additional thoughts. I was reminded that just 100 years ago humans depended on three sources of energy: their own muscle power, that of animals, and wood. And over the last hundred years we have created an immensely powerful supply of energy that is based on petroleum and fossil fuels.

When that potential energy source became apparent, the Federal Government was very involved in the research and development that occurred that determined and explored and discovered all these terrific uses for petroleum.

Now we are on the cusp of a new age, and I think it is very appropriate that we continue this kind of involvement as we move into a new energy century and we explore all the great possibilities of clean energy that involves biomass, solar, hydrogen, and the like. This is something that will be exciting, that will be great for our economy and great for our environment.

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

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

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

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

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona (Mr. SALMON).

The amendment was agreed to.

□ 2000

AMENDMENT NO. 4 OFFERED BY MR. FOLEY

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. FOLEY:  
Page 16, line 18, insert after "\$576,482,000" the following: "(reduced by \$22,500,000) (increased by \$13,000,000) (increased by \$6,000,000)".

The CHAIRMAN. Pursuant to the order of the House today, the gentleman from Florida (Mr. FOLEY) and the gentleman from California (Mr. PACKARD) each will control 5 minutes.

The Chair recognizes the gentleman from Florida (Mr. FOLEY).

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

Mr. Chairman, let me take this opportunity to thank the gentleman from California (Chairman PACKARD) for his hard work on this legislation before us today. I am proud of the work he has done to help preserve our water resources, particularly in the Everglades in Florida.

This is probably one the most important bills Members deal with relative to their legislative responsibilities because it clearly works within the districts and the multitude of projects that make America the great Nation it is.

I join my colleague today the gentleman from Massachusetts (Mr. MARKEY). He is unavoidably detained or he would be here today at this moment to argue with us the importance of this amendment.

But I think we can do more to preserve those truly important resources while ending some of the wasteful spending and corporate welfare in so many of the programs brought before this Congress.

The amendment I am offering today would shift funding from the Nuclear Energy Research Initiative, or NERI, to renewable energy research, which is truly a clean renewable source of energy.

After pouring more than \$47 billion into the nuclear power industry over the last 50 years, this industry is still attempting to have the taxpayers fund its research and industry improvement efforts. Included in the fiscal year 2001 funding for the Department of Energy, the nuclear power industry will still get another \$22.5 million in Nuclear Energy Research Initiative subsidies.

I think this is wrong, Mr. Chairman. The money goes to such corporate giants as Westinghouse and General Electric. Why does this mature industry need the help of the American taxpayers to develop and design the next generation nuclear reactors?

I would ask my colleagues, are any planned in their hometown or community? Probably not. But we are still spending money on research. Six of the nine largest investor-owned utilities by revenue were nuclear energy in 1998. They made profits of nearly \$200 billion last year. Yet, the American people must continue to fund them.

Westinghouse and General Electric have been in the business for more than 40 years, and it is their turn to lead and to use their huge profits to advance their own industry.

The American taxpayers have over the last 50 years put \$47 billion, again, \$47 billion into nuclear subsidies. They should not have to subsidize this giant of an industry any longer.

Again, the amendment I am offering today with my colleague, the gentleman from Massachusetts (Mr. MARKEY), would ensure this money is used to support clean renewable energy. We would further help this emerging industry reinforce their infrastructure and keep it a reliable source for the future.

It is projected that voting for this amendment could save the American people at least \$95 million over the next 5 years.

I urge my colleagues to adopt this common sense initiative. We would move out of the \$22.5 requested in the cut, \$13 million to wind energy and \$6 million to Electric Energy Systems account, with the remaining \$3.5 million to be returned to the Treasury for debt reduction.

I believe this is a good amendment, and I urge my colleagues to support it.

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

Mr. PACKARD. Mr. Chairman, I yield 3 minutes to the gentleman from Michigan (Mr. KNOLLENBERG).

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

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

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

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

This program is reinvigorating the Department of Energy's nuclear energy R&D based upon competitive and, more importantly, peer-reviewed projects. Even the President's very own committee of advisors says that PCAST as it is called, recommended in 1997 that further nuclear energy research and development is absolutely necessary to maintain the Nation's energy mix.

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

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

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

But look at this. This is 1999. In 1990, it was the same thing, with nuclear down about 2 percent. In 1980, about the same thing. In the 30 years we have been funding this renewable program, we have seen very little gain.

I am not suggesting we drop it. I am suggesting we balance it. Do not take away funding that is needed. There are kids that want to go to school to learn how to keep these things going in the new generation of these nuclear plants that is coming on line.

Would my colleagues believe that nuclear plants can operate at a 100 percent capacity. Do they know that wind cannot get above 28? They talk about 100 percent capacity. Look, the wind does not blow all the time. Do not let that word fool us. Solar. The sun does not shine all the time.

So they said 100 percent capacity. No such thing, my colleagues. It is way below 28 percent, down around 20 percent. So keep that in mind when we are talking about dropping this program.

I admit I, too, like the solar. But let us not kill what works. We have got to prove this thing works. And it does not yet, the way nuclear does—reject the Markey-Foley amendment.

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

Students and teachers and universities are the issue here.

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

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

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

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

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

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

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

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

Rest assured that if they are not already aware of the damage Mr. MARKEY seeks to do here today, I will work to make sure that all of the students and the professors and the uni-

versities all across this great nation will be made fully aware of his actions and the effects of his actions.

Perhaps some of these twenty student and these eight professors live in Mr. MARKEY's congressional district. Thus, perhaps they are thus his constituents.

For the sake of the Jini and Martin and professor Kazimi and all of the students and professors and universities across the nation, Mr. MARKEY and this amendment must be stopped.

A vote for the amendment advocated by Mr. MARKEY and Mr. FOLEY is a vote against education.

Vote no on the Foley/Markey amendment.

Mr. Chairman, I rise against the amendment.

Mr. PACKARD. Mr. Chairman, I yield 1 minute to the gentleman from Indiana (Mr. VISCLOSKY), the ranking member of the subcommittee.

Mr. VISCLOSKY. Mr. Chairman, I appreciate the gentleman yielding and would add my voice to the gentleman from Michigan (Mr. KNOLLENBERG) in opposition to the amendment.

Mr. Chairman, my first concern is that we have just had a vote on this floor to, essentially, increase funding for renewables by \$40 million. And secondly, I do think under the NERI program we are doing very important research. We are looking to continue to improve efficiency and reliability and to reduce the cost of existing nuclear energy applications. We are looking for proliferation resistant reactors in fuels. We are looking for new reactor designs with improved safety, higher efficiency, and lower costs that would be competitive in the global market. And we are looking for new technologies for nuclear waste management and investigations into fundamental nuclear science.

I do oppose the amendment put forth and would encourage my colleagues to vote against it.

Mr. PACKARD. Mr. Chairman, I yield myself the balance of our time.

Mr. Chairman, I simply have to oppose this amendment because it totally eliminates the Nuclear Energy Research Initiative, which I think would be a terrible mistake. This has been an initiative very modestly funded while essential to keep nuclear energy safe and to continue nuclear energy as a viable part of our energy resources.

It is clean. It is proven to be safe. It is 20 percent of our Nation's electricity. And to eliminate the entire NERI project I think would be absolutely unconscionable.

We have beefed up, as has already been said just in the previous amendment tonight, \$40 million additional to renewable energy resources. And we think that that is even beyond what is necessary, but certainly we are willing to do that. But to add \$19 million more to that I think would not be appropriate.

And so, I urge all Members to vote against the amendment to cut nuclear R&D.

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

Mr. BARTON of Texas. Mr. Chairman, the NERI R&D program at DOE is an innovative program to spur new thinking at DOE labs, the nation's universities and in industry. The NERI program represents a revitalization of the Department's nuclear energy research program.

Begun two years ago, these awards also represent excellence. Out of 120 proposals received by DOE, only 10 were selected, including one from Texas A&M University.

Through NERI, the Department has ushered in a new management approach to long-term nuclear energy research that applies the competitive, peer-reviewed selection of investigator-initiated R&D proposals.

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

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

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

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

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

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

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

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

Mr. Chairman, this industry has received \$47 billion dollars in subsidy over the last fifty

years. That's close to \$1 billion dollars a year! Imagine what wind, solar or other clean renewable energy projects could do in fifty years if they received subsidies of \$1 billion per year.

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

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

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

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

I urge members to vote yes on the Foley Amendment.

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

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

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

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

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

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

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

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

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

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

Over the past fifty years, the nuclear power industry has received \$47 billion in subsidies from the American taxpayers. The nuclear power industry is now a mature industry with over \$140 billion in revenues last year alone. Funding under the Nuclear Energy Research Initiative (NERI) is funneled to some of the largest corporations in the country. These very successful companies can stand to do without the support of the American taxpayer.

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

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

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

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

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

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

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

The CHAIRMAN. The Clerk will read.

The Clerk read, as follows:

#### NON-DEFENSE ENVIRONMENTAL MANAGEMENT

For Department of Energy expenses, including the purchase, construction and acquisition of plant and capital equipment and other expenses necessary for non-defense environmental management activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction or expansion, \$281,001,000, to remain available until expended.

#### URANIUM FACILITIES MAINTENANCE AND REMEDIATION

##### (INCLUDING TRANSFER OF FUNDS)

For necessary expenses to maintain, decontaminate, decommission, and otherwise remediate uranium processing facilities, \$301,400,000, of which \$260,000,000 shall be derived from the Uranium Enrichment Decon-

tamination and Decommissioning Fund and of which \$12,000,000 shall be derived by transfer from the United States Enrichment Corporation Fund, all of which shall remain available until expended.

#### SCIENCE

For Department of Energy expenses including the purchase, construction and acquisition of plant and capital equipment, and other expenses necessary for science activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or facility or for plant or facility acquisition, construction, or expansion, and purchase of not to exceed 58 passenger motor vehicles for replacement only, \$2,830,915,000, to remain available until expended.

#### NUCLEAR WASTE DISPOSAL

For nuclear waste disposal activities to carry out the purposes of Public Law 97-425, as amended, including the acquisition of real property or facility construction or expansion, \$213,000,000, to remain available until expended and to be derived from the Nuclear Waste Fund: *Provided*, That not to exceed \$2,500,000 may be provided to the State of Nevada solely for expenditures, other than salaries and expenses of State employees, to conduct scientific oversight responsibilities pursuant to the Nuclear Waste Policy Act of 1982, Public Law 97-425, as amended: *Provided further*, That not to exceed \$5,887,000 may be provided to affected units of local governments, as defined in Public Law 97-425, to conduct appropriate activities pursuant to the Act: *Provided further*, That the distribution of the funds as determined by the units of local government shall be approved by the Department of Energy: *Provided further*, That the funds for the State of Nevada shall be made available solely to the Nevada Division of Emergency Management by direct payment and units of local government by direct payment: *Provided further*, That within 90 days of the completion of each Federal fiscal year, the Nevada Division of Emergency Management and the Governor of the State of Nevada and each local entity shall provide certification to the Department of Energy that all funds expended from such payments have been expended for activities authorized by Public Law 97-425 and this Act. Failure to provide such certification shall cause such entity to be prohibited from any further funding provided for similar activities: *Provided further*, That none of the funds herein appropriated may be: (1) used directly or indirectly to influence legislative action on any matter pending before Congress or a State legislature or for lobbying activity as provided in 18 U.S.C. 1913; (2) used for litigation expenses; or (3) used to support multi-state efforts or other coalition building activities inconsistent with the restrictions contained in this Act: *Provided further*, That all proceeds and recoveries by the Secretary in carrying out activities authorized by the Nuclear Waste Policy Act of 1982 in Public Law 97-425, as amended, including but not limited to, any proceeds from the sale of assets, shall be available without further appropriation and shall remain available until expended.

#### DEPARTMENTAL ADMINISTRATION

For salaries and expenses of the Department of Energy necessary for departmental administration in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the hire of passenger motor vehicles and official reception and representation expenses (not to exceed \$35,000), \$153,527,000, to remain available until expended, plus such additional amounts as necessary to cover increases in

the estimated amount of cost of work for others notwithstanding the provisions of the Anti-Deficiency Act (31 U.S.C. 1511 et seq.): *Provided*, That such increases in cost of work are offset by revenue increases of the same or greater amount, to remain available until expended: *Provided further*, That moneys received by the Department for miscellaneous revenues estimated to total \$111,000,000 in fiscal year 2001 may be retained and used for operating expenses within this account, and may remain available until expended, as authorized by section 201 of Public Law 95-238, notwithstanding the provisions of 31 U.S.C. 3302: *Provided further*, That the sum herein appropriated shall be reduced by the amount of miscellaneous revenues received during fiscal year 2001 so as to result in a final fiscal year 2001 appropriation from the General Fund estimated at not more than \$42,527,000.

AMENDMENT OFFERED BY MR. NEY

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. NEY:

Page 20, line 8, after the dollar amount insert "(reduced by \$3,000,000)".

Page 2D, line 25, after the dollar amount insert "(reduced by \$3,000,000)".

Page 33, line 13, after the dollar amount insert "(increased by \$3,000,000)".

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

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

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

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

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

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

Unfortunately, because of the funding restraints placed on the subcommittee, the Appalachian Regional Commission is being funded at a level that is \$3.149 million less than the appropriation in fiscal year 2000. That funding is also nearly \$8.4 million less than was requested in the President's budget.

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

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

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

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

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

Mr. PACKARD. Mr. Chairman, yes, the gentleman from Ohio (Mr. NEY) is correct in assuming this. Should the committee receive a revised 302(b) allocation which increases our funding level, then our effort will be to consider increasing funding for the ARC to at least the fiscal year 2000 funding level.

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

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

Mr. PACKARD. Mr. Chairman, if the gentleman will continue to yield, yes, in response to his question, I am prepared to work with the other body during the conferencing of the bill to negotiate funds to fund for the ARC at a minimum of the fiscal year 2000 level.

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

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

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

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

There was no objection.

□ 2015

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

OFFICE OF THE INSPECTOR GENERAL

For necessary expenses of the Office of the Inspector General in carrying out the provi-

sions of the Inspector General Act of 1978, as amended, \$31,500,000, to remain available until expended.

AMENDMENT NO. 8 OFFERED BY MR. KINGSTON

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 8 offered by Mr. KINGSTON:

Page 21, line 5 insert ", including conducting a study of the economic basis of recent gasoline price levels" after "until expended".

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

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

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

Mr. Chairman, I do not know if there is anybody opposed to this or not. I hope this is a constructive amendment. All it simply asks is that the Office of Inspector General give us a study of the economic basis of the recent gasoline price increases, and this is just because we are not exactly sure what all caused the increases from the \$1.20 range as high as the \$2.80 per-gallon range. And that is all we are trying to do, not fingerpoint.

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

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

Mr. PACKARD. Mr. Chairman, we are prepared to accept the amendment. We think it is a very good amendment.

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

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

Mr. VISCLOSKEY. Mr. Chairman, I appreciate the gentleman from Georgia (Mr. KINGSTON) yielding.

Mr. Chairman, as I mentioned in my earlier remarks, I am not opposed to the gentleman's amendment but would simply point out that we are now applying an additional responsibility to the Inspector General's office and not providing any additional funds; and the fact is the funding for the Inspector General in this bill is \$1.5 million less than the administration request.

The final observation I would make is obviously we are dealing with the Department of Energy. The gentleman is very concerned, as we all are, about the high price of gasoline; but I do not know whether the expertise to do the best job possible in the Department of Energy resides with the Inspector General.

Mr. KINGSTON. Mr. Chairman, let me say this, that we will be happy to work with this committee as the process continues to make sure that there are enough funds to do this, because we think that it is important. I know the gentleman has been a leader in this also. So we will be glad to work with him.

We do have another amendment that affects the Secretary of Energy in a similar way.

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

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

ATOMIC ENERGY DEFENSE ACTIVITIES  
NATIONAL NUCLEAR SECURITY  
ADMINISTRATION  
WEAPONS ACTIVITIES

For Department of Energy expenses, including the purchase, construction and acquisition of plant and capital equipment and other incidental expenses necessary for atomic energy defense weapons activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion; and the purchase of passenger motor vehicles (not to exceed 12 for replacement only), \$4,625,684,000, to remain available until October 1, 2003.

DEFENSE NUCLEAR NONPROLIFERATION

For Department of Energy expenses necessary for atomic energy defense and defense nuclear nonproliferation activities to carry out the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including acquisition (by purchase, condemnation, construction, or otherwise) of real property, plant and capital equipment, facilities, and facility expansion, \$861,477,000, to remain available until October 1, 2003: *Provided*, That not to exceed \$7,000 may be used for official reception and representation expenses for national security and nonproliferation (including transparency) activities in fiscal year 2001.

NAVAL REACTORS

For Department of Energy expenses necessary for naval reactors activities to carry out the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition (by purchase, condemnation, construction, or otherwise) of real property, plant, and capital equipment, facilities, and facility expansion, \$677,600,000, to remain available until expended.

OTHER DEFENSE RELATED ACTIVITIES

DEFENSE ENVIRONMENTAL RESTORATION AND  
WASTE MANAGEMENT

For Department of Energy expenses, including the purchase, construction and acquisition of plant and capital equipment and other expenses necessary for atomic energy defense environmental restoration and waste management activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion; and the purchase of 30 passenger motor vehicles for replacement only, \$4,522,707,000, to remain available until expended: *Provided*, That any amounts appropriated under this heading that are used to provide economic assistance under section 15 of the Waste Isolation Pilot Plant Land Withdrawal Act, Public Law 102-579, shall be utilized to the extent necessary to reimburse costs of financial assurances required of a contractor by any permit or license of the Waste Isolation Pilot Plant issued by the State of New Mexico.

DEFENSE FACILITIES CLOSURE PROJECTS

For expenses of the Department of Energy to accelerate the closure of defense environ-

mental management sites, including the purchase, construction and acquisition of plant and capital equipment and other necessary expenses, \$1,082,297,000, to remain available until expended.

DEFENSE ENVIRONMENTAL MANAGEMENT  
PRIVATIZATION

For Department of Energy expenses for privatization projects necessary for atomic energy defense environmental management activities authorized by the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), \$259,000,000, to remain available until expended.

OTHER DEFENSE ACTIVITIES

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

DEFENSE NUCLEAR WASTE DISPOSAL

For nuclear waste disposal activities to carry out the purposes of Public Law 97-425, as amended, including the acquisition of real property or facility construction or expansion, \$200,000,000, to remain available until expended.

POWER MARKETING ADMINISTRATIONS

BONNEVILLE POWER ADMINISTRATION FUND

Expenditures from the Bonneville Power Administration Fund, established pursuant to Public Law 93-454, are approved for the Nez Perce Tribe Resident Fish Substitution Program, the Cour D'Alene Tribe Trout Production facility, and for official reception and representation expenses in an amount not to exceed \$1,500.

During fiscal year 2001, no new direct loan obligations may be made.

OPERATION AND MAINTENANCE, SOUTHEASTERN  
POWER ADMINISTRATION

For necessary expenses of operation and maintenance of power transmission facilities and of marketing electric power and energy, including transmission wheeling and ancillary services, pursuant to the provisions of section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the southeastern power area, \$3,900,000, to remain available until expended; in addition, notwithstanding the provisions of 31 U.S.C. 3302, amounts collected by the Southeastern Power Administration pursuant to the Flood Control Act to recover purchase power and wheeling expenses shall be credited to this account as offsetting collections, to remain available until expended for the sole purpose of making purchase power and wheeling expenditures as follows: for fiscal year 2001, up to \$34,463,000; for fiscal year 2002, up to \$26,463,000; for fiscal year 2003, up to \$20,000,000; and for fiscal year 2004, up to \$15,000,000.

OPERATION AND MAINTENANCE,  
SOUTHWESTERN POWER ADMINISTRATION

For necessary expenses of operation and maintenance of power transmission facilities and of marketing electric power and energy, and for construction and acquisition of transmission lines, substations and appurtenant facilities, and for administrative expenses, including official reception and representation expenses in an amount not to exceed \$1,500 in carrying out the provisions of section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the southwestern power area, \$28,100,000, to remain available

until expended; in addition, notwithstanding the provisions of 31 U.S.C. 3302, not to exceed \$4,200,000 in reimbursements, to remain available until expended: *Provided*, That amounts collected by the Southwestern Power Administration pursuant to the Flood Control Act to recover purchase power and wheeling expenses shall be credited to this account as offsetting collections, to remain available until expended for the sole purpose of making purchase power and wheeling expenditures as follows: for fiscal year 2001, up to \$288,000; for fiscal year 2002, up to \$288,000; for fiscal year 2003, up to \$288,000; and for fiscal year 2004, up to \$288,000.

CONSTRUCTION, REHABILITATION, OPERATION  
AND MAINTENANCE, WESTERN AREA POWER  
ADMINISTRATION

For carrying out the functions authorized by title III, section 302(a)(1)(E) of the Act of August 4, 1977 (42 U.S.C. 7152), and other related activities including conservation and renewable resources programs as authorized, including official reception and representation expenses in an amount not to exceed \$1,500, \$160,930,000, to remain available until expended, of which \$154,616,000 shall be derived from the Department of the Interior Reclamation Fund: *Provided*, That of the amount herein appropriated, \$4,036,000 is for deposit into the Utah Reclamation Mitigation and Conservation Account pursuant to title IV of the Reclamation Projects Authorization and Adjustment Act of 1992: *Provided further*, That amounts collected by the Western Area Power Administration pursuant to the Flood Control Act of 1944 and the Reclamation Project Act of 1939 to recover purchase power and wheeling expenses shall be credited to this account as offsetting collections, to remain available until expended for the sole purpose of making purchase power and wheeling expenditures as follows: for fiscal year 2001, up to \$35,500,000; for fiscal year 2002, up to \$33,500,000; for fiscal year 2003, up to \$30,000,000; and for fiscal year 2004, up to \$20,000,000.

FALCON AND AMISTAD OPERATING AND  
MAINTENANCE FUND

For operation, maintenance, and emergency costs for the hydroelectric facilities at the Falcon and Amistad Dams, \$2,670,000, to remain available until expended, and to be derived from the Falcon and Amistad Operating and Maintenance Fund of the Western Area Power Administration, as provided in section 423 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995.

FEDERAL ENERGY REGULATORY COMMISSION  
SALARIES AND EXPENSES

For necessary expenses of the Federal Energy Regulatory Commission to carry out the provisions of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including services as authorized by 5 U.S.C. 3109, the hire of passenger motor vehicles, and official reception and representation expenses (not to exceed \$3,000), \$175,200,000, to remain available until expended: *Provided*, That notwithstanding any other provision of law, not to exceed \$175,200,000 of revenues from fees and annual charges, and other services and collections in fiscal year 2001 shall be retained and used for necessary expenses in this account, and shall remain available until expended: *Provided further*, That the sum herein appropriated from the General Fund shall be reduced as revenues are received during fiscal year 2001 so as to result in a final fiscal year 2001 appropriation from the General Fund estimated at not more than \$0.

Mr. PACKARD (during the reading).  
Mr. Chairman, I ask unanimous consent that the bill through page 29 line



5 be considered as read, printed in the RECORD and open to amendment at any point.

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

There was no objection.

The CHAIRMAN. Are there amendments at this point?

The Clerk will read.

The Clerk read as follows:

#### GENERAL PROVISIONS

##### DEPARTMENT OF ENERGY

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

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

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

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

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

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

(2) provide enhanced severance payments or other benefits for employees of the Department of Energy,

under section 3161 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 106 Stat. 2644; 42 U.S.C. 7274h).

SEC. 304. None of the funds appropriated by this Act may be used to augment the \$24,500,000 made available for obligation by this Act for severance payments and other benefits and community assistance grants under section 3161 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 106 Stat. 2644; 42 U.S.C. 7274h).

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

#### (TRANSFERS OF UNEXPENDED BALANCES)

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

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

SEC. 308. (a) Of the funds appropriated by this title to the Department of Energy, not more than \$150,000,000 shall be available for reimbursement of management and operating contractor travel expenses.

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

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

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

#### AMENDMENT NO. 9 OFFERED BY MR. KINGSTON

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

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

SEC. 311. Not later than 30 days after the date of the enactment of this Act, the Secretary of Energy shall transmit to the Congress a report on activities of the executive branch to address high gasoline prices and to develop an overall national energy strategy.

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

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

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

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

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

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

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

Mr. PACKARD. Mr. Chairman, we are prepared to accept the amendment.

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

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

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

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

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

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

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

#### TITLE IV

##### INDEPENDENT AGENCIES

##### APPALACHIAN REGIONAL COMMISSION

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

##### DEFENSE NUCLEAR FACILITIES SAFETY BOARD

##### SALARIES AND EXPENSES

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

##### NUCLEAR REGULATORY COMMISSION

##### SALARIES AND EXPENSES

For necessary expenses of the Commission in carrying out the purposes of the Energy Reorganization Act of 1974, as amended, and the Atomic Energy Act of 1954, as amended, including official representation expenses (not to exceed \$15,000), \$481,900,000, to remain available until expended: *Provided*, That of the amount appropriated herein, \$21,600,000



shall be derived from the Nuclear Waste Fund: *Provided further*, That revenues from licensing fees, inspection services, and other services and collections estimated at \$457,100,000 in fiscal year 2001 shall be retained and used for necessary salaries and expenses in this account, notwithstanding 31 U.S.C. 3302, and shall remain available until expended: *Provided further*, That \$3,200,000 of the funds herein appropriated for regulatory reviews and assistance to other Federal agencies and States shall be excluded from license fee revenues, notwithstanding 42 U.S.C. 2214: *Provided further*, That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 2001 so as to result in a final fiscal year 2001 appropriation estimated at not more than \$24,800,000.

#### OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, \$5,500,000, to remain available until expended: *Provided*, That revenues from licensing fees, inspection services, and other services and collections estimated at \$5,500,000 in fiscal year 2001 shall be retained and be available until expended, for necessary salaries and expenses in this account notwithstanding 31 U.S.C. 3302: *Provided further*, That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 2001 so as to result in a final fiscal year 2001 appropriation estimated at not more than \$0.

#### NUCLEAR WASTE TECHNICAL REVIEW BOARD

##### SALARIES AND EXPENSES

For necessary expenses of the Nuclear Waste Technical Review Board, as authorized by Public Law 100-203, section 5051, \$2,700,000, to be derived from the Nuclear Waste Fund, and to remain available until expended.

#### TITLE V—RESCISSIONS

##### DEPARTMENT OF ENERGY

##### INTERIM STORAGE ACTIVITIES

##### (INCLUDING TRANSFER OF FUNDS)

##### (RESCISSION)

Of the funds appropriated in Public Law 104-46 for interim storage of nuclear waste, \$85,000,000 are transferred to this heading: *Provided*, That such amount is hereby rescinded.

#### TITLE VI—GENERAL PROVISIONS

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

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

(b) NOTICE REQUIREMENT.—In providing financial assistance to, or entering into any contract with, any entity using funds made available in this Act, the head of each Federal agency, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (a) by the Congress.

(c) PROHIBITION OF CONTRACTS WITH PERSONS FALSELY LABELING PRODUCTS AS MADE IN AMERICA.—If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a "Made in America" inscription, or any in-

scription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

SEC. 603. (a) None of the funds appropriated or otherwise made available by this Act may be used to determine the final point of discharge for the interceptor drain for the San Luis Unit until development by the Secretary of the Interior and the State of California of a plan, which shall conform to the water quality standards of the State of California as approved by the Administrator of the Environmental Protection Agency, to minimize any detrimental effect of the San Luis drainage waters.

(b) The costs of the Kesterson Reservoir Cleanup Program and the costs of the San Joaquin Valley Drainage Program shall be classified by the Secretary of the Interior as reimbursable or nonreimbursable and collected until fully repaid pursuant to the "Cleanup Program—Alternative Repayment Plan" and the "SJVDP—Alternative Repayment Plan" described in the report entitled "Repayment Report, Kesterson Reservoir Cleanup Program and San Joaquin Valley Drainage Program, February 1995", prepared by the Department of the Interior, Bureau of Reclamation. Any future obligations of funds by the United States relating to, or providing for, drainage service or drainage studies for the San Luis Unit shall be fully reimbursable by San Luis Unit beneficiaries of such service or studies pursuant to Federal Reclamation law.

SEC. 604. Section 6101(a)(3) of the Omnibus Budget Reconciliation Act of 1990, as amended (42 U.S.C. 2214(a)(3)) is amended by striking "September 30, 2000" and inserting "September 30, 2001".

SEC. 605. None of the funds appropriated by this Act shall be used to propose or issue rules, regulations, decrees, or orders for the purpose of implementation, or in preparation for implementation, of the Kyoto Protocol which was adopted on December 11, 1997, in Kyoto, Japan at the Third Conference of the Parties to the United Nations Framework Convention on Climate Change, which has not been submitted to the Senate for advice and consent to ratification pursuant to article II, section 2, clause 2, of the United States Constitution, and which has not entered into force pursuant to article 25 of the Protocol.

#### AMENDMENT NO. 12 OFFERED BY MR. VISCLOSKEY

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 12 offered by Mr. VISCLOSKEY:

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

The limitation established in this section shall not apply to any activity otherwise authorized by law.

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

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

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

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

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

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

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

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

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

□ 2030

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

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

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

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

Mr. Chairman, the whole nation deserves to hear the plea of this Administration in the words of the coordinator of all environmental policy for this administration, George Frampton, in his position as Acting Chair of the Council on Environmental Quality. On March 1, 2000, on behalf of the Administration

he stated before this appropriations subcommittee, and I quote, "Just to finish our dialogue here, my point was that it is the very uncertainty about the scope of the language . . . that gives rise to our wanting to not have the continuation of this uncertainty created next year."

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

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

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

A few key points must be reviewed:

First, no agency can proceed with activities that are not specifically authorized and funded. Mr. Chairman, there has been an effort to confuse the long-standing support that I as well as other strong supporters of the provision on the Kyoto Protocol have regarding important energy supply and energy conservation programs. For example, there has never been a question about strong support for voluntary programs, development of clean coal technology, and improvements in energy conservation for all sectors of our economy. Notwithstanding arguments that have been made on the floor in recent days, I have never, ever tried to undermine, eliminate, delete, or delay any programs that have been specifically authorized and funded.

Second, no new authority is granted.

Third, since neither the United Nations Framework Convention on Climate Change nor the Kyoto Protocol are self-executing, specific implementing legislation is required for any regulation, program, or initiative.

Fourth, since the Kyoto Protocol has not been ratified and implementing legislation has not been approved by Congress, nothing contained exclusively in that treaty is funded.

Mr. Chairman, as you know, the Administration negotiated the Kyoto Climate Change Protocol sometime ago but has decided not to submit this treaty to the United States Senate for ratification.

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

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

Clearly, we would not need this debate if the Administration would send the treaty to the Senate. The treaty would be disposed of and we could return to a more productive process for addressing our energy future.

During numerous hearings on this issue, the administration has not been willing to engage

in this debate. For example, it took months to extract the documents the administration used for its flawed economics. The message is clear—there is no interest in sharing with the American public the real price tag of this policy.

A balanced public debate will be required because there is much to be learned about the issue before we commit this country to unprecedented curbs on energy use while most of the world is exempt.

Worse yet, some treaty supporters see this as only a first step to elimination of fossil energy production. Unfortunately, the Administration has chosen to keep this issue out of the current debate.

I look forward to working to assure that the administration and EPA understand the boundaries of the current law. It will be up to Congress to assure that backdoor implementation of the Kyoto Protocol does not occur.

In that regard I would like to include in the Record a letter with legislative history of the Clean Air Act reported by Congressman JOHN DINGELL who was the Chairman of the House Conference on the Clean Air Act amendments of 1990. No one knows the Clean Air Act like Congressman DINGELL. He makes clear, and I quote, "Congress has not enacted implementing legislation authorizing EPA or any other agency to regulate greenhouse gases."

In closing, I look forward to the report language to clarify what activities are and are not authorized.

OCTOBER 5, 1999.

Hon. DAVID M. MCINTOSH,  
*Chairman, Subcommittee on National Economic Growth, Natural Resources, and Regulatory Affairs, Committee on Government Reform, Washington, DC.*

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

First, the House-passed bill (H.R. 3030) never included any provision regarding the regulation of any greenhouse gas, such as methane or carbon dioxide, nor did the bill address global climate change. The House, however, did include provisions aimed at implementing the Montreal Protocol on Substances that Deplete the Ozone Layer.

Second, as to the Senate version (S. 1630) of the proposed amendments, the October 12, 1998 memorandum correctly points out that the Senate did address greenhouse gas matters and global warming, along with provisions implementing the Montreal Protocol. Nevertheless, only Montreal Protocol related provisions were agreed to by the House-Senate conferees (see Conf. Rept. 101-952, Oct. 26, 1990).

However, I should point out that Public Law 101-549 of November 15, 1990, which contains the 1990 amendments to the CAA, includes some provisions, such as sections 813, 817 and 819-821, that were enacted as free-standing provisions separate from the CAA. Although the Public Law often refers to the

'Clean Air Act Amendments of 1990,' the Public Law does not specify that reference as the 'short title' of all of the provisions included in the Public Law.

One of these free-standing provisions, section 821, entitled 'Information Gathering on Greenhouse Gases Contributing to Global Climate Change' appears in the United States code as a 'note' (at 42 U.S.C. 7651k). It requires regulations by the EPA to 'monitor carbon dioxide emissions' from 'all affected sources subject to title V' of the CAA and specifies that the emissions are to be reported to the EPA. That section does not designate carbon dioxide as a 'pollutant' for any purpose.

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

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

I hope that this is responsive.

With best wishes,

Sincerely,

JOHN D. DINGELL,  
*Ranking Member.*

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

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

The amendment was agreed to.

PARLIAMENTARY INQUIRY

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

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

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

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

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

Mr. Chairman, I yield to the gentleman from Georgia (Mr. KINGSTON) to discuss his upcoming amendment.

Mr. KINGSTON. Mr. Chairman, I thank the gentleman from California (Mr. PACKARD) for yielding to me.

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

This bill is extremely important to all of the 435 Congressional districts, and we all appreciate their work. I represent coastal Georgia and do a lot of Corps of Engineer-type projects in our area. None of those are easy, they all can be controversial. I appreciate the way, the delicate touch that the ranking member and the chairman have when dealing with this.

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

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

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

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

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

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

#### PARLIAMENTARY INQUIRY

Mr. ANDREWS. Mr. Chairman, parliamentary inquiry?

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

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

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

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

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

The Clerk will read.

The Clerk read as follows:

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

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

#### "AUTHORIZATION OF APPROPRIATIONS

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

(2) in section 181 (42 U.S.C. 6251) by striking "March 31, 2000" both places it appears and inserting "September 30, 2001"; and

(3) in section 281 (42 U.S.C. 6285) by striking "March 31, 2000" both places it appears and inserting "September 30, 2001".

#### AMENDMENT NO. 1 OFFERED BY MR. ANDREWS

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. ANDREWS: Page 39, after line 19, insert the following:

SEC. 607. None of the funds made available in this Act may be used to carry out the project for navigation, Delaware River Mainstem and Channel Deepening, Delaware, New Jersey, and Pennsylvania, authorized by section 101(6) of the Water Resources Development Act of 1992 (106 Stat. 4802), as modified by section 308 of the Water Resources Development Act of 1999 (113 Stat. 300), before the June 1, 2001.

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

The Chair recognizes the gentleman from New Jersey (Mr. ANDREWS).

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

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

We believe that there are significant unanswered questions about this project, and the purpose of our amendment is to be sure that there is adequate time for this Congress to first get the facts, and then decide whether to spend the \$30 million of our respected taxpayers' money.

There are questions in this project about environmental concerns which is

why the amendment is supported by the League of Conservation Voters, the Sierra Club, the U.S. Public Interest Research Group, the National Wildlife Federation and Friends of the Earth.

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

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

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

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

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

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

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

Mr. Chairman, finally, there is the question of the equity of dredged disposal sites. This project calls for 10 million cubic yards of dredged material to be distributed on the beaches of Delaware, but the Army Corps has refused to cooperate with the Delaware environmental agency and get the appropriate permits which is why Senator ROTH and Senator BIDEN in the

other body have urged that this project not be funded at this time.

The project takes the remaining 22 million cubic yards of material and proposes to put it all in southern New Jersey, which is why elected officials, Republican and Democrat, State, local, and county throughout southern New Jersey have objected to this project. We need due diligence here, Mr. Chairman. We need to look at the essentials of this project when it comes to environment, economics and dredged disposal before we commit \$30 million of the public's money to this project, which is why environmental groups and taxpayer groups support this amendment and why I urge my colleagues to do so as well.

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

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

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

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

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

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

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

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

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

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

the dredged materials, I support Congress funding this project in the fiscal year 2000 Energy and Water Appropriations bill."

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

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

Mr. Chairman, I oppose the amendment most strongly.

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

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

Mr. Chairman, I yield 2 minutes to the gentleman from Maryland (Mr. GILCHREST), my friend and coauthor. The gentleman from Maryland is one of the leading environmentalists of this Congress who will reflect some of the reasons that the League of Conservation Voters, the Sierra Club, the U.S. Public Interest Research Group, National Wildlife Federation and others so strongly support this amendment.

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

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

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

Delaware does not want this project to go forward, because of the environmental concerns that the Corps of En-

gineers have been asked to address, and they have not addressed those issues.

□ 2045

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

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

Mr. Chairman, I strongly urge support for the Andrews amendment.

Mr. VISCLOSKY. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. PACKARD), the chairman of the subcommittee.

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

Funding should not be withheld, and this project should not be delayed.

Issues raised by the opponents to the project have been adequately addressed during the planning stages and appropriate analyses and project modifications have been made to ensure the environment is protected. This project is included in the President's budget request; it is supported by the governors of both States, New Jersey and Pennsylvania, as well as numerous Members of this body.

The project will deepen the Delaware main shipping channel from the existing 40 feet to 45 feet and will provide substantial benefits. I urge all of the Members to support the project and to oppose the amendment.

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

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

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

There are various reasons for that. One could argue waste or whatever it may be, because this is an expensive project. But in Delaware, we are trying to determine the environmental impact, as has been stated by several speakers here, whether it will cause undue harm to Delaware's natural resources.

Last year I supported funding because it moved the process forward and we could find out more. Then we tried to work with the Army Corps of Engineers in the course of this year, and the Army Corps of Engineers and our Department of Natural Resources and Environmental Control began negotiations about how the environment would be guaranteed: would it be through a State permit or some memorandum of agreement. It is my opinion that the forum is not as important as the substance. Any agreement needs to be mutually acceptable, legally enforceable, and allow for meaningful public participation.

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

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

Mr. Chairman, it is no wonder citizens in Delaware do not trust the economic justifications and environmental propositions the Corps makes. It is no wonder our Department of Natural Resources insists on a legally enforceable agreement with the Corps. I know we all hope the DNREC, our environmental people and the Corps can reach a mutually acceptable, legally enforceable agreement before the fiscal year 2001 begins; but until that time, I urge the House to withhold funding for this project.

Mr. VISCLOSKEY. Mr. Chairman, I yield 4 minutes to the gentleman from Pennsylvania (Mr. BORSKI).

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

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

In the early 1980s, Congress directed the Army Corps to study the viability

of modifying the channel. We authorized this and funded it in 1992. The final Environmental Impact Statement was filed by the Corps in 1997; and it was approved by EPA, U.S. Fish and Wildlife, and the U.S. Geological Survey.

The Corps has spent \$7 million on numerous studies over the past 6 years. Reports have been submitted on salinity, shellfish, sediments, wetlands, groundwater, and oil spills; and all of these reports have shown no significant impact on these areas of concern.

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

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

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

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

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

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

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

I would simply conclude our side of the debate, Mr. Chairman, by indicating that I respect the gentleman from New Jersey and those who have spoken on his side very much, both in terms of their intelligence, their passion on the issue, and their commitment for their constituents. I happen, in this instance, however, to seriously disagree with them. I believe that we have an authorized program, the procedures and laws of this country have been followed; and I do think that we ought to proceed. I do oppose the Andrews amendment.

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

Mr. ANDREWS. Mr. Chairman, I yield myself the remainder of my time.

The bill as it presently is constituted is spend first, think later. I think we should do the opposite, think first and then maybe spend later.

We are being asked to invest nearly \$30 million into a project that is not economically proven, that is environmentally risky, and that is fundamentally unfair to the people of southern New Jersey. Think first, then maybe spend later. Join with us and join with the League of Conservation Voters, Citizens Against Government Waste, Republicans and Democrats in support of this amendment.

Mr. Chairman, at this point I will insert into the RECORD reports from the GAO which study other similar projects.

REPORT BY THE COMPTROLLER GENERAL OF THE UNITED STATES: MONTANA'S LIBBY DAM PROJECT: MORE STUDY NEEDED BEFORE ADDING GENERATORS AND A REREGULATING DAM

The U.S. Army Corps of Engineers has not shown that its proposed project to add more generators to the Libby Dam and a reregulation dam downstream is economically justified or the best alternative for meeting Pacific Northwest electricity peaking needs:

GAO questions the Corps method of calculating the project's benefits. The Corps plans to reassess the benefit-cost ratio using a better method and submit the results to the Congress by early 1980.

Neither the Corps nor the Bonneville Power Administration has adequately studied other ways of meeting forecasted peak power shortages. Combustion turbines, cogeneration, power exchanges, load management, and peak pricing options should be evaluated before the proposed project proceeds.

This report responds to a request from Senator Baucus.

REPORT TO THE CONGRESS BY THE COMPTROLLER GENERAL OF THE UNITED STATES: THE TENNESSEE VALLEY AUTHORITY'S TELlico DAM PROJECT—COSTS, ALTERNATIVES, AND BENEFITS

In January 1977 the nearly completed \$116 million Tellico Dam project was stopped because it would harm the habitat of the snail darter—an endangered species of fish. Several alternatives to the project have been proposed. However, neither the current project nor alternatives are supported by current benefit-cost analyses.

The Tennessee Valley Authority should update the remaining benefit-cost data for the Tellico project and alternatives to it. The Congress should prohibit the Authority from

further work on the project and should not act on the proposed legislation to exempt the project from the Endangered Species Act until more current information is received.

REPORT BY THE U.S. GENERAL ACCOUNTING OFFICE: INFORMATION ON CORPS OF ENGINEERS' CLARENCE CANNON DAM AND MARK TWAIN LAKE PROJECT

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

REPORT TO THE HONORABLE GEORGE MILLER, UNITED STATES HOUSE OF REPRESENTATIVES BY THE U.S. GENERAL ACCOUNTING OFFICE: PROPOSED PRICING OF IRRIGATION WATER FROM CALIFORNIA'S CENTRAL VALLEY NEW MELONES RESERVOIR

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

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

REPORT TO THE HONORABLE JAMES H. WEAVER HOUSE OF REPRESENTATIVES BY THE COMPTROLLER GENERAL OF THE UNITED STATES: CORPS OF ENGINEERS SHOULD REEVALUATE THE ELK CREEK PROJECT'S BENEFITS AND COSTS

The Corps of Engineers' fiscal year 1982 estimates of benefits and costs for the Elk Creek project, under construction in Jackson County, Oregon, show an excess of benefits over costs.

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

GAO recommends that the Corps resolve these matters and recalculate project benefits and cost.

REPORT TO THE CONGRESS OF THE UNITED STATES BY THE COMPTROLLER GENERAL: CONGRESSIONAL GUIDANCE NEEDED ON FEDERAL COST SHARE OF WATER RESOURCE PROJECTS WHEN PROJECT BENEFITS ARE NOT WIDESPREAD

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

For Corps and Service projects, the non-Federal entity is seldom required to share a larger portion of project cost to compensate for these special benefits, such as land enhancement or increased local taxes. The

Congress needs to clarify its intent regarding cost sharing on such projects.

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

CHAPTER 3: SOME WATER RESOURCE PROJECTS DO NOT PROVIDE WIDESPREAD BENEFITS

The Corps and SCS, after congressional approval, finance, construct, and often maintain water resource projects. In some instances, these projects have only one primary beneficiary or provide special localized benefits—such as increased earning potential or extraordinary land enhancement—to certain groups, businesses, or individuals primarily at the expense of the U.S. taxpayer. However cost sharing between Federal and non-Federal entities for these projects is generally the same as for other projects providing more general widespread benefits.

Legislation and procedures generally require local project sponsors to provide the necessary land, easements, rights-of-way, and utility relocations for most projects except flood control reservoirs. For projects providing benefits such as beach erosion control, the local sponsor is also required to contribute a designated percentage of the total project construction cost. If the land, easements, and rights-of-way do not fulfill the required non-Federal contribution, cash contributions are required. The traditional formulas establishing the required non-Federal share have evolved over the years as new agencies, programs, and project purposes have been authorized by the Congress.

Although many variations in the traditional cost-sharing formulas exist, the requirements are reasonably well defined and are usually met.

However, when the projects benefit only a small group or yield significant secondary or special localized benefits, the Federal Government rarely requires a larger percentage of project cost from local sponsors. Corps policies and procedures (as discussed in ch. 2) address limited beneficiary situations, but their requirements are vague and inconsistently applied at the various districts. Although SCS recognizes that these situations occur, their policies and procedures do not address these issues.

Consequently, some project beneficiaries have reaped significant special localized benefits at the Federal tax-payers' expense. The following synopsis briefly identify and discuss several water resource projects which we believe provide significant special or localized benefits to identifiable beneficiaries. Additional information concerning each project is included in appendix I.

SOME PROJECTS HAVE ONLY A FEW BENEFICIARIES

In 4 of the 14 cases we reviewed a high percentage of project benefits went to only a few people or businesses. Estimated project costs ranged from about \$7 million to \$11 million.

| Project name/; purpose and location                     | Total cost (thousands) | Federal Cost (thousands) | Number of beneficiaries |
|---|------------------------|--------------------------|-------------------------|
| Blue River Channel Flood control, Missouri              | 111,000                | 94,100                   | (1) 281                 |
| Hendry County Flood control, Florida                    | 17,719                 | 13,190                   | (2) 21                  |
| Southern Branch of Elizabeth River Navigation, Virginia | 7,634                  | 5,282                    | 2                       |
| York and Pamunkey Rivers Navigation, Virginia           | 50,500                 | 47,200                   | (3)                     |

<sup>1</sup> One company will receive 55 percent of total project benefits.

<sup>2</sup> Four landowners have control over 61 percent of benefited area.  
<sup>3</sup> One company will receive 86 percent of total project benefits.

York and Pamunkey Rivers Navigation Project

The York and Pamunkey Rivers Navigation Project in Virginia is an example of a proposed project which will benefit a limited number of identified users. (See p. 61). The project was internally approved by the Corps in 1973, but has not yet been authorized by the Congress. Although it is expected to provide transportation savings to only three users, additional non-Federal contributions were not recommended.

The recommended plan provides a two-lane navigation channel. The estimated total project cost is \$50.5 million of which the non-Federal share is estimated at \$3.3 million (6.5 percent). The non-Federal share is for lands, levees, spillways, relocations, berthing areas, and access channels.

The project has only three identified users, two of which are expected to receive 98.5 percent of the total project benefits. It provides a more economically efficient method of transporting oil to the American Oil Company and the Virginia Electric and Power Company. It is also expected to maintain depth in the York River entrance channel sufficient for present and future use by the Navy.

The estimated annual benefits for each project beneficiary are shown below.

| Beneficiary                         | Amount       | Percent |
|-------------------------------------|--------------|---------|
| American Oil Company                | \$17,013,800 | 86.4    |
| Virginia Electric and Power Company | 2,386,200    | 12.1    |
| U.S. Navy                           | 300,000      | 1.5     |
| Total                               | 19,700,000   | 100.0   |

Additional non-Federal contributions were not recommended by the Corps despite the fact that the project is expected to benefit only three users and one user is expected to receive 86 percent of the estimated annual savings. One of the beneficiaries, American Oil Company, could completely repay the project cost in 3 years with its annual transportation savings. Instead, the Nation's taxpayers, if this project is approved, would have to pay for 98.5 percent of the project.

IDENTIFIABLE BENEFICIARIES SHOULD MAKE ADDITIONAL CONTRIBUTIONS

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

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

Pohick Watershed Flood Prevention Project

The SCS Pohick Watershed project in Fairfax County, Virginia, provides significant increased income to housing developers and increased tax revenue to Fairfax County. (See p. 69.) The project is creating choice lake-front property within 17 miles of Washington, D.C. SCS did not require any additional non-Federal contributions for these benefits.

The Pohick Watershed was the first SCS flood prevention project undertaken in a watershed being totally converted from rural to urban land use. It was authorized in 1968 because of the anticipated rapid change in land use. The plan was to supplement an overall development plan for an area rapidly converting from nearly natural cover conditions to an area of intensive urbanization.

In June 1970, SCS estimated the project construction and installation would cost



\$1,878,520 with the Federal share being \$904,142 and the non-Federal share \$974,378. The project consists of seven floodwater retarding structures and is about 70 percent complete.

The project provides special local benefits to a small number of housing developers. After the SCS project was authorized and construction started, developers began building large subdivisions in this formerly undeveloped area. In addition to the homesites surrounding the lakes, many sites are directly on the lakeshores. At project completion, the seven lakes formed by the floodwater retarding structures will create 571 choice lakefront homesites. Subdivisions have already been completed around four of the seven lakes. According to local real estate agents and county officials, homes in Fairfax County with a lake view sell at a \$2,000 premium; therefore, the developers could receive additional income of \$1,142,000 because of the lakefront sites. One development company building a subdivision around one of the lakes paid \$104,000 to increase the lake size. The subdivision has 150 lakefront homesites, and as a result of the sites, the company received additional gross income of \$300,000.

The Fairfax County real estate tax base has increased greatly during the period 1970 to 1979. Overall, the total county assessed value has increased 146 percent while the value in the Pohick Watershed area has increased about 1,800 percent. County officials did not know how much the project contributed to the 1,800-percent increase in value. However, with the advent of the SCS project and a county sewage system the project area developed rapidly. Real estate values in the project area increased \$1.1 billion from 1970 to 1979 resulting in additional annual county tax revenues of approximately \$17 million.

SCS has not required additional non-Federal contributions to compensate for these special localized benefits. We believe the local sponsor should have contributed more because there were readily identifiable beneficiaries who receive significant secondary benefits because of the project.

#### *Hendry County Flood Control Project*

In Hendry County, Florida, the Corps has planned a \$17.7 million flood control and water supply project which will benefit a total of 21 local farmers/corporations—four owners control 61 percent of the benefited land (See p. 46.) Although the Corps considers this project a flood control project, it will also provide major drainage benefits to vast amounts of marginal grassland which can then be used for more intensified ranching and farming operations (land enhancement). It also will increase the county's tax revenue. Even though the project had identifiable beneficiaries and may result in substantial land enhancement, the Corps did not request additional non-Federal contributions.

#### *Special localized benefits will accrue to identifiable beneficiaries*

The Corps analysis of future land use acknowledges that the project will permit 5,400 acres—presently used for pasture, rangeland, woodland, and truck crops cultivation—to be upgraded for sugarcane production. The four largest landowners have stated that once the project is complete, they plan to grow sugarcane on land that was previously less productive. The largest landowner, a corporation that owns 34 percent of the project land, stated that the project will greatly improve its economic potential because an additional 3,200 acres of sugarcane could be grown on land previously used for a less productive purpose. A large sugar company, the second largest landowner, plans to move current cattle operations to its 17,846 acres in the

water supply area. This move will allow them to develop their present ranch near Clewiston, Florida, into sugarcane, which they indicated would be more profitable. The largest family farm landowner also plans to convert 960 acres of land from cattle to sugarcane when the project is completed. Another rancher indicated plans to produce sugarcane on land currently used as pasture but has not determined the exact acres involved.

In addition, the project could provide a large land development company an estimated additional \$18 million gross income from sales. In 1975 the company transferred 2,560 . . .

\* \* \* \* \*

#### CONCLUSIONS

When Federal Water resource developments were first authorized, the programs were designed to encourage transportation, settlement, and economic development of the Nation. As early as 1920 the Congress recognized that some water resource projects provided a high percentage of "special local benefits," and in the 1920 River and Harbor Appropriation Act voiced its intent to require a higher non-Federal cost share for projects with a high percentage of special local benefits.

Conditions have since changed. Much of the Nation is now highly developed and new national concerns and priorities have surfaced (energy and the environment) and there is increasing competition for the Nation's resources. Because of these changing priorities it is even more important that the Federal agencies carefully evaluate the local versus the national benefits provided by each proposed project and consider this when recommending to the Congress the non-Federal cost share.

Both the Corps and SCS have financed, constructed, and sometimes maintained water resources projects which benefit a very few individuals or businesses or provide a significant special or localized benefits to an identifiable group of beneficiaries.

Although both agencies recognize these situations, they have rarely required additional non-Federal contributions (over and above established standard cost-sharing formulas) as compensation. Consequently, the Federal taxpayer, most of whom will receive no direct project benefit, pays for most of the associated project cost. We believe the Corps and SCS should have required additional non-Federal funds for each of the projects discussed in this report.

As discussed in chapter 2, the law requires that the Corps identify and discuss the national project benefits vs. limited special benefits and recommend appropriate non-Federal cooperation.

While section 2 of the 1920 River and Harbor Appropriation Act literally only requires that the Federal agency include its findings of local versus national benefits and recommend what the local cost share should be on the basis of these benefits, its purpose is to secure a higher non-Federal contribution under certain circumstances. We believe that the Corps' multiple use policy (discussed in ch. 2) does not fully conform with the intent of section 2. Further the Corps did not specifically compare local versus national benefits in each of the studies we reviewed. We believe that a separate discussion of these benefits should be included in each feasibility study to fully inform the Congress of the nature of the project benefits and any additional non-Federal contributions which should be required.

The Secretary of Agriculture also has discretionary authority under the Watershed Protection and Flood Protection Act of 1954 to require additional non-Federal contribu-

tion for projects with limited benefits. (See p. 13.)

We believe that the Federal agencies should require local sponsors to share a larger percentage of project cost when significant special local benefits (secondary benefits) accrue to project beneficiaries.

In our draft report we proposed that the secretary of the Army direct the Corps to provide the Congress more detailed information concerning the nature of project benefits as required by section 2 of the River and Harbor Appropriation Act. We also proposed that the Corps clarify its procedures and establish more specific criteria to help the District offices determine when a larger non-Federal share of project cost should be required.

Further, in our draft report we proposed that the Secretary of Agriculture use his discretionary authority under the Watershed Protection and Flood Prevention Act of 1954 and collect additional non-Federal funds for projects with limited benefits. We recommended that the secretary direct the SCS Administrator to prepare regulations which recognize "special beneficiary situations," and ensure that each office applies these regulations when preparing future studies.

#### AGENCY COMMENTS AND OUR EVALUATION

On August 7, 1980, we met with Corps officials to obtain oral comments because the agency could not respond within the 30 days allowed for submitting written comments. However, in a September 8, 1980, letter (see app. II), the Corps provided written comments on our draft report. The Corps did not concur with our recommendations, providing the following overall comments.

The Corps stated that:

"The Flood Control Act of June 22, 1936, recognized that fact that flood damages destroy portions of the national wealth and adversely affect national productive capacity. That recognition has been followed by all studies since that time. Flood damages to anyone in the nation are measured and counted as benefits in this national program. The present term for these types of benefits as approved by the United States Water Resources Council, is "National Economic Development Benefits" (NED). Your report does not follow this definition for national benefits, and thus gives rise to considerable confusion. It also suggests implicitly the allocation of costs to beneficial outputs which are not now recognized in the computation of benefit-cost ratios or in the Federal decision process."

We are familiar with the Water Resources Council's terminology but chose not to use it for several reasons.

First, many of the "National Economic Development" benefits discussed in the report are secondary type benefits which directly accrue to individuals, businesses, or communities around a project, such as land enhancement and intensified or changed land use. Granted, such benefits also tend to increase the economic value of the national output, but the impact of such benefits is much greater for those beneficiaries whose land or income is directly affected or improved.

We believe that the report message is more clearly communicated to most readers by stressing the immediate impact these benefits have on the direct beneficiaries. Therefore, the report addresses these as special localized or secondary benefits (benefits which go beyond project purposes). For example, the Corps letter points out that flood damage destroys portions of the national wealth and adversely affects national wealth and national productive capacity. Projects are authorized and built to prevent such damage. However, in addition to flood damage prevention, the same projects often provide substantial secondary benefits which go beyond



the authorized project purpose. In addition to flood damage prevention (a NED benefit which is related to the project purpose), secondary benefits such as significant land enhancement and changed or intensified land use accrue to individuals, businesses, and communities located around a project. These benefits also contribute to increased national productivity; however, the impact of the benefit is much greater to the individual whose income or property is directly affected or improved.

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

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

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

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

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

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

AMENDMENT OFFERED BY MR. GEKAS

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. GEKAS:  
Page 39, after line 19, insert the following new title:

#### TITLE VII—RESOURCE GOVERNANCE

##### SEC. 701. SHORT TITLE.

This title may be cited as the "National Resource Governance Act of 2000".

##### SEC. 702. FINDINGS.

Congress finds that—

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

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

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

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

##### SEC. 703. ESTABLISHMENT OF COMMISSION.

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

##### SEC. 704. DUTIES OF COMMISSION.

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

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

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

(3) to explore whether alternate sources of energy such as ethanol, solar power, electricity, natural gas, coal, hydrogen, wind en-

ergy, and any other forms of alternative power sources should be considered, including other potential and actual sources;

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

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

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

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

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

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

##### SEC. 705. MEMBERSHIP.

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

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

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

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

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

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

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

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

(d) APPOINTMENT DEADLINE.—The first appointments made under subsection (a) shall be made within 60 days after the date of enactment of this Act.

(e) FIRST MEETING.—The first meeting of the Commission shall be called by the chairman and shall be held within 90 days after the date of enactment of this Act.

(f) VACANCY.—A vacancy on the Commission resulting from the death or resignation of a member shall not affect its powers and shall be filled in the same manner in which the original appointment was made.

(g) CONTINUATION OF MEMBERSHIP.—If any member of the Commission who was appointed to the Commission as a Member of Congress or as an officer or employee of a government leaves that office, or if any member of the Commission who was not appointed in such a capacity becomes an officer or employee of a government, the member may continue as a member of the Commission for not longer than the 90-day period beginning on the date the member leaves that office or becomes such an officer or employee, as the case may be.

##### SEC. 706. COMPENSATION.

(a) PAY.—

(1) NONGOVERNMENT EMPLOYEES.—Each member of the Commission who is not otherwise employed by the United States Government shall be entitled to receive the daily equivalent of the annual rate of basic pay payable for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel

time) during which he or she is engaged in the actual performance of duties as a member of the Commission.

(2) GOVERNMENT EMPLOYEES.—A member of the Commission who is an officer or employee of the United States Government shall serve without additional compensation.

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

##### SEC. 707. STAFF OF COMMISSION; EXPERTS AND CONSULTANTS.

(a) STAFF.—

(1) APPOINTMENT.—The chairman of the Commission may, without regard to the civil service laws and regulations, appoint and terminate an executive director and such other personnel as are necessary to enable the Commission to perform its duties. The employment of an executive director shall be subject to confirmation by the Commission.

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

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

##### SEC. 708. POWERS OF THE COMMISSION.

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

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

(c) FACILITIES AND SUPPORT SERVICES.—The Administrator of General Services shall provide to the Commission on a reimbursable basis such facilities and support services as the Commission may request. Upon request of the Commission, the head of a Federal department or agency may make any of the facilities or services of the agency available to the Commission to assist the Commission in carrying out its duties under this title.

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

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

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

##### SEC. 709. REPORT.

The Commission shall submit to the Congress and the President a report not later

than 2 years after the date of its first meeting. The report shall contain a detailed statement of the findings and conclusions of the Commission, together with its recommendations for such legislative or administrative action as it considers appropriate.

**SEC. 710. TERMINATION.**

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

**SEC. 711. AUTHORIZATION OF APPROPRIATIONS.**

There is authorized to be appropriated \$3,500,000 to carry out this title for each fiscal year for the duration of the Commission.

Mr. PACKARD. Mr. Chairman, I reserve a point of order.

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

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

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

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

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

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

This commission would report back, and then we would be on the road to self-sufficiency within 10 years. Does that sound spectacularly narrow in its scope within 10 years to be self-sufficient? We went to the moon in 10 years; we now have discovered there is water on Mars, and no one can tell me that if

we did not focus on this crisis after crisis type of situation, that we could not complete a program within 10 years and recommend it to the Congress and bring it about so that our people will have no need any longer to depend on foreign oil.

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

□ 2100

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

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

We can do it, I say to my colleagues. We can enforce a speed-up program of development of our own resources, and fairly soon we will see that OPIC will be out of the question as a menacing feature of our existence today, because that is what it is. It is endangering our national security, it endangers our domestic security, and prevents us from doing what Americans do best, to be self-sufficient, to be independent of foreign influences, to be independent of the need to look to other countries to sustain our way of life.

Our way of life is important enough and precious enough that if we can put our minds to it, we will preserve it and enhance our way of life with energy independence for all time.

I ask the gentleman from California (Mr. PACKARD) to reconsider his intention to raise a point of order. This is too vital for that.

POINT OF ORDER

The CHAIRMAN. Does the gentleman from California (Mr. PACKARD) insist on his point of order?

Mr. PACKARD. Mr. Chairman, I must insist on the point of order.

The CHAIRMAN. The gentleman from California is recognized to speak on the point of order.

Mr. PACKARD. Mr. Chairman, this is absolutely legislating on an appropriations bill. I make a point of order that the amendment violates clause 2(c) of rule XXI, which provides that an amendment to a general appropriations bill is not in order if it changes existing law.

The rule states very clearly, "An amendment to a general appropriations bill shall not be in order if changing existing law." The amendment authorizes the creation of a new commission, and is clearly in violation of the rule.

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

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

The CHAIRMAN. The gentleman may be heard.

Mr. GEKAS. I may be heard, but I may be heard agreeing with the gentleman from California, that it indeed is out of order.

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

The CHAIRMAN. Without objection, the amendment is withdrawn.

There was no objection.

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

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

Ms. BROWN of Florida. Mr. Chairman, will the gentleman yield?

Mr. VISCLOSKEY. I yield to the gentlewoman from Florida.

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

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

Mr. Chairman, independent truckers in my home State of Florida have experienced difficulty earning an honest living as a result of the escalating gas prices. The average independent truckers earn roughly \$35,000 a year. With the cost of the fuel skyrocketing, these independent truckers spend approximately \$15,000 a year on fuel. As a result, they are faced with making incredibly tough decisions that impact their ability to take care of their families. Almost half of their income goes to gas.

As recently as last week, a constituent called my office to tell me that his truck will be repossessed soon. It is sitting in the front of his house idle because he simply cannot afford the cost of the fuel. At one point his wife, who was a homemaker, had to leave their children and take a second job just so her husband could afford to purchase fuel.

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

As the administration pointed out, with mounting evidence of global climate change and concerns over oil

prices, the DOE's renewable energy budget is \$11 million below the current appropriation, and \$106 million, or 23 percent, below the President's request. This shortsightedness undercuts our Nation's efforts to implement a 21st century energy policy.

I understand that the point of order is important, but we have a responsibility in Congress to do our part to make sure that our energy policy is pro-American, and making sure that we are not dependent upon foreign oil.

I thank the gentleman very much for giving me the opportunity to discuss this issue. I am hoping that on this amendment, we can work as we go to conference and it can be included.

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

AMENDMENT OFFERED BY MR. SHERWOOD

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

The CHAIRMAN pro tempore (Mr. LAHOOD). The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment printed in House Report 106-701 offered by Mr. SHERWOOD:

Page 39, lines 6 through 19, amend section 606 to read as follows:

SEC. 606. (a) ENERGY POLICY AND CONSERVATION ACT AMENDMENTS.—The Energy Policy and Conservation Act is amended—

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

“AUTHORIZATION OF APPROPRIATIONS

“SEC. 166. There are authorized to be appropriated for fiscal years 2000 through 2003 such sums as may be necessary to implement this part.”;

(2) in section 181 (42 U.S.C. 6251) by striking “March 31, 2000” both places it appears and inserting “September 30, 2003”; and

(3) in section 281 (42 U.S.C. 6285) by striking “March 31, 2000” both places it appears and inserting “September 30, 2003”.

(b) PURCHASE OF OIL FROM MARGINAL WELLS.—

(1) PURCHASE OF OIL FROM MARGINAL WELLS.—Part B of Title I of the Energy Policy and Conservation Act (42 U.S.C. 6232 et seq.) is amended by adding the following new section after section 168:

“PURCHASE OF OIL FROM MARGINAL WELLS

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

“(b) DEFINITION OF MARGINAL WELL.—The term “marginal well” means a well that—

“(1) has an average daily production of 15 barrels or less;

“(2) has an average daily production of 25 barrels or less with produced water account-

ing for 95 percent or more of total production; or

“(3) produces heavy oil with an API gravity less than 20 degrees.”.

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

“Sec. 169. Purchase of oil from marginal wells.”.

(c) NORTHEAST HOME HEATING OIL RESERVE.—

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

(A) redesignating part D as part E;

(B) redesignating section 181 as section 191; and

(C) inserting after part C the following new part D:

“PART D—NORTHEAST HOME HEATING OIL RESERVE

“ESTABLISHMENT

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

“(b) For the purposes of this part—

“(1) the term ‘Northeast’ means the States of Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, Pennsylvania, and New Jersey; and

“(2) the term ‘petroleum distillate’ includes heating oil and diesel fuel.

“AUTHORITY

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

“(1) purchase, contract for, lease, or otherwise acquire, in whole or in part, storage and related facilities, and storage services;

“(2) use, lease, maintain, sell, or otherwise dispose of storage and related facilities acquired under this part;

“(3) acquire by purchase, exchange (including exchange of petroleum product from the Strategic Petroleum Reserve or received as royalty from Federal lands), lease, or otherwise, petroleum distillate for storage in the Northeast Home Heating Oil Reserve;

“(4) store petroleum distillate in facilities not owned by the United States;

“(5) sell, exchange, or otherwise dispose of petroleum distillate from the Reserve established under this part; and

“(6) notwithstanding paragraph (5), on terms the Secretary considers reasonable, sell, exchange, or otherwise dispose of petroleum distillate from the Reserve established under this part in order to maintain the quality or quantity of the petroleum distillate in the Reserve or to maintain the operational capability of the Reserve.

“CONDITIONS FOR RELEASE; PLAN

“SEC. 183. (a) The Secretary may release petroleum distillate from the Reserve under section 182(5) only in the event of—

“(1) a severe energy supply disruption;

“(2) a severe price increase; or

“(3) another emergency affecting the Northeast,

which the President determines to merit a release from the Reserve.

“(b) Within 45 days of the date of the enactment of this section, the Secretary shall transmit to the President and, if the President approves, to the Congress a plan describing—

“(1) the acquisition of storage and related facilities or storage services for the Reserve;

“(2) the acquisition of petroleum distillate for storage in the Reserve;

“(3) the anticipated methods of disposition of petroleum distillate from the Reserve; and

“(4) the estimated costs of establishment, maintenance, and operation of the Reserve.

The storage of petroleum distillate in a storage facility that meets existing environmental requirements is not a ‘major Federal action significantly affecting the quality of the human environment’ as that term is used in section 102(2)(C) of the National Environmental Policy Act of 1969.

“NORTHEAST HOME HEATING OIL RESERVE ACCOUNT

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

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

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

“EXEMPTIONS

“SEC. 185. An action taken under this part—

“(1) is not subject to the rulemaking requirements of section 523 of this Act, section 501 of the Department of Energy Organization Act, or section 553 of title 5, United States Code; and

“(2) is not subject to laws governing the Federal procurement of goods and services, including the Federal Property and Administrative Services Act of 1949 (including the Competition in Contracting Act) and the Small Business Act.”.

(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out part D of title I of the Energy Policy and Conservation Act.

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

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

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

Mr. Chairman, my amendment simply substitutes the language in Section 606, which contains a 1-year reauthorization of the Strategic Petroleum Reserve, with the text of H.R. 2884, which passed the House 416 to 8.

This House-passed bill reauthorizes the Strategic Petroleum Reserve through fiscal year 2003. Additionally, it provides new discretion for the Secretary of Energy to purchase oil from marginal domestic wells known as stripper wells when the average market price falls below \$15 per barrel.

Finally, it provides new authority for the Secretary of Energy to disburse home heating oil from any future Northeast Home Heating Oil Reserve during a national emergency, a regional emergency.

The Northeast Heating Oil Reserve, which will be a separate entity from the Strategic Petroleum Reserve, will be authorized to contain no more than 2 million barrels of petroleum distillate. Additionally, the reserve may be employed during severe energy disruptions, extreme price hikes, or when the President determines an energy emergency merits its use in the Northeast.

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

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

This last winter we in the Northeast were feeling the economic sting of an oil crisis due to high heating oil and diesel prices. That was our first warning. Now, with severely increased gasoline prices across the Nation, the rest of the country is feeling the pain that we in the Northeast have experienced for several months.

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

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

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

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

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

I urge my colleagues to vote for this bipartisan, prudent, and timely measure so that relief can be brought to the pocketbook of the American consumer.

In closing, I would like to thank the gentleman from Texas (Mr. BARTON) and the gentleman from Massachusetts (Mr. MARKEY) for all their hard work in crafting this legislation, and the gentleman from Vermont (Mr. SANDERS) for his leadership on the issue.

I urge passage of this very common-sense, bipartisan amendment.

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

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

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

There was no objection.

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

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

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

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

I would further point out that in full committee, when the energy and water bill was considered during the past week, the gentlewoman from Michigan (Ms. KILPATRICK), in trying to break this logjam, whether it be in this body or in the other body, offered an amendment for a 1-year extension of the Strategic Petroleum Reserve that was essentially unanimously agreed to by the committee.

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

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

majority in the other body, again, refuses to act.

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

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

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

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

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

It is a classic compromise in that it has the heating oil reserve in the Northeast, which would be filled most likely with fuel oil. It has for the Southwest in the production region the ability for the Secretary of Energy to purchase stripper well oil, which is oil that comes from wells that produce less than 10 barrels a day when the price of oil falls below \$15 a barrel on the world market, if that would ever happen again.

□ 2115

So we get something for the production sector; we get something for the consuming sector. It is bipartisan. It passed the House overwhelmingly earlier this year.

Mr. Chairman, I want to commend again the gentleman from Pennsylvania (Mr. SHERWOOD) for offering it tonight, and I hope that we would adopt it unanimously.

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

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

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

Mr. BOEHLERT. Mr. Chairman, I rise in strong support of the Sherwood-Markey-Barton Energy and Water amendment. It just makes so much sense. I would say in a Nation like ours where we had a condition like we did this past winter, shame on us for not having something available that could meet the urgent and pressing needs of American families.

In the Northeast, it was devastating. We had families that could not afford to pay the heating bill. We had families that were suffering because of the failure on the part of so many who they have every right to expect to be responsive to their needs; and quite frankly, we just were not.

This is an amendment that will address that need in a very responsible way. And as the gentleman from Texas (Mr. BARTON), my friend who preceded me, said, this is a delicate compromise that has been worked out on a bipartisan basis. It is something that, for all the right reasons, deserves our very strong support. I ask my colleagues to do just that, give it strong support.

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

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

Mr. Chairman, this winter we had severe price disruptions in the Northeast that would be almost unbelievable if we had not experienced them. In a period of 60 days, home heating oil, which all the old people depend on in the Northeast, we do not have any gas mains and home heating oil is the heating source of choice, went from 80 cents a gallon to \$1.80 a gallon. People could not fund that in their budgets.

Diesel fuel for trucks and tractors and farm equipment and snowmobiles and school buses went from \$1.30 to \$2.60 per gallon. Now, there is no real understandable reason for a price spike of this magnitude. What happened, we had a little shortage and then because there was a shortage, they got speculating on the New York Merc and this price was run up to double its historic record and double what we were expecting for the winter.

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

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

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

The CHAIRMAN pro tempore (Mr. LAHOOD). The gentleman from Pennsylvania has 5 minutes remaining.

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

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

Mr. Chairman, this is going to be a national debate that is going to take awhile. Tonight might be the start of that. People in my district certainly cannot put in another winter like we had last winter. I do not think people in Chicago want to put in another summer like they are having right now

with \$2.50 gasoline. We do not want to go back to \$2.60 diesel fuel. These are problems that we have got to address.

We have got to make sure that we do not have artificial barriers to the movement of product throughout the various regions of the country. The reformulated product for different air quality standards has made it very difficult for the big oil companies to move product from one part of the country to the other, and that leads to regional dislocations like we have in Chicago at the present time.

We have to have more refinery capacity. Some of our areas of the country that are complaining about high heating oil prices and high gasoline prices have not allowed refineries to be built. So we have to have a comprehensive discussion that includes the environmentalists, includes the oil companies, includes the consumers and distributors so that we get a comprehensive national oil policy.

We are being held hostage now to some items that have come up, because we have not addressed them for the future. It will take awhile, but we cannot just blunder off into the future like we have in the last few years.

I think we were lulled to sleep by the fact that world demand was low, and we had historically low oil prices here in the U.S. Because we had historically low oil prices, nobody wanted to do anything about a policy. Well, that bit us this winter. It is biting us this summer. And if we do not get a comprehensive policy, we will continue to have these oil spikes.

The two features of my amendment will help. But we need to do more than that. We need to have a comprehensive policy. I appreciate this opportunity this evening to speak on this issue. It is something that we need to continue to discuss, and we need to get our national oil policy that brings all the stakeholders into play so that when this comes together, it will make sense. It will make sense environmentally, and it will make sense to the producers and the consumers in the country.

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

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

Mr. BOEHLERT. Mr. Chairman, I am just reading the handout that our colleagues will be getting as this vote is taken, and I want to call everyone's attention to a particular paragraph. It reads: "When prices are high in the northeast, which uses a lot of home heating oil, the Secretary of Energy may," not must, but may, "disburse home heating oil from a reserve."

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

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

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

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

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

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

The gentleman from New York (Mr. LAZIO) is recognized for 1 minute.

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

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

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

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

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

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

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

This amendment will not only provide relief to residents in the Northeast through the creation of a regional home heating oil reserve, it will give the President the authority he needs to release oil from the Strategic Petroleum Reserve to have an impact on the market price.

As the price of gasoline reaches \$2 a gallon in Connecticut and \$2.50 across the Midwest, there is no better time to address this issue. My constituents and families across the Northeast have been hit with high gasoline prices; and if we do not act, they will face high heating bills during the cold winter months ahead. If this crisis is not addressed now, the situation will only become worse. Most importantly, the seniors and others in my district who live on fixed incomes cannot afford these high prices. Having to choose between heating their home and other life necessities is simply unacceptable.

Mr. Chairman, I say to my colleagues, this crisis has gone on already far too long. We have the means; we have the ability to solve this problem. Let us act, and let us act now.

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

□ 2130

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

I received thousands of calls from my constituents asking for help. For example, I received a call from Thomas Marcarelli of East Haven. He has a family with four children, ages three, six, seven and nine. In order to pay for heating oil, he has had to send in his mortgage payment late, cut back on his family's groceries, and drop his thermostat by 10 degrees with children in the house to stretch out his supply.

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

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

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

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

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

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

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

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

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

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

So if my colleagues voted aye for H.R. 2884, the EPCA reauthorization to create a Northeast Home Heating Oil Reserve, they should vote aye today to assure that we can make the Reserve a reality.

I urge adoption of this bipartisan amendment.

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

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

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

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

Mr. Chairman, I yield 2½ minutes to the gentleman from New Jersey (Mr. MENENDEZ).

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

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

Exorbitant gasoline prices are clearly a problem as we begin the summer season. I am even more concerned about home heating oil costs for next winter. In fact, the current inventory for home heating oil on the East Coast is 40 percent lower than at this time last year.

We Democrats have called for urgent action on several fronts. We have asked the Federal Trade Commission to expedite its investigation into price gouging on the part of oil companies. Major oil companies have nearly tripled their profits as a result of these price increases, from \$4.5 billion in profits in the first 3 months of 1999 to more than \$12 billion in the same period this year.

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

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

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

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

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

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

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

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

Mr. Chairman, I rise in strong support of the Sherwood-Barton-Markey

amendment to replace section 606 of this bill with the text of H.R. 2884, which passed the House by a vote of 416 to 8 on April 12.

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

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

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

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

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

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

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

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

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

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

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

Mr. VISCLOSKY. Mr. Chairman, I yield 3 minutes to the gentleman from Vermont (Mr. SANDERS).

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

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

This amendment is very similar to freestanding legislation which I have authored which has some 98 cosponsors and similar to an amendment that

passed this body as part of a larger bill a little while ago.

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

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

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

Let me just quote what USA Today said yesterday. USA Today yesterday said, "Those who heat with oil will shiver this winter, and pay a premium. Just 15.3 million barrels of heating oil are stockpiled for the East Coast, which uses 75 percent of the Nation's heating oil in the winter. That's well down from the 41.3 million barrels on hand last June."

Mr. Chairman, we all know what happened last year. Home heating oil prices were the highest they have ever been in history. Now we are faced with a home heating oil stockpile that is 37 percent lower than last year. It does not take a genius to figure out that we are setting ourselves up for a huge heating oil crisis next year unless Congress acts now.

I do not believe that the Home Heating Oil Reserve is going to solve all of the problems. Far from it. But it is an important step forward. We have got to do all that we can to make sure that the huge increase in home heating oil prices that we experienced last winter does not happen again. Too many elderly people, too many people on fixed incomes just cannot afford to pay a doubling of the price that they paid the previous year for oil.

I urge support for this very important amendment and thank the sponsors of it.

The CHAIRMAN pro tempore. The gentleman from Indiana (Mr. VISCLOSKY) has 30 seconds remaining.

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

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

Mr. Chairman, I urge support of this bipartisan, indeed tripartisan amendment. It does some very important

things. It reauthorizes the strategic petroleum reserve through 2003. It is new discretion for the Secretary of Energy to purchase oil from domestic stripper wells when the price falls below \$15, and it is new discretion for the Secretary of Energy to disburse home heating oil for many future Northeast Home Heating Oil Reserves upon a regional emergency.

But more than that, we need to keep alive this bipartisan debate of how we will have a coherent energy policy in this country, the drilling, the refining, the production, and the distribution so that we will not be held hostage again.

People do not want to put up with this forever. There is no reason in this country that we have to. I urge passage of this amendment.

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

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

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

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

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

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

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

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

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



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

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

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

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

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

I urge adoption of this bipartisan amendment.

The CHAIRMAN. The question is on the amendment offered by the gen-

tleman from Pennsylvania (Mr. SHERWOOD).

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

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

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

Mr. VISCLOSKEY. Mr. Chairman, I move to strike the last word to engage in a colloquy with the gentleman from Texas (Mr. STENHOLM).

Mr. Chairman, I yield to the gentleman from Texas (Mr. STENHOLM).

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

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

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

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

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

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

□ 2145

For example, the City of Stamford, Texas, is facing a very serious water availability problem in which the Army Corps of Engineers was involved as required by law. The population of Stamford is approximately 3,300. However, the city provides water to 10,000 residents in the area.

Lake Stamford is the sole source of water supply for the city, as well as several surrounding communities and West Texas Utilities' 237 megawatt Paint Creek Steam Electric power station. The city is operating under a 1-year supply of water.

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

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

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

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

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

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

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

Each of these cases will likely involve the Corps, as well as the numerous laws and regulations that require the Corps to dot every "I" and cross every "T."

Granted, it is important to carefully scrutinize projects ensuring that the requirements of the Clean Water Act, the Endangered Species Act, and the

National Historic Preservation Act are fulfilled; but 118 days does not allow much room for bureaucratic red tape, especially when one is dealing with an emergency situation involving the economic stability of a community, in addition to people's lives and well-being.

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

AMENDMENT OFFERED BY MR. HANSEN

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. HANSEN:

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

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

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

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

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

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

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

I find it interesting the State of Utah right now a lot of people want to put in high-level nuclear waste, and why is that? That is because many of us voted in both Houses to put a permanent place for nuclear waste in Yucca Mountain. However, the President chose to veto this bill, another example of the poor, irresponsible program that they have.

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

So they went to a place called the Goshute Indian Reservation, that is

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

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

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

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

Now as I look at my friends in the East, I find it very interesting that they have never been to our State, but they want to put bills in to tell us how much wilderness we can have. They want to tell us where we can have legacy highways. They want to tell us where we can do various other things, but no one bothers to come out and see it or even care. But now that we have the trash, they want to get rid of their nuclear waste. Let us put it out in Utah; that is a great place to put it. Forget about these other things. Let us put it there.

Now it just seems to me, Mr. Chairman, that it is about time that the people out there had a say in their own destiny, that they would have the opportunity to say what they want and what they do not want.

I find it interesting that of these five big polluters, this Private Fuel Storage, not one volt from those areas goes into the West. It all goes east of the Mississippi River. So they get the advantage of the wattage, they get the advantage of the volts, and we get the crap that is left over, if I may say that.

So it comes down to the idea, Mr. Chairman, I personally feel that this amendment is worth doing; but my good friend, the gentleman from California (Mr. PACKARD), has convinced me that maybe I ought to give it some thought, and so I am thinking about it.

Let me say this: the solicitor general of the Department of Interior has made a ruling that says the language we put in the authorization bill last year prohibits any of these things from happening until the Department of Interior and the Department of Defense gives a study to this. So why are they even looking at it? That has not been accomplished. In fact, it has not even been started.

Let me add one other thing. I am asking the IG of the Department of Interior to look into this thing. I think they are taking advantage of some of

our Indian friends out there. In my opinion, there are some financial irregularities, and I want a full investigation of it before they move out on this particular area.

So, Mr. Chairman, in my opinion, I would hope that people from the East who love to tell the West how to run our affairs, what we can do, how we can handle our land but they never bother to come out, I wish they were all standing here now saying the beautiful area that we put all these bills in is now going to be inundated with high-level nuclear waste. I do not see them here, but I guess that is their privilege.

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

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

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

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

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

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

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

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

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

There was no objection.

AMENDMENT OFFERED BY MR. RYAN OF WISCONSIN

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. RYAN of Wisconsin:

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

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

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

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

Mr. RYAN of Wisconsin. Mr. Chairman, I yield 1 minute to the gentleman from Ohio (Mr. KUCINICH), a co-sponsor of this amendment.

Mr. KUCINICH. Mr. Chairman, I rise today in support of the Ryan-Kucinich

amendment. I rise in support of nuclear nonproliferation and concern for U.S. taxpayers.

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

The construction of this facility will promote the expansion of nuclear weapons testing at a time when the United States should be working toward nonproliferation both here and internationally.

I strongly support cutting \$74.1 million, the construction budget for the National Ignition Facility. This investment in nuclear weapons research capabilities runs counter to achieving a comprehensive test ban treaty and undermines efforts worldwide to reduce the spread of nuclear weapons.

The NIH would enhance the capability for design of new nuclear weapons and modification of existing weapons. Laboratory directors might then agree that some of the new nuclear weapons cannot be reliably certified without full scale nuclear testing, providing a rationale for future testing.

The creation of new nuclear weapons may serve to ignite a new arms race.

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

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

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

I also understand that there are several Members that wish to speak on this.

Mr. Chairman, I yield 1 minute to the gentlewoman from California (Mrs. TAUSCHER).

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

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

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

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

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

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

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

I urge my colleagues very strongly to oppose the Kucinich-Ryan amendment.

Mr. RYAN of Wisconsin. Mr. Chairman, I yield myself 2 minutes.

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

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

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

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

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

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

□ 2200

This has tripled in costs over the last 3 years alone, the management problems, the cost overruns, the fact that the other laboratories, Sandia specifically, is saying this ought to be scaled

back, because it does pilfer from other laboratory programs, which seeks to serve the same purposes.

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

Mr. ROGERS. Mr. Chairman, I yield 1 minute to the gentleman from South Carolina (Mr. SPRATT).

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

Mr. SPRATT. Mr. Chairman, the NIF is esoteric physics, but it is essential to the quest for reliability of nuclear weapons. If my colleagues believe, as I do that we should forebear testing and one day ratify the comprehensive test ban treaty, believe me canceling NIF is not the way to do it.

What does the NIF do? The NIF essentially creates the conditions inside of a thermonuclear weapon to an extent we have never been able to explore before, and it helps us to ensure the reliability of our nuclear weapons to validate these complex computer models that we have developed and know that they are reliable.

Mr. Chairman, if we ask anyone to list the challenges to our security, almost everyone will say that this spread of fissile materials and nuclear weapons leads to less. One way to curb the proliferation of nuclear weapons is to stop the testing that proves unfeasible, but it is hard for us to advocate that others should not test if we test.

The CTBT, therefore, is one of the key pieces to this puzzle, but politically, the CTBT is unlikely to be ratified in country until we are satisfied that our arsenal is reliable and secure and to that end, the NIF is essential; that is why we must proceed with this project and defeat this amendment.

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

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

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

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

Mr. Chairman, our future energy path is clearly in renewable technologies, such as fuel cells, wind and solar power. As the gentleman from Wisconsin (Mr. RYAN) has said, NIF is a budgetary black hole. The Department of Energy's initial estimate of NIF's cost overruns were about \$350 million,

but current cost overruns estimates from the DOE stand between \$750 million to \$1 billion, 100 percent more than originally estimated.

Mr. PACKARD. Mr. Chairman, I yield 1 minute to the gentleman from Indiana (Mr. VISCLOSKEY).

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

Mr. Chairman, I also rise in opposition to the amendment. I do think the NIF is an important program. Clearly there have been some very serious problems that have angered everyone in this body, and clearly have angered the Secretary of Energy; that is why a penalty was imposed, that is why \$55 million of the proposed \$95 million additional investment that needs to be made is going to come out of the hide of the contractor essentially Lawrence Livermore.

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

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

Mr. Chairman, this amendment is very simple. It does not cut off the research and development. I am not suggesting that I am opposing the goal of this project, what it does it says do not go forward with the construction because of these amazing mismanagement problems, because of these phenomenal cost overruns, because of the fact that this project has been delayed in its implementation due to these problems for years.

What this amendment does, it says if you cannot build the construction, work on the R&D. Mr. Chairman, \$914 million has been spent on this, yet 5 percent of the infrastructure and the laser components are completed.

This amendment simply says let us watch our taxpayers' dollars. Congress asked the DOE to actually take a look at this. Congress asked the GAO to get back to us to see if these problems had been dealt with.

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

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

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

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

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

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

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

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

Mr. Chairman, let me simply say that let us not kill the project tonight; the jury is still out on it. I urge a no vote on the amendment.

Ms. LEE. Mr. Chairman, I strongly support the Ryan-Kucinich amendments to cut construction funds for the National Ignition Facility.

Every time this project comes before us, its costs rise and its scientific rationale grows more dubious.

Criticism of NIF has come from groups as diverse as the Friends of the Earth and the Armed Services Committee.

This project has already sucked up billions of taxpayer dollars while endangering our environment and sabotaging efforts to reduce nuclear proliferation.

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

This project, together with National Missile Defense, symbolizes the American failure to lead the way on global nuclear arms control.

If the National Ignition Facility continues to fail to achieve its stated goal of ignition, it will remain a financial quagmire that has depleted badly needed financial resources. If it succeeds, it threatens to send the arms race spiraling to an ever higher level.

Now is the time to seriously evaluate this program. We should not put more money into construction for a project that is neither necessary nor productive.

This project is now approximately one billion dollars over budget. It is 5 years behind schedule.

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

Economically, NIF is over budget and over due.

Geopolitically, this effort to create thermonuclear explosions in a laboratory setting undermines U.S. efforts to reduce nuclear weapons across the globe.

Environmentally, Californians are already justifiably concerned about the release of tritium into their environment. Increasing nuclear waste is not the solution.

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

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

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

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

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

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

The amendment was rejected.

AMENDMENT NO. 10 OFFERED BY MR. KINGSTON

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 10 offered by Mr. KINGSTON.

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

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

MODIFICATION TO AMENDMENT NO. 10 OFFERED BY MR. KINGSTON

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

The CHAIRMAN. The Clerk will report the modification.

The Clerk read as follows:

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

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

SEC. . None of the funds in this Act may be used to pay the salary of any employee of

the Department of Energy at the Los Alamos National Laboratory who has failed to undergo a polygraph examination pursuant to section 3154(e) of Public Law 106-65."

The CHAIRMAN. Is there objection to the modification to the amendment offered by the gentleman from Georgia (Mr. KINGSTON)?

There was no objection.

The CHAIRMAN. The amendment is modified.

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

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

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

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

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

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

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

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

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

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

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

Mr. HUNTER. Mr. Chairman, I thank the gentleman for yielding to me.

Mr. Chairman, I just want to rise in support of the amendment of the gentleman from Georgia (Mr. KINGSTON). Let me just say there are people, a number of people, at the laboratories who have clearances and access to classified material; that is, nuclear material or nuclear design material. Also what we know is special access programs, it is absolutely imperative that we have the right to polygraph those folks, and it is absolutely equitable and fair that those who would refuse to take the polygraphs cannot be paid, cannot be employed in this capacity.

Mr. Chairman, I support the gentleman. I think it is an excellent amendment. I thank the subcommittee for agreeing to accept this amendment.

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

Mr. Chairman, I thank the gentleman from California (Mr. HUNT) and I thank the gentleman from California (Chairman PACKARD) and the gentleman from Indiana (Mr. VISCLOSKY), the ranking member, for their support of this amendment.

I want to say that what this amendment does, Mr. Chairman, on a bipartisan basis is send a signal out to any employee who works at Los Alamos in a sensitive area who refuses to take a polygraph test that we believe the security of our Nation is more important than their personal pride or whatever conflict they may have that prevents them from doing this. We are just saying, you have to do it, that is part of taking care of our nuclear secrets.

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

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

The amendment, as modified, was agreed to.

AMENDMENT OFFERED BY MR. RYUN OF KANSAS

Mr. RYUN of Kansas. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. RYUN of Kansas:

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

SEC. □□. (a) IN GENERAL.—None of the funds made available in this Act may be used to pay any basic pay of an individual who simultaneously holds or carries out the responsibilities of—

(1) a position within the National Nuclear Security Administration; and

(2) a position within the Department of Energy not within the Administration.

(b) EXCEPTIONS FOR ADMINISTRATOR FOR NUCLEAR SECURITY AND DEPUTY ADMINISTRATOR FOR NAVAL REACTORS.—The limitation in subsection (a) shall not apply to the following cases:

(1) The Under Secretary of Energy for Nuclear Security serving as the Administrator for Nuclear Security, as provided in section 3212(a)(2) of the National Nuclear Security Administration Act (50 U.S.C. 2402(a)(2)).

(2) The director of the Naval Nuclear Propulsion Program provided for under the Naval Nuclear Propulsion Executive Order serving as the Deputy Administrator for Naval Reactors, as provided in section 3216(a)(1) of such Act (50 U.S.C. 2406(a)(1)).

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

The Chair recognizes the gentleman from Kansas (Mr. RYUN).

Mr. RYUN of Kansas. Mr. Chairman, I yield myself 2½ minutes.

Mr. Chairman, the National Nuclear Secret Administration was put in place by this Congress to be an independent agency within the Department of Energy; their sole purpose was to secure our most vital national nuclear secrets.

My amendment does one simple thing, it requires the Secretary of the Energy to properly implement the National Nuclear Security Administration. It does so by prohibiting the practice of dual hatting that the Secretary of Energy engaged in to circumvent the law that this Congress passed and that the President signed last year.

Dual hatting involves the giving of titles and responsibility for the National Nuclear Security Administration to current employees of the Department of Energy, thereby removing the independent status of the agency.

Removing dual hatting is an idea that the Committee on Appropriations was leading toward in its own report. The report says that the committee encourages the new administrator and deputy administrator for defense programs to review the urgency for organization and management changes in the NNSA headquarters and field structure. It goes on to say that simply renaming the same employees to the same organizational structure, the same management culture will not address the fundamental program that Congress sought to address by creating this new entity.

Finally, the committee strongly urges the new administrator and deputy administrator to use this opportunity to make bold and strategic improvements.

Mr. Chairman, I, too, believe that we should not focus on the recent security failures within the current nuclear laboratories complex. Instead, I believe we should focus on strengthening the Department of Energy's ability to protect this Nation's national security.

We must manage the risks associated with the development of the nuclear technology. Mr. Chairman, the other body recently approved a new administrator of the National Nuclear Security Administration. I urge my colleagues to join me and give him the tools needed to effectively protect our Nation's most vital nuclear secrets.

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

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

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

□ 2215

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

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

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

Mr. VISCLOSKY. Mr. Chairman, I rise in opposition to the Ryun amendment, which would restrict the ability of the Department of Energy to maintain the country's nuclear stockpile. The amendment would prohibit the Department from dual-hatting certain senior physicists and nuclear weapon designers and would mandate certain job functions encompassed in the requirement of the Defense authorization bill to split the Department of Energy into two independent organizations.

The practical problem inherent in the gentleman's amendment is that it is not enforceable. Less than 20 Federal employees are currently dual-hatted in the Department of Energy. These officials are the core of the nuclear weapons program, and these scientists and military officers are not attempting to politicize the Department; they are men and women who won the Cold War.

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

Earlier this month, the Senate confirmed the new chief of the National Nuclear Security Administration, General Gordon. General Gordon has a Ph.D. in nuclear physics and is a former deputy director of the Central Intelligence Agency. General Gordon should not be forced to hire 18 new senior government executives in literally the next 30 to 60 days. I do not believe that it is a sound proposition, and I am opposed to the gentleman's amendment.

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

Mr. RYUN of Kansas. Mr. Chairman, I would like to point out that the

House Committee on Armed Services does not oppose this.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Mr. PACKARD. Mr. Chairman, reclaiming my time, I appreciate the gentleman bringing that to our attention, and we will certainly look at the issue as we go into conference; and hopefully, we can resolve it.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to House Resolution 532, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: amendment No. 4 offered by Mr. FOLEY of Florida; amendment No. 1 offered by Mr. ANDREWS of New Jersey; an amendment

by Mr. SHERWOOD of Pennsylvania; and an amendment by Mr. RYUN of Kansas.

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 4 OFFERED BY MR. FOLEY

The CHAIRMAN. The pending business is the demand for a recorded vote on amendment No. 4 offered by the gentleman from Florida (Mr. FOLEY) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

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

[Roll No. 337]

AYES—71

|              |                |               |
|--------------|----------------|---------------|
| Abercrombie  | Lazio          | Rohrabacher   |
| Blumenauer   | Lee            | Ros-Lehtinen  |
| Capps        | Lewis (GA)     | Royce         |
| Capuano      | Luther         | Ryan (WI)     |
| Conyers      | Maloney (NY)   | Sanchez       |
| Cox          | McDermott      | Sanders       |
| DeFazio      | McGovern       | Sanford       |
| Delahunt     | McKinney       | Scarborough   |
| Deutsch      | Meehan         | Schaffer      |
| Doggett      | Metcalfe       | Sensenbrenner |
| Eshoo        | Miller, George | Sessions      |
| Foley        | Minge          | Shays         |
| Frank (MA)   | Moran (KS)     | Sununu        |
| Gilman       | Nadler         | Tancredo      |
| Goodling     | Olver          | Taylor (MS)   |
| Goss         | Owens          | Thompson (CA) |
| Green (WI)   | Pallone        | Thune         |
| Hoeffel      | Paul           | Tierney       |
| Horn         | Payne          | Toomey        |
| Inslee       | Pelosi         | Udall (CO)    |
| Jackson (IL) | Petri          | Waters        |
| Kelly        | Pombo          | Wexler        |
| Kingston     | Rahall         | Woolsey       |
| Kucinich     | Rangel         |               |

NOES—356

|              |                |             |
|--------------|----------------|-------------|
| Ackerman     | Bono           | Crane       |
| Aderholt     | Borski         | Crowley     |
| Allen        | Boswell        | Cubin       |
| Andrews      | Boucher        | Cummings    |
| Archer       | Boyd           | Cunningham  |
| Armey        | Brady (PA)     | Danner      |
| Baca         | Brady (TX)     | Davis (FL)  |
| Bachus       | Brown (FL)     | Davis (IL)  |
| Baird        | Brown (OH)     | Davis (VA)  |
| Baker        | Bryant         | Deal        |
| Baldacci     | Burr           | DeGette     |
| Baldwin      | Burton         | DeLauro     |
| Ballenger    | Buyer          | DeLay       |
| Barcia       | Callahan       | DeMint      |
| Barr         | Calvert        | Diaz-Balart |
| Barrett (NE) | Camp           | Dickey      |
| Barrett (WI) | Campbell       | Dicks       |
| Bartlett     | Canady         | Dingell     |
| Barton       | Cannon         | Dixon       |
| Bass         | Cardin         | Dooley      |
| Bateman      | Carson         | Doolittle   |
| Becerra      | Castle         | Doyle       |
| Bentsen      | Chabot         | Dreier      |
| Bereuter     | Chambliss      | Duncan      |
| Berkley      | Chenoweth-Hage | Dunn        |
| Berman       | Clay           | Edwards     |
| Berry        | Clayton        | Ehlers      |
| Biggert      | Clement        | Ehrlich     |
| Blibray      | Clyburn        | Emerson     |
| Bilirakis    | Coble          | Engel       |
| Bishop       | Coburn         | English     |
| Blagojevich  | Collins        | Etheridge   |
| Bliley       | Combest        | Evans       |
| Blunt        | Condit         | Everett     |
| Boehlert     | Cooksey        | Ewing       |
| Boehner      | Costello       | Farr        |
| Bonilla      | Coyne          | Fattah      |
| Bonior       | Cramer         | Filner      |

|                |               |               |
|----------------|---------------|---------------|
| Fletcher       | Larson        | Rothman       |
| Forbes         | Latham        | Roukema       |
| Ford           | LaTourette    | Roybal-Allard |
| Fossella       | Leach         | Rush          |
| Fowler         | Levin         | Ryun (KS)     |
| Franks (NJ)    | Lewis (CA)    | Sabo          |
| Frelinghuysen  | Lewis (KY)    | Salmon        |
| Frost          | Linder        | Sandlin       |
| Gallegly       | Lipinski      | Sawyer        |
| Ganske         | LoBiondo      | Saxton        |
| Gejdenson      | Lofgren       | Schakowsky    |
| Gekas          | Lowe          | Scott         |
| Gephardt       | Lucas (KY)    | Serrano       |
| Gibbons        | Lucas (OK)    | Shadegg       |
| Gilchrest      | Maloney (CT)  | Shaw          |
| Gillmor        | Manzullo      | Sherman       |
| Gonzalez       | Mascara       | Sherwood      |
| Goode          | Matsui        | Shimkus       |
| Goodlatte      | McCarthy (MO) | Shows         |
| Gordon         | McCarthy (NY) | Shuster       |
| Graham         | McCollum      | Simpson       |
| Granger        | McCrery       | Sisisky       |
| Green (TX)     | McHugh        | Skeen         |
| Greenwood      | McInnis       | Skelton       |
| Gutierrez      | McIntyre      | Slaughter     |
| Gutknecht      | McKeon        | Smith (MI)    |
| Hall (OH)      | McNulty       | Smith (NJ)    |
| Hall (TX)      | Meek (FL)     | Smith (TX)    |
| Hansen         | Meeks (NY)    | Smith (WA)    |
| Hastings (FL)  | Menendez      | Snyder        |
| Hastings (WA)  | Mica          | Souder        |
| Hayes          | Millender     | Spence        |
| Hayworth       | McDonald      | Spratt        |
| Hefley         | Miller (FL)   | Stabenow      |
| Herger         | Miller, Gary  | Stearns       |
| Hill (IN)      | Mink          | Stenholm      |
| Hill (MT)      | Moakley       | Strickland    |
| Hilleary       | Mollohan      | Stump         |
| Hilliard       | Moore         | Stupak        |
| Hinchee        | Moran (VA)    | Sweeney       |
| Hinojosa       | Morella       | Talent        |
| Hobson         | Murtha        | Tanner        |
| Hoekstra       | Myrick        | Tauscher      |
| Holden         | Napolitano    | Tauzin        |
| Holt           | Neal          | Taylor (NC)   |
| Hoolley        | Nethercutt    | Terry         |
| Hostettler     | Ney           | Thomas        |
| Houghton       | Northup       | Thompson (MS) |
| Hoyer          | Norwood       | Thornberry    |
| Hulshof        | Nussle        | Thurman       |
| Hunter         | Oberstar      | Tiahrt        |
| Hutchinson     | Obey          | Towns         |
| Hyde           | Ortiz         | Traficant     |
| Isakson        | Ose           | Turner        |
| Istook         | Oxley         | Udall (NM)    |
| Jackson-Lee    | Packard       | Upton         |
| (TX)           | Pascrell      | Velazquez     |
| Jefferson      | Pastor        | Visclosky     |
| Jenkins        | Pease         | Vitter        |
| John           | Peterson (MN) | Walden        |
| Johnson (CT)   | Peterson (PA) | Walsh         |
| Johnson, E. B. | Phelps        | Wamp          |
| Johnson, Sam   | Pickering     | Watkins       |
| Jones (NC)     | Pickett       | Watt (NC)     |
| Jones (OH)     | Pitts         | Watts (OK)    |
| Kanjorski      | Pomeroy       | Waxman        |
| Kaptur         | Porter        | Weiner        |
| Kasich         | Portman       | Weldon (FL)   |
| Kennedy        | Price (NC)    | Weldon (PA)   |
| Kildee         | Pryce (OH)    | Weller        |
| Kilpatrick     | Quinn         | Weygand       |
| Kind (WI)      | Radanovich    | Whitfield     |
| King (NY)      | Ramstad       | Wicker        |
| Kleczka        | Regula        | Wilson        |
| Klink          | Reyes         | Wise          |
| Knollenberg    | Reynolds      | Wolf          |
| Kolbe          | Riley         | Wu            |
| Kuykendall     | Rivers        | Wynn          |
| LaFalce        | Rodriguez     | Young (AK)    |
| LaHood         | Roemer        | Young (FL)    |
| Lampson        | Rogan         |               |
| Largent        | Rogers        |               |

NOT VOTING—7

|         |          |       |
|---------|----------|-------|
| Cook    | Martinez | Vento |
| Lantos  | McIntosh |       |
| Markley | Stark    |       |

□ 2248

Messrs. GANSKE, WISE, LEVIN, and WAXMAN, Ms. BERKLEY and Ms. DEGETTE changed their vote from "aye" to "no."

Messrs. HOFFFEL, TIERNEY, MCGOVERN, METCALF, KUCINICH, BLUMENAUER, GILMAN, INSLEE, OWENS, SUNUNU, DELAHUNT,

PAYNE, COX, UDALL of Colorado, McDERMOTT, LEWIS of Georgia and OLVER, Mrs. MALONEY of New York, Ms. ESHOO, Ms. SANCHEZ, Ms. PELOSI, Ms. ROS-LEHTINEN, Ms. MCKINNEY, and Ms. WATERS changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

ANNOUNCEMENT BY THE CHAIRMAN

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

AMENDMENT NO. 1 OFFERED BY MR. ANDREWS

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment No. 1 offered by the gentleman from New Jersey (Mr. Andrews) on which further proceedings were postponed and on which the noes prevailed by a voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

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

[Roll No. 338]

AYES—176

|              |               |               |
|--------------|---------------|---------------|
| Ackerman     | Doolley       | LoBiondo      |
| Aderholt     | Duncan        | Lofgren       |
| Andrews      | Ehlers        | Lucas (KY)    |
| Baldwin      | Eshoo         | Lucas (OK)    |
| Ballenger    | Everett       | Luther        |
| Barr         | Fletcher      | Maloney (CT)  |
| Barrett (NE) | Foley         | Maloney (NY)  |
| Bartlett     | Ford          | Manzullo      |
| Bass         | Gallegly      | McCarthy (MO) |
| Becerra      | Gilchrest     | McDermott     |
| Bereuter     | Gillmor       | McGovern      |
| Berman       | Gilman        | McInnis       |
| Biggert      | Goode         | McKinney      |
| Bilbray      | Goodlatte     | McNulty       |
| Bilirakis    | Goss          | Meehan        |
| Blagojevich  | Graham        | Meeks (NY)    |
| Bliley       | Gutierrez     | Metcalfe      |
| Boehner      | Gutknecht     | Miller (FL)   |
| Bono         | Hall (OH)     | Minge         |
| Brown (OH)   | Hall (TX)     | Mink          |
| Burr         | Hastings (FL) | Moore         |
| Capps        | Hayes         | Moran (KS)    |
| Carson       | Hefley        | Moran (VA)    |
| Castle       | Hill (IN)     | Morella       |
| Chabot       | Hill (MT)     | Myrick        |
| Chambliss    | Hinchee       | Napolitano    |
| Chambliss    | Hoekstra      | Norwood       |
| Clay         | Holt          | Olver         |
| Clyburn      | Horn          | Owens         |
| Coble        | Inslee        | Pallone       |
| Collins      | Istook        | Pascrell      |
| Combest      | Condit        | Paul          |
| Condit       | Jackson (IL)  | Petri         |
| Conyers      | Johnson (CT)  | Pease         |
| Cox          | Kelly         | Porter        |
| Cunningham   | Kingston      | Portman       |
| Davis (FL)   | Kolbe         | Radanovich    |
| Davis (IL)   | Kucinich      | Ramstad       |
| Davis (VA)   | LaHood        | Rivers        |
| Deal         | Lazio         | Roemer        |
| DeGette      | Leach         | Ros-Lehtinen  |
| DeMint       | Lee           | Royce         |
| Deutsch      | Lewis (GA)    | Rush          |
| Diaz-Balart  | Lewis (KY)    | Ryan (WI)     |
| Doggett      | Linder        |               |



Salmon Skelton Tiaht  
 Sanchez Slaughter Towns  
 Sanders Smith (MI) Udall (CO)  
 Sanford Smith (NJ) Udall (NM)  
 Saxton Smith (WA) Upton  
 Scarborough Stabenow Velazquez  
 Schaffer Stearns Walsh  
 Schakowsky Stenholm Wamp  
 Sensenbrenner Sununu Watt (NC)  
 Serrano Sweeney Waxman  
 Sessions Tancredo Wexler  
 Shadegg Tauscher Weygand  
 Shays Terry Wilson  
 Sherman Thompson (CA) Woolsey  
 Shimkus Thune

NOES—249

Abercrombie Gajdenson Nethercutt  
 Allen Gekas Ney  
 Archer Gephardt Northup  
 Armev Gibbons Nussle  
 Baca Gonzalez Oberstar  
 Bachus Goodling Obey  
 Baird Gordon Ortiz  
 Baker Granger Ose  
 Baldacci Green (TX) Oxley  
 Barcia Green (WI) Packard  
 Barrett (WI) Greenwood Pastor  
 Barton Hansen Payne  
 Bateman Hastings (WA) Pelosi  
 Bentsen Hayworth Peterson (MN)  
 Berkley Herger Peterson (PA)  
 Berry Hilliard Phelps  
 Bishop Hilliard Pickering  
 Blumenauer Hinojosa Pickett  
 Blunt Hobson Pitts  
 Boehlert Hoeffel Pombo  
 Bonilla Holden Pomeroy  
 Borski Hoolley Price (NC)  
 Boswell Hostettler Pryce (OH)  
 Boucher Houghton Quinn  
 Boyd Hoyer Rahall  
 Brady (PA) Hulshof Rangel  
 Brady (TX) Hunter Regula  
 Brown (FL) Hutchinson Reyes  
 Bryant Hyde Reynolds  
 Burton Isakson Riley  
 Buyer Jackson-Lee Rodriguez  
 Callahan (TX) Rogan  
 Calvert Jefferson Rogers  
 Camp Jenkins Rohrabacher  
 Campbell John Rothman  
 Canady Johnson, E. B. Roukema  
 Cannon Johnson, Sam Roybal-Allard  
 Capuano Jones (NC) Ryan (KS)  
 Cardin Jones (OH) Sabo  
 Chenoweth-Hage Kanjorski Sandlin  
 Clayton Kaptur Sawyer  
 Clement Kasich Scott  
 Coburn Kennedy Shaw  
 Cooksey Kildee Sherwood  
 Costello Kilpatrick Shows  
 Coyne Kind (WI) Shuster  
 Cramer King (NY) Simpson  
 Crane Kleczka Sisisky  
 Crowley Klink Skeen  
 Cubin Knollenberg Smith (TX)  
 Cummings Kuykendall Snyder  
 Danner LaFalce Souder  
 DeFazio Lampson Spence  
 Delahunt Lantos Spratt  
 DeLauro Largent Strickland  
 DeLay Larson Stump  
 Dickey Latham Stupak  
 Dicks LaTourette Talent  
 Dingell Levin Tanner  
 Dixon Lewis (CA) Tauzin  
 Doolittle Lipinski Taylor (NC)  
 Doyle Lowey Thomas  
 Dreier Mascara Thompson (MS)  
 Dunn Matsui Thornberry  
 Edwards McCarthy (NY) Thorman  
 Ehrlich McCollum Tierney  
 Emerson McCrery Toomey  
 Engel McHugh Traficant  
 English McIntyre Turner  
 Etheridge McKeon Visclosky  
 Evans Meek (FL) Vitter  
 Ewing Menendez Walden  
 Farr Mica Waters  
 Fattah Millender Watkins  
 Filner McDonald Watts (OK)  
 Forbes Miller, Gary Weiner  
 Fossella Moakley Weldon (FL)  
 Fowler Mollohan Weldon (PA)  
 Frank (MA) Murtha Weller  
 Franks (NJ) Nadler Whitfield  
 Frelinghuysen Nadler Wicker  
 Frost Neal

Wise Wu Young (AK)  
 Wolf Wynn Young (FL)  
 Bonior Markey Stark  
 Cook Martinez Taylor (MS)  
 Ganske McIntosh Vento

NOT VOTING—9

□ 2257

Mr. KUCINICH changed his vote from "no" to "aye."

So the amendment was rejected. The result of the vote was announced as above recorded.

□ 2300

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

BASEBALL PRACTICE

Mr. SABO. Mr. Chairman, to all my colleagues on the Democratic side who were planning to be at baseball practice at 7:00 in the morning, our first practice will be at 7 a.m. on Thursday morning, not 7 a.m. tomorrow morning.

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

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

Mr. OXLEY. Mr. Chairman, I thank the gentleman for yielding to me. The good news on the Republican side, we will not practice tomorrow morning due to wet ground.

AMENDMENT OFFERED BY MR. SHERWOOD

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Pennsylvania (Mr. SHERWOOD) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered. The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 393, noes 33, not voting 8, as follows:

[Roll No. 339]

AYES—393

Abercrombie Berman Burr  
 Ackerman Berry Buyer  
 Aderholt Biggart Callahan  
 Allen Bilbray Calvert  
 Andrews Bilirakis Camp  
 Archer Bishop Campbell  
 Armev Blagoevich Canady  
 Baca Bliley Cannon  
 Bachus Blumenauer Capps  
 Baird Blunt Capuano  
 Baker Boehlert Cardin  
 Baldacci Boehner Carson  
 Baldwin Bonilla Castle  
 Barr Bonior Chabot  
 Barrett (NE) Bono Chambliss  
 Barrett (WI) Borski Chenoweth-Hage  
 Bartlett Boswell Clay  
 Barton Boucher Clayton  
 Bass Boyd Clement  
 Bateman Brady (PA) Clyburn  
 Becerra Brady (TX) Collins  
 Bentsen Brown (FL) Combest  
 Bereuter Brown (OH) Condit  
 Berkley Bryant Conyers

Cooksey Inslee Ortiz  
 Costello Isakson Ose  
 Coyne Istook Owens  
 Cramer Jackson (IL) Oxley  
 Crane Jackson-Lee Packard  
 Crowley (TX) Pallone  
 Cubin Jefferson Pascrell  
 Cummings Jenkins Pastor  
 Danner John Payne  
 Davis (FL) Johnson (CT) Pelosi  
 Davis (IL) Johnson, E. B. Peterson (MN)  
 Davis (VA) Jones (OH) Peterson (PA)  
 Deal Kanjorski Petri  
 DeFazio Kaptur Phelps  
 DeGette Kasich Pickering  
 Delahunt Kelly Pickett  
 DeLauro Kennedy Pomeroy  
 DeLay Kildee Porter  
 DeMint Kilpatrick Portman  
 Deutsch Kind (WI) Price (NC)  
 Diaz-Balart King (NY) Pryce (OH)  
 Dickey Kingston Quinn  
 Dicks Kleczka Radanovich  
 Dingell Klink Rahall  
 Dixon Knollenberg Ramstad  
 Doggett Kolbe Rangel  
 Dooley Kucinich Regula  
 Doyle Kuykendall Reyes  
 Dreier LaFalce Reynolds  
 Dunn LaHood Riley  
 Edwards Lampson Rivers  
 Ehlers Lantos Rodriguez  
 Ehrlich Largent Roemer  
 Emerson Larson Rogan  
 Engel Latham Rogers  
 English LaTourette Ros-Lehtinen  
 Eshoo Lazio Rothman  
 Etheridge Leach Roukema  
 Evans Lee Roybal-Allard  
 Everett Levin Rush  
 Ewing Lewis (CA) Ryan (WI)  
 Farr Lewis (GA) Ryan (KS)  
 Fattah Lewis (KY) Sabo  
 Filner Linder Sanchez  
 Fletcher Lipinski Sanders  
 Foley LoBiondo Sandlin  
 Forbes Lofgren Sawyer  
 Ford Lowey Saxton  
 Fossella Lucas (KY) Scarborough  
 Fowler Lucas (OK) Schakowsky  
 Frank (MA) Luther Scott  
 Franks (NJ) Maloney (CT) Serrano  
 Frelinghuysen Maloney (NY) Sessions  
 Frost Manzullo Shadegg  
 Gallegly Mascara Shaw  
 Gajdenson Matsui Shays  
 Gekas McCarthy (MO) Sherman  
 Gephardt McCarthy (NY) Sherwood  
 Gibbons McCollum Shows  
 Gilchrest McCrery Shuster  
 Gillmor McDermott Simpson  
 Gilman McGovern Sisisky  
 Gonzalez McHugh Skeen  
 Goode McInnis Skelton  
 Goodlatte McIntyre Slaughter  
 Goodling McKeon Smith (MI)  
 Gordon McKinney Smith (NJ)  
 Graham McNulty Smith (TX)  
 Granger Meehan Smith (WA)  
 Green (TX) Meek (FL) Snyder  
 Green (WI) Meeks (NY) Spence  
 Greenwood Menendez Spratt  
 Gutierrez Metcalf Stabenow  
 Hall (OH) Mica Stearns  
 Hall (TX) Millender Stenholm  
 Hansen McDonald Strickland  
 Hastings (FL) Miller (FL) Stump  
 Hastings (WA) Miller, George Stupak  
 Hayes Minge Sweeney  
 Hayworth Mink Talent  
 Herger Moakley Tanner  
 Hill (IN) Mollohan Tauscher  
 Hilliard Moore Tauzin  
 Hinchey Moran (KS) Taylor (MS)  
 Hinojosa Moran (VA) Taylor (NC)  
 Hobson Morella Terry  
 Hoefel Murtha Thomas  
 Hoekstra Myrick Thompson (CA)  
 Holden Nadler Thompson (MS)  
 Holt Napolitano Thornberry  
 Hooley Neal Thune  
 Horn Nethercutt Thurman  
 Houghton Ney Tiaht  
 Hoyer Northup Tierney  
 Hoyer Norwood Towns  
 Hulshof Nussle Traficant  
 Hunter Oberstar Turner  
 Hutchinson Obey Udall (CO)  
 Hyde Olver Udall (NM)

|           |             |            |              |               |            |            |               |             |
|-----------|-------------|------------|--------------|---------------|------------|------------|---------------|-------------|
| Upton     | Watts (OK)  | Wicker     | Hutchinson   | Ney           | Simpson    | Sanders    | Thompson (CA) | Waxman      |
| Velazquez | Waxman      | Wilson     | Hyde         | Northup       | Sisisky    | Sawyer     | Thompson (MS) | Weiner      |
| Visclosky | Weiner      | Wise       | Inlee        | Norwood       | Skeen      | Schakowsky | Thurman       | Weldon (FL) |
| Vitter    | Weldon (FL) | Wolf       | Isakson      | Nussle        | Skelton    | Scott      | Tierney       | Wexler      |
| Walsh     | Weldon (PA) | Woolsey    | Istook       | Oxley         | Smith (MI) | Serrano    | Towns         | Weygand     |
| Wamp      | Weller      | Wynn       | Jenkins      | Pallone       | Smith (NJ) | Sherman    | Udall (CO)    | Wise        |
| Waters    | Wexler      | Young (AK) | John         | Paul          | Smith (TX) | Slaughter  | Udall (NM)    | Wolf        |
| Watkins   | Weygand     | Young (FL) | Johnson (CT) | Pease         | Smith (WA) | Snyder     | Velazquez     | Woolsey     |
| Watt (NC) | Whitfield   |            | Johnson, Sam | Peterson (MN) | Souder     | Spratt     | Visclosky     | Wu          |
|           |             |            | Jones (NC)   | Peterson (PA) | Spence     | Strickland | Waters        | Wynn        |
|           |             |            | Kasich       | Petri         | Stabenow   | Stupak     | Watt (NC)     | Young (FL)  |

## NOES—33

|            |              |               |
|------------|--------------|---------------|
| Ballenger  | Hill (MT)    | Salmon        |
| Burton     | Hostettler   | Sanford       |
| Coble      | Johnson, Sam | Schaffer      |
| Coburn     | Jones (NC)   | Sensenbrenner |
| Cox        | Miller, Gary | Shimkus       |
| Cunningham | Paul         | Souder        |
| Doolittle  | Pease        | Sununu        |
| Duncan     | Pitts        | Tancredo      |
| Goss       | Pombo        | Toomey        |
| Gutknecht  | Rohrabacher  | Walden        |
| Hefley     | Royce        | Wu            |

## NOT VOTING—8

|        |          |       |
|--------|----------|-------|
| Barcia | Markey   | Stark |
| Cook   | Martinez | Vento |
| Ganske | McIntosh |       |

## □ 2305

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

AMENDMENT OFFERED BY MR. RYUN OF KANSAS

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Kansas (Mr. RYUN) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

## RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 239, noes 187, not voting 8, as follows:

[Roll No. 340]

## AYES—239

|             |                |               |
|-------------|----------------|---------------|
| Abercrombie | Camp           | Fossella      |
| Aderholt    | Campbell       | Fowler        |
| Andrews     | Canady         | Franks (NJ)   |
| Archer      | Cannon         | Galgely       |
| Armey       | Castle         | Gekas         |
| Baca        | Chabot         | Gibbons       |
| Bachus      | Chambliss      | Gilchrest     |
| Baker       | Chenoweth-Hage | Gillmor       |
| Ballenger   | Coble          | Gilman        |
| Barcia      | Coburn         | Goode         |
| Barr        | Collins        | Goodlatte     |
| Bartlett    | Combest        | Goodling      |
| Barton      | Cooksey        | Gordon        |
| Bass        | Cox            | Goss          |
| Bateman     | Crowley        | Graham        |
| Bereuter    | Cubin          | Granger       |
| Berry       | Cunningham     | Green (WI)    |
| Biggett     | Danner         | Greenwood     |
| Bilbray     | Davis (VA)     | Gutknecht     |
| Bilirakis   | Deal           | Hall (TX)     |
| Blagojevich | DeFazio        | Hansen        |
| Bliley      | DeLay          | Hastings (WA) |
| Blunt       | DeMint         | Hayes         |
| Boehlert    | Diaz-Balart    | Hayworth      |
| Boehner     | Dickey         | Hefley        |
| Bonilla     | Doolittle      | Heger         |
| Bono        | Dreier         | Hill (MT)     |
| Boswell     | Duncan         | Hilleary      |
| Brady (TX)  | Dunn           | Hobson        |
| Bryant      | Ehrlich        | Hoekstra      |
| Burr        | English        | Horn          |
| Burton      | Everett        | Hostettler    |
| Buyer       | Ewing          | Houghton      |
| Callahan    | Fletcher       | Hulshof       |
| Calvert     | Foley          | Hunter        |

|              |               |             |
|--------------|---------------|-------------|
| Hyde         | Ney           | Simpson     |
| Inlee        | Northup       | Sisisky     |
| Isakson      | Norwood       | Skeen       |
| Istook       | Nussle        | Skelton     |
| Jenkins      | Oxley         | Smith (MI)  |
| John         | Pallone       | Smith (NJ)  |
| Johnson (CT) | Paul          | Smith (TX)  |
| Johnson, Sam | Pease         | Smith (WA)  |
| Jones (NC)   | Peterson (MN) | Souder      |
| Kasich       | Peterson (PA) | Spence      |
| Kelly        | Petri         | Stabenow    |
| Kildee       | Pickering     | Stearns     |
| Kingston     | Pitts         | Stenholm    |
| Kuykendall   | Pombo         | Stump       |
| LaHood       | Porter        | Sununu      |
| Largent      | Portman       | Sweeney     |
| Latham       | Pryce (OH)    | Talent      |
| LaTourette   | Radanovich    | Tancredo    |
| Lazio        | Ramstad       | Tanner      |
| Leach        | Regula        | Tauscher    |
| Lewis (CA)   | Reynolds      | Tauzin      |
| Lewis (KY)   | Riley         | Taylor (MS) |
| Linder       | Rogan         | Taylor (NC) |
| LoBiondo     | Rogers        | Terry       |
| Lofgren      | Rohrabacher   | Thomas      |
| Lucas (KY)   | Ros-Lehtinen  | Thornberry  |
| Lucas (OK)   | Roukema       | Thune       |
| Maloney (CT) | Royce         | Tiahrt      |
| Manzullo     | Ryan (WI)     | Toomey      |
| McCormack    | Ryun (KS)     | Trafficant  |
| McCollum     | Salmon        | Turner      |
| McCreery     | Sandlin       | Upton       |
| McHugh       | Sanford       | Vitter      |
| McInnis      | Saxton        | Walden      |
| McKeon       | Scarborough   | Walsh       |
| McKinney     | Schaffer      | Wamp        |
| Metcalf      | Sensenbrenner | Watkins     |
| Mica         | Sessions      | Watts (OK)  |
| Miller (FL)  | Shadegg       | Weldon (PA) |
| Miller, Gary | Shaw          | Weller      |
| Minge        | Shays         | Whitfield   |
| Moran (KS)   | Sherwood      | Wicker      |
| Myrick       | Shimkus       | Wilson      |
| Nethercutt   | Shows         | Young (AK)  |
|              | Shuster       |             |

## NOES—187

|              |                |                |
|--------------|----------------|----------------|
| Ackerman     | Etheridge      | Mascara        |
| Allen        | Evans          | Matsui         |
| Baird        | Farr           | McCarthy (MO)  |
| Baldacci     | Fattah         | McCarthy (NY)  |
| Baldwin      | Filner         | McDermott      |
| Barrett (NE) | Forbes         | McGovern       |
| Barrett (WI) | Ford           | McIntyre       |
| Becerra      | Frank (MA)     | McNulty        |
| Bentsen      | Frelinghuysen  | Meehan         |
| Berkley      | Frost          | Meek (FL)      |
| Berman       | Gejdenson      | Meeks (NY)     |
| Bishop       | Gephardt       | Menendez       |
| Blumenauer   | Gonzalez       | Millender-     |
| Bonior       | Green (TX)     | McDonald       |
| Borski       | Gutierrez      | Miller, George |
| Boucher      | Hall (OH)      | Mink           |
| Boyd         | Hastings (FL)  | Moakley        |
| Brady (PA)   | Hill (IN)      | Mollohan       |
| Brown (FL)   | Hilliard       | Moore          |
| Brown (OH)   | Hinchee        | Moran (VA)     |
| Capps        | Hinojosa       | Morella        |
| Capuano      | Hoefel         | Murtha         |
| Cardin       | Holden         | Nadler         |
| Carson       | Holt           | Napolitano     |
| Clay         | Hooley         | Neal           |
| Clayton      | Hoyer          | Oberstar       |
| Clement      | Jackson (IL)   | Obey           |
| Clyburn      | Jackson-Lee    | Olver          |
| Condit       | (TX)           | Ortiz          |
| Conyers      | Jefferson      | Ose            |
| Costello     | Johnson, E. B. | Owens          |
| Coyne        | Jones (OH)     | Packard        |
| Cramer       | Kanjorski      | Pascarella     |
| Crane        | Kaptur         | Pastor         |
| Cummings     | Kennedy        | Payne          |
| Davis (FL)   | Kilpatrick     | Pelosi         |
| Davis (IL)   | Kind (WI)      | Phelps         |
| DeGette      | King (NY)      | Pickett        |
| Delahunt     | Klecza         | Pomeroy        |
| DeLauro      | Klink          | Price (NC)     |
| Deutsch      | Knollenberg    | Quinn          |
| Dicks        | Kolbe          | Rahall         |
| Dingell      | Kucinich       | Rangel         |
| Dixon        | LaFalce        | Reyes          |
| Doggett      | Lampson        | Rivers         |
| Dooley       | Larson         | Rodriguez      |
| Doyle        | Lee            | Roemer         |
| Edwards      | Levin          | Rothman        |
| Ehlers       | Lewis (GA)     | Roybal-Allard  |
| Emerson      | Lipinski       | Rush           |
| Engel        | Lowey          | Sabo           |
| Eshoo        | Maloney (NY)   | Sanchez        |

## NOT VOTING—8

|        |          |       |
|--------|----------|-------|
| Cook   | Markey   | Stark |
| Ganske | Martinez | Vento |
| Lantos | McIntosh |       |

## □ 2312

Mr. MEEHAN changed his vote from "aye" to "no."

Mr. BOEHLERT and Mr. ENGLISH changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Mr. PACKARD. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. PEASE) having assumed the chair, Mr. BARRETT of Nebraska, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4733) making appropriations for energy and water development for the fiscal year ending September 30, 2001, and for other purposes, had come to no resolution thereon.

#### AMENDING INTERNAL REVENUE CODE TO REQUIRE 527 ORGANIZATIONS TO DISCLOSE POLITICAL ACTIVITIES

Mr. HOUGHTON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4762) to amend the Internal Revenue Code of 1986 to require 527 organizations to disclose their political activities.

The Clerk read as follows:

## H.R. 4762

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

#### SECTION 1. REQUIRED NOTIFICATION OF SECTION 527 STATUS.

(a) IN GENERAL.—Section 527 of the Internal Revenue Code of 1986 (relating to political organizations) is amended by adding at the end the following new subsection:

“(i) ORGANIZATIONS MUST NOTIFY SECRETARY THAT THEY ARE SECTION 527 ORGANIZATIONS.—

“(1) IN GENERAL.—Except as provided in paragraph (5), an organization shall not be treated as an organization described in this section—

“(A) unless it has given notice to the Secretary, electronically and in writing, that it is to be so treated, or

“(B) if the notice is given after the time required under paragraph (2), the organization shall not be so treated for any period before such notice is given.

“(2) TIME TO GIVE NOTICE.—The notice required under paragraph (1) shall be transmitted not later than 24 hours after the date on which the organization is established.

“(3) CONTENTS OF NOTICE.—The notice required under paragraph (1) shall include information regarding—