

Mrs. WILSON of New Mexico. Madam Chairman, I yield myself such time as I may consume.

It seems to me that this is a small price to pay to accelerate one of the most important programs for the country in order to fight the problem of proliferation of weapons of mass destruction. It is a very, very small amount of money. And if we weigh the importance of administration and the importance of rapidly accelerating one of the most important programs and consolidating weapons-grade uranium that was formerly in the former Soviet Union, I think there is no question about what our priorities as a Nation should be. It is a small amount of money; and, frankly, I am a little surprised that it was not just accepted by the committee.

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

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

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentlewoman from New Mexico (Mrs. WILSON).

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

Mrs. WILSON of New Mexico. Madam Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from New Mexico (Mrs. WILSON) will be postponed.

Mr. HOBSON. Madam Chairman, I move that the Committee do now rise. The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. SHIMKUS) having assumed the chair, Mrs. BIGGERT, Chairman pro tempore 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. 4614) making appropriations for energy and water development for the fiscal year ending September 30, 2005, and for other purposes, had come to no resolution thereon.

LIMITATION ON AMENDMENTS DURING FURTHER CONSIDERATION OF H.R. 4614, ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 2005

Mr. HOBSON. Mr. Speaker, I ask unanimous consent that during further consideration of H.R. 4614 in the Committee of the Whole, pursuant to House Resolution 694, that the bill shall be considered as read and open for amendment at any point from page 19, line 16 through the end of the bill; points of order against provisions in the bill shall be permitted to be raised at any time; no further amendment to the bill may be offered, except: pro forma amendments offered by the chairman or ranking member of the Committee on Appropriations or their designees for the purpose of debate; amendment

No. 1, which shall be debatable for 10 minutes; an amendment by Mr. INSLEE regarding the reclassification of nuclear waste, which shall be debatable for 10 minutes; and an amendment by Mr. MEEHAN regarding a transfer of funds between NNSA and the non-proliferation account, which shall be debatable for 20 minutes.

Each such amendment may be offered only by the Member designated in this request, or the designee, or the Member who caused it to be printed, or a designee, shall be considered as read, shall not be subject to amendment, and shall not be subject to a demand for a division of the question in the House or in the Committee of the Whole.

Each amendment shall be debatable for the time specified, equally divided and controlled by the proponent and an opponent.

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

There was no objection.

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 2005

The SPEAKER pro tempore. Pursuant to House Resolution 694 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. 4614.

□ 1311

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. 4614) making appropriations for energy and water development for the fiscal year ending September 30, 2005, and for other purposes, with Mrs. BIGGERT (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. When the Committee of the Whole rose earlier today, a recorded vote demanded on the amendment offered by the gentlewoman from New Mexico (Mrs. WILSON) had been postponed.

Pursuant to the order of the House of today, the bill shall be considered as read and open for amendment at any point from page 19, line 16 through the end of the bill.

The text of the bill from page 19, line 16 through the end of the bill is as follows:

NON-DEFENSE SITE ACCELERATION COMPLETION

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 site acceleration completion 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, \$151,850,000, to remain available until expended.

URANIUM ENRICHMENT DECONTAMINATION AND DECOMMISSIONING FUND

For necessary expenses in carrying out uranium enrichment facility decontamination and decommissioning, remedial actions, and other activities of title II of the Atomic Energy Act of 1954, as amended, and title X, subtitle A, of the Energy Policy Act of 1992, \$500,200,000, to be derived from the Fund, to remain available until expended, of which \$100,614,000 shall be available in accordance with title X, subtitle A, of the Energy Policy Act of 1992.

NON-DEFENSE ENVIRONMENTAL SERVICES

For Department of Energy expenses necessary for non-defense environmental services activities that indirectly support the accelerated cleanup and closure mission at environmental management sites, including the purchase, construction, and acquisition of plant and capital equipment and other necessary expenses, \$291,296,000, to 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 four passenger motor vehicles for replacement only, including one ambulance, \$3,599,964,000, to 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), \$243,876,000, 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 \$122,000,000 in fiscal year 2005 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 2005, and any related unappropriated receipt account balances remaining from prior years' miscellaneous revenues, so as to result in a final fiscal year 2005 appropriation from the general fund estimated at not more than \$121,876,000.

OFFICE OF THE INSPECTOR GENERAL

For necessary expenses of the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, \$41,508,000, to remain available until expended.

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 not to exceed 19 passenger motor vehicles, for replacement only, including not to exceed two buses; \$6,514,424,000 to remain available until expended.

DEFENSE NUCLEAR NONPROLIFERATION

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, defense nuclear nonproliferation 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, \$1,348,647,000, to remain available until expended.

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, \$807,900,000, to remain available until expended.

OFFICE OF THE ADMINISTRATOR

For necessary expenses of the Office of the Administrator in the National Nuclear Security Administration, including official reception and representation expenses (not to exceed \$12,000), \$356,200,000, to remain available until expended.

ENVIRONMENTAL AND OTHER DEFENSE ACTIVITIES

DEFENSE SITE ACCELERATION COMPLETION

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other expenses necessary for atomic energy defense site acceleration completion 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, \$5,930,837,000, to remain available until expended.

DEFENSE ENVIRONMENTAL SERVICES

For Department of Energy expenses necessary for defense-related environmental services activities that indirectly support the accelerated cleanup and closure mission at environmental management sites, including the purchase, construction, and acquisition of plant and capital equipment and other necessary expenses, and the purchase of not to exceed three ambulances for replacement only, \$957,976,000, 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, and classified 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, \$697,059,000, 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, \$131,000,000, 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 official reception and representation expenses in an amount not to exceed \$1,500. During fiscal year 2005, 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, \$5,200,000, to remain available until expended: *Provided*, That, notwithstanding the provisions of 31 U.S.C. 3302, up to \$34,000,000 collected by the Southeastern Power Administration pursuant to the Flood Control Act of 1944 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.

OPERATION AND MAINTENANCE, SOUTHWESTERN POWER ADMINISTRATION

For necessary expenses of operation and maintenance of power transmission facilities and of marketing electric power and energy, 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, \$29,352,000, to remain available until expended: *Provided*, That, notwithstanding the provisions of 31 U.S.C. 3302, up to \$1,800,000 collected by the Southwestern Power Administration pursuant to the Flood Control Act of 1944 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.

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, \$173,100,000, to remain available until expended, of which \$170,756,000 shall be derived from the Department of the Interior Reclamation Fund: *Provided*, That, notwithstanding the provisions of 31 U.S.C. 3302, up to \$186,000,000 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.

FALCON AND AMISTAD OPERATING AND MAINTENANCE FUND

For operation, maintenance, and emergency costs for the hydroelectric facilities at the Falcon and Amistad Dams, \$2,827,000, 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), \$210,000,000, to remain available until expended: *Provided*, That, notwithstanding any other provision of law, not to exceed \$210,000,000 of revenues from fees and annual charges, and other services and collections in fiscal year 2005 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 2005 so as to result in a final fiscal year 2005 appropriation from the general fund estimated at not more than \$0.

GENERAL PROVISIONS

DEPARTMENT OF ENERGY

SEC. 301. (a)(1) None of the funds in this or any other appropriations Act for fiscal year 2005 or any previous fiscal year may be used to make payments for a noncompetitive management and operating contract unless the Secretary of Energy has published in the Federal Register and submitted to the Committees on Appropriations of the House of Representatives and the Senate a written notification, with respect to each such contract, of the Secretary's decision to use competitive procedures for the award of the contract, or to not renew the contract, when the term of the contract expires.

(2) Paragraph (1) does not apply to an extension for up to two years of a noncompetitive management and operating contract, if the extension is for purposes of allowing time to award competitively a new contract, to provide continuity of service between contracts, or to complete a contract that will not be renewed.

(b) In this section:

(1) The term "noncompetitive management and operating contract" means a contract that was awarded more than 50 years ago without competition for the management and operation of Ames Laboratory, Argonne National Laboratory, Lawrence Berkeley National Laboratory, Lawrence Livermore National Laboratory, and Los Alamos National Laboratory.

(2) The term "competitive procedures" has the meaning provided in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403) and includes procedures described in section 303 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253) other than a procedure that solicits a proposal from only one source.

(c) For all management and operating contracts other than those listed in subsection (b)(1), none of the funds appropriated by this Act may be used to award a management and operating contract, or award a significant extension or expansion to an existing 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. At least 60 days before a contract award for which the Secretary intends to grant such a waiver, the Secretary shall submit to the Committees on Appropriations of the House of Representatives and the Senate a report notifying the Committees of the waiver and setting forth, in specificity, the substantive reasons why the Secretary believes the requirement for competition should be waived for this particular award.

SEC. 302. 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 (P.L. 102-484; 42 U.S.C. 7274h).

SEC. 303. None of the funds appropriated by this Act may be used to augment the funds made available for obligation by this Act or any other appropriations Act for fiscal year 2005 or any previous fiscal year for severance payments and other benefits and community assistance grants under section 3161 of the National Defense Authorization Act for Fiscal Year 1993 (P.L. 102-484; 42 U.S.C. 7274h) unless the Department of Energy submits a reprogramming request subject to approval by the appropriate congressional committees.

SEC. 304. 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. 305. 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. 306. None of the funds in this or any other Act for the Administrator of the Bonneville Power Administration may be used 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 in advance that such services are not available from private sector businesses.

SEC. 307. When the Department of Energy makes a user facility available to universities or other potential users, or seeks input from universities or other potential users regarding significant characteristics or equipment in a user facility or a proposed user facility, the Department shall ensure broad public notice of such availability or such need for input to universities and other potential users. When the Department of Energy considers the participation of a university or other potential user as a formal partner in the establishment or operation of a user facility, the Department shall employ full and open competition in selecting such a partner. For purposes of this section, the term "user facility" includes, but is not limited to: (1) a user facility as described in section 2203(a)(2) of the Energy Policy Act of 1992 (42 U.S.C. 13503(a)(2)); (2) a National Nuclear Security Administration Defense Programs Technology Deployment Center/User Facility; and (3) any other Departmental facility designated by the Department as a user facility.

SEC. 308. The Administrator of the National Nuclear Security Administration may authorize the manager of a covered nuclear weapons research, development, testing or production facility to engage in research, development, and demonstration activities with respect to the engineering and manufacturing capabilities at such facility in order to maintain and enhance such capabilities at such facility: *Provided*, That of the amount allocated to a covered nuclear weapons facility each fiscal year from amounts available to the Department of Energy for such fiscal year for national security programs, not more than an amount equal to 2 percent of such amount may be used for these activities: *Provided further*, That for purposes of this section, the term "covered nuclear weapons facility" means the following:

(1) the Kansas City Plant, Kansas City, Missouri;

(2) the Y-12 Plant, Oak Ridge, Tennessee;

(3) the Pantex Plant, Amarillo, Texas;

(4) the Savannah River Plant, South Carolina; and

(5) the Nevada Test Site.

SEC. 309. Funds appropriated by this or any other Act, or made available by the transfer of funds in this Act, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2005 until the enactment of the Intelligence Authorization Act for fiscal year 2005.

SEC. 310. None of the funds made available in this or any other appropriations Act for fiscal year 2005 or any previous fiscal year may be used to select a site for a Modern Pit Facility during fiscal year 2005.

SEC. 311. None of the funds made available in this Act for fiscal year 2005 or any previous fiscal year may be used to finance laboratory directed research and development activities at Department of Energy laboratories on behalf of other Federal agencies.

SEC. 312. (a) None of the funds made available by this Act may be used to issue any license, approval, or authorization for the export or reexport, or transfer, or retransfer, whether directly or indirectly, of nuclear materials and equipment or sensitive nuclear technology, including items and assistance authorized by section 57 b. of the Atomic Energy Act of 1954 and regulated under part 810 of title 10, Code of Federal Regulations, and nuclear-related items on the Commerce Control List maintained under part 774 of title 15 of the Code of Federal Regulations, to any country whose government has been identified by the Secretary of State as engaged in state sponsorship of terrorist activities (specifically including any country the government of which has been determined by the Secretary of State under section 620A(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2371(a)), section 6(j)(1) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)(1)), or section 40(d) of the Arms Export Control Act (22 U.S.C. 2780(d)) to have repeatedly provided support for acts of international terrorism).

(b) This section shall not apply to exports, reexports, transfers, or retransfers of radiation monitoring technologies, surveillance equipment, seals, cameras, tamper-indication devices, nuclear detectors, monitoring systems, or equipment necessary to safely store, transport, or remove hazardous materials, whether such items, services, or information are regulated by the Department of Energy, the Department of Commerce, or the Nuclear Regulatory Commission, except to the extent that such technologies, equipment, seals, cameras, devices, detectors, or systems are available for use in the design or construction of nuclear reactors or nuclear weapons.

(c) The President may waive the application of subsection (a) to a country if the President determines and certifies to Congress that the waiver will not result in any increased risk that the country receiving the waiver will acquire nuclear weapons, nuclear reactors, or any materials or components of nuclear weapons and—

(1) the government of such country has not within the preceding 12-month period willfully aided or abetted the international proliferation of nuclear explosive devices to individuals or groups or willfully aided and abetted an individual or groups in acquiring unsafeguarded nuclear materials;

(2) in the judgment of the President, the government of such country has provided adequate, verifiable assurances that it will cease its support for acts of international terrorism;

(3) the waiver of that subsection is in the vital national security interest of the United States; or

(4) such a waiver is essential to prevent or respond to a serious radiological hazard in the country receiving the waiver that may or does threaten public health and safety.

(d) This section shall apply with respect to exports that have been approved for transfer as of the date of the enactment of this Act but have not yet been transferred as of that date.

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, \$38,500,000, 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, \$20,268,000, to remain available until expended.

DELTA REGIONAL AUTHORITY SALARIES AND EXPENSES

For necessary expenses of the Delta Regional Authority and to carry out its activities, as authorized by the Delta Regional Authority Act of 2000, as amended, notwithstanding sections 382C(b)(2), 382F(d), and 382M(b) of said Act, \$2,096,000, 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), and purchase of promotional items for use in the recruitment of individuals for employment, \$662,777,000, to remain available until expended: *Provided*, That of the amount appropriated herein, \$69,050,000 shall be derived from the Nuclear Waste Fund: *Provided further*, That revenues from licensing fees, inspection services, and other services and collections estimated at \$534,354,300 in fiscal year 2005 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 the sum

herein appropriated shall be reduced by the amount of revenues received during fiscal year 2005 so as to result in a final fiscal year 2005 appropriation estimated at not more than \$128,422,700: *Provided further*, that none of the funds made available in this Act or any other appropriations Act for fiscal year 2005, or for any previous fiscal year, may be used by the Commission to issue a license during fiscal year 2005 to construct or operate a new commercial nuclear power plant in the United States.

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, \$7,518,000, to remain available until expended: *Provided*, That revenues from licensing fees, inspection services, and other services and collections estimated at \$6,766,200 in fiscal year 2005 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 2005 so as to result in a final fiscal year 2005 appropriation estimated at not more than \$751,800.

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, \$3,177,000, to be derived from the Nuclear Waste Fund, and to remain available until expended.

TITLE V GENERAL PROVISIONS

SEC. 501. 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 18 U.S.C. 1913.

SEC. 502. (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 inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

SEC. 503. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriations Act.

This Act may be cited as the "Energy and Water Development Appropriations Act, 2005".

The CHAIRMAN pro tempore. Points of order against provisions in the bill

shall be permitted to be raised at any time; no further amendment to the bill may be offered, except: pro forma amendments offered by the chairman or ranking member of the Committee on Appropriations or their designees for the purpose of debate; amendment No. 1, which shall be debatable for 10 minutes; an amendment by Mr. INSLEE regarding the reclassification of nuclear waste, which shall be debatable for 10 minutes; and an amendment by Mr. MEEHAN regarding a transfer of funds between NNSA and the non-proliferation account, which shall be debatable for 20 minutes.

Each such amendment may be offered only by the member designated in this request, or a designee, or the Member who caused it to be printed, or a designee, shall be considered as read, shall not be subject to amendment, and shall not be subject to a demand for a division of the question in the House or in the Committee of the Whole.

Each amendment shall be debatable for the time specified, equally divided and controlled by the proponent and an opponent.

POINT OF ORDER

Mr. TOM DAVIS of Virginia. Madam Chairman, I make a point of order.

The CHAIRMAN pro tempore. The gentleman will state his point of order.

Mr. TOM DAVIS of Virginia. I make a point of order against section 502. This provision violates clause 2(b) of House Rule XXI. It proposes to change existing law and, therefore, constitutes legislation under an appropriations bill in violation of House rules.

The CHAIRMAN pro tempore. Does any Member wish to be heard on the point of order?

Mr. VISCLOSKEY. Madam Chairman, if I could ask again which section of the bill the gentleman is looking to strike.

Mr. TOM DAVIS of Virginia. Section 502.

Mr. VISCLOSKEY. Madam Chairman, I do not know if the Chair is going to uphold the point of order, but I would simply point out that I think it is a very important provision in this bill. I appreciate the fact that the chairman included it in this legislation; and I think from a social and economic standpoint, it ought to remain in the legislation.

Section 502, paragraph A states that it is the sense of the Congress that to the greatest extent practical, all equipment and products purchased with funds made available in this act should be American-made.

□ 1315

Subsection C of that same section states that if it has been finally determined by a court or Federal agency that any person intentionally affects a label bearing "Made in America" in description or any in description with the same meaning to any product sold or shipped in 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.

I understand the gentleman's intent as far as his motion to strike relative to jurisdictional issues, but I do believe this is a very key and fundamental issue to protect American workers in a living wage in the United States of America. And given the problems we have in this country as far as outsourcing where you have people intentionally lying and violating the law so the United States of America, we ought to protect American workers.

I thank the gentleman from Ohio (Mr. HOBSON) for having this measure in this legislation.

The CHAIRMAN pro tempore (Mrs. BIGGERT). Does anyone else wish to be heard on the point of order?

The gentleman from Ohio (Mr. HOBSON) is recognized.

Mr. HOBSON. Madam Chairman, I have not agreed totally with my ranking member, and I understand the chairman's point of order, but we have carried this in our bill for a number of years. We think it has been very productive to carry this in our bill. As far as I know, in the past it has not been challenged and to do so now I think sends the wrong messages. But I understand the Chairman's feeling that this is legislating on appropriation bills. I think sometimes that may be necessary. Maybe we ought to figure out a better way to work with him.

Mr. TOM DAVIS of Virginia. Madam Chairman, I say to my friend from Ohio and my friend from Indiana, they work on our committee. We could probably structure something that would accomplish the goals that they would like to achieve. But we feel this is legislating on an appropriation bill in violation of House rules. Therefore, I would insist on my point of order.

The CHAIRMAN pro tempore. The Chair is prepared to rule.

The Chair finds this provision expresses a legislative sentiment. The provision, therefore, constitutes legislation in violation of clause 2 of rule XXI.

The point of order is sustained and the provision is stricken from the bill.

POINT OF ORDER

Mrs. WILSON of New Mexico. Madam Chair, I make a point of order that the final proviso of the Nuclear Regulatory Commission funding, appearing on page 39, lines 23 through page 40 line 4, violates clause 2 of rule XXI of the rules of the House of Representatives prohibiting legislation on appropriations bills.

The proviso restricts funding to the Nuclear Regulatory Commission to issue any commercial nuclear power plant licenses using fiscal year 2005 Energy and Water appropriations funds and funds from "any other appropriations Act for fiscal year 2005 or any previous year." Because the language restricts funding not just for 2005 but for all previous years, it constitutes legislation on an appropriations bill.

For that reason, the language violates clause 2 of rule XXI of the rules of

the House and is subject to a point of order.

The CHAIRMAN pro tempore. Will the gentlewoman respecify the page and line.

Mrs. WILSON of New Mexico. Madam Chairman, I believe it is page 39, line 23 through page 40, line 4.

The CHAIRMAN pro tempore. Does any other Member wish to be heard on the point of order?

Mr. HOBSON. Madam Chairman, I strenuously oppose this approach to the bill. Part of the problem we have is there is no other vehicle where we can do this. This is a very difficult time in our country. We do not have a nuclear repository available in this country to accept the waste that we have today around the country.

To go to the folly, the folly of granting new licenses when we do not have any place to take the material that is in Illinois and move it somewhere and to start granting licenses without a plan in place is not good policy. I do not like having to include this kind of language in this bill, but I think it is important to include it to send a message that the repository is important. The repository is important to the future of this country and the nuclear industry in this country. If we do not start taking a stand on this, then we are going to get things out of whack in this country to the point where we have an even more problem and more costly problem.

Right now, many States in this country cannot move their material. They are under lawsuits, there are all kinds of problems. This bill, because of some other problems, does not move forward even in my judgment enough to getting that repository going.

So, therefore, this language is put in to send a message. I think taking it out sends absolutely the wrong message in this country and it should be retained in this bill.

The CHAIRMAN pro tempore. Does any other Member wish to be heard on this point of order?

The Chair is prepared to rule.

The Chair finds that this provision addresses funds in other acts and, therefore, constitutes legislation in violation of clause 2 of rule XXI.

The point of order is sustained and the provision is stricken from the bill.

AMENDMENT OFFERED BY MR. MEEHAN

Mr. MEEHAN. Madam Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MEEHAN:

Page 23, line 5, after the dollar amount, insert "(reduced by \$30,000,000)".

Page 23, line 16, after the dollar amount, insert "(increased by \$30,000,000)".

The CHAIRMAN pro tempore. Pursuant to the order of the House of today, the gentleman from Massachusetts (Mr. MEEHAN) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Massachusetts (Mr. MEEHAN).

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

Madam Chairman, this amendment provides an additional \$30 million for the Department of Energy's Global Threat Reduction Initiative to secure, remove, and dispose of nuclear and radiological materials around the world.

In February, President Bush stated in a speech at the National Defense University that the greatest risk to the United States and the world is the possibility of a nuclear or radiological attack. And I could not agree more. And in today's world, the most urgent nuclear threat might not be from hostile states, it may be from a non-state terrorist group.

The technology to produce a nuclear bomb is easier to obtain than we might like to believe. Earlier this year, a Pakistani scientist named A.Q. Khan confessed to operating a global black market for nuclear technology. The head of the International Atomic Energy Agency, Mohamed El Baradei called it a "veritable nuclear Wal-Mart."

The design for a simple nuclear weapon is not beyond the reach of many terrorist groups. The best way, perhaps the only way, to prevent terrorists from obtaining nuclear weapons is to make sure they do not get the ingredients to make one. Alarming, fissile material is in abundant supply around the world today. Some 20 tons of highly enriched uranium exist at 345 civilian facilities in 58 countries, enough to make 1,000 nuclear weapons.

Many of these are academic or industrial facilities that have no more security than a night watchman or a chain link fence. The threat is real.

The CIA determined in 2002 that weapons grade or weapons-usable materials have been stolen from Russia. According to the IAEA, there have been 18 confirmed thefts involving plutonium or enriched uranium in the former Soviet Union. Highly enriched uranium is a dangerous tool in the hands of terrorist groups seeking to develop nuclear weapons. And we must do everything in our power to deter this threat.

The Energy Department already has several programs aimed at securing nuclear and radiological materials around the world, but they are seriously underfunded. I was encouraged to hear that Secretary of Energy Spence Abraham unveiled a new global threat reduction initiative last month which will consolidate and accelerate the four existing programs. This program has been endorsed by political leaders and nonproliferation experts across the political spectrum. In a recent speech, former Senator Sam Nunn calls it a significant global effort.

If we are serious about preventing nuclear terrorism we must cooperatively and effectively with international partners to secure quickly or remove the most at risk dangerous material first, wherever it may be.

We are in a race between cooperation and catastrophe. However, if the Global Threat Reduction Initiative is to suc-

ceed, we have to fund it. Nonproliferation experts at Harvard University and the nuclear threat initiative headed by Sam Nunn argue that we need an additional \$30 million in fiscal 2005 to remove highly enriched uranium from 2 dozen vulnerable sites through the Russian Research Reactor Fuel Return program.

This is one of the four existing programs that have been under the consolidation under the Global Threat Reduction Initiative. Some of my colleagues may argue that we should not be appropriating funds for this new initiative before the Energy Department has submitted a budget request. But I do not think al-Qaeda is waiting for the next fiscal year to seek nuclear materials. And we should not wait to act either.

Moreover, programs like the Russian Research Reactor Fuel Return program have a proven track record developed over many years. In 2001, the United States, Serbia, Russia, the IAEA and the Nuclear Threat Initiative worked together to remove 48 kilograms of potentially vulnerable unirradiated HEU from a research facility in Serbia. This was enough material for two and a half nuclear bombs.

And in December of 2003, the United States, Russia, Bulgaria, and the IAEA collaborated to air lift 16.9 kilograms of HEU from a shut-down research reactor to Bulgaria to a secure facility in Russia.

The urgency is clear, we need to be quicker and bolder in securing these dangerous nuclear and radiological materials. This amendment would boost funding for the global threat reduction initiative by rolling over \$30 million in unobligated balances from the National Nuclear Science Agencies Weapons Activities Account.

Madam Chairman, I reserve the balance my time.

Mr. HOBSON. Madam Chairman, I rise to claim the time in opposition to the amendment, and I yield myself such time as I may consume.

I am opposed to the amendment to increase funding for the Global Threat Reduction Initiative. I am very supportive of the nuclear nonproliferation programs in this bill. We provide a significant additional funds for nonproliferation programs aimed at securing nuclear weapons and weapons grade nuclear material in Russia where the threat is really real. We have been there, we have seen it.

However, as I have said many times since taking over the chairmanship of this subcommittee, I view with great skepticism the large increases that are proposed by the National Nuclear Security Administration, particularly when these new initiatives are proposed outside the regular annual budget and appropriations process.

Unfortunately, the Department of Energy's Global Threat Reduction Initiative announcement at a press conference in May is a perfect example. All of the individual programs that

compromise this initiative are in the nonproliferation budget that we have funded in this bill. These are not activities that are being left out of the Department of Energy's nonproliferation budgets. They are funded at the President's request.

I believe we wrote a fair and balanced bill in the nuclear nonproliferation program very well. I do not support changes that are proposed in this amendment.

Let me close by saying I support the nonproliferation programs targeted in this amendment. As we prepare for conference, I will work with the interested members to address their concerns, but I reluctantly urge a no vote on the amendment.

Madam Chairman, I reserve the balance of my time.

Mr. MEEHAN. Madam Chairman, I yield such time as he may consume to the gentleman from California (Mr. SCHIFF), my friend and co-author of this amendment.

Mr. SCHIFF. Madam Chairman, I rise in support of the Meehan-Schiff amendment to accelerate the funding of the Global Threat Reduction Initiative.

The most significant threat to the national security of the United States is the risk that terrorists will acquire the material, the expertise, and the technology to create a nuclear weapon. Of these three components, the material, the expertise, and the technology, it is the material, highly enriched uranium or plutonium, that has posed the greatest bar to the acquisition of the bomb by terrorists.

□ 1330

And that material is far too easy to obtain. Beginning in the 1950s, the U.S. and Russia exported research reactors with highly enriched uranium to many nations around the world. Today, as my colleague pointed out, 345 operating or shutdown reactors in 58 countries possess highly enriched uranium.

The State Department has identified 24 of the highest priority facilities for clean-out operations, because they contain enough highly enriched uranium to make a bomb. Many of these facilities are terrifyingly insecure.

The energy and water bill contains only \$9.8 million for global clean-out of these reactors, enough to clean out only one site per year. At this pace it will take more than 2 decades to merely clean out the top 24. We cannot wait that long.

Osama bin Laden has declared that the acquisition of weapons of mass destruction is a religious duty. After the Taliban was defeated, blueprints of a crude nuclear program were found in the deserted al Qaeda headquarters in Afghanistan. Does anyone doubt that if al Qaeda could assemble a nuclear weapon, they would use it? They would use it.

Last month, the Secretary of Energy announced what may be one of the most important national security initiatives of our time, a \$450 million ef-

fort to clean out highly enriched uranium around the world. We cannot wait to implement this initiative. Al Qaeda is not waiting, and we must act now.

The Secretary's initiative will take almost a decade to implement, and there is no guarantee that nuclear material will not be stolen in the interim. Far from it. We must accelerate the time line for this initiative. Tragically today, we find ourselves in a new nuclear arms race. It is very simply a race as to whether we can secure nuclear material before the terrorists can buy or steal it.

The Meehan-Schiff amendment provides \$30 million in additional funding for this initiative to get this program underway immediately.

We have spent countless billions of dollars on the war in Iraq, a war that was waged to remove stockpiles of weapons of mass destruction from the reach of terrorists. The terrible irony of our present situation is that, while we have not found weapons of mass destruction in Iraq, we know where there are large stockpiles of weapons of mass destruction, large stockpiles of nuclear material, and we have a cooperative means of securing them and placing them beyond the reach of terrorists.

To scrimp on this effort is worse than negligent. It is a betrayal of the public trust. In this race, as Senator Nunn so aptly describes it, we are in a race between cooperation and catastrophe. We must not flag or fail in this race. Vote "yes" on the Schiff-Meehan amendment to jump-start the global threat reduction initiative.

Mr. HOBSON. Mr. Chairman, I yield such time as he may consume to the gentleman from California (Mr. SCHIFF).

Mr. SCHIFF. Mr. Chairman, I appreciate the gentleman yielding me this time.

I certainly want to congratulate my colleagues from California and Massachusetts for bringing this matter to our attention. I certainly agree with their intent and their assessment of the problem we face. It is one reason why I am happy that in the bill that was crafted by the subcommittee, there is a shift of \$177.5 million for priority targets for nonproliferation. Among others, that includes Russia's strategic rocket forces. It includes megaprojects. It includes the second-line-of-defense efforts in the Baltics and efforts outside the former Soviet Union.

As the chairman had indicated earlier, the Secretary made the announcement of this program in Vienna. He has not had discussion or shared specifics of the program with the subcommittee or committee. There has been no transmission of the specifics to Congress on the program or its implementation.

So while, again, the intent is excellent, against the lack of specifics and given the prioritization within the bill, I would reluctantly express my opposition to the amendment, but would suggest that the chairman and I will work with both gentlemen as we proceed to conference relative to DOE's plan.

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

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

Just to close, I really think this is an important issue to the national security of the country, and the reason why we bring the amendment forward is nonproliferation experts at Harvard University and the Nuclear Threat Initiative headed by Sam Nunn have clearly stated that we need an additional \$30 million in fiscal year 2005 to remove highly enriched uranium from two dozen vulnerable research reactor sites throughout the Russian reactor fuel program.

That is why we offered the amendment. This is an amendment that would take up obligated balances from the National Security Agency's weapons activities account. So I want to be clear. These are unexpended funds from fiscal year 2004, and shifting these funds will not come at any cost to the NNSA's weapons program or the American taxpayers. Instead, they will help safeguard us against dangerous nuclear and radiological weapons materials, that if they get in the hands of terrorists, as we know they could, could be used to kill thousands or tens of thousands of Americans.

I believe, as the gentleman from California (Mr. SCHIFF) believes, that this amendment is vital to our national security and to our winning the war on terrorism. Therefore, I urge that my colleagues' support this amendment.

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

The CHAIRMAN pro tempore (Mr. LINDER). The question is on the amendment offered by the gentleman from Massachusetts (Mr. MEEHAN).

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

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

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Massachusetts (Mr. MEEHAN) will be postponed.

Mr. HOBSON. Mr. Chairman, I move to strike the last word, and I yield to the gentleman from Illinois (Mr. SHIMKUS) for the purpose of a colloquy.

Mr. SHIMKUS. Mr. Chairman, I thank the gentleman for yielding. As he knows, and he has spoken so eloquently about the need for a national repository at Yucca Mountain, and I can remember that in the appropriation bill there is \$131 million, and this amount is grossly inadequate for the Yucca Mountain project. At that funding level, the Department of Energy would have to lay off 70 percent of its Yucca Mountain workforce, the license application would be delayed, and the repository opening would be delayed beyond the year 2010. All of the spent nuclear fuel would stay at the 77 field facilities spread out across the country, and this is unacceptable.

Yesterday, the Committee on Energy and Commerce passed a 5-year authorization bill, H.R. 3981, that authorizes

offsetting collection over 5 years from fees paid into the Nuclear Waste Fund. Our proposal could help solve the funding problem and provide the much-needed funds for Yucca Mountain.

The amounts authorized in H.R. 3981 would be sufficient to keep the Yucca Mountain project on track and keep the hundreds of key technical staff employed in the Las Vegas office of the DOE's Yucca Mountain office.

Again, I know of the chairman's strong support for the repository in Yucca Mountain.

I ask the gentleman from Ohio (Chairman HOBSON) if he would work with us as we proceed on this bill and find a way in the conference report to move to increase the funding level for Yucca Mountain.

Mr. HOBSON. Mr. Chairman, I was not going to talk very long on this, but since we spent so much time on California before, the time is gone. So I might as well vent my emotions a little bit more than I was going to.

In February of this year, when I found out what the proposal was from OMB, I tried to reason with him that this was not a political year to do this with this sort of thing. While I agree with the policy, I did not agree with the politics of what was going to happen, because it is very difficult to make the program work, which I must say that the Committee on Energy and Commerce worked so well with us to craft.

The problem is that we were not able to get it all done. We are willing to accept it. We are willing to carry it, but there are certain things we could not get done. We hope that when we get to the conference committee that we can fix this. This, at some point in the process, in my opinion, must be fixed; but I am outraged at certain people who put us in this position. We did not need to be in this position.

Last year, this committee, with my ranking member by my side, came within the most amount of money that has gone into Yucca Mountain in recent history. Our reward for that was not to get the money back we needed this year under the conditions that we could do this without absolute warfare and putting a lot of people, including ourselves and the Committee on the Budget and everybody else into a very, very difficult situation.

While the policy may be good, we have to deal with the other body, and the other body has not been receptive in some respects to funding Yucca Mountain to the degree it should be until last year; but I must share with my colleague, this is a program that this country has taken a position on. It is one of the reasons, on the last amendment, that I do not think we can go forward with new licenses, even though we all want new licenses and even though I am supportive of the nuclear industry and of having this available so that we can have safe, environmentally safe, quality low-cost power. We need to have that, but we have to

have it where we have a repository and we have to solve this problem.

The country has taken a position that this is where the repository is supposed to go. We have spent money on it, tons of money on it, and it is moving forward. This committee, with my ranking member's help, last year got the Department of Energy to move forward and site the railroad so we can take the politics out of where the rail is going to go and not move this material, even though it could have done it through the city of Las Vegas. That does not satisfy a lot of people. Some people just do not want anything.

Well, we are going to have something. At some point, at some point in this process, in spite of the objections of some people, this will have to be fixed for the future of this country and the nuclear power industry, but more importantly, those communities that have been promised from this government that this material would not stay, the spent fuel would not stay in their communities.

Mr. VISCLOSKY. Mr. Chairman, I move to strike the last word, for just one moment.

I would assure the gentleman from Illinois that we all do share his concern. It is my view we have a policy of the United States Government, but that we need a repository.

As the chairman pointed out, we had an extended conference last year with the other body to make sure that Yucca was fully funded. We had a page of permutations as to how to work through the situation OMB placed us in this year. This is not a matter of our doing, and I do assure my colleague that I and the members of the subcommittee want to work through this with the Chair to make sure we proceed in an expeditious manner, and we have to solve this problem.

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

Mr. VISCLOSKY. I yield to the gentleman from Illinois.

Mr. SHIMKUS. Mr. Chairman, I thank my colleague, and I would just also remind people and place in the record for this debate, the ratepayers have paid billions of dollars to make this thing move forward, and my ratepayers want to see a return on that investment.

So I thank the gentleman and I thank the chairman.

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

Mr. Chairman, I would like to enter into a colloquy with the gentleman from Georgia (Mr. BURNS).

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

Mr. HOBSON. I yield to the gentleman from Georgia.

Mr. BURNS. Mr. Chairman, I thank the chairman for his hard work over the past year in bringing this legislation to the floor and for his willingness to continue working with us, even though we may still face some differences of opinion on several issues that relate to the Savannah River site.

As the chairman knows, we had an amendment that would have requested continued action in the coming year on one of those issues, the selection of a site for a new modern pit facility. I believe that Savannah River site is the leading candidate for the site, and a timely decision on this project would help in planning future operations and also on job levels.

However, I would like for my good friend, the gentleman from South Carolina (Mr. BARRETT), to further express the interests of the Savannah River site.

Mr. BARRETT of South Carolina. Mr. Chairman, will the gentleman yield?

Mr. HOBSON. I yield to the gentleman from South Carolina.

Mr. BARRETT of South Carolina. Mr. Chairman, I thank the chairman for yielding to me.

Mr. Chairman, I would also like to express my strong support for comments just made by my good friend and colleague, the gentleman from Georgia (Mr. BURNS); and it is my hope that in conference with the Senate funding concerns for current and potential programs at the Savannah River site will be addressed.

I look forward to working with the chairman who has been so gracious with us on future issues related to the Savannah River site and would like to extend a personal invitation to the chairman to visit SRS in the upcoming months so that he can see this tremendous asset for our current and future generations.

Mr. HOBSON. Mr. Chairman, I want to thank my colleagues for their work, their very aggressive work, I might add, on behalf of the Savannah River site. That is one site I have not visited in this country yet. We are trying to get around and look at a lot of the different sites. I have some good friends who live down there so it is a very inviting place to go and visit.

□ 1345

I accept your invitation to visit the site and look forward to meeting the men and women doing such important work in your part of the country.

AMENDMENT OFFERED BY MR. INSLEE

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

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

The text of the amendment is as follows:

Amendment offered by Mr. INSLEE:

At the end of the bill, before the short title, insert the following:

SEC. ____ None of the funds made available in this Act may be used by the Department of Energy to make "waste incidental to reprocessing" determinations in order to reclassify high-level radioactive waste. For purposes of this section, the term "high-level radioactive waste" has the meaning given that term in the Nuclear Waste Policy Act of 1982.

The CHAIRMAN pro tempore. Pursuant to the order of the House of today,

the gentleman from Washington (Mr. INSLEE) and a Member opposed each will control 5 minutes.

Mr. HOBSON. Mr. Chairman, I reserve a point of order on the gentleman's amendment.

The CHAIRMAN pro tempore. The point of order is reserved.

Mr. HEFLEY. Mr. Chairman, I object. Is it not the policy of the House to go from one side to the other side on these amendments?

The CHAIRMAN pro tempore. The Chair recognized the gentleman who stood up at the microphone.

Mr. HEFLEY. Well, that is a different policy than we have been following all afternoon, Mr. Chairman.

Mr. INSLEE. Mr. Chairman, I would be happy to yield to the gentleman, at the Chair's discretion.

The CHAIRMAN pro tempore. The gentleman from Washington (Mr. INSLEE) may withdraw his amendment for a period of time.

Mr. INSLEE. Mr. Chairman, I ask unanimous consent to withdraw my amendment at this time.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

AMENDMENT NO. 1 OFFERED BY MR. HEFLEY

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

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. HEFLEY:

At the end of the bill (before the short title), insert the following:

SEC. _____. Total appropriations made in this Act (other than appropriations required to be made by a provision of law) are hereby reduced by \$279,880,000.

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

The Chair recognizes the gentleman from Colorado (Mr. HEFLEY).

Mr. HEFLEY. Mr. Chairman, I yield myself such time as I may consume, and I hope we do not take near that much time, but I rise to offer an amendment to cut the level of funding in this appropriations bill by \$278,880,000, or approximately 1 percent of the total outlays of the bill.

This amendment is in the form of a retrenchment under the Holman rule. If we cut these funds, it will be up to the administration to decide where the cuts should fall. The bill totals approximately \$28 billion, \$49.6 billion above the President's request, and \$734.5 million, or 2.7 percent, over last year.

Now, last week, we debated the interior appropriations bill, which actually showed a decrease in funding from last year, and I voted for the bill because I thought that was a terrific step in the right direction towards getting a grip on our deficit. It focused on the core functions, I think, that needed to be

done and eliminated some things which were nonessential.

Now I understand that there are needs that need to be addressed in this bill, important needs, but given this year's budget deficit is still projected at around \$400 billion, I think some of these needs should be postponed.

Energy and water, I believe, should have to meet the same kinds of strictures as the other appropriations bills, namely either a freeze or cut. Naturally, we will hear about the impact of a 1 percent cut on certain specific popular programs, and it is possible a 1 percent cut could impact some of the smallest programs. That is why this amendment leaves those cuts to the administration.

Mr. Chairman, let us look at what the 1 percent cut would mean to other programs. One percent of the \$1.87 billion general construction budget for the Army Corps of Engineers would total \$18.7 million. For one of the Corps' recommendations in my district, \$273,000 for the flood control study along Fountain Creek, 1 percent would amount to \$2,730. Mr. Chairman, \$2,730, though no doubt the Corps would disagree, I cannot see how they would miss that particularly. It probably would not pay for the printing.

Mr. Chairman, we have a terrible deficit. Our children are going to be paying for it. Given that context, I do not think asking the administration to find us a savings of one cent on the dollar is too much to ask.

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

Mr. HOBSON. Mr. Chairman, I claim the time in opposition to the amendment and I yield myself such time as I may consume.

Mr. Chairman, I have to oppose this amendment. I know there are a lot of things that one may or may not like in this bill, but we started off with the concept in this bill that we would not do any new starts, no new studies, and there were a number of things where we tried to cut back on because our funds were very limited. And, frankly, the bill we got out of the Committee on the Budget would not have allowed us to do many of the things we did for Members because we were about \$400 million short.

But due to some shifting around in the Committee on Appropriations, thanks to the staff and the Members, we were able to come up with some money to help Members. So we have done that.

Now, even though this looks like a small amount of money, when you add it up, it is a big amount of money and it has a lot of negative effect on a lot of projects. Further cuts would just exacerbate the problems we have tried to do in this finely-tuned bill, so I would urge a "no" vote on this bill.

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

Mr. VISCLOSKEY. Mr. Chairman, I appreciate the chairman yielding me this

time, and I would join in his opposition.

I respect my good friend, however, I have to vehemently disagree. The administration has proposed a budget, and it is up to us to make a determination as to how to allocate those resources. The subcommittee has done so in a balanced and fair fashion, and I would ask my colleagues to oppose the amendment.

Mr. HEFLEY. Mr. Chairman, I yield myself such time as I may consume, and in closing we are talking about one penny on a dollar. And I think many businessmen will tell you if you cannot find one penny on a dollar of savings, you should not be in business. I think we should apply that to our governmental spending here in our budget.

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

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

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Colorado (Mr. HEFLEY).

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

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

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Colorado (Mr. HEFLEY) will be postponed.

AMENDMENT OFFERED BY MR. INSLEE

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

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. INSLEE:

At the end of the bill, before the short title, insert the following:

SEC. _____. None of the funds made available in this Act may be used by the Department of Energy to make "waste incidental to reprocessing" determinations in order to reclassify high-level radioactive waste. For purposes of this section, the term "high-level radioactive waste" has the meaning given that term in the Nuclear Waste Policy Act of 1982.

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

The Chair recognizes the gentleman from Washington (Mr. INSLEE.)

Mr. HOBSON. Mr. Chairman, I rise to reserve a point of order on the gentleman's amendment.

The CHAIRMAN pro tempore. A point of order is reserved.

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

Mr. Chairman, I intend to withdraw my amendment, but prior to that I would like to enter into a colloquy with the gentleman from Ohio (Mr. HOBSON).

First, I would like to thank the chairman of the subcommittee, the gentleman from Ohio (Mr. HOBSON) and

the ranking member, the gentleman from Indiana (Mr. VISCLOSKEY) for their continued support for funding the cleanup at the Hanford site in Washington. And I want to particularly thank Chairman HOBSON for his stalwart work in ending this practice of dumping waste in unlined trenches. He has truly been remarkable, and the people of the State of Washington appreciate his efforts.

The Department of Energy has been seeking legislative authority to reclassify high-level radioactive waste as "waste incidental to reprocessing." This high-level waste contains highly toxic radionuclides stored in underground tanks at sites in the State of Washington, South Carolina, Idaho, and New York. In agreement with these States and with Congress, the Department is required to remove as much of these wastes as is technically feasible.

In order to achieve its target deadline for cleaning up these tanks, the Department now argues that it requires the authority to reclassify some of the waste at the bottom of the tanks as "incidental waste," so that these wastes may be left on site or disposed of in a manner that does not live up to the federal agreement. Such authority is currently disputed by many of the involved States, who argue that the long-term impacts of such an action are unknown and potentially harmful to human health.

Does the gentleman agree that it is the intent of Congress that the Department engage in fair and reasonable negotiations with the States and involved parties?

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

Mr. INSLEE. I yield to the gentleman from Ohio.

Mr. HOBSON. Mr. Chairman, in answer to the gentleman's question, I would say, yes, the House supports a fair and reasonable negotiation with the States and involved parties.

And I should tell the gentleman that I have been out there and looked at these tanks, and also, as the gentleman spoke about last year, we made him a promise we would take care of the unlined trenches, and I believe, as of yesterday, their record of decision is that the citizens out there deserve this, and I think it is going to go forward.

But in answer, yes, I think we do need to negotiate with the States and the involved parties on this.

Mr. INSLEE. Mr. Chairman, reclaiming my time, I thank the gentleman.

And would the gentleman agree that any strategy to resolve the issue should be consistent nationwide?

Mr. HOBSON. Well, if the gentleman will continue to yield, yes. And I think in some other instances in this bill we have also taken a stand that you cannot have one standard one place and one standard another. So any conclusion must be comprehensive and consistent nationwide.

Mr. INSLEE. Mr. Chairman, finally, does the gentleman agree that the

House should strongly encourage the conferees to the defense authorization bill to retain the language in the House Report requiring the Secretary of Energy to engage the National Research Council to study the Department's plans to manage its high-level waste streams instead of providing the Department blanket reclassification authority?

Mr. HOBSON. I agree.

Mr. INSLEE. Once again reclaiming my time, Mr. Chairman, I want to thank the gentleman for his efforts to move the DOE in the right direction.

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

The CHAIRMAN pro tempore. Is there any objection to the request of the gentleman from Washington?

There was no objection.

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

Mr. Chairman, I would like to enter into a colloquy with the gentleman from Iowa (Mr. KING).

Mr. KING of Iowa. Mr. Chairman, will the gentleman yield?

Mr. HOBSON. I yield to the gentleman from Iowa.

Mr. KING of Iowa. Mr. Chairman, I appreciate the chairman's willingness to enter into a colloquy and to yield to me on this issue. I would just say to him that Missouri is downstream from where I live.

Mr. Chairman, I had authored an amendment to this legislation that would prohibit funds intended for use for endangered species' habitat restoration from being used by the Fish and Wildlife Service and State Departments of Natural Resources. I am not pursuing this amendment because the good gentleman from Ohio has agreed the funding in this act should be used for its intended purposes.

As the Members of this body may remember, every year the energy and water development appropriations bill brings to light the issues of the Missouri River, which flows along the border of the district I represent in western Iowa. In the ecosystem of the Missouri River, there are three endangered species, the least tern, the piping plover, and the pallid sturgeon. A dire legal situation involving regulation of the Missouri River flow has resulted in complex reg. issues that impact the entire Missouri River basin. A multiplicity of interests, including agriculture, flood control, river freight transportation, electrical generation, water, recreation, and the environment have been impacted by decisions affecting the flow of the river.

Currently, the Army Corps of Engineers is working on a habitat restoration for the two birds and the fish that have created such a problem for people who need the river for economic reasons. As they have been working to reestablish this habitat, we have discovered some of the money that is diverted to Fish and Wildlife and State Departments of Natural Resources to help with this effort is being used for other purposes, such as duck habitat.

Mr. Chairman, my father took me to the duck blind when I was two years old. I have been going there ever since, that is half a century or more, and I can tell you there is no endangered species of ducks in my district. As much as I like duck habitat, it should not be at the expense of funds that are directed to priority habitat for endangered species, which can go a long ways towards resolving this Missouri River issue.

So not only do I care to see the issues of the Missouri River resolved, as a responsible Member of this body, I also believe it is our responsibility to stop abuse in its tracks. My amendment would have alleviated both of these problems.

Mr. HOBSON. Mr. Chairman, reclaiming my time, I agree with the gentleman from Iowa (Mr. KING) that the purposes and intentions of this act should be met. The funds appropriated for endangered species habitat restoration on the Missouri River should be used for those purposes.

As the Army Corps of Engineers works to that end, let us encourage the Corps to properly oversee that the funds are being utilized for their purposes.

Mr. KING of Iowa. Mr. Chairman, if the gentleman will continue to yield, I thank the distinguished chairman for his consideration of this issue.

Mr. HOBSON. Mr. Chairman, I move to strike the last word, and I seek this time to enter into a colloquy with the gentleman from Ohio (Mr. PORTMAN).

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

Mr. HOBSON. Mr. Chairman, I yield to the gentleman from Ohio.

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

Mr. PORTMAN. Mr. Chairman, I wanted to rise to congratulate the chairman on balancing difficult competing interests in this legislation. Once again, I think we will see on final passage what a good job he has done.

But in particular, I want to thank him very much for helping with regard to our energy needs at the Port Smith Gaseous Diffusion Plant. Once again, he has provided the President's request and has been instrumental in being sure that we have not only jobs in southern Ohio but that the centrifuge technology moves forward, which is so critical to our Nation's energy security.

So, again, I rise to congratulate the chairman, and I look forward to working with him going into the future, and congratulate him on his bill and strongly support it this afternoon.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: Amendment No. 5 offered by the gentleman from Vermont (Mr.

SANDERS), amendment offered by the gentlewoman from New Mexico (Mrs. WILSON), amendment offered by the gentleman from Massachusetts (Mr. MEEHAN), and amendment No. 1 offered by the gentleman from Colorado (Mr. HEFLEY).

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

□ 1400

AMENDMENT NO. 5 OFFERED BY MR. SANDERS

The CHAIRMAN pro tempore (Mr. LINDER). The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Vermont (Mr. SANDERS) 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 pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 150, noes 241, not voting 42, as follows:

[Roll No. 321]

AYES—150

Abercrombie	Hinchey	Nussle
Alexander	Hinojosa	Oberstar
Allen	Hoeffel	Obey
Andrews	Holt	Oliver
Baca	Hoolley (OR)	Owens
Baird	Hoyer	Pallone
Baldwin	Inslee	Pascarell
Bartlett (MD)	Israel	Payne
Becerra	Jackson (IL)	Peterson (MN)
Berkley	Jackson-Lee	Pomeroy
Bishop (GA)	(TX)	Price (NC)
Bishop (NY)	Jefferson	Rahall
Blumenauer	Johnson (IL)	Ramstad
Boehrlert	Jones (OH)	Rangel
Boswell	Kaptur	Roybal-Allard
Brown (OH)	Kelly	Ruppersberger
Brown, Corrine	Kennedy (RI)	Rush
Capps	Kildee	Ryan (OH)
Capuano	Kind	Ryan (WI)
Cardin	Kleczka	Sabo
Case	Kucinich	Sánchez, Linda
Clay	Lampson	T.
Clyburn	Langevin	Sanders
Conyers	Larsen (WA)	Schakowsky
Cooper	Latham	Scott (VA)
Costello	Leach	Sensenbrenner
Crowley	Lee	Serrano
Cummings	Levin	Shays
Davis (AL)	Lowey	Sherman
Davis (CA)	Majette	Simmons
Davis (FL)	Maloney	Smith (NJ)
Davis (IL)	Markey	Solis
DeFazio	McCarthy (NY)	Stark
DeGette	McCollum	Strickland
Dingell	McDermott	Stupak
Doggett	McGovern	Tanner
Doyle	McNulty	Terry
Ehlers	Meehan	Thompson (MS)
Emanuel	Meek (FL)	Tierney
Engel	Meeks (NY)	Towns
Evans	Menendez	Udall (CO)
Farr	Michaud	Udall (NM)
Fattah	Millender	Van Hollen
Filner	McDonald	Velázquez
Ford	Miller (NC)	Waters
Frank (MA)	Moore	Watson
Green (TX)	Moran (KS)	Watt
Green (WI)	Moran (VA)	Waxman
Grijalva	Nadler	Weiner
Gutierrez	Napolitano	Wexler
Hersteth	Neal (MA)	Wu

NOES—241

Aderholt	Gillmor	Ortiz
Akin	Gingrey	Osborne
Bachus	Gonzalez	Ose
Baker	Goode	Otter
Ballenger	Goodlatte	Oxley
Barrett (SC)	Gordon	Pastor
Bass	Goss	Pearce
Beauprez	Granger	Pelosi
Bell	Graves	Pence
Bereuter	Greenwood	Petri
Berry	Gutknecht	Pickering
Biggert	Hall	Pitts
Bilirakis	Harris	Platts
Bishop (UT)	Hart	Pombo
Blackburn	Hayes	Porter
Blunt	Hayworth	Portman
Boehner	Hefley	Putnam
Bonilla	Hensarling	Quinn
Bonner	Herger	Radanovich
Bono	Hill	Regula
Boozman	Hobson	Rehberg
Boucher	Hoekstra	Renzi
Bradley (NH)	Holden	Reyes
Brady (PA)	Honda	Rogers (AL)
Brady (TX)	Hostettler	Rogers (KY)
Brown (SC)	Hulshof	Rogers (MI)
Brown-Waite,	Hunter	Rohrabacher
Ginny	Hyde	Ros-Lehtinen
Burns	Issa	Ross
Burr	Istook	Royce
Burton (IN)	Jenkins	Sanchez, Loretta
Buyer	Johnson (CT)	Sandlin
Calvert	Johnson, E. B.	Saxton
Camp	Johnson, Sam	Schiff
Cannon	Kanjorski	Schrock
Cantor	Keller	Scott (GA)
Capito	Kennedy (MN)	Sessions
Cardoza	King (IA)	Shadegg
Carson (OK)	King (NY)	Shaw
Carter	Kingston	Sherwood
Castle	Kirk	Shimkus
Chabot	Kline	Shuster
Chandler	Knollenberg	Simpson
Chocola	Kolbe	Skelton
Cole	LaHood	Smith (TX)
Cox	Lantos	Smith (WA)
Cramer	Larson (CT)	Snyder
Crane	LaTourette	Souder
Crenshaw	Lewis (CA)	Spratt
Culberson	Lewis (KY)	Stearns
Davis (TN)	Linder	Stenholm
Davis, Jo Ann	LoBiondo	Sullivan
Davis, Tom	Lofgren	Sweeney
DeLauro	Lucas (KY)	Tancred
DeLay	Lucas (OK)	Tauscher
DeMint	Lynch	Taylor (MS)
Diaz-Balart, L.	Manzullo	Taylor (NC)
Diaz-Balart, M.	Marshall	Thompson (CA)
Doolittle	Matheson	Thornberry
Dreier	Matsui	Tiahrt
Duncan	McCotter	Tiberi
Edwards	McCrery	Toomey
Emerson	McHugh	Turner (OH)
English	McInnis	Turner (TX)
Eshoo	McIntyre	Upton
Etheridge	McKeon	Visclosky
Everett	Mica	Walden (OR)
Feeney	Miller (FL)	Walsh
Ferguson	Miller (MI)	Wamp
Flake	Miller, Gary	Weldon (FL)
Foley	Miller, George	Weldon (PA)
Forbes	Murphy	Weller
Fossella	Murtha	Whitfield
Guthrie	Musgrave	Wicker
Franks (AZ)	Myrick	Wilson (NM)
Frelinghuysen	Nethercutt	Wilson (SC)
Frost	Neugebauer	Wolf
Gallegly	Ney	Woolsey
Garrett (NJ)	Northup	Wynn
Gerlach	Norwood	Young (FL)
Gibbons	Nunes	
Gilchrest		

NOT VOTING—42

Dooley (CA)	Mollohan
Dunn	Paul
Gephardt	Peterson (PA)
Harman	Pryce (OH)
Hastings (FL)	Reynolds
Hastings (WA)	Rodriguez
Houghton	Rothman
Isakson	Ryun (KS)
John	Slaughter
Jones (NC)	Smith (MI)
Kilpatrick	Tauzin
Lewis (GA)	Thomas
Lipinski	Vitter
McCarthy (MO)	Young (AK)

□ 1224

Messrs. BEAUPREZ, BARRETT of South Carolina, BRADY of Texas, CARDOZA, LYNCH, HONDA, CHANDLER, and DAVIS of Tennessee changed their vote from “aye” to “no.”

Messrs. JOHNSON of Illinois, SHERMAN, BARTLETT of Maryland, COSTELLO, DOGGETT, TERRY, NUSSLE, RAMSTAD, EHLERS, BISHOP of Georgia, HOLT, and Ms. ROYBAL-ALLARD changed their vote from “no” to “aye.”

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Ms. MCCARTHY of Missouri. Mr. Chairman, on rollcall No. 321, I was unavoidably detained. Had I been present, I would have voted “aye.”

AMENDMENT OFFERED BY MRS. WILSON OF NEW MEXICO

The CHAIRMAN pro tempore (Mr. LINDER). The pending business is the demand for a recorded vote on the amendment offered by the gentlewoman from New Mexico (Mrs. WILSON) 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 163, noes 224, not voting 46, as follows:

[Roll No. 322]

AYES—163

Abercrombie	Evans	Kind
Allen	Farr	Kleczka
Andrews	Filner	Kucinich
Baca	Flake	Langevin
Baldwin	Foley	Lantos
Bass	Fossella	Larsen (WA)
Becerra	Frank (MA)	Leach
Bereuter	Franks (AZ)	Lee
Berkley	Gibbons	Lucas (OK)
Blumenauer	Gilchrest	Majette
Bono	Gillmor	Maloney
Boswell	Gonzalez	Manzullo
Boucher	Gordon	Markley
Bradley (NH)	Graves	Marshall
Brady (TX)	Green (WI)	Matheson
Brown (OH)	Greenwood	McCarthy (NY)
Cardin	Grijalva	McCollum
Carson (OK)	Gutierrez	McDermott
Case	Hayworth	McIntyre
Chabot	Hefley	McNulty
Chandler	Hensarling	Meehan
Conyers	Hersteth	Michaud
Cooper	Hinchey	Millender
Cox	Hinojosa	McDonald
Crowley	Hoeffel	Miller (NC)
Davis (AL)	Holt	Miller, Gary
Davis (IL)	Hoolley (OR)	Moore
Davis, Tom	Hulshof	Moran (KS)
DeFazio	Inslee	Musgrave
DeGette	Jackson (IL)	Nadler
DeLauro	Jackson-Lee	Napolitano
Diaz-Balart, L.	(TX)	Norwood
Diaz-Balart, M.	Jefferson	Obey
Dingell	Johnson (CT)	Otter
Doggett	Jones (OH)	Owens
Ehlers	Kaptur	Payne
Engel	Kelly	Pearce
English	Kennedy (RI)	Pitts
Etheridge	Kildee	Pomeroy

Porter
Price (NC)
Radanovich
Rangel
Renzi
Rohrabacher
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sánchez, Linda
T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky

Schiff
Scott (VA)
Sensenbrenner
Shadegg
Sherman
Shimkus
Simmons
Skelton
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Sullivan
Taylor (MS)

Thornberry
Tierney
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Walden (OR)
Watson
Waxman
Weiner
Weller
Wexler
Wilson (NM)
Woolsey
Wu

Cunningham
Deal (GA)
Delahunt
Deutsch
Dicks
Dooley (CA)
Dunn
Gephardt
Harman
Hastings (FL)
Hastings (WA)
Houghton
Hunter

Isakson
John
Jones (NC)
Kilpatrick
King (NY)
Lewis (GA)
Lipinski
Lowey
Matsui
McCarthy (MO)
Mollohan
Paul
Peterson (PA)

Pryce (OH)
Reynolds
Rodriguez
Rothman
Ryun (KS)
Slaughter
Smith (MI)
Tauzin
Thomas
Vitter
Young (AK)

Serrano
Shays
Sherman
Skelton
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland

Stupak
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez

Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—235

NOES—224

Aderholt
Akin
Alexander
Bachus
Baird
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Beauprez
Bell
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Boozman
Brady (PA)
Brown (SC)
Brown, Corrine
Brown-Waite,
Ginny
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carter
Castle
Chocola
Chocola
Clyburn
Cole
Costello
Cramer
Crane
Crenshaw
Culberson
Cumming
Davis (CA)
Davis (FL)
Davis (TN)
Davis, Jo Ann
DeLay
DeMint
Doolittle
Doyle
Dreier
Duncan
Edwards
Emanuel
Emerson
Eshoo
Everett
Fattah
Feeney
Ferguson
Forbes
Ford
Frelinghuysen
Frost

Gallely
Garrett (NJ)
Gerlach
Gingrey
Goode
Granger
Green (TX)
Gutknecht
Hall
Harris
Hart
Hayes
Herger
Hill
Hobson
Hoekstra
Holden
Honda
Hostettler
Hoyer
Hyde
Israel
Issa
Istook
Jenkins
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Kanjorski
Keller
Kennedy (MN)
King (IA)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Lampson
Larson (CT)
Latham
LaTourette
Levin
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lucas (KY)
Lynch
McCotter
McCrery
McGovern
McHugh
McInnis
McKeon
Meek (FL)
Meeks (NY)
Menendez
Mica
Miller (FL)
Miller (MI)
Miller, George
Moran (VA)
Murphy
Murtha
Myrick
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Nunes

Nussle
Oberstar
Olver
Ortiz
Osborne
Ose
Oxley
Pallone
Pascarell
Pastor
Pelosi
Pence
Peterson (MN)
Petri
Pickering
Platts
Pombo
Portman
Putnam
Quinn
Rahall
Ramstad
Regula
Rehberg
Reyes
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Roybal-Allard
Sabo
Saxton
Schrock
Scott (GA)
Serrano
Sessions
Shaw
Shays
Sherwood
Shuster
Simpson
Smith (TX)
Souder
Stearns
Stenholm
Stupak
Sweeney
Tancredo
Tanner
Tauscher
Taylor (NC)
Terry
Thompson (CA)
Thompson (MS)
Tiahrt
Tiberi
Toomey
Towns
Turner (OH)
Upton
Velázquez
Visclosky
Walsh
Wamp
Waters
Watt
Weldon (FL)
Weldon (PA)
Whitfield
Wicker
Wilson (SC)
Wolf
Wynn
Young (FL)

NOT VOTING—46

Ackerman
Barton (TX)
Berman

Boyd
Burgess
Carson (IN)
Coble
Collins
Cubin

□ 1431

Mr. THOMPSON of California changed his vote from “aye” to “no.” So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Ms. MCCARTHY of Missouri. Mr. Chairman, on rollcall No. 322 I was unavoidably detained. Had I been present, I would have voted “aye.”

AMENDMENT OFFERED BY MEEHAN

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Massachusetts (Mr. MEEHAN) 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 151, noes 235, not voting 47, as follows:

[Roll No. 323]

AYES—151

Abercrombie
Allen
Andrews
Baca
Baird
Baldwin
Beckerra
Bell
Berkley
Bishop (NY)
Blumenauer
Boswell
Cardin
Bradley (NH)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Case
Chandler
Clay
Clyburn
Conyers
Cooper
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
DeLauro
Dingell
Doggett
Emanuel
Engel
Etheridge
Evans
Fattah

Filner
Ford
Frank (MA)
Gonzalez
Gordon
Green (WI)
Grijalva
Gutierrez
Hersteth
Hinchey
Hoeffel
Holt
Hooley (OR)
Inslee
Moran (IL)
Jackson-Lee
(TX)
Jefferson
Johnson, E. B.
Kaptur
Kennedy (RI)
Kildee
Kind
Kleczka
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lynch
Majette
Maloney
Markey
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott

McGovern
McIntyre
McNulty
Meehan
Meeks (NY)
Menendez
Michaud
Millender-
McDonald
Miller (NC)
Miller, George
Moore
Moran (VA)
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Owens
Pallone
Pascarell
Payne
Pelosi
Peterson (MN)
Petri
Pomeroy
Price (NC)
Rahall
Rangel
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda
T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Scott (VA)
Sensenbrenner

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Bass
Beauprez
Bereuter
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boucher
Brady (PA)
Brady (TX)
Brown (SC)
Brown-Waite,
Ginny
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carson (OK)
Carter
Castle
Chabot
Chocola
Cole
Costello
Cox
Cramer
Crane
Crenshaw
Culberson
Davis (TN)
Davis, Jo Ann
Davis, Tom
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Doyle
Dreier
Duncan
Edwards
Ehlers
Emerson
English
Eshoo
Everett
Farr
Feeney
Ferguson
Flake
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)

Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (TX)
Greenwood
Gutknecht
Hall
Harris
Hart
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinojosa
Hobson
Hoekstra
Holden
Honda
Hostettler
Hoyer
Hulshof
Hyde
Israel
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (OH)
Kanjorski
Keller
Kelly
Kennedy (MN)
King (IA)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Lampson
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lucas (KY)
Lucas (OK)
Manzullo
Marshall
McCotter
McCrery
McHugh
McInnis
McKeon
Meek (FL)
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Nethercutt
Neugebauer

Ney
Northup
Norwood
Nunes
Nussle
Ortiz
Osborne
Ose
Otter
Oxley
Pastor
Pearce
Pence
Pickering
Pitts
Platts
Pombo
Porter
Portman
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reyes
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Roybal-Allard
Royce
Ryan (WI)
Sandlin
Saxton
Schrock
Scott (GA)
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (TX)
Souder
Stearns
Stenholm
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (NC)
Terry
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Visclosky
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (FL)

NOT VOTING—47

Ackerman
Ballenger
Barton (TX)
Berman

Boyd
Burgess
Carson (IN)
Coble

Collins
Cubin
Cunningham
Deal (GA)

Rodriguez
Rothman
Ryun (KS)
Sabo
Slaughter
Smith (MI)
Tauzin
Thomas
Vitter
Young (AK)

□ 1446

Burton (IN)
Buyer
Calvert
Camp
Cannon
Santon

Bonilla

Capps
 Capuano
 Cardin
 Cardoza
 Carson (OK)
 Carter
 Case
 Castle
 Chabot
 Chandler
 Chocola
 Clay
 Clyburn
 Cole
 Conyers

NOT VOTING—46

Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
DeFazio
DeGette
DeLauro
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Doggett
Doolittle
Doyle
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Foley
Forbes
Ford
Fossella
Frank (MA)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harris
Hart
Hayes
Hayworth
Heger
Herseth
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hoyer
Hulshof
Hunter
Hyde
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee
(TX)
Jefferson

Jenkins
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kind
King (IA)
Kingston
Kirk
Klecza
Kline
Knollenberg
Kolbe
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeke (NY)
Menendez
Mica
Michaud
Millender
McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell

Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sanchez, Linda
T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schroek
Scott (GA)
Scott (VA)
Serrano
Sessions
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancred
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)

Weldon (PA)
Wexler
Whitfield
Wicker

Wilson (NM)
Wilson (SC)
Wolf
Woolsey

Wu
Wynn
Young (FL)

NAYS—16

Andrews
Berkley
Flake
Franks (AZ)
Gibbons
Hefley
Hensarling
Hostettler
Kucinich
Porter
Royce
Sensenbrenner

Shadegg
Stearns
Terry
Toomey

NOT VOTING—47

Ackerman
Ballenger
Barton (TX)
Berman
Boyd
Burgess
Carson (IN)
Coble
Collins
Cubin
Cunningham
Deal (GA)
DeLaunt
Deutsch
Dicks
Dooley (CA)
Dunn
Gephardt
Harman
Hastings (FL)
Hastings (WA)
Houghton
Isakson
John
Jones (NC)
Kilpatrick
King (NY)
Lewis (GA)
Lipinski
Lowey
McCarthy (MO)
Mollohan
Paul
Peterson (PA)
Pryce (OH)
Reynolds
Rodriguez
Rothman
Ryun (KS)
Sabo
Slaughter
Smith (MI)
Tauzin
Thomas
Vitter
Weller
Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The **SPEAKER** pro tempore (Mr. **FOLEY**) (during the vote). Members are advised there are 2 minutes in which to record their votes.

□ 1504

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Ms. **MCCARTHY** of Missouri. Mr. Speaker, on rollcall No. 325, I was unavoidably detained. Had I been present, I would have voted "yea."

PERSONAL EXPLANATION

Ms. **SLAUGHTER**. Mr. Speaker, I was unable to be present for rollcall votes 320, 321, 322, 323, 324, and 325. Had I been present, I would have voted "aye" on rollcall votes 321, 322, 323, and 325. I would have voted "nay" on 320 and 324.

PERSONAL EXPLANATION

Ms. **KILPATRICK**. Mr. Speaker, personal reasons prevent me from being present for legislative business scheduled for today, Friday, June 25, 2004. Had I been present, I would have voted "aye" on the amendment offered by Mr. **SANDERS** (rollcall No. 321); "no" on the amendment offered by Mrs. **WILSON** of New Mexico (rollcall No. 322); "aye" on the amendment offered by Mr. **MEEHAN** (rollcall No. 323); "no" on the amendment offered by Mr. **HEFLEY** (rollcall No. 324); and "aye" on final passage of H.R. 4614, the Energy and Water Appropriations Act for Fiscal Year 2005 (rollcall No. 325).

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed without amendment bills of the House of the following titles:

H.R. 1731. An act to amend title 18, United States Code, to establish penalties for aggravated identity theft, and for other purposes.

H.R. 3846. An act to authorize the Secretary of Agriculture and the Secretary of the Interior to enter into an agreement or contract with Indian tribes meeting certain criteria to carry out projects to protect Indian forest land.

The message also announced that the Senate has passed bills of the following titles in which the concurrence of the House is requested:

S. 1292. An act to establish a servitude and emancipation archival research clearing-house in the National Archives.

S. 1932. An act to provide criminal penalties for unauthorized recording of motion pictures in a motion picture exhibition facility, to provide criminal and civil penalties for unauthorized distribution of commercial prerelease copyrighted works, and for other purposes.

S. 2192. An act to amend title 35, United States Code, to promote cooperative research involving universities, the public sector, and private enterprises.

S. 2237. An act to amend chapter 5 of title 17, United States Code, to authorize civil copyright enforcement by the Attorney General, and for other purposes.

PERMISSION FOR COMMITTEE ON SCIENCE TO HAVE UNTIL 4 P.M., FRIDAY, JULY 2, 2004 TO FILE SUNDRY REPORTS

Mr. **BOEHLERT**. Mr. Speaker, I ask unanimous consent that the Committee on Science be allowed to file the following reports by 4:00 p.m. Friday, July 2:

H.R. 4218, High Performance Computing Revitalization Act of 2004; H.R. 4516, Department of Energy High-End Computing Revitalization Act of 2004; H.R. 3890, To Reauthorize the Steel and Aluminum Energy Conservation and Technology Competitiveness Act of 1988; H.R. 3598, Manufacturing Technology Competitiveness Act of 2004; and H.R. 3980, National Windstorm Impact Reduction Act of 2004.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from New York.

There was no objection.

PERMISSION FOR COMMITTEE ON FINANCIAL SERVICES TO HAVE UNTIL MIDNIGHT JULY 2, 2004, TO FILE REPORT ON H.R. 3574, REQUIRING MANDATORY EXPENSING OF STOCK OPTIONS GRANTED TO EXECUTIVE OFFICERS

Mr. **BOEHLERT**. Mr. Speaker, I ask unanimous consent that the Committee on Financial Services have until midnight on July 2, 2004, to file its report on H.R. 3574, a bill to require the mandatory expensing of stock options granted to executive officers and for other purposes.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.