

Jones (OH)	Moore (WI)	Saxton
Kanjorski	Moran (KS)	Schakowsky
Kaptur	Moran (VA)	Schiff
Keller	Murphy	Schwartz (PA)
Kennedy (MN)	Murtha	Schwarz (MI)
Kildee	Musgrave	Scott (GA)
Kilpatrick (MI)	Myrick	Scott (VA)
Kind	Nadler	Sensenbrenner
King (IA)	Napolitano	Serrano
King (NY)	Neal (MA)	Sessions
Kingston	Neugebauer	Shadegg
Kirk	Northup	Ney
Kline	Norwood	Shays
Knollenberg	Nunes	Sherman
Kolbe	Nussle	Sherwood
Kucinich	Oberstar	Shimkus
Kuhl (NY)	Obey	Shuster
LaHood	Olver	Simmons
Langevin	Ortiz	Simpson
Lantos	Osborne	Skelton
Larsen (WA)	Otter	Slaughter
Larson (CT)	Owens	Smith (NJ)
Latham	Oxley	Smith (TX)
LaTourette	Pallone	Smith (WA)
Leach	Pascrell	Snyder
Lee	Pastor	Sodrel
Levin	Paul	Solis
Lewis (CA)	Payne	Souder
Lewis (GA)	Pearce	Spratt
Lewis (KY)	Pelosi	Stark
Linder	Pence	Stearns
Lipinski	Peterson (MN)	Stupak
LoBiondo	Peterson (PA)	Sullivan
Loftgren, Zoe	Petri	Tancredo
Lowey	Pickering	Tanner
Lucas	Pitts	Tauscher
Lungren, Daniel E.	Platts	Taylor (MS)
Lynch	Poe	Taylor (NC)
Mack	Pombo	Terry
Maloney	Pomeroy	Thomas
Manzullo	Porter	Thompson (CA)
Marchant	Portman	Thompson (MS)
Markey	Price (GA)	Thornberry
Marshall	Price (NC)	Tiahrt
Matheson	Pryce (OH)	Tiberi
Matsui	Putnam	Tierney
McCarthy	Radanovich	Towns
McCaul (TX)	Rahall	Turner
McCollum (MN)	Ramstad	Udall (CO)
McCotter	Rangel	Udall (NM)
McCrery	Regula	Upton
McDermott	Rehberg	Van Hollen
McGovern	Reichert	Velázquez
McHenry	Renzi	Visclosky
McHugh	Reyes	Walden (OR)
McIntyre	Reynolds	Walsh
McKeon	Rogers (AL)	Wamp
McKinney	Rogers (KY)	Wasserman
McMorris	Rogers (MI)	Schultz
McNulty	Rohrabacher	Waters
Meehan	Ros-Lehtinen	Watson
Meek (FL)	Ross	Watt
Meeks (NY)	Rothman	Waxman
Melancon	Roybal-Allard	Weiner
Menendez	Royce	Weldon (FL)
Mica	Ruppersberger	Weldon (PA)
Michaud	Rush	Westmoreland
Millender-McDonald	Ryan (OH)	Wexler
Miller (FL)	Ryan (WI)	Whitfield
Miller (MI)	Ryan (KS)	Wicker
Miller (NC)	Sabo	Wilson (NM)
Miller, Gary	Salazar	Wilson (SC)
Miller, George	Sánchez, Linda T.	Wolf
Mollohan	Sanchez, Loretta Sanders	Woolsey
Moore (KS)		Wu
		Wynn

## NOT VOTING—12

Bachus	Gohmert	Sweeney
Case	Kelly	Weller
DeGette	Kennedy (RI)	Young (AK)
Diaz-Balart, L.	Strickland	Young (FL)

□ 1345

So (two-thirds having voted in favor thereof) the rules were suspended and the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

The title of the resolution was amended so as to read: "Resolution recognizing the University of Pittsburgh, Dr. Jonas Salk, the University of Michigan, and Dr. Thomas Francis,

Jr., on the fiftieth anniversary of the discovery and the declaration that the Salk polio vaccine was potent, virtually eliminating the disease and its harmful effects."

A motion to reconsider was laid on the table.

Stated for:

Mr. GOHMERT. Mr. Speaker, on rollcall No. 114 I was inadvertently detained. Had I been present, I would have voted "yea."

PROVIDING FOR CONSIDERATION OF H.R. 6, ENERGY POLICY ACT OF 2005

The SPEAKER pro tempore. The gentleman from Texas (Mr. SESSIONS) is recognized for 1 hour.

Mr. SESSIONS. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Massachusetts (Mr. MCGOVERN), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, this rule being considered on the floor today is a very balanced rule that makes in order 22 Democratic amendments, three bipartisan amendments and five Republican amendments. This means that of the 30 amendments that we will be considering here on the floor over the next 2 days, over 80 percent of them have been substantially authored by a Democrat, giving the minority party a fair and public opportunity to come to the floor and debate how their dissenting views could improve this legislation.

Mr. Speaker, I rise in strong support of this legislation which improves and strengthens our country's national energy policy. American prosperity and American jobs rely upon energy that is abundant, affordable and reliable. Having access to save affordable energy is fundamental to America's success, both as a Nation and to each and every one of us as individual Americans and certainly our families.

The safe and reliable energy available here in America has brought economic growth, jobs, freedom, and the highest quality of life in human history. This is why the gentleman from Texas (Mr. BARTON), my good friend, has invested so much of his committee's time and effort in bringing a product to the floor today that takes important steps to ensuring that secure and reliable energy for our country is made available.

The legislation that we consider here on the floor today ensures that American producers can meet the demands placed upon them by consumers while also creating incentives to modernize the way we find, develop, and produce energy. The Energy Policy Act of 2005 will create jobs here in America as we promote innovation, new conservation requirements, and new domestic energy sources. Reliable sources of energy also will secure millions of existing jobs over the decades, and producing more domestic energy will mean Americans

can worry less about whether the outcomes of distant conflicts will mean fewer jobs, less growth, and reduced opportunity.

Some of the most important accomplishments of this legislation include improving our Nation's electricity transmission capacity and reliability; promoting a cleaner environment by encouraging new innovations and the use of alternate power sources; promoting clean coal technology; and providing incentives for renewable energies such as biomass, wind, solar, and hydroelectricity; providing leadership in energy conservation; clarifying the Federal Government's role in siting liquefied natural gas, known as LNG, facilities; decreasing America's dangerous dependence on foreign oil; and encouraging more nuclear and hydro-power production.

The provisions in this legislation will also create hundreds of thousands of jobs due to the costs associated with the current high energy prices. The new jobs will be in all sectors, including manufacturing, construction, agriculture, and technology.

Another important benefit of this legislation is its crucial energy conservation and environmental protection measures that will improve the quality of life for all Americans for decades to come. Among other things that the bill will do, it will make the Federal Government a leading-edge creator and consumer of energy-efficient technologies; it will fund a state-of-the-art project and program to get hydrogen fuel-cell vehicles on the road by 2020; it will improve regulation on hydroelectric dams to allow for more hydroelectric power generation while preserving existing protections for the environment; increasing funding for the Department of Energy's Clean Cities program; authorize two new Clean School Bus programs; take critical steps towards reducing greenhouse gas emissions; and will bring much-needed supplies of natural gas to the public by allowing for more natural gas exploration, transportation, and development.

Further, it will increase America's use of solar energy; it will contain a renewable fuels requirement to add 5 billion gallons per year of ethanol and other renewable-based fuel to the Nation's gasoline supply; it will provide \$1.8 billion for the Clean Coal Power initiative; and it will increase funding for the Department of Transportation to continue its already very important work on incorporating average fuel economy standards.

Mr. Speaker, I am very proud of these accomplishments that are being made by this legislation and would like to take this opportunity to commend the hard work of many committee chairmen who have toiled late into the night, along with their staffs, for the production of this bill, including the gentleman from Texas (Chairman BARTON), the gentleman from California (Chairman POMBO), the gentleman from

California (Chairman THOMAS), and the gentleman from New York (Chairman Boehlert), and crafting this important legislation on behalf of American families and workers. I encourage all of my colleagues to support this very important not only fair rule but also the underlying legislation.

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

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

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

Mr. MCGOVERN. Mr. Speaker, I thank the gentleman from Texas (Mr. SESSIONS) for yielding me the customary 30 minutes.

Mr. Speaker, last week the Republican leadership made a mockery of the democratic process with the bankruptcy bill by closing debate and not even allowing one amendment to that important bill. There was outrage across the country. And today we are considering the rule for another important bill, the energy bill, and the Committee on Rules made in order 31 amendments this time. I can only hope that the pressure to be fair is finally getting to them.

But while this may seem to be a small step in the right direction, it is a far cry from where this House should be. And once again a majority of amendments were shut out from receiving a vote on the floor. Important amendments on important issues like global warming, a topic not even mentioned once in this bill, and MTBE liability protection were denied a vote by the heavy hand of the Committee on Rules and the Republican leadership. So we still have a long way to go before democracy is restored in this House.

As for the underlying bill, we have seen this movie before. Two years ago the energy bill did nothing to help consumers with high energy costs. It did nothing to help the environment. It hurt taxpayers. It was a lousy piece of legislation. And it failed, rightly, to reach the President's desk.

It is déjà vu all over again. It is a new Congress. There is a new bill number and a new name for the bill. But let us be clear. This bill is actually worse than the bill the House considered in the last Congress.

Mr. Speaker, once again I will vote against this bill because it is nothing more than a giveaway to the oil, gas, and other energy industries at a time when they do not need these giveaways, because it will not lower energy prices for consumers, because it does not reduce our Nation's dependency on foreign oil, and because it harms the environment.

Our Nation is facing a severe energy crisis. Since January of 2001, the price of crude oil has more than doubled, reaching an all-time high just last week of \$58 per barrel. In just the last 7 weeks, gasoline prices have ballooned to \$2.28 per gallon nationwide. In my home State of Massachusetts, gas

prices have risen over 40 cents per gallon in just 1 year. There the average driver has been forced to bear the financial burden of this dramatic increase, paying an additional \$330 each year since 2000. That is a tax increase courtesy of the Bush administration and the Republican Congress.

And despite this reality, the bill we are debating today does absolutely nothing to address the rising price of gas. Instead, it gives kickbacks in the form of tax breaks and subsidies to oil and gas companies, which will actually increase the price of gas at the pump. In all, the energy industry would receive \$8 billion in tax breaks under this bill despite their record-high profits.

President Bush is no friend of the environment, but at least he had the sense to propose some exploration of renewable energy sources. The President's budget called for \$6.7 billion in tax breaks for energy with 72 percent of these tax breaks going toward renewable sources of energy and energy efficiency. But under this bill, only 6 percent of the \$8 billion in tax breaks goes for the renewable sources of energy and energy efficiency.

It seems impossible, but the House Republicans have actually made the President look like an environmentalist. In a recent statement before the American Society of Newspaper Editors, President Bush said, "I will tell you with \$55 oil, we don't need incentives to oil and gas companies to explore. There are plenty of incentives. What we need is to put a strategy in place that will help this country over time become less dependent."

If the President is really looking for that sensible strategy, he will not find it in this bill.

So if this bill does not help control the price of gas at the pump, decrease our dependence on foreign oil, or invest in renewable sources of energy, what does it do?

Unique to this year's legislation is section 320, language which would give the Federal Energy Regulatory Commission, FERC, sole authority to make decisions regarding the construction, expansion, and operation of liquefied natural gas facilities, LNGs. Currently both FERC and States play a role in the siting and environmental review of the proposed LNG facilities.

And the current process, Mr. Speaker, has not halted the construction of new LNG facilities. So why is this provision in the bill? To date, neither the House nor the Senate has held a single hearing on this issue in supporting this language. The LNG provision in this bill directly undermines the ability of State and local officials to ensure that any new LNG facility is not sited in an area where it could pose a danger to the surrounding community.

On November 21, 2003, the Department of Homeland Security warned of an increase risk of terrorist attacks, noting of particular concern al Qaeda's continued interest in targeting liquid natural gas, chemical, and other hazardous materials facilities.

In my district there is a proposal to construct an LNG storage tank in Fall River. If approved, the actual site would be just 1,200 feet from homes and over 9,000 people live within a 1-mile radius of the tank. The tankers that would deliver the LNG would have to pass under two bridges in Rhode Island and two bridges in Massachusetts. I could not think of a worse location for these tankers if I tried. So if this site were approved, thousands of American citizens would be in danger from an explosion or a spill.

To their credit, like many other State and local communities, the residents of Fall River, led by Mayor Ed Lambert, have been on the frontlines fighting against this LNG facility. They have instead pushed for more remote siting, in areas less densely populated. But if this bill passes, cities like Fall River would have little ability to block or influence the siting of future LNG facilities.

So I am pleased that the rule makes in order the Castle-Markey amendment, which would strike section 320 from the bill; and I urge my colleagues to join me in voting for this amendment. And, Mr. Speaker, I insert into the RECORD a letter of opposition to section 320 from Mayor Ed Lambert from Fall River this morning.

CITY OF FALL RIVER,

Fall River, MA, April 20, 2005.

DEAR MEMBERS OF CONGRESS: I am writing to express my concerns with language contained within the current draft of the energy bill. As the Mayor of a community involved in this debate over LNG import terminal siting, I am concerned that language currently contained within this draft of the energy bill would severely minimize or take away the right of local and state governments to participate in the process of siting LNG import terminals.

It appears to me that this bill would seek to give FERC overreaching authority when it comes to siting LNG import terminals. I find it ironic that those who normally argue for states' rights would want to give the federal government such broad and sweeping powers. Further, I am not convinced that we are currently engaged in a process that would appropriately balance energy interests with homeland security concerns. Mark Prescott, Chief of the Coast Guard's Deepwater Ports Standards Division was recently quoted in an April 3, 2005 *Newsday* article as saying, "Is it easier to protect an offshore facility? Probably not, but the consequences of something happening there are far less than the consequences of something happening in a ship channel in the middle of a city." If the Coast Guard recognizes that LNG import terminals, if placed in offshore or remote settings would pose less of a risk to the public in the event of an incident, then why doesn't the rest of our government? In this same article the Coast Guard also spoke to the issue of security for LNG tankers in offshore or remote settings vs. an onshore setting. The costs for bringing LNG tankers into heavily populated areas are extremely high and very burdensome for the governmental entities that must not only pick up the costs but also the increased responsibilities. I believe that these issues, security and putting additional burdens on our already overtaxed Coast Guard and Department of Homeland Security as well as associated costs are all very important matters to consider. The goal of

this bill as it is currently worded appears to be to place private energy interests above all else.

In conclusion, I vehemently oppose, and believe that other local and state officials around the country involved with this LNG import terminal siting debate would also oppose, any attempts to remove or abridge a state or local community's right to be involved with any and all review processes that pertain to LNG import terminals. The goal of the federal government should be to listen to what state and local governments have to say and to use that input to set good national policy when it comes to siting these terminals. Anything less than that is a dereliction of duty.

Thank you for your time and consideration.

Very truly yours,

EDWARD M. LAMBERT, JR.,

Mayor.

Mr. Speaker, we have heard about the MTBE provision in this bill. I will not go into detail about that again, but let me say that the gentlewoman from California (Mrs. CAPPs) brought forward a very thoughtful amendment regarding MTBE. This is a very real problem in many communities across the country, and the Republican leadership should have at least had the guts to allow an up-or-down vote on the Capps amendment. I can only assume that the leadership is once again protecting their corporate friends from a vote that they know they would lose.

Finally, this legislation would open the Arctic National Wildlife Refuge, one of our Nation's few remaining environmental treasures, to oil and drilling. For years the oil industry has targeted this coastal plain; and under the guise of national security, they have argued that without access to oil in the Arctic, we will continue to be dependent upon foreign oil. Though it is certainly a good soundbite, the reality is that even under the most optimistic scenarios, oil from the refuge would meet a tiny fraction of this country's needs.

So let us be clear. Big Oil's priorities go beyond ANWR. Opening ANWR to drilling sets a precedent for the opening of other protected areas in the future. So to my friends in California and Florida, they should know one thing: they are probably next.

Mr. Speaker, I cannot say it more simply than this: the Energy Policy Act is a bad bill, and it must be defeated. This bill will destroy the environment, reward special interests at the expense of consumers and taxpayers, and limit States' rights.

We have a once-in-a-lifetime opportunity to reduce and eliminate our dependency on foreign oil. We have an opportunity to develop wind and fuel-cell technology. We have an opportunity to reduce the amount of greenhouse gases and combat global warming. This bill squanders those opportunities.

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

Mr. SESSIONS. Mr. Speaker I yield myself such time as I may consume.

This bill is pro-consumer. This energy bill is pro-growth for our economy

in this country. And the Republican majority owes a great deal of the strength and ability of this strong bill to a strong leader that we have, and at this time I would like to yield time to that gentleman.

Mr. Speaker, I yield 3 minutes to the gentleman from San Dimas, California (Mr. DREIER), chairman of the Committee on Rules.

Mr. DREIER. I thank the gentleman for yielding me this time, and I appreciate his managing this rule.

Mr. Speaker, gasoline prices, gasoline prices, gasoline prices. That is what my constituents are talking to me about. And they do not need to talk to me about it. All I need to do is go and try to fill my car up myself, which I do, and I will tell the Members that it is very clear that those prices have continued to increase.

□ 1400

They are increasing, in large part, because of global demand and the fact that we have to do everything that we possibly can to ensure that we move in the direction of alternative sources of energy and making sure that we have access to obtain domestic energy self-sufficiency.

We have a rule here which is a very fair and balanced rule. I wish we could have made a lot more amendments in order, but we made 30 amendments in order on this measure. In the 107th Congress, we made 16 amendments in order; in the 108th Congress, 22 amendments made in order; and now, in the 109th Congress, 30 amendments made in order.

Twenty-two of those 30 amendments were offered by Democrats. Three of those 30 amendments made in order are bipartisan amendments, Democrats and Republicans joining together to offer amendments, and five of those 30 amendments are offered by Republicans. I believe that we are going to allow for the debate to take place on a wide range of issues.

I want to congratulate all of my colleagues and committee chairmen who have worked on this. The gentleman from Texas (Mr. BARTON), the gentleman from California (Mr. THOMAS), the gentleman from New York (Mr. BOEHLERT), and my good friend, the gentleman from California (Mr. POMBO), who is here in the Chamber.

Lots of people have worked to fashion this very, very important piece of legislation. It has been in the works for 6 years. We have been this close, this close to making it happen in the past, Mr. Speaker, and unfortunately, the fact that we have not been able to make it happen in the past has played a role in increasing the cost of gasoline, has played a role in ensuring that we have not been able to pursue alternative sources of energy, has played a role in making us more dependent on foreign sources of oil.

So, Mr. Speaker, I will say that I believe that we now are on the verge of what will be another great bipartisan victory in this Congress.

I am very proud that Democrats and Republicans have come together in large numbers on both sides to pass bankruptcy reform legislation, class action reform legislation, our Continuity of Congress bill, permanent repeal of the death tax, and passage of the REAL I.D. Border Security Act. All of these measures have passed with between 42 and 122 Democrats joining with Republicans to make sure they pass.

Tomorrow, we are going to pass out this measure, again with strong, bipartisan support, ensuring that we work together to get the work of the American people done.

Support this rule and support the passage of this very important legislation.

Mr. MCGOVERN. Mr. Speaker, I yield 2½ minutes to the distinguished minority whip, the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Speaker, I heard the previous speaker's comment. This is not a bipartisan bill. That does not mean that some Democrats will not vote for it, but none of the ranking members were involved in this policy, and they are not voting for it.

Mr. Speaker, the United States of America needs an energy strategy that not only reduces our Nation's dependence on foreign sources of oil, but also strengthens our national security.

As a bipartisan group of 26 national security officials, including Robert McFarlane, President Reagan's National Security Adviser, and Jim Woolsey, President Clinton's CIA Director, recently stated in a letter to President Bush: "It should be a top national security priority of the United States to significantly reduce its consumption of foreign oil. The United States' dependence on imported petroleum poses a risk to our homeland security and to our economic well-being."

Yet, Mr. Speaker, this Republican energy bill does virtually nothing to reduce our dependence on petroleum products. In fact, at a time of record profits for the oil and gas industries, these traditional energy producers stand to reap 93 percent of the tax incentives in this bill, or \$7.5 billion.

Do we know who said they did not need it? The President of the United States, George W. Bush said that just a day ago.

Renewable energy and conservation receive only 7 percent of the resources allotted in this bill. This bill is simply a rehash of the same policies and incentives that have made us more, not less, energy dependent.

It would provide more than \$22 billion to the oil and gas and other energy industries in tax breaks, direct spending, and authorizations. Does anybody who is paying \$2.50 or \$3 at the pump think that the energy companies are hurting for dollars? I think not.

It would shift the costs of MTBE cleanup from manufacturers to the American taxpayers. I think most Americans do not think that is a good

policy. Furthermore, the problem with it is, that is why we do not have an energy bill, because the majority leader demanded of the Senate that that be in there, and the Senate would not take it.

It would weaken the Clean Air Act and, unbelievably, this Republican bill would actually increase gas prices by 3 cents per gallon, according to the Bush administration's own Energy Department. Apparently, this Republican majority believes you need to pay more for gasoline.

There is a reason that this energy bill is going nowhere fast. It is bad policy, and it fails to address the energy needs of this great Nation. I urge my colleagues to oppose it.

Mr. SESSIONS. Mr. Speaker, I yield 2 minutes to the gentlewoman from Tennessee (Mrs. BLACKBURN).

Mrs. BLACKBURN. Mr. Speaker, this is interesting, hearing our colleagues talk about this bill. I think that people and many of our colleagues know that this bill has been born out over 4 years of hard work, hundreds of hearings, hundreds of hours of testimony. It is a balanced bill. Mr. Speaker, I certainly believe it is one that bridges the needs that we have today with where we need to be in the future as we look to renewable energy sources and alternative sources.

One of the things that the chairman mentioned a few moments ago is bipartisan support that we have had on some of our initiatives, and certainly we feel like we will see this on the energy bill. We saw it in committee, and I would commend the gentleman from Texas (Chairman BARTON) for the wonderful work he did on the bill in committee.

Over the past few weeks, we had 122 Democrats that voted with us on the continuity of government bill, 50 Democrats voted with us on class action, 73 Democrats voted with us on bankruptcy reform, and 42 supported us on repeal of the death tax, and our REAL I.D. Act. I hope this is a sign of things to come, that there will be bipartisan cooperation as we look to this energy bill, because it is a fair bill. It is a fair rule that addresses this bill.

Mr. Speaker, supporting this rule and supporting this bill is good for small business. It is great for American small business, for Main Street, for jobs creation. We have an economy that has created nearly 2 million jobs in the past couple of years, 3 million jobs in the past couple of years. We are excited about what is happening with the growth of the economy. We know that this bill is going to do good work in continuing to support Main Street, support our small business community, support our small business manufacturers, and will address some of the concerns they have about energy policy, oil policy, electrical policy and how it affects the business that they carry forth every day.

Mr. Speaker, I encourage my colleagues to support the rule and to support the bill.

Mr. McGOVERN. Mr. Speaker, I yield 3 minutes to the distinguished gentlewoman from New York (Ms. SLAUGHTER), the ranking Democrat of the House Committee on Rules.

Ms. SLAUGHTER. Mr. Speaker, I appreciate that we are debating a rule, for a change, that provides Members of the House a chance to offer their ideas about how we can improve the country's energy policies. We had almost 90 amendments submitted to the Committee on Rules and we were granted 30 of them. I think we can still do better than that, but it sure is better than last week's closed rule on the bankruptcy bill. In fact, this rule even makes an amendment in order that I offered. I think it is the first one I have gotten in about 9 years, and I do want to tell my colleagues that I am happy to have it, because it will save the government a lot of money.

I urge my colleagues to closely follow the debate we are having on this bill today and tomorrow because, in its current form, I believe it has the wrong priorities. At a time when oil companies are enjoying record profits, the bill gives billions of dollars in new subsidies. It gives 94 percent of its benefits to the oil and gas industry, and only 6 percent to conservation and renewable energy efforts, which are the areas that really make the country energy independent.

This brand of taxpayer-funded corporate welfare is so off the mark that even President Bush, a former energy executive himself, recently stated that oil companies have all the incentives they need to keep on drilling in the form of \$50 a barrel crude.

Americans already are shelling out their hard-earned cash for the most expensive gasoline in our history. We should not ask them to give out even more in the form of corporate giveaways for the oil companies.

One of the things we will hear today and that we have been hearing for years now is that the way to reduce our use of foreign oil is to drill in the Arctic National Wildlife Refuge in Alaska. We hear claims that in a few years, ANWR will be producing 10 billion barrels a day and all of our problems will be solved. Well, Mr. Speaker, the governor of Alaska says he does not know if there is any oil in there at all.

Now, I know we have debated this issue before, but take another look at it, because recent press reports expose the ANWR drilling issue for the political Trojan horse that it is. The New York Times reported in February, and I will submit this for the RECORD, that the oil companies do not think there is much, or any, marketable oil in the Arctic Refuge.

Back in the 1980s, they drilled a couple of test holes in ANWR, and they certainly were not very excited about what they found, because even though they have held the results close to their chests, two of the companies that drilled those holes have pulled out of going to ANWR. In fact, they are say-

ing that that is of no use to them. Over the past several years, Chevron Texaco, British Petroleum, and ConocoPhillips have all withdrawn from the group that lobbies for drilling in ANWR.

So if the major oil companies, the people who are the experts in the field, the folks we depend on to do the drilling, if they do not think there is oil there, then why are we doing it? Because it is a Trojan horse. They claim if they do not have the right to drill in ANWR, they will not have any right to drill where the oil really is, and that is off the coast of Florida, off the coast of California, and in the Gulf of Mexico, which is where they really want to go.

So pay close attention here because if this passes, the next oil exploration may be in your backyard.

The material previously referred to follows:

[From the New York Times, Feb. 21, 2005]

BIG OIL STEPS ASIDE IN BATTLE OVER ARCTIC  
(By Jeff Gerth)

WASHINGTON, Feb. 20—George W. Bush first proposed drilling for oil in a small part of the Arctic National Wildlife Refuge in Alaska in 2000, after oil industry experts helped his presidential campaign develop an energy plan. Five years later, he is pushing the proposal again, saying the nation urgently needs to increase domestic production.

But if Mr. Bush's drilling plan passes in Congress after what is expected to be a fierce fight, it may prove to be a triumph of politics over geology.

Once allied, the administration and the oil industry are now far apart on the issue. The major oil companies are largely uninterested in drilling in the refuge, skeptical about the potential there. Even the plan's most optimistic backers agree that any oil from the refuge would meet only a tiny fraction of America's needs.

While Democrats have repeatedly blocked the drilling plan, many legislators believe it has its best chance of passage this year, because of a Republican-led White House and Congress and tighter energy supplies. Though the oil industry is on the sidelines, the president still has plenty of allies. The Alaska Congressional delegation is eager for the revenue and jobs drilling could provide. Other legislators favor exploring the refuge because more promising prospects, like drilling off the coasts of Florida or California, are not politically palatable. And many Republicans hope to claim opening the refuge to exploration as a victory in the long-running conflict between development interests and environmentalists.

The refuge is a symbol of that larger debate, said Senator Lisa Murkowski, an Alaska Republican who is a major supporter of drilling. Opponents agree. "This is the No. 1 environmental battle of the decade," said Representative Edward J. Markey, Democrat of Massachusetts.

Whether that battle will be worthwhile, though, is not clear. Neither advocates nor critics can answer a crucial question: how much oil lies beneath the wilderness where the administration wants to permit drilling?

Advocates cite a 1998 government study that estimated the part of the refuge proposed for drilling might hold 10 billion barrels of oil. But only one test well has been drilled, in the 1980's, and its results are one of the industry's most closely guarded secrets.

A Bush adviser says the major oil companies have a dimmer view of the refuge's prospects than the administration does. "If the

government gave them the leases for free they wouldn't take them," said the adviser, who would speak only anonymously because of his position. "No oil company really cares about ANWR," the adviser said, using an acronym for the refuge, pronounced "an-war."

Wayne Kelley, who worked in Alaska as a petroleum engineer for Halliburton, the oil services corporation, and is now managing director of RSK, an oil consulting company, said the refuge's potential could "only be determined by drilling."

"The enthusiasm of government officials about ANWR exceeds that of industry because oil companies are driven by market forces, investing resources in direct proportion to the economic potential, and the evidence so far about ANWR is not promising," Mr. Kelley said.

The project has long been on Mr. Bush's agenda. When he formulated a national energy policy during the 2000 campaign he turned to the oil industry for help. Heading the effort was Hunter Hunt, a top executive of the Hunt Oil Company, based in Dallas.

The Bush energy advisers endorsed opening a small part—less than 10 percent of the 19-million-acre refuge—to oil exploration, an idea first proposed more than two decades ago. The refuge, their report stated, "could eventually produce more than the amount of oil the United States now imports from Iraq."

The plan criticized President Bill Clinton's energy policies, both in the Middle East, where most of the world's oil lies, and in the United States. In 1995 Mr. Clinton vetoed legislation that authorized leasing in the Alaska refuge. An earlier opportunity to open it collapsed after oil spilled into Alaskan waters in 1989 from the Exxon Valdez. Subsequent efforts, including one in Mr. Bush's first term, also failed.

Mr. Hunt, through an aide, declined an interview request. Others who advised Mr. Bush on his energy plan said including the refuge was seen as a political maneuver to open the door to more geologically promising prospects off the coasts of California and Florida. Those areas, where tests have found oil, have been blocked for years by federal moratoriums because of political and environmental concerns.

"If you can't do ANWR," said Matthew R. Simmons, a Houston investment banker for the energy industry and a Bush adviser in 2000, "you'll never be able to drill in the promising areas."

Shortly after assuming office, Mr. Bush asked Vice President Dick Cheney to lead an examination of energy policy. A May 2001 report by a task force Mr. Cheney assembled echoed many of Mr. Bush's campaign promises, including opening up part of the refuge. The report called for further study of the Gulf of Mexico and other areas. The next year, Mr. Bush said "our national security makes it urgent" to explore the refuge.

By then, the industry was moving in the opposite direction. In 2002 BP withdrew financial support from Arctic Power, a lobbying group financed by the state of Alaska, after an earlier withdrawal by Chevron Texaco. BP, long active in Alaska, later moved its team of executives to Houston from Alaska, a company executive said.

"We're leaving this to the American public to sort out," said Ronnie Chappell, a BP spokesman, of the refuge. About a year ago, ConocoPhillips also stopped its financial support for Arctic Power, said Kristi A. DesJarlais, a company spokeswoman.

Ms. DesJarlais said her company had a "conceptual interest" in the refuge but "a more immediate interest in opportunities elsewhere."

Other companies have taken similar positions. George L. Kirkland, an executive vice

president of Chevron Texaco, said a still-banned section in the Gulf of Mexico, where the company has already drilled, was of more immediate interest. ExxonMobil also has shown little public enthusiasm for the refuge. Lee R. Raymond, the chairman and chief executive, said in an television interview last December, "I don't know if there is anything in ANWR or not."

For the Interior Department, however, the refuge is the best land-based opportunity to find new oil. Any lease revenues, estimated by the department to be \$2.4 billion in 2007, would be split between the federal and state governments. Advocates say oil production could reach one million barrels per day. In a decade from now, when the site might be fully developed, that would be about 4 percent of American consumption, according to federal forecasts.

David L. Bernhardt, deputy chief of staff to the secretary of the interior, cited a 1998 study by the United States Geological Survey estimating that the refuge might hold 10.4 billion barrels of recoverable oil. (The estimate for offshore oil is 76 billion barrels.)

But that study has significant weaknesses, which Mr. Bernhardt acknowledged. Its estimates are of "petroleum resources"—potential oil deposits—instead of "petroleum reserves," which refers to oil that has been discovered.

Ken Bird, a geological survey official who worked on the study, said the federal geologists did not have access to test data from the only exploratory well drilled on the refuge, by Chevron Texaco and BP in the 1980's. An official with one of the companies, speaking anonymously because of the confidentiality of the test, said that if the results had been encouraging the company would be more engaged in the political effort to open the refuge.

There has not been much discussion about the refuge between the companies and the Bush administration, according to industry and government officials.

"I don't think I've talked to the oil industry over the last several years about the economic potential of ANWR," Mr. Bernhardt said.

The relationship between the administration and the oil industry has been a flashpoint for critics of Mr. Bush. Democrats, upset that Mr. Cheney refused to disclose information about his task force meetings with industry executives, see a cozy alliance.

Their concerns are heightened because of the former ties between the industry and Mr. Bush and Mr. Cheney and the administration's stance on issues like climate change. The president once headed a small exploration company, and Mr. Cheney previously was chief executive of Halliburton.

"Big oil," Senator John Kerry said in last year's presidential campaign, now calls "the White House their home."

Some industry executives say their views are more aligned with those of Republicans on a broad range of issues including regulation, the environment and energy supply, and they were heartened by the initial pronouncements of the Bush administration. But some say they feel let down by Mr. Bush's inability to lift bans on oil exploration.

"When this administration came in, the president and the vice president recognized there was a problem of energy supply and demand," said Tom Fry, the executive director of the National Offshore Industries Association. But Mr. Cheney's task force, Mr. Fry said, talked only about offshore drilling as something to be studied. "They never say they will lift the moratoria," he said.

Mr. SESSIONS. Mr. Speaker, I yield 2 minutes to the gentleman from Nebraska (Mr. TERRY).

Mr. TERRY. Mr. Speaker, I rise in support of the rule and the bill.

This legislation is perhaps the most important bill we will deal with in this session. The lack of a comprehensive energy plan is hurting our families and our economy. Global energy demand is soaring, America's natural resources are finite and flat, rising energy imports are driving record trade deficits as runaway energy costs drag down the U.S. economy. Unless we implement a long-term, comprehensive energy plan, Americans will pay even more to heat their homes, drive their cars to work, and feed their families and provide other essentials for our loved ones.

For the Members of this Chamber, this bill is our opportunity to ensure a better future. The Committee on Energy and Commerce, along with other committees of jurisdiction, have produced an energy bill that recognizes today's needs while preparing for the future.

To meet today's energy needs, this legislation does several things. It expands the Nation's natural gas supply, primarily by clarifying the Federal Government's role in LNG facilities. It increases our supplies of gasoline and diesel by adding new refineries, limiting the number of specialty blends, and establishing a 5-billion-gallon renewable fuel standard.

This energy bill adds diversity to our energy portfolio by encouraging more nuclear power, clean coal, and renewable energies. It doubles our efforts in energy conservation and efficiency, it reduces America's dangerous dependence on foreign oil, and improves our Nation's electrical transmissions.

But this energy bill looks beyond the horizon as well. By boosting the use of hydrogen fuel cells, microturbines, and other forms of new energy technologies, we can begin preparing to meet the energy demands of tomorrow. I was proud to work with my colleague from across the aisle, the gentleman from Pennsylvania (Mr. DOYLE) to double the authorized funding for this year's hydrogen title. It is just one of many forward-thinking provisions in this legislation.

The energy sector represents a \$650 billion piece of the American economy. It is the engine that powers other sectors of the U.S. economy, and I urge my colleagues to vote "yes" on the rule and the bill.

Mr. MCGOVERN. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. MATSUI), our distinguished new Member of the Committee on Rules.

Ms. MATSUI. Mr. Speaker, I thank the gentleman from Massachusetts for yielding me this time.

I rise in opposition to this rule and to the underlying bill. The Republican majority has brought to the Floor a bill that subsidizes the past at the expense of the future, and we should not vote for it.

I am particularly troubled about the amnesty this bill gives to MTBE polluters and the effect it has on my home

State of California. In 1990, the oil industry began adding MTBE to gasoline in order to make it burn cleaner. The industry knew that MTBE was a harsh groundwater pollutant and had safe alternatives at its fingertips.

□ 1415

But the industry used MTBE anyway. 25 years later, over 18,000 water systems in 29 States are infected with MTBE, including three wells in my home district of Sacramento.

Making our drinking water clean will cost an estimated \$29 billion nationwide. I think polluters should pay that bill. Our cities and towns agree. Not surprisingly, however, the Texas-based MTBE manufacturers think they deserve a bailout. So they went to their friends in Washington, and the Republican majority gave them a blanket amnesty for cleaning up their pollution. It is unbelievable and our constituents should be horrified.

Mr. Speaker, we should be investing in renewables and conservation. We should be strengthening our natural security by reducing our dependence on foreign oil. We should be doing a lot of things today. Protecting guilty polluters is not one of them.

I urge my colleagues to defeat this rule and the underlying bill.

Mr. SESSIONS. Mr. Speaker, I yield 2 minutes to the gentleman from Oklahoma (Mr. SULLIVAN).

Mr. SULLIVAN. Mr. Speaker, we need an energy policy desperately in this country. We needed it 30 years ago. This is an excellent bill. It addresses the energy policy in a very comprehensive way. It addresses oil and gas. It addresses conservation which people over here say it does not, and it does; environmental issues, electrical, hydropower, everything is addressed, nuclear. It is a very comprehensive bill.

And we need this for many perspectives, but most importantly passing this very important bill is important for National security issues as well as jobs and economic development.

You know, people talk about high gas prices in this country, and people go back to their districts and say that gas is high. Well, one way we can reduce the cost of gasoline for everyone in this country is we expand refining capacity in this country. And we address this in this bill.

Right now our refineries are operating at almost maximum capacity. Like our chairman said in the committee, if we added five new refineries today in America, it still would not address the demand that we have. In many instances when we do get oil and gas drilled here domestically, sometimes we have to send that oil to another country to refine it, and we buy it back at a higher value.

That is what third world countries do, and we need to stop that. It is very important that we address the ANWR situation, and open ANWR. And a lot of the environmentalists will say, we cannot do that, it might hurt some species

of some animal or insect. But we need to think of the human species from time to time. If we open ANWR, if you put it in perspective, if it was the size of the OU football field, the area that we are talking about drilling in would be the size of a postage stamp on that football field.

And the beauty of it is, we can produce oil, experts say, at least 2 million barrels a day out of ANWR, and that is exactly what we were importing from Saddam Hussein in Iraq before all of this 9/11 happened.

It is asinine that we rely so much on foreign oil, especially in areas around the world that we have carpet-bombed. It is ridiculous. So we need to spur domestic production, support this very important comprehensive energy bill that is for jobs and economic development, as well as a National security issue for this country. I urge my colleagues to support it.

Mr. MCGOVERN. Mr. Speaker, I yield 2½ minutes to the gentleman from Michigan (Mr. DINGELL), the dean of the House and the ranking Democrat on the Energy and Commerce Committee.

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

Mr. DINGELL. Mr. Speaker, I thank the gentleman from Massachusetts (Mr. MCGOVERN) for yielding me this time. This is a bad bill. It is a bad rule, unfair; and the procedure is unfair and bad.

The rule does not allow an amendment that I submitted with the gentleman from New York (Mr. BOEHLERT) and the gentleman from New Mexico (Mr. UDALL), which related to the outrageous hydroelectric relicensing provisions in the bill; nor does it allow an amendment by the gentlewoman from California (Mrs. CAPPS) to strike the unjustified and unjustifiable gifts to the producers of MTBE.

And last of all, it denies the gentleman from Michigan (Mr. STUPAK) the right to offer an amendment to stop natural gas and oil companies from drilling in the Great Lakes. I tried to fix the hydroelectric section of this bill, which creates new rights and procedures for the licensing of dams that generate electricity from our rivers.

It gives these rights only to one group of people, the electrical utilities. Others who have legitimate concerns, the cities, the sportsmen, the States, the Indian tribes, the conservationists, the irrigators, farmers or ranchers are not afforded that same right, a grotesquely unfair procedure.

The bill also allows utilities alone to propose alternatives to the resource provisions recommended by the Secretaries of the Interior, Agriculture Or Commerce, that must, must be accepted if they meet certain criteria. Again, none of the legitimate other parties to the procedures are given this right.

This is grotesquely unfair. The rivers produce power. They are public re-

sources, not the playthings of private utilities. The amendment we submitted would have corrected a number of the most egregious abuses unless in this section we apply the new rights to all parties in equal fashion. But by not allowing this amendment, that is foreclosed.

The bill also forecloses a vote on the billions of dollars bestowed in this bill to producers of MTBE. Again, a grotesquely and unfair and unwise proposal.

Finally, the gentleman from Michigan (Mr. STUPAK) sought to offer a simple, straightforward amendment prohibiting any State or Federal permit to lease for new oil and gas drilling in or under the Great Lakes, one of the great treasures, 20 percent of the water in the world, the free fresh water which is so important to us. Are we being allowed to debate and vote on this amendment which would inconvenience powerful oil and gas producers? The answer to that is no.

I urge my colleagues to reject this rule. I urge my colleagues to see to it that we teach the Rules Committee that their function is to facilitate debate, not to deny Members the opportunity to discuss matters of importance on this floor. This is the people's House, not the residents of a group of special interests, but it gives every appearance of that. It rather smells that way.

Mr. SESSIONS. Mr. Speaker, a gentleman who came to the Rules Committee last night to seek the opportunity to debate today this very important energy bill is here with us today.

Mr. Speaker, I yield 2 minutes to the gentleman from Tennessee (Mr. WAMP).

Mr. WAMP. Mr. Speaker, I thank the gentleman for yielding time to me. I am torn, I will have to tell you. I support the President, and I support the President's request for a national energy policy.

But he sent a request for \$6.7 billion of tax incentives, 72 percent of which was for renewables and energy efficiency; and this base bill has 6 percent of the total for those two very important functions given the crisis that we face today.

I am the cochairman of the Renewable Energy and Energy Efficiency Caucus. Over half of the House are members. We asked for four amendments last night to ratchet this back up some, just a little; and all four were denied. That is not right.

Yet there are so many important things in this bill. So I am torn. I do not want to vote against the new residential personal 15 percent tax credit for photovoltaics that does not exist today, or the 20 percent tax credit for homeowners to install energy-efficiency improvements to their home, or Charlie Bass's billion dollar rebate program for investment in renewable energy.

But I am telling you, all of it together is 6 percent instead of 72 percent that our President asked us for. I am

for the President. I am for his plan. And I hope that the conference report after we work with the Senate has it all in there, because no one in this House wants an energy policy more than me. I have worked for a decade as an appropriator on those important investments, yet I asked for amendments to improve this bill, and every one of them was denied.

Mr. FRANK of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. WAMP. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Speaker, I appreciate the honesty of the gentleman. Let me suggest the way that he can reunite himself: help us vote down the rule. That will not jeopardize the bill. When the rule is voted down, the Rules Committee will have to do the right thing.

Mr. WAMP. Reclaiming my time, Mr. Speaker, I want to move the process forward. I want to get to the Senate. But I want a bill that is good for America. And I want the President's proposal. I want the 72 percent on renewables and energy efficiency and alternatives and clean fuels, extend the tax credit so people will drive these hybrid cars. This does not even extend that tax credit. It is not enough. We need to do more.

Mr. MCGOVERN. Mr. Speaker, I yield 1½ minutes to the gentlewoman from California (Ms. ESHOO.)

(Ms. ESHOO asked and was given permission to revise and extend her remarks, and include extraneous material.)

Ms. ESHOO. Mr. Speaker, I thank the gentleman for yielding me this time. I rise in opposition to this rule. The State of California sends \$50 billion more to the Federal Government while getting nothing in return for that \$50 billion.

With this bill, Californians are being asked to sacrifice even more while getting nothing in return. Here are some examples: according to the Department of Energy, the bill will raise gasoline prices by 8 cents a gallon. I think that that is an outrage.

The bill's MTBE liability waiver will let refiners off the hook for cleaning up drinking water that has been contaminated by their product. Local governments are going to have to pay the entire cost. And the CBO has said this is an unfunded mandate.

The bill will undermine the ability of States to ensure that liquefied natural gas terminals are sited and operate safely. The bill will undermine States' appeals rights under the Coastal Zone Management Act.

The bill paves the way for building energy facilities on the outer continental shelf, including areas subject to gas and oil drilling.

In listening to State leaders about this bill, I could not find anyone, from the Governor on down, who has said that this is a wonderful bill and it should be supported and passed. Instead, I have heard many concerns,

from the Lieutenant Governor, from members of the Governor's cabinet, the attorney general, the coastal commission, the Public Utilities Commission, local governments, and water utilities.

Mr. Speaker, I will include in the RECORD a packet of letters from the coastal commission, the California PUC, the lieutenant governor, and the California Ocean Protection Council.

Under this rule, I do not think we even have the opportunity to debate and vote on the most important amendments dealing with them.

I ask my colleagues, particularly my California colleagues, to join me in voting against the rule and the underlying bill.

The letters previously referred to are as follows:

HOUSE OF REPRESENTATIVES,  
Washington, DC, April 19, 2005.

Re House Consideration of Comprehensive Energy Legislation.

Hon. ARNOLD SCHWARZENEGGER,  
Governor, State Capitol Building,  
Sacramento, California.

DEAR GOVERNOR SCHWARZENEGGER, On April 13th, our committees (the House Committee on Energy and Commerce and the House Committee on Resources) completed work on elements of a comprehensive energy bill that will come before the full House of Representatives as soon as April 20th.

After participating in the debate and reviewing the products that emerged from our respective committees, we foresee serious dangers for the State of California if this legislation is enacted.

While the delegation has received your letter supporting the removal of the participant funding section from the electricity title of the bill, we have not heard from you about other provisions that will more directly and immediately affect California. As we and other members of the delegation determine how to best represent the interests of our State, we believe it's important to understand your views on some of the key provisions before us as well as your overall position on the legislation.

Most of the elements of the legislation are not new. They were part of the conference report on H.R. 6, which was considered by the House and Senate in 2003. Among the few new provisions are those that would further disadvantage our State. We've described below some of the provisions that we consider most troubling for California.

LIQUEFIED NATURAL GAS (LNG) FACILITY SITING  
(NEW PROVISIONS)

The bill will hand over exclusive jurisdiction for the siting of liquefied natural gas (LNG) facilities to the Federal Energy Regulatory Commission (FERC), preventing the states from having a role in approving the location of LNG terminals and the conditions under which these terminals must operate. In addition, states will have to seek FERC permission before conducting safety inspections, and they will be barred from taking any independent enforcement action against LNG terminal operators for safety violations. Finally, for the next six years, LNG terminal operators will be allowed to withhold underutilized capacity from other LNG suppliers. In other words, LNG terminal operators can legally exercise market power to drive up the cost of natural gas. When the El Paso Corporation and its independent affiliates allegedly conspired to withhold natural gas pipeline capacity in order to inflate the costs of natural gas and electricity in California in 2000 and 2001, the State sought relief from FERC and the courts. El Paso

eventually agreed to a \$1.5 billion settlement to partially compensate California consumers for its anticompetitive actions. Under this bill, it would become legal for an LNG terminal operator to engage in similar anticompetitive behavior.

For these reasons, the provision is unanimously opposed by the California Public Utilities Commission, which, as you know, is fighting FERC in the courts for jurisdiction over an LNG terminal in the heart of the Port of Long Beach. This provision is also opposed by the California Ocean Protection Council, which includes two members of your cabinet, and the California Coastal Commission.

EROSION OF STATES' RIGHTS UNDER THE COASTAL ZONE MANAGEMENT ACT (CZMA) (PROVISIONS FROM H.R. 6)

The bill weakens California's rights under the Coastal Zone Management Act to object to a FERC-approved coastal pipeline or energy facility project when the project is inconsistent with the State's federally-approved coastal management program. Currently when there is a disagreement about a project, the Secretary of Commerce, through an administrative appeals process, determines whether and under what conditions the project can go forward. States can present new evidence supporting their arguments to the Secretary. Under this bill, states will not be allowed to present new evidence to the Secretary, and the Secretary will not be allowed to seek out evidence on his or her own. The Secretary will only be allowed to rely on the record compiled by FERC. Furthermore, the bill imposes an expedited timeline for appeals, which may not allow a full review of the facts. The California Coastal Commission and the California Ocean Protection Council oppose this provision.

ENERGY RELATED FACILITIES ON THE OUTER CONTINENTAL SHELF (OCS) (PROVISIONS FROM H.R. 6)

The bill will give the Department of Interior permitting authority for "alternative" energy projects, such as wind projects, situated on the Outer Continental Shelf (OCS). It also grants the Department of Interior authority to permit other types of energy facilities, including facilities to "support the exploration, development, production, transportation, or storage of oil, natural gas, or other minerals." These facilities could be permitted within coastal areas currently subject to congressional moratoria on oil and gas leasing. (Again, both the California Coastal Commission and the California Ocean Protection Council have indicated that they oppose this provision.)

ETHANOL MANDATE (PROVISION FROM H.R. 6)

The Clean Air Act's two percent oxygenate requirement forces refiners selling gasoline in California to blend more ethanol into their fuel than is needed for air quality purposes. Instead of improving air quality, the unnecessary use of ethanol is increasing pollution in parts of the State, according to a preliminary report from the California Air Resources Board. The oxygenate requirement is also adding to the cost of fuel. Last year, you asked the U.S. EPA to waive the oxygenate requirement, and last week, 50 members of the California congressional delegation reiterated support for your request in a letter to Acting EPA Administrator Stephen L. Johnson.

Under the energy bill coming before the House, however, California refiners will have to blend even more ethanol into their gasoline or pay (in the form of credit purchases) not to use it. Two years ago, a Department of Energy analysis of this provision indicated that it could add more than 8 cents to

the cost of a gallon of gasoline. In a time of skyrocketing gas prices, this new mandate amounts to hidden tax on California motorists, which will subsidize a single industry located largely in the Midwest.

While some have argued that the ethanol mandate will be a boon to California agriculture, we see no evidence to support this argument. According to the U.S. Energy Information Administration (EIA), the ethanol mandate will greatly expand production of corn-based ethanol, but only 0.2% of the nation's corn is produced in California. More important, EIA projects that the ethanol mandate will result in no increase in the production of cellulosic ethanol (ethanol made from agricultural and forestry residues and other resources), which is the primary type of ethanol that can be produced in California.

**MTBE LIABILITY WAIVER AND TRANSITION FUND (PROVISIONS FROM H.R. 6)**

The bill provides liability protection for the producers of the gasoline additive MTBE, hampering the efforts of local governments, water utilities, and others to hold producers and oil companies responsible for the costs of cleaning drinking water supplies that have been contaminated by MTBE. In California, South Lake Tahoe and Santa Monica have been able to reach settlements with the industry for the cleanup of their drinking water after successfully arguing that the industry sold a defective product. If the liability protection in the bill is enacted, then MTBE will be deemed a safe product and the industry will be relieved from virtually any obligation to pay cleanup costs. In June 2003, fourteen state attorneys general wrote in opposition to this provision, and the provision has been opposed by the U.S. Conference of Mayors, the National League of Cities, the National Association of Counties, the National Association of Towns and Townships, and the Association of California Water Agencies, among others.

**REFINERY REVITALIZATION (NEW PROVISIONS)**

This bill includes language which will require the Secretary of Energy to designate "refinery revitalization zones" in areas that have experienced mass layoffs or contain an idle refinery and have an unemployment rate that exceeds the national average by 10 percent. In areas that meet these criteria, the Secretary of Energy is given authority to site a new refinery within six months of receiving a petition for approval. The criteria outlined in the language would result in much of California being designated a "refinery revitalization zone," from Imperial to East Los Angeles and north of San Jose. In fact, more than half of California's 53 congressional districts would be subject to these provisions.

This language erodes the state, air board and communities permitting and enforcement authority for these refineries by granting sweeping new authority to the Department of Energy. The Department is empowered to coordinate and set binding deadlines for all federal authorizations and environmental reviews, including those currently conducted by air quality management districts. The Department of Energy, however, is not trained and experienced in issuing air permits and is not familiar with the various rules implemented by local agencies as part of the State Implementation Plan (SIP) required by the Clean Air Act. For these reasons, the South Coast Air Quality Management District has expressed serious reservations about this provision.

**PREEMPTING CALIFORNIA APPLIANCE EFFICIENCY STANDARDS (NEW PROVISION)**

An amendment added to the bill in the Energy and Commerce Committee will preempt

California's new efficiency standards for ceiling fans, pending the implementation of a federal standard. The U.S. Department of Energy has been notoriously slow in propounding efficiency standards, falling years behind statutory deadlines for setting or updating efficiency standards for other appliances, such as air conditioners. Preempting California and forcing it to wait indefinitely for a federal standard runs completely against the State's effort to reduce electricity demand. Indeed, the ceiling fan standard is part of a California Energy Commission demand reduction package that will reduce peak power demand by 1,000 megawatts within 10 years, saving consumers \$75 a year in energy costs and conserving as much power as can be generated by three large power plants.

**HYDROELECTRIC DAM RELICENSING (PROVISIONS FROM H.R. 6)**

The bill restructures the hydroelectric relicensing process to give special preference to dam operators. Other parties with legitimate interests in relicensing, including states, tribes, conservationists, farmers, and fishermen, would not be afforded the same opportunities.

Under current law, federal resource agencies can impose conditions on a hydroelectric license for the protection of natural resources and wildlife. Under the bill a dam operator, and only a dam operator, will be entitled to a trial-type hearing before a resource agency to dispute the evidence that the agency uses to justify placing conditions on a license. The bill also requires resource agencies to accept alternative license conditions proposed by a dam operator. Otherwise, the agencies must meet nearly impossible standards to justify a decision to deny the alternative.

River resources belong to more than dam operators. With licenses that last for up to 50 years, relicensing is one of the few chances to make sure that resources are adequately protected for all stakeholders. In California, there are more than 300 federally-regulated hydroelectric dams; over 200 will undergo relicensing in the next 10 to 15 years. Denying all stakeholders equal footing in the process is fundamentally unfair and is a recipe for protracted litigation.

**CONCLUSION**

We believe there are many other aspects of the legislation which will have a negative impact on our State, but these provisions clearly run contrary to the interests of California, and we believe they will undermine the policies and positions the State is pursuing under your Administration. Before the delegation votes on this legislation, Members should have the benefit of your views on these provisions and the bill as a whole. This legislation is too important a matter for the nation's largest state to be silent on.

Although time is short, the issues we've outlined have been in the public domain for the past several months, going back to November 2003 in most cases. Therefore, we ask for your input before the House votes on this legislation this week. Thank you for timely consideration of this important request.

Sincerely,

ANNA G. ESHOO,  
*Committee on Energy and Commerce.*

HENRY A. WAXMAN,  
*Committee on Energy and Commerce.*

LOIS CAPPES,  
*Committee on Energy and Commerce.*

GRACE F. NAPOLITANO,  
*Committee on Resources.*

GEORGE MILLER,

*Committee on Resources.*

HILDA L. SOLIS,  
*Committee on Energy and Commerce.*

CALIFORNIA OCEAN PROTECTION COUNCIL,  
*Sacramento, CA, April 4, 2005.*

Representative HENRY WAXMAN,  
*30th Congressional District, Rayburn House Office Building, Washington, DC.*

Representative ANNA G. ESHOO,  
*Longworth House Office Building, Washington, DC.*

Representative LOIS CAPPES,  
*23rd Congressional District, Longworth House Office Building, Washington, DC.*

Representative HILDA SOLIS,  
*32nd Congressional District, Longworth House Office Building, Washington, DC.*

DEAR REPRESENTATIVES WAXMAN, ESHOO, CAPPES AND SOLIS: Thank you for your March 15, 2005 letter to the California Ocean Protection Council regarding the pending national energy bill and your concerns about potential impact of this legislation on ocean and coastal protection.

The California Ocean Protection Act is intended to help California coordinate and act on ocean and coastal issues of statewide and national significance. The membership of the Council includes the Secretary of the Resources Agency, who serves as chairman, the Secretary of the California Environmental Protection Agency (Cal/EPA), and the Chair of the State Lands Commission, who is currently the Lieutenant Governor. One State Senator and one Assemblymember also are appointed to serve as non-voting members of the Council.

The Council is committed to maintaining California as a leader in ocean and coastal management. The Council stands ready to fully implement the California Ocean Protection Act and Governor Schwarzenegger's Ocean Action Plan. At our first meeting on March 21 the Council discussed the need to maintain strong ocean and coastal protection measures. As a Council we did not suggest a position on the energy bill, but reached consensus on the need to re-affirm California's position on the following ocean and coastal protection issues:

**Congressional Oil and Gas Moratorium.** The Council opposes any effort to lift the Congressional moratorium on offshore oil and gas leasing activities that has been protecting our shores since 1982.

**Coastal Zone Management Act.** The Council opposes efforts to reduce the ocean and coastal protections provided by the Coastal Zone Management Act.

**Liquefied Natural Gas Facility Siting.** The Council objects to efforts to reduce or eliminate a state's role in the siting of Liquefied Natural Gas facilities.

We appreciate the opportunity to provide input on these critical issues facing California and other coastal states. Please contact Brian Maird, assistant secretary for Ocean and Coastal Policy, California Resources Agency if you have additional questions, or would like to further engage California in efforts to protect and manage ocean and coastal resources. He can be reached at (916) 657-0198 or via e-mail at [brian@resources.ca.gov](mailto:brian@resources.ca.gov).

Sincerely,

MIKE CHRISMAN,  
*Chairman, California Ocean Protection Council, Secretary for Resources.*

CRUZ BUSTAMANTE,  
*California Lieutenant Governor.*

ALAN LLOYD,

Secretary for California EPA.

STATE OF CALIFORNIA,  
March 23, 2005.

Re Federal Legislation to Strip California of its Coastal Regulatory Authority.

Hon. ANNA ESHOO,  
California Congressional Representative,  
Palo Alto, CA.

DEAR CONGRESSWOMAN ESHOO: As Chair of the California State Lands Commission and a member of the newly-created California Ocean Protection Council, I am writing to express my strong opposition to the energy legislation currently pending in Congress.

California is world-renowned for its 1,100 miles of breathtaking coastline. Our ocean supports an abundance of marine life that is critical to the health of the world's ecosystem and our state's economy. A healthy ocean is inseparable from California's heritage and way of life. The proposed energy legislation is a threat to our state's environmental autonomy and coastal stewardship. Protecting our coast means protecting a vital asset of California's economy, as it provides more than \$450 billion and hundreds of thousands of jobs to our state.

The House Energy and Commerce Committee is currently reviewing substantial changes in federal energy policy, including the rewriting the Outer Continental Shelf Lands Act to grant the federal administration sweeping new authority over California's coastal management and role in planning for coastal development. These changes would give the Secretary of the Interior new authority over energy-related leases, easements and right-of-way issues without any role for the affected state. This invasion of states' rights would eliminate California's ability to adequately protect our coast.

Another concern to Californians is the federal government's effort to strip the state of the ability to determine the siting of liquefied natural gas (LNG) terminals. The state should be able to continue to play a meaningful role in determining the appropriate location of any gas terminal within the state's boundaries.

Finally, any proposal that would give way to the lifting of the moratorium on offshore oil drilling along our coast is abhorrent to the vast majority of California's voters and its public officials. The moratorium was put in place in 1990 by then-President George H.W. Bush. Californians continue to overwhelmingly support making the moratorium permanent.

On March 21, the other members of the Ocean Council joined me in expressing opposition to this "so-called" energy bill as the Council's first official act. Today, I ask that you let the voice of Californians prevail in any decisions being made about the future of our coast.

With kindest regards,

CRUZ M. BUSTAMANTE  
Lieutenant Governor.

CALIFORNIA COASTAL COMMISSION,  
San Francisco, CA, March 23, 2004.

Re Energy Bill, Title III Oil and Gas.  
Hon. JOE BARTON,  
House of Representatives, Washington, DC.  
Hon. JOHN DINGELL,  
House of Representatives, Washington, DC.

DEAR REPRESENTATIVES BARTON AND DINGELL: On behalf of the California Coastal Commission (the Commission), I write to express our strong objection to provisions in the Energy Bill that would compromise the Outer Continental Shelf (OCS) moratorium on oil drilling, seriously weaken the Coastal Zone Management Act (CZMA) protection of states rights, and eviscerate California's role in siting new liquefied natural gas (LNG) terminals. Relative to the OCS moratorium, the

legislation calls for a study that would open the door to carrying out an exploratory inventory of natural gas reserves within moratoria areas off the California coast. Such an inventory would seriously undermining the longstanding bipartisan legislative moratorium on new mineral leasing activity on submerged lands of the OCS that has been included in every Appropriations bill for more than twenty years. The effect of this provision is to weaken the prohibitions on oil and gas development off the California coast that were first put in place in 1990 through executive order by President George H. W. Bush and then extended to the year 2012 by President Bill Clinton.

The Commission also objects to proposed amendments to the CZMA. The proposed legislation would severely undercut the ability of coastal states to exercise their right to protect coastal resources pursuant to the federal consistency review provisions of the CZMA that have been law for more than thirty years. It would eliminate meaningful state participation in the appeal to the Secretary of Commerce of consistency decisions relative to OCS oil drilling and other federal activities by imposing unreasonable and unworkable time limitations for the processing of the appeal. The time limits set forth in the legislation are totally inadequate to enable the Secretary of Commerce to develop a complete record for the appeal and to review all the materials on which the decision must be based. Additionally, the unreasonably short time frame makes it nearly impossible for states to submit all necessary and appropriate information the Secretary must take into account in acting on the consistency appeal.

Finally, the Commission opposes the legislation's provisions to trump state's rights by giving the Federal Energy Regulatory Commission (FERC) authority over the siting of LNG terminals. The Commission objects to any amendments to the Natural Gas Act and Natural Gas Policy Act that would expand FERC's authority to preempt state regulations, condemn property for siting and construction of natural gas pipelines, and establish schedules and develop the exclusive record for administrative review of all State and Federal decisions under Federal law.

The energy legislation's provisions are directly contrary to California's strong interest in safeguarding its precious coastal resources from offshore oil and gas drilling-related activities. If you or your staff has questions, please contact Peter Douglas, Executive Director, at (415) 904-5201.

Sincerely,

MEG CALDWELL,  
Chair, California Coastal Commission.

PUBLIC UTILITIES COMMISSION,  
San Francisco, CA, April 11, 2005.

Re Energy Policy Act of 2005, Title III, Sec. 320 Proposed Amendments Concerning Siting of Liquefied Natural Gas Terminals  
Representative ANNA ESHOO,  
Washington, DC

DEAR REPRESENTATIVE ESHOO: The California Public Utilities Commission (CPUC) strongly opposes the liquefied natural gas (LNG) provisions in section 320 of title III of the Energy Policy Act of 2005 (EPAct), and urges you to vote in favor of any proposed amendment to strike section 320 from title III during markup, which we understand will take place on Tuesday, April 12, 2005. Section 320 would give the Federal Energy Regulatory Commission (FERC) exclusive jurisdiction over proposed liquefied natural gas (LNG) facilities. This disproportionate control in the hands of FERC could have very serious consequences for California, due to FERC's lack of understanding of local conditions, such as seismic issues, and refusal to have hearings to consider the views of safety

experts other than the consultants of the LNG project sponsors. The CPUC supports a more balanced approach in which amendments to the Natural Gas Act would provide for concurrent jurisdiction between the FERC and the States.

The CPUC agrees that LNG terminals are necessary. It is not a question for us should there be LNG terminals on the West Coast, including California. The real issue is how to make sure they are safely located, and what safeguards would be sufficient to mitigate the risks, especially for sites in densely populated areas. The CPUC is aware of at least seven different LNG proposals to serve Southern California. Whether the market would support more than two or three of them has been questioned by many experts. Similarly, of the 56 proposed LNG import terminals along the coast of North America, most of them will never be built due to market conditions. The point is that even without the LNG provisions in this bill, there will be new LNG terminals to meet our needs.

The LNG provisions in the proposed EPAct, if enacted, would severely undermine the careful evaluation of the safety issues that is necessary, particularly in densely populated areas, by depriving the States of decisionmaking authority, and by allowing the FERC to expedite the processes a control the administrative records. In addition, in sharp contrast to Europe and Japan, the LNG provisions would insulate the LNG terminal operators from any regulatory safeguards against their exercise of market power at least through January 1, 2011. As a result of these LNG provisions, California could end up with unsafe LNG terminals, which could pose daily risks to nearby communities, and California could be faced with the potential exercise of market power, like we faced during the energy crisis just four years ago.

These risks can be prevented or minimized if a more balanced approach, such as concurrent jurisdiction, were utilized. In that way, the States could apply their expertise, not to block LNG terminals, but to ensure that they are safely sited and some regulatory check could exist to protect the consumers. The consequences of these risks, if there were an accident, earthquake or terrorist attack at one of the California LNG terminals, would be to the nearby communities. The State of California should have decision-making authority and should not be made helpless and unable to protect the health and safety of our citizens. Similarly, if there were a new energy crisis caused by LNG terminal operators exercising market power, California utilities and their ratepayers would be the victims. The LNG provisions should be stricken from title III, so that the CPUC and other States can help prevent such a crisis from occurring.

This concurrent jurisdiction approach worked in the 1970s when the CPUC and the FERC both certificated proposed LNG facilities at Point Conception, instead of going forward with the initial proposal approved by the FERC at the City of Oxnard. Although the CPUC has been blamed for defending our jurisdiction over LNG terminals in California in the current litigation between the FERC and CPUC in the Ninth Circuit, the CPUC tried to resolve the dispute and work cooperatively with the FERC at the outset. It was the FERC, who resisted our efforts and chose to make this a test case for the courts. It was the FERC, who rejected the CPUC's request for a hearing in that proceeding even though the proposed LNG facilities at the Port of Long Beach would be

in a densely populated area and built on landfill with 27 active earthquake faults within 100 miles of it. Section 320 would give this same FERC exclusive authority over proposed LNG terminals in California and other States, and it provides only that FERC should consult with the State Commissions prior to the FERC issuing its order. This consultation requirement will not provide any protection for California citizens.

For these reasons, we urge you to oppose section 320 and vote in favor of striking the LNG provisions from the proposed EAct. We urge you to consider a more balanced approach, such as concurrent jurisdiction, which would combine the expertise of federal and state agencies, and result in real cooperation.

Sincerely,

MICHAEL R. PEEVEY,  
*President.*

Mr. SESSIONS. Mr. Speaker, I yield 2 minutes to the gentleman from Wisconsin (Mr. RYAN) a member of the Ways and Means Committee.

Mr. RYAN of Wisconsin. Mr. Speaker, I appreciate the gentleman yielding me this time. I want to talk about a very important issue that should appeal to all Republicans and Democrats in this House, and that is gas prices.

One provision that is included in this bill, the Boutique Fuel Reduction Act, is very, very important to reducing the price spikes that we are experiencing.

Let me just explain. This map right here of America looks like a piece of modern art. It shows you all of the different fuels we have running around America.

Because of the Clean Air Act, a very good law, we never thought about having a Federal fuel system, so today we have 18 different base blends of gasoline; throw the different octanes in there, we have 45 different fuels.

So we have a full distribution system, national in scope; we have pipelines and refineries that are meant to put one fuel out there for America that was built in the 1950s, 1960s, and 1970s, which was the last time that it was upgraded. Now, when we go from winter blend to summer blend gasoline, we throw all of these different blends into the system.

What that does for all of our consumers, our constituents, is it makes those boutique fuels short in supply and therefore high in price. It makes the system which is running at full capacity very vulnerable to price spikes if there is any hiccup in supply. This map of 45 different blends is a result.

The current ozone nonattainment areas, the blue areas on this map, 217 counties. But now with the new 8-hour ozone rule which has been released last year, takes effect in 2 years, 474 counties in America will now be out of attainment with respect to the ozone rule.

That is the red counties. That means we go from 217 counties to 474 counties that will have to select new blends of gasoline. What this bill does is it says let us get some common sense to this system. Let us have the Department of Energy and the EPA figure out a Federal fuel system so we can maintain

our clean air standards, but standardize our fuel blends so we can stabilize our supply of gasoline and therefore stabilize our price of gasoline.

If there is a problem in supply overnight, an immediate problem like we had in Arizona last year, Wisconsin on a couple of times with a pipeline break or a refinery fire, the EPA has waiver authority on a 20-day basis to fix that.

The second thing we do is we cap the amount of fuel blends so the problem does not get any worse now that we are running to the 8-hour rules. We can have clean air and cheap gas at the same time, Mr. Speaker. That is what this bill does. I urge adoption of this rule and this bill.

Mr. MCGOVERN. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. Mr. Speaker, this rule to begin with is further evidence of the contempt which the majority of this House has for something called democracy.

We have heard in a few brief minutes from both a Republican and a Democrat their unhappiness that important issues will not be brought forward.

Why? Well, we work probably all day today; we may work a half day tomorrow. So in this week when we could have worked many days and debated many amendments at length, we will have some not discussed at all and others discussed for a handful of minutes because this majority cannot be bothered with anything as cumbersome to them as open debate and having Members have to record themselves.

□ 1430

One of the issues which is given inadequate time, it is given some time but inadequate time, I think 10 minutes, is an outrageous effort by the majority to further diminish the ability of elected State governments to defend their own citizens.

State governments are sometimes popular around here and sometimes not. When State governments, democratically elected governors and legislatures, appear to be obstacles to letting major players in the energy industry get whatever they want, then they are to be diminished, they are to be dismissed, they are to be thrown out of the process.

With regard to liquefied natural gas terminals, a very important issue, an issue which has become more important because of their relevance to the terrorism threat which security officials tell us is the case, this bill takes a limited State role in the siting of these and makes it a nonexistent State role.

The ability of governors and legislatures—I have a Republican governor in my State who does not like a proposal to site an energy plant in a wholly inappropriate place, way up river in the city of Four Rivers, which the gentleman from Massachusetts (Mr. MCGOVERN) and I share. This governor's objections will be muffled. So I

guess I should congratulate you on the bipartisanship of your contempt for democracy. It is not just our colleague from Tennessee who could not get amendments through; my Republican governor cannot get his voice heard.

This rule and this bill ought to be defeated.

Mr. SESSIONS. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. GOHMERT).

Mr. GOHMERT. Mr. Speaker, I thank the gentleman from Texas (Mr. SESSIONS) for yielding me time.

Many of you have heard the story about the fellow that was sitting on his porch and water came trickling through his yard. A fellow drove by in his Jeep and said, Jump on, the dam is giving way; this place is going to be flooded. And he said, I've got faith in God; God is going to save me.

The guy drives off.

Here comes more water. Here comes a boat. The guy in the boat says, Jump in, there is more water coming. The guy, No, I have faith in God; God is going to save me. And he climbs up on the rooftop as the water gets higher and higher.

Here comes a helicopter. He drops a ladder and with a megaphone says, Grab hold of the ladder. The man says, No, I have got faith in God; God is going to save me.

The water gets higher. The man drowns. He goes to heaven. He says, God I had faith in you. Why did you not save me? God said, I sent you a Jeep and a boat and helicopter, why did you not make use of it?

When we hear people crying today, We need oil, we need gasoline with prices that are down, we need natural gas prices to come down, I cannot help but hear this small voice saying, Use what I gave you.

This Nation has been so richly blessed with so much in the way of resources. It is time to end the excuses. We can always find excuses, things we do not like about any bill. They sure do that down the hall.

It is time to end the excuses. It is time down the hall to finally do the right thing and use the resources with which this Nation has been so richly blessed.

Mr. MCGOVERN. Mr. Speaker, I yield 1 minute to the gentleman from Florida (Mr. DAVIS).

Mr. DAVIS of Florida. Mr. Speaker, I rise in opposition to this rule and urge its defeat.

This is a bad bill for my State of Florida. The bill could be made much better, including by an amendment that I have offered, that the Committee on Rules refused to be made in order.

This bill, in my judgment, guts the Coastal Zone Management Act. What is this law? This is a law that allows governors, Governor Jeb Bush, Governor Arnold Schwarzenegger, to have their voices heard as to where a particular facility might be sited. It does not give the State a right to veto the decision, just simply to have its voice heard.

What this bill does is undermine that process that has worked very well for decades, and the rule deprives the House of Representatives of an open and honest debate about the fact that this bill is tantamount to repeal of the Coastal Zone Management Act, and I do not think any Member of Congress wants to stand on this floor and admit or agree that we should repeal the Coastal Zone Management Act.

We are once again, remarkably, trampling on the rights of our States. We are substituting the judgment of governors with bureaucrats in Washington that are expected to understand our States better in terms of environmental impact, in terms of economic impacts.

The beaches on the coast of State of the Florida should be judged and policed by the governor of the State of Florida, not by somebody in an agency in Washington.

I urge defeat of the rule.

Mr. SESSIONS. Mr. Speaker, I yield 2 minutes to the gentleman from Nebraska (Mr. OSBORNE).

Mr. OSBORNE. Mr. Speaker, I thank the gentleman for yielding me time. I rise to support the rule and the underlying bill.

As everyone knows, high energy costs are the greatest drag that we currently have on our economy and actually on world economy; and every year we delay passing this legislation, we become more dependent on foreign oil.

I would like to mention very quickly a small part of the energy bill which has to do with ethanol and biodiesel. The bill mandates 5 billion gallons of ethanol production by 2012. Interestingly enough, here this year, in 2005, we will produce 4.5 billion, so we are almost there. Next year, 2006, we will produce well over 5 billion which will be 7 years before the end date of 2012. So we have great capacity to do even better.

Ethanol today is produced in 20 different States, and I predict that within a few years, using biomass, all 50 States in the Union will produce some form of ethanol.

Today the average price of a gallon of gasoline is reduced by 29 cents by the ethanol production that we now have. The average price around the country is about \$2.20. Without ethanol today, it would be roughly \$2.50.

Ethanol increases the price of corn by between 25 and 50 cents a bushel. What is so big about that? The important thing is, it reduces the cost of the farm bill because as prices of corn go up, we have fewer farm payments. So over the next 10 years ethanol production will reduce the cost of the farm bill by roughly \$6 billion.

It reduces the trade deficit by \$64 billion over the next 8 years. It creates 243,000 jobs and adds \$200 billion to GDP over the next 8 years. So it reduces our dependence on foreign oil. We think this is critical and has great potential.

At the present time, Brazil mandates 23 percent of their fuel supply be from

ethanol. We certainly could hit 7 or 8 percent in this country.

Mr. Speaker, I support the rule.

Mr. MCGOVERN. Mr. Speaker, I yield 2 minutes to the gentlewoman from Nevada (Ms. BERKLEY).

Ms. BERKLEY. Mr. Speaker, I rise in opposition to this rule and the underlying bill because, despite Republican claims, this energy bill really does not help American families with the cost of power or the skyrocketing gas prices. This bill does, however, help the administration's special interest friends. It is riddled with billions of dollars of taxpayer giveaways to the nuclear, oil and gas industries.

I am appalled that we are doing nothing to reduce gas prices at a time when oil companies are reaping obscene profits. Current prices of oil are lingering at \$50 a barrel and are expected to continue to skyrocket.

We should be focusing on reducing our dependence on foreign oil by diversifying our energy sources, not by encouraging more oil and gas production.

This bill does little to promote renewable energy, the energy of our future. Given the latest revelations about the wanton falsification of scientific studies of the proposed Yucca Mountain Repository, Congress should not funnel one more penny of taxpayer dollars into the Yucca Mountain Project.

Additional problems continued to plague the site. The courts have ruled that the EPA radiation standards will not protect the health and safety of the American people. Instead of making the United States safer, the proposed Yucca Mountain Project provides a terrorist target that could cause massive economic and civilian casualties.

In the Committee on Rules, my colleague, the gentleman from Nevada (Mr. PORTER) and I offered a simple amendment that would have included Yucca Mountain in the Nuclear Site Threat Assessment Study, already a part of the energy bill. Despite the findings of the GAO and the National Academy of Sciences that there are security vulnerabilities present at reactor sites during high-level radioactive waste, there has been no threat assessment conducted at the mother of all radioactive waste sites, Yucca Mountain.

Regardless of how any of us feels about Yucca Mountain, the Federal Government has a duty to assess the risks, not just to protect Nevada and our neighbors in the West, but for the well-being of our Nation. Unfortunately, the Committee on Rules did not put that amendment in order.

Now is the time to create an energy plan that will wean our country off of foreign oil. It is not the time to line the pockets of the special interests.

I urge my colleagues to oppose this very backward, very foolish, very good piece of legislation if you are in the energy business.

Mr. SESSIONS. Mr. Speaker, I yield 3 minutes to the gentleman from Texas

(Mr. HALL), the vice chairman of the Committee on Energy and Commerce.

Mr. HALL. Mr. Speaker, I thank the gentleman from Dallas for his very capable handling of this rule.

We have to have this rule. This rule spawns H.R. 6, and I feel very strongly that the time has come and gone several times for Congress to pass a comprehensive energy bill. There is not any better time to do it than today, but from this very next vote we are going to vote to give the President a bill to sign into law. This rule makes that possible.

I do not know about the rest of my colleagues, I am not positive about them, but I have been receiving a lot of phone calls from my constituents expressing their concern about the high cost of the gasoline.

According to the Department of Energy, the Energy Information Administration, a gallon of gasoline has gone up 42 cents from this very time last year, a year ago.

This is real money and that adds up. And I, for one, would like to see us be able to go home this weekend and tell our constituents that we are one step closer to a little relief, and I cannot do that without this rule.

While H.R. 6 is not going to give us \$1 a gallon gas the moment this is passed into law, it is a very important first step toward bringing down the price of gasoline by allowing the production of more domestic oil and by fostering greater conservation of energy, thus increasing supply and lowering demand.

Gas prices are high now in part because we have had no comprehensive national energy policy for the past few decades. We cannot afford to watch another 10 years go by without acting. We need this rule today.

We cannot let our country to get into a situation where we are absolutely dependent on foreign sources of oil; without this rule we are dependent. We are already certainly currently today dependent on foreign sources for 62 percent of our Nation's supply. By 2010, that percentage is projected to grow to 75 percent. This is unacceptable.

H.R. 6 will decrease our country's dependence on foreign oil by increasing domestic gas and oil exploration and development on nonpark Federal lands.

I am particularly pleased about the inclusion of language to open part of ANWR. This rule makes this possible. According to the Energy Department, this coastal plain is the largest unexplored, potentially onshore basin in the United States.

The U.S. Geological Survey estimates that there are \$16 billion barrels of recoverable oil there. Now hear this: This is enough oil to offset all Saudi imports for the next 30 years.

Even better, oil could be developed in ANWR as soon as 3 years from the first lease sale, and none of it would be available for export. It would all be used at home.

Of equal importance to me in this bill is my provision on Ultra-deepwater and

Unconventional Onshore Natural Gas. The program created by this legislation will foster the development of new technologies to increase domestic natural gas and oil production, increase domestic oil supplies, and pay for itself through increased royalties, amongst other benefits.

According to an analysis by the Energy Information Administration, this program will increase production of natural gas by 3.8 trillion cubic feet and oil by 850 million barrels, increase Federal royalties in more than sufficient amounts to pay for the effort, and lower the price of both fuels, but not without this bill.

An analysis by the Bureau of Economic Geology at the University of Texas says this will come back to us, five to one.

It is time to save this generation of youngsters and help them be able to say what university am I going to enter rather than what branch of service am I going to have to enter to get energy, when we have plenty here at home if we could mine it.

This is a good bill and a good rule, a bill that has been worked on and debated for five years. Its purpose is to promote conservation, reduce our dependence on foreign oil, improve our economy and create new jobs and probably keep our young men and women from having to fight a war for energy when we have enough energy at home if we pass this bill. I'm proud to support it and I urge my colleagues to do the same by voting yes on this rule.

Mr. MCGOVERN. Mr. Speaker, how much time remains on both sides?

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman from Massachusetts (Mr. MCGOVERN) has 5½ minutes remaining, and the gentleman from Texas (Mr. SESSIONS) has 4½ minutes remaining.

Mr. SESSIONS. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Mrs. CAPPS).

Mrs. CAPPS. Mr. Speaker, I oppose this rule.

I wanted to offer an amendment to remove the bill's special protection for MTBE manufacturers, but with this rule, the House is deprived of that vote. The Republican leadership knows it could well lose a vote on such amendment.

MTBE is responsible, after all, for polluting groundwater in hundreds of communities. Cleanup costs are estimated in the billions. Currently, MTBE manufacturers are being held accountable in court, but this bill gives them safe harbor.

Many of us have water districts or towns with lawsuits against MTBE manufacturers that will be voided under this bill. For example, the gentleman from New Jersey (Mr. FERGUSON), the gentleman from New Jersey (Mr. GARRETT) and the gentleman from New Jersey (Mr. FRELINGHUYSEN);

And from Connecticut, the gentlewoman from Connecticut (Mrs. JOHNSON) and the gentleman from Connecticut (Mr. SIMMONS);

And from my home State, the gentleman from California (Mr. HERGER),

the gentleman from California (Mr. DOOLITTLE), the gentleman from California (Mr. POMBO), the gentleman from California (Mr. CARDOZA), the gentleman from California (Mr. NUNES), the gentleman from California (Mr. THOMAS), the gentleman from California (Mr. GALLEGLY), the gentleman from California (Mr. MCKEON), the gentleman from California (Mr. Gary Miller), the gentleman from California (Mr. CALVERT), and the gentleman from California (Mr. COX).

□ 1445

Just examples, all with pending lawsuits from a few of the 29 States being polluted with this MTBE in the groundwater. The special protection in this bill for MTBE manufacturers is completely unwarranted. It will cost our constituents a fortune.

This is an unfair rule, and we should vote it down.

Mr. SESSIONS. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. BARTON), the chairman of the Committee on Energy and Commerce.

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

Mr. BARTON of Texas. Mr. Speaker, I want to rise in strong support of the rule. It is a good rule in spite of some of the comments that been made about it. The process has been fair. I want to make a few very quick remarks.

The committees of jurisdiction each held an open markup. The committee that I chair, the markup, including opening statements, took 3½ days. We considered every amendment that was offered; and we accepted, I would say, 40 percent of the amendments. Many of those were accepted from Members of the minority of my committee who ended up voting against the bill; but because I felt it improved the bill, we took the amendments enthusiastically.

Eighty amendments were offered at the Committee on Rules yesterday. I believe that the Committee on Rules has made in order about 30 of those. It may be a little bit fewer than that, but a large number of amendments have been made in order, including a substitute by the gentleman from Michigan (Mr. DINGELL), the ranking member of the Committee on Energy and Commerce.

We accepted amendments on the floor on some of the more controversial areas in the bill. My good friend, the gentleman from Massachusetts (Mr. FRANK), was speaking earlier about the LNG siting provision. The gentleman from Delaware (Mr. CASTLE) will have an amendment on the floor sometime tomorrow to strike that provision. I happen to think the LNG siting provision is a good part of the bill. We are importing more net liquefied natural gas, and we are going to import more. We need to find areas to site those facilities. It is interstate commerce, so the Federal Energy Regulatory Commission does have primary jurisdiction;

but the bill before us says the States shall be involved, not may be, shall be.

The bill before us has a specific list of conditions that have to be considered, including population density and alternative siting. The bill before us has a first-time-ever guarantee that the States have the automatic right to go in and inspect these facilities for safety conditions.

We have worked very hard on that LNG siting provision to make sure that States are very involved; but ultimately, on the final decision, as it should be because this is interstate commerce, the FERC is the one that makes the final decision.

So, Mr. Speaker, I know this is a contentious bill. It has been before the House each of the last two Congresses. We have passed it. The last Congress we passed the conference report, but the Senate did not bring it up. Today or tomorrow, we want to pass this bill. We want to go to conference with the Senate later this spring, bring back the conference report and put a bill on the President's desk to help our energy future.

I would urge a "yes" vote on the rule. It is a good rule and fair to all involved.

Mr. MCGOVERN. Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON).

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I thank my colleague for allowing me to take some time.

Mr. Speaker, I urge my colleagues to oppose this rule and the underlying bill. In a desire to pass any comprehensive energy bill, some of my colleagues may be willing to overlook the massive damage that this bill would do to our existing clean air policies. I do not blame the energy companies for ignoring their responsibility. It is our responsibility to protect the people as the people's representatives against dangers.

As a matter of fact, I acknowledge and applaud TXU and UPS for their efforts in the right direction in north Texas, but section 1443 of H.R. 6 would give polluters in dirty-air areas extra time to continue polluting.

Under the existing act, areas that have unhealthy air are required to reduce ozone-forming smog pollution by set statutory deadlines. Section 1443 would delay the adoption of urgently needed anti-pollution measures in communities throughout this country for a decade or more. My amendments presented to the Committee on Rules would have corrected this or would have also given some time for the companies to record their progress; but, of course, they were not made in order.

My colleagues will hear that the EPA does not disapprove of this. Well, is anybody surprised? These are the people who were appointed by the same people that allowed the energy companies to write most of this bill.

This provision will mean more asthma attacks, hospital visits, and premature deaths for residents of the

ozone odor nonattainment areas which includes the area that all my great friends over here live in and I live in. We need a fair bill that addresses the urgent need for clean air for ourselves and our children.

Mr. Speaker, prolonging our dirty air problem is not the solution. I urge my colleagues that desire clean air for themselves and their constituents to oppose this rule and oppose this bill. I am from an energy-producing State.

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

Mr. MCGOVERN. Mr. Speaker, I yield 1½ minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Speaker, I appreciate the gentleman's courtesy.

We are fond of saying around here that the world changed after September 11, but the energy bill did not. This bill is virtually identical to Dick Cheney's energy task force and where the House has been these last 4 years with concerns, notwithstanding the Enron scandal, skyrocketing gasoline prices and demands on scarce oil supplies in unstable parts of the world.

It is ironic that the American public's vision is much clearer than Congress. They want to increase the CAFE standards. The public has very clear views about the Arctic Wildlife Refuge, that it is the last place America should look for oil, not the next place.

They oppose a waiver and relief to the MTBE manufacturers at the expense of State and local authorities and the quality of local drinking water.

This bill is looking at our energy problem through a rearview mirror. It gives too much to the wrong people to do the wrong thing and is dramatically out of step with what the American public wants and needs.

The politics of today and yesterday's policies do not provide an energy road map for the future. It is true that lots of people have been working very hard on this bill, but I would suggest that never have so many worked so hard and so long to do so little to change the direction of this country's energy future.

For the sake of the country, one hopes that there will come a time when the needs and wishes of the public is heard and it will be reflected in an energy policy for this century, cost-effective and rational; preserving the quality of life, rather than operating on the cheap.

Mr. MCGOVERN. Mr. Speaker, I yield myself the remaining time.

Mr. Speaker, first of all, with regard to the rule, the majority just does not get it. Out of 90 amendments that were offered last night in the Committee on Rules, there were 22 Democratic amendments made in order.

Thanks for making the 22 amendments in order; but quite frankly, it is not enough. This is the energy bill. This is an important bill. As my colleagues have heard from various Members here today, a lot of important amendments were not made in order.

The gentlewoman from California (Mrs. CAPPS) talked about the MTBE issue. Her amendment was not made in order.

The gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) just talked about her clean air amendment which was not made in order.

The gentleman from West Virginia (Mr. RAHALL) had a coal amendment which was not made in order.

The gentleman from Maryland (Mr. GILCREST), the gentleman from Massachusetts (Mr. OLVER), and the gentleman from Maryland (Mr. VAN HOLLEN) had an amendment on global warming, to come up with a strategy to deal with it. That was not made in order.

My colleagues heard from the gentlewoman from Nevada (Ms. BERKLEY) talk about Yucca Mountain. Her amendment was not made in order.

Tax credits for hybrid cars. The gentleman from Michigan (Mr. DINGELL) talked about hydroelectric licensing. That was not made in order.

So a lot of very important and vital issues, we have been shut out from offering them here today. If we are going to have a real democracy and a real debate on this issue, these important issues should have a place for debate here on the House floor.

Let me just finally say instead of bringing up yet another bill that rewards corporate donors, I wish the leadership on the other side would think about the future, about the world our children and grandchildren will inherit and give us an energy bill that actually makes the world a better place.

This bill does not do it, and I would urge my colleagues to vote against it.

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

I want to thank my colleagues on the other side of the aisle for their vigorous debate that took place, not only yesterday in the Committee on Rules. The gentleman from Texas (Chairman BARTON) spoke about the days and days and hours of debate and amendment process of preparing this bill.

I think we have got a good bill. I think we are going to find out when the ultimate vote comes that a vast majority of Members of this House are going to say we want to make sure that America has an energy policy, an energy policy that encourages not only conservation but also the opportunity for America to be less dependent on foreign oil, one that makes sure the Federal Government begins the process to form a critical mass in solar energy and other new technologies to make sure that America's businesses catches on to this and that we become environmentally sensitive and comprehensive in our future, but mostly that we are able to grow our economy, continue job growth, and make sure that we protect jobs that exist today.

Mr. Speaker, I think that this rule was fair. I believe that the underlying legislation is common sense. America

not only wants and deserves an energy policy, but today our four committee chairmen, the gentleman from New York (Mr. BOEHLERT); the gentleman from California (Mr. POMBO); the gentleman from California (Mr. THOMAS); and the gentleman from Texas (Mr. BARTON), the chairman of the Committee on Energy and Commerce, have led us down a path to where we have an opportunity to make history right in front of us, produce this bill, produce for the American public something that will help America to grow and become competitive in the world.

Mr. Speaker, I would say that I support this legislation.

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

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

#### GENERAL LEAVE

Mr. BARTON of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 6.

The SPEAKER pro tempore (Mr. LAHOOD). Is there objection to the request of the gentleman from Texas?

There was no objection.

#### ENERGY POLICY ACT OF 2005

The SPEAKER pro tempore. Pursuant to House Resolution 219 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 6.

The Chair designates the gentlewoman from West Virginia (Mrs. CAPITO) as Chairman of the Committee of the Whole, and requests the gentleman from Iowa (Mr. LATHAM) to assume the chair temporarily.

□ 1458

#### 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 consideration of the bill (H.R. 6) to ensure jobs for our future with secure, affordable, and reliable energy, with Mr. LATHAM (Acting Chairman) in the chair.

The Clerk read the title of the bill.

The Acting CHAIRMAN. Pursuant to the rule, the bill is considered read the first time.

General debate shall not exceed 1 hour and 30 minutes, with 30 minutes equally divided and controlled by the chairman and ranking member of the Committee on Energy and Commerce, and 20 minutes equally divided and controlled by the chairman and ranking member of each of the committees on Science, Resources, and Ways and Means.

The gentleman from Texas (Mr. BARTON) and the gentleman from Michigan