

## CONSUMER CONFIDENCE

(Mrs. MALONEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MALONEY. Mr. Speaker, last week we saw new evidence that Americans are becoming increasingly pessimistic about this economy. Two separate measures of consumer attitudes plunged drastically, posting their largest declines in decades.

The impact of the hurricanes was the immediate cause of pessimism, but Americans have never had much confidence in the Bush economy. The President has the worst job creation record since Herbert Hoover. American workers have been left behind in the economic recovery from the 2001 recession.

For the typical worker and household, wages and incomes are not keeping up with the cost of living. The gap between the haves and the have-nots continues to grow and I find that tremendously troubling for our country. This record does not inspire confidence in our economy. We can do better.

□ 0915

## RECOGNIZING NATIONAL FIRE PREVENTION WEEK

(Mr. BRADLEY of New Hampshire asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BRADLEY of New Hampshire. Mr. Speaker, this morning I rise to recognize National Fire Prevention Week, which is October 9 through October 15. Fire Prevention Week is an opportunity for Americans of all ages to learn more about how to avoid fires and fire injuries and how to respond to them as well.

This year's theme, "Use Candles With Care," reflects how proper use of candles can go a long way in protecting one's home and family from the devastating effects of fires. Candle fires in 2002 alone resulted in an estimated 130 deaths. Fire Prevention Week also serves as the time to honor our brave firefighters for risking their lives every day to protect us. They work tirelessly to educate their fellow citizens about fire safety and the importance of being prepared for emergencies.

I especially would like to recognize the brave and fine firefighters in my home State of New Hampshire for their efforts to make the granite State's community safer. We owe all firefighters a debt of gratitude for their courage and dedication to keeping us out of harm's way. I encourage all my colleagues to take a moment to thank their local first responders for their hard work and to heed the important lessons they impress upon us.

## AMENDMENT TO HOUSE RESOLUTION 481, PROVIDING FOR CONSIDERATION OF H.R. 3893, GASOLINE FOR AMERICA'S SECURITY ACT OF 2005

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I ask unanimous consent that House Resolution 481 be considered as amended by striking the number 3893 in each place it appears and inserting in lieu thereof the number 3893.

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

There was no objection.

## PERMITTING INDIVIDUALS TO BE ADMITTED TO HALL OF HOUSE TO OBTAIN FOOTAGE OF HOUSE IN SESSION

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I ask unanimous consent that it shall be in order at any time to consider in the House the resolution, H. Res. 480; the resolution shall be considered as read; the previous question shall be considered as ordered on the resolution to its adoption without intervening motion except 10 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Rules.

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

There was no objection.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, pursuant to the previous order of the House, I call up the resolution (H. Res. 480) permitting individuals to be admitted to the Hall of the House in order to obtain footage of the House in session for inclusion in the orientation film to be shown to visitors at the Capitol Visitor Center, and ask for its immediate consideration.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

## H. RES. 480

*Resolved*, That the Speaker, in consultation with the minority leader, may designate individuals to be admitted to the Hall of the House and the rooms leading thereto in order to obtain film footage of the House in session for inclusion in the orientation film to be shown to visitors at the Capitol Visitor Center.

The SPEAKER pro tempore. Pursuant to the order of the House of today, the gentleman from Florida (Mr. LINCOLN DIAZ-BALART) and the gentlewoman from New York (Ms. SLAUGHTER) each will control 5 minutes.

The Chair recognizes the gentleman from Florida (Mr. LINCOLN DIAZ-BALART).

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this is a very simple resolution which allows the Speaker, in consultation with the minority leader, to allow individuals to be admitted to

the Hall of the House in order to film the House in session for inclusion in an orientation film to be shown to visitors at the Capitol Visitor Center. This resolution is necessary because clause 2(b) of rule IV of the rules of the House provides that the Speaker may not entertain a unanimous consent request or a motion to suspend clause 2 of rule IV, which restricts access to the floor of the House while the House is in session.

Mr. Speaker, I would urge all Members to support this resolution which will provide edification for millions of visitors to our Nation's Capitol.

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

Ms. SLAUGHTER. Mr. Speaker, we are pleased to support the resolution.

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

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield back the balance of my time.

Pursuant to the order of the House of today, the resolution is considered read and the previous question is ordered.

The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

## PROVIDING FOR CONSIDERATION OF H.R. 3893, GASOLINE FOR AMERICA'S SECURITY ACT OF 2005

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 481 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

## H. RES. 481

*Resolved*, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the bill (H.R. 3893) to expedite the construction of new refining capacity in the United States, to provide reliable and affordable energy for the American people, and for other purposes. The bill shall be considered as read. The amendment in the nature of a substitute recommended by the Committee on Energy and Commerce now printed in the bill, modified by the amendment printed in part A of the report of the Committee on Rules accompanying this resolution, shall be considered as adopted. All points of order against the bill, as amended, are waived. The previous question shall be considered as ordered on the bill, as amended, to final passage without intervening motion except: (1) one hour of debate on the bill, as amended, equally divided and controlled by the chairman and ranking minority member of the Committee on Energy and Commerce; (2) the amendment in the nature of a substitute printed in part B of the report of the Committee on Rules accompanying this resolution, if offered by Representative Stupak of Michigan or his designee, which shall be in order without intervention of any point of order, shall be considered as read, and shall be separately debatable for 40 minutes equally divided and controlled by the proponent and an opponent; and (3) one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Florida (Mr. LINCOLN DIAZ-BALART) is recognized for 1 hour.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to my dear friend from New York (Ms. SLAUGHTER), 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. LINCOLN DIAZ-BALART of Florida asked and was given permission to revise and extend his remarks.)

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, House Resolution 481 is a structured rule that provides for the consideration of H.R. 3893. The rule provides 1 hour of general debate evenly divided and controlled by the chairman and the ranking minority member of the Committee on Energy and Commerce. The rule also provides one motion to recommit with or without instructions.

Mr. Speaker, in the last 24 years, our refinery capacity has dropped from almost 19 million barrels a day to less than 17 million barrels a day. Now, this has happened at the same time that our gross domestic product has quadrupled. In other words, because of the sustained growth of our economy and the fact that we have not built a new refinery in almost 30 years, the United States is now forced to import over 4 million barrels a day in refined products, and that is when our refineries are running at full capacity.

I thought it was impacting when I learned this fact that I have just relayed. We have not built a single refinery in the country during the time period that our gross domestic product has quadrupled. I think if there has ever been an example of a great superpower really sitting on its laurels, it is pointed out by this example. We have to take steps, as we are with this legislation that we bring to the floor today, to maintain the necessary infrastructure to continue being the most successful economy in the world.

Now, any change in our refinery capacity can cause supply constraints and price spikes, especially, for example, in the gulf coast, where we have almost 50 percent of our refinery capacity. That is what happened when we had the two natural disasters in the last weeks, hurricanes Katrina and Rita. They hit the gulf coast, causing gasoline prices to rise significantly.

On August 25, Hurricane Katrina began her path of destruction. The eye of that hurricane passed right by my district. It was fortunately then only a category 1 hurricane, but it hit us in South Florida; and then of course, as we all know, it went into the Gulf of Mexico and became a monster storm. That storm then headed towards Louisiana and then the Mississippi gulf coast as a category 4, almost category 5, storm.

Once that storm passed, we awoke to the greatest natural disaster that the United States has ever faced. The Mississippi gulf coast was decimated by that deadly combination of the power-

ful winds and the storm surge caused by Hurricane Katrina.

In Louisiana, the storm surge submerged a large portion of the southeastern part of the State, toppling over the levees that protected the area, including the city of New Orleans. In the immediate aftermath of the hurricane, several refineries were shut down, accounting for about 11 percent of the total United States refinery capacity.

As of the beginning of October, four oil refineries remain closed. Now, those refineries provide almost a million barrels a day, almost 5 percent of our refining capacity; and even at this time it is still not known when those four refineries will be able to reopen.

□ 0930

A month later, we had Hurricane Rita hit the Texas-Louisiana Gulf Coast with 120-mile-an-hour winds, causing widespread damage and flooding. In anticipation of the storm, several oil refineries in the warning area, constituting over 4 million barrels a day in refining capacity, were shut down. Some of those refineries were able to restart, but as of the first of October, nine refineries with the capacity to refine over 2 million barrels a day, about an eighth of our capacity, remain shut down.

Now combine that with the four refineries closed because of Hurricane Katrina, approximately 18 percent of the refining capacity in the United States is off line. Pipelines from the gulf to the Midwest and East Coast have also been affected by the hurricanes. The Colonial and Plantation pipelines serving the whole East Coast with refined products resumed operation not long after Hurricane Katrina. However, they were shut down again by the subsequent hurricane, Hurricane Rita, and are still not working at full capacity.

In order to prevent the sharp price increases we have seen after the hurricanes, we have to make sure that we do everything possible so that refineries, new refineries, are built. And if another hurricane or a terrorist attack were to hit our refineries, we will still have the capacity to produce enough gasoline for the needs of our economy; that must be our goal.

Mr. Speaker, H.R. 3893, I am so pleased to see the author, the gentleman from Texas (Chairman BARTON) here who has done a tremendous job. He has done a tremendous amount of hard work in a very difficult area. This is an area that you cannot alleviate, much less solve, this problem overnight. It requires the kind of hard work, dedication, seriousness, that the gentleman from Texas (Mr. BARTON) has demonstrated day in and day out. We are seeing it in legislation that we are bringing to the floor today.

Now, this bill, H.R. 3893, will remove some of the obstacles that have prevented the construction of new refineries. The underlying legislation streamlines the cumbersome environ-

mental and energy provisions that affect construction of facilities such as refineries and oil pipelines. Bringing new refineries online will alleviate our reliance on foreign sources of refined products, will allow us to have enough refinery capacity to meet the needs of our growing economy, while providing a backup if any of our refineries are shut down in the future.

Now, to help conserve gasoline, the legislation also directs the Secretary of Energy to establish and carry out programs to encourage the use of carpooling and van pooling. After the hurricanes, we saw reports of unscrupulous business practices engaged in in some instances. The bill addresses unfair or deceptive acts or practices of any person selling crude oil or gasoline or diesel fuel or home heating oil at a price that constitutes price gouging.

Mr. Speaker, H.R. 3893, as I stated before, required a tremendous amount of hard work. It was introduced by the gentleman from Texas (Chairman BARTON), reported out of the Committee on Energy and Commerce on September 29. It is a good bill. I think it is very important to our energy needs, to the health of our economy and to the national security of this country.

So again I thank the gentleman from Texas (Mr. BARTON). I know the ranking member, the gentleman from Michigan (Mr. DINGELL) has worked extraordinarily hard, as he has for decades in this House on so many important issues. I urge my colleagues to support both the rule and the underlying legislation.

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

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

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

Ms. SLAUGHTER. Mr. Speaker, there are two fundamental problems with the bill before us today: What it does and what it does not do. The bill will not address the very real and very immediate problems millions of Americans are facing every day. People are struggling to be able to afford to drive to work in the morning, and families are wondering how they are going to pay to heat their homes this winter.

But the GAS Act we are considering today will not help them. This energy bill, written in the midst of what is threatening to become the worst energy crisis the country has ever experienced, does nothing to help reduce the price of gasoline.

That is not me talking, the chairman of the House Committee on Energy and Commerce, the gentleman from Texas (Mr. BARTON), admitted this very fact in the Committee on Rules yesterday. He told us without taking command and control measures, this Congress cannot do anything in the short term to lower gas prices, even if the bill is passed, and he wrote the bill.

I hope every American pays attention to that fact because it is a very

important one. With this bill, the Republican leadership is telling you they know there is a problem, they know you are suffering, but there is nothing they can do about it; but it is not true that they cannot, it is just true that they will not.

There are things that this Congress can do to help our fellow Americans in this time of crisis. There are measures that can be taken that will help reduce the price of gasoline. I know because we debated many of those measures in the Committee on Rules just last night. Amendments that I and my colleagues have proposed, such as eliminating the zone pricing methods employed by gasoline suppliers, would help to mitigate the high gas prices not years down the road but now.

These amendments were rejected by the majority. In fact, of the 18 Democratic amendments offered only one was allowed. We are offering that amendment by the gentleman from Michigan (Mr. STUPAK) as a substitute for the bill, but it begs the question, what is the leadership doing with their time and energy if we cannot have a real debate on how to solve these very real problems?

If unconcerned with the present, does the bill at least offer a plan for the future? Does it call for our Nation to raise its energy efficiency standards or for us to aggressively explore alternatives fuels? Amendments that were not allowed to be considered called for those things, but the GAS Act is silent on them.

Since the GAS Act will not address the needs of the people either now or in the years ahead, what will it do? The answer is as simple as it is predictable: It is a give-away to the oil industry. To justify this action, the Republican leadership first invented a problem: America needs to expand its refinery capacity, they said. This premise is dubious at best.

Edward Murphy, a refinery specialist with the American Petroleum Institute, told The Washington Post just yesterday there is not a shortage of capacity in America because capacity is a global issue. His learned opinion was clearly ignored by the authors of the legislation, for having invented their problem, they have already come up with a solution to it: Throw the money at the oil companies, and that will induce them to build more refineries.

The simple truth of the matter is that for three decades, oil companies have not been building refineries because it has not been profitable for them to do so. In almost 30 years, no oil company has applied to build one. By intentionally limiting the supply of available gasoline on the market, they keep its price up. Numerous industry memos available to the public have advocated just such an approach to business.

Furthermore, it is impossible to seriously argue that throwing even more money at the oil companies would change their minds. The American oil

industry is already flush with cash, just as the people of the Nation struggle to foot the bill. In fact, since 2001, 4 years ago, the top five oil companies in the United States have recorded combined profits. This is important, Mr. Speaker, they have reported combined profits of \$254 billion. That is more money than we have spent on the war in Iraq, and it is split between just five companies.

If we were to open that figure out to the entire industry, it would be even more staggering. This is not the only way in which the Republicans are standing up today for the corporations who need help the least. Under this bill, if an oil company wins a suit against a local government over the right to build a new refinery within that government's jurisdiction, this bill will force the locality to pay for the court costs.

But conversely, if the locality wins the suit, the company under this law does not have to pay a dime. So if Exxon wants to build a refinery in your backyard or near your child's school, and you and the local community want to oppose it, it means you very well may have the pleasure of paying Exxon's legal fees for trying to protect your community. It is an official incentive for corporations to take communities for all they are worth and then some.

Next, what about price gouging? Rather than punish this outrageous, immoral and deeply damaging practice, the bill will place a limit on the maximum daily fine that can be given to an individual guilty of that practice.

Sadly, we are lucky this is all the GAS Act will do because until late last night, it was much worse. The legislation included an unjustified attack on the Clean Air Act and was intent on rolling back 30 years of progress on protecting the quality of air that we and our children breathe. It seems that being good corporate citizens and mandating that companies not pump their waste into the air we breathe and the water we drink was just too much for this leadership to ask of their energy industry. Apparently, they would rather have Americans pay for corporate profits with their health.

Thankfully, the majority was shamed into removing such a provision from the bill as its own rank and file objected to this basic assault on the health of our country.

But what we are left with is still deeply troubling. It is legislation that is not responsive to the welfare of the people and does not offer real solutions for the future. It is the kind of legislation produced by a Congress that has forgotten who it works for, a Congress more concerned with corporate lobbyists who write bills than concerned with the working people who struggle to deal with their consequences. It is the product of congressional leadership out of touch with the citizens of this country.

This bill is a living, breathing example of the culture of corruption which

has plagued this body and ails this Nation, and I urge my colleagues to oppose this rule, this bill, and to support the Democratic alternative.

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

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. DREIER), chairman of the Committee on Rules.

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

Mr. DREIER. Mr. Speaker, I rise in strong support of this rule, and I thank my friend from Miami for his superb management of this, as well as the hard work he is doing upstairs as we worked late last night to ensure we could put this package together.

Since he has left the floor, I want to take this time to praise the very distinguished chairman of the Committee on Energy and Commerce, the gentleman from Texas (Mr. BARTON). I do not want him to actually hear this, Mr. Speaker, but I want to say he has done an absolutely phenomenal job in fashioning this very important piece of legislation that is designed to increase our Nation's refinery capacity.

We know full well that our constituents are complaining, understandably, about the high cost of gasoline. It is absolutely outrageous. I am privileged to represent the Los Angeles area, and we see prices in excess of \$3.15 and \$3.20 a gallon. Obviously, we have seen some relief, but it is clear if we look at the history of refinery capacity, it is one that has played a big role in exacerbating the cost of gasoline.

Since 1981, we have seen the number of refineries in the United States of America cut in half. It has been three decades since we have seen a new oil refinery constructed. Why? People have argued it is the oil companies that have not done this. An argument made, which is an appropriate one, is it has not been a great profit center.

The fact of the matter is when you have a regulatory burden which is designed to create a disincentive for the construction of refineries, why would anyone in the industry consider it? This bill is designed to address that issue. Our goal is clear and simple. We want to do everything within our power to bring the cost of energy down for the American people.

Now, many have argued that this is a partisan bill when in fact the gentleman from Texas (Mr. BARTON) has turned himself inside out to try and accommodate concerns that Members of the minority have. The combination of the base text of the bill and the manager's amendment, which will be in fact passed when we pass this rule, we address the concerns on heating oil put forward by the very distinguished gentleman from Massachusetts (Mr. MARKLEY), and you can go right down the line and look at a number of issues that were brought forward by Members of the minority, including the gentleman from Illinois (Mr. RUSH), the

gentleman from Washington (Mr. INSLEE), the gentleman from Washington (Mr. DICKS), and others who have raised issues of concern, and the gentleman from Texas (Mr. BARTON) has worked diligently to address those.

Mr. Speaker, it is my hope this bill will enjoy strong bipartisan support. It is our one opportunity, our one opportunity now to step forward and actually take decisive steps to work towards diminishing the high cost of gasoline for the American people. I strongly support this rule and the underlying legislation. I thank my friends for their hard work on this important issue.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts (Mr. McGOVERN).

Mr. McGOVERN. Mr. Speaker, we have a national energy crisis now. If my colleagues on the other side of the aisle do not appreciate that fact, I would suggest that they go home to their districts and listen to their constituents. Instead, we are rushing a flawed bill to the floor that will once again reward the very industries that have gouged the American people.

It is unacceptable for anybody in this Congress to say we cannot do anything about the short-term crisis of high energy costs.

□ 0945

We must. That is what our constituents expect us to do. That is what we should be doing today here on the floor. The cost of filling a tank of gas ranges between \$40 and \$100. There are workers whose wages do not compensate for the cost of driving to and from work. I have senior citizens in my district and low- and moderate-income families who are scared out of their minds about how they will heat their homes this winter. We must crack down on price gouging in the short term and find other ways to lower prices. This is an emergency. It requires dramatic action by the Government of the United States.

In the long term, we should reduce our reliance on foreign oil by aggressively pursuing renewable energy sources, something that we should have been doing a long time ago.

What we have here in this so-called "Gas Act" is more of the same: tax breaks to reward the bad behavior of oil and gas companies; reduced regulations that compromise our communities; and nothing, absolutely nothing, for the relief of our citizens.

Let me say to my colleagues who vote for this, do not go home and tell their constituents that they did anything for them because in truth they have not. When they ask them what did they do to lower the prices of gas and home heating oil, they can say honestly they did nothing.

Mr. Speaker, I would urge my colleagues to support the Stupak substitute, which will deal head-on with the issue of price gouging; and if that fails, I would urge my colleagues to de-

feat this bill and to go back to the committee and do something meaningful. The status quo does not work. It is time for a comprehensive, honest-to-goodness energy plan, and this is not it.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. BARTON), distinguished chairman of the Committee on Energy and Commerce.

Mr. BARTON of Texas. Mr. Speaker, I thank the distinguished member of the Committee on Rules for yielding me this time.

Mr. Speaker, I rise in very strong support of this rule and, of course, in strong support of the underlying bill, H.R. 3893.

I want to make a few comments first about the rule. We have made in order the Democratic substitute. My understanding is that the Democrat substitute is similar, if not identical, to the Democrat alternative that was put in play in the Committee on Energy and Commerce at our 16-hour markup last week. So point one is our friends on the minority side are going to get an opportunity to have their ideas on this issue addressed by the body and voted on; so that would be a very good reason for everybody to vote on the rule.

Another good reason to vote for the rule is that the manager's amendment that has been incorporated into the base text takes into account many of the issues that were debated in the Committee on Energy and Commerce and many of the issues that were supported by our minority members of that committee last week, in particular the concerns about price gouging.

The amendment that was adopted in committee on price gouging last week only referred to price gouging within a disaster area that had been declared by the President of the United States, and it only applied to gasoline and diesel fuel. The manager's amendment incorporates many of the ideas that the gentleman from Michigan (Mr. STUPAK) and the gentlewoman from New Mexico (Mrs. WILSON) on the majority side had in their alternative price gouging amendments.

It would expand the authority of the President to allow a price gouging investigation outside of the disaster area. It would allow the FTC to prosecute price gouging outside the disaster area if they felt that there was price gouging. It also expands the jurisdiction of price gouging that would be under the control of the Federal Trade Commission from gasoline and diesel fuel to home heating oil. And I know there are very legitimate concerns in the Northeast and the Midwest this winter about the price and availability of home heating oil.

So those are the reasons that I think we should vote for the rule.

When it comes time to vote for the bill, obviously we are going to have a

very spirited debate, which is what this body is all about. As we have that debate, there are several facts that I think we should keep in mind. Number one, since 1981 we have closed 176 refineries in this country. That means that we have in operation today 148. We have closed over half of the refineries in the United States of America in the last 30 years. That might be acceptable if the demand for their products was going down; but, in fact, the opposite is true. The demand for refined products in our Nation is rising every year, somewhere between 1 percent to 3 percent a year. If we convert that to barrels per day, that is somewhere between 250,000 to 750,000 barrels a day. Our Nation uses 30 billion barrels of oil every year.

Our refinery capacity has simply not kept pace with our demand for the refined products. The consequences were clear for every American to see in the aftermath of Katrina and Rita when over half of our refineries shut down temporarily and about 25 percent of our oil and gas production shut down. In some parts of the country, the price of gasoline doubled and even tripled. Even with most of those refineries back on line, there is still enough refinery capacity disabled that the prices remain somewhere between 30 to 50 cents a gallon higher than they were before the hurricane.

So quite simply, Mr. Speaker, it is time to invest in our energy infrastructure, and one of the critical components of that is our refinery capacity. This bill would do that without putting direct Federal dollars into it. It would do it by eliminating the red tape that we have to go through to get a refinery permitted. It would not eliminate or reduce any environmental law on the books today, but it would create an expedited process that a Governor of a State that wished to build a new refinery or expand an existing one could utilize.

The bill would also make it easier to build some new oil pipelines. We have not built a new oil pipeline in this country in over 40 years. Again, the only two pipelines serving the Midwest and the Northeast, both of those were temporarily shut down because of Katrina. This bill takes some steps to do that.

The bill would also reduce the number of boutique fuels, which currently is over 40, down to six. If the EPA thinks that that is practical to do so, that would make these fuels more fungible, more efficient to refine, and less expensive for the taxpayers, motorists of our country, to have to purchase.

It also has some incentives and some emphasis on carpooling. Carpooling is not a real sexy high-tech issue; but if we could get one out of every three Americans to actually carpool on their way to and from work, we would save over 1 million barrels of oil per day, which, again, reducing the demand would reduce the cost of the gasoline.

This is a good bill. It is a bill that both sides of the aisle can support. I

would hope that we vote for the rule and then vote for the bill later this afternoon.

I want to thank the distinguished Committee on Rules for bringing this rule to the floor, and I look forward to working with them on this issue and other issues in the future.

Mr. Speaker, I rise in strong support of this rule.

The House today takes an important step in recovering from Hurricane Katrina. With the Gasoline for America's Security Act, we will make our country less dependent upon imports of gasoline and address high gas prices.

The bill increases U.S. fuel supply by encouraging new refineries and reducing the number of boutique fuels around the country. We promote conservation through carpooling. We also outlaw price gouging for gasoline.

The bill before us today is the product of a markup in committee that started at 8 a.m. and ended after midnight. It follows countless hearings over the last several years on gasoline markets, refinery capacity, and Clean Air Act issues.

Our Nation is dangerously dependent upon tight refinery capacity and refined product imports. Hurricane Katrina hit in the wrong place at the wrong time, and American consumers are suffering. Offshore crude oil production was shut down. Refineries went down and are struggling to come on line. Oil and gasoline pipelines were without power and couldn't pump their product. We are paying the price at the pump and must take action.

I keep hearing "it doesn't matter how much crude oil we import if we don't build or expand refineries." Katrina proved that right when refineries were damaged or unable to move their product.

Mr. Speaker, our Nation has not seen a new refinery built since 1976. The bill today encourages companies to come forward with proposals to build refineries. Many refiners have just given up because of an endless stream of red tape and the threat of nuisance litigation. The permitting process is overly cumbersome, and this bill fixes it.

We want all States to be able to build refineries under an expedited permitting process. Any Governor can request that we cut through the red tape. The President can designate Federal lands to be considered for a refinery, even a military base that is being closed. If a State needs to see a pipeline built to service a refinery, we let the Governor request expedited permitting, too.

The manager's amendment before us today improves the bill further from the bill reported out of the Energy and Commerce Committee. It extends the geographic reach of our price gouging provision and increases penalties for violations. The manager's amendment also drops provisions that are very important policies but which I will save for another day. Nothing should stand in the way of this bill passing.

If you want to increase the supply of gasoline, you need to do two things: Increase the supply of crude oil; and Increase refinery capacity.

In the end, the issue before us is whether people who work for a living will get the gasoline they need to go to work, at a price they can afford to pay. Some seem to believe that Americans will float to work on a cloud of our good intentions. But they drive to work in cars

and trucks that run gasoline. That could change some day, and I hope it does, but it will not change this day or this decade.

We've known about the problem in refinery capacity for 30 years, and done nothing. Katrina and Rita demonstrated that the do-nothing policy is dangerous. Today we can start doing something about gasoline prices and gasoline supplies. The Energy Policy Act of 2005 will help on crude oil prices, as will future legislation by the Resources Committee. We can increase refinery capacity today by voting "yes" on this rule and "yes" on the GAS Act.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentlewoman from California (Ms. MATSUI).

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

Ms. MATSUI. Mr. Speaker, I thank the gentlewoman from New York for yielding me this time.

I rise today in opposition to the rule and the underlying bill, H.R. 3893.

Hurricane Katrina highlighted the failure of the Republican leadership's first attempt to create a national energy policy. We now have a second chance to craft a forward-looking strategic plan. Unfortunately, H.R. 3893 fails to do this. Instead of tackling America's very serious energy challenges, we are looking at the cast-aways from the earlier legislation. I therefore urge my colleagues to support the substitute.

Every American now clearly sees that our energy policy affects everything, from a family's monthly budget to our national security. My constituents, like the other Members, are paying over \$3 a gallon at the pump. Yet H.R. 3893 does not include price gouging provisions that would sufficiently protect American consumers, particularly when we have oil companies making as much as \$80 million a day.

We owe our constituents more than empty promises on high gas prices. And we can do this with the substitute. It gives the FTC real authority to investigate the energy supply chain. The substitute provides for significant fines that actually have the power to deter companies from gouging consumers.

H.R. 3893's shortcomings are not exclusive to its attempts at immediate relief. The legislation also fails to address our Nation's long-term needs. Constructing new facilities would increase the Nation's capacity to process crude oil and soften the effects of future supply disruptions, but the oil refiners are not interested in incentives to do so. In fact, they have minimized capacity to maximize profit.

Again, Congress has a responsible alternative: Establish a strategic refinery reserve, a logical complement to the existing Strategic Petroleum Reserve. This would give us the increased flexibility and control to respond to future energy disruptions.

But this legislation fails to do that; and worse still, it ignores the larger causes of our energy security. A for-

ward-looking energy policy should curb our reliance on unstable foreign oil markets and accelerate research for alternative sources of energy.

This bill takes only nominal steps toward that goal. There is an almost laughable \$2.5 million for an education program and encouragement to Federal agencies to buy energy-efficient light bulbs. This is not exactly the bold out-of-the-box thinking that will free the next generation from dependence on foreign sources of energy. Congress needs to pause and examine our energy stance in a long-term strategic manner. We owe that to our children and our grandchildren.

I urge my colleagues to vote against the rule and reject this opportunistic legislation.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Indiana (Mr. PENCE).

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

Mr. PENCE. Mr. Speaker, I rise in support of the rule and the underlying bill and commend Chairman BARTON for his exceptional and timely work on this legislation.

But I also rise, Mr. Speaker, to say, while we respond to the energy crisis that was revealed by Hurricane Katrina, it is also vital that we respond to the fiscal crisis that was laid bare by the hurricane as well. For what began as a hurricane of nature very quickly became a hurricane of spending here on Capitol Hill: \$60 billion appropriated in 6 days, paid for by simply adding to the national debt.

Now, some of us thought we should pay for the big cost of Hurricane Katrina by cutting Big Government; and this week, with the leadership of President George W. Bush and the leadership of the Republican majority in Congress, we are beginning to do just that.

Last night, Speaker HASTERT unveiled a bold plan to cut billions of dollars from every branch of government to offset the extraordinary cost of Hurricane Katrina and its aftermath. And while the details take shape that would save tens of billions of dollars through an across-the-board spending cut; through additional entitlement savings; through a Presidential revision package, the first time in this administration; by reopening the Budget Act with a Budget Act amendment, the first time Congress has done that since 1977; and by ending nearly 100 outdated Federal programs, we are beginning that process as well.

So I rise today to say on behalf of House conservatives we are pleased, but not content. We are encouraged, but not satisfied. For while the debate has been difficult at times, the work of cutting government spending to offset the extraordinary cost of Hurricane Katrina will be harder still. With more hurricane spending right around the corner, I rise humbly to challenge my

colleagues in the House and, Mr. Speaker, I rise to challenge my colleagues in the United States Senate to be strong and courageous and do the work.

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Let us have the courage to make the tough choices, to find the means to pay for the cost of Hurricane Katrina and its aftermath through reductions in government spending. Let us do the work of rebuilding our gulf coast with the compassion and the fiscal discipline that the American people expect from a Republican Congress.

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. Mr. Speaker, I thank the gentlewoman for yielding me time.

The bill we are debating today is exactly what the American people expect from a Republican Congress. It is a set of giveaways to big oil and to big gas, while simultaneously out here on the floor the last two speakers are calling for a gutting of environmental laws and cutting of Medicaid and other social programs for the poorest people in our country as a response to Hurricanes Katrina and Rita.

This Republican Party is so out of touch that it believes that the oil and gas industries, the wealthiest industries in our country, the industries that are tipping American consumers upside-down and shaking money out of their pockets, is the first bill they should bring to the floor to respond to Hurricane Katrina, even after 10 years of a conscious conspiracy on the part of the oil industry to shut down 30 refineries, voluntarily.

And the reason is clear. In a series of memos 10 years ago, the oil industry said that we have too much refining capacity in our country. We must shut it down if we want to charge the consumers in our country more money.

That is what is going on out here on the floor, this leave-no-oilman-behind bill. We cannot fund leave No Child Behind, but can leave-no-oilman, who today planned this complete catastrophe that occurs because they shut down 30 refineries. They shut them down deliberately to cause this crisis.

We should be debating out here on the floor, which the Republicans refuse to do. Increasing fuel economy standards for automobiles, they refuse to even allow that debate out here on the floor. Increasing, doubling, tripling, quadrupling solar energy, wind energy out here on the floor, they refuse to have that debate. Instead, it is this leave-no-oilman-behind bill. Today, they have failed the historic test of preparing our country for this day.

We are here because this party believes that an energy policy is the President holding the hand of a Saudi prince and taking him in for a barbecue at Crawford, that it can substitute for the kind of plan which President Kennedy had in 1961 when the Soviets were

challenging our supremacy in outer space.

President Kennedy had a plan for us to take on the Soviet Union. This administration says there is no magic wand, and, if there is one, it is only to give more breaks, more environmental breaks, more subsidies, to the oil and gas industry, which is reporting profits that they admit they cannot even spend themselves. There is no plan from the Republican Party, except giving more to the largest industries that have dug this hole.

Mr. Speaker, the Republican Party is in violation of the first law of holes: When you are in one, stop digging. What they have out here today on the floor is a huge excavation device digging our country ever deeper, without looking at automotive technology, solar technology and the future of technology for our country.

Mr. Speaker. I rise in opposition to the Rule providing for consideration of H.R. 3893, the Gasoline for America's Security Act of 2005."

Let me begin by saying that I've been in Congress for 29 years now, and this is absolutely the worst energy bill that I've seen in the last eight weeks.

Moreover, the Rule that we are considering this morning is pretty much a gag Rule. It makes only one Substitute in order, and it bars the amendment filed by the Gentleman from New York (Mr. BOEHLERT), myself, and the Gentlelady from California (Ms. ESHOO) to mandate new fuel efficiency standards for cars and SUVs. This amendment was identical to one that I offered in the Energy and Commerce Committee, and it is unconscionable that at a time when gas prices are over \$3.00 a gallon nationwide that the Republican Leadership of this House would deny the Members an opportunity to debate the issue of whether or not to increase CAFE standards.

What is the Republican Leadership afraid of? Are they afraid that the Members, if given an opportunity to approve a measure that might actually do something to reduce gas prices, might vote for a fuel efficiency standard increase? We should be able to have that debate and vote on this issue today.

The last Energy bill that President Bush signed into law way back in August was praised by the Chairman of the Energy and Commerce Committee, who said its boutique fuels provisions would "make it more efficient to use our boutique fuels" by reducing the number of these fuels "so that we have greater transportability of our boutique fuels between those regions of the country that need those fuel sources."

Eight weeks later, we are about to take up a bill that repeals those boutique fuels provisions and replaces them with a completely new boutique fuels statute. Without any hearings, and without any Record, we're just going to rewrite those provisions.

When the last Republican energy bill was on the House floor in July, the Speaker of the House said it "promotes greater refinery capacity so more gasoline will be on the market and it increases gasoline supply by putting an end to the proliferation of boutique fuels."

Eight weeks later, this House is about to repeal the refinery provisions the Speaker praised, and replace with a whole new refinery bill.

This bill is based on a false premise, the premise that somehow our Nation's environmental laws stand in the way of building more refineries around the country. Nothing could be further from the truth. The Clean Air Act isn't the problem, it's the Anti-Competitive Acts of the oil companies that has lead to our current problems. Consider these facts.

Since 1994, 30 refineries have been closed across the country, reducing the Nation's refinery capacity by a collective 750,000 barrels per day.

This reduction represents nearly 5% of the Nation's current refinery production capability of 17.1 million barrels per day.

Twenty-one of the 30 refineries that the refiners voluntarily closed—or 78% of the shut down refinery capacity—were located in states that are not on the Gulf Coast and therefore would not have been affected by Hurricanes Katrina or Rita.

Nine of the top 10 producing refineries that were shut down were located outside the Gulf Coast, including 3 in Illinois, one in Kansas, one in Michigan, 2 in California, and 1 in Washington.

Why are these refineries being closed down?

Is it environmental regulations? No. During this same period, the refinery industry increased capacity at existing sites—with all the permits and approvals granted by the EPA. The one new refinery permit application that was submitted out in Arizona was approved by the EPA in less than a year.

So, why did the oil companies close these refineries? The reason is very clear. During the last decade, there was a wave of mergers in the refinery industry. The Big Oil companies got bigger, and as they gobbled up their smaller competitors, they closed down certain refineries for strategic business reasons.

Oil industry documents from the mid-1990s suggest that at that time, major players sought to shut down refineries in order to decrease supply and thereby drive up prices. Consider this:

A 1996 Chevron internal memo stated that "A senior energy analyst at the recent API [American Petroleum Institute] convention warned that if the U.S. petroleum industry doesn't reduce its refining capacity it will never see any substantial increase in refinery margins."

A March 1996 memo from Texaco discussed concerns that "the most critical factor facing the refining industry on the West Coast is the surplus of refining capacity, and the surplus gasoline production capacity. . . . This results in very poor refinery margins and very poor refinery financial results. Significant events need to occur to assist in reducing supplies and/or demand for gasoline."

It seems clear that the oil industry, in closing 30 refineries over the course of the last decade, was pursuing a deliberate business profit-maximization strategy aimed at addressing the oil industry's "problem" of low profit margins in refinery operations. By closing down refineries, and by consolidating any increased production at existing refineries, the oil industry has been able to drive up their profit margins.

This strategy has worked out quite well for the oil industry. During the course of this year, the profit margins of each of these companies have risen higher and higher and higher. According to a recent article in the Washington

Post, there's been a 255 percent average increase in refiner profit margins over the last two years. Now, all of that is great news if you are a shareholder in any of the big companies. But it's terrible news if you're a consumer paying \$3.00 a gallon or more to fill up the gas tank on your car or paying a \$1,000 more this winter to fill up the oil tank to heat your home.

So, what does this bill proposed to do?

Is it going to impose a windfall profit tax on the big oil companies? No.

Is it going to mandate an increase in fuel efficiency standards for cars and SUVs so we can begin reducing consumer demand? No.

Is it going to promote investment in and deployment of solar and wind energy technologies that could be an alternative to natural gas? No.

Is it going to give the Federal Trade Commission and the State Attorneys General tough new enforcement powers to go after price gouging at both the wholesale and retail level? No.

What this bill proposes is more giveaways for the big oil and gas companies at the expense of consumers and the environment.

This bill shamelessly tries to exploit the terrible human tragedy of Hurricanes Katrina and Rita to advance a radical anti-environmental agenda, of gutting the Clean Air Act, of gutting the principle of local control over land use decisions, all to advance an oil company agenda.

The sponsors of this bill call it the GAS Act. In reality, it should be called the "Leave no Oil Company Behind Act."

This is a terrible bill. It deserves to be defeated.

I strongly urge a "no" vote on the Rule and a "no" vote on final passage.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, it is interesting how today is a clear example of how anything, anything, is possible on this floor. Anything can be said. That is freedom. Even the most inconceivable, out of touch with reality statements.

Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. BARTON), the author of the legislation, the distinguished chairman of the Committee on Energy and Commerce.

Mr. BARTON of Texas. Mr. Speaker, I want to thank the distinguished gentleman from Florida for yielding me time.

Mr. Speaker, I want to point out one thing to the body: There is one thing in this bill, one thing, that scores as a cost by the Congressional Budget Office. One thing. Do you know what it is? It is the Markey amendment that we accepted in committee to increase the home heating oil reserve from 2 million barrels to 5 million barrels. We accepted it because the gentleman from Massachusetts has a legitimate concern about the plight of people that need home heating oil in the northeast. We accepted his amendment to increase the reserve by 150 percent. That is the only thing in the bill before us that the CBO has scored.

Now, is that a giveaway to big oil? Is that some kind of a payoff to industry? Or is that a legitimate need of the American people that we put into the bill because the gentleman from Mas-

sachusetts (Mr. MARKEY) asked for it, legitimately so, and it made sense, and we put it in the bill?

Ms. SLAUGHTER. Mr. Speaker, I yield 2½ minutes to the gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. Mr. Speaker, well, the majority party is shocked, shocked that price gouging took place in the wake of Katrina. Of course, they turned a blind eye to the gouging of consumers for months and years before that by big oil working in collusion with OPEC.

In the last 4 years, the top five oil companies have made \$254 billion of profits. Exxon-Mobil, in the quarter before Katrina, \$14 billion in one-quarter. And this bill does nothing to provide price relief to consumers or prevent gouging. Big oil gets a pass yet again. They are not getting as big of a gift this time, just a pass.

They point the finger at the retailers. Well, with rare exceptions, the gouging is not at the retail level. Producers of gas, they are getting 46 percent more, 47 cents a gallon; refiners, they are up to 250 percent in one year, 70 cents a gallon. Every American is paying 70 cents a gallon more to the refiners and 2 cents more on average to the retail people. It is not the retailers who are price gouging.

The chairman says "we have closed 175 refineries." He can only say "we" if he is the oil industry. The oil industry has consciously colluded to close refineries to squeeze supply to drive up the price. It is the same thing Enron did in California to stick it to everybody on the West Coast of America. Tried and true. The industry has been doing that for years.

It is not environmental laws or regulation which have closed these refineries. They have been closed by mergers and a conscious decision of the chief operating officers and CEOs of big oil to drive up their profits, and boy, have they done that. Unfortunately, it is about to destroy small businesses and consumers across America.

But they still cannot take them on. They cannot take on their benefactors here on the floor. The President offered last year to let Valero or anybody else build a new refinery on a closed military base, waiving all environmental laws, and the chief operating officer of Valero, stock up 263 percent in one year, you thought Google was doing good, he said, why would we do that? It is working really well the way it is. It is phenomenally profitable for them and the few others who still operate refineries.

We need real help for Americans, short-term relief against price gouging, take on OPEC in the World Trade Organization. And then we need longer-term new technology, new fuels, more efficiency, true energy independence for the United States of America from big oil and the Saudi and the OPEC cartels. That would be something for the American people. You are not doing that.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Pennsylvania (Mr. MURPHY).

Mr. MURPHY. Mr. Speaker, we find ourselves with so many things happening now. We have increased gasoline prices, increased winter heating costs, natural gas prices are up, manufacturing jobs are down, all because the cost of energy has remained high. Our demand for oil has grown, our production simply cannot meet demands, and this has caused increased prices. We have increased population, and we want more manufacturers to remain in the United States. That means that we have to do something.

Mr. Speaker, we do not need another hurricane to remind us that our energy infrastructure is wholly inadequate. Had we taken action to prevent our energy problems years ago, we would not have been vulnerable to natural disasters. For 30 years, we sat back. We did not want to study it. We did not want to take inventories. We did not want to explore. We resisted drilling for oil or gas. We did not build refineries. We did not move to develop clean coal technology. We did not build nuclear power plants over those 30 years, while demand grew. And eventually the system snapped. We did the same thing over and over again and expected different results.

Until our refining capacity and production capacity expands, our oil markets will remain vulnerable to disruptions. We have to have increased conservation measures. We have to have the car-pooling measures in this bill. We have to have energy-efficient cars, but we have to have more refineries.

During the last 30 years, our dependence on foreign energy has increased from 24 to 62 percent. How much further do we have to go? The American people understand this, and that is why they support this. That is why labor unions support this bill. That is why we have to move this forward.

The Gasoline for America's Security Act builds on the Energy Policy Act of 2005 and keeps us moving in the right direction. It addresses a great deal of what we need, the use of biomass debris, car pooling, van pooling, requirements to direct the FTC to conduct an investigation into nationwide gasoline prices, and it does include anti-price-gouging measures.

The other side says repeatedly it is not in there, but it does. It has anti-price-gouging measures and enforcement for gasoline, for diesel, for home heating oil, for crude oil. It is massive.

There will be a temptation to blame the high gas prices on the storms alone or to use politics to block this. But the American people understand, you cannot drive a car with politics in your tank or heat a home with politics.

I support the rule and this bill.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. HINCHEY).

Mr. HINCHEY. Mr. Speaker, one of the things that you can say about the

way in which the national Republican Party has handled America's energy problem is that they are being very consistent, and that goes back to the first moment when they controlled both the Congress and the White House; when the President, charged by the Bush administration to develop an energy policy, did the natural thing for them, brought in the energy companies to tell them what kind of policy we should have. That attitude is reflected in this bill, as well as the one that this Congress passed last July. They are both deferential to the energy companies at the expense of the American people. Everything goes to the energy companies; nothing goes to the American people.

The energy companies last year, the oil companies, made record profits, more than \$125 billion. One corporation alone made more than \$25 billion in profits in 2004. Their profits in 2005 are even higher, while the American people struggle to get back and forth to work because of the price of gasoline and as they will struggle this winter to heat their homes to try to stay safe and secure. Lives will be lost because of the way in which the national Republican Party is handling this energy problem.

In order to justify gasoline being sold at \$3 a gallon under a free, open market, you would have to have oil priced at \$95 a barrel. But we do not have a free and open market, even though the Republicans claim we do. We have a market that is controlled by the oil companies, for the oil companies and against the interests of the American people, and all of that is conspired and entered into by the national Republican Party, in the White House and in this Congress as well.

That is what we are seeing here today in the context of this legislation: More for the oil companies, less for Americans. Struggle, struggle, struggle for the American worker; struggle, struggle, struggle for the American family, while huge profits are given to the oil companies over and over again. It has got to stop. Defeat this rule, defeat the bill, pass the Stupak substitute.

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 2 minutes to the gentlewoman from California (Ms. ESHOO).

Ms. ESHOO. I thank our distinguished ranking member for yielding me time.

Mr. Speaker, I rise in opposition to the rule. I want to point out something that is in the underlying bill which authorizes the President to designate Federal lands that might be suitable for the construction of an oil refinery.

Once he has made a designation, the land must be leased for the construction of a refinery. The refinery would be permitted under expedited procedures with limited judicial review. Although the manager's amendment requires the President to conduct an analysis of the suitability of the site, there is no obligation that he take the analysis into account before design-

nating Federal property as suitable for a refinery. So there is no requirement that there be an opportunity for citizen input.

The sponsors of the bill did bar the President from designating lands that are part of the National Park System, the National Wilderness System and national monuments.

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But they failed to place language in the bill that would protect millions of acres of other equally sensitive lands, including national forests, the National Wildlife Refuge System, National Conservation Areas, Wilderness Study Areas, the National Wild and Scenic River System, the National Trail System, and the National Landscape Conservation System.

I offered an amendment that was turned back by the Committee on Rules that would have protected these lands which have been set aside for the American people. I cannot imagine why a President would want to clear the path for building a new refinery in Chincoteague, Virginia; the Great Bay Refuge in New Hampshire; or in Arkansas's Cache River Refuge. My question is, why would Congress want to give him the chance?

Vote against the rule. This is a bad bill for the American people.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Speaker, first of all, at the appropriate time, I will enter some extraneous information into the RECORD.

Mr. Speaker, it is very clear when we look at what has happened in the last few years where we have had a number of mergers of oil companies, the top five oil companies, I believe, now dominate more than a third of the market. As a result, we see that prices keep increasing as market concentration increases. This is a clear example of what happens when monopolies dominate an economy. We have high prices, and we also have manipulation of supplies, increased profits; and now we have price gouging.

With this manipulation of supply, we are also seeing an attempt today to attack our environmental laws. That puts us in a position where we sacrifice not only the standard of living of many Americans to the oil companies but now we are sacrificing the environment itself.

I think that many Americans are already aware that one of the reasons that we are in Iraq is because of oil. I mean, very few people would dispute that now. There were no weapons of mass destruction, they are not going to have a democracy there, but the administration is preparing to stay there for the long haul, and it is because of oil. Oil is corrupting this government. Oil is costing us peace in the world. Oil is putting us on a path to economic ruin. Oil is dominating this political process right now.

We need to take a new course. We can start with the windfall profits tax, but we have to go beyond that. We need to look at alternative energy, the power of the sun. Sunlight is a disinfectant in many ways, but it is also a powerful energy source. We need wind power, we need geothermal, we need to tap all available technologies to take us in a new direction where the globe itself is not at stake.

What a disgrace it is that we put the lives and the existence of the Gwitchin Indians in Alaska at risk for more oil. What a disgrace it is that we violate people's human rights for more oil. What a disgrace it is that we are not taking a new direction, not just to save the planet, but to save democracy. Vote down the bill.

PUBLIC CITIZEN,

*Washington, DC, October 5, 2005.*

DEAR REPRESENTATIVE: On Friday, October 7 the House will consider H.R. 3893, the "Gasoline for America's Security (GAS) Act of 2005." This bill takes the approach that environmental laws must be weakened in order to encourage the U.S. refining industry to expand or construct new refining capacity. This is false. The facts clearly show that not only are current environmental laws in place at a time when the refining industry is experiencing record profits, but that recent, fundamental changes to the refining industry—namely recent mergers—have created financial incentives for refineries to encourage tight supplies. Until these market fundamentals—and not environmental rules—are corrected, Americans will continue to be price-gouged by oil companies.

This week, the national average gasoline price hit \$2.93/gallon, up 50 percent from a year ago. These prices were well on their way to hitting record highs long before Hurricane Katrina. Oil and gasoline prices were rising long before Hurricane Katrina wreaked havoc. U.S. gasoline prices jumped 14 percent from July 25 to August 22.

The problem is that too few oil companies control too much of the refineries, squelching competition but guaranteeing record profits for the industry.

In 1993, the 5 largest U.S. oil refining companies controlled 34.5 percent of domestic oil refinery capacity; the top 10 companies controlled 55.6 percent. By 2004, the top 5—ConocoPhillips, Valero, ExxonMobil, Shell and BP—controlled 56.3 percent and the top 10 refiners controlled 83 percent. As a result of all of these recent mergers, the largest 5 oil refiners today control more capacity than the largest 10 did a decade ago. This dramatic increase in the control of just the top 5 companies makes it easier for oil companies to manipulate gasoline prices.

The proof is in the numbers. According to the Energy Information Administration, profit margins for U.S. oil refiners have been at record highs. In 1999, U.S. oil refiners made 22.8 cents for every gallon of gasoline refined from crude oil. By 2004, they were making 40.8 cents for every gallon of gasoline refined, a 79 percent jump. And the Washington Post noted that those profit margins have soared even higher in 2005, to 99 cents on each gallon sold, for a more than 300 percent increase since 1999.

It is no coincidence that oil corporation profits—including refining—are enjoying record highs. Since 2001, the largest 5 oil refiners in America have recorded \$228 billion in profits.

And will the environmental regulations make it easier to build new refineries? No, because the financial structure of the refining industry is what is prohibiting additional

investment. That's because the industry is making record profits off of the current tight supplies. They have no interest in creating surplus capacity because that will erode their profit margins.

Want proof? Start with the U.S. Federal Trade Commission. In March 2001, FTC concluded in its Midwest Gasoline Price Investigation:

"... A significant part of the supply reduction was caused by the investment decisions of three firms... One firm increased its summer-grade RFG [reformulated gasoline] production substantially and, as a result, had excess supplies of RFG available and had additional capacity to produce more RFG at the time of the price spike. This firm did sell off some inventoried RFG, but it limited its response because selling extra supply would have pushed down prices and thereby reduced the profitability of its existing RFG sales. An executive of this company made clear that he would rather sell less gasoline and earn a higher margin on each gallon sold than sell more gasoline and earn a lower margin. Another employee of this firm raised concerns about oversupplying the market and thereby reducing the high market prices. A decision to limit supply does not violate the antitrust laws, absent some agreement among firms. Firms that withheld or delayed shipping additional supply in the face of a price spike did not violate the antitrust laws. In each instance, the firms chose strategies they thought would maximize their profits."

So, that settles it: U.S. oil refineries would rather sell less gasoline and earn bigger profits than flood the market and earn lower profit margins. So gutting environmental laws, as H.R. 3893 proposes, will do nothing to expand refining capacity, but it will reduce public health protections for Americans.

And a May 2004 U.S. Government Accountability Office report agreed with Public Citizen that recent mergers in the oil industry have directly led to higher prices. It is important to note, however, that this GAO report severely underestimates the impact mergers have on prices because their price analysis stops in 2000—long before the mergers that created ChevronTexaco, ConocoPhillips, and Valero-Ultramar/Diamond Shamrock-Premcor.

Rolling back environmental laws will do nothing to lower prices, but it will weaken public health protections for Americans.

Sincerely,

TYSON SLOCUM,  
Public Citizen's Energy Program.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, after hearing more prophecies of pessimism, I yield 2 minutes to the distinguished gentleman from Pennsylvania (Mr. PETERSON).

Mr. PETERSON of Pennsylvania. Mr. Speaker, I thank the gentleman for yielding me this time. I rise, after listening to the last two or three speakers, because we are short of energy in this country because we have locked up our energy. We are short of energy in this country because we have built no refineries to process the oil that we purchase now from Third World countries.

We cannot shut down supply; we cannot shut down our capacity or not increase our capacity with the growing need and not have high prices. When we restrict supply, we give the power to the big companies. When we bring on supply, our market system works, and

prices will come down; but then we have to have, we have to have the refineries to refine it.

To not pass this bill today is a tragedy. I am going to support this rule, even though my amendment that I think was very important to open up supply was not allowed to be a part of it.

I want to tell my colleagues, natural gas is an issue that this Congress has to deal with. We have to deal with the supply of oil and gas both. We have to deal with having the capacity to process and provide the products. This winter, home heating oil is going to be in very short supply. In some markets, it will be way higher than others because it is not an even distribution system.

But natural gas is the one thing that we have to deal with this fall, in my view, because natural gas has not doubled; it is 700 percent more. We are going to endanger home heating. We are going to endanger major industries who are natural gas-intensive. We have companies who use it. Polymers, plastics, petrochemicals, fertilizers use natural gas as an ingredient and as a fuel. They cannot afford \$14 and \$15 natural gas. They will leave American shores.

My brick companies are closing down until it gets less costly. The last plant they are shutting down because they cannot properly make glass and compete with these natural gas prices. It is the one we have where we can be totally self-sufficient in this country on the clean fuel natural gas that fuels our industry, heats our homes, heats our schools, heats our hospitals.

Folks, let us not go home this fall until we deal with natural gas.

Ms. SLAUGHTER. Mr. Speaker, I yield 30 seconds to the gentleman from Michigan (Mr. STUPAK) for the purpose of asking a question to the previous speaker.

Mr. STUPAK. Mr. Speaker, the gentleman from Pennsylvania makes a good point, but if you look at today's Washington Post, "Natural Gas Danger Signs," they talk about a 90 percent increase in natural gas. Higher costs threaten our economic growth in U.S. manufacturing. Here is USA Today: "Staying Warm Costs Up 90 Percent More."

There is no way you are going to vote for the Barton bill, the main bill, if you believe the price of natural gas is too high. If you believe everything the gentleman from Pennsylvania said, you would vote against the Barton bill, because it does not include natural gas. Only the Democratic substitute, the Stupak-Boucher bill does.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. LEE).

Ms. LEE. Mr. Speaker, I want to thank the gentlewoman for yielding me this time and for her leadership.

I rise in strong opposition to this very restrictive rule. Now, we are all touched by the magnitude of the devastation caused by Hurricane Katrina

and Hurricane Rita in the gulf coast. The human and environmental costs of these disasters are unimaginable. But as in any catastrophe, there is always somebody waiting in the wings to make a profit off the human misery and suffering. Today, once again, it is the energy companies. This adds insult to injury. We just gave them over \$12.8 billion in subsidies and tax breaks 2 months ago, and now they are back asking for more help. Why?

The top 10 energy companies last year made over \$125 billion. Why should the American public be subsidizing these megaprofits? Once again, instead of allowing us to take a real stand to address our short-and long-term energy needs, the Committee on Rules has reported a restrictive rule that rejects consideration of many amendments which would have made this bill much better.

Despite a recent survey indicating that 86 percent, 86 percent of Americans favor an increase in fuel economy standards, the Committee on Rules prevented, prevented consideration of the Boehlert-Markey amendment which would do just that. We were prevented from considering the Gas Price Spike Act of 2005 offered as an amendment by the gentleman from Ohio (Mr. KUCINICH), the gentleman from New York (Mr. HINCHEY), the gentleman from Arizona (Mr. GRIJALVA), and myself. It would have discouraged price gouging by implementing a windfall tax on oil and gasoline profits. And we were also prevented from considering the Larson-Slaughter amendment which would have put an end, an end to gasoline price discrimination based on location, creating a free market for gasoline dealers.

Our current energy strategy will only further increase our dependence on foreign oil. We must break this chain by implementing a strategy of energy independence and defeat this giveaway to the oil industry.

Vote for a new strategy, not more of the same. We must oppose this rule and support the Stupak substitute.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I reserve the balance of my time.

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

Mr. WAXMAN. Mr. Speaker, the Republican leadership has done it. They have turned the House of Representatives into a banana republic. We have a bill on the floor today that had no hearings. It had no subcommittee markup. It was rushed through the committee without any attempt to find a compromise.

A few hours ago, in the dark of night, the bill was rewritten. There is not one Member who really understands everything that is in this bill or understands what this bill will really do. But there are dozens of cronies and special interest lobbyists smiling this morning because they know the fix is in.

The Republican leadership is so scared of open debate and the democratic process that they will not allow the bill's provisions to be debated or amended. They only will permit one amendment to one of the most anti-environmental, backward, and intellectually dishonest bills that has ever come before the House. And that may not be the worst of it, because the Republican leadership is trying to do all of this in the name of Katrina.

America watched with horror as this hurricane struck. The damage was immense, and so was our responsibility in Congress to do all we can to help those who have been displaced rebuild their lives. But that is what makes this legislation so shameful. At a time of desperate need and profound responsibility, the response of Washington Republicans is crass opportunism.

The bill will not help a single victim of Katrina. It will do nothing to help lower gas prices. Instead, Washington Republicans are using the devastation caused by the hurricanes to stampede Congress into undermining our environmental laws.

Exploitation is an ugly word, but that is what this is. I would urge Members to vote against the rule and, more importantly, vote against this bill. It is a shameful piece of legislation. It is the legislative equivalent of price gouging, and the American people deserve better, and we can do better.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Georgia (Mr. WESTMORELAND).

Mr. WESTMORELAND. Mr. Speaker, I hope the American people are watching this debate; and if they are watching this debate on TV, I hope they have a video recorder, because they need to record this debate.

When you are talking in your church or in your home or where you work about high fuel prices, you can play this and let people see why we have the prices that we have right now; why they are going to be paying more for home heating oil; why they are paying more for gasoline, because this side of the aisle over here does not understand the problems that we have in this country.

Play it; listen to it. You are an individual out there. You can car pool if you want to. If you want to buy a car that gets 50 miles to the gallon, they make them every day. You can go buy them by the hundreds. If you want to buy a car that gets 10 miles to the gallon, that is up to you. You are an individual, and you have individual responsibilities.

Let us quit blaming the people who are trying to be leaders in this country and put us on the right track for an energy policy.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SIMPSON). The Chair would advise Members to address their remarks to the Chair and not to guests in the gallery or the television audience.

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

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, how much time remains?

The SPEAKER pro tempore. The gentlewoman from New York (Ms. SLAUGHTER) has 1½ minutes remaining. The gentleman from Florida (Mr. LINCOLN DIAZ-BALART) has 2 minutes remaining.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 1½ minutes to the gentleman from Texas (Mr. BARTON), the author of the legislation.

Mr. BARTON of Texas. Mr. Speaker, I want to try to respond to some of the comments that have been made. One comment that has been made is that the U.S. oil companies somehow control the market. We consume 21 million barrels a day of oil in this country. We only produce 8 million barrels a day. We import 1 million to 2 million barrels a day from Saudi Arabia. We import a million barrels a day from Venezuela. We import a half a million barrels a day from Libya. We import some oil, believe it or not, from Iraq. We import a million barrels a day from Mexico.

One thing the U.S. oil companies do not do is control the market. They do accept a world market price. The reason the price of oil is high is because the world is using about 84 million barrels of oil a day and the world is producing about 84 million barrels of oil a day.

□ 1030

Economies like China and India are growing at 2 to 3 to 4 to 5 percent a year. The amount of oil that China is going to need from the world market in the next year is expected to go up perhaps as much as a million barrels a day. So that is one reason the oil prices are high.

The gentleman from Michigan (Mr. STUPAK) comments that his price gouging amendment does something on natural gas. That is true. I would like to point out that every State PUC in the country already regulates the retail price of natural gas, so in that particular instance, I am not sure that his amendment would do much good. The pending bill does have a provision to get information from the gathering systems, the Gulf of Mexico for natural gas production, which is something that we do not have under current law.

With that I would just ask us to vote for the rule.

Ms. SLAUGHTER. Mr. Speaker, I yield back the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, this is an important piece of legislation that the gentleman from Texas (Mr. BARTON) has brought forward today. I urge support of the rule. I urge that we reject the arguments we have heard from the prophets of pessimism. This is an important piece of legislation to keep the economy's infrastructure in place for sustained economic growth and for the lifestyle that this great Nation has be-

come accustomed to, and so we would ask all colleagues to support the underlying legislation as well as the rule.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today to express my disappointment and opposition to the Rule regarding H.R. 3893.

The Gasoline Security Act, as reported by the Committee on Energy and Commerce, includes language that takes away States' rights to have State decisions on Clean Water Act permits and water quality related to the placement of refineries and pipelines decided in State courts. Instead, the Gasoline Security Act overturns 33 years of successful State/Federal partnership and forces States to defend their actions in the U.S. Court of Appeals for the District of Columbia.

In the absence of this provision, challenges to State decisions would be brought in State courts as they always have.

The Gasoline Security Act dilutes State authority to protect water quality. I offered an amendment that would have prevented this dilution; unfortunately it was not make in order.

Section 401 of the Clean Water Act requires that before any Federal permit or license is issued that could result in a discharge into the State's waters, the State in which the discharge would occur must issue a certification that the proposed activity is consistent with the State's water quality standards.

Such a certification must be issued within a reasonable time (not more than one year), and if the certification is denied, the Federal permit or license may not be issued.

This authority is the States' ability to ensure a role in Federally-permitted activity within the State's borders.

The provisions contained in both the refinery and pipeline titles of the Gasoline Security Act are modeled on a similar provision in the recently enacted Energy Policy Act. This language was inserted in response to a specific case in Connecticut where the business community wanted to construct a pipeline over State and public objections.

The proponents of the pipeline believe that Federal courts will be less deferential to Connecticut's position in denying the water quality certification. In fact, less than two hours after President Bush signed the Energy Policy Act, Islander East Pipeline Co. went to the Federal Appeals Court seeking to overturn Connecticut's decision.

I urge my colleagues and members of the Rules Committee to help stop the trampling of the States' rights to defend the quality of the environment and public health by making in order my amendment to modify these provisions from H.R. 3893.

Mr. LINCOLN DIAZ-BALART of Florida. 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 SPEAKER pro tempore (Mr. SIMPSON). The question is on the resolution.

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

Ms. SLAUGHTER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 8 of rule XX, this 15-minute vote on adoption of House Resolution 481 will be followed by a 5-minute vote on approval of the Journal.

The vote was taken by electronic device, and there were—yeas 216, nays 201, not voting 16, as follows:

[Roll No. 515]

YEAS—216

Aderholt	Gillmor	Northup
Akin	Gingrey	Nunes
Alexander	Gohmert	Nussle
Bachus	Goode	Osborne
Baker	Goodlatte	Otter
Barrett (SC)	Granger	Oxley
Bartlett (MD)	Graves	Paul
Barton (TX)	Green (WI)	Pearce
Bass	Gutknecht	Pence
Biggert	Hall	Peterson (PA)
Bilirakis	Harris	Petri
Bishop (UT)	Hart	Pickering
Blackburn	Hastings (WA)	Pitts
Blunt	Hayes	Platts
Boehner	Hayworth	Pombo
Bonilla	Hefley	Porter
Bonner	Hensarling	Price (GA)
Bono	Herger	Pryce (OH)
Boozman	Hobson	Putnam
Boustany	Hoekstra	Radanovich
Bradley (NH)	Hostettler	Ramstad
Brady (TX)	Hulshof	Regula
Brown (SC)	Hunter	Rehberg
Brown-Waite,	Hyde	Reichert
Ginny	Inglis (SC)	Renzi
Burgess	Issa	Reynolds
Burton (IN)	Istook	Rogers (AL)
Buyer	Jenkins	Rogers (KY)
Calvert	Jindal	Rogers (MI)
Camp	Johnson (CT)	Green, Gene
Cannon	Johnson, Sam	Rohrabacher
Cantor	Jones (NC)	Grijalva
Capito	Keller	Ros-Lehtinen
Carter	Kelly	Gutierrez
Chabot	Kennedy (MN)	Ryan (WI)
Chocola	King (IA)	Harman
Coble	King (NY)	Ryun (KS)
Cole (OK)	Kingston	Herseth
Conaway	Kirk	Saxton
Crenshaw	Kline	Schmidt
Cubin	Knollenberg	Stearns
Culberson	Colbe	Sensenbrenner
Cunningham	Kuhl (NY)	King (NY)
Davis (KY)	LaHood	Kingston
Davis, Jo Ann	Latham	Kirk
Davis, Tom	LaTourette	Shadegg
DeLay	Lewis (CA)	Shaw
Dent	Lewis (KY)	Sherwood
Diaz-Balart, L.	Linder	Shimkus
Diaz-Balart, M.	LoBiondo	Shuster
Doolittle	Lucas	Inslee
Drake	Lungren, Daniel	Simpson
Dreier	E.	Smith (NJ)
Duncan	Mack	Smith (TX)
Ehlers	Manzullo	Sodrel
Emerson	Marchant	Souder
English (PA)	McCaull (TX)	Souder
Everett	McCotter	Stearns
Feeney	McCrary	Tiahrt
Ferguson	McHenry	Tiberi
Flake	McHugh	Turner
Foley	McKeon	Upton
Forbes	McMorris	Walden (OR)
Fortenberry	Mica	Walsh
Fossella	Miller (FL)	Wamp
Foxx	Miller (MI)	Weldon (FL)
Franks (AZ)	Miller, Gary	Weldon (PA)
Frelinghuysen	Moran (KS)	Whitfield
Gallegher	Murphy	Wicker
Garrett (NJ)	Musgrave	Wilson (NM)
Gerlach	Myrick	Wilson (SC)
Gibbons	Neugebauer	Wolf
Gilchrest	Ney	Young (FL)

NAYS—201

Abercrombie	Bean	Boehlert
Ackerman	Becerra	Boren
Allen	Berkley	Boucher
Andrews	Berman	Boyd
Baca	Berry	Brady (PA)
Baird	Bishop (GA)	Brown (OH)
Baldwin	Bishop (NY)	Brown, Corrine
Barrow	Blumenauer	Butterfield

Capps Jackson-Lee Pelosi

Capuano Capuano (TX) Peterson (MN)

Cardin Jefferson Pomeroy

Cardoza Johnson (IL) Price (NC)

Carnahan Johnson, E. B. Rahall

Carson Jones (OH) Rangel

Case Kanjorski Reyes

Castle Kaptur Ross

Chandler Kennedy (RI) Rothman

Cleaver Kildee Roybal-Allard

Clyburn Kilpatrick (MI) Ruppersberger

Conyers Kind Rush

Cramer Kucinich Ryan (OH)

Cooper Langevin Sabo

Costa Lantos Salazar

Costello Larsen (WA) Sanchez, Linda

Cramer Larson (CT) T.

Crowley Leach Sanders

Cuellar Cummings Schakowsky

DeFazio Lipinski Schiff

DeGette Maloney Shays

DeLauro Markey Sherman

Dicks Marshall Skelton

Dingell Lofgren, Zoe Matheson

Doggett Lowey Matsui

Doyle Lynch Slaughter

DeFazio DeFazio (VA) Smith (WA)

DeGette Maloney Snyder

DeLauro McDermott Solis

Dicks McGovern Spratt

Dingell McIntyre Stark

Dobie McKinney Strickland

Dobie McNulty Stupak

Dobie Meehan Tierney

Dobie Meehan Tauscher

Dobie Meehan Taylor (MS)

Dobie Meehan Thompson (CA)

Dobie Meehan Thompson (MS)

Dobie Meehan Blackburn

Dobie Meehan Blumenauer

Dobie Meehan Blunt

Dobie Meehan Etheridge

Dobie Meehan King (IA)

Dobie Meehan King (NY)

Dobie Meehan Everett

Dobie Meehan Boehlert

Dobie Meehan Boehler

Dobie Meehan Boehler