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□ 1645

SECURING AMERICA'S FUTURE ENERGY ACT OF 2001

(Continued)

We need to be smart on how we proceed with this transition. We need to encourage our domestic auto companies to improve fuel efficiency, and we do need to do that in a way that does not displace American workers.

How do we do that? There are many ways to do that. One way to do that is to encourage the market to move in that direction. That means providing tax credits to those who will purchase these new fuel-efficient technological automobiles. The technology is there to build cleaner cars, increase good-paying job opportunities here at home, and to protect our environment.

Mr. Chairman, the chip that keeps the CD player in the car from skipping contains more computer memory than the entire Apollo spacecraft. Using these technological advancements, we can build cleaner and safer cars with the U.S. union workers making them, and we can protect our environment at the same time. I urge my colleagues to vote ''no'' on the amendment.

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

I guess this boils down to whose arguments are the most persuasive. Do we believe the automobile industry, which told us in the seventies that mandating seatbelts, which have saved thousands of lives since, would deal a devastating blow to auto makers and force massive layoffs, neither of which happened?

Or do we believe the National Academy of Sciences, which issued a report just yesterday that said that reasonable CAFÉ standards, and ours are in the low end of their range, would bring major benefits without compromising safety?

The Academy said, ''Fuel economy increases are possible without degradation of safety. In fact, they should provide enhanced levels of occupant protection.''

I would say, let us lessen our dependence on foreign oil without dislocation in the industry. Let us deal with sound science. Let us address the consumer's interest, paying less to fill up that gas guzzler, visiting their local gas stations less frequently, and let us deal with the safety of the American public.

We have an opportunity to do the responsible thing. Vote for this sensible middle-ground amendment.

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

Mr. Chairman, I will close in opposition to the amendment. I happen to believe, with the gentleman from New York (Mr. BOEHLERT), that we should believe the National Academy of Sciences. They say that if the Boehlert amendment passes, Americans will die in increasing numbers on the highways because the automobile industry will have no choice with this extreme, radical change in CAFÉ numbers but to lighten up the vehicles and downweight them. The National Academy of Sciences just said that.

They said to the gentleman, if they take the gentleman's plan and spread it out over 10 or 15 years, that might not happen. The gentleman from New York (Mr. BOEHLERT) wants to enact his plan in a short 4 years, a 46 percent increase in CAFÉ standards in 4 years, leading, as the National Academy of Sciences says, to increased death on our nation's highways.

We ought to stand against this amendment. The debate is not about raising CAFÉ standards. The bill raises CAFÉ. It saves 5 billion gallons of gasoline in the 6-year period. That is equivalent to parking a whole year's production of SUVs and minivans for 2 years, parking them, not running them on the highways. It is equivalent to saving $100 billion pounds of CO_2 emissions. That is what the bill does without this extreme amendment.

This is the history of CAFÉ: regular, orderly, responsible increases. There was one increase that was too big and NHTSA had to roll it back. There were orderly, responsible increases. It is time for another orderly, responsible increase.

That is what the underlying bill does. It sets as a floor the saving of 5 billion gallons of gasoline, and it tells NHTSA, If you think you can do more, do more. It is a minimum, not a maximum. This amendment will end up killing Americans. We ought to defeat it.

Ms. KILPATRICK. Mr. Chairman, I rise in opposition to the amendment offered by the gentlemen from New York and Massachusetts.

Both sides of the debate cite the recent report on the effectiveness of CAFÉ Standards by the National Academy of Sciences. Supporters of the amendment argue that the technology currently exists to raise the combined fleet passenger vehicle and light truck standard from 20.7 miles per gallon to 26 by 2004. But the Boehlert-Markey amendment doesn't stop there, it puts on an additional requirement that the combined fleet standard must be raised to 27.5 by the following year. The problem is that U.S. auto manufacturers, especially in the light truck lines, have established their production lines for the next five model years.

Changing CAFÉ standards will cause severe disruptions in the plant configuration for production line models over the next five years. This will force automakers to shut down certain lines, close plants, lay off workers and harm auto manufacturing communities.

The effect of this amendment is that General Motors and Ford will have to close over 20 plants in order to comply with the new standard. This action would result in the loss of 100,000 auto worker jobs. Daimler-Chrysler says it would have to close two of its truck plants and would no longer be able to produce the Durango, the Dakota or Ram pickup truck lines. That would cost 35,000 Daimler-Chrysler workers their jobs. These are job losses that would result by model year 2004. More job losses would follow when the CAFÉ standard would be increased to 27.5 mpg by model year 2005.

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The jobs of these auto workers and the economic health of auto-making communities is too important for us to ignore. Yes, we want more fuel efficient automobiles, minivans, pickups and SUVs. But as the National Academy of Sciences reported, automakers need sufficient lead time—10 to 15 years—to phase in fuel saving improvements.

H.R. 4 specifically instructs the National Highway Traffic Safety Administration to develop a new standard for light trucks based on maximum feasible technology levels and other criteria in addition to reducing gas consumption by 5 billion gallons by year 2010. The fuel efficiency standard in H.R. 4 is a floor, not a ceiling.

The economy is too anemic and basic industry in America—especially the auto industry—is too fragile to sustain a production change requirement of this magnitude. This economy cannot afford to lose more than 100,000 auto industry jobs. President Bush is fond of saying, ''Don't mess with Texas.'' Well, I'm from Michigan—Detroit City, the motor capital of the world—and I say, ''Don't mess with Michigan; don't mess with auto-making centers such as Detroit, and don't mess with auto workers and their families.'' Vote against the Boehlert-Markey Amendment.

Mr. OXLEY. Mr. Chairman, I represent a district with thousands of automobile workers who are proud to build safe cars for consumers. These workers produce quality parts and vehicles that drivers have confidence in.

They're concerned when someone in Washington presumes to know more about auto engineering than the people on the production line. And they get really worried, when a decision made here threatens their jobs.

By raising CAFÉ standards, Congress would literally be dictating to automakers how to build their cars and minivans, and telling consumers what they can and can't buy. Frankly, I don't think that many people want a car or SUV designed by a government committee . . . or want Congress to be their car salesman.

CAFÉ is bureaucratic, and diverts resources from real fuel economy breakthroughs. It compromises safety, because ultimately it has the effect of forcing heavier, sturdier vehicles off the road. And for all of the ballyhoo, the statistics show that CAFÉ has not saved as much gasoline as its proponents predicted.

Manufacturers are already working on a new generation of fuel efficient vehicles that consumers will want to buy. Honda is producing a hybrid car at its Marysville plant in Ohio. The workers there—and they include some of my constituents—are building that car because it responds to a consumer need, not because the government is telling them to do it.

If we really want to bring relief to the driving public . . . we need far-sighted policies encouraging oil exploration, additional refinery capacity, and common sense environmental regulation. CAFÉ is a 1970s solution to our energy challenges that is as threadbare as your old bell bottom jeans.

Mr. CARDIN. Mr. Chairman, I rise today with conditional support for the Boehlert-Markey Amendment. The provisions in H.R. 4 on CAFÉ standards are not strong enough to adequately address the need to improve vehicle fuel efficiency. But, this amendment does not provide a sensible way to help U.S. manufacturers deal with the energy problems in this nation with out jeopardizing U.S. jobs. We can do better for U.S. manufacturers and energy savings in this country. As this amendment makes its way through the legislative process, my support is conditioned on the following concerns being addressed.

To begin with, the structure of the CAFÉ standards creates a competitive imbalance among the automobile manufacturers. I am uncomfortable with this regulatory impact and will work to see it minimized. By using a fleet average calculation, manufacturers who have product lines of smaller vehicles are better able to meet the CAFÉ standards than those for whom larger cars and trucks make up larger portions of their inventory. Thus it is much easier for some manufacturers to meet any increase in CAFÉ standards than it is for others. While the legislation and amendments before this chamber do not address this issue, I am hopeful that there will be an effort in the Senate or in conference to better level the playing field for manufacturers, so that we will have improvements to this when the bill comes back before the House.

Also, I believe that the time frame outlined in this amendment for implementation of the CAFÉ standards is too short. We should be taking a long term view on energy policy issues. By placing such tight time lines, you cause the manufacturers to resort to shortcuts in design and production to meet these requirements. These shortcuts will create negative long term impacts. These include, among others, negative consequences on the industries that supply the materials for the vehicles, such as steel manufacturers, and the safety of these vehicles for the consumer. The first chance for the auto manufacturers to make changes in their vehicle designs comes with the 2004 model, leaving only 1 year to meet new standards. While I think it is possible for them to achieve these goals, I am concerned that there may be unnecessary negative consequences. Again, energy is a long term challenge.

In spite of these reservations, I believe it is time for action to be taken to improve vehicle fuel economy standards given the energy situation in this country. In addition to the increase in CAFÉ, I think incentives in this bill for consumers to purchase alternative fuel and hybrid vehicles will go a long way to better fuel economy and lower oil consumption.

Broadly, I believe H.R. 4 is unfairly skewed toward increased production and is not focused enough on conservation and renewables. Supporting the Boehlert-Markey amendment, with the adjustments that are necessary, will help steer this bill back on the right track toward better conservation.

Mr. EHLERS. Mr. Chairman, I firmly believe it is extremely important for Congress to increase fuel efficiency standards to improve air quality, reduce greenhouse gas emissions and lessen dependence on foreign oil.

I am very anxious to include in this energy bill, HR 4, measures to improve gas mileage in a manner that does not harm the automobile industry of this country. However, the only amendment permitted that addressed fuel efficiency was submitted by the gentleman from New York, Mr. BOEHLERT. Unfortunately his amendment set impossible time lines, and would have hurt American auto manufacturers. My vote in favor of the amendment was simply a statement of principle. My vote should be interpreted solely as a desire to move in a direction of increased gas efficiency. My vote should definitely not be interpreted as an intent to cripple the automobile industry in its attempt to compete with foreign automakers.

I pledge to continue to work towards increasing fuel efficiency, cleaner air and energy conservation. I will also continue to work towards these goals within a reasonable time frame that will help, not hurt, America's automobile industry.

Mrs. JOHNSON of Connecticut. Mr. Chairman, I rise in strong support of the Boehlert-Markey amendment to increase CAFE standards for SUVs and light trucks.

America controls 3 percent of the known world oil reserves, while OPEC controls 76 percent! We need to make our economy less dependent on oil by becoming more energy efficient. According to the 2001 National Academy of Sciences report, ''Improved fuel economy has reduced dependence on imported oil, improved the nation's term of trade and reduced emissions of carbon dioxide, a principal greenhouse gas, relative to what they otherwise would have been.''

If fuel economy had not improved, gasoline consumption (and crude oil imports) would be about 2.8 million barrels per day higher than it is, or about 14 percent of today's consumption.'' The National Academy report states that ''Had past fuel economy improvements not occurred, it is likely that the U.S. economy would have imported more oil and paid higher prices than it did over the past 25 years.'' ''Fuel use by passenger cars and light trucks is roughly one-third lower today than it would have been had fuel economy not improved since 1975 . . .''

Congress must continue to increase CAFE standards because the auto manufacturers will not do so on their own. The technology does exist to further improve the fuel efficiency of cars, trucks and SUVs. If we do, we can save consumers' money at the gas pumps, reduce our dependence on foreign oil, and improve air quality.

I urge support for the Boehlert-Markey amendment.

The CHAIRMAN pro tempore (Mr. LATOURETTE). All time for debate has concluded.

The question is on the amendment offered by the gentleman from New York (Mr. BOEHLERT).

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

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

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

It is now in order to consider amendment No. 4 printed in Part B of House Report 107–178.

AMENDMENT NO. 4 OFFERED BY MRS. WILSON

Mrs. WILSON. Mr. Chairman, I offer an amendment.

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

The text of the amendment is as follows:

Amendment No. 4 offered by Mrs. WILSON:

Page 81, after line 12 (after section 308 of title III of division A) insert the following

new section and make the necessary conforming changes in the table of contents:

SEC. 309. PROHIBITION OF COMMERCIAL SALES OF URANIUM BY THE UNITED STATES UNTIL 2009.

Section 3112 of the USEC Privatization Act (42 U.S.C. 2297h–10) is amended by adding at the end the following new subsection:

''(g) PROHIBITION ON SALES.—With the exception of sales pursuant to subsection (b)(2) (42 U.S.C.2297h–10(b)(2)), notwithstanding any other provision of law, the United States Government shall not sell or transfer any uranium (including natural uranium concentrates, natural uranium hexafluoride, enriched uranium, depleted uranium, or uranium in any other form) through March 23, 2009 (except sales or transfers for use by the Tennessee Valley Authority in relation to the Department of Energy's HEU or Tritium programs, or the Department or Energy research reactor sales program, or any depleted uranium hexafluoride to be transferred to a designated Department of Energy contractor in conjunction with the planned construction of the Depleted Uranium Hexafluoride conversion plants in Portsmouth, Ohio, and Paducah, Kentucky, to any natural uranium transferred to the U.S. Enrichment Corporation from the Department of Energy to replace contaminated uranium received from the Department of Energy when the U.S. Enrichment Corporation was privatized in July, 1998, or for emergency purposes in the event of a disruption in supply to end users in the United States). The aggregate of sales or transfers of uranium by the United States Government after March 23, 2009, shall not exceed 3,000,000 pounds U_3O_8 per calendar year.''.

The CHAIRMAN pro tempore. Pursuant to House Resolution 216, the gentlewoman from New Mexico (Mrs. WILSON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from New Mexico (Mrs. WILSON).

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

Over the last 5 years, the domestic uranium industry in this country has collapsed because the Federal Government is dumping uranium onto the market.

Our amendment prohibits the sale of government uranium inventories through March of 2009 and honors existing contracts and obligations that are already in place. After that, the transfers are limited to 3,000 pounds of uranium a year. It would allow the transfers needed to cover current obligations and allow government uranium inventories to be used in the event of disruption of supply to U.S. nuclear facilities.

We need a nuclear power industry long term to maintain the diversity of our electricity supply. If we do not maintain a domestic supply of uranium, then we will become increasingly dependent on foreign sources of uranium, and in 10 to 15 years, find ourselves in the exact situation with uranium and nuclear power as we find ourselves in in the oil business.

Mr. Chairman, I believe this is a balanced and very fair amendment. It has no budgetary impact. I believe that the Department of Energy has now indicated its support for it.

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

Mr. TAUZIN. Mr. Chairman, although I support the amendment, I ask unanimous consent to claim the time in opposition.

The CHAIRMAN pro tempore. Without objection, the gentleman from Louisiana (Mr. TAUZIN) is recognized for 5 minutes.

There was no objection.

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

Mr. Chairman, the proposed amendment would prohibit the Department of Energy from selling into the open market approximately 85 percent of the Department's inventory of approximately 21,000 metric tons of uranium until after the year 2009. However, this amendment would not prevent DOE from selling approximately 3,700 tons of uranium, or 15 percent of its total inventory, that the DOE is required to sell by statute pursuant to the U.S.E.C. Privatization Act.

Many domestic uranium mining companies have stopped production or are on the verge of bankruptcy. We do not want the Government to cause further deterioration in the uranium markets by selling its vast quantities of uranium inventories. The amendment seeks to prevent the further deterioration and downward price pressure on the price of uranium by restricting DOE from selling 85 percent of its inventory.

It is my understanding the Department has already implemented a memorandum of understanding dating back to 1998 that restricts the sale of the same quantity of uranium it holds in inventory. Thus the proposed amendment seeks to codify sales restrictions that the Department of Energy has already determined were necessary.

The amendment would not prevent DOE from selling or transferring uranium that it has already agreed to sell or transfer under existing contracts or agreements. There should be no disruption in those programs or activities as a result of this amendment.

Mr. Chairman, I support the amendment; and I urge my colleagues to do so, too.

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

Mr. TAUZIN. I yield to the gentleman from Utah.

Mr. CANNON. Mr. Chairman, I would like to enter into a colloquy with the gentlewoman from New Mexico (Mrs. WILSON).

I understand, I say to the gentlewoman, that the language as drafted is intended to support the recovery of the U.S. uranium industry. The ability to process materials other than conventional mined ores, which are primarily materials from the U.S. Government, has allowed conventional uranium mills to provide a valuable recycling service. This has resulted in a significant savings for the Government over direct disposal costs, as well as the recapture of valuable energy resources.

It has also resulted in an overall improvement in the environment, because the tailings from the conventional milling process are less radioactive, due to the extraction of the uranium, than they would have been if disposed of directly.

I believe this problem could be resolved with a simple language change. Would the gentlewoman from New Mexico be amenable to working on that between now and conference?

Mrs. WILSON. Mr. Chairman, will the gentleman yield?

Mr. TAUZIN. I yield to the gentlewoman from New Mexico.

Mrs. WILSON. Mr. Chairman, I would be more than amenable to that. I would be happy to work with the gentleman from Utah in conference to make sure that uranium recyclers, a very valuable service provided with the U.S. Government, are not impacted at all by this amendment. It is not the intent of this amendment to limit that in any way.

I would be happy to work with the gentleman on it and fix it as this bill moves forward in the process. I very much appreciate his bringing it forward.

Mr. CANNON. I thank the gentlewoman.

Mrs. WILSON. Mr. Chairman, I yield 2 minutes to the gentlewoman from Wyoming (Mrs. CUBIN).

Mrs. CUBIN. Mr. Chairman, currently over 20 percent of America's electricity is supplied by nuclear power, which requires roughly burning 50 million pounds of uranium as nuclear fuel each year.

As our Nation's energy needs grow, so must all of our sources of energy in the future, including nuclear. Uranium, much like our current dependence on foreign oil, is increasingly produced outside the United States. Uranium domestically produced is currently 3 million pounds or just 6 percent of the Nation's nuclear fuel. Remember, 20 percent of our electricity is supplied by nuclear. The vast majority of that uranium that is produced is owned by foreign countries.

At least the oil and gas end of the public lands, for the most part, is owned by domestic corporations. Over the last 5 years, the domestic uranium production industry has faced the loss of the uranium market due to government inventory sales, resulting in the decline of sales and income, market capitalization, and massive asset devaluation.

In my home State of Wyoming, uranium suppliers over the past several years have been forced to reduce a healthy workforce from several thousand to just 250 people, all this in a State that has just under 480,000 total population. This has made a huge impact on my State.

In December of 2000, the General Accounting Office reported that the sales of natural uranium transferred from DOE to the United States Enrichment Corporation created an oversupply and

a subsequent drop in uranium prices. To balance this previous uranium dumping on the market, the Wilson-Cubin amendment would prohibit the transfer or sale of government uranium inventories through March 23, 2009. Subsequent to that, transfers or sales of up to 3 million pounds of uranium would be permitted per year.

Only through this legislative action can we prevent the dire future that the industry is currently facing. If we decide to maintain the status quo, our domestic uranium industry could be dead in 3 years. I ask Members to vote for the Wilson-Cubin amendment.

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

Mr. Chairman, I wanted to commend the gentlewoman from Wyoming for her leadership on this issue, as well. As the Chair of the subcommittee, she has been a leader on making sure that we have a domestic mining industry that is adequate and meets our needs. She has provided wonderful leadership.

Mr. Chairman, I yield 30 seconds to the gentleman from Kentucky (Mr. WHITFIELD).

Mr. WHITFIELD. Mr. Chairman, I thank the gentlewoman for yielding time to me.

I support the amendment offered by my two colleagues, the gentlewoman from New Mexico (Mrs. WILSON) and the gentlewoman from Wyoming (Mrs. CUBIN). The limitation imposed by this amendment on the sale and transfer of U.S.-owned uranium products contained in the amendment will strengthen our domestic uranium enrichment industry.

I particularly want to thank the gentlewoman from New Mexico (Mrs. WILSON) for agreeing to two exceptions from the freeze. One will ensure no disruption in the planned construction of depleted uranium hexafluoride conversion plants at Paducah, Kentucky, and Portsmouth, Ohio. The other will allow for the replacement of contaminated uranium that was transferred to the United States Enrichment Corporation at the time of privatization.

I urge support of the amendment.

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

Mr. Chairman, there are many more things we have to do for the uranium fuel cycle. I am working with my colleagues from other States to make sure that we can keep nuclear power as a long-term option. This is only the first piece of that puzzle, and I ask my colleagues to give it their full support.

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

The CHAIRMAN pro tempore. All time has expired.

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

The amendment was agreed to.

The CHAIRMAN pro tempore. It is now in order to consider amendment No. 5 printed in part B of House Report 107–178.

AMENDMENT NO. 5 OFFERED BY MR. GREEN OF TEXAS

Mr. GREEN of Texas. Mr. Chairman, I offer an amendment.

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

The text of the amendment is as follows:

Amendment No. 5 offered by Mr. GREEN of Texas:

In division A, title VIII, insert at the end the following new section and make the necessary conforming change in the table of contents:

SEC. 804. REPEAL OF HINSHAW EXEMPTION.

Effective on the date 60 days after the enactment of this Act, for purposes of section 1(c) of the Natural Gas Act (15 U.S.C. 717(c)), the term ''State'' shall not include the State of California.

The CHAIRMAN pro tempore. Pursuant to House Resolution 216, the gentleman from Texas (Mr. GREEN) and a Member opposed each will control 10 minutes.

Mr. WAXMAN. Mr. Chairman, I seek recognition in opposition to this amendment.

The CHAIRMAN pro tempore. The gentleman from California (Mr. WAXMAN) will control the 10 minutes in opposition.

The Chair recognizes the gentleman from Texas (Mr. GREEN).

□ 1700

Mr. GREEN of Texas. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise to continue the process that I think this bill begins, and that is rescuing the State of California by removing an important hindrance in delivering more natural gas into their State.

In the wake of the California energy debacle, I heard from some of my colleagues and from the esteemed Governor of California that the entire energy shortage in California was the result of Texas energy pirates. My hometown of Houston was sometimes accused of conspiring to drive up natural gas prices by restricting that supply to the West Coast. Imagine my surprise when I learned that there is a Federal law and policy within the State of California that worked hand-in-hand to limit California natural gas pipeline capacity intrastate.

It now seems that the real villains may come closer to Sacramento than we originally thought, and maybe even they wear cowboy hats. The Federal law I refer to is the so-called Hinshaw exemption, contained in Section 1(c) of the Natural Gas Act. What the Hinshaw exemption says is what is important to California consumers. It was passed in 1954, and it exempts natural gas transmission pipelines from the jurisdiction of the Federal Energy Regulatory Commission, or FERC, if it receives natural gas at the State boundary or within the State that a natural gas is consumed.

What this amendment would do would be to provide FERC oversight over the California pipelines and increase their intrastate pipeline.

Mr. Chairman, I have an example here for my colleagues. The interstate gas pipelines actually can flow at 7.4 million cubic feet per day, whereas the pipelines intrastate only can go about 6.67 million cubic feet per day. That is the problem we have in California. There is more gas going to the State than can go out into the State.

Now, California can build all the plants they want that will burn natural gas, but if they do not increase the capacity of their pipeline system, it will not help one bit. That is why this is important, and it will provide Federal oversight of those natural gas pipelines in California and give FERC the responsibility they have mentioned before.

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

Mr. WAXMAN. Mr. Chairman, I rise in opposition to this amendment, and I yield myself 4 minutes.

Mr. Chairman, this amendment will remove what is an exemption under existing law on intrastate pipelines in California. This amendment would deny California, and only California, the ability to regulate pipelines that are wholly within the State's borders. It singles out California for unequal treatment.

The amendment would overturn decades of established practice without serving any beneficial purpose whatsoever. The Hinshaw exemption dates back to 1954 when Congress amended the Natural Gas Act to give States sole jurisdiction over pipelines entirely within their borders. As the legislative history explained, the Hinshaw exemption was designed to prevent unnecessary duplication of Federal and State jurisdiction. These concerns are as important today as they were 47 years ago.

Supporters of the amendment seem to believe that California has done an inadequate job regulating intrastate pipelines. They believe California's high natural gas prices are the result of insufficient pipeline capacity within the State. This is simply not true. The cause of California's high natural gas prices was market manipulation by a subsidiary of El Paso Natural Gas, which owned the rights to and about a third of the capacity on the El Paso pipeline into Southern California.

The El Paso subsidiary drove gas prices through the roof by withholding capacity. El Paso lost its stranglehold on the California market on June 1 when its right to control pipeline capacity expired. Overnight, natural gas prices in California dropped. Gas prices at the Southern California border were around $10 per million Btu on May 31. By June 8, a week later, they had dropped to around $3.50.

If the problem with natural gas prices in California was inadequate capacity within California, this dramatic drop in price would not have occurred. There was no increase in pipeline capacity in California during this period.

There is no need for this amendment. The only pipeline in California that

sometimes has a shortage of capacity is the Southern California Gas pipeline, but the capacity issue on this pipeline is being addressed by California. SoCal Gas is building four additional pipeline expansions. These will be complete by this winter, the peak demand season; and they will make sure Southern California Gas continues to have enough natural gas to serve its customers.

I also oppose this amendment because it places California at the mercy of the Federal Energy Regulatory Commission, which has shown little interest in the welfare of California consumers. Giving FERC jurisdiction will not expand capacity any faster than is already being expanded. It will only complicate the expansion and slow it down.

Let me tell my colleagues, from a California perspective, that this is a very dangerous amendment. It would put us at the mercy of FERC, where El Paso Natural Gas and others, who have a record of manipulation of natural gas price, will have a friendlier audience than the State of California, and it would have Washington, D.C. telling the State of California it cannot handle its own affairs. In Washington, the decisions have to be made, not in California, for intrastate, intrastate California pipeline capacity. I strongly oppose the amendment.

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

Mr. GREEN of Texas. Mr. Chairman, I yield myself such time as I may consume, before yielding to my colleague from the Committee on Energy and Commerce, to respond that the gentleman is correct, this amendment does single out California. California has asked for Federal assistance now for months and months. What we are saying is that even with the pipelines they are planning, their demand outstrips the capacity of the pipelines that they are planning.

Mr. Chairman, I yield 3 minutes to the gentleman from Texas (Mr. BARTON), chairman of the Subcommittee on Energy and Air Quality of the Committee on Energy and Commerce.

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

Mr. BARTON of Texas. Mr. Chairman, as we do this energy debate on the floor today, we are going to have a number of California-specific amendments. We are going to have a California-specific amendment on price caps. We are going to have a California-specific amendment on the oxygenate refuel requirement on the Clean Air Act. It is only fair that we have one California-specific amendment that would actually do some good.

The Hinshaw pipeline exemption was put into law in 1954 because there were a number of States that wanted to gather natural gas, they wanted to distribute natural gas, and they did not want to be subject to the Federal Energy Regulatory Commission, or, at the time, the Federal Power Commission, regulation in terms of the low-pressure sales of their natural gas pipeline. So they put in the Hinshaw exemption.

One State, one State of all the 50 States that have tried to create Hinshaw pipelines used this exemption to thwart the Natural Gas Act of 1934, and that State is the State of California. They made a policy decision that an interstate, that is a pipeline that is going between States, when it hit the California border, they changed the size of the diameter of the pipe so they could call it an intrastate pipeline not an interstate pipeline.

Now, the little display of my colleague from Houston over there is really not to scale. That shows about a 10-inch pipeline and a 6-inch pipeline. In truth, they are going from a 48-inch pipeline to a 36-inch pipeline, or from a 42-inch pipeline to a 30. It is actually a bigger discrepancy than my friend shows. It is only fair if we want to actually help lower natural gas prices to the Golden State of California, and we want to lower electricity prices, that we actually require that an interstate pipeline in California is the same as an interstate pipeline anywhere else in the country.

So we have a discrepancy now of somewhere between a half billion cubic feet a day and a billion cubic feet a day of natural gas that can be delivered to the California border but actually accepted and transmitted across the California border. If we adopt the Green amendment, and I hope that we will, we will eliminate this kind of artificial disparity that State regulators and State legislators in California have created over the last 45 years.

So I would hope we would adopt the Green amendment and allow us, allow people that want to help California by providing more natural gas actually do that. With that, I offer my strong support for the amendment.

Mr. WAXMAN. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. RADANOVICH).

Mr. RADANOVICH. Mr. Chairman, I thank the gentleman for yielding me this time, and I rise in opposition to the Green of Texas amendment.

This is a punitive stealth amendment that is not helpful to resolving the energy crisis in California. In fact, the manager's amendment already includes provisions to address the concern over the adequacy of interstate gas pipelines in California.

I would like all the Members to understand that this amendment does not remove an exemption, it, in fact, imposes a regulation. If we want to remove this so-called exemption from California, why not, out of fairness, remove it also from Texas, Louisiana, Alaska, New York, Ohio, and every other State in the Union?

One good rule of thumb in legislating is to abide by the physician's maxim of at least doing no harm. Not only does this amendment do no good, it, in fact, increases harm and damage to the State of California. So please vote ''no'' on this Green amendment.

Mr. GREEN of Texas. Mr. Chairman, how much time is remaining between the two sides?

The CHAIRMAN pro tempore (Mr. LATOURETTE). The gentleman from Texas (Mr. GREEN) has 4½ minutes remaining, and the gentleman from California (Mr. WAXMAN) has 5 minutes remaining.

Mr. GREEN of Texas. The gentleman from California has right to close?

The CHAIRMAN pro tempore. That is correct.

Mr. GREEN of Texas. Mr. Chairman, I yield myself such time as I may consume to enter into a brief dialogue with the gentleman from California (Mr. LEWIS).

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

Mr. GREEN of Texas. I yield to the gentleman from California.

Mr. LEWIS of California. I will not take too much of the gentleman's time. I apologize that I did not have a chance to hear the opening statement, but I have read a little bit about the gentleman's expression of concern. But, for me, would the gentleman explain again, if it is again, what exactly the problem the gentleman has with California or with our Governor or what this is about?

Mr. GREEN of Texas. Mr. Chairman, reclaiming my time, I will respond to both gentleman from California.

The reason this is not a problem in other States is that no other State has come to the FERC or the Federal Government to ask for assistance like California has. But in looking at the problem in California, it seemed the disparity in the pipelines, and these are not to scale, the gentleman was right, I was a business major, not an engineer, but it will show the disparity between what pipelines coming to the California border and what leaves the California border to serve intrastate. There is a great disparity.

Providing more pipelines would go a long way to solving the problem in California. That is all this amendment would do. People would then come to FERC instead of going to California PUC.

Mr. LEWIS of California. If the gentleman from Texas would yield just one more moment, my district is large enough to put four Eastern States in the desert site alone. Where the pipelines are located, they are likely to go through my district. And, frankly, I would like to have some input, that is direct input, regarding what we might do. It certainly does provide me a better opportunity if it is in the State of California. Dealing with Federal bureaucracies, to say the least, is almost ridiculous.

Does the gentleman have a very specific problem? Is it our Governor getting in the gentleman's way? What is it causing the gentleman to want to do this?

Mr. GREEN of Texas. It is not the governor, it is the problem with California's distribution system. That is

why there needs to be more pipelines, newer pipelines. In fact, we have a letter dated July 17 from the Federal Energy Regulatory Commission to the California Public Utilities Commission saying your problem is intrastate pipelines.

So what I am saying is California for months has come and said FERC needs to do this and this and this. Well, they have not asked for FERCs assistance, but this amendment would allow FERC to also allow for pipeline explanation in California.

Mr. LEWIS of California. So the gentleman is suggesting that if California needs additional pipelines, or let us say lines that carry electricity or otherwise, if we want to decide where they want to go, we have to keep coming to a Federal agency rather than to our own public utility agency.

Mr. GREEN of Texas. Again reclaiming my time, Mr. Chairman, California is an exception, because we have lots of intrastate pipelines running through the State of Texas, running through lots of States in the Union, but California has taken the Hinshaw exemption from 1954 and carried it much further that any other State.

Mr. BARTON of Texas. Mr. Chairman, will the gentleman yield?

Mr. GREEN of Texas. I yield to the gentleman from Texas.

Mr. BARTON of Texas. No other State has done what California does in taking interstate pipeline and downsizing the diameter so they could call it an intrastate Hinshaw pipeline. There is only one State that has done that, and it is the great State of California.

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

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

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

Mr. LEWIS of California. Mr. Chairman, if it is accurate that no other State has downsized an interstate pipeline in order for it to be a California pipeline, if that is an accurate statement, certainly the gentleman knows that California is by far the largest State in the Union, with the exception of one, in terms of territory.

There are areas like mine, vast areas of the desert where we do need to have some reasonable planning process. We ought to be able to deal with our State agencies. So I am wondering one more time what problem the gentleman has with the State of California or indeed with our Governor.

□ 1715

Mr. WAXMAN. Reclaiming my time, I will answer the gentleman's question.

The comments were made by my colleagues from Texas that we are downsizing the ability of the pipeline in California to carry natural gas. That is not true. They said we do not have full capacity to handle intrastate all of the gas that is coming to the border.

I have a chart right here that shows how California did not use its full capacity throughout the year 2000. That demonstrates that we have additional capacity. We are trying to build up for more natural gas in California.

What this amendment does is put us in the lap of FERC. When it comes to natural gas regulation, FERC's record is pretty bad. When natural gas prices in California skyrocketed earlier this year, FERC regulators were nowhere to be seen.

These prices were caused by market manipulation by a subsidiary of El Paso Natural Gas which hoarded unused pipeline capacity. California regulators filed a complaint about El Paso with FERC back in April 2000. It is now August 2001, and FERC still has not resolved the El Paso problem.

Anyone who thinks that FERC regulators can do an adequate job regulating California's pipelines just has not been paying attention over the past year.

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

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

Mr. LEWIS of California. Mr. Chairman, I understand the gentleman's point regarding El Paso Natural Gas. I want to assure all the gentlemen from California that we would like to have all of the Texas gas we can possibly get; but from time to time it is difficult to get it in the way and volume we want.

Pipeline and delivery systems ought to be California's responsibility, at least in part, as well as problem.

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

Mr. GREEN of Texas. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, we have a list from the last 10 years of complaints and protests of pipeline expansions in California, and each time the California Public Utility Commission did not allow for that pipeline expansion. That is the 10-year history in California. That is not talking about Gray Davis. It is talking about a history in California of not providing for the growth in California, the increase in demand and they have not provided the pipeline capacity for that increase in demand.

Mr. Chairman, this amendment says if they cannot receive justice in California for pipeline capacity expansion, they need to be able to come to FERC. This was not my idea. For 6 months I have listened to California complain about Texas and complain about FERC. This would give FERC the authority not only to set price caps, which the gentleman from California (Mr. WAXMAN) has an amendment on, but also to be able to decide, to make sure that California has the capacity so their consumers will pay a reasonable price for natural gas and not an inflated price based upon the lack of capacity.

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

Mr. GREEN of Texas. I yield to the gentleman from California.

Mr. LEWIS of California. Mr. Chairman, I appreciate the gentleman's reviewing that history of difficulties in California. I have complained about that difficulty in the past, but transferring it to FERC in terms of decision-making may only complicate the problem, not improve our position.

Mr. GREEN of Texas. Mr. Chairman, I yield 30 seconds to the gentleman from Texas (Mr. BARTON).

Mr. BARTON of Texas. Mr. Chairman, I just want to comment on the El Paso investigation. That is a serious investigation. One of the components of that investigation is the fact that there is an artificial constraint at the California-Nevada border, and it is caused because of this very problem that the gentleman from Texas (Mr. GREEN) is trying to remedy.

There was natural gas that was able to be delivered into California that was not able to be delivered into California, so the transmission charge, which in the rest of the country is around 25 cents for MCF, got as high as $60 for MCF. It is partly because of this artificial constraint, which we are trying to remedy. We are trying to lower natural gas prices for all Californians.

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

Mr. Chairman, I strongly urge Members to oppose this amendment. The claim has been made that California's control over its own intrastate pipeline has meant less capacity for the natural gas being brought to California through the interstate pipeline from Texas.

Well, California has had capacity that has not been used. Southern California Gas alone has four approved capacity expansions under construction. The problem is not California having the ability to move that natural gas through the pipeline. The problem in the El Paso Natural Gas case has been the claim that El Paso Natural Gas, using the interstate pipeline, manipulated the capacity on that pipeline so they could drive up the prices for natural gas in California.

If we pass this amendment, they will be able to take away our ability to control the pipeline in our own State, and then be able to use one interstate pipeline to do what they did already to us with that interstate pipeline manipulation.

When El Paso Natural Gas lost its stranglehold over the natural gas prices without any change in the capacity within California, natural gas prices dropped. That shows that it was manipulation by El Paso Natural Gas that kept those prices up. This has nothing to do with California's control over its own pipeline.

Mr. Chairman, I urge Members to oppose this amendment. There is no need for it. It could do a great deal of harm. If it leaves us in the clutches of FERC, we may never ever get a hearing from them, and could lead us to a worse problem than we already have. I strongly urge Members to oppose the Green amendment.

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

The CHAIRMAN pro tempore (Mr. LATOURETTE). The question is on the amendment offered by the gentleman from Texas (Mr. GREEN).

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

Mr. GREEN of Texas. Mr. Chairman, I demand a recorded vote.

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

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: Amendment No. 3 by the gentleman from New York (Mr. BOEHLERT); and Amendment No. 5 by the gentleman from Texas (Mr. GREEN).

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

AMENDMENT NO. 3 OFFERED BY MR. BOEHLERT

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

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 160, noes 269, not voting 4, as follows:

[Roll No. 311]

AYES—160

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldacci
Baldwin
Barrett
Becerra
Bereuter
Berkley
Berman
Bilirakis
Blagojevich
Blumenauer
Boehlert
Borski
Boyd
Brown (OH)
Capps
Capuano
Cardin
Clayton
Condit
Coyne
Cummings
Davis (CA)
Davis (FL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Doggett
Dooley
Ehlers
Engel
English
Eshoo
Evans
Farr
Fattah
Ferguson
Filner
Frank
Frelinghuysen
Ganske
Gilchrest
Gilman
Gonzalez
Greenwood
Harman
Hefley
Hinchey
Hoeffel
Holt
Honda
Hooley
Horn
Houghton
Inslee
Israel
Jackson (IL)
Johnson (CT)
Johnson (IL)
Kanjorski
Kelly
Kennedy (RI)
Kind (WI)
King (NY)
Kirk
Kleczka
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Leach
Lee
Lewis (GA)
LoBiondo
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Matsui
McCarthy (NY)
McDermott
McGovern
McInnis
McKinney
McNulty
Meehan
Menendez
Millender-McDonald
Miller, George
Mink
Moran (VA)
Morella
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Pallone
Pascrell
Payne
Pelosi
Platts
Price (NC)
Ramstad
Rangel
Reynolds
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Sabo
Sanchez
Sanders
Sawyer
Saxton
Scarborough
Schakowsky
Schiff
Serrano
Shays
Sherman
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Tauscher
Taylor (MS)
Thompson (CA)
Thurman
Tierney
Udall (CO)
Udall (NM)
Velazquez
Waters
Watson (CA)
Watt (NC)
Waxman
Weiner
Weldon (PA)
Wexler
Woolsey
Wu
Wynn
Young (FL)

NOES—269

Aderholt
Akin
Armey
Baca
Bachus
Baker
Ballenger
Barcia
Barr
Bartlett
Barton
Bass
Bentsen
Berry
Biggert
Bishop
Blunt
Boehner
Bonilla
Bonior
Bono
Boswell
Boucher
Brady (PA)
Brady (TX)
Brown (FL)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clement
Clyburn
Coble
Collins
Combest
Conyers
Cooksey
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cunningham
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeLay
DeMint
Diaz-Balart
Dingell
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehrlich
Emerson
Etheridge
Everett
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frost
Gallegly
Gekas
Gephardt
Gibbons
Gillmor
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Grucci
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Herger
Hill
Hilleary
Hilliard
Hinojosa
Hobson
Hoekstra
Holden
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kaptur
Keller
Kennedy (MN)
Kerns
Kildee
Kilpatrick
Kingston
Knollenberg
Kolbe
Largent
Latham
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Lucas (KY)
Lucas (OK)
Manzullo
Mascara
Matheson
McCarthy (MO)
McCollum
McCrery
McHugh
McIntyre
McKeon
Meek (FL)
Meeks (NY)
Mica
Miller (FL)
Miller, Gary
Mollohan
Moore
Moran (KS)
Murtha
Myrick
Nethercutt
Ney
Northup
Nussle
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pastor
Paul
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Pombo
Pomeroy
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Regula
Rehberg
Reyes
Riley
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ross
Royce
Rush
Ryan (WI)
Ryun (KS)
Sandlin
Schaffer
Schrock
Scott
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Smith (MI)
Smith (TX)
Souder
Spratt
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Tancredo
Tanner
Tauzin
Taylor (NC)
Terry
Thomas
Thompson (MS)
Thornberry
Thune
Tiahrt
Tiberi
Toomey
Towns
Traficant
Turner
Upton
Visclosky
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watts (OK)
Weldon (FL)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)

NOT VOTING—4

Hutchinson
Norwood
Spence
Stark

□ 1744

Mrs. MEEK of Florida changed her vote from ''aye'' to ''no.''

Mr. HEFLEY changed his vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 5 OFFERED BY MR. GREEN OF TEXAS

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

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

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

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 154, noes 275, not voting 4, as follows:

[Roll No. 312]

AYES—154

Armey
Bachus
Baker
Bartlett
Barton
Bass
Bentsen
Bereuter
Berry
Biggert
Bilirakis
Boehner
Bonilla
Boswell
Brady (TX)
Brown (OH)
Brown (SC)
Burr
Buyer
Camp
Cannon
Castle
Chabot
Clay
Coble
Collins
Combest
Cramer
Crane
Cubin
Culberson
Davis, Jo Ann
Deal
DeLay
DeMint
Diaz-Balart
Dingell
Duncan
Edwards
Ehrlich
Evans
Everett
Fossella
Gekas
Gilchrest
Gillmor
Gilman
Gonzalez
Goss
Graham
Granger
Green (TX)
Gutknecht
Hall (TX)
Hansen
Hart
Hayes
Hayworth
Hefley
Hoekstra
Hostettler
Houghton
Isakson
Istook
Jackson-Lee (TX)
Jenkins
John
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Kerns
King (NY)
Kingston
Kirk
Kolbe
LaHood
Lampson
Largent
Lewis (KY)
Linder
Lucas (KY)
Lucas (OK)
Manzullo
McCollum
McCrery
McHugh
McKinney
Miller (FL)
Myrick
Nethercutt
Ney
Northup
Nussle
Ortiz
Otter
Oxley
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Pryce (OH)
Putnam

Regula
Reyes
Riley
Ros-Lehtinen
Rush
Ryun (KS)
Sandlin
Sawyer
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shimkus
Shows
Shuster
Skeen
Smith (TX)
Souder
Stearns
Stenholm
Sununu
Sweeney
Tancredo
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thornberry
Tiahrt
Tiberi
Toomey
Turner
Upton
Vitter
Walden
Wamp
Watkins (OK)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wilson
Wolf
Woolsey
Young (AK)
Young (FL)

NOES—275

Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Becerra
Berkley
Berman
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Bonior
Bono
Borski
Boucher
Boyd
Brady (PA)
Brown (FL)
Bryant
Burton
Callahan
Calvert
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Chambliss
Clayton
Clement
Clyburn
Condit
Conyers
Cooksey
Costello
Cox
Coyne
Crenshaw
Crowley
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Doggett
Dooley
Doolittle
Doyle
Dreier
Dunn
Ehlers
Emerson
Engel
English
Eshoo
Etheridge
Farr
Fattah
Ferguson
Filner
Flake
Fletcher
Foley
Forbes
Ford
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gephardt
Gibbons
Goode
Goodlatte
Gordon
Graves
Green (WI)
Greenwood
Grucci
Gutierrez
Hall (OH)
Harman
Hastings (FL)
Hastings (WA)
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Holden
Holt
Honda
Hooley
Horn
Hoyer
Hulshof
Hunter
Hyde
Inslee
Israel
Issa
Jackson (IL)
Jefferson
Johnson (CT)
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kleczka
Knollenberg
Kucinich
LaFalce
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller, Gary
Miller, George
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Osborne
Ose
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Phelps
Platts
Pombo
Pomeroy
Portman
Price (NC)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Rehberg
Reynolds
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ross
Rothman
Roukema
Roybal-Allard
Royce
Ryan (WI)
Sabo
Sanchez
Sanders
Saxton
Schakowsky
Schiff
Schrock
Scott
Serrano
Shays
Sherman
Sherwood
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Strickland
Stump
Stupak
Tauscher
Thomas
Thompson (CA)
Thompson (MS)
Thune
Thurman
Tierney
Towns
Traficant
Udall (CO)
Udall (NM)
Velazquez
Visclosky
Walsh
Waters
Watson (CA)
Watt (NC)
Waxman
Weiner
Wexler
Wicker
Wu
Wynn

NOT VOTING—4

Hutchinson
Norwood
Spence
Stark

□ 1755

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN pro tempore. It is now in order to consider amendment No. 6 printed in Part B of House Report 107–178.

AMENDMENT NO. 6 OFFERED BY MR. COX

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

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

The text of the amendment is as follows:

Amendment No. 6 offered by Mr. COX:

In Division A, at the end of title VI, insert the following new section and make the necessary conforming changes in the table of contents:

SEC. 605. CALIFORNIA REFORMULATED GAS RULES.

Section 211(c)(4)(B) of the Clean Air Act (42 U.S.C. 7545(c)(4)(B)) is amended by adding the following at the end thereof: ''Whenever any such State that has received a waiver under section 209(b)(1) has promulgated reformulated gasoline rules for any covered area of such State (as defined in subsection (k)), such rules shall apply in such area in lieu of the requirements of subsection (k) if such State rules will achieve equivalent or greater emission reductions than would result from the application of the requirements of subsection (k) in the case of the aggregate mass of emissions of toxic air pollutants and in the case of the aggregate mass of emissions of ozone-forming compounds.''.

The CHAIRMAN pro tempore. Pursuant to House Resolution 216, the gentleman from California (Mr. COX) and a Member opposed each will control 15 minutes.

Mr. BARTON of Texas. Mr. Speaker, I claim the time in opposition to the Cox amendment.

The CHAIRMAN pro tempore. Without objection, the gentleman from Texas (Mr. BARTON) will control the 15 minutes in opposition.

There was no objection.

Mr. BARTON of Texas. Mr. Chairman, I ask unanimous consent that the gentleman from Texas (Mr. GREEN) be allocated 5 minutes of the time that I control in opposition and that the gentleman be allowed to yield time.

The CHAIRMAN pro tempore. Without objection, the gentleman from Texas (Mr. GREEN) will have 5 minutes and will have the ability to allocate time.

There was no objection.

Mr. COX. Mr. Chairman, I ask unanimous consent that of my 15 minutes, 7½ minutes be allocated to the gentleman from California (Mr. WAXMAN), and that he be able to allocate the time as he sees fit.

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

There was no objection.

The CHAIRMAN pro tempore. The gentleman from California (Mr. COX) will control 7½ minutes, the gentleman from California (Mr. WAXMAN) will control 7½ minutes, the gentleman from Texas (Mr. BARTON) will control 10 minutes, and the gentleman from Texas (Mr. GREEN) will control 5 minutes.

The Chair recognizes the gentleman from California (Mr. COX).

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

Mr. Chairman, the amendment that I am offering today is being offered on behalf of all 52 members of the California delegation who have sponsored legislation authored by my colleague, the gentleman from California (Mr. ISSA) and the gentlewoman from California (Ms. ESHOO).

This amendment is coauthored by the gentleman from California (Mr. WAXMAN) and myself as members of the Committee on Energy and Commerce. We had a chance in committee to consider this amendment, and, as we bring it to the floor, it will apply as a first step only to the State of California, but it is a very important issue for the entire country.

□ 1800

Mr. Chairman, since 1990, the Federal Government has specified the recipe for clean gasoline. In 1990, it was thought that adding oxygenates to gasoline was the best way to clean up the air, to reduce something. But a lot has happened since 1990. We in California and people across the country are finding ways to reduce something and toxic air emissions far more significantly than is required by Federal law. We can beat and exceed Federal standards.

In addition to cleaner air, California wants new gasoline that will produce cleaner water, because some of the additives to gasoline can pollute the groundwater. Unfortunately, the Federal Government is still stuck back 11 years ago in 1990.

We are specifying not only the level of cleanliness that we wish to achieve, but also the recipe for getting there, and this amendment will eliminate a mandate, it will eliminate a mandate that says we have to use, in effect, ethanol or a chemical called MTBE. There is nothing, if this amendment becomes law, that will prevent us from continuing to use those ingredients or anything else in our gasoline, provided that we meet or exceed Federal clean air standards.

But California cannot move forward with our cleaner gasoline program under existing law. Without a change in this, by technology standards, ancient rule, California's air and water quality will suffer, and motorists will

suffer too, because we will be paying at least 5 cents more per gallon due to the local shortage of oxygenate substitutes for MTBE, which is being phased out in California.

We may hear during debate that if we do not have this mandate from the Federal Government on our States, that somehow, environmental quality will suffer, but the language of the amendment makes it clear that the contrary is the case. The language in the amendment states clearly that California will get a waiver from this 1990 rule, the 2 percent oxygenate rule only if the gasoline we use in our State will achieve quote, ''equivalent or greater emissions reductions than are required by Federal law.''

It seems unlikely in the extreme, Mr. Chairman, that were this anything but an environmentally friendly amendment, we would have the endorsements of the American Lung Association, the Sierra Club, the Natural Resources Defense Council, the National Environmental Trust, the U.S. Public Interest Research Group, and dozens of other environmental organizations.

We also have the support of governors in the States who are trying to do a better job, and I would like to conclude my brief remarks by reminding at least the Republicans among us of this provision in the 2000 Republican platform: ''As the laboratories of innovation, States should be given flexibility, authority and finality by the Federal Government when it comes to environmental concerns.'' That has been President Bush's policy, that should be our policy.

Let us give the governors the tools that they need to clean up our air and water, and let us repeal this Federal mandate.

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

Mr. BARTON of Texas. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Illinois (Mr. SHIMKUS).

Mr. SHIMKUS. Mr. Chairman, allowing California to be exempt from the requirements of the Clean Air Act by allowing them to opt out of the reformulated gasoline program will not only have detrimental impacts on the State of California, but the rest of the country as well.

After extensive analysis, the EPA concluded there is significant uncertainty over the change in emissions that would result in granting a waiver to California from the Federal oxygen content requirement. Specifically, the EPA determined that there is no evidence that a waiver will help California reduce harmful levels of pollutants.

Adding 2 percent oxygen reduces the amount of carbon that is released into the air by 10 percent when gasoline is burned. Eliminating the oxygenate requirement would increase carbon monoxide emissions by up to 593 tons per day in California alone, according to the California Air Resources Board.

In addition, in order to make gasoline burn cleaner without using oxygenates, refiners would have to add other additives, such as toluene, which increases exhaust emissions of benzene, and benzene is a known human carcinogen.

Furthermore, with respect to supply, if California is allowed to waive the oxygenate requirement of the RFG program, the State will need to come up with an additional 1.4 billion gallons of gasoline a year to fill the lost volume. We all see how hard it is to come up with 500,000 barrels a day more from OPEC; imagine trying to get 4 million gallons a day just for California alone. The States around California like Arizona, Oregon, Nevada and Washington would see their gasoline drained and flown into California because of the higher gasoline prices in California.

Simply put, this amendment is bad for the environment because it would increase harmful emissions. It is bad for consumers because it would restrict supply and cause higher prices around the country, and it is bad for our national security because it would force us to rely more heavily on OPEC.

This amendment is a lose-lose for everyone.

Mr. WAXMAN. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, what we would have liked to do is to offer an elimination from the law, the Federal law, that tells States they have to follow a specified formula for their gasoline to be reformulated in the most polluted areas. The existing law says they have to have an oxygenate requirement met.

When the law was adopted in 1990, we thought that was the only way to get the environmental standards. But what we have learned is that to meet that requirement, the gasoline has to be either used with MTBE, which turns out to be a hazard for drinking water; or they have to use an oxygenate, a grain substitute, and that can be very expensive, it is not necessary, and we have also found out that it could keep the air dirtier.

So what we would like to have done is just wipe out the oxygenate requirement and let the States decide the matter for themselves. Who needs Washington to decide these issues for us? If we are going to achieve the environmental standards, let the States make their own decision how they want their gasoline to be reformulated.

But we were not allowed to offer an amendment that broadly. This applies only to California. For those who would like to have the same treatment for their States, vote with us, because the next thing we will have is an elimination from this requirement in the Northeast, where they do not want to have to use MTBE, and other places where they do not want Washington telling them how to make their reformulated gasoline.

If we do not pass this amendment, we are going to have dirtier air; it is not necessary to put in the oxygenate. It is going to make the gasoline more expensive. It could lead to an interruption in supply because we are going to have to import ethanol to replace MTBE, and it balkanizes our fuel supply.

So I urge support for the Cox amendment.

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

Mr. GREEN of Texas. Mr. Chairman, I yield myself such time as I may consume.

I rise in opposition to the Cox amendment to lift the fuel oxygen standard for the State of California, and I believe it is bad energy policy plus environmental policy. It moves our country precisely in the opposite direction from the energy legislation we are considering today.

The amendment would lift the fuel oxygen standard, but only in the State of California. From the last amendment, we found out that California did not want to be treated differently on their pipelines, but they want to be treated differently on the oxygenate standard. The proponents of the bill argue that California deserves special treatment because of the underlying quality of California fuel; however, this approach is misguided.

I will just talk about the supply problem. This amendment would seriously disrupt the price and supply situation. As oxygenates leave the market, we can expect prices to increase. In fact, we have a memo that Senator WYDEN recently brought to our attention from a refiner on the West Coast when he learned that the amendment would increase prices. The memo says, ''West Coast surplus refining capacity results in very poor refinery margins and very poor financial results. Significant events need to occur to assist in reducing supplies or increase the demand for gasoline. One example of the event would be the elimination of the mandates for oxygenate in addition to gasoline,'' and I am quoting from that memo. ''Given the choice, oxygenate usage would go down and gasoline supplies would go down accordingly.''

Mr. Chairman, that memo is from a refiner who would increase prices as they reduce the oxygenate requirement. That is why I am concerned. The California gas prices are already the highest in the Nation, and by reducing the amount of oxygenates in there, we would see an increase in their price.

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

Mr. COX. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. DREIER), the chairman of the Committee on Rules.

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

Mr. DREIER. Mr. Chairman, from this point forward, let no one say that the wonderfully diverse California congressional delegation, 52 members strong, cannot come together and unite

around a very important issue. Cleaning up our environment and doing everything that we possibly can to decrease energy costs is what this amendment that my friends from the Committee on Energy and Commerce led by the gentlemen from California and others from the California delegation are pursuing.

This is not simply a California issue. We have States all across the country that are very interested in this. Washington, New Hampshire, Maine, New York, Arizona, New Jersey, Minnesota, Pennsylvania, Connecticut and South Dakota, among others, are very interested in seeing us do this.

I happen to represent the Los Angeles Basin area that is impacted by groundwater contamination, and all of us in California are concerned about air quality. By proceeding with this amendment, we have a chance to dramatically improve the groundwater, drinking water in California, and our air quality. It is the right thing to do. We should have strong bipartisan support, beginning with California, spreading all across the country.

Mr. BARTON of Texas. Mr. Chairman, I ask unanimous consent that the gentleman from Texas (Mr. GREEN) have an additional 2½ minutes of my 10 minutes that he can control.

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

There was no objection.

The CHAIRMAN pro tempore. The gentleman from Texas (Mr. GREEN) will control 5½ minutes, and the gentleman from Texas (Mr. BARTON) has 5½ minutes remaining.

Mr. BARTON of Texas. Mr. Chairman, I yield 1 minute to the gentleman from Iowa (Mr. LATHAM).

Mr. LATHAM. Mr. Chairman, I thank the gentleman for yielding time.

I would just like to make a few points here as to why I think this is a really bad idea. Everyone believes that we have to protect the environment. A lot of folks have real concerns about the ozone layer being depleted. If this amendment goes through, we will have additional depletion of the ozone layer.

We will put about 593 tons of carbon monoxide into the air every day in California. We will raise the cost of a gallon of gasoline in California 2 to 3 cents with the reformulated gas they are talking about. I think it is actually a matter of fairness. I say to my colleagues, I do not believe that one State should be exempted from the law of the land.

A lot of folks here do not have any big problems with national mandates in telling everyone what they can and cannot do at home until it gets to the point where they do not like it themselves. I mean, a lot of the folks here are talking kind of like we will mandate this, but we will not mandate that.

Mr. Chairman, it is simply wrong. We have to stop our dependency on foreign oil and this would be a real step backwards if we did this.

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

Ms. ESHOO. Mr. Chairman, I thank the gentleman for yielding time, and I rise with all of my California colleagues today in support of this amendment.

Now, what would bring the entire delegation together? We want to rid ourselves of MTBE. It causes cancer in animals; it can cause cancer in people. It has contaminated 10,000 groundwater sites in California, and knowing this, California is attempting to eliminate MTBE from its fuel supply by 2003. Sounds simple, makes sense, both for the environment and for human beings.

So what is going on? Why do all Members of Congress not want to recognize that?

□ 1815

Well, others want ethanol. Ethanol is going to be the monopoly of choice for California. Why? Because we tried to get a waiver from the administration. They said, it is either poison or pollution.

So today the delegation is saying to all States in the Congress, all Representatives in this House, is it not fair to exercise a choice while still maintaining the highest standards of the Federal Clean Air Act? That is what this debate is about.

So for those who are interested in competition, they should be voting with us, because if they vote against it, they are in support of a monopoly.

I congratulate my colleagues from Texas and those from the Midwest. Of course they want a monopoly, either for MTBE or for ethanol. What we are talking about is exercising good judgment, not placing this kind of a burden on Californians or other States, and asking them to give us a choice. Vote for this amendment. It is a good, solid one.

Mr. GREEN of Texas. Mr. Chairman, I yield 1 minute to my colleague, the gentleman from Texas (Mr. BENTSEN).

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

The essence of this amendment is that the State of California is trying to secede from the Clean Air Act. I do not know if that is the intent, but that is what will happen if we allow that. I think that is grossly unfair.

Mr. Chairman, in my hometown city of Houston we are having to deal with the fact that we are a nonattainment area under the Clean Air Act. We are not down here on the floor asking for some special exemption because we cannot come into compliance, or we have to make difficult choices between point source and nonpoint source emissions. We are trying to deal with it, and we are going to deal with it.

But what the Californians want to do is to have a separate deal from the other 49 States by being exempted when in fact they have the opportunity, the Governor has the opportunity, to waive the ban that the State has imposed while the EPA, which started under the Clinton administration, has started the process of reviewing the effects of MTBE on ground water.

What they have found is MTBE does clean the air, and they are reviewing this. But we should not give a special deal to one State.

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

Mr. BARTON of Texas. Mr. Chairman, I yield such time as he may consume to the gentleman from Michigan (Mr. SMITH).

(Mr. SMITH of Michigan asked and was given permission to revise and extend his remarks.)

Mr. SMITH of Michigan. Mr. Chairman, I ask that we vote against this motion to allow the State of California to be the only State exempted from the Clean Air Act.

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

I find it is ironic that the California delegation, which fought so hard for the Clean Air Act provisions, should now ask this body to exempt their state from those requirements. For example, during the debate of the Clean Air Act amendments in 1990, the gentleman from California, Mr. WAXMAN, said "One of the most important provisions of the clean air bill is the provision requiring reformulation of conventional gasoline."

The Environmental Protection Agency already denied California's appeal for a waiver. The EPA has determined that the addition of oxygen to gasoline improves air quality by improving fuel combustion and displacing more toxic gasoline components.

Ethanol, a clean-burning, renewable, oxygen-rich fuel can help California meet the Clean Air Act requirements and help American farmers at the same time. Ethanol is a fuel that reduces carbon emissions, reduces smog, reduces particulate, and expands the domestic fuel supply by more than 300 million gallons.

A much better approach would be to adopt fuel performance standards, not specific fuel formulations, to meet emissions reduction targets. But these performance standards should apply in the entire country. This is the debate Congress should be having, not one on a special carve-out for just one state.

I urge my colleagues to vote "no" on this amendment.

Mr. BARTON of Texas. Mr. Chairman, I yield 1 minute to the gentleman from Indiana (Mr. BUYER).

Mr. BUYER. Mr. Chairman, I rise in opposition to the amendment eliminating the oxygenates requirement in reformulated gasoline. If this amendment is adopted, it will be bad for the environment, bad for consumers, and bad for our energy policy.

Stand for clean air, clean water, and help our farmers. The supporters of the amendment are concerned about the fuel additive MTBE and its pollution of drinking water, and they have a right to be concerned. But we should not throw out the oxygenate requirement just because of the MTBE problems, especially when there is plenty of clean-burning low-cost ethanol to meet the

requirement. There are plenty of corn growers prepared to help.

Some people are saying that using ethanol will lead to shortages and higher prices. I would like to put their minds at ease and assure them, there is plenty of ethanol to go around, and ample shipping and storing capacity to accommodate the additional 600 million gallons of ethanol California will need. In fact, by 2003, more than 2 billion gallons of new ethanol production capacity will be online.

Mr. Chairman, the oxygen requirement is important to protect our environment. The use of ethanol to meet the requirement is good energy policy. It would help save America's family farms.

PREFERENTIAL MOTION OFFERED BY MR. ISSA

Mr. ISSA. Mr. Chairman, I offer a preferential motion.

The CHAIRMAN pro tempore (Mr. LATOURETTE). The Clerk will report the preferential motion.

The Clerk read as follows:

MOTION TO STRIKE THE ENACTING CLAUSE

Mr. ISSA moves that the Committee do now rise and report the bill back to the House with the recommendation that the enacting clause be stricken out.

The CHAIRMAN pro tempore. The gentleman from California (Mr. ISSA) is recognized for 5 minutes on his motion.

Mr. ISSA. Mr. Chairman, I rise today in total opposition to the absence of fair play that we see here on the floor today.

In America, in the America I grew up in, we set goals, we set standards when necessary; but we do not tell people how to achieve those goals. When we tell people in America how to achieve goals, we cut down on innovation; we cut down on the ability for Americans to look at a problem and a hurdle and accomplish it.

There was no predetermination in America that we would go to the Moon in a three-man capsule. When, in the heart of World War II, we set our determination to develop a nuclear weapon, we did not do it easily; and we did not do it with a blueprint that said, you will do it only this way. As a matter of fact, we reached two solutions and used both.

America has a long tradition of setting a goal and asking the business community and hard-working entrepreneurs to innovate to find solutions. Here today, in this debate, all California is asking for, and ultimately every American, is the ability to free up private enterprise to find solutions, solutions that hopefully do a better job to meet the higher standards that California has set for clean air; to retain the important clean-water standards we are not able to retain today because we are forced to use MTBE, that has been found to be a carcinogen and has been found to pollute the water of California.

Mr. Chairman, all California, and the rest of America, want and need today is the ability to say that there may be another solution, and ''Let's go look for it.''

Mr. Chairman, I ask the Members, out of fairness and out of a sense of the way America has always done business, to correct this past mistake that set specific solutions instead of proper goals. I would hope that this body would recognize that it is un-American to set these kinds of specific standards. Instead, let us set goals.

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

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

Mr. WAXMAN. Mr. Chairman, I thank the gentleman for yielding. I think it is worth emphasizing the point that California will have to meet the clean air standards that are set for the country. In fact, we even have more stringent standards.

Some previous speakers have talked as if we want to get out from under the clean air requirements to protect the environment. We are going to meet the clean air standard; but we do not want to be told by Washington that we have to either use MTBE, which gets into our drinking water, and we do not want to use that; or we have to go into the Midwest and buy ethanol, when we can reformulate our own gasoline in California that will burn clean enough to meet the clean air standards.

We want to be able to make decisions for ourselves; and after we get that, we want other States to have that, as well. We would have preferred to have an amendment that would have covered everybody at once, but start with California.

Do not tell California how to handle our own gasoline, to have balkanized fuels. We want one fuel in California that will clean up the air in the State, and not have to use ethanol to benefit Archer Daniels Midland in the Midwest, or MTBE to benefit some of the manufacturers in Texas. We want to handle our own affairs for ourselves.

Mr. ISSA. The gentleman has made a very good point, that this is all about the greenest State in America, the greenest State in America asking for this ability. I hope the Members will consider it.

Mr. BARTON of Texas. Mr. Chairman, I rise in opposition to the pending Issa motion.

The CHAIRMAN pro tempore. The gentleman from Texas is recognized for 5 minutes in opposition to the motion.

Mr. BARTON of Texas. Mr. Chairman, I hope at the appropriate time the gentleman from California will withdraw this motion that the committee do now rise.

I want to put into the RECORD a letter that has just arrived to the chairman of the full committee, the gentleman from Louisiana (Mr. TAUZIN), dated today, August 1, from the administrator of the Environmental Protection Agency, the Honorable Christine Todd Whitman.

I want to read from that letter that says: ''The Bush administration strongly opposes this amendment. The Federal RFG program has been an extremely successful and a cost-effective program that has provided substantial air quality benefits to millions of people throughout the country. The program also has encouraged the use of renewable fuels and has the potential to enhance energy security. Although we recognize that California and other States have raised concerns about certain aspects of the RFG program, we believe these concerns must be addressed carefully and comprehensively in order to preserve the benefits of the program and avoid further proliferation of boutique fuels.''

Mr. Chairman, I include this letter from Administrator Whitman in the RECORD.

The letter referred to is as follows:

U.S. ENVIRONMENTAL PROTECTION AGENCY,
Washington, DC, Aug. 1, 2001.

Hon. W. J. TAUZIN
Chairman, Committee on Energy and Commerce, U.S. House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: I understand that an amendment to H.R. 4 may be offered that would allow the State of California to adopt a reformulated gasoline (RFG) program separate from the Clean Air Act's RFG program. The Bush Administration strongly opposes this amendment. The Federal RFG program has been an extremely successful and cost-effective program that has provided substantial air quality benefits to millions of people throughout the country. The program also has encouraged the use of renewable fuels and has the potential to enhance energy security. Although we recognize that California and other states have raised concerns about certain aspects of the RFG program, we believe that these concerns must be addressed carefully and comprehensively in order to preserve the benefits of the program and avoid further proliferation of boutique fuels.

I want to assure you that, pursuant to the Administration's National Energy Policy report and consistent with the provisions of H.R. 4, EPA, along with the Department of Energy and other agencies, is examining these issues and exploring ways to increase the flexibility of the fuels distribution infrastructure while advancing our goals for clean air. This comprehensive review of Federal and State fuel programs will allow the Administration and the Congress to better understand, and thus, more effectively address, any concerns with the federal RFG program.

The proposed amendment is apparently intended to waive, for the State of California only, the so-called oxygenate requirement in the RFG program. The Clean Air Act already includes a provision that allows the Administrator of the Environmental Protection Agency (EPA) to waive this requirement upon a showing that the requirement would interfere with a state's ability to meet national ambient air quality standards. As you know, California requested such a waiver, and I denied the request because of uncertainty over the change in emissions that would result from such a waiver.

Some advocates of the amendment support their position by citing a draft EPA document concerning California's waiver request. That document contained a number of uncertainties and was never finalized. After further evaluation by EPA staff, I determined that the data did not support California's waiver request. That draft document is no longer relevant and is not an accurate reflection of EPA's position.

I appreciate your attention to these issues as you consider amendments to H.R. 4.

Sincerely yours,

CHRISTINE TODD WHITMAN.

Mr. Chairman, I yield to the gentleman from Minnesota (Mr. GUTKNECHT).

Mr. GUTKNECHT. Mr. Chairman, I thank the gentleman for yielding to me.

I just want to clarify something that has been circulated on the floor of the House. Supporters of the Cox-Waxman amendment mentioned in a Dear Colleague that Minnesota and other States have already banned the use of MTBE.

While we always appreciate support for our environmental achievements in Minnesota, I want to make this very clear and set the record straight. Minnesota does restrict the use of MTBE, but we ensure air quality by maintaining a 10 percent blend of clean-burning ethanol gasoline.

Congress and California should follow Minnesota's lead. Let us continue to maintain air quality, decrease dependence on foreign oil. Please, vote ''no'' on the Cox-Waxman amendment.

Mr. BARTON of Texas. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would hope the gentleman would withdraw his motion.

Mr. ISSA. Mr. Chairman, I ask unanimous consent to have the motion withdrawn.

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

Mr. WAXMAN. Reserving the right to object, Mr. Chairman, I want to use this time reserving the right to object on this unanimous consent request to address the remarks by the gentleman from Minnesota, who said his State decided to use a blend of ethanol, 10 percent, in their gasoline.

I applaud that. The State of Minnesota can make its decision for itself. If they are happy with that decision, fine. But we should not deny the State of California the same ability to make our own choice for fuels. I think we ought to let every State make the decision.

I have heard over the years Republicans say, and I have learned from them, that ''We do not have all the wisdom here in Washington. We do not have to make the decisions for every State here in Washington. There are some decisions the States can make for themselves,'' as long as they are meeting the environmental standards, which we set out in the Federal law.

So I applaud Minnesota if that is what they want to do. It is their choice. Let California and other States make our choice. Do not force us either to use MTBE, which we will not use because it damages our drinking water, or have to import ethanol at a great expense with a possible interruption of supply when it will even make the air dirtier, the way we see it in California, than what we would get if we had one reformulated gasoline.

Mr. BARTON of Texas. Mr. Chairman, reclaiming my time, if we are going to continue to debate it, I have people who want to debate it. This is a device used to get an extra 5 minutes, I understand that. But if we are going to continue to do that, I will reclaim my time and use it in opposition to the amendment.

I recognized the gentleman for a unanimous consent request to withdraw his motion.

Mr. ISSA. If the gentleman will yield, Mr. Chairman, I have made that.

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

Mr. WAXMAN. Mr. Chairman, I withdraw my reservation of objection.

Mr. GREEN of Texas. Mr. Chairman, reserving the right to object, we have lots of speakers who did not speak and we did not have enough time.

PARLIAMENTARY INQUIRY

Mr. COX. Mr. Chairman, I just wondered whether we were speaking on the time of the gentleman from Texas, or whether we were speaking on a reservation of objection.

The CHAIRMAN pro tempore. The time of the gentleman from Texas (Mr. BARTON) has expired. We now have the pending request of the gentleman from California (Mr. ISSA) to withdraw by unanimous consent his motion to strike the enacting clause and a reservation of objection thereto.

Is there objection to the request of the gentleman from California?

Mr. COX. I object, Mr. Chairman, and rise in opposition to the motion.

The CHAIRMAN pro tempore. The gentleman from California (Mr. COX) objects to the request of the gentleman from California (Mr. ISSA)?

Mr. COX. Yes.

Mr. Chairman, I withdraw my objection.

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

There was no objection.

The CHAIRMAN pro tempore. The motion of the gentleman from California (Mr. ISSA) is withdrawn.

The Committee will proceed now in regular order.

The gentleman from California (Mr. WAXMAN) will be recognized and has 4 minutes remaining.

Mr. WAXMAN. Mr. Chairman, I yield 1½ minutes to the gentlewoman from California (Mrs. CAPPS).

Mrs. CAPPS. Mr. Chairman, I thank my colleague for yielding time to me.

Mr. Chairman, I rise in strong support of this bipartisan amendment. As we all know, MTBE contaminates ground water, making it smell and taste like turpentine. This is costing communities across the country millions of dollars to clean up or identify new drinking water sources.

But this is no secret. In fact, just this week this House adopted my amendment to increase Federal efforts for MTBE cleanup, and this very bill contains my legislation to allow $200 million to be spent on MTBE cleanup.

□ 1830

So, clearly, there is a problem with MTBE.

California, followed by an increasing number of States, has banned MTBE as a gasoline additive. But without a waiver from clan air standards requiring oxygenates in gas, California will have to import huge amounts of ethanol. That, of course, is good news for Midwestern farmers, but it is bad news for California consumers. In fact, it will likely raise the price of gasoline by 10 to 20 cents a gallon for absolutely no reason.

California refineries have demonstrated they can make clean burning gas without ethanol or MTBE. I would not support waiving the oxygenates requirement if they could not. We are not, as has been clearly stated, asking for a waiver from EPA standards. We are asking for a waiver on the method of how to achieve those standards. This is a matter of local control, of States' rights; and I urge my colleagues to support this amendment.

The CHAIRMAN pro tempore (Mr. LATOURETTE). The gentleman from Texas (Mr. GREEN) has 4½ minutes remaining.

Mr. GREEN of Texas. Mr. Chairman, I yield 1½ minutes to the gentleman from Louisiana (Mr. JOHN).

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

Mr. JOHN. Mr. Chairman, I rise in opposition to the Cox-Waxman amendment. This debate should not be about an oxygenate waiver. This debate should be about fixing the underground storage tanks not only in California but all over the country.

Instead of addressing the leaking underground storage tank problem, which has allowed MTBEs to enter the water supply, California has chosen to ban it. Now that the State of California is faced with the prospect of increased costs to comply with the Clean Air Act, it is proposing to toss out the oxygenate requirements to solve their fiscal concerns. Well, H.R. 4 already authorizes $200 million for the leaking underground storage trust fund for assessment, for corrective action, inspection, and monitoring activities to address California's concerns.

I commend the efforts of our Nation's refineries to develop clean burning fuel, but today California cannot meet the same level of air quality with these blends that it would otherwise with oxygenated fuels. If we adopt this amendment today, we will open the floodgates for other States to opt out of the oxygenate requirements, and decades and decades of progress that we have made to improve America's air quality will be undone.

The House Committee on Energy and Commerce has already voted down a very similar amendment. Do not backslide the progress that we have made on improving America's air quality. Please vote ''no'' on the Cox-Waxman amendment.

Mr. BARTON of Texas. Mr. Chairman, I yield 1 minute to the gentleman from Nebraska (Mr. OSBORNE), the only Member of Congress who has won a national championship.

Mr. OSBORNE. I hope I win a national championship for ethanol real quick like here.

Mr. Chairman, I rise in opposition to the Cox-Waxman amendment. According to the California Air Resources Board, a California agency, replacing MTBE, about which we have heard a great deal today, with ethanol, will reduce carbon emissions by 530,000 tons a year, which is a 35 percent reduction. According to the California Energy Commission, a California agency, ethanol will reduce the price of gasoline two to three cents per gallon in California.

And this is something I want to make sure everybody hears. The institute for Local Self-Reliance states that using California agricultural products, rice stocks, corn, fruit waste, California can produce between 500 and 900 million gallons of ethanol per year, worth $1 billion to their agriculture industry. They do not have to import ethanol. It is not a Midwest deal. It should not be an issue. The money stays in the United States.

Ethanol produces over $4 billion of income for the farm economy in the United States. I urge opposition to this amendment.

Mr. COX. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. OSE), chairman of the Subcommittee on Environment, Resources and Agriculture of the House Policy Committee.

Mr. OSE. Mr. Chairman, I rise in support of the Cox amendment to repeal the ethanol and MTBE mandate. The reason I do is very clear. Number one, I do not want to drink polluted water; I do not want to drink water that has poison in it.

Now, the studies we have done in our subcommittee indicate very clearly that as we phase out MTBE in California, between now and the time we phase it out, there is no way ethanol production can come up to the level we need to meet our gap. No way. Plenty of corn, plenty of farmers growing it, but no way to process it to ethanol to get it to California to address our needs.

One of the interesting aspects that I have discovered across this country is that we have 38 different types of fuel used to propel our vehicles, 38 different formulas. Some use ethanol, some use burn rates that are higher or lower, some use reformulated gasoline. There is no guarantee here that we are going to buy more corn to make ethanol to ship to California.

All we are asking for, plain and simple, is the opportunity to use science and technology to address our air quality concerns in the chemical composition of our fuel and how it affects our air quality. That is all we are asking for. We are not asking for special treatment. We are still going to comply with the air quality requirements in the Clean Air Act.

The fact of the matter is the clean air requirements that exist in California exceed the clean air requirements in the other 49 States. We have a higher standard. We are asking for the freedom to do that using current science and technology.

Mr. Chairman, I want to close with one particular point. Last week, we were out here voting on some things, maybe it was the week before, where down in Florida they did not want to drill off the coast of Florida, or over in Michigan where they did not want to drill in Lake Michigan. I looked up at that board, and I saw all the Florida Members up there voting against that and thought, maybe I ought to respect that. And I looked at the Michigan Members, and I suggested to myself that before I voted I ought to respect the Michigan Members too. California wants that same level of respect. Vote ''yes'' on this amendment.

PREFERENTIAL MOTION OFFERED BY MR. THOMAS

Mr. THOMAS. Mr. Chairman, I move to strike the enacting clause.

The CHAIRMAN pro tempore. Does the gentleman move that the committee do now rise and report the bill to the House with a recommendation that the enacting clause be stricken?

Mr. THOMAS. I believe there is time left in the debate.

The CHAIRMAN pro tempore. If the gentleman is attempting to offer a pro forma amendment, the time is controlled on this amendment.

Mr. THOMAS. The time is controlled?

The CHAIRMAN pro tempore. Yes, sir.

Mr. THOMAS. I cannot gain time by moving to strike the enacting clause?

The CHAIRMAN pro tempore. The gentleman cannot gain time by offering a pro forma amendment.

The gentleman moves that the committee do now rise and report the bill to the House with a recommendation that the enacting clause be stricken.

Mr. THOMAS. Pending that, I would move the enacting clause be stricken.

The CHAIRMAN pro tempore. The gentleman is recognized for 5 minutes on the preferential motion.

Mr. THOMAS. I do apologize to some of my colleagues.

Mr. TAUZIN. Parliamentary inquiry, Mr. Chairman. What is the motion before us?

Mr. THOMAS. The motion is that we do now rise, but pending that, we strike the enacting clause, which allows me to debate the issue.

I apologize to the chairman as well.

In this debate there are individuals who have gotten a little carried away with the concept of oxygenated fuel, because the rise of an oxygenated fuel is twofold. One, there is clearly a subsidy to America's farmers. And if we discuss using ethanol because it assists corn growers and it is a subsidy to farmers, then I think that is a legitimate debate. But if we are going to discuss using ethanol because of its superior qualities in a fuel for cars, then I think we need to take a look at the technology that has developed over the last 20 years and the way in which automobiles now function versus the way automobiles functioned at the time ethanol became a ''fuel additive,'' putting oxygen in the gasoline itself.

In an open-looped automobile there is a carburetor or fuel injection, and it is basically a self-regulating structure of air coming in, mixing with the fuel, going into the chamber, firing, and going out the exhaust. If we can enhance the burning quality of that mixture by putting oxygen in the fuel, we can actually get a cleaner burning fuel, and we can even improve the mileage. The problem is technology has carried us far beyond that today. We have closed-loop automobiles. There are very few open-loop automobiles around.

What in the world is a closed-loop automobile? Most of my colleagues have an oxygen sensor in their exhaust system. The oxygen sensor examines the mix after the combustion; and it says, there is too little oxygen, there is too much oxygen. The message from the oxygen sensor goes to a computer and the computer regulates the amount of air or the amount of fuel coming in to the chamber. It does not go outside. It is a closed loop. And if the message is there is too much oxygen in the fuel, the computer does what? It puts more fuel into the mix. Why? Because there is too much oxygen. Air.

Except the oxygen is in the fuel. And so we consume more fuel than we would have otherwise in a closed-loop automobile, and we do not necessarily get cleaner burning because the oxygen sensor is trying to regulate the fuel air mixture. When I say air, think of oxygen. But we have put oxygen in the fuel, and what happens is we wind up consuming more fuel than we otherwise would. We do not get as many miles per gallon. And if we are burning more fuel per mile, we are increasing the emissions.

Now, at some point, maybe we can have an objective discussion of fuel mileage and the way in which we are treating our fuels. We have more than three dozen fuels all over the country in an attempt to micromanage the quality of the air. Most of them do more damage than would otherwise be the case with the automobiles that we currently use. So at some point I am looking forward to a debate about whether or not we ought to subsidize America's corn growers by putting ethanol in gasoline. But it is not an argument that it is cleaner burning or that it saves fuel and mileage. In today's cars, it is just not true.

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

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

Mr. WAXMAN. I must say how impressed I am by the gentleman's knowledge of the technical aspects of the fuel system, and I think the gentleman is absolutely right.

If we were told that ethanol would help us achieve the clean air standards and is just as good as reformulated gasoline without it, that is one thing. But the gentleman pointed out correctly that if we use ethanol, we will have dirtier air.

There is an exemption to this, however, in the wintertime in high altitudes areas. But we have another provision in the law that requires ethanol to be used under those circumstances.

But for California and New York and New Jersey and other States around the country that say they do not want to use MTBE, we should not be required to bring in ethanol at higher prices and then dirtier air as a result.

Mr. THOMAS. Reclaiming my time, Mr. Chairman, I was not one of those that had a government imposition of MTBE on the refineries either, because it increased the cost of producing fuel. It does not produce the end result. And now we find out it was even worse than we thought. We have increased the cost of gasoline to America's consumers by billions of dollars either with ethanol or with this particular additive, and it has not gotten us where we need to go.

What we need do is take a step back, take the politics out of it, and use a bit more science in the way in which we are trying to get more reasonable mileage out of a gallon of fuel.

Mr. GREEN of Texas. Mr. Chairman, I rise in opposition to the motion.

I am concerned about the comments of my colleague from California that reformulated gas has not worked in cleaning up our air. I think there is no doubt at all, whether we are in Houston or Los Angeles, that our air quality has gotten better by the oxygen standard. This is the first time I have heard today, and no one seems to argue, that the Federal RFG program has been anything but a success.

In fact, the deputy director of the EPA testified to this point and said that the emissions reductions which can be attributed to the RFG program are equivalent to taking 16 million cars off the road, and 75 million people are breathing cleaner air because of RFG.

□ 1845

''Since the RFG program began 6.5 years ago, we estimate that it has resulted in annual reductions of VOC and NOx combined of at least 105,000 tons, and at least 24,000 tons of toxic air pollutants.''

My colleague from California talked about it has not worked, but it has worked. I know that it is working in Houston and L.A. The proponents of the amendment claim that they can make gasoline as clean without using oxygenates, but this is contrary to what we know about fuel. The presence of oxygenates in fuel dilutes the most toxic components in gasoline, and thus reduces air emissions.

Do my colleagues know what RFG replaces? Benzene. It replaces benzene. Without oxygenates, there is no dilution of these toxics, and it is as simple as that.

None of the proponents of this amendment can assure us that it will maintain the actual levels of protection against air toxins currently present in the Federal RFG. The EPA is frank about the consequences, noting that some people exposed to air toxins may increase their chances of getting cancer or experiencing other serious health effects depending on which air toxins an individual is exposed to, and these health effects can include damage to the immune system, as well as neurological, reproductive, reduced fertility, developmental and respiratory problems.

Mr. Chairman, I am surprised that my colleague from southern California would say that there has not been any increase in RFG benefits in the last 6.5 years because again that was passed in 1990 in the Clean Air Act. I was not here, but we have responded to the Federal law both with ethanol and with MTBE.

If we have problems with MTBE or ethanol, we need to correct it because we have had a great deal of success from reformulated gasoline. That is why I am shocked to hear my colleague who wanted the committee to rise to say there have not been any benefits from it. We have a great deal of testimony, I am sure in many committees, showing the benefits of it.

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

Mr. THOMAS. Mr. Chairman, I ask unanimous consent to withdraw the preferential motion.

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

There was no objection.

The CHAIRMAN pro tempore. Returning to regular order, the gentleman from California (Mr. COX) has 30 seconds; the gentleman from Texas (Mr. BARTON) has 2½ minutes; the gentleman from Texas (Mr. GREEN) has 3 minutes; and the gentleman from California (Mr. WAXMAN) has 2½ minutes.

Mr. WAXMAN. Mr. Chairman, I yield 1½ minutes to the gentlewoman from California (Mrs. DAVIS).

Mrs. DAVIS of California. Mr. Chairman, the amendment before us is critical to the safety of California citizens. We have talked about many things, but we cannot lose sight of the fact that we are talking about safety. We have worked for many years to improve the air quality of our State, and despite our increased population, we have succeeded. Californians are committed to continuing to protect our air.

However, we do not need to do it by adding ethanol to our gasoline, and we do not need the current formulation using MTBE. We do not need any additive at all. Chevron and other oil companies which produce petroleum in California have assured us that they have the technology to create a fuel which will allow California cars to meet EPA air quality standards without any additives.

We have heard the argument here today, why should the Federal Government force us to purchase an unneeded product that is not readily available in California? It would cost California citizens, already beleaguered by high prices, $450 million for the extra cost of this additive.

Mr. Chairman, we came here to legislate on behalf of the Federal Government. As such, we should legislate results such as the EPA air quality standards, but not dictate the methods to reach those standards. Vote for this states' rights amendment.

Mr. GREEN of Texas. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I am going to close, but there is nothing that makes my car or truck drive that I want to drink, whether it is MTBE, whether it is benzene, or whether it is anything else.

The problem that we have had for many years is that there have been problems in California and other places of leaky storage tanks. If MTBE is the problem, it is because we can taste and smell it, what else is in our water supply that we cannot taste or smell that is also leaking out of those storage tanks? That is the concern.

We have had success for 6½ years on reformulated gasoline, whether it is MTBE or ethanol. That is why I am surprised that California thinks that they can produce enough without that.

Mr. Chairman, I yield the balance of my time to the gentleman from Texas (Mr. BARTON).

The CHAIRMAN pro tempore. The gentleman from Texas (Mr. BARTON) now has 4½ minutes; the gentleman from California (Mr. COX) has 30 seconds; the gentleman from California (Mr. WAXMAN) has 1 minute, and the order of closing now that the time of the gentleman from Texas (Mr. GREEN) has expired is the gentleman from California (Mr. WAXMAN); the gentleman from California (Mr. COX) and the gentleman from Texas (Mr. BARTON).

Mr. BARTON of Texas. Mr. Chairman, I yield 1½ minutes to the gentleman from Minnesota (Mr. KENNEDY).

Mr. KENNEDY of Minnesota. Mr. Chairman, I rise in strong opposition to the amendment to grant California waiver from the Clean Air Act. This is not about California being singled out, as we are hearing from several people, because all 50 States are required to live by the Clean Air Act and have been for some time.

This is not about MTBE, which is harmful to our drinking water, because there is a better alternative. Yes, ethanol does help gas burn cleaner. Members only have to go back to their high school class to know that increased oxygen in gas will help make it burn cleaner. This is not about ethanol making gas more expensive because with today's price of oil and other commodities, ethanol is cheaper than gasoline.

This is about ensuring clean air for our children and grandchildren and not increasing the ozone problem that we have. It is about expanding renewable domestic sources of energy. And it is about increasing demand, yes, for important commodities that help us create jobs and economy in our rural areas.

Mr. Chairman, I urge Members to oppose this amendment.

Mr. BARTON of Texas. Mr. Chairman, I yield 1 minute to the gentleman from South Dakota (Mr. THUNE).

Mr. THUNE. Mr. Chairman, my State of South Dakota is a clean air State. In fact, one sentence that we never really hear started, we never start a sentence by saying ''on a clear day'' because we do not have that problem in South Dakota.

Mr. Chairman, the Cox-Waxman amendment would reverse a decade of progress towards cleaning up our air. There are other parts of the country that do not have the luxury that we have in South Dakota, lessening our dependence on foreign sources of energy and supporting American agriculture.

Mr. Chairman, we need a balanced energy policy in this country. This is about energy security. That should mean more renewables, not less. That should mean less demand for petroleum and not more. Reversing the administration decision means going back to additives that are petroleum based and create a host of well-documented problems.

EPA made this decision based on science. It was the right decision. This amendment is the wrong decision and as to whether or not American farmers can meet the demand. The farmers of South Dakota stand ready to meet and help California with the problem. Give us a chance.

Mr. BARTON of Texas. Mr. Chairman, I yield 1 minute to the gentleman from Nebraska (Mr. TERRY).

Mr. TERRY. Mr. Chairman, I rise in opposition to this amendment and special treatment for exemption of the oxygenate requirement. This chart that I have up here shows reformulated gas and the high super-duper blend of regular gas without the oxygenate. It barely meets the requirements, but it does not take out as many pollutants as with an oxygenate.

The price for this super blend without the oxygenate is more expensive than with the blend in it. The nonoxygenated fuel, by California's own study, would eliminate emissions of up to 593 tons per day of carbon monoxide. That is a major contributor to ground ozone or smog. By the California study, there is a 6 percent reduction of VOCs with an oxygenate. Keeping this oxygenate requirement for gasoline would translate into a reduction of CO_2 emissions by over ½ million tons in California alone.

Mr. Chairman, I urge my colleagues to vote against this amendment.

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

Mr. Chairman, we have debated this at length. This is the bottom line: It is unfair to California to force us to import billions of gallons of ethanol that we do not want, that will raise our gasoline prices, that will balkanize our fuel supply, and will make our air dirtier.

I urge all Members to support this amendment.

Mr. Chairman, I yield the balance of my time to the gentleman from California (Mr. COX).

The CHAIRMAN pro tempore. The gentleman from California (Mr. COX), with yielded time from the gentleman from California (Mr. WAXMAN), now has 1 minute.

Mr. COX. Mr. Chairman, parliamentary inquiry. As the author of the amendment, do I have the right to close?

The CHAIRMAN pro tempore. The gentleman from Texas (Mr. BARTON), defending the committee position, has the right to close.

Mr. COX. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I thank my colleagues from across the country for working with us in support of this sensible amendment to give governors and to give States the flexibility they need to meet not just the Federal standards for clean air, but even higher standards.

We have had governors of several States making phone calls in support of this amendment: We have had Governor Pataki from New York; we have had Governor Rowland from Connecticut.

Many States presently are already working to phase out MTBE or ethanol in gasoline, not only California, but the State of Washington, New Hampshire, Maine, New York, Arizona, New Jersey, Minnesota, Pennsylvania, Connecticut and South Dakota. In all of these States, I think the flexibility to handle the problem and the ways that the States find work the best will give us cleaner air and cleaner water.

I know that Governor Ventura will want to wrestle with this problem in the future.

Mr. BARTON of Texas. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, never have so many fine fellows from California been so wrong. It is good to have the California delegation unified for a change on the floor, but it would be better if they were unified on something that was actually a step in the right direction.

To my left I have a chart that is developed by the EPA that shows the baseline under the Clean Air Act passed in 1990 for the minimum air quality standard. There is about an 18 percent improvement based on the quality of 1990. The blue bar shows those States, those cities, that have decided to meet the standard by adding MTBE to their gasoline. You can see that on average they have almost doubled their air quality.

The red bar shows the areas which have chosen to meet the air quality standard by adding ethanol. On average, they have improved it about 10 percent more than the minimum.

It is true we can meet the minimum air quality standard without using either MTBE, the blue bars, or ethanol, the red bars, but just barely. Just barely.

Mr. Chairman, if we adopt the Cox-Waxman amendment, the air is going to get dirtier in California. I do not think that is the intent, but that is the effect of it.

The Clean Air Act has actually worked. More oxygen in gasoline means that it burns cleaner. Do we really want to revoke that? I think not.

□ 1900

I hope we vote against the amendment.

Mr. WELLER. Mr. Chairman, I rise today in strong opposition to the Cox/Waxman amendment to the Energy bill on the floor today.

The fact is Mr. Chairman, eliminating the oxygenate requirement for California will increase pollution. Reformulated gasoline with oxygenates reduces the emission of toxins, well above the level required by the Clean Air Act. If nonoxygenated fuel was allowed to be used in California, studies indicate that carbon monoxide emissions would increase by up to 593 tons per day.

One of the biggest concerns to not only Illinois, but the whole Nation, has been volatile gasoline prices. Eliminating the oxygenate requirement will increase consumer prices at the gas pump. Removing the oxygenate requirement exacerbates an already tight fuel supply by removing volume in gasoline, which increases the chance that gasoline price spikes may occur again. In fact, a report issued by the California Energy Commission estimated that using ethanol will cost two to three cents less per gallon than nonoxygenated fuels. The report detailed that the replacement of nonoxygenate fuel with MTBE would be the most expensive option for the state of California to choose.

Some are worried about whether the demand for ethanol can be met. Mr. Chairman, I can assure you and others that our farmers are working to produce the corn needed to supply California with the ethanol it needs. Approximately 600 million gallons of ethanol per year are needed to meet the needs of California. Currently, the ethanol industry has the capacity to produce two billion gallons per year. Supply will be able to meet demand.

Lastly Mr. Chairman, I would like to discuss the impact of the ethanol industry on my home state of Illinois. Illinois is the nation's leading producer of ethanol, and the second largest producer of corn in the Nation. Corn grown in Illinois is used to produce 40 percent of the ethanol consumed in the U.S. Illinois ethanol production alone has increased the national price for corn by 25 cents per bushel. Ethanol production will stimulate the Illinois economy by creating jobs, and ensure the success of our farmers by providing a stable source for which their crops can be used.

Mr. Chairman, the answer is simple. To ensure a cleaner environment, cheaper gasoline prices, and the success of the agriculture economy, vote against the Cox/Waxman amendment.

Mr. SMITH of Michigan. Mr. Chairman, this amendment points to a problem that is not unique to California,

but affects the entire country. The fact is that with improved engine, emissions, and refining technologies, the requirements of the Clean Air Act can be met without the need to dictate specific fuel formulas. Yet today we have a patchwork of regulations governing what specific fuel formulation can be sold in what area of the country. These rules have raised costs and contributed to supply disruptions.

We should adopt fuel performance standards, not specific fuel formulations, to meet emissions reduction targets. But these performance standards should apply in the entire country, not just California.

Vote ''no'' on this amendment.

The CHAIRMAN pro tempore (Mr. LATOURETTE). The question is on the amendment offered by the gentleman from California (Mr. COX).

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

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

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

The CHAIRMAN pro tempore. It is now in order to consider amendment No. 7 printed in part B of House Report 107–178.

AMENDMENT NO. 7 OFFERED BY MR. WAXMAN

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

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

The text of the amendment is as follows:

Amendment No. 7 offered by Mr. WAXMAN:

Page 96, after line 17, insert the following new title and make the necessary conforming changes in the table of contents:

TITLE IX—PRICE GOUGING AND BLACKOUT PREVENTION

SEC. 901. WHOLESALE ELECTRIC ENERGY RATES OF REGULATED ENTITIES IN THE WESTERN ENERGY MARKET.

(a) DEFINITIONS.—In this section:

(1) COMMISSION.—The term ''Commission'' means the Federal Energy Regulatory Commission.

(2) COST-OF-SERVICE BASED RATE.—The term ''cost-of-service based rate'' means a rate, charge, or classification for the sale of electric energy that is equal to—

(A) all the reasonable variable costs for producing the electric energy;

(B) all the reasonable fixed costs for producing the electric energy;

(C) a reasonable risk premium or return on invested capital; and

(D) all other reasonable costs associated with the production, acquisition, conservation, and transmission of electric power.

(3) PUBLIC UTILITY.—The term ''public utility'' has the meaning given the term in section 201 of the Federal Power Act (16 U.S.C. 824).

(4) WESTERN ENERGY MARKET.—The term ''western energy market'' means the area within the United States that is covered by the Western Systems Coordinating Council.

(b) IMPOSITION OF WHOLESALE ELECTRIC ENERGY RATES.—Not later than 30 days after the date of enactment of this Act, the Commission shall impose just and reasonable cost-of-service based rates on sales by public utilities of electric energy at wholesale in the western energy market. The Commission shall not impose such rates under authority of this subsection on any facility generating electric energy that did not generate electric energy at any time prior to January 1, 2001.

(c) AUTHORITY OF STATE REGULATORY AUTHORITIES.—This section does not diminish or have any other effect on the authority of a State regulatory authority (as defined in section 3 of the Federal Power Act (16 U.S.C. 796)) to regulate rates and charges for the sale of electric energy to consumers, including the authority to determine the manner in which wholesale rates shall be passed through to consumers (including the setting of tiered pricing, real-time pricing, and baseline rates).

(d) REPEAL.—Effective on the date 18 months after the enactment of this Act, this section is repealed, and any cost-of-service based rate imposed under this section that is then in effect shall no longer be effective.

The CHAIRMAN pro tempore. Pursuant to House Resolution 216, the gentleman from California (Mr. WAXMAN) and the gentleman from Louisiana (Mr. TAUZIN) each will control 15 minutes.

The Chair recognizes the gentleman from California (Mr. WAXMAN).

Mr. WAXMAN. Mr. Chairman, I yield myself 3 minutes.

This year, there has been only one true energy crisis in the United States. That is the skyrocketing energy prices and blackouts in California and the West. Incredibly, however, this bill does nothing to address this issue. That is why I am offering this amendment. The goal of the amendment is to prevent a return to the blackouts and skyrocketing electricity prices that have plagued the West.

Some people seem to think that FERC's complicated regulatory experiment has solved the energy crisis out West. After all, prices are lower, and there have not been major blackouts recently. I do not mean to sound like Cassandra, but the simple truth is that these conditions may not last.

There are two main reasons that prices are lower: one, California has been experiencing unseasonably mild weather; and, secondly, California's successful conservation efforts have decreased energy consumption by more than 10 percent. The conservation efforts will continue, but the weather could turn much hotter at any time. If that happens, demand will soar. And if demand goes back up, the current FERC order will not protect California and the West. Just look what happened on July 2 and July 3 when demand reached 40,000 megawatts, the highest level this summer. When that happened, there were blackouts in Nevada, and there were almost blackouts in California. The FERC order did not help prevent the blackouts; it did just the opposite. It caused generators to withhold power.

Not only does the FERC order make blackouts more likely, it does not effectively curb prices. I want to call to Members' attention an article from the Los Angeles Times which ran just last week. This article explains that despite the FERC order, power generators are continuing to charge excessive prices.

Let me give you one example. As the Los Angeles Times reported, Reliant continues to submit bids for electricity for as much as $540 per megawatt hour, more than five times its estimated cost.

The simple truth is that FERC's order is seriously flawed. First, it guarantees enormous windfall profits for generators by allowing the least efficient, most expensive generator to set the price for all generators. Secondly, the order encourages generators to withhold power in order to ensure that their least efficient generating units set the market price. This is exactly backwards, and it is a recipe for blackouts.

My amendment is very simple. It says that FERC must impose cost-of-service-based rates for a short time until new power supplies can come online. Under this amendment, generators will be paid for their costs of production, and they will make a reasonable profit; but they will be barred from gouging the West.

I urge support for this amendment.

Mr. TAUZIN. Mr. Chairman, I yield myself 2 minutes.

Once again, we find ourselves debating an amendment to impose price caps on wholesale electric generation sales in California and the West. When our Committee on Energy and Commerce first had this debate in May, it might have been relevant. There was still some uncertainty then about whether the FERC would oversee the crazy electricity market that California had created for itself.

But shortly thereafter, at our urging and particularly the urging of the gentleman from California (Mr. OSE), the FERC did take action. It created a price mitigation plan throughout California and the West that does not discourage new generation. We now know the FERC order is working and the Waxman amendment is certainly not needed, if it ever was. But even in the middle of the rolling blackouts, the price caps proposed in this amendment would do nothing to solve the energy problems in California. In fact, it would make them a great deal worse.

I will give you three quick reasons: first, cost-of-service-based rates, price caps, discourage investment in new power plants. No power developer in his right mind would try to build a plant in California if this amendment passes. They are saying, well, there are lots of plants being planned in California. They are being planned on the basis of this not happening.

Secondly, the amendment before us would exempt new power plants from cost-of-service-based rates and would not apply to more than half of the generators in the marketplace. I want to say that again. These price caps would apply to less than half of the generators in the marketplace. You have price caps on some generators and no price caps at all on the other generators. That is the same situation we had

in the 1970s when we regulated old gas and we did not regulate new gas and there were huge shortages in the old gas markets, in the interstate markets, and surpluses and high prices in the intrastate markets.

Third and finally, the half of the market that this amendment would exempt happens to be responsible for the highest prices in California. If there was gouging in California, it came from industries in California that would be exempt from this amendment.

This amendment ought to be defeated.

Mr. WAXMAN. Mr. Chairman, I yield 1 minute to the gentleman from Ohio (Mr. SAWYER).

Mr. SAWYER. Mr. Chairman, I rise in support of the amendment and to suggest that in this debate that we do not get confused in our vocabulary. What this amendment proposes is not a price cap. It is a temporary return to cost-of-service-based pricing. Cost-of-service pricing examines the cost for every power producer and assures them an individual rate that will provide for a reasonable profit. That is not a price cap. Rather, it is a practical remedy based on 85 years of policy, precedent, and practice under the law.

The States do not have jurisdiction over wholesale prices; the Federal Government does. But we cannot pretend that FERC can make minor, although complicated, adjustments in the hope that the market will work itself out. There is no functioning market in California right now, and we must provide the time necessary for one to develop.

This amendment will provide California with a chance to start over and design their market properly. It will stabilize an inherently unstable situation. I would urge my colleagues to adopt the amendment.

Mr. TAUZIN. Mr. Chairman, I yield 2 minutes to the gentleman from Oregon (Mr. WALDEN), a distinguished member of the Committee on Energy and Commerce.

Mr. WALDEN of Oregon. Mr. Chairman, I rise in opposition to this amendment as I did in both the subcommittee and the full committee for several reasons.

First of all, it is without question that the California market was dysfunctional. But we are beginning to see the market respond to FERC's direction, that we have some price mitigation in place.

What this amendment does, however, is it has an interesting exemption in it. On line 18 of page 2, it talks about how any power plant that comes online after January 1 of this year would be exempt from this very price cap. Why is that there? It is there because the authors have to admit that this kind of price cap will discourage new production from coming online. Otherwise, why would they have the exemption? And what is there to preclude one of these, quote-unquote, gougers from shutting down their old production facility and running the new one that does not have the price cap? What stops out-of-state producers from selling power into other markets where they do not have this kind of a cap as proposed in this amendment? We could really disrupt the power market that is finally beginning to settle down.

How is it settling down? Let me point out that it has changed dramatically and perhaps even caught the California government unaware in this process. They were buying power at $138 a megawatt hour that now because of a change in the market they are dumping for $1 a megawatt hour. The LADWP, the Los Angeles Department of Water and Power, charged the State of California a price for power that averaged 35 to $40 per watt hour more than that charged by the companies that some call gougers. On a single day in June of 2000, the LADWP raked in $5 million on power sold for $1,000 per megawatt hour. The reason I say that, LADWP is not covered by this amendment. Forty-seven percent of the power sold into California is not covered by this amendment. It would have a disruptive and destructive role in the market if this were passed today.

Mr. WAXMAN. Mr. Chairman, I yield 1½ minutes to the gentlewoman from California (Ms. ESHOO), who has taken such a very strong leadership role on this.

Ms. ESHOO. I thank the gentleman for yielding me this time.

Mr. Chairman, I rise in obvious support of this amendment. To the rest of the country, I want to say this evening that California really feels what is being placed on her shoulders in terms of the burdens. We had a piece of legislation that has caused us more than a migraine headache. But here in the Congress, the only place that can address price, that is why we raise our voices.

This is not a price cap. You can say it until the cows come home that it is, but it is not. For those that have served 10 years, 20 years, 30 years, 40 years, 50 years in the Congress, where were you objecting to what is an 85-year-old tradition in terms of cost-of-service base for the rates in our country? You were nowhere. You are not there to help us with refunds, you are not there to help with price relief, and you are not there in terms of environmental issues.

That is why we get up tonight and we say all over again that Californians should have cost-of-service-based rates. We do not trust the FERC because they have been on a sit-down strike. For those that raise their voices and say, This is going to muck up the market, I have fought for markets, for free and open markets, for markets that work. This market, as the FERC has acknowledged, is dysfunctional. It is not working. We do not want to penalize new generators in California; we want them to come online, but we also plead and raise our voices for what is reasonable and what the FERC will not do and that is cost-of-service-based rates.

Mr. TAUZIN. Mr. Chairman, I am honored to yield 1½ minutes to the distinguished gentleman from Louisiana (Mr. JOHN), newly joining the Committee on Energy and Commerce.

Mr. JOHN. Mr. Chairman, I rise to oppose the gentleman from California's price cap amendment. Albert Einstein is quoted as saying that the definition of insanity is trying the same thing over and over and over again searching for different results. The history of man both past and present is rife with failed attempts about price caps. This amendment asks Members to continue that same cycle.

In the 1950s, before I was born, and in the 1960s, we controlled the price of natural gas and oil. By the 1970s, we had shortages and curtailments of gas and we had gas lines all over America. Over a million people were laid off and money poured out of the United States to countries such as Algeria for high-priced LNG.

Members may not know that the California wholesale market also has had price caps. What happened? The power and the capital investment went elsewhere. So on June 19 of this year FERC applied price caps to the entire West. What happened? Blackouts in Las Vegas. California also had retail price caps in place at the start of its failed restructuring experiment in April of 1998. In the spring of 2001, the biggest growth industry for the California Public Utilities Commission was the processing of blackout exemption applications.

□ 1915

When will we learn? Oppose the price caps.

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

Mrs. CAPPS. Mr. Chairman, I rise in strong support of this amendment. The administration promoted California's electricity problem as a reason to enact their energy plan, the Drill America Plan; but the proposal did nothing about this Nation's most serious crisis. This bill makes the same mistake. Fortunately, due mostly to unusually cool weather, more power plants coming on line, Californians' impressive conservation efforts, and FERC's belated efforts, the situation has stabilized recently. The administration had nothing to do with the first two developments, ridiculed the third and opposed the fourth.

But, unfortunately, the problems in California are not over; and the return of hot weather will show how inadequate FERC's actions are. Because FERC has pegged the cost of electricity to the least-efficient generator, this means one of six or eight most expensive generators will set wholesale prices across the West every time it is fired up. This will cost consumers in California and across the country billions more for electricity than is necessary.

This amendment would simply ensure what FERC was supposed to do in

the first place. I urge my colleagues to support this commonsense amendment.

Mr. TAUZIN. Mr. Chairman, on behalf of all the Members, I want to extend birthday wishes to the ranking member of the subcommittee, the gentleman from Virginia (Mr. BOUCHER), on his birthday. Congratulations.

Mr. Chairman, I yield 2 minutes to the gentleman from Illinois (Mr. SHIMKUS).

Mr. SHIMKUS. Mr. Chairman, I do respect my colleagues from California. We have had a lot of differences in agreement this year.

The statement was made, the only place you can address prices is here. That is the difference in ideology. The market sets the prices. Basically the higher the supply, the lower the cost; the lower the supply, the higher the cost.

When you have high prices and you do not want to pay those prices, guess what? You consume less. When you consume less, there is a higher supply. Guess what? Prices go down. It is basic economics 101, which we wish our colleagues would really end up learning.

One of the reasons why California has been successful is because high prices have forced people to consume less. Conservation is a result of these high prices. The market does work.

How do you get to the quickest, more functioning market? You let the market work. If you intervene in the market, as the Governor of California has done, guess what? The market does not stabilize, it does not get fixed. Market manipulation by government is designed to fail.

This amendment is designed to prolong the agony of California. It is ill-conceived. I do applaud my colleagues for their attempt, and have encouragement for them, but for the betterment of the country, we have to understand, in the market, basic supply and demand rules, and this is an ill-conceived amendment.

Mr. WAXMAN. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. SHERMAN).

Mr. SHERMAN. Mr. Chairman, it is interesting to spend hours here listening to the exponents of States' rights come here with patronizing lectures taken out of economics 101 textbooks to tell California what we need. The fact is that electricity is a unique product. You cannot store it, there is no substitute for it, you cannot ship it, there are major barriers to entry. That is why most of the country for the last 75 years has regulated its price.

This chart illustrates that we must regulate the price of electricity or there will be a decline in supply. When we deregulated, you see those yellow lines indicating the plants that were closed for maintenance. Roughly 10,000 extra hours, megawatt hours, closed for maintenance. What that really illustrates is that a few out-of-State companies were able to close their plants for maintenance, which means close their plants to maintain an outrageous price for every kilowatt.

If you want more supply, you have to limit the gouging. Pass the Waxman amendment.

Mr. TAUZIN. Mr. Chairman, I am pleased to yield 2 minutes to the distinguished gentleman from Texas (Mr. GREEN), my friend from the Committee on Energy and Commerce.

Mr. GREEN of Texas. I thank my colleague, the Chair of our Committee on Energy and Commerce, for yielding me time.

Again we hear the rhetoric of stop the gouging and the request for the cost of service-based rates. You know, I think maybe if it is good enough for natural gas or power, maybe it ought to be good enough for the computers I buy from Silicon Valley. I hope we do not have cost-of-service-based rates on attorneys. Anyway, that is my concern. If we use cost-of-service-based on anything, that is price caps; and that works in a regulated environment.

But what California did, they wanted to take advantage of deregulation and have a State deregulation, that was flawed to begin with. That is why in the State they refused to fix it until it literally drained the power from all their neighboring States during the first part of this year.

Retail price caps have been in effect in California, and it has created artificially stimulated demand. It has increased the demand for natural gas. Not surprising, the removal of these retail price caps caused the consumers in California to have a 12 percent decrease because now that it has increased the cost, their demand is going down.

Mr. Chairman, if we are going to help consumers in the West, we cannot afford to implement strategies that have failed in the past. This is why price caps are wrong. Either you have a regulated environment or you have a deregulated environment. You cannot have a mixture, which California wanted. You cannot have partial free enterprise. So that is why this amendment is wrong, and hopefully the House will reject it.

Mr. WAXMAN. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Virginia (Mr. BOUCHER), the ranking member of the Subcommittee on Energy and Air Quality of the Committee on Energy and Commerce.

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

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

Mr. Chairman, I rise in support of the amendment which, in my view, is necessary to assure that wholesale electricity rates in the Western States are just and reasonable.

The Federal Energy Regulatory Commission has a mandate in the Federal Power Act to ensure that wholesale electricity rates are reasonable. Notwithstanding this clear direction in Federal law, the agency has responded ineffectively as wholesale prices in California exceeded $1,600 per megawatt hour on some occasions during the past 9 months, and that charge of $1,600 per megawatt hour compares with an average price of about $25 per megawatt hour a mere 2 years ago.

More recently, the FERC has imposed a restraint on wholesale prices pegged to the cost of the least efficient generator that is in service at any given time. But the cost of the least efficient generator can be quite high, and when those costs are translated into a wholesale price, an enormous windfall is provided to the more efficient generators, and prices for all parties concerned, in my opinion, are not reasonable.

For that reason, I think the amendment offered by the gentleman from California is necessary, I strongly support it; and I urge its adoption by the House.

Mr. TAUZIN. Mr. Chairman, I am pleased to yield 2½ minutes to the distinguished gentleman from Oklahoma (Mr. LARGENT), a valued member of the Committee on Energy and Commerce.

Mr. LARGENT. Mr. Chairman I think tonight I have seen more California whines than since the last time I visited Napa Valley.

We have heard today about the price gouging of the big energy companies from out of State. And we have an amendment, which I oppose vigorously tonight; and it is to introduce price caps. I will tell you it is wrong for a number of reasons. But one of the things I wanted to do is just go through a couple of charts, everybody has charts, I brought my own.

First of all, let me just show you a couple of the growth charts in California. Employment grew 12 percent, this is in the nineties, population has grown 18 percent, the State economy has grown 45 percent, the electronics and instruments industry has grown over 60 percent in the nineties, the communications industry has grown nearly 80 percent in the nineties, and yet what has California done? Natural gas usage capacity has grown less than 10 percent, electricity use capacity has grown less than 10 percent, peak demand, on and on and on.

Finally you get down to the last number, power generation capacity. This is added power generation capacity in the State of California. In the last 10 years, at a time when they have seen unprecedented growth in their economy and population, added generation capacity, California, less than 2 percent in 10 years. So that is why we have a problem in California. It does not have anything to do with energy companies from out of State gouging.

But let me come back to that gouging question. Here is where California gets their power. They get 33 percent of their power generated from their big IOUs, PG&E, SoCal. They import 21 percent of their electricity. They get 23 percent of their electricity from public power, most of that public power located within the State of California, which is not addressed in this

amendment. They get a little bit from Williams, a little bit from Reliant, Duke, and these big energy companies that are gouging.

Let me just tell you, if this is gouging, let me bring up the next chart. We had before our committee a gentleman named David Freeman, who happens to be the electricity guru for the Governor of the State of California today, who happened to be the head of Los Angeles Department of Water and Power, before our Committee.

We asked Mr. Freeman, did LADWP gouge? He said no. Yet look at this. LADWP averaged $292 per megawatt hour, and this is my most cogent point right here, I am right at the crux, the pinnacle of my argument, here we have got LADWP, one of the public power entities, that was charging $292 per megawatt hour. Now, he said that was not gouging, $292 per megawatt hour.

Here you have the average megawatt charge for the big energy companies of $246. Now, if $292 was not gouging by LADWP, then why is $246 gouging?

So, Mr. Chairman, I would just say I oppose this amendment. It does not address the real issues in California.

Mr. WAXMAN. Mr. Chairman, I yield 1 minute to the gentleman from Washington (Mr. INSLEE), who authored this amendment by way of legislation.

Mr. INSLEE. Mr. Chairman, the majority's bill gives over $20 billion in taxpayer money to the special interest oil and gas industry. Could you not find it in your heart to just do one small thing for the consumer? Could you not throw a bone to the people and the small businesses on the West Coast, in Washington and Oregon and California, that have seen their prices go up 50 to 60 percent? Is that not in your compassionate heart to do that? That is all we are asking.

Look at the history of how we got here. For 7 months we have been pleading with the White House, we have been pleading with our colleagues, to pay attention to this crisis in the West Coast. And we are well beyond the issue of whether we should take action or not. I have a letter from the gentleman from Louisiana (Mr. TAUZIN) dated June 12, 2001, asking the FERC to take some action. The point is, they have not taken any action that works.

This is not an issue of whether the Federal Government should act, this is a question of whether the Federal Government has acted effectively. It has not. We need help in the West Coast, not just California.

Pass this amendment.

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

Mr. Chairman, I am pleased to inform the chairman that FERC did take action.

Mr. Chairman, I am pleased to yield 1 minute to the gentleman from California (Mr. RADANOVICH).

Mr. RADANOVICH. Mr. Chairman, I rise in opposition to the amendment offered by my friend from California. There is no benefit from imposing costs of service rates on California or the Western grid. Today the State of California can buy power on the spot market for $45 a megawatt under the FERC price mitigation measures, but chooses not to do so, because those people that are charging more will not sell it to California. They will keep the hydropower behind their dams, or they will choose to sell it for a higher price somewhere else.

Unfortunately, the Governor of California put us all in a position of having to endure higher energy costs to prevent more and more rolling blackouts. It truly is not an energy crisis in California as much as it is a crisis in leadership on the energy issue. Price caps will not solve that problem.

We have to wait until we get more supply in order to bring down the cost of energy. If we impose price caps on that, we suffer more rolling blackouts. It truly is the law of supply and demand. Had the Governor acted on this issue much sooner, a year ago, we would not even be in this position.

Mr. WAXMAN. Mr. Chairman, I yield 1 minute to the gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. Mr. Chairman, I thank the gentleman for yielding me time and commend him for his leadership on this and so many other issues.

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I rise in support of the Waxman amendment to establish cost-of-service rates for electricity sold at wholesale in the Western region.

As has been mentioned here, Mr. Chairman, in June, the FERC, the Federal Energy Regulatory Commission, imposed a soft cap based on the least efficient generators selling into the California markets. The FERC was established to ensure that consumers were charged fair and reasonable costs for their electricity. It has not neglected that mandate; it came through with this June 19 action, but not only was it too little too late, but it was the wrong way to go. As I said, it put a soft cap based on the least efficient generators selling into California's markets.

For that reason, energy suppliers still have incentives to withhold power in order to drive up electricity prices, still gouging consumers. In fact, a new study shows that electricity suppliers are still trying to sell electricity at prices up to five times higher than the Federal caps.

Last week, the Vice President passed his electricity bill on to the Navy. Instead of doing that, this body should be passing a bill to help America's consumers. I urge support of the Waxman amendment.

Mr. TAUZIN. Mr. Chairman, I am pleased to yield 1 minute to the gentleman from California (Mr. OSE), who is a principal sponsor of the price mitigation plan that FERC adopted.

Mr. OSE. Mr. Chairman, I rise today in opposition to the amendment.

Mr. Chairman, the amendment, as proposed, is anti-environment, it is anti-consumer, it is anti-California's major contribution to this economy, and that is, it is anti-technology. Think about what we are doing. What we are saying is, if you are a real expensive producer and you are a real high-polluting producer, we are going to put price caps in effect so that you will be protected from competition coming in with new technology that uses natural gas and that delivers power to people at a low price.

Look at this chart, I say to my colleagues. This is a chart showing what happened when FERC's mitigation plan went into effect. The Waxman proposal is unnecessary. The Waxman proposal is anti-environment because it makes those plants that are more polluting come on line more. It is anti-consumer, because it makes the most expensive plants be the ones that operate, and it is anti-California's primary product technology, because it refuses to recognize how far we have come.

Vote no on the Waxman amendment.

Mr. WAXMAN. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. FILNER).

Mr. FILNER. Mr. Chairman, I keep hearing about competition, laws of supply and demand. There is a manipulated market in California controlled by a cartel of energy wholesalers.

Let me tell my colleagues what is happening in San Diego. We are paying 10 times, sometimes 100 times what we did a year ago. If we were paying the same costs for electricity as we are paying for bread, we would be paying $19.99 for a loaf of bread; in fact, up to $199 sometimes in the last year.

What do they give us in this bill for California? They give us crumbs. All we get are some crumbs for California.

Scores of small business people in my district have gone out of business, and according to a report by the Chamber of Commerce, 65 percent of small businesses in our county face bankruptcy this year, Mr. Chairman. If this bill passes without this amendment, my small businesses are toast.

They are toast, Mr. Chairman. Help California. Pass this amendment.

Mr. TAUZIN. Mr. Chairman, the Chair would ask who has the right to close on this amendment.

The CHAIRMAN pro tempore (Mr. LATOURETTE). The gentleman from Louisiana (Mr. TAUZIN) has the right to close.

Mr. TAUZIN. Mr. Chairman, I would ask the gentleman from California (Mr. WAXMAN) if he has any additional speakers.

Mr. WAXMAN. Mr. Chairman, I yield 1 minute to the gentlewoman from California (Mrs. DAVIS).

Mrs. DAVIS of California. Mr. Chairman, for more than 12 months now, I have worked daily for my constituents in San Diego, the first in the Nation to be shocked by suddenly doubled and tripled electricity rates. From that time on, I have joined with my colleagues here in the Congress and in the State legislature and with the San

Diego regional governments to get the Federal Energy Regulatory Commission to meet its mandate to require just and reasonable rates. We have repeatedly been rebuffed, rejected and disappointed by their responses.

Although our efforts have moved from utter rejection to half-hearted measures to cap wholesale cost, they have failed to require that the industry charge rates that are just or reasonable.

So it is way past Congress to act. All the Western States are affected. We must take charge and require that FERC assure that the charges for electricity are based on a standard that is simplicity itself. Does it not make sense to set prices based on the cost to produce the electricity, including fair acknowledgment of investments costs, plus a fair profit? That was the basis of charges for decades.

The amendment before us does not set a cap on rates for new generating sources, so it does not discourage investment in new plants. And it sunsets at 18 months. It is what we need for the interim while we continue to add to the power plants that have gone into service this summer.

It is the responsibility of Congress to give clear and explicit language on what makes rates just and reasonable.

Mr. WAXMAN. Mr. Chairman, I yield myself the balance of my time.

I was taken aback by the comments of the gentleman from California (Mr. OSE) that this is anti-environment. Well, it is not anti-environment to put in cost-of-service charges, which is the way electricity had always been handled in California and most of the country where regulation is in place. He said it encourages inefficiency. The FERC order gives a bonus to the most inefficient, costly supplier of electricity, and everybody else rises to that price. They get a windfall.

I think that what we need is to have cost-of-service rates, the cost of the service plus a profit, and not to give windfalls and not to give any encouragement to any supplier that if only they held back some supplies by shutting down temporarily on some phony argument that they could get a higher price. Because that is what we have seen in California as a result of a very bad law that was adopted unanimously by the legislature, signed by a Republican governor, passed by a Democratic legislature.

It gave a green light to a manipulation of the market by energy suppliers. Not that they did anything illegal; they took advantage of the situation.

I feel the FERC order gives a green light to further manipulation and gouging which could lead to blackouts if the weather changes in California and we find ourselves with a greater use of electricity and we bump up to more demand than supply.

So I would urge support for this amendment. It is an insurance policy that we do not find ourselves in California and the whole West Coast with blackouts and further gouging, which is what we have seen as a result of a bad law once passed by the legislature in California.

Mr. TAUZIN. Mr. Chairman, I am pleased to yield the balance of our time to the gentleman from Texas (Mr. BARTON), the chairman of the Subcommittee on Energy and Air Quality, to close on this debate against this bad amendment.

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

Mr. BARTON of Texas. Mr. Chairman, if price caps worked, we would not need this debate. California has had price caps. They have had price caps at $750 a megawatt hour since a year ago this last month. They lowered that to $500 a megawatt hour a year ago this month. They lowered it to $250 a megawatt hour in September of last year. They did not work.

Let us go to the next chart. This chart is very confusing, which is why I put it up here, because I am the only one who can understand it. But what it shows is, comparing the 2 years, 1999 and 2000, when price caps were in effect, power went out in the State of California. People did not keep their power in California; they exported it when those price caps were in effect.

Now, then, if my colleagues think that is a confusing chart, I have one that is even more confusing. Only an MIT engineer, which is actually the people that developed this chart, can understand it, but what it shows is when we have a price cap, prices are higher than when we do not. We may have a little variation back and forth, but I guarantee if you call MIT, who developed this chart, they will tell you, if you have price caps, the price caps are going to be higher, not lower, on the average.

Prices in California right now are below year-ago averages, because they are finally building some power plants, they are finally getting their act together with retail prices.

Mr. Chairman, we do not need the Waxman price cap amendment. We beat it in subcommittee, we beat it in full committee, we are going to beat it on the floor. I hate to keep beating the price cap to death, but if we have to, I would ask that you join with me to defeat the Waxman amendment one more time.

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

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

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

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

It is now in order to consider amendment numbered 8 printed in part B of House report 107–178.

AMENDMENT NO. 8 OFFERED BY MS. JACKSON-LEE OF TEXAS

Ms. JACKSON-LEE of Texas. Mr. Chairman, I offer an amendment.

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

The text of the amendment is as follows:

Amendment No. 8 offered by Ms. JACKSON-LEE of Texas:

Page 168, line 20, insert ''Of the funds authorized under this subsection, at least $5,000,000 for each fiscal year shall be for training and education targeted to minority and social disadvantaged farmers and ranchers.'' after ''National Science Foundation.''.

The CHAIRMAN pro tempore. Pursuant to House Resolution 216, the gentlewoman from Texas (Ms. JACKSON-LEE) and a Member opposed each will control 5 minutes.

Mr. TAUZIN. Mr. Chairman, I will support the amendment. I do not believe there is anyone rising in opposition, but I claim the time in opposition.

The CHAIRMAN pro tempore. The Chair recognizes the gentlewoman from Texas (Ms. JACKSON-LEE) for 5 minutes in support of her amendment.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield myself 1½ minutes.

Mr. Chairman, let me, first of all, thank the chairman of the Committee on Rules and the ranking member of the Committee on Rules for recognizing the importance of an effort of the Congressional Black Caucus that believes that there should be a consensus energy policy that reflects the diversity of America.

I want to thank the chairman of the Committee on Energy and Commerce for his support for this amendment. I want to acknowledge the gentleman from Maryland (Mr. WYNN), the gentleman from Illinois (Mr. RUSH), the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON), our chairperson; the gentleman from New York (Mr. TOWNS) and the gentleman from Alabama (Mr. HILLIARD) as members of the Congressional Black Caucus Energy Task Force.

Let me briefly explain the thrust of this amendment. It is to be inclusive. It is to acknowledge the value of biomass, but at the same time, it focuses on socially disadvantaged and minority ranchers and farmers. That means it reaches throughout the Nation. Specifically what it does is, it provides the opportunity to translate those products from those particular entities into energy.

There are many types of biomass, such as wood plants, residue from agriculture or forestry, and the organic component of municipal industrial waste that can now be used as an energy source. Today, many bioenergy resources are replenished through the cultivation of energy crops such as fast-growing trees and grasses called bioenergy feed stocks.

We are well aware of the value of our agricultural industry, but are we aware of what can happen positively to minority and socially disadvantaged

ranchers and farmers if they find another element to their resources? Unlike other renewable energy sources, biomass can be converted directly into liquid fuels for our transportation needs.

I do believe this is a constructive and instructive manner of utilizing dollars for these components.

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

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

Let me say that we support the gentlewoman's amendment, that diversity in the energy future of our country and those who participate in it, participate particularly as farmers and ranchers, in this important new initiative for bioenergy, for training and educating those who will be responsible, hopefully, for introducing new products in diversity supplies of energy should also include diverse elements of our society participating.

We agree with the gentlewoman, and we support her amendment.

Mr. Chairman, I yield 1 minute to the gentleman from New York (Mr. BOEHLERT), the chairman of the Committee on Science.

Mr. BOEHLERT. Mr. Chairman, this amendment, which provides $5 million per year for integrated bioenergy research and development projects, for training and educating targeted to minority and socially disadvantaged farmers and ranchers, is a good amendment. Bioenergy research and development programs will provide important assistance for cutting-edge technologies and projects, and I proudly identify with the amendment, and I urge its adoption.

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I thank my friend, Mr. Chairman. I, too, would like to salute my colleagues in the Committee on Energy and Commerce.

I see my friend, the gentleman from Maryland (Mr. WYNN). I particularly want to salute them for their amendment, and congratulate the gentlewoman from Texas (Ms. JACKSON-LEE) for their amendment. I urge adoption of the amendment.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the gentleman from New York (Chairman BOEHLERT) for his support on this amendment, and I yield such time as he may consume to the gentleman from Maryland (Mr. WYNN), chair of the CBC Energy Task Force.

Mr. WYNN. Mr. Chairman, I thank the gentlewoman for yielding, and I compliment her for her leadership on this issue. She has done a wonderful job.

I also would like to thank my committee chairman, the distinguished gentleman from Louisiana (Mr. TAUZIN), for his support for this amendment. They told me in law school, when you are ahead, sit down; so I will not belabor my remarks.

I do want to salute one of my towns. The city of Takoma Park uses biodiesel in its fleet. This is one of the bioenergy, biomass products that we hope to see expanded as a result of this legislation. I am very pleased to be associated with it.

I also want to, of course, thank the chairman of the Committee on Science for his support.

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

Mr. Chairman, I think we ought to salute and recognize the gentleman from Illinois (Mr. RUSH) and the gentleman from New York (Mr. TOWNS), two other distinguished members of our committee who are equally responsible in helping make this amendment happen. I want to thank them for their cooperation on this bill throughout the markup process.

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

Ms. JACKSON-LEE of Texas. Mr. Chairman, I am happy to yield 1 minute to the distinguished gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON), the chairman of the CBC.

(Ms. EDDIE BERNICE JOHNSON of Texas asked and was given permission to revise and extend her remarks.)

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I thank the gentlewoman for yielding time to me.

Mr. Chairman, I rise in support of this amendment. I want to thank both Chairs for their support.

I rise in favor of the bill's provisions to provide research and development funding for biofuels. As Chair of the Congressional Black Caucus, I strongly support the CBC amendment to earmark $5 million in each fiscal year FY 2002–2006 to minority and socially disadvantaged farmers for bioenergy research.

Biofuels are a promising area not only in terms of supplying a cleaner burning source of energy but also could help to solve some of the environmental problems with confined animal feeding operations.

Because of its great size and the strong presence of agriculture, my home state of Texas is number 1 in the country for animal waste production.

Much of the waste contaminates our lakes and rivers, and threatens the drinking water supplies for various localities.

An article in the August 6th issue of Time magazine reports that large quantities of cow manure have found their way into Lake Waco, the drinking water source for Waco, where I was born and raised.

The same article also cited a Natural Resources Defense Council report detailing how cow manure in central Texas is fouling the Paluxy and Trinity aquifers and questioning the safety of well water supplies within those aquifers.

The Trinity River runs through my district. Therefore, I am especially concerned about the effects of this pollution on the quality of life in my district.

I am hopeful that the development of bioenergy will alleviate water pollution from farming operations. I trust that this funding will help provide the nation with greater energy security. I urge my colleagues to support energy security. I urge my colleagues to support the amendment to ensure equal opportunity for disadvantaged farmers in the development of bioenergy programs.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I am pleased to yield 1 minute to the distinguished gentlewoman from Florida (Mrs. MEEK) and thank her for her leadership on these issues on the Committee on Appropriations and for her concern for the interests of farmers and ranchers throughout the Nation.

Mrs. MEEK of Florida. Mr. Chairman, I want to thank the gentlewoman from Texas for her initiative. If there is a new initiative that is needed, it is this one.

I want to thank my good friend, the gentleman from Louisiana (Mr. TAUZIN), for the chance to have cooperated with the gentleman on this amendment. It is for a good cause.

We do not want to love a good amendment to death, so I just want to thank the Members.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I want to conclude on the importance of the renewable energy sources. Biomass can be converted directly into liquid fuels for our transportation needs. The two most common biofuels are ethanol and biodiesel, and I know this, hopefully, will encourage the Members from the Midwest and the farming States, that we have acknowledged the value, coming from Texas and Louisiana, of the importance of these kinds of fuel types.

In particular, let me say to the gentleman that the Congressional Black Caucus organized on behalf of these energy amendments to emphasize what the chairperson has said, the value of diversity, and the role of stakeholders in this particular legislative initiative, it is massive.

I will note, as well, that I want to thank the chairman and the Committee on Rules for the LIHEAP amendment that went in to determine the issues of conservation and efficiency. It was added to the manager's amendment. I was not able to be on the floor, but I do want to thank the gentleman for that amendment, because what that does for the purposes of understanding the structural problems for those who receive LIHEAP fund, those are supplemental funds for utility bills, and we need to find out, do they know about conservation? Do they know about efficiency? Are they able to be efficient, because their houses are not structurally sound? We will have that research being done.

Mr. Chairman, let me close by saying this. This bill is going to have a long journey. I hope that we will have an opportunity for the Congressional Black Caucus to emphasize issues that reach into urban America and rural America.

I want us to be able to work further on the concepts of job training that will come out of the opportunities of this legislation, making sure we have people on the ground that can work in this industry. I believe it is important to include Historically Black Colleges

and Hispanic-serving Institutions, universities, on research issues.

I do believe it is important for the Federal Government to enhance and support technology that will help us.

The CHAIRMAN pro tempore (Mr. LATOURETTE). The time of the gentlewoman from Texas (Ms. JACKSON-LEE) has expired.

Mr. TAUZIN. Mr. Chairman, I yield 1 minute to the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I think it is important as well to determine whether or not the Federal Government has impacted positively or impacted negatively on the promotion of technological efforts to improve the resources that we need to get on behalf of our energy programs.

Mr. Chairman, I would hope, and there are several chairpersons on the floor, that we could continue to work with the respective chairpersons on the efforts of the Congressional Black Caucus.

I conclude by saying this authorization of $5 million is a big step. I ask my colleagues to support it.

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

Mr. Chairman, I would say that I think it is relevant that the gentlewoman, representing an oil and gas State, is bringing forward an amendment that will promote a new, diverse energy source for America other than oil and gas.

I hope folks watch that, that all of us have a common interest in diversity in this country, and in fuel supplies and in those who will produce those fuel supplies for America.

I am glad the gentlewoman mentioned the work for the Spanish colleges. My mother, Mrs. Enola Martinez, appreciates that money.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise in support of this amendment offered on behalf of the Congressional Black Caucus by myself, Congressman WYNN, Congressman RUSH, Congresswoman EDDIE BERNICE JOHNSON, Congressman TOWNS, and Congressman HILLIARD.

The Administration's energy proposal was prepared not under the open purview of the public or the Congressional Committees that share jurisdiction in this important area. Those who contributed to the final document that the Administration presented to the Nation and the Congress have not been revealed.

Now that this measure is before the Congress for consideration, we must instill in the American people that the energy plan that will be signed into law is indeed in their best interest for the short-term and the long-term energy needs of our Nation.

I strongly believe that the best approach to our nation's energy needs is one of bipartisan cooperation with a goal of ensuring long-term commitments to a national energy plan that reducing dependence on foreign sources of energy and enhances our Nation's productivity. For this reason, I thank the House Rules Committee for making this amendment in order.

As a Congress we must explore the potential that renewable energy technologies have to contribute to fulfilling an increasing part of the nation's energy demand and how that can occur, while increasing the economies, that can be reached through more efficient and environmentally sound extraction, transportation, and processing technologies.

The amendment we offer before the House today will create an annually funded program for training and education for disadvantaged farmers and ranchers to participate in bioenergy marketing of their products and byproducts associated with their operations.

Bioenergy is often times produced by a form of biomass, which is organic matter that can be used to provide heat, make fuels, and generate electricity. Wood, the largest source of bioenergy, has been used to provide heat for thousands of years. But there are many other types of biomass—such as wood, plants, residue from agriculture or forestry, and the organic component of municipal and industrial wastes—that can now be used as an energy source. Today, many bioenergy resources are replenished through the cultivation of energy crops, such as fast-growing trees and grasses, called bioenergy feedstocks.

Unlike other renewable energy sources, biomass can be converted directly into liquid fuels for our transportation needs. The two most common biofuels are ethanol and biodiesel. Ethanol, an alcohol, is made by fermenting any biomass high in carbohydrates, like corn, through a process similar to brewing beer. It is mostly used as a fuel additive to cut down a vehicle's carbon monoxide and other smog-causing emissions. Biodiesel, an ester, is made using vegetable oils, animal fats, algae, or even recycled cooking greases. It can be used as a diesel additive to reduce vehicle emissions or in its pure form to fuel a vehicle. Heat can be used to chemically convert biomass into a fuel oil, which can be burned like petroleum to generate electricity. Biomass can also be burned directly to produce steam for electricity production or manufacturing processes. In a power plant, turbine usually captures the steam, and a generator then converts it into electricity. In the lumber and paper industries, wood scraps are sometimes directly fed into boilers to produce steam for their manufacturing processes or to heat their buildings. Some coal-fired power plants use biomass as a supplementary energy source in high-efficiency boilers to significantly reduce emissions.

Even gas can be produced from biomass for generating electricity. Gasification systems use high temperatures to convert biomass into a gas (a mixture of hydrogen, carbon monoxide, and methane). The gas fuels a turbine, which is very much like a jet engine, only it turns an electric generator instead of propelling a jet. The decay of biomass in landfills also produces a gas—methane—that can be burned in a boiler to produce steam for electricity generation or for industrial processes. New technology could lead to using biobased chemicals and materials to make products such as antifreeze, plastics, and personal care items that are now made from petroleum. In some cases these products may be completely biodegradable. While technology to bring biobased chemicals and materials to market is still under development, the potential benefit of these products is great.

I ask that my Colleagues join the Congressional Black Caucus in support of this amendment to H.R. 4, Securing America's Future Energy Act of 2001.

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

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentlewoman from Texas (Ms. JACKSON-LEE).

The amendment was agreed to.

The CHAIRMAN pro tempore. It is now in order to consider amendment No. 9 printed in part B of House Report 107–178.

AMENDMENT NO. 9 OFFERED BY MRS. CAPITO

Mrs. CAPITO. Mr. Chairman, I offer an amendment.

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

The text of the amendment is as follows:

Amendment No. 9 offered by Mrs. CAPITO:

On page 190, after line 25, insert:

(c) GASIFICATION.—The Secretary shall fund at least one gasification project with the funds authorized under this section.

The CHAIRMAN pro tempore. Pursuant to House Resolution 216, the gentlewoman from West Virginia (Mrs. CAPITO) and a Member opposed each will control 5 minutes.

Mr. TAUZIN. Mr. Chairman, I support the amendment, but I ask unanimous consent to claim the time in opposition.

The CHAIRMAN pro tempore. Without objection, the gentleman will be recognized for the time in opposition.

There was no objection.

The CHAIRMAN pro tempore. The Chair recognizes the gentlewoman from West Virginia (Mrs. CAPITO).

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

(Mrs. CAPITO asked and was given permission to revise and extend her remarks.)

Mrs. CAPITO. Mr. Chairman, I rise today to offer an amendment which will require that the Department of Energy fund at least one coal gasification project with the funds authorized under the bill's research and development title.

In my home State of West Virginia, coal continues to be an integral part of the lives and livelihoods of thousands of West Virginians, but most people do not realize that coal is also vital to the well-being of families across the country.

The events of last year have shown us that when we flip the switch, we cannot always be certain that the lights will come on. Fortunately, we do have an abundant source of energy available right now to address our current and future energy needs in coal.

Our Nation's recoverable coal has the energy equivalent of about one trillion barrels of crude oil, comparable in energy content to the entire world's known oil reserves.

U.S. coal reserves are expected to last at least 275 years. In order to fully utilize this vast energy resource, however, we must find ways to use it in a more environmentally friendly way.

One method which has already shown great potential is coal gasification. Rather than burning coal in a boiler,

gasification converts coal into a combustible gas, cleans the gas, and then burns the gas in a turbine, much like natural gas.

More than 99 percent of the sulfur, nitrogen, and particulate pollutants are removed in this process. It is a low-emission technology. Continued research and development in clean coal technologies like coal gasification are vital to keeping coal, our most abundant energy resource, an integral part of supplying energy to America.

Our goal should be to give industry the incentives to develop the commercial viability of coal gasification, bringing energy to consumers while protecting the environment and coal's future in America's energy plan.

I congratulate the chairman and the gentleman from New York (Mr. BOEHLERT) and all the Members of the committees who have worked so hard to bring this comprehensive energy package to the floor.

This bill represents a bipartisan effort, and it is my hope that it will move swiftly through the House and Senate and be signed by the President as soon as possible. The American people have waited long enough for an energy plan.

I urge all my colleagues to support this amendment and to vote yes on final passage.

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

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

Mr. Chairman, I rise in support of the gentlewoman's amendment. I commend her hard work on behalf of the clean coal technologies, both with this very important amendment and with her cosponsorship of the NEET clean coal bill.

Over half of the Nation's electricity is generated from coal. We cannot escape that fact. About 52 percent of every drop of electricity that comes into our homes comes into homes from a coal-fired plant somewhere in America. We must be working constantly to make sure that we are burning the cleanest possible coal in those plants and in future plants that may be built.

The Capito amendment will achieve this goal by ensuring that coal gasification, our most promising clean coal technology, is represented in the DOE's technology program; and at the same time I want to commend the chairman of the Committee on Science, the gentleman from New York (Mr. BOEHLERT), for the cooperative effort of our two committees in fashioning language within this bill for the clean coal program.

It does in fact emphasize gasification as one of the most principal emphases in the clean coal technology research programs.

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

Mr. TAUZIN. I yield to the gentleman from New York.

Mr. BOEHLERT. I want to thank the gentleman for those kind remarks, Mr. Chairman. I also want to thank our colleague and good friend, the gentlewoman from West Virginia (Mrs. CAPITO), for her leadership on clean coal technologies issues.

The chairman of the Committee on Energy and Commerce is exactly right, coal is here. Coal is responsible for more than 50 percent of the electricity generated in America. What we need to do is focus on having cleaner coal, and that is exactly what this amendment does.

The gentlewoman from West Virginia (Mrs. CAPITO) has been helpful to the Committee on Science, not only with respect to this amendment, but also on clean coal provisions in division E of the bill, which requires that at least 80 percent of the funds are used for clean coal-based gasification technologies.

Clearly our efforts should focus on clean coal technologies such as the integrated gasification combined cycle. I appreciate the gentlewoman for her leadership on this issue, and I urge my colleagues to support this amendment, which has been worked out between the two committees in partnership for a positive result.

Mr. Chairman, I include for the RECORD letters regarding H.R. 2436.

COMMITTEE ON RESOURCES,
Washington, DC, July 20, 2001.

Hon. SHERWOOD L. BOEHLERT,
Chairman, Committee on Science, Rayburn HOB, Washington, DC.

DEAR MR. CHAIRMAN: On July 17, 2001, the Committee on Resources ordered favorably reported H.R. 2436, the Energy Security Act. The bill was referred primarily to the Committee on Resources, with an additional referral to the Committee on Energy and Commerce.

H.R. 2436 is a critical part of the President's energy policy initiative. The Leadership plans on scheduling an energy legislative package for consideration by the full House of Representatives as early as next week. Therefore, I ask you to not to seek a sequential referral of the bill.

Of course, by allowing this to occur, the Committee on Science does not waive its jurisdiction over H.R. 2436 or any other similar matter. If a conference on H.R. 2436 or a similar energy legislative package becomes necessary, I would support the Committee on Science's request to be named to the conference. Finally, this action should not be seen as precedent for any Committee on Resources bills which affect the Committee on Science's jurisdiction. I would be pleased to place this letter and your response in the report on the bill to document this agreement.

Thank you for your consideration of my request. I look forward to working with you again on the Floor.

Sincerely,

JAMES V. HANSEN,
Chairman.

COMMITTEE ON SCIENCE,
Washington, DC, July 24, 2001.

Hon. JAMES V. HANSEN,
Chairman, Committee on Resources, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter of July 20, 2001 concerning H.R. 2436, the Energy Security Act. As you have acknowledged in your letter, some of the provisions in your reported bill fall within the jurisdiction of the Committee on Science. Among those provisions is section 233.

Section 233 establishes Cooperative Oil and Gas Research and Information Centers within the Department of the Interior. These centers among other things, "shall conduct oil and natural gas exploration and production research . . ." This provision falls within the jurisdiction granted to the House Science Committee under Rule X, clause l(n) 1 of the Rules of the House of Representatives which states in part that the Committee on Science "shall have jurisdiction [on] all [matters relating to] energy research, development, and demonstration . . ."

It is my understanding that in order to expedite floor consideration of H.R. 2436 or the legislative package on energy of which it will become a part, you will delete section 233 or similar section in the energy package with the understanding the Committee on Science will not seek a referral on H.R. 2436.

We appreciate your offer to support our request for conferees on the remaining provisions of H.R. 2436 or a similar energy package which may fall under the jurisdiction of the Committee on Science. We also note your acknowledgement that by not seeking a referral on H.R. 2436, that the Committee on Science does not waive its jurisdiction over that legislation or any similar matter.

Finally, I request that our exchange of correspondence be placed in the Congressional Record during the floor debate on the energy package as reported from the Committee on Rules.

Thank you for your consideration.

Sincerely,

SHERWOOD L. BOEHLERT,
Chairman.

Mr. TAUZIN. I thank the gentleman.

I am going to make one other comment. Mr. Chairman, I hope Americans focus on this as they watch this debate. That is, while OPEC has an enormous influence upon prices and supplies of gasoline and diesel fuel and home heating oil and jet fuel in our economy, OPEC can meet tomorrow and devastate this economy, as they once did, because we are so dependent upon those sources.

Our whole card, our defense, is in our coal program. We have enough coal in this country to last 400, 500 years, maybe 800 years, if we develop it properly. Moving toward cleaner coal does not just make good sense for energy security, it makes sense in this Nation's commitment to the effort in global climate change.

As one of the designated co-chairs to the conference that will occur later in the fall on global climate, I am extremely interested in knowing that we are committed to a course not that is going to put anybody out of business or disrupt the American economy, but that we will find solutions to situations where we can reduce CO_2 emissions through cleaner coal technologies and gasification projects, like the gentlewoman is sponsoring in this amendment.

So I commend the gentlewoman for that. This has all kinds of pluses. This is win-win-win for the American economy, for American security, for our environment, and for our international position on global warming and global climate.

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

Mr. TAUZIN. I yield to the gentleman from Virginia.

Mr. BOUCHER. Mr. Chairman, I thank the gentleman for yielding.

I also want to thank the gentleman for his remarks and also for his strong support of finding ways to enhance the use of coal as a fuel for electricity generation.

I also want to commend the gentlewoman from West Virginia for bringing this amendment forward. I am pleased to support it strongly, and encourage other Members of the House to do the same.

Coal gasification is a promising technology which can increase significantly the efficiency of electricity generators. It also produces useful byproducts, such as hydrogen, that can be used in traditional manufacturing operations.

In addition to that, because the carbon dioxide stream is brought off separately as a part of the gasification process, CO_2 potentially could be sequestered, with all of the attendant environmental benefits that that promises.

So I think the gentlewoman is making a constructive contribution. I thank her for bringing this amendment forward. I am pleased to encourage its adoption.

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

Mr. Chairman, I thank all three gentlemen for their great comments in support of coal gasification and clean coal technologies. I am enthusiastic about this.

I agree with the chairman when he says it is a win-win-win. I believe it is not only a win for this country, but it is a win for my State of West Virginia. I look forward to its passage.

Mr. SMITH of Michigan. Mr. Chairman, will the gentlewoman yield?

Mrs. CAPITO. I yield to the gentleman from Michigan.

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Mr. SMITH of Michigan. Mr. Chairman, I just met with Spencer Abraham, the new Secretary of Energy, and certainly I rise in support of this amendment.

America has abundant reserves of coal, enough for hundreds of years, and so we need to figure out how to tap into this resource in the way that protects our environment and keeps energy affordable.

In my home State of Michigan, we are now generating 80 percent of our electricity supply from coal. Coal has many benefits, but it also has environmental drawbacks. And that is why the Clean Coal Technology Program in our efforts to move ahead on this effort is so very important. The gentlewoman's amendment would simply ensure that the Department of Energy include the research as part of its clean coal portfolio.

I see nothing objectionable from anybody, and I certainly support that effort because that technology is so important.

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

The CHAIRMAN pro tempore (Mr. LATOURETTE). The Chair would like to correct a statement that he made earlier.

Where the manager is not truly an opponent of the amendment, the proponent of the amendment has the right to close the debate.

The question is on the amendment offered by the gentlewoman from West Virginia (Mrs. CAPITO).

The amendment was agreed to.

The CHAIRMAN pro tempore. It is now in order to consider amendment No. 10, printed in part B of House Report 107–178.

AMENDMENT NO. 10 OFFERED BY MS. JACKSON-LEE OF TEXAS

Ms. JACKSON-LEE of Texas. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 10 printed offered by Ms. JACKSON-LEE of Texas:

Page 191, after line 17, insert the following new section, and make the necessary change to the table of contents:

SEC. 2423. NATURAL GAS AND OIL DEPOSITS REPORT.

Two years after the date of the enactment of this Act, and at two-year intervals thereafter, the Secretary of the Interior, in consultation with other appropriate Federal agencies, shall transmit a report to the Congress assessing the contents of natural gas and oil deposits at existing drilling sites off the coast of Louisiana and Texas.

The CHAIRMAN pro tempore. Pursuant to House Resolution 216, the gentlewoman from Texas (Ms. JACKSON-LEE) and a Member opposed each will control 5 minutes.

Mr. TAUZIN. Mr. Chairman, I ask unanimous consent to claim the time in opposition, although I do support the amendment.

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

There was no objection.

The CHAIRMAN pro tempore. The gentleman from Louisiana (Mr. TAUZIN) will be recognized for 5 minutes in opposition.

Pursuant to the Chair's previously announced policy, the gentlewoman from Texas (Ms. JACKSON-LEE) will have the right to close debate on this amendment.

The Chair recognizes the gentlewoman from Texas (Ms. JACKSON-LEE) for 5 minutes in support of her amendment.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield myself 2 minutes, and I rise in support of the Jackson-Lee-Lampson amendment; and I am delighted to be joined by my colleague, the gentleman from Texas (Mr. LAMPSON), to help explain the following amendment.

This amendment would direct the Secretary of Energy to study and evaluate the availability of natural gas and oil deposits located off the coast of Louisiana and Texas at existing drilling sites. The assessment would allow an inventory of existing oil and gas supplies and an evaluation of techniques or processes that may exist in keeping those wells protected.

Let me first of all say that my colleagues are well aware that we have had oil and gas drilling in the Gulf of Mexico off the shores of Texas and Louisiana for a fairly long time. This amendment simply attempts to assist our government, our Nation, in reaching the point of being independent, energy independent, through the full utilization of energy sources within our Nation's geographic influence.

Again, it focuses on the gulf, off the shores of Texas and Louisiana, because right now there are more than 3,800 working offshore platforms in the Gulf of Mexico which are subject to rigorous environmental standards. These platforms result in 55,000 jobs with over 35,000 of them located offshore.

The platforms working in Federal waters also have an excellent environmental record. According to the United States Coast Guard for the 1980–1999 period, 7.4 billion barrels of oil were produced in Federal offshore waters, with less than 0.001 percent spilled. This is a 99.99 percent record for clean operations. This record encourages us to discover, through the assessment of the Department of the Interior, what is still available in the Gulf: the opportunities for creating more jobs, the opportunity for using the kind of technology that enhances the environment, and the opportunity for making this Nation energy independent.

Most rigs, under current interior regulation, must have an emergency shutdown, and that is going on in the Gulf. Other safety features include training requirements for personnel, design standards, and redundant safety systems.

I believe that this will aid us and help us in being energy independent.

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

Mr. TAUZIN. Mr. Chairman, I yield myself such time as I may consume, simply to say that on behalf of the gentleman from Utah (Mr. HANSEN), chairman of the Committee on Resources, with whom I serve, we have no objections and, in fact, support this amendment. It complements features of the bill that was reported out of the Committee on Resources that does call for inventorying the Nation's energy supplies. This will be targeted to those platforms off of Louisiana and Texas that contribute so much to this country.

I want to thank the gentlewoman from Texas again for highlighting that. My own State is like hers, a major contributor to what we produce in this country for Americans. We produce 27 percent of the oil and about 27 percent of the natural gas, much of it from offshore, much of it, by the way, inside reserves. We have a national wildlife reserve called Mandalay Reserve in my district where wells are producing today. A hundred wells have been drilled to produce energy for this country in an environmentally safe way.

That reserve, I promise my colleague, is every bit as sacred to me as the Arctic Wildlife Reserve, but we know we can do this in a good sound way. Inventorying those resources makes sense, and we support the amendment.

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

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Texas (Mr. LAMPSON), who represents a sizable part of the energy industry in his Congressional District and has been a strong supporter for the creation of jobs and as well a leader in his area on behalf of his community.

Mr. LAMPSON. Mr. Chairman, I thank the gentlewoman from Texas for yielding me this time.

I am from Texas, and Texas is the land of oil and the land of energy. That energy does not just come from below the ground we walk on, it also comes from the bottom of the Gulf of Mexico. The amendment that my fellow Texan and I have introduced would direct the Secretary of Energy to take a good look at further developing the natural gas and oil deposits at existing drilling sites off the coast of Louisiana and Texas.

It is important that the United States have a balanced energy research, development, and demonstration program to enhance fossil energy. The reports that come out of this amendment could possibly change the energy policy and production of the United States. The infrastructure for oil and gas exploration in the Gulf is already in place. We might be sitting on production possibilities that could solve our immediate energy problems, but without this amendment and the reports that it would require we might not ever find out. Texas and the Gulf of Mexico have been an energy supplier to the United States for generations, and I believe the resources are there to continue in that production as we develop the natural gas and oil reserves in the ultra-deepwater of the Central and Western Gulf of Mexico.

With the further exploration of deposits in the Gulf, we will develop new technology that will affect the efficiency of production on offshore wells and the energy availability for the American public. Research and development on ultra-deepwater recovery will advance the safety and efficiency of production, lowering costs and protecting our environment at the same time. Exploration of new energy resources and protection of the environment can go hand in hand in the Gulf.

With this amendment, we have the possibility to lower costs, do so safely, and provide thousands of well-paying jobs for our working men and women. New supplies are vital to long-term economic stability and to current and future employment. Exploration of the Western Gulf of Mexico will permit access to one of our largest sources of oil. This development would not only reduce our dependence on foreign energy sources but also create significant amounts of jobs for our workers.

I thank the gentlewoman for working with me.

Mr. TAUZIN. Mr. Chairman, I have no further requests for time, and I reserve the balance of my time.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield myself such time as I may consume, and I believe I have the right to close.

I would like to, as I close, yield to the gentleman for an inquiry, if I might. But, first, let me simply say this. We have not learned all that we can learn about energy extraction, refining, generation or transportation. We are still learning. And this report that will be issued by the Secretary of the Interior will provide the complementary statistics and knowledge that will balance the planning that our energy industry has to engage in. It will help them prepare environmentally in terms of knowing what oil and gas deposits are there as they match their research along with the research of the Federal Government.

But this really goes to educating the American public about the resources that are present offshore and how they are extracted safely. And I believe that as knowledge is gained about the increasing ability or the increasing availability of oil and gas, then jobs will be created as well.

I started this debate, Mr. Chairman, an amendment or so ago, saying that this should be a consensus plan, and I believe this amendment adds to this legislation by the very fact that it provides knowledge and it helps us to create an encompassing plan.

Mr. TAUZIN. Mr. Chairman, I yield 1 minute to the gentlewoman from Texas (Ms. JACKSON-LEE) in order to engage in a dialogue.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the gentleman for yielding me this time, and I will ask my colleagues to support this amendment. But I first want to add my appreciation to the chairman, the gentleman from Louisiana (Mr. TAUZIN); the gentleman from New York (Mr. BOEHLER); and the ranking member as well.

I want to say to the gentleman that I had an amendment dealing with a commission that would create an opportunity for many people to be engaged. I know that we are not debating that amendment, but what I want to emphasize is the importance of everyone being a stakeholder in whatever energy policy we have. And I would appreciate the gentleman's comment on that, as well as a comment on making sure we have trained Americans, trained citizens, trained personnel to be able to take up the prospective jobs that may be created, whether it is working on the environmental end or whether it is working on the production end. And I would hope that we would look to inner-city and rural communities and underserved populations that traditionally may not have worked in these areas and to provide that training.

The gentleman mentioned earlier that I said Hispanic serving and historically black universities. I hope that we can work together on this.

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

Ms. JACKSON-LEE of Texas. I yield to the gentleman from Louisiana.

Mr. TAUZIN. I give the gentlewoman my commitment to do that. As the gentlewoman knows, we lost nearly 100,000 oil field jobs in my State alone, and more than that in her State during the oil crash of the 1980s. We desperately need well-trained workers and people willing to commit themselves to energy production. I will join the gentlewoman in that.

Ms. JACKSON-LEE of Texas. I thank the gentleman very much.

I ask my colleagues to support this amendment.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise to offer an amendment to H.R. 4, the Securing America's Future Energy Act of 2001. This amendment would direct the Secretary of Energy to study and evaluate the availability of natural gas and oil deposits located off the coasts of Louisiana and Texas at existing drilling sites. This assessment every 2 years would allow an inventory of existing oil and gas supplies and evaluation of techniques or processes that may assist in keeping those wells productive.

I represent residents and businesses that call the 18th Congressional District of Texas their home. Energy and energy related companies and dozens of other exploration companies are the backbone of the Houston economy. For this reason, the 18th Congressional District can claim well-established energy producing companies and suppliers as well as, those engaged in renewable energy exploration and development.

I believe that the effects of rising energy prices have had and will continue to have a chilling effect on our Nation's economy. Everything we as consumers eat, touch or use in our day to day lives have energy costs added into the price we pay for the good or service. Today, our society is in the midst of major sociological and technical revolutions, which will forever change the way we live and work. We are transitioning from a predominantly industrial economy to an information-centered economy. While or society has an increasingly older and longer living population the world has become increasingly smaller, integrated and interdependent.

As with all change, current national and international transformations present both dangers and opportunities, which must be recognized and seized upon. Thus, the question arises, how do we manage these changes to protect the disadvantaged, disenfranchised and disavowed while improving their situation and destroying barriers to job creation, small business, and new markets?

One way to address this issue is to ensure that this Nation becomes energy independent through the full utilization of energy sources within our Nation's geographic influence.

Today there are more than 3800 working offshore platforms in the Gulf of Mexico, which are subject to rigorous environmental standards. These platforms result in 55,000 jobs, with over 35,000 of them located offshore. The platforms working in federal waters also have

an excellent environmental record. According to the United States Coast Guard, for the 1980–1999 period 7.4 BILLION barrels of oil was produced in federal offshore waters with less than 0.001 percent spilled. That is a 99.999 percent record for clean operations.

According to the Minerals Management Service about 100 times more oil seeps naturally from the seabed into U.S. marine waters than from offshore oil and gas activities.

The Nation's record for safe and clean offshore natural gas and oil operations is excellent. And to maintain and improve upon this excellent record, Minerals Management Service continually seeks operational improvements that will reduce the risks to offshore personnel and to the environment. The Office of Minerals Management constantly reevaluates its procedures and regulations to stay abreast of technological advances that will ensure safe and clean operations, as well as to increase awareness of their importance.

It is reported that the amount of oil naturally released from cracks on the floor of the ocean have caused more oil to be in sea water than work done by oil rigs.

Most rigs under current Interior regulation must have an emergency shutdown process in the event of a major accident which immediately seals the pipeline. Other safety features include training requirements for personnel, design standards and redundant safety systems. Last year the Office of Minerals Management conducted 16,000 inspections of offshore rigs in federal waters.

In addition to these precautions each platform always has a team of safety and environmental specialists on board to monitor all drilling activity.

These oil and gas rigs have become artificial reefs for crustaceans, sea anomie, and small aquatic fish. These conditions have created habitat for larger fish, marking rigs a favored location to fish by local people.

Fossil fuels and the quality of life most citizens enjoy in the United States are inseparable. The multiple uses of petroleum have made it a key component of plastics, paint, heating oil, and of course gasoline. All fossil fuels are used to produce electricity; however, our national addiction to petroleum was painfully exposed in 1973 when the Organization of Petroleum Exporting Countries (OPEC) implemented an oil embargo against the United States. This event resulted in the rapid conversion of oil-fired electricity production electric plants into coal- and natural gas-fired plants.

Energy and the interconnected nature of our national and global economy is highlighted by rising oil, and gasoline prices experienced by producers and consumers over the last ten months.

The United States Postal Service has reported that for every 1 cent increase in the price of gasoline, they have an additional $5.5 million in transportation costs. Based on their national fleet of 2002 vehicles resulting they had a cost of $275 million added to the expense of their vehicle fleet for Fiscal Year 2000.

I held a fact-finding hearing in Houston, Texas on October 2, of last year to address the energy crisis and its impact on consumers and businesses in my District. I wanted to listen to what producers, suppliers, and consumers were experiencing due to the current energy crisis in our nation. I wanted to take from that discussion valuable insight that might be helpful to me in encouraging the House leadership to take up legislation that I hope will address many of their concerns.

As legislators, we must boldly define, address and find solutions to future energy problems. We know that the geological supply of fossil fuel in not infinite, but finite. We know that our Nation's best reserves of fuel sources are in the forms of coal and natural gas, among others.

I would only caution my colleagues, administration officials, academics, industry leaders, environmental groups and consumers not to assume that we have learned all that is knowable about energy extraction, refining, generation, or transportation but that we are still learning. We must bring to this debate a vigor and vitality that will enliven our efforts to not have a future of energy have and have nots, due to out of control energy demand with few creative minds working on the solution to this pressing problem.

During the 1970s some argued against the use of natural gas in electric utility generation, while others argued that it was necessary in order to free this nation from dependence on foreign sources of fossil fuel. In response the Congress passed the Powerplant and Industrial Fuel Act, which prohibited the use of natural gas in new powerplants, and the Natural Gas Policy Act, which removed vintages of natural gas from regulation.

As a result, natural gas production rose dramatically and Congress repealed the ''off-gas'' provisions of the Fuel Act, which resulted in increased use of that fossil fuel.

I ask that my colleagues join me and Congressman LAMPSON in support of this amendment.

The CHAIRMAN pro tempore (Mr. NETHERCUTT). The question is on the amendment offered by the gentlewoman from Texas (Ms. JACKSON-LEE).

The amendment was agreed to.

The CHAIRMAN pro tempore. It is now in order to consider amendment No. 11 printed in part B of House Report 107–178.

AMENDMENT NO. 11 OFFERED BY MR. SUNUNU

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

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

The text of the amendment is as follows:

Amendment No. 11 offered by Mr. SUNUNU:

Page 500, beginning at line 16, amend section 6512 to read as follows:

SEC. 6512. REVENUE ALLOCATION.

(a) FEDERAL AND STATE DISTRIBUTION.—

(1) IN GENERAL.—Notwithstanding section 6504 of this Act, the Mineral Leasing Act (30 U.S.C. 181 et. seq.), or any other law, of the amount of adjusted bonus, rental, and royalty revenues from oil and gas leasing and operations authorized under this title—

(A) 50 percent shall be paid to the State of Alaska; and

(B) the balance shall be deposited into the Renewable Energy Technology Investment Fund and the Royalties Conservation Fund as provided in this section.

(2) ADJUSTMENTS.—Adjustments to bonus, rental, and royalty amounts from oil and gas leasing and operations authorized under this title shall be made as necessary for overpayments and refunds from lease revenues received in current or subsequent periods before distribution of such revenues pursuant to this section.

(3) TIMING OF PAYMENTS TO STATE.—Payments to the State of Alaska under this section shall be made semiannually.

(b) RENEWABLE ENERGY TECHNOLOGY INVESTMENT FUND.—

(1) ESTABLISHMENT AND AVAILABILITY.—There is hereby established in the Treasury of the United States a separate account which shall be known as the ''Renewable Energy Technology Investment Fund''.

(2) DEPOSITS.—Fifty percent of adjusted revenues from bonus payments for leases issued under this title shall be deposited into the Renewable Energy Technology Investment Fund.

(3) USE, GENERALLY.—Subject to paragraph (4), funds deposited into the Renewable Energy Technology Investment Fund shall be used by the Secretary of Energy to finance research grants, contracts, and cooperative agreements and expenses of direct research by Federal agencies, including the costs of administering and reporting on such a program of research, to improve and demonstrate technology and develop basic science information for development and use of renewable and alternative fuels including wind energy, solar energy, geothermal energy, and energy from biomass. Such research may include studies on deployment of such technology including research on how to lower the costs of introduction of such technology and of barriers to entry into the market of such technology.

(4) USE FOR ADJUSTMENTS AND REFUNDS.—If for any circumstances, adjustments or refunds of bonus amounts deposited pursuant to this title become warranted, 50 percent of the amount necessary for the sum of such adjustments and refunds may be paid by the Secretary from the Renewable Energy Technology Investment Fund.

(5) CONSULTATION AND COORDINATION.—Any specific use of the Renewable Energy Technology Investment Fund shall be determined only after the Secretary of Energy consults and coordinates with the heads of other appropriate Federal agencies.

(6) REPORTS.—Not later than 1 year after the date of the enactment of this Act and on an annual basis thereafter, the Secretary of Energy shall transmit to the Committee on Science of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report on the use of funds under this subsection and the impact of and efforts to integrate such uses with other energy research efforts.

(c) ROYALTIES CONSERVATION FUND.—

(1) ESTABLISHMENT AND AVAILABILITY.—There is hereby established in the Treasury of the United States a separate account which shall be known as the ''Royalties Conservation Fund''.

(2) DEPOSITS.—Fifty percent of revenues from rents and royalty payments for leases issued under this title shall be deposited into the Royalties Conservation Fund.

(3) USE, GENERALLY.—Subject to paragraph (4), funds deposited into the Royalties Conservation Fund—

(A) may be used by the Secretary of the Interior and the Secretary of Agriculture to finance grants, contracts, cooperative agreements, and expenses for direct activities of the Department of the Interior and the Forest Service to restore and otherwise conserve lands and habitat and to eliminate maintenance and improvements backlogs on Federal lands, including the costs of administering and reporting on such a program; and

(B) may be used by the Secretary of the Interior to finance grants, contracts, cooperative agreements, and expenses—

(i) to preserve historic Federal properties;

(ii) to assist States and Indian Tribes in preserving their historic properties;

(iii) to foster the development of urban parks; and

(iv) to conduct research to improve the effectiveness and lower the costs of habitat restoration.

(4) USE FOR ADJUSTMENTS AND REFUNDS.—If for any circumstances, refunds or adjustments of royalty and rental amounts deposited pursuant to this title become warranted, 50 percent of the amount necessary for the sum of such adjustments and refunds may be paid from the Royalties Conservation Fund.

(d) AVAILABILITY.—Moneys covered into the accounts established by this section—

(1) shall be available for expenditure only to the extent appropriated therefor;

(2) may be appropriated without fiscal-year limitation; and

(3) may be obligated or expended only as provided in this section.

The CHAIRMAN pro tempore. Pursuant to House Resolution 216, the gentleman from New Hampshire (Mr. SUNUNU) and a Member opposed each will control 10 minutes.

Mr. TAUZIN. Mr. Chairman, I ask unanimous consent to claim the time in opposition, since there is no one in opposition, although I am very much in support of the amendment.

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

There was no objection.

The CHAIRMAN pro tempore. The Chair recognizes the gentleman from New Hampshire (Mr. SUNUNU).

Mr. SUNUNU. Mr. Chairman, I yield myself such time as I may consume, and I rise to offer an amendment as we put the final touches on this energy policy bill. It is an amendment that tries to strike a balance, a balance between the need for safe, reliable energy sources for the American economy and the need and desire to conserve our precious resources, our environment, and our natural heritage.

What my amendment does is take the royalties and the bonus payments that have been talked about here in the debate today, an unprecedented royalty sharing arrangement where the Federal Government will get half of the royalties from any oil production in the northern plains of Alaska, and take those royalties to set up two important funds.

The first fund would be geared toward conservation, a fund that could invest in our backlog maintenance of national parks, national forests, a fund that could invest in historic preservation, and a fund that could invest in the conservation of urban parks as well.

The remainder, the balance of the royalties, go into a second fund, a fund that invests in our energy future, alternative and renewable technologies, wind, solar, biomass, again a range of technologies that in the debate today have been held out as being the likely promise for energy independence in America's future.

I think this does strike a good balance between some of the extremes in this debate. It ensures that whatever financial benefits come from exploration and production on the Alaskan plains go back to the American people in an important way that conserves our parks, invests in maintenance of our national forests, and of course invests in future energy technology and independence.

Mr. Chairman, I yield 2 minutes to the gentlewoman from New Mexico (Mrs. WILSON), the cosponsor of the amendment.

Mrs. WILSON. Mr. Chairman, I thank the gentleman for yielding me this time, and I commend him for his leadership.

When I looked at this proposal for exploration of oil in Alaska, I did not think it was good enough, because I have long advocated for a balanced energy plan. I thank the gentleman for his leadership and the leadership of the chairman and this committee, because I felt as though we could find a better way.

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I think this amendment, combined with the next amendment, gives us the balance that all of us are looking for. I have long believed that we do not have to choose between having energy and preserving the environment that we love. These two amendments allow us to do both and to begin with conservation.

What this amendment does say is, we are going to explore for oil in ANWR and Alaska. Let us take the revenues, the royalties; half go to Alaska for Alaskans, but the other half, let us set up some trust funds to do two things. First, invest in renewable energy so we can reduce our reliance on foreign sources of supply and ultimately make ourselves more independent. The second is to conserve the land that we love, both in Alaska and in the rest of the United States.

We set up a trust fund that takes the proceeds from these precious natural resources that we get because we are the most technologically advanced country in the world when it comes to oil exploration and uses that wealth and that promise to preserve the greatness of this country and its other natural resources.

It is an innovative approach and when combined with the other amendment that the gentleman from New Hampshire and I will offer next, shows how we can do both, and we can use that money to preserve our parks, to take care of the backlog of maintenance in our national forests, and to make sure that we have land and water conservation for this generation and for the next generation.

I commend the gentleman for his leadership.

Mr. SUNUNU. Mr. Chairman, I yield 1 minute to the gentleman from Michigan (Mr. SMITH).

Mr. SMITH of Michigan. Mr. Chairman, as chairman of the Subcommittee on Research, Committee on Science, I am excited about this amendment. This fund could provide additional billions of dollars on top of the already existing funding for renewable energy research and development.

The renewable energy technology investment fund will fund additional renewable energy research and development into renewable and alternative fuels, including wind, solar, geothermal, energy from biomass. Using the revenues from ANWR, leasing for these purposes would pay permanent dividends to the American people by lowering the cost of developing renewable energy resources.

It is going to restore and protect wildlife habitat on public lands. It is an amazing return on investment, and by allowing for the wise and prudent development of just 2,000 acres in a remote area of Alaska previously set aside for this specific purpose, we can produce benefits for generations to come. It is the wise use of our public lands that our children and grandchildren will thank us for.

Mr. Chairman, I urge adoption of the Sununu amendment.

Mr. SUNUNU. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania (Mr. PETERSON).

Mr. PETERSON of Pennsylvania. Mr. Chairman, I think this is a good amendment. This makes a good portion of this bill even better. I think the ANWR portion of this bill is one of the most important parts. This will help us with an area that has been neglected.

Our public lands have been underfunded. We have not taken care of them well. The Forest Service alone has a $9 billion backlog which includes maintenance of the heritage sites, recreational facilities, trails, watershed improvements, installations for run-off and control of erosion and trapped sediments, structures needed to improve habitat for wildlife, fish and threatened and endangered species. $271 million is needed to maintain the Forest Service trail system that people hike on and recreate on.

Mr. Chairman, we were doing a little back-room math here. This could be $250 million a year for renewables and maintenance if we sell a million barrels a day. If it is 2 million barrels, we can have $500 million in each of those funds, putting them at the front of the line for the first time for the funding they need.

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

Mr. Chairman, I want to say in all of the years I have served in public office as a defender of property rights, as someone who has tried to reform the Endangered Species Act, I have received one beautiful environmental award from the Wildlife Federation of America; it came for work just like this, dedicating money from the royalty funds that are produced from State wetlands and water-bottoms in Louisiana, to make sure that those monies were return back to those wildlife areas to protect and preserve them.

In Louisiana and Texas we do exactly this. We take monies from the mineral

development, and put it back into protecting and preserving the wild and wet areas.

Mr. Chairman, I yield 2 minutes to the gentleman from Utah (Mr. HANSEN), the chairman of the Committee on Resources, who is responsible for most of the product we see now before us in this bill.

Mr. HANSEN. Mr. Chairman, let me point out that I have had an opportunity to look at the Sununu amendment, and I hope folks in their offices are listening to this because this is an interesting amendment.

Mr. Chairman, this amendment, if Members are at all on the fence wondering if they should vote for ANWR or not, this puts Members on the side to vote for ANWR. This amendment secures the amount of acreage we are talking about. It puts it at the 2,000-acre level. And if Members went there, they would see this is a fraction of what we are looking at.

All of the people saying, oh, my goodness, we are going to have the tentacles of this thing spread over the ANWR area. Well, the tentacles, if there ever was such a thing, have just been snapped off, and it is not going to happen.

If we talk about an amendment that perfects what we have been doing, the gentleman has come up with one. It makes eminently good sense that we follow this. This should be the one that should make this an easy vote for a lot of folks. We can go ahead and look in this area and take care of this problem.

I would like to say one thing, Mr. Chairman. I am so tired of having people write me and say this thing is only good for 6 months, what are we waiting for. If it was our only source, that would be true. Where do we get the oil that takes care of America? We get some from Pennsylvania, we get some from Texas, we get some from Utah, we get some from Venezuela, we get some from Alaska, Saudi Arabia, and from all over the world. I wish that tired old argument would go away.

Mr. Chairman, this would be the exact amount almost that supplements what we get from Iraq at the present time. Anybody who thinks that is our best friend, I would worry about it.

I compliment the gentleman from New Hampshire (Mr. SUNUNU) for his excellent amendment, and I support the amendment completely.

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

Mr. Chairman, I thank the gentlewoman from New Mexico (Mrs. WILSON) for her work on this amendment. I think it strikes a balance. We recognize the value of allocating royalty payments from outer continental shelf drilling, and in creating the Land and Water Conservation Fund from those revenues. We have done great things in this country to preserve precious land, to invest in maintenance of national parks and forests, to create the urban park program; and I think this amendment builds on that legacy, taking revenues and funds on production of the Alaskan plain and setting aside half of it for conservation and investment in parks and forests, and urban parks as well; and the other half, putting it into alternative renewable energy technology, really the energy technologies that are our future.

Mr. Chairman, I urge my fellow colleagues to support the amendment and to support a good balance in our energy policy.

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

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

The CHAIRMAN pro tempore (Mr. NETHERCUTT). The question is on the amendment offered by the gentleman from New Hampshire (Mr. SUNUNU).

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

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

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New Hampshire will be postponed.

It is now in order to consider Amendment No. 12 printed in part B of House Report 107–178.

AMENDMENT NO. 12 OFFERED BY MR. SUNUNU

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 12 offered by Mr. SUNUNU:

In section 6507(a), strike ''and'' after the semicolon at the end of paragraph (1), strike the period at the end of paragraph (2) and insert ''; and'', and add at the end the following:

(3) ensure that the maximum amount of surface acreage covered by production and support facilities, including airstrips and any areas covered by gravel berms or piers for support of pipelines, does not exceed 2,000 acres on the Coastal Plain.

The CHAIRMAN pro tempore. Pursuant to House Resolution 216, the gentleman from New Hampshire (Mr. SUNUNU) and a Member opposed each will control 10 minutes.

Mr. MARKEY. Mr. Chairman, I rise in opposition to the Sununu amendment.

The CHAIRMAN. The gentleman from Massachusetts (Mr. MARKEY) will control 10 minutes in opposition. The Chair recognizes the gentleman from New Hampshire.

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

Mr. Chairman, I rise to offer an amendment that attempts again to clarify the terms and the scope of the debate.

There has been a great deal of discussion today about exploration and energy production on the Alaskan plain. ANWR, the wildlife refuge, is an area of approximately 19 million acres. It is three times the size of the State of New Hampshire, which I am proud to represent. The 102 area, the coastal plain, which is not technically part of the wildlife refuge, is about 1.5 million acres.

But the fact is, given today's technology, there have been statements made, commitments made, that the amount of land mass that would be disturbed through any production activities would be less than 2,000 acres. I think it is important that we make that clear as part of the legislation that is being debated on the floor today.

As such, my amendment would simply state that for all production activities, airports, production platforms, and even staging facilities, the maximum amount of land that could be disturbed is 2,000 acres, approximately 3 square miles, a very small fraction of the 19 million acres in the entire ANWR area.

I think that is an indication of a balance, of common sense.

We do want to protect a sensitive area. We do want to set aside land for future generations; but here we have 19 million acres, and I think where the energy security and the energy future of the United States is concerned, it is realistic to think if we could put together a program that utilizes only 2,000 acres, we have done the right thing for future generations.

That is what my amendment does. I am pleased to introduce it with the gentlewoman from New Mexico (Mrs. WILSON) as a cosponsor.

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

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

Mr. Chairman, I rise in opposition to the Sununu amendment. The proponents of the drilling in this Arctic Refuge have taken one of their most misleading statements, and they have turned it into an amendment. We are now debating that amendment. This 2,000 acre amendment would simply make official what the industry has already said unofficially, that it intends to industrialize the very heart of the Arctic Wildlife Refuge.

The Department of Interior has already analyzed those plans. Let me show Members what 2,000 acres subdivided into all of its parts would mean for the refuge.

The industry says it will just be a little red dot. They have been passing this little red dot around for the last 5 months. It really will not do a great deal of damage. But the industry has big plans for that 2,000 acres of surface area because here is what can be done with 2,000 acres of surface area, if instead of a little dot, which is not how one drills because these are a lot of other things that need to be done to be successful in bringing oil and gas out of any part of this refuge.

Two hundred miles of pipeline can be built into the refuge. Two hundred miles of roads can be built into the refuge. Twenty oil fields can be fit into the refuge. That does not even count

the ice roads, the water, the trucks, the pollution and on and on. The gravel pits.

According to the Department of Interior, 2,000 acres of surface area would permit a spider web of facilities so extensive that its impact on the refuge, the wildlife, the ecosystem would spread over 130,000 acres to 303,000 acres, one-fifth of the entire 102 area.

Mr. Chairman, that is what Members are voting for when they vote for this amendment. It is not a little red dot. It is a huge pink snake.

Mr. Chairman I reserve the balance of my time.

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

Mr. Chairman, I ask the gentleman if he means to suggest in any way, shape or form that the pink-shaded area in his diagram is representative of an area equal to 2,000 acres given the scale of the map?

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Mr. MARKEY. I will be glad to respond. Yes, I am using the Department of Interior analysis.

Mr. SUNUNU. Reclaiming my time, I am not arguing that that is a Department of Interior map. I am asking you if the pink shaded area is 2,000 acres. I think, given the scale of that map, the answer is clearly no. The pink shaded area probably represents at least half a million acres, if not more, given the scale of that map. I suggest it is misleading.

Mr. Chairman, I yield 1 minute to the gentlewoman from New Mexico (Mrs. WILSON).

Mrs. WILSON. I thank the gentleman from New Hampshire for yielding this time, and I thank him for bringing this amendment.

Mr. Chairman, my colleague from Massachusetts needs some help. My preschoolers are over in my office, we have our crayons, and I think we could help him with his math, because it is misleading.

That is not 2,000 acres covered by that line, and he admitted it in his own presentation. That is 130,000 acres. That is exactly what this amendment prevents. It is now technologically possible, if we push the envelope, to minimize the impact on the Arctic National Wildlife Refuge; and we are going to do it in this legislation, with this amendment, to 2,000 acres which is less than one one-hundredth of 1 percent of the land area that we are talking about. Two thousand acres is 3 square miles. It is about one-fifth the size of Dulles International Airport in an area the size of the State of South Carolina.

It is time for a balanced approach to our national energy policy that allows production while protecting Alaska and the Alaskan environment.

I commend the gentleman for his amendment.

Mr. MARKEY. Mr. Chairman, I yield 1½ minutes to the gentlewoman from Connecticut (Mrs. JOHNSON).

Mrs. JOHNSON of Connecticut. ''What big eyes you have, Grandmother,'' said Little Red Riding Hood. That map represented what 2,000 acres of drilling platforms would look like in this ANWR plain plus the areas affected by the drilling and the roads needed to connect the drilling platforms. Because everyone knows that ANWR, this pristine part, this small coastal plain, has no deep wells. It may have several shallow wells. So you are going to need a number of platforms. Each one of those platforms is only a hundred acres. It only takes a hundred acres for a platform and an airstrip. So this amendment allows 15 to 20 platforms. Nobody has ever suggested that more than 16 were needed. But by the time you string those platforms together with all the roads, which this amendment does not count, and the land that will be affected by the people on those platforms, the waste disposal, the animal response to the inhabitants, that is the kind of footprint 2,000 acres in practice will have on this coastal plain.

This is a wolf in sheep's clothing. This is 2,000 acres of 100-acre per drilling pads. That adds up to have, with its roads, a huge impact on this area. That, of course, does not include the destruction wrought by mapping and waste disposal. Vote no on the Sununu amendment.

Mr. SUNUNU. Mr. Chairman, I yield 1 minute to the gentleman from Montana (Mr. REHBERG).

Mr. REHBERG. Mr. Chairman, I rise in support of the Sununu amendment to the SAFE Act. America has the resources, technology and expertise to develop a commonsense energy policy, one that, without going to extremes, preserves all of the environmental quality gains of the past 2 decades, meets our energy needs and allows for new science and new technologies to take us into the future.

One important component of America's journey towards energy self-reliance is an environmentally responsible development of the coastal plain of ANWR. It is for this reason I rise in support of the Sununu amendment. This amendment solidifies the promise that no more than 2,000 acres in ANWR will be affected by exploration.

To put 2,000 acres into perspective, ANWR is approximately the size of South Carolina. The footprint that would be left by exploration on the coastal plain would be less than one-fifth the size of Dulles Airport, a footprint one-fifth the size of Dulles Airport in an area the size of South Carolina. Being from the Big Sky country of Montana, I am absolutely committed to a safe, clean, healthy environment. I will not take a back seat to anyone when it comes to championing commonsense environmental protections.

I urge my colleagues to support the Sununu amendment and support this environmentally responsible development in ANWR.

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

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

Mr. BOEHLERT. Mr. Chairman, I rise in opposition to this amendment, or should I say this ruse masquerading as an amendment. I have to hand it to the proponents of drilling in ANWR. This is a very clever, well-crafted attempt to give people cover to say they oppose Arctic drilling when they do not.

So let me be clear. If you oppose Arctic drilling, the vote that counts is voting ''yes'' on Markey-Johnson. That is the vote that matters substantively, and that is the vote that counts politically.

This amendment is a red herring. This amendment purports to protect the environment by limiting the impact of drilling to 2,000 acres throughout the Arctic refuge. Guess what? The drilling was already going to occur on a limited number of acres. This amendment does not change a thing.

The fact is, 2,000 acres is a lot of territory in an area that is now undisturbed. What is worse, the impact of drilling will be felt far beyond those 2,000 acres. The Fish and Wildlife Service estimates that 20 percent of the area will be impacted. We are talking about impacts on migratory wildlife, among other vulnerabilities. They do not tend to notice artificial, man-made boundaries.

So vote against this amendment, which protects nothing. It will not protect ANWR, and it will not protect politicians looking for a way to avoid a tough vote.

Mr. SUNUNU. Mr. Chairman, I yield 1 minute to the gentleman from Texas (Mr. BARTON).

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

Mr. BARTON of Texas. Mr. Chairman, I rise in strong support of Sununu-Wilson. Even if you are against drilling in ANWR, you ought to support this amendment. It is a self-limitation amendment. It is like I came on the floor and said, The national speed limit is 70 miles an hour. I think we ought to go 60. And somebody says, No, you can't do that. You've got to go 70. Or you've got to go 80.

This is a very sensible amendment. Two thousand acres is about 3 square miles, which would be about 9 miles. The District of Columbia is 10 by 10 or 100 square miles. This is 9 percent of the District of Columbia. With the technology available, we have already shown in Prudhoe Bay we can drill environmentally responsibly. This self-limitation amendment should be supported, I think, by unanimous consent.

I commend the gentleman from New Hampshire (Mr. SUNUNU) and the gentlewoman from New Mexico (Mrs. WILSON) for offering it, and I hope that we pass this one on a voice vote.

Mr. MARKEY. Mr. Chairman, I yield 1 minute to the gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. Mr. Chairman, I rise in opposition to this amendment. It is

not going to fix the problem. Oil development will still cause major impacts to the Arctic wildlife, water quality, and wilderness values.

Today, because President Bush and some in the majority feel the political atmosphere is again ripe, they are willing to disregard public opinion and force open a vestige of pristine wilderness to an industry that will desecrate the land. The administration touts an environmentally friendly way to drill. I do not believe it is possible. In fact, drilling is inherently detrimental to every bit of nature that surrounds it. Every year, 400 spills occur from oil-related activity in Alaska. From 1996 to 1999, over 1.3 million gallons were released from faulty spill prevention systems, sloppy practices, and inadequate oversight and enforcement. Alaska has only five safety inspectors.

I urge my colleagues, do what the American people have delegated us to do: oppose drilling in the refuge. It is that simple.

Mr. SUNUNU. Mr. Chairman, I yield 1 minute to the gentleman from Indiana (Mr. SOUDER).

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

Mr. SOUDER. Mr. Chairman, a couple of points. One is, this is a very difficult vote for me and many others who are concerned about our fish and wildlife areas. But there was an agreement made in Alaska that set part of this area aside for potential oil and gas drilling, a very small portion. This amendment is an excellent amendment because it limits it even further.

How do we balance environment and energy needs in our country? This is another attempt to try to do that. In fact, if you try to undo deals that have already been made, are we going to go to Massachusetts with the Boston Islands national park area and say all of a sudden Logan Airport has to be kicked out after when they created a park area, they agreed with certain things in the restrictions with that park area.

I also want to strongly support the gentleman from New Hampshire's earlier amendment that takes the funds into the national parks and other public areas. Some have criticized that amendment as well as nothing but a ruse, as a gimmick. But the fact is in the CARA bill, which I support, we said when we do offshore drilling we are going to take those funds and put them into environmentally-sensitive areas in the States where the drilling occurs.

The gentleman from New Hampshire's two amendments, in fact, are perfecting amendments that make this bill better. I cannot imagine why anybody who is pro-environmental would vote against either one.

Mr. MARKEY. Mr. Chairman, I yield 1½ minutes to the gentleman from Washington (Mr. INSLEE).

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

Mr. INSLEE. Mr. Chairman, the problem is that this amendment does not solve the problem that you are attempting to violate one of the most pristine areas in America, the largest intact ecosystem in America. Sure, you may limit this. It is like if a phone company came to you and said, We are going to stick a cell phone in your backyard, you have got a 4,000 square foot backyard, we are going to stick a cell phone in the middle of it, a cell phone tower, and it is only going to be four square feet. What you would say is, no, you are changing the basic character of my backyard.

Building another Prudhoe Bay, and I was there 3 weeks ago, is going to dramatically change this wilderness. Why is that important? In part because the Fish and Wildlife Service concluded that drilling in the ANWR could reduce the caribou herd, the largest caribou herd in North America by 40 percent. It does it because you want to place an oil facility right smack dab in the heart of the caribou calving ground.

You can limit it all you want, but the bottom line is this: you are defacing an American wilderness established during the Eisenhower administration. We should not let George Bush put asunder what the Dwight David Eisenhower administration created. We should not put a mustache on this Mona Lisa.

Mr. SUNUNU. Mr. Chairman, I yield myself 30 seconds to underscore the remarks of the previous speaker, because I think to a certain degree they make the point, the point that I made earlier that we need to move away from the extremes of this debate.

The opponents of this amendment do not support a limitation of only 2,000 acres disturbed. They would not support a limitation of only 200 acres disturbed. They would not support a limitation of only 2 acres disturbed. And as the previous speaker pointed out, they will not even accept a limitation of disturbing 4 square feet. That is the difference in this debate, arguing from the extremes or arguing from this standpoint of preserving America's energy independence while being reasonable about conserving natural resources.

Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania (Mr. PETERSON).

Mr. PETERSON of Pennsylvania. I thank the gentleman for yielding time.

Mr. Chairman, we have had a pretty good debate here today, I have heard most of it, until a few moments ago. The pink snake that we were shown is a fraud. It is an absolute fraud. That map, if kept in context, would have been millions of acres of ANWR covered. A pipeline going from the wells that would be drilled to the existing Alaskan pipeline would not be visible on that map from this distance. A pipeline in Prudhoe Bay is not something that ruined the Prudhoe Bay area. I am here to say, folks, let us have a debate that is fair and that makes sense. The pink snake has nothing to do with what is going to happen in ANWR.

ANWR is our best oil reserve that America has anything to do with. Every well we drill in ANWR can prevent 70 wells needed in the lower 48. It can be done environmentally sound, and it should be.

□ 2045

Mr. MARKEY. Mr. Chairman, I yield 30 seconds to the gentleman from California (Mr. FARR).

Mr. FARR of California. Mr. Chairman, this is an argument about if it is not good, just do a little bit. But if it is not good, that is like saying if we were going to drill on Capitol Hill, it is all right, because it is just a little bit. Where would you begin? Is a little bit of drilling under the Capitol okay? How about a little bit of drilling under the Library of Congress, or a little bit of drilling under the Supreme Court? Which drilling is okay? Obviously neither. Neither on the Hill, our Hill, nor in the Arctic Refuge.

Mr. SUNUNU. Mr. Chairman, I yield myself the balance of my time.

The CHAIRMAN pro tempore (Mr. NETHERCUTT). The gentleman from New Hampshire is recognized for 1½ minutes.

Mr. SUNUNU. Mr. Chairman, again, the previous speaker I think made clear the difference in the debate, arguing from the extreme that no exploration, no utilization of this Nation's resources, no drilling anywhere could be considered environmentally sound, environmentally safe; no limitation of footprint would be enough.

I think it this is a reasonable amendment, and I will read from it directly. It ensures that the maximum of acreage covered by production and support facilities, including air strips and areas covered by gravel, berms, or piers, does not exceed 2,000 acres.

I believe that the gentleman from Massachusetts will stand and display his map again. That map depicts the 1.5 million acres of the coastal plain area. 2,000 acres represents one-tenth of one percent of that area.

Now, it is not necessarily contiguous area, but the map that he showed earlier, the map that he will show again, represents a swath that is easily 100,000 acres, perhaps 200,000 acres. It is not one-tenth of one percent of the area on his map. I think that does a disservice to the quality of the debate in the House here. I think it does a disservice to the importance of striking a balance in any energy policy we pursue.

This is a complex issue. If it had an easy, simple solution, the previous administration would have put in place a sound energy policy. They did not.

The chairman has worked hard to bring together four disparate bills striking a balance between conservation, renewable energy, as well as investment in new sources and supply and efficiency.

I urge my colleagues to support the underlying bill and support this important limiting amendment.

Mr. MARKEY. Mr. Chairman, I yield myself the balance of my time.

The CHAIRMAN pro tempore. The gentleman from Massachusetts is recognized for 1 minute.

Mr. MARKEY. Mr. Chairman, again, 2,000 acres rolled out, and that is what the oil and gas companies are going to do. Rolled out in the form of roads, of oil wells, of feeder roads, of gravel pits, turns into something that looks like this, according to the Department of Interior. This is the actual pipelines and roads that will be built, and then the pink area is obviously the affected area, because you have deployed it.

Now, I know the Republicans think arsenic is not that bad for people, I understand that, because this is arsenic for the Arctic Wilderness, and you are serving it up, even though you rejected any real improvement in fuel economy for SUVs, for air conditioners, or for anything else that would make it unnecessary for us to go here.

Prudo Bay, they heard the same promises in 1972, and it turned into an environmental nightmare. The same thing will happen here.

Mr. SMITH of Michigan. Mr. Chairman, I rise in support of this amendment. Today, the Nation imports an estimated 56 percent of our petroleum energy, and we are more dependent on foreign sources of oil than ever before. Relying on foreign sources of oil is a national security issue of the greatest importance.

This bill allows oil development within the Arctic National Wildlife Refuge (ANWR). Opponents of this provision are concerned about the impact it will have on a pristine area. Nevertheless, the imperatives of the Nation's energy situation dictates that we must seek new sources of domestic energy production, including oil.

This amendment would set aside no more than 2,000 acres of ANWR to oil development. This is about the area that would be needed to tap oil resources located there, potentially tens of billions of barrels. This area represents about one hundredth of one percent of the land area in ANWR—about the area of medium-sized farm.

This seems to me to be a reasonable and responsible compromise. It would shut off the vast majority of ANWR from development while at the same time allowing oil development to move ahead on a very small portion of land.

Developing 2,000 acres, an area less then two miles square of ANWR vast area would improve America's energy security while leaving the remainder of the refuge untouched.

I urge my colleagues to vote "yes" on this amendment.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from New Hampshire (Mr. SUNUNU).

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

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

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

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: amendment No. 6 offered by the gentleman from California (Mr. COX); amendment No. 7 offered by the gentleman from California (Mr. WAXMAN); amendment No. 11 offered by the gentleman from New Hampshire (Mr. SUNUNU); and amendment No. 12 offered by the gentleman from New Hampshire (Mr. SUNUNU).

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

AMENDMENT NO. 6 OFFERED BY MR. COX

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

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 125, noes 300, not voting 8, as follows:

[Roll No. 313]

YEAS—125

Ackerman
Akin
Allen
Baca
Baird
Baldacci
Becerra
Berman
Blumenauer
Bono
Boucher
Calvert
Capps
Capuano
Collins
Condit
Cox
Crowley
Cubin
Cunningham
Davis (CA)
Davis (FL)
DeFazio
DeGette
DeLauro
Deutsch
Doggett
Dooley
Doolittle
Dreier
Eshoo
Farr
Fattah
Filner
Flake
Fossella
Frank
Gallegly
Gibbons
Gilman
Grucci
Harman
Herger
Hinchey
Holt
Honda
Horn
Hostettler
Houghton
Hunter
Israel
Issa
Johnson (CT)
Kelly
King (NY)
Kolbe
Kucinich
LaFalce
Lantos
Largent
Larson (CT)
Lee
Lewis (CA)
Lewis (GA)
Lofgren
Lowey
Markey
Matheson
Matsui
McCarthy (NY)
McDermott
McGovern
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Millender-McDonald
Miller, Gary
Miller, George
Moran (VA)
Nadler
Napolitano
Neal
Olver
Ose
Pallone
Pascrell
Paul
Payne
Pelosi
Peterson (PA)
Pombo
Quinn
Radanovich
Rangel
Rohrabacher
Ros-Lehtinen
Rothman
Roybal-Allard
Royce
Sanchez
Sanders
Sawyer
Schiff
Sensenbrenner
Serrano
Shays
Sherman
Simmons
Slaughter
Smith (NJ)
Stupak
Sununu
Tauscher
Thomas
Thompson (CA)
Tierney
Towns
Udall (CO)
Waters
Watson (CA)
Waxman
Weiner
Woolsey

NAYS—300

Abercrombie
Aderholt
Andrews
Armey
Bachus
Baker
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Bentsen
Bereuter
Berkley
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blunt
Boehlert
Boehner
Bonilla
Bonior
Borski
Boswell
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Camp
Cannon
Cantor
Capito
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Combest
Cooksey
Costello
Coyne
Cramer
Crane
Crenshaw
Culberson
Cummings
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
Delahunt
DeLay
DeMint
Dicks
Dingell
Doyle
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Etheridge
Evans
Everett
Ferguson
Fletcher
Foley
Forbes
Ford
Frelinghuysen
Frost
Ganske
Gekas
Gephardt
Gilchrest
Gillmor
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hill
Hilleary
Hilliard
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Hooley
Hoyer
Hulshof
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
Kingston
Kirk
Kleczka
Knollenberg
LaHood
Lampson
Langevin
Larsen (WA)
Latham
LaTourette
Leach
Levin
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Mascara
McCarthy (MO)
McCollum
McHugh
McInnis
McIntyre
McKinney
Menendez
Mica
Miller (FL)
Mink
Mollohan
Moore
Moran (KS)
Morella
Murtha
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Ortiz
Osborne
Otter
Owens
Oxley
Pastor
Pence
Peterson (MN)
Petri
Phelps
Pickering
Pitts
Platts
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Rahall
Ramstad
Regula
Rehberg
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Ross
Roukema
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sandlin
Saxton
Scarborough
Schaffer
Schakowsky
Schrock
Scott
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shows
Shuster
Simpson
Skeen
Skelton
Smith (MI)
Smith (TX)
Smith (WA)
Snyder
Souder
Spratt
Stearns
Stenholm
Strickland
Stump
Sweeney
Tancredo
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Toomey
Traficant
Turner
Udall (NM)
Upton
Velazquez
Visclosky
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watt (NC)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—8

Conyers
Diaz-Balart
Hutchinson
Lipinski
McCrery
Solis
Spence
Stark

□ 2111

Mr. SKEEN, Mr. LANGEVIN, Ms. KILPATRICK, and Ms. McKINNEY changed their vote from ''aye'' to ''no.''

Messrs. HOLT, AKIN, and TOWNS changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (Mr. NETHERCUTT). Pursuant to clause 6 of rule XVIII, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken on each amendment on which the Chair has postponed further proceedings.

AMENDMENT NO. 7 OFFERED BY MR. WAXMAN

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on Amendment No. 7 offered by the gentleman from California (Mr. WAXMAN) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 154, noes 274, not voting 5, as follows:

[Roll No. 314]

AYES—154

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett
Becerra
Berman
Blagojevich
Blumenauer
Bonior
Boucher
Boyd
Brady (PA)
Brown (OH)
Capps
Capuano
Cardin
Carson (IN)
Clay
Clayton
Clement
Clyburn
Condit
Costello
Coyne
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank
Frost
Gallegly
Gephardt
Gordon
Gutierrez
Harman
Hinchey
Hinojosa
Hoeffel
Holt
Honda
Hooley
Hoyer
Hunter
Inslee
Israel
Issa
Jackson (IL)
Jones (OH)
Kaptur
Kennedy (RI)
Kilpatrick
Kleczka
Kucinich
LaFalce
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Maloney (NY)
Markey
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Millender-McDonald
Miller, George
Mink
Moran (VA)
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Payne
Pelosi
Pomeroy
Rahall
Rangel
Rivers
Rodriguez
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sawyer
Schakowsky
Schiff
Scott
Serrano
Sherman
Slaughter
Smith (WA)
Solis
Strickland
Stupak
Tauscher
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Udall (CO)
Velazquez
Visclosky
Waters
Watson (CA)
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—274

Aderholt
Akin
Armey
Bachus
Baker
Ballenger
Barr
Bartlett
Barton
Bass
Bentsen
Bereuter
Berkley
Berry
Biggert
Bilirakis
Bishop
Blunt
Boehlert
Boehner
Bonilla
Bono
Borski
Boswell
Brady (TX)
Brown (FL)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Carson (OK)
Castle
Chabot
Chambliss
Coble
Collins
Combest
Cooksey
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal
DeLay
DeMint
Diaz-Balart
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Everett
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Frelinghuysen
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hobson
Hoekstra
Holden
Horn
Hostettler
Houghton
Hulshof
Hyde
Isakson
Istook
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Keller
Kelly
Kennedy (MN)
Kerns
Kildee
Kind (WI)
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
LaHood
Lampson
Largent
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Lucas (OK)
Maloney (CT)
Manzullo
Mascara
Matheson
McCrery
McHugh
McInnis
McIntyre
McKeon
Menendez
Mica
Miller (FL)
Miller, Gary
Mollohan
Moore
Moran (KS)
Morella
Murtha
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ortiz
Osborne
Ose
Otter
Oxley
Pastor
Paul
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Reyes
Reynolds
Riley
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Roukema
Royce
Ryan (WI)
Ryun (KS)
Sandlin
Saxton
Scarborough
Schaffer
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Souder
Spratt
Stearns
Stenholm
Stump
Sununu
Sweeney
Tancredo
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Tiberi
Toomey
Traficant
Turner
Udall (NM)
Upton
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watt (NC)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NOT VOTING—5

Conyers
Hutchinson
Lipinski
Spence
Stark

□ 2120

Mrs. McCARTHY of New York changed her vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 11 OFFERED BY MR. SUNUNU

The CHAIRMAN pro tempore (Mr. NETHERCUTT). The pending business is the demand for a recorded vote on Amendment No. 11 offered by the gentleman from New Hampshire (Mr. SUNUNU) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

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

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 241, noes 186, not voting 6, as follows:

[Roll No. 315]

YEAS—241

Abercrombie
Aderholt
Akin
Armey
Baca
Bachus
Baker
Ballenger
Barr
Bartlett
Barton
Bass
Bereuter
Berry
Biggert
Bilirakis
Bishop
Blunt
Boehlert
Boehner
Bonilla
Bono
Boyd
Brady (TX)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Carson (OK)
Castle
Chabot
Chambliss
Coble
Collins
Combest
Cooksey
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal
DeLay
DeMint
Diaz-Balart
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Everett
Flake
Fletcher
Foley
Forbes
Fossella
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gonzalez
Goode
Goodlatte
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Grucci
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hilleary
Hobson
Hoekstra
Holden
Hostettler
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jackson-Lee (TX)
Jenkins
John
Johnson, E. B.
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kerns
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lucas (KY)
Lucas (OK)
Manzullo
Mascara
McCrery
McHugh
McInnis
McKeon
Mica
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal
DeLay
DeMint
Diaz-Balart
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Everett
Flake
Fletcher
Foley
Forbes
Fossella
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gonzalez
Goode
Goodlatte
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Grucci
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hilleary
Hobson
Hoekstra
Holden
Hostettler
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jackson-Lee (TX)
Jenkins
John
Johnson, E. B.
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kerns
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lucas (KY)
Lucas (OK)
Manzullo
Mascara
McCrery
McHugh
McInnis
McKeon
Mica

Miller (FL)
Miller, Gary
Mollohan
Moran (KS)
Murtha
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Ortiz
Osborne
Ose
Otter
Oxley
Pascrell
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Regula
Rehberg
Reyes
Reynolds
Riley
Rodriguez
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Roukema
Royce
Ryan (WI)
Ryun (KS)
Sandlin
Scarborough
Schaffer
Schrock
Scott
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shows
Shuster
Simpson
Skeen
Skelton
Smith (MI)
Smith (TX)
Stearns
Stenholm
Stump
Stupak
Sununu
Sweeney
Tancredo
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Tiberi
Toomey
Traficant
Upton
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NAYS—186

Ackerman
Allen
Andrews
Baird
Baldacci
Baldwin
Barcia
Barrett
Becerra
Bentsen
Berkley
Berman
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson (IN)
Clay
Clayton
Clement
Clyburn
Condit
Costello
Coyne
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Ferguson
Filner
Ford
Frank
Frost
Gephardt
Gilman
Gordon
Graves
Gutierrez
Harman
Hastings (FL)
Hill
Hilliard
Hinchey
Hinojosa
Hoeffel
Holt
Honda
Hooley
Horn
Houghton
Hoyer
Inslee
Israel
Jackson (IL)
Jefferson
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (OH)
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaFalce
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
LoBiondo
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mink
Moore
Moran (VA)
Morella
Nadler
Napolitano
Neal
Obey
Olver
Owens
Pallone
Pastor
Paul
Payne
Pelosi
Phelps
Pomeroy
Price (NC)
Rahall
Ramstad
Rangel
Rivers
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sawyer
Saxton
Schakowsky
Schiff
Sensenbrenner
Serrano
Shays
Sherman
Simmons
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Strickland
Tauscher
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velazquez
Visclosky
Waters
Watson (CA)
Watt (NC)
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—6

Conyers
Hutchinson
Lipinski
Souder
Spence
Stark

□ 2129

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 12 OFFERED BY MR. SUNUNU

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

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

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

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 228, noes 201, not voting 5, as follows:

[Roll No. 316]

YEAS—228

Abercrombie
Aderholt
Akin
Armey
Bachus
Baker
Ballenger
Bartlett
Barton
Bereuter
Berry
Biggert
Bilirakis
Bishop
Blunt
Boehner
Bonilla
Bono
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Carson (OK)
Chabot
Chambliss
Coble
Collins
Combest
Cooksey
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal
DeLay
DeMint
Diaz-Balart
Dooley
Doyle
Dreier
Dunn
Edwards
Ehrlich
Emerson
English
Everett
Fletcher
Foley
Forbes
Fossella
Gallegly
Ganske
Gekas
Gibbons
Gillmor
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Grucci
Gutknecht
Hansen
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Holden
Hostettler
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jackson-Lee (TX)
Jenkins
John
Johnson, E. B.
Jones (NC)
Kanjorski
Keller
Kennedy (MN)
Kerns
King (NY)
Kingston
Knollenberg
Kolbe
Largent
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lucas (KY)
Lucas (OK)
Manzullo
Mascara
McCarthy (NY)
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller, Gary
Mollohan
Moran (KS)
Murtha
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ortiz
Osborne
Ose
Oxley
Pascrell
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Regula
Rehberg
Reyes
Reynolds
Riley
Rodriguez
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Royce
Ryan (WI)
Ryun (KS)
Sandlin
Scarborough
Schaffer
Schrock
Scott
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shows
Shuster
Simpson
Skeen
Skelton
Smith (MI)
Smith (TX)
Souder
Stearns
Stump
Stupak
Sununu
Sweeney
Tancredo
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Tiberi
Toomey
Traficant
Turner
Upton
Visclosky
Vitter
Walden
Wamp
Watkins (OK)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NAYS—201

Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Barr
Barrett
Bass
Becerra
Bentsen
Berkley
Berman
Blagojevich
Blumenauer
Boehlert
Bonior
Borski
Boswell
Boucher
Brown (OH)
Capps
Capuano
Cardin
Carson (IN)
Castle
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Doolittle
Duncan
Ehlers
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Ferguson
Filner
Flake
Ford
Frank
Frelinghuysen
Frost
Gephardt
Gilchrest
Gilman
Greenwood
Gutierrez
Hall (OH)
Hall (TX)
Harman
Hastings (FL)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holt
Honda
Hooley
Horn
Houghton
Hoyer
Inslee
Israel
Jackson (IL)
Jefferson
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (OH)
Kaptur
Kelly
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kirk
Kleczka
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
LoBiondo
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Matheson
Matsui
McCarthy (MO)
McCollum
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mink
Moore
Moran (VA)
Morella
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Otter
Owens
Pallone
Pastor
Paul
Payne
Pelosi
Phelps
Pombo
Pomeroy
Price (NC)
Rahall
Ramstad
Rangel
Rivers
Roemer
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sawyer
Saxton
Schakowsky
Schiff
Serrano
Shays
Sherman
Simmons
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stenholm
Strickland
Tauscher
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Udall (CO)
Udall (NM)
Velazquez
Walsh
Waters
Watson (CA)
Watt (NC)
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—5

Crowley
Hutchinson
Lipinski
Spence
Stark

□ 2138

Mr. WELLER changed his vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated against:

Mr. CROWLEY. Mr. Chairman, on rollcall No. 316, I placed my card in the machine and voted "no" on rollcall No. 316. My vote was not properly recorded.

I intended to vote "no."

The CHAIRMAN pro tempore (Mr. NETHERCUTT). It is now in order to consider amendment No. 13 printed in part B of House Report 107–178.

AMENDMENT NO. 13 OFFERED BY MR. MARKEY

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

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

The text of the amendment is as follows:

Amendment No. 13 offered by Mr. MARKEY: In division F, strike title V (page 477, line 12 through page 501, line 8).

The CHAIRMAN pro tempore. Pursuant to House Resolution 216, the gentleman from Massachusetts (Mr. MARKEY) and a Member opposed each will control 20 minutes.

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

The CHAIRMAN pro tempore. The gentleman from Utah (Mr. HANSEN) will control 20 minutes.

Mr. MARKEY. Mr. Chairman, I would like to have my time evenly divided between myself and the gentlewoman from Connecticut (Mrs. JOHNSON) for purposes of control.

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

There was no objection.

Mr. MARKEY. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, this is the most important environmental vote of this Congress, 2001 and 2002. This is the top environmental vote for every environmental group in the United States. The proponents say we are going to drill and leave a little red dot of 2000 acres on this pristine wilderness area in Alaska. Yes, it is a little dot, but that is not how they drill.

This is what the Department of Interior says it will look like after all of the drilling is done, after all the roads are laid, after all the ice roads are dug, after all the oil wells are out there, after all the gravel pits are dug. This is what it will look like.

Ladies and gentlemen, this is the most important environmental vote of this entire Congress. Vote yes on Markey-Johnson.

Mr. HANSEN. Mr. Chairman, I yield 3 minutes to the gentleman from Alaska (Mr. YOUNG).

(Mr. YOUNG of Alaska asked and was given permission to revise and extend his remarks.)

Mr. YOUNG of Alaska. Mr. Chairman, I want to remind my colleagues this area 1002 is not ANWR. This area was set aside in 1980 for oil exploration by Senator Jackson, Congressman Udall, Senator Stephens, and Senator Bennett. It was supposed to be drilled, explored for the American people.

This is a charade from that side of the aisle. This amendment will deprive ourselves of, in fact, the oil that we must have for this Nation. It is a very small area.

I support the Sununu amendment. Two thousand acres is what we are talking about. I will give an example. After the previous speaker talked about a huge disturbance, this picture shows the alpine field right next to the so-called 1002 area. This is what it looks like in the winter. This looks very intrusive.

This picture shows what it looks like at the end of the exploration development, and this well right now is producing over 100,000 barrels of oil a year. This is less than the size of this small area from which we speak tonight, from the podiums which we have.

The misinformation on this issue by the gentleman from Massachusetts (Mr. MARKEY) and the gentlewoman from Connecticut (Mrs. JOHNSON) is so repugnant to me because it is really not the truth of the facts. This oil we have must have for this Nation. It is 1 million barrels of oil a day for the 100 years so that Saddam Hussein cannot control the market, cannot drive the gasoline prices up.

I was remarkably interested in hearing the people argue against this whole bill. If we fail to adopt this bill in total tonight, I can guarantee the public and the people on this House floor that the price of fuel will go up in 2 months' time because they have control of us. How anybody can take and send money abroad to Saddam Hussein and not develop our own oil, I cannot understand that mentality.

□ 2145

The mentality to say we are sending our dollars overseas so they can buy weapons of mass destruction, weapons against citizens of other countries, when we have oil in Alaska. Seventy-five percent of the people in Alaska want to drill. We are asking to have a national energy policy, as well as the President is asking.

Those people tonight who spoke on this issue against my position have never been to Alaska. I do not understand how Members can stand here and talk about the pristine area when they do not know what they are talking about. This is an area that is very hostile; but also this area has people who live there that support this.

This is not a pristine area. We must have this area to produce oil for this Nation.

Would Members have oil drilling off the coast of Florida or the Great Lakes or North Carolina? We want to do it. It is right for this Nation and for the people. It is right for my people in the State of Alaska. It is the best thing we have going, and how dare Members talk about something when they have never been there. Shame on them.

Mrs. JOHNSON of Connecticut. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, this is the most important environmental vote we will cast because this is about total protection of the ANWR. Mark my words, my friends. We cannot explore this area and drill in this area without permanent and severe damage to the environment.

Just the mapping that geologists from every single company would have to do would be very destructive. Every 1,100 feet, they map. Each caravan takes eight vibrating and seven recording vehicles accompanied by personnel carriers, mechanic trucks, mobile shop trucks, fuel tankers, an incinerator, plus a crew of 80–120 people, and a camp train of 20–25 shipping containers. This is intrusive and the scars are permanent.

Once the mapping is done, pads need to be built that will support rigs that weigh millions of pounds. How is that done? With water. In Prudhoe Bay, there is lots of water. In this area, there is very little unfrozen water during the winter. If that water is drawn out, it will have a devastating effect on the fish life in this area, and on all kinds of natural life the migratory bird populations depend on.

Mr. Chairman, I do not have time to go into all of the animal and plant impacts, but we cannot develop this area without impact on the fragile ecosystem, the only sub-Arctic ecosystem under preservation at this time.

Is this necessary to oil dependence? Absolutely not. OPEC has 76 percent of the world's oil reserves. We have 2 percent. We are going to drill on 95 percent of the North Slope in Alaska. We are drilling in other places in the United States and offshore. We will never be oil independent. We can do more about reducing our dependence on foreign oil by raising the miles-per-gallon standards, by laying that gas pipeline from Prudhoe Bay.

Stop drilling in the ANWR, preserve this important area.

Mr. MARKEY. Mr. Chairman, I yield 1 minute to the gentleman from Michigan (Mr. BONIOR).

Mr. BONIOR. Mr. Chairman, 22 years ago, with my friend from Massachusetts and others here, I helped pass the Alaska lands bill and one of its crown jewels, ANWR. I would say to my friend from Alaska, I have been to this refuge. I have stood on the banks of the Aichilik River and watched the caribou thundering across the horizon. I have seen the grayling running in the streams and the rivers. I have listened to the wolves howl at night, and I have hiked this wondrous tundra knowing that even though I did not see a grizzly bear, they were watching me.

Mr. Chairman, this is no ordinary land. This is a cathedral of nature. It is an American inheritance, and it is our responsibility to protect it.

The conservationist Aldo Leopold once wrote: "Our remnants of wilderness will yield bigger values to the Nation's character and health than they will to its pocketbook . . . to destroy

them will be to admit that the latter are the only values that interest us.''

It is this contest of values that lies at the heart of this debate today. Will our Nation honor its natural heritage, protecting its last remnants of wilderness; or will the big oil companies win? Vote for this amendment.

Mr. HANSEN. Mr. Chairman, I yield 2 minutes to the gentleman from Louisiana (Mr. TAUZIN).

Mr. TAUZIN. Mr. Chairman, I have walked around the bayous of Louisiana and paddled those lakes and canals and wetlands, and I have seen the egret and the crawfish and the deer and the rabbits and the squirrels, and I promise the gentleman, I have seen a thousand more species in a square mile of those bayou lands in Louisiana than one will ever see in the ANWR.

And guess what, the bayous and the wetlands I was transversing on are in the National Wildlife Refuge in Louisiana. And right next to them, right next to that amazing display of nature's bounty are 100 producing oil wells in the Louisiana Mandalay National Wildlife Refuge.

Mr. Chairman, I want to ask a question. I hope the gentleman answers it in his heart. Is my national wildlife refuge any less sacred or precious than the Arctic National Wildlife Refuge? Is my national wildlife refuge more susceptible to drilling and risks than the Arctic? The answer is no. Mine ought to be as sacred.

I can understand somewhat when some Members come to the well of this House and say, Do not drill in my backyard. Do not explore for energy in the offshore off my State. But I am amazed when Members show up on the floor and say, Do not do it in somebody's else State when they want to do it, areas that were set aside to be productive areas. Do not do it in areas that are rich in natural resources that this country is starving for, that we send our young men and women to fight over, to die for, so we can have energy to power our cars and light our homes.

I am amazed at the rationale of people who come and say do not do what can be done to make us a little less dependent upon a place in this world that is unsafe, that sets us up for a situation where we are buying oil from Saddam Hussein to turn it into jet fuel to put it in our airplanes so we can bomb the radar sites.

This amendment is awful. We ought to defeat it.

Mrs. JOHNSON of Connecticut. Mr. Chairman, I yield 1½ minutes to the gentleman from Maryland (Mr. GILCHREST).

Mr. GILCHREST. Mr. Chairman, I would like to say that I have a sensitivity to the gentleman from Alaska (Mr. YOUNG) who wants the oil drilled in ANWR because of the kind of resources that it will bring to bear on the Native Alaskans. Sometimes we forget how easy our life is here in the lower 48 with all of the conveniences and resources that we have to provide the quality of life that we have. There is a strong sensitivity to that particular issue.

I will say to the gentleman from Louisiana, about the diversity between the difference of the Arctic refuge on the North Slope of Alaska and the bayous of Louisiana, in 1966 I spent a winter in a tent 250 miles north of the Arctic Circle, and I can tell the gentleman, there might not be as much biological diversity there as opposed to Louisiana, but what is there is extremely sensitive. What is damaged, for all intents and purposes, is damaged forever.

When we have access to this oil, if and when it is drilled, the alternative use of technology to provide our energy will also come on-line; in less than 20 years, alternative sources of fuel that will break us away from the dependence on fossil fuel, and the way we are now can be achieved.

The other reason I am opposed to drilling for oil in ANWR is relatively simple. We are using up our oil faster than we should, and ANWR ought to be preserved in case of a disaster or an energy crisis.

Mr. MARKEY. Mr. Chairman, I yield 1 minute to the gentleman from West Virginia (Mr. RAHALL), the ranking member of the Committee on Resources.

Mr. RAHALL. Mr. Chairman, I rise to call to the attention of the body a very intriguing position in the ANWR title. Tucked away on page 487 is a section that mandates project labor agreements in ANWR oil and gas leases. What that means is that union labor would be employed to do the construction and other work in the Arctic Refuge.

If we were to open the refuge, fine. I think that is a great idea. Since it is good for Alaska, I say to my colleagues, then let us also benefit the men and women working for oil and gas companies who stand to profit from royalty-free leases in the Gulf of Mexico as well.

Now that the Bush administration is squarely behind the ANWR provision in this bill, perhaps the President realizes that he made a big mistake in February when he issued an executive order rescinding Clinton administration initiatives on PLAs.

And maybe corporate America has reconsidered and concluded that project labor agreements are good ideas after all. Perhaps that is why the Reliance for Energy and Economic Growth has endorsed this bill, along with myriad other manufacturing groups.

Mr. Chairman, I am glad, and I know that the National United Mine Workers union will appreciate that the National Mining Association now supports project labor.

Mr. HANSEN. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. HALL).

Mr. HALL of Texas. Mr. Chairman, the gentleman from Massachusetts (Mr. MARKEY) has stated that this is the most important environmental vote we will cast this year. I can follow by saying that it is the most important energy vote we will cast this year. But to be more succinct, I would say it is the most important vote we are going to cast this year because August lurks out there. August. I tell the people from California, the West Coast, those from Florida, we have a problem that we have to solve, and I want to be part of that solution. I want to help California and the West Coast.

Even though, through the 12-year battle for clean air, those people, those very same people who are objecting to this amendment wanted no transmission. They wanted no drilling. They did not want a boat in the harbor with energy on it, or a railroad going through with energy on it.

And I compliment them. They represented their State well. They did exactly what their States wanted them to do, and they were successful.

Despite their reluctance for energy self-help, we have to work with them and we are going to. We are going to solve it.

It is a little like the Boy Scout who was trying to help the lady across the street when she did not want to go. We are going to help the West Coast go across the street, even though they are objecting to it tonight. Even though they now cry out for energy, I think it is odd that they want to tell us where the energy cannot come from. Yet it is in our national interest to close ranks and solve the problem.

Mr. Chairman, this amendment is about energy. The barometer for the United States on the economy and how well we are doing is new home starts and new auto sales. But because nations will fight for energy, because we will send kids overseas to fight for energy, the barometer on energy is $3 a gallon for gasoline and, I am sorry to say, body bags. Those are things that we need to remember.

□ 2200

Some say that the North Slope is beautiful. I would tell you, Hades is probably beautiful if it is covered in snow. And I would drill at Hollywood and Vine if it took it to keep my kids out of body bags.

Mrs. JOHNSON of Connecticut. Mr. Chairman, I yield 1½ minutes to the gentlewoman from Maryland (Mrs. MORELLA).

Mrs. MORELLA. Mr. Chairman, I rise in strong support of the Markey-Johnson amendment. I do want to thank the leadership in the Committee on Rules for allowing us to have a fair and open debate on this very critical issue this evening.

The Arctic National Wildlife Refuge was established by President Eisenhower. And yes, it was called a refuge because it was a place to be protected, where there was security, where there was preservation. That is what we are discussing this evening. This pristine

wilderness has been recognized for its rich biological diversity. It has over 200 species of migratory birds, caribou, polar bears, musk-oxen, et cetera. Without question, oil and gas development in the Arctic coastal plain would result in substantial environmental impacts.

But today I am supporting this amendment for the simple reason that I think it is premature for us to open up ANWR for energy exploration. We have not even done enough to explore the alternatives. Conservation, improved efficiency, and renewable sources of energy must be integral aspects of our comprehensive national energy policy. Increased exploration and production of fossil fuels will simply not be sufficient. We need to make our economy less dependent on oil by becoming more energy efficient. Drilling in the Arctic Refuge will not address our energy needs. In fact, optimistic estimates for recoverable oil from ANWR would never meet more than 2 percent of our energy requirements.

Shakespeare once said, ''To energy none more bound. To nature none more bound.'' Let us preserve it. Any damage will be irretrievable. Vote ''yes.''

Mr. MARKEY. Mr. Chairman, I yield 1 minute to the gentlewoman from California (Ms. LEE).

Ms. LEE. I thank the gentleman from Massachusetts for yielding me this time and for his leadership on this issue.

Mr. Chairman, there are simply places on earth that are too fragile, too vulnerable and too special really to drill for oil. We have a real moral obligation to protect these places. The Arctic National Wildlife Refuge is really one of those places. Pillaging the Arctic will not solve our energy problems. It will, however, endanger precious habitat and wilderness and will endanger the way of life for thousands of Alaskan natives.

Yes, we want more jobs but we do not have to sacrifice this wilderness area to get them. Developing new technologies will drive our economy forward and create new job opportunities. Building a natural gas pipeline from existing North Slope oil and gas fields will create jobs and increase our electricity supply. We can have both a healthy environment and a healthy economy. We do not need to sacrifice one for the other.

I urge Members to support this amendment.

Mr. HANSEN. Mr. Chairman, I yield 1½ minutes to the gentleman from Louisiana (Mr. JOHN).

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

Mr. JOHN. Mr. Chairman, while I rise in opposition to the Markey-Johnson amendment, I appreciate the Committee on Rules making it in order that we can have a good debate on this very important issue.

As a former member of the House Committee on Resources, I had an opportunity to visit ANWR. I also had an opportunity to visit the current production facilities down at Prudhoe Bay. I stand here today to tell Members that with today's technology we can develop ANWR without unleashing an environmental apocalypse on the coastal plains of Alaska as some here may make you believe. ANWR is not a silver bullet to stop our dependence on foreign oil and natural gas, but it is our best prospect.

As hard as we try, this Nation cannot meet its oil needs by drilling off the coast of Louisiana and the other gulf States. If my colleagues from other States insist on stopping exploration and production in Federal and State lands in the lower 48, then we cannot shut out opportunities on Federal lands that are supported by the State of Alaska and a majority of its residents. I am constantly amazed at my colleagues who stand up and attack the oil and gas industry as some evil forces at work in America. Where does the gasoline come from that fuels your cars that you came to work in today? Where does the natural gas come from that heats our home on those cold days? It reminds me of a little adage that we have in Louisiana: gasoline is like boudin. You do not like to see any of it being made, but we all want it.

Please do not vote for this amendment. This is bad public policy.

Mr. MARKEY. Mr. Chairman, I yield such time as she may consume to the gentlewoman from New York (Mrs. MALONEY).

(Mrs. MALONEY of New York asked and was given permission to revise and extend her remarks.)

Mrs. MALONEY of New York. Mr. Chairman, I rise in support of the Johnson-Markey amendment.

Mr. MARKEY. Mr. Chairman, I yield 30 seconds to the gentleman from New Jersey (Mr. HOLT).

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

Mr. HOLT. Mr. Chairman, in a bill that has the American taxpayers assuming the risk for drilling in marginal areas by subsidizing the oil companies, the centerpiece of this bill, opening up the Arctic Refuge for drilling, represents all that is wrong with this bill. We cannot turn this environmental jewel into an industrial complex. For what? Even if we had the oil from the Arctic Reserve, we would still be importing most of our oil from abroad unless we conserve and use our energy efficiently.

This is not a bill that is worthy of the 21st century. I urge Members to support the Markey amendment.

Mr. HANSEN. Mr. Chairman, I yield 1½ minutes to the gentleman from Oklahoma (Mr. CARSON).

Mr. CARSON of Oklahoma. Mr. Chairman, I have no doubt that when historians look back upon this era in time they will call it the age of petroleum. In 1859 when the first oil well was discovered in Pennsylvania, we were a Nation that rode mustangs, a short 100 years later we drove Mustangs, and 10 years after that we walked on the Moon, because of one thing, cheap, easily exploitable petroleum products.

The sad fact is, Mr. Chairman, we are running out of this precious commodity. World oil production is to peak in 10 to 20 years. Domestic oil production peaked in 1970. We are running out of oil. It is coming faster than we know. We have in ANWR, it is said, the best pool, the best possible source of resources outside the Caspian Sea, the best and largest pool to be found in nearly 30 years.

If the optimists are right and we do not begin to run out of oil in 20 years, that is only 7,000 days away. The time to act is now because it takes nearly 10 years to lease and begin production in ANWR. And if, God save us, the pessimists are right and we begin to run out of oil in 10 years or even 5 years as some would suggest, we will need to begin now so that the petroleum products, the jet fuel, the gasoline, the pharmaceuticals, the plastics, everything that has made industrial life possible can continue for future generations.

Mr. MARKEY. Mr. Chairman, I yield 30 seconds to the gentleman from Maryland (Mr. WYNN).

Mr. WYNN. Mr. Chairman, I rise in support of the Markey-Johnson amendment. In the Arctic Reserve, we have unparalleled splendor. We have 160 bird species, 36 land mammals, 36 types of fish. But they are not more important than the working men and women in America, if exploring that territory, exploiting that territory would yield oil to make us independent as some would have us believe.

The reality, however, is that developing oil in ANWR will not make us energy independent. In the year 2015, we will be needing 24 million barrels a day. ANWR yields 300,000. This is clearly a case in which the juice is not worth the squeezing.

Reject the ANWR development.

Mr. HANSEN. Mr. Chairman, I yield 1½ minutes to the gentleman from Nebraska (Mr. OSBORNE).

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

Mr. OSBORNE. Mr. Chairman, I rise to oppose the Markey amendment. A week or so ago I was sitting in the Committee on Resources and someone made the statement that the United States has only 3 percent of the world's petroleum reserves.

I thought about that and I thought, How do we know? We really do not know, because for 20 years, we have not explored. And so we do not know whether we have got 1 percent or 5 percent or 10 percent or 15 percent.

Currently, we import 60 percent of our oil. Most of that oil is from OPEC. Currently, OPEC sets the market in the United States. Currently that is an irritant. They can cause the price to fluctuate.

But let us take this hypothetical. Let us say we have a major war in the Middle East sometime in the next 3 or 4 years. Let us say that OPEC all of a sudden decides to cut off the spigot at some point or let us say OPEC decides to double the price. At that point, what do we do? We do not have an irritant at that point; we have got a national crisis. And where do we go? What do we do?

The first thing that we are going to do is we are going to start scrambling, and we are going to try to figure out what we do have. Right now we do not know. I am not saying we have to drill, I am not saying that we have to extract oil, but we need to know what our resources are, in the gulf, in the 1002 area, we need to know precisely. Because this is something that can very likely happen in the near future.

And so it is not a matter of destroying the area; it is a matter of exploring and knowing what is available to us.

Mrs. JOHNSON of Connecticut. Mr. Chairman, I yield 3 minutes to the gentleman from New York (Mr. BOEHLERT).

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

Mr. BOEHLERT. Mr. Chairman, I rise in strong support of this amendment which would protect a very special area originally set aside by that radical environmentalist Dwight David Eisenhower. We can have lots of spirited debate about the science and the impact of drilling and other essential matters related to this issue, but I will leave that to others. For me, this is an issue of fundamental principle. What right do we as human beings and what sense does it make as a Nation to open a pristine area to oil drilling when we are not willing to take the simplest, easiest steps to conserve oil?

Earlier today, this House defeated my amendment to raise CAFE standards which would have been the only truly significant conservation measure in this bill. Opening ANWR without any consideration of taking serious conservation steps is simply irresponsible. We are denying future generations a wilderness because we refused to take painless steps to control our own generation's appetite for oil. I do not know when that kind of thinking became conservative, but I do know that for eons that kind of gluttony has been considered wrong.

The proponents of oil drilling add insult to injury with their spurious arguments in favor of drilling. It is only a few thousand acres, they say. It is like saying, Don't worry, the tumor is only in your lungs.

The proponents say the drilling in Prudhoe Bay has had no ill environmental effects, but in reality some of the largest environmental fines in history have been paid because of damage in the Prudhoe Bay operations.

I am told, You say you don't want to drill in my State but anything goes in your State. Well, I stood and opposed drilling in the Finger Lakes National Forest in my State of New York.

It is said to me, How can you oppose ANWR? You've never seen it. I have never had cancer, either, and I vigorously oppose it. A lot is at stake with this amendment, a lot in terms of principle, in terms of impact on wildlife, in terms of land conservation.

I urge my colleagues to think about the future, the impact on generations to come, and support the Markey-Johnson amendment.

□ 2215

Mr. MARKEY. Mr. Chairman, I yield 30 seconds to the gentlewoman from Minnesota (Ms. MCCOLLUM).

Ms. MCCOLLUM. Mr. Chairman, earlier this summer, I went to the Arctic Refuge; and it is a living treasure. It is a treasure that must be defended and protected for future generations. Drilling in the arctic is not about a national crisis, it is about petroleum pirates and this administration willing to plunder a national treasure for profits.

I want to believe that this Congress has the courage and wisdom to invest in an energy strategy that emphasizes conservation, energy efficiency, and renewables.

I urge my colleagues to protect the Arctic Refuge.

Mr. HANSEN. Mr. Chairman, I yield myself 1½ minutes, and I ask unanimous consent that the gentleman from Louisiana (Mr. TAUZIN) control the balance of time on this side.

The CHAIRMAN pro tempore (Mr. NETHERCUTT). Without objection, so ordered.

There was no objection.

Mr. HANSEN. Mr. Chairman, I find it is very interesting that on September 16, 1996, the President of the United States went to Arizona and declared 1.7 million acres of monument in the State of Utah, and that people got up on this floor and all over America and said this is beautiful, this is a great gorgeous area. And the question the gentleman from Alaska (Mr. YOUNG) asked was, has anyone been there? No, they had not.

Do you know how many millions and millions of acres in the West is nothing but sagebrush? Well, two-thirds of that was nothing but sagebrush. But no, we are going to tie that up, with the biggest deposit of low-sulfur coal there is that we know of in the world.

I find it is interesting when everyone says how pristine this area is. Well, I have only been there twice. I do not think in my definition of pristine, it even comes close.

But I think The Washington Post said it best. Fourteen years ago they made this statement. ''That part of ANWR is one of the bleakest, most remote places on this continent, and there is hardly any other where drilling would have less impact on the surrounding life in the world.''

Then they make another statement. ''Even the most ardent people concede that, in the winter, with 70 below zero temperature, it is no paradise; however, it is no paradise in the summertime either.''

But beauty is in the eye of the beholder. I guess there is some beauty there. Those who have been there know better.

I worry about those we can least depend on are controlling our oil supply. Do you realize what we are getting out of this area, our best projections, is probably the exact amount we are getting from Saddam Hussein, this great lover of America. And we are going to say, okay, Mr. Saddam Hussein, you can control the spigot; we do not have to.

I think this is really kind of a foolish approach for us to take, and I would worry about it.

Let me say this: this amendment is anti-energy; it is anti-jobs. It is especially anti-jobs, and that bothers me.

Mrs. JOHNSON of Connecticut. Mr. Chairman, I yield 1½ minutes to the gentleman from Connecticut (Mr. SHAYS).

Mr. SHAYS. Mr. Chairman, I am reluctant to speak tonight because, being in politics for 24 years, I know after 10 o'clock at night it is difficult for some in the Chamber to be tolerant but I believe deeply in the issue, and, therefore, I want to speak about it.

I believe we will not have a world to live in if we continue our neglectful ways. I believe that with all my heart and soul. But earlier today this House continued these neglectful ways by refusing to hold SUVs and other light trucks to the same efficiency standards as today's cars. If we had taken that simple step, we would have saved more gasoline in just over 3 years than is economically recoverable in ANWR, and yet people say we need to drill in ANWR.

I find it unconscionable that we would now consider despoiling one of North America's last great wilderness areas, when we are unwilling to take even the smallest steps towards slowing the growth in demand for energy resources.

Mr. Chairman, drilling in the Arctic Refuge will make Japan very happy, because that is where this oil is ultimately going. It is not going to the United States, it is going to Japan.

The bottom line is, we are not resolving our energy needs, because we are not conserving. We'll just continue to consume more and waste more, consume more and waste more, and act like it doesn't matter. We are on a demand course that is simply unsustainable!

The CHAIRMAN pro tempore. The Chair advises Members that the gentleman from Louisiana (Mr. TAUZIN) has 7 minutes remaining, the gentlewoman from Connecticut (Mrs. JOHNSON) has 1 minute remaining, and the gentleman from Massachusetts (Mr. MARKEY) has 4½ minutes remaining.

Mr. MARKEY. Mr. Chairman, I yield 30 seconds to the gentleman from Washington State (Mr. INSLEE).

Mr. INSLEE. Mr. Chairman, I was there 3 weeks ago, and I have come to

the well to say that those who say that the Arctic Refuge is a barren area and that Prudo Bay is a wildlife refuge are dead wrong on both counts.

My grandchildren deserve to hear the same bird song from birds from all 50 States of this Union in the arctic just like I did. Your grandchildren deserve to know that the caribou are going to be there 1,000 years from now, just like you do.

Now, we have a disagreement. The majority wants to give $20 billion to the oil companies, and our children's heritage as icing on the cake. That is wrong. Preserve the Arctic Refuge.

Mr. TAUZIN. Mr. Chairman, I yield myself 30 seconds to correct the record. The record should be corrected, because a misstatement occurred on the floor.

The bill was amended in committee to prohibit the export of any of this oil and gas that might be produced in section 1002 to Japan or any other foreign place. It must be produced and used for America. That is what the bill now says. Any reference contrary to that is simply wrong.

Mr. Chairman, I yield 1½ minutes to my friend, the gentleman from Texas (Mr. GREEN).

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

Mr. GREEN of Texas. Mr. Chairman, I thank the chairman of our committee for yield me time.

Mr. Chairman, I am glad to follow my colleague from Washington, because I have also been to ANWR, and maybe we went to 2 different places, because when I was there in the first week of August, it was snowing; it was a blizzard. Maybe he was further south, where we are not talking about drilling, but I have been there, and I know we can extract oil from it and we can have an infrastructure that will not impact the environmental quality of ANWR.

Our technology has changed since the North Slope was first developed decades ago. We have a much more efficient and robust and less intrusive effort in anywhere, whether it is off the coast of Texas, or in ANWR. Mr. Chairman, we have to drill somewhere, and, if not in ANWR, where do my colleagues suggest to drill?

I rise in strong opposition to the Johnson-Markey amendment, and I hope this body is debating this issue as a national policy, because we have to drill somewhere. We cannot keep depending on foreign sources to be able to depend on for our country.

Where are we supposed to drill, only in foreign countries? Well, then, we are either going to let people who are our enemies control it, or we are going to take advantage of Third World countries by drilling in those countries and just using it from them.

We must support continued effort on foreign dependence on oil, and that is what we need to stop. I think this rationale is crazy. Our country cannot drill its way to energy self-sufficiency, but we can do better than we are doing now.

For those who say conservation is the key, sure, we can do better on conservation, but I hear people want to increase the efficiency of air conditioners, and yet in Houston, Texas, I have people who cannot even afford the air conditioners they have today.

That is why, Mr. Chairman, I think this is a bad amendment, and I hope this House will defeat it.

Mr. MARKEY. Mr. Chairman, I yield 30 seconds to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Chairman, spoiling the Arctic National Wildlife Refuge for the sake of a 6-month supply of oil 10 years from now is hardly a sensible energy policy and hardly a route to energy independence. It produces little energy in the short-term, little relief from high prices.

This energy bill is a wish-list for the coal, oil and gas companies. It gives $7.4 billion in royalty payments, free rein in our wilderness areas, their equipment set lose on the arctic coastal plain, one of the world's last great unspoiled frontiers.

I ask my colleagues, do not let this happen this evening. Support the Markey-Johnson amendment.

Mr. TAUZIN. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania (Mr. PETERSON).

Mr. PETERSON of Pennsylvania. Mr. Chairman, yes, we need more conservation and more efficient use of energy, but we also need an ample supply of all kinds of energy to prevent the price spikes that threaten our jobs and hurt our American families.

ANWR is our best reserve. Every well we drill in ANWR, we would have to replace it with 70 in the lower 48.

What are our opponents for? Are they for coal or nuclear and more hydro? I do not hear that. They want to generate electricity with gas, but they propose drilling to get the gas. They talk about renewables. When you back out hydro, we have 1½ percent. I am for renewables, but 1.5 percent will not fill our needs.

Do the opponents support drilling on the West Coast, the East Coast and the Gulf? No. Opening up the Rocky Mountain reserve? Drilling under the Great Lakes like Canada does? No. The monuments? No.

What are they for? They are for pipe dreams, that will give us shortages and high prices that endanger home ownership and kill job creation and destroy the American dream, because the American dream is fueled by energy, and we need it.

Mr. MARKEY. Mr. Chairman, I yield 30 seconds to the gentlewoman from California (Ms. WATSON).

Ms. WATSON of California. Mr. Chairman, we are certainly not for opening the Arctic National Wildlife Refuge to oil and gas drilling. The amount of recoverable oil would last an estimated 6 months. This drilling will occur in the very same refuge that President Dwight Eisenhower set aside, and is the last place in North America where the entire arctic ecosystem is protected.

I urge a no vote. This is irresponsible and shortsighted. Please, we know we are in a crisis, but this is not the way to solve the problem.

Mr. TAUZIN. Mr. Chairman, I yield 1 minute to the gentleman from Texas (Mr. BARTON), the chairman of the Subcommittee on Energy and Air Quality of the Committee on Energy and Commerce.

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

Mr. BARTON of Texas. Mr. Chairman, they asked a great American bank robber why he robbed banks. He said, that is where the money is. Well, why do we want to drill in ANWR? Because that is where the oil is.

We have drilled three million wells in the lower 48. Two million of those have been in Texas. I would die and go to heaven if they would tell me I had a 10 billion oil field in my backyard. I would go clip coupons and live on the beach. But, unfortunately we do not have much oil and gas left in Texas.

The mid-case example in ANWR is 1 million barrels a day for 30 years; 1 million barrels a day for 30 years. That is 25 million gallons of gasoline a day, 176 million gallons a week, 706 million gallons a month, or 9 billion gallons a year, for 30 years. That saves 5 to 15 cents a gallon every day for 30 years for every American consumer of gasoline.

It is the right vote. Vote no on Markey-Johnson. Vote yes for American energy security.

Mr. MARKEY. Mr. Chairman, I yield 30 seconds to the gentleman from Pennsylvania (Mr. HOEFFEL).

Mr. HOEFFEL. Mr. Chairman, there is a lot of oil under the North Slope of Alaska. Right now we can drill in 95 percent of the North Slope of Alaska. We are saying protect 5 percent, the coastal plain of ANWR.

There are other opportunities. Seventy-five percent of the North Slope is comprised of the National Petroleum Reserve set aside in the 1940s for exploration and drilling. Drill there. But protect ANWR. Protect the coastal plain.

We are not talking about capping Old Faithful or damming up the Grand Canyon. Do not drill in ANWR.

Mr. TAUZIN. Mr. Chairman, I yield 30 seconds to the gentleman from Minnesota (Mr. GUTKNECHT).

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

I would like to calm things down for a minute. This Capitol is filled with great quotations on the walls, but in this great Chamber, this is only one quotation. It is right up here, and I would like to read it.

It says, ''Let us develop the resources of our land, call forth its powers, build

up its institutions, promote all its great interests, and see whether we also in our day and generation may not perform something worthy to be remembered.'' That is what Daniel Webster said, and it is up on that wall.

This is an important vote. Are we not glad that our ancestors had the courage to say, we are going to allow people to take coal out of West Virginia, or iron ore out of pristine Northern Minnesota.

This is an historic vote. I hope we vote this amendment down and the bill up.

Mr. TAUZIN. Mr. Chairman, I yield 45 seconds to the gentleman from Colorado (Mr. UDALL), after whose father this refuge should be named.

Mr. UDALL of Colorado. Mr. Chairman, I thank my colleague for yielding me time.

Many have asked me about what my father would say, colleagues on both sides of the aisle, and I am here tonight to tell you he would support the Markey amendment.

But this is not about my father, it is about my children and their children.

□ 2230

It is about leaving them options in the future.

Barry Goldwater was asked if he had any regrets about the votes he cast in the Senate when he served here so admirably. He said, One vote, when I voted to dam the Glen Canyon area. He understood that you could not develop and preserve a wilderness area at the same time.

Let us not have any regrets. Let us remember what Teddy Roosevelt said about the Grand Canyon and that it also applies to the wildlife refuge, ''Man cannot improve on it. Let us leave it like the Creator envisioned it.''

On the question of whether to open the coastal plain, Congress is being asked to gamble on finding oil there. So, we first must decide what stakes we are willing to risk, and then weigh the odds.

The stakes are the coastal plain. The U.S. Fish and Wildlife Service says it ''is critically important to the ecological integrity of the whole Arctic Refuge'' which is ''America's finest example of an intact, naturally functioning community of arctic/subarctic ecosystems.''

What are the odds? Well, the best estimate is by the U.S. Geological Survey (USGS). In 1998 they estimated that if the price of oil drops to less than $16 per barrel (as it did a few years ago) there would be no economically recoverable oil in the coastal plain. At $24 per barrel, USGS estimated there is a 95 percent chance of finding 1.9 billion barrels of economically recoverable oil in the refuge's coastal plain and a 50 percent chance of finding 5.3 billion barrels.

But Americans use 19 million barrels of oil each day, or 7 billion barrels of oil per year. So, USGS is saying that at $24 per barrel, there is a 50 percent chance of finding several months' supply of oil in the coastal plain.

There is one 100 percent sure bet—drilling will change everything on the coastal plain forever. It will never be wilderness again. We do not need to take that bet. There are less-sensitive places to drill—and even better alternatives, including conserving energy and more use of renewable resources.

For example, fuel-efficiency standards for new cars and light trucks could feasibly be raised to more than 40 miles per gallon by 2010. Experts estimate that alone would save 10 times as much oil as would likely be extracted from the Arctic refuge over the next 30 years.

In short, when it comes to drilling in the Arctic National Wildlife Refuge, I think that the stakes are too high and the odds are too long—especially since we have better options. So I do not support it.

For the benefit of our colleagues, I attach excerpts from a recent article in Foreign Affairs by two Coloradans—Amory R. Lovins and L. Hunter Lovins. Founders and leaders of the Rocky Mountain Institute, they are recognized experts on energy issues.

The article, entitled ''Fool's Gold in Alaska,'' clearly shows that drilling for oil on the coastal plain does not make sense in terms of economics, national security, or environmental protection.

[FROM FOREIGN AFFAIRS, JULY/AUGUST 2001]

FOOL'S GOLD IN ALASKA

(By Amory B. Lovins and L. Hunter Lovins)

THE BOTTOM OF THE BARREL?

Oil prices have fluctuated randomly for well over a century. Heedless of this fact, oil's promoters are always offering opportunities that could make money—but on the flawed assumption that high prices will prevail. Leading the field of these optimists are Alaskan politicians. Eager to keep funding their state's de facto negative income tax—oil provides 80 percent of the state's unrestricted general revenue—they have used every major rise in oil prices since 1973 to advocate drilling beneath federal lands on the coastal plain of the Arctic National Wildlife Refuge. Just as predictably, environmentalists counter that the refuge is the crown jewel of the American wilderness and home to the threatened indigenous Gwich'in people. As some see it, drilling could raise human rights issues under international law. Canada, which shares threatened wildlife, also opposes drilling.

Both sides of this debate have largely overlooked the central question: Does drilling for oil in the refuge's coastal plain make sense for economic and security reasons? After all, three imperatives should shape a national energy policy: economic vitality, secure supplies, and environmental quality. To merit serious consideration, a proposal must meet at least one of these goals.

Drilling proponents claim that prospecting for refuge oil will enhance the first two while not unduly harming the third. In fact, not only does refuge oil fail to meet any of the three goals, it could even compromise the first two. First, the refuge is unlikely to hold economically recoverable oil. And even if it did, exploitation would only briefly reduce U.S. dependence on imported oil by just a few percentage points, starting in about a decade. Nor would the refuge yield significant natural gas. Despite some recent statements by the Bush administration, the North Slope's important natural-gas deposits are almost entirely outside the refuge. The gas-rich areas are already open to industry, and environmentalists would likely support a gas pipeline there, but its high cost—an estimated $10 billion—would make it seem uneconomical.

Furthermore, those who suppose that any domestic oil is more secure than imported oil should remember that oil reserves almost anywhere else on earth are more accessible and more reliably deliverable than those above the Arctic Circle. Importing oil in tankers from the highly diversified world market is arguably better for energy security than delivering refuge oil to other U.S. states through one vulnerable conduit, the Trans-Alaska Pipeline System. Although proponents argue that exploiting refuge oil would make better use of TAPS (which is all paid for but only half-full), that pipeline is easy to disrupt and difficult to repair. More than half of it is elevated and indefensible; in fact, it has already been bombed twice. If one of its vital pumping stations were attacked in the winter, its nine million barrels of hot oil could congeal into the world's largest Chapstick. Nor has the 24-year-old TAPS aged gracefully: premature and accelerated corrosion, erosion, and stress are raising maintenance costs. Last year, the pipeline suffered two troubling accidents plus another that almost blew up the Valdez oil terminal. If TAPS were to start transporting refuge oil, it would start only around the end of its originally expected lifetime. That one fragile link, soon to be geriatric, would then bring as much oil to U.S. refineries as now flows through the Strait of Hormuz—a chokepoint that is harder to disrupt, is easier to fix, and has alternative routes.

Available and proven technological alternatives that use energy more productively can meet all three goals of energy policy with far greater effectiveness, speed, profit, and security than can drilling in the refuge. The untapped, inexpensive ''reserves'' of oil-efficiency technology exceed by more than 50 times the average projection of what refuge drilling might yield. The existence of such alternatives makes drilling even more economically risky.

In sum, even if drilling in the Arctic Wildlife Refuge posed no environmental or human rights concerns, it still could not be justified on economic or security grounds. These reasons remain as compelling as they were 14 years ago, when drilling there was last rejected, and they are likely to strengthen further with technological advances. Comparing all realistic ways to meet the goals of national energy policy suggests a simple conclusion: refuge oil is unnecessary, insecure, a poor business risk, and a distraction from a sound national debate over realistic energy priorities. If that debate is informed by the past quarter-century's experience of what works, a strong energy policy will seek the lowest-cost mix of demand- and supply-side investments that compete fairly at honest prices. It will not pick winners, bail out losers, substitute central planning for market forces, or forecast demand and then plan capacity to meet it. Instead, it will treat demand as a choice, not fate. If consumers can choose optimal levels of efficiency, demand can remain stable (as oil demand did during 1975–91) or even decline—and it will be possible to provide secure, safe, and clean energy services at the lowest cost. In this market-driven world, the time for costly refuge oil has passed.

From 1979 to 1986, GDP grew 20 percent while total energy use fell by 5 percent. Improved efficiency provided more than five times as much new energy service as the vaunted expansion of the coal and nuclear industries; domestic oil output rose only 1.5 percent while domestic natural gas output fell 18 percent. When the resulting glut slashed energy prices in 1985–86, attention strayed and efficiency slowed. But just in the past five years, the United States has quietly entered a second golden age of rapidly improving energy efficiency. Now, with another efficiency boom underway, the whole cycle is poised to repeat itself—threatening another energy-policy train wreck with serious economic consequences.

From 1996 to 2000, a complex mix of factors—such as competitive pressures, valuable side benefits, climate concerns, and e-commerce's structural shifts—unexpectedly pushed the pace of U.S. energy savings to nearly an all-time high, averaging 3.1 percent per year despite the record-low and falling energy prices of 1997–99. Meanwhile, investment in energy supply, which is slower to mature, lagged behind demand growth in some regions as the economy boomed. Then in 2000, Middle East political jitters, OPEC machinations, and other factors made world oil prices spike just as cold weather and turbulence in the utility industry coincidentally boosted natural gas prices. Gasoline prices are rising this year—even though crude-oil prices are softening—due to shortages not of crude oil but of refineries and additives. California's botched utility restructuring, meanwhile, sent West Coast electricity prices sky-high, although not for the oft-cited reasons. (Demand did not soar, and California did not stop building power plants in the 1990s, contrary to many observers' claims.)

The higher fuel and electricity prices and occasional local shortages that have vexed many Americans this past year have rekindled a broader national interest in efficient use. The current economic slow-down will further dampen demand but should also heighten business interest in cutting costs. Efficiency also lets numerous actors harness the energy market's dynamism and speed—and it tends to bear results quickly. All these factors could set the stage for another price crash as burgeoning energy savings coincide, then collide, with the new administration's push to stimulate energy supplies. Producers who answer that call will risk shouldering the cost of added supply without the revenue to pay for it, for oil prices high enough to make refuge oil profitable would collapse before or as supply boomed.

Policymakers can avoid such overreaction and instability if they understand the full range of competing options, especially the ability of demand to react faster than supply and the need for balancing investment between them. As outlined above, in the first half of the 1980s, the U.S. economy grew while total energy use fell and oil imports from the Persian Gulf were nearly eliminated. This achievement showed the power of a demand-side national energy policy. Today, new factors—even more powerful technologies and better designs, streamlined delivery methods, and better understanding of how public policy can correct dozens of market failures in buying efficiency—can make the demand-side response even more effective. This can give the United States a more affordable and secure portfolio of diverse energy sources, not just a few centralized ones.

IT'S EASY (AND LUCRATIVE) BEING GREEN

Oil is becoming more abundant but relatively less important. For each dollar of GDP, the United States used 49 percent less oil in 2000 than it did in 1975. Compared with 1975, the amount that energy efficiency now saves each year is more than five times the country's annual domestic oil production, twelve times its imports from the Persian Gulf, and twice its total oil imports. And the efficiency resource is far from tapped out; instead, it is constantly expanding. It is already far larger and cheaper than anyone had dared imagine.

Increased energy productivity now delivers two-fifths of all U.S. energy services and is also the fastest growing ''source.'' (Aboard, renewable energy supply is growing even faster; it is expected to generate 22 percent of the European Union's electricity by 2010.) Efficient energy use often yields annual after-tax returns of 100 to 200 percent on investment. Its frequent fringe benefits are even more valuable: 6 to 16 percent higher labor productivity in energy-efficient buildings, 40 percent higher retail sales in stores with good natural lighting, and improved output and quality in efficient factories. Efficiency also has major policy advantages. It is here and now, not a decade away. It improves the environment and protects the earth's climate. It is fully secure, already delivered to customers, and immune to foreign potentates and volatile markets. It is rapidly and equitably deployable in the market. It supports jobs all across the United States rather than in a few firms in one state. Yet the energy options now winning int he marketplace seem oddly invisible, unimportant, and disfavored in current national strategy.

Those who have forgotten the power of energy efficiency should remember the painful business lessons learned from the energy policies of the early 1970s and the 1980s. Energy gluts rapidly recur whenever customers pay attention to efficiency—because the nationwide reserve of cheap, qualitatively superior savings from efficient energy use is enormous and largely accessible. That overhand of untapped and unpredictably accessed efficiency presents an opportunity for entrepreneurs and policymakers, but it also poses a risk to costly supply investments. That risk is now swelling ominously.

In the early 1980s, vigorous efforts to boost both supply and efficiency succeeded. Supply rose modestly while efficiency soared.

A BARREL SAVED, A BARREL EARNED

If oil were found and profitably extracted from the refuge, its expected peak output would equal for a few years about one percent of the world oil market. Senator FRANK MURKOWSKI (R–Alaska) has claimed that merely announcing refuge leasing would bring down world oil prices. Yet even a giant Alaskan discovery several times larger than the refuge would not stabilize world oil markets. Oil prices reached their all-time high, for example, just as such a huge field, in Alaska's Prudhoe Bay, neared its maximum output. Only energy efficiency can stabilize oil prices—as well as sink them. And only a tiny fraction of the vast untapped efficiency gains is needed to do so.

What could the refuge actually produce under optimal conditions? Starting about ten years from now, if oil prices did stay around $22 per barrel, if Congress approved the project, and if the refuge yielded the USGS's mean estimate of about 3.2 billion barrels of profitable oil, the 30-year output would average a modest 292,000 barrels of crude oil a day. (This estimate also assumes that such oil would feed U.S. refineries rather than go to Asian markets, as some Alaskan oil did in 1996–2000.) Once refined, that amount would yield 156,000 barrels of gasoline per day—enough to run 2 percent of American cars and light trucks. That much gasoline could be saved if light vehicles became 0.4 mpg more efficient. Compare that feat to the one achieved in 1979—85, when new light vehicles on average gained o.4 mpg every 5 months.

Equipping cars with replacement tires as efficient as the original ones would save consumers several ''refuges'' full of crude oil. Installing superinsulating windows could save even more oil and natural gas while making buildings more comfortable and cheaper to construct. A combination of all the main efficiency options available in 1989 could save today the equivalent of 54 ''refuges''—but at a sixth of the cost. New technologies for saving energy are being found faster than the old ones are being used up—just like new technologies for finding and extracting oil, only faster. As gains in energy efficiency continue to outpace oil depletion, oil will probably become uncompetitive even at low prices before it becomes unavailable even at high prices. This is especially likely because the latest efficiency revolution squarely targets oil's main users and its dominant growth market—cars and light trucks—where gasoline savings magnify crude-oil savings by 85 percent.

New American cars are hardly models of fuel efficiency. Their average rating of 24 mpg ties for a 20-year low. The auto industry can do much better—and is now making an effort. Briskly selling hybrid-electric cars such as the Toyota Prius (a Corolla-class 5-seater) offer 49 mpg, and the Honda Insight (a CRX-class 2-seater) gets 67 mpg. A fleet that efficient, compared to the 24 mpg average, would save 26 or 33 refuges, respectively. General Motors, DaimlerChrysler, and Ford are now testing family sedans that offer 72—80 mpg. For Europeans who prefer subcompact city cars, Volkswagen is selling a 4-seater at 78 mpg and has announced a smaller 2003 model at 235 mpg. Still more efficient cars powered by clean and silent fuel cells are slated for production by at least eight major automakers starting in 2003–5. An uncompromised fuel-cell vehicle—the Hypercar℠—has been designed and costed for production and would achieve 99 mpg; it is as roomy and safe as a midsized sport-utility vehicle but uses 82 percent less fuel and no oil. Such high-efficiency vehicles, which probably can be manufactured at competitive cost, could save globally as much oil as OPEC now sells; when parked, the cars' dual function as plug-in power stations could displace the world's coal and nuclear plants many times over.

As long as the world runs largely on oil, economics dictates a logical priority for displacing it. Efficient use of oil wins hands down on cost, risk, and speed. Costlier options thus incur an opportunity cost. Buying costly refuge oil instead of cheap oil productivity is not simply a bad business decision; it worsens the oil-import problem. Each dollar spent on the costly option of refuge oil could have bought more of the cheap option of efficient use instead. Choosing the expensive option causes more oil to be used and imported than if consumers had bought the efficiency option first. The United States made exactly this mistake when it spent $200 billion on unneeded (but officially encouraged) nuclear and coal plants in the 1970s and 1980s. The United States now imports oil, produces nuclear waste, and risks global climate instability partly because it bought those assets instead of buying far cheaper energy efficiency.

Drilling for refuge oil is a risk the nation should consider taking only if no other choice is possible. But other choices abound. If three or four percent of all U.S. cars were as efficient as today's popular hybrid models, they would save the equivalent of all the refuge's oil. In all, many tens of time more oil is available—sooner, more surely, and more cheaply—from proven energy efficiency. The cheaper, faster energy alternatives now succeeding in the marketplace are safe, clean, climate-friendly, and overwhelmingly supported by the public. Equally important, they remain profitable at any oil price. They offer economic, security, and environmental benefits rather than costs. If any oil is beneath the refuge, its greatest value just might be in holding up the ground beneath the people and animals that live there.

Mr. TAUZIN. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. ROHRABACHER).

Mr. ROHRABACHER. Mr. Chairman, as a young reporter, I remember the debate over the Alaskan pipeline. I remember it very vividly. I remember

the hysteria and the charges and the warnings of the catastrophe, oh, the environmental catastrophe that would happen; and the caribous were going to quit breeding and all of those other dire consequences we would face. None of them came true.

But do my colleagues know what happened? We won that vote by 1 vote, 1 vote in the Senate. Because we had that pipeline, America has received 25 percent of its oil, domestic oil production through that pipeline. If we had not had that oil, our people would have lived at a much lower standard of living, we would not have been helped out during the crises that we faced.

What kind of crises are we going to face in the future? This 2 percent might help us out. We should make sure we can use it for the benefit of our people, keeping them prosperous and at peace.

Mrs. JOHNSON of Connecticut. Mr. Chairman, I reserve the balance of my time.

Mr. MARKEY. Mr. Chairman, could I inquire as to how much time is remaining.

The CHAIRMAN pro tempore (Mr. NETHERCUTT). The gentleman from Massachusetts (Mr. MARKEY) has 1–3/4 minutes remaining; the gentlewoman from Connecticut (Mrs. JOHNSON) has 1 minute remaining; the gentleman from Louisiana (Mr. TAUZIN) has 1½ minutes remaining and has the right to close.

Mr. MARKEY. Mr. Chairman, I yield 45 seconds to the gentleman from California (Mr. GEORGE MILLER).

(Mr. GEORGE MILLER of California asked and was given permission to revise and extend his remarks.)

Mr. GEORGE MILLER of California. Mr. Chairman, a few hours ago we rejected the amendment to improve the CAFE standards, the mileage standards for automobiles. At that moment, this amendment ceased to be about America's energy supplies, America's energy independence, and America's national security, because at that moment, this House made a decision that it was going to continue to waste the oil products of this Nation, the finds of this Nation, the treasures of this Nation, to waste it on automobiles. Even though we have not made an improvement in 13 years, we voted to cave in to the automobile industry and not make those improvements.

This is not about our national security or our national energy; this is about a value. This is about a value, whether we are going to invade one of the most pristine and magnificent areas on the face of the Earth so that we can put it in automobiles to waste it.

The American public rejects that value and so should the Congress.

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

Mrs. JOHNSON of Connecticut. Mr. Chairman, I yield myself the remaining time.

Mr. Chairman, I think this is about values. And in reading the inscription from Daniel Webster, it did say we are responsible to promote all of its interests, all of the Nation's interests; and this is about the Nation's interest in preserving the environmental unique areas that we have inherited to pass them on to our children.

This is not about oil. Ninety-five percent of the North Slope is available for drilling. In Prudhoe Bay, there are well-known large reserves of gas. They could have drilled last year or the year before. They can drill the next year or the year thereafter.

Forty percent of our oil is used by transportation vehicles. All we have to do is raise the miles-per-gallon usage 3 miles to save much more than anyone thinks we will get out of this area of the ANWR.

So this is not about oil. This is about balance, this is about values. This is about a nation that is going to diversify its energy sources through exploration and renewable resources and preserve the environment.

Mr. MARKEY. Mr. Chairman, I yield myself the balance of the time.

Mr. Chairman, this, I say to my colleagues, is what the Arctic Refuge will look like if the Markey-Johnson amendment is not successful. The oil and gas industry has a bull's-eye that they have put in the middle of this sacred refuge that we should remove this evening.

This will be the most important environmental vote that we have. Do not allow the proponents of drilling in this refuge to convince us for a moment that, like Prudhoe Bay, the Arctic Refuge will not look like an industrial site, because it will. And this would be after a day in which our air conditioners and automobiles and every other device, that we could have voted to make more efficient so that we did not have to drill here.

But the majority said no. They say yes to the oil and gas industry and no to conservation and renewable energy and to energy efficiency.

Vote yes on the Markey-Johnson amendment and no to the oil and gas industry's design on this sacred wilderness in our country.

Mr. TAUZIN. Mr. Chairman, I yield such time as he may consume to the gentleman from Virginia (Mr. CANTOR).

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

Mr. CANTOR. Mr. Chairman, I rise in opposition to the Markey-Johnson amendment.

Mr. Chairman, I am against the amendment to ban drilling in the Arctic National Wildlife Reserve. DON YOUNG has said, ''Oil exploration on Alaska's North slope is already the safest, cleanest, most environmentally responsible production in the world. If we say no to exploration in ANWR, we are saying yes to destructive methods that occur in other countries.'' I have been in this body for only seven months but I have worked with DON YOUNG and know he is a man of his word. We should respect his views on important matters within his district.

Failure to increase energy exploration in the United States will strengthen the OPEC cartel and taxes our constituents with higher fuel bills. We must work together to control our nation's destiny when it comes to meeting the future energy needs of our country.

U.S. demand for world oil is large, and we presently import over 50 percent of our oil. That is outrageous. One way to avoid this crippling dependence is to explore new domestic resources. As the Democrat Governor of Alaska has stated, ''Opening [ANWR] for responsible oil and gas development is vital to the economic well being of Alaska and the nation.'' According to an analysis prepared by the Wharton Econometric Forecasting Associates, ANWR development would create 735,000 new jobs, including 19,000 in my home state of Virginia.

I urge defeat of the amendment.

Mr. TAUZIN. Mr. Chairman, I yield myself the balance of the time to close in opposition to the Markey amendment.

It is important at this stage that we set the record straight again. The map the gentleman from Massachusetts (Mr. MARKEY) showed us is not the Arctic Refuge. It is a map of section 1002. It is a map of a part of the Arctic Refuge, if you will, that was set aside in 1980 for exploration for minerals. It was specifically set aside for that purpose, and they said when Congress is ready, it will vote to open it up the same way we voted to do the pipeline.

The second thing that is erroneous about that map is that those pink lines represent, I guess, about 5-mile-wide highways, if that is what he is trying to represent.

The most important thing that is wrong about the map is that this House just voted, this House just voted to limit the footprint of any development to 2,000 acres, and it voted again to make sure that the Federal share of production, the dollars, would go back into conservation and alternative fuels, about $1.25 billion according to CBO estimates.

So what we have done literally in this bill is to say that the 1980 set-aside can now be explored and developed for the good of this country. And we know that there is a 95 percent chance of 4 billion barrels of oil there, and it could be as high as 16 billion barrels of oil, the biggest find since Prudhoe Bay, and this country sorely needs it.

There was a time in American history when we decided two things, it was in our Revolutionary days. We decided we did not like government a whole lot, but we also decided if we had to have it, it would be better if we had our own instead of somebody else's. My colleagues may not like oil companies or oil, but it is a lot better if we produce it at home than depend upon Saddam Hussein.

Vote no on the Markey amendment.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I believe that environmental opportunity and energy development can go hand in hand. That is why I offered the Jackson-Lee-Lampson amendment to H.R. 4, Securing America's Future Energy Act of 2001. This

amendment's adoption creates a win for both the environment and the need to address growing energy demand in our Nation. This amendment directs the Secretary of Energy to study and evaluate the availability of natural gas and oil deposits located off the coasts of Louisiana and Texas at existing drilling sites. This assessment every 2 years would allow an inventory of existing oil and gas supplies and evaluation of techniques or processes that may assist in keeping those wells productive.

I have several reasons for not supporting drilling in ANWR: the President has not made his case for drilling, the studies that have been conducted have questions regarding their accuracy, and there is no time table for how long it would take the process to begin, and finally I believe strongly that we must balance our Nation's energy needs with our stewardship of the environment.

This has been effectively done in the Gulf of Mexico off the Texas and Louisiana coasts. There are more than 3,800 working offshore platforms in the Gulf of Mexico, which provide 55,000 jobs to residents of Texas and Louisiana.

The Nation's record for safe and clean offshore natural gas and oil operations off the Texas and Louisiana coasts are excellent. The environmental soundness of oil and gas exploration in the gulf has been proven over many decades that have passed since offshore drilling began.

I know that energy exploration and sound environmental practices can go hand in hand, with the proper application of technology. I also know that our Nation's energy needs requires that we start today so that tomorrow our children and grandchildren can have a more secure and reliable source of energy. That is why I plan to vote for final passage of H.R. 4, Securing America's Future Energy Act of 2001.

Mrs. MALONEY of New York. Mr. Chairman, I am proud to stand here today alongside Representative MARKEY, Representative NANCY JOHNSON, and the many other cosponsors of this critical legislation to say loud and clear—we will not sacrifice America's unique natural treasures to satisfy the whims of the oil industry.

Today, we are sending a bipartisan message to Congress and to our President: don't let the Energy bill pass out of Congress if it calls for tapping the arctic national wildlife refuge for oil, one of the most unblemished national resources in our Nation.

In my fight to ensure that the industry paid their fair share of the royalties that they owe to the Federal Government for taking oil from Federal lands, they claimed for years that their system for calculating royalties was fair. Now, they have settled lawsuits with the Federal Government and States for close to $5 billion.

This may not be an admission of guilt, but it is the closest thing you will ever get from a multi-billion dollar industry that gets more wealthy each year.

After they ripped off American taxpayers for years, I must admit I am skeptical that this industry is terribly concerned with the ''national interest'' or preserving our Nation's most pristine resources.

We do not believe the oil industry when they claim that they can somehow extract millions of barrels of oil without leaving any trace. Does anyone remember the *Exxon Valdez*?

In 1995, there were more than 500 oil spills ''reported'' on the north slope, spilling over 80,000 gallons of oil, diesel fuel, and acid.

Is this considered ''acceptable'' environmental damage by this administration?

This is the number one priority of the environmental community. The main point is, oil rigs don't belong in the Arctic refuge. Oil drilling in this pristine area is both foolish and short sighted. Former justice William Douglas called the Arctic refuge ''the most wonderous place on earth.''

We need a balanced energy program. We should not allow the oil companies to drill everywhere. Protect the Arctic refuge. Vote for the Markey-Johnson amendment.

Mr. BENTSEN. Mr. Chairman, I rise in support of the amendment offered by Mr. MARKEY and in opposition to the opening on the Alaska National Wildlife Reserve to oil and gas exploration.

I have not come to this position easily. I believe that the United States needs to expand production of oil and gas as much as we need to increase conservation. I have consistently supported increasing production in the outer continental shelf including off the coast of Florida and California. I believe that, based upon the U.S. Geological Survey, significant reserves exist along the coastal plane of ANWR. But, even at the highest possible estimate of recoverable reserves the production at ANWR would not materially decrease our dependency on imported oil, at peak production no more than seven percent of our daily demand. Since we have less than 5 percent of world petroleum reserves, ANWR development would not give the United States the purchasing power to offset the world markets. It would not, alone, solve our energy problems.

When weighing those facts against the risk which exploration and production would bring to the coastal plain, I fail to see were the potential benefits outweigh the risks. ANWR, first established by President Dwight Eisenhower, and later by an act of Congress during the late 1970's, is the last undisturbed coastal plain in Alaska. Specifically, section 1002, the area being considered, is the last stretch of protected coastal plain in Alaska. If it were opened to exploration and production, it would eliminate from ANWR any coastal area. And, it would bring risk to the delicate ecosystem which currently exists.

According DOI's Final Legislative Environmental Impact Statement (FLEIS or 1002 report) in April 1987 stated that, ''the most biologically productive part of the Arctic Refuge for wildlife and is the center of wildlife activity.'' Some cite that caribou in the North Slope are increasing in population, from 3,000 to over 20,000. They fail to note that the predators have been reduced putting the populations out of balance. While I believe that development on the North Slope is an acceptable environmental risk, I do not see the urgency in increasing that risk at this time. I do not believe that energy development and environmental protection are uncompatible, but I am not dismissive of the real environmental risk.

I do not believe either that the limitation of acres open to development will serve as a successful deterent. As with any attempt to locate new reserves, producers will have to drill multiple wells to determine the actual location of the largest reserves. If we open a portion, we will ultimately open all. I am not convinced that at this time, the risk is worth the potential reward.

Again, I support our Nation's efforts to expand exploration and production. Unlike many proponents and opponents of the Markey amendment, I am willing to vote to expand production, but not in this pristine, protected ecosystem at this time. It's yield will not solve our problems, but its cost may be more than we can afford.

Mr. BLUMENAUER. Mr. Chairman, I recently visited the Arctic Wildlife Refuge. It is an area that I have not visited before in previous trips to Alaska and I wanted to see this controversial area for myself. I spent a several days hiking, camping, exploring the wilderness, flying over some of the vast stretches, talking to Alaskans and spending time in the Prudhoe Bay area with representatives of the petroleum industry.

I saw caribou in vast numbers and witnessed the fragility of the tundra with small willows that are 20 and 30 years old that are only inches high. I thought a lot about what would happen if there were problems with drilling in this area. I came away with a profound sense that the American public is right. The Arctic Wildlife Refuge is absolutely the last place we should be exploring for oil, not the first.

A rational national energy policy must place conservation and efficiency at the forefront. Merely ending the fuel efficiency loophole for SUV and light trucks will save more oil that the Arctic Refuge will produce.

With only 2 to 3 percent of the world's reserves—and an energy habit that accounts for 25 percent of the world's consumption—the United States simply cannot produce enough energy to meet its demand.

We would do better to use the 10 years it would take to get the oil from the coastal plain to improve the energy efficiency of our transportation system, homes and factories, and develop a significant, meaningful, long-term national energy policy.

The Arctic refuge should be left alone.

Mr. Chairman, as Yogi Berra once said, ''It's deja vu all over again.''

Once before, this House held an important debate on whether to open up a portion of Alaska to oil and gas exploration. The arguments were about the same as what we've been hearing today. Supporters said it was critical for our national energy security. Opponents said it couldn't be done safely.

The vote was close, but Congress authorized drilling in Prudhoe Bay. Imagine how much more dependent the United States would have been on oil from Saddam Hussein and the Ayatollah if that courageous and far-sighted decision had not been made.

Now, it's our time.

I've been to Alaska, and I have seen how oil and gas exploration can be done, while preserving the natural beauty of the State. I have personally seen the tract in ANWR that we are talking about. It is an area with important new reserves where drilling was contemplated long ago. I left convinced that exploration and the environment can comfortably coexist. I just wish that more people could see first-hand the area that we're talking about.

The higher energy prices we've experienced lately, really come down to the old law of supply and demand. Our economy has been growing, but we haven't been producing enough energy to keep up. Opening up a sliver of ANWR is a sensible way to increase our energy supplies, while at the same time making us less dependent on foreign oil.

Ms. PELOSI. Mr. Chairman, I rise in support of the Markey-Johnson amendment to prevent

drilling for oil and gas in the coastal plain of the Arctic National Wildlife Refuge.

Many of my colleagues have spoken eloquently today of the windswept coastal plain, the wide variety of wildlife found there, and the people there who continue to practice the traditional ways of their ancestors. This area was first protected in 1960 by the Eisenhower administration. Today the Arctic National Wildlife Refuge contains the last 5% of Alaska's northern shore that is closed to exploration for oil and gas. This ecological jewel should be preserved for posterity.

Our nation should continue to develop our oil and gas resources, to the extent that is compatible with environmental protection. But we must be realistic. The United States contains less than 3% of the world's proven oil reserves. Even if we extracted every drop of oil to be found in the U.S. and off our shores, we would still remain dependent on foreign oil.

It is time to take advantage of the abundance of renewable energy resources in our country, and greatly accelerate our development of clean energy technologies powered by wind, solar, and biomass. Equally important are our energy conservation resources. By using energy more wisely—in transportation, buildings, and industry—we can save money, prevent pollution, reduce our dependence on foreign oil, and create new jobs. By adopting a comprehensive approach to energy efficiency, we could lower energy use in the U.S. by as much as 18% in 2010 and 33% in 2020.

Mr. Chairman, we truly do not need to drill in ANWR, the crown jewel among our national wildlife refuges. We have many, many other options for powering our homes, businesses, and transportation systems. I urge my colleagues to vote for the Markey-Johnson amendment.

Mr. SMITH of Michigan. Mr. Chairman, I rise in strong opposition to this amendment. Today, America is more dependent on foreign sources of oil than ever before—1 million barrels a day from Saddam Hussein's Iraq. This oil reserve represents 30 years of Iraq's oil supply and 25 years of Iran's. This is a national security issue as much as an energy issue. The President's energy plan calls for the opening of a small portion of the Arctic National Wildlife Refuge (ANWR) to reduce America's dependance of foreign oil.

Opponents tell us that opening ANWR would destroy the refuge, despite the fact that 99.99 percent of the refuge would be untouched by oil exploration. They also tell us that the polar bears and caribou that live in the refuge would be harmed, despite the fact that these animals have been thriving at Prudhoe Bay and are believed to exist in record numbers in the region.

Opponents have also told us that the native people of the region oppose opening ANWR. However, 75 percent of Alaskans and 78 percent of the indigenous residents of Katovik in ANWR favor oil development on the coastal plain.

In addition, opening ANWR would generate as many as 736,000 new jobs across the Nation. That is why the labor unions have backed this proposal.

I am confident that oil and gas exploration can be accomplished without harming the environment. Developing ANWR's coastal plain would improve America's energy security and create high-paying jobs. I urge my colleagues to vote "no" on this amendment.

Mr. ISRAEL. Mr. Chairman, tonight we make a historic decision about the preservation of one of the world's last great wilderness areas.

And let me bring my colleagues back into history, and share with them the words of a great former Republican President, Theodore Roosevelt.

He said this:

> Leave it as it is. The ages have been at work on it, and man can only mar it. What you can do is keep it for your children, your children's children, and for all who come after you.

That is what President Theodore Roosevelt said when protecting the Grand Canyon.

That is what he would have us do tonight.

Mr. DELAY. Mr. Chairman, Members should oppose the Markey amendment because it undercuts our energy security.

Opening ANWR to safe exploration is the most powerful tool we have to reduce our dependence on foreign sources of energy.

The logic supporting ANWR exploration built a broad base of support across our economy.

Labor unions, employers, families, and industry experts all agree that the benefits to our energy security and economic strength make a compelling case to put the resources in ANWR to work for America.

Opponents cloud this debate with a fog of unfounded assertions to the effect that opening ANWR will subject a wilderness to utter devastation. It's simply not true.

We can develop ANWR responsibly. We can produce its resources within strict environmental guidelines that conserve the natural beauty we all want to protect.

Members will expand our energy security by opposing this amendment.

The CHAIRMAN pro tempore. All time has expired.

The question is on the amendment offered by the gentleman from Massachusetts (Mr. MARKEY).

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

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

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

It is now in order to consider Amendment No. 14 printed in part B of House report 107–178.

AMENDMENT NO. 14 OFFERED BY MR. HAYWORTH

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 14 offered by Mr. HAYWORTH:

Page 502, after line 13, insert the following:

SEC. 6602. AMENDMENT TO BUY INDIAN ACT.

Section 23 of the Act of June 25, 1910 (25 U.S.C. 47; commonly known as the "Buy Indian Act") is amended by inserting "energy products, and energy by-products," after "printing,".

The CHAIRMAN pro tempore. Pursuant to House Resolution 216, the gentleman from Arizona (Mr. HAYWORTH) and a Member opposed each will control 5 minutes.

Does any Member claim time in opposition to the amendment of the gentleman from Arizona?

Mr. RAHALL. Mr. Chairman, I claim the time in opposition.

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

Mr. HAYWORTH. Mr. Chairman, I yield myself such time as I might consume.

With Native economies commonly reliant on Federal transfer payments to create employment opportunities, American Indians and Alaska Natives suffer an average unemployment rate at or near 50 percent, stagnant incomes, poor health, substandard housing and education, and associated social ills.

American Indian and Alaska Native tribes own a large share of the Nation's untapped energy resources and proper development of products and energy by-products would result in significant socioeconomic benefits both to tribal members and to the rest of our Nation.

The United States and tribal governments share the obligation to preserve and protect tribal land, assets, and resources, including efforts to assure that renewable and nonrenewable resources are used to the maximum advantage of tribal owners.

Economic development is an essential tool in achieving self-sufficiency by American Indians and Alaska Native tribes. Increased employment and business opportunities are key to achieving economic self-sufficiency for American Indian and Alaska Native tribes.

The Buy Indian Act amendment provides additional opportunities as envisioned in the Indian Self-determination and Education Act for tribes to achieve self-sufficiency. Each American Indian and Alaska Native tribe has to choose its own path to self-sufficiency. It is our role to provide options for tribes, not to make decisions for them.

Mr. Chairman, the purchase of energy and energy by-products will provide additional economic means for American Indians and Alaska Native tribes and Indian businesses to achieve economic independence and self-sufficiency. The Buy Indian Act provides additional incentives for corporations to partner with American Indian and Alaska Native tribes and Indian-owned companies in energy sector development projects.

If tribes are given the tools to stand on their own and not be beholden to the Bureau of Indian Affairs, the sooner they will achieve self-sufficiency.

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

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

Mr. Chairman, the purpose of the Buy Indian Act has been to try and encourage the hiring of Indian workers in the purchase of Indian-made products by the Secretary of the Interior. While it is appropriate that we encourage the purchase of Indian-produced energy products, it is necessary that we address the real energy needs of Native

Americans and put some teeth and some backbone into real solutions.

Along with several colleagues, I introduced H.R. 2412, the Tribal Energy Self-Sufficiency Act, which contains not only the Hayworth amendment offered here this evening, but a full and comprehensive program to address the energy needs in Indian country. My bill includes financing options, tax incentives and provisions designed to encourage development of renewable and nonrenewable resources on Indian lands to benefit Indians and non-Indians alike.

Native Americans have by far the highest percentage of homes without electricity. Many homes on the Indian reservations have either no electricity or unreliable electricity. In numerous instances, Indian lands are crisscrossed with electricity transmission and distribution lines, yet the Indian homes on those lands remain dark. Unlike local non-Indian governments, Indian tribal governments often have no access to these lines and little authority over what energy they do receive.

As the ranking Democratic member of the Committee on Resources, I offered substitute language to the energy bill during markup which included the language in the amendment that we are debating, as well as several other proposals to assist Indian tribes in attracting business development and access to electricity. Unfortunately, that language was defeated by almost a straight party-line vote. Again, I worked to ensure that language designed to break down barriers to energy development by the Indians be included in the Markey-Stenholm amendment which we hoped to bring here to the floor, but the Committee on Rules would not allow it.

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The Republican leadership of this House has determined that the plight and energy needs of Native Americans are not in order to be addressed.

Mr. Chairman, I do support the gentleman's amendment and encourage my colleagues to do the same. But shame on us, shame on us, shame on us. This paltry amendment is all that we have to address the very real energy needs of American Indians.

But not to worry, not to worry, since many Indian homes do not have electricity here in 2001, they are probably not watching this travesty on C-Span this evening, unfortunately.

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

Mr. HAYWORTH. Mr. Chairman, I yield myself 15 seconds.

Mr. Chairman, I guess I would say that the wonder of being in the minority is to be on all sides of every issue; to call something a travesty and say you support it is curious, indeed.

But we welcome the support; and as my friend, the gentleman from West Virginia, heard in the committee hearing, we will continue to work to solve the needs of Native Americans.

Mr. Chairman, I yield the balance of my time to the gentleman from Utah (Mr. CANNON).

Mr. CANNON. Mr. Chairman, I rise in support of the amendment offered by my good friend, the gentleman from Arizona (Mr. HAYWORTH).

The Buy Indian Act amendment will encourage the development of energy and energy by-products in Indian country. This will provide new economic opportunities for new development on Indian lands, development that does not involve gaming.

The amendment would operate to add competitively priced energy products to the list of goods and services covered under the original Buy Indian Act.

The Buy Indian Act amendment does not discriminate against any type of energy, and encourages all types of production. If the tribe wants to produce hydropower, they can take advantage of the amendment. If the tribe is able to mine coal, they can take advantage of the amendment. If a tribe is able to produce oil or gas, they can take advantage of the amendment. If a tribe can produce wind power, they can take advantage of the amendment.

The amendment will encourage partnerships between the American Indian and Alaska native tribes and the private sector. The resources that Indian country can bring to the table, including a dedicated labor force, energy resources such as coal, oil, and gas combined with the expertise of the business community, is a win-win situation for tribes, the business community, and the Nation.

It is important that Congress does what it can to encourage economic development in Indian country. Although this amendment is a small step, it is a step in the right direction to promote economic opportunities and self-sufficiency for the American Indian and Alaska native tribes.

I encourage my colleagues on both sides of the aisle to join me in the coming weeks to further consult with tribes and explore additional measures we can take to achieve economic development and self-sufficiency in Indian country through energy development and production.

Mr. RAHALL. Mr. Chairman, I yield the remainder of my time to the gentleman from New Jersey (Mr. PALLONE).

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

I rise in support of the amendment offered by the gentleman from Arizona (Mr. HAYWORTH) that would assist the American Indian community by making energy products and energy by-products eligible under the Buy Indian Act.

Although I agree with this amendment, I believe it does fall short, much like the rest of this bill, in addressing the real problems of American Indian tribes.

As my colleague, the gentleman from West Virginia (Mr. RAHALL), mentioned earlier, Members of this House introduced H.R. 2412, the Tribal Energy Self-Sufficiency Act, and I cosponsored that bill because I believe it incorporates real solutions for Indian country's energy needs.

But I was sorely disappointed that when parts of this bill were offered as the Democratic substitute in the Committee on Resources, it failed on a nearly party line vote. A week ago, it was wrong not to incorporate solutions for tribes into this bill; and today, aside from this amendment, we are doing the same thing.

In fact, American Indians, as we know, face a myriad of energy-related problems. Problem areas include inability for tribes to get financing for new generation projects, difficulties with interconnections, and the list goes on.

While visiting with representatives from Indian country, I have listened to them closely. They have explained to me their view of the history of America's energy industry. Basically, they have been shortchanged.

Again, I support the amendment of the gentleman from Arizona (Mr. HAYWORTH), but like the rest of the good provisions of this bill, it is only a fraction of the positive actions we can and should be taking to make energy resources mutually beneficial for American Indians and this country.

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

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

Mr. Chairman, I appreciate the support of the gentleman from New Jersey for this bipartisan amendment. If we listen closely, the problem with the minority is a problem essentially of process.

As I mentioned before, as is part of the RECORD in terms of the Committee markup, we made clear as part of the majority we stand ready to work for comprehensive solutions throughout the width and breadth of native America, to work for these tribes.

There are tremendous opportunities. Let me agree with my friend, the gentleman from New Jersey. In terms of hearing from representatives of sovereign Indian tribes and nations, their determination to become involved in energy exploration, in energy resources, we should inspire that.

This is an important first step, but make no mistake, Mr. Chairman, much more work remains to be done. So in the spirit of bipartisanship, I appreciate the voicing of support for this amendment; and I think this can be a good night for the House and an important step for Indian country to have this amendment adopted.

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

I say, in conclusion, this is not the first provision of our Democratic alternative in the Committee on Resources that we have seen reoffered now in a different form.

As the gentleman from Louisiana knows, another provision of ours that was defeated on a straight party line in committee was offered in another form, i.e., his own committee.

But the gentleman from Arizona (Mr. HAYWORTH) mentioned in full committee that he wanted to work with us on this issue. We are now hearing from him for the first time since that committee action, and we are glad to work with the gentleman on this. We need to do more, and we hope that we will be able to join forces in the future and do more for our Indian tribes.

The CHAIRMAN pro tempore (Mr. NETHERCUTT). All time has expired.

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

The amendment was agreed to.

The CHAIRMAN pro tempore. It is now in order to consider amendment No. 15 printed in part B of House Report 107–178.

AMENDMENT NO. 15 OFFERED BY MR. ROGERS OF MICHIGAN

Mr. ROGERS of Michigan. Mr. Chairman, I offer an amendment.

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

The text of the amendment is as follows:

Amendment No. 15 offered by Mr. ROGERS of Michigan:

In division F, at the end of subtitle C of title II add the following:

SEC. . ENCOURAGEMENT OF STATE AND PROVINCIAL PROHIBITIONS ON OFF-SHORE DRILLING IN THE GREAT LAKES.

(a) FINDINGS.—The Congress finds the following:

(1) The water resources of the Great Lakes Basin are precious public natural resources, shared and held in trust by the States of Illinois, Indiana, Michigan, Minnesota, New York, Ohio, Pennsylvania, and Wisconsin, and the Canadian Province of Ontario.

(2) The environmental dangers associated with off-shore drilling in the Great Lakes for oil and gas outweigh the potential benefits of such drilling.

(3) In accordance with the Submerged Lands Act (43 U.S.C. 1301 et seq.), each State that borders any of the Great Lakes has authority over the area between that State's coastline and the boundary of Canada or another State.

(4) The States of Illinois, Michigan, New York, Pennsylvania, and Wisconsin each have a statutory prohibition of off-shore drilling in the Great Lakes for oil and gas.

(5) The States of Indiana, Minnesota, and Ohio do not have such a prohibition.

(6) The Canadian Province of Ontario does not have such a prohibition, and drilling for and production of gas occurs in the Canadian portion of Lake Erie.

(b) ENCOURAGEMENT OF STATE AND PROVINCIAL PROHIBITIONS.—The Congress encourages—

(1) the States of Illinois, Michigan, New York, Pennsylvania, and Wisconsin to continue to prohibit off-shore drilling in the Great Lakes for oil and gas;

(2) the States of Indiana, Minnesota, and Ohio and the Canadian Province of Ontario to enact a prohibition of such drilling; and

(3) the Canadian Province of Ontario to require the cessation of any such drilling and any production resulting from such drilling.

The CHAIRMAN pro tempore. Pursuant to House Resolution 216, the gentleman from Michigan (Mr. ROGERS) and a Member opposed each will control 5 minutes.

Does any Member seek time in opposition?

Mr. TAUZIN. Mr. Chairman, I would claim the time in opposition, although I support the amendment.

The CHAIRMAN pro tempore. Without objection, the gentleman from Louisiana is recognized to control the time in opposition.

There was no objection.

The CHAIRMAN pro tempore. The Chair recognizes the gentleman from Michigan (Mr. ROGERS).

Mr. ROGERS of Michigan. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would tell the Members that today the tenor of this debate is about balance. There are places that we should be drilling, and there are places that we should not. The debate ought to center around science and not emotion.

We are very fortunate in Michigan to be part of the Great Lakes basin, that has 20 percent of the world's fresh water. The Great Lakes Governors in each of those States took a look at the science of drilling in the Great Lakes. New York, Michigan, Illinois, Wisconsin, all banned offshore drilling in the Great Lakes. No State, as a matter of fact, Mr. Chairman, has allowed offshore drilling to occur.

I want to introduce Members to somebody tonight, Mr. Chairman. I want to introduce somebody that is no friend to the safety and security of our Great Lakes. I want to introduce Mr. Chris.

As we can see, Mr. Chris is the name of this boat that is drilling currently in Lake Erie. As we can see, this is a tugboat with a bad attitude. This is a boat that is bobbing around. I have to tell Members, this picture was taken on an extremely calm day. Lake Erie is a shallow lake, and it tends to roll a lot. To get this picture with the lake this calm is a rare occasion, indeed.

As we can see, or maybe not, there are only two mooring lines that secure what is an oil rig drilling currently in Lake Erie. There are 550 such wells that Canada is operating in Lake Erie today, 550. Think about this. Every Great Lakes Governor, every legislature, has said no, the science does not support offshore drilling in the Great Lakes.

I need some help today. We ought to stand up again and say, look, we understand that there are places that we ought to be drilling. We understand that there are places that we should not be drilling. The science for drilling in the Great Lakes has proven this is not a place that we should be.

I will ask my colleagues tonight to join every Great Lakes Governor, every Great Lakes legislature, and tell Canada to get off of our Great Lakes. Tell them that Mr. Chris has no place here. That tugboat with an attitude ought to be back in shore.

I urge my colleagues' support of this amendment. Let us send a message to Canada to play fair like the rest of the Great Lakes States and protect that 20 percent of the world's fresh water.

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

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

The gentleman from Michigan's (Mr. ROGERS) amendment simply affirms that the waters of the Great Lakes are a shared responsibility of the bordering States and the Canadian province of Ontario over which the Federal Government has no ownership.

I urge my colleagues to support this amendment. It corrects, I think, an ill-advised move that has occurred last month in the committee that sent a message that a Federal agency, the Corps of Engineers, had some span of control over the Great Lakes, which it clearly does not.

Passage of this amendment will simply clarify that both the waters of the Great Lakes and the subsurface beneath them are controlled by the bordering States or the Canadian province. We would urge its adoption.

Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. ROGERS of Michigan. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

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

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

Mr. ROGERS of Michigan. Mr. Chairman, I demand a recorded vote.

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

It is now in order to consider amendment No. 16 printed in part B of House Report 107–178.

AMENDMENT NO. 16 OFFERED BY MR. TRAFICANT

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

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

The text of the amendment is as follows:

Amendment No. 16 offered by Mr. TRAFICANT:

Page 191, after line 17, insert the following new section, and make the necessary change to the table of contents:

SEC. 2423. OIL SHALE RESEARCH.

There are authorized to be appropriated to the Secretary of Energy for fiscal year 2002 $10,000,000, to be divided equally between grants for research on Eastern oil shale and grants for research on Western oil shale.

The CHAIRMAN pro tempore. Pursuant to House Resolution 216, the gentleman from Ohio (Mr. TRAFICANT) and a Member opposed each will control 5 minutes.

Does any Member seek time in opposition?

Mr. TAUZIN. Mr. Chairman, if no one claims time in opposition, although I support the gentleman's amendment, I ask unanimous consent to control the time; and I would announce that this is the last amendment to be considered tonight. Though we have run through four chairmen of the full committee, I want to thank the gentleman for his patience and endurance tonight, as well as the other chairmen.

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

There was no objection.

The CHAIRMAN pro tempore. The Chair recognizes the gentleman from Ohio (Mr. TRAFICANT).

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

Mr. Chairman, I want to start out by commending the chairman on one of the first major bills that he has conducted. I have served with him for many years, as have many others; and he is absolutely a leader.

Mr. Chairman, this amendment is one that should have been done years ago. Oil trapped in shale rock. There is enough oil in shale rock to fuel America for 300 years without a drop of oil or energy coming from any other source.

The Devonian eastern oil shale is a little bit deeper under the soil. The western oil shale is closer to the surface. It creates jobs. People have to mine it, work to claim it, refine it, distribute it, reclaim the ground and the earth.

But the problem has always been that the cost per barrel is higher than the imported foreign oil. But what people do not realize when we look at the jobs and the tax revenue, the cost factor is not as great as it is.

Let me just say this, to spare the Congress a lot of time. There is a cost to freedom, Mr. Chairman. Freedom does not come inexpensively. If we are going to in fact become energy independent, we must in fact capture all of America's valuable resources: the coal, the oil trapped in shale rock.

The gentleman from Texas (Mr. BARTON) stole my line. Willy Sutton was asked why he robbed banks, and he said, that is where the money is. Congress is being asked tonight, why are we going after oil in Alaska, and why are we doing these other oil experiments? It is because that is where the oil is.

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

□ 2300

Mr. TAUZIN. Mr. Chairman, I yield 2 minutes to the gentleman from Utah (Mr. CANNON).

Mr. CANNON. Mr. Chairman, I rise in support of the gentleman's amendment. We have some slightly different figures here. In Utah alone, we have enough energy in oil shale to serve America's energy needs for the next 1,000 years. Now, we have to get that oil out.

The gentleman from Ohio (Mr. TRAFICANT) seeks to authorize funding for research and utilization for both Eastern and Western oil shales. The amendment strengthens the SAFE Act by providing a new look at opportunities for developing shale oil as a future energy source.

I urge the Secretary of Energy to engage the expertise of the U.S. Geological Survey, as well as others, in this effort. The USGS has scientists on staff who have a strong background in shale oil research. The USGS is the data repository for much of the existing information on Colorado and Utah oil shale deposits, as well as for the Eastern shales of northern Kentucky across into southern Ohio which also contain kerogen, the oil in shale oil.

In light of the legislation I passed last year transferring the Naval Oil Shale Reserve No. 2 to the Ute Indian tribe, I am particularly pleased that we will be encouraging technology to make use of oil shale.

Mr. Chairman, I urge my colleagues to support this amendment.

Mr. TAUZIN. Mr. Chairman, I yield 30 seconds to myself.

Mr. Chairman, I compliment the gentleman from Ohio (Mr. TRAFICANT) for this amendment. Oil shale may contain the oil equivalent several times the amount in conventional oil reserves and this is an important resource in America. It is rather vast, and we ought to explore it and know whether the potential is real. I think the gentleman is correct in this amendment. I ask all Members to support it.

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

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

Mr. TRAFICANT. Mr. Chairman, will the gentleman keep this in conference? I will not ask for a recorded vote.

Mr. TAUZIN. I will definitely try to keep it in conference.

Mr. TRAFICANT. Mr. Chairman, I yield back my time.

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

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

The amendment was agreed to.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: amendment No. 13 by the gentleman from Massachusetts (Mr. MARKEY); amendment No. 15 by the gentleman from Michigan (Mr. ROGERS).

The Chair will reduce to 5 minutes the time for the second electronic vote.

AMENDMENT NO. 13 OFFERED BY MR. MARKEY

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

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 206, noes 223, not voting 5, as follows:

[Roll No. 317]

YEAS—206

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldacci
Baldwin
Barcia
Barrett
Bartlett
Bass
Becerra
Bentsen
Berkley
Berman
Blagojevich
Blumenauer
Boehlert
Bonior
Borski
Boswell
Boucher
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson (IN)
Castle
Clay
Clayton
Clement
Condit
Conyers
Costello
Coyne
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Doyle
Dunn
Ehlers
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Ferguson
Filner
Foley
Ford
Frank
Frelinghuysen
Frost
Gephardt
Gilchrest
Gilman
Gonzalez
Gordon
Greenwood
Gutierrez
Hall (OH)
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley
Horn
Houghton
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kaptur
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kirk
Kleczka
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
LoBiondo
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mink
Moore
Moran (VA)
Morella
Nadler
Napolitano
Neal
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Petri
Pomeroy
Price (NC)
Rahall
Ramstad
Rangel
Rivers
Rodriguez
Roemer
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sawyer
Saxton
Schakowsky
Schiff
Scott
Sensenbrenner
Serrano
Shays
Sherman
Simmons
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Strickland
Stupak
Sweeney
Tauscher
Thompson (CA)
Thurman
Tierney
Udall (CO)
Udall (NM)
Velazquez
Visclosky
Walsh
Waters
Watson (CA)
Watt (NC)
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NAYS—223

Aderholt
Akin
Armey
Baca
Bachus
Baker
Ballenger
Barr
Barton
Bereuter
Berry
Biggert
Bilirakis
Bishop
Blunt
Boehner
Bonilla
Bono

Boyd
Brady (PA)
Brady (TX)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Carson (OK)
Chabot
Chambliss
Clyburn
Coble
Collins
Combest
Cooksey
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Deal
DeLay
DeMint
Diaz-Balart
Dooley
Doolittle
Dreier
Duncan
Edwards
Ehrlich
Emerson
English
Everett
Flake
Fletcher
Forbes
Fossella
Gallegly
Ganske
Gekas
Gibbons
Gillmor
Goode
Goodlatte
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Grucci
Gutknecht
Hall (TX)
Hansen
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hilleary
Hilliard
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jefferson
Jenkins
John
Johnson, Sam
Jones (NC)
Kanjorski
Keller
Kerns
King (NY)
Kingston
Knollenberg
Kolbe
Largent
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lucas (KY)
Lucas (OK)
Manzullo
Mascara
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller, Gary
Mollohan
Moran (KS)
Murtha
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Ortiz
Osborne
Ose
Otter
Oxley
Paul
Pence
Peterson (MN)
Peterson (PA)
Phelps
Pickering
Pitts
Platts
Pombo
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Regula
Rehberg
Reyes
Reynolds
Riley
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Royce
Ryan (WI)
Ryun (KS)
Sandlin
Scarborough
Schaffer
Schrock
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shows
Shuster
Simpson
Skeen
Skelton
Smith (MI)
Smith (TX)
Souder
Stearns
Stenholm
Stump
Sununu
Tancredo
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (MS)
Thornberry
Thune
Tiahrt
Tiberi
Toomey
Towns
Traficant
Turner
Upton
Vitter
Walden
Wamp
Watkins (OK)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NOT VOTING—5

Hutchinson
Lipinski
Spence
Spratt
Stark

□ 2323

Messrs. TANCREDO, GRUCCI and MORAN of Kansas changed their vote from ''aye'' to ''no.''

Ms. RIVERS and Mr. HOLDEN changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. SPRATT. Mr. Chairman, on Rollcall No. 317, I missed the bells and was not here. Had I been here, I would have voted ''aye'' on the Markey amendment.

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (Mr. NETHERCUTT). Pursuant to clause 6 of rule XVIII, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken on the next amendment.

AMENDMENT NO. 15 OFFERED BY MR. ROGERS OF MICHIGAN

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

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

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

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 345, noes 85, not voting 4, as follows:

[Roll No. 318]

YEAS—345

Abercrombie
Ackerman
Allen
Andrews
Armey
Baca
Bachus
Baird
Baldacci
Baldwin
Ballenger
Barcia
Barrett
Bartlett
Bass
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Burton
Buyer
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Cox
Coyne
Cramer
Crenshaw
Crowley
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Doyle
Dreier
Dunn
Edwards
Ehlers
Ehrlich
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Harman
Hart
Hastert
Hastings (FL)
Hayes
Hayworth
Hill
Hilleary
Hinchey
Hinojosa
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hoyer
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jefferson
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
Kirk
Kleczka
Knollenberg
Kucinich
LaFalce
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (GA)
Linder
LoBiondo
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McHugh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pitts
Platts
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Rivers
Rodriguez
Roemer
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Sabo
Sanchez
Sanders
Sawyer
Saxton
Scarborough
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Shaw
Shays
Sherman
Sherwood
Shuster
Simmons
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Solis
Souder
Spratt
Stearns
Strickland
Stupak
Sununu
Sweeney
Tanner
Tauscher
Tauzin
Thomas
Thompson (CA)
Thompson (MS)
Thune
Thurman
Tiahrt
Tiberi
Tierney
Towns
Traficant
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Walden
Walsh
Wamp
Waters
Watson (CA)
Watt (NC)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—85

Aderholt
Akin
Baker
Barr
Barton
Bentsen
Bereuter
Boehner
Brady (TX)
Callahan
Calvert
Carson (OK)
Coble
Collins
Combest
Cooksey
Crane
Cubin
Deal
DeMint
Dooley
Doolittle
Duncan
Emerson
Flake
Gibbons
Graves
Green (TX)
Hansen
Hastings (WA)
Hefley
Herger
Hilliard
Hobson
Hostettler
Houghton
Hulshof
Jackson-Lee (TX)
John
Johnson, Sam
Jones (NC)
King (NY)
Kingston
Kolbe
Lampson
Largent
Lewis (CA)
Lewis (KY)
Lucas (OK)
Manzullo
McCrery
McInnis
Mica
Miller (FL)
Miller, Gary
Otter
Paul
Pickering
Pombo
Radanovich
Riley
Rogers (KY)
Rohrabacher
Ryun (KS)
Sandlin
Schaffer
Sessions
Shadegg
Shimkus
Shows
Simpson
Smith (WA)
Stenholm
Stump
Tancredo
Taylor (MS)
Taylor (NC)
Terry
Thornberry
Toomey
Turner
Vitter
Watkins (OK)
Watts (OK)
Wicker

NOT VOTING—4

Hutchinson
Lipinski
Spence
Stark

□ 2336

Mr. GARY G. MILLER of California and Mr. KINGSTON changed their vote from ''aye'' to ''no.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated against:

Mr. NEY. Mr. Chairman, on rollcall No. 319 I was unavoidably detained. Had I been present, I would have voted "no."

The CHAIRMAN pro tempore (Mr. NETHERCUTT.) There being no other amendments, under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. SIMPSON) having assumed the chair, Mr. NETHERCUTT, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4) to enhance energy conservation, research and development and to provide for security and diversity in the energy supply for the American people, and for other purposes, pursuant to House Resolution 216, he reported the bill, as amended pursuant to that rule, back to the House with sundry further amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MRS. THURMAN

Mrs. THURMAN. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentlewoman opposed to the bill?

Mrs. THURMAN. I am, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mrs. THURMAN moves to recommit the bill H.R. 4 to the Committee on Ways and Means with instructions to report the same back to the House forthwith with the following amendment:

Insert after section 3001 the following new section:

SEC. 3002. TAX REDUCTIONS CONTINGENT ON SUFFICIENT NON-SOCIAL SECURITY, NON-MEDICARE SURPLUSES.

(a) IN GENERAL.—No provision of this division or any amendment made thereby shall apply to taxable years beginning in any calendar year if the Director of the Office of Management and Budget projects (as provided in subsection (b)) that there will be a deficit for the Federal fiscal year ending in such calendar year outside the social security and medicare trust funds.

(b) PROJECTIONS.—During December of each calendar year, the Director of the Office of Management and Budget shall make a projection of whether there will be a deficit outside the social security and medicare trust funds for the fiscal year ending in the following calendar year. Such projection shall be made—

(1) by excluding the receipts and disbursements of the social security and medicare trust funds, and

(2) by assuming that the provisions of this division are in effect without regard to this section.

(c) TRUST FUNDS.—For purposes of this section—

(1) the term ''social security trust funds'' means the Federal Old-Age and Survivors Insurance Trust Fund, and the Federal Disability Insurance Trust Fund, under title II of the Social Security Act, and

(2) the term ''medicare trust fund'' means the Federal Hospital Insurance Trust Fund created by section 1817 of the Social Security Act.

The SPEAKER pro tempore. The gentlewoman from Florida (Mrs. THURMAN) is recognized for 5 minutes.

□ 2340

Mrs. THURMAN. Mr. Speaker, I yield myself 4 minutes.

Mr. Speaker, the Democratic Caucus drafted a balanced energy plan that was paid for, the Markey-Stenholm-Sandlin-Frost proposal, which should have had a chance to have been voted on today, but the House was denied the opportunity.

My motion to recommit would provide that the tax benefits of the bill would be contingent on the availability of sufficient surpluses outside the Social Security and Medicare trust funds. I offered this language in the Committee on Ways and Means, but it was rejected.

Today we are considering a $33 billion energy bill. You told us there is an energy crisis, and we had to respond. We want to respond responsibly. You have also said there is a Medicare crisis and a Social Security crisis, and I too want to resolve those crises, but how are we going to pay for their solution if we continue to spend money we do not have?

You cannot pass this bill without invading the trust funds and breaking the promises made to the American people.

You do not have to take my word for it. According to a Republican memo cited by the press, ''We are possibly already into the Medicare trust fund and are very close to touching the Social Security surplus in fiscal year 2003.''

Just Monday, Treasury said that it would be borrowing $51 billion to pay for the tax rebate. So, instead of paying down debt, we are adding to debt in interest payments. In fact, the Committee on the Budget chairman is threatening spending cuts for later this year.

Mr. Speaker, I frequently have heard the ''first come, first served'' argument. It goes like this. There is a slush fund in the 2002 budget that is available on a first come, first served basis; the first bill signed draws from the fund.

We should not be legislating on a first come, first served basis. That is not governing.

Once we have taken care of the easy bills, where are the funds for the education bill that this House passed and promised to the American people? What happens to defense? What happens to the farm bill? What happens to Social Security reform or a Medicare prescription drug benefit? The answer is nothing. Because we do not have any money left for them.

Yet, all of these are important priorities, but not as important as the promise we made in protecting the trust funds. Virtually every Member on this floor has voted at one time or another to protect the trust funds.

Earlier today, in the debate, a Member said something to this effect: If you think this bill hurts Medicare and Social Security, then you do not understand the trust funds. In fact, we do understand the trust funds. If, in fact, we are not or you are not invading the trust funds, then you lose nothing by supporting this motion. Are you protesting so much because you know that this bill hurts Social Security and Medicare recipients?

If you reject this motion, then go home. You go explain to your constituents that what they believed would be for them will not be there. If you break your promise and raid the trust funds, then tell our children, our farmers, our armed services, and seniors to look out for themselves.

However, if you want to keep your promise to all Americans, then support the motion to recommit.

Mr. Speaker, I yield the balance of my time to the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. Mr. Speaker, there are $34 billion worth of energy tax breaks in this bill, but they do not pay for them at all. Now, we do not have a surplus any longer, and so what the majority is doing is setting up an oil rig on top of the Social Security and Medicare trust funds, because the only way that this bill, worth $34 billion, can be paid for, is by drilling into the Medicare and Social Security trust funds.

Vote for the Thurman recommittal motion and protect the senior citizens of our country from having a pipeline built into their pockets and having every senior citizen pay for this energy bill for the biggest oil companies in our country.

Mr. TAUZIN. Mr. Chairman, I rise in opposition to the motion to recommit, and I yield such time as he may consume to the gentleman from California (Mr. THOMAS), the chairman of jurisdiction, the distinguished chairman of the Committee on Ways and Means.

Mr. THOMAS. Mr. Speaker, I thank the gentleman for yielding.

I want to thank the gentleman from Massachusetts for providing that very enlightening chart. What most Members could not see was the fine print up on the rig, and it said, ''For more than 40 years, that is what the Democrats did.''

There was another sign right below it that said, ''This rig is no longer in operation.'' Because we are here arguing about the surplus. Never happened on your watch.

Let me repeat the key words in that devastating Republican quote that the gentlewoman from Florida offered, ''possibly already.'' Really firm language. The answer is, we are not invading the HI trust fund and we will not invade the HI trust fund.

Stripped of all of the language, what this is is something that is becoming familiar to us. It is a trigger, and the trigger says, now watch this; the trigger says, they want to rely on a projection of income.

□ 1150

During the tax bill, all we heard from them was, We cannot rely on projections. Do not rely on projections. This trigger is based on projections, so the last desperate refuge is to argue that we are going to deal with a projection.

What is the projection? Not that there is a deficit, not that there is going to be a deficit in the upcoming Federal fiscal year. But if Members will look on line 14 and 15, it says: ''The director of the Office of Management and Budget shall make a projection for the following calendar year,'' so they have to make a second-year projection that there will be a deficit; not that a deficit occurs, but that there is a projection that there will be a deficit.

What does that trigger, since this is just a trigger? The entire denial of the energy package in which we have the 38 percent devoted to conservation, 37 percent devoted to reliability, so that the lights do not go off in California, so that the rest of the United States does not experience our predicament.

If Members want a trigger, use a light switch, not some kind of a budget projection a year and a half off.

Mr. TAUZIN. Mr. Speaker, I yield to the gentleman from Iowa (Mr. NUSSLE), the chairman of the Committee on the Budget, who heard all of the talk about projections when we put a budget together, that says that the only time we count the spending is when it is enacted, not when it is projected.

Mr. NUSSLE. Mr. Speaker, I thank the gentleman for yielding to me.

Mr. Speaker, not one penny of the Medicare funds will be used for anything except Medicare. That is the commitment in this budget. That remains.

If the projections change in August, it is because of one reason: there has been a downturn in the economy. And why? If there is a downturn in the economy, it is for a number of reasons. We warned President Clinton about those reasons.

The number one reason, Mr. Speaker, the number one reason that we warned President Clinton about was that taxes were too high. We changed that this year in the budget and in the tax bills.

Number two is because we had no trade policy for this country, and we will change that as a result of this Congress.

But the most important reason why there has been a downturn in this economy is because this Nation has not had a long-term energy strategy.

Vote down this motion to recommit, and let us pass a long-term energy strategy for this country and get this economy going again.

Mr. TAUZIN. Mr. Speaker, this is not about a partisan fight over Social Security and Medicare. It is not. They can try to make it that. This is about a bill that advances the Nation's energy strategies to secure American families into the future.

It is about ensuring the lights go on and do not go out. It is about ensuring gasoline prices are not so high that families cannot afford them. It is about ensuring that in this future, the economy grows again and people have jobs; and they can afford to pay their energy bills. That is what this is all about.

Vote down this artificial, phony trigger and vote for a comprehensive, permanent energy strategy for this country.

The SPEAKER pro tempore (Mr. SIMPSON). Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

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

RECORDED VOTE

Mrs. THURMAN. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 206, noes 223, not voting 5, as follows:

[Roll No. 319]

YEAS—206

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank
Frost
Gephardt
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (OH)
Harman
Hastings (FL)
Hill
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaFalce
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mink
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Ross
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Schiff
Scott
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velazquez
Visclosky
Waters
Watson (CA)
Watt (NC)
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NAYS—223

Aderholt
Akin
Armey
Bachus
Baker
Ballenger
Barr
Bartlett
Barton
Bass
Bereuter
Biggert
Bilirakis
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady (TX)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Castle
Chabot
Chambliss
Coble
Collins
Combest
Cooksey
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal
DeLay
DeMint
Diaz-Balart
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goss
Graham
Granger
Graves
Green (WI)
Greenwood
Grucci
Gutknecht
Hall (TX)
Hansen
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
Kerns
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Morella
Myrick
Nethercutt
Northup
Norwood
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Reynolds
Riley
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Saxton
Scarborough
Schaffer
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Stump
Sununu
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Tiberi
Toomey
Traficant
Upton
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NOT VOTING—5

Hutchinson
Lipinski
Ney
Spence
Stark

□ 0011

Mr. FOSSELLA changed his vote from ''aye'' to ''no.''

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

(Mr. TAUZIN was given permission to speak for 30 seconds.)

Mr. TAUZIN. Mr. Chairman, there were an awful lot of committees that contributed to this effort today, and an awful lot of staff members, and I think we owe a great deal to staff on both sides of the aisle that contributed such a great effort to this bill.

I particularly want to thank the gentleman from Michigan (Mr. DINGELL) and his staff, and the gentleman from Virginia (Mr. BOUCHER) for the incredible cooperation that we got, and the gentleman from Texas (Mr. BARTON), and all of the committee chairs and ranking members. Thank you for a job well done.

The SPEAKER pro tempore (Mr. SIMPSON). The question is on the passage of the bill.

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

RECORDED VOTE

Mr. FRANK. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 240, noes 189, not voting 5, as follows:

[Roll No. 320]

YEAS—240

Aderholt
Akin
Armey
Baca
Bachus
Baker
Ballenger
Barcia
Barr
Bartlett
Barton
Bereuter
Biggert
Bilirakis
Bishop
Blunt
Boehner
Bonilla
Bono
Boucher
Brady (PA)
Brady (TX)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Carson (OK)
Chabot
Chambliss
Clyburn
Coble
Collins
Combest
Cooksey
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal
DeLay
DeMint
Diaz-Balart
Dingell
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Everett
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Goode
Goodlatte
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutknecht
Hall (TX)
Hansen
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hilleary
Hilliard
Hobson
Hoekstra
Holden
Horn
Hostettler
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson, Sam
Jones (NC)
Kanjorski
Keller
Kelly
Kennedy (MN)
Kerns
King (NY)
Kingston
Knollenberg
Kolbe
LaHood
Lampson
Largent
Latham
LaTourette
Lewis (KY)
Linder
Lucas (KY)
Lucas (OK)
Manzullo
Mascara
Matheson
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller, Gary
Mollohan
Moran (KS)
Murtha
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ortiz
Osborne
Ose
Otter
Oxley
Pence
Peterson (PA)
Phelps
Pickering
Pitts
Platts
Pombo
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Reynolds
Riley
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Roukema
Royce
Ryan (WI)
Ryun (KS)
Sandlin
Scarborough
Schaffer
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Smith (MI)
Smith (TX)
Souder
Stearns
Stump
Sununu
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thompson (MS)
Thornberry
Thune
Tiahrt
Tiberi
Toomey
Towns
Traficant
Turner
Upton
Visclosky
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NAYS—189

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldacci
Baldwin
Barrett
Bass
Becerra
Bentsen
Berkley
Berman
Berry
Blagojevich
Blumenauer
Boehlert
Bonior
Borski
Boswell
Boyd
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson (IN)
Castle
Clay
Clayton
Clement
Condit
Conyers
Costello
Coyne
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Doggett
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank
Frost
Gephardt
Gilman
Gonzalez
Gordon
Gutierrez
Hall (OH)
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holt
Honda
Hooley
Houghton
Hoyer
Inslee
Israel
Jackson (IL)
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kirk
Kleczka
Kucinich
LaFalce
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
LoBiondo
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mink
Moore
Moran (VA)
Morella
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Petri
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sawyer
Saxton
Schakowsky
Schiff
Scott
Serrano
Shays
Sherman
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thurman
Tierney
Udall (CO)
Udall (NM)
Velazquez
Waters
Watson (CA)
Watt (NC)
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—5

Hutchinson
Lewis (CA)
Lipinski
Spence
Stark

□ 0028

Mr. BARCIA changed his vote from ''no'' to ''aye.''

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

RESIGNATION AS MEMBER AND ELECTION AS MEMBER OF COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT

The SPEAKER pro tempore (Mr. SIMPSON) laid before the House the following resignation as a member of the Committee on Standards of Official Conduct:

WASHINGTON, DC,
July 31, 2001.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
Capitol, Washington, DC.

DEAR MR. SPEAKER: This is official notification that I hereby resign my seat on the Committee on Standards of Official Conduct.

Sincerely,

MARTIN OLAV SABO,
Member of Congress.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

Mr. FROST. Mr. Speaker, I offer a resolution (H. Res. 218) and ask unanimous consent for its immediate consideration.

The Clerk read the resolution, as follows:

HOUSE RESOLUTION 218

Resolved, That the following named be, and is hereby, elected to the following standing committee of the House of Representatives:

Committee on Standards of Official Conduct: Mr. Green of Texas.

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

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess, subject to the call of the Chair.

Accordingly (at 12 o'clock and 30 minutes a.m.), the House stood in recess, subject to the call of the Chair.

□ 0855

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. DREIER) at 8 o'clock and 55 minutes a.m.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2563, BIPARTISAN PATIENT PROTECTION ACT

Mr. GOSS, from the Committee on Rules, submitted a privileged report (Rept. No. 107–184) on the resolution (H. Res. 219) providing for consideration of the bill (H.R. 2563) to amend the Public Health Service Act, the Employee Retirement Income Security Act of 1974, and the Internal Revenue Code of 1986 to protect consumers in managed care plans and other health coverage, which was referred to the House Calendar and ordered to be printed.

REPORT ON HOUSE RESOLUTION 220, PROVIDING FOR PRO FORMA SESSIONS DURING SUMMER DISTRICT WORK PERIOD

Mr. GOSS, from the Committee on Rules, submitted a privileged report (Rept. No. 107–185) on the resolution (H. Res. 220) providing for pro forma sessions during the summer district work period, which was referred to the House Calendar and ordered to be printed.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MCNULTY) to revise and extend their remarks and include extraneous material:)

Mr. BROWN of Ohio, for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

Mr. OLVER, for 5 minutes, today.

SENATE CONCURRENT RESOLUTION REFERRED

A concurrent resolution of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. Con. Res. 45. Concurrent resolution expressing the sense of the Congress that the Humane Methods of Slaughter Act of 1958 should be fully enforced so as to prevent needless suffering of animals; to the Committee on Agriculture.

BILL PRESENTED TO THE PRESIDENT

Jeff Trandahl, Clerk of the House reports that on August 1, 2001 he presented to the President of the United States, for his approval, the following bill.

H.R. 1954. To extend the authorities of the Iran and Libya Sanctions Act of 1996 until 2006, and for other purposes.

ADJOURNMENT

Mr. GOSS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 56 minutes a.m.), the House adjourned until today, Thursday, August 2, 2001, at 10 a.m.

United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 107th CONGRESS, FIRST SESSION

Vol. 147 WASHINGTON, WEDNESDAY, AUGUST 1, 2001 No. 110

Senate

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LOTT (for himself and Mr. COCHRAN):

S. 1287. A bill to designate the Federal building and United States courthouse located at 2015 15th Street in Gulfport, Mississippi, as the ''Judge Dan M. Russell, Jr. Federal Building and United States Courthouse''; to the Committee on Environment and Public Works.

Mr. LOTT. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1287

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION OF JUDGE DAN M. RUSSELL, JR. FEDERAL BUILDING AND UNITED STATES COURTHOUSE.

The Federal building and United States courthouse located at 2015 15th Street in Gulfport, Mississippi, shall be known and designated as the ''Judge Dan M. Russell, Jr. Federal Building and United States Courthouse''.

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building and United States courthouse referred to in section 1 shall be deemed to be a reference to the Judge Dan M. Russell, Jr. Federal Building and United States Courthouse.

By Mr. SHELBY (for himself and Mr. SESSIONS):

S. 1288. A bill to amend the Tennessee Valley Authority Act of 1933 to modify provisions relating to the Board of Directors of the Tennessee Valley Authority, and for other purposes; to the Committee on Environment and Public Works.

Mr. SHELBY. Madam President, I rise today to introduce legislation to reform the board structure of the Tennessee Valley Authority. The legislation that I am introducing with my colleague from Alabama would create a corporate structure to oversee TVA.

This legislation expands the board from the current three members to 14 members, requiring the President to appoint two members from each of the seven states in which TVA operates. In addition to expanding the board, our legislation creates the position of a Chief Executive Officer who will be responsible for daily management and operation decisions. Under this new structure, board members would serve on a part-time basis, receiving a stipend for their services and the CEO would become the only full-time, paid position.

It is no secret that TVA has suffered financial turmoil in the past and is still trying to work its way out of substantial debt. In my view, restructuring and reform are overdue. The goal of this legislation is to provide the Authority with board members that have a direct interest in the well-being of TVA and its rate payers and to place at the helm a Chief Executive Officer to make the difficult business decisions that will guide TVA through the impending challenges of an evolving energy industry.

TVA is a multi-billion dollar entity. However, it continues to operate under the same administrative structure it did when Congress created the Authority in 1933. Senator Sessions and I believe that it is time for that structure to change. It is time for the Tennessee Valley Authority to step into the 21st Century and out of the bureaucratic stronghold that has guided its decision making process for so long. We believe that this new board structure will equip TVA to meet the challenges of the future and better serve the people of Alabama and the other States in which it operates.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1288

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CHANGE IN COMPOSITION, OPERATION, AND DUTIES OF THE BOARD OF DIRECTORS OF THE TENNESSEE VALLEY AUTHORITY.

(a) IN GENERAL.—The Tennessee Valley Authority Act of 1933 (16 U.S.C. 831 et seq.) is amended by striking section 2 and inserting the following:

"SEC. 2. MEMBERSHIP, OPERATION, AND DUTIES OF THE BOARD OF DIRECTORS.

''(a) MEMBERSHIP.—

''(1) APPOINTMENT.—The Board of Directors of the Corporation (referred to in this Act as the 'Board') shall be composed of 14 members appointed by the President by and with the advice and consent of the Senate.

''(2) COMPOSITION.—The Board shall be composed of 14 members, of whom—

''(A) 2 members shall be residents of Alabama;

''(B) 2 members shall be residents of Georgia;

''(C) 2 members shall be residents of Kentucky;

''(D) 2 members shall be residents of Mississippi;

''(E) 2 members shall be residents of North Carolina;

''(F) 2 members shall be residents of Tennessee; and

''(G) 2 members shall be residents of Virginia.

''(b) QUALIFICATIONS.—

''(1) IN GENERAL.—To be eligible to be appointed as a member of the Board, an individual—

''(A) shall be a citizen of the United States;

''(B) shall not be an employee of the Corporation;

''(C) shall have no substantial direct financial interest in—

''(i) any public-utility corporation engaged in the business of distributing and selling power to the public; or

''(ii) any business that may be adversely affected by the success of the Corporation as a producer of electric power; and

''(D) shall profess a belief in the feasibility and wisdom of this Act.

''(2) PARTY AFFILIATION.—Not more than 8 of the 14 members of the Board may be affiliated with a single political party.

''(c) TERMS.—

''(1) IN GENERAL.—A member of the Board shall serve a term of 4 years except that in

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● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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first making appointments after the date of enactment of this paragraph, the President shall appoint—

''(A) 5 members to a term of 2 years;

''(B) 6 members to a term of 3 years; and

''(C) 3 members to a term of 4 years.

''(2) VACANCIES.—A member appointed to fill a vacancy in the Board occurring before the expiration of the term for which the predecessor of the member was appointed shall be appointed for the remainder of that term.

''(3) REAPPOINTMENT.—

''(A) IN GENERAL.—A member of the Board that was appointed for a full term may be reappointed for 1 additional term.

''(B) APPOINTMENT TO FILL VACANCY.—For the purpose of subparagraph (A), a member appointed to serve the remainder of the term of a vacating member for a period of more than 2 years shall be considered to have been appointed for a full term.

''(d) QUORUM.—

''(1) IN GENERAL.—Eight members of the Board shall constitute a quorum for the transaction of business.

''(2) MINIMUM NUMBER OF MEMBERS.— A vacancy in the Board shall not impair the power of the Board to act, so long as there are 8 members in office.

''(e) COMPENSATION.—

''(1) IN GENERAL.—A member of the Board shall be entitled to receive—

''(A) a stipend of $30,000 per year; and

''(B) travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in Government service under section 5703 of title 5, United States Code.

''(2) ADJUSTMENTS IN STIPENDS.—The amount of the stipend under paragraph (1)(A) shall be adjusted by the same percentage, at the same time and manner, and subject to the same limitations as are applicable to adjustments under section 5318 of title 5, United States Code.

''(f) CHIEF EXECUTIVE OFFICER.—

''(1) APPOINTMENT.—The President, by and with the advice and consent of the Senate, shall appoint a person to serve as chief executive officer of the Corporation.

''(2) QUALIFICATIONS.—To serve as chief executive officer of the Corporation, a person—

''(A) shall be a citizen of the United States;

''(B) shall have proven management experience in large, complex organizations;

''(C) shall not be a current member of the Board or have served as a member of the Board within 2 years before being appointed chief executive officer; and

''(D) shall have no substantial direct financial interest in—

''(i) any public-utility corporation engaged in the business of distributing and selling power to the public; or

''(ii) any business that may be adversely affected by the success of the Corporation as a producer of electric power; and

''(3) TERM.—

''(A) IN GENERAL.—The chief executive officer shall serve for a term of 4 years.

''(B) REAPPOINTMENT.—The chief executive officer may be reappointed for additional terms.

''(4) COMPENSATION.—

''(A) IN GENERAL.—The chief executive officer shall be entitled to receive—

''(i) compensation at a rate that does not exceed the annual rate of pay prescribed under Level III of the Executive Schedule under section 5315 of title 5, United States Code; and

''(ii) reimbursement from the Corporation for travel expenses, including per diem in lieu of subsistence, while away from home or regular place of business of the chief executive officer in the performance of the duties of the chief executive officer.''.

(b) CURRENT BOARD MEMBERS.—A member of the board of directors of the Tennessee Valley Authority who was appointed before the effective date of the amendment made by subsection (a)—

(1) shall continue to serve as a member until the date of expiration of the member's current term; and

(2) may not be reappointed.

SEC. 3. EFFECTIVE DATE.

The amendments made by this Act take effect, and the additional members of the Board of the Tennessee Valley Authority and Chief Executive Officer shall be appointed so as to commence their terms on, the date that is 90 days after the date of enactment of this Act.

By Ms. SNOWE:

S. 1289. A bill to require the Secretary of the Navy to report changes in budget and staffing that take place as a result of the regionalization program of the Navy; to the Committee on Armed Services.

Mr. SNOWE. Madam President, I rise today to introduce the Navy Regionalization Reporting Act, a bill that would benefit all Navy bases and their surrounding communities by providing ample notification of planned, through regular reports, and unplanned, through the Congressional notifications, funding and employment level changes due to the Navy's regionalization process.

Earlier this year, it was brought to my attention that both funding and jobs at the Naval Air Station in Brunswick, ME, could be impacted by the Navy's reallocation of base operating functions as part of its regionalization program. The Navy's stated goal for the regionalization program is to consolidate functions by eliminating management and support redundancies with the end result being increased efficiency and decreased overhead costs for shore installations. As such, for the Navy's program to be successful, funding, as well as jobs, must be reduced in some areas.

While I applaud Navy's intentions to increase efficiency and save taxpayer dollars, I can not support efforts that may lead to reduced service levels for our men and women in uniform. I am also concerned that the Navy has not been able to produce detailed projections on the impact regionalization will have on the Federal employees.

To date, the Navy has been unable to answer questions regarding future employment levels and has not established a method to track or predict changes in budget and job allocations at its bases that take place as a result of the regionalization program.

This legislation would require the Navy to establish a tracking and planning program to make these changes more transparent. The Navy would provide an initial baseline or historical report that includes the pre-regionalization budgets and staffing levels at each base or station in each Navy region by July 2002. Subsequently, the Navy would submit semi-annual reports with projected and actual losses, gains, or restructuring of budgets and staff for each base. Any deviation from the reported budget or staff projections would then require Congressional notification 30 days prior to implementation.

Finally, in an effort to prevent the degradation of operational readiness and quality of life for our service members due to the redistribution of base support functions, this legislation includes a Sense of the Senate that the Navy should ensure the job and dollar distribution within each region is equitable and does not become concentrated at one location.

To assure the benefits of the Navy's program are equitably realized at all bases and communities, I urge my colleagues to support the Navy Regionalization Reporting Act.

By Mr. GRASSLEY. (for himself, Mr. HARKIN, and Mr. BROWNBACK):

S. 1290. A bill to amend title 49, United States Code, to preempt State laws requiring a certificate of approval or other form of approval prior to the construction or operation of certain airport development projects, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1290

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''End Gridlock at Our Nation's Critical Airports Act of 2001''.

SEC. 2. PREEMPTION OF STATE LAWS REQUIRING APPROVAL OF AIRPORT DEVELOPMENT PROJECTS.

(a) IN GENERAL.—Chapter 401 of title 49, United States Code, is amended by adding at the end the following:

''§ 40129. Preemption of State laws requiring approval of airport development projects

''(a) IN GENERAL.—No State, political subdivision of a State, or political authority of at least 2 States may enact or enforce a law, regulation, or other provision having the force and effect of law that—

''(1) requires a certificate of approval or other form of approval prior to the construction or operation of an airport development project at a covered airport if the project meets the standards established by the Secretary of Transportation under section 47105(b)(3), whether or not the project is the subject of a grant approved under chapter 471; or

''(2) prohibits, conditions, or otherwise regulates the direct application for, or receipt or expenditure of, a grant or other funds by the sponsor of a covered airport under chapter 471 for an airport development project at a covered airport if the project meets the standards referred to in paragraph (1).

''(b) COVERED AIRPORT DEFINED.—In this section, the term 'covered airport' means an airport that each year has at least .25 percent of the total annual boardings in the United States.''.

(b) CONFORMING AMENDMENT.—The analysis for such chapter is amended by adding at the end the following new item:

''40129. Preemption of State laws requiring approval of airport development projects.''.

By Mr. HATCH:

S. 1291. A bill to amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to permit States to determine State residency for higher education purposes and to authorize the cancellation of removal and adjustment of status of certain alien college-bound students who are long term United States residents; to the Committee on the Judiciary.

Mr. HATCH. Madam President, I rise today to introduce legislation aimed at benefitting a very special group of persons—illegal alien children who are long-term residents of the United States. This legislation, known as the ''DREAM Act,'' would allow children who have been brought to the United States through no volition of their own the opportunity to fulfill their dreams, to secure a college degree and legal status. The purpose of the DREAM Act is to ensure that we leave no child behind, regardless of his or her legal status in the United States or their parents' illegal status.

By law, undocumented alien children are entitled to a subsidized education through high school. In fact, an estimated 50,000 to 70,000 such students graduate from high schools throughout the country each year. Many of these students are thereafter interested in bettering themselves and their families by securing higher education. Generally, admittance to college is not a problem. However, the cost of attending college and the lack of any mechanism by which undocumented aliens students may obtain legal status in the United States prevents these children from having a meaningful opportunity to obtain a college degree. The DREAM Act would 1. aid undocumented alien children in their financial efforts to attend college, and 2. provide adjustment of status to undocumented alien children who secure a degree of higher education.

Presently, the law penalizes States that grant a post-secondary benefit, such as in-state tuition, to an undocumented student unless the state also provides that same benefit to out-of-state students. I believe that the decision of a State to grant any such benefit to an undocumented individual residing in the same rests with the State alone. Accordingly, I am opposed to that aforementioned provision of law. The bill I introduce today, the DREAM Act, proposes to repeal that section of the law.

Second, I propose that we offer undocumented alien children the opportunity to earn permanent residency in the United States in conjunction with earning either a 4 or 2-year college degree. Under the DREAM Act, an alien who has continuously resided in the United States for 5 years, is a person of good moral character, has not been convicted of certain offenses, and has been admitted to a qualified institute of higher education may adjust his or her status to that of conditional permanent resident. Thereafter, the student has 6 or 4 years to graduate from a qualified 4 or 2-year institution, respectively. Upon graduation and a demonstration that the student has remained a person of good moral character, has maintained his or her continuous physical presence in the United States, and has not become removable based on criminal convictions or security grounds, the conditions of the student's status are removed and that student becomes a full-fledged permanent resident.

I recognize that there are significant differences between the DREAM Act and other legislation that has been recently introduced. However, I look forward to working with members of this body to ensure that the American dream is extended to these children. I therefore strongly urge my colleagues to support this bill and thereby provide hope and opportunity to hundreds of thousands of deserving alien children nationwide.

I ask unanimous consent that the text of the bill be included following my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1291

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Development, Relief, and Education for Alien Minors Act'' or ''DREAM Act''.

SEC. 2. RESTORATION OF STATE OPTION TO DETERMINE RESIDENCY FOR PURPOSES OF HIGHER EDUCATION BENEFITS.

Section 505 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104–208; 110 Stat 3009–672; 8 U.S.C. 1623) is repealed.

SEC. 3. CANCELLATION OF REMOVAL AND ADJUSTMENT OF STATUS OF CERTAIN LONG-TERM RESIDENT STUDENTS.

(a) SPECIAL RULE FOR CHILDREN IN QUALIFIED INSTITUTIONS OF HIGHER EDUCATION.—

(1) IN GENERAL.—Notwithstanding any other provision of law and subject to paragraph (2), the Attorney General may cancel removal of, and adjust to the status of an alien lawfully admitted for permanent residence, subject to the conditional basis described in section 4, an alien who is inadmissible or deportable from the United States, if the alien demonstrates that—

(A) the alien has applied for relief under this subsection not later than two years after the date of enactment of this Act;

(B) the alien has not, at the time of application, attained the age of 21;

(C) the alien, at the time of application, is attending an institution of higher education in the United States (as defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001));

(D) the alien was physically present in the United States on the date of the enactment of this Act and has been physically present in the United States for a continuous period of not less than five years immediately preceding the date of enactment of this Act;

(E) the alien has been a person of good moral character during such period; and

(F) the alien is not inadmissible under section 212(a)(2) or 212(a)(3) or deportable under section 237(a)(2) or 237(a)(4).

(2) PROCEDURES.—The Attorney General shall provide a procedure by regulation allowing eligible individuals to apply affirmatively for the relief available under this paragraph without being placed in removal proceedings.

(b) TERMINATION OF CONTINUOUS PERIOD.—For purposes of this section, any period of continuous residence or continuous physical presence in the United States of an alien who applies for cancellation of removal under this section shall not terminate when the alien is served a notice to appear under section 239(a) of the Immigration and Nationality Act.

(c) TREATMENT OF CERTAIN BREAKS IN PRESENCE.—An alien shall be considered to have failed to maintain continuous physical presence in the United States under subsection (a) if the alien has departed from the United States for any period in excess of 90 days or for any periods in the aggregate exceeding 180 days.

(d) STATUTORY CONSTRUCTION.—Nothing in this section may be construed to apply a numerical limitation on the number of aliens who may be eligible for cancellation of removal or adjustment of status under this section.

(e) REGULATIONS.—

(1) PROPOSED REGULATIONS.—Not later than 90 days after the date of the enactment of this Act, the Attorney General shall publish proposed regulations implementing this section.

(2) INTERIM, FINAL REGULATIONS.—Not later than 180 days after the date of the enactment of this Act, the Attorney General shall publish final regulations implementing this section. Such regulations shall be effective immediately on an interim basis, but are subject to change and revision after public notice and opportunity for a period for public comment.

SEC. 4. CONDITIONAL PERMANENT RESIDENT STATUS FOR CERTAIN LONG-TERM RESIDENT STUDENTS.

(a) IN GENERAL.—

(1) CONDITIONAL BASIS FOR STATUS.—Notwithstanding any other provision of this Act, an alien whose status has been adjusted under section 3 to that of an alien lawfully admitted for permanent residence shall be considered, at the time of obtaining the adjustment of status, to have obtained such status on a conditional basis subject to the provisions of this section.

(2) NOTICE OF REQUIREMENTS.—

(A) AT TIME OF OBTAINING PERMANENT RESIDENCE.—At the time an alien obtains permanent resident status on a conditional basis under paragraph (1), the Attorney General shall provide for notice to such alien respecting the provisions of this section and the requirements of subsection (c)(1) to have the conditional basis of such status removed.

(B) AT TIME OF REQUIRED PETITION.—In addition, the Attorney General shall attempt to provide notice to such an alien, at or about the date of the alien's graduation from an institution of higher education of the requirements of subsection (c)(1).

(C) EFFECT OF FAILURE TO PROVIDE NOTICE.—The failure of the Attorney General to provide a notice under this paragraph shall not affect the enforcement of the provisions of this section with respect to such an alien.

(b) TERMINATION OF STATUS IF FINDING THAT QUALIFYING EDUCATION IMPROPER.—

(1) IN GENERAL.—In the case of an alien with permanent resident status on a conditional basis under subsection (a), if the Attorney General determines that the alien is no longer a student in good standing at an accredited institution of higher education,

the Attorney General shall so notify the alien and, subject to paragraph (2), shall terminate the permanent resident status of the alien as of the date of the determination.

(2) HEARING IN REMOVAL PROCEEDING.—Any alien whose permanent resident status is terminated under paragraph (1) may request a review of such determination in a proceeding to remove the alien. In such proceeding, the burden of proof shall be on the alien to establish, by a preponderance of the evidence, that the condition described in paragraph (1) is not met.

(c) REQUIREMENTS OF TIMELY PETITION FOR REMOVAL OF CONDITION.—

(1) IN GENERAL.—In order for the conditional basis established under subsection (a) for an alien to be removed the alien must submit to the Attorney General, during the period described in subsection (d)(2), a petition which requests the removal of such conditional basis and which states, under penalty of perjury, the facts and information described in subsection (d)(1).

(2) TERMINATION OF PERMANENT RESIDENT STATUS FOR FAILURE TO FILE PETITION.—

(A) IN GENERAL.—In the case of an alien with permanent resident status on a conditional basis under subsection (a), if no petition is filed with respect to the alien in accordance with the provisions of paragraph (1), the Attorney General shall terminate the permanent resident status of the alien as of the 90th day after the graduation of the alien from an institution of higher education.

(B) HEARING IN REMOVAL PROCEEDING.—In any removal proceeding with respect to an alien whose permanent resident status is terminated under subparagraph (A), the burden of proof shall be on the alien to establish compliance with the condition of paragraph (1).

(3) DETERMINATION AFTER PETITION AND INTERVIEW.—

(A) IN GENERAL.—If a petition is filed in accordance with the provisions of paragraph (1), the Attorney General shall make a determination, within 90 days, as to whether the facts and information described in subsection (d)(1) and alleged in the petition are true with respect to the alien's education.

(B) REMOVAL OF CONDITIONAL BASIS IF FAVORABLE DETERMINATION.—If the Attorney General determines that such facts and information are true, the Attorney General shall so notify the alien and shall remove the conditional basis of the status of the alien effective as of the 90th day after the alien's graduation from an institution of higher education.

(C) TERMINATION IF ADVERSE DETERMINATION.—If the Attorney General determines that such facts and information are not true, the Attorney General shall so notify the alien and, subject to subparagraph (D), shall terminate the permanent resident status of an alien as of the date of the determination.

(D) HEARING IN REMOVAL PROCEEDING.—Any alien whose permanent resident status is terminated under subparagraph (C) may request a review of such determination in a proceeding to remove the alien. In such proceeding, the burden of proof shall be on the Attorney General to establish, by a preponderance of the evidence, that the facts and information described in subsection (d)(1) and alleged in the petition are not true with respect to the alien's education.

(d) DETAILS OF PETITION.—

(1) CONTENTS OF PETITION.—Each petition under subsection (c)(1)(A) shall contain the following facts and information:

(A) The alien graduated from an institution of higher education, as evidenced by an official report from the registrar—

(i) within six years, in the case of a four-year bachelor's degree program; or

(ii) within four years, in the case of the degree program of a two-year institution.

(B) The alien maintained good moral character.

(C) The alien has not been convicted of any offense described in section 237(a)(2) or 237(a)(4).

(D) The alien has maintained continuous physical residence in the United States.

(2) PERIOD FOR FILING PETITION.—The petition under subsection (c)(1)(A) must be filed during the 90-day period after the alien's graduation from a institution of higher education.

(e) TREATMENT OF PERIOD FOR PURPOSES OF NATURALIZATION.—For purposes of title III of the Immigration and Nationality Act, in the case of an alien who is in the United States as a lawful permanent resident on a conditional basis under this section, the alien shall be considered to have been admitted as an alien lawfully admitted for permanent residence and to be in the United States as an alien lawfully admitted to the United States for permanent residence.

(f) TREATMENT OF CERTAIN WAIVERS.—In the case of an alien who has permanent residence status on a conditional basis under this section, if, in order to obtain such status, the alien obtained a waiver under subsection (h) or (i) of section 212 of the Immigration and Nationality Act of certain grounds of inadmissibility, such waiver terminates upon the termination of such permanent residence status under this section.

(g) INSTITUTION OF HIGHER EDUCATION DEFINED.—In this section, the term ''institution of higher education'' has the meaning given the term in section 101 of the Higher Education Act of 1965 (20 U.S.C.1001).

SEC. 5. GAO REPORT.

Six years after the date of enactment of this Act, the Comptroller General of the United States shall submit a report to the Committees on the Judiciary of the Senate and the House of Representatives setting forth—

(1) the number of aliens who were eligible for cancellation of removal and adjustment of status during the application period described in section 3(a)(1)(A);

(2) the number of aliens who applied for adjustment of status under section 3(a);

(3) the number of aliens who were granted adjustment of status under section 3(a); and

(4) the number of aliens with respect to whom the conditional basis of their status was removed under section 4.

Mrs. CARNAHAN. Madam President, one of the great challenges we face as a society is to find ways to ease the burdens of our modern, hectic world on working families. When I talk to Missouri parents who work outside the home, one of their top concerns, if not their top concern, is finding high-quality, affordable child care.

Every generation of my own family has struggled with this issue. My mother struggled with it. I struggled with it. My children struggle with it now. It would be this grandmother's fondest wish that when my grandchildren become parents themselves, finding affordable, quality child care won't be a problem.

More and more, employers are finding that providing access to daycare is important in attracting and retaining a quality workforce. Parents who know their children are happy, safe, and enriched in their day care setting are more productive, less distracted, and more satisfied employees. In an effort to support employers' efforts to offer this valuable service to their employees, I have co-sponsored S. 99, a bill that provides tax credits to employers who provide child care assistance to their employees.

Accessing affordable child care is an issue for federal employees, too. As the largest employer in the country, the Federal Government shall lead by example in supporting working families. For this reason, today I am introducing the ''Child Care Affordability for Federal Employees Act.

Senator BARBARA MIKULSKI is an original co-sponsor of the bill, and I would like to thank her for the strong leadership she has shown on this issue. She has worked hard to make this initiative a permanent reality for Federal employees in Maryland and across the United States.

This bill grants Federal agencies the flexibility to use a portion of their funds to provide child care assistance for their lower income employees. Federal agencies can choose to allow the assistance to apply towards the costs of its own-site Federal facility or an individual provider in the area that is licensed and safe.

Being able to afford child care is a problem for all employees, but it is particularly difficult for low income employees. This bill will assist low income Federal employees to afford the safe, quality child care that is available on-site. If the agency so chooses, it could also help low-income employees better afford safe, licensed child care that is available in the community.

I hope this legislation will also help the Federal Government compete with the private sector in attracting employees. In January, the GAO placed the Federal Government's human capital crisis on its ''High-Risk'' list of serious government problems. In three years, more than half of the federal workforce will be eligible for regular or early retirement. This bill is a strong, concrete action that Congress can take to help the Federal Government compete with the private sector to attract the skilled Federal workforce it needs.

For the past two years, this initiative has been included in the annual Treasury-Postal Appropriations bill. This has been a critical first step. From its initial implementation, we now know that the program works and that families in Missouri and across the country have benefit from it. However, because the program was only temporary, some Federal agencies elected not to participate. They were afraid to offer the benefit for a year and then have to take it away from their employees if it were not renewed. Other agencies have only implemented the program at a small level for the same reason. Passing this legislation and making the program permanent is essential to helping this initiative reach its full potential and benefit the maximum number of families.

We know that child care is not simply about children having a place to go

where an adult is present. A child's environment has significant impact on their well-being and development. This is particularly true for children during the first three years of life. Recent brain studies have shown that those early brain influences matter more than we ever imagined. This bill seeks to ensure that more of our children spend their days in safe, nurturing environments. As the writer Gabriella Mistral has said: ''Many things can wait, the child cannot ... To him we cannot say tomorrow, his name is today.''

By Mr. EDWARDS:

S. 1292. A bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for dry and wet cleaning equipment which uses nonhazardous primary process solvents; to the Committee on Finance.

Mr. EDWARDS. Madam President, I rise today to introduce the Small Business Pollution Prevention and Opportunity Act. This legislation would help address a matter of great concern to all Americans who care about water quality and the environment.

Toxic and flammable solvents are used in ninety-five percent of the 35,000 small dry cleaning businesses in our country. Dry-cleaned clothes are the primary source of toxins entering our homes, endangering our health. These solvents often leak from storage tanks or spill onto the ground, contaminating the property on which dry cleaning businesses are located. This contamination has resulted in part in the large number of brownfields sites across our country. These dry cleaning solvents are regulated by numerous State and Federal agencies, causing dry cleaners and neighboring businesses to be concerned about the health of their workers and the dangers of property contamination.

An innovative scientist, Dr. Joseph M. DeSimone of North Carolina, developed an environmentally-friendly alternative to these solvents. He and his graduate students have developed a process to clean clothes using liquid carbon dioxide and special detergents. This safer dry cleaning method has been commercially available since February 1999, with several machines in operation around the country that have successfully cleaned half a million pounds of clothes in over 10,000 cleaning cycles at shops in various states across the Nation.

The Small Business Pollution Prevention and Opportunity Act would provide new and existing dry cleaners a 20 percent tax credit as an incentive to switch to an environmentally-friendly and energy efficient technology. Dry cleaners in Enterprise Zones would receive a 40 percent tax credit. The tax credit would also be extended to wet cleaning fabric cleaners who use water-based systems to effectively clean 40 percent of ''dry clean only'' garments.

This new technology is becoming increasingly recognized as a safer, cleaner alternative to traditional dry cleaning. The U.S. Environmental Protection Agency, EPA, has issued a case study declaring liquid carbon dioxide as a viable alternative to dry cleaning. R&D Magazine named Dr. DeSimone's technology one of the 100 most innovative technologies that will change our everyday lives. For his innovation, Dr. DeSimone received the Presidential Green Chemistry Challenge Award in 1997. The EPA as well as the National Science Foundation, NSF, has funded Dr. DeSimone's research.

Now that environmentally beneficial technologies like liquid carbon dioxide and wet cleaning are commercially available, it makes sense to provide a modest incentive to encourage dry cleaners to utilize them. The benefits to small business dry cleaners, consumers, employees, and the environment would be enormous. This bill's approach provides incentives, not additional regulations, for dry cleaners. The goal of the bill is to protect and enhance the dry cleaning industry, not reinvent or harm it.

I encourage my colleagues to join me in supporting this legislation. It is the right thing to do for 35,000 small businesses, millions of dry cleaning consumers, and for our environment.

By Mr. CRAIG (for himself and Mr. HAGEL):

S. 1293. A bill to amend the Internal Revenue Code of 1986 to provide incentives for the voluntary reduction, avoidance, and sequestration of greenhouse gas emissions and to advance global climate science and technology development and deployment; to the Committee on Finance.

By Mr. MURKOWSKI (for himself, Mr. CRAIG, Mr. HAGEL, Mr. DOMENICI, Mr. ROBERTS, and Mr. BOND):

S. 1294. A bill to establish a new national policy designed to manage the risk of potential climate change, ensure long-term energy security, and to strengthen provisions in the Energy Policy Act of 1992 and the Federal Nonnuclear Energy Research and Development Act of 1974 with respect to potential climate change; to the Committee on Energy and Natural Resources.

Mr. CRAIG. Madam President, let me first thank my colleagues, Senators MURKOWSKI, HAGEL, and DOMENICI, for their work on this very important legislation. I enjoyed working with them and their staffs on this analytically complex issue. The results of our patience and hard work are two companion pieces of legislation that will provide the underpinning for a path forward on the climate change issue that will meet the nation's and global needs for economic progress, while ensuring our nation's energy and national security. In addition, it will provide a sound basis for productive engagement with our friends and allies that share the same needs.

The first bill is the Climate Change Tax Amendments of 2001 which is essentially the same as S. 1777 that I introduced in the 106th Congress. This bill is an important element of the approach we should take as a nation because current U.S. tax policy treats capital formation—including investments that can increase energy efficiency and reduce emissions—harshly compared with other industrialized countries and our own recent past. Slower capital cost recovery means that facilities deploying new advanced technology will not be put in place as quickly, if at all.

Based on our current understanding of the science available on climate change, I remain convinced that it is still premature for our government to mandate stringent controls on carbon dioxide emissions and pick winners and losers in technology. This bill assures that there will be a true partnership between tax policy and technology innovation in both research and deployment.

Although the science of climate change has progressed rather dramatically over the last five years, many trenchant questions remain about what is happening to our climate system. However, the climate change issue is at a crossroads. We can and must make decisions on how to proceed. The bills introduced today ensure a more focused and coordinated effort to understand the outstanding and formidable scientific issues associated with climate change. While pursuing answers to those questions, the bills also create a comprehensive and systematic program to achieve the goals of reducing, avoiding, or sequesting greenhouse gas emissions. That program is manifest in both the technological research and development effort authorized in the Risk Management bill and a comprehensive and systematic approach that aggressively encourages voluntary actions to reduce, avoid, or sequester greenhouse gas emissions.

To bolster and strengthen the voluntary action program we have proposed tax incentives in the companion Tax Amendment bill that should also stimulate the creative ways to reduce, avoid, or sequester greenhouse gas emissions without creating drag on future economic growth. Although some special interest groups have criticized voluntary programs as ineffective, my colleagues and I do not believe that past efforts were as clearly designed and planned or aggressively promoted as we have proposed in this legislation.

The companion bill is the Climate Change Risk Management Act of 2001. This bill has as its roots in S. 1776 and S. 882, two bills that were introduced in the 106th Congress with the expressed intent to forge consensus on this issue. The principal objectives of the current legislation are to encourage the research, development, and deployment of the technologies that can meet our needs and the needs of developing nations. A key focus are the technologies that can help us reduce, avoid or sequester emissions of greenhouse gases.

In addition the bill also encourages deployment of technologies that can sequester greenhouse gases in the atmosphere. This approach is essential to assure that we can fully use all of our domestic resources to their fullest. This must include coal and nuclear power.

An essential element in this legislation is the active engagement of developing countries. Our policy must recognize the legitimate needs of our bilateral trading partners to use their resources and meet the needs of their people. For too long the climate policy debate has been fixated on assigning blame and inflicting pain. This is harmful and counterproductive. Our best technology must be made available and our research activities must focus on developing country needs as well as our own.

Moreover, we believe that the President has chosen the right path forward on this issue and we are committed to working with his Cabinet level task force on finding effective, technologically based approaches to attacking this important environmental and economic issue.

Although these bills are comprehensive, there are still more steps Congress can and will take in the immediate future to ensure we are doing all that is reasonably and responsibly possible. For example, a key piece of this puzzle is better government-wide coordination of scientific efforts to solve the remaining mysteries of climate change. A strong and consistent recommendation from the National Academy of Sciences has been for us to solve this problem.

Because that issue includes Federal agency ''turf battles,'' legislative committee jurisdictional constraints prevented us from fully addressing that issue in these bills. However, we will have this, and other key pieces (such as traffic congestion, agricultural, forest management, and ocean sequestration) not currently getting sufficient attention, ready to complete a comprehensive package on climate change before the end of the 107th Congress.

But for now, the bills we introduce today are an important and aggressive attempt to shape and implement policy on climate change. It is a responsible effort to work with our friends and allies to:

1. Develop better policy mechanisms for assessing the effects of greenhouse gas emissions; 2. accelerate development and deployment of climate response technology; 3. facilities international deployment of U.S. technology to mitigate climate change to the developing world; 4. advance climate science to reduce uncertainties in key areas; and 5. improve public access to government information on climate science.

All involved in this debate must stop politicizing science and help us get to the point where the issue is confidently understood. The American people have a right to know the whole truth on this issue. The success of any future government response to climate change depends on that more than anything else.

I ask unanimous consent that the bill texts along with section-by-section analyses be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD as follows:

S. 1293

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Climate Change Tax Amendments of 2001''.

SEC. 2. PERMANENT TAX CREDIT FOR RESEARCH AND DEVELOPMENT REGARDING GREENHOUSE GAS EMISSIONS REDUCTION, AVOIDANCE, OR SEQUESTRATION.

(a) IN GENERAL.—Section 41(h) of the Internal Revenue Code of 1986 (relating to termination) is amended by adding at the end the following:

''(3) EXCEPTION FOR CERTAIN RESEARCH.—Paragraph (1)(B) shall not apply in the case of any qualified research expenses if the research—

''(A) has as one of its purposes the reducing, avoiding, or sequestering of greenhouse gas emissions, and

''(B) has been reported to the Department of Energy under section 1605(b) of the Energy Policy Act of 1992.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies with respect to amounts paid or incurred after the date of enactment of this Act, except that such amendment shall not take effect unless the Climate Change Risk Management Act of 2001 is enacted into law.

SEC. 3. TAX CREDIT FOR GREENHOUSE GAS EMISSIONS FACILITIES.

(a) ALLOWANCE OF GREENHOUSE GAS EMISSIONS FACILITIES CREDIT.—Section 46 of the Internal Revenue Code of 1986 (relating to amount of credit) is amended by striking ''and'' at the end of paragraph (2), by striking the period at the end of paragraph (3) and inserting '', and'', and by adding at the end the following:

''(4) the greenhouse gas emissions facilities credit.''.

(b) AMOUNT OF CREDIT.—Subpart E of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to rules for computing investment credit) is amended by inserting after section 48 the following:

''SEC. 48A. CREDIT FOR GREENHOUSE GAS EMISSIONS FACILITIES.

''(a) IN GENERAL.—For purposes of section 46, the greenhouse gas emissions facilities credit for any taxable year is the applicable percentage of the qualified investment in a greenhouse gas emissions facility for such taxable year.

''(b) GREENHOUSE GAS EMISSIONS FACILITY.—For purposes of subsection (a), the term 'greenhouse gas emissions facility' means a facility of the taxpayer—

''(1)(A) the construction, reconstruction, or erection of which is completed by the taxpayer, or

''(B) which is acquired by the taxpayer if the original use of such facility commences with the taxpayer,

''(2) the operation of which—

''(A) replaces the operation of a facility of the taxpayer,

''(B) reduces, avoids, or sequesters greenhouse gas emissions on a per unit of output basis as compared to such emissions of the replaced facility, and

''(C) uses the same type of fuel (or combination of the same type of fuel and biomass fuel) as was used in the replaced facility,

''(3) with respect to which depreciation (or amortization in lieu of depreciation) is allowable, and

''(4) which meets the performance and quality standards (if any) which—

''(A) have been jointly prescribed by the Secretary and the Secretary of Energy by regulations,

''(B) are consistent with regulations prescribed under section 1605(b) of the Energy Policy Act of 1992, and

''(C) are in effect at the time of the acquisition of the facility.

''(c) APPLICABLE PERCENTAGE.—For purposes of subsection (a), the applicable percentage is one-half of the percentage reduction, avoidance, or sequestration of greenhouse gas emissions described in subsection (b)(2) and reported and certified under section 1605(b) of the Energy Policy Act of 1992.

''(d) QUALIFIED INVESTMENT.—For purposes of subsection (a), the term 'qualified investment' means, with respect to any taxable year, the basis of a greenhouse gas emissions facility placed in service by the taxpayer during such taxable year, but only with respect to that portion of the investment attributable to providing production capacity not greater than the production capacity of the facility being replaced.

''(e) QUALIFIED PROGRESS EXPENDITURES.—

''(1) INCREASE IN QUALIFIED INVESTMENT.—In the case of a taxpayer who has made an election under paragraph (5), the amount of the qualified investment of such taxpayer for the taxable year (determined under subsection (d) without regard to this subsection) shall be increased by an amount equal to the aggregate of each qualified progress expenditure for the taxable year with respect to progress expenditure property.

''(2) PROGRESS EXPENDITURE PROPERTY DEFINED.—For purposes of this subsection, the term 'progress expenditure property' means any property being constructed by or for the taxpayer and which it is reasonable to believe will qualify as a greenhouse gas emissions facility which is being constructed by or for the taxpayer when it is placed in service.

''(3) QUALIFIED PROGRESS EXPENDITURES DEFINED.—For purposes of this subsection—

''(A) SELF-CONSTRUCTED PROPERTY.—In the case of any self-constructed property, the term 'qualified progress expenditures' means the amount which, for purposes of this subpart, is properly chargeable (during such taxable year) to capital account with respect to such property.

''(B) NON-SELF-CONSTRUCTED PROPERTY.—In the case of non-self-constructed property, the term 'qualified progress expenditures' means the amount paid during the taxable year to another person for the construction of such property.

''(4) OTHER DEFINITIONS.—For purposes of this subsection—

''(A) SELF-CONSTRUCTED PROPERTY.—The term 'self-constructed property' means property for which it is reasonable to believe that more than half of the construction expenditures will be made directly by the taxpayer.

''(B) NON-SELF-CONSTRUCTED PROPERTY.—The term 'non-self-constructed property' means property which is not self-constructed property.

''(C) CONSTRUCTION, ETC.—The term 'construction' includes reconstruction and erection, and the term 'constructed' includes reconstructed and erected.

''(D) ONLY CONSTRUCTION OF GREENHOUSE GAS EMISSIONS FACILITY TO BE TAKEN INTO ACCOUNT.—Construction shall be taken into account only if, for purposes of this subpart,

expenditures therefor are properly chargeable to capital account with respect to the property.

''(5) ELECTION.—An election under this subsection may be made at such time and in such manner as the Secretary may by regulations prescribe. Such an election shall apply to the taxable year for which made and to all subsequent taxable years. Such an election, once made, may not be revoked except with the consent of the Secretary.''

(c) RECAPTURE.—Section 50(a) of the Internal Revenue Code of 1986 (relating to other special rules) is amended by adding at the end the following:

''(6) SPECIAL RULES RELATING TO GREENHOUSE GAS EMISSIONS FACILITY.—For purposes of applying this subsection in the case of any credit allowable by reason of section 48A, the following shall apply:

''(A) GENERAL RULE.—In lieu of the amount of the increase in tax under paragraph (1), the increase in tax shall be an amount equal to the investment tax credit allowed under section 38 for all prior taxable years with respect to a greenhouse gas emissions facility (as defined by section 48A(b)) multiplied by a fraction whose numerator is the number of years remaining to fully depreciate under this title the greenhouse gas emissions facility disposed of, and whose denominator is the total number of years over which such facility would otherwise have been subject to depreciation. For purposes of the preceding sentence, the year of disposition of the greenhouse gas emissions facility property shall be treated as a year of remaining depreciation.

''(B) PROPERTY CEASES TO QUALIFY FOR PROGRESS EXPENDITURES.—Rules similar to the rules of paragraph (2) shall apply in the case of qualified progress expenditures for a greenhouse gas emissions facility under section 48A, except that the amount of the increase in tax under subparagraph (A) of this paragraph shall be substituted in lieu of the amount described in such paragraph (2).

''(C) APPLICATION OF PARAGRAPH.—This paragraph shall be applied separately with respect to the credit allowed under section 38 regarding a greenhouse gas emissions facility.''

(d) TECHNICAL AMENDMENTS.—

(1) Section 49(a)(1)(C) of the Internal Revenue Code of 1986 is amended by striking ''and'' at the end of clause (ii), by striking the period at the end of clause (iii) and inserting '', and'', and by adding at the end the following:

''(iv) the portion of the basis of any greenhouse gas emissions facility attributable to any qualified investment (as defined by section 48A(d)).''

(2) Section 50(a)(4) of such Code is amended by striking ''and (2)'' and inserting '', (2), and (6)''.

(3) The table of sections for subpart E of part IV of subchapter A of chapter 1 of such Code is amended by inserting after the item relating to section 48 the following:

''Sec. 48A. Credit for greenhouse gas emissions facilities.''

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act, under rules similar to the rules of section 48(m) of the Internal Revenue Code of 1986 (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990).

(f) STUDY OF ADDITIONAL INCENTIVES FOR VOLUNTARY REDUCTION, AVOIDANCE, OR SEQUESTRATION OF GREENHOUSE GAS EMISSIONS.—

(1) IN GENERAL.—The Secretary of the Treasury and the Secretary of Energy shall jointly study possible additional incentives for, and removal of barriers to, voluntary, non recoupable expenditures for the reduction, avoidance, or sequestration of greenhouse gas emissions. For purposes of this subsection, an expenditure shall be considered voluntary and non recoupable if the expenditure is not recoupable—

(A) from revenues generated from the investment, determined under generally accepted accounting standards (or under the applicable rate-of-return regulation, in the case of a taxpayer subject to such regulation), or

(B) from any tax or other financial incentive program established under Federal, State, or local law.

(2) REPORT.—Within 6 months of the date of enactment of this Act, the Secretary of the Treasury and the Secretary of Energy shall jointly report to Congress on the results of the study described in paragraph (1), along with any recommendations for legislative action.

(g) SCOPE AND IMPACT.—

(1) POLICY.—In order to achieve the broadest response for reduction, avoidance, or sequestration of greenhouse gas emissions and to ensure that the incentives established by or pursuant to this Act do not advantage one segment of an industry to the disadvantage of another, it is the sense of Congress that such incentives should be available for individuals, organizations, and entities, including both for-profit and non-profit institutions.

(2) LEVEL PLAYING FIELD STUDY AND REPORT.—

(A) IN GENERAL.—The Secretary of the Treasury and the Secretary of Energy shall jointly study possible additional measures that would provide non-profit entities (such as municipal utilities and energy cooperatives) with economic incentives for greenhouse gas emissions facilities comparable to those incentives provided to taxpayers under the amendments made to the Internal Revenue Code of 1986 by this Act.

(B) REPORT.—Within 6 months after the date of enactment of this Act, the Secretary of the Treasury and the Secretary of Energy shall jointly report to Congress on the results of the study described in subparagraph (A), along with any recommendations for legislative action.

THE CLIMATE CHANGE TAX AMENDMENTS OF 2001—SECTION-BY-SECTION ANALYSIS

A bill to amend the Internal Revenue Code of 1986 to provide incentives for the voluntary reduction avoidance, and sequestration of greenhouse gas emissions and to advance global climate science and technology development.

Section 1 designates the short title as the ''Climate Change Tax Amendments.''

Section 2 extends on a permanent basis the tax credit for research and development in the case of R & D involving climate change.

In order for a research expense to qualify for the credit, it must; have as one of its purposes the reducing or sequestering of greenhouse gases; and have been reported to DOE under Sec. 1605(b) of the Energy Policy Act of 1992.

This tax credit applies with respect to amounts incurred after the Act becomes law, and only if the Climate Change Risk Management Act of 2001 also becomes law.

Section 3 provides for investment tax credits for greenhouse-gas-emission reduction facilities.

Greenhouse Gas Emissions Facility Credit

The amount of the credit would be calculated based upon the amount of greenhouse gas emission reductions reported and certified under section 1605(b) of the Energy Policy Act. The credit would be equal to one-half of the applicable percentage of the qualified investment in a ''reduced greenhouse gas emissions facility.''

For example, if a taxpayer replaces a coal-fired generator with a more efficient one that reduced greenhouse gas emissions by 18 percent, compared to the retired unit, the taxpayer would be entitled to a tax credit of 9 percent of qualified investment in that ''reduced greenhouse gas emissions facility''. Such facility is defined as a facility of the taxpayer: the construction, reconstruction; or erection of which is completed by the taxpayer; or the facility may be acquired by the taxpayer if the original use of the facility commences with the taxpayer; which replaces an existing facility of the taxpayer; which reduces greenhouse gas emissions (on a per unit of output basis) as compared to the facility it replaces; which uses the same type of fuel as the facility it replaces; the depreciation (or amortization in lieu of depreciation) of which is allowable; which meets performance and quality standards (if any) jointly prescribed by the Secretaries of Treasury and Energy; and are consistent with regulations prescribed under Sec. 1605 (b) of the Energy Policy Act (relating to voluntary reporting of greenhouse gas emission reductions).

Only that portion of the investment attributable to providing production capacity not greater than the production capacity of the facility being replaced qualifies for the credit.

While unit efficiencies could be achieved if the credit were allowed for replacing a unit with another that burned a different fuel, such incentive for fuel shifting does not directly stimulate efficiency technology development for each fuel type. The objective is to improve efficiencies ''within a fuel;'' not to encourage fuel shifting ''between fuels.''

Qualified Progress Expenditure Credit

With respect to qualified progress expenditures, the amount of the qualified investment for the taxable year shall be increased by the aggregate of each qualified progress expenditure for the taxable year with respect to progress expenditure property. Progress expenditure property is defined as any property being constructed by or for the taxpayer and which it is reasonable to believe will qualify as a reduced greenhouse gas emission facility.

Election

A taxpayer may elect to take the tax credit in such a manner (i.e. as an investment credit, or as qualified progress expenditures) as the Secretary may be regulations prescribe. The election will apply to the taxable year for which it was made and to all subsequent taxable years. Such an election, once made, may not be revoked except with the consent of the Secretary.

Recapture Where Facility is Prematurely Disposed of

If the facility is disposed of before the end of the facility's depreciation period (or ''useful life'' for tax purposes) the taxpayer will be assessed an increase in tax equal to the greenhouse gas emissions facility investment tax credit allowed for all prior taxable years multiplied by a fraction whose numerator is the number of years remaining to fully depreciate the facility to be disposed of, and whose denominator is the total number of years over which the facility would otherwise have been subject to depreciation.

Similar rules apply in the case in which the taxpayer elected credit for progress expenditures and the property thereafter ceases to qualify for such credit.

Effective Date

Amendments made to the Internal Revenue Code apply to property placed in service after the date of enactment of this Act.

Study of Additional Incentives for Voluntary Reduction of Greenhouse Gas Emissions

The Secretary of Energy and the Secretary of Transportation are directed to study, and report upon to Congress along with any recommendations for legislative action, possible additional incentives for and removal of barriers to voluntary non-recoupable expenditures on the reduction of greenhouse gas emissions. An expenditure qualifies if it is voluntary and not recoupable: from revenues generated from the investment; determined under generally accepted accounting standards; under the applicable rate-of-return regulation (in the case of a taxpayer subject to such regulations); from any tax or other financial incentive program established under federal, State, or local law; and pursuant to any credit-trading or other mechanism established under any international agreement or protocol that is in force.

Incentives for Non-profit Institutions

The Secretary of the Treasury and the Secretary of Energy are directed to jointly study possible additional measures that would provide non-profit entities, such as municipal utilities and energy co-operatives, with economic incentives for greenhouse gas emission reductions comparable to the incentives provided to taxpayers under the amendments made to the Internal Revenue Code by this Act. Within six months of the date of enactment, the Secretary of the Treasury and the Secretary of Energy shall jointly report to Congress on the results of the study along with any recommendations for legislative action.

S. 1294

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Climate Change Risk Management Act of 2001''.

SEC. 2. FINDINGS.

Congress finds that—

(1) human activities, namely energy production and use, contribute to increasing concentrations of greenhouse gases in the atmosphere, which may ultimately contribute to global climate change beyond that resulting from natural variability;

(2) although the science of global climate change has been advanced in the past ten years, the timing and magnitude of climate change-related impacts on the United States cannot currently be predicted with any reasonable certainty;

(3) furthermore, a recent National Research Council review of climate change science suggests that without an understanding of the sources and degree of uncertainty regarding climate change and its impacts, decision-makers could fail to define the best ways to manage the risk of climate change;

(4) despite this uncertainty, the potential impacts from human-induced climate change pose a substantial risk that should be managed in a responsible manner;

(5) given that the bulk of greenhouse gas emissions from human activities result from energy production and use, national and international energy policy decisions made now and in the longer-term future will influence the extent and timing of any climate change and resultant impacts from climate change later this century;

(6) the characteristics of greenhouse gases and the physical nature of the climate system require that stabilization of atmospheric greenhouse gas concentrations at any future level must be a long-term effort undertaken on a global basis;

(7) the characteristics of existing energy-related infrastructure and capital suggest that effective greenhouse gas management efforts will depend on the development of long-term, cost-effective technologies and practices that can be demonstrated and deployed commercially in the United States and around the world;

(8) environmental progress, energy security, economic prosperity, and satisfaction of basic human needs are interrelated, particularly in developing countries;

(9) developing countries will constitute the major source of greenhouse gas emissions in the 21st century and the minor source of increases in such emissions;

(10) any program to address the risks of climate change that does not fully include developing nations as integral participants will be ineffective; and

(11) a new long-term, technology-based, cost-effective, flexible, and global strategy to ensure long-term energy security and manage the risk of climate change is needed, and should be promoted by the United States in its domestic and international activities in this regard.

SEC. 3. DEFINITIONS.

Title XVI of the Energy Policy Act of 1992 (42 U.S.C. 13381, et seq.) is amended by inserting before section 1601 the following:

''SEC. 1600 DEFINITIONS.

''(a) AGRICULTURAL ACTIVITY.—The term 'agricultural activity' means livestock production, cropland cultivation, biogas and other waste material recovery and nutrient management.

''(b) CLIMATE SYSTEM.—The term ''climate system' means the totality of the atmosphere, hydrosphere, biosphere and geosphere and their interactions.

''(c) CLIMATE CHANGE.—The term 'climate change' means a change in the state of the climate system attributed directly or indirectly to human activity which is in addition to natural climate variability observed over comparable time periods.

''(d) EMISSIONS.—The term 'emissions' means the net release of greenhouse gases and/or their precursors into the atmosphere over a specified area and period of time, after taking into account any reductions due to greenhouse gas sequestration.

''(e) GREEHOUSE GASES.—The term 'greenhouse gases' means those gaseous and aerosol constituents of the atmosphere, both natural and anthropogenic, that absorb and re-emit infrared radiation.

''(f) SEQUESTRATION.—The term 'sequestration' means any process, activity or mechanism which removes a greenhouse gas or its precursor from the atmosphere or from emissions streams.

''(g) FOREST PRODUCTS.—The term 'forest products' means all products or goods manufactured from trees.

''(h) FORESTRY ACTIVITY.—

''(1) IN GENERAL.—The term 'forestry activity' means any ownership or management action that has a discernible impact on the use and productivity of forests.

''(2) INCLUSIONS.—Forestry activities include, but are not limited to, the establishment of trees on an area not previously forested, the establishment of trees on an area previously forested if a net carbon benefit can be demonstrated, enhanced forest management (including thinning, stand improvement, fire protection, weed control, nutrient application, pest management, and other silvicultural practices), forest protection or conservation if a net carbon benefit can be demonstrated, and production or use of biomass energy (including the use of wood, grass or other biomass in lieu of fossil fuel).

''(3) EXCLUSIONS.—The term 'forestry activity' does not include a land use change associated with—

''(A) an act of war; or

''(B) an act of nature, including floods, storms, earthquakes, fires, hurricanes, and tornadoes.''.

SEC. 4. NATIONAL CLIMATE CHANGE STRATEGY.

''(a) IN GENERAL.—Section 1601 of the Energy Policy Act of 1992 (42 U.S.C. 13381) is amended to read as follows:

''SEC. 1601. NATIONAL CLIMATE CHANGE STRATEGY.

''(a) IN GENERAL.—The President, in consultation with appropriate Federal agencies and the Congress, shall develop and implement a national strategy to manage the risks posed by potential climate change.

''(b) GOAL.—The strategy shall be consistent with the United Nations Framework Convention on Climate Change, done at New York on May 9, 1992, in a manner that—

''(1) does not result in serious harm to the U.S. economy;

''(2) adequately provides for the energy security of the U.S.;

''(3) establishes and maintains U.S. leadership with respect to climate change-related scientific research, development and deployment of advanced energy technology; and

''(4) will result in a reduction in the ratio that the net U.S. greenhouse gas emissions bears to the U.S. gross domestic production.

''(c) ELEMENTS.—The strategy shall include short-term and long-term strategies, programs and policies that—

''(1) enhance the scientific knowledge base for understanding and evaluation of natural and human-induced climate change, including the role of climate feedbacks and all climate forcing agents;

''(2) improve scientific observation, modeling, analysis and prediction of climate change and its impacts, and the economic, social and environmental risks posed by such impacts;

''(3) assess the economic, social, and environmental costs and benefits of current and potential options to reduce, avoid, or sequester greenhouse gas emissions;

''(4) develop and implement market-directed policies that reduce, avoid or sequester greenhouse gas emissions, including—

''(i) cost-effective Federal, State, tribal, and local policies, programs, standards and incentives;

''(ii) policies and incentives to speed development, deployment and consumer adoption of advanced energy technologies in the U.S. and throughout the world; and

''(iii) removal of regulatory barriers that impede the development, deployment and consumer adoption of advanced energy technologies into the U.S. and throughout the world; and

''(iv) participation in international institutions, or the support of international activities, that are established or conducted to facilitate effective measures to implement the United Nations Framework Convention on Climate Change;

''(5) advance areas where bilateral or multilateral cooperation and investment would lead to adoption of advanced technologies for use within developing countries to reduce, avoid or sequester greenhouse gas emissions;

''(6) identify activities and policies that provide for adaptation to natural and human-induced climate change;

''(7) recommend specific legislative or administrative activities giving preference to cost-effective and technologically feasible measures that will—

''(A) result in a reduction in the ratio that the net U.S. greenhouse gas emissions bears to the U.S. gross domestic product;

''(B) avoid adverse short-term and long-term economic and social impacts on the United States; and

''(C) foster such changes in institutional and technology systems as are necessary to

mitigate or adapt to climate change and its impacts in the short-term and the long-term;

''(8) designate federal, state, tribal or local agencies responsible for carrying out recommended activities and programs, and identify interagency entities or activities that may be needed to coordinate actions carried out consistent with this strategy.

''(d) CONSULTATION.—This strategy shall be developed in a manner that provides for meaningful participation by, and consultation among, Federal, State, tribal, and local government agencies, non-governmental organizations, academia, scientific bodies, industry, the public, and other interested parties.

''(e) BIANNUAL REPORT.—No later than one year after the date of enactment of this section, and at the end of each second year thereafter, the President shall submit to Congress a report that includes—

''(1) a description of the national climate change strategy and its goals and Federal programs and activities intended to carry out this strategy through mitigation, adaption, and scientific research activities;

''(2) an evaluation of Federal programs and activities implemented as part of this strategy against the goals and implementation dates outlined in the strategy;

''(3) a description of changes to Federal programs or activities implemented to carry out this strategy, in light of new knowledge of climate change and its impacts and costs or benefits, or technological capacity to improve mitigation or adaption activities;

''(4) a description of all Federal spending on climate change for the current fiscal year and each of the five years previous, categorized by Federal agency and program function (including scientific research, energy research and development, regulation, education and other activities);

''(5) an estimate of the budgetary impact for the current fiscal year and each of the five years previous of any Federal tax credits, tax deductions or other incentives claimed by taxpayers that are directly or indirectly attributable to greenhouse gas emissions reduction activities; and

''(6) an estimate of the amount, in metric tons, of greenhouse gas emissions reduced, avoided or sequestered directly or indirectly as a result of each spending program or tax credit, deduction, or other incentive for the current fiscal year and each of the five years previous.

''(f) REVIEW BY NATIONAL ACADEMIES.—

''(1) IN GENERAL.—Not later than 90 days after the date of publication of each biannual report as directed by this section, the President shall commission the National Academies to conduct a review of the national climate change strategy and implementation plan required by this section.

''(2) CRITERIA.—The National Academies' review shall evaluate the goals and recommendations contained in the national climate change strategy report in light of—

''(A) new or improved scientific knowledge regarding climate change and its impacts;

''(B) new understanding of human social and economic responses to climate change, and responses of natural ecosystems to climate change;

''(C) advancements in energy technologies that reduce, avoid, or sequester greenhouse gases or otherwise mitigate the risks of climate change;

''(D) new or revised understanding of economic costs and benefits of mitigation or adaption activities; and

''(E) the existence of alternative policy options that could achieve the strategy goals at lower economic, environmental, or social cost.

''(3) REPORT.—The National Academies shall prepare and submit to Congress and the President a report concerning the results of such review, along with any recommendations as appropriate. Such report shall also be made available to the public.

''(4) DEFINITION.—For the purposes of this section, the term 'National Academies' means the National Research Council, the National Academy of Sciences, the National Academy of Engineering, and the Institute of Medicine.''.

(b) CONFORMNG AMENDMENT.—Section 1103(b) of the Global Climate Protection Act of 1987 (15 U.S.C. 2901) is amended by inserting '', the Department of Energy, and other Federal agencies as appropriate'' after ''Environmental Protection Agency''.

SEC. 5. CLIMATE TECHNOLOGY RESEARCH, DEVELOPMENT, DEMONSTRATION AND DEPLOYMENT PROGRAM.

(a) IN GENERAL.—Section 1604 of the Energy Policy Act of 1992 (42 U.S.C. 13384) is amended to read as follows:

''SEC. 1604. CLIMATE TECHNOLOGY RESEARCH, DEVELOPMENT, DEMONSTRATION AND DEPLOYMENT PROGRAM.

''(a) IN GENERAL.—The Secretary, in consultation with the Advisory Board established under section 2302, shall establish a long-term Climate Technology Research, Development, Demonstration, and Deployment Program, in accordance with sections 3001 and 3002.

''(b) PROGRAM OBJECTIVES.—The program shall conduct a long-term research, development, demonstration and deployment program to foster technologies and practices that—

''(1) reduce or avoid anthropogenic emissions of greenhouse gases;

''(2) remove and sequester greenhouse gases from emissions streams; and

''(3) remove and sequester greenhouse gases from the atmosphere.

''(c) PROGRAM PLAN.—Not later than 1 year after the date of enactment of this Act, the Secretary shall prepare and submit to the Congress a 10-year program plan to guide activities under this section. Thereafter, the Secretary shall biennially update and resubmit the program plan to the Congress. In preparing the program plan, the Secretary shall—

''(1) include quantitative technology performance and carbon emissions reduction goals, schedule milestones, technology approaches, Federal funding requirements, and non-Federal cost sharing requirements;

''(2) consult with appropriate representatives of industry, institutions of higher education, Department of Energy national laboratories, and professional, scientific and technical societies;

''(3) take into consideration how the Federal Government, acting through the Secretary, can be effective in ensuring the availability of such technologies when they are needed and how the Federal Government can most effectively cooperate with the private sector in the accomplishment of the goals set forth in subsection (b); and

''(4) consider how activities funded under the program can be complementary to, and not duplicative of, existing research and development activities within the Department.

''(d) SOLICITATION—Not later than 1 year after the date of submission of the 10-year program plan, the Secretary shall solicit proposals for conducting activities consistent with the 10-year program plan and select one or more proposals not later than 180 days after such solicitations.

''(e) PROPOSALS—Proposals may be submitted by applicants or consortia from industry, institutions of higher education, or Department of Energy national laboratories. At minimum, each proposal shall also include the following;

''(1) a multi-year management plan that outlines how the proposed research, development, demonstration and deployment activities will be carried out;

''(2) quantitative technology goals and greenhouse gas emission reduction targets that can be used to measure performance against program objectives;

''(3) the total cost of the proposal for each year in which funding is requested, and a breakdown of those costs by category;

''(4) evidence that the applicant has in existence or has access to—

''(i) the technical capability to enable it to make use of existing research support and facilities in carrying out the research objectives of the proposal;

''(ii) a multi-disciplinary research staff experienced in technologies or practices able to sequester, avoid, or capture greenhouse gas emissions;

''(iii) access to facilities and equipment to enable the conduct of laboratory-scale testing or demonstration of technologies or related processes undertaken through the program; and

''(iv) commitment for matching funds and other resources from non-Federal sources, including cash, equipment, services, materials, appropriate technology transfer activities, and other assets directly related to the cost of the proposal;

''(5) evidence that the proposed activities are supplemental to, and not duplicative of, existing research and development activities carried out, funded, or otherwise supported by the Department;

''(6) a description of the technology transfer mechanisms and industry partnerships that the applicant will use to make available research results to industry and to other researchers;

''(7) a statement whether the unique capabilities of Department of Energy national laboratories warrant collaboration with those laboratories, and the extent of any such collaboration proposed; and

''(8) demonstrated evidence of the ability of the applicant to undertake and complete the proposed project, including the successful introduction of the technology into commerce.

''(f) SELECTION OF PROPOSALS.—From the proposals submitted, the Secretary shall select for funding one or more proposals that will best accomplish the program objectives outlined in this section.

''(g) ANNUAL REPORT.—The Secretary shall prepare and submit an annual report to Congress that—

''(1) demonstrates that the program objectives are adequately focused, peer-reviewed for merit, and not unnecessarily duplicative of the science and technology research being conducted by other Federal agencies and programs,

''(2) states whether the program as conducted in the prior year addresses an adequate breadth and range of technologies and solutions to address anthropogenic climate change; and

''(3) evaluates the quantitative progress of funded proposals toward the program objectives outlined in this section, and the technology and greenhouse gas emission reduction, avoidance or sequestration goals as described in their respective proposals.

''(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subtitle $200,000,000 for each of fiscal years 2002 through 2011, to remain available until expended.''.

(b) CONFORMING AMENDMENTS.—Section 6 of the Federal Nonnuclear Energy Research and Development Act of 1974 (42 U.S.C. 5905) is amended—

(1) in subsection (a)—

(A) in paragraph (2), by striking ''and'' at the end;

(B) in paragraph (3) by striking the period at the end and inserting '', and''; and

(C) by adding at the end the following:

''(4) solutions to the effective management of greenhouse gas emissions in the long term by the development of technologies and practices designed to—

''(A) reduce or avoid anthropogenic emissions of greenhouse gases;

''(B) remove and sequester greenhouse gases from emissions streams; and

''(C) remove and sequester greenhouse gases from the atmosphere.''; and

(2) in subsection (b)—

(A) in paragraph (2), by striking ''subsection (a)(1) through (3)'' and inserting ''paragraphs (1) through (4) of subsection (a)''; and

(B) in paragraph (3)—

(i) in subparagraph (R), by striking ''and'' at the end;

(ii) in subparagraph (S), by striking the period at the end and inserting ''; and''; and

(iii) by adding at the end the following:

''(T) to pursue a long-term climate technology strategy designed to demonstrate a variety of technologies by which stabilization of greenhouse gases might be best achieved, including accelerated research, development, demonstration and deployment of—

''(i) renewable energy systems;

''(ii) advanced fossil energy technology;

''(iii) advanced nuclear power plant design;

''(iv) fuel cell technology for residential, industrial and transportation applications;

''(v) carbon sequestration practices and technologies, including agricultural and forestry practices that store and sequester carbon;

''(vi) efficient electrical generation, transmission and distribution technologies; and

''(vii) efficient end use energy technologies.''.

SEC. 6. INTERNATIONAL ENERGY TECHNOLOGY DEPLOYMENT PROGRAM.

Section 1608 of the Energy Policy Act of 1992 (42 U.S.C. 13387) is amended by striking subsection (l) and inserting the following:

''(l) INTERNATIONAL ENERGY TECHNOLOGY DEPLOYMENT PROGRAM.—

''(1) DEFINITIONS—In this subsection:

''(A) INTERNATIONAL ENERGY DEPLOYMENT PROJECT.—The term 'international energy deployment project' means a project to construct an energy production facility outside the United States—

''(i) the output of which will be consumed outside the United States; and

''(ii) the deployment of which will result in a greenhouse gas reduction per unit of energy produced when compared to the technology that would otherwise be implemented of—

''(I) 10 percentage points or more, in the case of a unit placed in service before January 1, 2010;

''(II) 20 percentage points or more, in the case of a unit placed in service after December 31, 2009, and before January 1, 2020; or

''(III) 30 percentage points or more, in the case of a unit placed in service after December 31, 2019, and before January 1, 2030.

''(C) QUALIFYING INTERNATIONAL ENERGY DEPLOYMENT PROJECT.—The term 'qualifying international energy deployment project' means an international energy deployment project that—

''(i) is submitted by a United States firm to the Secretary in accordance with procedures established by the Secretary by regulation;

''(ii) uses technology that has been successfully developed or deployed in the United States, or in another country as a result of a partnership with a company based in the United States;

''(iii) meets the criteria of subsection (k);

''(iv) is approved by the Secretary, with notice of the approval being published in the Federal Register; and

''(v) complies with such terms and conditions as the Secretary establishes by regulation.

''(D) UNITED STATES.—The term 'United States', when used in a geographical sense, means the 50 States, the District of Columbia, Puerto Rico, Guam, the Virgin Islands, American Samoa, and the Commonwealth of the Northern Mariana Islands.

''(2) PILOT PROGRAM FOR FINANCIAL ASSISTANCE.—

''(A) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary shall, by regulation, provide for a pilot program for financial assistance for qualifying international energy deployment projects.

''(B) SELECTION CRITERIA.—After consultation with the Secretary of State, the Secretary of Commerce, and the United States Trade Representative, the Secretary shall select projects for participation in the program based solely on the criteria under this title and without regard to the country in which the project is located.

''(C) FINANCIAL ASSISTANCE.—

''(i) In general.—A United States firm that undertakes a qualifying international energy deployment project that is selected to participate in the pilot program shall be eligible to receive a loan or a loan guarantee from the Secretary.

''(ii) RATE OF INTEREST.—The rate of interest of any loan made under clause (i) shall be equal to the rate for Treasury obligations then issued for periods of comparable maturities.

''(iii) AMOUNT.—The amount of a loan or a loan guarantee under clause (i) shall not exceed 50 percent of the total cost of the qualified international energy deployment project.

''(iv) DEVELOPED COUNTRIES.—Loans or loan guarantees made for projects to be located in a developed country, as listed in Annex I of the United Nations Framework Convention on Climate Change, shall require at least a 50-percent contribution toward the total cost of the loan or loan guarantee by the host country.

''(v) DEVELOPING COUNTIES.—Loans or loan guarantees made for projects to be located in a developing country (those countries not listed in Annex I of the United Nations Framework Convention on Climate Change) shall require at least a 10-percent contribution toward the total cost of the loan or loan guarantee by the host country.

''(vi) CAPACITY BUILDING RESEARCH.—Proposals made for projects to be located in a developing country may include a research component intended to build technological capacity within the host country. Such research must be related to the technologies being deployed and must involve both an institution in the host country and an industry, university or national laboratory participant from the United States. The host institution must contribute at least 50 percent of funds provided for the capacity building research.

''(D) COORDINATION WITH OTHER PROGRAMS.—A qualifying international energy deployment project funded under this section shall not be eligible as a qualifying clean coal technology under section 415 of the Clean Air Act (42 U.S.C. 7651n).

''(E) REPORT.—Not later than 5 years after the date of enactment of this section, the Secretary shall submit to the President and the Congress a report on the results of the pilot projects.

''(F) RECOMMENDATION.—Not later than 60 days after receiving the report under subparagraph (E), the Secretary shall submit to Congress a recommendation concerning whether the financial assistance program under this section should be continued, expanded, reduced, or eliminated.

''(G) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $100,000,000 for each of fiscal years 2002 through 2011, to remain available until expended.''.

SEC. 7. NATIONAL GREENHOUSE GAS EMISSIONS REGISTRY.

Section 1605 of the Energy Policy Act of 1992 (42 U.S.C. 13385) is amended—

(1) by amending the second sentence of subsection (a) to read as follows: ''The Secretary shall annually update and analyze such inventory using available data, including, beginning in calendar year 2001, information collected as a result of voluntary reporting under subsection (b). The inventory shall identify for calendar year 2001 and thereafter the amount of emissions reductions attributed to those reported under subsection (b)'';

(2) by amending subsection (b)(1) (B) and (C) to read as follows—

''(B) annual reductions or avoidance of greenhouse gas emissions and carbon sequestration achieved through any measures, including agricultural activities, co-generation, appliance efficiency, energy efficiency, forestry activities that increase carbon sequestration stocks (including the use of forest products), fuel switching, management of crop lands, grazing lands, grasslands, drylands, manufacture or use of vehicles with reduced greenhouse gas emissions, methane recovery, ocean seeding, use of renewable energy, chlorofluorocarbon capture and replacement, and power plant heat rate improvement; and

''(C) reductions in, or avoidance of, greenhouse gas emissions achieved as a result of voluntary activities domestically, or internationally, plant or facility closings, and State or Federal requirements.''.

(3) by striking in the first sentence of subsection (b)(2) the word ''entities'' and inserting ''persons or entities'' and in the second sentence of such subsection, by inserting after ''Persons'' the words ''or entities'';

(4) by inserting in the second sentence of subsection (b)(4) the words ''persons or'' before ''entity'';

(5) by adding after subsection (b)(4) the following new paragraphs—

''(5) RECOGNITION OF VOLUNTARY GREENHOUSE GAS EMISSIONS REDUCTION, AVOIDANCE, OR SEQUESTRATION.—To encourage new and increased voluntary efforts to reduce, avoid, or sequester emissions of greenhouse gases, the Secretary shall develop and establish a program of giving annual public recognition to all reporting persons and entities demonstrating voluntarily achieved greenhouse gases reduction, avoidance, or sequestration, pursuant to the voluntary collections and reporting guidelines issued under this section. Such recognition shall be based on the information certified, subject to section 1001 of title 18, United States Code, by such persons or entities for accuracy as provided in paragraph 2 of this subsection, and shall include such information reported prior to the enactment of this paragraph. At a minimum such recognition shall annually be published in the Federal Register.

''(6) REVIEW AND REVISION OF GUIDELINES.—

''(A) IN GENERAL.—Not later than 1 year after the date of enactment of this subparagraph, the Secretary of Energy, acting through the Administrator of the Energy Information Administration, shall conduct a review of guidelines established under this section regarding the accuracy and reliability of reports of greenhouse gas reductions and related information.

''(B) CONTENTS.—The review shall include the consideration of the need for any amendments to such guidelines, including—

''(i) a random or other verification process using the authorities available to the Secretary under other provisions of law;

''(ii) a range of reference cases for reporting of project-based activities in sectors, including the measures specified in subparagraph (1)(B) of this subsection, and the inclusion of benchmark and default methodologies and best practices for use as reference cases for eligible projects;

''(iii) issues, such as comparability, that are associated with the option of reporting on an entity-wide basis or on an activity or project basis; and

''(iv) safeguards to address the possibility of reporting, inadvertently or otherwise, of some or all of the same greenhouse gas emissions reductions by more than one reporting entity or person and to make corrections where necessary;

''(v) provisions that encourage entities or persons to register their certified, by appropriate and credible means, baseline emissions levels on an annual basis, taking into consideration all of their reports made under this section prior to the enactment of this paragraph;

''(vi) procedures and criteria for the review and registration of ownership of all or part of any reported and verified emissions reductions relative to a reported baseline emissions level under this section; and

''(vii) accounting provisions needed to allow for changes in registration of ownership of emissions reductions resulting from a voluntary private transaction between reporting entities or persons.

For the purposes of this paragraph, the term ''reductions'' means any and all activities taken by a reporting entity or person that reduce, avoid or sequester greenhouse gas emissions, or sequester greenhouse gases from the atmosphere.

''(C) ECONOMIC ANALYSIS.—The review should consider the costs and benefits of any such amendments, the effect of such amendments on participation in this program, including by farmers and small businesses, and the need to avoid creating undue economic advantages or disadvantages for persons or entities in the private sector. The review should provide, where appropriate, a range of reasonable options that are consistent with the voluntary nature of this section and that will help further the purposes of this section.

''(D) PUBLIC COMMENT AND SUBMISSION OF REPORT.—The findings of the review shall be made available in draft form for public comment for at least 45 days, and a report containing the findings of the review shall be submitted to Congress and the President no later than one year after date of enactment of this section.

''(E) REVISION OF GUIDELINES.—If the Secretary, after consultation with the Administrator, finds, based on the study results, that changes to the program are likely to be beneficial and cost effective in improving the accuracy and reliability of reported greenhouse gas reductions and related information, are consistent with the voluntary nature of this section, and further the purposes of this section, the Secretary shall propose and promulgate changes to program guidelines based with such findings. In carrying out the provisions of this paragraph, the Secretary shall consult with the Secretary of Agriculture and the Administrator of the Small Business Administration to encourage greater participation by small business and farmers in addressing greenhouse gas emission reductions and reporting such reductions.

''(F) PERIODIC REVIEW AND REVISION OF GUIDELINES.—The Secretary shall thereafter review and revise these guidelines at least once every 5 years, following the provisions for economic analysis, public review, and revision set forth in subsections (C) through (E) of this section.''.

(6) in subsection (c), by inserting ''the Secretary of the Department of Agriculture, the Secretary of the Department of Commerce, the Administrator of the Energy Information Administration, and'' before ''the Administrator''; and

(7) by adding at the end the following:

''(d) PUBLIC AWARENESS PROGRAM.—

''(1) IN GENERAL.—The Secretary shall create and implement a public awareness program to educate all persons in the United States of—

''(A) the direct benefits of engaging in voluntary greenhouse gas emissions reduction measures and having the emissions reductions certified under this section and available for use therein; and

''(B) the ease of use of the forms and procedures for having emissions reductions certified under this section.

''(2) AGRICULTURAL AND SMALL BUSINESS OUTREACH.—The Secretary of Agriculture and the Administrator of the Small Business Administration shall assist the Secretary in creating and implementing a targeted public awareness program to encourage voluntary participation by small businesses and farmers.''.

SEC. 8. REVIEW OF FEDERALLY FUNDED ENERGY TECHNOLOGY RESEARCH AND DEVELOPMENT.

(a) IN GENERAL.—Title XVI of the Energy Policy Act of 1992 (42 U.S.C. 13381 et seq.) is amended by adding the following new section:

''SEC. 1610. REVIEW OF FEDERALLY FUNDED ENERGY TECHNOLOGY RESEARCH AND DEVELOPMENT.

''(a) DEPARTMENT OF ENERGY REVIEW.—

''(1) IN GENERAL.—The Secretary shall review annually all federally funded research and development activities carried out with respect to energy technology; and submit to a report to Congress by October 15 of each year.

''(2) ASSESSMENT OF TECHNOLOGY READINESS AND BARRIERS TO DEPLOYMENT.—As part of this review, the Secretary shall—

''(A) assess the status and readiness (including the potential commercialization) of each energy technology and any regulatory or market barriers to deployment;

''(B) consider—

''(i) the length of time it will take for deployment and use of the energy technology and for the technology to have a meaningful impact on emission reductions;

''(ii) the cost of deploying the energy technology; and

''(iii) the safety of the energy technology;

''(C) assess the available resource base for any energy resources used by the energy technology, and the potential for expanded sustainable use of the resource base; and

''(D) recommend to Congress any changes in law or regulation deemed appropriate by the Secretary to hasten deployment and use of the energy technology.

(b) ENERGY TECHNOLOGY RESEARCH AND DEVELOPMENT CLEARINGHOUSE.—The Secretary shall establish an information clearinghouse to facilitate the transfer and dissemination of the results of federally funded research and development activities being carried out on energy technology subject to any restrictions or safeguards established for national security or the protection of intellectual property rights (including trade secrets and confidential business information protected under section 552(b)(4) of title 5, United States Code).''.

(c) TECHNICAL AMENDMENT.—The table of contents of the Energy Policy Act of 1992 (106 Stat. 2776) is amended by inserting after the item relating to section 1609 the following:

''Sec. 1610. Review of federally funded energy technology research and development.''.

SEC. 9. OFFICE OF APPLIED ENERGY TECHNOLOGY AND GREENHOUSE GAS-MANAGEMENT.

Section 1603 of the Energy Policy Act of 1992 (42 U.S.C. 13383) is amended to read as follows:

''SEC. 1603. OFFICE OF APPLIED ENERGY TECHNOLOGY AND GREENHOUSE GAS MANAGEMENT.

''(a) ESTABLISHMENT.—There is established by this section in the Department of Energy an Office of Applied Energy Technology and Greenhouse Gas Management.

''(b) FUNCTION.—The Office shall—

''(1) establish appropriate quantitative performance and deployment goals for energy technologies that reduce, avoid, or sequester emissions of greenhouse gases, provided that such goals are consistent with any national climate change strategy;

''(2) manage domestic and international energy technology demonstration and deployment programs for energy technologies that reduce, avoid or sequester emissions of greenhouse gases, including those authorized under this title; provided that such programs supplement and do not replace existing energy research and development activities within the Department;

''(3) facilitate the development of domestic and international cooperative research and development agreements (as that term is defined in section 12(d)(1) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a(d)(1))), or similar cooperative, cost-shared partnerships with non-Federal organizations to accelerate the rate of domestic and international demonstration and deployment of energy technologies that reduce, avoid or sequester emissions of greenhouse gases;

''(4) conduct necessary programs of monitoring, experimentation, and analysis of the technological, scientific, and economic viability of energy technologies that reduce, avoid, or sequester greenhouse gas emissions; and

''(5) coordinate issues, policies, and activities for the Department regarding climate change and related energy matters pursuant to this title, and coordinate the issuance of such reports as may be required under this title.

''(c) DIRECTOR.—The Secretary shall appoint a director of the Office, who—

''(1) shall report to the Secretary;

''(2) shall be compensated at no less than level IV of the Executive Schedule; and

''(3) at the request of the Committees of the Senate and House of Representatives with appropriation and legislative jurisdiction over programs and activities of the Department of Energy, shall report to Congress on the activities of the Office.

''(d) DUTIES.—The Director shall, in addition to performing all functions necessary to carry out the functions of the Office—

''(1) in the absence of the Secretary's representative for interagency and multilateral policy discussions of global climate change, including the activities of the Committee on Earth and Environmental Sciences as established by the Global Change Research Act of 1990 (15 U.S.C. 2921 et seq.);

''(2) participate, in cooperation with other federal agencies, in the development and monitoring of domestic and international policies for their effects on any kind of climate change globally and domestically and on the generation, reduction, avoidance, and sequestration of greenhouse gases;

''(3) develop and implement a balanced, scientific, non-advocacy educational and informational public awareness program on—

''(A) potential climate change, including any known adverse and beneficial effects on the United States and the economy of the United States and the world economy, taking into consideration whether those effects

are known or expected to be temporary, long-term, or permanent;

''(B) the role of national energy policy in the determination of current and future emissions of greenhouse gases, particularly measures that develop advanced energy technologies, improve energy efficiency, or expand the use of renewable energy or alternative fuels; and

''(C) the development of voluntary means and measures to mitigate or minimize significant adverse effects of climate change and, where appropriate, to adapt, to the greatest extent practicable, to climate change;

''(4) provide, consistent with applicable provisions of law, public access to all information on climate change, effects of climate change, and adaptation to climate change; and

''(5) in accordance with all law administered by the Secretary and other applicable Federal law and contracts, including patent and intellectual property laws, and in furtherance of the United Nations Framework Convention on Climate Change—

''(i) identify for, and transfer, deploy, diffuse, and apply to, Parties to such Convention, including the United States, any technologies, practices, or processes which reduce, avoid, or sequester emissions of greenhouse gases if such technologies, practices or processes have been developed with funding from the Department of Energy or any of its facilities or laboratories; and

''(ii) support reasonable efforts by the Parties to such convention, including the United States, to identify and remove legal, trade, financial, and other barriers to the use and application of any technologies, practices, or processes which reduce, avoid, or sequester emissions of greenhouse gases.''.

SEC. 10. COORDINATION OF GLOBAL CHANGE RESEARCH.

(a) DEFINITIONS.—As used in this section, the term—

(1) ''Committee'' means the Committee on Earth and Environmental Sciences established under Section 102 of the Global Change Research Act of 1990 (15 U.S.C. 2933).

(2) ''Program'' means the United States Global Change Research Program established under Section 103 of the Global Change Research Act of 1990 (15 U.S.C. 2933).

(b) COORDINATION OF CLIMATE OBSERVATION ACTIVITIES.—At the direction of the Committee, the Director of the Program shall develop and implement activities within the Program that—

(1) coordinate system design and implementation and operation of a multi-user, multi-purpose long-term climate observing system for the measurement and monitoring of relevant climatic variables;

(2) carry out basic research, development and deployment of innovative scientific techniques and instruments (both in-situ and space-based) for measurement and monitoring of relevant climatic variables;

(3) coordinate Program activities to ensure the integrity and continuity of data records; including—

(i) calibration and inter-comparison of multiple instruments that measure the same climatic variable or set of variables;

(ii) backup instruments to ensure data record continuity; and

(iii) documentation of changes in instruments, observing practices, observing locations, sampling rates, processing algorithms and other changes;

(4) establish ongoing activities for the development, implementation, operation and management of climate-specific observational programs, with special emphasis on activities that seek the most efficient and reliable means of observing the climate system;

(5) coordinate activities of the Program that contribute to the design, implementation, operation, and data management activities of international climate system observation networks; and

(6) establish and maintain a free and openly accessible national data management system for the storage, maintenance, and archival of climate observation data, with an emphasis on facilitating access to, use of and interpretation of such data by the scientific research community and the public.

(c) COORDINATION OF CLIMATE MODELING ACTIVITIES.—At the direction of the Committee, the Director of the Program shall develop and implement activities within the Program that—

(1) establish and periodically revise a national climate system modeling strategy designed to position the United States as a world leader in all aspects of climate system modeling;

(2) coordinate Program activities designed to carry out such a national climate system modeling strategy;

(3) carry out basic research, development and deployment of innovative computational techniques for climate system modeling;

(4) develop the intellectual and computational capacity to carry out climate system modeling activities to assess the potential consequences of climate change on the United States;

(5) carry out the continued development and inter-comparison of United States climate models with special emphasis on activities that—

(i) establish the ability of United States climate models so successfully reproduce the historical climate observational record;

(ii) incorporate new climate system processes or improve spatial or temporal resolution of climate model simulations;

(iii) develop standardized tools and structures for climate model output, evaluation and programming design;

(iv) improve the accuracy and completeness of supporting data sets used to drive climate models; and

(v) reduce uncertainty in assessments of climate change and its impacts on the United States;

(6) coordinate activities of the Program that contribute to the design, implementation, operation, and data analysis activities of international climate system modeling inter-comparisons and assessments; and

(7) establish and maintain a free and openly accessible national data management system for the storage, maintenance, and archival of climate model code, auxiliary data, and results, with an emphasis on facilitating access to, use of and interpretation of such data by the scientific research community and the public.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $50,000,000 for each of fiscal years 2002 through 2004, to remain available until expended, and thereafter such sums as are necessary.

(e) USE OF EXISTING INFRASTRUCTURE.—In carrying out new activities under subsections (b) and (c) of this section, the Program shall, where possible, use and incorporate existing Program activities and resources, such as Program Working Groups.

CLIMATE CHANGE RISK MANAGEMENT ACT OF 2001 SECTION-BY-SECTION ANALYSIS

Section 1—Short Title

Section 2—Findings

Section 3—Definitions

Section 4—National Climate Change Strategy

Amends Section 1601 of the Energy Policy Act of 1992 to require the President, in consultation with Federal agencies and the Congress, to develop a national strategy to manage the risks posed by potential climate change. The goal of such strategy would be to implement the UN Framework Convention on Climate Change in a manner that 1. does not cause serious harm to the U.S. economy; 2. establishes and maintains U.S. leadership in scientific research and technology development; and 3. results in annual net reductions of U.S. greenhouse gas emissions as measured against the U.S. gross domestic production. Requires a biannual report to Congress on the strategy and programs to implement the strategy, following review and evaluation of the strategy by the National Academies in light of new information on the science, technology, or economics of climate change.

Section 5—Climate Technology Research, Development, and Demonstration Program

Amends Section 1604 of the Energy Policy Act of 1992 to establish a new energy technology program within the Department of Energy to further development and deployment of technologies to reduce, avoid or sequester greenhouse gas emissions. Authorizes $2 billion over ten years for competitive multi-year grant awards that foster development and deployment of existing and new energy efficient, fossil, nuclear, renewable and sequestration technologies.

Section 6—International Energy Technology Deployment Program

Establishes a new international energy technology deployment pilot program under Section 1608 of the Energy Policy Act of 1992 to assist developing countries in meeting development goals with fewer greenhouse gas emissions. Authorizes $1 billion over ten years for loans or loan guarantees to be made to firms or consortia that construct energy production facilities outside the United States, provided such facilities result in gains in energy efficiency and reductions in greenhouse gas emissions relative to existing technologies.

Section 7—National Greenhouse Gas Emissions Registry

Amends Section 1605 of the Energy Policy Act of 1992 to provide for development of national registry of greenhouse gas emissions baselines and actions to voluntarily reduce emissions. Modeled after several state initiatives already under way, this section provides for the Secretary of Energy to initiate a stakeholder-led process to develop new guidelines for the existing voluntary emissions reduction reporting system (''1605(b)'') that improve the accuracy and reliability of voluntary reports made to this program, establish consistent reporting procedures and independent verification, and allow for registration of emissions baselines and emissions reductions made against such baselines. Includes provisions to encourage participation by small businesses and farmers. Upon completion of review of guidelines, provides for public comment and revision of guidelines if cost-effective.

Section 8—Review of Federally Funded Energy Technology Research and Development

Adds a new Section 1610 to the Energy Policy Act of 1992 to provide for a regular review of federally funded energy technology research and development, including the programs authorized in this bill. The review will consider cost, safety, resource availability, technology readiness, including potential for commercial application, and barriers to deployment in widespread use. Also establishes an ''Energy Technology R&D Clearinghouse'' to disseminate to the private sector and the public information on energy technology research and development activities within the Department of Energy, as well as technologies available for deployment through public-private partnerships.

Section 9—Office of Applied Energy Technology and Greenhouse Gas Management

Amends Section 1603 of the Energy Policy Act of 1992 to create a new office within the Department of Energy to manage applied energy technology activities, public-private partnerships, and activities to reduce, avoid, or sequester greenhouse gases. In addition to administering the programs authorized by this bill, the Office will supplement existing activities of the Department by working to increase the rate at which new energy technologies are applied, developed and deployed for widespread use. The Office will also function to coordinate domestic and international cooperative energy research, development, demonstration and deployment activities within the Department and participate in interagency activities with respect to climate change research and technology programs.

Section 10—Coordination of Global Change Research

Provides the Director of the U.S. Global Change Research Program (USGCRP) with new authority for the purposes of coordinating and strengthening scientific research with respect to climate observation systems and climate modeling, as suggested by recent National Academy reports on the state of U.S. climate change research. Authorizes $50 million in new funding for each of fiscal years 2002 through 2004, and such sums as are necessary thereafter. Requires that the Program utilize where possible existing Working Groups and other resources in laboratory activities.

Mr. HAGEL. Mr. President, I am proud to join my colleagues Senators FRANK MURKOWSKI and LARRY CRAIG today I introducing legislation that takes a comprehensive approach to domestic efforts on climate change.

This legislation provides a forward-looking, balanced approach to address the challenge of climate change. There's a lot we can do, and this legislation lays out a comprehensive approach that will reduce greenhouse gas emissions without damaging the U.S. economy. It provides an incentive-based, market oriented framework that will produce results. It focuses on developing advanced technologies to reduce, sequester or avoid greenhouse gas emissions. These technologies are the long term answer to this challenge. And it focuses our scientific research in this area.

Specifically, the Climate Change Risk Management Act of 2001 provides for: a national climate change strategy; new funding to advance the research, development and deployment of new technologies to reduce, avoid or sequester greenhouse gas emissions $2 billion over 10 years; the creation of a national registry of voluntary actions that have been taken to reduce, avoid or sequester greenhouse gas emissions; a pilot program to assist in the exports of advanced technology to developing countries, $1 billion over 10 years for a loan program; better coordination of federal scientific research; an office in the Department of Energy to coordinate the R&D efforts for new technologies, that is accountable to the Secretary, the President and the Congress.

This legislation is very consistent with the approach presented by President Bush and builds on the efforts that Senators MURKOWSKI, CRAIG, and I—along with Senator BYRD and others—have pursued for some time to advance our efforts in the area of climate change. I am pleased that Senators PETE DOMENICI, PAT ROBERTS, and CHRISTOPHER BOND are also original cosponsors of this legislation.

By Mr. LEVIN (for himself and Mr. THOMAS):

S. 1295. A bill to amend title 18, United States Code, to revise the requirements for procurement of products of Federal Prison Industries to meet needs for Federal agencies, and for other purposes; to the Committee on the Judiciary.

Mr. LEVIN. Madam President, I am pleased to be joined by Senator CRAIG THOMAS in introducing the Federal Prison Industries Competition in Contracting Act. Our bill is based on a straightforward premise: it is unfair for Federal Prison Industries to deny citizens in the private sector an opportunity to compete for sales to their own government.

I repeat: the bill that we are introducing today, if enacted, would do nothing more than permit private sector companies to compete for Federal contracts that are paid for with their tax dollars. It may seem incredible that they are denied this opportunity today, but that is the law, because if Federal Prison Industries says that it wants a contract, it gets that contract, regardless whether a company in the private sector may offer to provide the product better, cheaper, and faster.

This bill would not limit the ability of Federal Prison Industries to sell its products to Federal agencies. It would simply say that these sales should be made on a competitive, rather than a sole-source basis.

FPI also has a significant advantage in any competition with the private sector, since FPI pays inmates less than two dollars an hour, far below the minimum wage and a small fraction of the wage paid to most private sector workers in competing industries. And of course, the taxpayers provide a direct subsidy to Federal Prison Industries products by picking up the cost of feeding, clothing, and housing the inmates who provide the labor. Given those advantages, there is no reason why we should still require Federal agencies to purchase products from FPI even when they are more expensive and of a lower quality than competing commercial items. I can think of no reason why private industry should be prohibited from competing for these Federal agency contracts.

We have made several changes to this bill since it was introduced in the 106th Congress. The three new sections are intended to address new abuses by FPI that have arisen in the last few years: section 3 of the bill would prohibit FPI from granting prison workers access to classified information or information that is protected under the Privacy Act; section 4 of the bill would clarify that private sector businesses and their employees must be permitted to compete for federal subcontracts as well as prime contracts; and section 5 of the bill would clarify that the general prohibition on sales of prison-made goods into private commerce is also intended to apply to sales of services.

These changes should strengthen the bill and reinforce its underlying intent.

Federal Prison Industries has repeatedly claimed that it provides a quality product at a price that is competitive with current market prices. Indeed, the Federal Prison Industries statute requires them to do so. That statute states that FPI may provide to Federal agencies products that ''meet their requirements'' at price that do not ''exceed current market prices''.

Yet, FPI remains unwilling to compete with private sector businesses and their employees, or even to permit Federal agencies to compare their products and prices with those available in the private sector. Indeed, FPI has tried to prohibit Federal agencies from conducting market research, as they would ordinarily do, to determine whether the price and quality or FPI products is comparable to what is available in the commercial marketplace. Instead, Federal agencies are directed to contact FPI, which acts as the sole arbiter of whether the product meets the agency's requirements.

The reason for FPI's position is obvious: it is much easier to gain market share by fiat than it is to compete for business. Under FPI's current interpretation of the law, it need not offer the best product at the best price; it is sufficient for it to offer an adequate product at an adequate price, and insist upon its right to make the sale. Indeed, FPI currently advertises that it offers Federal agencies ''ease in purchasing'' through ''a procurement with no bidding necessary.''

The result of the FPI's status as a mandatory source is not unlike the result of other sole-source contracting: the taxpayers frequently pay too much and receive an inferior product for their money. When FPI sets its prices, it does not even attempt to match the best price available in the commercial sector; instead, it claims to have charged a ''market price'' whenever it can show that at least some vendors in the private sector charges as high a price. As GAO reported in August 1998, ''The only limit the law imposes on FPI's price is that it may not exceed the upper end of the current market price range.''

The result is frustrating to private sector businesses and their employees who are denied an opportunity to complete for Federal business, as well as to the Federal agencies who are forced to buy FPI products. One letter that I received from a frustrated vendor stated with regard to UNICOR—the trade name used by Federal Prison Industries:

If the Air Force would purchase a completed unit as described in UNICOR's solicitation directly from a . . . manufacturer we estimate the cost will be approximately $6,500. UNICOR is going to purchase a kit for $9,259 and add their assembly and administrative costs to the unit. If UNICOR only adds $1,500 to the total cost of the unit, it will cost the Air Force $10,759. This is 66 percent higher than the current market price. If the Air Force purchases 8,000 units over the next five years it will cost the taxpayers an additional $34,072,000 over what it would cost if they dealt directly with a manufacturer.

A letter from a second frustrated vendor stated, also with regard to UNICOR:

UNICOR bid on this item and simply because UNICOR did bid, I was told that the award had to be given to UNICOR. UNICOR won the bid at $45 per unit. My company bid $22 per unit. The way I see it, the government just overspend my tax dollars to the tune of $1,978. The total amount of my bid was less than that. Do you seriously believe that this type or procurement is cost-effective?

I lost business, and my tax dollars were misused because of unfair procurement practices mandated by federal regulations. This is a prime example, and I am certain not the only one, of how the procurement system is being misused and small businesses in this country are being excluded from competition, with the full support of federal regulations and the seeming approval of Congress. It is far past the time to curtail this 'company' known as Federal Prison Industries and require them to be competitive for the benefit of all taxpayers.

I am a strong supporter of the idea of putting federal inmates to work. I understand that a strong prison work program not only reduces inmate idleness and prison disruption, but can also help build a work ethic, provide job skills, and enable prisoners to return to product society upon their release.

However, I believe that a prison work program must be conducted in a manner that is sensitive to the need not to unfairly eliminate the jobs of hard-working citizens who have not committed crimes. FPI will be able to achieve this result only if it diversifies its product lines and avoids the temptation to build its workforce by continuing to displace private sector jobs in its traditional lines of work. For this reason, I have been working since 1990 to try to help Federal Prison Industries to identify new markets that it can expand into without displacing private sector jobs, with a particular emphasis on markets for products that are currently imported.

Avoiding competition is the easy way out, but it isn't the right way for FPI, it isn't the right way for the private sector workers whose jobs FPI is taking, and it isn't the right way for the taxpayer, who will continue to pay more and get less as a result of the mandatory preference for FPI goods. We need to have jobs for prisoners, but can no longer afford to allow FPI to designate whose jobs it will take, and when it will take them. Competition will be better for FPI, better for the taxpayer, and better for working men and women around the country.

The fight to allow private industry to compete against Federal Prison Industries is far from over, but I am optimistic that it can be won in this Congress.

Mr. THOMAS. Madam President, today I am pleased to join Senator LEVIN in introducing a bill that will further my efforts to limit government competition with the private sector. Senator LEVIN and I propose to eliminate the mandatory contracting requirement that Federal agencies are subject to when it comes to products made by the Federal Prison Industries, FPI. Under law, all Federal agencies are required to purchase products made by the FPI. Simply put, this bill will require the FPI to compete with the private sector for Federal contracts.

Currently, the FPI employs approximately 22,000 Federal prisoners or roughly 20 percent of all Federal prisoners. These prisoners are responsible for producing a diverse range of products for the FPI, ranging from office furniture to clothing. The remaining 80 percent of Federal prisoners, who work, do so in and around Federal prisons.

While Senator LEVIN and I believe that it is important to keep prisoners working, we do not believe that this effort should unduly harm or conflict with law-abiding businesses. This bill seeks to minimize the unfair competition that private sector companies face with the FPI.

The FPI's mandatory source requirement not only undercuts private business throughout America, but its mandatory source preference oftentimes costs American tax payers more money. I believe American taxpayers would be alarmed to learn of the preferential treatment that the FPI enjoys when it comes to Federal contracts.

As I said before, Senator LEVIN and I support the goal of keeping prisoners busy while serving their time in prison. However, if we allow competition in Federal contracts, the FPI will be required to focus its efforts in product areas that don't unfairly compete with the private sector. Clearly, competitive bidding is a reasonable process that will ensure taxpayer's dollars are being spent justly.

Of particular note, our bill allows contracting officers, within each Federal agency, the ability to select the FPI for contracts if he/she believes that the FPI can meet that particular agency's requirements and the product is offered at a fair and reasonable price. Currently, the FPI prohibits Federal agencies from conducting market research to determine whether the price and quality of its products is comparable to those available in the private sector. The above outlined provision in our bill seeks to place the control of government procurement in the hands of contracting officers, rather than in the hands of the FPI.

In addition to establishing a competitive procedure for the procurement of products, we include a provision that allows the Attorney General to grant a waiver to this process if a particular contract is deemed essential to the safety and effective administration of a particular prison.

I am confident that by allowing competition for government contracts our bill will save tax dollars. As Congress looks for additional cost saving practices, the elimination of the FPI's mandatory source preference will bring about numerous improvements, not just in cost savings, but also a streamlining of the FPI's products.

By Mr. DODD:

S. 1296. A bill to provide for the protection of the due process rights of United States citizens (including United States servicemembers) before foreign tribunals, including the International Criminal Court, for the prosecution of war criminals, and for other purposes; to the Committee on Foreign Relations.

Mr. DODD. Madam President, the Nuremberg Trial of the leading Nazi war criminals following World War II was a landmark in the struggle to deter and punish crimes of war and genocide, setting the stage for the Geneva and Genocide Conventions. It was also largely an American initiative. Justice Robert Jackson's team drove the process of drafting the indictments, gathering the evidence and conducting this extraordinary case.

My father, Thomas J. Dodd, served as Executive Trial Counsel at Nuremberg, it was among his proudest accomplishments. But it was also part of a common theme that ran through a lifetime of public service. He believed that America had a special role to help make the rule of law relevant in every corner of the globe. I believe that he would have endorsed President Clinton's decision to sign the Rome Statute last December on behalf of the United States. President Clinton did so knowing full well that much work remains to be done before the United States can become a party to the U.N. convention establishing an International Criminal Court, ICC.

The Bush administration is currently reviewing its options with respect to the Rome Statute and with respect to the ongoing preparatory work that is necessary to make the court operational once sixty parties have ratified. The so called American Servicemembers' Protection Act of 2001 sponsored by Senators HELMS and Congressman DELAY in the Senate and House, respectively, if enacted into law, will severely limit the Bush administration's options for interacting with our friends and allies about issues directly related to the ICC, as well as have a major impact on possible United States participation in the ICC at some date in the future. Among other things, their legislation would prevent the U.S. from helping to prosecute war criminals before the ICC even on a case-by-case basis. Elie Wiesel has written that this legislation would erase America's Nuremberg legacy ''by

ensuring that the U.S. will never again join the community of nations to hold accountable those who commit war crimes and genocide. A vote for this legislation would signal U.S. acceptance of impunity for the world's worst atrocities.''

That is why I am introducing ''The American Citizens Protection and War Criminal Prosecution Act of 2001.'' The American Citizens Protection Act, today in the Senate to both protect America's Nuremberg legacy while at the same time safeguarding the rights of American citizens brought before foreign tribunals. My friend and House colleague, WILLIAM DELAHUNT of Massachusetts is also introducing a companion bill in the House today. Our bill calls for active U.S. diplomatic efforts to ensure that the ICC functions properly, mandates the assertion of U.S. jurisdiction over American citizens and bars the surrender of U.S. citizens to the ICC once the United States has acted. Unlike the American Servicemembers' Protection Act, however, The American Citizens Protection Act allows the United States to help prosecute war criminals and it does not effectively end U.S. participation in U.N. peacekeeping or authorize going to war to obtain the release of certain persons detained by the ICC.

I believe that the bill that has been introduced today in the House and Senate strikes the right balance between protecting our citizens and our men and women in the armed forces who may be traveling or deployed abroad, and preserving United States leadership and advocacy of universal adherence to principles of international justice and the rule of law. I hope that the Bush administration will review carefully provisions of this bill, because I believe taken together they address the administration's concerns about the Rome Statute without doing damage to our national interest or future foreign policy objectives. I look forward to working with Administration officials and with my colleagues on this important issue in the coming weeks.

By Mr. DURBIN (for himself and Mr. REED):

S. 1297. A bill to require comprehensive health insurance coverage for childhood immunization; to the Committee on Health, Education, Labor, and Pensions.

Mr. DURBIN. Madam President, I rise today to kick off National Immunization Awareness Month by introducing legislation to expand access to affordable childhood and adolescent immunizations. I am pleased that my colleague, Senator REED, joins me in this initiative.

Immunization against vaccine-preventable disease is perhaps the most powerful health care and public health achievement of the 20th Century. Remarkable advances in the science of vaccine development and widespread immunization efforts have led to a substantial reduction in the incidence of infectious disease. Today, vaccination coverage is at record high levels. Smallpox has been eradicated; polio has been eliminated from the Western Hemisphere; and measles, pertussis and Hib invasive disease have been reduced to record lows.

The bill I introduce today builds on these successes. ''The Comprehensive Insurance Coverage of Childhood Immunization Act of 2001,'' ensures that all health plans cover the recommended childhood and adolescent immunizations. This improvement is simple, it is cost effective, and it is long overdue.

More than 3.6 million children currently insured in the private sector are not covered for the recommended immunizations. Millions more have partial insurance for some of the recommended vaccines, but not all. Even if private coverage is complete, cost-sharing may be a significant barrier for many families.

A number of reputable studies confirm these statistics. The Institute of Medicine found in its report of last year that ''While most private health plans provide some form of immunization coverage, this coverage varies by type of plan, as well as by vaccine. Enrollment in a private plan does not guarantee that immunizations will be provided as a plan benefit.'' Results from a 1999 William M. Mercer/Partnership for Prevention survey of employer sponsored health plans found that about one of five employer-sponsored plans does not cover childhood immunizations, and out of four does not cover adolescent immunizations. And researchers at the George Washington University recently collected data on the immunization coverage policies of five health care companies, four national and one regional, that suggest significant variation by type of plan, as well as by vaccine.

The States have enacted some requirements to address these gaps in coverage, albeit limited. Only about 28 states have laws requiring that insurers cover childhood immunizations to some degree. Coverage standards vary considerably from state to state. And, as we know, employers that self-insure are generally exempt from state insurance regulation under the federal Employee Retirement Income Security Act. Approximately 50 million private-insured individuals are covered by self-insured plans.

These gaps are not insignificant. The private sector is a critical partner in vaccine delivery. Almost half, 45 percent, of all vaccine is delivered in the private sector. Certainly most health plans do provide some immunization coverage, but there is a just no reason why every child who has private insurance should not have access to such a basic, essential benefit. This is not only a flaw in our health system, it is simply illogical and irresponsible.

This is the 21st Century. We have long since learned how important immunizations are to the health of children and adolescents and to entire communities. At the beginning of the 20th century, infectious diseases were widely prevalent in the United States and exacted an enormous toll on the population. For example, in 1900, 21,064 smallpox cases were reported, and 894 patients died. In 1920, 469,924 measles cases were reported, and 7,575 patients died; 147,991 diphtheria cases were reported, and 13,170 patients died. In 1922, 107,473 pertussis cases were reported, and 5,099 patients died. Today these numbers are unheard of, and overall U.S. vaccination coverage is at record high levels.

But despite the dramatic declines in vaccine-preventable diseases, such diseases persist, particularly in developing countries but also in our own.

Just this past June, the Chicago Sun Times reported that a new study found ''distressingly low'' vaccination rates in a South Side Chicago neighborhood of Englewood. Twenty-six percent of children under the age of three have not been vaccinated for measles in this community. In 1999, the measles preschool vaccination rate for all of Chicago was 86 percent, down from 90 percent in 1996. In many pockets of the city, such as Englewood, rates are much lower than average. It was just a little over a decade ago that such low vaccination rates led to an epidemic of the highly contagious disease. In 1990 there were more than 4,200 cases of measles and 15 deaths in the Chicago area.

It is also important to keep in mind that an estimated 11,000 children are born each day in the United States. Every year, approximately 170,000 of these babies are born into families with private health insurance that does not cover immunizations. Each one of these children needs up to 20 doses of vaccine by age two to be protected against childhood diseases.

We must remain vigilant. Insuring universal age-appropriate vaccine coverage requires a strong and consistent partnership among State, local and Federal Governments, vaccine industry leaders, private and public health insurers and policymakers. From the beginning, immunization financing was explicitly structured to be a Federal/State/private-sector partnership. In 1955, under President Eisenhower, the Federal Government began Federal funding for immunization when he signed the Poliomyelitis Vaccination Assistance Act. This support was expanded in the 1960's under Kennedy when the Vaccination Assistance Act created the National Immunization Program at CDC. Over the years, Federal support for vaccine purchase and assistance to states for immunization activities has grown.

Today, Federal and State grants, the State Children's Health Insurance Program, the Vaccines for Children's Program and private-sector health plans and providers together provide a comprehensive approach to get our Nation's children immunized. This system

is the result of a concerted effort to fill in the gaps in coverage. But the system must adapt to new science and new social conditions. Shifting finance patterns require all partners to adapt to minimize system instability. For example, last year, after the Institute of Medicine reported that Federal funding has waned and that the public system was becoming increasingly unstable, Congress increased the appropriation for immunization infrastructure and vaccine purchase grants.

The public system cannot do it alone. Maintaining high immunization rates is a public health responsibility that must be shared by both the public and private sector. Most Americans rely on a system of insurance for their care. Most children today receive their immunization services from private-sector providers.

The National Vaccine Advisory Committee, the Institute of Medicine and the American Academy of Pediatrics have recommended that all health plans should offer first-dollar coverage for recommended childhood vaccines. The provisions of this bill have been supported by a broad coalition of groups for many years, including Every Child by Two, the Children's Defense Fund, the American Public Health Association and Partnership for Prevention. Yet still today, many health plans and insurers do not cover all immunizations fully as a covered benefit.

The Comprehensive Insurance Coverage of Childhood Immunization Act implements these long-standing recommendations by requiring all health plans—including groups, individual, and ERISA—cover all vaccines for children and adolescents that are recommended by the Advisory Committee on Immunization Practices. The Advisory Committee on Immunization Practices' recommendations are the standard of care. It is the Committee's Congressionally-mandated job to provide advice and guidance to the Secretary, the Assistant Secretary for Health, and the Centers for Disease Control and Prevention, CDC, on the most effective means to prevent vaccine-preventable diseases.

The Act also directs that health plans cover immunizations without a copayment or deductible. Out-of-pocket costs have been identified as a barrier to proper immunization. In 2001, the cost of fully immunizing one child is approximately $627, with almost half of that cost resulting from the newly-recommended pneumococcal conjugate vaccine series. New vaccines and new combination vaccines currently under development will significantly increase this cost in the future. The U.S. Task Force on Community Preventive Services found that reducing out-of-pocket costs can result in increases in vaccination coverage by improving availability of vaccines and increasing demand for vaccinations. More than a dozen studies have documented the effectiveness of reducing out-of-pocket costs and the resulting improvement in vaccination outcomes.

Another obvious barrier to appropriate immunization is the lack of private coverage itself. Studies have shown that providers are more likely to refer children with less private insurance coverage to other sites for vaccination, and referral practices are known to have an adverse effect on both the timing and the rate of immunization. Service utilization studies within public health clinics indicate that some low-income parents use public clinics because of the reduced cost, even though they might prefer to receive immunizations from regular private providers. This certainly places an unfair burden on parents who have to take their children to different sites for care. It makes it even harder for families to keep track of their children's complicated immunization schedule. And it may result in missed opportunities to immunize children who are lacking needed shots. Studies of the implementation of the Vaccines for Children Program have indicated that referrals to health departments decrease when free vaccines are provided to private providers, suggesting that both parents and providers take advantage of the free vaccines. The Comprehensive Insurance Coverage of Childhood Immunization Act will help parents avoid unnecessary referrals due to lack of coverage or financial barriers and retain their child's medical home.

This practice of referral to public clinics also shifts the cost of vaccinating children from the private sector to taxpayers. Through the Federal Vaccines for Children Program, children with health insurance that does not cover immunization may receive vaccines at a Federally Qualified Health Center or a Rural Health Clinic. Vaccines at these clinics are also supported by federal grants to states for vaccine purchase through the Federal discretionary National Immunization program. States also fund the purchase and distribution of vaccines. When the private sector fails—the public sector picks up the tab.

For this reason, the Congressional Budget Office found that this legislation will increase the budget surplus by $70 million dollars over five years and $150 million dollars over 10 years. This savings is somewhat offset by the reduction in Federal tax receipts, but still saves $20 million over five years and costs less than $35 million over 10 years. There is no doubt that the States would see similar savings. Many States contribute up to 30 percent of the public sector vaccine purchase bill. This means that State funds, like Federal funds, are picking up the tab for kids with private insurance. And the CBO found that the new requirement would have a negligible effect on health insurance premiums, increasing premium costs, if at all, by no more than 0.1 percent.

Private providers should find comprehensive childhood vaccination cost-effective as well. Immunizations are one of the rare health services that have been proven to save money. The Measles-Mumps Rubella, MMR, vaccine saves $10.30 in direct medical costs for every $1 dollar invested. The diphtheria and tetanus toxoids and pertussis DTP vaccine saves $8.50 for every $1 dollar spent. The Haemophilus influenzae type b (Hib) vaccine saves $1.40 per dollar. The Inactivated Polio Vaccine, IPV, saves $3.03 for every $1 dollar investment. These figure are all direct medical savings.

It is rare that we have policy decisions that are this easy to make. The Comprehensive Insurance Coverage of Childhood Immunization Act will help millions of working families afford the immunization they need to protect their children. It represents a shared responsibility that we all have to our communities. Like safe food and clean water, high immunization rates safeguard all of us. I urge my colleagues to support this legislation and to act promptly to pass it on behalf of American families.

By Mr. HARKIN (for himself, Mr. SPECTER, Mr. KENNEDY, Mr. BIDEN and Mrs. CLINTON):

S. 1298. A bill to amend title XIX of the Social Security Act to provide individuals with disabilities and older Americans with equal access to community-based attendant services and supports, and for other purposes; to the Committee on Finance.

Mr. HARKIN. Madam President, just a few days ago, the Nation celebrated the 11th anniversary of the Americans with Disabilities Act, ADA. When we passed the ADA, we told Americans with disabilities that the door to equal opportunity was finally open.

And the ADA has opened doors of opportunity, plenty of them. Americans with disabilities now expect to be treated as full citizens, with all the rights and responsibilities that entails. And they are participating in American life like never before in our Nation's history.

Indeed, eleven years after the passing of the ADA we have a lot to celebrate.

But we also have a lot of work to do. We need to make sure our Federal policies further the principle of independence for all that we agreed on eleven ago. For example, a few years ago Congress recognized that in order for people with disabilities to join the workforce, we would need to remove the disincentives to work embedded in our Medicaid and Social Security statutes. After passage of the Ticket to Work and Work Incentives bill, people with disabilities should no longer have to choose between going to work and receiving necessary health care services.

Today, Senator SPECTER and I introduce a bill that reflects another policy I am sure we can all agree on. In order to go work or live in their own homes, Americans with disabilities and older Americans need access to community-based services and supports. Unfortunately, under current Federal Medicaid

policy, the deck is stacked against community living. The purpose of our bill is to level the playing field and give eligible individuals equal access to community-based services and supports.

The Medicaid Community-Based Attendant Services and Supports Act does three things. First, the bill amends Title XIX of the Social Security Act to provide a new Medicaid plan benefit that would give individuals who are eligible for nursing home and ICF-MR services equal access to community-based attendant services and supports.

Second, for a limited time, States would have the opportunity to receive an enhanced match rate for community attendant services and supports and for certain administrative activities to help them reform their long term care systems.

Third, the bill provides State with financial assistance to support ''real choice systems change initiatives'' that include specific action steps for the provision of community-based long term community services and supports.

Finally, the bill establishes a demonstration project to evaluate service coordination and cost sharing approaches with respect to the provision of services and supports to daily eligible individuals with disabilities under the age of 65.

States are already out ahead of us here in Washington on this issue. Spending under the Medicaid home and community based waiver program has grown tenfold in the past ten years. Every State offers certain services under home and community based waivers. Almost 30 States are now providing the personal care optional benefit through their Medicaid programs. More than 2½ times more people are served in home and community-based settings than in institutional settings.

The States have realized that community based care is both popular and cost effective, and community-based attendant services and supports are a key component of a successful program.

However, despite this marked progress, home and community based services are unevenly distributed within and across States and only reach a small percentage of eligible individuals.

The numbers speak volumes. Only about 27 percent of long term care funds expended under Medicaid, and only about 9 percent of all funds expended under the program, pay for services and supports in home and community-based settings. That means that right low a large majority of Medicaid long term care funding is not being used to further independence. In fiscal year 2000, only 3 States spent 50 percent or more of their long term care funds under the Medicaid program on home and community-based care. And that means that individuals do not have equal access to community based care.

Of course, numbers only tell a part of the story. This bill is about real people in real communities. Take the example of a friend of mine in Iowa. Dan Piper works at a hardware store. He has his own apartment and just bought a VCR. He also has Down's syndrome and diabetes. For years Dan has received services through a community waiver program. But, last year, his community-based supports were threatened because he wasn't sure he'd be able to find a provider to deliver the optional waiver service. The result? He almost had to sacrifice his independence just to get services. Today, Dan works and contributes to the economy as both a wage earner and a consumer. But, tomorrow, he could be forced into a nursing home, far from his roommate, his job and his family. That's why our Federal policy must foster comprehensive and consistent access to community-based services and supports in the most integrated setting appropriate.

Federal Medicaid policy should reflect the consensus that Americans with disabilities should have the equal opportunity to contribute to our communities and participate in our society as full citizens. That means people should have access to certain types of services in the community so that they don't have to sacrifice their full participation in society simply because they need a catheter or help getting out of the house in the morning or assistance with medication, or some other basic service.

So, where do we begin? To start, States need time and money to reform their long term care systems. Last year, Senator SPECTER and I worked hard to fund the systems change grants included in Title II of MiCASSA through the Labor-HHS appropriations bill. We included $70 million in grant money to help States reform their long term care programs through systems change initiatives and nursing home transition.

I am very pleased that Secretary Thompson has supported the development and implementation of these grants and included them as part of the President's New Freedom Initiative for people with disabilities. As I understand it, all but two of the eligible States and territories have submitted application to HCFA. This is a great start. And it shows the need for a Federal commitment to this issue. Senator SPECTER and I will work with the Administration and others to ensure that another round of these grants will be available in FY 2002.

Over the past several months, we have also spent some time revising the bill we introduced last Congress. The new version of MiCASSA allows States to phase in the new Medicaid plan benefit over a period of 5 years and provides enhanced math dollars to encourage States to start their reforms as soon as possible. As anyone in the private business world well knows, in order to deliver a better service in a more efficient manner there has to be a strong initial investment. Our bill does just that. We also include a new program to help States pay for people with severe disabilities who are more expensive to serve in the community than the average eligible individual. And, we require a demonstration project to look at cost-sharing between dually Medicaid and Medicare recipients.

The rest of the bill looks a lot like last year. Community-based services and supports help people do tasks that they would do themselves, if they did not have a disability. Our bill would allow any person eligible for nursing home services to use the money for community attendant services and supports. Those services and supports include help with things like eating, bathing, grooming, toileting, and transferring in and out of a wheelchair.

Community-based services and supports are the lowest-cost and most consumer friendly services in the long-term care spectrum. They can be provided by a variety of people, including friends and neighbors of the recipient. In many instances, with supervision, the consumer can direct his or her own care and manage his or her own attendants. This cuts down on expensive administrative overhead and the current practice of relying on medical personnel such as nurses to coordinate a person's care. States can save money and redirect medically-oriented care to those who need it most.

Not only is home and community-based care what people want, it can also be far less expensive. There is a wide variation in the cost of supporting people with disabilities in the community because individuals have different levels of need. But, for the average person, the annual cost of home and community based services is less than one-half the average cost of institutional care.

And, I would be remiss not to mention the importance of quality services and supports. Wherever a person receives Medicaid services and supports, health and safety should be guaranteed. We should build a system that has strong quality controls. The bill includes the same quality protections as last year, but also emphasizes the importance of developing a strong and able workforce in the grants section.

As I said, States have made a great deal of progress in this area. But there is much more to do. The enthusiastic response to the systems change grants shows just how much States need help to reform their long term care systems to implement the principles of independence, community living, and economic opportunity. The Supreme Court found that, to the extent Medicaid dollars are used to pay for a person's long term care, that person has a right to receive those services in the most integrated setting appropriate. We in Congress have a responsibility to help States meet their obligations under Olmstead. It's up to the Federal Government to provide national leadership and adequate resources.

Community-based attendant services and supports allow people with disabilities to lead independent lives, have jobs, and participate in the community. Some will become taxpayers, some will do volunteer work, some will get an education, some will participate in recreational and other community activities. All will experience a better quality of life, and a better chance to take part in the American dream.

I urge my colleagues and their staff to study our proposal over the break. I hope there will be hearings and action on this bill in the next year.

This bill will open the door to full participation by people with disabilities in our workplaces, our economy, and our American Dream, and I urge all my colleagues to support us on this issue. I thank the cosponsors of this bill. Senator KENNEDY and Senator SPECTER have been leaders on disability issues for a long time. And I also thank Senator CLINTON and Senator BIDEN for joining me on this very important issue.

By Mr. DOMENICI (for himself, Mrs. CLINTON, Mr. REID, Mrs. BOXER, Ms. MIKULSKI, Mr. BINGAMAN, and Mrs. HUTCHISON):

S. 1299. A bill to amend the Safe Drinking Water Act to establish a program to provide assistance to small communities for use in carrying out projects and activities necessary to achieve or maintain compliance with drinking water standards; to the Committee on Environment and Public Works.

Mr. DOMENICI. Madam President, I stand before you today to introduce a piece of legislation that will help move many States forward toward compliance with the arsenic drinking water standards the EPA Administrator intends to finalize in February. It has been said that ''a government must not waiver once it has chosen its course. It must not look to the left or to the right, but instead must go forward.'' This is the situation we find ourselves in today, our government has chosen a course and now we have no choice but to move forward.

My bill, the Community Drinking Water Assistance Act, authorizes $1.9 billion dollars to be made directly available to local communities and Tribes through the EPA. EPA would award grants to communities and Tribes needing assistance for projects, activities, technical assistance, or for training and certifying system operators. The criteria for awarding grants would be directly based on financial need and per capita costs of complying with the drinking water standards.

A new arsenic standard was promulgated in the waning hours of the Clinton Administration. While I do not fault the Bush administration for what they inherited, I must admit that I was disappointed when Administrator Whitman set a maximum standard without further scientific basis. It seemed illogical for Ms. Whitman to announce that the National Academy of Sciences would further review the health effects associated with arsenic, while simultaneously placing herself in a box that would set the maximum standard at 20 parts per billion. It would have been more logical to have waited for the studies to be completed before announcing what the standard would or would not be.

The course has been set and I would just like to take a moment to highlight what this course will mean for New Mexicans. First and foremost, Arsenic is naturally occurring in New Mexico. In fact, New Mexico has some of the highest levels of arsenic in the Nation, yet has a lower than average incidence of the diseases associated with arsenic. Nonetheless, for all systems in New Mexico to be in compliance with a standard of 20 parts per billion, we are looking at a minimum price tag of $127 million. What this means to small community water users is more staggering. The average cost to water users, in small systems serving less than 1,000 people, is $57.46, and this is for a standard of 20 parts per billion! The numbers are even more staggering for a 10 part per billion standard.

The New Mexico Environment Department estimates that if the standard is set at 10 parts per billion, approximately 25 percent of New Mexico's water systems will be affected. The price tag for compliance could fall between $400 million and $500 million in initial capital expenditures. Annual operating costs will easily fall anywhere between $16 and $21 million. Additionally, large water system users will see an average monthly water bill increase between $38 and $42 and small system users will see an average water bill increase of $91.

The costs of complying with either of these standards could well put small rural systems out of business, which is the exact opposite of what we should be trying to accomplish, providing a safe and reliable supply of drinking water to rural America. Many New Mexicans cannot afford a minimum $57.46 rate increase in their monthly water bill.

We live in a society that is dedicated to the removal of risk. Generally, when we get unintended consequences associated with risk averse decisions, the government stands ready with bandaids in every size. We still do not have a sound scientific basis suggesting what the actual arsenic standard should be. Therefore, to be ''on the safe side'' and remove risk, the government has chosen to set an arbitrary standard that will increase costs to water users, particularly in the West, by extreme proportions. Therefore, I do not assume that it is unfair to also ask that the government put itself in a position to offer financial assistance to these communities so that they can make the necessary repairs in their water systems to comply with this law. This is the only way to move forward on the course that has been set.

Mrs. CLINTON. Will the Senator yield? I would be honored to be an original cosponsor of that legislation.

Mr. DOMENICI. I ask unanimous consent Senator CLINTON and Senator REID be added as cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. And Senator BOXER.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. See all this great bipartisanship.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1299

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Community Drinking Water Assistance Act''.

SEC. 2. FINDINGS.

Congress finds that—

(1) drinking water standards proposed and in effect as of the date of enactment of this Act will place a large financial burden on many public water systems, especially those public water systems in rural communities serving small populations;

(2) the limited scientific, technical, and professional resources available in small communities complicate the implementation of regulatory requirements;

(3) small communities often cannot afford to meet water quality standards because of the expenses associated with upgrading public water systems and training personnel to operate and maintain the public water systems;

(4) small communities do not have a tax base for dealing with the costs of upgrading their public water systems;

(5) small communities face high per capita costs in improving drinking water quality;

(6) small communities would greatly benefit from a grant program designed to provide funding for water quality projects;

(7) as of the date of enactment of this Act, there is no Federal program in effect that adequately meets the needs of small, primarily rural communities with respect to public water systems; and

(8) since new, more protective arsenic drinking water standards proposed by the Clinton and Bush administrations, respectively, are expected to be implemented in 2006, the grant program established by the amendment made by this Act should be implemented in a manner that ensures that the implementation of those new standards is not delayed.

SEC. 3. ASSISTANCE FOR SMALL PUBLIC WATER SYSTEMS.

(a) DEFINITION OF INDIAN TRIBE.—Section 1401(14) of the Safe Drinking Water Act (42 U.S.C. 300f(14)) is amended in the second sentence by striking ''1452,'' and inserting ''1452 and part G,''.

(b) ESTABLISHMENT OF PROGRAM.—The Safe Drinking Water Act (42 U.S.C. 300f et seq.) is amended by adding at the end the following:

''PART G—ASSISTANCE FOR SMALL PUBLIC WATER SYSTEMS

''SEC. 1471. DEFINITIONS.

''In this part:

''(1) ELIGIBLE ACTIVITY.—

''(A) IN GENERAL.—The term 'eligible activity' means a project or activity concerning a small public water system that is carried out

by an eligible entity to comply with drinking water standards.

''(B) INCLUSIONS.—The term 'eligible activity' includes—

''(i) obtaining technical assistance; and

''(ii) training and certifying operators of small public water systems.

''(C) EXCLUSION.—The term 'eligible activity' does not include any project or activity to increase the population served by a small public water system, except to the extent that the Administrator determines such a project or activity to be necessary to—

''(i) achieve compliance with a national primary drinking water regulation; and

''(ii) provide a water supply to a population that, as of the date of enactment of this part, is not served by a safe public water system.

''(2) ELIGIBLE ENTITY.—The term 'eligible entity' means a small public water system that—

''(A) is located in a State or an area governed by an Indian Tribe; and

''(B)(i) if located in a State, serves a community that, under affordability criteria established by the State under section 1452(d)(3), is determined by the State to be—

''(I) a disadvantaged community; or

''(II) a community that may become a disadvantaged community as a result of carrying out an eligible activity; or

''(ii) if located in an area governed by an Indian Tribe, serves a community that is determined by the Administrator, under affordability criteria published by the Administrator under section 1452(d)(3) and in consultation with the Secretary, to be—

''(I) a disadvantaged community; or

''(II) a community that the Administrator expects to become a disadvantaged community as a result of carrying out an eligible activity.

''(3) PROGRAM.—The term 'Program' means the small public water assistance program established under section 1472(a).

''(4) SECRETARY.—The term 'Secretary' means the Secretary of Health and Human Services, acting through the Director of the Indian Health Service.

''(5) SMALL PUBLIC WATER SYSTEM.—The term 'small public water system' means a public water system (including a community water system and a noncommunity water system) that serves—

''(A) a community having a population of not more than 200,000; or

''(B) the city of Albuquerque, New Mexico.

''SEC. 1472. SMALL PUBLIC WATER SYSTEM ASSISTANCE PROGRAM.

''(a) ESTABLISHMENT.—

''(1) IN GENERAL.—Not later than 1 year after the date of enactment of this part, the Administrator shall establish a program to provide grants to eligible entities for use in carrying out projects and activities to comply with drinking water standards.

''(2) PRIORITY.—The Administrator shall award grants under the Program to eligible entities based on—

''(A) first, the financial need of the community for the grant assistance, as determined by the Administrator; and

''(B) second, with respect to the community in which the eligible entity is located, the per capita cost of complying with drinking water standards, as determined by the Administrator.

''(b) APPLICATION PROCESS.—

''(1) IN GENERAL.—An eligible entity that seeks to receive a grant under the Program shall submit to the Administrator, on such form as the Administrator shall prescribe (not to exceed 3 pages in length), an application to receive the grant.

''(2) COMPONENTS.—The application shall include—

''(A) a description of the eligible activities for which the grant is needed;

''(B) a description of the efforts made by the eligible entity, as of the date of submission of the application, to comply with drinking water standards; and

''(C) any other information required to be included by the Administrator.

''(3) REVIEW AND APPROVAL OF APPLICATIONS.—

''(A) IN GENERAL.—On receipt of an application under paragraph (1), the Administrator shall forward the application to the Council.

''(B) APPROVAL OR DISAPPROVAL.—Not later than 90 days after receiving the recommendations of the Council under subsection (e) concerning an application, after taking into consideration the recommendations, the Administrator shall—

''(i) approve the application and award a grant to the applicant; or

''(ii) disapprove the application.

''(C) RESUBMISSION.—If the Administrator disapproves an application under subparagraph (B)(ii), the Administrator shall—

''(i) inform the applicant in writing of the disapproval (including the reasons for the disapproval); and

''(ii) provide to the applicant a deadline by which the applicant may revise and resubmit the application.

''(c) COST SHARING.—

''(1) IN GENERAL.—Except as provided in paragraph (2), the Federal share of the cost of carrying out an eligible activity using funds from a grant provided under the Program shall not exceed 90 percent.

''(2) WAIVER.—The Administrator may waive the requirement to pay the non-Federal share of the cost of carrying out an eligible activity using funds from a grant provided under the Program if the Administrator determines that an eligible entity is unable to pay, or would experience significant financial hardship if required to pay, the non-Federal share.

(d) ENFORCEMENT AND IMPLEMENTATION OF STANDARDS.—

(1) IN GENERAL.—Subject to paragraph (2), the Administrator shall not enforce any standard for drinking water under this Act (including a regulation promulgated under this Act) against an eligible entity during the period beginning on the date on which the eligible entity submits an application for a grant under the Program and ending, as applicable, on——

(A) the deadline specified in subsection (b)(3)(C)(ii), if the application is disapproved and not resubmitted; or

(B) the date that is 3 years after the date on which the eligible entity receives a grant under this part, if the application is approved.

(2) ARSENIC STANDARDS.—No standard for arsenic in drinking water promulgated under this Act (including a standard in any regulation promulgated before the date of enactment of this part) shall be implemented or enforced by the Administrator in any State until the earlier of January 1, 2006 or such date as the Administrator certifies to Congress that——

(A) the Program has been implemented in the state; and

(B) the State has made substantial progress, as determined by the Administrator in consultation with the Governor of the State, in complying with drinking water standards under this Act.

(e) ROLE OF COUNCIL.—The Council shall——

(1) review applications for grants from eligible entities received by the Administrator under subsection (b); and

(2) for each application, recommend to the Administrator whether the application should be approved or disapproved.

SEC. 1473. AUTHORIZATION OF APPROPRIATIONS.

''There is authorized to be appropriated to carry out this part $1,900,000,000 for the period of fiscal years 2001 through 2006.''

By Mr. BOND:

S. 1301. A bill to amend the Federal Food, Drug, and Cosmetic Act to improve the safety and efficacy of pharmaceuticals for children; to the Committee on Health, Education, Labor, and Pensions.

Mr. BOND. Madam President, I rise today to introduce a bill I call the ''Better Medicine for Children Act.''

This legislation deals with a problem that pediatricians have been confronted with for years, while doctors have a huge variety and choice of medicines to prescribe for different medical conditions, they don't always have enough specific information on how well these drugs work in children.

The Food and Drug Administration tells us that for about 70 to 80 percent of all drugs on the market, we do not have sufficient pediatric information. The FDA has identified more than 400 drugs which are used in children for whom we need more data.

Without pediatric testing for a specific drug, we may now know the proper dose to give to children of different ages or sizes. Without testing, we may not know if the drug is as effective as it is in adults, or even if it works in children at all. Almost all health care practitioners have faced difficult issues because of this scarcity of pediatric drug information.

I want to share a story I have been told that points out exactly how important this pediatric information can be. This real story involves an 18-month-old little boy who was in an intensive care unit following some serious surgery. He was under sedation from a drug known as propofol. At that time, we did not have much specific information on how this drug affected children, but some doctors prescribed the drug for children anyway because they honestly thought it was the best option. For this infant, it clearly was not, because of an adverse reaction to the drug, that baby developed acidosis and had a heart rhythm disturbance, causing a truly life-threatening incident. Fortunately, this little boy did recover. But this was by no means a sure thing.

Back in 1997, Congress decided to deal with this problem. We passed a law that gave pharmaceutical companies a strong incentive to do more pediatric testing so we can get this crucial information. If the company agreed to perform needed pediatric studies on a drug, and did the study exactly as requested by the Food and Drug Administration, the company would get a six-month extension on that drug's patent.

The results have been amazing. Hundreds of pediatric drug studies are underway and are producing huge amounts of new drug information for kids.

One example of new information is the drug propofol, the very drug I mentioned earlier that caused a serious

problem for the 18-month-old boy in the ICU. What they found in extensive pediatric studies done on propofol as a result of the new incentive is that the drug is more dangerous than other alternatives that could be used to sedate pediatric ICU patients.

So because of this testing, propofol would not be used in the same situation today. And that little boy wouldn't have had a life-threatening incident.

So if this incentive exists, and all of this new pediatric testing is being done, what's the problem?

Well, there are actually at least three problems. My legislation will deal with each of them.

First, the incentives expire at the end of this year. My ''Better Medicine for Children Act'' will extend this important and successful program for five more years.

Second, because the incentive used to encourage pediatric testing is an extended patent life, there's actually no incentive to do pediatric studies in drugs whose patent or patents have already expired. My legislation will authorize $200 million in funding so that tests can be performed on these off-patent drugs. The need here is great, of the 400-plus drugs the FDA has singled out for further pediatric study, more than one-third are off-patent.

With regard to these first two pieces of my bill, I should note my debt to legislation introduced by Senators DODD and DEWINE, from which I have based some of my bill. Senators DODD and DEWINE were the original authors of this critical legislation back in 1997. They had a good idea and a good bill then, and they have a good idea and good legislation now. In fact, as a cosponsor of their bill I am pleased to report that the Dodd-DeWine bill was approved earlier today by the Senate HELP Committee.

But my legislation goes beyond other approaches and has a new and unique provision which is not in the Dodd-DeWine bill, and which addresses a third critical problem. This problem is that the new wave of pediatric testing has actually given us relatively little information about how pharmaceuticals affect the youngest children, particularly neonates. This is true because neonates aren't usually included in initial pediatric drug studies for medical or ethical reasons.

You would think that as we are talking about legislation to help ''children'' or ''kids,'' that would be helping all children. This certainly should be our expectation, but it is not the case. Unfortunately, the huge success this legislation has had in a broad sense masks the fact that the law doesn't help neonates, those babies less than one month old, and other younger children nearly as much.

An excerpt from testimony the American Academy of Pediatrics provided in a HELP Committee hearing last March puts it simply: ''. . . this population'', and here they are talking about neonates, ''has not benefitted significantly from the pediatric studies provision . . .''

Why is this the case? At times, I believe the FDA actually may not have asked for enough information in neonates or younger age groups—in other words, the agency may have just gotten lazy. That problem should be correctable, and in fact it is addressed by the Dodd-DeWine bill. The Dodd-DeWine legislation tries to make sure the FDA always asks for studies in neonates when it is appropriate to do so.

But as important as that step is, I don't believe it is enough. Because there are other reasons, beyond simply FDA not asking, why neonates cannot, at times, be included in initial pediatric studies.

There may be scientific reasons why the FDA may not always be able to ask for neonate studies. For example, as part of a drug test you may need to take regular blood samples from a test subject.

But a neonate only has so much blood, and at some point, too many blood tests could actually create a health problem. However, at some time in the future, the technology may well be developed enough to enable us to do this testing with smaller amounts of blood.

At other times, the FDA may not request studies that include the youngest children because of ethical concerns. If we are lacking information that gives us some clue how a neonate might react to a particular drug, perhaps drug information in a nearby age-group, for example, it may actually be dangerous to test a drug in young children. In a report released January that evaluated the entire pediatric incentive provision, the FDA uses the example of neurotropic drugs as ones we may not want to test in the youngest children without more information. But once this other information is developed, these studies may be possible.

The end result of all this is that we simply do not perform drug tests in the youngest kids as much. And because of that, we simply don't get as much useful information for younger children that can be put on a drug's label.

The drug I discussed earlier today, propofol, is a great example. I spoke about an 18-month-old little boy who, several years ago, had a serious problem when given the drug propofol. Today, a similar 18-month-old boy would not be given propofol under the same circumstances because of what we have learned from the pediatric studies performed in the interim. But propofol is a example of a drug that has now been tested in some children, about which we have learned some very important things, but has not yet been fully tested in the youngest children. Propofol is nonetheless used in younger children, even in neonates, but it has only been labeled far enough to include 2-month-olds.

Now, will these companies go back and actually do the studies in the younger kids? Almost certainly not.

Under current law, you only get one incentive period, one bite at the apple. That's it. If the last few decades have taught us anything, it is that pediatric studies just do not get done unless there is an economic incentive. Yet with the pediatric incentive already used for these drugs, the younger kids are out of luck.

What makes it worse for these younger kids is that there is almost no commercial incentive to study drugs in these age-groups. The raw size of this young population is so small, obviously even smaller than the population of children as a whole, that there is hardly ever sufficient market incentive for a drug company to perform the studies needed to help the youngest children.

Again, the FDA reports says it well: ''Once pediatric exclusivity is granted for studies in older pediatric age groups, section 505A does not provide an adequate incentive to conduct later studies in the younger age groups . . . This has left some age groups, especially neonates, unstudied, even where the need for the drug in those age groups is great.''

Children this young are almost certainly facing less-than-optimal health care outcomes—and perhaps even health risks—because they are still being prescribed propofol and similar drugs that haven't been tested in their age group. Of course, we may never know for sure what's happening with some of these drugs. Because, unless we find a way to produce a study in this age group, we will never know for sure how this drug works for the youngest children.

My legislation contains a provision that—in limited circumstances—would provide drug companies with a second patent extension to serve as an incentive to study drugs in the youngest groups of children. I believe this could serve as the incentive to make sure these younger children share fully in the positive results of this legislation.

However, understanding the various concerns about possible abuse of a second incentive, increased prices, and high profits, my second incentive is carefully limited.

First, the patent extension that serves as the incentive to perform studies in neonates and other young children is three months rather than six. While neonates and infants are extremely important age groups, it is an inescapable fact that there simply aren't as many of these young children running around as there are kids in general. Given this, and the legitimate concerns about marginally raising drug prices by keeping generic drugs off the market longer, I believe that limiting the neonatal incentive to three months is reasonable.

Second, unlike the existing pediatric incentives, my proposed second incentive period would not be available to drugs going through the FDA approval

process. If a drug company is doing pediatric studies prior to a drug's approval, it should be able to plan a sequential set of studies as part of the first set of pediatric tests.

Finally, the possibility of a second incentive period is restricted to drugs that fit one of two categories. First, drugs which cannot initially be studied in neonates or other young children because it is necessary to pursue sequential studies for scientific, medical, or ethical reasons. Second, drugs for which new uses have been discovered and for which drug studies in young children were not originally expected to be useful could qualify for a second incentive period.

Given these limits, my expectation is that the majority of drugs would not qualify for a second patent extension if my legislation were to pass. A significant enough amount to make a difference in young children's lives, yes. Enough to produce a tidal wave of additional patent extensions, no.

The FDA, from their January report, actually recommended that Congress consider the general idea I am talking about: ''When there is a need to proceed in a sequential manner for the development of pediatric information, FDA should have the option of issuing a second Written Request for the conduct of studies in the relevant younger age group(s). For this option to be meaningful, the second Written Request, after receiving the studies to an initial Written Request and pediatric exclusivity awarded, would be linked with a meaningful incentive to sponsors.''

Before 1997, we had a serious lack of information for children generally, so we provided an incentive to study drugs in children. We now have a lack of information for the youngest children, why not approve a second patent extension period to provide a new incentive for this age group? To me, this simply makes sense.

Separately, my bill also contains some provisions to improve the government, institutional, and human infrastructure needed to support pediatric drug testing. This includes a Dodd-DeWine provision to create a new Office of Pediatric Therapeutics within the Food and Drug Administration to monitor and facilitate the new pediatric drug testing. Furthermore, my bill will direct the National Institutes of Health to use programs that support young pediatric researchers to ensure there is an adequate supply of pediatric pharmacology experts to support the revolution in pediatric drug research.

Finally, this bill modifies some specific language in the Dodd-DeWine legislation to ensure that the $200 million fund designed to study drugs that have lost all patent life, and thus are not helped by the patent extension incentives—truly focuses on the highest-priority drugs.

Even with limited information, we have good medicine for children right now. But with more studies and information, we can, and must, produce better medicine for children.

STATEMENTS ON SUBMITTED RESOLUTIONS

SENATE RESOLUTION 145—RECOGNIZING THE 4,500,000 IMMIGRANTS HELPED BY THE HEBREW IMMIGRANT AID SOCIETY

Mr. KENNEDY (for himself and Mr. BROWNBACK) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 145

Whereas the United States has always been a country of immigrants and was built on the hard work and dedication of generations of those immigrants who have gathered on our shores;

Whereas, over the past 120 years, more than 4,500,000 migrants of all faiths have immigrated to the United States, Israel, and other safe havens around the world through the aid of the Hebrew Immigrant Aid Society (referred to in this resolution as 'HIAS'), the oldest international migration and refugee resettlement agency in the United States;

Whereas, since the 1970s, more than 400,000 refugees from more than 50 countries who have fled areas of conflict and instability, danger and persecution, have resettled in the United States with the high quality assistance of HIAS;

Whereas outstanding individuals such as former Secretary of State Henry Kissinger, artist Marc Chagall, Olympic gold-medalist Lenny Krayzelberg, poet and Nobel Laureate Joseph Brodsky, and author and restaurateur George Lang have been assisted by HIAS;

Whereas these immigrants and refugees have been provided with information, counseling, legal assistance, and other services, including outreach programs for the Russian-speaking immigrant community, with the assistance of HIAS; and

Whereas on September 9, 2001, HIAS will celebrate the 120th anniversary of its founding: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the contributions of the 4,500,000 immigrants and refugees served by HIAS to the United States and democracies throughout the world in the arts, sciences, government, and in other areas; and

(2) requests that the President issue a proclamation—

(A) recognizing September 9, 2001, as the 120th anniversary of the founding of the Hebrew Immigrant Aid Society; and

(B) calling on the people of the United States to conduct appropriate ceremonies, activities, and programs to demonstrate appreciation for the contributions made by the millions of immigrants and refugees served by HIAS.

SENATE RESOLUTION 146—DESIGNATING AUGUST 4, 2001, AS ''LOUIS ARMSTRONG DAY''

Mr. HATCH (for himself, Mr. SCHUMER, Mr. LIEBERMAN, and Mr. BREAUX) submitted the following resolution; which was referred to the Committee on the Judiciary.

Mr. HATCH. Mr. President, as we prepare to go into our August recess, I suggest we go out on a good note: I am today introducing a resolution designating this Saturday, August 4, 2001 as ''Louis Armstrong Day.''

Louis Armstrong always said he was born on the Fourth of July, 1900. Friends and fans alike accepted this without question. It was, after all, a perfect birthday for an American musical legend; it was a perfect day for a man who created a music that was, in my opinion, thoroughly American.

But then, years after that great jazzman's death in New York City in 1971, a researcher discovered Louis Armstrong's baptismal certificate, the standard notice of birth in New Orleans, that showed that Louis Armstrong actually was born on August 4, 1901. That means, that this Saturday is the centennial of the birth of one of America's greatest artistic icons.

All across the country this week and this summer there have been Louis Armstrong celebrations. Generations of Americans, of all races and backgrounds and from all walks of life, have loved and continue to love the music of Louis Armstrong, and I am happy to consider myself one of his millions of fans. Louis Armstrong's art is deep from the roots of America's musical traditions, at the same time as being one of the most innovative styles in the history of music. In my opinion, his music is transcendent, brilliant and, above all, joyful.

Music encompasses many mysteries, and, like art in general, one of those mysteries is how joy can be created in circumstances that are less than joyful. Louis Armstrong was born very poor, in New Orleans in 1901. The man who would be honored by presidents and kings around the world scrounged in garbage cans for food when he was a youth. He was an African-American whose life spanned the 20th century, with all of its degradations, discriminations and poverty that so many African-Americans suffered. It is always inexcusable that such circumstances could exist and do still exist in American society. It is nothing short of inspirational when human dignity survives these circumstances and transcends them. That was the life of Louis Armstrong.

It was an American life. I would like to quote the social and music critic Stanley Crouch, who wrote earlier this month in the New York Daily News:

As an improviser who worked in the collective context of the jazz band, Armstrong represented the freedom of the individual to make decisions that enhance the collective effort, which is the democratic ideal.

Our country is built on the belief that we can be free and empathetic enough for both the individual and the mass to make decisions that improve our circumstances. Just as the improvising jazz musician can dramatically reinterpret a song he or she once recorded another way, we Americans revisit issues and remake our policies when we think we can improve on our previous interpretations.

So when Armstrong revolutionized American music in the 1920s, he was giving our political system a sound that transcended politics, color, sex, region, religion and class. Instrumentalists, singers, composers and dancers all understood that there was something

in what Armstrong did with the music that could apply to them. Like the Wright Brothers, he opened up the sky, and anybody who developed the skill to fly was welcome to take the risk of leaving the safety of the ground.

The propulsion Armstrong used to lift the music became known as swing. It was a particularly American lilt in the rhythm. That lilt had no precedent in all world music. It was a new way of phrasing the endless potential for individual interpretation. One could call it the sound of the pursuit of happiness. That is why it was so charismatic and why it influenced so many, in and out of jazz—from Duke Ellington to Bing Crosby to Charlie Parker to Elvis Presley to Wynton Marsalis.

Mr. President, Stanley Crouch says it better than I ever could: ''One could call it the sound of the pursuit of happiness.''

In recent years, some have viewed Louis Armstrong from a fairly simplistic perspective. Some suggested he was too acquiescent to racism, a charge many of his fans find unwarranted. He was famous for criticizing President Eisenhower for his delays in desegregating the schools of Little Rock, Arkansas, in the 1950s. Hundreds of hours of audiotaped recordings of conversations of Louis Armstrong have recently been opened at the Louis Armstrong Archives at Queens College in Flushing, New York, and researchers who have heard them indicate that Louis Armstrong was indignant and enraged at the shame of racism in this country.

Others suggest that his music was also simplistic, referring to songs titled ''Jeepers, Creepers,'' ''Gone Fishin','' ''When You're Smiling,'' ''That Lucky Old Sun,'' ''Rockin' Chair,'' did not have the sophistication of serious music. Those critics, just aren't listening, in my opinion. They don't hear a trumpet sound that was honed over decades and has not been replicated. They don't hear a voice tempered by years of performance and musically tuned and timed to perfection.

I am certainly not a serious music critic. I'll just quote Louis Armstrong, when he was asked what kind of music he listened to: ''There are two kinds of music,'' he said. ''Good music and bad music—I listen to the good music!'' I agree with Louis Armstrong!

As most of my colleagues know, I also grew up in modest circumstances. But in addition to love, support and faith my parents gave me, which could not have a price put on them, they gave me something else intangible: A love of music. When we were young, my parents scraped together money for piano lessons for my siblings and me, and later even for violin lessons. As you can see, I became a Senator!

My parents also sacrificed to save what was then a phenomenal sum: $18.75 for a student season pass in the cheap seats for the Pittsburgh Symphony Orchestra. I went to every concert I could, and it was there that I first learned of the uplifting experience of music, an appreciation I am grateful to have had all of my life.

Louis Armstrong's music uplifted people. Is it no coincidence that his music was adored on the other side of the Iron Curtain? That millions around the world, on all continents, would flock to hear him on his tours? No, that is no coincidence. That is the power of music in general, and the genius of Louis Armstrong in particular.

Louis Armstrong's music remains loved today by millions around the world, and I think virtually every jazz performer has credited Louis Armstrong for some level of inspiration. One of America's greatest contemporary jazz trumpeters, Mr. Wynton Marsalis, was quoted in last Sunday's Deseret News saying that Louis Armstrong ''is the one who taught all of us how to play. He taught the whole world about jazz.''

My resolution today, which I am pleased to have co-sponsored by Senators SCHUMER, BREAUX and LIEBERMAN, recognizes the brilliance of this great American's artistic contribution. This Saturday, on the occasion of the centennial of his birth, I hope we all have a moment to pause in joy and gratitude for the uplifting experience of Louis Armstrong's music. I know that, for me, when I think of the life and work of Louis Armstrong, I say to myself: What a Wonderful World.

S. RES. 146

Whereas Louis Armstrong's artistic contribution as an instrumentalist, vocalist, arranger, and bandleader is one of the most significant contributions in 20th century American music;

Whereas Louis Armstrong's thousands of performances and hundreds of recordings created a permanent body of musical work defining American music in the 20th century, from which musicians continue to draw inspiration;

Whereas Louis Armstrong and his bandmates served as international ambassadors of goodwill for the United States, entertaining and uplifting millions of people of all races around the world;

Whereas Louis Armstrong is one of the most well-known, respected, and beloved African-Americans of the 20th century;

Whereas Louis Armstrong was born to a poor family in New Orleans on August 4, 1901 and died in New York City on July 6, 1971 having been feted by kings and presidents throughout the world as one of our Nation's greatest musicians; and

Whereas August 4, 2001 is the centennial of Louis Armstrong's birth: Now, therefore, be it

Resolved, That the Senate—

(1) designates August 4, 2001, as ''Louis Armstrong Day''; and

(2) requests that the President issue a proclamation calling upon the people of the United States to observe the day with appropriate ceremonies and activities.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1213. Mrs. MURRAY (for herself and Mr. SHELBY) proposed an amendment to the bill H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes.

SA 1214. Ms. MIKULSKI (for herself and Mr. BOND) proposed an amendment to the bill H.R. 2620, making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2002, and for other purposes.

SA 1215. Mr. REID (for himself and Mr. ENSIGN) submitted an amendment intended to be proposed by him to the bill H.R. 2620, supra; which was ordered to lie on the table.

SA 1216. Mr. REID submitted an amendment intended to be proposed by him to the bill H.R. 2620, supra; which was ordered to lie on the table.

SA 1217. Ms. MIKULSKI (for herself and Mr. BOND) proposed an amendment to amendment SA 1214 proposed by Ms. MIKULSKI to the bill (H.R. 2620) supra.

SA 1218. Mr. WELLSTONE proposed an amendment to amendment SA 1214 proposed by Ms. MIKULSKI to the bill (H.R. 2620) supra.

SA 1219. Mrs. BOXER proposed an amendment to amendment SA 1214 proposed by Ms. MIKULSKI to the bill (H.R. 2620) supra.

SA 1220. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill H.R. 2620, supra; which was ordered to lie on the table.

SA 1221. Mr. SMITH of New Hampshire submitted an amendment intended to be proposed by him to the bill H.R. 2620, supra; which was ordered to lie on the table.

SA 1222. Mr. SMITH of New Hampshire submitted an amendment intended to be proposed by him to the bill H.R. 2620, supra; which was ordered to lie on the table.

SA 1223. Mr. SMITH of New Hampshire submitted an amendment intended to be proposed by him to the bill H.R. 2620, supra; which was ordered to lie on the table.

SA 1224. Mr. LOTT submitted an amendment intended to be proposed by him to the bill H.R. 2620, supra; which was ordered to lie on the table.

SA 1225. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill H.R. 2620, supra; which was ordered to lie on the table.

SA 1226. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 2620, supra; which was ordered to lie on the table.

SA 1227. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill H.R. 2620, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 1213. Mrs. MURRAY (for herself and Mr. SHELBY) proposed an amendment to the bill H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; as follows:

On page 81, between lines 13 and 14, insert the following:

SEC. 3 . SAFETY BELT USE LAW REQUIREMENTS.

Section 355(a) of the National Highway System Designation Act of 1995 (109 Stat. 624) is amended by striking ''has achieved'' and all that follows and inserting the following: ''has achieved a safety belt use rate of not less than 50 percent.''.

On Page 39, Line 5, strike ''$16,000,000'' and insert ''$13,000,000''.

At the appropriate place, insert ''$3,000,000 for Philadelphia, Pennsylvania, Cross County metro project''.

On page 81, between lines 13 and 14, insert the following:

SEC. 3 . STUDY OF MISSISSIPPI RIVER BRIDGE IN MEMPHIS, TENNESSEE.

Not later than 180 days after the date of enactment of this Act, the Secretary of

Transportation shall conduct a study and submit to Congress a report on the costs and benefits of constructing a third bridge across the Mississippi River in the Memphis, Tennessee, metropolitan area.

On page 55, line 2, insert after ''access,'' the following: ''preserving and utilizing existing Chicago-area reliever and general aviation airports,''.

At the end of title III, add the following:

SEC. 350. (a) Congress makes the following findings:

(1) Section 345 of the National Highway System Designation Act of 1995 authorizes limited relief to drivers of certain types of commercial motor vehicles from certain restrictions on maximum driving time and on-duty time.

(2) Subsection (c) of that section requires the Secretary of Transportation to determine by rulemaking proceedings that the exemptions granted are not in the public interest and adversely affect the safety of commercial motor vehicles.

(3) Subsection (d) of that section requires the Secretary of Transportation to monitor the safety performance of drivers of commercial motor vehicles who are subject to an exemption under section 345 and report to Congress prior to the rulemaking proceedings.

(b) It is the sense of Congress that the Secretary of Transportation should not take any action that would diminish or revoke any exemption in effect on the date of the enactment of this Act for drivers of vehicles under section 345 of the National Highway System Designation Act of 1995 (Public Law 104–59; 109 Stat. 613; 49 U.S.C. 31136 note) unless the requirements of subsections (c) and (d) of such section are satisfied.

On page 16, line 14, after ''research;'' insert the following: ''$375,000 shall be available for a traffic project for Auburn University;''.

SEC. . Section 41703 of Title 49, United States Code, is amended by adding at the end the following:

''(e) AIR CARGO VIA ALASKA.—For purposes of subsection (c) of this section, cargo taken on or off any aircraft at a place in Alaska in the course of transportation of that cargo by one or more air carriers or foreign air carriers in either direction between any place in the United States and a place not in the United States shall not be deemed to have broken its international journey, be taken on in, or be destined for Alaska.''

SEC. . Point Retreat Light Station, including all property under lease as of June 1, 2000, is transferred to the Alaska Lighthouse Association.

At the appropriate place insert:

SEC. 3 . PRIORITY HIGHWAY PROJECTS, MINNESOTA.

In selecting projects to carry out using funds apportioned under section 110 of title 23, United States Code, the State of Minnesota shall give priority consideration to the following projects:

(1) The Southeast Main and Rail Relocation Project in Moorhead, Minnesota.

(2) Improving access to and from I–35 W at Lake Street in Minneapolis, Minnesota.

On page 31, line 2, insert after ''amended'', the following: '': *Provided further*, That notwithstanding section 3008 of Public Law 105–78, $3,350,000 of the funds to carry out 49 U.S.C. 5308 shall be transferred to and merged with funding provided for the replacement, rehabilitation, and purchase of buses and related equipment and the construction of bus-related facilities under 'Federal Transit Administration, Capital investment grants' ''.

On page 33, line 12, insert after ''$568,200,000'', the following: ''together with $3,350,000 transferred from 'Federal Transit Administration, Formula grants to allow the Secretary to make a grant of $350,000 to Alamede Contra Costa County Transit District, CA and a grant of $6,000,000 for Central Oklahoma Transit facilities' ''.

On page 81, between lines 13 and 14, insert the following:

SEC. 3 . NOISE BARRIERS, GEORGIA.

Notwithstanding any other provision of law, the Secretary of Transportation shall approve the use of funds apportioned under paragraphs (1) and (3) of section 104(b) of title 23, United States Code, for construction of Type II noise barriers—

(1) at the locations identified in section 358 of the Department of Transportation and Related Agencies Appropriations Act, 2000 (113 Stat. 1027); and

(2) on the west side of Interstate Route 285 from Henderson Mill Road to Chamblee Tucker Road in DeKalb County, Georgia.

Page 16, line 5, after ''$316,521,000'' insert '', of which $25,000,000 shall be available to the National Scenic Byways program, $500,000 shall be for the Kalispell, MT, Bypass Project, and the remainder''

Page 61, line 16, after $20,000,000, insert ''of which $4,000,000 shall be only for the Charleston International Airport, SC parking facility project; $2,000,000 shall be only for the Caraway Overpass Project in Jonesboro, AR; $1,000,000 shall be only for the Moorhead, MN Southeast Main Rail relocation project; $1,500,000 shall be only for the Interstate Route 295 and Commercial Street connector in Portland, ME; and $500,000 shall be only for the Calais, ME Downeast Heritage Center, access, parking, and pedestrian improvements,''

At the appropriate place, insert the following:

SEC. . The Secretary is directed to give priority consideration to applications for airport improvement grants for the Addison Airport in Addison, Texas, Pearson Airpark in Vancouver, Washington, Mobile Regional Airport in Mobile, Alabama, Marks Airport in Mississippi, Madison Airport in Mississippi, and Birmingham International Airport in Birmingham, Alabama.

At the end of title III, add the following:

SEC. . Section 5117(b)(3) of the Transportation Equity Act for the 21st Century (Public Law 105–178; 112 Stat. 449; 23 U.S.C. 502 note) is amended —

(1) by redesignating subparagraphs (C), (D), and (E) as subparagraphs (D), (F), and (G), respectively;

(2) by inserting after subparagraph (B) the following new subparagraph (C):

''(C) FOLLOW-ON DEPLOYMENT.—(i) After an intelligent transportation infrastructure system deployed in an initial deployment area pursuant to a contract entered into under the program under this paragraph has received system acceptance, the original contract that was competitively awarded by the Department of Transportation for the deployment of the system in that area shall be extended to provide for the system to be deployed in the follow-on deployment areas under the contract, using the same asset ownership, maintenance, fixed price contract, and revenue sharing model, and the same competitively selected consortium leader, as were used for the deployment in that initial deployment area under the program.

''(ii) If any one of the follow-on deployment areas does not commit, by July 1, 2002, to participate in the deployment of the system under the contract, then, upon application by any of the other follow-on deployment areas that have committed by that date to participate in the deployment of the system, the Secretary shall supplement the funds made available for any of the follow-on deployment areas submitting the applications by using for that purpose the funds not used for deployment of the system in the nonparticipating area. Costs paid out of funds provided in such a supplementation shall not be counted for the purpose of the limitation on maximum cost set forth in subparagraph (B).'';

(4) by inserting after subparagraph (D), as redesignated by paragraph (1), the following new subparagraph (E):

''(E) DEFINITIONS.—In this paragraph:

''(i) The term 'initial deployment area' means a metropolitan area referred to in the second sentence of subparagraph (A).

''(ii) The term 'follow-on deployment areas' means the metropolitan areas of Baltimore, Birmingham, Boston, Chicago, Cleveland, Dallas/Ft. Worth, Denver, Detroit, Houston, Indianapolis, Las Vegas, Los Angeles, Miami, New York/Northern New Jersey, Northern Kentucky/Cincinnati, Oklahoma City, Orlando, Philadelphia, Phoenix, Pittsburgh, Portland, Providence, Salt Lake, San Diego, San Francisco, St. Louis, Seattle, Tampa, and Washington, District of Columbia.''; and

(5) in subparagraph (D), as redesignated by paragraph (1), by striking ''subparagraph (D)'' and inserting ''subparagraph (F)''.

SA 1214. Ms. MIKULSKI (for herself and Mr. BOND) proposed an amendment to the bill H.R. 2620, making appropriations for the Department of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2002, and for other purposes; as follows:

Strike all after the enacting clause and insert:

The following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2002, and for other purposes, namely:

TITLE I—DEPARTMENT OF VETERANS AFFAIRS

VETERANS BENEFITS ADMINISTRATION

COMPENSATION AND PENSIONS

(INCLUDING TRANSFERS OF FUNDS)

For the payment of compensation benefits to or on behalf of veterans and a pilot program for disability examinations as authorized by law (38 U.S.C. 107, chapters 11, 13, 18, 51, 53, 55, and 61); pension benefits to or on behalf of veterans as authorized by law (38 U.S.C. chapters 15, 51, 53, 55, and 61; 92 Stat. 2508); and burial benefits, emergency and other officers' retirement pay, adjusted-service credits and certificates, payment of premiums due on commercial life insurance policies guaranteed under the provisions of Article IV of the Soldiers' and Sailors' Civil Relief Act of 1940, as amended, and for other benefits as authorized by law (38 U.S.C. 107, 1312, 1977, and 2106, chapters 23, 51, 53, 55, and 61; 50 U.S.C. App. 540–548; 43 Stat. 122, 123; 45 Stat. 735; 76 Stat. 1198), $24,944,288,000, to remain available until expended: *Provided*, That not to exceed $17,940,000 of the amount appropriated shall be reimbursed to ''General operating expenses'' and ''Medical care'' for necessary expenses in implementing those provisions authorized in the Omnibus Budget Reconciliation Act of 1990, and in the Veterans' Benefits Act of 1992 (38 U.S.C. chapters 51, 53, and 55), the funding source for which is specifically provided as the ''Compensation and pensions'' appropriation: *Provided further*, That such sums as may be earned on an actual qualifying patient basis, shall be

reimbursed to ''Medical facilities revolving fund'' to augment the funding of individual medical facilities for nursing home care provided to pensioners as authorized.

READJUSTMENT BENEFITS

For the payment of readjustment and rehabilitation benefits to or on behalf of veterans as authorized by 38 U.S.C. chapters 21, 30, 31, 34, 35, 36, 39, 51, 53, 55, and 61, $2,135,000,000, to remain available until expended: *Provided,* That expenses for rehabilitation program services and assistance which the Secretary is authorized to provide under section 3104(a) of title 38, United States Code, other than under subsection (a)(1), (2), (5) and (11) of that section, shall be charged to the account: *Provided further,* That funds shall be available to pay any court order, court award or any compromise settlement arising from litigation involving the vocational training program authorized by section 18 of Public Law 98–77, as amended.

VETERANS INSURANCE AND INDEMNITIES

For military and naval insurance, national service life insurance, servicemen's indemnities, service-disabled veterans insurance, and veterans mortgage life insurance as authorized by 38 U.S.C. chapter 19; 70 Stat. 887; 72 Stat. 487, $26,200,000, to remain available until expended.

VETERANS HOUSING BENEFIT PROGRAM FUND PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct and guaranteed loans, such sums as may be necessary to carry out the program, as authorized by 38 U.S.C. chapter 37, as amended: *Provided,* That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: *Provided further,* That during fiscal year 2002, within the resources available, not to exceed $300,000 in gross obligations for direct loans are authorized for specially adapted housing loans.

In addition, for administrative expenses to carry out the direct and guaranteed loan programs, $164,497,000, which may be transferred to and merged with the appropriation for ''General operating expenses''.

EDUCATION LOAN FUND PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct loans, $1,000, as authorized by 38 U.S.C. 3698, as amended: *Provided,* That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: *Provided further,* That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $3,400.

In addition, for administrative expenses necessary to carry out the direct loan program, $64,000, which may be transferred to and merged with the appropriation for ''General operating expenses''.

VOCATIONAL REHABILITATION LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct loans, $72,000, as authorized by 38 U.S.C. chapter 31, as amended: *Provided,* That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: *Provided further,* That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $3,301,000.

In addition, for administrative expenses necessary to carry out the direct loan program, $274,000, which may be transferred to and merged with the appropriation for ''General operating expenses''.

NATIVE AMERICAN VETERAN HOUSING LOAN PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For administrative expenses to carry out the direct loan program authorized by 38 U.S.C. chapter 37, subchapter V, as amended, $544,000, which may be transferred to and merged with the appropriation for ''General operating expenses''.

GUARANTEED TRANSITIONAL HOUSING LOANS FOR HOMELESS VETERANS PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

Not to exceed $750,000 of the amounts appropriated by this Act for ''General operating expenses'' and ''Medical care'' may be expended for the administrative expenses to carry out the guaranteed loan program authorized by 38 U.S.C. chapter 37, subchapter VI.

VETERANS HEALTH ADMINISTRATION

MEDICAL CARE

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for the maintenance and operation of hospitals, nursing homes, and domiciliary facilities; for furnishing, as authorized by law, inpatient and outpatient care and treatment to beneficiaries of the Department of Veterans Affairs, including care and treatment in facilities not under the jurisdiction of the department; and furnishing recreational facilities, supplies, and equipment; funeral, burial, and other expenses incidental thereto for beneficiaries receiving care in the department; administrative expenses in support of planning, design, project management, real property acquisition and disposition, construction and renovation of any facility under the jurisdiction or for the use of the department; oversight, engineering and architectural activities not charged to project cost; repairing, altering, improving or providing facilities in the several hospitals and homes under the jurisdiction of the department, not otherwise provided for, either by contract or by the hire of temporary employees and purchase of materials; uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; aid to State homes as authorized by 38 U.S.C. 1741; administrative and legal expenses of the department for collecting and recovering amounts owed the department as authorized under 38 U.S.C. chapter 17, and the Federal Medical Care Recovery Act, 42 U.S.C. 2651 et seq., $21,379,742,000, plus reimbursements: *Provided,* That of the funds made available under this heading, $675,000,000 is for the equipment and land and structures object classifications only, which amount shall not become available for obligation until August 1, 2002, and shall remain available until September 30, 2003: *Provided further,* That of the funds made available under this heading, not to exceed $900,000,000 shall be available until September 30, 2003: *Provided further,* That, in addition to other funds made available under this heading for non-recurring maintenance and repair (NRM) activities, $30,000,000 shall be available without fiscal year limitation to support the NRM activities necessary to implement Capital Asset Realignment for Enhanced Services (CARES) activities: *Provided further,* That from amounts appropriated under this heading, additional amounts, as designated by the Secretary no later than September 30, 2002, may be used for CARES activities without fiscal year limitation: *Provided further,* That the Secretary of Veterans Affairs shall conduct by contract a program of recovery audits for the fee basis and other medical services contracts with respect to payments for hospital care; and, notwithstanding 31 U.S.C. 3302(b), amounts collected, by setoff or otherwise, as the result of such audits shall be available, without fiscal year limitation, for the purposes for which funds are appropriated under this heading and the purposes of paying a contractor a percent of the amount collected as a result of an audit carried out by the contractor: *Provided further,* That all amounts so collected under the preceding proviso with respect to a designated health care region (as that term is defined in 38 U.S.C. 1729A(d)(2)) shall be allocated, net of payments to the contractor, to that region.

In addition, in conformance with Public Law 105–33 establishing the Department of Veterans Affairs Medical Care Collections Fund, such sums as may be deposited to such Fund pursuant to 38 U.S.C. 1729A may be transferred to this account, to remain available until expended for the purposes of this account.

MEDICAL AND PROSTHETIC RESEARCH

For necessary expenses in carrying out programs of medical and prosthetic research and development as authorized by 38 U.S.C. chapter 73, to remain available until September 30, 2003, $390,000,000, plus reimbursements.

MEDICAL ADMINISTRATION AND MISCELLANEOUS OPERATING EXPENSES

For necessary expenses in the administration of the medical, hospital, nursing home, domiciliary, construction, supply, and research activities, as authorized by law; administrative expenses in support of capital policy activities, $67,628,000, plus reimbursements: *Provided,* That technical and consulting services offered by the Facilities Management Field Service, including project management and real property administration (including leases, site acquisition and disposal activities directly supporting projects), shall be provided to Department of Veterans Affairs components only on a reimbursable basis, and such amounts will remain available until September 30, 2002.

DEPARTMENTAL ADMINISTRATION

GENERAL OPERATING EXPENSES

For necessary operating expenses of the Department of Veterans Affairs, not otherwise provided for, including uniforms or allowances therefor; not to exceed $25,000 for official reception and representation expenses; hire of passenger motor vehicles; and reimbursement of the General Services Administration for security guard services, and the Department of Defense for the cost of overseas employee mail, $1,194,831,000: *Provided,* That expenses for services and assistance authorized under 38 U.S.C. 3104(a)(1), (2), (5) and (11) that the Secretary determines are necessary to enable entitled veterans (1) to the maximum extent feasible, to become employable and to obtain and maintain suitable employment; or (2) to achieve maximum independence in daily living, shall be charged to this account: *Provided further,* That of the funds made available under this heading, not to exceed $60,000,000 shall be available until September 30, 2003: *Provided further,* That of the funds made available under this heading, the Veterans Benefits Administration may purchase up to four passenger motor vehicles for use in their Manila, Philippines operation: *Provided further,* That travel expenses for this account shall not exceed $15,665,000.

NATIONAL CEMETERY ADMINISTRATION

For necessary expenses of the National Cemetery Administration for operations and maintenance, not otherwise provided for, including uniforms or allowances therefor; cemeterial expenses as authorized by law; purchase of one passenger motor vehicle for use in cemeterial operations; and hire of passenger motor vehicles, $121,169,000.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, as amended, $48,308,000.

CONSTRUCTION, MAJOR PROJECTS

For constructing, altering, extending and improving any of the facilities under the jurisdiction or for the use of the Department of Veterans Affairs, or for any of the purposes set forth in sections 316, 2404, 2406, 8102, 8103, 8106, 8108, 8109, 8110, and 8122 of title 38, United States Code, including planning, architectural and engineering services, maintenance or guarantee period services costs associated with equipment guarantees provided under the project, services of claims analysts, offsite utility and storm drainage system construction costs, and site acquisition, where the estimated cost of a project is $4,000,000 or more or where funds for a project were made available in a previous major project appropriation, $155,180,000, to remain available until expended, of which $60,000,000 shall be for Capital Asset Realignment for Enhanced Services (CARES) activities; and of which not to exceed $20,000,000 shall be for costs associated with land acquisitions for national cemeteries in the vicinity of Sacramento, California; Pittsburgh, Pennsylvania; and Detroit, Michigan: *Provided,* That except for advance planning activities (including market-based and other assessments of needs which may lead to capital investments) funded through the advance planning fund, design of projects funded through the design fund, and planning and design activities funded through the CARES fund (including market-based and other assessments of needs which may lead to capital investments), none of these funds shall be used for any project which has not been approved by the Congress in the budgetary process: *Provided further,* That funds provided in this appropriation for fiscal year 2002, for each approved project (except those for CARES activities and the three land acquisitions referenced above) shall be obligated: (1) by the awarding of a construction documents contract by September 30, 2002; and (2) by the awarding of a construction contract by September 30, 2003: *Provided further,* That the Secretary shall promptly report in writing to the Committees on Appropriations any approved major construction project in which obligations are not incurred within the time limitations established above: *Provided further,* That no funds from any other account except the ''Parking revolving fund'', may be obligated for constructing, altering, extending, or improving a project which was approved in the budget process and funded in this account until one year after substantial completion and beneficial occupancy by the Department of Veterans Affairs of the project or any part thereof with respect to that part only.

CONSTRUCTION, MINOR PROJECTS

For constructing, altering, extending, and improving any of the facilities under the jurisdiction or for the use of the Department of Veterans Affairs, including planning and assessments of needs which may lead to capital investments, architectural and engineering services, maintenance or guarantee period services costs associated with equipment guarantees provided under the project, services of claims analysts, offsite utility and storm drainage system construction costs, and site acquisition, or for any of the purposes set forth in sections 316, 2404, 2406, 8102, 8103, 8106, 8108, 8109, 8110, 8122, and 8162 of title 38, United States Code, where the estimated cost of a project is less than $4,000,000, $178,900,000, to remain available until expended, along with unobligated balances of previous ''Construction, minor projects'' appropriations which are hereby made available for any project where the estimated cost is less than $4,000,000, of which $25,000,000 shall be for Capital Asset Realignment for Enhanced Services (CARES) activities: *Provided,* That from amounts appropriated under this heading, additional amounts may be used for CARES activities: *Provided further,* That funds in this account shall be available for: (1) repairs to any of the nonmedical facilities under the jurisdiction or for the use of the department which are necessary because of loss or damage caused by any natural disaster or catastrophe; and (2) temporary measures necessary to prevent or to minimize further loss by such causes.

PARKING REVOLVING FUND

For the parking revolving fund as authorized by 38 U.S.C. 8109, income from fees collected and $4,000,000 from the General Fund, both to remain available until expended, which shall be available for all authorized expenses except operations and maintenance costs, which will be funded from ''Medical care''.

GRANTS FOR CONSTRUCTION OF STATE EXTENDED CARE FACILITIES

For grants to assist States to acquire or construct State nursing home and domiciliary facilities and to remodel, modify or alter existing hospital, nursing home and domiciliary facilities in State homes, for furnishing care to veterans as authorized by 38 U.S.C. 8131–8137, $100,000,000, to remain available until expended.

GRANTS FOR THE CONSTRUCTION OF STATE VETERANS CEMETERIES

For grants to aid States in establishing, expanding, or improving State veterans cemeteries as authorized by 38 U.S.C. 2408, $25,000,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS

(INCLUDING TRANSFER OF FUNDS)

SEC. 101. Any appropriation for fiscal year 2002 for ''Compensation and pensions'', ''Readjustment benefits'', and ''Veterans insurance and indemnities'' may be transferred to any other of the mentioned appropriations.

SEC. 102. Appropriations available to the Department of Veterans Affairs for fiscal year 2002 for salaries and expenses shall be available for services authorized by 5 U.S.C. 3109.

SEC. 103. No appropriations in this Act for the Department of Veterans Affairs (except the appropriations for ''Construction, major projects'', ''Construction, minor projects'', and the ''Parking revolving fund'') shall be available for the purchase of any site for or toward the construction of any new hospital or home.

SEC. 104. No appropriations in this Act for the Department of Veterans Affairs shall be available for hospitalization or examination of any persons (except beneficiaries entitled under the laws bestowing such benefits to veterans, and persons receiving such treatment under 5 U.S.C. 7901–7904 or 42 U.S.C. 5141–5204), unless reimbursement of cost is made to the ''Medical care'' account at such rates as may be fixed by the Secretary of Veterans Affairs.

SEC. 105. Appropriations available to the Department of Veterans Affairs for fiscal year 2002 for ''Compensation and pensions'', ''Readjustment benefits'', and ''Veterans insurance and indemnities'' shall be available for payment of prior year accrued obligations required to be recorded by law against the corresponding prior year accounts within the last quarter of fiscal year 2001.

SEC. 106. Appropriations accounts available to the Department of Veterans Affairs for fiscal year 2002 shall be available to pay prior year obligations of corresponding prior year appropriations accounts resulting from title X of the Competitive Equality Banking Act, Public Law 100–86, except that if such obligations are from trust fund accounts they shall be payable from ''Compensation and pensions''.

SEC. 107. Notwithstanding any other provision of law, during fiscal year 2002, the Secretary of Veterans Affairs shall, from the National Service Life Insurance Fund (38 U.S.C. 1920), the Veterans' Special Life Insurance Fund (38 U.S.C. 1923), and the United States Government Life Insurance Fund (38 U.S.C. 1955), reimburse the ''General operating expenses'' account for the cost of administration of the insurance programs financed through those accounts: *Provided,* That reimbursement shall be made only from the surplus earnings accumulated in an insurance program in fiscal year 2002, that are available for dividends in that program after claims have been paid and actuarially determined reserves have been set aside: *Provided further,* That if the cost of administration of an insurance program exceeds the amount of surplus earnings accumulated in that program, reimbursement shall be made only to the extent of such surplus earnings: *Provided further,* That the Secretary shall determine the cost of administration for fiscal year 2002, which is properly allocable to the provision of each insurance program and to the provision of any total disability income insurance included in such insurance program.

SEC. 108. For fiscal year 2002 only, funds available in any Department of Veterans Affairs appropriation or fund for salaries and other administrative expenses shall also be available to reimburse the Office of Resolution Management and the Office of Employment Discrimination Complaint Adjudication for all services provided at rates which will recover actual costs. Payments may be made in advance for services to be furnished, based on estimated costs. Amounts received shall be credited to the General Operating Expenses account for use by the office that provided the service. Total resources available to these offices for fiscal year 2002 shall not exceed $28,550,000 for the Office of Resolution Management and $2,383,000 for the Office of Employment and Discrimination Complaint Adjudication.

SEC. 109. Notwithstanding any other provision of law, the Department of Veterans Affairs shall continue the Franchise Fund pilot program authorized to be established by section 403 of Public Law 103–356 until October 1, 2002: *Provided,* That the Franchise Fund, established by Title I of Public Law 104–204 to finance the operations of the Franchise Fund pilot program, shall continue until October 1, 2002.

TITLE II—DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

PUBLIC AND INDIAN HOUSING

HOUSING CERTIFICATE FUND

(INCLUDING RESCISSION AND TRANSFERS OF FUNDS)

For activities and assistance to prevent the involuntary displacement of low-income families, the elderly and the disabled because of the loss of affordable housing stock, expiration of subsidy contracts (other than contracts for which amounts are provided under another heading in this Act) or expiration of use restrictions, or other changes in housing assistance arrangements, and for other purposes, $15,658,769,000 and amounts that are recaptured in this account to remain available until expended: *Provided,* That of the total amount provided under this heading, $15,506,746,000, of which $11,306,746,000 shall be available on October 1,

2001 and $4,200,000,000 shall be available on October 1, 2002 shall be for assistance under the United States Housing Act of 1937, as amended (''the Act'' herein) (42 U.S.C. 1437): *Provided further,* That the foregoing amounts shall be for use in connection with expiring or terminating section 8 subsidy contracts, for amendments to section 8 subsidy contracts, for enhanced vouchers (including amendments and renewals) under any provision of law authorizing such assistance under section 8(t) of the Act (47 U.S.C. 1437f(t)), contract administrators, and contracts entered into pursuant to section 441 of the McKinney-Vento Homeless Assistance Act: *Provided further,* That amounts available under the first proviso under this heading shall be available for section 8 rental assistance under the Act: (1) for the relocation and replacement of housing units that are demolished or disposed of pursuant to the Omnibus Consolidated Rescissions and Appropriations Act of 1996; (2) for the conversion of section 23 projects to assistance under section 8; (3) for funds to carry out the family unification program; (4) for the relocation of witnesses in connection with efforts to combat crime in public and assisted housing pursuant to a request from a law enforcement or prosecution agency; (5) for tenant protection assistance, including replacement and relocation assistance; and (6) for the 1-year renewal of section 8 contracts at current rents for units in a project that is subject to an approved plan of action under the Emergency Low Income Housing Preservation Act of 1987 or the Low-Income Housing Preservation and Resident Homeownership Act of 1990: *Provided further,* That of the total amount provided under this heading, no less than $13,400,000 shall be transferred to the Working Capital Fund for the development and maintenance of information technology systems: *Provided further,* That of the total amount provided under this heading, $40,000,000 shall be made available to nonelderly disabled families affected by the designation of a public housing development under section 7 of the Act, the establishment of preferences in accordance with section 651 of the Housing and Community Development Act of 1992 (42 U.S.C. 13611), or the restriction of occupancy to elderly families in accordance with section 658 of such Act, and to the extent the Secretary determines that such amount is not needed to fund applications for such affected families, to other nonelderly disabled families: *Provided further,* That of the total amount provided under this heading, $98,623,000 shall be made available for incremental vouchers under section 8 of the Act on a fair share basis to those public housing agencies that have no less than 97 percent occupancy rate: *Provided further,* That amounts available under this heading may be made available for administrative fees and other expenses to cover the cost of administering rental assistance programs under section 8 of the Act: *Provided further,* That the fee otherwise authorized under section 8(q) of such Act shall be determined in accordance with section 8(q), as in effect immediately before the enactment of the Quality Housing and Work Responsibility Act of 1998: *Provided further,* That $615,000,000 are rescinded from unobligated balances remaining from funds appropriated to the Department of Housing and Urban Development under this heading or the heading ''Annual contributions for assisted housing'' for fiscal year 2002 and prior years: *Provided further,* That, after the amount is rescinded under the previous proviso, to the extent an additional amount is available for rescission from unobligated balances remaining for funds appropriated to the Department of Housing and Urban Development under this heading or the heading ''Annual contributions for assisted housing'' for fiscal year 2002 and prior years, such amount shall be made available on a pro-rata basis, no sooner than September 1, 2002, and shall be transferred for use under the ''Research and Related Activities'' account of the National Science Foundation, and shall be transferred for use under the ''Science, Aeronautics and Technology'' account of the National Aeronautics and Space Administration, and shall be transferred for use under the ''HOME investment partnership program'' account of the Department of Housing and Urban Development for the production of mixed-income housing for which this amount shall be used to assist the construction of units that serve extremely low-income families, and shall be transferred for use under the ''Housing for Special Populations'' account of the Department of Housing and Urban Development: *Provided further,* That the Secretary shall have until September 30, 2002, to meet the rescissions in the preceding provisos: *Provided further,* That any obligated balances of contract authority that have been terminated shall be canceled.

PUBLIC HOUSING CAPITAL FUND

(INCLUDING TRANSFER OF FUNDS)

For the Public Housing Capital Fund Program to carry out capital and management activities for public housing agencies, as authorized under section 9 of the United States Housing Act of 1937, as amended (42 U.S.C. 1437), $2,943,400,000, to remain available until September 30, 2003, of which up to $50,000,000 shall be for carrying out activities under section 9(h) of such Act, up to $500,000 shall be for lease adjustments to section 23 projects and no less than $43,000,000 shall be transferred to the Working Capital Fund for the development and maintenance of information technology systems: *Provided,* That no funds may be used under this heading for the purposes specified in section 9(k) of the United States Housing Act of 1937, as amended: *Provided further,* That of the total amount, up to $75,000,000 shall be available for the Secretary of Housing and Urban Development to make grants to public housing agencies for emergency capital needs resulting from emergencies and natural disasters in fiscal year 2002.

PUBLIC HOUSING OPERATING FUND

For payments to public housing agencies for the operation and management of public housing, as authorized by section 9(e) of the United States Housing Act of 1937, as amended (42 U.S.C. 1437g), $3,384,868,000, to remain available until September 30, 2003: *Provided,* That no funds may be used under this heading for the purposes specified in section 9(k) of the United States Housing Act of 1937, as amended.

DRUG ELIMINATION GRANTS FOR LOW-INCOME HOUSING

For grants to public housing agencies and Indian tribes and their tribally designated housing entities for use in eliminating crime in public housing projects authorized by 42 U.S.C. 11901–11908, for grants for federally assisted low-income housing authorized by 42 U.S.C. 11909, and for drug information clearinghouse services authorized by 42 U.S.C. 11921–11925, $300,000,000, to remain available until expended: *Provided,* That of the total amount provided under this heading, up to $3,000,000 shall be solely for technical assistance, technical assistance grants, training, and program assessment for or on behalf of public housing agencies, resident organizations, and Indian tribes and their tribally designated housing entities (including up to $150,000 for the cost of necessary travel for participants in such training) for oversight, training and improved management of this program; $2,000,000 shall be available to the Boys and Girls Clubs of America for the operating and start-up costs of clubs located in or near, and primarily serving residents of, public housing and housing assisted under the Native American Housing Assistance and Self-Determination Act of 1996: *Provided further,* That of the amount under this heading, $20,000,000 shall be available for the New Approach Anti-Drug program which will provide competitive grants to entities managing or operating public housing developments, federally assisted multifamily housing developments, or other multifamily housing developments for low-income families supported by non-Federal governmental entities or similar housing developments supported by nonprofit private sources in order to provide or augment security (including personnel costs), to assist in the investigation and/or prosecution of drug-related criminal activity in and around such developments, and to provide assistance for the development of capital improvements at such developments directly relating to the security of such developments: *Provided further,* That grants for the New Approach Anti-Drug program shall be made on a competitive basis as specified in section 102 of the Department of Housing and Urban Development Reform Act of 1989.

REVITALIZATION OF SEVERELY DISTRESSED PUBLIC HOUSING (HOPE VI)

For grants to public housing agencies for demolition, site revitalization, replacement housing, and tenant-based assistance grants to projects as authorized by section 24 of the United States Housing Act of 1937, as amended, $573,735,000 to remain available until September 30, 2003, of which the Secretary may use up to $7,500,000 for technical assistance and contract expertise, to be provided directly or indirectly by grants, contracts or cooperative agreements, including training and cost of necessary travel for participants in such training, by or to officials and employees of the department and of public housing agencies and to residents: *Provided,* That none of such funds shall be used directly or indirectly by granting competitive advantage in awards to settle litigation or pay judgments, unless expressly permitted herein.

NATIVE AMERICAN HOUSING BLOCK GRANTS

(INCLUDING TRANSFERS OF FUNDS)

For the Native American Housing Block Grants program, as authorized under title I of the Native American Housing Assistance and Self-Determination Act of 1996 (NAHASDA) (Public Law 104–330), $648,570,000, to remain available until expended, of which $2,200,000 shall be contracted through the Secretary as technical assistance and capacity building to be used by the National American Indian Housing Council in support of the implementation of NAHASDA; $5,000,000 shall be to support the inspection of Indian housing units, contract expertise, and technical assistance in the training, oversight, and management of Indian housing and tenant-based assistance, including up to $300,000 for related travel; and no less than $3,000,000 shall be transferred to the Working Capital Fund for the development and maintenance of information technology systems: *Provided,* That of the amount provided under this heading, $5,987,000 shall be made available for the cost of guaranteed notes and other obligations, as authorized by title VI of NAHASDA: *Provided further,* That such costs, including the costs of modifying such notes and other obligations, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: *Provided further,* That these funds are available to subsidize the total principal amount of any notes and other obligations, any part of which is to be guaranteed, not to

exceed $54,600,000: *Provided further*, That for administrative expenses to carry out the guaranteed loan program, up to $150,000 from amounts in the first proviso, which shall be transferred to and merged with the appropriation for ''Salaries and expenses'', to be used only for the administrative costs of these guarantees.

INDIAN HOUSING LOAN GUARANTEE FUND PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of guaranteed loans, as authorized by section 184 of the Housing and Community Development Act of 1992 (106 Stat. 3739), $5,987,000, to remain available until expended: *Provided*, That such costs, including the costs of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: *Provided further*, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $234,283,000.

In addition, for administrative expenses to carry out the guaranteed loan program, up to $200,000 from amounts in the first paragraph, which shall be transferred to and merged with the appropriation for ''Salaries and expenses'', to be used only for the administrative costs of these guarantees.

NATIVE HAWAIIAN HOUSING LOAN GUARANTEE FUND

(INCLUDING TRANSFER OF FUNDS)

For the cost of guaranteed loans, as authorized by section 184A of the Housing and Community Development Act of 1992 (12 U.S.C. 1715z–13a), $1,000,000, to remain available until expended: *Provided*, That such costs, including the costs of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: *Provided further*, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $40,000,000.

In addition, for administrative expenses to carry out the guaranteed loan program, up to $35,000 from amounts in the first paragraph, which shall be transferred to and merged with the appropriation for ''Salaries and expenses'', to be used only for the administrative costs of these guarantees.

COMMUNITY PLANNING AND DEVELOPMENT

HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS

For carrying out the Housing Opportunities for Persons with AIDS program, as authorized by the AIDS Housing Opportunity Act (42 U.S.C. 12901), $277,432,000, to remain available until September 30, 2003: *Provided*, That the Secretary shall renew all expiring contracts that were funded under section 854(c)(3) of such Act that meet all program requirements before awarding funds for new contracts and activities authorized under this section: *Provided further*, That the Secretary may use up to $2,000,000 of the funds under this heading for training, oversight, and technical assistance activities.

RURAL HOUSING AND ECONOMIC DEVELOPMENT

For the Office of Rural Housing and Economic Development in the Department of Housing and Urban Development, $25,000,000 to remain available until expended, which amount shall be awarded by June 1, 2002, to Indian tribes, State housing finance agencies, State community and/or economic development agencies, local rural nonprofits and community development corporations to support innovative housing and economic development activities in rural areas: *Provided*, That all grants shall be awarded on a competitive basis as specified in section 102 of the HUD Reform Act.

EMPOWERMENT ZONES/ENTERPRISE COMMUNITIES

For grants in connection with a second round of empowerment zones and enterprise communities, $75,000,000, to remain available until expended, for ''Urban Empowerment Zones'', as authorized in the Taxpayer Relief Act of 1997, including $5,000,000 for each empowerment zone for use in conjunction with economic development activities consistent with the strategic plan of each empowerment zone.

COMMUNITY DEVELOPMENT FUND

(INCLUDING TRANSFERS OF FUNDS)

For assistance to units of State and local government, and to other entities, for economic and community development activities, and for other purposes, $5,012,993,000, to remain available until September 30, 2004: *Provided*, That of the amount provided, $4,801,993,000 is for carrying out the community development block grant program under title I of the Housing and Community Development Act of 1974, as amended (the ''Act'' herein) (42 U.S.C. 5301): *Provided further*, That $71,000,000 shall be for flexible grants to Indian tribes notwithstanding section 106(a)(1) of such Act; $3,000,000 shall be available as a grant to the Housing Assistance Council; $2,600,000 shall be available as a grant to the National American Indian Housing Council; and $45,500,000 shall be for grants pursuant to section 107 of the Act of which $4,000,000 shall be made available to support Alaska Native serving institutions and Native Hawaiian serving institutions as defined under the Higher Education Act, as amended, and of which $3,000,000 shall be made available to tribal colleges and universities to build, expand, renovate and equip their facilities: *Provided further*, That $10,000,000 shall be made available to the Department of Hawaiian Home Lands to provide assistance as authorized under the Hawaiian Homelands Homeownership Act of 2000 (with no more than 5 percent of such funds being available for administrative costs): *Provided further*, That no less than $15,000,000 shall be transferred to the Working Capital Fund for the development and maintenance of information technology systems: *Provided further*, That $20,000,000 shall be for grants pursuant to the Self Help Housing Opportunity Program: *Provided further*, That not to exceed 20 percent of any grant made with funds appropriated herein (other than a grant made available in this paragraph to the Housing Assistance Council or the National American Indian Housing Council, or a grant using funds under section 107(b)(3) of the Act) shall be expended for ''Planning and Management Development'' and ''Administration'' as defined in regulations promulgated by the department.

Of the amount made available under this heading, $28,450,000 shall be made available for capacity building, of which $25,000,000 shall be made available for ''Capacity Building for Community Development and Affordable Housing'' for LISC and the Enterprise Foundation, for activities as authorized by section 4 of the HUD Demonstration Act of 1993 (Public Law 103–120), as in effect immediately before June 12, 1997, with not less than $5,000,000 of the funding to be used in rural areas, including tribal areas, and of which $3,450,000 shall be for capacity building activities administered by Habitat for Humanity International.

Of the amount made available under this heading, the Secretary of Housing and Urban Development may use up to $55,000,000 for supportive services for public housing residents, as authorized by section 34 of the United States Housing Act of 1937, as amended, and for residents of housing assisted under the Native American Housing Assistance and Self-Determination Act of 1996 (NAHASDA) and for grants for service coordinators and congregate services for the elderly and disabled residents of public and assisted housing and housing assisted under NAHASDA.

Of the amount made available under this heading, $80,000,000 is for grants to create or expand community technology centers in high poverty urban and rural communities and to provide technical assistance to those centers.

Of the amount made available under this heading, $25,000,000 shall be available for neighborhood initiatives that are utilized to improve the conditions of distressed and blighted areas and neighborhoods, to stimulate investment, economic diversification, and community revitalization in areas with population outmigration or a stagnating or declining economic base, or to determine whether housing benefits can be integrated more effectively with welfare reform initiatives.

Of the amount made available under this heading, notwithstanding any other provision of law, $60,000,000 shall be available for YouthBuild program activities authorized by subtitle D of title IV of the Cranston-Gonzalez National Affordable Housing Act, as amended, and such activities shall be an eligible activity with respect to any funds made available under this heading: *Provided*, That local YouthBuild programs that demonstrate an ability to leverage private and nonprofit funding shall be given a priority for YouthBuild funding: *Provided further*, That no more than ten percent of any grant award may be used for administrative costs: *Provided further*, That not less than $10,000,000 shall be available for grants to establish Youthbuild programs in underserved and rural areas: *Provided further*, That of the amount provided under this paragraph, $2,000,000 shall be set aside and made available for a grant to YouthBuild USA for capacity building for community development and affordable housing activities as specified in section 4 of the HUD Demonstration Act of 1993, as amended.

Of the amount made available under this heading, $140,000,000 shall be available for grants for the Economic Development Initiative (EDI) to finance a variety of economic development efforts in accordance with the terms and conditions specified for such grants in the Senate report accompanying this Act.

COMMUNITY DEVELOPMENT LOAN GUARANTEES PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of guaranteed loans, $14,000,000, as authorized by section 108 of the Housing and Community Development Act of 1974, as amended: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: *Provided further*, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $608,696,000, notwithstanding any aggregate limitation on outstanding obligations guaranteed in section 108(k) of the Housing and Community Development Act of 1974, as amended: *Provided further*, That in addition, for administrative expenses to carry out the guaranteed loan program, $1,000,000, which shall be transferred to and merged with the appropriation for ''Salaries and expenses''.

BROWNFIELDS REDEVELOPMENT

For Economic Development Grants, as authorized by section 108(q) of the Housing and Community Development Act of 1974, as amended, for Brownfields redevelopment projects, $25,000,000, to remain available

until September 30, 2003: *Provided*, That the Secretary of Housing and Urban Development shall make these grants available on a competitive basis as specified in section 102 of the Department of Housing and Urban Development Reform Act of 1989.

HOME INVESTMENT PARTNERSHIPS PROGRAM

(INCLUDING TRANSFER OF FUNDS)

For the HOME investment partnerships program, as authorized under title II of the Cranston-Gonzalez National Affordable Housing Act, as amended, $1,796,040,000 to remain available until September 30, 2004, of which up to $20,000,000 of these funds shall be available for Housing Counseling under section 106 of the Housing and Urban Development Act of 1968; and of which no less than $17,000,000 shall be transferred to the Working Capital Fund for the development and maintenance of information technology systems.

HOMELESS ASSISTANCE GRANTS

(INCLUDING TRANSFER OF FUNDS)

For the emergency shelter grants program as authorized under subtitle B of title IV of the McKinney-Vento Homeless Assistance Act, as amended; the supportive housing program as authorized under subtitle C of title IV of such Act; the section 8 moderate rehabilitation single room occupancy program as authorized under the United States Housing Act of 1937, as amended, to assist homeless individuals pursuant to section 441 of the McKinney-Vento Homeless Assistance Act; and the shelter plus care program as authorized under subtitle F of title IV of such Act, $1,022,745,000, to remain available until September 30, 2004: *Provided*, That not less than 30 percent of these funds shall be used for permanent housing, and all funding for services must be matched by 25 percent in funding by each grantee: *Provided further*, That all awards of assistance under this heading shall be required to coordinate and integrate homeless programs with other mainstream health, social services, and employment programs for which homeless populations may be eligible, including Medicaid, State Children's Health Insurance Program, Temporary Assistance for Needy Families, Food Stamps, and services funding through the Mental Health and Substance Abuse Block Grant, Workforce Investment Act, and the Welfare-to-Work grant program: *Provided further*, That no less than $14,200,000 of the funds appropriated under this heading is transferred to the Working Capital Fund to be used for technical assistance for management information systems and to develop an automated, client-level Annual Performance Report System: *Provided further*, That $500,000 shall be made available to the Interagency Council on the Homeless for administrative needs.

SHELTER PLUS CARE RENEWALS

For the renewal on an annual basis of contracts expiring during fiscal years 2002 and 2003 or amendment of contracts funded under the Shelter Plus Care program, as authorized under subtitle F of title IV of the McKinney-Vento Homeless Assistance Act, as amended, $99,780,000, to remain available until expended: *Provided*, That each Shelter Plus Care project with an expiring contract shall be eligible for renewal only if the project is determined to be needed under the applicable continuum of care and meets appropriate program requirements and financial standards, as determined by the Secretary.

HOUSING PROGRAMS

HOUSING FOR SPECIAL POPULATIONS

(INCLUDING TRANSFER OF FUNDS)

For assistance for the purchase, construction, acquisition, or development of additional public and subsidized housing units for low income families not otherwise provided for, $1,001,009,000, to remain available until expended: *Provided*, That $783,286,000 shall be for capital advances, including amendments to capital advance contracts, for housing for the elderly, as authorized by section 202 of the Housing Act of 1959, as amended, and for project rental assistance, and amendments to contracts for project rental assistance, for the elderly under such section 202(c)(2), and for supportive services associated with the housing, of which amount $50,000,000 shall be for service coordinators and the continuation of existing congregate service grants for residents of assisted housing projects, of which amount up to $3,000,000 shall be available to renew expiring project rental assisance contracts for up to a one-year term, and of which amount $50,000,000 shall be for grants under section 202b of the Housing Act of 1959 (12 U.S.C. 1701q–2) for conversion of eligible projects under such section to assisted living or related use: *Provided further*, That of the amount under this heading, $217,723,000 shall be for capital advances, including amendments to capital advance contracts, for supportive housing for persons with disabilities, as authorized by section 811 of the Cranston-Gonzalez National Affordable Housing Act, for project rental assistance, for amendments to contracts for project rental assistance, and supportive services associated with the housing for persons with disabilities as authorized by section 811 of such Act, of which up to $1,200,000 shall be available to renew expiring project rental assistance contracts for up to a one-year term: *Provided further*, That no less than $3,000,000, to be divided evenly between the appropriations for the section 202 and section 811 programs, shall be transferred to the Working Capital Fund for the development and maintenance of information technology systems: *Provided further*, That the Secretary may designate up to 25 percent of the amounts earmarked under this paragraph for section 811 of such Act for tenant-based assistance, as authorized under that section, including such authority as may be waived under the next proviso, which assistance is five years in duration: *Provided further*, That the Secretary may waive any provision of such section 202 and such section 811 (including the provisions governing the terms and conditions of project rental assistance and tenant-based assistance) that the Secretary determines is not necessary to achieve the objectives of these programs, or that otherwise impedes the ability to develop, operate, or administer projects assisted under these programs, and may make provision for alternative conditions or terms where appropriate.

FLEXIBLE SUBSIDY FUND

(TRANSFER OF FUNDS)

From the Rental Housing Assistance Fund, all uncommitted balances of excess rental charges as of September 30, 2001, and any collections made during fiscal year 2002, shall be transferred to the Flexible Subsidy Fund, as authorized by section 236(g) of the National Housing Act, as amended.

MANUFACTURED HOUSING FEES TRUST FUND

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses as authorized by the National Manufactured Housing Construction and Safety Standards Act of 1974, as amended (42 U.S.C. 5401 et seq.), $17,254,000, to remain available until expended, to be derived from the Manufactured Housing Fees Trust Fund: *Provided*, That not to exceed the amount appropriated under this heading shall be available from the general fund of the Treasury to the extent necessary to incur obligations and make expenditures pending the receipt of collections to the Fund pursuant to section 620 of such Act: *Provided further*, That the amount made available under this heading from the general fund shall be reduced as such collections are received during fiscal year 2002 so as to result in a final fiscal year 2002 appropriation from the general fund estimated at not more than $0.

FEDERAL HOUSING ADMINISTRATION

MUTUAL MORTGAGE INSURANCE PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

During fiscal year 2002, commitments to guarantee loans to carry out the purposes of section 203(b) of the National Housing Act, as amended, shall not exceed a loan principal of $160,000,000,000.

During fiscal year 2002, obligations to make direct loans to carry out the purposes of section 204(g) of the National Housing Act, as amended, shall not exceed $250,000,000: *Provided*, That the foregoing amount shall be for loans to nonprofit and governmental entities in connection with sales of single family real properties owned by the Secretary and formerly insured under the Mutual Mortgage Insurance Fund.

For administrative expenses necessary to carry out the guaranteed and direct loan program, $336,700,000, of which not to exceed $332,678,000 shall be transferred to the appropriation for ''Salaries and expenses''; and not to exceed $4,022,000 shall be transferred to the appropriation for ''Office of Inspector General''. In addition, for administrative contract expenses, $160,000,000: *Provided*, That a combined total of $160,000,000 from amounts appropriated for administrative contract expenses under this heading or the heading ''FHA—General and Special Risk Program Account'' shall be transferred to the Working Capital Fund for the development and maintenance of information technology systems: *Provided further*, That to the extent guaranteed loan commitments exceed $65,500,000,000 on or before April 1, 2002 an additional $1,400 for administrative contract expenses shall be available for each $1,000,000 in additional guaranteed loan commitments (including a pro rata amount for any amount below $1,000,000), but in no case shall funds made available by this proviso exceed $16,000,000.

GENERAL AND SPECIAL RISK PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For the cost of guaranteed loans, as authorized by sections 238 and 519 of the National Housing Act (12 U.S.C. 1715z–3 and 1735c), including the cost of loan guarantee modifications as that term is defined in section 502 of the Congressional Budget Act of 1974, as amended, $15,000,000, to remain available until expended: *Provided*, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, of up to $21,000,000,000: *Provided further*, That any amounts made available in any prior appropriations Act for the cost (as such term is defined in section 502 of the Congressional Budget Act of 1974) of guaranteed loans that are obligations of the funds established under section 238 or 519 of the National Housing Act that have not been obligated or that are deobligated shall be available to the Secretary of Housing and Urban Development in connection with the making of such guarantees and shall remain available until expended, notwithstanding the expiration of any period of availability otherwise applicable to such amounts.

Gross obligations for the principal amount of direct loans, as authorized by sections 204(g), 207(l), 238, and 519(a) of the National Housing Act, shall not exceed $50,000,000, of which not to exceed $30,000,000 shall be for bridge financing in connection with the sale

of multifamily real properties owned by the Secretary and formerly insured under such Act; and of which not to exceed $20,000,000 shall be for loans to nonprofit and governmental entities in connection with the sale of single-family real properties owned by the Secretary and formerly insured under such Act.

In addition, for administrative expenses necessary to carry out the guaranteed and direct loan programs, $216,100,000, of which $197,779,000, shall be transferred to the appropriation for ''Salaries and expenses''; and of which $18,321,000 shall be transferred to the appropriation for ''Office of Inspector General''. In addition, for administrative contract expenses necessary to carry out the guaranteed and direct loan programs, $144,000,000: *Provided,* That to the extent guaranteed loan commitments exceed $8,426,000,000 on or before April 1, 2002, an additional $19,800,000 for administrative contract expenses shall be available for each $1,000,000 in additional guaranteed loan commitments over $8,426,000,000 (including a pro rata amount for any increment below $1,000,000), but in no case shall funds made available by this proviso exceed $14,400,000.

GOVERNMENT NATIONAL MORTGAGE ASSOCIATION (GNMA)

GUARANTEES OF MORTGAGE-BACKED SECURITIES LOAN GUARANTEE PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

New commitments to issue guarantees to carry out the purposes of section 306 of the National Housing Act, as amended (12 U.S.C. 1721(g)), shall not exceed $200,000,000,000, to remain available until September 30, 2003.

For administrative expenses necessary to carry out the guaranteed mortgage-backed securities program, $9,383,000 to be derived from the GNMA guarantees of mortgage-backed securities guaranteed loan receipt account, of which not to exceed $9,383,000 shall be transferred to the appropriation for ''Salaries and expenses''.

POLICY DEVELOPMENT AND RESEARCH

RESEARCH AND TECHNOLOGY

For contracts, grants, and necessary expenses of programs of research and studies relating to housing and urban problems, not otherwise provided for, as authorized by title V of the Housing and Urban Development Act of 1970, as amended (12 U.S.C. 1701z–1 et seq.), including carrying out the functions of the Secretary under section 1(a)(1)(i) of Reorganization Plan No. 2 of 1968, $53,404,000, to remain available until September 30, 2003: *Provided,* That $3,000,000 shall be for program evaluation to support strategic planning, performance measurement, and their coordination with the Department's budget process: *Provided further,* That of the amount provided under this heading, $10,000,000 shall be for the Partnership for Advanced Technology in Housing.

FAIR HOUSING AND EQUAL OPPORTUNITY

FAIR HOUSING ACTIVITIES

For contracts, grants, and other assistance, not otherwise provided for, as authorized by title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988, and section 561 of the Housing and Community Development Act of 1987, as amended, $45,899,000, to remain available until September 30, 2003, of which $24,000,000 shall be to carry out activities pursuant to such section 561: *Provided,* That no funds made available under this heading shall be used to lobby the executive or legislative branches of the Federal Government in connection with a specific contract, grant or loan.

OFFICE OF LEAD HAZARD CONTROL

LEAD HAZARD REDUCTION

For the Lead Hazard Reduction Program, as authorized by sections 1011 and 1053 of the Residential Lead-Based Hazard Reduction Act of 1992, $109,758,000 to remain available until September 30, 2003, of which $10,000,000 shall be for the Healthy Homes Initiative, pursuant to sections 501 and 502 of the Housing and Urban Development Act of 1970 that shall include research, studies, testing, and demonstration efforts, including education and outreach concerning lead-based paint poisoning and other housing-related diseases and hazards: *Provided,* That of the amounts provided under this heading, $1,000,000 shall be for the National Center for Lead-Safe Housing: *Provided further,* That of the amounts provided under this heading, $750,000 shall be for CLEARCorps.

MANAGEMENT AND ADMINISTRATION

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary administrative and non-administrative expenses of the Department of Housing and Urban Development, not otherwise provided for, including not to exceed $7,000 for official reception and representation expenses, $1,097,257,000, of which $530,457,000 shall be provided from the various funds of the Federal Housing Administration, $9,383,000 shall be provided from funds of the Government National Mortgage Association, $1,000,000 shall be provided from the ''Community development fund'' account, $150,000 shall be provided by transfer from the ''Title VI Indian federal guarantees program'' account, $200,000 shall be provided by transfer from the ''Indian housing loan guarantee fund program'' account and $35,000 shall be transferred from the Native Hawaiian Housing Loan Guarantee Fund: *Provided,* That no less than $85,000,000 shall be transferred to the Working Capital Fund for the development and maintenance of Information Technology Systems: *Provided further,* That the Secretary shall fill 7 out of 10 vacancies at the GS–14 and GS–15 levels until the total number of GS–14 and GS–15 positions in the Department has been reduced from the number of GS–14 and GS–15 positions on the date of enactment of Public Law 106–377 by two and one-half percent: *Provided further,* That of the amount under this heading, $1,500,000 shall be for necessary expenses of the Millenial Housing Commission, as authorized by Public Law 106–74 with the final report due no later than August 30, 2002.

OFFICE OF INSPECTOR GENERAL

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, as amended, $88,898,000, of which $22,343,000 shall be provided from the various funds of the Federal Housing Administration: *Provided,* That the Inspector General shall have independent authority over all personnel issues within the Office of Inspector General.

CONSOLIDATED FEE FUND

(RESCISSION)

Of the balances remaining available from fees and charges under section 7(j) of the Department of Housing and Urban Development Act, $6,700,000 are rescinded.

OFFICE OF FEDERAL HOUSING ENTERPRISE OVERSIGHT

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For carrying out the Federal Housing Enterprise Financial Safety and Soundness Act of 1992, including not to exceed $500 for official reception and representation expenses, $27,000,000, to remain available until expended, to be derived from the Federal Housing Enterprise Oversight Fund: *Provided,* That not to exceed such amount shall be available from the general fund of the Treasury to the extent necessary to incur obligations and make expenditures pending the receipt of collections to the Fund: *Provided further,* That the general fund amount shall be reduced as collections are received during the fiscal year so as to result in a final appropriation from the general fund estimated at not more than $0: *Provided further,* That this Office shall submit a staffing plan to the House and Senate Committees on Appropriations no later than January 30, 2002.

ADMINISTRATIVE PROVISIONS

SEC. 201. Fifty percent of the amounts of budget authority, or in lieu thereof 50 percent of the cash amounts associated with such budget authority, that are recaptured from projects described in section 1012(a) of the McKinney-Vento Homeless Assistance Amendments Act of 1988 (Public Law 100–628; 102 Stat. 3224, 3268) shall be rescinded, or in the case of cash, shall be remitted to the Treasury, and such amounts of budget authority or cash recaptured and not rescinded or remitted to the Treasury shall be used by State housing finance agencies or local governments or local housing agencies with projects approved by the Secretary of Housing and Urban Development for which settlement occurred after January 1, 1992, in accordance with such section. Notwithstanding the previous sentence, the Secretary may award up to 15 percent of the budget authority or cash recaptured and not rescinded or remitted to the Treasury to provide project owners with incentives to refinance their project at a lower interest rate.

SEC. 202. None of the amounts made available under this Act may be used during fiscal year 2002 to investigate or prosecute under the Fair Housing Act any otherwise lawful activity engaged in by one or more persons, including the filing or maintaining of a nonfrivolous legal action, that is engaged in solely for the purpose of achieving or preventing action by a Government official or entity, or a court of competent jurisdiction.

SEC. 203. (a) Notwithstanding section 854(c)(1)(A) of the AIDS Housing Opportunity Act (42 U.S.C. 12903(c)(1)(A)), from any amounts made available under this title for fiscal year 2002 that are allocated under such section, the Secretary of Housing and Urban Development shall allocate and make a grant, in the amount determined under subsection (b), for any State that—

(1) received an allocation in a prior fiscal year under clause (ii) of such section; and

(2) is not otherwise eligible for an allocation for fiscal year 2002 under such clause (ii) because the areas in the State outside of the metropolitan statistical areas that qualify under clause (i) in fiscal year 2002 do not have the number of cases of acquired immunodeficiency syndrome (AIDS) required under such clause.

(b) The amount of the allocation and grant for any State described in subsection (a) shall be an amount based on the cumulative number of AIDS cases in the areas of that State that are outside of metropolitan statistical areas that qualify under clause (i) of such section 854(c)(1)(A) in fiscal year 2002, in proportion to AIDS cases among cities and States that qualify under clauses (i) and (ii) of such section and States deemed eligible under subsection (a).

SEC. 204. Section 225 of the Department of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2000, Public Law 106–74, is amended by inserting ''and fiscal year 2002'' after ''fiscal year 2001''.

SEC. 205. Section 236(g)(3)(A) of the National Housing Act is amended by striking out ''fiscal years 2000 and 2001'' and inserting in lieu thereof ''fiscal years 2000, 2001, and 2002''.

SEC. 206. Section 223(f)(1) of the National Housing Act is amended by inserting ''purchase or'' immediately before ''refinancing of existing debt''.

SEC. 207. Section 106(c)(9) of the Housing and Urban Development Act of 1968 is repealed.

SEC. 208. Section 251 of the National Housing Act is amended—

(1) in subsection (b), by striking ''issue regulations'' and all that follows and inserting the following: ''require that the mortgagee make available to the mortgagor, at the time of loan application, a written explanation of the features of an adjustable rate mortgage consistent with the disclosure requirements applicable to variable rate mortgages secured by a principal dwelling under the Truth in Lending Act.''; and

(2) by adding the following new subsection at the end:

''(d)(1) The Secretary may insure under this subsection a mortgage that meets the requirements of subsection (a), except that the effective rate of interest—

''(A) shall be fixed for a period of not less than the first 3 years of the mortgage term;

''(B) shall be adjusted by the mortgagee initially upon the expiration of such period and annually thereafter; and

''(C) in the case of the initial interest rate adjustment, is subject to the one percent limitation only if the interest rate remained fixed for five or fewer years.

''(2) The disclosure required under subsection (b) shall be required for a mortgage insured under this subsection.''.

SEC. 209. (a) Section 203(c) of the National Housing Act is amended—

(1) in paragraph (1), by striking ''and (k)'' and inserting ''or (k)''; and

(2) in paragraph (2)—

(A) by inserting immediately after ''subsection (v),'' the following: ''and each mortgage that is insured under subsection (k) or section 234(c),''; and

(B) by striking ''and executed on or after October 1, 1994,''.

(b) The amendments made by subsection (a) shall apply only to mortgages that are executed on or after the date of enactment of this Act or a later date determined by the Secretary and announced by notice in the Federal Register.

SEC. 210. Section 242(d)(4) of the National Housing Act is amended to read as follows:

''(4)(A) The Secretary, in conjunction with the Secretary of Health and Human Services, shall require satisfactory evidence that the hospital will be located in a State or political subdivision of a State with reasonable minimum standards of licensure and methods of operation for hospitals and satisfactory assurance that such standards will be applied and enforced with respect to the hospital.

''(B) The Secretary shall establish the means for determining need and feasibility for the hospital. If the State has an official procedure for determining need for hospitals, the Secretary shall also require that such procedure be followed before the application for insurance is submitted, and the application shall document that need has also been established under that procedure.''.

SEC. 211. Section 232(d)(4)(A) of the National Housing Act is amended to read as follows:

''(A)(i) The Secretary, in conjunction with the Secretary of Health and Human Services, shall require satisfactory evidence that a nursing home, intermediate care facility, or combined nursing home and intermediate care facility will be located in a State or political subdivision of a State with reasonable minimum standards of licensure and methods of operation for such homes, facilities, or combined homes and facilities. The Secretary shall also require satisfactory assurance that such standards will be applied and enforced with respect to the home, facility, or combined home or facility.

''(ii) The Secretary shall establish the means for determining need and feasibility for the home, facility, or combined home and facility. If the State has an official procedure for determining need for such homes, facilities, or combined homes and facilities, the Secretary shall also require that such procedure be followed before the application for insurance is submitted, and the application shall document that need has also been established under that procedure.''.

SEC. 212. Section 533 of the National Housing Act is amended to read as follows:

''SEC. 533. REVIEW OF MORTGAGEE PERFORMANCE AND AUTHORITY TO TERMINATE.—

''(a) PERIODIC REVIEW OF MORTGAGEE PERFORMANCE.—To reduce losses in connection with single family mortgage insurance programs under this Act, at least once a year the Secretary shall review the rate of early defaults and claims for insured single family mortgages originated or underwritten by each mortgagee.

''(b) COMPARISON WITH OTHER MORTGAGES.—For each mortgagee, the Secretary shall compare the rate of early defaults and claims for insured single family mortgage loans originated or underwritten by the mortgagee in an area with the rate of early defaults and claims for other mortgagees originating or underwriting insured single family mortgage loans in the area. For purposes of this section, the term ''area'' means each geographic area in which the mortgagee is authorized by the Secretary to originate insured single family mortgages.

''(c) TERMINATION OF MORTGAGEE ORIGINATION APPROVAL.—(1) Notwithstanding section 202(c) of this Act, the Secretary may terminate the approval of a mortgagee to originate or underwrite single family mortgages if the Secretary determines that the mortgage loans originated or underwritten by the mortgagee present an unacceptable risk to the insurance funds. The determination shall be based on the comparison required under subsection (b) and shall be made in accordance with regulations of the Secretary. The Secretary may rely on existing regulations published before this section takes effect.

''(2) The Secretary shall give a mortgagee at least 60 days prior written notice of any termination under this subsection. The termination shall take effect at the end of the notice period, unless the Secretary withdraws the termination notice or extends the notice period. If requested in writing by the mortgagee within 30 days of the date of the notice, the mortgagee shall be entitled to an informal conference with the official authorized to issue termination notices on behalf of the Secretary (or a designee of that official). At the informal conference, the mortgagee may present for consideration specific factors that it believes were beyond its control and that caused the excessive default and claim rate.''.

SEC. 213. Except as explicitly provided in legislation, any grant or assistance made pursuant to Title II of this Act shall be made in accordance with section 102 of the Department of Housing and Urban Development Reform Act of 1989 on a competitive basis.

SEC. 214. Public housing agencies in the State of Alaska shall not be required to comply with section 2(b) of the United States Housing Act of 1937, as amended, during fiscal year 2002.

SEC. 215. Notwithstanding any other provision of law, in fiscal year 2001 and for each fiscal year thereafter, in managing and disposing of any multifamily property that is owned or held by the Secretary and is occupied primarily by elderly or disabled families, the Secretary of Housing and Urban Development shall maintain any rental assistance payments under section 8 of the United States Housing Act of 1937 that are attached to any dwelling units in the property. To the extent the Secretary determines that such a multifamily property owned or held by the Secretary is not feasible for continued rental assistance payments under such section 8, the Secretary may, in consultation with the tenants of that property, contract for project-based rental assistance payments with an owner or owners of other existing housing properties or provide other rental assistance.

SEC. 216. (a) SECTION 207 LIMITS.—Section 207(c)(3) of the National Housing Act (12 U.S.C. 1713(c)(3)) is amended—

(1) by striking ''$30,420'', ''$33,696'', ''$40,248'', ''$49,608'', and ''$56,160'' and inserting ''$38,025'', ''$42,120'', ''$50,310'', ''$62,010'', and ''$70,200'', respectively;

(2) by striking ''$9,000'' and inserting ''$11,250''; and

(3) by striking ''$35,100'', ''$39,312'', ''$48,204'', ''$60,372'', and ''$68,262'' and inserting ''$43,875'', ''$49,140'', ''$60,255'', ''$75,465'', and ''$85,328'', respectively.

(b) SECTION 213 LIMITS.—Section 213(b)(2) of the National Housing Act (12 U.S.C. 1715e(b)(2)) is amended—

(1) by striking ''$30,420'', ''$33,696'', ''$40,248'', ''$49,608'', and ''$56,160'' and inserting ''$38,025'', ''$42,120'', ''$50,310'', ''$62,010'', and ''$70,200'', respectively; and

(2) by striking ''$35,100'', ''$39,312'', ''$48,204'', ''$60,372'', and ''$68,262'' and inserting ''$43,875'', ''$49,140'', ''$60,255'', ''$75,465'', and ''$85,328'', respectively.

(c) SECTION 220 LIMITS.—Section 220(d)(3)(B)(iii) of the National Housing Act (12 U.S.C. 1715k(d)(3)(B)(iii)) is amended—

(1) by striking ''$30,420'', ''$33,696'', ''$40,248'', ''$49,608'', and ''$56,160'' and inserting ''$38,025'', ''$42,120'', ''$50,310'', ''$62,010'', and ''$70,200'', respectively; and

(2) by striking ''$35,100'', ''$39,312'', ''$48,204'', ''$60,372'', and ''$68,262'' and inserting ''$43,875'', ''$49,140'', ''$60,255'', ''$75,465'', and ''$85,328'', respectively.

(d) SECTION 221(d)(3) LIMITS.—Section 221(d)(3)(ii) of the National Housing Act (12 U.S.C. 1715l(d)(3)(ii)) is amended—

(1) by striking ''$33,638'', ''$38,785'', ''$46,775'', ''$59,872'', and ''$66,700'' and inserting ''$42,048'', ''$48,481'', ''58,469'', ''$74,840'', and ''$83,375'', respectively; and

(2) by striking ''$35,400'', ''$40,579'', ''$49,344'', ''$63,834'', and ''$70,070'' and inserting ''$44,250'', ''$50,724'', ''$61,680'', ''$79,793'', and ''$87,588'', respectively.

(e) SECTION 221(d)(4) LIMITS.—Section 221(d)(4)(ii) of the National Housing Act (12 U.S.C. 1715l(d)(4)(ii)) is amended—

(1) by striking ''$30,274'', ''$34,363'', ''$41,536'', ''$52,135'', and ''$59,077'' and inserting ''$37,843'', ''$42,954'', ''$51,920'', ''$65,169'', and ''$73,846'', respectively; and

(2) by striking ''$32,701'', ''$37,487'', ''$45,583'', ''$58,968'', and ''$64,730'' and inserting ''$40,876'', ''$46,859'', ''$56,979'', ''$73,710'', and ''$80,913'', respectively.

(f) SECTION 231 LIMITS.—Section 231(c)(2) of the National Housing Act (12 U.S.C. 1715v(c)(2)) is amended—

(1) by striking ''$28,782'', ''$32,176'', ''$38,423'', ''$46,238'', and ''$54,360'' and inserting ''$35,978'', ''$40,220'', ''$48,029'', ''$57,798'', ''$67,950'', respectively; and

(2) by striking ''$32,701'', ''$37,487'', ''$45,583'', ''$58,968'', and ''$64,730'' and inserting ''$40,876'', ''$46,859'', ''$56,979'', ''$73,710'', and ''$80,913'', respectively.

(g) SECTION 234 LIMITS.—Section 234(e)(3) of the National Housing Act (12 U.S.C. 1715y(e)(3)) is amended—

(1) by striking ''$30,420'', ''$33,696'', ''$40,248'', ''$49,608'', and ''$56,160'' and inserting ''$38,025'', ''$42,120'', ''$50,310'', ''$62,010'', and ''$70,200'', respectively; and

(2) by striking ''$35,100'', ''$39,312'', ''$48,204'', ''$60,372'', and ''$68,262'' and inserting ''$43,875'', ''$49,140'', ''$60,255'', ''$75,465'', and ''$85,328'', respectively.

SEC. 217. Notwithstanding any other provision of law, the Tribal Student Housing Project proposed by the Cook Inlet Housing Authority is authorized to be constructed in accordance with its 1998 Indian Housing Plan from amounts previously appropriated for the benefit of the Housing Authority, a portion of which may be used as a maintenance reserve for the completed project.

TITLE III—INDEPENDENT AGENCIES

AMERICAN BATTLE MONUMENTS COMMISSION

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, of the American Battle Monuments Commission, including the acquisition of land or interest in land in foreign countries; purchases and repair of uniforms for caretakers of national cemeteries and monuments outside of the United States and its territories and possessions; rent of office and garage space in foreign countries; purchase (one for replacement only) and hire of passenger motor vehicles; and insurance of official motor vehicles in foreign countries, when required by law of such countries, $28,466,000, to remain available until expended.

CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD

SALARIES AND EXPENSES

For necessary expenses in carrying out activities pursuant to section 112(r)(6) of the Clean Air Act, including hire of passenger vehicles, uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902, and for services authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem equivalent to the maximum rate payable for senior level positions under 5 U.S.C. 5376, $7,621,000, $5,121,000 of which to remain available until September 30, 2002 and $2,500,000 of which to remain available until September 30, 2003: *Provided*, That the Chemical Safety and Hazard Investigation Board shall have not more than three career Senior Executive Service positions: *Provided further*, That, hereafter, there shall be an Inspector General at the Board who shall have the duties, responsibilities, and authorities specified in the Inspector General Act of 1978, as amended: *Provided further*, That an individual appointed to the position of Inspector General of the Federal Emergency Management Agency (FEMA) shall, by virtue of such appointment, also hold the position of Inspector General of the Board: *Provided further*, That the Inspector General of the Board shall utilize personnel of the Office of Inspector General of FEMA in performing the duties of the Inspector General of the Board, and shall not appoint any individuals to positions within the Board.

DEPARTMENT OF THE TREASURY

COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS

COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS

FUND PROGRAM ACCOUNT

To carry out the Community Development Banking and Financial Institutions Act of 1994, including services authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for ES–3, $100,000,000, to remain available until September 30, 2003, of which $5,000,000 shall be for technical assistance and training programs designed to benefit Native American communities, and up to $9,850,000 may be used for administrative expenses, including administration of the New Markets Tax Credit, up to $6,000,000 may be used for the cost of direct loans, and up to $1,000,000 may be used for administrative expenses to carry out the direct loan program: *Provided*, That the cost of direct loans, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: *Provided further*, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $51,800,000.

CONSUMER PRODUCT SAFETY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Consumer Product Safety Commission, including hire of passenger motor vehicles, services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the maximum rate payable under 5 U.S.C. 5376, purchase of nominal awards to recognize non-Federal officials' contributions to Commission activities, and not to exceed $500 for official reception and representation expenses, $56,200,000, of which $1,000,000 to remain available until September 30, 2004, shall be for a research project on sensor technologies.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

NATIONAL AND COMMUNITY SERVICE PROGRAMS

OPERATING EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for the Corporation for National and Community Service (the ''Corporation'') in carrying out programs, activities, and initiatives under the National and Community Service Act of 1990 (the ''Act'') (42 U.S.C. 12501 et seq.), $415,480,000, to remain available until September 30, 2003: *Provided*, That not more than $31,000,000 shall be available for administrative expenses authorized under section 501(a)(4) of the Act (42 U.S.C. 12671(a)(4)) with not less than $2,000,000 targeted for the acquisition of a cost accounting system for the Corporation's financial management system, an integrated grants management system that provides comprehensive financial management information for all Corporation grants and cooperative agreements, and the establishment, operation, and maintenance of a central archives serving as the repository for all grant, cooperative agreement, and related documents, without regard to the provisions of section 501(a)(4)(B) of the Act: *Provided further*, That not more than $2,500 shall be for official reception and representation expenses: *Provided further*, That of amounts previously transferred to the National Service Trust, $5,000,000 shall be available for national service scholarships for high school students performing community service: *Provided further*, That not more than $240,492,000 of the amount provided under this heading shall be available for grants under the National Service Trust program authorized under subtitle C of title I of the Act (42 U.S.C. 12571 et seq.) (relating to activities including the AmeriCorps program), of which not more than $47,000,000 may be used to administer, reimburse, or support any national service program authorized under section 121(d)(2) of such Act (42 U.S.C. 12581(d)(2)); not more than $25,000,000 shall be made available to activities dedicated to developing computer and information technology skills for students and teachers in low-income communities: *Provided further*, That not more than $10,000,000 of the funds made available under this heading shall be made available for the Points of Light Foundation for activities authorized under title III of the Act (42 U.S.C. 12661 et seq.), of which not more than $2,500,000 may be used to establish or support an endowment fund, the corpus of which shall remain intact and the interest income from which shall be used to support activities described in title III of the Act, provided that the Foundation may invest the corpus and income in federally insured bank savings accounts or comparable interest bearing accounts, certificates of deposit, money market funds, mutual funds, obligations of the United States, and other market instruments and securities but not in real estate investments: *Provided further*, That notwithstanding any other law $2,500,000 of the funds made available by the Corporation to the Foundation under Public Law 106–377 may be used in the manner described in the preceding proviso: *Provided further*, That no funds shall be available for national service programs run by Federal agencies authorized under section 121(b) of such Act (42 U.S.C. 12571(b)): *Provided further*, That to the maximum extent feasible, funds appropriated under subtitle C of title I of the Act shall be provided in a manner that is consistent with the recommendations of peer review panels in order to ensure that priority is given to programs that demonstrate quality, innovation, replicability, and sustainability: *Provided further*, That not more than $25,000,000 of the funds made available under this heading shall be available for the Civilian Community Corps authorized under subtitle E of title I of the Act (42 U.S.C. 12611 et seq.): *Provided further*, That not more than $43,000,000 shall be available for school-based and community-based service-learning programs authorized under subtitle B of title I of the Act (42 U.S.C. 12521 et seq.): *Provided further*, That not more than $28,488,000 shall be available for quality and innovation activities authorized under subtitle H of title I of the Act (42 U.S.C. 12853 et seq.): *Provided further*, That not more than $15,000,000 shall be available for grants to support the Veterans Mission for Youth Program: *Provided further*, That not more than $5,000,000 shall be available for audits and other evaluations authorized under section 179 of the Act (42 U.S.C. 12639): *Provided further*, That to the maximum extent practicable, the Corporation shall increase significantly the level of matching funds and in-kind contributions provided by the private sector, and shall reduce the total Federal costs per participant in all programs: *Provided further*, That not more than $7,500,000 of the funds made available under this heading shall be made available to America's Promise—The Alliance for Youth, Inc. only to support efforts to mobilize individuals, groups, and organizations to build and strengthen the character and competence of the Nation's youth: *Provided further*, That not more than $5,000,000 of the funds made available under this heading shall be made available to the Communities In Schools, Inc. to support dropout prevention activities: *Provided further*, That not more than $2,500,000 of the funds made available under this heading shall be made available to the YMCA of the USA to support school-based programs designed to strengthen collaborations and linkages between public schools and communities: *Provided further*, That not more than $1,000,000 of the funds made available under this heading shall be made available to Teach For America: *Provided further*, That not more than $1,500,000 of the funds made available under this heading shall be made available to Parents As Teachers National Center, Inc. to support literacy activities.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, as amended,

$5,000,000, to remain available until September 30, 2003.

U.S. COURT OF APPEALS FOR VETERANS CLAIMS

SALARIES AND EXPENSES

For necessary expenses for the operation of the United States Court of Appeals for Veterans Claims as authorized by 38 U.S.C. 7251–7298, $13,221,000, of which $895,000 shall be available for the purpose of providing financial assistance as described, and in accordance with the process and reporting procedures set forth, under this heading in Public Law 102–229.

DEPARTMENT OF DEFENSE—CIVIL

CEMETERIAL EXPENSES, ARMY

SALARIES AND EXPENSES

For necessary expenses, as authorized by law, for maintenance, operation, and improvement of Arlington National Cemetery and Soldiers' and Airmen's Home National Cemetery, including the purchase of two passenger motor vehicles for replacement only, and not to exceed $1,000 for official reception and representation expenses, $18,437,000, to remain available until expended.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

NATIONAL INSTITUTES OF HEALTH

NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES

For necessary expenses for the National Institute of Environmental Health Sciences in carrying out activities set forth in section 311(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, $70,228,000.

AGENCY FOR TOXIC SUBSTANCES AND DISEASE REGISTRY

SALARIES AND EXPENSES

For necessary expenses for the Agency for Toxic Substances and Disease Registry (ATSDR) in carrying out activities set forth in sections 104(i), 111(c)(4), and 111(c)(14) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended; section 118(f) of the Superfund Amendments and Reauthorization Act of 1986 (SARA), as amended; and section 3019 of the Solid Waste Disposal Act, as amended, $78,235,000, to be derived from the Hazardous Substance Superfund Trust Fund pursuant to section 517(a) of SARA (26 U.S.C. 9507): *Provided,* That notwithstanding any other provision of law, in lieu of performing a health assessment under section 104(i)(6) of CERCLA, the Administrator of ATSDR may conduct other appropriate health studies, evaluations, or activities, including, without limitation, biomedical testing, clinical evaluations, medical monitoring, and referral to accredited health care providers: *Provided further,* That in performing any such health assessment or health study, evaluation, or activity, the Administrator of ATSDR shall not be bound by the deadlines in section 104(i)(6)(A) of CERCLA: *Provided further,* That none of the funds appropriated under this heading shall be available for ATSDR to issue in excess of 40 toxicological profiles pursuant to section 104(i) of CERCLA during fiscal year 2002, and existing profiles may be updated as necessary.

ENVIRONMENTAL PROTECTION AGENCY

SCIENCE AND TECHNOLOGY

For science and technology, including research and development activities, which shall include research and development activities under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended; necessary expenses for personnel and related costs and travel expenses, including uniforms, or allowances therefor, as authorized by 5 U.S.C. 5901–5902; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the maximum rate payable for senior level positions under 5 U.S.C. 5376; procurement of laboratory equipment and supplies; other operating expenses in support of research and development; construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $75,000 per project, $665,672,000, which shall remain available until September 30, 2003.

ENVIRONMENTAL PROGRAMS AND MANAGEMENT

For environmental programs and management, including necessary expenses, not otherwise provided for, for personnel and related costs and travel expenses, including uniforms, or allowances therefor, as authorized by 5 U.S.C. 5901–5902; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the maximum rate payable for senior level positions under 5 U.S.C. 5376; hire of passenger motor vehicles; hire, maintenance, and operation of aircraft; purchase of reprints; library memberships in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members; construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $75,000 per project; and not to exceed $6,000 for official reception and representation expenses, $2,061,996,200, which shall remain available until September 30, 2003.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, and for construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $75,000 per project, $34,019,000, to remain available until September 30, 2003.

BUILDINGS AND FACILITIES

For construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities of, or for use by, the Environmental Protection Agency, $25,318,400, to remain available until expended.

HAZARDOUS SUBSTANCE SUPERFUND

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended, including sections 111(c)(3), (c)(5), (c)(6), and (e)(4) (42 U.S.C. 9611), and for construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $75,000 per project; $1,274,645,560 to remain available until expended, consisting of $634,532,200, as authorized by section 517(a) of the Superfund Amendments and Reauthorization Act of 1986 (SARA), as amended by Public Law 101–508, and $640,113,360 as a payment from general revenues to the Hazardous Substance Superfund for purposes as authorized by section 517(b) of SARA, as amended: *Provided,* That funds appropriated under this heading may be allocated to other Federal agencies in accordance with section 111(a) of CERCLA: *Provided further,* That of the funds appropriated under this heading, $11,867,000 shall be transferred to the ''Office of Inspector General'' appropriation to remain available until September 30, 2003, and $36,890,500 shall be transferred to the ''Science and technology'' appropriation to remain available until September 30, 2003.

LEAKING UNDERGROUND STORAGE TANK TRUST FUND

For necessary expenses to carry out leaking underground storage tank cleanup activities authorized by section 205 of the Superfund Amendments and Reauthorization Act of 1986, and for construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $75,000 per project, $71,947,400, to remain available until expended.

OIL SPILL RESPONSE

For expenses necessary to carry out the Environmental Protection Agency's responsibilities under the Oil Pollution Act of 1990, $14,986,000, to be derived from the Oil Spill Liability trust fund, to remain available until expended.

STATE AND TRIBAL ASSISTANCE GRANTS

For environmental programs and infrastructure assistance, including capitalization grants for State revolving funds and performance partnership grants, $3,603,015,900, to remain available until expended, of which $1,350,000,000 shall be for making capitalization grants for the Clean Water State Revolving Funds under title VI of the Federal Water Pollution Control Act, as amended (the ''Act''); $850,000,000 shall be for capitalization grants for the Drinking Water State Revolving Funds under section 1452 of the Safe Drinking Water Act, as amended, except that, notwithstanding section 1452(n) of the Safe Drinking Water Act, as amended, none of the funds made available under this heading in this Act, or in previous appropriations Acts, shall be reserved by the Administrator for health effects studies on drinking water contaminants; $75,000,000 shall be for architectural, engineering, planning, design, construction and related activities in connection with the construction of high priority water and wastewater facilities in the area of the United States-Mexico Border, after consultation with the appropriate border commission; $40,000,000 shall be for grants to the State of Alaska to address drinking water and wastewater infrastructure needs of rural and Alaska Native Villages; $140,000,000 shall be for making grants for the construction of wastewater and water treatment facilities and groundwater protection infrastructure in accordance with the terms and conditions specified for such grants in the Senate report accompanying this Act except that, notwithstanding any other provision of law, of the funds herein and hereafter appropriated under this heading for such special needs infrastructure grants, the Administrator may use up to 3 percent of the amount of each project appropriated to administer the management and oversight of construction of such projects through contracts, allocation to the Corps of Engineers, or grants to States; and $1,030,782,400 shall be for grants, including associated program support costs, to States, federally recognized tribes, interstate agencies, tribal consortia, and air pollution control agencies for multi-media or single media pollution prevention, control and abatement and related activities, including activities pursuant to the provisions set forth under this heading in Public Law 104–134, and for making grants under section 103 of the Clean Air Act for particulate matter monitoring and data collection activities of which and subject to terms and conditions specified by the Administrator, $25,000,000 shall be for Environmental Information Exchange Network grants, including associated program support costs: *Provided,* That for fiscal year 2002, State authority under section 302(a) of Public Law 104–182 shall remain in effect: *Provided further,* That for fiscal year 2002, and notwithstanding section 518(f) of the Federal Water Pollution Control Act, as amended, the Administrator is authorized to use the amounts appropriated for any fiscal year under section 319 of that Act to make grants to Indian tribes pursuant to section

319(h) and 518(e) of that Act: *Provided further*, That for fiscal year 2002, notwithstanding the limitation on amounts in section 518(c) of the Act, up to a total of 1½ percent of the funds appropriated for State Revolving Funds under Title VI of that Act may be reserved by the Administrator for grants under section 518(c) of such Act: *Provided further*, That no funds provided by this legislation to address the water, wastewater and other critical infrastructure needs of the colonias in the United States along the United States-Mexico border shall be made available to a county or municipal government unless that government has established an enforceable local ordinance, or other zoning rule, which prevents in that jurisdiction the development or construction of any additional colonia areas, or the development within an existing colonia the construction of any new home, business, or other structure which lacks water, wastewater, or other necessary infrastructure.

ADMINISTRATIVE PROVISION

For fiscal year 2002, notwithstanding 31 U.S.C. 6303(1) and 6305(1), the Administrator of the Environmental Protection Agency, in carrying out the Agency's function to implement directly Federal environmental programs required or authorized by law in the absence of an acceptable tribal program, may award cooperative agreements to federally-recognized Indian Tribes or Intertribal consortia, if authorized by their member Tribes, to assist the Administrator in implementing Federal environmental programs for Indian Tribes required or authorized by law, except that no such cooperative agreements may be awarded from funds designated for State financial assistance agreements.

EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF SCIENCE AND TECHNOLOGY POLICY

For necessary expenses of the Office of Science and Technology Policy, in carrying out the purposes of the National Science and Technology Policy, Organization, and Priorities Act of 1976 (42 U.S.C. 6601 and 6671), hire of passenger motor vehicles, and services as authorized by 5 U.S.C. 3109, not to exceed $2,500 for official reception and representation expenses, and rental of conference rooms in the District of Columbia, $5,267,000.

COUNCIL ON ENVIRONMENTAL QUALITY AND OFFICE OF ENVIRONMENTAL QUALITY

For necessary expenses to continue functions assigned to the Council on Environmental Quality and Office of Environmental Quality pursuant to the National Environmental Policy Act of 1969, the Environmental Quality Improvement Act of 1970, and Reorganization Plan No. 1 of 1977, $2,974,000: *Provided*, That, notwithstanding any other provision of law, no funds other than those appropriated under this heading shall be used for or by the Council on Environmental Quality and Office of Environmental Quality: *Provided further*, That notwithstanding section 202 of the National Environmental Policy Act of 1970, the Council shall consist of one member, appointed by the President, by and with the advice and consent of the Senate, serving as chairman and exercising all powers, functions, and duties of the Council.

FEDERAL DEPOSIT INSURANCE CORPORATION

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $33,660,000, to be derived from the Bank Insurance Fund, the Savings Association Insurance Fund, and the FSLIC Resolution Fund.

FEDERAL EMERGENCY MANAGEMENT AGENCY

DISASTER RELIEF

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses in carrying out the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), $359,399,000, and, notwithstanding 42 U.S.C. 5203, to remain available until expended, of which not to exceed $2,900,000 may be transferred to ''Emergency management planning and assistance'' for the consolidated emergency management performance grant program; up to $15,000,000 may be obligated for flood map modernization activities following disaster declarations; and $21,577,000 may be used by the Office of Inspector General for audits and investigations.

For an additional amount for ''Disaster relief'', $2,000,000,000, to remain available until expended: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the entire amount shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

DISASTER ASSISTANCE DIRECT LOAN PROGRAM ACCOUNT

For the cost of direct loans, $405,000 as authorized by section 319 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: *Provided further*, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $25,000,000. In addition, for administrative expenses to carry out the direct loan program, $543,000.

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, including hire and purchase of motor vehicles as authorized by 31 U.S.C. 1343; uniforms, or allowances therefor, as authorized by 5 U.S.C. 5901–5902; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the maximum rate payable for senior level positions under 5 U.S.C. 5376; expenses of attendance of cooperating officials and individuals at meetings concerned with the work of emergency preparedness; transportation in connection with the continuity of Government programs to the same extent and in the same manner as permitted the Secretary of a Military Department under 10 U.S.C. 2632; and not to exceed $2,500 for official reception and representation expenses, $233,801,000.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, as amended, $10,303,000: *Provided*, That notwithstanding any other provision of law, the Inspector General of the Federal Emergency Management Agency shall also serve as the Inspector General of the Chemical Safety and Hazard Investigation Board.

EMERGENCY MANAGEMENT PLANNING AND ASSISTANCE

For necessary expenses, not otherwise provided for, to carry out activities under the National Flood Insurance Act of 1968, as amended, and the Flood Disaster Protection Act of 1973, as amended (42 U.S.C. 4001 et seq.), the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), the Earthquake Hazards Reduction Act of 1977, as amended (42 U.S.C. 7701 et seq.), the Federal Fire Prevention and Control Act of 1974, as amended (15 U.S.C. 2201 et seq.), the Defense Production Act of 1950, as amended (50 U.S.C. App. 2061 et seq.), sections 107 and 303 of the National Security Act of 1947, as amended (50 U.S.C. 404–405), and Reorganization Plan No. 3 of 1978, $279,623,000: *Provided*, That for purposes of pre-disaster mitigation pursuant to 42 U.S.C. 5131(b) and (c) and 42 U.S.C. 5196(e) and (i), $25,000,000 of the funds made available under this heading shall be available until expended for project grants.

For an additional amount for ''Emergency management planning and assistance'', $150,000,000 for programs as authorized by section 33 of the Federal Fire Prevention and Control Act of 1974, as amended (15 U.S.C. 2201 et seq.).

RADIOLOGICAL EMERGENCY PREPAREDNESS FUND

The aggregate charges assessed during fiscal year 2002, as authorized by Public Law 106–377, shall not be less than 100 percent of the amounts anticipated by FEMA necessary for its radiological emergency preparedness program for the next fiscal year. The methodology for assessment and collection of fees shall be fair and equitable; and shall reflect costs of providing such services, including administrative costs of collecting such fees. Fees received pursuant to this section shall be deposited in the Fund as offsetting collections and will become available for authorized purposes on October 1, 2002, and remain available until expended.

EMERGENCY FOOD AND SHELTER PROGRAM

To carry out an emergency food and shelter program pursuant to title III of Public Law 100–77, as amended, $139,692,000, to remain available until expended: *Provided*, That total administrative costs shall not exceed 3½ percent of the total appropriation.

NATIONAL FLOOD INSURANCE FUND

(INCLUDING TRANSFERS OF FUNDS)

For activities under the National Flood Insurance Act of 1968 (''the Act''), the Flood Disaster Protection Act of 1973, as amended, not to exceed $28,798,000 for salaries and expenses associated with flood mitigation and flood insurance operations, and not to exceed $76,381,000 for flood mitigation, including up to $20,000,000 for expenses under section 1366 of the Act, which amount shall be available for transfer to the National Flood Mitigation Fund until September 30, 2003. In fiscal year 2002, no funds in excess of: (1) $55,000,000 for operating expenses; (2) $536,750,000 for agents' commissions and taxes; and (3) $30,000,000 for interest on Treasury borrowings shall be available from the National Flood Insurance Fund without prior notice to the Committees on Appropriations.

In addition, up to $7,000,000 in fees collected but unexpended during fiscal years 2000 through 2001 shall be transferred to the Flood Map Modernization Fund and available for expenditure in fiscal year 2002.

Section 1309(a)(2) of the Act (42 U.S.C. 4016(a)(2)), as amended, is further amended by striking ''December 31, 2001'' and inserting ''December 31, 2002''.

Section 1319 of the Act, as amended (42 U.S.C. 4026), is amended by striking ''September 30, 2001'' and inserting ''December 31, 2002''.

Section 1336 of the Act, as amended (42 U.S.C. 4056), is amended by striking ''September 30, 2001'' and inserting ''December 31, 2002''.

The first sentence of section 1376(c) of the Act, as amended (42 U.S.C. 4127(c)), is amended by striking ''December 31, 2001'' and inserting ''December 31, 2002''.

NATIONAL FLOOD MITIGATION FUND

Notwithstanding sections 1366(b)(3)(B)–(C) and 1366(f) of the National Flood Insurance Act of 1968, as amended, $20,000,000, to remain available until September 30, 2003, for activities designed to reduce the risk of flood damage to structures pursuant to such Act, of which $20,000,000 shall be derived from the National Flood Insurance Fund.

GENERAL SERVICES ADMINISTRATION

FEDERAL CONSUMER INFORMATION CENTER FUND

For necessary expenses of the Federal Consumer Information Center, including services authorized by 5 U.S.C. 3109, $7,276,000, to be deposited into the Federal Consumer Information Center Fund: *Provided*, That the appropriations, revenues, and collections deposited into the Fund shall be available for necessary expenses of Federal Consumer Information Center activities in the aggregate amount of $12,000,000. Appropriations, revenues, and collections accruing to this Fund during fiscal year 2002 in excess of $12,000,000 shall remain in the Fund and shall not be available for expenditure except as authorized in appropriations Acts.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

HUMAN SPACE FLIGHT

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses, not otherwise provided for, in the conduct and support of human space flight research and development activities, including research, development, operations, support and services; maintenance; construction of facilities including repair, rehabilitation, revitalization and modification of facilities, construction of new facilities and additions to existing facilities, facility planning and design, environmental compliance and restoration, and acquisition or condemnation of real property, as authorized by law; space flight, spacecraft control and communications activities including operations, production, and services; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; travel expenses; purchase and hire of passenger motor vehicles; not to exceed $20,000 for official reception and representation expenses; and purchase, lease, charter, maintenance and operation of mission and administrative aircraft, $6,868,000,000, to remain available until September 30, 2003, of which amounts as determined by the Administrator for salaries and benefits; training, travel and awards; facility and related costs; information technology services; science, engineering, fabricating and testing services; and other administrative services may be transferred to the Science, Aeronautics and Technology account in accordance with section 312(b) of the National Aeronautics and Space Act of 1958, as amended by Public Law 106–377: *Provided*, That the funding level for Development and Operation of the International Space Station shall not exceed $1,781,300,000 for fiscal year 2002, $1,500,400,000 for fiscal year 2003, $1,203,800,000 for fiscal year 2004, $1,078,300,000 for fiscal year 2005 and $1,099,600,000 for fiscal year 2006: *Provided further*, That the President shall certify, and report such certification to the Senate Committees on Appropriations and Commerce, Science and Transportation and to the House of Representatives Committees on Appropriations and Science, that any proposal to exceed these limits, or enhance the International Space Station design above the content planned for U.S. core complete, is (1) necessary and of the highest priority to enhance the goal of world class research in space aboard the International Space Station; (2) within acceptable risk levels, having no major unresolved technical issues and a high confidence in cost and schedule estimates, and independently validated; and (3) affordable within the multi-year funding available to the International Space Station program as defined above or, if exceeds such amounts, these additional resources are not achieved through any funding reduction to programs contained in Space Science, Earth Science and Aeronautics.

SCIENCE, AERONAUTICS AND TECHNOLOGY

For necessary expenses, not otherwise provided for, in the conduct and support of science, aeronautics and technology research and development activities, including research, development, operations, support and services; maintenance; construction of facilities including repair, rehabilitation, revitalization, and modification of facilities, construction of new facilities and additions to existing facilities, facility planning and design, environmental compliance and restoration, and acquisition or condemnation of real property, as authorized by law; space flight, spacecraft control and communications activities including operations, production, and services; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; travel expenses; purchase and hire of passenger motor vehicles; not to exceed $20,000 for official reception and representation expenses; and purchase, lease, charter, maintenance and operation of mission and administrative aircraft, $7,669,700,000, to remain available until September 30, 2003.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, as amended, $23,700,000.

ADMINISTRATIVE PROVISIONS

Notwithstanding the limitation on the availability of funds appropriated for ''Human space flight'', or ''Science, aeronautics and technology'' by this appropriations Act, when any activity has been initiated by the incurrence of obligations for construction of facilities as authorized by law, such amount available for such activity shall remain available until expended. This provision does not apply to the amounts appropriated for institutional minor revitalization and construction of facilities, and institutional facility planning and design.

Notwithstanding the limitation on the availability of funds appropriated for ''Human space flight'', or ''Science, aeronautics and technology'' by this appropriations Act, the amounts appropriated for construction of facilities shall remain available until September 30, 2004.

Notwithstanding the limitation on the availability of funds appropriated for ''Office of Inspector General'', amounts made available by this Act for personnel and related costs and travel expenses of the National Aeronautics and Space Administration shall remain available until September 30, 2002 and may be used to enter into contracts for training, investigations, costs associated with personnel relocation, and for other services, to be provided during the next fiscal year. Funds for announced prizes otherwise authorized shall remain available, without fiscal year limitation, until the prize is claimed or the offer is withdrawn.

NATIONAL CREDIT UNION ADMINISTRATION

CENTRAL LIQUIDITY FACILITY

(INCLUDING TRANSFER OF FUNDS)

During fiscal year 2002, gross obligations of the Central Liquidity Facility for the principal amount of new direct loans to member credit unions, as authorized by 12 U.S.C. 1795 et seq., shall not exceed $1,500,000,000: *Provided*, That administrative expenses of the Central Liquidity Facility shall not exceed $309,000: *Provided further*, That $1,000,000 shall be transferred to the Community Development Revolving Loan Fund, of which $650,000, together with amounts of principal and interest on loans repaid, shall be available until expended for loans to community development credit unions, and $350,000 shall be available until expended for technical assistance to low-income and community development credit unions.

NATIONAL SCIENCE FOUNDATION

RESEARCH AND RELATED ACTIVITIES

For necessary expenses in carrying out the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875), and the Act to establish a National Medal of Science (42 U.S.C. 1880–1881); services as authorized by 5 U.S.C. 3109; authorized travel; maintenance and operation of aircraft and purchase of flight services for research support; acquisition of aircraft; $3,514,481,000, of which not to exceed $285,000,000 shall remain available until expended for Polar research and operations support, and for reimbursement to other Federal agencies for operational and science support and logistical and other related activities for the United States Antarctic program; the balance to remain available until September 30, 2003: *Provided*, That receipts for scientific support services and materials furnished by the National Research Centers and other National Science Foundation supported research facilities may be credited to this appropriation: *Provided further*, That to the extent that the amount appropriated is less than the total amount authorized to be appropriated for included program activities, all amounts, including floors and ceilings, specified in the authorizing Act for those program activities or their subactivities shall be reduced proportionally: *Provided further*, That $75,000,000 of the funds available under this heading shall be made available for a comprehensive research initiative on plant genomes for economically significant crops.

MAJOR RESEARCH EQUIPMENT

For necessary expenses of major construction projects pursuant to the National Science Foundation Act of 1950, as amended, including authorized travel, $108,832,000, to remain available until expended.

EDUCATION AND HUMAN RESOURCES

For necessary expenses in carrying out science and engineering education and human resources programs and activities pursuant to the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875), including services as authorized by 5 U.S.C. 3109, authorized travel, and rental of conference rooms in the District of Columbia, $872,407,000, to remain available until September 30, 2003: *Provided*, That to the extent that the amount of this appropriation is less than the total amount authorized to be appropriated for included program activities, all amounts, including floors and ceilings, specified in the authorizing Act for those program activities or their subactivities shall be reduced proportionally: *Provided further*, That $15,000,000 shall be available for the innovation partnership program.

SALARIES AND EXPENSES

For salaries and expenses necessary in carrying out the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875); services authorized by 5 U.S.C. 3109; hire of passenger motor vehicles; not to exceed

$9,000 for official reception and representation expenses; uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; rental of conference rooms in the District of Columbia; reimbursement of the General Services Administration for security guard services; $170,040,000: *Provided*, That contracts may be entered into under ''Salaries and expenses'' in fiscal year 2002 for maintenance and operation of facilities, and for other services, to be provided during the next fiscal year.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General as authorized by the Inspector General Act of 1978, as amended, $6,760,000, to remain available until September 30, 2003.

NEIGHBORHOOD REINVESTMENT CORPORATION

PAYMENT TO THE NEIGHBORHOOD REINVESTMENT CORPORATION

For payment to the Neighborhood Reinvestment Corporation for use in neighborhood reinvestment activities, as authorized by the Neighborhood Reinvestment Corporation Act (42 U.S.C. 8101–8107), $100,000,000, of which $10,000,000 shall be for a homeownership program that is used in conjunction with section 8 assistance under the United States Housing Act of 1937, as amended.

SELECTIVE SERVICE SYSTEM

SALARIES AND EXPENSES

For necessary expenses of the Selective Service System, including expenses of attendance at meetings and of training for uniformed personnel assigned to the Selective Service System, as authorized by 5 U.S.C. 4101–4118 for civilian employees; and not to exceed $1,000 for official reception and representation expenses; $25,003,000: *Provided*, That during the current fiscal year, the President may exempt this appropriation from the provisions of 31 U.S.C. 1341, whenever the President deems such action to be necessary in the interest of national defense: *Provided further*, That none of the funds appropriated by this Act may be expended for or in connection with the induction of any person into the Armed Forces of the United States.

TITLE IV—GENERAL PROVISIONS

SEC. 401. Where appropriations in titles I, II, and III of this Act are expendable for travel expenses and no specific limitation has been placed thereon, the expenditures for such travel expenses may not exceed the amounts set forth therefor in the budget estimates submitted for the appropriations: *Provided*, That this provision does not apply to accounts that do not contain an object classification for travel: *Provided further*, That this section shall not apply to travel performed by uncompensated officials of local boards and appeal boards of the Selective Service System; to travel performed directly in connection with care and treatment of medical beneficiaries of the Department of Veterans Affairs; to travel performed in connection with major disasters or emergencies declared or determined by the President under the provisions of the Robert T. Stafford Disaster Relief and Emergency Assistance Act; to travel performed by the Offices of Inspector General in connection with audits and investigations; or to payments to interagency motor pools where separately set forth in the budget schedules: *Provided further*, That if appropriations in titles I, II, and III exceed the amounts set forth in budget estimates initially submitted for such appropriations, the expenditures for travel may correspondingly exceed the amounts therefor set forth in the estimates only to the extent such an increase is approved by the Committees on Appropriations.

SEC. 402. Appropriations and funds available for the administrative expenses of the Department of Housing and Urban Development and the Selective Service System shall be available in the current fiscal year for purchase of uniforms, or allowances therefor, as authorized by 5 U.S.C. 5901–5902; hire of passenger motor vehicles; and services as authorized by 5 U.S.C. 3109.

SEC. 403. Funds of the Department of Housing and Urban Development subject to the Government Corporation Control Act or section 402 of the Housing Act of 1950 shall be available, without regard to the limitations on administrative expenses, for legal services on a contract or fee basis, and for utilizing and making payment for services and facilities of the Federal National Mortgage Association, Government National Mortgage Association, Federal Home Loan Mortgage Corporation, Federal Financing Bank, Federal Reserve banks or any member thereof, Federal Home Loan banks, and any insured bank within the meaning of the Federal Deposit Insurance Corporation Act, as amended (12 U.S.C. 1811–1831).

SEC. 404. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 405. No funds appropriated by this Act may be expended—

(1) pursuant to a certification of an officer or employee of the United States unless—

(A) such certification is accompanied by, or is part of, a voucher or abstract which describes the payee or payees and the items or services for which such expenditure is being made; or

(B) the expenditure of funds pursuant to such certification, and without such a voucher or abstract, is specifically authorized by law; and

(2) unless such expenditure is subject to audit by the General Accounting Office or is specifically exempt by law from such audit.

SEC. 406. None of the funds provided in this Act to any department or agency may be expended for the transportation of any officer or employee of such department or agency between their domicile and their place of employment, with the exception of any officer or employee authorized such transportation under 31 U.S.C. 1344 or 5 U.S.C. 7905.

SEC. 407. None of the funds provided in this Act may be used for payment, through grants or contracts, to recipients that do not share in the cost of conducting research resulting from proposals not specifically solicited by the Government: *Provided*, That the extent of cost sharing by the recipient shall reflect the mutuality of interest of the grantee or contractor and the Government in the research.

SEC. 408. None of the funds in this Act may be used, directly or through grants, to pay or to provide reimbursement for payment of the salary of a consultant (whether retained by the Federal Government or a grantee) at more than the daily equivalent of the rate paid for level IV of the Executive Schedule, unless specifically authorized by law.

SEC. 409. None of the funds provided in this Act shall be used to pay the expenses of, or otherwise compensate, non-Federal parties intervening in regulatory or adjudicatory proceedings. Nothing herein affects the authority of the Consumer Product Safety Commission pursuant to section 7 of the Consumer Product Safety Act (15 U.S.C. 2056 et seq.).

SEC. 410. Except as otherwise provided under existing law, or under an existing Executive Order issued pursuant to an existing law, the obligation or expenditure of any appropriation under this Act for contracts for any consulting service shall be limited to contracts which are: (1) a matter of public record and available for public inspection; and (2) thereafter included in a publicly available list of all contracts entered into within 24 months prior to the date on which the list is made available to the public and of all contracts on which performance has not been completed by such date. The list required by the preceding sentence shall be updated quarterly and shall include a narrative description of the work to be performed under each such contract.

SEC. 411. Except as otherwise provided by law, no part of any appropriation contained in this Act shall be obligated or expended by any executive agency, as referred to in the Office of Federal Procurement Policy Act (41 U.S.C. 401 et seq.), for a contract for services unless such executive agency: (1) has awarded and entered into such contract in full compliance with such Act and the regulations promulgated thereunder; and (2) requires any report prepared pursuant to such contract, including plans, evaluations, studies, analyses and manuals, and any report prepared by the agency which is substantially derived from or substantially includes any report prepared pursuant to such contract, to contain information concerning: (A) the contract pursuant to which the report was prepared; and (B) the contractor who prepared the report pursuant to such contract.

SEC. 412. Except as otherwise provided in section 406, none of the funds provided in this Act to any department or agency shall be obligated or expended to provide a personal cook, chauffeur, or other personal servants to any officer or employee of such department or agency.

SEC. 413. None of the funds provided in this Act to any department or agency shall be obligated or expended to procure passenger automobiles as defined in 15 U.S.C. 2001 with an EPA estimated miles per gallon average of less than 22 miles per gallon.

SEC. 414. None of the funds appropriated in title I of this Act shall be used to enter into any new lease of real property if the estimated annual rental is more than $300,000 unless the Secretary submits a report which the Committees on Appropriations of the Congress approve within 30 days following the date on which the report is received.

SEC. 415. (a) It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American-made.

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

SEC. 416. None of the funds appropriated in this Act may be used to implement any cap on reimbursements to grantees for indirect costs, except as published in Office of Management and Budget Circular A–21.

SEC. 417. Such sums as may be necessary for fiscal year 2002 pay raises for programs funded by this Act shall be absorbed within the levels appropriated in this Act.

SEC. 418. None of the funds made available in this Act may be used for any program, project, or activity, when the program, project, or activity is not in compliance with any Federal law relating to risk assessment, the protection of private property rights, or unfunded mandates.

SEC. 419. Corporations and agencies of the Department of Housing and Urban Development which are subject to the Government Corporation Control Act, as amended, are hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to each such corporation or agency and in accord with law,

and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of such Act as may be necessary in carrying out the programs set forth in the budget for 2002 for such corporation or agency except as hereinafter provided: *Provided*, That collections of these corporations and agencies may be used for new loan or mortgage purchase commitments only to the extent expressly provided for in this Act (unless such loans are in support of other forms of assistance provided for in this or prior appropriations Acts), except that this proviso shall not apply to the mortgage insurance or guaranty operations of these corporations, or where loans or mortgage purchases are necessary to protect the financial interest of the United States Government.

SEC. 420. Notwithstanding any other provision of law, the term ''qualified student loan'' with respect to national service education awards shall mean any loan determined by an institution of higher education to be necessary to cover a student's cost of attendance at such institution and made directly to a student by a state agency, in addition to other meanings under section 148(b)(7) of the National and Community Service Act.

SEC. 421. Unless otherwise provided for in this Act, no part of any appropriation for the Department of Housing and Urban Development shall be available for any activity in excess of amounts set forth in the budget estimates submitted to Congress.

SEC. 422. None of the funds appropriated or otherwise made available by this Act shall be used to promulgate a final regulation to implement changes in the payment of pesticide tolerance processing fees as proposed at 64 Fed. Reg. 31040, or any similar proposals. The Environmental Protection Agency may proceed with the development of such a rule.

SEC. 423. Except in the case of entities that are funded solely with Federal funds or any natural persons that are funded under this Act, none of the funds in this Act shall be used for the planning or execution of any program to pay the expenses of, or otherwise compensate, non-Federal parties to lobby or litigate in respect to adjudicatory proceedings funded in this Act. A chief executive officer of any entity receiving funds under this Act shall certify that none of these funds have been used to engage in the lobbying of the Federal Government or in litigation against the United States unless authorized under existing law.

SEC. 424. No part of any funds appropriated in this Act shall be used by an agency of the executive branch, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, and for the preparation, distribution or use of any kit, pamphlet, booklet, publication, radio, television or film presentation designed to support or defeat legislation pending before the Congress, except in presentation to the Congress itself.

SEC. 425. None of the funds provided in Title II for technical assistance, training, or management improvements may be obligated or expended unless HUD provides to the Committees on Appropriations a description of each proposed activity and a detailed budget estimate of the costs associated with each activity as part of the Budget Justifications. For fiscal year 2002, HUD shall transmit this information to the Committees by January 8, 2002 for 30 days of review.

SEC. 426. Section 70113(f) of title 49, United States Code, is amended by striking ''December 31, 2001'', and inserting ''December 31, 2002''.

SEC. 427. All Departments and agencies funded under this Act are encouraged, within the limits of the existing statutory authorities and funding, to expand their use of ''E-Commerce'' technologies and procedures in the conduct of their business practices and public service activities.

This Act may be cited as the ''Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2002''.

SA 1215. Mr. REID (for himself and Mr. ENSIGN) submitted an amendment intended to be proposed by him to the bill H.R. 2620, making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 76, line 16 following ''Villages;'' insert the following: ''$1,400,000 shall be for Clean Water Act and Clean Air Act activities at Lake Tahoe in Nevada and California;''.

SA 1216. Mr. REID submitted an amendment intended to be proposed by him to the bill H.R. 2620, making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 76, line 16 following ''Villages;'' insert the following: ''$5,700,000 shall be for the Ammonium Perchlorate interdiction project in the Las Vegas Wash in Nevada;''.

SA 1217. Ms. MIKULSKI (for herself and Mr. BOND) proposed an amendment to amendment SA 1214 proposed by Ms. MIKULSKI to the bill (H.R. 2620) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2002, and for other purposes; as follows:

On page 81, line 2 of the amendment after ''2,000,000,000,'' insert: ''to be available immediately upon the enactment of this Act, and''.

SA 1218. Mr. WELLSTONE proposed an amendment to amendment SA 1214 proposed by Ms. MIKULSKI to the bill (H.R. 2620) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2002, and for other purposes; as follows:

On page 7, line 19, strike ''$21,379,742,000'' and insert ''$22,029,742,000''.

SA 1219. Mrs. BOXER proposed an amendment to amendment SA 1214 proposed by Ms. MIKULSKI to the bill (H.R. 2620) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2002, and for other purposes; as follows:

At the appropriate place, add the following:

SEC. . The Administrator of the Environmental Protection Agency, pursuant to the Safe Drinking Water Act, shall immediately put into effect a new national primary drinking water regulation for arsenic that—

(1) establishes a standard for arsenic at a level providing for the protection of the population in general, fully taking into account those at greater risk, such as infants, children, pregnant women, the elderly and those with a history of serious illness; and

(2) lifts the suspension on the effective date for the community right to know requirements included in the national primary drinking water regulation for arsenic published on January 22, 2001, in the Federal Register (66 Fed. Reg. 6976).

SA. 1220. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill H.R. 2620, making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___ (a) RESCISSIONS.—There is rescinded an amount equal to 1 percent of the discretionary budget authority provided (or obligation limit imposed) for fiscal year 2002 in this Act for each department, agency, instrumentality, or entity of the Federal Government funded in this Act: *Provided*, That this reduction percentage shall be applied on a pro rata basis to each program, project, and activity subject to the rescission.

(b) DEBT REDUCTION.—The amount rescinded pursuant to this section shall be deposited into the account established under section 3113(d) of title 31, United States Code, to reduce the public debt.

(c) REPORT.—The Director of the Office of Management and Budget shall include in the President's budget submitted for fiscal year 2003 a report specifying the reductions made to each account pursuant to this section.

SA 1221. Mr. SMITH of New Hampshire submitted an amendment intended to be proposed by him to the bill H.R. 2620, making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 78, line 16, before the period, insert the following: '', of which no less than $4 million shall be made available to Manchester, New Hampshire for the Combined Sewer Overflow Elimination Project.''

SA 1222. Mr. SMITH of New Hampshire submitted an amendment intended to be proposed by him to the bill H.R. 2620, making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal

year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 78, line 16, before the period, insert the following: '', of which no less than $4 million shall be made available to Nashua, New Hampshire for the Combined Sewer Overflow Elimination Project.''

SA 1223. Mr. SMITH of New Hampshire submitted an amendment intended to be proposed by him to the bill H.R. 2620, making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 73, line 18, before the period, insert the following: '', of which no less than $30,000 shall be made available to the EPA Office of Policy, Economics, and Innovation for the New Hampshire/Vermont Solid Waste Project, to conduct a Mercury Waste Source Separation Pilot Project.''

SA 1224. Mr. LOTT submitted an amendment intended to be proposed by him to the bill H.R. 2620, making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert:

SEC. . NASA FUNDED PROPULSION TESTING.—NASA shall ensure that rocket propulsion testing funded by this Act is assigned to testing facilities by the Rocket Propulsion Test Management Board in accordance with current baseline roles. Assignments will be made to maximize the benefit of Federal government investments and shall include considerations such as facility cost, capability, availability, and personnel experience.

SA 1225. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill H.R. 2620, making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___ (a) RESCISSIONS.—There is rescinded an amount equal to 1 percent of the discretionary budget authority provided (or obligation limit imposed) for fiscal year 2002 in this Act for each department, agency, instrumentality, or entity of the Federal Government funded in this Act: *Provided*, That this reduction percentage shall be applied on a pro rata basis to each program, project, and activity subject to the rescission.

(b) DEBT REDUCTION.—The amount rescinded pursuant to this section shall be deposited into the account established under section 3113(d) of title 31, United States Code, to reduce the public debt.

(c) REPORT.—The Director of the Office of Management and Budget shall include in the President's budget submitted for fiscal year 2003 a report specifying the reductions made to each account pursuant to this section.

SA 1226. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 2620, making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 105, between lines 14 and 15, insert the following:

SEC. 428. (a) REDUCTION IN AMOUNTS AVAILABLE FOR PROJECTS FUNDED BY COMMUNITY DEVELOPMENT FUND.—The amount appropriated by title II under the heading ''EMPOWERMENT ZONES/ENTERPRISE COMMUNITIES'' under the paragraph ''COMMUNITY DEVELOPMENT FUND'' is hereby reduced by $10,000,000. The amount of the reduction shall be derived from the termination of the availability of funds under that paragraph for projects, and in amounts, as follows:

(1) $750,000 for the Fells Point Creative Alliance of Baltimore, Maryland, for development of the Patterson Center for the Arts.

(2) $300,000 for the County of Kauai, Hawaii, for the Heritage Trails project.

(3) $750,000 for infrastructure improvements to the School of the Building Arts in Charleston, South Carolina.

(4) $100,000 for development assistance for Desert Space Station in Nevada.

(5) $250,000 for the Center Theatre Group, of Los Angeles, California, for the Culver City Theater project.

(6) $1,000,000 for the Louisiana Department of Culture, Recreation, and Tourism for development activities related to the Louisiana Purchase Bicentennial Celebration.

(7) $450,000 for the City of Providence, Rhode Island, for the development of a Botanical Center at Roger Williams Park and Zoo.

(8) $200,000 for the Newport Art Museum in Newport, Rhode Island, for historical renovation.

(9) $250,000 for the City of Wildwood, New Jersey, for revitalization of the Pacific Avenue Business District.

(10) $300,000 for Studio for the Arts of Pocahontas, Arkansas, for a new facility.

(11) $1,000,000 for the Southern New Mexico Fair and Rodeo in Dona Ana County, New Mexico, for infrastructure improvements and to build a multi-purpose event center.

(12) $1,000,000 for Dubuque, Iowa, for the development of an American River Museum.

(13) $1,000,000 for Sevier County, Utah, for a multi-events center.

(14) $100,000 to the OLYMPIA ship of Independence Seaport Museum to provide ship repairs which will contribute to the economic development of the Penn's Landing waterfront area in Philadelphia, Pennsylvania.

(15) $500,000 for the Lewis and Clark State College, Idaho, for the Idaho Virtual Incubator.

(16) $1,000,000 for Henderson, North Carolina, for the construction of the Embassy Cultural Center.

(17) $100,000 to the Alabama Wildlife Federation for the development of the Alabama Quail Trail in rural Alabama.

(18) $350,000 for the Urban Development authority of Pittsburgh, Pennsylvania, for the Harbor Gardens Greenhouse project.

(b) INCREASE IN AMOUNT AVAILABLE FOR VETERANS CLAIMS ADJUDICATION.—The amount appropriated by title I under the heading ''DEPARTMENTAL ADMINISTRATION'' under the paragraph ''GENERAL OPERATING EXPENSES'' is hereby increased by $10,000,000, with the amount of the increase to be available for veterans claims adjudication.

SA 1227. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill H.R. 2620, making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 74, line 14, strike ''$1,274,645,560'' and all that follows through page 75, line 23, and insert the following: $1,271,645,560, to to remain available until expended, consisting of $634,532,200, as authorized by section 517(a) of the Superfund Amendments and Reauthorization Act of 1986 (SARA), as amended by Public Law 101–508, and $637,113,360 as a payment from general revenues to the Hazardous Substance Superfund for purposes as authorized by section 517(b) of SARA, as amended: *Provided*, That funds appropriated under this heading may be allocated to other Federal agencies in accordance with section 111(a) of CERCLA: *Provided further*, That of the funds appropriated under this heading, $11,867,000 shall be transferred to the ''Office of Inspector General'' appropriation to remain available until September 30, 2003, and $36,890,500 shall be transferred to the ''Science and technology'' appropriation to remain available until September 30, 2003.

LEAKING UNDERGROUND STORAGE TANK TRUST FUND

For necessary expenses to carry out leaking underground storage tank cleanup activities authorized by section 205 of the Superfund Amendments and Reauthorization Act of 1986, and for construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $75,000 per project, $71,947,400, to remain available until expended.

OIL SPILL RESPONSE

For expenses necessary to carry out the Environmental Protection Agency's responsibilities under the Oil Pollution Act of 1990, $14,986,000, to be derived from the Oil Spill Liability trust fund, to remain available until expended.

STATE AND TRIBAL ASSISTANCE GRANTS

For environmental programs and infrastructure assistance, including capitalization grants for State revolving funds and performance partnership grants, $3,606,015,900, to remain available until expended, of which $2,000,000 shall be made available to the Southwest Alabama Regional Water Authority; $1,000,000 shall be made available for sewer connections for the development of an interstate business park in Autauga County, Alabama; $1,350,000,000 shall be for making capitalization

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry Subcommittee on Production and Price Competitiveness be authorized to meet during the session of the Senate on Wednesday, August 1, 2001.

The purpose of this hearing will be to consider the U.S. export market share.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ARMED SERVICES

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Wednesday, August 1, 2001, at 9:30 a.m., in open session to consider the nomination of Gen. John P. Jumper, USAF, for reappointment to the grade of general and to be Chief of Staff, U.S. Air Force.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING AND URBAN AFFAIRS

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Wednesday, August 1, 2001, to conduct a markup of S. 1254, the Mark-to-Market Reauthorization Act of 2001, and of the nominations of Ms. Linda Mysliwy Conlin, of New Jersey, to be an Assistant Secretary of Commerce for Trade Development; Ms. Melody H. Fennel, of Virginia, to be an Assistant Secretary of Housing and Urban Development for Congressional and Intergovernmental Relations; Ms. Henrietta Holsman Fore, of Nevada, to be Director of the Mint; Mr. Michael J. Garcia, of New York, to be an Assistant Secretary of Commerce for Export Enforcement; and Mr. Michael Minoru Fawn Liu, of Illinois, to be an Assistant Secretary of Housing and Urban Development for Public and Indian Housing.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Wednesday, August 1, 2001, at 9:30 a.m., on trade issues.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Wednesday, August 1, 2001, at 2:30 p.m., on the nominations of John A. Hammerschmidt to be member of the NTSB; Jeffrey Runge to be Administrator of the NHTSA; Nancy Victory to be Assistant Secretary of Commerce for Communications and Information; and Otto Wolff to be Assistant Secretary of Administration and Chief Financial Officer of the Department of Commerce.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Wednesday, August 1, for purposes of conducting a full committee business meeting which is scheduled to begin at 9:30 a.m. The purpose of this business meeting is to begin consideration of energy policy legislation and other pending calendar business.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet on Wednesday, August 1, at 9 a.m., to conduct a hearing to assess the impact of air emissions from the transportation sector on public health and the environment in SD–406.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet on Wednesday, August 1, immediately following the first vote to consider the following nominations: David A. Sampson to be Assistant Secretary for Economic Development, Department of Commerce; George Tracy Mehan III, to be Assistant Administrator for the Office of Water, Environmental Protection Agency; Judith Elizabeth Ayers to be an Assistant Administrator for the Office of International Activities, Environmental Protection Agency; Robert E. Fabricant to be General Counsel, Environmental Protection Agency; Jeffrey Holmstead to be Assistant Administrator for the Office of Air and Radiation, Environmental Protection Agency; and Donald Schregardus to be Assistant Administrator for the Office of Enforcement and Compliance Assurance, Environmental Protection Agency.

In addition, the committee will consider the courthouse naming for S. 584 to designate the United States courthouse located at 40 Centre Street in New York, NY, as the ''Thurgood Marshall United States Courthouse.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Wednesday, August 1, 2001, to hear testimony on ''Cybershopping and Sales Tax: Finding the Right Mix''.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, August 1, 2001, at 10:30 a.m., to hold a business meeting.

The Committee will consider and vote on the following agenda items:

S. . An original bill to authorize appropriations for the Department of State and for United States international broadcasting activities for fiscal years 2002 and 2003, and for other purposes.

S. 367. A bill to prohibit the application of certain restrictive eligibility requirements to foreign nongovernmental organizations with respect to the provision of assistance under part I of the Foreign Assistance Act of 1961.

S. Res. 126. A resolution expressing the sense of the Senate regarding observance of the Olympic Truce.

S. Con. Res. 58. A concurrent resolution expressing support for the tenth annual meeting of the Asia Pacific Parliamentary Forum.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet in executive session during the session of the Senate on Wednesday, August 1, 2001, at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON SMALL BUSINESS

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Committee on Small Business be authorized to meet during the session of the Senate for a hearing entitled ''The Business of Environmental Technology'' on Wednesday, August 1, 2001, beginning at 9 a.m., in room 428A of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, August 1, 2001, at 2:30 p.m., to hold a hearing on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON ANTITRUST, BUSINESS RIGHTS AND COMPETITION

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Committee on the Judiciary Subcommittee on Antitrust, Business Rights and Competition be authorized to meet to conduct a hearing on Wednesday, August 1, 2001, at 2 p.m., in Dirksen 226.

Tentative witness list on ''S. 1233, the Product Package Protection Act: Keeping Offensive Material Out of our Cereal Boxes'':

Panel I: Department of Justice, TBA, Washington, DC.

Panel II: Leslie Sarasin, President, American Frozen Food Institute, McClean, VA; Paul Petruccelli, Chief Counsel, Kraft North American, Inc.,

Northfield, IL; and David Burris, Victim of product package tampering, Baker City, OR.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON CONSTITUTION, FEDERALISM, AND PROPERTY RIGHTS

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Committee on the Judiciary Subcommittee on Constitution, Federalism and Property Rights be authorized to meet to conduct a hearing on Wednesday, August 1, 2001, at 10 a.m., in Dirksen 226.

Witness list on ''S. 989, the End Racial Profiling Act of 2001'':

Panel I: Senator Hillary Rodham Clinton, New York; Senator Jon S. Corzine, New Jersey; Representative John Conyers, Jr., Michigan; and Representative Chris Shays, Connecticut.

Panel II: Mayor Dennis W. Archer, City of Detroit, President, The National League of Cities, Detroit, MI; Captain Ronald Davis, Oakland Police Department, National Organization of Black Law Enforcement Executives, Oakland, CA; Lorie Fridell, Ph.D., Director of Research, Police Executive Research Forum, Washington, DC; Chief Reuben M. Greenberg, Charleston Police Department, Charleston, SC; Professor David Harris, University of Toledo College of Law, Toledo, OH; Mrs. Raymond Kelly, former Commissioner, U.S. Customs Service, former Commissioner, New York City Police Department, New York, NY; and Mr. Steve Young, Vice President, Fraternal Order of Police, Washington, DC.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. McCAIN. Mr. President, I ask unanimous consent that my legislative fellow, Navy Lieutenant Commander Dell Bull, be granted floor privileges during consideration of the VA–HUD Appropriations Bill for Fiscal Year 2002.

Ms. MIKULSKI. Mr. President, I ask unanimous consent that Joel Widder, a detailee to the majority staff of Appropriations, be granted the privilege of the floor during consideration of the VA–HUD bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BOND. Mr. President, I ask unanimous consent that a detailee to my staff, John Stoody, be granted the privilege of the floor during the time the VA–HUD measure is being considered.

The PRESIDING OFFICER. Without objection, it is so ordered.

FOREIGN CURRENCY REPORTS

In accordance with the appropriate provisions of law, the Secretary of the Senate herewith submits the following report(s) of standing committees of the Senate, certain joint committees of the Congress, delegations and groups, and select and special committees of the Senate, relating to expenses incurred in the performance of authorized foreign travel:

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON AGRICULTURE, NUTRITION AND FORESTRY FOR TRAVEL FROM APR. 1 TO JUNE 30, 2001

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Jay Driscol:									
Canada	Dollar		145.60		410.00		1.00		556.60
Total			145.60		410.00		1.00		556.00

TOM HARKIN,
Chairman, Committee on Agriculture, Nutrition, and Forestry, July 13, 2001.

AMENDMENT TO 1ST QUARTER 2001 CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON APPROPRIATIONS FOR TRAVEL FROM JAN. 1 TO MAR. 31, 2001

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Wally Burnett:									
Canada	Dollar		186.00		291.85				477.85
Total			186.00		291.85				477.85

ROBERT C. BYRD,
Chairman, Committee on Appropriations, July 16, 2001.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON APPROPRIATIONS FOR TRAVEL FROM APR. 1 TO JUNE 30, 2001

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Steve Cortese:									
Japan	Yen		262.00						262.00
South Korea	Won		678.00						678.00
Jennifer Chartrand:									
Japan	Yen		393.00						393.00
South Korea	Won		678.00						678.00
Tom Hawkins:									
Japan	Yen		393.00						393.00
South Korea	Won		678.00						678.00
Paul Grove:									
Colombia	Peso		663.00						663.00
Bolivia	Dollar		540.00						540.00
El Salvador	Dollar		444.00						444.00
United States	Dollar				3,827.60				3,827.60
Susan Hogan:									
Colombia	Peso		662.85						662.85
Bolivia	Boliviano		540.00						540.00

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON APPROPRIATIONS FOR TRAVEL FROM APR. 1 TO JUNE 30, 2001—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Ecuador	Dollar		420.00						420.00
United States	Dollar				2,789.60				2,789.60
South America	Dollar				173.00				173.00
Wallace Burnett:									
Japan	Yen		968.00						968.00
Korea	Won		494.00						494.00
Azerbajian	Manat		383.00						383.00
Turkey	Lira		612.00						612.00
Portugal	Escudo		422.00						422.00
Tim Rieser:									
Yugoslavia	Dollar		160.00						160.00
Macedonia	Dollar		199.00		1,938.00				2,137.00
Senator Ted Stevens:									
France	Franc		320.00						320.00
Senator Thad Cochran:									
France	Franc		320.00						320.00
Senator Richard C. Shelby:									
France	Franc		320.00						320.00
Senator Conrad Burns:									
France	Franc		320.00						320.00
Steve Cortese:									
France	Franc		320.00						320.00
John Young:									
France	Franc		320.00						320.00
Terry Sauvain:									
France	Franc		320.00						320.00
Lisa Sutherland:									
France	Franc		320.00						320.00
Carol White:									
France	Franc		320.00						320.00
Wally Burnett:									
France	Franc		320.00		2,818.51				3,138.51
Sid Ashworth:									
France	Franc		320.00						320.00
Charlie Houy:									
France	Franc		320.00		2,806.30				3,126.30
Gary Reese:									
France	Franc		320.00						320.00
Dwight McKay:									
France	Franc		320.00						320.00
Total France			14,069.85		14,353.01		0.00		28,422.86

ROBERT C. BYRD,
Chairman, Committee on Appropriations, July 16, 2001.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS FOR TRAVEL FROM APR. 1 TO JUNE 30, 2001

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Phil Gramm:									
South Korea	Dollar		332.41						332.41
Taiwan	Dollar		330.00						330.00
Senator Robert F. Bennett:									
South Korea	Dollar		452.00						452.00
Taiwan	Dollar		578.00						578.00
Senator Jim Bunning:									
South Korea	Dollar		452.00						452.00
Taiwan	Dollar		578.00						578.00
Senator Mike Crapo:									
South Korea	Dollar		452.00						452.00
Taiwan	Dollar		578.00						578.00
Ms. Ruth Cymber:									
South Korea	Dollar		310.00						310.00
Taiwan	Dollar		303.67						303.67
Ms. Linda Lord:									
South Korea	Dollar		340.06						340.06
Taiwan	Dollar		340.00						340.00
Total			5,046.14						5,046.14

Phil Gramm, Chairman,
Committee on Banking, Housing, and Urban Affairs, June 30, 2001.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON ARMED SERVICES FOR TRAVEL FROM APR. 1 TO JUNE 30, 2001

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Jeff B. Sessions:									
Saudi Arabia	Riyal		36.49						36.49
Bahrain	Dinar		83.00						83.00
Italy	Lira		217.00						217.00
Archie Galloway:									
Saudi Arabia	Riyal		40.00						40.00
Bahrain	Dinar		228.00						228.00
Italy	Lira		310.00						310.00
Armand DeKeyser:									
Saudi Arabia	Riyal		58.00						58.00
Bahrain	Dinar		245.00						245.00
Italy	Lira		355.00						355.00

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON ARMED SERVICES FOR TRAVEL FROM APR. 1 TO JUNE 30, 2001—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Gary M. Hall:									
Saudi Arabia	Riyal		64.00						64.00
Bahrain	Dinar		83.00						83.00
Italy	Lira		212.00						212.00
United States	Dollar				8,253.99				8,253.99
Edward H. Edens:									
Colombia	Peso		422.00						422.00
Bolivia	Boliviano		512.00						512.00
Ecuador	Sucre		200.00						200.00
Colombia	Peso		211.00						211.00
Cord A. Sterling:									
Colombia	Peso		442.00						442.00
Bolivia	Boliviano		540.00						540.00
Ecuador	Sucre		210.00						210.00
Colombia	Peso		221.00						221.00
George W. Lauffer:									
United States	Dollar				4,906.00				4,906.00
Spain	Pesata		54.55						54.55
Turkey	Liara		90.75						90.75
Italy	Lira		429.25						429.25
Michael J. McCord:									
United States	Dollar				4,906.00				4,906.00
Spain	Pesata		49.00						49.00
Turkey	Liara		78.00						78.00
Italy	Lira		498.00						498.00
Thomas L. MacKenzie:									
Germany	Deutsche Mark		468.00						468.00
United Kingdom	Pound		411.00						411.00
Daniel J. Cox, Jr.:									
Germany	Deutsche Mark		468.00						468.00
United Kingdom	Pound		411.00						411.00
John R. Barnes:									
Germany	Deutsche Mark		468.00						468.00
United Kingdom	Pound		411.00						411.00
Senator James M. Inhofe:									
France	Franc		320.00						320.00
Romie L. Brownlee:									
France	Franc		77.00						77.00
Senator John McCain:									
Ireland	Pound		722.00						722.00
Northern Ireland	Pound		243.00						243.00
Marshall Salter:									
United States	Dollar				3,702.93				3,702.93
Ireland	Pound		942.00						942.00
Senator James Inhofe:									
Cote D'Ivoire	Franc		162.00						162.00
Benin	Franc		139.00						139.00
Ghana	Cedi		230.00						230.00
Morocco	Dirham		242.00						242.00
United States	Dollar				5,296.88				5,296.88
Mark Powers:									
Cote D'Ivoire	Franc		162.00						162.00
Benin	Franc		139.00						139.00
Ghana	Cedi		230.00						230.00
Morocco	Dirham		242.00						242.00
United States	Dollar				5,296.88				5,296.88
Total			12,376.06		32,362.68				44,738.72

CARL LEVIN,
Chairman, Committee on Armed Services, June 28, 2001.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION FOR TRAVEL FROM APR. 1 TO JUNE 30, 2001

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Ensign:									
Mexico	Dollar		217.00		917.60				1,134.60
Sonia Joya:									
Mexico	Dollar		210.00		917.60				1,127.60
Total			427.00		1,835.20				2,262.20

JOHN McCAIN, Chairman,
Committee on Commerce, Science, and Transportation, June 5, 2001.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON FINANCE FOR TRAVEL FROM APR. 1 TO JUNE 30, 2001

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Timothy Punke:									
Canada	Dollar	659.40	395.50		996.45				1,391.95
Greg Mastel:									
Canada	Dollar	659.40	395.50		996.45				1,391.95
Jill Kozeny:									
Canada	Dollar		93.41		1,050.00				1,143.41
Everett Eissenstat:									
Canada	Dollar	263.76	84.17						84.17
Senator Charles Grassley:									
Canada	Dollar	263.76	166.17						116.17

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON FINANCE FOR TRAVEL FROM APR. 1 TO JUNE 30, 2001—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Max Baucus:									
Canada	Dollar		131.00		959.90				1,090.90
Canada	Dollar		151.45		410.00				561.45
Theodore Posner:									
Switzerland	Franc		368.51		4,909.26				5,277.77
Total		1,785.71		9,322.06					11,057.77

MAX BAUCUS,
Chairman, Committee on Finance, June 28, 2001.

AMENDMENT TO 4TH QUARTER 2000 CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SECTION 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON FOREIGN RELATIONS FOR TRAVEL FROM OCT. 1 TO DEC. 31, 2000

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Sam Brownback:									
Brazil	Dollar		1,000.00						1,000.00
United States	Dollar				2,575.00				2,575.00
Senator Christopher Dodd:									
United States	Dollar				1,935.40				1,935.40
Senator Chuck Hagel:									
Kazakhstan	Dollar		880.00						880.00
Syria	Dollar		261.00						261.00
Israel	Dollar		523.00						523.00
Italy	Dollar		361.00						361.00
United States	Dollar				6,479.48				6,479.48
Senator John Kerry:									
Thailand	Dollar		752.00						752.00
Vietnam	Dollar		750.00						750.00
Netherlands	Dollar		600.00						600.00
United States	Dollar				9,598.50				9,598.50
Senator Paul Wellstone:									
Colombia	Dollar		499.00						499.00
United States	Dollar				1,964.80				1,964.80
Ian Brzezinski:									
Russia	Dollar		1,431.00						1,431.00
Azerbaijan	Dollar		1,045.00						1,045.00
United States	Dollar				6,019.00				6,019.00
Anne Chitwood:									
Macedonia	Dollar		708.00						708.00
United States	Dollar				5,197.74				5,197.74
Michele DeKonty:									
Netherlands	Dollar		622.18						622.18
United States	Dollar				6,177.27				6,177.27
Richard Douglas:									
Netherlands	Dollar		2,071.00						2,071.00
United States	Dollar				6,177.27				6,177.27
James Farrell:									
Colombia	Dollar		485.00						485.00
United States	Dollar				1,964.00				1,964.80
Debbie Fiddelke:									
Netherlands	Dollar		687.00						678.00
United States	Dollar				5,977.28				5,977.28
Elizabeth Kivette:									
Macedonia	Dollar		823.00						823.00
United States	Dollar				5,197.74				5,197.74
Mark Lagon:									
Brazil	Dollar		1,936.00						1,936.00
United States	Dollar				5,737.80				5,737.80
Brian Meyers:									
Switzerland	Dollar		693.00						693.00
United States	Dollar				5,646.49				5,646.49
Lisa Moore:									
Netherlands	Dollar		3,000.00						3,000.00
United States	Dollar				600.00				600.00
Roger Noriega:									
Mexico	Dollar		300.00						300.00
Janice O'Connell:									
Spain	Dollar		550.00						550.00
United States	Dollar				3,001.86				3,001.86
Charlotte Oldham-Moore:									
Colombia	Dollar		470.00						470.00
United States	Dollar				1,964.80				1,964.80
Kenneth Peel:									
Kazakhstan	Dollar		880.00						880.00
Syria	Dollar		261.00						261.00
Israel	Dollar		523.00						523.00
Italy	Dollar		361.00						361.00
United States	Dollar				6,479.48				6,479.48
Nancy Stetson:									
Thailand	Dollar		671.00						671.00
Vietnam	Dollar		538.00						538.00
United States	Dollar				7,187.80				7,187.80
Michael Westphal:									
Russia	Dollar		1,431.00						1,431.00
Azerbaijan	Dollar		1,045.00						1,045.00
United States	Dollar				6,019.00				6,019.00
Total			26,148.18		95,901.51				122,049.69

JESSE HELMS,
Chairman, Committee on Foreign Relations, Dec. 31, 2000.

AMENDMENT TO 1ST QUARTER 2001 CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SECTION 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON FOREIGN RELATIONS FOR TRAVEL FROM JAN. 1, TO MAR. 31, 2001

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Joseph Biden:									
Yugoslavia	Dollar		217.00						217.00
United States	Dollar				4,243.77				4,243.77
Senator Sam Brownback:									
Thailand	Dollar		830.00				1,316.00		2,146.00
United States	Dollar				5,339.12				5,339.12
Senator Lincoln Chafee:									
Colombia	Dollar		293.53						293.53
Ecuador	Dollar		147.11						147.11
Senator Christopher Dodd:									
Colombia	Dollar		442.00						442.00
Ecuador	Dollar		210.00						210.00
Senator Russell Feingold:									
Nigeria	Dollar		100.00						100.00
Senegal	Dollar		546.72						546.72
United States	Dollar					7,565.23			7,565.23
Senator Chuck Hagel:									
Germany	Dollar		458.41						458.41
Colombia	Dollar		442.00						442.00
Ecuador	Dollar		210.00						210.00
Senator Gordon Smith:									
Switzerland	Dollar		20.00						20.00
France	Dollar		750.00						750.00
Senator Paul Wellstone:									
Colombia	Dollar		380.00						380.00
United States	Dollar				1,964.80				1,964.80
Steve Biegun:									
Germany	Dollar		520.00						520.00
Deborah Brayton:									
Colombia	Dollar		293.53						293.53
Ecuador	Dollar		147.11						147.11
James Doran:									
Taiwan	Dollar		800.00						800.00
United States	Dollar				4,796.90				4,796.90
Robert Epplin:									
Switzerland	Dollar		492.00						492.00
France	Dollar		750.00						750.00
Michelle Gavin:									
Nigeria	Dollar		42.46						42.46
Senegal	Dollar		369.27						369.27
United States	Dollar				7,565.23				7,565.23
Michael Haltzel:									
Yugoslavia	Dollar		217.00						217.00
United States	Dollar				4,759.77				4,759.77
Alan Hoffman:									
Yugoslavia	Dollar		217.00						217.00
United States	Dollar				4,582.77				4,582.77
Mark Lagon:									
Czech Republic	Dollar		962.00						962.00
United States	Dollar				4,156.35				4,156.35
Janice O'Connell:									
Colombia	Dollar		442.00						442.00
Ecuador	Dollar		210.00						210.00
Charlotte Oldham-Moore:									
Colombia	Dollar		380.00						380.00
United States	Dollar				1,964.80				1,964.80
Sharon Payt:									
Thailand	Dollar		1,526.00					1,315.00	2,841.00
United States	Dollar				7,003.60				7,003.60
Kenneth Peel:									
Colombia	Dollar		442.00						442.00
Ecuador	Dollar		210.00						210.00
Christina Rocca:									
Pakistan	Dollar		1,185.00						1,185.00
United States	Dollar				7,097.77				7,097.77
Marc Thiessen:									
United Kingdom	Dollar		200.00						200.00
United States	Dollar				4,943.78				4,943.78
Michael Westphal:									
Czech Republic	Dollar		962.00						962.00
United States	Dollar				4,156.35				4,156.35
Total			15,414.14		70,140.24		2,631.00		88,185.38

JESSE HELMS,
Chairman, Committee on Foreign Relations, Mar. 31, 2001.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), CODEL HELMS/BIDEN (COMMITTEE ON FOREIGN RELATIONS) FOR TRAVEL FROM APR. 16 TO APR. 18, 2001

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Jesse Helms:									
Mexico	Dollar		401.00						401.00
Senator Joseph R. Biden, Jr:									
Mexico	Dollar		541.00						541.00
Senator Lincoln Chafee:									
Mexico	Dollar		484.87						484.87
Senator Chuck Hagel:									
Mexico	Dollar		627.00						627.00
Steve Biegun:									
Mexico	Dollar		627.00						627.00
Paul Foldi:									
Mexico	Dollar		627.00						627.00
Edwin Hall:									
Mexico	Dollar		627.00						627.00
Norm Kurz:									
Mexico	Dollar		627.00						627.00

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), CODEL HELMS/BIDEN (COMMITTEE ON FOREIGN RELATIONS) FOR TRAVEL FROM APR. 16 TO APR. 18, 2001—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Marcia Lee:									
Mexico	Dollar		627.00						627.00
Kirsten Madison:									
Mexico	Dollar		627.00						627.00
Sandy Mason:									
Mexico	Dollar		501.00						501.00
Roger Noriega:									
Mexico	Dollar		627.00						627.00
Janice O'Connell									
Mexico	Dollar		627.00						627.00
Ken Peel:									
Mexico	Dollar		627.00						627.00
Marc Thiessen:									
Mexico	Dollar		627.00						627.00
Delegation Expenses:									
Transportation					1,285.05				1,282.05
Vehicles					2,930.20				2,930.20
Translation/Interpreters							841.77		841.77
Control Rooms							7,365.12		7,365.12
Total			8,824.87		4,212,25		8,206.89		21,244.01

JESSE HELMS,
Chairman, Committee on Foreign Relations, Apr. 20, 2001.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SECTION 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON FOREIGN RELATIONS FOR TRAVEL FROM APR. 1 TO JUNE 30, 2001

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Sam Brownback:									
Kazakhstan	Dollar		628.00						628.00
Kyrgyzstan	Dollar		240.00						240.00
Georgia	Dollar		270.00						270.00
United States	Dollar				6,906.00				6,906.00
Senator Bill Nelson:									
Japan	Dollar		899.00						899.00
South Korea	Dollar		623.00						623.00
Azerbaijan	Dollar		328.00						328.00
Turkey	Dollar		701.00						701.00
Portugal	Dollar		418.00						418.00
Jonah Blank:									
India	Dollar		2,966.00						2,966.00
United States	Dollar				7,198.80				7,198.80
Heather Flynn:									
Dem. Rep. of Congo	Dollar		750.00						750.00
Rwanda	Dollar		625.00						625.00
Burundi	Dollar		200.00						200.00
Uganda	Dollar		800.00						800.00
United States	Dollar				7,893.05				7,893.05
Paul Foldi:									
Mexico	Dollar		276.00						276.00
United States	Dollar				493.00				493.00
Adam Frey:									
Lebanon	Dollar		200.00						200.00
Israel	Dollar		724.00						724.00
United States	Dollar				5,918.06				5,918.06
Michelle Gavin:									
Dem. Rep. of Congo	Dollar		484.00						484.00
Rwanda	Dollar		483.00						483.00
Uganda	Dollar		483.00						483.00
United States	Dollar				7,893.05				7,893.05
Michael Haltzel:									
Slovakia	Dollar		500.00						500.00
Austria	Dollar		550.00						550.00
Macedonia	Dollar		450.00						450.00
United States	Dollar				5,231.63				5,231.63
Belgium	Dollar		500.00						500.00
Yugoslavia	Dollar		200.00						200.00
Croatia	Dollar		250.00						250.00
United States	Dollar				5,406.04				5,406.04
Frank Jannuzi:									
Japan	Dollar		677.00						677.00
China	Dollar		1,126.00						1,126.00
North Korea	Dollar		1,908.00						1,908.00
South Korea	Dollar		761.00						761.00
United States	Dollar				4,558.20				4,558.20
Kirsten Madison:									
Mexico	Dollar		276.00						276.00
United States	Dollar				493.00				493.00
Colombia	Dollar		663.00						663.00
Venezuela	Dollar		998.00						998.00
United States	Dollar				2,372.00				2,372.00
Brian Meyers:									
Switzerland	Dollar		700.00						700.00
United States	Dollar				4,218.53				4,218.53
Danielle Pletka:									
Lebanon	Dollar		200.00						200.00
Israel	Dollar		724.00						724.00
United States	Dollar				5,918.06				5,918.06
Kelly Siekman:									
Netherlands	Dollar		585.00						585.00
United States	Dollar				6,093.99				6,093.99
Marc Thiessen:									
Poland	Dollar		897.00						897.00
United States	Dollar				4,628.60				4,628.60
Christopher Weld:									
Colombia	Dollar		663.00						663.00
Venezuela	Dollar		998.00						998.00

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SECTION 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON FOREIGN RELATIONS FOR TRAVEL FROM APR. 1 TO JUNE 30, 2001—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
United States	Dollar				2,372.00				2,372.00
Michael Westphal:									
Kazakhstan	Dollar		2,652.00						2,652.00
United States	Dollar				7,279.59				7,279.59
Kazakhstan	Dollar		628.00						628.00
Kyrgyzstan	Dollar		290.00						290.00
Georgia	Dollar		270.00						270.00
United States	Dollar				6,997.00				6,997.00
Total			29,564.00		91,870.60				121,434.60

JOSEPH R. BIDEN, Jr.,
Chairman, Committee on Foreign Relations, July 1, 2001.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON GOVERNMENTAL AFFAIRS FOR TRAVEL FROM APR. 1 TO JUNE 30, 2001

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Fred Thompson:									
Ireland	Pound		621.00						621.00
United Kingdom	Pound		226.00						226.00
Mark Esper:									
Ireland	Pound		824.00						824.00
United Kingdom	Pound		186.00						186.00
Elise Bean:									
Liechtenstein	Franc		550.00		4,374.99				4,924.99
Total			2,407.00		4,374.99				6,781.99

JOE LIEBERMAN,
Chairman, Committee on Governmental Affairs, July 2, 2001.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON VETERANS' AFFAIRS FOR TRAVEL FROM APR. 1 TO JUNE 30, 2001

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Arlen Specter:									
England	Dollar		1,053.00						1,053.00
Italy	Dollar		1,201.00						1,201.00
Israel	Dollar		1,116.00						1,116.00
Egypt	Dollar		446.00						446.00
Lebanon	Dollar		230.00						230.00
Syria	Dollar		329.00						329.00
United States	Dollar				5,413.48				5,413.48
William Reynolds:									
England	Dollar		1,053.00						1,053.00
Italy	Dollar		1,201.00						1,201.00
Israel	Dollar		1,116.00						1,116.00
Egypt	Dollar		446.00						446.00
Lebanon	Dollar		230.00						230.00
Syria	Dollar		329.00						329.00
United States	Dollar				5,413.48				5,413.48
Total			8,750.00		10,826.96				19,576.96

ARLEN SPECTER,
Chairman, Committee on Veterans' Affairs, July 9, 2001.

CONSOLIDATED REPORT OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON INTELLIGENCE FOR TRAVEL FROM APR. 1 TO JUNE 30, 2001

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Vicki Divoll:									
			694.00						694.00
United States	Dollar				5,894.76				5,894.76
Peter Flory:									
			1,254.00						1,254.00
United States	Dollar				5,894.76				5,894.76
Peter Dorn:									
			1,179.00						1,179.00
United States	Dollar				5,894.76				5,894.76
Senator Richard Shelby:									
			2,879.00						2,879.00
Patricia McNerney:									
			2,481.00						2,481.00
Anne Caldwell:									
			2,879.00						2,879.00
Senator Richard Lugar:									
			1,478.00						1,478.00
United States	Dollar				5,178.15				5,178.15
Kenneth Myers:									
			1,458.00						1,458.00
United States	Dollar				5,178.15				5,178.15

CONSOLIDATED REPORT OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON INTELLIGENCE FOR TRAVEL FROM APR. 1 TO JUNE 30, 2001—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Richard Shelby:									
			2,768.00						2,768.00
United States	Dollar				4,761.26				4,761.26
William Duhnke:									
			1,642.00						1,642.00
United States	Dollar				4,761.26				4,761.26
James Hensler:									
			1,757.00						1,757.00
United States	Dollar				4,761.26				4,761.26
Robert Filippone:									
			1,007.00						1,007.00
United States	Dollar				6,738.70				6,738.70
Patricia McNerney:									
			1,312.00						1,312.00
United States	Dollar				5,677.03				5,677.03
Peter Dorn:									
			1,532.00						1,532.00
United States	Dollar				5,677.03				5,677.03
Randy Bookout:									
			1,090.00						1,090.00
United States	Dollar				6,738.70				6,738.70
Lorenzo Goco:									
			414.00						414.00
United States	Dollar				3,632.10				3,632.10
Melvin Dubee:									
			409.00						409.00
United States	Dollar				3,632.10				3,632.10
James Hensler:									
			420.00						420.00
United States	Dollar				3,632.10				3,632.10
Melvin Dubee:									
			722.50						722.50
United States	Dollar				2,030.71				2,030.71
Total			27,375.50		80,082.83				107,458.33

BOB GRAHAM,
Chairman, Committee on Intelligence, July 16, 2001.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), THE COMMISSION ON SECURITY AND COOPERATION IN EUROPE FOR TRAVEL FROM APR. 1 TO JUNE 30, 2001

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Chadwick Gore:									
United States	Dollar				3,457.86				3,457.86
Denmark	Dollar		558.49						558.49
United States	Dollar				3,817.79				3,817.79
Poland	Dollar		705.22						705.22
France	Dollar		101.00						101.00
Robert Hand:									
United States	Dollar				4,152.11				4,152.11
Austria	Dollar		341.00						341.00
Albania	Dollar		1,096.00						1,096.00
Janice Helwig:									
United States	Dollar				5,372.97				5,372.97
Austria	Dollar		9,477.65						9,477.65
Representative Steny Hoyer:									
United States	Dollar				5,878.34				5,878.34
Denmark	Dollar		378.00						378.00
Marlene Kaufmann:									
United States	Dollar				5,878.34				5,878.34
Denmark	Dollar		378.00						378.00
United States	Dollar				5,112.89				5,112.89
Czech Republic	Dollar		1,100.00						1,100.00
Michael Ochs:									
United States	Dollar				3,726.22				3,726.22
Poland	Dollar		754.00						754.00
United States	Dollar				6,549.83				6,549.83
United Kingdom	Dollar		131.53						131.53
Georgia	Dollar		1,168.47						1,168.47
Erika Schlager:									
United States	Dollar				4,541.49				4,541.49
Slovakia	Dollar		277.78						277.78
Hungary	Dollar		887.49						887.49
Dorothy Taft:									
United States	Dollar				3,452.54				3,452.54
Netherlands	Dollar		983.60						983.60
Maureen Walsh:									
United States	Dollar				4,170.11				4,170.11
Austria	Dollar		267.24						267.24
Hungary	Dollar		897.39						897.39
Total			19,502.86		56,110.49				75,613.35

BEN NIGHTHORSE CAMPBELL,
Chairman, July 17, 2001.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), MAJORITY LEADER FOR TRAVEL FROM APR. 1 TO JUNE 30, 2001

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Janie Moltrup:									
Mexico	Peso		486.00						486.00
Total			486.00						486.00

TRENT LOTT,
Majority Leader, July 18, 2001.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), CODEL LOTT FOR TRAVEL FROM APR. 15 TO APR. 23, 2001

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Trent Lott:									
Portugal	Escudo		422.00						422.00
Spain	Peseta		1,020.00						1,020.00
Belgium	Franc		530.00						530.00
Senator Frank Murkowski:									
Portugal	Escudo		422.00						422.00
Spain	Peseta		1,000.00						1,000.00
Belgium	Franc		530.00						530.00
Senator Larry Craig:									
Portugal	Escudo		422.00						422.00
Spain	Peseta		1,020.00						1,020.00
Belgium	Franc		530.00						530.00
Senator Kay Bailey Hutchison:									
Portugal	Escudo		422.00						422.00
Spain	Peseta		1,000.00						1,000.00
Belgium	Franc		530.00						530.00
Gary Sisco:									
Portugal	Escudo		422.00						422.00
Spain	Peseta		1,020.00						1,020.00
Belgium	Franc		530.00						530.00
James Ziglar:									
United States	Dollar				1,880.80				1,880.80
Spain	Peseta		1,020.00						1,020.00
Belgium	Franc		530.00						530.00
William Gottshall:									
Portugal	Escudo		422.00						422.00
Spain	Peseta		1,020.00						1,020.00
Belgium	Franc		530.00						530.00
Elizabeth Ross:									
Portugal	Escudo		422.00						422.00
Spain	Peseta		1,020.00						1,020.00
Belgium	Franc		530.00						530.00
Kirsten Shaw:									
Portugal	Escudo		422.00						422.00
Spain	Peseta		1,020.00						1,020.00
Belgium	Franc		530.00						530.00
George Tolbert:									
Portugal	Escudo		422.00						422.00
Spain	Peseta		859.00						859.00
Belgium	Franc		400.00						400.00
Sally Walsh:									
Portugal	Escudo		422.00						422.00
Spain	Peseta		1,020.00						1,020.00
Belgium	Franc		530.00						530.00
Robert Wilkie:									
Portugal	Escudo		422.00						422.00
Spain	Peseta		1,020.00						1,020.00
Belgium	Franc		530.00						530.00
Eric Womble:									
Portugal	Escudo		422.00						422.00
Spain	Peseta		1,020.00						1,020.00
Belgium	Franc		530.00						530.00
Delegation expenses:[1]									
Portugal	Escudo							7,204.89	7,204.89
Spain	Peseta							22,578.58	22,578.58
Belgium	Franc							10,122.76	10,122.76
Total			24,903.00		1,880.80		39,906.23		66,690.03

[1] Delegation expenses include payments and reimbursements to the Department of State and the Department of Defense under authority of Sec. 502(b) of the Mutual Security Act of 1954, as amended by Sec. 22 of P.L. 95–384, and S. Res. 179 agreed to May 25, 1977.

TRENT LOTT,
Republican Leader, July 11, 2001.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), CODEL SMITH FOR TRAVEL FROM MAY 26 TO JUNE 2, 2001

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Gordon Smith:									
Latvia	Lats		134.00						134.00
Poland	Zloty		598.00						598.00
Senator Barbara Mikulski:									
Latvia	Lats		134.00						134.00
Poland	Zloty		520.00						520.00
Senator Richard Durbin:									
Latvia	Lats		134.00						134.00
Senator George Voinovich:									
Latvia	Lats		134.00						134.00

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), CODEL SMITH FOR TRAVEL FROM MAY 26 TO JUNE 2, 2001—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Poland	Zloty		500.00						500.00
Ian Brzezinski:									
Latvia	Lats		134.00						134.00
Poland	Zloty		598.00						598.00
Sue Keenom:									
Latvia	Lats		134.00						134.00
Poland	Zloty		598.00						598.00
Sally Walsh:									
Latvia	Lats		134.00						134.00
Poland	Zloty		598.00						598.00
Delegation expenses:[1]									
Estonia	Kroon				20,700.00		1,223.27		21,923.27
Latvia	Lats						2,206.53		2,206.53
Poland	Zloty						6,063.37		6,063.37
Total			4,350.00		20,700.00		9,493.17		34,543.17

[1] Delegation expenses include direct payments and reimbursements to the Department of State and the Department of Defense under authority of Sec. 502(b) of the Mutual Security Act of 1954, as amended by Sec. 22 of P.L. 95–384, and S. Res. 179 agreed to May 25, 1977.

TOM DASCHLE, Majority Leader,
TRENT LOTT, Republican Leader, July 16, 2001.

AMENDMENT TO 1ST QUARTER 2001 CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), CODEL DASCHLE FOR TRAVEL FROM JAN. 1 TO MAR. 31, 2001

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Tom Daschle:									
Morocco	Dirham		614.00						614.00
Turkey	Lira		814.00						814.00
Greece	Drachma		400.00						400.00
Portugal	Escuda		161.00						161.00
Senator Tom Harkin:									
Morocco	Dirham		614.00						614.00
Turkey	Lira		814.00						814.00
Greece	Drachma		400.00						400.00
Portugal	Escuda		161.00						161.00
Senator Harry Reid:									
Morocco	Dirham		614.00						614.00
Turkey	Lira		814.00						814.00
Greece	Drachma		400.00						400.00
Portugal	Escuda		161.00						161.00
Senator Kent Conrad:									
Morocco	Dirham		614.00						614.00
Turkey	Lira		814.00						814.00
Greece	Drachma		400.00						400.00
Portugal	Escuda		161.00						161.00
Senator Byron Dorgan:									
Morocco	Dirham		614.00						614.00
Turkey	Lira		814.00						814.00
Greece	Drachma		400.00						400.00
Portugal	Escuda		161.00						161.00
Senator Barbara Boxer:									
Morocco	Dirham		614.00						614.00
Turkey	Lira		814.00						814.00
Greece	Drachma		400.00						400.00
Portugal	Escuda		161.00						161.00
Denis McDonough:									
Morocco	Dirham		564.00						564.00
Turkey	Lira		764.00						764.00
Greece	Drachma		400.00						400.00
Portugal	Escuda		111.00						111.00
Martin Paone:									
Morocco	Dirham		614.00						614.00
Turkey	Lira		814.00						814.00
Greece	Drachma		400.00						400.00
Portugal	Escuda		161.00						161.00
Susan McCue:									
Morocco	Dirham		614.00						614.00
Turkey	Lira		814.00						814.00
Greece	Drachma		400.00						400.00
Portugal	Escuda		161.00						161.00
Julia Hart:									
Morocco	Dirham		614.00						614.00
Turkey	Lira		814.00						814.00
Greece	Drachma		400.00						400.00
Portugal	Escuda		161.00						161.00
Delegation expenses: [1]							30,385.59		30,385.59
Total			19,740.00				30,385.59		50,125.59

[1] Delegation expenses include direct payments and reimbursements to the Department of State and the Department of Defense under authority of sec. 502(b) of the Mutual Security Act of 1954 as amended by Sec. 22 of P.L. 95–384, and S. Res. 179 agreed to May 25, 1977.

TOM DASCHLE,
Democratic Leader, June 1, 2001.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), PRESIDENT PRO TEMPORE FOR TRAVEL FROM APR. 1 TO JUNE 30, 2001

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Dr. John Eisold:									
France	Franc		2,710.00						2,710.00
Dot Svendson:									
France	Franc		2,310.00						2,310.00
Total			5,020.00						5,020.00

ROBERT C. BYRD,
President Pro Tempore, July 26, 2001.

APPOINTMENT

The PRESIDING OFFICER. The Chair, on behalf of the President of the Senate, and after consultation with the Democratic leader, pursuant to Public Law 106–286, appoints the Senator from Indiana (Mr. BAYH) to serve on the Congressional-Executive Commission on the People's Republic of China, vice the Senator from Oregon (Mr. SMITH), and appoints the Senator from Montana (Mr. BAUCUS) as Chairman of the Commission.

ZIMBABWE DEMOCRACY AND ECONOMIC RECOVERY ACT OF 2001

Mr. REID. Madam President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 90, S. 494.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 494) to provide for a transition to democracy and to promote economic recovery in Zimbabwe.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Foreign Relations with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

[Strike out all after the enacting clause and insert the part printed in black italic.]

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Zimbabwe Democracy and Economic Recovery Act of 2001''.

SEC. 2. STATEMENT OF POLICY.

It is the policy of the United States to support the people of Zimbabwe in their struggle to effect peaceful, democratic change, achieve broad-based and equitable economic growth, and restore the rule of law.

SEC. 3. DEFINITIONS.

In this Act:

(1) INTERNATIONAL FINANCIAL INSTITUTIONS.—The term ''international financial institutions'' means the multilateral development banks and the International Monetary Fund.

(2) MULTILATERAL DEVELOPMENT BANKS.—The term ''multilateral development banks'' means the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Inter-American Development Bank, the Asian Development Bank, the Inter-American Investment Corporation, the African Development Bank, the African Development Fund, the European Bank for Reconstruction and Development, and the Multilateral Investment Guaranty Agency.

SEC. 4. SUPPORT FOR DEMOCRATIC TRANSITION AND ECONOMIC RECOVERY.

(a) FINDINGS.—Congress makes the following findings:

(1) Through economic mismanagement, undemocratic practices, and the costly deployment of troops to the Democratic Republic of the Congo, the Government of Zimbabwe has rendered itself ineligible to participate in International Bank for Reconstruction and Development and International Monetary Fund programs, which would otherwise be providing substantial resources to assist in the recovery and modernization of Zimbabwe's economy. The people of Zimbabwe have thus been denied the economic and democratic benefits envisioned by the donors to such programs, including the United States.

(2) In September 1999 the IMF suspended its support under a ''Stand By Arrangement'', approved the previous month, for economic adjustment and reform in Zimbabwe.

(3) In October 1999, the International Development Association (in this section referred to as the ''IDA'') suspended all structural adjustment loans, credits, and guarantees to the Government of Zimbabwe.

(4) In May 2000, the IDA suspended all other new lending to the Government of Zimbabwe.

(5) In September 2000, the IDA suspended disbursement of funds for ongoing projects under previously-approved loans, credits, and guarantees to the Government of Zimbabwe.

(b) SUPPORT FOR DEMOCRATIC TRANSITION AND ECONOMIC RECOVERY.—Upon receipt by the appropriate congressional committees of a certification described in subsection (d), the following shall apply:

(1) DEBT RELIEF AND OTHER FINANCIAL ASSISTANCE.—The Secretary of the Treasury shall—

(A) undertake a review of the feasibility of restructuring, rescheduling, or eliminating the sovereign debt of Zimbabwe held by any agency of the United States Government;

(B) direct the United States executive director of each multilateral development bank to propose that the bank should undertake a review of the feasibility of restructuring, rescheduling, or eliminating the sovereign debt of Zimbabwe held by that bank; and

(C) direct the United States executive director of each international financial institution to which the United States is a member to propose to undertake financial and technical support for Zimbabwe, especially support that is intended to promote Zimbabwe's economic recovery and development, the stabilization of the Zimbabwean dollar, and the viability of Zimbabwe's democratic institutions.

(2) ESTABLISHMENT OF A SOUTHERN AFRICA FINANCE CENTER.—The President should direct the establishment of a Southern Africa Finance Center located in Zimbabwe that will include regional offices of the Overseas Private Investment Corporation, the Export-Import Bank of the United States, and the Trade and Development Agency for the purpose of facilitating the development of commercial projects in Zimbabwe and the southern Africa region.

(c) MULTILATERAL FINANCING RESTRICTION.—Until the President makes the certification described in subsection (d), and except as may be required to meet basic human needs or for good governance, the Secretary of the Treasury shall instruct the United States executive director to each international financial institution to oppose and vote against—

(1) any extension by the respective institution of any loan, credit, or guarantee to the Government of Zimbabwe; or

(2) any cancellation or reduction of indebtedness owed by the Government of Zimbabwe to the United States or any international financial institution.

(d) PRESIDENTIAL CERTIFICATION THAT CERTAIN CONDITIONS ARE SATISFIED.—A certification under this subsection is a certification transmitted to the appropriate congressional committees of a determination made by the President that the following conditions are satisfied:

(1) RESTORATION OF THE RULE OF LAW.—The rule of law has been restored in Zimbabwe, including respect for ownership and title to property, freedom of speech and association, and an end to the lawlessness, violence, and intimidation sponsored, condoned, or tolerated by the Government of Zimbabwe, the ruling party, and their supporters or entities.

(2) ELECTION OR PRE-ELECTION CONDITIONS.—Either of the following two conditions is satisfied:

(A) PRESIDENTIAL ELECTION.—Zimbabwe has held a presidential election that is widely accepted as free and fair by independent international monitors, and the president-elect is free to assume the duties of the office.

(B) PRE-ELECTION CONDITIONS.—In the event the certification is made before the presidential election takes place, the Government of Zimbabwe has sufficiently improved the pre-election environment to a degree consistent with accepted international standards for security and freedom of movement and association.

(3) COMMITMENT TO EQUITABLE, LEGAL, AND TRANSPARENT LAND REFORM.—The Government of Zimbabwe has demonstrated a commitment to an equitable, legal, and transparent land reform program consistent with agreements reached at the International Donors' Conference on Land Reform and Resettlement in Zimbabwe held in Harare, Zimbabwe, in September 1998.

(4) FULFILLMENT OF AGREEMENT ENDING WAR IN DEMOCRATIC REPUBLIC OF CONGO.—The Government of Zimbabwe is making a good faith effort to fulfill the terms of the Lusaka, Zambia, agreement on ending the war in the Democratic Republic of Congo.

(5) MILITARY AND NATIONAL POLICE SUBORDINATE TO CIVILIAN GOVERNMENT.—The Zimbabwean Armed Forces, the National Police of Zimbabwe, and other state security forces are responsible to and serve the elected civilian government.

(e) WAIVER.—The President may waive the provisions of subsection (b) or subsection (c), if the President determines that it is in the national interest of the United States to do so.

SEC. 5. SUPPORT FOR DEMOCRATIC INSTITUTIONS, THE FREE PRESS AND INDEPENDENT MEDIA, AND THE RULE OF LAW.

(a) IN GENERAL.—The President is authorized to provide assistance under part I and chapter 4 of part II of the Foreign Assistance Act of 1961 to—

(1) support an independent and free press and electronic media in Zimbabwe;

(2) support equitable, legal, and transparent mechanisms of land reform in Zimbabwe, including the payment of costs related to the acquisition of land and the resettlement of individuals, consistent with the International Donors' Conference on Land Reform and Resettlement in Zimbabwe held in Harare, Zimbabwe, in September 1998, or any subsequent agreement relating thereto; and

(3) for democracy and governance programs in Zimbabwe.

(b) FUNDING.—Of the funds authorized to be appropriated to carry out part I and chapter 4 of part II of the Foreign Assistance Act of 1961 for fiscal year 2002—

(1) $20,000,000 is authorized to be available to provide the assistance described in subsection (a)(2); and

(2) $6,000,000 is authorized to be available to provide the assistance described in subsection (a)(3).

(c) SUPERSEDES OTHER LAWS.—The authority in this section supersedes any other provision of law.

SEC. 6. SENSE OF CONGRESS ON THE ACTIONS TO BE TAKEN AGAINST INDIVIDUALS RESPONSIBLE FOR VIOLENCE AND THE BREAKDOWN OF THE RULE OF LAW IN ZIMBABWE.

It is the sense of Congress that the President should begin immediate consultation with the governments of European Union member states, Canada, and other appropriate foreign countries on ways in which to—

(1) identify and share information regarding individuals responsible for the deliberate breakdown of the rule of law, politically motivated violence, and intimidation in Zimbabwe;

(2) identify assets of those individuals held outside Zimbabwe;

(3) implement travel and economic sanctions against those individuals and their associates and families; and

(4) provide for the eventual removal or amendment of those sanctions.

Mr. REID. Madam President, I ask unanimous consent that the committee substitute be agreed to, the bill, as amended, be read a third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 494), as amended, was read the third time and passed.

MEASURE READ THE FIRST TIME—H.R. 2602

Mr. REID. Madam President, I understand H.R. 2602, which was just received from the House, is at the desk, and I now ask for its first reading.

The PRESIDING OFFICER. The clerk will read the measure for the first time.

The assistant legislative clerk read as follows:

A bill (H.R. 2602) to extend the Export Administration Act until November 20, 2001.

Mr. REID. Madam President, I ask for its second reading and object to my own request on behalf of a number of my colleagues.

The PRESIDING OFFICER. Objection is heard. The bill will be due for a second reading on the next legislative day.

AMENDMENT NO. 1209, WITHDRAWN

Mr. REID. Madam President, I ask unanimous consent that the yeas and nays on the Voinovich amendment No. 1209 be vitiated and the amendment be withdrawn. Senator VOINOVICH asked us to make this consent request.

The PRESIDING OFFICER. Without objection, it is so ordered.

Daily Digest

HIGHLIGHTS

See Résumé of Congressional Activity.

Senate passed Department of Transportation and Related Agencies Appropriations Act.

House Committees ordered reported 10 sundry measures.

House passed H.R. 4, Securing America's Future Energy (SAFE) Act.

Committee on Rules reported a resolution providing for consideration of H.R. 2563, Bipartisan Patient Protection Act.

Senate

Chamber Action

Routine Proceedings, pages S8499–S8628

Measures Introduced: Sixteen bills and three resolutions were introduced, as follows: S. 1286–1301, S.J. Res. 21, and S. Res. 145–146. **Pages S8574–75**

Measures Reported:

Special Report entitled "Further Revised Allocation To Subcommittees Of Budget Totals For Fiscal Year 2002". (S. Rept. No. 107–50)

S. Res. 126, expressing the sense of the Senate regarding observance of the Olympic Truce.

S. 367, to prohibit the application of certain restrictive eligibility requirements to foreign nongovernmental organizations with respect to the provision of assistance under part I of the Foreign Assistance Act of 1961.

S. 584, to designate the United States courthouse located at 40 Centre Street in New York, New York, as the "Thurgood Marshall States Courthouse".

S. 1254, to reauthorize the Multifamily Assisted Housing Reform and Affordability Act of 1997, with an amendment.

S. Con. Res. 58, expressing support for the tenth annual meeting of the Asia Pacific Parliamentary Forum.

S. Con. Res. 62, congratulating Ukraine on the 10th anniversary of the restoration of its independence and supporting its full integration into the Euro-Atlantic community of democracies. **Page S8570**

Measures Passed:

Department of Transportation and Related Agencies Appropriations Act: Senate passed H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, after taking action on the following amendment proposed thereto: **Pages S8505–33**

Adopted:

Murray/Shelby Amendment No. 1213, to make certain revisions and improvements to the bill. **Page S8526**

By prior unanimous consent, Senate agreed to the motion to proceed to the motion to reconsider the vote by which cloture was not invoked on the bill. **Page S8505**

By prior unanimous consent, Senate agreed to the motion to reconsider the vote by which cloture was not invoked on the bill. **Page S8505**

During consideration of this measure today, Senate also took the following action:

By a unanimous vote of 100 yeas (Vote No. 262), three-fifths of those Senators duly chosen and sworn, having voted in the affirmative, Senate agreed to the motion to close further debate on H.R. 2299 (listed above). **Page S8505**

Zimbabwe Democracy and Economic Recovery Act: Senate passed S. 494, to provide for a transition to democracy and to promote economic recovery in Zimbabwe, after agreeing to a committee amendment in the nature of a substitute. **Pages S8627–28**

Emergency Agriculture Assistance Act: Senate continued consideration of S. 1246, to respond to

the continuing economic crisis adversely affecting American agricultural producers, taking action on the following amendments proposed thereto:

Pages S8499–S8504

Withdrawn:

Voinovich Amendment No. 1209, to protect the social security surpluses by preventing on-budget deficits. **Page S8499**

Pending:

Lugar Amendment No. 1212, in the nature of a substitute. **Page S8499**

A motion was entered to close further debate on S. 1246 (listed above) and, in accordance with Rule XXII of the Standing Rules of the Senate, a vote on the cloture motion will occur on Friday, August 3, 2001. **Page S8499**

VA–HUD Appropriations Act: Senate began consideration of H.R. 2620, making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2002, taking action on the following amendments proposed thereto: **Pages S8537–49, S8552–62**

Adopted:

Mikulski/Bond Amendment No. 1217 (to Amendment No. 1214), to make $2,000,000,000 for FEMA disaster relief available upon enactment.

Pages S8543–44

By 97 yeas to 1 nay (Vote No. 265), Boxer Amendment No. 1219 (to Amendment No. 1214), to provide for a new national primary drinking water regulation for arsenic. **Pages S8552–61**

Pending:

Mikulski/Bond Amendment No. 1214, in the nature of a substitute. **Pages S8543–49, S8552–62**

During consideration of this measure today, Senate also took the following action:

By 25 yeas to 75 nays (Vote No. 263), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate failed to agree to the motion to waive section 302(f) of the Congressional Budget Act of 1974 with respect to Wellstone Amendment No. 1218 (to Amendment No. 1214), to increase the amount available for medical care for veterans by $650,000,000. Subsequently, a point of order that the amendment was in violation of the Congressional Budget Act by providing spending in excess of the subcommittee's 302–B allocation was sustained, and the amendment thus fell.

Pages S8544–49

A unanimous-consent agreement was reached providing for further consideration of the bill and certain amendments to be proposed thereto on Thursday, August 2, 2001; that upon disposition of all amendments, the substitute amendment be agreed to, the bill be read three times, and the Senate vote on passage of the bill; that upon passage of the bill, the Senate insist on its amendment, request a conference with the House, and the Chair be authorized to appoint conferees on the part of the Senate.

Pages S8560–61

Export Administration Act Agreement: A unanimous-consent agreement was reached providing that the Majority Leader may, after consultation with the Republican Leader, turn to the consideration of S. 149, to provide authority to control exports, but not before September 4, 2001. **Page S8534**

Appointments:

Congressional-Executive Commission on the People's Republic of China: The Chair, on behalf of the President of the Senate, and after consultation with the Democratic Leader, pursuant to Public law 106–286, appointed Senator Bayh to serve on the Congressional-Executive Commission on the People's Republic of China, vice Senator Gordon Smith, and appointed Senator Baucus as Chairman of the Commission. **Page S8627**

Nominations Confirmed: Senate confirmed the following nominations:

By 98 yeas 1 nay (Vote No. EX. 264), Asa Hutchinson, of Arkansas, to be Administrator of Drug Enforcement. **Pages S8549–51, S8577**

Gordon H. Mansfield, of Virginia, to be an Assistant Secretary of Veterans Affairs (Congressional Affairs).

Jack Dyer Crouch II, of Missouri, to be an Assistant Secretary of Defense.

Sue McCourt Cobb, of Florida, to be Ambassador to Jamaica.

Mercer Reynolds, of Ohio, to be Ambassador to Switzerland, and to serve concurrently and without additional compensation as Ambassador to the Principality of Liechtenstein.

Josefina Carbonell, of Florida, to be Assistant Secretary for Aging, Department of Health and Human Services.

Russell F. Freeman, of North Dakota, to be Ambassador to Belize.

Clark Kent Ervin, of Texas, to be Inspector General, Department of State.

Michael E. Guest, of South Carolina, to be Ambassador to Romania.

Roger Francisco Noriega, of Kansas, to be Permanent Representative of the United States of America to the Organization of American States, with the rank of Ambassador.

Dan R. Brouillette, of Louisiana, to be an Assistant Secretary of Energy (Congressional and Intergovernmental Affairs).

Stuart A. Bernstein, of the District of Columbia, to be Ambassador to Denmark.

Charles A. Heimbold, Jr., of Connecticut, to be Ambassador to Sweden.

Jim Nicholson, of Colorado, to be Ambassador to the Holy See.

Thomas J. Miller, of Virginia, to be Ambassador to Greece.

Larry C. Napper, of Texas, to be Ambassador to the Republic of Kazakhstan.

Thomas C. Hubbard, of Tennessee, to be Ambassador to the Republic of Korea.

Eric M. Bost, of Texas, to be a Member of the Board of Directors of the Commodity Credit Corporation.

William T. Hawks, of Mississippi, to be a Member of the Board of Directors of the Commodity Credit Corporation.

Joseph J. Jen, of California, to be a Member of the Board of Directors of the Commodity Credit Corporation.

James R. Moseley, of Indiana, to be a Member of the Board of Directors of the Commodity Credit Corporation.

J.B. Penn, of Arkansas, to be a Member of the Board of Directors of the Commodity Credit Corporation.

Marie T. Huhtala, of California, to be Ambassador to Malaysia.

Harvey Pitt, of North Carolina, to be a Member of the Securities and Exchange Commission for the remainder of the term expiring June 5, 2002.

Harvey Pitt, of North Carolina, to be a Member of the Securities and Exchange Commission for a term expiring June 5, 2007. (Reappointment)

Franklin L. Lavin, of Ohio, to be Ambassador to the Republic of Singapore. **Pages S8533–34, S8577**

Nominations Received: Senate received the following nominations:

J. Strom Thurmond, Jr., of South Carolina, to be the United States Attorney for the District of South Carolina for the term of four years.

Charles F. Lettow, of Virginia, to be a Judge of the United States Court of Federal Claims for a term of fifteen years.

Marian Blank Horn, of Maryland, to be a Judge of the United States Court of Federal Claims for a term of fifteen years. (Reappointment)

Michael W. Mosman, of Oregon, to be the United States Attorney for the District of Oregon for the term of four years.

Paul J. McNulty, of Virginia, to be United States Attorney for the Eastern District of Virginia for the term of four years.

Robert Garner McCampbell, of Oklahoma, to be United States Attorney for the Western District of Oklahoma for the term of four years.

Harry Sandlin Mattice, Jr., of Tennessee, to be United States Attorney for the Eastern District of Tennessee for the term of four years.

Timothy Mark Burgess, of Alaska, to be United States Attorney for the District of Alaska for the term of four years.

4 Coast Guard nominations in the rank of admiral.

A routine list in the Army. **Page S8577**

Executive Communications: **Page S8569**

Petitions and Memorials: **Pages S8569–70**

Executive Reports of Committees: **Pages S8570–74**

Messages From the House: **Page S8569**

Measures Referred: **Page S8569**

Measures Read First Time: **Page S8628**

Statements on Introduced Bills: **Pages S8579–99**

Additional Cosponsors: **Pages S8575–77**

Amendments Submitted: **Pages S8600–15**

Additional Statements: **Page S8568**

Authority for Committees: **Pages S8615–17**

Privilege of the Floor: **Page S8617**

Record Votes: Four record votes were taken today. (Total—265) **Pages S8505, S8549, S8551, S8561**

Adjournment: Senate met at 10 a.m., and adjourned at 8:56 p.m., until 9:30 a.m., on Thursday, August 2, 2001. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S8577.)

Committee Meetings

(Committees not listed did not meet)

U.S. EXPORT MARKET SHARE

Committee on Agriculture, Nutrition, and Forestry: Subcommittee on Production and Price Competitiveness concluded hearings to examine the status of the U.S. agricultural export market share, the Department of Agriculture's strategy for expanding overseas sales, and how impending policy changes may benefit the food and agricultural sector, after receiving testimony from Mattie R. Sharpless, Acting Administrator, Foreign Agricultural Service, Department of Agriculture; Leonard W. Condon, American Meat Institute, Arlington, Virginia; Henry Jo Von Tungeln, Calumet, Oklahoma, on behalf of the U.S. Wheat Associates, the Wheat Export Trade Education Committee, and the National Association of

Wheat Growers; and Carl Brothers, Riceland Foods, Inc., Stuttgart, Arkansas, on behalf of the USA Rice Federation.

STEM CELL RESEARCH

Committee on Appropriations: Subcommittee on Labor, Health and Human Services, and Education concluded hearings to examine how intellectual property considerations and ethical issues affect stem cell research and the future development of products for public benefit, and how the transfer of federally funded technology from the not-for-profit sector to the for-profit is accomplished, after receiving testimony from Maria Freire, Director, Office of Technology Transfer, National Institutes of Health, Department of Health and Human Services; Carl E. Gulbrandsen, WiCell Research Institute, Madison, Wisconsin, on behalf of the Wisconsin Alumni Research Foundation; Nigel Cameron, Centre for Bioethics and Public Policy, London, England; Arthur Caplan and Glenn McGee, both of the University of Pennsylvania Center for Bioethics, Philadelphia; Michael D. West, Advanced Cell Technology, Inc., Worcester, Massachusetts.

APPROPRIATIONS—NAVY AND AIR FORCE CONSTRUCTION

Committee on Appropriations: Subcommittee on Military Construction concluded hearings on proposed budget estimates for fiscal year 2002 for Navy construction and Air Force construction, after receiving testimony from Duncan Holaday, Senior Civilian Official, Office of the Assistant Secretary of the Navy for Installations and Environment; Rear Adm. Michael R. Johnson, USN, Commander, Naval Facilities Engineering Command; Lt. Gen. Gary S. McKissock, USMC, Deputy Commandant of the Marine Corps for Installations and Logistics Facilities; Rear Adm. Noel G. Preston, UNR, Deputy Director of Naval Reserve; Jimmy G. Dishner, Deputy Assistant Secretary of the Air Force for Installations; Maj. Gen. Earnest O. Robbins II, HQ USAF, The Civil Engineer, Deputy Chief of Staff for Installations and Logistics; Brig. Gen. Paul S. Kimmel, ANG, Deputy Director, Air National Guard; and Brig. Gen. Robert E. Duignan, Deputy to Chief of Air Force Reserve.

NOMINATION

Committee on Armed Services: Committee concluded hearings on the nomination of Gen. John P. Jumper, USAF, for reappointment to the grade of general and to be Chief of Staff, United States Air Force, after the nominee testified and answered questions in his own behalf.

BUSINESS MEETING

Committee on Banking, Housing, and Urban Affairs: Committee ordered favorably reported the following business items:

S. 1254, to reauthorize the Multifamily Assisted Housing Reform and Affordability Act of 1997, with an amendment; and

The nomination of Linda Mysliwy Conlin, of New Jersey, to be Assistant Secretary for Trade Development, and Michael J. Garcia, of New York, to be Assistant Secretary for Export Enforcement, both of the Department of Commerce, Melody H. Fennel, of Virginia, to be Assistant Secretary for Congressional and Intergovernmental Relations, and Michael Minoru Fawn Liu, of Illinois, to be Assistant Secretary for Public and Indian Housing, both of the Department of Housing and Urban Development, and Henrietta Holsman Fore, of Nevada, to be Director of the Mint, Department of the Treasury.

SUBCOMMITTEE ASSIGNMENTS

Committee on Banking, Housing, and Urban Affairs: Committee announced the following subcommittee assignments:

Subcommittee on Securities and Investment: Senators Dodd (Chairman), Johnson, Reed, Schumer, Bayh, Corzine, Carper, Stabenow, Akaka, Enzi (Ranking Member), Shelby, Crapo, Bennett, Allard, Hagel, Santorum, and Bunning,

Subcommittee on Financial Institutions: Senators Johnson (Chairman), Miller, Carper, Stabenow, Dodd, Reed, Bayh, Corzine, Bennett (Ranking Member), Ensign, Shelby, Allard, Santorum, Bunning, and Crapo.

Subcommittee on Housing and Transportation: Senators Reed (Chairman), Carper, Stabenow, Corzine, Dodd, Schumer, Akaka, Allard (Ranking Member), Santorum, Ensign, Shelby, Enzi, and Hagel.

Subcommittee on Economic Policy: Senators Schumer (Chairman), Miller, Corzine, Akaka, Bunning (Ranking Member), Bennett, and Ensign.

Subcommittee on International Trade and Finance: Senators Bayh (Chairman), Miller, Johnson, Akaka, Hagel (Ranking Member), Enzi, and Crapo.

INTERNATIONAL TRADE AGREEMENTS

Committee on Commerce, Science, and Transportation: Committee held hearings to examine the status of current U.S trade agreements, focusing on the proposed benefits and practical realities of expanding trade markets, while trying to improve labors standards abroad, protect the environment, and protect and compensate workers in the U.S., receiving testimony from Donald L. Evans, Secretary of Commerce; and Edward N. Luttwak, Center for Strategic and International Studies, William Reinsch, National

Foreign Trade Council, on behalf of the Organization for International Investment, and Alan Tonelson, United States Business and Industry Council, all of Washington, D.C.

Hearings recessed subject to call.

NOMINATIONS

Committee on Commerce, Science, and Transportation: Committee concluded hearings on the nominations of John Arthur Hammerschmidt, of Arkansas, to be a Member of the National Transportation Safety Board, Jeffrey William Runge, of North Carolina, to be Administrator of the National Highway Traffic Safety Administration, Department of Transportation, and Nancy Victory, to be Assistant Secretary for Communications and Information, and Otto Wolff, to be Assistant Secretary for Administration and Chief Financial Officer, both of Virginia, both of the Department of Commerce, after the nominees testified and answered questions in their own behalf. Dr. Runge was introduced by Representative Myrick, and Ms. Victory was introduced by Senator Allen.

NATIONAL ENERGY POLICY

Committee on Energy and Natural Resources: Committee began markup of S. 597, to provide for a comprehensive and balanced national energy policy, but did not complete action thereon, and will meet again tomorrow.

BUSINESS MEETING

Committee on Environment and Public Works: Committee ordered favorably reported the following business items:

S. 584, to designate the United States courthouse located at 40 Centre Street in New York, New York, as the ''Thurgood Marshall States Courthouse''; and

The nominations of David A. Sampson, of Texas, to be Assistant Secretary of Commerce for Economic Development, and George Tracy Mehan III, of Michigan, to be Assistant Administrator for the Office of Water, Judith Elizabeth Ayres, of California, to be Assistant Administrator for the Office of International Activities, Robert E. Fabricant, of New Jersey, to be General Counsel, Jeffrey R. Holmstead, of Colorado, to be Assistant Administrator for the Office of Air and Radiation, and Donald R. Schregardus, of Ohio, to be Assistant Administrator for the Office of Enforcement and Compliance Assurance, all of the Environmental Protection Agency.

TRANSPORTATION AIR EMISSIONS

Committee on Environment and Public Works: Committee held hearings to examine the impact of air emissions from the transportation sector on public health and the environment, current and future programs that reduce harmful air pollution, and the energy impacts of the transportation sector and its relationship to environmental concerns, receiving testimony from Robert D. Brenner, Acting Assistant Administrator for Air and Radiation, Environmental Protection Agency; Jason Mark, Union of Concerned Scientists, and Gregory Dana, Alliance of Automobile Manufacturers, both of Washington, D.C.; Daniel S. Greenbaum, Health Effects Institute, Cambridge, Massachusetts; Omar F. Freilla, New York City Environmental Justice Alliance, New York, New York; and Jeffrey A. Saitas, Texas Natural Resource Conservation Commission, Austin.

Hearings recessed subject to call.

CYBERSHOPPING AND SALES TAX

Committee on Finance: Committee held hearings to examine issues related to the Internet Tax Freedom Act, which provides a moratorium on certain state and local government taxes on Internet access and electronic commerce, and proposals to extend or modify the Act, focusing on remote collection of taxes and reduction of compliance costs, including a related proposal S. 512, to foster innovation and technological advancement in the development of the Internet and electronic commerce, receiving testimony from G. Thomas Woodward, Assistant Director for Tax Analysis, Congressional Budget Office; Illinois State Senator Steven Rauschenberger, Springfield, on behalf of the National Conference of State Legislatures; David Bullington, Wal-Mart Stores, Inc., Bentonville, Arizona; Frank G. Julian, Federated Department Stores, Inc., Cincinnati, Ohio, on behalf of the Direct Marketing Association and the Internet Tax Fairness Coalition; and Michael S. Greve, American Enterprise Institute, Jeffrey A. Friedman, KPMG, and Frank Shafroth, National Governors Association, all of Washington, D.C.

Hearings recessed subject to call.

BUSINESS MEETING

Committee on Foreign Relations: Committee ordered favorably reported the following business items:

An original bill to authorize appropriations for the Department of State and for United States international broadcasting activities for fiscal years 2002 and 2003;

S. 367, to prohibit the application of certain restrictive eligibility requirements to foreign nongovernmental organizations with respect to the provision of assistance under part I of the Foreign Assistance Act of 1961;

S. Res. 126, expressing the sense of the Senate regarding observance of the Olympic Truce;

S. Con. Res. 58, expressing support for the tenth annual meeting of the Asia Pacific Parliamentary Forum;

S. Con. Res. 62, congratulating Ukraine on the 10th anniversary of the restoration of its independence and supporting its full integration into the Euro-Atlantic community of democracies; and

The nominations of Vincent Martin Battle, of the District of Columbia, to be Ambassador to the Republic of Lebanon, Nancy Goodman Brinker, of Florida, to be Ambassador to the Republic of Hungary, Carole Brookins, of Indiana, to be United States Executive Director of the International Bank for Reconstruction and Development, R. Nicholas Burns, of Massachusetts, to be United States Permanent Representative on the Council of the North Atlantic Treaty Organization, with the rank and status of Ambassador, Daniel R. Coats, of Indiana, to be Ambassador to the Federal Republic of Germany, Ross J. Connelly, of Maine, to be Executive Vice President of the Overseas Private Investment Corporation, Patrick M. Cronin, of the District of Columbia, to be Assistant Administrator for Policy and Program Coordination of the United States Agency for International Development, Christopher William Dell, of New Jersey, to be Ambassador to the Republic of Angola, Richard J. Egan, of Massachusetts, to be Ambassador to Ireland, Edward William Gnehm, Jr., of Georgia, to be Ambassador to the Hashemite Kingdom of Jordan, Edmund James Hull, of Virginia, to be Ambassador to the Republic of Yemen, Richard Henry Jones, of Nebraska, to be Ambassador to the State of Kuwait, Theodore H. Kattouf, of Maryland, to be Ambassador to the Syrian Arab Republic, Robert Geers Loftis, of Colorado, to be Ambassador to the Kingdom of Lesotho, Jeanne L. Phillips, of Texas, to be Representative of the United States of America to the Organization for Economic Cooperation and Development, with the rank of Ambassador, Randal Quarles, of Utah, to be United States Executive Director of the International Monetary Fund, Maureen Quinn, of New Jersey, to be Ambassador to the State of Qatar, Craig Roberts Stapleton, of Connecticut, to be Ambassador to the Czech Republic, Joseph Gerard Sullivan, of Virginia, to be Ambassador to the Republic of Zimbabwe, and Johnny Young, of Maryland, to be Ambassador to the Republic of Slovenia.

BUSINESS MEETING

Committee on Health, Education, Labor, and Pensions: Committee ordered favorably reported the following business items:

S. 543, to provide for equal coverage of mental health benefits with respect to health insurance coverage unless comparable limitations are imposed on medical and surgical benefits, with an amendment in the nature of a substitute;

An original bill, to amend the Public Health Service Act to provide programs for the prevention, treatment, and rehabilitation of stroke;

An original bill, to amend the Public Health Service Act to provide grants for public access defibrillation programs and public access defibrillation demonstration projects;

S. 1281, to amend the Public Health Service Act to reauthorize and strengthen the health centers program and the National Health Service Corps, and to establish the Healthy Communities Access Program, which will help coordinate services for the uninsured and underinsured, with an amendment in the nature of a substitute; and

S. 838, to amend the Federal Food, Drug, and Cosmetic Act to improve the safety and efficacy of pharmaceuticals for children, with an amendment in the nature of a substitute.

Also, committee announced the following subcommittee assignments:

Subcommittee on Aging: Senators Mikulski (Chairman), Dodd, Edwards, Murray, Clinton, Hutchinson (Ranking Member), Gregg, Warner, and Roberts.

Subcommittee on Children and Families: Senators Dodd (Chairman), Bingaman, Wellstone, Murray, Reed, Jeffords, Collins (Ranking Member), Frist, Warner, Bond, and DeWine.

Subcommittee on Employment, Safety and Training: Senators Wellstone (Chairman), Kennedy, Dodd, Harkin, Enzi (Ranking Member), Sessions, and DeWine.

Subcommittee on Public Health: Senators Kennedy (Chairman), Harkin, Mikulski, Jeffords, Bingaman, Wellstone, Reed, Edwards, Clinton, Frist (Ranking Member), Gregg, Enzi, Hutchinson, Roberts, Collins, Sessions, and Bond.

RACIAL PROFILING

Committee on the Judiciary: Subcommittee on Constitution, Federalism, and Property Rights concluded hearings on S. 989, to prohibit racial profiling, after receiving testimony from Senators Clinton and Corzine; Representatives Conyers and Shays; Mayor Dennis W. Archer, Detroit, Michigan, on behalf of the National League of Cities; Raymond W. Kelly, New York City Police Department, New York, New York, former Commissioner, U.S. Customs Service, Department of the Treasury; Ronald L. Davis, Oakland Police Department, Oakland, California, on behalf of the National Organization of Black Law Enforcement Executives; Lorie Fridell, Police Executive Research Forum, and Steve Young, Fraternal Order of Police, both of Washington, D.C.; Reuben M.

Greenberg, Charleston Police Department, Charleston, South Carolina; and David A. Harris, University of Toledo College of Law, Toledo, Ohio.

PRODUCT PACKAGE PROTECTION

Committee on the Judiciary: Subcommittee on Antitrust, Business Rights, and Competition concluded hearings on S. 1233, to provide penalties for certain unauthorized writing with respect to consumer products, after receiving testimony from Alice Fisher, Deputy Assistant Attorney General, Criminal Division, Department of Justice; Leslie G. Sarasin, American Frozen Food Institute, McLean, Virginia; Paul J. Petruccelli, Kraft Foods North America, Inc., Northfield, Illinois; and David Burris, Baker City, Oregon.

ENVIRONMENTAL TECHNOLOGY

Committee on Small Business: Committee held hearings to examine ways that small businesses and the government can work together to create innovative technologies that help businesses run environmentally-friendly operations, thus creating more jobs while improving environmental policy and technology, receiving testimony from Paul Stolpman, Director, Office of Atmospheric Programs, Office of Air and Radiation, Environmental Protection Agency; Dan H. Renberg, Member, Board of Directors, Export-Import Bank of the United States; Byron Kennard, Center for Small Business and the Environment, Washington, D.C.; Jeffrey M. Bentley, Nuvera Fuel Cells, Inc., Cambridge, Massachusetts; Thomas A. Dreessen, EPS Capital Corporation, Doylestown, Pennsylvania, on behalf of the Export Council for Energy Efficiency; Ed C. Patterson, Jr., Natural Environmental Solutions, Inc., St. Louis, Missouri; and Ralph Bedogne, Engineered Machined Products, Inc., Escanaba, Michigan.

Hearings recessed subject to call.

INTELLIGENCE

Select Committee on Intelligence: Committee held closed hearings on intelligence matters, receiving testimony from officials of the intelligence community.

Committee recessed subject to call.

House of Representatives

Chamber Action

Bills Introduced: 21 public bills, H.R. 2693–2713, were introduced. **Page H5124–25**

Reports Filed: Reports were filed as follows:

Supplemental report on H.R. 2587, to enhance energy conservation, provide for security and diversity in the energy supply for the American people (H. Rept. 107–162, Pt. 2);

H.R. 2501, to reauthorize the Appalachian Regional Development Act of 1965 (H. Rept. 107–180);

H. Con. Res. 25, expressing the sense of the Congress regarding tuberous sclerosis, amended (H. Rept. 107–181);

H. Con. Res. 36, urging increased Federal funding for juvenile (Type 1) diabetes research, amended (H. Rept. 107–182);

H. Con. Res. 61, expressing support for a National Reflex Sympathetic Dystrophy (RSD) Awareness Month (H. Rept. 107–183).

H. Res. 219, providing for consideration of H.R. 2563, to amend the Public Health Service Act, the Employee Retirement Income Security Act of 1974, and the Internal Revenue Code of 1986 to protect consumers in managed care plans and other Health coverage (H. Rept. 107–184); and

H. Res. 220, providing for pro forma sessions during the summer district work period (H. Rept. 107–185). **Page H5124**

Speaker Pro Tempore: Read a letter from the Speaker wherein he appointed Representative Sweeney to act as Speaker pro tempore for today. **Page H4991**

Guest Chaplain: The prayer was offered by the guest Chaplain, Rev. Gregory S. Cox, Warwick Assembly of God of Hampton, Virginia. **Page H4991**

Journal: Agreed to the Speaker's approval of the Journal of July 31 by a recorded vote of 343 ayes to 65 noes with 2 voting "present," Roll No. 308. **Pages H4991, H5007–08**

Joint Meeting to Receive President Vicente Fox of Mexico: Agreed that it be in order at any time on Thursday, September 6, 2001, for the Speaker to declare a recess, subject to the call of the Chair for the purpose of receiving in Joint Meeting His Excellency Vicente Fox, President of the United Mexican States. **Page H5008**

Joint Meeting to Receive Prime Minister John Howard of Australia: Agreed that it be in order at any time on Wednesday, September 12, 2001, for the Speaker to declare a recess, subject to the call of

the Chair for the purpose of receiving in Joint Meeting the Honorable John Howard, Prime Minister of Australia. **Page H5008**

Supplemental Report: Agreed that the Committee on Energy and Commerce be allowed to file a Supplemental Report on H.R. 2587, Energy Advancement and Conservation Act of 2001. **Page H5008**

Securing America's Future Energy (SAFE) Act: The House passed H.R. 4, to enhance energy conservation, research and development and to provide for security and diversity in the energy supply for the American people by a recorded vote of 240 ayes to 189 noes, Roll No. 320.

Pages H5008–H5122, H5127–76

Rejected the Thurman motion to recommit the bill to the Committee on Ways and Means with instructions to report it back forthwith with an amendment that sought to make tax reductions contingent on sufficient non-social security, non-medicare surpluses by a recorded vote of 206 ayes to 223 noes, Roll No. 319. **Pages H5174–76**

Pursuant to the rule, the amendment in part A of H. Rept. 107–178 that strikes Section 301, Budget Status of Nuclear Waste Fund, in Title III was considered as adopted. **Page H5049**

Agreed To:

Tauzin amendment No. 1 printed in H. Rept. 107–178 that makes technical and clarifying changes and directs various studies on energy conservation education, anticipated demand growth for natural gas consumption in the west, modification of the gasoline excise tax to promote cleaner burning fuel in the study on boutique fuels, and feasibility of establishing a renewable fuel standard (agreed to by a recorded vote of 281 ayes to 148 noes, Roll No. 309); **Pages H5106–11, H5113–14**

Bono amendment No. 2 printed in H. Rept. 107–178 that establishes a renewable energy partnership at EPA to promote the use of renewable energy, recognize companies that purchase it, and educate consumers on its environmental benefits (agreed to by a recorded vote of 411 ayes to 15 noes, Roll No. 310); **Pages H5111–13, H5114**

Wilson amendment No. 4 printed in H. Rept. 107–178 that prohibits the commercial sale of uranium by the United States until 2009 with the exception of sales required pursuant to statute;

Pages H5128–30

Jackson-Lee amendment No. 8 printed in H. Rept. 107–178 that earmarks $5 million for bioenergy training and education targeted to minority and socially disadvantaged farmers and ranchers;

Pages H5146–48

Capito amendment No. 9 printed in H. Rept. 107–178 that directs the Secretary of Energy to fund at least one coal gasification project; **Pages H5148–50**

Jackson-Lee amendment No. 10 printed in H. Rept. 107–178 that directs the Secretary of the Interior to transmit a report to the Congress assessing the contents of natural gas and oil deposits at existing sites off the coast of Louisiana and Texas;

Pages H5150–52

Sununu amendment No. 11 printed in H. Rept. 107–178 that provides that the Federal share of Arctic National Wildlife Refuge royalties from oil and gas leasing and operations be used for the Renewable Energy Technology Investment Fund and the Royalties Conservation Fund (agreed to by a recorded vote of 241 ayes to 186 noes, Roll No. 315);

Pages H5152–54, H5158–59

Sununu amendment No. 12 printed in H. Rept. 107–178 that limits all oil and gas production activities in the Arctic national Wildlife Refuge Coastal Plain to 2000 acres (agreed to by a recorded vote of 228 ayes to 201 noes, Roll No. 316);

Pages H5154–57, H5159–60

Hayworth amendment No. 14 printed in H. Rept. 107–178 that amends the "Buy Indian Act" to include the development of energy and energy products; **Pages H5169–71**

Rogers of Michigan amendment No. 15 printed in H. Rept. 107–178 that encourages state and provincial prohibitions against off shore drilling in the Great Lakes for oil and gas (agreed to by a recorded vote of 345 ayes to 85 noes, Roll No. 318); and

Pages H5171, H5173–74

Traficant amendment No. 16 printed in H. Rept. 107–178 that authorizes $10 million to be equally divided between grants for research on Eastern oil shale and Western oil shale. **Pages H5171–72**

Rejected:

Boehlert amendment No. 3 printed in H. Rept. 107–178 that sought to increase the Corporate Average Fuel efficiency (CAFÉ) standard for automobiles and light trucks to 27.5 mpg beginning in 2007 and provides incentives for alternative fuel vehicles (rejected by a recorded vote of 160 ayes to 269 noes, Roll No. 311); **Pages H5114–22, H5127–28, H5133**

Green of Texas amendment No. 5 printed in H. Rept. 107–178 that sought to repeal the Hinshaw exemption so as to give FERC oversight over intrastate natural gas pipelines (rejected by a recorded vote of 154 ayes to 275 noes, Roll No. 312;

Pages H5130–33, H5133–34

Cox amendment No. 6 printed in H. Rept. 107–178 that sought to grant California a waiver of the reformulated gas rules of the Clean Air Act requiring 2% oxygen, only if its reformulation will achieve equivalent or greater emissions reductions

(rejected by a recorded vote of 125 ayes to 300 noes, Roll No. 313); **Pages H5134–42, H5157–58**

Waxman amendment No. 7 printed in H. Rept. 107–178 that sought to direct FERC to impose reasonable cost-of-service based rates on sales by public utilities of electric energy at wholesale in the western energy market until new power generators come online and exempts new power plants from the rate restriction (rejected by a recorded vote of 154 ayes to 274 noes, Roll No. 314); and

Pages H5142–46, H5158

Markey amendment No. 13 printed in H. Rept. 107–178 that sought to strike Title V, Arctic Coastal Plain Domestic Energy Security Act of 2001 (rejected by a recorded vote of 206 ayes to 223 noes, Roll No. 317). **Pages H5160–69, H5172–73**

Agreed to H. Res. 216, the rule that provided for consideration of the bill by a recorded vote of 220 ayes to 206 noes, Roll No. 307. Earlier, agreed to order the previous question by a yea-and-nay vote of 221 yeas to 208 nays, Roll No. 306.

Pages H4994–H5007

Committee Resignation: Read a letter from Representative Sabo wherein he announced his resignation from the Committee on Standards of Official Conduct. **Page H5176**

Committee Election: The House agreed to H. Res. 218, electing Representative Green of Texas to the Committee on Standards of Official Conduct.

Page H5176

Recess: The House recessed at 12:30 a.m. on August 2 and reconvened at 8:55 a.m. on Thursday, August 2, 2001. **Page H5176**

Senate Messages: Messages received from the Senate today appear on pages H4991–92.

Referral: S. Con. Res. 45 was referred to the Committee on Agriculture. **Page H5177**

Quorum Calls—Votes: One yea-and-nay vote and fourteen recorded votes developed during the proceedings of the House today and appear on pages H5006, H5006–07, H5007–08, H5113–14, H5114, H5133, H5133–34, H5157–58, H5158, H5158–59, H5159, H5172–73, H5173, H5175, and H5176. There were no quorum calls.

Adjournment: The House met at 10 a.m. and adjourned at 8:56 a.m. on Friday, August 2.

Committee Meetings

NATIONAL DEFENSE AUTHORIZATION ACT

Committee on Armed Services: Ordered reported, as amended, H.R. 2586, National Defense Authorization Act for Fiscal Year 2002.

CHALLENGES FACING WORKING FAMILIES

Committee on the Budget: Held a hearing on Making Ends Meet: Challenges Facing Working Families in America. Testimony was heard from Representative Cardin; and public witnesses.

INTERNET EQUITY AND EDUCATION ACT; JUVENILE CRIME CONTROL AND DELINQUENCY PREVENTION ACT

Committee on Education and the Workforce: Ordered reported, as amended, the following bills: H.R. 1992, Internet Equity and Education Act of 2001; H.R. 1900, Juvenile Crime Control and Delinquency Prevention Act of 2001.

SHIPMENTS OF MUNICIPAL SOLID WASTE

Committee on Energy and Commerce, Subcommittee on Environment and Hazardous Materials held a hearing entitled "Perspectives on Interstate and International Shipments of Municipal Solid Waste," focusing on the following bills: H.R. 1213, Solid Waste Interstate Transportation Act of 2001; H.R. 667, Solid Waste Compact Act; and H.R. 1927, Solid Waste International Transportation Act of 2001. Testimony was heard from Representatives Bonior, Jo Ann Davis of Virginia, Kanjorski, Moran of Virginia and Rogers of Michigan; Chris Jones, Director, Environmental Protection Agency, State of Ohio, David E. Hess, Secretary, Department of Environmental Protection, State of Pennsylvania; Russell J. Harding, Director, Department of Environmental Quality, State of Michigan; Lori Kaplan, Commissioner, Department of Environmental Management, State of Indiana; Joseph Lhota, Deputy Mayor, City of New York; and public witnesses.

AUTHORIZING SAFETY NET PUBLIC HEALTH PROGRAMS

Committee on Energy and Commerce: Subcommittee on Health held a hearing on Authorizing Safety Net Public Health Programs. Testimony was heard from Elizabeth James Duke, Acting Director, Health Resources and Service Administration, Department of Health and Human Services; Janet Heinrich, M.D., Director, Health-Public Issues, GAO; Angela Monson, member Senate, State of Oklahoma; and public witnesses.

OVERSIGHT

Committee on Financial Services: Subcommittee on Capital Markets, Insurance and Government Sponsored Enterprises held an oversight hearing on the Office of Federal Housing Enterprise risk-based capital rule for Fannie Mae and Freddie Mac. Testimony was heard from Armando Falcon, Jr., Director, Office of Federal Housing Enterprise Oversight, Department of Housing and Urban Development.

AUTOMOBILE INSURANCE—OVER-REGULATION

Committee on Financial Services: Subcommittee on Oversight and Investigations held a hearing entitled ''Over-regulation of Automobile Insurance: A Lack of Consumer Choice. ''Testimony was heard from public witnesses.

NATIONAL YOUTH ANTI-DRUG MEDIA CAMPAIGN

Committee on Government Reform: Subcommittee on Criminal Justice, Drug Policy and Human Resources held an oversight hearing on the ''National Youth Anti-Drug Media Campaign: How to Ensure the Program Operates Efficiently and Effectively?'' Testimony was heard from Edward H. Jurith, Acting Director, Office of National Drug Control Policy; Bernard L. Ungar, Director, Physical Infrastructure Team, GAO; Capt. Mark D. Westin, USN, Contract Administration, Fleet and Industrial Supply Center Norfolk Washington Detachment, Department of the Navy; and Susan David, Deputy Chief, Prevention Research Branch, National Institute on Drug Abuse, NIH, Department of Health and Human Services.

MISCELLANEOUS MEASURES

Committee on International Relations: Ordered reported, as amended, the following bills: H.R. 2581, Export Administration Act of 2001; H.R. 2368, Vietnam Human Rights Act; and H.R. 2272, Coral Reef and Coastal Marine Conservation Act of 2001.

The Committee also favorably considered the following measures and adopted a motion urging the Chairman to request that they be considered on the Suspension Calendar: H.R. 2541, to enhance the authorities or special agents and provide limited authorities to uniformed officers responsible for the protection of domestic Department of State occupied facilities; H. Res. 181, congratulating President-elect Alejandro Toledo on his election to the Presidency of Peru, congratulating the people of Peru for the return of democracy to Peru, and expressing sympathy for the victims of the devastating earthquake that struck Peru on June 23, 2001; H. Con. Res. 188, expressing the sense of Congress that the Government of the People's Republic of China should cease its persecution of Falun Gong practitioners; and H. Con. Res. 89, mourning the death of Ron Sander at the hands of terrorist kidnappers in Ecuador and welcoming the release from captivity of Arnie Alford, Steve Derry, Jason Weber, and David Bradley, and supporting efforts by the United States to combat such terrorism.

MISCELLANEOUS MEASURES

Committee on Small Business: Ordered reported the following bills: H.R. 203, amended, National Small Business Regulatory Assistance Act; H.R. 2538, Native American Small Business Development Act; H.R. 2666, Vocational and Technical Entrepreneurship Development Program Act of 2001; and H.R. 1860, to reauthorize the Small Business Transfer Program.

END GRIDLOCK AT OUR NATION'S CRITICAL AIRPORTS ACT

Committee on Transportation and Infrastructure: Subcommittee on Aviation held a hearing on H.R. 2107, End Gridlock at Our Nation's Critical Airports Act of 2001. Testimony was heard from Representatives Hyde, Gutierrez, Weller, Jackson of Illinois, and Davis of Illinois; from the following officials of the State of Illinois: George H. Ryan, Governor; and John F. Harris, 1st Deputy Commissioner, Department of Aviation, City of Chicago; and public witnesses.

FEDERAL PHOTOVOLTAIC UTILIZATION ACT

Committee on Transportation and Infrastructure: Subcommittee on Economic Development, Public Buildings and Emergency Management held a hearing on H.R. 2407, Federal Photovoltaic Utilization Act. Testimony was heard from the following officials of the GSA: Joseph Moravec, Commissioner, Public Building Service; and Mark Ewing, Director, Energy Center of Expertise; David K. Garman, Assistant Secretary, Energy Efficiency and Renewable Energy; and public witnesses.

BIPARTISAN PATIENT PROTECTION ACT OF 2001

Committee on Rules: Granted, by a vote of 7 to 3, a structured rule on H.R. 2563, Bipartisan Patient Protection Act of 2001, providing two hours of general debate equally divided and controlled by the chairmen and ranking minority members of the Committee on Energy and Commerce, the Committee on Education and the Workforce, and the Committee on Ways and Means. The rule waives all points of order against consideration of the bill. The rule makes in order only the amendments printed in the Rules Committee report accompanying the resolution. The rule provides that the amendments printed in the report may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand

for division of the question in the House or in the Committee of the Whole. The rule waives all points of order against the amendments printed in the report. Finally, the rule provides one motion to recommit with or without instructions. Testimony was heard from Representatives Burr, Norwood, Cox, Deal of Georgia, Ganske, Boehner, Sam Johnson of Texas, Fletcher, Culberson, Thomas, Collins, LaTourette, Kirk, Dingell, Andrews, Pomeroy, Peterson of Minnesota, and Berry.

PRO FORMA SESSIONS DURING THE SUMMER DISTRICT WORK PERIOD

Committee on Rules: Reported a resolution providing that when the House adjourns on the legislative day of Thursday, August 2, 2001, or Friday, August 3, 2001, on a motion offered pursuant to this resolution by the Majority Leader or his designee, and on each of its successive days of meeting under this order, it stand adjourned until noon on each third successive day until it shall convene at 2:00 p.m. on Wednesday, September 5, 2001. The resolution further provides that the House shall stand adjourned pursuant to a concurrent resolution providing for the summer district work period upon receipt of a message from the Senate transmitting its adoption of such concurrent resolution.

Joint Meetings

ELEMENTARY AND SECONDARY EDUCATION ACT

Conferees continued into evening session to resolve the differences between the Senate and House passed versions of H.R. 1, to close the achievement gap with accountability, flexibility, and choice, so that no child is left behind.

COMMITTEE MEETINGS FOR THURSDAY, AUGUST 2, 2001

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Agriculture, Nutrition, and Forestry: to resume hearings to examine the proposed federal farm bill, focusing on rural economic issues, 9 a.m., SR–328A.

Committee on Armed Services: Subcommittee on Readiness and Management Support, to hold hearings on proposed legislation authorizing funds for fiscal year 2002 for the Department of Defense and the Future Years Defense Program, focusing on installation programs, military construction programs, and family housing programs, 2:15 p.m., SR–232A.

Committee on Banking, Housing, and Urban Affairs: Subcommittee on Financial Institutions, to hold hearings to examine responses to the Federal Deposit Insurance Corporation recommendations for reform, focusing on the comprehensive deposit insurance reform, 10 a.m., SD–538.

Committee on the Budget: to hold hearings to examine social security, focusing on budgetary tradeoffs and transition costs, 10 a.m., SD–608.

Committee on Commerce, Science, and Transportation: business meeting to consider S. 633, to provide for the review and management of airport congestion; S. 951, to authorize appropriations for the Coast Guard; S. 980, to provide for the improvement of the safety of child restraints in passenger motor vehicles; S. 1214, to amend the Merchant Marine Act, 1936, to establish a program to ensure greater security for United States seaports; and pending nominations, 9:30 a.m., SR–253.

Full Committee, with the Committee on Energy and Natural Resources, to hold joint hearings to examine the National Academy of Sciences report on fuel economy, focusing on the effectiveness and impact of Corporate Average Fuel Economy Standards, 2:30 p.m., SH–216.

Committee on Energy and Natural Resources: business meeting to resume consideration on energy policy legislation, 10 a.m., SD–366.

Full Committee, with the Committee on Commerce, Science, and Transportation, to hold joint hearings to examine the National Academy of Sciences report on fuel economy, focusing on the effectiveness and impact of Corporate Average Fuel Economy Standards, 2:30 p.m., SH–26.

Committee on Governmental Affairs: business meeting to consider pending calendar business, 9:30 a.m., SD–342.

Committee on Health, Education, Labor, and Pensions: to hold hearings on the nomination of John Lester Henshaw, of Missouri, to be an Assistant Secretary of Labor, Occupational Safety and Health Administration, 9:30 a.m., SD–430.

Committee on the Judiciary: business meeting to consider the nomination of William J. Riley, of Nebraska, to be United States Circuit Judge for the Eighth Circuit; the nomination of Deborah J. Daniels, of Indiana, to be Assistant Attorney General for the Office of Justice Programs, the nomination of Sarah V. Hart, of Pennsylvania, to be Director of the National Institute of Justice, the nomination of Robert S. Mueller III, of California, to be Director of Federal Bureau of Investigation, all of the Department of Justice; S. 356, to establish a National Commission on the Bicentennial of the Louisiana Purchase; S. 1046, to establish a commission for the purpose of encouraging and providing for the commemoration of the 50th anniversary of the Supreme Court decision in Brown v. Board of Education; H.R. 2133, to establish a commission for the purpose of encouraging and providing for the commemoration of the 50th anniversary of the Supreme Court decision in Brown v. Board of Education; S. Res. 143, expressing the sense of the Senate regarding the development of educational programs on veterans' contributions to the country and the designation of the week of November 11 through November 17, 2001, as "National Veterans Awareness Week"; S. Res. 138, designating the month of September as "National Prostate Cancer Awareness Month; and original resolution regarding immigrants

and the 120th anniversary of the Hebrew Immigrant Aid Society; and an original resolution designating Louis Armstrong Day, 10 a.m., SD–226.

Committee on Rules and Administration: business meeting to mark up S.J. Res. 19, providing for the reappointment of Anne d'Harnoncourt as a citizen regent of the Board of Regents of the Smithsonian Institution; S.J. Res. 20, providing for the appointment of Roger W. Sant as a citizen regent of the Board of Regents of the Smithsonian Institution; S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections; an original resolution providing for members on the part of the Senate of the Joint Committee on Printing and the Joint Committee of Congress on the Library; and other legislative and administrative matters, 9 a.m., SR–301.

Committee on Veterans' Affairs: to hold hearings on the nomination of John A. Gauss, of Virginia, to be Assistant Secretary of Veterans Affairs for Information and Technology; the nomination of Claude M. Kicklighter, of Georgia, to be Assistant Secretary of Veterans Affairs for Policy and Planning; to be followed by a business meeting to consider pending calendar business, 2:30 p.m., SR–418.

House

Committee on Appropriations, Subcommittee on Transportation, on Airline Delays and Aviation System Capacity, 10 a.m., 2359 Rayburn.

Committee on the Budget, to mark up H.R. 981, Budget Responsibility and Efficiency Act of 2001, 11:30 a.m., 210 Cannon.

Committee on Education and the Workforce, Subcommittee on Employer-Employee Relations, to mark up H.R. 2269, Retirement Security Advice Act of 2001, 2 p.m., 2175 Rayburn.

Subcommittee on Select Education, hearing on "CAPTA: Successes and Failures at Preventing Child Abuse and Neglect," 10 a.m., 2175 Rayburn.

Committee on Financial Services, Subcommittee on Capital Markets, Insurance, and Government Sponsored Enterprises and the Subcommittee on Financial Institutions and Consumer Credit, joint hearing entitled "Pushing Back the Pushouts: the Securities and Exchange Commission's Broker-Dealer Rules," 9:30 a.m., 2128 Rayburn.

Committee on Government Reform, Subcommittee on Energy Policy, Natural Resources and Regulatory Affairs, hearing on FERC: Regulators in Deregulated Electricity Markets, 2 p.m., 2154 Rayburn.

Subcommittee on National Security, Veterans' Affairs, and International Relations, hearing on F–22 Cost Controls: How Realistic are Production Cost Reduction Plan Estimates? 9:30 a.m., 2154 Rayburn.

Committee on International Relations, Subcommittee on Europe, to mark up the following: H. Res. 200, relating to the transfer of Slobodan Milosevic, and other alleged war criminals, to the International Criminal Tribunal for Yugoslavia; H. Con. Res. 131, congratulating the Baltic nations of Estonia, Latvia, and Lithuania on the tenth anniversary of the reestablishment of their full independence; and H. Con. Res. 58, urging the President of Ukraine to support democratic ideals, the rights of free speech, and free assembly for Ukrainian citizens, 10:30 a.m., 2172 Rayburn.

Committee on the Judiciary, Subcommittee on Commercial and Administrative Law, to mark up the following bills: H.R. 1552, Internet Tax Nondiscrimination Act; and H.R. 1675, Internet Tax Nondiscrimination Act, 2 p.m., 2141 Rayburn.

Subcommittee on Crime, to mark up the following bills: H.R. 2146, Two Strikes and You're Out Child Protection Act; and H.R. 2624, Law Enforcement Tribute Act, 4:30 p.m., 2237 Rayburn.

Subcommittee on Immigration and Claims, oversight hearing on the U.S. Population and Immigration, 10 a.m., 2237 Rayburn.

Committee on Resources, Subcommittee on Fisheries Conservation, Wildlife and Oceans, to mark up H.R. 1989, Fisheries Conservation Act of 2001; followed by a hearing on H.R. 1367, Atlantic Highly Migratory Species Conservation Act of 2001, 10 a.m., 1324 Longworth.

Committee on Rules, to mark up H.R. 981, Budget Responsibility and Efficiency Act of 2001, 2 p.m., H–313 Capitol.

Permanent Select Committee on Intelligence, Working Group on Terrorism and Homeland Security, executive, briefing on "CBRN 101," The Terrorist Threat, 10 a.m., H–405 Capitol.

Résumé of Congressional Activity

FIRST SESSION OF THE ONE HUNDRED SEVENTH CONGRESS

The first table gives a comprehensive résumé of all legislative business transacted by the Senate and House. The second table accounts for all nominations submitted to the Senate by the President for Senate confirmation.

DATA ON LEGISLATIVE ACTIVITY

January 3 through July 31, 2001

	Senate	*House*	*Total*
Days in session	108	84	..
Time in session	785 hrs., 52′	522 hrs., 27′	..
Congressional Record:			
Pages of proceedings	8,497	4,951	..
Extensions of Remarks	..	1,479	..
Public bills enacted into law	7	15	22
Private bills enacted into law	1	..	1
Bills in conference	5	5	..
Measures passed, total	172	279	451
Senate bills	26	9	..
House bills	20	110	..
Senate joint resolutions	1	1	..
House joint resolutions	2	3	..
Senate concurrent resolutions	20	3	..
House concurrent resolutions	23	46	..
Simple resolutions	80	107	..
Measures reported, total	92	167	259
Senate bills	49	2	..
House bills	4	102	..
Senate joint resolutions	1	..	..
House joint resolutions	..	4	..
Senate concurrent resolutions	9	..	..
House concurrent resolutions	..	7	..
Simple resolutions	29	52	..
Special reports	14	6	..
Conference reports	..	4	..
Measures pending on calendar	62	30	..
Measures introduced, total	1,504	3,173	4,677
Bills	1,277	2,692	..
Joint resolutions	20	59	..
Concurrent resolutions	63	207	..
Simple resolutions	144	215	..
Quorum calls	3	2	..
Yea-and-nay votes	261	178	..
Recorded votes	..	125	..
Bills vetoed	..	..	..
Vetoes overridden	..	..	..

* These figures include all measures reported, even if there was no accompanying report. A total of 49 reports have been filed in the Senate, a total of 177 reports have been filed in the House.

DISPOSITION OF EXECUTIVE NOMINATIONS

January 3 through July 31, 2001

Civilian Nominations, totaling 472, disposed of as follows:

Confirmed	214
Unconfirmed	193
Withdrawn	65

Other Civilian Nominations, totaling 1,362, disposed of as follows:

Confirmed	1,115
Unconfirmed	247

Air Force Nominations, totaling 4,586, disposed of as follows:

Confirmed	4,542
Unconfirmed	44

Army Nominations, totaling 4,343, disposed of as follows:

Confirmed	4,196
Unconfirmed	147

Navy Nominations, totaling 3,268, disposed of as follows:

Confirmed	3,214
Unconfirmed	54

Marine Corps Nominations, totaling 3,588, disposed of as follows:

Confirmed	2,490
Unconfirmed	1,098

Summary

Total Nominations carried over from the First Session	0
Total Nominations Received this Session	17,619
Total Confirmed	15,771
Total Unconfirmed	1,783
Total Withdrawn	65
Total Returned to the White House	0

Next Meeting of the SENATE

9:30 a.m., Thursday, August 2

Senate Chamber

Program for Thursday: Senate will continue consideration of H.R. 2620, VA–HUD and Independent Agencies Appropriations Act. Also, Senate hopes to resume consideration of S. 1246, Emergency Agriculture Assistance Act.

Next Meeting of the HOUSE OF REPRESENTATIVES

10 a.m., Thursday, August 2

House Chamber

Program for Thursday: Consideration of H.R. 2563, Bipartisan Patient Protection Act (structured rule, 2 hours of debate).

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