Mr. ROGERS of Kentucky. Mr. Speaker, I thank the chairman for yielding me this time.

Mr. Speaker, let me speak briefly to the motion that is before us insofar as it relates to parts of the supplemental that are not the military branch part; specifically, the Transportation Security Administration, which our subcommittee deals with. The House-passed bill includes some $3.8 billion in the supplemental for the TSA. We have yet to receive from the TSA the justifications for those figures. Yet the Senate bill, if we go along with this motion, if this motion passes and we have to go to the higher figure in the Senate bill, some $4.7 billion, we have no justifications for it. I cannot show to my colleagues the documents that say, this is what we actually have to have.

In the House-passed bill, we already gave more than was requested for several items. For example, we said, here is $20 million. Replace all of the magnetometers in 429 airports in the country, because the new state-of-the-art magnetometers will save the need for a lot of hand wands that are now searching you as you go through. The new machines will do that work for us. It will save many of us taking our shoes off as we go through the airport and having somebody, a federally paid employee, carry your shoes to be searched.

□ 1530

Those requests were not in the administration request. Yet, we put it in there, because we think it will save money down the pike. But we have yet to receive the justifications for the monies that we included in the House-passed version of the bill, which is significantly less for TSA than the Senate figures.

If this motion should pass and we have to go to the higher levels in the Senate bill, then who knows how many employees they are going to hire. At first they said, we need 33,000 people. A few weeks later they said, no, it is going to be more like 60,000. By the time we had our hearing, they were up to 73,000.

We said, whoa, let us stand back and talk about this. So we put a level in our House-passed bill that they cannot exceed in terms of the numbers of employees of TSA during the remainder of this fiscal year, 45,000 people, max. If we have to go to the higher Senate figure, then that personnel level is out the window.

We think it is wise to have some discipline, I say to the gentleman from Wisconsin (Mr. OBEY), on that hiring process during the remainder of this fiscal year that is covered by the supplemental.

In addition, we also put in the bill monies to allow the air marshals that are flying in the planes to be able to communicate independently to ground stations. That was not requested, and yet we think it is a very important thing at a modest cost. So I think there are a lot of items in the House-passed bill that perhaps would be negated if we were to have to go to the higher levels on the Senate bill.

Mr. OBEY. Mr. Speaker, will the gentleman yield?

Mr. ROGERS of Kentucky. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Speaker, I thank the gentleman for yielding.

I would simply like to say that I completely agree with the remarks made by the gentleman with respect to the Transportation Security Agency. There is no question that that agency so far has been without a clue, and they are out of control. I think the gentleman has played an excellent role in trying to introduce them to reality.

Let me simply say that obviously that agency needs to be straightened out, but I am sure that he understands as well that eventually that agency is going to have to receive more money than is in either bill, probably.

I would be, for instance, very interested in working out a proposal under which we would appropriate the money that is needed to that agency, but hold it in reserve until they meet the standards that the gentleman has laid out, because I think both of us want to deal with the problem. We simply want to make sure we are not throwing money at an agency that does not know what to do with it.

Mr. ROGERS of Kentucky. Mr. Speaker, I appreciate the gentleman's thoughts, and he is correct. I appreciate the gentleman's comments. We are right now, as the gentleman knows, in the process of gearing up for the 2003 appropriations bills. In fact, I just got off the phone with the Secretary of Transportation about this bill and the 2003 bills coming up. In fact, we hope to mark up the 2003 bills in a few days, even, which will give us the chance to take a second look and see what is needed down the pike in 2003 without having to address that at this particular moment in time.

So I appreciate the gentleman's idea about the need for more funds in homeland security TSA next year, but I do not think we need it now.

I would hope that we would not pass this motion and tie the hands of the gentlemen as they negotiate with the other body. I appreciate the gentleman bringing this motion up because it gives us a chance to talk about the issue, but I would hope that it would not pass, because I do not want to tie the chairman and the ranking member's hands when they go to do battle with the other body.

Mr. YOUNG of Florida. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Virginia (Mr. WOLF), another subcommittee chairman on the Committee on Appropriations.

Mr. WOLF. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I rise in opposition to the motion to instruct conferees of the gentleman from Wisconsin (Mr. OBEY). I believe that such a motion would prompt almost a guaranteed, if you will, veto, and would absolutely unnecessarily restrict the ability of the conferees in negotiating with the other body.

This is probably the most important bill that we will pass in this Congress, and in some respects, if we were to do this, it may very well jeopardize the passage, or if not jeopardize, certainly bog down the process.

The President has already indicated that he would veto the bill as being too costly, and if we move forward with this motion and go to all those higher levels, then the bill would go well beyond and above the funding level proposed by the Senate.

So for those reasons and the reasons that the gentleman from Kentucky (Mr. ROGERS) had covered, and the chairman, the gentleman from Florida (Mr. YOUNG), I would urge Members to vote no on the motion.

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

Mr. OBEY. Mr. Speaker, I urge a yes vote on the motion to instruct, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. LINDER). Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Wisconsin (Mr. OBEY).

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

Mr. OBEY. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this motion will be postponed.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until approximately 4 p.m.

Accordingly (at 3 o'clock and 40 minutes p.m.), the House stood in recess until approximately 4 p.m.

□ 1602

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. LINDER) at 4 o'clock and 2 minutes p.m.

APPOINTMENT OF CONFEREES ON H.R. 4, SECURING AMERICA'S FUTURE ENERGY ACT OF 2001

Mr. BARTON of Texas. Mr. Speaker, I ask unanimous consent to take from the Speaker's table 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, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

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

There was no objection.

MOTION TO INSTRUCT OFFERED BY MR. MARKEY

Mr. MARKEY. Mr. Speaker, I offer a motion to instruct conferees.

The Clerk read as follows:

Mr. MARKEY of Massachusetts moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 4 be instructed, to the extent possible within the scope of conference, to ensure that no provision of the bill will create a deficit in the non-social security portion of the Federal budget during any year of the 10-year budget estimating period unless there are sufficient offsets under the bill so that there is no net deficit during such 10-year period.

The SPEAKER pro tempore. Pursuant to clause 7(b) of rule XX, the gentleman from Massachusetts (Mr. MARKEY) and the gentleman from Texas (Mr. BARTON) each will control 30 minutes.

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

Mr. MARKEY. Mr. Speaker, I yield myself 2 minutes.

The motion which I am offering at this time on behalf of myself, the gentleman from Texas (Mr. STENHOLM) and many other Members is to ensure that as the Members of the House now meet with members of the Senate on the energy bill, that the Members from the House be instructed that none of the expenditures inside of the bill, as it is finally produced, using the number which is now in the House bill, $34 billion worth of subsidies, should be paid for out of the Social Security or Medicare trust fund.

The bulk of the subsidies in the bill go to the oil, to the gas, to the coal, to the nuclear industries. Some of it goes to the renewable industries. That is all fine, but it should not come out of the Social Security and Medicare trust funds.

Senior citizens in our country have worked too long and too hard in building those trust funds so they can be there to provide both for the income retirement guarantee and for the health care guarantee. Otherwise we will see a cutback in the quality of health care which senior citizens get and a cutback in the amount of money they will have on a daily or weekly basis to pay for the necessities in their life.

So this is the critical moment where we begin to decide whether or not we are going to be tough on the squandering of the trust funds. We have already seen over the last several weeks votes that now will extend the estate tax benefits to the wealthiest people in our country. There are going to be efforts coming up later on this week to do the same thing when it comes to the marriage penalty deductions.

What about the senior citizens? What about the people who built this country? What about the greatest generation? My colleagues do not have a surplus to do all those other things until they are sure they are not taking it out of the Social Security and Medicare trust fund.

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

PARLIAMENTARY INQUIRY

Mr. BARTON of Texas. Mr. Speaker, I want to ask a parliamentary inquiry. We are now debating the motion to instruct conferees; is that correct?

The SPEAKER pro tempore. That is correct.

Mr. BARTON of Texas. Mr. Speaker, the gentleman from Massachusetts (Mr. MARKEY) has 15 minutes and I have 15 minutes?

The SPEAKER pro tempore. The gentleman from Massachusetts (Mr. MARKEY) and the gentleman from Texas (Mr. BARTON) each have 30 minutes.

Mr. BARTON of Texas. Mr. Speaker, I am sure we can do this in less than an hour, I would hope.

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

I want to compliment my excellent and good friend from Massachusetts for offering this motion to instruct conferees. It is obvious that some thought has gone into it. I do not believe anybody on our side of the aisle is for deficit financing or deficit spending, and obviously we worked very hard, as the gentleman from Massachusetts would, I think, acknowledge, to create a bipartisan bill, H.R. 4, that we are sending to conference.

I think after we have a little debate to flush out what exactly it is this motion to instruct conferees is attempting to do, I am going to recommend that we accept it. I do not see any reason we cannot agree, going to conference, to try to make sure the American people know that we want an energy policy for this country that is based on a balanced approach both on the production side and on the consumption side, and in no way are we trying to create through the guise of an energy policy a bill that would increase the public debt.

Having said that, I think we need to make a few points in order so that the Members that are in their offices watching this debate on television and other interested citizens understand that the energy bill that we are sending to conference is an authorization bill. It is not a spending bill. It is not an appropriation bill. So in one sense it has nothing to do with deficit spending or any other thing like that. It is trying to list a series of priorities for this country in terms of an energy policy.

Historically, the United States of America has adopted, as a general policy, that our energy policy is going to be based on free markets, where we attract private capital. We employ that private capital in the most cost-efficient fashion and allow private entrepreneurs to provide energy at the least cost of any industrialized society in the world. Because of that, the United States has the world's largest gross national product. We have the world's largest standard of living for a large industrialized nation, and we have tremendous opportunities, as we speak, for our children and our grandchildren.

So if the gentleman from Massachusetts (Mr. MARKEY) wants to say that as we go to work on a bipartisan basis for an energy policy for the present and the future that we try to ensure that our House conferees work to insist that it is all done in a cost-effective fashion and does not increase the national debt, I for one am going to endorse that and I would assume that in the absence of Chairman TAUZIN, what I say goes on this floor unless the Speaker sends me an urgent message to run the other way in which I would have to attack my good friend from Massachusetts (Mr. MARKEY) and try to impugn him, and I am not going to do that because I know he is a decent fellow at heart and has got the national interest.

So with that, Mr. Speaker, I would simply say that we are going to start this conference on a bipartisan fashion and it is going to be my recommendation at the appropriate time that we accept this motion to instruct conferees.

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

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

Ms. ESHOO. Mr. Speaker, I thank our ranking member for yielding me this time.

Mr. Speaker, today we are going to conference on a bill that gives $34 billion in tax breaks to energy companies. Who is going to pay these costs? I heard my wonderful friend, the gentleman from Texas (Mr. BARTON), my colleague on the Committee on Energy and Commerce, make his statement, and with all due respect, we see this not only differently but very differently. Who is going to pay these costs? It will be the Social Security beneficiaries and future generations because that is where the cash is.

In California, and according to official estimates, electricity suppliers stuck California with at least $8.9 billion in illegal electricity charges between May of 2000 and June of last year. These estimates came before we started to learn about some of the unethical and possibly criminal trading activities of energy suppliers. Almost every day there are news reports about another company that has gamed the market in one way or another, and not only in California but in a host of States. For months my colleagues and I have been asking for a House inquiry into these matters. While others are investigating these serious flaws, and the Senate already is, the House has been conspicuously absent.

The House must have a meaningful inquiry before we consider a conference report on sweeping energy legislation.

We should not repeat what happened last year, holding one or two hearings and then declaring the problem solved. We should all support this motion to ensure that we do not saddle seniors and future generations with the costs of these energy company tax breaks. These tax breaks at $34 billion should be subjected to the same budget treatment as everything else. If you want it, pay for it and declare how you are going to do it. That is what is demanded of other parts of the Federal budget. That is what we should be doing with this. So I urge my colleagues to support this motion. It makes sense and it is fair.

Mr. MARKEY. Mr. Speaker, I yield 4 minutes to the gentleman from West Virginia (Mr. RAHALL).

Mr. RAHALL. Mr. Speaker, I thank the distinguished gentleman from Massachusetts (Mr. MARKEY), our friend, for yielding time to me.

I do rise in support of this motion. Certainly, Mr. Speaker, it is time to enact a new national energy policy for the 21st century, but not, not, at the price of dipping into Social Security and Medicare to finance tax breaks for major oil companies. And that is exactly what the Republican-sponsored House energy bill would do through its lavish tax and royalty relief provisions for large oil companies.

This is not just political rhetoric. According to the nonpartisan Congressional Research Service, the House version will provide $35 billion in tax breaks. There is no offset provided and, of course, there are no budget surpluses to pay for it. Let me point out that one provision in the House bill would let companies that want to drill for oil and gas in the Federal waters in the Gulf of Mexico forego paying royalties to the American people. Truly a royalty holiday.

Under the House bill, a company drilling in Federal waters of between 400 and 800 meters deep can receive, for free, 5 million barrels of oil or gas equivalent. The owners of these resources, the American people, guess what they get? Zero. Zero. Zilch.

□ 1615

It gets even sweeter. Nine million barrels of oil or gas equivalent for drilling in waters between 800 to 1,600 meters for free. If they drill deeper, they get a whopping 12 million barrels of oil or gas equivalent for free.

Oil production in the Gulf of Mexico has soared by 65 percent over the last 8 years, with gas production in deep Gulf of Mexico waters increasing by 80 percent in the past 2 years alone. At a time when the Gulf of Mexico is booming in such a way, I do not feel that we need to give more oil and gas away to encourage the industry to drill.

In conclusion, executives of major oil companies will simply love the House energy bill. But a plain folk, a person who pays for gas for their vehicle, would have to wonder why they should be gouged twice: at the pump and at the U.S. Treasury.

Mr. Speaker, vote for this motion. Vote for our constituents' interest and not the special interests. I commend the gentleman from Massachusetts (Mr. MARKEY) for offering the motion to instruct, and urge bipartisan support.

Mr. BARTON of Texas. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, I listened with great interest to the comments of the gentleman from West Virginia (Mr. RAHALL) about the oil and gas industry, and I know they are heartfelt. I would point out that this bill has a sizable section on clean coal technology that the gentleman is one of the co-authors of. I know the gentleman thinks that is an excellent part of the bill, and it is an excellent part of the bill.

Just as there are things that help his part of the country and his industry and his people, some of us think that some of the other parts of the bill that might have some impact on deep water drilling and keeping marginal wells and stripper wells in, we do not see those as efforts to help an industry so much as we see those as efforts to keep the working man working and to keep energy prices at stable levels.

Mr. Speaker, I understand that there can be differences of opinion, and I want the gentleman to know that we are going to accept this motion to instruct and go to conference in a bipartisan way. As some of the issues that the gentleman raised come up, Members will listen; and as the gentleman is also a conferee, I am sure the gentleman will listen, and we will report back a bill that the American people will find good for the country.

Mr. RAHALL. Mr. Speaker, will the gentleman yield?

Mr. BARTON of Texas. I yield to the gentleman from West Virginia.

Mr. RAHALL. Mr. Speaker, I thank the gentleman for yielding.

I understand the bipartisan fashion in which he speaks. The clean coal language in the bill, while I am not detracting from the use of clean coal technology, I do not cosponsor this particular provision. It happened to come out of the Committee on Energy and Commerce, not the Committee on Resources.

I might also say to the gentleman, that the coal that happens to come from my particular region of southern West Virginia is already clean coal. Clean coal technologies are fine, and I do not speak against them, but we do not have to apply those technologies to the coal that comes out of southern West Virginia and eastern Kentucky, which is some of the cleanest burning coal, low sulfur content, high btu.

Mr. BARTON of Texas. Mr. Speaker, reclaiming my time, we will stipulate that the gentleman's coal is clean. We might want to point out that coal in general has sizably larger emissions of VOCs than some of my dirty natural gas. It is about 95 percent, maybe 96 percent cleaner. We are going to work to clean up all energy sources. I would also hope that we will help to revitalize the nuclear industry which has no emissions.

Mr. RAHALL. Mr. Speaker, if the gentleman would continue to yield, I hope the gentleman does not forget about his lignite coal in his home State of Texas.

Mr. BARTON of Texas. Mr. Speaker, we have some lignite coal, and we are proud of it; and some of it was in my old congressional district.

Mr. MARKEY. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. STENHOLM).

Mr. STENHOLM. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I want to begin by acknowledging that now more than ever, America needs a balanced, forward-looking energy policy that will infuse our energy sector with both efficiency and competition, formulated to protect America against emergencies in the energy market. This bill does that.

I commend the gentleman from Texas (Mr. BARTON). I appreciate the spirit with which he has accepted this amendment to instruct. This amendment is not aimed at the committee. This amendment is aimed at the leadership of this House which continues to borrow on our Social Security trust funds in order to pay for those things that we need. This is a good energy bill. I commend the gentleman from Massachusetts (Mr. MARKEY) for his participation in this, and I see the gentleman from Louisiana (Mr. TAUZIN) is here. They have worked very well to put together a bill which has many good features.

We no longer can rely on the same old policy, and I am pleased to see that we are on the verge of having a national energy policy that will achieve many of these goals. There are many provisions in H.R. 4, as well as in the legislation passed by the Senate, that I have been a long-time supporter of, including access to capital for domestic oil and natural gas production; increased research in alternative fuels such as nuclear energy; advanced clean coal technology; a sound commitment to renewable energy; and improved energy efficiency and environmental standards.

Yet when the House considered H.R. 4, I was disappointed that the tax incentives, again that I have supported for many years, were not considered within the context of the budget process.

Last year, the President promised that we could have it all. He argued that the projected $5.6 trillion in surpluses within 10 years was enough for a large tax cut, a decent Medicare prescription drug benefit, increases in education spending, a national energy policy, and increases in defense spending.

This Congress could have taken time to look comprehensively at using the Tax Code to accomplish many goals, including some much-needed improvement to our energy policy. Regrettably, we made it considerably more

difficult to provide for the needed spending in the area of energy as well as other top priority issues that are facing this country.

Instead of figuring out how are we going to stop the tide of red ink and stop spending Social Security surplus dollars, the House leadership continues to push irresponsible tax cuts.

Just a few weeks ago, the majority leadership passed the supplemental appropriation that also makes room for a $750 billion increase in the debt limit. Those of us who said that we ought to sit down and figure out how to get our budget back in order before we approve another $750 billion in debt were ignored.

This week is no different. We are considering a permanent extension of marriage penalty relief. Permanent extension. Again, motherhood and the flag, everybody is for it; except our grandchildren should not be for it, but they do not have a vote.

We will also vote in a moment on another great-sounding issue, and that is requiring a two-thirds vote in order to raise taxes. But yet my friend from Tennessee was denied an opportunity to have an amendment on the floor that would suggest that we ought to have a three-fifths vote to borrow money. It is easier to borrow money because our grandchildren do not have a vote on that issue. It is tough to raise taxes. In fact, show me one Member of this body who stands up and says, ''I am going to raise taxes,'' and I will show my colleagues a Member that is about to get unelected in November.

But here we are. As a result, we are experiencing trust fund raids and deficit for the foreseeable future, instead of large projected surpluses, all to pay for this reckless economic plan.

Mr. Speaker, all we are asking is let us get back on a plan to balance the budget without using Social Security. The current estimates for this year's unified budget deficit are between $150 billion and $250 billion. That is deficits, and not all of it has to do with September 11. Not all of it has to do with the economy. As Members read in the Wall Street Journal today, Mitch Daniels, director of OMB, is finally coming around and beginning to have a moment of honesty: ''At this rate, there are not sufficient resources for a decent Medicare drug benefit, education spending, or energy policy.''

I do not understand the philosophy of folks who do not have a problem with leaving our children and grandchildren with a large debt just so we can have a tax cut or more spending today. I want our children and grandchildren to inherit a strong economy and a Federal Government that can meet its commitments for Social Security and Medicare. I definitely do not want them to inherit a massive national debt and legacy of deficit spending.

The motion to instruct conferees is very straightforward and reflects a principle that every Member of this body has solemnly vowed to protect. The motion simply states the conferees, to the extent possible, within the scope of conference, ensure that no provision of bill create a deficit in the non-Social Security portion of the Federal budget during the duration of the bill, unless there are sufficient offsets under the bill, thereby ensuring that it does not raid Social Security surpluses.

Until we deal with the long-term financial problems facing Social Security, we need to be very careful about any tax or spending bills that would place a greater burden on the budget in the next decade. If Members believe that more tax cuts and increased spending are more important than eliminating the national debt and protecting the integrity of the Medicare and Social Security trust funds, vote against this motion. I am glad nobody is going to vote against it. I believe Members should support it.

Mr. Speaker, I support the spirit of the gentleman from Texas (Mr. BARTON) for agreeing to this, and I do know that the spirit of the conferees will somehow find it in their hearts to talk to the leadership and get the leadership to go along with this excellent proposal.

The SPEAKER pro tempore (Mr. LINDER). Without objection, the gentleman from Louisiana (Mr. TAUZIN) will control the balance of the time of the gentleman from Texas (Mr. BARTON).

There was no objection.

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

Mr. Speaker, as we begin the final steps toward enacting a comprehensive national energy policy for our country, I want to remind the Nation and this House of two important facts. The first was that this House passed H.R. 4, the SAFE Act, Securing America's Future Energy on or about August 1 of last year.

We passed it by an overwhelming bipartisan majority. In fact, it passed out of the subcommittee by a vote of 29 to 1, and I want to thank the chairman of the Subcommittee on Energy and Air Quality, the gentleman from Texas (Mr. BARTON), for the great work the gentleman did in perfecting the core of this bill in subcommittee.

It passed out of the full committee by a vote of 50 to 5, and I particularly want to thank the gentleman from Michigan (Mr. DINGELL) for his extraordinary cooperation and bipartisan support for us to produce this energy policy for the House and the Nation. I thank the gentleman from Massachusetts (Mr. MARKEY) for the work he did, and the gentleman knows that we worked out quite a number of important features in the bill that he was interested in regarding conservation, alternative fuels and other areas.

The bottom line is we produced this bill for the House on August 1, 2001, before September 11. We produced this bill for the House when after years of sort of benign neglect, we came to a conclusion that this Nation needed as a matter of national security a cohesive energy policy which was not written in fits and starts, but balanced things and brought into play conservation and alternative fuels and new technologies and potential new sources of energy for our country.

We did it out of concern that we were becoming more and more dependent upon foreign sources that were not as reliable as they once were. At a time when we were facing about 57 percent of imports to satisfy this Nation's energy demands, we decided we had better do something. We better talk about conservation. We better talk about alternative fuels and new technologies and new means by which we could move about this country. We better tell the automobile industry that we wanted some fuel savings in the SUV fleet, and we wanted to make sure that there was in fact new and available sources of energy to power the electric grids of this country so the rest of America did not experience what California went through.

We did it on August 1, 2001. Then on September 11, 9–11, we witnessed the awful effect of this new age we have entered, this new age where this country is at war against terror; and it has dawned on us what we did on August 1 has even more relevance after 9–11.

Here are some numbers. I want Members to think about the fact that we are now buying a million barrels of oil a day from Iraq. It costs this country $21 billion a year. That $21 billion is money we send to the Iraqi Government, to that country. What do they use it for? They use it to build weapons of mass destruction after they have thrown the U.N. inspectors out. They use it to send money to the families of suicide bombers. They use it to build radar sites that lock onto the American planes that are patrolling the no-fly zones, and build missiles to try to knock down American airmen as we try to live up to and complete the terms of that peace agreement following the Persian Gulf War, planes that are carrying jet fuel that is made in part from Iraqi oil. How crazy is this? How insensible is this?

□ 1630

We have watched as one of our dearest energy commercial friends, Venezuela, has come under a regime that thinks Castro is a pretty nice guy. Fidel Castro, if you remember, was a guy that Nikita Khrushchev's son wrote about in the memoirs, who acknowledged that Castro asked and advised Nikita Khrushchev to launch a full scale preemptive nuclear strike against America during the Cuban missile crisis. That is the guy Mr. Chavez loves, and we depend upon Venezuela for so much of our energy supplies in this country. In fact, we depend upon Venezuela for lot of the reformulated gasoline that completes our clean air program in America. Think about that. Think about the fact that this country depends every day, every one of us that gets in an automobile, every one of us

that gets in an airplane, depends every day on people who are on the other side in this war on terror to make fuel available to us and that the money we spend to buy fuel from them helps to underwrite the terrorists who are attacking this country. And then I think you begin to realize how important this conference on energy is going to be and how critical it is that the work of this House on H.R. 4 be, as much as we can, sustained in the conference with the Senate.

The Senate has added some important features to the bill we passed. They have built a good electricity title that we are going to work on. Chairman BARTON has done a good job in building a House position. We are going to have a chance, with our Democratic colleagues, to hopefully add an electricity title to the bill that is going to better ensure transmission lines work, that they are there to move energy from areas of surplus to areas of demand, that we have enough electricity in the grid that nobody has to go through what California went through. We are going to continue to work with the Senate on the provisions it has added to make sure that we have other blends in the mix, like ethanol in the mix of our reformulated gasolines. And we are going to try to make sure that when we produce a bill, that it is well balanced, that it contains not just conservation and new technologies and alternative fuels, but it also contains some incentives to make sure we produce here at home gas and oil and fuel and coal and other electric supplies that we can depend upon because they are made in America, instead of being produced by people that we cannot trust in this world anymore. We are going to try to produce a balanced bill.

I am going to ask all our colleagues to stand with us as we go into conference with the Senate to make sure we have that.

If I could make just a point. That 1 million barrels a day we buy from Iraq, that is what we could produce in ANWR if we could include an ANWR provision in the conference. We are going to fight for one as we go to conference with the Senate.

So today as we begin this process, as the conferees are named, as we begin the process to produce a comprehensive energy policy for America, we ought to be reminded every day of that conference of 9/11 and how much more critical it is that this House and the Senate succeed in putting a bill in front of the President to sign before we leave here to go face the voters in November. This may be the most important national security work we do. We ought to do it well. We ought to do it right.

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

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

Ms. KAPTUR. Mr. Speaker, I thank the ranking member for yielding me this time and I rise in very strong support of the Markey motion to instruct.

Make no mistake about it, the energy bill provides a world of opportunity for wasting taxpayer dollars in pursuit of very bad policy. I agree with my dear colleague from Louisiana about the need for renewables here at home. The problem is the bill pays very short shrift to that while it gives away $34 billion over 10 years and shovels money like coal into energy blast furnaces out of the Social Security trust fund.

We are really happy that the motion to instruct apparently has been accepted by the other side. But for the life of me, I do not know how they are going to make the numbers work, because a week ago the Republican majority had borrowed $207 billion from the Social Security trust fund and that number this week went up to $212 billion. And now this bill adds $34 billion in red ink on top of that. Somebody has to keep the ledger balanced at the end of the year.

What seems to pass for energy policy in this administration includes renewal of the Price Anderson Act which exempts nuclear power plants, for example, from liability for accidents and potentially streamlining the licensing process for companies that are seeking to bring old reactors back on-line—like the one in my district which just had a hole eaten in its head, and they are trying to figure out what to do about it. It has been shut down for months.

The failure of this administration to provide an intelligent energy policy and the failure of Congress to pass tough, no-nonsense campaign finance reform creates a climate for vast giveaways of taxpayer dollars. If you look at the nuclear industry alone, which the Vice President loves a great deal, they gave more than $13.8 million to Federal candidates in the 2000 election cycle. Most of our citizens do not have that kind of election clout.

So I would just say it is important to pass this motion to instruct conferees to protect the Social Security trust fund being tapped as the only place to get the money for the kind of corporate giveaways that are included in this bill. Unfortunately, the surpluses that had begun to build as of January 2001 have now plummeted into deficits in every single account in this government. The promise that was made with seven votes that we took here on this floor ''not to break the lockbox'' has been broken seven times. We are now in the red already this year, as of yesterday $212 billion. This bill worsens that problem.

I urge my colleagues to vote for the Markey motion to instruct and stop the raid on Social Security trust funds being cashed out to the corporate energy giants.

Mr. TAUZIN. Mr. Speaker, I am pleased to yield 5 minutes to the gentleman from North Carolina (Mr. BURR), the vice chairman of the Committee on Energy and Commerce.

Mr. BURR of North Carolina. Mr. Speaker, my only regret is that we had not had this debate and this level of cooperation about the economic stimulus package, because had we started it sooner, it would have been bigger. The fact is the economy would go faster and we would not have the challenges that we do about programs that the American people want.

I find it ironic that we have a debate about robbing money from Medicare in the same month that we hope to pass a $300-billion-plus Medicare prescription drug benefit for seniors who desperately need it across this country. We will in this House, once again as we did 2 years ago, pass it, but in all likelihood we will not do it with a unanimous vote.

Mr. Speaker, H.R. 4 does a tremendous amount, and I think we are in agreement on the highlights of this bill. It is the SAFE Act. It is about securing America's future energy needs. It is about making energy policy and energy availability predictable and, most importantly, affordable. The House passed a comprehensive national energy bill which builds on the President's national energy policy and that was to promote economic development and domestic energy supplies and encourage increased efficiency and conservation.

This motion to instruct will be accepted, and we should, because nobody wants to rob Social Security and Medicare. But the fact is that many of the areas that have been pointed out as tax breaks are, in fact, issues that were lobbied for by all Members, because they deal with conservation.

Let me just point out a few. We give a tax credit for residential solar energy because we know that we need to diversify the sources that we get our energy from. We give tax credits for fuel cells, the possible best breakthrough in the future, for less of a reliance on the fuels that we currently import. We give modifications and extensions for provisions relating to electric vehicles, clean fuel vehicles, clean fuel vehicles' refueling property. We give tax credits for energy-efficient appliances. We give credits for energy-efficient improvements to existing homes. We give allowance and deductions for energy efficiency for commercial properties. We give investment and production tax credits for clean coal technology.

As a member of the North Carolina delegation where we just passed smokestack legislation which cleans up our State, it is challenging, but we cannot do it without the Federal Government's investment in clean coal technology.

By the way, Mr. Speaker, in addition, we in this bill increase the LIHEAP authorization levels. That is the needs of low-income Americans for heat in the winter, and I am sure that is probably calculated in these predictions of what we steal from Medicare and Medicaid.

The fact is that, Mr. Speaker, we are challenged with many more things than just energy policy this year. This one bill makes predictable not only the

supply but the cost. We as a Congress will be challenged with additional needs of supplemental appropriations to fight a war on terrorism. We will be challenged to find the money for the Medicare prescription needs of our seniors. But since we have taken care of some of it in budget resolutions, we may be challenged as money runs short. We can find the areas we get it from. We have before. We will again. We will live up to the fiduciary responsibility that the American people have entrusted in us.

I hope that all of our colleagues will join us in supporting the motion to instruct conferees, protecting the bank that we are in charge of but, more importantly, in passing an energy policy that is so overneeded in this country, making sure that our future is, in fact, secure.

Mr. MARKEY. Mr. Speaker, I yield such time as he may consume to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK. Mr. Speaker, I thank my friend from Massachusetts who has been such a leader on energy and environmental issues for so long in this Congress.

I am glad to note some points of agreement.

First of all, as the previous speaker made it clear, the important issue of energy policy is one where there has to be a strong Federal Government role. Sometimes there is rhetoric in this Chamber that assumes that the Federal Government is simply a problem. Indeed, Ronald Reagan in his first inaugural said, ''The government is not the answer to our problems. The government is the problem.'' I am glad to join the gentleman from North Carolina in repudiating that simplistic and inaccurate misstatement. As the gentleman said, without a Federal Government investment, we cannot have a good energy policy. Obviously if you think the Federal Government is just a problem, you do not want it to go around investing, presumably spreading problems.

He is right. The free market has a role to play, but the government has an indispensable role. Those who would denigrate government and those who would think that you could somehow do away with it are reminded here, and I am glad to see that we have this agreement, this is a bill to expand the role of the Federal Government in dealing with our energy problem. I welcome that area of agreement. We may have disagreements about how to do it.

We have one other disagreement, though, and let me just say, there are some areas where I wish the gentleman from Louisiana had gone even further. He mentioned some of the unattractive regimes with whom we must deal to get oil. I would have added Saudi Arabia. Indeed, when I look at the list of things we find wrong with most of these countries that have been criticized, I find Saudi Arabia right up there. It seems to me we are a little inconsistent. Things that we find indefensible in some regimes, they appear to be almost virtues when the Saudis do them. But I agree we should be across the board.

As to conservation, I wish we would go further. I wish the President of the United States had not backed off his predecessor's proposals regarding air conditioning. When we are talking about the need for energy at that peak period in the summer when air conditioning is such a drain, under the previous administration, the presidency of President Clinton, we had very good energy-saving proposals. The President has cut back, and here is the common theme. The President cut back because, well, we would have had to pay for that a little bit in air conditioning. The gentleman from North Carolina said, why are we objecting? We are giving a tax cut here and a tax break here. There a tax break, here a tax break, everywhere a tax break.

I am for many of those; not for all of them. The problem is the attitude that says to the American people, here are some freebies. The one word that people never mention is ''sacrifice.'' We are not talking about going around in sackcloth and ashes, whatever those look like. I do not know myself, but I have heard that often enough. What we are saying, however, is you cannot have it all. You cannot have more spending on these programs and more tax cuts for those programs, and then more tax cuts in general, and then still make everything work. There is a failure here to tell people the truth.

We vote here, but not under oath. Maybe we ought to vote under oath sometimes and not just testify under oath. Everybody is going to vote for this, they tell us, but I do not think it is going to be carried out. It has a particular relevance to Social Security and Medicare. It is not the case that money spent here will in and of itself reduce Social Security benefits.

□ 1645

That is not the argument. It is not the case that it will reduce in and of itself the money in Medicare. But here is what is happening. People make projections, and they look at the cost of Medicare and Social Security as currently structured 20 years from now and they say we will not have enough money to pay for it.

But what they then do by increasing spending and reducing taxes is to exacerbate that very problem. This is a self-created problem. We say there will not be enough money at the Federal level to meet the commitments of Social Security and Medicare. So how do we respond to that? Let us reduce the revenues that would otherwise be available for it.

That is why people are being frightened with the need to privatize Social Security, although we have heard less of that these days. We could all look forward, of course, to the average working person retiring and being told he or she now has a private Social Security account and, of course, his or her friendly analyst would be glad to give that person a wholly objective impression of what stocks to buy and which accounting firms had been involved in manipulation there.

But that is the problem here. What you do is you tell people you can have it all, we can have the standard of living we have already had, we can conserve, and we can cut taxes, and we can continue everything else, except when we get to Medicare and Social Security, people are going to be told we have to cut back.

One of the previous speakers mentioned the prescription drug program. The prescription drug program that was passed 2 years ago was inadequate. It did not give middle income older Americans a fair deal, and neither will the one that will be coming forward. Indeed, it has been held up because the first impulse on the majority side was to cut Medicare to pay for it. Well, the Members were not ready to vote for that now, so we are going to get a still inadequate prescription drug program.

But the consequence of this bill and every other bill, and we are not objecting at this point to doing some of these things, we are objecting to pretending you can do them with no choices being made, and that is probably even a better word than ''sacrifice.''

What the majority wants to do is simply avoid choices, to tell everybody they can have everything. What this will result in is, on the one hand, people will spend and cut taxes and raise the debt limit and increase the deficit and reduce the revenues that are coming into the Federal Government and turn a surplus into deficit, and then they will say in an entirely other context, hoping nobody remembers, oh, and by the way, we are going to run out of money, and, therefore, we have to reduce Social Security benefits. Therefore, we have to restructure Medicare. Therefore, we have to cut back. Therefore, we cannot afford an adequate prescription drug benefit program.

I am pleased that my friend from Massachusetts has offered this. I do note one other thing that I meant to mention. I did hear the chairman of the subcommittee who began the debate say, ''Why are we so upset? This is, after all, not an appropriations bill, it is just an authorization bill. That is, this simply says we can spend the money. It does not spend the money.''

Note the apparent assumption that just because we say something does not mean we mean it. When you say do not worry, this is just an authorization bill calling for the expenditure of these billions, but it does not actually spend them, I am reminded of the couplet from Tom Lera that I cannot quite remember, but it did involve Wernher Von Braun, the former German rocket scientist who became a part of the American science movement, and I remember the rhyme which was basically

he was in this song disclaiming responsibility for the damage his creations had done in England, because, the words went, in effect, I am not responsible. I am only in charge of when they went up. I am not responsible for where they came down, said Wernher Von Braun.

Well, you are responsible when you authorize and write into law for the expenditures that come. So what the gentleman from Massachusetts said is absolutely accurate: Do not pretend that we can continue to cut taxes, incur deficits, spend in other areas, and not have that have a negative impact on our ability to continue to fund Social Security and Medicare. So I am glad that people are going to vote with us. I just wish they meant it.

Mr. TAUZIN. Mr. Speaker, I am honored to yield 4 minutes to the gentleman from Iowa (Mr. NUSSLE), the distinguished chairman of the House Committee on the Budget.

Mr. NUSSLE. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, what is probably most humorous about the last statement on the floor is that the Democrats do not want to take credit when it is going up or when it is coming down. In fact, this year the Democrats presented no plan, no budget, no ideas, no answers, no solutions, nothing. Not on energy, not on Medicare, not on agriculture, not on Social Security, not on anything that is addressing the needs of this Nation. Not on homeland security, not on defense, not on intelligence. None of those things were presented in a budget this year.

Let us just review the bidding of how we got here. Last year, not this year, last year the Republicans, together with the President, introduced a budget that said energy needs to be a priority. When you are 60 percent dependent on foreign fossil fuels for the energy of your nation, you have got a problem.

People come to my town meetings and they wonder sometimes a little bit about why we are entangled in the Middle East. Wake up, America. There is your reason. We have not had a long-term energy strategy. We have allowed it to deplete over time. The last 8 years have certainly been no friend to energy. And so, yes, of course, we find ourselves with that as a necessary priority. It has impacted our economy, it has impacted the creation of jobs. So last year we put into the budget to have an energy strategy, and last year in August we passed this bill in order to address it within the, fit within budget, fit within surpluses as far as the eye could see, and we managed the problem.

Now today Democrats are running to the floor saying, ''My God, what happened? Where is the surplus? Where did it go? Why are we in deficits?''

Well, there is a little incident that occurred September 11, you may have remembered that, I realize you discount it now, but pretty significant, in which in a bipartisan way, thankfully, Republicans and Democrats reached into that surplus, and they took out money for the emergency, they took out money for homeland security, we took out money to fund the war, and we took out money to stimulate an economy that was already in doldrums, that went into the doldrums even further as a result of that attack, and we did that in a bipartisan way. And now, 7 months later, you wander to the floor and say where is the surplus? We spent it, folks. We spent it, appropriately so, on the needs of this country.

So we had an energy bill that fit within the budget, and we appropriately spent the surplus and did whatever it took in order to address what happened in September.

Now you wander to the floor and say where is the surplus? Why are we in deficit? Well, addressing that deficit, we passed yet another budget plan this year and we said we can get back out of deficits if we control spending. We can have an energy plan, we can address the needs of homeland security, we can win the war, we can stimulate the economy. Yes, we will be in deficit, but it will be periodic and we are able to get back out of it if we can control spending.

So the gentleman from Massachusetts comes to the floor here and he says, where are the choices? Where is the sacrifice?

We have a plan that shows you where the choices are. Where is your plan? You do not have one. The very distinguished gentleman from Texas presented a plan. His plan was our plan, with a trigger. We do not agree with the trigger. We will agree to disagree.

But the interesting thing is the only plan you presented was our plan. The Senate, excuse me, the other body, cannot even pass a budget. And you wander in here and you say where are the choices?

Mr. Speaker, wake up. We are going to accept this motion to instruct conferees. But how did we get here? Remember back to what happened in September. Do not demagogue Social Security. Obviously for political purposes you can go ahead and do that, but we need this energy strategy to get our economy going, to become less dependent and less entangled in the Middle East. It fits within the budget. It responsibly allows us to win the war and get the economy going. We need to pass this bill and get it through conference.

Mr. MARKEY. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. STENHOLM).

Mr. STENHOLM. Mr. Speaker, I thank the gentleman for yielding me time.

I appreciate my friend, the chairman of the Committee on the Budget, for acknowledging at the last part of his comments that there was an attempt to offer a second amendment or budget this year, but we were denied.

The gentleman is entirely correct; it was your budget on spending, but it was not your budget on borrowing money from the Social Security trust fund. We wanted a trigger. We wanted to avoid discussions like we are having today.

I also want to remind my chairman, the chairman of the Committee on the Budget, that we did present, the Democratic party, did present an alternative budget last year, the Blue Dog Democrats led and were followed by the overwhelming majority of Democrats on this side, that said we should not allocate all of the $5.6 trillion projected surplus into spending and tax bills because they might not happen and there might be an emergency. We lost. We were in the minority.

I am used to losing when I am in the minority. What we are not used to doing is having the majority win and not assume the responsibility for your actions. The debt ceiling is going to have to be increased, and yet you want to duck that.

But the gentleman is absolutely correct, and I appreciate his kindness and his remarks.

Mr. TAUZIN. Mr. Speaker, I am pleased to yield 5 minutes 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. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I want to point out the obvious before I get into a little of the substance. We are technically debating a motion to instruct conferees, and we are going to accept it. Some are trying to pick a fight, and the Republicans are in a good mood today. We do not want to fight. We want to go to conference and work on a bipartisan basis for an energy policy.

The Committee on Energy and Commerce, the distinguished gentleman from Louisiana is the distinguished chairman of it, passed this bill 50 to 5, with the good help of the gentleman from Michigan (Mr. DINGELL) and the gentleman from Virginia (Mr. BOUCHER) and others. My subcommittee passed it 29 to 1. We are the ''happy face'' committee. We want to go to conference with the other body and work in a bipartisan basis.

So we are very willing to say we do not want an energy policy that increases the national deficit. Let us think about that a little bit. This country for over 150 years has had an energy policy that is based on private markets, where we allocate capital through the free enterprise system to create energy sources at the lowest possible cost possible. Because of that, we have the world's greatest economy.

Now, if we were really having a debate today, I would posit the question, if you have an energy policy that is balanced and tries to have a production component and an environmental component and a consumption component

that results in lower prices, is that going to increase or decrease the national deficit? Or if you have an energy policy that tries to be anti-energy that results in higher energy prices, is that going to add to or subtract from the deficit?

I would say an energy policy that is balanced and that has the net result of a balanced approach, that has lower energy prices, is going to result in either lower deficits or, probably, surpluses.

To put this in personal terms, if you go to the gas pump and pay $1.25 a gallon, or if you go and pay $2.25 a gallon, which helps your economy the most? Obviously, if you only pay $1.25.

If you get your electricity bill and you pay 7 cents a kilowatt, is that better than getting an electricity bill that you pay 17 cents a kilowatt? Obviously, if you pay less, you have more money to do other things for your family.

Well, the energy bill before us actually is a balanced bipartisan approach to try to create an energy policy for the 21st century that results in moderately priced energy, in large quantities, so we can continue to have the kind of free market economy that we have had.

Now, let us look at some of the specifics in the bill. Let us see whether we think these are good things or bad things. These are in the bill. These are not debating points, they are in the bill.

We require that Federal buildings reduce their energy consumption by 35 percent. We require that we put more money into the Low Income Heating and Cooling Program, the LIHEAP program. That was an amendment adopted in my subcommittee that was offered by the gentlewoman from California (Mrs. BONO).

We have increased funding for the DOE weatherization program. We have a requirement that the gentleman from Louisiana (Mr. TAUZIN) and the gentleman from Michigan (Mr. DINGELL) worked out on a bipartisan basis that our trucks and cars need to reduce the amount of gasoline that they consume by 5 billion gallons over 5 years.

We have increased research grants for alternative fuels like hydrogen and things of that sort. We have a very good program for advanced clean coal technology. We have increased funding requests for fusion energy, hydrogen energy, bioenergy, renewable energy and solar energy. We have a program to try to do some research for ultra-deep water, oil and gas drilling in the Gulf of Mexico, which I think is a good thing.

□ 1700

I could go on and on. But the bottom line is, this is a balanced bill, it is a bipartisan bill; it is a comprehensive bill. We need to accept this motion to instruct, go to conference, and work with the other body to bring back a conference report that results in lower energy prices for the American people for the next 20, 30, 40, 50 years. And with the leadership of the gentleman from Louisiana (Mr. TAUZIN), who is going to chair the conference, I am very confident that we are going to do that.

Mr. MARKEY. Mr. Speaker, I yield 1½ minutes to the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Mr. Speaker, I would just add that this bill was considered in at least two committees; and in the Committee on Ways and Means, there was anything but a bipartisan, balanced bill. Indeed, what we did have was a letter from the gentleman from Iowa (Mr. NUSSLE) assuring our committee that this bill could be passed without taking any money from Social Security and Medicare; and as indicated by his remarks on the floor this afternoon, it is pretty clear that has changed completely.

Indeed, much has changed since September 11. This bill was passed before them, before the collapse of Enron, and before the Bush budget sprang a leak of red ink that began with a trickle and has now become a flood. Many things have changed, but one thing that has not is the commitment of some here to a bill that is not so much an energy policy as a collection of unjustified tax breaks, loopholes, and special provisions to aid traditional energy industries.

I like the idea of balance in an energy bill, but what we have is some sweet words about the environment, a little sugar coating for new environmental technologies, and most all of the tax benefits going to the same old polluting industries.

For the gentleman from Louisiana (Mr. TAUZIN) to suggest that this has something to do with taking a million barrels of oil a day from Iraq, I think, is really misleading.

If this bill passes in today's form, it would not reduce that amount by one barrel; indeed, I would say not one pint. What this bill does is to give more tax breaks to the companies that are bringing in the million barrels of oil a day from Iraq. It does not change or limit their ability to do that.

And the suggestion that we would replace that oil by exploiting the Alaskan National Wildlife Refuge (ANWR) would be a serious mistake that would jeopardize an irreplaceable environment for little real energy benefit.

Mr. TAUZIN. Mr. Speaker, I yield 30 seconds to the gentleman from Iowa (Mr. NUSSLE).

Mr. NUSSLE. Mr. Speaker, I just have to report to the Congress what I just got. I just found out that the next motion to instruct, which is going to be on the supplemental offered by the Democrats, is going to be to accept the higher spending level between the House and the Senate.

Mr. TAUZIN. Come on.

Mr. NUSSLE. Now, where is that money going to come from, I ask my colleagues. Not $27 billion; they want the other body's version of $31 billion. Where is that coming from? Is it coming from Social Security? Why are you not down here demagoguing that?

Mr. FRANK. Mr. Speaker, will the gentleman yield? I will answer him. Will the gentleman yield for an answer.

The SPEAKER pro tempore (Mr. LINDER). The gentleman will suspend.

Mr. FRANK. Mr. Speaker, would the gentleman yield?

Mr. NUSSLE. I do not have any time.

Mr. FRANK. Or any knowledge of the rules either, apparently.

The SPEAKER pro tempore. Who yields time?

Mr. MARKEY. Mr. Speaker, I yield 30 seconds to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK. Mr. Speaker, I would just say to the gentleman from Iowa, because he wanted to know where the money could come from, I had several places. I am personally prepared to say that incomes over $300,000 do not need a tax reduction which is scheduled to go into effect as urgently as we need energy and security. So to the extent that we have outstanding tax reductions that have not gone into effect for incomes over $300,000, reducing the rate on that, there are tens of billions to be gained by that; that would be one place. And personally, I would look at some of the money in the agriculture bill also.

Mr. MARKEY. Mr. Speaker, I yield 1½ minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentleman for yielding me this time.

For a minute I thought the chairman from Louisiana was calling for church by saying ''Come on'', but let me hope that he can do the same for me. We are familiar with that terminology, ''come on,'' but let me explain to the American people my support for this particular motion to instruct. I am delighted that my good friends, including the gentleman from Texas, is willing to accept it. But let me put a face on the value of the motion of the gentleman from Massachusetts.

Last year at this time, or last year in the summer, we were vigorously discussing the energy bill. At that time we had a $5.6 trillion in surplus. We now are a year later and the tragedy of September 11 has occurred, and we are now at a mere $400 billion. We do not have a prescription drug benefit.

The chairman knows that I come from oil country and clearly have worked collaboratively, and I thank him for the amendments that were passed, the $5 million on bioengineering and the one dealing with assessing the amount of resources in the Gulf. We come from that area. So this is not a condemnation as much as it is a reality check on facing the fact that we have no money. This is an important amendment.

Mr. Speaker, might I also say, coming from the community where Enron has collapsed and we have people who are unemployed and who are still

struggling, I would hope that as this bill goes to conference that some conversation can be raised on the issues dealings with the Enron collapse and how it has impacted the energy industry and, in particular, how we have been able to deal with the employees, the ex-Enron employees who found themselves standing in the back of the line with no money, no resources in a bankrupt company.

So what we are suggesting is that this is an important motion to instruct, because we do not have the money we had last year. I hope this motion will be accepted, but I also hope we recognize the concerns we have, Mr. Speaker, and I hope together we can ''come on'' with this message and face the fact that we need not go into Social Security and Medicare.

Mr. TAUZIN. Mr. Speaker, I yield myself the balance of the time.

Let me say again to the gentleman from Massachusetts (Mr. MARKEY) we will certainly accept his motion to instruct and we will ask Members to vote for it. More importantly, I will ask the gentleman and the other members of the conference committee in the House to join with us in a cooperative spirit to make sure we finish the job that we started here on August 1 in this House, and that we complete a good package for the President to sign before we leave here.

I want to correct the record. It was not just two committees which produced this bill. It was the Committee on Ways and Means, the Committee on Energy and Commerce, the Committee on Science, the Committee on Financial Services, and the Committee on Natural Resources. This was a collaborative effort of not just Democrats and Republicans, but of many committees of this House; and this represented the best of this House's ability to come together and do something good for this country in a time of need. Little did we know on August 1 just how much we would need this bill, but we know today.

This is not about the surpluses and the deficit issues that the country faces; we will get into those great debates when we get to them, and there will be time for that. This is truly about whether we can now close this deal with the Senate, the other body, to make sure that we pass an energy bill that really protects this country into the years ahead with predictable, affordable sources of energy to keep this economy strong and to keep our Nation secure so that we do not have to depend upon people we cannot depend upon. That is going to be a good debate with the other body, but it is a debate worth winning.

Mr. Speaker, I thank my colleagues from both sides of the aisle who joined with us in an overwhelming vote of support for H.R. 4 when it left the House, and I ask them to join us in another big vote when we return from the conference committee with a successful product.

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

Mr. MARKEY. Mr. Speaker, I yield myself the balance of the time.

Mr. Speaker, the gentleman from Texas (Mr. STENHOLM) and I and the gentleman from Massachusetts (Mr. FRANK), the gentlewoman from Texas (Ms. JACKSON-LEE), the gentleman from West Virginia (Mr. RAHALL), the gentleman from Texas (Mr. DOGGETT), all of us want an energy bill. All of us know that we need a new energy plan for our country. That is not what this debate is over. This debate is over who is going to pay for the energy bill.

Now, last summer, August 1, we raised this issue. The Republicans contended that they could vote for a $1.7 trillion tax cut, and the President said, do not worry, there is plenty of money left over for Social Security, plenty of money left over for Medicare. And the Republicans on the House floor said, what is your problem? There is a surplus. There is plenty of money. Let us pass this energy bill now. Now, we hear the chairman of the Committee on the Budget out here on the floor saying, the surplus is gone, all gone. Now, the Democrats said that last August 1, but it is kind of like the dog ate my homework. Al Qaeda ate the surplus. Now, we were saying this on August 1. It is gone.

Now, what are we told? Do not worry. Who cares if we have deficits? Who cares? Grandma cares. Grandpa cares. Because there is only one other place to go: the Medicare and Social Security trust funds.

What this energy bill does is set up an oil rig on top of the Social Security and Medicare trust funds, and it begins to drill into those trust funds. That is why they care, because grandma and grandpa were told last summer, do not worry; there is plenty of money. Instead, a pipeline is being constructed into their pockets. They are being tipped upside down and the money from their trust funds is going to be shaken out onto this House floor and transferred over to the oil, to the gas, to the nuclear, to the coal industries.

Now, we can all debate on whether or not they deserve subsidies, but I think we should all agree, it should not come out of the Medicare and Social Security trust funds for the greatest generation. That is not an energy plan that comports with the crisis that we are in. It is patriotic to fight al Qaeda. It is patriotic to fight terrorists. It is not patriotic to take the money out of the Social Security and Medicare trust funds. We must find that money from some other place in our country, and the majority and the President have a responsibility to promote that plan. They have yet to do so.

Vote for the Markey-Stenholm resolution rejecting the plundering of the Medicare and Social Security trust funds.

The SPEAKER pro tempore (Mr. ISAKSON). Without objection, the previous question is ordered on the motion.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Massachusetts (Mr. MARKEY).

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

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

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

The Sergeant at Arms will notify absent Members.

Pursuant to clause 8 of rule XX, this will be a 15-minute vote on the motion to instruct, followed by a 5-minute vote on the motion to instruct offered by the gentleman from Wisconsin (Mr. OBEY). After these votes, the Chair will appoint conferees on both sides.

The vote was taken by electronic device, and there were—yeas 412, nays 1, answered ''present'' 2, not voting 19, as follows:

[Roll No. 223]

YEAS—412

Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Boozman
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clement
Clyburn
Coble
Collins
Condit
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (TX)
Hansen
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Hoyer
Hulshof
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)

Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Mica
Millender-McDonald
Miller, Dan
Miller, Gary
Miller, George
Miller, Jeff
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Oxley
Pallone
Pascrell
Pastor
Paul
Pence
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schaffer
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sullivan
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins (OK)
Watson (CA)
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—1

Sabo

ANSWERED ''PRESENT''—2

McCrery
Thomas

NOT VOTING—19

Blagojevich
Bono
Clayton
Combest
Conyers
Goss
Hall (OH)
Houghton
Hunter
Lynch
Maloney (NY)
Menendez
Owens
Payne
Pelosi
Peterson (MN)
Quinn
Smith (TX)
Traficant

□ 1736

Messrs. NORWOOD, POMBO, and FOLEY and Mr. PRICE of North Carolina changed their vote from ''nay'' to ''yea.''

Mr. THOMAS changed his vote from ''yea'' to ''present.''

So the motion to instruct was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MOTION TO INSTRUCT CONFEREES ON H.R. 4775, 2002 SUPPLEMENTAL APPROPRIATIONS ACT FOR FURTHER RECOVERY FROM AND RESPONSE TO TERRORIST ATTACKS ON THE UNITED STATES

The SPEAKER pro tempore (Mr. ISAKSON). The pending business is the question of agreeing to the motion to instruct on H.R. 4775 on which the yeas and nays were ordered.

The Clerk will designate the motion.

The Clerk designated the motion.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Wisconsin (Mr. OBEY).

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 181, nays 235, not voting 18, as follows:

[Roll No. 224]

YEAS—181

Abercrombie
Ackerman
Allen
Andrews
Baca
Baldacci
Baldwin
Barcia
Barrett
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Clay
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank
Frost
Gephardt
Gonzalez
Gordon
Green (TX)
Gutierrez
Harman
Hastings (FL)
Hilliard
Hinchey
Hoeffel
Holt
Honda
Hooley
Horn
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaFalce
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Millender-McDonald
Miller, George
Mink
Moran (VA)
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Pomeroy
Price (NC)
Rangel
Reyes
Rivers
Rodriguez
Roemer
Ross
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Schiff
Scott
Serrano
Sherman
Shows
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Udall (CO)
Velazquez
Waters
Watson (CA)
Watt (NC)
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NAYS—235

Aderholt
Akin
Armey
Bachus
Baird
Baker
Ballenger
Barr
Bartlett
Barton
Bass
Bereuter
Biggert
Bilirakis
Blunt
Boehlert
Boehner
Bonilla
Boozman
Brady (TX)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Castle
Chabot
Chambliss
Coble
Collins
Cooksey
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal
DeLay
DeMint
Diaz-Balart
Doggett
Dooley
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
Graham
Granger
Graves
Green (WI)
Greenwood
Grucci
Gutknecht
Hall (TX)
Hansen
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hinojosa
Hobson
Hoekstra
Holden
Hostettler
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Keller
Kelly
Kennedy (MN)
Kerns
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCrery
McHugh
McInnis
McKeon
Mica
Miller, Dan
Miller, Gary
Miller, Jeff
Mollohan
Moore
Moran (KS)
Morella
Murtha
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ortiz
Osborne
Ose
Otter
Oxley
Paul
Pence
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Portman
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reynolds
Riley
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schaffer
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skeen
Smith (MI)
Smith (NJ)
Souder
Stearns
Stenholm
Stump
Sullivan
Sununu
Sweeney
Tancredo
Tanner
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Tiberi
Toomey
Turner
Udall (NM)
Upton
Visclosky
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—18

Blagojevich
Bono
Clayton
Combest
Goss
Hall (OH)
Houghton
Jones (OH)
Lynch
Maloney (NY)
Menendez
Owens
Payne
Pelosi
Peterson (MN)
Quinn
Smith (TX)
Traficant

□ 1749

Ms. HART and Mr. RAHALL changed their vote from ''yea'' to ''nay.''