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110TH CONGRESS, 1st Session } HOUSE OF REPRESENTATIVES { REPORT 110–8

METHAMPHETAMINE REMEDIATION RESEARCH ACT OF 2007

FEBRUARY 7, 2007.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. GORDON of Tennessee, from the Committee on Science and Technology, submitted the following

R E P O R T

[To accompany H.R. 365]

[Including cost estimate of the Congressional Budget Office]

The Committee on Science and Technology, to whom was referred the bill (H.R. 365) to provide for a research program for remediation of closed methamphetamine production laboratories, and for other purposes, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

CONTENTS

		Page
I.	Purpose of the Bill	2
II.	Background and Need for the Legislation	2
III.	Hearing Summary	3
IV.	Committee Actions	4
V.	Summary of Major Provisions of the Bill	5
VI.	Section-by-Section Analysis (by Title and Section)	5
VII.	Committee Views	7
VIII.	Cost Estimate	8
IX.	Congressional Budget Office Cost Estimate	8
X.	Compliance With Public Law 104–4	10
XI.	Committee Oversight Findings and Recommendations	10
XII.	Statement on General Performance Goals and Objectives	10
XIII.	Constitutional Authority Statement	10
XIV.	Federal Advisory Committee Statement	10
XV.	Congressional Accountability Act	10
XVI.	Earmark Identification	10
XVII.	Statement on Preemption of State, Local, or Tribal Law	10
XVIII.	Changes in Existing Law Made by the Bill, as Reported	10
XIX.	Committee Recommendations	11
XX.	Minority Views	11
XXI.	Proceedings of the Full Committee Markup	12

59–006

I. PURPOSE OF THE BILL

The purpose of the bill is to establish a Federal research program to support the development of voluntary guidelines to help states address the residual consequences of former methamphetamine laboratories.

II. BACKGROUND AND NEED FOR THE LEGISLATION

Methamphetamine, also known as "meth," "speed," or "crank," is a powerful stimulant that increases wakefulness and physical activity but can also induce symptoms ranging from extreme nervousness and hyperactivity to convulsions and irreversible brain damage. Chronic use increases drug tolerance and deepens dependence, requiring users to take higher doses more frequently. This often results in amphetamine psychosis, a condition characterized by extreme paranoia and violent behavior—a key factor in the death of most addicts. Due to high rates of addiction, the use and manufacture of meth without prescription or appropriate permission is illegal under Federal law.

The Nation's meth problem originated in California and the Southwest, but it has spread considerably, facilitated by the proliferation of small labs that produce the drug for personal use and local distribution. In 1993, the Drug Enforcement Administration (DEA) estimated a total seizure of 218 meth labs. In 2005 federal, state and local law enforcement officers netted almost 12,500 labs. Between 2003 and 2005 the DEA has reported more than 47,000 meth labs incidents. Of this number, small meth labs accounted for the majority of all incidents and they were found in every state in the U.S.

Small meth labs can be set up nearly anywhere—fields, woods, cars—but roughly two-thirds are found in residential settings. A typical lab requires little in the way of materials, and the ingredients used to manufacture meth are commercially available anywhere in the U.S. The main ingredient can be either pseudoephedrine or ephedrine, two chemicals that are present in many over-the-counter cold and asthma medications, and the other chemicals are available in gasoline, drain cleaners, fertilizer and matches. The manufacture process requires almost no technical knowledge, and the recipe—as well as step-by-step instructions—is freely and easily available on the Internet.

Of the 32 chemicals that can be used in varying combinations to make or "cook" meth, one-third are extremely toxic and many are reactive, flammable, and corrosive. In fact, nearly one in five labs is found because of fire or explosion, injuring or killing those involved in the manufacture of the drug as well as the law enforcement officers and the fire fighters who respond. During use and production, meth and other harmful chemicals are released into the air and distributed throughout the surrounding area. In residential settings, these chemicals collect on countertops and floors, and they are absorbed into furnishings, carpets and walls. In addition, for every pound of meth produced, approximately five to six pounds of toxic byproducts remain. This waste is frequently poured down drains or spilled onto the ground, where chemicals can migrate into drinking wells and leach into the soil.

Once a meth lab is discovered, responsibility for cleanup and remediation typically falls to state and local governments and property owners. Although there are different statutes and regulations relating to meth labs, cleanup and remediation generally occurs in two distinct phases. The first phase is the cleanup of gross contaminants, which includes the removal of illicit laboratory equipment, chemicals and obviously damaged furnishings. During this phase, law enforcement secures the site, arranges for the removal of evidence, and oversees the cleanup. The second phase is the remediation of harder to identify residual contamination. During this phase, property owners are notified and responsibility passes to them, sometimes with the recommendation to engage a cleanup contractor.

Currently there are no national guidelines or regulations on how to clean up and remediate a residential meth lab for reoccupation, and states and localities are struggling to protect the public and find a solution that is practical for property owners. While responses range from doing almost nothing to complete demolition, most remediation efforts involve one or more of the following measures: ventilation, encapsulation or sealing of interior surfaces, removal of drywall, decontamination of ventilation or wastewater systems, and removal of soil or treatment of contaminated groundwater. Depending on the remediation strategy, this can be expensive. According to one cleanup contractor, the cost to remediate a 1,500 square foot single-family dwelling can range from $5,000–$15,000, and most insurance companies exclude "contamination" and "felony activities" from coverage for private homes and some commercial properties.

As the meth epidemic continues to sweep the Nation, state statutes, regulations, local ordinances and guidelines related to the cleanup and remediation of meth labs have begun to emerge. Some states, particularly those where meth has been a big problem for a number of years, have significant statutory and regulatory provisions in place. Others have only more recently begun to address these concerns. Most, however, have become increasingly concerned about the cleanup and remediation issues related to meth labs and they have requested assistance in dealing with the growing number of small labs in their states, particularly those located in residential settings.

III. HEARING SUMMARY

On Thursday, March 3, 2005, the Committee on Science held a hearing to examine the clean-up and remediation challenges of residential methamphetamine laboratories. The hearing also examined H.R. 798, the Methamphetamine Remediation Research Act of 2005, introduced by Ranking Member Bart Gordon. The Committee received testimony from Scott Burns, Deputy Director for State and Local Affairs at the White House Office of National Drug Control Policy. The Committee also heard from Ms. Sherry Green, Executive Director, National Alliance for Model State Drug Laws; Dr. John Martyny, Associate Professor, National Jewish Medical and Research Center; Mr. Henry Hamilton, Assistant Commissioner for Public Protection, New York State Department of Environmental Conservation; Mr. Gary Howard, Sheriff, Tioga County, New York;

and Dr. Robert Bell, President, Tennessee Technological University.

- Mr. Burns described the extent of the meth problem in the U.S., the Federal government's progress in reducing the number of meth labs and the findings and recommendations of the Administration's "National Synthetic Drugs Action Plan" regarding methamphetamine laboratories.
- Ms. Green described state efforts to address the cleanup and remediation of former methamphetamine laboratories.
- Dr. Martyny and Dr. Bell endorsed H.R. 798 and discussed the research needs related to residential meth labs.
- Finally, the Committee heard from Sheriff Howard and Mr. Hamilton. Sheriff Howard described the challenges faced by those who seize these hazardous labs and endorsed H.R. 798. Mr. Hamilton described the Department's role in identifying and cleaning up contaminated sites and described the need for guidance to ensure the effective use of state resources and uniformity in response to meth labs.
- Testimony, submitted for the record, from the National Multi-Housing Council and the National Apartment Association described the challenges of small meth labs in residential, rental properties and expressed support for H.R. 798.

IV. COMMITTEE ACTIONS

110TH CONGRESS

On 10 January 2007, Chairman Bart Gordon, Ranking Member Ralph Hall, Representative David Wu and Representative Ken Calvert introduced H.R. 365, the Methamphetamine Remediation Research Act of 2007, a bill to establish a federal program of research to support the development of voluntary guidelines on the remediation of former methamphetamine laboratories. The provisions of H.R. 365 are largely based on H.R. 798, the Methamphetamine Remediation Research Act of 2005, introduced in the 109th Congress.[1]

The Full Committee on Science and Technology met on 24 January 2006 to consider H.R. 365. No amendments were offered. The bill was adopted by voice vote. Ranking Member Hall moved that the Committee favorably report the bill H.R. 365, with the recommendation that the bill do pass and that the staff be instructed to prepare the legislative report, and that the Chairman take all necessary steps to bring the bill before the House for consideration. The motion was agreed to by voice vote.

109TH CONGRESS

On February 15, 2005, Ranking Member Bart Gordon, Representative Ken Calvert and Chairman Sherwood Boehlert introduced H.R. 798, the Methamphetamine Remediation Research Act of 2005.

The Environment, Technology, and Standards Subcommittee met on March 15, 2005 to consider H.R. 798. No amendments were of-

[1] H.R. 798 was approved by the House of Representatives on 13 December 2005. H.R. 798 was subsequently approved by the Senate on 9 December 2006 with two modifications: 1) responsibility for the program is given to the Administrator of EPA rather than the Assistant Administrator at the Office of Research and Development and 2) funding is for a total of $5 million for two years, rather than the three year authorization in the House-passed bill. H.R. 365 reflects these modifications.

fered. Mr. Wu moved that the Committee favorably report the bill, H.R. 798, to the Full Committee on Science, and that staff be instructed to make technical and conforming changes to the bill in accordance with the recommendations of the Subcommittee. The Motion was agreed to by voice vote.

The Full Committee on Science met on March 17, 2005 to consider the bill. A substitute amendment, which made technical, clarifying and conforming changes to the underlying bill, was offered by Ranking Member Gordon. The amendment was adopted by voice vote. Mr. Gordon moved that the Committee favorably report the bill, H.R. 798, as amended, with the recommendation that the bill as amended do pass, that the staff be instructed to make technical and conforming changes to the bill as amended and prepare the legislative report, and that the Chairman take all necessary steps to bring the bill before the House for consideration. The motion was agreed to by voice vote.

V. SUMMARY OF MAJOR PROVISIONS OF THE BILL

The bill requires the Administrator at the Environmental Protection Agency (EPA) to establish a program of research on residues from the production of methamphetamines.

The bill further requires the Administrator, in consultation with National Institute for Standards and Technology (NIST), to establish voluntary guidelines for preliminary site assessment and remediation of methamphetamine laboratories.

The bill also requires the Administrator to convene a meeting of relevant state agencies, individuals and organizations to share best practices and identify research needs.

The bill requires NIST, in consultation with EPA, to support a research program to develop methamphetamine laboratory detection technologies with an emphasis on field test kits and site detection.

The bill also requires the EPA to enter into an arrangement with the National Academy of Sciences to study the status and quality of research on the residual effects of meth labs, identify research gaps, and recommend an agenda for the EPA research program.

The bill authorizes $1.75 million for each of the Fiscal Years 2007 and 2008 for EPA and authorizes $0.75 million for each of the Fiscal Years 2007 through 2008 for NIST.

VI. SECTION-BY-SECTION ANALYSIS (BY TITLE AND SECTION)

Section 1. Short title

The Methamphetamine Remediation Research Act of 2007

Section 2. Findings

Section 3. Voluntary guidelines

Requires the Administrator the Environmental Protection Agency (EPA), in consultation with the National Institute of Standards and Technology (NIST), to establish, within one year, voluntary guidelines for the remediation of former methamphetamine labs, including guidelines for preliminary site assessments and the remediation of residual contaminants.

Requires that, in developing the guidelines, the Administrator consider relevant standards, guidelines and requirements in Fed-

eral, State and local laws and regulations; the varying types and locations of former methamphetamine labs; and expected costs.

The voluntary guidelines are to be used to assist state and local governments. Requires the Administrator to work with state and local governments and other relevant nonfederal agencies and organizations, including through the conference required by section 5, to promote and encourage the appropriate adoption of the voluntary guidelines.

Requires the Administrator to periodically update the voluntary guidelines, in consultation with states and other interested parties, to incorporate research findings and other new knowledge.

Section 4. Research program

Requires the Administrator to establish a research program to support the development and revision of the voluntary guidelines in section 3. Requires research to:

- identify methamphetamine laboratory-related chemicals of concern,
- assess the types and levels of exposure to chemicals of concern that may present a significant risk of adverse effects,
- better address adverse effects and minimize exposures,
- evaluate the performance of various methamphetamine laboratory cleanup and remediation techniques, and
- support other priorities identified by the Administrator in consultation with states and others.

Section 5. Technology transfer conference

Requires the Administrator to convene within 90 days of the date of enactment, and every third year thereafter, a conference of state agencies and other individuals and organizations involved with the impacts of former methamphetamine laboratories. The conference should be a forum for the Administrator to provide information on the voluntary guidelines and the latest findings of the research program, as well as an opportunity for the nonfederal participants to provide information on their problems, needs and experiences with the voluntary guidelines.

Requires the Administrator within three months of each conference to submit a report to Congress that summarizes the proceedings of the conference, including any recommendations or concern raised and a description of how the Administrator intends to respond to them. Requires the report to be made widely available to the general public.

Section 6. Residual effects study

Requires the Administrator to enter into an arrangement with the National Academy of Sciences within six months of the date of enactment to study the status and quality of research on the residual effects of methamphetamine laboratories. Requires the study to identify research gaps and recommend an agenda for the research program in section 4. Requires the study to focus on the need for research on the impact of methamphetamine laboratories on residents of buildings where labs are or were located.

Section 7. Methamphetamine detection research and development program

Requires the Director of NIST, in consultation with the Administrator, to support a research program to develop new methamphetamine detection technologies, with emphasis on field test kits and site detection and appropriate standard reference materials and validation procedures for methamphetamine detection testing.

Section 8. Savings clause

Provides that nothing in the Act shall be construed to change the regulatory authority of EPA.

Section 9. Authorization of appropriations

Authorizes $1.75 million for each of Fiscal Years 2007 and 2008 for EPA. Authorizes $0.75 million for each of Fiscal Years 2007 and 2008 for NIST.

VII. COMMITTEE VIEWS

The program authorized by this Act requires the Administrator at EPA, within one year, to develop voluntary guidelines on preliminary site assessments and the remediation of residual contaminants. The Committee expects the initial voluntary guidelines to be largely based on a review of existing state guidance. For these initial guidelines, the Committee believes the Administrator should evaluate the existing science and state guidelines, using resources such as the National Alliance for Model State Drug Laws.

In developing the guidelines, the Committee expects the EPA to take into consideration the estimated cost of carrying out any proposed guidelines. With respect to cost, the Committee believes the Administrator should remain cognizant of those who bear these costs—property owners in particular. The Committee is concerned that excessive remediation costs could result in the site being left untreated.

The Committee expects the voluntary guidelines to be an evolving document that can offer guidance to states over time by incorporating new research findings as necessary. To that end, the Committee emphasizes the need to use the research program to update and revise the voluntary guidelines, particularly as new knowledge and new research findings become available.

The Act requires the establishment of a federal program of research to support the development and revision of the voluntary guidelines. The Committee recognizes that very little funding—federal, state, local or private—is being directed at the national problem of the remediation of former methamphetamine labs. The Committee is pleased that the Administration has recognized this problem as acknowledged in the Office of National Drug Control Policy's Synthetic Drug Control Strategy: A Focus on Methamphetamine and Prescription Drug Abuse. The Synthetic Drug Control Strategy assigns the EPA responsibility for developing and establishing methamphetamine laboratory remediation guidelines. However, the EPA does not intend to publish guidelines identifying best practices for the remediation of former meth labs until January 2008 nor release draft Federal health-based guidelines for remediation until January 2011. To date, the EPA has allocated no spe-

cific funding for any of these activities. The Committee notes that the Drug Enforcement Agency has reported more than 47,000 methamphetamine lab incidents between 2003–2005. Therefore, the Committee believes that the Administration's current efforts are not appropriate in scope in terms of the magnitude and urgency of the problem. The Committee expects EPA to move forward rapidly with the research program.

The Committee also would like to note that Drug Enforcement Agency's (DEA), "National Clandestine Laboratory Register," is a useful tool in providing an estimate of the general scope of the meth lab problem. However, the Committee is concerned that the DEA does not have procedures in place to update its website once a residence has been cleaned in accordance with local regulations. The Committee urges the DEA to develop a set of transparent procedures for both listing and de-listing a residence on the "National Clandestine Laboratory Register."

The Act requires the Administrator to convene a Technology Transfer Conference. The Committee believes the Conference will provide a national forum to share information. Initially, it will provide an opportunity for stakeholders, including states and local governments which have been trying to address the meth issue for years, to inform the drafting of voluntary guidelines. Future Conference meetings should provide a forum to share information on the implementation of the guidelines, disseminate new knowledge and research findings, and to update the research agenda. The Committee expects the Conference to include those involved in activities related to the impacts of former meth labs, including local law enforcement and nonprofit organizations like the National Jewish Medical and Research Center and the National Alliance for Model State Drug Laws.

VIII. COST ESTIMATE

A cost estimate and comparison prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974 has been timely submitted to the Committee on Science prior to the filing of this report and is included in Section X of this report pursuant to House rule XIII, clause 3(c)(3).

H.R. 365 does not contain new budget authority, credit authority, or changes in revenues or tax expenditures. Assuming that the sums authorized under the bill are appropriated, H.R. 365 does authorize additional discretionary spending, as described in the Congressional Budget Office report on the bill, which is contained in section X of this report.

IX. CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

JANUARY 25, 2007.

Hon. BART GORDON,
Chairman, Committee on Science and Technology,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 365, the Methamphetamine Remediation Research Act of 2007.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Susanne S. Mehlman.

Sincerely,

PETER R. ORSZAG,
Director.

Enclosure.

H.R. 365—Methamphetamine Remediation Research Act of 2007

Summary: H.R. 365 would establish a new research program for the cleanup of closed laboratories that have been used to produce methamphetamine. This legislation would authorize the appropriation of $1.7 million for the Environmental Protection Agency (EPA) and $750,000 for the National Institute of Standards and Technology (NIST) for each of fiscal years 2007 and 2008 to support such a program. EPA and NIST would establish guidelines on assessing sites and cleaning up contaminants, hold a conference to discuss research and guidelines with interested parties, and support research for the development of the guidelines and new detection technologies. The bill also would require the National Academy of Sciences to study the residual effects of methamphetamine laboratories on the environment.

CBO estimates that implementing H.R. 365 would cost about $5 million over the 2007–2009 period, assuming appropriation of the authorized amounts. Enacting H.R. 365 would not affect direct spending or receipts.

H.R. 365 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA); any costs to state, local, or tribal governments would be incurred voluntarily.

Estimated cost to the Federal Government: The estimated budgetary impact of H.R. 365 is shown in the following table. The costs of this legislation fall within budget function 300 (natural resources and environment). For this estimate, CBO assumes that the bill will be enacted in fiscal year 2007 and that the amounts authorized by the bill will be appropriated for each fiscal year. Estimated outlays are based on historical spending patterns for similar programs.

	By fiscal year, in millions of dollars—					
	2007	2008	2009	2010	2011	2012
CHANGES IN SPENDING SUBJECT TO APPROPRIATION						
EPA Research Program:						
Authorization Level	2	2	0	0	0	0
Estimated Outlays	1	2	*	0	0	0
NTIS Research Program:						
Authorization Level	1	1	0	0	0	0
Estimated Outlays	1	1	0	0	0	0
Total Changes:						
Authorization Level	3	3	0	0	0	0
Estimated Outlays	2	3	*	0	0	0

Note.—* = less than $500,000.

Intergovernmental and private-sector impact: H.R. 365 contains no intergovernmental or private-sector mandates as defined in UMRA. State, local, and tribal governments would be able to adopt voluntary guidelines developed by EPA for the remediation of

former methamphetamine laboratories. Any costs would be incurred voluntarily.

Estimate prepared by: Federal Costs: Susanne S. Mehlman. Impact on State, Local, and Tribal Governments: Lisa Ramirez-Branum. Impact on the Private Sector: Craig Cammarata.

Estimate approved by: Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

X. COMPLIANCE WITH PUBLIC LAW 104–4

H.R. 365 contains no unfunded mandates.

XI. COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

The Committee on Science's oversight findings and recommendations are reflected in the body of this report.

XII. STATEMENT ON GENERAL PERFORMANCE GOALS AND OBJECTIVES

Pursuant to clause (3)(c) of House rule XIII, the goals of H.R. 365 are to assist state and local governments in responding to the cleanup of residential meth labs through the development of voluntary guidelines; to support a program of research at the EPA and NIST to build a base of knowledge on the health and environmental concerns of meth labs and to develop new meth detection technologies respectively; to convene a conference of stakeholders to share information; and to arrange for a study of residual effects of meth labs by the National Academy of Sciences.

XIII. CONSTITUTIONAL AUTHORITY STATEMENT

Article I, section 8 of the Constitution of the United States grants Congress the authority to enact H.R. 365.

XIV. FEDERAL ADVISORY COMMITTEE STATEMENT

H.R. 365 does not establish nor authorize the establishment of any advisory committee.

XV. CONGRESSIONAL ACCOUNTABILITY ACT

The Committee finds that H.R. 365 does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act (Public Law 104–1).

XVI. EARMARK IDENTIFICATION

H.R. 365 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of rule XXI.

XVII. STATEMENT ON PREEMPTION OF STATE, LOCAL, OR TRIBAL LAW

This bill is not intended to preempt any state, local, or tribal law.

XVIII. CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

None.

XIX. COMMITTEE RECOMMENDATIONS

On January 24, 2007, the Committee on Science and Technology favorably reported the Methamphetamine Remediation report Act, by a voice vote, and recommended its enactment.

XX. MINORITY VIEWS

None.

XXI: PROCEEDINGS OF THE FULL COMMITTEE MARKUP ON H.R. 365, METHAMPHETAMINE MEDIATION RESEARCH ACT OF 2007

WEDNESDAY, JANUARY 24, 2007

HOUSE OF REPRESENTATIVES,
COMMITTEE ON SCIENCE AND TECHNOLOGY,
Washington, DC.

The Committee met, pursuant to call, at 10:09 a.m., in Room 2318 of the Rayburn House Office Building, Hon. Bart Gordon [Chairman of the Committee] presiding.

Chairman GORDON. The Committee on Science and Technology will be in order. I think that the best way to try to get good attendance is to start on time, and so hopefully, we are going to set that precedent.

Let me—I want to start with a couple of announcements. For 26 years, Ralph Hall has been coming in this north door, both as a Democrat and as a Republican, and so what we decided to do was switch sides so Ralph would finally be coming in the—after 12 years, coming in the right door. So we hope that makes it easy for you, Ralph.

Mr. HALL. They love me.

Chairman GORDON. Well, there will always be room. There will always be room.

Let me say, also, that, for everyone here, this is probably your second or maybe your, even third, committee. And so, you know, we have lots of pulls on our time. We really want to make this committee to be a committee that is going to be interesting for you and important for our country. And so we welcome all of your participation.

Let me give you a little bit of an idea of what we are going to be doing shortly. Next week, we are going to be having a bill on the—in this committee, E.85. It will be concerning low-sulfur fuel. Your staff has been noticed about this. Very soon now, the President will be sending up his budget, and so we are going to have a lot to do, as we always do, in reviewing those budgets. As we know, NASA has about $20 billion worth of assignments and $17 billion in the budget. That is pretty much the same for NIST and many of our other things, so we are going to have to work together to look through that.

The competitiveness agenda is going to be very important for our country. I think, hopefully, you all remember a couple of years ago, Sherry Boehlert and myself, as well as Lamar Alexander and Jeff

Dingumum asked the National Academies to do a review on competitiveness of America in the 21st century. Their conclusion was that we are in a race for competition and that we are losing. They made some recommendations. It is *"Rising Above the Gathering Storm."* This is really going to be our handbook for competitiveness for the first few weeks here. Norm Augustine, who—the ones that were on the Committee last time, remember, testified. We have got him scheduled. He will be back in March to testify as well as Craig Barrett. Norm was the former CEO of Lockheed Martin, Marietta. And Craig Barrett is the CEO of Intel. So that is going to be a very interesting hearing. And we will be working together on that. Roscoe Bartlett has already told me that he wants to be very involved in the ARPA–E part of that. I won't take everybody's time today to go through it, but we—that is going to be an important part of our agenda.

And I hope at the end of the year that Democrats and Republicans can both look back on this year and look on the Science Committee and say that we were the Committee of good ideas and consensus. And when I say "good ideas," I mean Democratic ideas and Republican ideas, and I really do hope that we can bring consensus on much of this legislation.

Let me also say that I have had the—you know, when I was in the minority here, I would frequently have what I thought was good legislation. A lot of times we couldn't get it heard or couldn't get it—a hearing or even a vote. That is not going to be the case. And if Ralph tells me that even a blind squirrel occasionally gets an acorn, and so if Dana Rohrabacher happens to come up on a good idea every now and then, Dana is going to get his shot just like everyone else.

Now let me also, again—you know, we might as well recognize, you know, the evident, and that is that—I mean, I have served in the minority, and I have served in the majority, and I know that for some of you, particularly that hadn't been in the minority, it is going to be a little more difficult. I think in some of the committees, you are going to become frustrated. There will be some Democratic arrogance and arbitrariness, I hope no more than we want to see, but that is inevitable. It is going to happen. And when it does, whether it is two years or 20 years, the Democrats will lose the majority, because that is just the way this cycle goes. And I hope that if you have frustration in other committees, that you can find the Science Committee as a committee where you can come, really bring your good ideas, get something done, and have an opportunity to fill some—you know, a vehicle for the passion that you might have for public policy. That is what we want to have. And again, at the end of the day, my objective is that when things do shift, whether it is 20 years or two years, that if you will treat us the way that we would have treated you during that period, we will have no complaints.

Now pursuant to notice, the Committee on the Science and Technology meets to organize for the 110th Congress. Specifically, the Committee will—or must ratify the Subcommittee Chairs, the Subcommittee Ranking Minority Members, the Subcommittee membership. Further, we intend to adopt the rules of the Committee for the 110th Congress. After the organizational meeting and pursuant

to notice, the Committee will meet to consider the following measures, which will be after our—after the markup today, and that is H.R. 365, the *Methamphetamine Remediation and Research Act of 2007,* H.Res. 59, *Supporting the goals and ideals of the National Engineers Week,* and H.Con.Res. 34, *Honoring the life of Percy Lavon Julian.*

As is our tradition on this committee, I ask unanimous consent for authority to recess the Committee at any point during consideration of these matters, and without objection, it is so ordered.

We, first, take up the Committee rules. The Committee rules you have before you have been circulated to each of your offices with explanations and with the minor changes from the Science Committee rules of the 109th Congress. They are very similar to those rules. Most of the changes were made to bring our rules into greater conformity with current House rules. I would like to highlight and explain why we have made a few particular changes. The Committee subpoena rule has been changed, and I will speak more about that when we consider an amendment.

In addition to those changes, two rule changes have been made, which affect the ability of the Chair to recess the Committee. Rule 1–J allows the Chairman to recess the Committee at any point. This incorporates the recess language Mr. Boehlert asked unanimous consent for at the beginning of every Committee meeting, and which we just did the same just a moment ago. Since this has become the Committee practice, I feel that it will only make sense to incorporate the provision into the rules. Rule 1–J covers all Committee proceedings up to the point where a record vote is ordered on the question of approving a measure. The new Committee Rule 2–T allows the Chairman to pursue—postpone proceedings after the record vote is ordered. There are limitations on this postponement power. First of all, once the roll call has begun, the Chairman cannot suspend the vote. Second for all—second of all, when the Committee meets after the postponement under this rule, the measure is open back up for debate. This prevents the rolling and stacking of bills. Committee Rule 2–T is almost verbatim from the House rules. It—I note that it is relevant. The House Rule is XI2(h)(4)(A) was created by the Republican majority in the 108th Congress, and I simply place the Republican-created House rule into the Committee rule.

Now what does all of this mean? Let me tell you what the practical impact is here. If we had a situation where there were twice as many Republicans as Democrats here for a vote on some kind of amendment, and if the majority was afraid that we were going to lose that amendment and we felt strongly about it, we have two options. One option would be to keep the vote open for 20 minutes, for two hours, for two days, you know, until we went out and got all of our folks and brought them back in. As Ralph pointed out, we were talking about this the other day, that is really not a good way to do it, because you encourage folks not to attend meetings. The other way to accomplish it is for the Chairman to be able to adjourn, and then we talk about it, hopefully work out our differences, come back the next day or two hours later and move forward. But I—again, once the vote starts, you can't stop the vote,

but this just allows the Chairman to say, "Whoa. Let us talk about this, and we will start again." That is direct—the impact.

[The prepared statement of Chairman Gordon follows:]

PREPARED STATEMENT OF CHAIRMAN BART GORDON

I realize how busy everyone is, and I will be brief in my remarks regarding H.R. 365.

Many of our committee Members will remember this bill from the 109th Congress, when it passed through the Committee and House unanimously. This bill also passed the Senate, with two minor changes in the last hours of the 109th Congress. However, we ran out of time to re-pass the legislation in the House.

Unfortunately, the need for this legislation is just as strong today as when I introduced it a year and a half ago. We have a terrible problem with methamphetamine in Tennessee, and one side effect of the meth epidemic is the chemical waste dump left behind by meth cooks.

This bill originated from a roundtable discussion in my district where I asked local officials about gaps in the fight against methamphetamine. Apart from additional funding for existing programs, they all agreed that they needed help in cleaning up former meth sites. Following that roundtable and a Committee hearing on the issue, we developed this legislation on a bipartisan basis.

H.R. 365 focuses on the clean-up needs for former meth labs—a tremendous problem facing communities across the country. The Drug Enforcement Agency reported more than 12,500 domestic meth lab seizures in 2005 alone. These meth labs, most often found in residential settings, are contaminated not only with methamphetamine, but also with other toxic residues associated the production of meth.

These chemical residues pollute the inside of a residence and also threaten septic and water systems. The meth epidemic has not only devastated families, it has also left thousands of potentially toxic waste dumps spread across the country.

Right now there are unsuspecting families living in homes that were once illegal meth labs. Dangerous and hidden toxic substances in these sites threaten the health of these families—with children being the most vulnerable to the devastating, long-term effects of exposure.

H.R. 365 addresses the specific problem of determining the level of clean-up required to ensure that a former meth lab is safe for occupation. I want to stress that H.R. 365 is not a federal mandate. Rather, it requires the EPA to develop model, voluntary, health-based, clean-up guidelines for use by states and localities if they desire.

In addition, H.R. 365 authorizes NIST to initiate a research program to develop meth detection equipment for field use. This will help law enforcement agents detect active meth labs faster and assist in measuring levels of contamination in former meth labs. Finally, H.R. 365 requires a study by the National Academy of Sciences on the long-term health impact of exposure to meth labs on children and first-responders.

Specifically H.R. 365:

- requires EPA, in consultation with NIST and working with states and local authorities, to establish voluntary clean-up guidelines for former meth labs;
- establishes an EPA research program, in consultation with states and others, to continuously improve the guidelines;
- requires EPA to establish a technology conference to disseminate the information about the guidelines and to provide a forum for non-federal participants to inform EPA about their problems, needs and experiences with the voluntary guidelines;
- tasks the National Academy of Sciences to study the residual effects of methamphetamine labs with a particular emphasis on children and first responders;
- requires NIST to support a research program to develop new meth detection technologies with an emphasis on field kits;
- ensures that the legislation does not override any existing EPA regulatory authorities;
- and authorizes a total $5.0 million for EPA and NIST to carry out these activities.

The National Association of Counties has identified the meth epidemic as one of the most devastating problems facing communities across the country.

In the last Congress this bill was endorsed by:

- The National Association of Counties;
- The National Sheriff's Association;
- The Fraternal Order of Police;
- The National Narcotic Officers' Associations' Coalition;
- The National Association of Realtors;
- The National Multi-housing Council; and
- The National Apartment Association.

H.R. 365 is not a complete solution to the methamphetamine epidemic. Unfortunately, there will always be people who decide to harm themselves by using and manufacturing dangerous drugs such as meth. H.R. 365 aims to protect innocent people whose lives are endangered by these illegal activities.

I want to thank Ranking Member Hall, Rep. Wu and Rep. Calvert for working with me on this legislation in the last Congress and for sponsoring this legislation for re-introduction in the 110th Congress.

We will also consider two other important bills today which will raise the awareness of the importance of science and engineering.

Rep. Lipinski has introduced, H.Res. 59, *Supporting the Goals and Ideals of National Engineers Week.* National Engineers Week, February 18–24, raises public awareness of the important and positive contributions made by engineers to our quality of life.

In addition, Rep. Johnson has introduced H.Con.Res. 34, *Honoring the Life of Percy Lavon Julian, a pioneering African-American chemist.* A member of the National Academy of Sciences since 1973, he holds over 100 patents in areas as wide-ranging as foam fire retardants and treatment for glaucoma.

The authors of these bills will have more to say about them as we consider them today. We spend a lot of time talking about improving K–12 math and science education and encouraging our children to enter science and engineering fields to improve our economic competitiveness. These two bills go far toward raising public awareness about the types of people and the important job opportunities in these fields.

I would urge you to support these three bills.

Chairman GORDON. Now I recognize Mr. Hall for five minutes to present his remarks.

Mr. HALL. Thank you, Mr. Chairman. And it is an honor to be here to serve with you on this very important bipartisan Committee. And we have worked together in both parties in both—in the majority and the minority, so we don't really have any problem with the rule that you have just talked about there, because apparently you don't intend to stack the rules. You are going to do them one at a time. And if you survey the crowd and you are outvoted two to one or three to two or 19 to 18, you would have the right to put it off. And you can do that. And that is what this rule—it simply goes into the rules rather than you having to make that—ask that request at the beginning of the session. So I don't—if any of our other people here have any objection to that, why, we will be glad to hear from them.

A lot of our nation's most pressing challenges are related to the jurisdiction of this committee, so it is important that we work together, and we have always done that. I expect that we will do it in the future. Scientific research and technological innovation created an unparalleled economy, unparalleled, I guess, in the world. Future advancements are going to launch new industries, sustain economic growth, and maintain America's competitiveness in the global economy, and I really look forward to working with you and all of the Members in this committee to achieve these goals for all Americans. And on the—this rule that you have asked for, I—and I noticed that you refer to it as a Republican-created House Rule, and as long as you use the Republican-created House Rules, we are

going to have very little problems. But the—this, you don't intend to stack them and have one part of a bill or an amendment debated and then roll it and then have another debate and then roll it and then come back to a very confused situation. You are going to do them one at a time.

All right. I would like to yield some time to anyone else on this side of the aisle that has any problem with that, and I think we have discussed it today before, and we don't, apparently, have any problem with that. We look forward to working our goals together.

This has, historically, been a committee where Republicans and Democrats work together, and I hope we can do that this year. I see no reason why we can't.

I yield back my time.

[The prepared statement of Mr. Hall follows:]

PREPARED STATEMENT OF REPRESENTATIVE RALPH M. HALL

Thank you, Mr. Chairman. It is an honor to be here to serve with you on this important, bipartisan committee. As you know, some of our nation's most pressing challenges are related to the jurisdiction of this committee, and I look forward to working with you to find innovative solutions.

Our nation's future depends on the actions we take today. We have always been a country of innovators, and we must continue to foster that growth well into the future. Our businesses are the most competitive in the world, and we must continue to encourage their success. We must also prepare the next generation of Americans for the challenges of tomorrow so that we can continue to lead the world.

One of our nation's greatest challenges is energy. All of us want America to become more energy independent. To do that, we must address both short- and long-term solutions that build on the resources America has, and advance research and development in alternative energy resources for the future. I look forward to working with my colleagues on this committee to meet that challenge.

So many of the advances we enjoy today were made possible through our space exploration programs. If we are to continue to set the standard for the world to follow, we must remain committed to our space agenda. Other nations will continue to explore space, and we must ensure that we are there to protect our interests and advance our goals.

Scientific research and technological innovation created an economy unparalleled in the world. Future advancements will launch new industries, sustain economic growth, and maintain America's competitiveness in the global economy. Mr. Chairman, I look forward to working with you and all Members of this committee to achieve these goals for all Americans.

Chairman GORDON. Thank you, Mr. Hall.

As I have mentioned before, my grandfather used to tell me that, obviously, there were a lot of Tennesseans at the Alamo and that many Tennesseans helped to populate Texas. And he would tell me that every time the Grand Jury met in Tennessee, the population of Texas increased. And some of those were my relatives, I am sure, so we are looking forward to working with Cousin Ralph and the other Members of the Texas minority here.

Mr. HALL. Talking about population increase, you mentioned Mr. Rohrabacher. You know, you are producing babies one at a time. He produces them three at a time, so I don't think we have any competition there.

Chairman GORDON. The first amendment on the roster is an amendment offered by the Chair. The amendment is at the desk, and the Clerk will report the amendment.

The CLERK. Amendment to Committee Rules, Amendment Rule 1–C——

Chairman GORDON. I ask unanimous consent to dispense with the reading, and without objection——

Mr. NEUGEBAUER. Objection.

Chairman GORDON. And what is your objection?

Mr. NEUGEBAUER. You——

Chairman GORDON. Oh, okay. Certainly.

The CLERK. Amendment to Committee Rules. Amendment Rule 1–C by substituting the following language: Power to sit and act, subpoena power. C–1, notwithstanding paragraph 2. A subpoena may be authorized and issued in the conduct of investigation or series of investigations or activities to inquire non-attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, and documents as deemed necessary. Only when authorized by majority vote of the Full Committee or Subcommittee, as the case may be, a majority of the Committee or Subcommittee being present. Authorized subpoenas shall be signed only by the Chairman of the Full Committee or by any Member designated by the Chairman. [XI2(m)]. The Chairman of the Full Committee, after consultation with the Ranking Minority Member of the Full Committee, or if the Ranking Member cannot be reached, the Ranking Minority Member of the relevant subcommittee may authorize and issue such subpoenas as described in paragraph 1 during any period in which the House has adjourned for a period longer than seven days. [XI2(m)(3)(A)(i)] A subpoena duces tecum may specify terms of returned other than at meeting or at hearing of the Committee.

Chairman GORDON. I now yield myself five minutes to explain the amendment.

For the 110th Congress, the Committee on Rules on the issuance of subpoenas has changed in two ways. First, the subcommittees may now authorize the issuance of subpoenas. Second, during extended adjournments, the Chairman now has the authority to issue subpoenas after consultation with the minority. These rules were changed to accommodate oversight, which occur at subcommittees, and to prevent oversight from being stalled during extended adjournments. I would like to point out that in relation to other House Committees, our Subpoena Rule is very similar to the Energy and Commerce Subcommittee's Rule from the 109th Congress. The only difference is that the recess subpoenas may be issued by the Chairman only after seven days of a recess, opposed to three days recess contained in Energy and Commerce.

Now let me be more practical with this. As we looked over our rules, I asked our counsel to look at the rules of the House as well as the other committees and try to, you know, get best practices.

As we pointed out, at the Energy and Commerce Committee, for emergencies, they have the opportunity to have subpoenas during a period of recess. They do it three days, in other words, a long weekend. That, to me, is not an emergency. This is a situation where if you had a long August recess or in November or something of this nature.

And let me—and the reason that we are doing the subcommittees, and this was brought up—and this is really the reason for the manager's amendment today, is we are going to do more at the subcommittee level than in the Committee. In the past, most every-

thing was done at the Full Committee. We hope our subcommittees can work on their own. And our Democratic Caucus, the Subcommittees Chairs said, "Well, if we are going to be doing this work, we would like also to be able to have the subpoena power." The bottom line is this: no subpoena can come out of this committee that is not signed by the Chairman. I do not want the Science Committee to be thought of as the committee of witch hunts. I want it to be the committee, as I said, of good ideas and consensus. There will be some oversight this year. There may be—necessary for subpoenas. All of you were here, and we saw the multi-billion dollar waste in NPOESS. When we see waste in the Federal Government, it means that there is some other good cause that can't be done. On my watch, and I hope your watch, you don't want to see another NPOESS. So there will be oversight. This is not a trick to try to develop some type of an extensive, again, investigation oversight, but we will do our job, and that is what we are called upon to do.

With that, I yield back my time.

Does any other Member wish to be recognized?

Mr. HALL. Mr. Chairman, I would like to——

Chairman GORDON. The gentleman from Texas is recognized for five minutes.

Mr. HALL. Yes. As the Chairman and Members of the Committee know, our committee has always been a bipartisan committee. It seeks consensus rather than confrontation. And you have stated that from the 110th Congress, the Committee rules on the issuance of subpoenas has changed in two ways. It has changed from the present—you changed from the present to now. It is not correct, actually, because now it requires concurrence, not just a consultation. And you are changing that to where it is only consultation.

I have a hard time believing that anything could come up where you would want someone to come before this committee and they would refuse this committee that you wouldn't have the right to resort to the subpoena. However, it seems to me it would be better and more amiable to have a consultation, and both of us agree. I can't imagine a situation where I wouldn't agree, if the Chairman wants them before us, because you are acting for the majority. You have the right to have a vote on it, and we know how that vote would come out. And I want to work with you.

It seems to me that if you are going to make that change, that you should have a consultation, and there will be times when you can't find me or I am not available for consultation, and I think we agreed on that, that it would—you could consult with the Ranking Member of the Committee effected, and I thought we said and one, or you would have two that you would consult with there, rather than me, if you can't get with me. I am not adamant about that, but I thought that is what we agreed to yesterday when we talked about it. It required sometimes talking to the Ranking Member of the subcommittee affected is well carried, but I thought we agreed that it would take two Members of the ranking committees to—for the consultation, if consultation is all there is going to be.

But I would like to hear from some other Members on this side as to what their idea about consultation rather than confrontation.

Chairman GORDON. If the gentleman would yield, and then we will provide——

Mr. HALL. I do yield.

Chairman GORDON.—five minutes for anyone who would like to speak.

If there wasn't—we did talk about this. If there was a misunderstanding, I want to apologize. My understanding of our conversation was that if you were not available, you wanted to be able to have consultation with another Member, and what we tried to do was say that any of the Subcommittee Ranking Members then could be contacted for consultation. It was my—did I have a misunderstanding of what you wanted?

Mr. HALL. It is—wasn't an important misunderstanding, because almost any Member that is ranking has about as much ability to consult with you as I would have. I will—it was my recollection that we were going to have any two Members if you couldn't reach the Minority Ranking Member, but I waive that. I don't have any problem with that, because any one of the Members, who are ranking, have the same ability and represent the same number of people that I do and would have as good an idea as to the agreement with you on the subpoena as I would have. If—with the—you know, with the knowledge that you have the votes to change the rule, I would like to hear from some Members, and I will yield part of my time to anybody on this side who wants to have some suggestion about it or something to say.

Mr. NEUGEBAUER. Mr. Chairman?

Chairman GORDON. Yes. The gentleman from Texas.

Mr. NEUGEBAUER. Thank you, Mr. Chairman.

And number one, the—I look forward to working with you on this committee, and I appreciate your remarks about working in a bipartisan way and in a consensus-building way. And I also appreciate the fact that you are going to put some emphasis on oversight, because I believe that is certainly one of the responsibilities of this committee.

But I view the subpoena power to be a very powerful piece of what this committee can do. And when we subpoena someone to come here, most of the time, it means that they are not coming here on their own volition, in many cases. And I think, in that sense of working together and being in a consensus-building position on this committee, I think that ought to require somewhat of an agreement on both sides that this is—that we are all kind of headed in that direction that there is a consensus that, yes, this is an area of oversight, yes, we are concerned about that. And just to give you the individual authority for subpoena doesn't seem much consensus-building. It seems more autocratic to me. and I know that—I am not questioning that the—or implying that the Chairman would be autocratic, but I think if we are truly going to sit down as a team and work together, that we ought to do that in such a way that if, for some reason, the Chairman and the Ranking Member cannot agree that that subpoena should be issued, then I think this body then ought to have the right——

Mr. HALL. Would the gentleman yield?

Mr. NEUGEBAUER. Yeah. I am just about finished. Yes. So with that—and I—so I will yield back to the gentleman.

Mr. HALL. Along with your statement there, it is my understanding if we are kind of patterned after Energy and Commerce and we are both on the same committees, and have been for some 18 or 20 years, that Energy and Commerce rule is not just a rule that requires you to discuss it with them, but requires an agreement. That is my understanding is the practice that John Dingell and Joe Barton agreed that they would both have to agree. I may be wrong on that. If I am right, please tell me.

Mr. NEUGEBAUER. Well, would the gentleman yield?

Mr. HALL. Sure.

Mr. NEUGEBAUER. Well, I am not on the Energy and Commerce, but I think what we are discussing here is the rules of this committee, and I look across the way here, and I see reasonable people. But I think everybody here is thoughtful, has the good insight and ideas, and I just think it makes sense. I can't think of a situation where we would not be heading in a direction of oversight that we wouldn't concur that there would be—and if there are, I think then we ought to discuss that.

Chairman GORDON. If the gentleman would yield——

Mr. NEUGEBAUER. I would.

Chairman GORDON. Let me bring some clarification. First of all, the—it takes a majority of a Committee vote to have a subpoena. That is the practice, that you—there has to be a majority vote. The only time this exceptional situation would come into play would be when we were in an extended recess. And quite frankly, this is a belt-and-suspenders sorts of—sort of thing. It was—again, it was—it is common practice in other committees, and as our staff reviewed things, it seemed to be the right thing to do. I agree with you. I cannot imagine when this would occur. By agreement, Mr. Dingell and Mr. Tauzin, I think, had a gentlemen's agreement to do it with approval and consultation. However, you know, you never know. Ralph could very well decide to go—to train for the Olympics or to get hit by a bus, and there could be different circumstances. We think this is fair and reasonable. We do not expect it to be used, but we are certainly prepared to live by it if there is a change in the majority.

Mr. NEUGEBAUER. Would the gentleman yield?

Chairman GORDON. Certainly.

Mr. NEUGEBAUER. Well—and I understand that, if we are in session. But what I think the piece of it that best concerned me the most is when would we issue a subpoena when we are in recess that would cause such a necessity? Because I think it is more important in the recess pieces, we are not going to get a vote on it, that we at least have one vote on it, that the Ranking Member or his designee would have an opportunity to sign off with you, because otherwise, in the absence, if Ralph is training for the Olympics, that basically that puts all of the subpoena authority in one person. And I feel very strongly that that is a very strong authority and should come with, I think, some mutual consent from our side.

Chairman GORDON. As I say, this is a belts-and-suspenders. Most all committees have this authority. I don't know that any of them have used them. I hope that we are not going to use it. But here would be the scenario. You don't just issue a subpoena and the next day the material comes in. you have—there is a lag time, and

this basically would be something in August, so if we had an issue that was dragging out, dragging out, dragging out, we went into August recess, then, again—and again, this is—we are—I think we are talking about getting hit by a meteor here, but it would give you time to get the subpoena out and the process working. If somebody really did want to rope-a-dope you, then you would wait until you came back in after the August recess, and by the time you went through all of the legal process, then we could be adjourned then for November. Again, this is—we have nothing specific in mind planned. This is just bringing our rules in compliance, and even more lax, because other committees have a three-day. You know, long weekends are not—that is not, you know, an emergency or anything. And I don't expect it. This is just compliance with other committees, and again, we stand by living by it if things change.

Ms. BIGGERT. Mr. Chairman?

Chairman GORDON. The gentlelady from Illinois is recognized for five minutes.

Ms. BIGGERT. I—well, congratulations, and I think we all look forward to working with you this year.

As to the amendment, I think that the subpoena power seems to strike a——

Chairman GORDON. Yeah.

Ms. BIGGERT.—lightning rod. And I have some concerns about the—not having concurrence of the Ranking Member or his designee in here. I think that if you know, even in August, you know, you can plan ahead for July to talk about issuing subpoenas. I can't think of the time to do it. What bothers me about it, and you brought up the fact that we are not going to have witch hunts. I think having the concurrence of the Ranking Member really gives you protection in why the subpoena would be issued during an extended recess. So I would urge you to reconsider this.

And I yield back.

Chairman GORDON. Any other Member would like to—yes, my friend from Alabama is recognized for five minutes.

Mr. BONNER. I thank you, Mr. Chairman, and I, too, congratulate you on your new gavel.

I would just ask a question. Based on the years that you were the Ranking Member and worked with Chairman Boehlert, whose portrait we now look at, was there anything during that time—usually you change rules because something didn't work, and admittedly, we can all agree that we could have done a better job of oversight in Congress under the previous majority, but was there any time, during your time as Ranking Member, that made you feel that the system on issuing subpoenas was not working that would result in this proposal?

Mr. NEUGEBAUER. Would the gentleman yield?

Chairman GORDON. You know, if I might, let me—and I hope I am within the proper parliamentary process, and I ask my Democratic colleagues to give me indulgence.

I would like to ask unanimous consent that this be amended to require concurrence rather than the consultation.

Mr. ROTHMAN. I object.

Chairman GORDON. All right. Who—Mr. Rothman. Mr. Rothman is recognized for five minutes.

Mr. ROTHMAN. What a way to start.

My colleagues, we, in Congress, have a responsibility to not only do our own work but oversee the actions of the other branches of government as they affect our work and the people of the United States. It is not without precedent in the history of our country that respective Democrat and Republican administrations have put pressure on their respective majorities in the Congress to avoid those congressional responsibilities. And it has been difficult, as I have read in my history, for the respective Democrat and Republican majorities on occasion to—or minorities to resist the entreaties of the White House. And I believe that the work of the Congress has suffered in those instances.

There is a remedy if the majority on this committee were to abuse its subpoena power. They would be thrown out of office within—in the next election cycle. And weighing the benefits and the costs of the potential of abuse of that use of majority power versus the cost of obstruction by a minority, who was simply trying to be loyal and faithful to an administration they respected, I think, especially in light of the history of the last six years, we ought to give this new system a try. Again, the people will have their say as to whether the present majority has abused its power, but we know that this administration has used its persuasive powers in the last six years to prevent us from doing our job. And many of us on this side of the aisle want to make sure that that doesn't happen while we are in the majority.

Thank you.

Chairman GORDON. If the gentleman would yield back. We don't have unanimous consent, but let me give you this assurance that I will consult and ask for approval from the Ranking Member before any subpoenas are issued.

Mr. NEUGEBAUER. Mr. Chairman?

Chairman GORDON. And if——

Mr. ROTHMAN. Mr. Chairman?

Chairman GORDON. If the Ranking Member is not available, as we had discussed earlier, then I will seek out a subcommittee Ranking Member to get that approval.

Mr. NEUGEBAUER. Mr. Chairman?

Chairman GORDON. The gentleman from Texas.

Mr. NEUGEBAUER. And that amendment would be to strike "after consultation" and insert "with written consent of the Ranking Member"?

Chairman GORDON. The gentleman asked for—did the gentleman ask for unanimous consent?

Mr. NEUGEBAUER. No, I just—I am making a motion to—for—to amend your amendment.

Chairman GORDON. Is there a discussion on the second amendment?

Mr. HALL. Mr. Chairman, as Ranking, I don't require that to be in writing. I don't—I am not asking for the amendment that the gentleman from Texas is asking for.

Mr. ROHRABACHER. Mr. Chairman?

Mr. HALL. I don't think it needs to be.

Mr. ROHRABACHER. Mr. Chairman?

Chairman GORDON. The gentleman from California is recognized for five minutes.

Mr. ROHRABACHER. I take the Chairman's commitment to heart. I think this is a totally needless amendment, and I appreciate the Chairman's willingness to work with us right off the bat and repose this amendment.

Mr. HALL. Would the gentleman yield?

Mr. NEUGEBAUER. Has the amendment been filed at the desk, Mr. Chairman?

Chairman GORDON. Has the Clerk—has the amendment been filed at the desk?

The CLERK. No, we do not have an amendment.

Chairman GORDON. And I will ask our counsel. Is an amendment in order?

Mr. ROHRABACHER. Mr. Chairman?

Chairman GORDON. The gentleman from California is recognized for five minutes.

Mr. ROHRABACHER. I have dealt with the Chairman over the years, and I know him to be a man of his word, and I take you at your word that you will consult with either the Ranking Member or the ranking committee that has jurisdiction on the issue that——

Chairman GORDON. More than consult. It will be more than consult.

Mr. ROHRABACHER. And require an agreement. So I take your word on that, sir, and I—you know, we have got a lot of attorneys on this committee, you know, and interesting enough, we don't deal a lot in legal affairs, but today, it seems that we are. But I would hope we can move on. Thank you.

Mr. GINGREY. Mr. Chairman?

Chairman GORDON. The gentleman from Georgia, Mr. Gingrey.

Mr. GINGREY. Mr. Chairman, thank you. I—it seems obvious to me and very clear that the Chairman and the Ranking Member have come to an agreement on this issue. I understand the concern of the gentleman from Texas in regard to his amendment, but as the Ranking Member has stated, I think it—sort of the agreement that the Chairman has reached with the Ranking Member verbally has made that amendment a moot point, and I would certainly recommend that we move on. And I commend the Chairman for his willingness to cooperate in that regard.

Mr. HALL. Would the gentleman yield?

Mr. GINGREY. I would be glad to yield to the Ranking Member.

Mr. HALL. And I would add to that that probably I would be more insistent upon subpoena powers than the Chairman would be. I don't think we would have any problem on working that out, and I assure this Chairman that I have high regard for this Tennessean. I have worked with him for some 18 or 20 years, and I don't believe he would go on witch hunt, as I don't want to go on a witch hunt. I think we have got bigger things to do. I don't see this as a question, either way it goes. You can outvote us and put the wording you want in there. We can have our agreement. I will honor either way.

Chairman GORDON. If the gentleman would yield, one other option would be for the gentleman from Texas to withdraw his amendment.

Mr. NEUGEBAUER. Oh, Mr. Chairman, I will withdraw my amendment. I certainly want to be clear here that it was not—my amendment doesn't have anything to do with thinking whether my—the Chairman would keep his word or that he is off on any kind of agenda. I just learned a long time ago in business that you make all of your deals up front so that down the road, when there is a misunderstanding, that you try to avoid those. And I fully expect great cooperation between the Ranking Member and the Chairman, but I guess it is just the old businessman in me that I try to get all of the misunderstandings or potential complex out of the way in the front.

But with that, with the word of the Chairman that he will consult with the Ranking Member, I withdraw my amendment.

Chairman GORDON. If the gentleman would yield, let me say, this has been a constructive conversation, and I think we have a better committee by going forward with this, so all in favor, say aye. Opposed, say no. The ayes have it, and the amendment is agreed to.

Mr. HALL. Mr. Chairman, may I make one statement?

The gentleman from Texas is right in his request, because I have always heard that an oral agreement is not worth the paper it is written on. But we now have an agreement. We are working together. We are starting out working together, and I think we will wind up this year working together, and I thank the Members on both sides.

Chairman GORDON. I move that the Committee adopt the Rules for the Committee on the Science and Technology 110th Congress, as amended. All of those in favor, say aye. All of those opposed, say no. In the Chairman of the ayes, the—or the Chairman—in the opinion of the Chair, the ayes have it.

Now the roster before each of you set forth Subcommittee Chairs and Democratic membership and ratios for each subcommittee. By order of a Democratic Caucus of the House Committee on Science and Technology, I ask unanimous consent that the Committee ratify those rosters. Without objection, so ordered.

Let me also point out that those rosters, we have the photographs that will be in your packet. We also have packets of the staff.

And let me make a quick comment about the staff, if I could, please. It is always a difficult transition going from a majority to minority. The minority has to reduce its staff. The majority has the responsibility of picking up good staff for everyone. In doing this, long—months ago, I went to Chairman Boehlert, as well as David, the Chief of Staff, and told them to please let their staff know that anyone who wanted to review or have an opportunity to join our staff would have the first chance. We interviewed several. We have hired seven of the former Republican staff, which is about half of the new staff that we have. It was—made our staff better. I want you all to know that those faces are familiar. I hope you are going to be comfortable with them. This committee's staff serves us all.

Also, we are not completely staffed up now, so we have a couple of slots left, and those Republican staff members that neither stayed with their—the Republicans, came with us, or have other jobs, we are keeping them on the payroll as long as we have staffs available—slots for that to help them get onto the next area. I think that is the right way, and we are all better for it.

I now recognize Mr. Hall for a similar motion.

Mr. HALL. Mr. Chairman, by direction of the Republican Caucus of the House Committee on Science and Technology, I submit the Republican subcommittee membership rosters and ask unanimous consent that they be ratified.

Chairman GORDON. Without objection, so ordered.

At this time, I would like to introduce our new Democratic Members to the Committee, and I will try to do this quickly.

Mr. Lampson, of Texas, after a sabbatical, he is back on our committee. Ms. Giffords, from Arizona. Ms. Giffords is a former member of the State House and Senate. We are glad to have her. Mr. McNerney, from California. Mr. McNerney joins our Ph.D. caucus, so he and Mr. Ehlers can go up in that ivory tower, and we hope they don't shoot anybody while they are up there. Mr. Kanjorski, from Pennsylvania. Mr. Kanjorski and I are the five survivors of the 1984 class. Mr. Rothman, from New Jersey, has assured us that he will get all of our authorizations through the Appropriations Committee. We are—appreciate that. Mr. Ross, of Arkansas.

And I will—just a quick note. I was telling our Members yesterday at our Democratic Caucus, the history of the Science Committee is that when the Russians launched Sputnik in 1958, Congress' reaction was in—rather they did it in 1957. In 1958, Congress set up a Select Committee on Science and Technology. I was—asked John Dingell about this the other day, and Mike and John said yes, he remembered it, and we took their committee from the Energy and Commerce. So Mike and I and Mr. Hall will make sure that we keep that jurisdiction from Energy and Commerce.

Mr. Chandler, from Kentucky, will also help us with appropriations. Mr. Carnahan, from Missouri, comes back as a temporary member. Mr. Hill, from Indiana, another sabbatical. We are glad to have you back with us, Baron. Mr. Mitchell, from Arizona, both was the mayor of Tempe as well as a State Senator. And Mr. Wilson, from Ohio, also brings State Senate credentials. Thank you for joining us.

I now recognize Mr. Hall to introduce the new Republican Members of the Committee.

Mr. HALL. I thank the gentleman for the opportunity to introduce our new Committee Members. I am very pleased to welcome Mr. James Sensenbrenner, Wisconsin, and Mr. Phil Gingrey, of Georgia, back to the Science and Technology Committee. I am also excited to welcome these new Republican Committee Members: Mr. Brian Bilbray, who returns to Congress from California, and Mr. Adrian Smith, joining us from Nebraska. I might also say that when I was with the Democratic Party, I served as Ranking Member under Mr. Sensenbrenner, who was the Chairman. And if I got along with Sensenbrenner, why I am sure I can get along with you.

I yield back my time.

Chairman GORDON. We welcome all of the—our new Members to our Committee.

Now pursuant to the Committee Rules 2–H, I hereby designate the honorable Daniel Lipinski as Vice-Chairman of the Committee on Science and Technology. The Vice-Chair shall preside over the meetings of the Committee in my absence.

This concludes our Full Committee organizational meeting.

And we will now take up H.R. 365.

We will now proceed with the opening statements, and I yield myself five minutes.

Many of our Committee Members will remember this bill from the 109th Congress when it passed through the Committee and the House unanimously. This bill also passed the Senate with two minor changes in the last hour of the 109th Congress. Now we have a chance to re-pass it in this Congress.

Now let me, again, give you the practical impact. I represent 15 counties. One of my counties is called Cannon County, a little town called Woodbury, next to my home of Murfreesboro. I was over there about three years ago, and I was talking to the senior class. And I asked that senior class what was the most significant problem that faced them. And I expected them to say "getting a job" or "getting a date" or something you would expect from an 18-year-old. They said the most significant problem facing them was methamphetamine. This was a wake-up call for me. I think this affects all of our communities. Like a lot of things, it started in California, but it has worked its way over.

I want to stress H.R. 365 is not a federal mandate. Rather, it requires the EPA to develop model, voluntary, health-based clean-up guidelines for the use of state localities they—as they desire. Specifically, H.R. 365 requires EPA, in consultation with NIST and working with states and local authorities, to establish voluntary clean-up guidelines for former meth labs; establishes an EPA research program in consultation with states and others to continuously improve the guidelines; requires the EPA to establish the technological conference to disseminate the information about the guidelines and to perform a form for non-federal participants to inform EPA about their problems, needs, and experiences with voluntary guidelines; tasks the National Academies of Science to study the residual effects of methamphetamine labs with a particular emphasis on children and first responders; requires NIST to support a research program to develop new meth-detection technology with the emphasis on field kits; ensures that the legislation does not override any existing EPA regulation authorities; and authorizes a total of $5 million for EPA and NIST to carry out these activities. That is a bargain.

In the last Congress, this bill was endorsed by the National Association of Counties, National Sheriffs Association, the Fraternal Order of Police, the National Narcotics Association Coalition, the National Association of Realtors, the National Multi-housing Council, and the National Apartment Association.

Now let me just very briefly tell me what—tell you what this means.

If you are a—if you are Aunt Bess and you bought a condominium or a duplex and you are going to live on one side of it and

rent the other side out for your retirement and somebody goes into that other side, unbeknownst to you, and starts cooking meth, well, then you can't sell your place, you can't rent it, nothing—you can't do anything, because there is a standard now between what is cleaned up and what is not. And what this is, this is going to allow communities to be able to set those standards in a safe way. I think it is important, and it is all done within our jurisdiction. It doesn't satisfy all of the problems of methamphetamine, but it is something and a good idea that we can get done.

I want to thank Mike Quear, on our staff, that has put a great deal of time and effort to put this bill together. I want to thank Mr. Calvert for his help. He is very interested in this issue, is Co-Chair of the House Methamphetamine Caucus. He has taken this bill and vetted it within the caucus and asked the other caucus members of the Methamphetamine Caucus to sponsor it. We have several sponsors now, and hopefully, we will have some additional ones later.

We will also consider two other important bills today, which will raise the awareness of the importance of science and engineering. Representative Lipinski has introduced H.Res. 59, *Supporting the goals and ideals of the National Engineers Week*. In addition, Representative Johnson has introduced H.Con.Res. 34, *Honoring the life of Percy Lavon Julian,* a pioneering African American chemist. I would urge support of these bills.

I now recognize Mr. Hall for five minutes to present his opening remarks.

Mr. HALL. Mr. Chairman, thank you. And I will be brief. You have very ably outlined the support for this bill.

H.R. 365 will help our communities address the very daunting task of cleaning up former meth labs, as you have said, which is a major challenge for law enforcement officials around the country. For example, in my State of Texas, alone from 2001 through 2005, federal, State, and local officials made nearly 3,000 seizure at clandestine meth labs. And I am pleased to be an original co-sponsor to this bill and yield the remainder of my time to Mr. Calvert, who has worked hard, as you say, on this very important bill.

Mr. CALVERT. Thank you, Mr. Hall. I am certainly proud to join you and Chairman Gordon and Mr. Wu as the lead co-sponsors of H.R. 365, the *Methamphetamine Remediation Research Act of 2007.*

As the Chairman pointed out, I am the Co-Chairman of the Methamphetamine Caucus to the House. We have over 100 members. Those new Members here may want to join that. This is a—unfortunately, a scourge that is all over this country and affects millions of people adversely. And so I think this is a great step forward. I am certainly proud to support you in this endeavor. And we were trying to get this passed last year. We didn't succeed, but hopefully, it will succeed this year.

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

[The prepared statement of Mr. Calvert follows:]

PREPARED STATEMENT OF REPRESENTATIVE KEN CALVERT

Thank you, Mr. Hall. I am proud to join you, Chairman Gordon and Mr. Wu as the lead sponsors of H.R. 365, the *Methamphetamine Remediation Research Act of 2007.* I appreciate the Chairman bringing this very important issue to the Congress'

attention and for steering the bill quickly through the Committee at the start of the 110th Congress. I also thank the Committee's Majority and Minority staffs who have diligently worked together for the last several years to develop and revise the legislation. I am truly proud that the House Science and Technology Committee is doing its part in the fight against methamphetamine by tackling those aspects that fall within our committee's jurisdiction.

As a founder and Co-Chairman of the Congressional Caucus to Fight and Control Methamphetamine, I know the meth epidemic in our country shows no deference to district or party-line. This is an issue everyone can agree is wreaking havoc on communities across the nation. As mentioned by my colleagues, H.R. 365 focuses its efforts on the procedures and standards needed to decontaminate a site where a methamphetamine lab is found so our communities can more thoroughly remediate these sites. The creation of voluntary, health-based remediation guidelines for former meth labs, crafted by the Environmental Protection Agency, will protect and ensure the health of our citizens and the surrounding environment.

This is a distressing issue with which my area of Riverside, California and quite frankly, most of America has become all too familiar. Meth poses a significant environmental threat as its production leaves behind five to six pounds of toxic waste per pound of methamphetamine produced. The Drug Enforcement Agency estimates that more than 68 percent of all meth labs are located in ordinary homes in rural and residential areas. State and local agencies need all the resources and tools that we can provide them to remediate the contamination that remains after meth labs are dismantled so that innocent families are not endangered. Although we are all aware that more needs to be done to win the fight against this devastating drug, I am convinced H.R. 365 will be an important step and will be welcomed by our communities.

I encourage my colleagues to pass this common sense legislation. Thank you, Mr. Hall and Mr. Chairman.

Chairman GORDON. The—Representative Hooley from Oregon is recognized for five minutes.

Ms. HOOLEY. Thank you, Mr. Chair.

For those—methamphetamine started on the West Coast and moved east, unfortunately. It is an issue that I have spent a lot of time working on because of the highly addictive nature of the drug, but also because of the ease of production and the danger of chemical—toxic chemicals used to manufacture it, this is something that we absolutely need to do something about.

These toxic chemicals can cause significant property damage from residue contamination in the floors and walls of a house to fires and even explosions. Not only are the chemicals used to make meth highly flammable and toxic on their own, but it is estimated for every pound of meth produced, five to six pounds of toxic waste are produced as well. A meth addict doesn't care where these toxic chemicals end up, often dumping the waste down the drain, into the ground, leaving it to contaminate community soil or water supplies.

Oregon has been a leader in developing standards for the clean up of meth labs, setting standards for decontamination, and certifying that a property has been cleaned by a state-licensed contractor. But we need a consistent federal standard that is based on research and best practices. When the cost to clean up a small, single-family home can easily reach $15,000, we need to make sure that we are spending our money wisely by using the best possible remediation methods. This bill will help us do just that by establishing voluntary guidelines based on the best currently-available scientific knowledge for the clean up of meth labs.

Last Congress, we took great strides in the fight against methamphetamine by establishing controls on the precursor chemicals used to make meth, both domestically and internationally, but the

fight against this drug is not over, and we must ensure that our communities have the resources and information they need to clean up the toxic chemicals endangering our neighborhoods.

And I yield back the remainder of my time. Let us get this bill done.

[The prepared statement of Ms. Hooley follows:]

PREPARED STATEMENT OF REPRESENTATIVE DARLENE HOOLEY

Thank you, Mr. Chairman.

In my three decades of public service, I don't think I've ever seen a problem as pervasive or as damaging as the methamphetamine epidemic that is sweeping our country. Meth is a serious threat to public health and safety, not only because of the highly addictive nature of the drug itself and its ease of production, but also the toxic chemicals used in its manufacture that are contaminating our communities.

These toxic chemicals can cause significant property damage, from residual contamination in the floors and walls of a house, to fires and even deadly explosions.

Not only are the chemicals used to make meth highly flammable and toxic on their own, it's estimated that for every pound of meth produced, five or six pounds of toxic waste are produced as well. And a meth addict doesn't care where these toxic chemicals end up, often dumping the waste down the drain or onto the ground, leaving it to contaminate the community's soil or water supply.

Oregon has been a leader in developing standards for the cleanup of meth labs, setting standards for decontamination and certifying that a property has been cleaned by a state-licensed contractor. But we need a consistent federal standard that is based on research and best practices.

When the cost to clean up a small single family home can easily reach $15,000, we need to make sure that we are spending our money wisely by using the best possible remediation methods. This bill will help us do just that, by establishing voluntary guidelines, based on the best currently available scientific knowledge, for the clean-up of meth labs.

Last Congress we took great strides in the fight against methamphetamine by establishing controls on the precursor chemicals used to make methamphetamine, both domestically and internationally.

But the fight against this drug is not over yet and we must ensure that our communities have the resources and information they need to clean up the toxic chemicals endangering our neighborhoods.

Chairman GORDON. Without objection, all Members' opening statements will be placed in the record.

[The prepared statement of Ms. Giffords follows:]

PREPARED STATEMENT OF REPRESENTATIVE GABRIELLE GIFFORDS

Thank you, Mr. Chairman.

First, I want to take a moment to express my sincere enthusiasm to serve on the Science and Technology Committee. I feel honored and privileged to have the chance to work with Republicans and Democrats on issues of such national importance: climate change, energy independence, border security, global competitiveness.

Our response to these challenges will have profound implications for our quality of life here in the United States, and I am ready to roll up my sleeves and get to work with all of you to produce real results for the American people.

I want to make some remarks on the *Methamphetamine Remediation Research Act,* a piece of legislation that will have a tremendous impact on my district in Southern Arizona. Like most of the other Members on this committee, meth has had extremely destructive effects on communities throughout my district.

Our state attorney general has called meth the number one crime problem in Arizona, and the production and use of this drug has torn apart families and left too many children in a tragic situation.

This bill will help us properly address the horrible environmental consequences of meth and its resulting toll on law enforcement, property owners, county governments, and families.

This problem is especially acute in Arizona.

Each pound of meth produced leaves behind an estimated five to seven pounds of toxic waste.

Meth labs are seized in every county and every legislative district in Arizona. Between 2000 and 2005, there were over 1,400 meth production related seizures, and the disposal costs for gross contamination exceeded $4 million.

The impact of meth labs on children and first responders is shockingly tragic. 30 to 35 percent of meth labs seized in Arizona are residences with children, and 51 percent of injuries at meth labs happen to first responders.

This bill will go a long way towards bringing this crisis under control.

My office has been in contact with some folks in the district who are on the front lines, and they have been able to offer some expert advice on the severity of this issue.

Captain Dave Neri (Nair-ee), Commander of the Pima County/Tucson Metropolitan Counter Narcotics Alliance, stated that many of these meth labs are mobile vehicles or homes, some just abandoned on the side of the road. In these circumstances, the county is left with the remains of these toxic labs. They have to shoulder the burden of remediation and come up with the money to pay for it.

He also pointed out that several people are, without knowing it, living in properties that are former meth labs, but were never fully cleaned up. Innocent folks are getting sick because the previous owners did not remediate the property according to the State standards.

In fact, Captain Neri said, a lot of folks just hire a standard maid service to do the cleanup. It'll cost a few hundred dollars instead of a few thousand, but then the property will more likely than not remain contaminated and will sicken its residents, especially children.

The responsibility for cleanup lies with the property owners, and, in Arizona, an astoundingly high 97 percent of all properties reported are not in compliance.

A major reason for this is the high financial costs of remediation. The average cost of cleaning up one's property is about $8,000, and that's just for the contractor to clean up the contaminated property. That doesn't even include any lost rent from tenants or potential property damage.

Another expert my office spoke with was Marie Light, the Chair of the Environmental Task Force for the Meth Free Alliance in the Tucson metropolitan area. We had a chance to ask her how long the turnaround time was for some of these remediation contractors to determine the specific toxins in a meth lab. Her answer: about two weeks. Clearly, we must find a way to speed up the process.

She also mentioned that they were testing some new "swipe" technologies to make the testing process more efficient, and that's great news—we need better technology for our folks on the ground to use.

This bill before us today will have a tremendous impact on the environmental consequences of meth labs. The remediation guidelines will assist states in developing effective programs to clean up these toxic sites. And as Marie Light mentioned, the development of new, quicker methamphetamine detection technologies will go a long way towards fighting this crisis.

Thank you, Mr. Chairman, for bringing this bill before this committee. This legislation will make our communities healthier and safer places. I will enthusiastically vote for its passage.

Chairman GORDON. Does anyone else like to be heard?

Mr. BAIRD. Mr. Chairman?

Chairman GORDON. The gentleman from Oregon, Mr. Baird.

Mr. BAIRD. Well, actually from Washington, but that is all right. I look a lot like Mr. Wu. I think that is an easy mistake.

Well, I—as the founder of the Congressional Caucus to Fight and Control Methamphetamine, I just want to compliment the Chair and the staff for—and Ms. Hooley for their great work on this. This methamphetamine problem has plagued our communities, and we have got to have some standards, because we have got—I have actually had constituents, and one couple I will never forget, bought a house as an investment, their first big investment, rented it out, within two weeks, somebody had established a meth lab in that house. The house became so contaminated that their only recourse at the end, with their primary life savings investment, was to burn it down for practice for the local fire department. And it is situations like that that we must fight, and I applaud the Chairman for his leadership and yield back the balance of my time.

Chairman GORDON. I ask unanimous consent that the bill is considered as read and open amendment—open for an amendment at this point. Without objection, so ordered.

Are there any amendments? Hearing none, the vote is on the bill. All in favor, say aye. All opposed, no. In the opinion of the Chair, the ayes have it.

I now recognize Mr. Hall to offer a motion.

Mr. HALL. Mr. Chairman, I move that the Committee favorably report H.R. 365 to the House with the recommendation that the bill do pass. Furthermore, I move that the staff be instructed to prepare the legislative report and make necessary technical and conforming changes and that the Chairman take all necessary steps to bring the bill before the House for consideration.

Chairman GORDON. The question is on the motion to report the bill favorably. Those in favor of the motion will signify by saying aye. Opposed, nay. The ayes appear to have it. The resolution is favorably reported.

Without objection, the motion as reconsidered is laid on the table. I move that Members have two subsequent calendar days in which to submit supplemental minority or additional views on the measure. I move pursuant to Clause 1 of Rule 22 of the Rules of the House of Representatives that the Committee authorize the Chairman to offer such motions as may be necessary in the House to adopt and pass H.R. 365. Without objection, so ordered.

Let me thank the hard core for sticking with us through this meeting, and——

Mr. NEUGEBAUER. Mr. Chairman? Mr. Chairman? Just——

Chairman GORDON. The gentleman from Texas is recognized.

Mr. NEUGEBAUER.—one personal privilege here. I want to congratulate you on your chairmanship and also wish you a happy birthday.

Chairman GORDON. Well, thank you. This is a good way to—this is my best birthday present today. Thank you. And this concludes our Full Committee markup.

[Whereupon, at 11:20 a.m., the Committee was adjourned.]

Appendix:

COMMITTEE RULES, AMENDMENT TO COMMITTEE RULES, H.R. 365

Contents

Rule 1. General Provisions
General Statement (a)
Membership (b)
Power to Sit and Act; Subpoena Power (c)
Sensitive or Confidential Information Received Pursuant to Subpoena (d)
National Security Information (e)
Oversight (f) (g) (h)
Order of Business (i)
Suspended Procedures (j)
Other Procedures (k)
Use of Hearing Rooms (l)
Rule 2. Committee Meetings and Procedures
Quorum (a)
Time and Place (b)
Open Meetings (c) (d)
Audio and Visual Coverage (e) (f)
Special Meetings (g)
Vice Chairman to Preside in Absence of Chairman (h)
Opening Statements; 5-Minute Rule (i) (j)
Proxies (k)
Witnesses (l) (m)
Hearing Procedures (n)
Bill and Subject Matter Consideration (o)
Private Bills (p)
Consideration of Measure or Matter (q)
Requests for Written Motions (r)
Requests for Record Votes at Full Committee (s)
Postponement of Proceedings (t)
Report Language on Use of Federal Resources (u)
Committee Records (v)
Publication of Committee Hearings and Markups (w)
Committee Website (x)
Rule 3. Subcommittees
Structure and Jurisdiction (a)
Referral of Legislation (b)
Ex-Officio Members (c)
Procedures (d) (e) (f) (g)
Rule 4. Reports
Substance of Legislative Reports (a) (b)
Minority and Additional Views (c) (d)
Consideration of Subcommittee Reports (e)
Timing and Filing of Committee Reports (f) (g) (h) (i) (j) (k)
Oversight Reports (l)
Legislative and Oversight Jurisdiction of the Committee on Science and Technology
Special Oversight Functions

RULE 1. GENERAL PROVISIONS

General Statement

(a) The Rules of the House of Representatives, as applicable, shall govern the Committee and its Subcommittees, except that a motion to recess from day to day and a motion to dispense with the first reading (in full) of a bill or resolution, if printed copies are available, are privileged motions in the Committee and its Subcommittees and shall be decided without debate. The rules of the Committee, as applicable, shall be the rules of its Subcommittees. The rules of germaneness shall be enforced by the Chairman. [XI 1(a)]

Membership

(b) A majority of the majority Members of the Committee shall determine an appropriate ratio of majority to minority Members of each Subcommittee and shall authorize the Chairman to negotiate that ratio with the minority party; Provided, however, that party representation on each Subcommittee (including any ex-officio Members) shall be no less favorable to the majority party than the ratio for the Full Committee. Provided, further, that recommendations of conferees to the Speaker shall provide a ratio of majority party Members to minority party Members which shall be no less favorable to the majority party than the ratio of the Full Committee.

Power to Sit and Act; Subpoena Power

(c)(1) Notwithstanding paragraph (2), a subpoena may be authorized and issued in the conduct of any investigation or series of investigations or activities to require the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers and documents as deemed necessary, only when authorized by majority vote of the Full Committee or Subcommittee (as the case may be), a majority of the Committee or Subcommittee being present. Authorized subpoenas shall be signed only by the Chairman of the Full Committee, or by any Member designated by the Chairman. [XI 2(m)]

(2) The Chairman of the Full Committee, after consultation with the Ranking Minority Member of the Full Committee, or if the Ranking Member cannot be reached, the Ranking Minority Member of the relevant Subcommittee, may authorize and issue such subpoenas as described in paragraph (1), during any period in which the House has adjourned for a period longer than seven (7) days. [XI 2(m)(3)(A)(i)]

(3) A subpoena duces tecum may specify terms of return other than at a meeting or a hearing of the Committee.

Sensitive or Confidential Information Received Pursuant to Subpoena

(d) Unless otherwise determined by the Committee or Subcommittee, certain information received by the Committee or Subcommittee pursuant to a subpoena not made part of the record at an open hearing shall be deemed to have been received in Executive Session when the Chairman of the Full Committee, in his judgment and after consultation with the Ranking Minority Member, deems that in view of all the circumstances, such as the sensitivity of the information or the confidential nature of the information, such action is appropriate.

National Security Information

(e) All national security information bearing a classification of secret or higher which has been received by the Committee or a Subcommittee shall be deemed to have been received in Executive Session and shall be given appropriate safekeeping. The Chairman of the Full Committee may establish such regulations and procedures as in his judgment are necessary to safeguard classified information under the control of the Committee. Such procedures shall, however, ensure access to this information by any Member of the Committee, or any other Member of the House of Representatives who has requested the opportunity to review such material.

Oversight

(f) Not later than February 15 of the first session of a Congress, the Committee shall meet in open session, with a quorum present, to adopt its oversight plans for that Congress for submission to the Committee on Government Reform and the Committee on House Administration, in accordance with the provisions of clause 2(d) of Rule X of the House of Representatives.

(g) The Chairman of the Full Committee may undertake any formal investigation in the name of the Committee after consultation with the Ranking Minority Member of the Full Committee.

(h) The Chairman of any Subcommittee shall not undertake any formal investigation in the name of the Full Committee or Subcommittee without formal approval by the Chairman of the Full Committee, in consultation with other appropriate Subcommittee Chairmen, and after consultation with the Ranking Minority Member of the Full Committee. The Chairman of any Subcommittee shall also consult with the Ranking Minority Member of the Subcommittee before undertaking any investigation in the name of the Committee.

Order of Business

(i) The order of business and procedure of the Committee and the subjects of inquiries or investigations will be decided by the Chairman, subject always to an appeal to the Committee.

Suspended Proceedings

(j) During the consideration of any measure or matter, the Chairman of the Full Committee, or of any Subcommittee, or any Member acting as such, may recess the Committee at any point. Additionally, during the consideration of any measure or matter, the Chairman of the Full Committee, or of any Subcommittee shall suspend further proceedings after a question has been put to the Committee at any time when there is a vote by electronic device occurring in the House of Representatives. Suspension of proceedings after a record vote is ordered on the question of approving a measure or matter or on adopting an amendment, shall be conducted in compliance with the provisions of Rule 2(t).

Other Procedures

(k) The Chairman of the Full Committee, after consultation with the Ranking Minority Member, may establish such other procedures and take such actions as may be necessary to carry out the foregoing rules or to facilitate the effective operation of the Committee.

Use of Hearing Rooms

(l) In consultation with the Ranking Minority Member, the Chairman of the Full Committee shall establish guidelines for use of Committee hearing rooms.

RULE 2. COMMITTEE MEETINGS AND PROCEDURES

Quorum [XI 2(h)]

(a)(1) One-third of the Members of the Committee shall constitute a quorum for all purposes except as provided in paragraphs (2) and (3) of this Rule.

(2) A majority of the Members of the Committee shall constitute a quorum in order to: (A) report or table any legislation, measure, or matter; (B) close Committee meetings or hearings pursuant to Rules 2(c) and 2(d); and, (C) authorize the issuance of subpoenas pursuant to Rule 1(c).

(3) Two (2) Members of the Committee shall constitute a quorum for taking testimony and receiving evidence, which, unless waived by the Chairman of the Full Committee after consultation with the Ranking Minority Member of the Full Committee, shall include at least one (1) Member from each of the majority and minority parties.

Time and Place

(b)(1) Unless dispensed with by the Chairman, the meetings of the Committee shall be held on the 2nd and 4th Wednesdays of each month the House is in session at 10:00 a.m. and at such other times and in such places as the Chairman may designate. [XI 2(b)]

(2) The Chairman of the Committee may convene, as necessary, additional meetings of the Committee for the consideration of any bill or resolution pending before the Committee or for the conduct of other Committee business subject to such rules as the Committee may adopt. The Committee shall meet for such purpose under that call of the Chairman. [XI 2(c)]

(3) The Chairman shall make a public announcement of the date, time, place and subject matter of any of its hearings, and to the extent practicable, a list of wit-

nesses at least one (1) week before the commencement of the hearing. If the Chairman, with the concurrence of the Ranking Minority Member, determines there is good cause to begin the hearing sooner, or if the Committee so determines by majority vote, a quorum being present for the transaction of business, the Chairman shall make the announcement at the earliest possible date. Any announcement made under this Rule shall be promptly published in the *Daily Digest,* and promptly made available by electronic form, including the Committee website. [XI 2(g)(3)]

Open Meetings [xi 2(g)]

(c) Each meeting for the transaction of business, including the markup of legislation, of the Committee shall be open to the public, including to radio, television, and still photography coverage, except when the Committee, in open session and with a majority present, determines by record vote that all or part of the remainder of the meeting on that day shall be in executive session because disclosure of matters to be considered would endanger national security, would compromise sensitive law enforcement information, would tend to defame, degrade or incriminate any person or otherwise would violate any law or rule of the House. Persons other than Members of the Committee and such non-Committee Members, Delegates, Resident Commissioner, congressional staff, or departmental representatives as the Committee may authorize, may not be present at a business or markup session that is held in executive session. This Rule does not apply to open Committee hearings which are provided for by Rule 2(d).

(d)(1) Each hearing conducted by the Committee shall be open to the public including radio, television, and still photography coverage except when the Committee, in open session and with a majority present, determines by record vote that all or part of the remainder of that hearing on that day shall be closed to the public because disclosure of testimony, evidence, or other matters to be considered would endanger national security, would compromise sensitive law enforcement information, or would violate a law or rule of the House of Representatives. Notwithstanding the requirements of the preceding sentence, and Rule 2(q) a majority of those present, there being in attendance the requisite number required under the rules of the Committee to be present for the purpose of taking testimony:

(A) may vote to close the hearing for the sole purpose of discussing whether testimony or evidence to be received would endanger the national security, would compromise sensitive law enforcement information or would violate Rule XI 2(k)(5) of the Rules of the House of Representatives; or

(B) may vote to close the hearing, as provided in Rule XI 2(k)(5) of the Rules of the House of Representatives. No Member, Delegate, or Resident Commissioner may be excluded from non-participatory attendance at any hearing of any Committee or Subcommittee, unless the House of Representatives shall by majority vote authorize a particular Committee or Subcommittee, for purposes of a particular series of hearings on a particular article of legislation or on a particular subject of investigation, to close its hearings to Members, Delegate, and the Resident Commissioner by the same procedures designated in this Rule for closing hearings to the public; Provided, however, that the Committee or Subcommittee may by the same procedure, vote to close one subsequent day of the hearing.

Audio and Visual Coverage [XI, clause 4]

(e)(1) Whenever a hearing or meeting conducted by the Committee is open to the public, these proceedings shall be open to coverage by television, radio, and still photography, except as provided in Rule XI 4(f)(2) of the House of Representatives. The Chairman shall not be able to limit the number of television, or still cameras to fewer than two (2) representatives from each medium (except for legitimate space or safety considerations in which case pool coverage shall be authorized).

(2)(A) Radio and television tapes, television film, and Internet recordings of any Committee hearings or meetings that are open to the public may not be used, or made available for use, as partisan political campaign material to promote or oppose the candidacy of any person for elective public office.

(B) It is, further, the intent of this rule that the general conduct of each meeting or hearing covered under authority of this rule by audio or visual means, and the personal behavior of the Committee Members and staff, other government officials and personnel, witnesses, television, radio, and press media personnel, and the general public at the meeting or hearing, shall be in strict conformity with and observance of the acceptable standards of dignity, propriety, courtesy, and decorum traditionally observed by the House in its operations, and may not be such as to:

(i) distort the objects and purposes of the meeting or hearing or the activities of Committee Members in connection with that meeting or hearing or in connection with the general work of the Committee or of the House; or

(ii) cast discredit or dishonor on the House, the Committee, or a Member, Delegate, or Resident Commissioner or bring the House, the Committee, or a Member, Delegate, or Resident Commissioner into disrepute.

(C) The coverage of Committee meetings and hearings by audio and visual means shall be permitted and conducted only in strict conformity with the purposes, provisions, and requirements of this rule.

(f) The following shall apply to coverage of Committee meetings or hearings by audio or visual means:

(1) If audio or visual coverage of the hearing or meeting is to be presented to the public as live coverage, that coverage shall be conducted and presented without commercial sponsorship.

(2) The allocation among the television media of the positions or the number of television cameras permitted by a Committee or Subcommittee Chairman in a hearing or meeting room shall be in accordance with fair and equitable procedures devised by the Executive Committee of the Radio and Television Correspondents' Galleries.

(3) Television cameras shall be placed so as not to obstruct in any way the space between a witness giving evidence or testimony and any Member of the Committee or the visibility of that witness and that Member to each other.

(4) Television cameras shall operate from fixed positions but may not be placed in positions that obstruct unnecessarily the coverage of the hearing or meeting by the other media.

(5) Equipment necessary for coverage by the television and radio media may not be installed in, or removed from, the hearing or meeting room while the Committee is in session.

(6)(A) Except as provided in subdivision (B), floodlights, spotlights, strobelights, and flashguns may not be used in providing any method of coverage of the hearing or meeting.

(B) The television media may install additional lighting in a hearing or meeting room, without cost to the Government, in order to raise the ambient lighting level in a hearing or meeting room to the lowest level necessary to provide adequate television coverage of a hearing or meeting at the current state of the art of television coverage.

(7) In the allocation of the number of still photographers permitted by a Committee or Subcommittee Chairman in a hearing or meeting room, preference shall be given to photographers from Associated Press Photos and United Press International Newspictures. If requests are made by more of the media than will be permitted by a Committee or Subcommittee Chairman for coverage of a hearing or meeting by still photography, that coverage shall be permitted on the basis of a fair and equitable pool arrangement devised by the Standing Committee of Press Photographers.

(8) Photographers may not position themselves between the witness table and the Members of the Committee at any time during the course of a hearing or meeting.

(9) Photographers may not place themselves in positions that obstruct unnecessarily the coverage of the hearing by the other media.

(10) Personnel providing coverage by the television and radio media shall be currently accredited to the Radio and Television Correspondents' Galleries.

(11) Personnel providing coverage by still photography shall be currently accredited to the Press Photographers' Gallery.

(12) Personnel providing coverage by the television and radio media and by still photography shall conduct themselves and their coverage activities in an orderly and unobtrusive manner.

Special Meetings

(g) Rule XI 2(c) of the Rules of the House of Representatives is hereby incorporated by reference (Special Meetings).

Vice Chairman to Preside in Absence of Chairman

(h) A Member of the majority party on the Committee, or any Subcommittee, shall be designated by the Chairman of the Full Committee as the Vice Chairman of the Committee or Subcommittee, as the case may be, and shall preside during the absence of the Chairman from any meeting. If the Chairman and Vice-Chairman of the Committee or Subcommittee are not present at any meeting of the Committee

or Subcommittee, the Ranking Majority Member who is present shall preside at that meeting. [XI 2(d)]

Opening Statements; 5-Minute Rule

(i) Insofar as is practicable, the Chairman, after consultation with the Ranking Minority Member, shall limit the total time of opening statements by Members to no more than 10 minutes, the time to be divided equally between the Chairman and Ranking Minority Member. The time any one (1) Member may address the Committee on any bill, motion or other matter under consideration by the Committee or the time allowed for the questioning of a witness at hearings before the Committee will be limited to five (5) minutes, and then only when the Member has been recognized by the Chairman, except that this time limit may be waived by the Chairman or acting Chairman. [XI 2(j)]

(j) Notwithstanding Rule 2(i), upon a motion the Chairman, in consultation with the Ranking Minority Member, may designate an equal number of Members from each party to question a witness for a period not to exceed one (1) hour in the aggregate or, upon a motion, may designate staff from each party to question a witness for equal specific periods that do not exceed one (1) hour in the aggregate. [XI 2(j)]

Proxies

(k) No Member may authorize a vote by proxy with respect to any measure or matter before the Committee. [XI 2(f)]

Witnesses

(l)(1) Insofar as is practicable, each witness who is to appear before the Committee shall file no later than 24 hours in advance of his or her appearance, both a statement of the proposed testimony and a curriculum vitae in printed copy and electronic form. Each witness shall limit his or her presentation to a five (5) minute summary, provided that additional time may be granted by the Chairman when appropriate. [XI 2(g)(4)]

(2) To the greatest extent practicable, each witness appearing before the Committee shall include with the written statement of proposed testimony a disclosure of any financial interests which are relevant to the subject of his or her testimony. These include, but are not limited to, public and private research grants, stock or stock options held in publicly traded and privately owned companies, and any form of payment or compensation from any relevant entity. The source and amount of the financial interest should be included in this disclosure.

(3) Members of the Committee have two weeks from the date of a hearing to submit additional questions for the record, to be answered by witnesses who have appeared in person. The letters of transmittal and any responses thereto shall be printed in the hearing record.

(m) Whenever any hearing is conducted by the Committee on any measure or matter, the minority Members of the Committee shall be entitled, upon request to the Chairman by a majority of them before the completion of the hearing, to call witnesses selected by the minority to testify with respect to the measure or matter during at least one (1) day of hearing thereon. [XI 2(j)(1)]

Hearing Procedures

(n) Rule XI 2(k) of the Rules of the House of Representatives is hereby incorporated by reference.

Bill and Subject Matter Consideration

(o) Bills and other substantive matters may be taken up for consideration only when called by the Chairman of the Committee or by a majority vote of a quorum of the Committee, except those matters which are the subject of special-call meetings outlined in Rule 2(g). [XI 2(c)]

Private Bills

(p) No private bill will be reported by the Committee if there are two (2) or more dissenting votes. Private bills so rejected by the Committee will not be reconsidered during the same Congress unless new evidence sufficient to justify a new hearing has been presented to the Committee.

Consideration of Measure or Matter

(q)(1) It shall not be in order for the Committee to consider any new or original measure or matter unless written notice of the date, place and subject matter of consideration and to the maximum extent practicable, a written copy of the measure or matter to be considered, and to the maximum extent practicable the original text for purposes of markup of the measure to be considered have been available to each Member of the Committee for at least 48 hours in advance of consideration, excluding Saturdays, Sundays and legal holidays. To the maximum extent practicable, amendments to the measure or matter to be considered, shall be submitted in writing to the Clerk of the Committee at least 24 hours prior to the consideration of the measure or matter.

(2) Notwithstanding paragraph (1) of this rule, consideration of any legislative measure or matter by the Committee shall be in order by vote of two-thirds of the Members present, provided that a majority of the Committee is present.

Requests for Written Motions

(r) Any legislative or non-procedural motion made at a regular or special meeting of the Committee and which is entertained by the Chairman shall be presented in writing upon the demand of any Member present and a copy made available to each Member present.

Requests for Record Votes at Full Committee

(s) A record vote of the Members may be had at the request of three (3) or more Members or, in the apparent absence of a quorum, by any one (1) Member.

Postponement of Proceedings

(t) The Chairman of the Full Committee, or of any Subcommittee, is authorized to postpone further proceedings when a record vote is ordered on the question of approving a measure or matter or on adopting an amendment, and to resume proceedings on a postponed question at any time after reasonable notice. Upon resuming proceedings on a postponed question, notwithstanding any intervening order for the previous question, an underlying proposition shall remain subject to further debate or amendment to the same extent as when the question was postponed. [XI (2)(h)(4)]

Report Language on Use of Federal Resources

(u) No legislative report filed by the Committee on any measure or matter reported by the Committee shall contain language which has the effect of specifying the use of federal resources more explicitly (inclusively or exclusively) than that specified in the measure or matter as ordered reported, unless such language has been approved by the Committee during a meeting or otherwise in writing by a majority of the Members.

Committee Records

(v)(1) The Committee shall keep a complete record of all Committee action which shall include a record of the votes on any question on which a record vote is demanded. The result of each record vote shall be made available by the Committee for inspection by the public at reasonable times in the offices of the Committee. Information so available for public inspection shall include a description of the amendment, motion, order, or other proposition and the name of each Member voting for and each Member voting against such amendment, motion, order, or proposition, and the names of those Members present but not voting. [XI 2(e)]

(2) The records of the Committee at the National Archives and Records Administration shall be made available for public use in accordance with Rule VII of the Rules of the House of Representatives. The Chairman shall notify the Ranking Minority Member of any decision, pursuant to clause 3(b)(3) or clause 4(b) of the Rule, to withhold a record otherwise available, and the matter shall be presented to the Committee for a determination on the written request of any Member of the Committee. [XI 2(e)(3)]

(3) To the maximum extent feasible, the Committee shall make its publications available in electronic form, including the Committee website. [XI 2(e)(4)]

(4)(A) Except as provided for in subdivision (B), all Committee hearings, records, data, charts, and files shall be kept separate and distinct from the congressional office records of the Member serving as its Chairman. Such records shall be the prop-

erty of the House, and each Member, Delegate, and the Resident Commissioner, shall have access thereto.

(B) A Member, Delegate, or Resident Commissioner, other than Members of the Committee on Standards of Official Conduct, may not have access to the records of the Committee respecting the conduct of a Member, Delegate, Resident Commissioner, officer, or employee of the House without the specific prior permission of the Committee.

Publication of Committee Hearings and Markups

(w) The transcripts of those hearings conducted by the Committee shall be published as a substantially verbatim account of remarks actually made during the proceedings, subject only to technical, grammatical, and typographical corrections authorized by the person making the remarks involved. Transcripts of markups shall be recorded and published in the same manner as hearings before the Committee and shall be included as part of the legislative report unless waived by the Chairman. [XI 2(e)(1)(A)]

Committee Website

(x) The Chairman shall maintain an official Committee website for the purpose of furthering the Committee's legislative and oversight responsibilities, including communicating information about the Committee's activities to Committee Members and other Members of the House. The Ranking Minority Member may maintain a similar website for the same purpose, including communicating information about the activities of the minority to Committee Members and other Members of the House.

RULE 3. SUBCOMMITTEES

Structure and Jurisdiction

(a) The Committee shall have the following standing Subcommittees with the jurisdiction indicated.

(1) Subcommittee on Energy and Environment

Legislative jurisdiction and general oversight and investigative authority on all matters relating to energy research, development, and demonstration and projects therefor, commercial application of energy technology, and environmental research including:

- Department of Energy research, development, and demonstration programs;
- Department of Energy laboratories;
- Department of Energy science activities;
- energy supply activities;
- nuclear, solar and renewable energy, and other advanced energy technologies;
- uranium supply and enrichment, and Department of Energy waste management and environment, safety, and health activities as appropriate;
- fossil energy research and development;
- clean coal technology;
- energy conservation research and development;
- energy aspects of climate change;
- pipeline research, development, and demonstration projects;
- energy and environmental standards;
- energy conservation including building performance, alternate fuels for and improved efficiency of vehicles, distributed power systems, and industrial process improvements;
- Environmental Protection Agency research and development programs;
- National Oceanic and Atmospheric Administration, including all activities related to weather, weather services, climate, and the atmosphere, and marine fisheries, and oceanic research;
- risk assessment activities; and
- scientific issues related to environmental policy, including climate change.

(2) Subcommittee on Technology and Innovation

Legislative jurisdiction and general oversight and investigative authority on all matters relating to competitiveness, technology, standards, and innovation:

- standardization of weights and measures including technical standards, standardization, and conformity assessment;
- measurement, including the metric system of measurement;
- the Technology Administration of the Department of Commerce;
- the National Institute of Standards and Technology;
- the National Technical Information Service;
- competitiveness, including small business competitiveness;
- tax, antitrust, regulatory and other legal and governmental policies as they relate to technological development and commercialization;
- technology transfer including civilian use of defense technologies;
- patent and intellectual property policy;
- international technology trade;
- research, development, and demonstration activities of the Department of Transportation;
- surface and water transportation research, development, and demonstration programs;
- earthquake programs (except for NSF) and fire research programs including those related to wildfire proliferation research and prevention;
- biotechnology policy;
- research, development, demonstration, and standards related activities of the Department of Homeland Security;
- Small Business Innovation Research and Technology Transfer; and
- voting technologies and standards.

(3) Subcommittee on Research and Science Education

Legislative jurisdiction and general oversight and investigative authority on all matters relating to science policy and science education including:

- Office of Science and Technology Policy;
- all scientific research, and scientific and engineering resources (including human resources), math, science and engineering education;
- intergovernmental mechanisms for research, development, and demonstration and cross-cutting programs;
- international scientific cooperation;
- National Science Foundation, including NSF earthquake programs;
- university research policy, including infrastructure and overhead;
- university research partnerships, including those with industry;
- science scholarships;
- issues relating to computers, communications, and information technology;
- research and development relating to health, biomedical, and nutritional programs;
- to the extent appropriate, agricultural, geological, biological and life sciences research; and
- materials research, development, and demonstration and policy.

(4) Subcommittee on Space and Aeronautics

Legislative jurisdiction and general oversight and investigative authority on all matters relating to astronautical and aeronautical research and development including:

- national space policy, including access to space;
- sub-orbital access and applications;
- National Aeronautics and Space Administration and its contractor and government-operated laboratories;
- space commercialization including the commercial space activities relating to the Department of Transportation and the Department of Commerce;
- exploration and use of outer space;

- international space cooperation;
- National Space Council;
- space applications, space communications and related matters;
- Earth remote sensing policy;
- civil aviation research, development, and demonstration;
- research, development, and demonstration programs of the Federal Aviation Administration; and
- space law.

(5) Subcommittee on Investigations and Oversight

General and special investigative and oversight authority on all matters within the jurisdiction of the Committee on Science and Technology.

Referral of Legislation

(b) The Chairman shall refer all legislation and other matters referred to the Committee to the Subcommittee or Subcommittees of appropriate primary and secondary jurisdiction within two (2) weeks unless the Chairman deems consideration is to be by the Full Committee. Subcommittee Chairmen may make requests for referral of specific matters to their Subcommittee within the two (2) week period if they believe Subcommittee jurisdictions so warrant.

Ex-Officio Members

(c) The Chairman and Ranking Minority Member shall serve as ex-officio Members of all Subcommittees and shall have the right to vote and be counted as part of the quorum and ratios on all matters before the Subcommittee.

Procedures

(d) No Subcommittee shall meet for markup or approval when any other Subcommittee of the Committee or the Full Committee is meeting to consider any measure or matter for markup or approval.

(e) Each Subcommittee is authorized to meet, hold hearings, receive evidence, and report to the Committee on all matters referred to it. For matters within its jurisdiction, each Subcommittee is authorized to conduct legislative, investigative, forecasting, and general oversight hearings; to conduct inquiries into the future; and to undertake budget impact studies. Subcommittee Chairmen shall set meeting dates after consultation with the Chairman and other Subcommittee Chairmen with a view toward avoiding simultaneous scheduling of Committee and Subcommittee meetings or hearings wherever possible.

(f) Any Member of the Committee may have the privilege of sitting with any Subcommittee during its hearings or deliberations and may participate in such hearings or deliberations, but no such Member who is not a Member of the Subcommittee shall vote on any matter before such Subcommittee, except as provided in Rule 3(c).

(g) During any Subcommittee proceeding for markup or approval, a record vote may be had at the request of one (1) or more Members of that Subcommittee.

RULE 4. REPORTS

Substance of Legislative Reports

(a) The report of the Committee on a measure which has been approved by the Committee shall include the following, to be provided by the Committee:

(1) the oversight findings and recommendations required pursuant to Rule X 2(b)(1) of the Rules of the House of Representatives, separately set out and identified [XIII, 3(c)];

(2) the statement required by section 308(a) of the *Congressional Budget Act of 1974,* separately set out and identified, if the measure provides new budget authority or new or increased tax expenditures as specified in [XIII, 3(c)(2)];

(3) with respect to reports on a bill or joint resolution of a public character, a "Constitutional Authority Statement" citing the specific powers granted to Congress by the Constitution pursuant to which the bill or joint resolution is proposed to be enacted.

(4) with respect to each record vote on a motion to report any measure or matter of a public character, and on any amendment offered to the measure or matter, the total number of votes cast for and against, and the names of those Members voting

for and against, shall be included in the Committee report on the measure or matter;

(5) the estimate and comparison prepared by the Committee under Rule XIII, clause 3(d)(2) of the Rules of the House of Representatives, unless the estimate and comparison prepared by the Director of the Congressional Budget Office prepared under subparagraph 2 of this Rule has been timely submitted prior to the filing of the report and included in the report [XIII, 3(d)(3)(D)];

(6) in the case of a bill or joint resolution which repeals or amends any statute or part thereof, the text of the statute or part thereof which is proposed to be repealed, and a comparative print of that part of the bill or joint resolution making the amendment and of the statute or part thereof proposed to be amended [Rule XIII, clause 3];

(7) a transcript of the markup of the measure or matter unless waived under Rule 2(v); and,

(8) a statement of general performance goals and objectives, including outcome-related goals and objectives, for which the measure authorizes funding. [XIII, 3(c)]

(b) The report of the Committee on a measure which has been approved by the Committee shall further include the following, to be provided by sources other than the Committee:

(1) the estimate and comparison prepared by the Director of the Congressional Budget Office required under section 403 of the Congressional Budget Act of 1974, separately set out and identified, whenever the Director (if timely, and submitted prior to the filing of the report) has submitted such estimate and comparison of the Committee [XIII, clauses 2–4];

(2) if the Committee has not received prior to the filing of the report the material required under paragraph (1) of this Rule, then it shall include a statement to that effect in the report on the measure.

Minority and Additional Views [XI 2(l)]

(c) If, at the time of approval of any measure or matter by the Committee, any Member of the Committee gives notice of intention to file supplemental, minority, or additional views, that Member shall be entitled to not less than two (2) subsequent calendar days after the day of such notice (excluding Saturdays, Sundays, and legal holidays) in which to file such views, in writing and signed by that Member, with the clerk of the Committee. All such views so filed by one (1) or more Members of the Committee shall be included within, and shall be a part of, the report filed by the Committee with respect to that measure or matter. The report of the Committee upon that measure or matter shall be printed in a single volume which shall include all supplemental, minority, or additional views, which have been submitted by the time of the filing of the report, and shall bear upon its cover a recital that any such supplemental, minority, or additional views (and any material submitted under Rule 4(b)(1)) are included as part of the report. However, this rule does not preclude (1) the immediate filing or printing of a Committee report unless timely request for the opportunity to file supplemental, minority, or additional views has been made as provided by this Rule or (2) the filing by the Committee of any supplemental report upon any measure or matter which may be required for the correction of any technical error in a previous report made by that Committee upon that measure or matter.

(d) The Chairman of the Committee or Subcommittee, as appropriate, shall advise Members of the day and hour when the time for submitting views relative to any given report elapses. No supplemental, minority, or additional views shall be accepted for inclusion in the report if submitted after the announced time has elapsed unless the Chairman of the Committee or Subcommittee, as appropriate, decides to extend the time for submission of views beyond the two (2) subsequent calendar days after the day of notice, in which case he shall communicate such fact to Members, including the revised day and hour for submissions to be received, without delay.

Consideration of Subcommittee Reports

(e) After ordering a measure or matter reported, a Subcommittee shall issue a Subcommittee report in such form as the Chairman shall specify. Reports and recommendations of a Subcommittee shall not be considered by the Full Committee until after the intervention of 48 hours, excluding Saturdays, Sundays and legal holidays, from the time the report is submitted and made available to full Committee membership and printed hearings thereon shall be made available, if feasible, to the Members, except that this rule may be waived at the discretion of the Chairman after consultation with the Ranking Minority Member.

Timing and Filing of Committee Reports [XIII]

(f) It shall be the duty of the Chairman to report or cause to be reported promptly to the House any measure approved by the Committee and to take or cause to be taken the necessary steps to bring the matter to a vote. To the maximum extent practicable, the written report of the Committee on such measures shall be made available to the Committee membership for review at least 24 hours in advance of filing.

(g) The report of the Committee on a measure which has been approved by the Committee shall be filed within seven (7) calendar days (exclusive of days on which the House is not in session) after the day on which there has been filed with the clerk of the Committee a written request, signed by the majority of the Members of the Committee, for the reporting of that measure. Upon the filing of any such request, the clerk of the Committee shall transmit immediately to the Chairman of the Committee notice of the filing of that request.

(h)(1) Any document published by the Committee as a House Report, other than a report of the Committee on a measure which has been approved by the Committee, shall be approved by the Committee at a meeting, and Members shall have the same opportunity to submit views as provided for in Rule 4(c).

(2) Subject to paragraphs (3) and (4), the Chairman may approve the publication of any document as a Committee print which in his discretion he determines to be useful for the information of the Committee.

(3) Any document to be published as a Committee print which purports to express the views, findings, conclusions, or recommendations of the Committee or any of its Subcommittees must be approved by the Full Committee or its Subcommittees, as applicable, in a meeting or otherwise in writing by a majority of the Members, and such Members shall have the right to submit supplemental, minority, or additional views for inclusion in the print within at least 48 hours after such approval.

(4) Any document to be published as a Committee print other than a document described in paragraph (3) of this Rule: (A) shall include on its cover the following statement: "This document has been printed for informational purposes only and does not represent either findings or recommendations adopted by this Committee;" and (B) shall not be published following the sine die adjournment of a Congress, unless approved by the Chairman of the Full Committee after consultation with the Ranking Minority Member of the Full Committee.

(i) A report of an investigation or study conducted jointly by this Committee and one (1) or more other Committee(s) may be filed jointly, provided that each of the Committees complies independently with all requirements for approval and filing of the report.

(j) After an adjournment of the last regular session of a Congress sine die, an investigative or oversight report approved by the Committee may be filed with the Clerk at any time, provided that if a Member gives notice at the time of approval of intention to file supplemental, minority, or additional views, that Member shall be entitled to not less than seven (7) calendar days in which to submit such views for inclusion with the report.

(k) After an adjournment sine die of the last regular session of a Congress, the Chairman may file the Committee's Activity Report for that Congress under clause 1(d)(1) of Rules XI of the Rules of the House with the Clerk of the House at anytime and without the approval of the Committee, provided that a copy of the report has been available to each Member of the Committee for at least seven (7) calendar days and that the report includes any supplemental, minority, or additional views submitted by a Member of the Committee. [XI 1(d), XI 1(d)(4)]

Oversight Reports

(l) A proposed investigative or oversight report shall be considered as read if it has been available to the Members of the Committee for at least 24 hours (excluding Saturdays, Sundays, or legal holidays except when the House is in session on such day). [XI 1(b)(2)]

LEGISLATIVE AND OVERSIGHT JURISDICTION OF THE COMMITTEE ON SCIENCE AND TECHNOLOGY

"Rule X. Organization of Committees.

"Committees and their legislative jurisdictions.

"1. There shall be in the House the following standing Committees, each of which shall have the jurisdiction and related functions assigned to it by this clause and clauses 2, 3, and 4. All bills, resolutions, and other matters relating to subjects within the jurisdiction of the standing Committees listed in this clause shall be referred to those Committees, in accordance with clause 2 of rule XII, as follows:

* * * * * * *

"o) Committee on Science and Technology.

"(1) All energy research, development, and demonstration, and projects therefor, and all federally owned or operated non-military energy laboratories.

"(2) Astronautical research and development, including resources, personnel, equipment, and facilities.

"(3) Civil aviation research and development.

"(4) Environmental research and development.

"(5) Marine research.

"(6) Commercial application of energy technology.

"(7) National Institute of Standards and Technology, standardization of weights and measures and the metric system.

"(8) National Aeronautics and Space Administration.

"(9) National Space Council.

"(10) National Science Foundation.

"(11) National Weather Service.

"(12) Outer space, including exploration and control thereof.

"(13) Science Scholarships.

"(14) Scientific research, development, and demonstration, and projects therefor.

* * * * * * *

"SPECIAL OVERSIGHT FUNCTIONS

"3.(k) The Committee on Science and Technology shall review and study on a continuing basis laws, programs, and Government activities relating to non-military research and development."

Originally Proposed Rule 1(c)

Power to Sit and Act; Subpoena Power

(c)(1) Notwithstanding paragraph (2), a subpoena may be authorized and issued by the Committee in the conduct of any investigation or series of investigations or activities to require the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers and documents as deemed necessary, only when authorized by the Chairman of the Full Committee with the concurrence of the Ranking Minority Member of the Full Committee. Should the Ranking Minority Member not concur with the authorization of the subpoena, the Committee may authorize a subpoena by majority vote of the Full Committee, a majority of the Committee being present. Authorized subpoenas shall be signed only by the Chairman, or by any member designated by the Chairman. [XI 2(m)]

(2) The Chairman of the Full Committee, after consultation with the Ranking Minority Member of the Full Committee, may authorize and issue such subpoenas as described in paragraph (1), during any period in which the House has adjourned for a period longer than seven (7) days. [XI 2(m)(3)(A)(i)]

AMENDMENT TO COMMITTEE RULES

Amend Rule 1(c) by substituting the following language:

"Power to Sit and Act; Subpoena Power

(c)(1) Notwithstanding paragraph (2), a subpoena may be authorized and issued in the conduct of any investigation or series of investigations or activities to require the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers and documents as deemed necessary, only when authorized by majority vote of the Full Committee or Subcommittee (as the case may be), a majority of the Committee or Subcommittee being present. Authorized subpoenas shall be signed only by the Chairman of the Full Committee, or by any member designated by the Chairman. [XI 2(m)]

(2) The Chairman of the Full Committee, after consultation with the Ranking Minority Member of the Full Committee, or if the Ranking Member cannot be reached, the Ranking Minority Member of the relevant Subcommittee, may authorize and issue such subpoenas as described in paragraph (1), during any period in which the House has adjourned for a period longer than seven (7) days. [XI 2(m)(3)(A)(i)]

(3) A subpoena duces tecum may specify terms of return other than at a meeting or a hearing of the Committee."

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110TH CONGRESS
1ST SESSION

H. R. 365

To provide for a research program for remediation of closed methamphetamine production laboratories, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 10, 2007

Mr. GORDON of Tennessee (for himself, Mr. HALL of Texas, Mr. WU, and Mr. CALVERT) introduced the following bill; which was referred to the Committee on Science and Technology

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A BILL

To provide for a research program for remediation of closed methamphetamine production laboratories, and for other purposes.

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 "Methamphetamine Remediation Research Act of 2007".

SEC. 2. FINDINGS.

The Congress finds the following:

(1) Methamphetamine use and production is growing rapidly throughout the United States.

(2) Materials and residues remaining from the production of methamphetamine pose novel environmental problems in locations where methamphetamine laboratories have been closed.

(3) There has been little standardization of measures for determining when the site of a closed methamphetamine laboratory has been successfully remediated.

(4) Initial cleanup actions are generally limited to removal of hazardous substances and contaminated materials that pose an immediate threat to public health or the environment. It is not uncommon for significant levels of contamination to be found throughout residential structures after a methamphetamine laboratory has closed, partially because of a lack of knowledge of how to achieve an effective cleanup.

(5) Data on methamphetamine laboratory-related contaminants of concern are very limited, and cleanup standards do not currently exist. In addition, procedures for sampling and analysis of contaminants need to be researched and developed.

(6) Many States are struggling with establishing remediation guidelines and programs to ad-

dress the rapidly expanding number of methamphetamine laboratories being closed each year.

SEC. 3. VOLUNTARY GUIDELINES.

(a) ESTABLISHMENT OF VOLUNTARY GUIDELINES.—Not later than one year after the date of enactment of this Act, the Administrator of the Environmental Protection Agency (in this Act referred to as the "Administrator"), in consultation with the National Institute of Standards and Technology, shall establish voluntary guidelines, based on the best currently available scientific knowledge, for the remediation of former methamphetamine laboratories, including guidelines regarding preliminary site assessment and the remediation of residual contaminants.

(b) CONSIDERATIONS.—In developing the voluntary guidelines under subsection (a), the Administrator shall consider, at a minimum—

(1) relevant standards, guidelines, and requirements found in Federal, State, and local laws and regulations;

(2) the varying types and locations of former methamphetamine laboratories; and

(3) the expected cost of carrying out any proposed guidelines.

1 (c) STATES.—The voluntary guidelines should be de-
2 signed to assist State and local governments in the devel-
3 opment and the implementation of legislation and other
4 policies to apply state-of-the-art knowledge and research
5 results to the remediation of former methamphetamine
6 laboratories. The Administrator shall work with State and
7 local governments and other relevant non-Federal agencies
8 and organizations, including through the conference de-
9 scribed in section 5, to promote and encourage the appro-
10 priate adoption of the voluntary guidelines.

11 (d) UPDATING THE GUIDELINES.—The Adminis-
12 trator shall periodically update the voluntary guidelines as
13 the Administrator, in consultation with States and other
14 interested parties, determines to be necessary and appro-
15 priate to incorporate research findings and other new
16 knowledge.

17 **SEC. 4. RESEARCH PROGRAM.**

18 The Administrator shall establish a program of re-
19 search to support the development and revision of the vol-
20 untary guidelines described in section 3. Such research
21 shall—

22 (1) identify methamphetamine laboratory-re-
23 lated chemicals of concern;

24 (2) assess the types and levels of exposure to
25 chemicals of concern identified under paragraph (1),

including routine and accidental exposures, that may present a significant risk of adverse biological effects, and the research necessary to better address biological effects and to minimize adverse human exposures;

(3) evaluate the performance of various methamphetamine laboratory cleanup and remediation techniques; and

(4) support other research priorities identified by the Administrator in consultation with States and other interested parties.

SEC. 5. TECHNOLOGY TRANSFER CONFERENCE.

(a) CONFERENCE.—Not later than 90 days after the date of enactment of this Act, and at least every third year thereafter, the Administrator shall convene a conference of appropriate State agencies, as well as individuals or organizations involved in research and other activities directly related to the environmental, or biological impacts of former methamphetamine laboratories. The conference should be a forum for the Administrator to provide information on the guidelines developed under section 3 and on the latest findings from the research program described in section 4, and for the non-Federal participants to provide information on the problems and needs of

States and localities and their experience with guidelines developed under section 3.

(b) REPORT.—Not later than 3 months after each conference, the Administrator shall submit a report to the Congress that summarizes the proceedings of the conference, including a summary of any recommendations or concerns raised by the non-Federal participants and how the Administrator intends to respond to them. The report shall also be made widely available to the general public.

SEC. 6. RESIDUAL EFFECTS STUDY.

(a) STUDY.—Not later than 6 months after the date of enactment of this Act, the Administrator shall enter into an arrangement with the National Academy of Sciences for a study of the status and quality of research on the residual effects of methamphetamine laboratories. The study shall identify research gaps and recommend an agenda for the research program described in section 4. The study shall pay particular attention to the need for research on the impacts of methamphetamine laboratories on—

(1) the residents of buildings where such laboratories are, or were, located, with particular emphasis given to biological impacts on children; and

(2) first responders.

(b) REPORT.—Not later than 3 months after the completion of the study, the Administrator shall transmit to Congress a report on how the Administrator will use the results of the study to carry out the activities described in sections 3 and 4.

SEC. 7. METHAMPHETAMINE DETECTION RESEARCH AND DEVELOPMENT PROGRAM.

The Director of National Institute of Standards and Technology, in consultation with the Administrator, shall support a research program to develop—

(1) new methamphetamine detection technologies, with emphasis on field test kits and site detection; and

(2) appropriate standard reference materials and validation procedures for methamphetamine detection testing.

SEC. 8. SAVINGS CLAUSE.

Nothing in this Act shall be construed to affect or limit the application of, or any obligation to comply with, any State or Federal environmental law or regulation, including the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) and the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.).

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

(a) ENVIRONMENTAL PROTECTION AGENCY.—There are authorized to be appropriated to the Environmental Protection Agency to carry out this Act $1,750,000 for each of the fiscal years 2007 and 2008.

(b) NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY.—There are authorized to be appropriated to the National Institute of Standards and Technology to carry out this Act $750,000 for each of the fiscal years 2007 and 2008.

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