McHugh
McIntyre
Meek (FL)
Metcalf
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Neal
Nethercutt
Northup
Norwood
Nussle
Olver
Ose
Oxley
Packard
Pastor
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Ramstad
Regula
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Ryan (WI)
Ryun (KS)
Salmon
Sandlin
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Smith (MI)
Smith (TX)
Snyder
Spence
Spratt
Stearns
Stenholm
Stump
Sununu
Sweeney
Tancredo
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Toomey
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watt (NC)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson
Wolf
Wynn
Young (AK)
Young (FL)

NOES—167

Abercrombie
Allen
Andrews
Archer
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett (WI)
Barton
Becerra
Bentsen
Berkley
Berman
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Brown (OH)
Capps
Capuano
Cardin
Carson
Clay
Condit
Conyers
Coyne
Crowley
Cummings
Danner
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Dixon
Doggett
Dooley
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Filner
Forbes
Ford
Frank (MA)
Frost
Gephardt
Gibbons
Gonzalez
Green (TX)
Gutierrez
Hall (OH)
Hinchey
Hinojosa
Hoeffel
Holt
Hooley
Hoyer
Inslee
Jackson (IL)
Johnson, E.B.
Jones (OH)
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kleczka
Kucinich
Kuykendall
LaFalce
Lampson
Lantos
Larson
LaTourette
Lee
Levin
Lewis (GA)
Lofgren
Luther
Maloney (NY)
Markey
Matsui
McCarthy (MO)
McGovern
McInnis
McIntosh
McKeon
McKinney
McNulty
Meehan
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Nadler
Napolitano
Ney
Oberstar
Obey
Ortiz
Owens
Pascrell
Paul
Payne
Pease
Pelosi
Peterson (MN)
Pomeroy
Radanovich
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Sabo
Sanchez
Sanders
Sawyer
Scott
Serrano
Shays
Sherman
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Souder
Stabenow
Stark
Strickland
Stupak
Talent
Tauscher
Thompson (CA)
Tierney
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Velazquez
Vento
Visclosky
Waxman
Weiner
Weygand
Wise
Woolsey
Wu

NOT VOTING—15

Ackerman
Boyd
Crane
Greenwood
Herger
Hill (IN)
Jackson-Lee (TX)
Lowey
McDermott
Pallone
Royce
Rush
Schakowsky
Shaw
Waters

□ 1453

Mrs. MALONEY changed her vote from ''aye'' to ''no.''

So the Senate bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. SHAW. Madam Speaker, on rollcall No. 63, I was on the floor and voted "yes". The electronic machine did not record that I had voted.

□

GENERAL LEAVE

Mr. UPTON. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks, and to insert extraneous material on S. 1287, the Senate bill just passed.

The SPEAKER pro tempore (Mrs. EMERSON). Is there objection to the request of the gentleman from Michigan?

There was no objection.

□

OIL PRICE REDUCTION ACT OF 2000

Mr. DIAZ-BALART. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 445 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 445

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 3822) to reduce, suspend, or terminate any assistance under the Foreign Assistance Act of 1961 and the Arms Export Control Act to each country determined by the President to be engaged in oil price fixing to the detriment of the United States economy, and for other purposes. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on International Relations. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on International Relations now printed in the bill, modified by striking subsection 6(c). Each section of that amendment in the nature of a substitute shall be considered as read. No amendment to that amendment in the nature of a substitute shall be in order except those printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII and except pro forma amendments for the purpose of debate. Each amendment so printed may be offered only by the Member who caused it to be printed or his designee and shall be considered as read. The Chairman of the Committee of the Whole may: (1) Postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be 15 minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the amendment in the nature of a substitute made in order as original text. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

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

Mr. DIAZ-BALART. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Texas (Mr. FROST); pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 445 is a modified open rule providing for the consideration of H.R. 3822, the Oil Price Reduction Act 2000. The rule makes in order the Committee on International Relations amendment in the nature of a substitute now printed in the bill as an original bill for the purpose of amendment, modified by striking section 6(c).

The rule provides for 1 hour of general debate equally divided between the chairman and the ranking minority member of the Committee on International Relations.

Further, the rule provides the bill shall be open for amendment by section, and makes in order only those amendments preprinted in the CONGRESSIONAL RECORD, to be offered only by the Member who caused it to be printed or his designee, and each amendment shall be considered as read.

In addition, the rule allows the Chairman of the Committee of the Whole to postpone votes during consideration of the bill and to reduce voting time to 5 minutes on votes following a 15-minute vote.

Finally, Mr. Speaker, the rule provides for one motion to recommit with or without instructions.

Last Thursday an announcement was made advising Members of the preprinting requirements for amendments, and I believe that House Resolution 445 is a fair approach in order to provide a forum in which to debate the current situation regarding the rising price of oil and its causes. Because the bill is narrowly tailored and deals only with foreign and not domestic oil, it is important all Members have the opportunity to review amendments prior to their being offered in order to ensure that they are germane.

I am sure all of us have been bothered, Mr. Speaker, by the high price of

fuel when we have gone to the pump to fill our automobile tanks in the past few weeks, and especially we have been disturbed to see the effect these oil price increases are having on low-income Americans and people trying to live within a family budget each week.

Clearly, oil prices have almost tripled in the past year, and yet the administration failed to respond strongly enough to the OPEC production costs at the time of their institution. The Oil Price Reduction Act provides that it shall be the policy of the United States to consider the extent to which major net oil exporting countries engage in oil price-fixing to be an important determinant in the overall political, economic, and security relationship between these countries. It also provides that it shall be the policy of the United States to work multilaterally with other nations that are major oil importers to bring about the complete dismantlement of oil price-fixing arrangements.

□ 1500

In addition, the bill requires the President to report to Congress on the overall academic and security relationship between the United States and major oil exporting countries, and also how coordination among these countries with respect to oil production and pricing has affected the U.S. economy in global energy supplies; all the assistance programs under the 1961 Foreign Assistance Act and the 1975 Arms Export Control Act that are provided to oil-producing countries and which countries are engaged in oil price-fixing that harms the U.S. economy.

Further, the bill requires the President after he submits his report to undertake a diplomatic campaign to attempt to persuade any country engaged in price-fixing that the current oil price levels are simply unsustainable and that they will negatively affect global economic growth rates in oil-consuming, as well as developing countries.

The gentleman from New York (Mr. GILMAN) of the Committee on International Relations introduced the Oil Price Reduction Act in response to concerns about rapidly rising oil prices and the role that the intentional increase in oil-producing OPEC countries may have played in this price increase, excessive price increase.

This is an important first step, Mr. Speaker. Passing this bill today will send a message to the international community prior to Energy Secretary Richardson's meeting next week with OPEC members, that the Congress of the United States is serious about finding solutions to the problem of excessive fuel prices.

I urge my colleagues to support the rule as well as to support the underlying legislation.

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

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

Mr. Speaker, the do-nothing Republican Congress has a plan for the run-up in gas prices: do nothing. That is right. For over 5 years, the Republican Congress has done nothing about energy.

In the midst of runaway gas prices, the Republicans, apparently, do not want to do anything that might either in the short term or over the long term help American consumers or might have the effect of ensuring the national security of this great country of ours.

Mr. Speaker, case in point: this rule and this bill do nothing, except perhaps allow the Republican majority to bluster and play bipartisan blame games. When the prices at the pump have reached a $1.60 and higher, the Republican leaderships rush to a gas station for a photo-op. Perhaps, my Republican colleagues think that casting aspersions on the Clinton administration in front of a gas pump will magically make the price of gasoline drop, because as far as I can see, press releases are all they are offering as a solution to the current dilemma.

If the Republican majority really wanted to help American customers instead of taking partisan pot shots, the Committee on Rules would have crafted a rule that would allowed the House to consider some common sense and substantive amendments proposed by Democratic Members of this body.

The Committee on Rules last night voted to deny the House the right to consider legislation which would extend the President's authority to use a Strategic Petroleum Reserve to respond to rising gasoline prices and heating oil shortages.

The Committee on Rules Republicans voted to deny the House the opportunity to respond to the President's request that we create a Northeast storage facility for home heating oil.

The Committee on Rules voted on a straight party line vote against an amendment that would have diverted domestic oil sales from Japan to the West Coast where gas prices are soaring to $2.50 a gallon and more.

The Republicans on the Committee on Rules voted against an amendment providing for tax incentives to stabilize the domestic oil industry.

Mr. Speaker, that the Committee on Rules Republican majority should vote to deny the House the right to consider amendments that might actually address the problem does not surprise me in the least. Since the Republicans took over this body 5 years ago, they have slashed funding for energy conservation programs by 62 percent. They have cut weatherization programs and have tried time and time again to eliminate the Low Income Housing Assistance Program, which is a lifeline for so many people in the Northeast in the winter months.

But what is really unbelievable, Mr. Speaker, is the lack of action on legislation to reauthorize the Strategic Petroleum Reserve. In the midst of rising oil prices, the Republican majority has blithely ignored a tool the President can use to help ease oil prices in this country if production limits are not increased after OPEC meets next week.

The Strategic Petroleum Reserve was created to protect our national security and our economy from foreign price and supply problems, but the Republican majority would rather blame the President for rising gas prices than give him the authority he needs to take remedial action.

But what makes this whole exercise laughable, Mr. Speaker, is the fact that last night the Republican Members of the Committee on Rules did vote to accept an amendment to the rule. My colleague, the gentleman from Texas (Mr. SESSIONS), offered a substitute to the rule which deleted the only section of H.R. 3822 which even appeared to be decisive.

That section would have allowed the President to terminate foreign assistance, both economic and military, to any country engaging in oil price-fixing. The bill would not have required the President to do so, of course, but my Republican colleagues decided it was in their best interests to defang the already nearly toothless tiger that they had tottered out of the Committee on International Relations.

This bill is a joke, Mr. Speaker. The Republican response to rising gas prices is laughable; but unfortunately, I do not think many Americans are laughing.

Mr. Speaker, I intend to oppose the previous question on this rule. I would hope that every Member of this body is concerned about the failure of the Republican majority to face this situation squarely and forthrightly. And I hope that all of those Members will join me in voting no on the previous question so that the House might consider another substitute rule.

My rule would allow the House to consider the common sense and practical amendments that were offered last night at the Committee on Rules but which were summarily denied consideration.

I urge my colleagues to vote no on the previous question to allow real solutions to a real problem.

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

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

Mr. Speaker, I think it has become evident that one thing that is never in short supply on the other side of the aisle is partisanship. We are trying to get something serious done here today.

Mr. Speaker, I yield such time as he may consume to the gentleman from Florida (Mr. GOSS), my distinguished colleague on the Committee on Rules.

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

Mr. GOSS. Mr. Speaker, I thank my distinguished colleague and friend, the gentleman from Florida (Mr. DIAZ-BALART) from the Committee on Rules,

for yielding me this time. I rise, obviously, in support of this very good rule and the underlying bill.

Remembering the subject of the bill, I think that we have a good rule. It does not cover every possible problem we have with energy. But for the subject on the floor, it is an appropriate rule for the aspect of energy we are here to discuss.

Frankly, we should not be here on this issue today. But we are here as a result of an ineffectual Clinton-Gore energy policy which has been very heavy on photo-ops, very heavy on grandstanding and very, very light in substance and has resulted in increased prices of gas at the service station for virtually every American.

As the Energy Secretary's own point man freely admits, since March of 1998, in testimony before one of our committees here when they were expressing concern about this, OPEC has instituted three tiers of production cuts, three. Three times this has happened. None of these cuts were met with any resistance from the Clinton-Gore team at that time. And only now is Secretary Richardson, who has publicly stated that he was asleep at the switch on this, only now is he trying to play catch-up with our friends in the Middle East and elsewhere.

I wonder if Secretary Richardson knows how to leverage our awesome bargaining power with the Saudis, the Mexicans, the Venezuelans, and our other friendly oil producers in the world. After all, what have we done for the Saudis or the Mexicans lately?

Mr. Speaker, it does not make much sense to the folks that I talk to in the town meetings and at the gas stations and out about in my district back home that it is our friends that are responsible for the historic increases at the pumps, that is the oil-producing nations.

People in my district get even more agitated when I tell them that we are not going to be able to expect a tough executive branch response. We have not seen one for 2 years. While this has been happening, the Clinton-Gore administration has not been taking effective action.

Managing our energy portfolio is appropriately an executive branch function. There is no congressional function that says we are in charge of the energy branch portfolio. I know President Clinton is busy in India today doing business for the United States of America, and I know Vice President GORE is focused on other matters. But I also know that Americans are at the gas station looking for lower gas prices, and they deserve them.

The legislation of the gentleman from New York (Mr. GILMAN) today is simply an attempt to prod the Clinton-Gore team into action on a matter of concern to most Americans. While that should not be necessary, I am hopeful that this effort will send a strong message to OPEC that when it comes to protecting Americans from arbitrary and unfair price hikes, not all branches of this Government are asleep at the wheel. In other words, this is a wake-up call.

Mr. FROST. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan (Mr. DINGELL).

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

Mr. DINGELL. Mr. Speaker, this is a day when we appear to be quite determined to dress up nothing in a lot of finery and call it legislation.

This is a piece of legislation which will do little or nothing. I intend to offer an amendment to it at the appropriate time which I hope will address some of the concerns that are held by most Americans, and that is an amendment which will extend the President's authority under EPCA, which will expire on the 31st of March, to operate and draw down as needed the strategic petroleum reserve.

This is perhaps the only tool now readily available to the United States to address the problems of perturbations in the energy market and to see to it that we are able to calm a market which is subject to both overheating and enormous swings in the level of price. I hope my colleagues will support that amendment at the time that I do so.

I would simply observe something which I think that this body should listen to. This is a letter from the executive office of the President, and I am reading the last paragraph:

> The administration also calls on the Congress to immediately reauthorize the strategic petroleum reserve and the international energy program at the Department of Energy. This is necessary to ensure that the President maintains the ability to use all available tools to respond to the needs of the U.S. economy. Further, in order to reduce the likelihood that future heating oil shortages will harm consumers, the administration also calls on Congress to authorize the creation of a home heating oil reserve in the Northeast with an appropriate trigger that could supply additional heating oil to market in the event of a supply shortage.

I urge my colleagues to support these amendments and to recognize that, without these kinds of authorities, the President's ability to negotiate with foreign countries, particularly the energy-producing countries of OPEC and similar bodies, will be virtually nonexistent. Because, without these, his capacity to compel behavior by those countries or to ensure that there will be appropriate negotiations or that the negotiations will be backed up by the apparent ability of the United States to address the problems of supply and price.

So I urge that these amendments be adopted. We consider perfecting this legislation and we pass legislation that, in fact, will accomplish something which will have merit and meaning and be of value to this country and something which will do credit to this body. I yield back the balance of my time.

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

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

Mr. DREIER. Mr. Speaker, I rise in strong support of this rule. It is a modified open rule. The only reason it is modified is that we have a preprinting requirement, meaning that we will allow every Member to have an opportunity to see amendments that are printed in the RECORD. It is an open amendment, and for that reason I believe this deserves strong bipartisan support.

Now, I will tell my colleagues that I am not one who regularly comes down here and enjoys pointing the finger of blame. But as I listen to my friend, the gentleman from Dallas, Texas (Mr. FROST), blame the increase in oil prices on the Republican Congress and the lack of action over the last 5 years, I have got to say that it has really happened for a couple of reasons which are unfortunate. We want to deal with them in a bipartisan way. But since the finger of blame has been pointed, I think that we need to responsibly look at exactly who really is responsible here. And that is the Clinton-Gore administration.

□ 1515

They have categorically failed the international leadership effort that was needed to convince our OPEC trading partners to stop their destabilizing action. I remember going back to the early part of what we now have to refer to, the 1990s, as the last decade, the early 1990s when we saw President George Bush put together this amazing 28–Nation coalition which allowed us to liberate the people of Kuwait from Saddam Hussein. We have obviously seen a failure of leadership when it comes to dealing with countries in that region. This foreign policy is very, very unfortunate and I believe has played a big role in getting us to where we are.

I come from Southern California. I suspect that most people have heard of the Los Angeles area. We have a freeway system out there, great distances that we travel and gasoline is very expensive. I do not like seeing the prices increase myself or for the people whom I am honored to represent here. I think we need to do something about that. The blame that my friend from Dallas was trying to place on the shoulders of the Republican majority has actually been shouldered, I think responsibly, shouldered by the Secretary of Energy who said it is obvious that we were not prepared. It seems to me that the fact that Secretary Richardson courageously stood forward and basically indicated that they were asleep at the

switch on this is something that I congratulate him for taking the responsibility but they have taken the responsibility. So do not try to point the fingers at those of us here in this Republican Congress.

The Vice President, as was said by my friend from Sanibel, is obviously engaged in a very vigorous campaign to succeed Mr. Clinton but if you go back to his book ''Earth in the Balance,'' he made it clear he cannot be too unhappy with what has been taking place here. He said, ''Higher taxes on fossil fuels is one of the first logical steps in changing our policies in a manner consistent with a more responsible approach to the environment.''

I will say this, that I hope very much as our former colleague and very good friend Secretary Richardson prepares to meet with OPEC members, it is important that we here in the Congress send a message to the international community that oil price-fixing and other anti-free market practices that are detrimental to global economic growth and obviously very dangerous to the economic stability of developing nations around the world, that we address that.

The gentleman from New York (Mr. GILMAN) has come forward with responsible legislation. It is basically an open rule, a modified open rule. We should have it carry through with again strong bipartisan support. I believe the legislation should get that, too, to strengthen the administration as they move forward to try and address this problem.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from Connecticut (Mr. GEJDENSON).

Mr. GEJDENSON. Mr. Speaker, what is hard to figure out is whether we should be happy that the majority Republicans want to do nothing and are succeeding because it seems if they try to do something, it would either be inconsequential or bad for the country. But it is clear whether we look at prescription drugs, whether we look at a patients' bill of rights, rational gun laws, education or energy, that there is a concerted effort to take no reasonable action. For 6 years, no effort on increasing the efficiency of automobiles. We cannot in the midst of this crisis get the majority to reauthorize the Strategic Petroleum Reserve. A few years ago, they wanted to dismantle it. Even in the midst of this crisis, they cannot get themselves together to bring a bill to the floor, and the rule prohibits us frankly from dealing with reestablishing the Strategic Petroleum Reserve.

So what are we doing here? Well, we are going to ask the President to study the matter, and when he finishes studying the matter, we want him to report to us and we want him to take strong, united, diplomatic action. Pick up the phone. Pick up the phone and call the White House. Frankly, they are doing diplomatic action. I do not think a lot of what they have done is enough. But for God's sakes, this Congress coming here with this bill today is an embarrassment. Why? You are against conservation, you are against alternative energy, you are against providing even the incentives for oil research and going after some of the small producing wells. You come here with a letter to the President of the United States. Maybe we should be happy that this Republican-controlled Congress is do-nothing, in health care, in drugs, and now in energy.

Mr. DIAZ-BALART. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. REYNOLDS), a distinguished member of the Committee on Rules.

Mr. REYNOLDS. Mr. Speaker, I rise in support of this rule. The reason we are here today is very simple. The Clinton-Gore administration was caught sleeping on the job. A year ago, OPEC nations cut production quotas by 2 million barrels a day. A year ago, oil-producing nations engaged in a deliberate and calculated effort to drive up energy costs in this country. A year ago, the Clinton-Gore administration did nothing. Energy Secretary Bill Richardson admits that they were, quote, napping. That is not a nap, that is a hibernation. From home heating to gasoline, consumers have been hit with double-digit increases in energy costs. In my own home area of western New York in the Finger Lakes, we have experienced how particularly hard hit the Northeast has been over the past several months. Our only hope is that now that the President has family living in upstate New York, he may be more sensitive to the needs of the Northeast.

It is time for the Clinton-Gore administration to stand up for American consumers and working families by standing up to those nations engaged in price fixing. Finally, in the last year of this administration, it is time for the Clinton-Gore team offering up to the American people a plan for energy management rather than crisis management.

Mr. FROST. Mr. Speaker, I yield myself 1 minute. Let us be very clear what is going on today. The Republicans are debating a press release. They are not debating a bill.

Let me read their bill: Report on Diplomatic Efforts. Not later than 120 days after the date of the enactment of this act, the President shall transmit to the Congress a report describing any diplomatic efforts undertaken in accordance with subsection A and the results achieved by those efforts.

That is all we are debating today. That is it. This is a press release.

Last night, the gentleman from Michigan (Mr. DINGELL) came to the Committee on Rules and asked that an amendment be made in order to permit the President to release oil from the Strategic Petroleum Reserve after March 31. March 31, that is a week from this Friday. That is when the authority runs out under current law. The Republicans will not let that be voted on today. All they want to vote on is a press release. They do not want to vote on specific actions that could help American consumers.

Mr. Speaker, I yield 2 minutes to the gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. I thank the gentleman for yielding me this time.

Mr. Speaker, this is a sad day for the United States Congress. We are legislators. We could legislate today. We could deal with this issue. We could take concrete steps. In this piece of legislation, the Republicans are offering two points.

The President shall undertake a concerted diplomatic campaign. That is the most important thing they are requiring. Two, he should take the necessary steps to begin negotiations.

That is all this does. Diplomatic campaign and should begin negotiations. That is what they are doing. There was another section. It would have given the President the authority to reduce, suspend, or terminate assistance to these countries. We are giving foreign aid and military assistance to the very OPEC nations that are price gouging us.

But the corporate sponsors of the Republican Party did not like that section and the Committee on Rules took it out. This bill could have done something, but now it will do nothing. The bill also could have allowed my amendment, take our Alaska oil and turn it back from Japan and China and ship it to the refineries that need oil on the west coast of the United States.

That was the law of the land in America until the Republicans took control of Congress and they jammed through legislation at the behest of the oil industry to allow the export of oil from Alaska. The district of the gentleman from California (Mr. DREIER) could benefit from that oil. My district could benefit from that oil. But, no, they do not want to fly in the face of their campaign contributors, the oil companies, who are so generously supporting them and their presidential candidate.

No, we would not want to take a concrete step here on the floor of the House and really do something. We are going to undertake a concerted diplomatic campaign and take the necessary steps to begin negotiations. Pretty pathetic for the majority party. I can support that, but I have already asked the President to do more, and they are not doing much down at the White House but they are even doing more than what the Republicans are asking.

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

This legislation is sending a message to the international community that the Congress is serious about the fact that there is no one at the helm down the street, that there is a crisis, that oil price fixing has occurred and that that is being suffered by the American people. The consequences of that is suffered by the American people and what

we are seeing from the other side of the aisle is attack upon attack upon attack on this side of the aisle when we wanted to bring forth a bipartisan statement before Energy Secretary Richardson's trip in upcoming days to fortify his position before the international community and specifically the OPEC countries.

Now, despite the unfortunate tactics that we are seeing from the other side of the aisle, we are going to continue to send a message; and we are going to say we know there is no one at the helm; we know there is no one at the helm. We know that in Colombia today there is over 50 percent of the population under narco-terrorists and this White House has just found out about it, and that is an oil-producing country right by the largest oil producing country in this hemisphere, Venezuela, and this White House has just found out about it, and yet we hear speaker after speaker after speaker come and talk against the majority in this country, when what we wanted to do and what we are intent on doing and will continue to do is to send a message to the international community that while there may be no one at the helm down the other side of Pennsylvania Avenue, this Congress, the sovereign Congress of the United States takes this issue seriously and is cognizant of the fact that it is unsupportable and condemnable that the American people are suffering every day when they have to go and purchase gasoline because of the lack of action and the lack of leadership of this presidency. That is what we are talking about here today.

Now, what are we discussing at this very moment? My friend the gentleman from Texas (Mr. FROST) got up and started reading some language from the bill. We are talking about a rule. We are talking about a rule that is bringing this underlying legislation to the floor. The rule says that any amendment is possible if you preprinted it and it is germane. I remember when we were in the minority here, when the Republicans were in the minority, how unusual it was to see open rules, to see rules where any Member could bring forth any amendment on any issue as long as it was germane. That is what we have here today, as long as you preprinted the amendment in the CONGRESSIONAL RECORD, in other words, given all of your colleagues prior notice of the fact that you seek to bring forth that amendment. That is what we are talking about now, about the rule. I wonder if there will be any discussion whatsoever about this rule. There may be, there may not be. As of now, what we have seen is total irrelevance.

Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Kansas (Mr. TIAHRT).

Mr. TIAHRT. Mr. Speaker, I rise in support of the rule and in support of the Oil Price Reduction Act. Let us turn back the hands of time to 1978. Gas lines, high prices, President Carter gives us the typical liberal, big-government solution. More government, more programs that never get smaller and never go away. He forms the Department of Energy with the sole purpose of writing a national energy policy and imposing price and supply controls. The relief from high prices come when President Reagan finally rolls back the price and supply controls, but we still do not have an energy policy.

What do we have? We have the Clinton-Gore administration taking millions of acres out of oil production up in Alaska. The gentleman from Oregon wonders how come there is no oil coming to his State. It is because the Clinton-Gore administration has taken it out of oil exploration. Number two, the Clinton-Gore administration increases regulations on existing oil producers.

□ 1530

Right now, if there is a dead bird found anywhere near an oil production unit in Kansas, the very person that is trying to provide us with energy to take our kids to school, to go to the grocery store, to go to work, could be fined up to $10,000 per dead bird no matter how come the bird has passed away, regardless of why the death occurred.

Maybe that explains why before the Clinton-Gore administration we had 30 rigs in Kansas searching for energy. Today we have 6. There, nationwide, are 450,000 stripper wells that could be producing energy for us. We have a self-inflicted energy problem and it has been inflicted by the Clinton-Gore administration.

What we do is tax incentives for domestic energy production and to ease the regulations on energy productions.

Third, we have failed to engage the OPEC nations that are actively conducting price-fixing. If these were U.S. companies, we would be prosecuting them for price-fixing under the antitrust laws, but instead we have failed to engage them.

Mr. Speaker, this is a good rule. This bill is a good step in the right direction. I agree with the gentleman who spoke before who said it is not enough. I agree, it is not enough. We need to do something for our domestic oil production, but I think it is time to get the administration off dead center.

Mr. FROST. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, my friend, the gentleman from Florida (Mr. DIAZ-BALART), said this is an open rule; we can offer any amendment that is germane.

There is not much that is germane to a press release, Mr. Speaker. That is the problem. If we want to offer something that is real, it is not germane to this press release.

The previous speaker just talked about relief for stripper wells. Well, the gentleman from Texas (Mr. SANDLIN) came up to the Committee on Rules and offered an amendment that would address the problem dealing with production from stripper wells and these folks would not make it in order.

There is nothing germane to this press release other than rhetoric. So that is why an open rule for a press release really does not amount to very much, Mr. Speaker. We have to have real solutions, and those are the real solutions that were offered last night and one by one the Republicans voted five votes against, three votes in favor, of making any of those real solutions in order on the floor today.

Mr. Speaker, I yield 1 minute to the gentleman from Connecticut (Mr. LARSON).

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

Mr. LARSON. Mr. Speaker, the people in my district care neither about whether proposals are made by Democrats or Republicans. They, frankly, need help.

I can only remind this Congress that Americans should not be forced to make a choice between putting food on their table, putting gas in their vehicle, or heating their homes. We owe it to the American people to include in this debate what we plan to do to provide relief for those families and small businesses affected by the recent spike in oil prices and how we are going to prevent this from occurring again.

I applaud the efforts of the gentleman from New York (Mr. GILMAN), but obviously that bill has been neutered, but it is clear the foreign and domestic sides of this issue are inextricably tied and linked.

I urge my colleagues to vote against the previous question and against this rule so that my colleagues and I can offer amendments to address this crisis.

The foreign and domestic sides of this debate are inextricably linked. I urge my colleagues to vote against this rule so that my colleagues and I can offer our amendments and we can have a real debate about helping people suffering the effects of this crisis. Relief for our constituents should not be silenced on a technicality.

Mr. Speaker, while I applaud this Congress for finally raising the oil price issue on the floor, I am forced to rise today in opposition to this rule on H.R. 3288, the Oil Price Reduction Act. Unfortunately, this rule does not make in order several amendments proposed by my colleagues and me that would also address this important issue.

While the underlying legislation claims provide penalties for foreign countries engaging in oil related anti-competitive activities, my colleagues and I have been blocked from raising the issue of support for the great number of Americans affected by this activity.

Specifically, my amendment would establish a trigger mechanism to force the President to investigate potential price fixing, and make a decision about whether or not to release the SPR if crude oil prices stay above $25 per barrel for two consecutive weeks, and make that decision accountable to Congress with appropriate oversight by the Commerce Committee.

This amendment is based on legislation I introduced earlier, H.R. 3543, the Oil Price

Safeguard Act, that already has 46 bipartisan cosponsors from across the country. My colleague Mr. SANDERS has another equally important amendment that I support that would establish a home heating oil reserve in the Northeast.

Mr. DIAZ-BALART. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. THORNBERRY).

Mr. THORNBERRY. Mr. Speaker, I thank the gentleman from Florida (Mr. DIAZ-BALART) for yielding to me this time and commend the Committee on Rules for improving this bill.

Mr. Speaker, I do not have a problem with the rule. I think it should be supported, but I do have a problem with any part of the bill that tries to blame others for the problems we have inflicted on ourselves.

I would remind my colleagues that it was not OPEC who raised taxes on fuel so that now Americans pay 18 cents for every gallon of gasoline, plus State taxes added on top of that to nearly 40 cents a gallon.

It was not OPEC which imposed a windfall profits tax on the domestic energy industry, that took $78 billion out of that industry and cost thousands and thousands of jobs.

It was not OPEC which vetoed the 1999 tax bill that included several modest provisions to try to enhance domestic exploration and production.

It is not OPEC that continues the extensive regulations that increases the cost of production on domestic producers and results in thousands of wells being shut down every year.

It is also not OPEC that prevents us from exploring and drilling in ANWR when ANWR itself provided enough oil to the United States as we import from Saudi Arabia over a 30-year period, and it is certainly not OPEC that hinders the distribution of natural gas to the Northeast where those folks are paying more than they should to heat their homes.

It has not been OPEC that has prevented us from developing a national energy policy.

Mr. Speaker, I think it is kind of like we have fashioned a noose and put it around our own neck and given OPEC the other end of the rope. It should not surprise us that they want to jerk the rope every once in awhile.

The only way out of this is to take our neck out of the noose, and we can only do that by increasing the production domestically of oil and gas and having greater use of natural gas here at home.

There are a number of good proposals that have been made to increase marginal well production, increase exploration, increase domestic production. We have to have a national energy policy from the administration to get that done.

Mr. FROST. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, my colleague, the gentleman from Texas (Mr. THORNBERRY) actually has made some very good points. I would remind him that the Republicans on the Committee on Rules did not make in order any amendments to do any of the things that he is suggesting last night either.

If the gentleman from Texas wants to have a vote on those type matters, he could have come to the Committee on Rules. My guess is the Committee on Rules would have rejected his amendments just as they rejected all the other amendments that were offered. And what did the Republicans on the Committee on Rules bring forward? A press release.

I wish the gentleman from Texas (Mr. THORNBERRY) had come forward and asked for votes on some of those matters. It would have been interesting to have a debate on some of those on this floor but the Committee on Rules did not make any of his proposals in order last night, either. That is why this is a terrible, terrible rule the way it is crafted.

Mr. Speaker, I yield 3 minutes to the gentleman from Vermont (Mr. SANDERS).

Mr. SANDERS. Mr. Speaker, I rise in strong opposition to this rule. This bill theoretically is supposed to deal with the high price of oil. Unfortunately, it does not do that but it should do that.

In my rural State and all over this country, people are paying astronomically high prices for the fuel that they need to get to work and to do the things that they have to do, but unfortunately this legislation does not address that issue.

As the gentleman from Texas (Mr. FROST) just indicated, last night at the Committee on Rules a number of people from both political parties went before the committee and proposed different ideas in order to discuss the issue and resolve the issue as to how we can lower fuel prices in the United States, but not one of those amendments was allowed on the floor to debate.

I had an amendment which is essentially the legislation that I have offered which now has 94 cosponsors, including many Republicans, which is now supported by the White House, which suggests that in the Northeast we should have a home heating oil reserve so that when production is cut back we can at least draw on something at lower prices to make sure that we do not go through another winter that we just went through where the price of home heating oil zoomed upwards.

This is a sensible proposal. It would have the impact of lowering home heating oil for millions of homeowners throughout the Northeast. Why spread support?

Yet we could not get that bill on the floor for discussion or debate this afternoon.

Furthermore, many of us believe that, in fact, unlike what the previous speaker just indicated, that we do have a problem. Some of us do believe that OPEC bears some of the responsibility for the current crisis. Let us all remember that 9 years ago, it was American servicemen who brought back to power the emirs in Kuwait, who protected the royal family of Saudi Arabia and some of us have a problem with those folks colluding in what is very clearly a violation of any sense of free trade to limit production to force oil prices up in this country, and we think, in fact, and I say this as not a fan of the WTO, that what they have done is in clear violation of WTO rules.

We wanted to discuss that issue, but we did not have that opportunity. Some of us think that the President should go today to the strategic petroleum reserve, withdraw oil from that in order to bring down the prices. Good debate. We are not going to have an opportunity to debate that issue as well.

In other words, there is a whole lot to discuss. We are not going to have the opportunity to have that discussion. Let us vote no on this rule.

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

Mr. Speaker, we have an interesting dilemma always in the Committee on Rules when we seek to be fair, and we do a good job of it under the gentleman from California (Chairman DREIER). Some Members, as we have seen, want us to do more. Some want us to do less. One example is the distinguished gentleman from Texas (Mr. BARTON).

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

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

Mr. BARTON of Texas. Mr. Speaker, I want to thank the distinguished gentleman from Florida (Mr. DIAZ-BALART) and the Committee on Rules for this rule. They have improved the bill. Unfortunately, they did not quite improve it enough. They did not kill it entirely, but the rule is a fair rule. It is an open rule if the amendment was pre-printed in the report. I will be on the floor speaking against many amendments that were not, raising points of order.

The gentleman from Virginia (Mr. BLILEY) and I asked that the bill be jointly referred to my committee and my subcommittee, the Subcommittee on Energy and Power of the Committee on Commerce, so we could do many of the things that Members have been coming to the floor talking about with such emotion. Unfortunately, that was not made in order so we have to deal with the issue before us.

I want to point out a few basic facts in the one minute that I have left. First of all, the price of oil is going down. The New York market, spot market today, is $27.50 a barrel. It was $32.42 a barrel about a week ago, so it has fallen about 22 percent.

We expect when OPEC meets in Vienna next Monday, which I asked to go to take a group of Congressmen on a bipartisan basis, and the Secretary of Energy said I should not go, just to give that little fact, we think they are

going to announce increased production quotas and that the price will fall further.

I also want to point out that the underlying theme of this bill is that somehow if we rattle our saber the world will quake in fear.

Let me point out two facts. The United States has 21 billion barrels of proven reserve out of the 1,033,000,000. That is about 2 percent. We produce about 8½ million barrels a day. We import about 8 million barrels a day.

The amount of foreign aid and military aid that we give to the OPEC countries is less than $200 million; $197.9 million. That is one day's imports, less than one day's imports.

This bill, even if it were to pass and have teeth, would do nothing but alienate our allies.

Mr. FROST. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, I would commend the gentleman from Texas (Mr. BARTON) who just spoke. It is very clear this legislation should have been referred to his committee so that at least we could have something real rather than this matter before us which really is an empty vessel.

I wish the House leadership had acceded to the request of the gentleman from Texas (Mr. BARTON) and referred it to the committee where it should have been in the first place.

Mr. Speaker, I yield 2 minutes to the gentlewoman from Florida (Mrs. THURMAN).

Mrs. THURMAN. Mr. Speaker, I am going to call this the stay tuned rule, and I call it the stay rule because we are talking about this being an open rule, pre-printed amendments and we go on about that.

The problem is that what is going to happen in the next hour or so is we are all going to get up and we are going to offer our amendments, and we are going to be told that they are nongermane; that they are not and will not work within this piece of legislation.

Well, that is fine, except for the fact that I will agree with my colleagues that we should have gone to committee to talk about these issues because we all feel passionately about it.

I do not think anybody on this floor wants to go home and face angry people about the prices in this country. We know what it is costing them. We know what it is costing our senior citizens. We know what it is costing to get goods to service.

□ 1545

We understand that. There is nobody that feels as passionately about that as any of us here in Congress. But the fact of the matter is, you know, the last crisis we had was 20 years ago; and we have had opportunities over the past 20 years to try to solve these problems.

There are pieces of legislation that have been introduced in this Congress that have been introduced in the last couple of Congresses. I am just going to bring one to you that I think needs some attention and has needed some attention and has a bipartisan caucus in this Congress, and that is for renewable energies.

We have got to look at making energy-efficient technology more attractive. We have a tax bill, an incentive bill, a $3.6 billion tax incentive that would in fact do that. We actually put it before the committee last night.

Again, I am going to tell you, stay tuned, because when I offer it in the next hour or so, I am going to be told it is nongermane. But it would in fact do what we have all talked about over the years. Let us look at wind power, biomass. Why are we not looking at how and what best incentives we can give to our families and our businesses and reduce energy costs. I am talking about tax credits.

You will hear more about this, Mr. Speaker. But I just want you to know, stay tuned.

Mr. DIAZ-BALART. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Speaker, higher fuel prices have some common denominators: diplomatic efforts, foreign policy, support of the military, environmental extremists.

First of all I would ask you to look at Ronald Reagan. Strong diplomacy, strong foreign policy, strong on the military, and a conservationist.

Let us go to Jimmy Carter. Look at the long gas lines we had with a weak diplomatic effort, even weaker foreign policy. He destroyed the military, an extremist on the environmental scene. We had long gas lines.

Let us look at George Bush, Sr. Remember Desert Storm where we supported OPEC, and what happened to the fuel crisis?

Now let us go to the Clinton-Gore administration. Weak foreign policy in China, Kosovo, Sudan, Mexico, and the Spratleys.

I take a look at the presidential candidates that we have coming up. Who is going to be strong on the military? Who is going to be strong on foreign policy? Who is going to be strong in a conservationist versus an environmentalist extremist?

But the bottom line is, who is hurt from this? Our truckers are having to stall their trucks. People and goods are going up. The folks that you fight for for LIHEAP in the Northeast, the higher costs.

But how dare Saudi Arabia, how dare Kuwait and Qatar, after we had men and women die for them. Yet the President has not had a foreign policy. That is what we are asking the President to do. We feel that there has been a weak foreign policy and even weaker support of the military. Our allies laugh at us.

If you look at the DNC and the China policy, from giving coal, giving coal to Riady and cancelling Utah, and guess where they have that produced? In China. Look at NAFTA.

I would tell the gentleman that weak foreign policy, weak military, is not going to hack it; and we want the President to report on what he is going to do to change these around, because he has not done it so far.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentlewoman from Oregon (Ms. HOOLEY).

(Ms. HOOLEY of Oregon asked and was given permission to revise and extend her remarks.)

Ms. HOOLEY of Oregon. Mr. Speaker, I rise in strong opposition to this rule. As a cosponsor of H.R. 3822, I agree that we need to engage in more forceful diplomacy with OPEC. However, this rule eliminates the section of the bill that authorizes the President to suspend foreign military and economic assistance to OPEC countries. That makes no sense to me. Getting tough with OPEC without touching their foreign aid is a little bit like dangling that carrot without a stick.

Mr. Speaker, there is no question that we are being taken to the cleaners by OPEC. In the last 15 months this cartel has made a concerted effort, regardless of our protests, to undermine the global supply of oil, with no end in sight. It is time for Congress to act, not to pass a bill that merely instructs the President to conduct additional negotiations.

I cannot think of a better tool to leverage OPEC into boosting oil production than leveraging our foreign aid. Make no mistake about it, we send a lot of money and tens of thousands of young Americans to preserve the stability in the Persian Gulf every year. I am tired of waiting for the oil prices to drop to a reasonable level. If OPEC wants to play hard ball, we should too. I urge my colleagues to oppose this rule and support the original intent of H.R. 3822.

Mr. DIAZ-BALART. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. BILBRAY).

Mr. BILBRAY. Mr. Speaker, let me point out that I am supporting this rule. I know my colleagues will find excuses to vote against it, but it is the beginning of the dialogue. It is not an end-all. You know it is not going to be the end-all. But we need to have a dialogue about the fact that the energy issue has not gotten its fair share of time, and it has not gotten its fair share of attention.

My colleagues may want to say it has not gotten enough in the House of Representatives; but let us face it, it has not been a priority at the other end of Pennsylvania Avenue either. I think both sides can say there is more we need to do, and we need to be more comprehensive.

I ask my colleagues on the other side of the aisle, you have to admit that this week, when the administration announces that it is going to pull the trade embargo off of Iran and then announce they are going to do it for caviar and Persian rugs, but not for oil, you have got to say, now, wait a

minute. No matter whether Democrat or Republican, you have to say, what are the priorities of our trade negotiators, what are the priorities of our foreign policy, when we say we are going to announce to the American people, Don't worry, the Persian rugs and the caviar is on its way, but the oil is going to continue to be under injunction, under restriction.

Let me just say, can we at least admit that when the administration goes and talks about what they are going to allow Americans to trade in and what we are going to allow into the United States, that it is kind of ridiculous at this time and place that we are allowing caviar and Persian rugs and not oil?

I think all of us want to say we represent the working people of America. Here is a place where the administration and Congress can come together and say, doggone it, the American people need affordable oil more than any caviar and they need Persian rugs. Now, I do not know who lobbied the administration for this. I do not know who said this.

You can say all you want about campaign contributions on either side of the aisle. I do not know where this priority came from. But I would ask both of us, Democrats and Republicans, to ask the administration to reconsider their priorities when they are talking about what the American people need.

All I have got to say to my colleagues from all over this country, you sit here and complain about the price of gasoline. California has been putting up with this way too long, and we have been asking for 5 years for relief. Why do you not join all of us together to address the issue.

Mr. FROST. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, I find this whole thing kind of baffling, quite frankly. If the Members on the other side wanted to have a press conference bashing the President, why did they not go back to a gas station or why did they not go up to the press gallery? Why are they taking the time of the House to do this, rather than voting on legislation that means something?

This is an interesting waste of our time this afternoon. The Committee on Rules has been upstairs trying to fashion a rule for the budget. Why do we not spend our time dealing with the budget of the United States? Why do we not spend our time with actual legislation, rather than coming down here and giving speeches and not legislating?

That is all this is. That is all we are doing today. We are not passing anything or considering anything that makes any difference at all, that has any force of law. It just makes my friends on the other side feel good so they can come down to the floor of the House and attack the President of the United States.

Mr. Speaker, I yield 2 minutes to the gentleman from Washington (Mr. INSLEE).

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

Mr. INSLEE. Mr. Speaker, I must reluctantly oppose this rule because it is a monument to inaction. It guarantees inaction on Alaska oil for Americans, it guarantees inaction for sanctions against countries that are using monopolistic policies against us, and, one you have not heard today, it guarantees inaction on improving oil tanker safety.

Let me share with you some bad news about oil tanker safety that occurred about a week ago. About a week ago the U.S. Supreme Court knocked a big hole in our national and State ability to guarantee oil tanker safety, because in a ruling involving the State of Washington the Supreme Court said that States, including the State of Washington, could not include very common sense environmental provisions for their oil tankers.

In Washington we had a provision that had a real common sense rule. It said you had to have somebody that could speak English on the bridge of a supertanker when you ply the waters of the State of Washington. Common sense? Legal? According to the Supreme Court, no. We attempted to fix that by an amendment that we will not be able to offer, blocked by this rule, which will guarantee inaction. I would urge my colleagues to join me in future efforts to plug that hole in our safety net, to allow safe environmental measures on oil tankers.

Let me just close by a story from Winston Churchill, a good Tory conservative, who in World War II had a little 3 by 5 card on his desk. It was sort of his rule for World War II. It said ''action this day.''

This rule guarantees a continuation of the policies of this year, which is inaction this year. Let us defeat this rule and get some action on this issue.

Mr. DIAZ-BALART. Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. BOEHLERT).

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

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

Mr. Speaker, I rise in strong support of the rule and in strong support of the bill offered by my colleague from New York, Mr. GILMAN.

The citizens in my district and across the Northeast have struggled this winter to pay for their heating bills because of the extraordinary recent spikes in the price of home heating oil. The price of diesel fuel rose sharply, too, delivering a severe economic blow to farmers, truckers, and businesses. It's been a rough winter for the Northeast.

Unfortunately, it looks like we're not in the clear yet. Gasoline prices are steadily rising and experts predict steeper prices yet during the peak driving season this summer, making this winter's crisis seem, in the words of one expert, ''like a cakewalk'' by comparison.

Are these exorbitant energy prices simply the outcome of free market forces, the perpetual balancing of supply and demand? No. The United States is being held hostage by oil producing countries—many of whom have accepted generous U.S. assistance in the past. These same countries have colluded to slash oil production, distort the market, and drive up the price of oil, which has climbed to over $30 a barrel, up from $12 a barrel around this time last year.

When oil producing countries engage in international price-fixing activities, when they manipulate the price of oil on the world market to the detriment of the U.S. economy, when American taxpayers are directly hurt by their anti-competitive activities, Americans should not have to send their hard-earned taxpayer dollars overseas to help those very same countries.

I support the bill that would make this our policy. I support the rule, and I urge my colleagues to support them both as well.

Mr. DIAZ-BALART. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Ohio (Mr. CHABOT).

Mr. CHABOT. Mr. Speaker, I want to thank the gentleman from New York (Mr. GILMAN), the chairman of the Committee on International Relations, for his leadership on this important issue. I rise in support of the Oil Price Reduction Act.

Let us face it, the Clinton Administration has been asleep at the switch. Last month the administration's point man on the fuel crisis, Energy Secretary Bill Richardson, said, ''It is obvious that the Federal Government was not prepared. We were caught napping. We got complacent.''

Complacent indeed. While the Clinton administration was napping over the last 12 months, the price of crude oil has tripled, and the American people were paying the price. That price continues to rise every day.

This legislation has been drafted to assist the administration in its negotiations with those nations who have deliberately damaged the American economy by engaging in crude oil price-fixing. Hopefully, passage of the Oil Price Reduction Act will send a wake-up call to the slumbering Clinton administration and a strong message to those nations whose business practices are harming the American economy. I urge my colleagues to support this legislation.

Mr. FROST. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, I guess the preceding speaker must have missed what the Committee on Rules did last night. What the preceding speaker was asking was that a message be sent to the OPEC nations. The Committee on Rules deleted that message from this bill last night.

Mr. Speaker, I yield 2 minutes to the gentleman from Maine, Mr. BALDACCI.

Mr. BALDACCI. Mr. Speaker, I thank the ranking member for his leadership and to try as hard as he did in trying to make sure that this bill was much more comprehensive than what it has before us.

I oppose this rule. It is not an open rule. It allows for points of order to be made against amendments that we offer.

We in the Northeast have been suffering with a heating oil shortage. We have been suffering as far as higher prices and trying to make sure people could afford to be able to stay in their homes, then to have it translated to a gasoline price spike, and to see how people who are having a hard time getting back and forth to work.

Maine is a rural State. We do not have mass transit. Energy issues are important to us. Not to be able to allow amendments that dealt with energy conservation, weatherization, not to deal with issues that dealt with the heating oiling reserve so we would not be confronted with this problem again, is again I believe not being very responsive.

It is very unfortunate that the majority has not allowed for these amendments to be made in order. It is very unfortunate that we have not been able to deal with this very serious matter which people in Maine and the Northeast are feeling the pinch of and are depending upon their representatives to work together to come up with some comprehensive energy policy and not some weak study which leaves it up to whoever, we do not know who it leaves it up to, to be responsive to the Congress.

We have got to get off foreign oil dependence. This legislation does not do anything about that. The leadership on the other side has cut fuel efficiency standards, they have cut energy conservation, they have cut research and development, and they even wanted to abolish the Department of Energy. What kind of an answer is that to the American public that is wondering what kind of future there is going to be for us, and to making sure we are not being held hostage to any foreign country.

Nothing in this legislation is going to deal with this kind of thing. We have got to be able to work together to come up with a bipartisan comprehensive approach that deals with both the short-term problem and also the long-term problem, because the sequels to this energy situation do not get any better than the original movie.

□ 1600

Mr. DIAZ-BALART. Mr. Speaker, I would inquire of the distinguished gentleman from Texas (Mr. FROST) if he has any remaining speakers.

Mr. FROST. Mr. Speaker, we have one remaining speaker, and then I will close.

I would inquire of the Chair how much time remains.

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman from Texas (Mr. FROST) has 1½ minutes remaining; the gentleman from Florida (Mr. DIAZ-BALART) has 2 minutes remaining.

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

Mr. FROST. Mr. Speaker, I yield 1 minute to the gentleman from Florida (Mr. HASTINGS).

Mr. HASTINGS of Florida. Mr. Speaker, I thank the gentleman from Texas for yielding me this time.

I wanted to take a moment today to express my displeasure with the fact that the Committee on Rules refused to waive points of order against all Democratic amendments to this bill, including mine. Had we been able to consider my amendment, we would be discussing the merits of temporarily suspending a 24.4 percent gasoline Federal tax on diesel fuel.

I drafted this repeal in the diesel tax first as a freestanding bill and then as an amendment to this bill because I was hopeful that this body would be inclined to consider the role of the Federal Government in protecting American consumers from a small and manipulative price-gouging cartel, many Members of which are U.S. allies and recipients of our foreign aid largesse.

While I am disappointed that we will not consider my amendment today, I do encourage the Clinton administration to aggressively push the OPEC members to increase production, and at the same time I urge my colleagues that we reexamine our national energy strategy so that we will not find ourselves hostage to foreign producers ever again.

It is disingenuous for someone to come here and argue that nothing is being done at this point.

Mr. FROST. Mr. Speaker, I yield myself the remaining 30 seconds.

Mr. Speaker, I am inserting into the RECORD at this point the amendments I will offer if the previous question is defeated.

PREVIOUS QUESTION FOR H. RES.—H.R. 3822
OIL PRICE REDUCTION ACT OF 2000

At the end of the resolution add the following new sections:

''SEC. 2. Notwithstanding any other provision of this resolution, it shall be in order to consider, without intervention of any points of order, the amendments offered to the committee amendment in the nature of a substitute printed in section 3 of this resolution. Each amendment may be offered only by the proponent specified in section 3 or a designee, shall be considered as read and shall be debatable for 10 minutes, equally divided between the proponent or an opponent.

''SEC. 3. The amendment described in section 2 are as follows:

H.R. 3822

OFFERED BY: MR. GEJDENSON

AMENDMENT NO. 1: Page 8, after line 2, insert the following (and redesignate the subsequent section accordingly):

SEC. 7. SENSE OF THE CONGRESS.

It is the sense of Congress that—

(1) using authority under existing law, directly through time exchanges (or ''swaps'') or through other means, the President and the Secretary of Energy should draw down the Strategic Petroleum Reserve in an economically feasible manner and to a responsible degree, to combat unfair foreign trade practices of OPEC and alleviate the severely deleterious consequences to people and businesses in the United States that those practices have caused; and

(2) the President and the Secretary of Energy should prepare for future threats to the economy and energy supply of the United States by developing methods to—

(A) draw down the Strategic Petroleum Reserve quickly when needed; and

(B) increase the quantity of crude oil in the Strategic Petroleum Reserve over time in an economically reasonable manner.

H.R. 3822

OFFERED BY: MR. GEJDENSON

AMENDMENT NO. 2: Page 8, after line 2, insert the following (and redesignate the subsequent section accordingly):

SEC. 7. SENSE OF THE CONGRESS.

It is the sense of Congress that—

(1) using authority under existing law, directly through time exchanges (or ''swaps'') or through other means, the President and the Secretary of Energy should draw down the Strategic Petroleum Reserve in an economically feasible manner and to a responsible degree, to combat unfair foreign trade practices of OPEC and alleviate the severely deleterious consequences to people and businesses in the United States that those practices have caused;

(2) the President and the Secretary of Energy should prepare for future threats to the economy and energy supply of the United States by developing methods to—

(A) draw down the Strategic Petroleum Reserve quickly when needed; and

(B) increase the quantity of crude oil in the Strategic Petroleum Reserve over time in an economically reasonable manner; and

(3) Congress should immediately pass, and the President should sign into law, legislation to reauthorize the Energy Policy and Conservation Act and extend the President's authority to release oil from the Strategic Petroleum Reserve.

H.R. 3822

OFFERED BY: MR. SANDERS

AMENDMENT NO. 3: Page 8, after line 2, insert the following:

(d) LEVERAGE TO SUCCEED IN DIPLOMATIC EFFORTS TO END PRICE FIXING.—In order to increase the chances of diplomatic efforts succeeding to bring about the complete dismantlement of international oil price fixing, the President shall immediately enter into agreements with members of the oil industry for the swap of crude oil from the Strategic Petroleum Reserve for both crude oil and 6,700,000 barrels of home heating oil at a later date. Such arrangements shall provide that—

(1) when the price of crude oil drops below $25 per barrel for a period of two consecutive weeks, the oil industry shall replenish crude oil to the Strategic Petroleum Reserve; and

(2) when the price of heating oil drops below $1.00 per gallon for a period of two consecutive weeks, the oil industry shall provide the President with 6,700,000 barrels of home heating oil for the purposes of establishing a Home Heating Oil Reserve.

Once the President starts receiving heating oil pursuant to such agreements, the President shall create a heating oil reserve containing 2,000,000 barrels of heating oil in leased storage facilities in Albany, New York, the New York Harbor area, or any other appropriate location in the Northeast. The President shall deposit the remaining 4,700,000 barrels of heating oil received pursuant to such agreements in one of the Strategic Petroleum Reserve caverns. The President shall immediately draw down the Heating Oil Product Reserve (consisting of home

heating oil received pursuant to agreements under this subsection) only when fuel oil prices in any region of the United States rise sharply because of international oil price fixing or any other anticompetitive activity, during a national or regional fuel oil shortage, or during periods of national or regional extreme winter weather. There are authorized to be appropriated $25,000,000 to the Secretary of Energy for the period encompassing fiscal years 2000 through 2019 for the purposes of carrying out this subsection.

H.R. 3822

OFFERED BY: MR. BALDACCI

AMENDMENT NO. 5: At the end of the bill insert the following new sections:

SEC. 8. CREDIT FOR ENERGY EFFICIENCY IMPROVEMENTS TO EXISTING HOMES.

(a) IN GENERAL.—Subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to nonrefundable personal credits) is amended by inserting after section 25A the following new section:

''SEC. 25B. ENERGY EFFICIENCY IMPROVEMENTS TO EXISTING HOMES.

''(a) ALLOWANCE OF CREDIT.—In the case of an individual, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to 20 percent of the amount paid or incurred by the taxpayer for qualified energy efficiency improvements installed during such taxable year.

''(b) LIMITATIONS.—

''(1) MAXIMUM CREDIT.—The credit allowed by this section with respect to a dwelling shall not exceed $2,000.

''(2) PRIOR CREDIT AMOUNTS FOR TAXPAYER ON SAME DWELLING TAKEN INTO ACCOUNT.—If a credit was allowed to the taxpayer under subsection (a) with respect to a dwelling in 1 or more prior taxable years, the amount of the credit otherwise allowable for the taxable year with respect to that dwelling shall not exceed the amount of $2,000 reduced by the sum of the credits allowed under subsection (a) to the taxpayer with respect to the dwelling for all prior taxable years.

''(c) CARRYFORWARD OF UNUSED CREDIT.—If the credit allowable under subsection (a) exceeds the limitation imposed by section 26(a) for such taxable year reduced by the sum of the credits allowable under subpart A of part IV of subchapter A (other than this section), such excess shall be carried to the succeeding taxable year and added to the credit allowable under subsection (a) for such taxable year.

''(d) QUALIFIED ENERGY EFFICIENCY IMPROVEMENTS.—For purposes of this section, the term 'qualified energy efficiency improvements' means any energy efficient building envelope component, and any energy efficient heating, cooling, or water heating appliance, the installation of which, by itself or in combination with other such components or appliances, is certified to improve the annual energy performance of the existing home by at least 30 percent, if—

''(1) such component or appliance is installed in or on a dwelling—

''(A) located in the United States, and

''(B) owned and used by the taxpayer as the taxpayer's principal residence (within the meaning of section 121),

''(2) the original use of such component or appliance commences with the taxpayer, and

''(3) such component or appliance reasonably can be expected to remain in use for at least 5 years.

Such certification shall be made by the contractor who installed such improvements, a local building regulatory authority, or a qualified energy consultant (such as a utility or an accredited home energy rating system provider).

''(e) SPECIAL RULES.—

''(1) TENANT-STOCKHOLDER IN COOPERATIVE HOUSING CORPORATION.—In the case of an individual who is a tenant-stockholder (as defined in section 216) in a cooperative housing corporation (as defined in such section), such individual shall be treated as having paid his tenant-stockholder's proportionate share (as defined in section 216(b)(3)) of the cost of qualified energy efficiency improvements made by such corporation.

''(2) CONDOMINIUMS.—

''(A) IN GENERAL.—In the case of an individual who is a member of a condominium management association with respect to a condominium which he owns, such individual shall be treated as having paid his proportionate share of the cost of qualified energy efficiency improvements made by such association.

''(B) CONDOMINIUM MANAGEMENT ASSOCIATION.—For purposes of this paragraph, the term 'condominium management association' means an organization which meets the requirements of paragraph (1) of section 528(c) (other than subparagraph (E) thereof) with respect to a condominium project substantially all of the units of which are used as residences.

''(f) BASIS ADJUSTMENT.—For purposes of this subtitle, if a credit is allowed under this section for any expenditure with respect to any property, the increase in the basis of such property which would (but for this subsection) result from such expenditure shall be reduced by the amount of the credit so allowed.

''(g) APPLICATION OF SECTION.—Subsection (a) shall apply to qualified energy efficiency improvements installed during the period beginning on January 1, 2000, and ending on December 31, 2004.''.

(b) CONFORMING AMENDMENTS.—

(1) Subsection (c) of section 23 of such Code is amended by striking ''and section 1400C'' and inserting ''and sections 25B and 1400C''.

(2) Subparagraph (C) of section 25(e)(1) of such Code is amended by striking ''and 1400C'' and inserting '', 25B, and 1400C''.

(3) Subsection (d) of section 1400C of such Code is amended by inserting ''and section 25B'' after ''other than this section''.

(4) Subsection (a) of section 1016 of such Code is amended by striking ''and'' at the end of paragraph (26), by striking the period at the end of paragraph (27) and inserting ''; and'', and by adding at the end the following new paragraph:

''(28) to the extent provided in section 25B(f), in the case of amounts with respect to which a credit has been allowed under section 25B.''.

(5) The table of sections for subpart A of part IV of subchapter A of chapter 1 of such Code is amended by inserting after the item relating to section 25A the following new item:

''Sec. 25B. Energy efficiency improvements to existing homes.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending after December 31, 1999.

SEC. 9. CREDIT FOR ENERGY EFFICIENCY IMPROVEMENTS BY SMALL BUSINESSES.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to business related credits) is amended by inserting after section 45C the following new section:

''SEC. 45D. ENERGY EFFICIENCY IMPROVEMENTS BY SMALL BUSINESSES.

''(a) IN GENERAL.—For purposes of section 38, in the case of an eligible small business, the energy efficiency improvement credit determined under this section for the taxable year is an amount equal to 20 percent of the basis of each qualified energy efficiency improvements placed in service during such taxable year.

''(b) LIMITATIONS.—

''(1) MAXIMUM CREDIT.—The credit allowed by this section for the taxable year shall not exceed $2,000.

''(2) COORDINATION WITH REHABILITATION AND ENERGY CREDITS.—For purposes of this section—

''(A) the basis of any property referred to in subsection (a) shall be reduced by that portion of the basis of any property which is attributable to qualified rehabilitation expenditures (as defined in section 47(c)(2)) or to the energy percentage of energy property (as determined under section 48(a)), and

''(B) expenditures taken into account under either section 47 or 48(a) shall not be taken into account under this section.

''(c) DEFINITIONS.—For purposes of this section—

''(1) ELIGIBLE SMALL BUSINESS.—The term 'eligible small business' means any person engaged in a trade or business if the average annual gross receipts of such person (or any predecessor) for the 3-taxable-year period ending with such prior taxable year does not exceed $10,000,000. Rules similar to the rules of paragraphs (2) and (3) of section 448(c) shall apply for purposes of the preceding sentence.

''(2) QUALIFIED ENERGY EFFICIENCY IMPROVEMENTS.—The term 'qualified energy efficiency improvements' means any energy efficient property the installation of which, by itself or in combination with other such property, is certified to improve the annual energy performance of the structure to which it relates by at least 30 percent, if—

''(A) such property is installed in or on a structure located in the United States,

''(B)(i) the construction, reconstruction, or erection of such property is completed by the taxpayer, or

''(ii) such property which is acquired by the taxpayer if the original use of such property commences with the taxpayer,

''(C) depreciation (or amortization in lieu of depreciation) is allowable with respect to such property, and

''(D) such property reasonably can be expected to remain in use for at least 5 years.

Such certification shall be made by the contractor who installed such property, a local building regulatory authority, or a qualified energy consultant (such as a utility or an accredited energy rating system provider).

''(3) ENERGY EFFICIENT PROPERTY.—The term 'energy efficient property' means—

''(A) any energy efficient building envelope component, and

''(b) any energy efficient heating, cooling, or water heating appliance.

''(d) APPLICATION OF SECTION.—Subsection (a) shall apply to property placed in service during the period beginning on January 1, 2000, and ending on December 31, 2004.''.

(b) CREDIT MADE PART OF GENERAL BUSINESS CREDIT.—Subsection (b) of section 38 of such Code (relating to current year business credit) is amended by striking ''plus'' at the end of paragraph (11), by striking the period at the end of paragraph (12) and inserting '', plus'', and by adding at the end thereof the following new paragraph:

''(13) in the case of an eligible small business (as defined in section 45D(c)), the energy efficiency improvement credit determined under section 45D.''.

(c) CREDIT ALLOWED AGAINST REGULAR AND MINIMUM TAX.—

(1) IN GENERAL.—Subsection (c) of section 38 of such Code (relating to limitation based on amount of tax) is amended by redesignating paragraph (3) as paragraph (4) and by inserting after paragraph (2) the following new paragraph:

''(3) SPECIAL RULES FOR SMALL BUSINESS ENERGY EFFICIENCY IMPROVEMENT CREDIT.—

''(A) IN GENERAL.—In the case of the energy efficiency improvement credit—

''(i) this section and section 39 shall be applied separately with respect to the credit, and

''(ii) in applying paragraph (1) to the credit—

''(I) subparagraph (A) thereof shall not apply, and

''(II) the limitation under paragraph (1) (as modified by subclause (I)) shall be reduced by the credit allowed under subsection (a) for the taxable year (other than the energy efficiency improvement credit).

''(B) ENERGY EFFICIENCY IMPROVEMENT CREDIT.—For purposes of this subsection, the term 'energy efficiency improvement credit' means the credit allowable under subsection (a) by reason of section 45D.''.

(2) CONFORMING AMENDMENT.—Subclause (II) of section 38(c)(2)(A)(ii) of such Code is amended by inserting ''or the energy efficiency improvement credit'' after ''employment credit''.

(d) LIMITATION ON CARRYBACK.—Subsection (d) of section 39 of such Code is amended by adding at the end the following new paragraph:

''(9) NO CARRYBACK OF ENERGY EFFICIENCY IMPROVEMENT CREDIT BEFORE EFFECTIVE DATE.—No portion of the unused business credit for any taxable year which is attributable to the credit determined under section 45D may be carried back to any taxable year ending before the date of the enactment of section 45D.''.

(e) DEDUCTION FOR CERTAIN UNUSED BUSINESS CREDITS.—Subsection (c) of section 196 of such Code is amended by striking ''and'' at the end of paragraph (7), by striking the period at the end of paragraph (8) and inserting '', and'', and by adding after paragraph (8) the following new paragraph:

''(9) the energy efficiency improvement credit determined under section 45D.''.

(f) CLERICAL AMENDMENT.—The table of sections for subpart D of part IV of subchapter A of chapter 1 of such Code is amended by inserting after the item relating to section 45C the following new item:

''Sec. 45D. Energy efficiency improvements by small businesses.''.

(g) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act.

H.R. 3822

OFFERED BY: MR. CROWLEY

AMENDMENT NO. 6: Page 8, after line 8, insert the following new section:

SEC. 7. SENSE OF CONGRESS.

It is the sense of the Congress that the President should use authority provided under section 161 of the Energy Policy and Conservation Act (42 U.S.C. 6241) to release petroleum from the Strategic Petroleum Reserve when oil and gas prices in the United States have risen sharply because of international oil price fixing activities, particularly activities by the member nations of OPEC and their allies.

Page 8, line 9, redesignate section 7 as section 8.

H.R. 3822

OFFERED BY: MR. CROWLEY

AMENDMENT NO. 7: Page 8, after line 8, insert the following new section:

SEC. 7. SENSE OF CONGRESS.

It is the sense of the Congress that—

(1) international oil price fixing results in wide price fluctuations, which are not beneficial to the United States economy;

(2) higher oil and gas prices mean United States consumers pay more for their home heating bills and more for gasoline to drive their cars;

(3) these inflated prices affect all areas of the United States economy, but have a particularly adverse impact on our senior citizens; and

(4) the President should use all powers necessary to reduce United States domestic oil and gas prices when international anticompetitive practices by the member nations of OPEC adversely affect the price paid by American consumers.

Page 8, line 9, redesignate section 7 as section 8.

H.R. 3822

OFFERED BY: MR. DEFAZIO

AMENDMENT NO. 8: Insert the following after section 6 and redesignate the succeeding section accordingly:

SEC. 7. SUSPENSION OF EXPORTS OF ALASKAN NORTH SLOPE CRUDE OIL.

(a) SUSPENSION.—Effective on the date of the enactment of this Act—

(1) subsection (s) of section 28 of the Mineral Leasing Act (30 U.S.C. 185(s)) shall cease to be effective; and

(2) subsection (d) of section 7 of the Export Administration Act of 1999 (50 U.S.C. App 2406(d)) shall be effective, notwithstanding section 20 of that Act.

(b) ADMINISTRATION.—The President may exercise the authorities he has under the International Emergency Economic Powers Act to carry out subsection (a).

(c) LIFTING OF SUSPENSION.—If the President determines that the United States is not experiencing a shortage of foreign crude oil and an inflationary impact due to the demand for foreign crude oil, subsections (a) and (b) shall cease to apply 30 calendar days after the President submits that determination to the Congress.

H.R. 3822

OFFERED BY: MR. DINGELL

AMENDMENT NO. 9: Page 8, after line 8, insert the following new section:

SEC. 7. ENERGY POLICY AND CONSERVATION ACT REAUTHORIZATION.

(a) TITLE I.—Title I of the Energy Policy and Conservation Act (42 U.S.C. 6211–6251) is amended—

(1) in section 166 (42 U.S.C. 6246)—

(A) by inserting ''through 2003'' after ''2000''; and

(B) by striking '', to remain available only through March 31, 2000''; and

(2) in section 181 (42 U.S.C. 6251), by striking ''March 31, 2000'' each place it appears and inserting ''September 30, 2003''.

(b) TITLE II.—Title II of the Energy Policy and Conservation Act (42 U.S.C. 6261–6285) is amended—

(1) in section 256(h) (42 U.S.C. 6276(h)), by inserting ''through 2003'' after ''1997''; and

(2) in section 281 (42 U.S.C. 6285), by striking ''March 31, 2000'' each place it appears and inserting ''September 30, 2003''.

Page 8, line 9, redesignate section 7 as section 8.

H.R. 3822

OFFERED BY: MR. HOBSON

AMENDMENT NO. 10: At the end of the bill insert the following new section:

SEC. 8. REPEAL OF 1993 INCREASES IN MOTOR FUEL TAXES.

(a) HIGHWAY GASOLINE.—Clause (i) of section 4081(a)(2)(A) of the Internal Revenue Code of 1986 is amended by striking ''18.3 cents'' and inserting ''14 cents''.

(b) AVIATION GASOLINE.—Clause (ii) of section 4081(a)(2)(A) of such Code is amended by striking ''19.3 cents'' and inserting ''15 cents''.

(c) DIESEL FUEL AND KEROSENE.—Clause (iii) of section 4081(a)(2)(A) of such Code is amended by striking ''24.3 cents'' and inserting ''20 cents''.

(d) AVIATION FUEL.—Paragraph (1) of section 4091(b) of such Code is amended by striking ''21.8 cents'' and inserting ''17.5 cents''.

(e) FUEL USED ON INLAND WATERWAYS.—

(1) Paragraph (1) of section 4042(b) of such Code is amended by adding ''and'' at the end of subparagraph (A), by striking '', and'' at the end of subparagraph (B) and inserting a period, and by striking subparagraph (C).

(2) Paragraph (2) of section 4042(b) of such Code is amended by striking subparagraph (C).

(f) TECHNICAL AMENDMENTS.—

(1) Subparagraph (B) of section 40(e)(1) of such Code is amended by striking ''during which the rates of tax under section 4081(a)(2)(A) are 4.3 cents per gallon'' and inserting ''during which the rate of tax under section 4081(a)(2)(A)(i) does not apply''.

(2) Subparagraph (A) of section 4041(a)(1) of such Code is amended by striking ''or a diesel-powered train'' each place it appears and by striking ''or train''.

(3) Subparagraph (C) of section 4041(a)(1) of such Code is amended by striking clause (ii) and by redesignating clause (iii) as clause (ii).

(4) Subclause (I) of section 4041(a)(1)(C)(ii) of such Code, as redesignated by paragraph (3), is amended by striking ''7.3 cents'' and inserting ''3 cents'' and by striking ''4.3 cents per gallon'' and inserting ''zero''.

(5) Subsection (a) of section 4041 of such Code is amended by striking paragraph (3).

(6) Subparagraph (C) of section 4041(b)(1) of such Code is amended by striking all that follows ''section 6421(e)(2)'' and inserting a period.

(7) Subparagraph (B) of section 4041(a)(2) of such Code is amended by striking all that follows clause (i) and inserting the following new clauses:

''(ii) 10.4 cents per gallon in the case of liquefied petroleum gas, and

''(iii) 9.1 cents per gallon in the case of liquefied natural gas.''

(8) Paragraph (3) of section 4041(c) of such Code is amended to read as follows:

''(3) TERMINATION.—The rate of the taxes imposed by paragraph (1) shall be zero after September 30, 2007.''

(9) Subsection (d) of section 4041 of such Code is amended by redesignating paragraph (3) as paragraph (4) and by inserting after paragraph (2) the following new paragraph:

''(3) DIESEL FUEL USED IN TRAINS.—There is hereby imposed a tax of 0.1 cent per gallon on any liquid other than gasoline (as defined in section 4083)—

''(A) sold by any person to an owner, lessee, or other operator of a diesel-powered train for use as a fuel in such train, or

''(B) used by any person as a fuel in a diesel-powered train unless there was a taxable sale of such fuel under subparagraph (A).

No tax shall be imposed by this paragraph on the sale or use of any liquid if tax was imposed on such liquid under section 4081.''

(10) Clauses (i) and (ii) of section 4041(m)(1)(A) of such Code are amended to read as follows:

''(i) 7 cents per gallon on and after the date of the enactment of this clause and before October 1, 2005, and

''(ii) zero after September 30, 2005, and''.

(11) Subsection (c) of section 4081 of such Code is amended by striking paragraph (6) and by redesignating paragraphs (7) and (8) as paragraphs (6) and (7), respectively.

(12) Paragraphs (1) and (2) of section 4081(d) of such Code are amended to read as follows:

''(1) IN GENERAL.—The rates of tax specified in clauses (i) and (iii) of subsection (a)(2)(A) shall be zero after September 30, 2005.

''(2) AVIATION GASOLINE.—The rate of tax specified in subsection (a)(2)(A)(ii) shall be zero after September 30, 2007.

(13) Subsection (f) of section 4082 of such Code is amended by striking ''section 4041(a)(1)'' and inserting ''subsections (d)(3) and (a)(1) of section 4041, respectively''.

(14) Paragraph (3) of section 4083(a) of such Code is amended by striking ''or a diesel-powered train''.

(15) Subparagraph (A) of section 4091(b)(3) of such Code is amended to read as follows:

''(A) The rate of tax specified in paragraph (1) shall be zero after September 30, 2007.''

(16) Paragraph (1) of section 4091(c) of such Code is amended—

(A) by striking ''14 cents'' and inserting ''9.7 cents'',

(B) by striking ''13.3 cents'' and inserting ''9 cents'',

(C) by striking ''13.2 cents'' and inserting ''8.9 cents'',

(D) by striking ''13.1 cents'' and inserting ''8.8 cents'', and

(E) by striking ''13.4 cents'' and inserting ''9.1 cents''.

(17) Subsection (c) of section 4091 of such Code is amended by striking paragraph (4), and by redesignating paragraph (5) as paragraph (4).

(18) Subsection (b) of section 4092 of such Code is amended by striking ''attributable to'' and all that follows and inserting ''attributable to the Leaking Underground Storage Tank Trust Fund financing rate imposed by such section. For purposes of the preceding sentence, the term 'commercial aviation' means any use of an aircraft other than in noncommercial aviation (as defined in section 4041(c)(2)).''

(19) Subparagraph (B) of section 6421(f)(2) of such Code is amended by striking ''and,'' and all that follows and inserting a period.

(20) Paragraph (3) of section 6421(f) of such Code is amended to read as follows:

''(3) GASOLINE USED IN TRAINS.—In the case of gasoline used as a fuel in a train, this section shall not apply with respect to the Leaking Underground Storage Tank Trust Fund financing rate under section 4081.''

(21) Subparagraph (A) of section 6427(b)(2) of such Code is amended by striking ''7.4 cents'' and inserting ''3.1 cents''.

(22) Paragraph (3) of section 6427(l) of such Code is amended to read as follows:

''(3) REFUND OF CERTAIN TAXES ON FUEL USED IN DIESEL-POWERED TRAINS.—For purposes of this subsection, the term 'nontaxable use' includes fuel used in a diesel-powered train. The preceding sentence shall not apply to the tax imposed by section 4041(d) and the Leaking Underground Storage Tank Trust Fund financing rate under section 4081 except with respect to fuel sold for exclusive use by a State or any political subdivision thereof.''

(23) Paragraph (4) of section 6427(l) of such Code is amended by striking ''attributable to'' and all that follows through the period and inserting ''attributable to the Leaking Underground Storage Tank Trust Fund financing rate imposed by such section.''

(g) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

(h) FLOOR STOCK REFUNDS.—

(1) IN GENERAL.—If—

(A) before the date of the enactment of this Act, tax has been imposed under section 4081 or 4091 of the Internal Revenue Code of 1986 on any liquid, and

(B) on such date such liquid is held by a dealer and has not been used and is intended for sale,

there shall be credited or refunded (without interest) to the person who paid such tax (hereafter in this subsection referred to as the ''taxpayer'') an amount equal to the excess of the tax paid by the taxpayer over the amount of such tax which would be imposed on such liquid had the taxable event occurred on such date.

(2) TIME FOR FILING CLAIMS.—No credit or refund shall be allowed or made under this subsection unless—

(A) claim therefor is filed with the Secretary of the Treasury before the date which is 6 months after the date of the enactment of this Act, based on a request submitted to the taxpayer before the date which is 3 months after such date of enactment, by the dealer who held the liquid on such date of enactment, and

(B) the taxpayer has repaid or agreed to repay the amount so claimed to such dealer or has obtained the written consent of such dealer to the allowance of the credit or the making of the refund.

(3) EXCEPTION FOR FUEL HELD IN RETAIL STOCKS.—No credit or refund shall be allowed under this subsection with respect to any liquid in retail stocks held at the place where intended to be sold at retail.

(4) DEFINITIONS.—For purposes of this subsection, the terms ''dealer'' and ''held by a dealer'' have the respective meanings given to such terms by section 6412 of such Code.

(5) CERTAIN RULES TO APPLY.—Rules similar to the rules of subsections (b) and (c) of section 6412 of such Code shall apply for purposes of this subsection.

(i) EXCLUSION OF EFFECTS OF THIS SECTION FROM THE PAYGO SCORECARD.—Upon the enactment of this Act, the Director of the Office of Management and Budget shall not make any estimates of changes in receipts under section 252(d) of the Balanced Budget and Emergency Deficit Control Act of 1985.

H.R. 3822

OFFERED BY: MR. LARSON

AMENDMENT NO. 11: Page 8, after line 8, insert the following new section:

SEC. 7. OIL PRICE SAFEGUARDS.

(a) DRAWDOWN OF STRATEGIC PETROLEUM RESERVE.—Section 161(d) of the Energy Policy and Conservation Act (42 U.S.C. 6241(d)) is amended by adding at the end the following:

''(3) REDUCTION IN SUPPLY CAUSED BY ANTICOMPETITIVE CONDUCT.—

''(A) IN GENERAL.—For the purposes of this section, in addition to the circumstances set forth in section 3(8) and in paragraph (2) of this subsection, a severe energy supply interruption shall be deemed to exist if the President determines that—

''(i) there is a significant reduction in supply that—

''(I) is of significant scope and duration; and

''(II) has caused a significant increase in the price of petroleum products;

''(ii) the increase in price is likely to cause a significant adverse impact on the national economy; and

''(iii) a substantial cause of the reduction in supply is the anticompetitive conduct of 1 or more foreign countries or international entities.

''(B) DEPOSIT AND USE OF PROCEEDS.—Proceeds from the sale of petroleum drawn down pursuant to a Presidential determination under subparagraph (A) shall—

''(i) be deposited in the SPR Petroleum Account; and

''(ii) be used only for the purposes specified in section 167.''.

(b) REPORTING AND CONSULTATION REQUIREMENTS.—If the price of a barrel of crude oil exceeds $25 (in constant 1999 United States dollars) for a period greater than 14 days, the President, through the Secretary of Energy, shall, not later than 30 days after the end of the 14-day period, submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Commerce of the House of Representatives a report that—

(1) states the results of a comprehensive review of the causes and potential consequences of the price increase;

(2) provides an estimate of the likely duration of the price increase, based on analyses and forecasts of the Energy Information Administration;

(3) provides an analysis of the effects of the price increase on the cost of home heating oil; and

(4) states whether, and provides a specific rationale for why, the President does or does not support the drawdown and distribution of a specified amount of oil from the Strategic Petroleum Reserve.

Page 8, line 9, redesignate section 7 as section 8.

H.R. 3822

OFFERED BY: MRS. THURMAN

AMENDMENT NO. 20: Add at the end thereof the following new title:

TITLE II—ENERGY EFFICIENT TECHNOLOGY TAX INCENTIVES

SEC. 201. SHORT TITLE.

This Act may be cited as the ''Energy Efficient Technology Tax Act''.

SEC. 202. CREDIT FOR CERTAIN ENERGY-EFFICIENT PROPERTY USED IN BUSINESS.

(a) IN GENERAL.—Subpart E of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after section 48 the following new section:

''SEC. 48A. ENERGY CREDIT.

''(a) IN GENERAL.—For purposes of section 46, the energy credit for any taxable year is the sum of—

''(1) the amount equal to the energy percentage of the basis of each energy property placed in service during such taxable year, and

''(2) the credit amount for each qualified hybrid vehicle placed in service during the taxable year.

''(b) ENERGY PERCENTAGE.—

''(1) IN GENERAL.—The energy percentage shall be determined in accordance with the following table:

''Column A—Description	Column B—Energy Percentage	Column C—Period	
In the case of:	The energy percentage is:	For the period:	
		Beginning on:	Ending on:
Solar energy property (other than elected solar hot water property and photovoltaic property) and geothermal energy property	10 percent	1/1/2000	no end date
Elected solar hot water property	15 percent	1/1/2000	12/31/2004
Photovoltaic property	15 percent	1/1/2000	12/31/2006

''Column A—Description	Column B—Energy Percentage	Column C—Period	
In the case of:	The energy percentage is:	For the period:	
		Beginning on:	Ending on:
20 percent energy-efficient building property	20 percent	1/1/2000	12/31/2003
10 percent energy-efficient building property	10 percent	1/1/2000	12/31/2001
Combined heat and power system property	8 percent	1/1/2000	12/31/2002.

''(2) PERIODS FOR WHICH PERCENTAGE NOT SPECIFIED.—In the case of any energy property, the energy percentage shall be zero for any period for which an energy percentage is not specified for such property under paragraph (1).

''(3) COORDINATION WITH REHABILITATION.—The energy percentage shall not apply to that portion of the basis of any property which is attributable to qualified rehabilitation expenditures.

''(4) TRANSITIONAL RULES.—Rules similar to the rules of section 48(m) (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990) shall apply for purposes of this subsection.

''(c) MAXIMUM CREDIT FOR CERTAIN PROPERTY.—In the case of property described in the following table, the amount of the current year business credit under subsection (a) for the taxable year for each item of such property with respect to a building shall not exceed the amount specified for such property in such table:

Description of property:	**Maximum allowable credit amount is:**
Elected solar hot water property	$1,000.
Photovoltaic property with respect to which the energy percentage is greater than 10 percent	$2,000.
20 percent energy-efficient building property:	
fuel cell described in subsection (e)(3)(A)	$500 per each kw/hr of capacity.
natural gas heat pump described in subsection (e)(3)(D)	$1,000.
20 percent energy-efficient building property (other than a fuel cell and a natural gas heat pump)	$500.
10 percent energy-efficient building property	$250.

''(d) ENERGY PROPERTY DEFINED.—

''(1) IN GENERAL.—For purposes of this subpart, the term 'energy property' means any property—

''(A) which is—

''(i) solar energy property,

''(ii) geothermal energy property,

''(iii) 20 percent energy-efficient building property,

''(iv) 10 percent energy-efficient building property, or

''(v) combined heat and power system property,

''(B)(i) the construction, reconstruction, or erection of which is completed by the taxpayer, or

''(ii) which is acquired by the taxpayer if the original use of such property commences with the taxpayer,

''(C) with respect to which depreciation (or amortization in lieu of depreciation) is allowable, and

''(D) which meets the performance and quality standards (if any), and the certification requirements (if any), which—

''(i) have been prescribed by the Secretary by regulations (after consultation with the Secretary of Energy or the Administrator of the Environmental Protection Agency, as appropriate), and

''(ii) are in effect at the time of the acquisition of the property.

''(2) EXCEPTION.—Such term shall not include any property which is public utility property (as defined in section 46(f)(5) as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990). The preceding sentence shall not apply to combined heat and power system property.

''(e) DEFINITIONS RELATING TO TYPES OF ENERGY PROPERTY.—For purposes of this section—

''(1) SOLAR ENERGY PROPERTY.—

''(A) IN GENERAL.—The term 'solar energy property' means equipment which uses solar energy—

''(i) to generate electricity,

''(ii) to heat or cool (or provide hot water for use in) a structure, or

''(iii) to provide solar process heat.

''(B) ELECTED SOLAR WATER HEATING PROPERTY.—

''(i) IN GENERAL.—The term 'elected solar water heating property' means property which is solar energy property by reason of subparagraph (A)(ii) and for which an election under this subparagraph is in effect.

''(ii) ELECTION.—For purposes of clause (i) and the energy percentage specified in the table in subsection (b)(1), a taxpayer may elect to treat property described in clause (i) as elected solar water heating property.

''(C) PHOTOVOLTAIC PROPERTY.—The term 'photovoltaic property' means solar energy property which uses a solar photovoltaic process to generate electricity.

''(D) SWIMMING POOLS, ETC., USED AS STORAGE MEDIUM.—The term 'solar energy property' shall not include a swimming pool, hot tub, or any other energy storage medium which has a function other than the function of such storage.

''(E) SOLAR PANELS.—No solar panel or other property installed as a roof (or portion thereof) shall fail to be treated as solar energy property solely because it constitutes a structural component of the structure on which it is installed.

''(2) GEOTHERMAL ENERGY PROPERTY.—The term 'geothermal energy property' means equipment used to produce, distribute, or use energy derived from a geothermal deposit (within the meaning of section 613(e)(2)), but only, in the case of electricity generated by geothermal power, up to (but not including) the electrical transmission stage.

''(3) 20 PERCENT ENERGY-EFFICIENT BUILDING PROPERTY.—The term '20 percent energy-efficient building property' means—

''(A) a fuel cell that—

''(i) generates electricity and heat using an electrochemical process,

''(ii) has an electricity-only generation efficiency greater than 35 percent, and

''(iii) has a minimum generating capacity of 5 kilowatts,

''(B) an electric heat pump hot water heater that yields an energy factor of 1.7 or greater,

''(C) an electric heat pump that has a heating system performance factor (HSPF) of 9 or greater and a cooling seasonal energy efficiency ratio (SEER) of 15 or greater,

''(D) a natural gas heat pump that has a coefficient of performance of not less than 1.25 for heating and not less than 0.70 for cooling,

''(E) a central air conditioner that has a cooling seasonal energy efficiency ratio (SEER) of 15 or greater, and

''(F) an advanced natural gas water heater that has an energy factor of at least 0.80.

''(4) 10 PERCENT ENERGY-EFFICIENT BUILDING PROPERTY.—The term '10 percent energy-efficient building property' means—

''(A) an electric heat pump that has a heating system performance factor (HSPF) of 7.5 or greater and a cooling seasonal energy efficiency ratio (SEER) of 13.5 or greater,

''(B) a central air conditioner that has a cooling seasonal energy efficiency ratio (SEER) of 13.5 or greater, and

''(C) an advanced natural gas water heater that has an energy factor of at least 0.65.

''(5) COMBINED HEAT AND POWER SYSTEM PROPERTY.—

''(A) IN GENERAL.—The term 'combined heat and power system property' means property comprising a system—

''(i) which uses the same energy source for the simultaneous or sequential generation of electrical power, mechanical shaft power, or both, in combination with the generation of steam or other forms of useful thermal energy (including heating and cooling applications),

''(ii) which has an electrical capacity of more than 50 kilowatts or a mechanical energy capacity of more than 67 horsepower or an equivalent combination of electrical and mechanical energy capacities,

''(iii) which produces—

''(I) at least 20 percent of its total useful energy in the form of thermal energy, and

''(II) at least 20 percent of its total useful energy in the form of electrical or mechanical power (or a combination thereof), and

''(iv) the energy efficiency percentage of which exceeds 60 percent (70 percent in the case of a system with an electrical capacity in excess of 50 megawatts or a mechanical energy capacity in excess of 67,000 horsepower, or an equivalent combination of electrical and mechanical energy capacities).

''(B) SPECIAL RULES.—

''(i) ENERGY EFFICIENCY PERCENTAGE.—For purposes of subparagraph (A)(iv), the energy efficiency percentage of a system is the fraction—

''(I) the numerator of which is the total useful electrical, thermal, and mechanical power produced by the system at normal operating rates, and

''(II) the denominator of which is the lower heating value of the primary fuel source for the system.

''(ii) DETERMINATIONS MADE ON BTU BASIS.—The energy efficiency percentage and the percentages under subparagraph (A)(iii) shall be determined on a Btu basis.

''(iii) INPUT AND OUTPUT PROPERTY NOT INCLUDED.—The term 'combined heat and power system property' does not include

property used to transport the energy source to the facility or to distribute energy produced by the facility.

''(iv) ACCOUNTING RULE FOR PUBLIC UTILITY PROPERTY.—In the case that combined heat and power system property is public utility property (as defined in section 46(f)(5) as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990), the taxpayer may only claim the credit under subsection (a)(1) if, with respect to such property, the taxpayer uses a normalization method of accounting.

''(v) DEPRECIATION.—No credit shall be allowed for any combined heat and power system property unless the taxpayer elects to treat such property for purposes of section 168 as having a class life of not less than 22 years.

''(f) QUALIFIED HYBRID VEHICLES.—For purposes of subsection (a)(2)—

''(1) CREDIT AMOUNT.—

''(A) IN GENERAL.—The credit amount for each qualified hybrid vehicle with a rechargeable energy storage system that provides the applicable percentage of the maximum available power shall be the amount specified in the following table:

''Applicable percentage		Credit amount is:
Greater than or equal to—	Less than—	
5 percent	10 percent	$ 500
10 percent	20 percent	$1,000
20 percent	30 percent	$1,500
30 percent		$2,000

''(B) INCREASE IN CREDIT AMOUNT FOR REGENERATIVE BRAKING SYSTEM.—In the case of a qualified hybrid vehicle that actively employs a regenerative braking system which supplies to the rechargeable energy storage system the applicable percentage of the energy available from braking in a typical 60 miles per hour to 0 miles per hour braking event, the credit amount determined under subparagraph (A) shall be increased by the amount specified in the following table:

''Applicable percentage		Credit amount increase is:
Greater than or equal to—	Less than—	
20 percent	40 percent	$ 250
40 percent	60 percent	$ 500
60 percent		$1,000

''(2) QUALIFIED HYBRID VEHICLE.—The term 'qualified hybrid vehicle means an automobile that meets all applicable regulatory requirements and that can draw propulsion energy from both of the following on-board sources of stored energy:

''(A) A consumable fuel.

''(B) A rechargeable energy storage system.

''(3) MAXIMUM AVAILABLE POWER.—The term 'maximum available power' means the maximum value of the sum of the heat engine and electric drive system power or other non-heat energy conversion devices available for a driver's command for maximum acceleration at vehicle speeds under 75 miles per hour.

''(4) AUTOMOBILE.—The term 'automobile' has the meaning given such term by section 4064(b)(1) (without regard to subparagraphs (B) and (C) thereof). A vehicle shall not fail to be treated as an automobile solely by reason of weight if such vehicle is rated at 8,500 pounds gross vehicle weight rating or less.

''(5) DOUBLE BENEFIT; PROPERTY USED OUTSIDE UNITED STATES, ETC., NOT QUALIFIED.—No credit shall be allowed under subsection (a)(2) with respect to—

''(A) any property for which a credit is allowed under section 25B or 30,

''(B) any property referred to in section 50(b), and

''(C) the portion of the cost of any property taken into account under section 179 or 179A.

''(6) REGULATIONS.—

''(A) TREASURY.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this subsection.

''(B) ENVIRONMENTAL PROTECTION AGENCY.—

''(A) TREASURY.—The Administrator of the Environmental Protection Agency shall prescribe such regulations as may be necessary or appropriate to specify the testing and calculation procedures that would be used to determine whether a vehicle meets the qualifications for a credit under this subsection.

''(7) TERMINATION.—Paragraph (2) shall not apply with respect to any vehicle placed in service during a calendar year ending before January 1, 2003, or after December 31, 2006.

''(g) SPECIAL RULES.—For purposes of this section—

''(1) SPECIAL RULE FOR PROPERTY FINANCED BY SUBSIDIZED ENERGY FINANCING OR INDUSTRIAL DEVELOPMENT BONDS.—

''(A) REDUCTION OF BASIS.—For purposes of applying the energy percentage to any property, if such property is financed in whole or in part by—

''(i) subsidized energy financing, or

''(ii) the proceeds of a private activity bond (within the meaning of section 141) the interest on which is exempt from tax under section 103,

the amount taken into account as the basis of such property shall not exceed the amount which (but for this subparagraph) would be so taken into account multiplied by the fraction determined under subparagraph (B).

''(B) DETERMINATION OF FRACTION.—For purposes of subparagraph (A), the fraction determined under this subparagraph is 1 reduced by a fraction—

''(i) the numerator of which is that portion of the basis of the property which is allocable to such financing or proceeds, and

''(ii) the denominator of which is the basis of the property.

''(C) SUBSIDIZED ENERGY FINANCING.—For purposes of subparagraph (A), the term 'subsidized energy financing' means financing provided under a Federal, State, or local program a principal purpose of which is to provide subsidized financing for projects designed to conserve or produce energy.

''(2) BUSINESS USE.—The rule similar to the rule of section 25(B)(d)(5)(B) shall apply for purposes of determining the business use of a vehicle.

''(3) CERTAIN PROGRESS EXPENDITURE RULES MADE APPLICABLE.—Rules similar to the rules of subsections (c)(4) and (d) of section 46 (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990) shall apply for purposes of this section.

''(4) DOUBLE BENEFIT.—Property which would, but for this paragraph, be eligible for credit under more than one provision of this section shall be eligible only under one such provision, the provision specified by the taxpayer.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 48 of such Code is amended to read as follows:

''SEC. 48. REFORESTATION CREDIT.

''(a) IN GENERAL.—For purposes of section 46, the reforestation credit for any taxable year is 10 percent of the portion of the amortizable basis of any qualified timber property which was acquired during such taxable year and which is taken into account under section 194 (after the application of section 194(b)(1)).

''(b) DEFINITIONS.—For purposes of this subpart, the terms 'amortizable basis' and 'qualified timber property' have the respective meanings given to such terms by section 194.''.

(2) Subsection (d) of section 39 of such Code is amended by adding at the end the following new paragraph:

''(9) NO CARRYBACK OF ENERGY CREDIT BEFORE EFFECTIVE DATE.—No portion of the unused business credit for any taxable year which is attributable to the energy credit determined under section 48A may be carried back to a taxable year ending before the date of the enactment of section 48A.''.

(3) Paragraph (3) of section 50(c) of such Code is amended by adding at the end the following flush sentence:

''In the case of the energy credit, the preceding sentence shall apply only to so much of such credit as relates to solar energy property and geothermal property (as such terms are defined in section 48A(e)).''.

(4) Subclause (III) of section 29(b)(3)(A)(i) of such Code is amended by striking ''section 48(a)(4)(C)'' and inserting ''section 48A(g)(1)(C)''.

(5) Subparagraph (E) of section 50(a)(2) of such Code is amended by striking ''section 48(a)(5)'' and inserting ''section 48A(g)(3)''.

(6) Subparagraph (B) of section 168(e)(3) of such Code is amended—

(A) in clause (vi)(I)—

(i) by striking ''section 48(a)(3)'' and inserting ''paragraphs (1) and (2) of section 48A(e)'', and

(ii) by striking ''clause (i)'' and inserting ''paragraph (1)(A)'', and

(B) in the last sentence by striking ''section 48(a)(3)'' and inserting ''section 48A(d)(2)''.

(7) Subparagraph (E) of section 168(e)(3) of such Code is amended by striking ''and'' at the end of clause (ii), by striking the period at the end of clause (iii) and inserting '',

and'', and by inserting after clause (iii) the following new clause:

''(iv) any combined heat and power system property (as defined in section 48A(e)(5)) for which a credit is allowed under section 48A and which, but for this clause, would have a recovery period of less than 15 years.''.

(8) The table contained in subparagraph (B) of section 168(g)(3) of such Code is amended by adding at the end the following:

''(E)(iv) ..... 22''.

(c) CLERICAL AMENDMENT.—The table of sections for subpart E of part IV of subchapter A of chapter 1 of such Code is amended by striking the item relating to section 48 and inserting the following new items:

''Sec. 48. Reforestation credit.

''Sec. 48A. Energy credit.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to periods after December 31, 1999, under rules similar to the rules of section 48(m) of the Internal Revenue Code of 1986 (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990).

SEC. 203. EXTENSION OF CREDIT FOR QUALIFIED ELECTRIC VEHICLES.

(a) EXTENSION OF CREDIT FOR QUALIFIED ELECTRIC VEHICLES.—Subsection (f) of section 30 of such Code (relating to termination) is amended by striking ''December 31, 2004'' and inserting ''December 31, 2006''.

(b) REPEAL OF PHASEOUT.—Subsection (b) of section 30 of such Code (relating to limitations) is amended by striking paragraph (2) and redesignating paragraph (3) as paragraph (2).

(c) NO DOUBLE BENEFIT.—

(1) Subsection (d) of section 30 of such Code (relating to special rules) is amended by adding at the end the following new paragraph:

''(5) No credit shall be allowed under subsection (a) with respect to any vehicle if the taxpayer claims a credit for such vehicle under section 25B(a)(1)(B) or 48A(f).''.

(2) Paragraph (3) of section 30(d) of such Code (relating to property used outside United States, etc., not qualified) is amended by striking ''section 50(b)'' and inserting ''section 25B, 48A, or 50(b)''.

(3) Paragraph (5) of section 179A(e) of such Code (relating to property used outside United States, etc., not qualified) is amended by striking ''section 50(b)'' and inserting ''section 25B, 48A, or 50(b)''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act.

SEC. 204. MODIFICATIONS TO CREDIT FOR ELECTRICITY PRODUCED FROM CERTAIN RENEWABLE RESOURCES.

(a) EXTENSION.—Paragraph (3) of section 45(c) of the Internal Revenue Code of 1986 (relating to qualified facility) is amended by striking ''July 1, 1999'' and inserting ''July 1, 2004''.

(b) QUALIFIED FACILITIES INCLUDE ALL BIOMASS FACILITIES.—

(1) IN GENERAL.—Paragraph (1) of section 45(c) of such Code (relating to definition of qualified energy resources) is amended by striking ''and'' at the end of subparagraph (A), by striking the period at the end of subparagraph (B), and by inserting after subparagraph (B) the following:

''(C) biomass (other than closed-loop biomass).''.

(2) BIOMASS DEFINED.—Paragraph (2) of section 45(c) of such Code is amended to read as follows:

''(2) BIOMASS.—

''(A) IN GENERAL.—The term 'biomass' means—

''(i) closed-loop biomass, and

''(ii) any solid, nonhazardous, cellulosic waste material, which is segregated from other waste materials, and which is derived from—

''(I) any of the following forest-related resources: mill residues, precommercial thinnings, slash, and brush, but not including old-growth timber,

''(II) waste pallets, crates, and dunnage, and landscape or right-of-way tree trimmings, but not including unsegregated municipal solid waste (garbage) and post-consumer wastepaper, or

''(III) agriculture sources, including orchard tree crops, vineyard, grain, legumes, sugar, and other crop by-products or residues.

''(B) CLOSED-LOOP BIOMASS.—The term 'closed-loop biomass' means any organic material from a plant which is planted exclusively for purposes of being used at a qualified facility to produce electricity.''.

(c) ELECTRICITY PRODUCED FROM BIOMASS CO-FIRED IN COAL PLANTS.—

(1) CREDIT AMOUNT.—Paragraph (1) of section 45(a) of such Code (relating to general rule) is amended by inserting ''(1.0 cents in the case of electricity produced from biomass co-fired in a facility which produces electricity from coal) after ''1.5 cents''.

(2) QUALIFIED FACILITY.—Paragraph (3) of section 45(c) of such Code (relating to definitions) is amended by striking the period at the end and inserting the following: '', and any facility using biomass other than closed loop biomass to produce electricity which is owned by the taxpayer and which is originally placed in service after June 30, 1999.''.

(3) ADJUSTMENT FOR INFLATION.—

(A) IN GENERAL.—Paragraph (2) of section 45(b) of such Code (relating to credit and phaseout adjustment based on inflation) is amended by striking ''1.5 cent amount'' and inserting ''1.5 and 1.0 cent amounts''.

(B) BASE YEAR FOR INFLATION ADJUSTMENT FACTOR.—Subparagraph (B) of section 45(d)(2) of such Code (relating to inflation adjustment factor) is amended by adding at the end the following new sentence: ''In the case of the 1.0 cents amount in subsection (a), the first sentence of this subparagraph shall be applied by substituting '1999' for '1992'.''.

(d) CREDIT NOT TO APPLY TO ELECTRICITY SOLD TO UTILITIES UNDER CERTAIN CONTRACTS.—Subsection (b) of section 45 of such Code (relating to limitations and adjustments) is amended by adding at the end the following new paragraph:

''(4) CREDIT NOT TO APPLY TO ELECTRICITY SOLD TO UTILITIES UNDER CERTAIN CONTRACTS.—

''(A) IN GENERAL.—The credit determined under subsection (a) shall not apply to electricity—

''(i) produced at a qualified facility placed in service by the taxpayer after June 30, 1999, and

''(ii) sold to a utility pursuant to a contract originally entered into before January 1, 1987 (whether or not amended or restated after that date).

''(B) EXCEPTION.—Subparagraph (A) shall not apply if—

''(i) the prices for energy and capacity from such facility are established pursuant to an amendment to the contract referred to in subparagraph (A)(ii),

''(ii) such amendment provides that the prices set forth in the contract which exceed avoided cost prices determined at the time of delivery shall apply only to annual quantities of electricity (prorated for partial years) which do not exceed the greater of—

''(I) the average annual quantity of electricity sold to the utility under the contract during calendar years 1994, 1995, 1996, 1997, and 1998, or

''(II) the estimate of the annual electricity production set forth in the contract, or, if there is no such estimate, the greatest annual quantity of electricity sold to the utility under the contract in any of the calendar years 1996, 1997, or 1998, and

''(iii) such amendment provides that energy and capacity in excess of the limitation in clause (ii) may be—

''(I) sold to the utility only at prices that do not exceed avoided cost prices determined at the time of delivery, or

''(II) sold to a third party subject to a mutually agreed upon advance notice to the utility.

For purposes of this subparagraph, avoided cost prices shall be determined as provided for in section 292.304(d)(1) of title 18, Code of Federal Regulations, or any successor regulation.''.

(e) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided by paragraph (2), the amendments made by this section shall apply to taxable years ending after June 30, 1999.

(2) ADJUSTMENT FOR INFLATION.—The amendments made by subsection (c)(3) shall apply to taxable years ending after December 31, 1999.

SEC. 205. CREDIT FOR CERTAIN NONBUSINESS ENERGY PROPERTY.

(a) IN GENERAL.—Subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to nonrefundable personal credits) is amended by inserting after section 25A the following new section:

''SEC. 25B. NONBUSINESS ENERGY PROPERTY.

''(a) ALLOWANCE OF CREDIT.—

''(1) IN GENERAL.—In the case of an individual, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the sum of—

''(A) the applicable percentage of residential energy property expenditures made by the taxpayer during such year,

''(B) the credit amount (determined under section 48A(f)) for each vehicle purchased during the taxable year which is a qualified hybrid vehicle (as defined in section 48A(f)(2)), and

''(C) the credit amount specified in the following table for a new, highly energy-efficient principal residence:

''New, Highly Energy-Efficient Principal Residence:	Credit Amount:
30 percent property	$1,000.
40 percent property	$1,500.
50 percent property	$2,000.

''(2) APPLICABLE PERCENTAGE.—

''(A) IN GENERAL.—The applicable percentage shall be determined in accordance with the following table:

''Column A—Description	Column B— Applicable Percentage	Column C—Period	
In the case of:	The applicable percentage is:	For the period:	
		Beginning on:	Ending on:
20 percent energy-efficient building property	20 percent	1/1/2000	12/31/2003
10 percent energy-efficient building property	10 percent	1/1/2000	12/31/2001
Solar water heating property	15 percent	1/1/2000	12/31/2006
Photovoltaic property	15 percent	1/1/2000	12/31/2006.

''(B) PERIODS FOR WHICH PERCENTAGE NOT SPECIFIED.—In the case of any residential energy property, the applicable percentage shall be zero for any period for which an applicable percentage is not specified for such property under subparagraph (A).

''(b) MAXIMUM CREDIT.—

''(1) IN GENERAL.—In the case of property described in the following table, the amount of the credit allowed under subsection (a)(1)(A) for the taxable year for each item of such property with respect to a dwelling unit shall not exceed the amount specified for such property in such table:

''Description of property item:	**Maximum allowable credit amount is:**
20 percent energy-efficient building property (other than a fuel cell or natural gas heat pump)	$500.
20 percent energy-efficient building property:	
fuel cell described in section 48A (e)(3)(A)	$ 500 per each kw/hr of capacity.
natural gas heat pump described in section 48A (e)(3)(D)	$1,000.
10 percent energy-efficient building property	$ 250.
Solar water heating property	$1,000.
Photovoltaic property	$2,000.

''(2) COORDINATION OF LIMITATIONS.—If a credit is allowed to the taxpayer for any taxable year by reason of an acquisition of a new, highly energy-efficient principal residence, no other credit shall be allowed under subsection (a)(1)(A) with respect to such residence during the 1-taxable year period beginning with such taxable year.

''(c) DEFINITIONS.—For purposes of this section—

''(1) RESIDENTIAL ENERGY PROPERTY EXPENDITURES.—The term 'residential energy property expenditures' means expenditures made by the taxpayer for qualified energy property installed on or in connection with a dwelling unit which—

''(A) is located in the United States, and

''(B) is used by the taxpayer as a residence.

Such term includes expenditures for labor costs properly allocable to the onsite preparation, assembly, or original installation of the property.

''(2) QUALIFIED ENERGY PROPERTY.—

''(A) IN GENERAL.—The term 'qualified energy property' means—

''(i) energy-efficient building property,

''(ii) solar water heating property, and

''(iii) photovoltaic property.

''(B) SWIMMING POOL, ETC., USED AS STORAGE MEDIUM; SOLAR PANELS.—For purposes of this paragraph, the provisions of subparagraphs (D) and (E) section 48A(e)(1) shall apply.

''(3) ENERGY-EFFICIENT BUILDING PROPERTY.—The term 'energy-efficient building property' has the meaning given to such term by paragraphs (3) and (4) of section 48A(e).

''(4) SOLAR WATER HEATING PROPERTY.—The term 'solar water heating property' means property which, when installed in connection with a structure, uses solar energy for the purpose of providing hot water for use within such structure.

''(5) PHOTOVOLTAIC PROPERTY.—The term 'photovoltaic property' has the meaning given to such term by section 48A(e)(1)(C).

''(6) NEW, HIGHLY ENERGY-EFFICIENT PRINCIPAL RESIDENCE.—

''(A) IN GENERAL.—Property is a new, highly energy-efficient principal residence if—

''(i) such property is located in the United States,

''(ii) the original use of such property commences with the taxpayer and is, at the time of such use, the principal residence of the taxpayer, and

''(iii) such property is certified before such use commences as being 50 percent property, 40 percent property, or 30 percent property.

''(B) 50, 40, OR 30 PERCENT PROPERTY.—

''(i) IN GENERAL.—For purposes of subparagraph (A), property is 50 percent property, 40 percent property, or 30 percent property if the projected energy usage of such property is reduced by 50 percent, 40 percent, or 30 percent, respectively, compared to the energy usage of a reference house that complies with minimum standard practice, such as the 1998 International Energy Conservation Code of the International Code Council, as determined according to the requirements specified in clause (ii).

''(ii) PROCEDURES.—

''(I) IN GENERAL.—For purposes of clause (i), energy usage shall be demonstrated either by a component-based approach or a performance-based approach.

''(II) COMPONENT APPROACH.—Compliance by the component approach is achieved when all of the components of the house comply with the requirements of prescriptive packages established by the Secretary of Energy, in consultation with the Administrator of the Environmental Protection Agency, such that they are equivalent to the results of using the performance-based approach of subclause (III) to achieve the required reduction in energy usage.

''(III) PERFORMANCE-BASED APPROACH.—Performance-based compliance shall be demonstrated in terms of the required percentage reductions in projected energy use. Computer software used in support of performance-based compliance must meet all of the procedures and methods for calculating energy savings reductions that are promulgated by the Secretary of Energy. Such regulations on the specifications for software shall be based in the 1998 California Residential Alternative Calculation Method Approval Manual, except that the calculation procedures shall be developed such that the same energy efficiency measures qualify a home for tax credits regardless of whether the home uses a gas or oil furnace or boiler, or an electric heat pump.

''(IV) APPROVAL OF SOFTWARE SUBMISSIONS.—The Secretary of Energy shall approve software submissions that comply with the calculation requirements of subclause (III).

''(C) DETERMINATIONS OF COMPLIANCE.—A determination of compliance made for the purposes of this paragraph shall be filed with the Secretary of Energy within 1 year of the date of such determination and shall include the TIN of the certifier, the address of the building in compliance, and the identity of the person for whom such determination was performed. Determinations of compliance filed with the Secretary of Energy shall be available for inspection by the Secretary.

''(D) COMPLIANCE.—

''(i) IN GENERAL.—The Secretary of Energy in consultation with the Secretary of the Treasury shall establish requirements for certification and compliance procedures after examining the requirements for energy consultants and home energy ratings providers specified by the Mortgage Industry National Accreditation Procedures for Home Energy Rating Systems.

''(ii) INDIVIDUALS QUALIFIED TO DETERMINE COMPLIANCE.—Individuals qualified to determine compliance shall be only those individuals who are recognized by an organization certified by the Secretary of Energy for such purposes.

''(D) PRINCIPAL RESIDENCE.—The term 'principal residence' has the same meaning as when used in section 121, except that the period for which a building is treated as the principal residence of the taxpayer shall also include the 60-day period ending on the 1st day on which it would (but for this subparagraph) first be treated as his principal residence.

''(d) SPECIAL RULES.—For purposes of this section—

''(1) DOLLAR AMOUNTS IN CASE OF JOINT OCCUPANCY.—In the case of any dwelling unit which if jointly occupied and used during any calendar year as a residence by 2 or more individuals the following shall apply:

''(A) The amount of the credit allowable under subsection (a) by reason of expenditures made during such calendar year by any of such individuals with respect to such dwelling unit shall be determined by treating all of such individuals as 1 taxpayer whose taxable year is such calendar year.

''(B) There shall be allowable with respect to such expenditures to each of such individuals, a credit under subsection (a) for the taxable year in which such calendar year ends in an amount which bears the same ratio to the amount determined under subparagraph (A) as the amount of such expenditures made by such individual during such calendar year bears to the aggregate of such expenditures made by all of such individuals during such calendar year.

''(2) TENANT-STOCKHOLDER IN COOPERATIVE HOUSING CORPORATION.—In the case of an individual who is a tenant-stockholder (as defined in section 216) in a cooperative housing corporation (as defined in such section), such individual shall be treated as having made his tenant-stockholder's proportionate share

(as defined in section 216(b)(3)) of any expenditures of such corporation.

''(3) CONDOMINIUMS.—

''(A) IN GENERAL.—In the case of an individual who is a member of a condominium management association with respect to a condominium which he owns, such individual shall be treated as having made his proportionate share of any expenditures of such association.

''(B) CONDOMINIUM MANAGEMENT ASSOCIATION.—For purposes of this paragraph, the term 'condominium management association' means an organization which meets the requirements of paragraph (1) of section 528(c) (other than subparagraph (E) thereof) with respect to a condominium project substantially all of the units of which are used as residences.

''(4) JOINT OWNERSHIP OF ENERGY ITEMS.—

''(A) IN GENERAL.—Any expenditure otherwise qualifying as a residential energy property expenditure shall not be treated as failing to so qualify merely because such expenditure was made with respect to 2 or more dwelling units.

''(B) LIMITS APPLIED SEPARATELY.—In the case of any expenditure described in subparagraph (A), the amount of the credit allowable under subsection (a) shall (subject to paragraph (1)) be computed separately with respect to the amount of the expenditure made for each dwelling unit.

''(5) ALLOCATION IN CERTAIN CASES.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), if less than 80 percent of the use of an item is for nonbusiness purposes, only that portion of the expenditures for such item which is properly allocable to use for nonbusiness purposes shall be taken into account. For purposes of this paragraph, use for a swimming pool shall be treated as use which is not for nonbusiness purposes.

''(B) SPECIAL RULE FOR VEHICLES.—For purposes of this section and section 48A, a vehicle shall be treated as used entirely for business or nonbusiness purposes if the majority of the use of such vehicle is for business or nonbusiness purposes, as the case may be.

''(6) DOUBLE BENEFIT; PROPERTY USED OUTSIDE UNITED STATES, ETC., NOT QUALIFIED.—No credit shall be allowed under subsection (a)(1)(B) with respect to—

''(A) any property for which a credit is allowed under section 30 or 48A,

''(B) any property referred to in section 50(b), and

''(C) the portion of the cost of any property taken into account under section 179 or 179A.

''(7) WHEN EXPENDITURE MADE; AMOUNT OF EXPENDITURE.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), an expenditure with respect to an item shall be treated as made when the original installation of the item is completed.

''(B) EXPENDITURES PART OF BUILDING CONSTRUCTION.—In the case of an expenditure in connection with the construction of a structure, such expenditure shall be treated as made when the original use of the constructed structure by the taxpayer begins.

''(C) AMOUNT.—The amount of any expenditure shall be the cost thereof.

''(8) PROPERTY FINANCED BY SUBSIDIZED ENERGY FINANCING.—

''(A) REDUCTION OF EXPENDITURES.—For purposes of determining the amount of residential energy property expenditures made by any individual with respect to any dwelling unit, there shall not be taken in to account expenditures which are made from subsidized energy financing (as defined in section 48A(g)(1)).

''(B) DOLLAR LIMITS REDUCED.—The dollar amounts in the table contained in subsection (b)(1) with respect to each property purchased for such dwelling unit for any taxable year of such taxpayer shall be reduced proportionately by an amount equal to the sum of—

''(i) the amount of the expenditures made by the taxpayer during such taxable year with respect to such dwelling unit and not taken into account by reason of subparagraph (A), and

''(ii) the amount of any Federal, State, or local grant received by the taxpayer during such taxable year which is used to make residential energy property expenditures with respect to the dwelling unit and is not included in the gross income of such taxpayer.

''(e) BASIS ADJUSTMENTS.—For purposes of this subtitle, if a credit is allowed under this section for any expenditure with respect to any property, the increase in the basis of such property which would (but for this subsection) result from such expenditure shall be reduced by the amount of the credit so allowed.''.

(b) CONFORMING AMENDMENTS.—

(1) Subsection (a) of section 1016 of such Code is amended by striking ''and'' at the end of paragraph (26), by striking the period at the end of paragraph (27) and inserting ''; and'', and by adding at the end the following new paragraph:

''(28) to the extent provided in section 25B(e), in the case of amounts with respect to which a credit has been allowed under section 25B.''.

(2) The table of sections for subpart A of part IV of subchapter A of chapter 1 of such Code is amended by inserting after the item relating to section 25A the following new item:

''Sec. 25B. Nonbusiness energy property.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to expenditures after December 31, 1999.

Page 2, after line 5, insert ''**TITLE I—OIL PRICE REDUCTION''.**

Page 2, line 6, strike ''2'' and insert ''101''.

Page 5, line 4, strike ''3'' and insert ''102''.

Page 5, line 16, strike ''4'' and insert ''103''.

Page 6, line 10, strike ''section 5'' and insert ''section 104''.

Page 6, line 12, strike ''5'' and insert ''104''.

Page 6, line 15, strike ''section 4'' and insert ''section 103''.

Page 6, line 17, strike ''section 4(1)'' and insert ''section 103(1)''.

Page 6, line 21, strike ''6'' and insert ''105''.

Page 6, line 24, strike ''section 4'' and insert ''section 103''.

Page 7, line 3, strike ''section 5'' and insert ''section 104''.

Page 8, line 2, strike ''section 4'' and insert ''section 103''.

Page 8, line 7, strike ''section 5'' and insert ''section 104''.

Page 8, line 9, strike ''7'' and insert ''106''.

Page 8, line 10, strike ''Act'' and insert ''title''.

H.R. 3822

OFFERED BY: MR. TRAFICANT

AMENDMENT NO. 21: Page 8, after line 2, insert the following new section:

SEC. 7. CIVIL PENALTY FOR UNREASONABLE PRICE INCREASE FOR CRUDE OIL, RESIDUAL FUEL OIL, OR REFINED PETROLEUM PRODUCTS.

(a) IN GENERAL.—Not later than 3 months after the date of enactment of this Act, the Secretary of Energy shall issue regulations that—

(1) apply to all crude oil, residual fuel oil, or refined petroleum products that are sold in the United States;

(2) prohibit any unreasonable price increase for such products by an energy-producing company (as defined in section 205(h)(6) of the Department of Energy Organization Act (42 U.S.C. 7135(h)(6))); and

(3) impose a civil penalty of not more than $100,000,000 for each unreasonable price increase.

(b) UNREASONABLE PRICE INCREASE DEFINED.—For purposes of this section, the term ''unreasonable price increase'' means any price increase that exceeds any concurrent increase in the production or operation costs of the energy-producing company that are directly related to the products being sold.

(c) DETERMINATION OF UNREASONABLE PRICE INCREASE.—The Administrator of the Energy Information Administration shall determine at least annually whether any energy-producing company has implemented an unreasonable price increase in violation of regulations issued under subsection (a).

Page 8, line 3, redesignate section 7 as section 8.

H.R. 3822

OFFERED BY: MR. TRAFICANT

AMENDMENT NO. 22: Page 8, after line 8, insert the following new section:

SEC. 7. CIVIL PENALTY FOR UNREASONABLE PRICE INCREASE FOR CRUDE OIL, RESIDUAL FUEL OIL, OR REFINED PETROLEUM PRODUCTS.

(a) IN GENERAL.—Not later than 3 months after the date of enactment of this Act, the Secretary of Energy shall issue regulations that—

(1) apply to all crude oil, residual fuel oil, or refined petroleum products that are sold in the United States;

(2) prohibit any unreasonable price increase for such products by an energy-producing company (as defined in section 205(h)(6) of the Department of Energy Organization Act (42 U.S.C. 7135(h)(6))); and

(3) impose a civil penalty of not more than $100,000,000 for each unreasonable price increase.

(b) UNREASONABLE PRICE INCREASE DEFINED.—For purposes of this section, the term ''unreasonable price increase'' means any price increase that exceeds any concurrent increase in the production or operation costs of the energy-producing company that are directly related to the products being sold.

(c) DETERMINATION OF UNREASONABLE PRICE INCREASE.—The Administrator of the Energy Information Administration shall determine at least annually whether any energy-producing company has implemented an unreasonable price increase in violation of regulations issued under subsection (a).

Page 8, line 9, redesignate section 7 as section 8.

H.R. 3822

OFFERED BY: MR. TRAFICANT

AMENDMENT NO. 23: Page 8, after line 8, insert the following new section:

SEC. 7. CIVIL PENALTY FOR UNREASONABLE PRICE INCREASE FOR CRUDE OIL, RESIDUAL FUEL OIL, OR REFINED PETROLEUM PRODUCTS.

(a) IN GENERAL.—Not later than 3 months after the date of enactment of this Act, the Secretary of Energy shall issue regulations that—

(1) apply to all crude oil, residual fuel oil, or refined petroleum products that are sold in the United States;

(2) prohibit any unreasonable price increase for such products by an energy-producing company (as defined in section 205(h)(6) of the Department of Energy Organization Act (42 U.S.C. 7135(h)(6))); and

(3) impose a civil penalty of not more than $100,000,000 for each unreasonable price increase.

(b) UNREASONABLE PRICE INCREASE DEFINED.—For purposes of this section, the term ''unreasonable price increase'' means

any price increase that exceeds any concurrent increase in the production or operation costs of the energy-producing company that are directly related to the products being sold.

(c) DETERMINATION OF UNREASONABLE PRICE INCREASE.—The Administrator of the Energy Information Administration shall determine at least annually whether any energy-producing company has implemented an unreasonable price increase in violation of regulations issued under subsection (a).

Page 8, line 9, redesignate section 7 as section 8.

AMENDMENT TO H.R. 3822, AS REPORTED

OFFERED BY MR. HASTINGS OF FLORIDA

Page 8, after line 8, insert the following new section (and redesignate section 7 as section 8):

SEC. 7. 1 YEAR MORATORIUM ON CERTAIN DIESEL FUEL EXCISE TAXES.

(a) IN GENERAL.—Section 4081(d) of the Internal Revenue Code of 1986 (relating to termination) is amended—

(1) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively,

(2) by inserting after paragraph (1) the following new paragraph:

''(2) DIESEL FUEL.—The rate of tax specified in subsection (a)(2)(A)(iii) with respect to diesel fuel shall be—

''(A) zero during the 1 year period beginning on the date of the enactment of this paragraph, and

''(B) 4.3 cents per gallon after September 30, 2005.'', and

(3) by striking ''clauses (i) and (iii) of subsection (a)(2)(A)'' in paragraph (1) and inserting ''subsections (a)(2)(A)(i) and (a)(2)(A)(iii) with respect to kerosene''.

(b) CONFORMING AMENDMENTS.—

(1) Subclause (I) of section 4041(a)(1)(C)(iii) of the Internal Revenue Code of 1986 (relating to rate of tax on certain buses) is amended by striking ''shall be 7.3 cents per gallon (4.3 cents per gallon after September 30, 2005).'' and inserting ''shall be—

''(aa) zero during the 1 year period beginning on the date of the enactment of the Oil Price Reduction Act of 2000,

''(bb) 7.3 cents per gallon after the end of the 1 year period under item (aa), and before October 1, 2005, and

''(cc) 4.3 cents per gallon after September 30, 2005.''.

(2) Section 4081(c)(6) of such Code is amended by inserting ''(other than paragraph (5))'' after ''subsection''.

(3) Section 6412(a)(1) of such Code is amended—

(A) by inserting ''(the date of the enactment of the Oil Price Reduction Act of 2000, in the case of diesel fuel)'' after ''October 1, 2005'' both places it appears,

(B) by inserting ''(the date which is 6 months after the date of the enactment of such Act, in the case of diesel fuel) after ''March 31, 2006'' both places it appears, and

(C) by inserting ''(the date which is 3 months after the date of the enactment of such Act, in the case of diesel fuel) after ''January 1, 2006''.

(4) Section 6427(f)(4) of such Code is amended by inserting ''(during the 1 year period beginning on the date of the enactment of the Oil Price Reduction Act of 2000, in the case of diesel fuel)'' after ''September 30, 2007''.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall take effect on the date of the enactment of this section.

(2) DECREASE IN CRUDE OIL PRICES.—If the Secretary of Treasury determines that the average refiner acquisition costs for crude oil are equal to or less than such costs were on December 31, 1999, the amendments made by this section shall cease to take effect and the Internal Revenue Code shall be administered as if such amendments did not take effect.

AMENDMENT TO H.R. 3822, AS REPORTED

OFFERED BY MR. MARKEY OF MASSACHUSETTS

Page 8, after line 8, insert the following new section:

SEC. 7. REFINED PETROLEUM RESERVE.

Section 160(g) of the Energy Policy and Conservation Act (42 U.S.C. 6240(g)) is amended—

(1) in paragraph (1), by striking ''conduct a test'' and all that follows through ''the Reserve which'' and inserting ''establish a program of storage of refined petroleum products within the Reserve. Such program shall include mechanisms for storage of such products, which'';

(2) in paragraph (2), by striking ''demonstrated'' and inserting ''to be included'';

(3) in paragraph (3), by inserting '', other than the site of the Reserve established pursuant to section 154,'';

(4) in paragraph (4)—

(A) by inserting ''up to'' after ''amount equal to'';

(B) by striking ''of the fiscal years 1992, 1993, and 1994'' and inserting ''fiscal year''; and

(C) by striking ''of the fiscal years covered by the test program'' and inserting ''fiscal year'';

(5) by striking paragraph (5) and redesignating paragraph (6) as paragraph (5); and

(6) in paragraph (5), as so redesignated by paragraph (5) of this section—

(A) by striking ''the test program may be withdrawn from the Reserve before the conclusion of the test program'' and inserting ''this subsection may be withdrawn from the Reserve'';

(B) by striking ''or'' at the end of subparagraph (A);

(C) by striking the period at the end of subparagraph (B) and inserting ''; or''; and

(D) by inserting after subparagraph (B) the following new subparagraph:

''(C) on the basis of a finding by the President that a severe shortage in the supply of such refined petroleum products has occurred.''.

Page 8, line 9, redesignate section 7 as section 8.

Mr. FROST. Mr. Speaker, sometimes people laugh at Congress. This is a day for laughing at Congress. We have spent the last hour debating a bill that provides a report on diplomatic efforts from the President and rejecting the opportunity to offer amendments to actually deal with the problem. No wonder people laugh.

Mr. DIAZ-BALART. Mr. Speaker, I yield myself the remaining time.

This is an open rule, so long as one preprinted one's amendment in the CONGRESSIONAL RECORD.

With regard to one of the last statements from the distinguished gentleman from Texas, specifically in response to the gentleman from Ohio (Mr. CHABOT), when the gentleman from Texas said that the Committee on Rules deleted the sanctions section and the gentleman from Ohio had not found out about it, the gentleman from Texas voted for the deletion of the sanctions section in a voice vote.

But this is important legislation. The OPEC countries are about to meet. They are following this vote. The message must be sent clearly that Congress stands firm behind a policy that says that this must be taken with all due seriousness, despite the fact that there has been no one at the helm on the other end of Pennsylvania Avenue. So I would urge my colleagues to support both the rule and the underlying legislation.

Mr. Speaker, let me conclude my remarks by reminding my colleagues that defeating the previous question is an exercise in futility because the minority wants to offer an amendment that will be ruled out of order as nongermane to this rule. So the vote is without substance.

The previous question vote itself is simply a procedural motion to close debate on this rule and proceed to a vote on its adoption. The vote has no substantive or policy implications whatsoever.

At this point in the RECORD I insert an explanation of the previous question.

THE PREVIOUS QUESTION VOTE

DEAR REPUBLICAN COLLEAGUE: In light of recent public statements regarding the intent of the minority to utilize all available procedural options to advance their legislative endeavors, I believe it is important to understand that the vote on the previous question is strictly a procedural vote that has no substantive policy implications.

The previous question is a motion made in order under House Rule XIX, and accorded precedence under clause 4 of Rule XVI, and is the only parliamentary device in the House used for both closing debate and preventing amendment. The effect of adopting the previous question is to bring the pending proposition or question to an immediate, final vote. The motion is most often made at the conclusion of debate on a special rule, motion or legislation considered in the House prior to a vote on final passage. A Member might think about ordering the previous question in terms of answering the question ''is the House ready to proceed to an immediate vote on adopting the pending question?''

Furthermore, in order to amend a special rule (other than by the managers offering an amendment to it or by the manager yielding for the purpose of amendment), the House must vote against ordering the previous question. If the motion for the previous question is defeated, the House is, in effect, turning control of the Floor over to the Member who led the opposition (usually a Member of the minority party). The Speaker then recognizes the Member who led the opposition (usually a minority member of the Rules Committee) to control an additional hour of debate during which a germane amendment may be offered to the rule. This minority Member then controls the House Floor for the hour.

The vote on the previous question is simply a procedural vote on whether to proceed to an immediate vote on adopting the resolution that sets the ground rules for debate and amendment on the legislation it would make in order. Therefore, the vote on the previous question has no substantive legislative or policy implications.

Sincerely,

DEBORAH PRYCE,
Member of Congress.

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

The SPEAKER pro tempore. The question is on ordering the previous question.

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

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

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

The Sergeant at Arms will notify absent Members.

Pursuant to clause 9 of rule XX, the Chair will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the question of agreeing to the resolution.

The vote was taken by electronic device, and there were—yeas 222, nays 200, not voting 12, as follows:

[Roll No. 64]

YEAS—222

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Biggert
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth-Hage
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Cubin
Cunningham
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Fletcher
Foley
Fossella
Fowler
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green (WI)
Gutknecht
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Kasich
Kelly
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
Martinez
McCollum
McCrery
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Morella
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ose
Oxley
Packard
Paul
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shows
Shuster
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Stearns
Stump
Sununu
Sweeney
Talent
Tancredo
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NAYS—200

Abercrombie
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett (WI)
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Forbes
Ford
Frank (MA)
Frost
Gejdenson
Gephardt
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (OH)
Hastings (FL)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley
Hoyer
Inslee
Jackson (IL)
Jefferson
John
Johnson, E.B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Larson
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pickett
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Scott
Serrano
Sherman
Sisisky
Skelton
Slaughter
Smith (WA)
Snyder
Spratt
Stabenow
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Velazquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Wise
Woolsey
Wu
Wynn

NOT VOTING—12

Ackerman
Crane
Franks (NJ)
Greenwood
Hill (IN)
Jackson-Lee (TX)
Lowey
McDermott
Pallone
Royce
Rush
Schakowsky

□ 1626

Mr. UDALL of Colorado and Mr. HINCHEY changed their vote from ''yea'' to ''nay''.

Messrs. MCKEON, NORWOOD and BALLENGER changed their vote from ''nay'' to ''yea''.

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. LAHOOD). The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. HANSON). Pursuant to House Resolution 445 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 3822.

□ 1625

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3822) to reduce, suspend, or terminate any assistance under the Foreign Assistance Act of 1961 and the Arms Export Control Act to each country determined by the President to be engaged in oil price fixing to the detriment of the United States economy, and for other purposes, with Mr. LAHOOD in the chair.

The Clerk read the title of the bill.

□ 1630

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from New York (Mr. GILMAN) and the gentleman from Connecticut (Mr. GEJDENSON) each will control 30 minutes.

The Chair recognizes the gentleman from New York (Mr. GILMAN).

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

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

Mr. GILMAN. Mr. Chairman, I am pleased to rise in strong support of H.R. 3822, the Oil Price Reduction Act of 2000. I urge my colleagues on both sides of the aisle to support this measure, which spotlights OPEC'c price-fixing activities. Its enactment will help to ensure that the force of demand and supply set the prevailing price of oil, and not a back-room deal among countries that do not share our national interest.

If we are concerned about excess oil profits going to the oil-producing nations, we should be supporting this measure. In early March, a news release from the Energy Department confirmed what we had all suspected at that time: that oil revenues to OPEC and other major oil exporting countries have doubled over the past 2 years to $212 billion, their highest level since 1984.

If we are concerned that the Energy Secretary is riding on empty every time he visits an OPEC country, then I urge my colleagues to support this measure and put our energy diplomacy in high gear. If we are concerned that the administration has been asleep at the switch over the past 18 months as OPEC oil production cutbacks led to a tripling of energy prices, then I urge

my colleagues to support this measure as we put the administration back to work on a long-term approach to America's energy security.

The House Committee on International Relations held 2 days of hearings on OPEC and the Northeast energy crisis and on U.S. policy toward OPEC in February and in March; and we heard testimony from several administration witnesses, including our Secretary of Energy Bill Richardson. This measure was fully debated in our Committee on International Relations and was ultimately reported out of our committee in mid-March. It is a balanced, responsible approach to the challenge that the American economy and the American consumer faces from the current energy price crisis that was engineered by OPEC and other major net oil exporters.

We need to send a strong message to the OPEC price cartel, prior to its forthcoming March 27 meeting in Vienna, that continued price-fixing efforts to prop up the price of oil will be an important consideration in our Nation's foreign policy.

Is OPEC price-fixing? Let me answer by quoting a statement issued on Tuesday of this week by the secretary general of that organization, and I quote: ''We should increase production by an amount needed to reach the target price of around $24 a barrel.'' In so many words, that is a resounding yes to the fact that they are price-fixing.

Does OPEC have to make any major increases in its current production to get to that price level? The answer is not at all. That organization calculates the current global composite price at slightly over $25 a barrel. With very minor production increases, OPEC could achieve its purposes and literally thumb its nose at our Nation with our skyrocketing gas prices.

This late-breaking news about OPEC's intentions at the upcoming March 27 Vienna meeting provides ample evidence to the administration that their price-fixing activities are still alive and well and that they are prepared to dismiss concerns in this country about low oil stocks and our steadily rising fuel prices.

How has the administration handled OPEC? It has dispatched the Secretary of Energy to OPEC countries to engage in quiet diplomacy over the past 2 years. However, as prices continue to rise, Secretary Richardson conducted business as usual, with OPEC members pursuing business for American companies while failing to protect the interests of the American consumer.

In fact, it appears that Secretary Richardson might well have been giving the green light to OPEC ministers when he told them prior to their meeting in March of last year, and I quote, ''We feel that lower prices are good for the consumers, but we recognize they can have a negative impact domestically on some of our friends. So far OPEC's response has been responsible and restrained,'' said Secretary Richardson.

If my colleagues believe that OPEC has not been responsible or restrained in its policy toward their constituents, then they should support this measure.

How does this bill respond to OPEC and the ongoing energy crisis? Specifically, this bill requires our President, not later than 30 days after its enactment, to send to the Congress a report containing a description of our security relationship with each OPEC member and any other major net oil exporting countries, together with information about our assistance programs and our government supported arms sales to those countries.

This bill requires a presidential determination as to whether or not an OPEC member is engaged in price-fixing to the detriment of our Nation's economy.

Finally, this bill further directs the President to undertake a concerted bilateral and multilateral diplomatic campaign to bring about the end of international oil price-fixing arrangements.

It is my understanding that many, if not all, of the proposed amendments to this bill are nongermane and subject to a point of order. And while I am sympathetic to many of these important policy proposals, the Oil Price Reduction Act has a much narrower focus and cannot be a vehicle for the overdue reform of our entire policy in energy.

If we are concerned about the oil price-fixing, and if we are concerned about its impact upon our economy, then I urge my colleagues to support this bill, a bill which sends a clear message to the administration and to the oil-producing nations that oil price-fixing is harmful to our American consumers and detrimental to the American economy.

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

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

This legislation, in the midst of a crisis, is akin to what a city council would do. It has no common sense energy proposal, we do not reinstate SPR, and we ought to be taking real action.

Mr. Chairman, I yield 3 minutes to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. Mr. Chairman, I will say that while decorum is important, it seems to me the Members were paying this bill about as much attention as it deserves.

I should explain to some of my colleagues, whose amendments will be ruled out of order, that I will not be able to side with them if they appeal the ruling of the Chair, because I am afraid that they are not germane. I have looked at these amendments, and those amendments each try to accomplish something. The governing principle of this bill is to do nothing. And an amendment which tries to do something is clearly not germane to this feel-good piece of legislation. So I would have to say to my friends that I cannot be with them, because we have to uphold the spirit of this bill. Something is not germane to nothing. That is an important parliamentary point.

This is a bill which the Republicans could have brought forward anything they wanted. Part of it is a ratification. This is the Republican ratification of the tax increase of 1993. Members will remember some of them and others will remember the gnashing and wailing and lamentation about the gas tax increase. It was a terrible thing, that gasoline tax increase. Well, the Republican Party had the opportunity to bring forward a bill repealing the 1993 gasoline tax increase, and their answer is a resounding ''never mind,'' in the words of Emily Litella.

So we have on the part of the Republican Party a ratification of the gasoline tax increase of 1993. Better late than never.

We now have on our side suggestions for taking some of the strategic petroleum reserve and making it available to the American people, who paid for it. That is not to be considered. The Republican Party is adamant, apparently, against doing anything with this strategic petroleum reserve or setting up a new one for the future.

What we have, instead, is a very interesting political phenomenon: a man who is being talked about for vice president, but is still only the Secretary of Energy, apparently has coattails. Because as the gentleman who spoke said, this is an effort to mandate a diplomatic campaign to get OPEC to change its position. Well, that is what Secretary Richardson has been doing.

Now, a week before the vote we come forward, and I think what we have here is an effort to take credit for what might happen anyway. So Secretary Richardson turns out to have coattails not in November but in March. Because what we have is a bill that if OPEC changes its position, as the administration has been working to have them do, we will take the credit for it.

In fact, I differ with the administration. I do not think they should be simply relying on trying to move OPEC by persuasion. I think we should have been doing things with the strategic petroleum reserve. But the bill absolutely agrees with the administration. As we heard the chairman say, we have two things here: first of all, a report, a report the issuance of which no doubt is having them quaking in Kuwait. It has them terrorized in Venezuela. A report is coming. The Congress of the United States is going to issue a report. And no doubt that strikes terror into the hearts of the oil-producing nations.

But beyond the report, what do we have? We have a diplomatic campaign to get OPEC to change its position. Exactly what the administration has been doing. So this bill fails to push the administration to do more and, instead, violates the copyright laws by trying to take credit for what they are already doing.

Mr. GILMAN. Mr. Chairman, I yield 4 minutes to the gentleman from Texas (Mr. DELAY), the distinguished majority whip.

Mr. DELAY. Mr. Chairman, I just have to say to my colleagues that it is mind-boggling, and I do not think anybody in the United States believes, that the other side of the aisle has an answer to this problem, period. They talk about emptying out the strategic petroleum reserve. What do my colleagues think OPEC would do if we did that? They would just tighten the valve down just enough to offset that amount that we are doing. That is not the point here.

Now, gas taxes. I am for cutting the gas taxes. I am for cutting more than the Gore gas tax. I am for cutting the Bush gas tax. Mr. Chairman, today's high gas and oil prices are unnecessary, and it is unfortunate that we have to do a bill like this because this administration has no credibility in the world, and everybody in America understands that.

We are having a tin cup diplomacy running around begging OPEC to open their valves. And the reason is because the Clinton-Gore administration is squarely to blame for this, what is going on in America today, the high prices of gasoline. The simple fact is that the American economy is too dependent on foreign oil because this administration refuses to allow an increase in domestic oil production.

Just this month, just this month this administration has increased the royalties on drilling in the Gulf of Mexico, despite the repeated objections of Congress. They have also banned new pipeline and dam construction and forbidden access to multipurpose Federal lands. These restrictions should be lifted.

Kowtowing to environmental extremists, Clinton and Gore policies have severely restricted oil, coal, hydro- and natural gas energy production across the board. And if my colleagues do not believe me, read the Vice President's book, Earth in the Balance. It is all here. It is all designed to drive up the cost of gasoline so he can eliminate the internal combustion engine.

Steps must be taken across the board to make all these energy sources more viable. The facts speak for themselves. Today our domestic oil production is at the lowest point since World War II, and we are importing more oil than ever before, even more than during the 1973 embargo when everybody was in gas lines to fill up their cars.

□ 1645

In fact, every day Americans spend more than $300 million on foreign oil. In light of this situation, you would think that American refineries and wells would be working overtime to provide as much fuel as possible, but that is not the case.

During the 1998 oil price crash, over 150,000 marginal oil wells were closed and never reopened, because the Clinton-Gore administration simply did not care about domestic production. Now, while these wells each produce less than 15 barrels a day, the total output derived by opening only half of them would boost domestic oil production by 250,000 barrels of oil every day, but Federal tax incentives, like ones we have in Texas, could easily achieve this increase.

On March 27, a little less than a week away, OPEC ministers will be meeting to discuss a possibility of increasing their production levels to help stabilize oil prices. This bill is an honest effort to encourage them to do the right thing. And I am going to vote for it; but let me be perfectly clear, the reason we are in this mess in the first place is because for the last 7 years, this administration has turned its back on our domestic energy needs.

In effect, Clinton and Gore have left us with no choice but to beg our OPEC allies to turn the spigot up. This is a humiliating position for America, and it hurts families and businesses, especially truckers who are stuck with paying higher prices.

Mr. GEJDENSON. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey (Mr. MENENDEZ), and say in doing so, the only report that we really need is the report on where Congress has been for the last 6 years.

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

Mr. MENENDEZ. Mr. Chairman, my constituents in New Jersey have not been immune to skyrocketing oil and gas prices. We have seen consumers, truckers, and oil-dependent industries suffering for months as a result of exorbitant prices, including some independent truckers having to take their trucks off the road, because they simply cannot afford to operate them.

In essence, what this legislation does, which we voted for in the community, but let us be honest, what it does is, it does exactly what the administration has been doing, which is to leverage its relationship with OPEC countries and diplomacy to get them to produce and, therefore, help the price. That is what we expect the result to be next Monday when OPEC meets; that is the diplomacy that we need.

This is a cheering of that effort. Regardless of what happens on Monday, we need steps to protect the American economy and consumers in the short and long terms. In addition to passing this bill, we will send a message to OPEC that the administration has already done through its diplomacy, that we will not be held hostage to its monopolistic practices. We need to implement President Clinton's initiative to create a home heating oil reserve for the Northeast to cushion future spikes in oil prices. And we should also reauthorize the strategic petroleum reserve, which is set to expire in a few days on March 31, next week.

Regardless of your position on drawing down the reserve in these prices, we think we can all agree that that option should remain available, including to create opportunities for fluctuations in the market. The majority has the power and should have already brought that bill to the floor.

Over the last 5 years the majority has failed to provide Americans with energy security. When they vote against alternative fuel research and development, when they send Alaskan oil to Japan, when they do not reauthorize the strategic petroleum reserve with provisions to deal with extreme market fluctuations, when they make the administration sell off part of the reserve in order to meet some of their budget requirements and when they fail to assist the administration in buying oil, that will give us the opportunities.

Let us not have our constituents choose between heating their homes and feeding their families. Let us get some real energy policy going here.

Mr. GILMAN. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from Alaska (Mr. YOUNG), the distinguished chairman of the Committee on Resources.

(Mr. YOUNG of Alaska asked and was given permission to revise and extend his remarks.)

Mr. YOUNG of Alaska. Mr. Chairman, I noticed one thing when I listened to this debate. If we can bottle the hot air that has been coming from some people on this side of the aisle over here, we can solve the energy crisis right now.

I have never heard so many what I call knee-jerk reactions, if we check each one of your cheeks, you will see a black eye, about this whole oil crisis. The solution that I have heard today, we are going to have our strategic reserve drawn down.

I happen to agree with the gentleman from Texas (Mr. DELAY). If I was an OPEC member, I would say draw it, buddy, because when it is all going, you are going to pay $55 a barrel of oil. That is what I would do, and that is what they will do if we do that.

What I want to talk about is the selling of Alaskan oil. My good friend, the gentleman from California (Mr. GEORGE MILLER), the gentleman from Oregon (Mr. DEFAZIO) talking about Alaskan oil, we sell from Alaska 55,000 barrels a day of heavy crude. And by the way, we also sell 59,000 barrels a day from California, heavy crude.

Now, think about that a moment; but more than that, we are importing 8,650,000 barrels a day from the OPEC countries. If we would stop that 55,000 barrels, it would not stop one bit of the prices increased on the Western States. But more than that, you do not have the capability to refine the oil. The refineries are not there. They are not there, and they will not be there. And most of you know that. This is all, again, hot air.

But more than that, we have to set an energy policy. This administration has not done so. I would suggest one

thing, the only policy this administration has is a set of kneepads for Mr. Richardson, because he is going to have to beg and beg and beg again.

As the gentleman from Texas (Mr. DELAY) also reminds us, they will drop the price of oil down to about $24, $25 a barrel, and we will go on our merry way, because this Congress, in fact, will not come to grips with producing oil.

And by the way, gentlemen, all of you in this room are opposing opening ANWR; think about it a moment. I passed that bill in 1995, and your President vetoed it. That is 2,200,000 barrels a day that could come to the West Coast and the East Coast if we had the refining capability; but we do not, and trying to get a refinery built in this country is nearly impossible because it is of this administration. I am saying let us talk about real domestic production.

Mr. GEJDENSON. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, somebody ought to call the police. Something ought to call the police because this bill is simply a fraud on the public. This bill does nothing about the current gas price crisis in our country. It does nothing about America's future energy problems. This bill is simply to try to make the Republicans look good while they do nothing. It is a fraud.

It is a fraud on the American public. Let us understand what the Republicans have done. When oil was $10 a barrel, they would not allow us to buy it for the strategic oil reserve. Now, when oil is $35 a barrel, they will not let us use the reserve to help the American people. They cut $1.3 billion out of energy conservation efficiency and research and development. They put a rider on the transportation appropriations bill so we cannot even investigate getting better mileage in people's automobiles.

Between the 1970s and the 1980s, we doubled the mileage on automobiles. But we have not been able to do anything since then because of the Republican Presidents and Republican Congress. So now people have to sit in automobiles that are not fit and pay $2 for gasoline.

No, we need the Republicans to stop their actions, to stop their actions against conservation, to stop their actions against home heating oil. They cut home heating oil; and 250,000 people who have homes in the Northeast that could have been weatherized were not weatherized, so 250,000 people this year had to go out and be gouged in the home heating oil market.

Obviously, the Republicans now are trying to cover their tracks. Obviously, now they want to pretend like they had nothing to do with the energy problem that we have. But in appropriations bill after appropriations bill, we see the cuts on kinds of programs that can lead to new energy efficiencies, can lead to automobile mileage standards, that can bring about the kind of technology that can save this country millions and millions and millions of barrels every day. Because that is what we did during the 1970s, but we cannot do that with the Republicans.

Call the police and get these frauds out of here.

Mr. GILMAN. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois (Mr. MANZULLO), a member of our Committee on International Relations.

Mr. MANZULLO. Mr. Chairman, this debate is not about the Congress, and it is not about the President of the United States. This debate is about Gene Wilmarth from Leaf River, Illinois.

Gene has to go out and pay more interest on his note to buy cattle, and he has got to pay more interest on his operating loan because the Fed increases the short-term interest rate because the price of gasoline goes up and the Fed thinks it is going to fuel inflation. And Gene Wilmarth has to buy diesel fuel to put his crops and cultivate them, and he has got to haul them to the market and to the elevator, all in a time when crop prices are one of the lowest in history.

The debate is not about the President. It is not about the Congress. It is about the thousands of Gene Wilmarths across this country. They cannot take any more.

How ironic it would be for the young men and women who are farming today if some of those had fought in the Gulf War to protect the countries of Kuwait and Saudi Arabia, who, in exchange for the gratitude of the nearly 300 American lives that were lost, turn around and stick it to the American people by being engaged in an international criminal conspiracy to fix the price of oil. It has got to come to a stop.

The purpose of this bill today is to remind the President that he can do something, something to send a message around the world that when we pump money through the IMF to bail out countries, that when we send foreign aid, that, in exchange for our benevolence, help out the American farmer, help out the American consumer, help out the American people, do not hold hostage the friend that they have in this country.

Mr. GEJDENSON. Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts (Mr. MARKEY), and I yield the balance of the time to the gentlewoman from California (Ms. LEE) for the purpose of controlling the time.

Mr. MARKEY. Mr. Chairman, this was not a half bad resolution as it was produced by the gentleman from New York (Mr. GILMAN) and the gentleman from Connecticut (Mr. GEJDENSON) out of the committee.

In fact, what it said was that the President would be able to use his existing legal authorities to reduce, to suspend, or to terminate assistance to these OPEC nations, including military aid or arms sales.

So in other words, if the heads of all these counties are going to go into a room and say, they are not getting any more oil from us or we are going to reduce it dramatically, then leaders from our country are going to go into a room and say, well, they are not going to get what we have got in our country that they want.

But by the time that it had been transformed by the miracle of the Committee on Rules, every meaningful part of this resolution has been removed; and all we have left is, basically, a resolution which says this oil crisis is really a very bad thing.

Now, we are all going to agree with that. It is a bad thing. But the Committee on Rules had a chance to put into order for us to debate out here on the floor the reauthorization of the strategic petroleum reserve, which is what our President can use to talk to the leaders of their country in deploying our oil reserves, 560 million barrels of oil.

The Committee on Rules did not put into order my amendment, which said that we should build a regional home heating oil reserve up in the northeastern part of the United States for Maryland, for New Jersey, for New York, for all of New England. That is not in order here. Let us just go through another winter without giving those people up in the Northeast the chance not to have themselves tipped upside down and have money shaken out of their pockets by OPEC when their governments, not private companies, my colleagues, when their governments decide that they are going to take our consumers hostage and just stick them up.

So as this resolution is out here on the floor, it is really worse than meaningless because it gives the false message to the rest of America that we are doing something here today when, in fact, we are not doing anything at all.

□ 1700

Mr. GILMAN. Mr. Chairman, I am pleased to yield 1½ minutes to the gentlewoman from Wyoming (Mrs. CUBIN).

Mrs. CUBIN. Mr. Chairman, over the past year we have watched this country slide further and further what could very well be described as a full-lown energy crisis. Gas prices have increased dramatically over the past year to the point of being the largest price increase in history. American oil inventories are at their lowest level in 4 years. This has all occurred under the Clinton-Gore administration's watch. This administration's lack of an energy policy and its resistance to allowing oil and gas exploration on public lands has brought us to this point.

Clinton and GORE pay lip service to energy policy but in reality they do all they can to prevent domestic industries from meeting our energy needs. This administration has locked up one

of the largest clean coal sources in the lower 48 States, in Utah's Grand Escalante National Monument. This administration has been opposed to any new nuclear power plants and has been opposed to waste disposal.

This administration is importing more oil than ever with regulations and taxes designed to close our domestic oil industry. It is closing vast areas to gas development in the outer continental shelf. Due to extreme environmental policies, domestic reserves of oil and gas in the Rocky Mountains are too expensive to produce. And possibly more importantly, in the Rocky Mountains, pipelines are tougher than ever to permit. We must be able to increase domestic crude oil production not only to help alleviate the risks to our national security but also to make energy in the United States more affordable.

This administration is importing more oil than ever, with regulations and taxes designed to close our domestic oil industry.

We have a wealth of untapped energy resources in this country and yet we can't get at them because this administration keeps throwing up barriers through needless rules and regulations.

Why should we have to depend on any foreign energy resource when we have it setting right here in our backyard.

I implore this administration to wake up and start working on a solution to this crisis so that our national security will not be jeopardized, and our constituents can know and appreciate stable energy prices.

This bill, the Oil Price Reduction Act, is a step in the right direction.

Ms. LEE. Mr. Chairman, I yield 1½ minutes to the gentleman from Massachusetts (Mr. DELAHUNT).

Mr. DELAHUNT. Mr. Chairman, I thank the gentlewoman for yielding me this time. We have heard a lot today about OPEC and sending the message to OPEC and how there was an expression of surprise that OPEC would be fixing prices. Well, they have been doing it since 1960. It should not come as a surprise. Is OPEC a problem? Of course OPEC is a problem. At the same time, there was reference to Secretary Richardson being dispatched by the President.

Let us go back a bit in history. In 1990, it was President Bush that dispatched a half a million men and women in combat to the Gulf. Let us be candid. They were not dispatched there to safeguard democracy. They went there to protect economic interests of the United States. They went there because of the oil. Not only did we fail to remove Saddam Hussein, but when we had the leverage in terms of our relationship with OPEC, when they needed us, what happened, when we could have absolutely once and for all crushed the cartel? Nothing happened. That is what happened. That is why we are in the problem today. Not because of the failure of this administration but what went on back in 1990.

Mr. Chairman, with gas prices hitting record highs, approaching the $2-a-gallon mark, consumers are understandably searching for villains. OPEC is an easy target.

Last year, OPEC removed about 6 percent of world production from the market. These cutbacks have significantly reduced worldwide stockpiles of crude oil and refined petroleum products, and nearly tripled crude oil prices to around $30 a barrel.

According to the Energy Department, this winter distillate fuel stocks nationwide were nearly 32 percent below last year. The supply shortfall was even more severe in the Northeast, where distillate fuel stocks were 13 million barrels below average levels.

The Clinton administration's sluggish response has made it another easy target, especially when the original rationale for inaction was ''Sorry, can't intervene. Leave it to market forces.''

I, for one, believe government intervention is entirely appropriate. When the price of home heating oil triples in a few weeks, the public interest demands that we help. I believe we must act aggressively to lower prices by increasing supplies; provide additional relief to the most vulnerable; and combat any anticompetitive actions—both domestically and abroad.

While we're sorting causes from effects, let's look a little deeper.

It should come as no surprise that OPEC is a cartel. We've known that since 1973. And we haven't done much about it for almost 20 years.

When American troops marched toward Iraq in 1991, their mission was broader than saving democracy in Kuwait. They were also there to keep our hands on the oil spigot. When former President Bush had the leverage to keep that spigot open, he blew it.

By failing to take care on the cartel then, former President Bush allowed American families today to be held hostage to OPEC nations.

Now, almost a decade later, there's a chorus of outrage against OPEC. And for good reason—the cartel's continued efforts to restrain supply has affected prices throughout the world.

But when there is a drastic price hike in home heating oil—as much as 300 percent in a year, and 100 percent in just a few weeks—when the majority of supplies come from domestic producers, then factors other than OPEC reductions may be at work. When I hear accounts of a $9 per barrel fee assessed on crude oil during the refining process in domestic ports, then we have an obligation to oppose any unscrupulous actions by domestic producers, too. And an obligation to intervene.

Beyond stepping up pressure on OPEC to boost production, I support an immediate release of oil from the Strategic Petroleum Reserve to exert a downward pressure on prices. This is a step that is completely within our discretion.

Back in 1991, within hours of the first air strike against Iraq, former President Bush authorized a draw-down of the reserve. When the Energy Department activated it, crude prices plummeted by nearly $10 per barrel overnight, falling below $20 per barrel for the first time since the original invasion.

Some of our colleagues oppose a drawdown out of blind faith in the ''invisible hand'' of market forces. To them, I ask, what about price supports for domestic cartels—for example, for dairy farmers.

Why a helping hand for farmers, but no hand for the elderly trying to heat their homes, or the small independent trucker trying to bring goods to the market?

So let's be clear. OPEC production cuts are a big factor. But there's a lot more to this current crisis, and a lot more at our disposal than relying on OPEC production to increase supplies and reduce prices.

For instance, what about suspicions of domestic price gouging? Yes, it's possible there are culprits within our own borders.

The fact that fees are added at different points along the process of moving crude oil to consumers—from processors to refiners to shippers to dealers—makes it hard to pin down all the factors which have contributed to the price spikes. No matter who you blame or how you calculate it, however, consumers are now paying two-and-a-half times the cost of crude straight out of the ground.

Although milder weather is on its way, we can not wait idly for the sun to shine and for OPEC to convene next week while soaring gas prices continue to afflict and affect families and businesses.

So, I rise in support of immediate action. With or without this bill, the Administration has the authority to withhold foreign assistance. It has the authority to draw down from the Strategic Petroleum Reserve. It has the authority to create heating oil reserves to provide supplies to cushion against future shortages and price hikes. The Congress has the authority to broaden LIHEAP to struggling families who can't pay exorbitant heating bills, and to invest more in energy conservation and renewables to wean us off dependency on foreign oil and help our environment.

At a time when U.S. taxpayers are suffering, our government has every right—and an obligation—to press OPEC countries, who receive substantial U.S. aid, to consider the impact of their policies on the streets of the United States. I urge the administration to act now—and to learn from and help compensate for the mistakes of almost a decade ago.

The CHAIRMAN. The Committee will rise informally.

The SPEAKER pro tempore (Mr. SAXTON) assumed the chair.

□

SUNDRY MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. Sherman Williams, one of his secretaries.

The SPEAKER pro tempore. The Committee will resume its sitting.

□

OIL PRICE REDUCTION ACT OF 2000

The Committee resumed its sitting.

Mr. GILMAN. Mr. Chairman, I am pleased to yield 1 minute to the gentleman from Texas (Mr. BARTON).

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

Mr. BARTON of Texas. Mr. Chairman, I applaud the enthusiasm of the Committee on International Relations to bring forward something to at least focus the Nation's attention on the energy price increase we have had in the