SECURING AMERICA’S FUTURE ENERGY ACT OF 2001

(Continued)

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

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

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

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

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

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

The Academy said, “Fuel economy increases are possible without degrada-
tion of safety. In fact, they should provide enhanced levels of occupant protection.”

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

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

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

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

We ought to stand against this amendment. The debate is not about raising CAFE standards. The bill raises CAFE. It saves 5 billion gallons of gasoline in the 6-year period. That is equivalent to parking a whole year’s production of SUVs and minivans for 2 years, parking them, not running them on the highways. It is equivalent to saving $100 billion pounds of CO2 emissions. That is what the bill does without this extreme amendment.

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

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

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

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

The effect of this amendment is that General Motors and Ford will have to close over 20 plants in order to comply with the new standard. This action would result in the loss of 100,000 auto worker jobs. Daimler-Chrysler says it would have to close two of its truck plants and would no longer be able to produce the Durango, the Dakota or Ram pickup truck lines. That would cost 35,000 Daimler-Chrysler workers their jobs. These are job losses that would result by model year 2004. More job losses would follow when the CAFE standard would be increased to 27.5 mpg by model year 2005.
The jobs of these auto workers and the economic health of auto-making communities is too important for us to ignore. Yes, we want more fuel efficient automobiles, minivans, pickups and SUVs. But as the National Academy of Sciences reported, automakers need sufficient lead time—10 to 15 years—to phase in fuel efficiency standards.

H.R. 4 specifically instructs the National Highway Traffic Safety Administration to develop a new standard for light trucks based on maximum feasible technology levels and other criteria in addition to reducing gas consumption by 20 percent by year 2010. The fuel efficiency standard in H.R. 4 is a floor, not a ceiling.

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

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

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

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

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

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

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

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

To begin with, the structure of the CAFE standards creates a competitive imbalance among the automobile manufacturers. I am uncomfortable with this regulatory impact and will work to see it minimized. By using a fleet average calculation, manufacturers who have product lines that are better able to meet the CAFE standards than those for whom larger cars and trucks make up larger portions of their inventory. Thus it is much easier for some manufacturers to meet any increase in CAFE standards than it is for others.

While the legislation and amendments before this chamber do not address this issue, I am hopeful that there will be an effort in the Senate or in conference to better level the playing field for manufacturers, so that we will have improvements to this when the bill comes back before the House.

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

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

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

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

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

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

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

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

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

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

I urge support for the Boehlert-Markey amendment.

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

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

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

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

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

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

AMENDMENT NO. 4 OFFERED BY MRS. WILSON

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

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

The text of the amendment is as follows:

Amendment No. 4 offered by Mrs. Wilson:

Page 81, after line 12 (after section 308 of title III of division A) insert the following:
new section and make the necessary con-
forming changes in the table of contents:

SEC. 309. PROHIBITION OF COMMERCIAL SALES OR URANIUM BY THE UNITED STATES GOVERNMENT AFTER MARCH 23, 2009.

Section 312 of the USEC Privatization Act (42 U.S.C. 2297h–10) is amended by adding at the end the following new subsection:

“(2) With the exception of sales pursuant to subsection (b)(2) (42 U.S.C. 2297h–10(b)(2)), notwithstanding any other provision of law, the United States Government shall not sell or transfer any uranium (including natural uranium concentrates, natural uranium hexafluoride, enriched uranium, depleted uranium, or uranium in any other form) through March 23, 2009 (except sales or transfers for use by the Tennessee Valley Authority in relation to the Department of Energy’s HEU or Tritium programs, or the Department of Energy re-
search reactor sales program, or any de-
pleted uranium hexaflouride to be trans-
ferred to a designated Department of Energy contractor in conjunction with the planned construction of the Depleted Uranium Hexafluoride conversion plants in Ports-
mouth, Ohio, and Paducah, Kentucky, to any natural uranium transferred to the U.S. En-
richment Corporation from the Department of Energy to replace contaminated uranium received prior to the privatization of the U.S. En-
richment Corporation in July, 1998, or for emergency purposes in the event of a disruption in supply to end users in the United States). The aggregate amount of sales or transfers of uranium by the United States Government after March 23, 2009, shall not exceed 3,000,000 pounds U-3O8 per calendar year.

The CHAIRMAN pro tempore. Pursuant

To Hous. Res. 216, the gentle-
woman from New Mexico (Mrs. Wil-
son) and a Member opposed each will
control 5 minutes.

The Chair recognizes the gentle-
woman from New Mexico (Mrs. Wil-
son).

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

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

Our amendment prohibits the sale of government uranium inventories through March of 2009 and honors exist-
ing contracts and obligations that are already in place. After that, the trans-
fers are limited to 3,000 pounds of ura-
nium a year. It would allow the trans-
fers needed to cover current obliga-
tions and allow government uranium inventories to be used in the event of disruption of supply to U.S. nuclear fac-
ilities.

We need a nuclear power industry long term to maintain the diversity of our electricity supply. If we do not maintain a domestic supply of ura-
nium, we will become increas-
ingly dependent on foreign sources of uranium, and in 10 to 15 years, find our-

selves in the exact situation with ura-
nium and nuclear power as we find our-
selves in in the oil business.

Mr. Chairman, I believe this is a bal-
canced amendment. It has no budgetary impact. I believe that the Department of Energy has now indi-
cated its support for it.

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

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

The CHAIRMAN pro tempore. With-
out objection, the gentleman from Lou-
isisana (Mr. TAUZIN) is recognized for 5 minutes.

There was no objection.

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

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

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

It is my understanding the Depart-
ment has already implemented a memorandum of understanding dating back to 1998 that restricts the sale of the same quantity of uranium it holds in inventory. Thus the proposed amendment seeks to codify sales re-
strictions that the Department of En-
ergy has already determined were nec-

erary.

The amendment would not prevent DOE from selling or transferring ura-
nium that it has already agreed to sell or transfer under existing contracts or agreements. The amendment would prohibit the sale of uranium in those programs or activities as a result of this amendment.

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

Mr. CANNON. Mr. Chairman, will the gentle-
man yield?

Mr. TAUZIN. I yield to the gen-
tleman from Utah.

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

I understand, I say to the gentle-
woman, that the language as drafted is not a problem for the U.S. Ura-
nium industry. The ability to process materials other than conven-
tional mined ores, which are primarily materials from the U.S. Government, has allowed conventional uranium mills to provide a valuable recycling service. This resulted in a signi-
ficant savings for the Government over direct disposal costs, as well as the re-
capture of valuable energy resources.

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

I believe this problem could be re-
solved with a simple language change.

Would the gentlewoman from New
Mexico be amenable to working on that
between now and conference?

Mrs. WILSON. Mr. Chairman, will the gentle-
man yield?

Mr. TAUZIN. I yield to the gentle-
woman from New Mexico.

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

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

Mr. CANNON. I thank the gentle-
woman.

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

Mr. CUBIN. Mr. Chairman, cur-
rently over 30 percent of America’s electricity is supplied by nuclear power, which requires roughly burning 50 million pounds of uranium as nu-
clear fuel each year.

As our Nation’s energy needs grow, so must all of our sources of energy in the future, including nuclear. Uranium, much like our current dependence on foreign oil, is increasingly produced outside the United States. Uranium do-

mestically produced is currently 3 mil-
lion pounds or just 6 percent of the Na-

tion’s nuclear fuel. Remember, 20 per-
cent of our electricity is supplied by nuclear. The vast majority of that ura-
nium that is produced is owned by for-

eign countries.

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

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

In December of 2000, the General Ac-
counts Office reported that the sales of natural uranium transferred from DOE to the United States Enrichment Corporation created an oversupply and
a subsequent drop in uranium prices. To balance this previous uranium dumping on the market, the Wilson-Cubin amendment would prohibit the transfer or sale of government uranium inventories through March 23, 2009. Subsequent to that, transfers or sales of up to 3 million pounds of uranium would be permitted per year.

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

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

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

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

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

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

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

I urge support of the amendment.

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

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

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

The CHAIRMAN pro tempore. All time has expired.

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

The amendment was agreed to.

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

AMENDMENT NO. 5 OFFERED BY MR. GREEN OF TEXAS

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

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

The text of the amendment is as follows:

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

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

SEC. 804. REPEAL OF HINSHAW EXEMPTION.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

There is no need for this amendment. The only pipeline in California that
sometimes has a shortage of capacity is the Southern California Gas pipeline, but the capacity issue on this pipeline is being addressed by California. SoCal Gas is building four additional pipeline expansions. These will be complete by this summer, the peak demand season: and they will ensure Southern California Gas continues to have enough natural gas to serve its customers.

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

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

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

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

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

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

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

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

One State, one State of all the 50 States that have tried to create an interstate pipeline in California, that is the State of California. They made a policy decision that an interstate, that is a pipeline that is going between States, when it hit the California border, they changed the little in the pipe so that they could call it an intrastate pipeline not an interstate pipeline.

Now, the little display of my colleague from Houston over there is really not to scale. That shows about a 40-inch pipeline and a 6-inch pipeline. In truth, they are going from a 48-inch pipeline to a 36-inch pipeline, or from a 42-inch pipeline to a 30. It is actually a bigger discrepancy than my friend shows. It is only fair if we want to actually increase lower natural gas prices to the Golden State of California, and we want to lower electricity prices, that we actually require that an interstate pipeline in California is the same as an interstate pipeline anywhere else in the country.

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

So I would hope we would adopt the Green amendment and allow us, allow people that want to help California by providing more natural gas actually do help California, that is the Golden State of California, and we want to lower electricity prices, that we actually require that an interstate pipeline in California is the same as an interstate pipeline anywhere else in the country.

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

Mr. GREEN of Texas. Mr. Chairman, I will not take much of the gentleman's time. What I would like to say is that I disagree with the gentleman's expression of concern. If it is again, what exactly the gentleman has with California or with our Governor or what this is about?

Mr. LEWIS of California. Mr. Chairman, reclaiming my time, I will respond to both gentlemen from California.

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

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

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

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

Mr. GREEN of Texas. It is not the governor, it is the problem with California's distribution system. That is...
why there needs to be more pipelines, newer pipelines. In fact, we have a letter dated July 17 from the Federal Energy Regulatory Commission to the California Public Utilities Commission saying your problem is intrastate pipelines.

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

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

Mr. GREEN of Texas. Again reclaiming my time. Mr. Chairman, California is an exception because we have lots of intrastate pipelines running through the State of Texas, running through lots of States in the Union, but California has taken the Hinshaw exemption from 1964 and carried it much further than any other State.

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

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

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

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

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

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

Mr. LEWIS of California. Mr. Chairman, if it is accurate that no other State has downsized an interstate pipeline in order for it to be a California pipeline, and if it is accurate that no other State has downsized an interstate pipeline, certainly the gentleman knows that California is by far the largest State in the Union, with the exception of one, in terms of territory. There are areas like mine, vast areas of the desert where we do need to have some reasonable planning process. We ought to be able to deal with our State agencies. So I am wondering one more time what problem the gentleman has with the State of California or indeed with our Governor.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Mr. LEWIS of California. Mr. Chairman, I appreciate the gentleman’s review that history of difficulties in California. I have complained about that difficulty in the past, but transferring it to FERC in terms of decision-making may only complicate the problem and complicate our situation.

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

Mr. BARTON of Texas. No other Member of this Committee is suggesting that if California wants to go, they need to be able to come to FERC. They need to be able to come to FERC if they cannot receive justice in California for pipeline capacity expansion, or let us say let them to do what they did already to us in Texas.

Well, California has had capacity that has not been used. Southern California Gas alone has four approved capacity expansions under construction. The problem is not California having the transmission charge, which is the rest of the country is around 25 cents for MCF, got as high as $60 for MCF. It is partly because of this artificial constraint, which we are trying to remedy. We are trying to lower natural gas prices for all Californians.

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

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

Well, California has had capacity that has not been used. Southern California Gas alone has four approved capacity expansions under construction. The problem is not California having the transmission charge, which is the rest of the country is around 25 cents for MCF, got as high as $60 for MCF. It is partly because of this artificial constraint, which we are trying to remedy. We are trying to lower natural gas prices for all Californians.

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

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

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

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

The question was taken; and the Amendment was rejected.

The Chair redesignates the amendment.

RECORD VOTE

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

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

[Roll No. 312]

AYES—154

Simmons
Simpson
Skroon
Smith (MI)
Smith (TX)
Snow
Spratt
Stearns
Stebner
Stimpson
Summers
Swan

Tanner
Taum
Taylor (NC)
Taylor (MD)
Taylor (CA)
Taylor (NY)
Taylor (MD)
Taylor (FL)
Taylor (CT)
Tibbs
Towns
Townsend
Toomey
Tozier
Truax

Upton
Vanden
delaat
Walsh
Wamp
Waring
Waters
Watson
Weaver
Weimer
Weinberg

Young (AK)

NOT VOTING—4

Hutchinson
Spence
Storm
Stark

[274] Mrs. MEEK of Florida changed her vote from “aye” to “no.” Mr. HEFLIEY changed his vote from “no” to “aye.”

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 5 OFFERED BY MR. GREEN OF TEXAS

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

The Clerk will redesignate the amendment.

The Clerk redesignates the amendment.

RECORDED VOTE

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

A recorded vote was taken.

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

[Roll No. 312]
The CHAIRMAN pro tempore. Is there no objection? The CHAIRMAN pro tempore. There was no objection.

Mr. COX. Mr. Chairman, I yield my time, as I may, to the gentleman from California (Mr. GREEN). The CHAIRMAN pro tempore. The gentleman from California (Mr. GREEN) will control 5 minutes, and the gentleman from California (Mr. WAXMAN), and the gentleman from California (Mr. ISSA), and the gentleman from California (Ms. ESHOO).

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

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

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

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

But California cannot move forward with our clean gasoline program under existing law. Without a change in this, by technology standards, ancient rule, California's air and water quality will suffer, and motorists will
suffer too, because we will be paying at least 5 cents more per gallon due to the local shortage of oxygenate substitutes for MTBE, which is being phased out in California.

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

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

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

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

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

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

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

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

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

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

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

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

This amendment is a lose-lose for everyone.

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

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

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

So what we would like to have done is just wipe out the oxygenate requirement and let the States decide the matter for themselves. Who needs Washington to decide these issues for us? If we are going to achieve the environmental standards, let the States make their own decision how they want their gasoline to be reformulated. But what we would like to do is offer an amendment that broadly. This applies only to California. For those who would like to have the same treatment for their States, vote with us, because the next thing we will have is an elimination from this requirement in the Northeast, where they do not want to have to use MTBE, and other places where they do not want Washington telling them how to make their reformulated gasoline.

If we do not pass this amendment, we are going to have dirtier air; it is not necessary to put in the oxygenate. It is going to make the gasoline more expensive. It could lead to an interrup-

tion in supply because we are going to have to import ethanol to replace MTBE, and it balkonizes our fuel supply.

So I urge support for the Cox amendment.

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

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

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

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

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

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

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

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

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

Mr. DREIER. Mr. Chairman, from this point forward, let no one say that the wonderfully diverse California congressional delegation, 52 members strong, cannot come together and unite
around a very important issue. Cleaning up our environment and doing everything that we possibly can to decrease energy costs is what this amendment that my friends from the Committee on Energy and Commerce led by the gentlemen from California and others from the California delegation are pursuing.

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

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

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

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

There was no objection.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The Environmental Protection Agency already denied California’s appeal for a waiver. The EPA has determined that the addition of oxygen to gasoline improves air quality by improving fuel combustion and displacing more toxic gasoline components. Ethanol, a clean-burning, renewable, oxygen-rich fuel can help California meet the Clean Air Act requirements and help American farmers at the same time. Ethanol is a fuel that reduces carbon emissions, reduces smog, reduces particulate, and expands the domestic fuel supply by more than 300 million gallons.

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

I urge my colleagues to vote “no” on this amendment.

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

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

Stand for clean air, clean water, and help our farmers. The supporters of the amendment are concerned about the fuel additive MTBE and its pollution of drinking water, and they have a right to be concerned. But we should not throw out the oxygenate requirement just because of the MTBE problems, especially when there is plenty of clean-burning low-cost ethanol to meet the
Mr. Chairman, I ask the Members, out of fairness and out of a sense of the way America has always done business, to correct this past mistake that set specific solutions instead of proper goals. I would hope that this body would recognize that it is un-American to set the specific standards. Instead, let us set goals.

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

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

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

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

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

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

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

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

The CHAIRMAN pro tempore. The gentleman from Texas is recognized for 5 minutes.

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

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

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

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

The letter referred to is as follows:


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

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

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

The proposed amendment is apparently intended to waive, for the State of California only, the so-called oxygenate requirement in the RFG program. The Clean Air Act already includes a provision that allows the Administration and the Congress to waive certain aspects of the RFG program. This legislation, the so-called oxygenate requirement, did not result from a waiver under that provision.

Some advocates of the amendment support their position by citing a draft EPA document concerning California’s waiver request. That document contains uncertainties and was never finalized. After further evaluation by EPA staff, I determined that the data did not support California’s request. The waiver is no longer relevant and is not an accurate reflection of EPA’s position.
I appreciate your attention to these issues as you consider amendments to H.R. 4.

Sincerely yours,

CHRISTINE TODD WHITMAN.

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

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

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

While we always appreciate support for our environmental achievements in Minnesota, I want to make this very clear and set the record straight. Minnesota does restrict the use of MTBE, but we recently went by the gentleman’s suggestion of having a 10 percent blend of clean-burning ethanol gasoline.

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

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

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

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

The CHAIRMAN pro tempore. Mr. COX. If the gentleman will withdraw his amendment.

Mr. BARTON of Texas. Mr. Chairman, I yield 1 1/2 minutes to the gentleman from Louisiana (Mr. JOHN).

Mr. JOHN. Mr. Chairman, I rise in opposition to the Cox-Waxman amendment. This debate should not be about an oxygenate waiver. This debate should be about fixing the underground storage tanks not only in California but, as has been clearly stated, asking for a waiver from EPA standards. We are asking for a waiver on the method of how to achieve those standards. This is a matter of local control, of States’ rights; and I urge my colleagues to support this amendment.

The CHAIRMAN pro tempore (Mr. LATOURETTE). The gentleman from Texas (Mr. GREEN) has 4 1/2 minutes remaining.

Mr. GREEN of Texas. Mr. Chairman, I yield 1 1/2 minutes to the gentleman from Louisiana (Mr. JOHN).

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

Mr. JOHN. Mr. Chairman, I rise in opposition to the Cox-Waxman amendment. This debate should not be about an oxygenate waiver. This debate should be about fixing the underground storage tanks not only in California but, as has been clearly stated, asking for a waiver from EPA standards. Instead of addressing the leaking underground storage tank problem, which has allowed MTBEs to enter the water supply, California has chosen to ban it. Now that the State of California is faced with the prospect of increased costs to comply with the Clean Air Act, it is proposing to toss out the oxygenate requirements to solve their fiscal concerns. Well, H.R. 4 already authorizes $200 million for the leaking underground storage trust fund for assessment, for corrective action, inspection, and monitoring activities to address California’s concerns.

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

The House Committee on Energy and Commerce has already voted down a very similar amendment. Do not backslide the progress that we have made on improving America’s air quality. Please vote “no” on the Cox-Waxman amendment.
One of the interesting aspects that I have discovered across this country is that we have 38 different types of fuel used to propel our vehicles, 38 different formulas. Some use ethanol, some use burn rates that are higher or lower, some use reformulated gasoline. There are individuals who have gotten a little carried away with the concept of oxygenated fuel, because the rise of an oxygenated fuel is basically a self-regulating structure of air coming in, mixing with the fuel, going into the chamber, firing, and going out the exhaust. If we can enhance the burning quality of that mixture by putting oxygen in the fuel, we can actually get a cleaner burning fuel, and we can even improve the mileage. The problem is technology has carried us far beyond that today. We have closed-loop automobiles. There are very few open-loop automobiles around.

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

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

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

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

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

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

Mr. WAXMAN. I was not one of those that had a government imposition of MTBE on the refineries either, because it increased the cost of producing fuel. It did not produce the end result. And now we find it was even worse than we thought. We have increased the cost of gasoline to America's consumers by billions of dollars either with ethanol or with this particular additive, and it has not gotten us where we need to go. What we need do is take a step back, take the politics out of it, and use a bit more science in the way in which we are trying to get more reasonable mileage out of a gallon of fuel.

Mr. THOMAS. Reclaiming my time, Mr. Chairman, I was not one of those that had a government imposition of MTBE on the refineries either, because it increased the cost of producing fuel. It did not produce the end result. And now we find it was even worse than we thought. We have increased the cost of gasoline to America's consumers by billions of dollars either with ethanol or with this particular additive, and it has not gotten us where we need to go. What we need do is take a step back, take the politics out of it, and use a bit more science in the way in which we are trying to get more reasonable mileage out of a gallon of fuel.

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

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

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

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

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

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

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

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

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

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

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

The CHAIRMAN pro tempore. The gentleman from Texas (Mr. BARTON) now has 4 1/2 minutes; the gentleman from California (Mr. COX) and the gentleman from Minnesota (Mr. KENNEDY) have expired is the gentleman from Texas (Mr. WAXMAN) has 1 minute, and the gentleman from Texas (Mr. BARTON) has 30 seconds; the gentleman from California (Mr. THOMAS) has 3 minutes; the gentleman from California (Mr. WAXMAN) has 2 minutes; the gentleman from Texas (Mr. BARTON) has 1 minute, and the gentleman from Texas (Mr. COX) has 1 minute.

Mr. BARTON of Texas. Mr. Chairman, I yield 1 1/2 minutes to the gentleman from California (Mrs. DAVIS).

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

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

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

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

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

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

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

We have had success for 6 1/2 years on reformulated gasoline, whether it is MTBE or ethanol. That is why I am surprised that California thinks that they can produce enough without that.

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

TheCHAIRMAN pro tempore. The gentleman from Texas (Mr. BARTON) now has 4 1/2 minutes; the gentleman from California (Mr. COX) has 30 seconds; the gentleman from California (Mr. WAXMAN) has 1 minute, and the gentleman from California (Mr. THOMAS) has 3 minutes; the gentleman from California (Mr. WAXMAN) has 2 minutes; the gentleman from Texas (Mr. BARTON) has 1 minute, and the gentleman from Texas (Mr. COX) has 1 minute.

Mr. BARTON of Texas. Mr. Chairman, I yield 1 1/2 minutes to the gentleman from Minnesota (Mr. KENNEDY).

Mr. KENNEDY of Minnesota. Mr. Chairman, I rise in strong opposition to the amendment to grant California a waiver from the Clean Air Act. This is not about MTBE, which is harmful to our drinking water, because there is a better alternative. Yes, ethanol does help gas burn cleaner. Members only have to go back to their high school class to know that increased oxygen in gas will help make it burn cleaner. But it is not about ethanol making gas more expensive because with today's price of oil and other commodities, ethanol is cheaper than gasoline.
This is about ensuring clean air for our children and grandchildren and not increasing the ozone problem that we have. It is about expanding renewable domestic sources of energy. And it is about increasing demand, yes, for important commodities that help us create jobs and economy in our rural areas.

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

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

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

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

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

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

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

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

The price for this super blend without the oxygenate is more expensive than with the blend in it. The nonoxygenated fuel, by California’s own study, would eliminate emissions of up to 593 tons per day of carbon monoxide. That is a major contributor to ground ozone or smog. By the California study, there is a 6 percent reduction of VOCs with an oxygenate. Keeping this oxygenate requirement for gasoline would translate into a reduction of CO2 emissions by over 1 million tons in California alone.

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

Mr. WAXMAN. Mr. Chairman, I yield myself for an answer.

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

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

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

Mr. COX. Mr. Chairman, I rise in opposition to this amendment. As the author of the amendment, do I have the right to close?

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

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

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

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

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

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

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

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

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

The red bar shows the areas which their crops can be used. It is true we can meet the minimum air quality standard without using either MTBE, the blue bars, or ethanol, the red bars, but just barely. Just barely.

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

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

I hope we vote against the amendment.

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

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

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

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

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

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

Mr. SMITH of Michigan. Mr. Chairman, this amendment points to a problem that is not unique to California,
but affects the entire country. The fact is that with improved engine, emissions, and refining technologies, the requirements of the Clean Air Act can be met without the need to dictate specific fuel formulas. Yet today we have a patchwork of regulations governing what specific fuel formulations can be sold in what area of the country. These rules have raised costs and contributed to supply disruptions.

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

Vote “no” on this amendment.

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

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

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

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

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

AMENDMENT NO. 7 OFFERED BY MR. WAXMAN

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

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

The text of the amendment is as follows:

Amendment No. 7 offered by Mr. WAXMAN: Page 96, after line 17, insert the following:

TITLE IX—PRICE GOUGING AND BLACKOUT PREVENTION

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

(a) DEFINITIONS.—In this section:

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

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

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

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

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

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

(3) PUBLIC UTILITY.—The term “public utility” has the meaning given to the term in section 201 of the Federal Power Act (16 U.S.C. 792).

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

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

(c) AUTHORITY OF STATE REGULATORY AUTHORITIES.—The State regulatory authority may, instead of imposing rates under authority of this section, direct the electric utility company to refund any excessive amounts collected and, in the case of an electric utility company in a State that is a party to a multi-State proceeding, require that the refund be made to all electric utility companies that are parties to the multi-State proceeding.

Not later than 30 days after the date of enactment of this Act, the State regulatory authority shall impose cost-of-service based rates on sales of electric energy at wholesale in the western energy market. The Commission shall not impose such rates under authority of this subsection on generating electric energy that did not generate electric energy at any time prior to January 1, 2001.

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

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

This year, there has been only one true energy crisis in the United States. That is the skyrocketing electricity prices in California and the West. Incredibly, however, this bill does nothing to address this issue.

That is why I am offering this amendment. The goal of the amendment is to prevent a return to the blackouts and skyrocketing electricity prices that have plagued the West.

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

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

Not only does the FERC order make blackouts more likely, it does not apply to more than half of the generators in the marketplace. You have got to remember that there are lots of plants being planned in California. They are being planned on the basis of this not happening.

To correct the FERC order before it would exempt new power plants from cost-of-service based rates and would not apply to more than half of the generators in the marketplace. I want to say that again. These price caps would apply to less than half of the generators in California if this amendment were adopted. They are saying, well, there are lots of plants being planned in California. They are being planned on the basis of this not happening.

The amendment before us would exempt new power plants from cost-of-service based rates and would not apply to more than half of the generators in the marketplace. I want to say that again. These price caps would apply to less than half of the generators in California. It is a recipe for blackouts.

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

I urge support for this amendment. Mr. TAUZIN. Mr. Chairman, I yield myself 2 minutes.

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

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

I will give you three quick reasons: first, cost-of-service based rates, price caps, discourage investment in new power plants. No power developer in his right mind would try to build a plant in California if this amendment were adopted.

They are saying, well, there are lots of plants being planned in California. They are being planned on the basis of this not happening.

To correct the FERC order before it would exempt new power plants from cost-of-service based rates and would not apply to more than half of the generators in the marketplace. I want to say that again. These price caps would apply to less than half of the generators in California. It is a recipe for blackouts.
in the 1970s when we regulated old gas and we did not regulate new gas and there were huge shortages in the old gas markets, in the interstate markets, and surpluses and high prices in the intrastate markets.

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

This amendment ought to be defeated.

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

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

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

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

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

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

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

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

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

Mr. WAXMAN. Mr. Chairman, I yield 1-1/2 minutes to the gentleman from California (Ms. ESHOO), who has taken such a very strong leadership role on this.

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

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

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

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

Mr. TAUZIN. Mr. Chairman, I am honored to yield 1-1/2 minutes to the distinguished gentleman from Louisiana (Mr. JOHN), newly joining the Committee on Energy and Commerce.

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

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

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

When will we learn? Oppose the price caps.

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

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

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

This amendment would simply ensure what FERC was supposed to do in
the first place. I urge my colleagues to support this commonsense amendment.

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

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

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

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

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

One of the reasons why California has been successful is because high prices have forced people to consume less. Conservation is a result of these high prices. The market does work. How do you get to the quickest, more functioning market? You let the market work. If you intervene in the market, as the Governor of California has done, guess what? The market does not stabilize, it does not get fixed. Market manipulation by government is designed to fail.

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

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

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

This chart illustrates that we must regulate the price of electricity or there is none in supply. When we deregulated, you see those yellow lines indicating the plants that were closed for maintenance. Roughly 10,000 extra hours, megawatt hours, closed for maintenance. What that really illustrates is that few out-of-State companies were able to close their plants for maintenance, which means close their plants to maintain an outrageous price for every kilowatt.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

First of all, let me just show you a couple of the growth charts in California. Employment grew 12 percent, this is in the nineties, population has grown 18 percent, the State economy has grown 45 percent, the electronics and instruments industry has grown over 60 percent in the nineties, the communications industry has grown over 100 percent and yet what has California done? Natural gas usage capacity has grown less than 10 percent, electricity use capacity has grown less than 10 percent, peak demand, on and on and on.

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

Let me let you in on a little secret, that that gouging question. Here is where California gets their power. They get 33 percent of their power generated from their big IOUs, PG&E, SoCal. They import 21 percent of the FERC's, they have 27 percent of their electricity from public power, most of that public power located within the State of California, which is not addressed in this
Let me just tell you, if this is gouging, let me bring up the next chart. We have been, as our committee, a gentleman named David Freeman, who happens to be the electricity guru for the Governor of the State of California, who happened to be the head of Los Angeles Department of Water and Power, before our Committee.

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

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

What do they give us in this bill for California? They give us crumbs. All we get are some crumbs for California. Scores of small business people in my district have gone out of business, and according to a report by the Chamber of Commerce, 65 percent of small businesses are going out of business this year. Mr. Chairman. If this bill passes without this amendment, my small businesses are toast. They are toast. Mr. Chairman. Help California. Pass this amendment.
That we do not find ourselves in California as a result of a very bad law once passed by the legislature in California.

Mr. TAUZIN. Mr. Chairman, I am pleased to yield the balance of our time.

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

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

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

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

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

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

Mr. TAUZIN. Mr. Chairman, I am pleased to yield the balance of our time.

Mr. BARTON of Texas, the chairman of the Subcommittee on Energy and Air Quality, to close on this debate against this bad amendment.

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

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

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

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

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

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

The CHAIRMAN pro tempore. The question was taken; and the question of the amendment offered by the gentleman from California (Mr. WAXMAN).

The text of the amendment is as follows:

Amendment No. 8 offered by Ms. JACKSON-LEE of Texas. Mr. Chairman, I offer an amendment.

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

The text of the amendment is as follows:

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

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

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

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

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

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

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

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

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

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

We are well aware of the value of our agricultural industry, but are we aware of what can happen positively to minority and socially disadvantaged
ranchers and farmers if they find another element to their resources? Unlike other renewable energy sources, biomass can be converted directly into liquid fuels for our transportation needs.

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

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

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

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

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

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

Mr. BOEHLELT. Mr. Chairman, this amendment, which provides $5 million per year for integrated bioenergy research and development projects, for training and educating targeted to minority and socially disadvantaged farmers and ranchers, is a good amendment.

Research and development programs will provide important assistance for cutting-edge technologies and projects, and I proudly identify with the amendment, and I urge its adoption.

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

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

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

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

I also would like to thank my committee chairman, the distinguished gentleman from Louisiana (Mr. TAUZIN), for his support for this amendment. They told me in law school, when you say that we support the gentleman from Louisiana, of the importance of the CBC. (Ms. EDDIE BERNICE JOHNSON of Texas asked and was given permission to revise and extend her remarks.)

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

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

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

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

Because of its great size and the strong presence of agriculture, my home state of Texas is number 1 in the country for animal waste products. Much of the waste contaminates our lakes and rivers, and threatens the drinking water supplies for various localities.

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

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

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

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

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

Mrs. MEEK of Florida. Mr. Chairman, I want to thank the gentlewoman from Texas for her initiative. If there is a new initiative that is needed, it is this amendment, which provides $5 million per year for integrated bioenergy research programs will provide important assistance for cutting-edge technologies and projects, and I proudly identify with the amendment, and I urge its adoption.

I yield myself such time as I may consume.

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

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

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

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

I want us to be able to work further on the concepts of job training that will come out of the opportunities of this legislation, because we have people on the ground that can work in this industry. I believe it is important to include Historically Black Colleges
and Hispanic-serving Institutions, universities, on research issues.

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

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

Mr. TAUZIN. Mr. Chairman, I yield 1 minute to the gentlewoman from Texas (Ms. JACKSON-LEE).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Even gas can be produced from biomass for generating electricity. Gasification systems use high temperatures to convert biomass into a gas (a mixture of hydrogen, carbon monoxide, and methane). The gas fuels a turbine, which is very much like a jet engine, only it turns an electric generator instead of propelling a jet. The decay of biomass in landfills also produces a gas that can be burned in a boiler to produce steam for electricity generation or for industrial processes. New technology could lead to using biobased chemicals and materials to make products such as anti-freeze, plastics, and personal care items that are not always easily manufactured. In some cases these products may be completely biodegradable. While technology to bring biobased chemicals and materials to market is still under development, the potential benefit of these products is great.

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

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

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

The amendment was agreed to.

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

AMENDMENT NO. 9 OFFERED BY MRS. CAPITO

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

The CHAIRMAN pro tempore. The text of the amendment is as follows:

Amendment No. 9 offered by Mrs. CAPITO:

On page 190, after line 25, insert:

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

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

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

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

There was no objection.

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

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

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

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

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

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

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

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

One method which has already shown great potential is coal gasification. Rather than burning coal in a boiler,
gasification converts coal into a combustible gas, cleans the gas, and then burns the gas in a turbine, much like natural gas. More than 99 percent of the sulfur, nitrogen, and particulate pollutants are removed in this process. It is a low-emission technology. Continued research and development in clean coal technologies like coal gasification are vital to keeping coal, our most abundant energy resource, an integral part of supplying energy to America.

Our goal should be to give industry the incentives to develop the commercial viability of coal gasification, bringing down costs to consumers while protecting the environment and coal’s future in America’s energy plan. I congratulate the chairman and the gentleman from New York (Mr. BOEHLERT) and all the Members of the committee who have worked so hard to bring this comprehensive energy package to the floor.

This bill represents a bipartisan effort. It is my hope that it will move swiftly through the House and Senate and be signed by the President as soon as possible. The American people have waited long enough for an energy plan. I urge all my colleagues to support this amendment and to vote yes on final passage.

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

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

Mr. Chairman, I rise in support of the gentleman’s amendment. I commend her hard work on behalf of the clean coal technologies, both with this very important amendment and with her co-sponsorship of the NEET clean coal bill.

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

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

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

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

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

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

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

The gentlewoman from West Virginia (Mrs. CAPITO) has been helpful to the Committee on Science, not only with respect to this amendment, but also on clean coal provisions in division E of the bill, which requires that at least 80 percent of the funds allocated for clean coal-based gasification technologies be focused on those that clearly our efforts should focus on clean coal technologies such as the integrated gasification combined cycle. I appreciate the gentlewoman for her leadership on this issue, and I urge my colleagues to support this amendment, which has been worked out between the two committees in partnership for a positive result.

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


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

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

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

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

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

Sincerely,

JAMES V. HANSEN, Chairman.


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

DEAR MR. CHAIRMAN: Thank you for your letter of July 20, 2001 concerning H.R. 2436, the Energy Security Act. As you have acknowledged, or H.R. 2436 or any other similar energy legislative package for consideration by the full House of Representatives as early as next week. Therefore, I ask you to not to seek a sequential referral of the bill.

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

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DEAR MR. CHAIRMAN: Thank you for your letter of July 20, 2001 concerning H.R. 2436, the Energy Security Act. As you have acknowledged, or H.R. 2436 or any other similar energy legislative package becomes necessary, I would support the Committee on Science’s request to have it referred to the conference. Finally, this action should not be seen as precedent for any Committee on Resources bills which falls within the Committee on Science’s jurisdiction. I would be pleased to place this letter and your response in the record on the bill to document this agreement.

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Sincerely,

JAMES V. HANSEN, Chairman.


Mr. TAUZIN. I thank the gentleman.

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

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

As one of the designated co-chairs to the conference that will occur later in the fall on global climate, I am extremely interested in knowing that we are committed to a course not that is going to put anybody out of business or disrupt the American economy, but that we will find solutions to situations where we can reduce CO₂ emissions through cleaner coal technologies and gasification projects, like the gentlewoman is sponsoring in this amendment.

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

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

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

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

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

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

In addition to that, because the carbon dioxide stream is brought off separately as a part of the gasification process, CO2 potentially could be sequestered, with all of the attendant environmental benefits that that promises.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The amendment was agreed to.

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

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

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

The CHAIRMAN pro tempore. The amendment is to the amendment offered by Ms. Jackson-Lee of Texas.

The Amendment is to the amendment offered by Ms. Jack-Lee of Texas.

The amendment was agreed to.

The CHAIRMAN pro tempore. The amendment is now in order to consider amendment No. 10. Printed in part B of House Report 107-178.

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The amendment was agreed to.

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This development would not only reduce the environmental impact but also create significant economic gains. As the industry advances, it will help prepare the workforce and enhance their skills. The amendment I propose will ensure a focus on research, development, and demonstration programs to enhance fossil energy technology and production.

I believe that the United States has a balanced energy research, development, and demonstration program that can enhance fossil energy technology. The amendment I have introduced seeks to address this aspect and ensure that the technology and production of the United States are enhanced.

Mr. TAUZIN. Mr. Chairman, I yield 1 minute to the gentlewoman from Texas (Ms. JACKSON-LEE) in order to engage in a dialogue.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the gentleman for yielding me this time, and I will ask my colleagues to support this amendment. It is an important step towards ensuring the energy independence of the United States.

Mr. TAUZIN. Mr. Chairman, I yield myself such time as I may consume, and I believe I have the right to close.

I would like to, as I close, yield to the gentlewoman for an inquiry, if I might. But first, let me simply say this. We have not learned all that we can learn about energy extraction, refining, generation, or transportation. We are still learning; and this report that will be issued by the Secretary of the Interior will provide the comprehensive statistics and knowledge that will balance the planning that our energy industry has to engage in. It will help them prepare environmentally in terms of knowing what oil and gas deposits are there as they match their research along with the research of the Federal Government.

But this really goes to educating the American public about the resources that are present offshore and how they are extracted safely. And I believe that if we understand all of this, people will be more likely to vote for energy independence and development.

I believe that the effects of rising energy prices have had and will continue to have a chilling effect on our Nation's economy. Everything we do as consumers, eat, touch or use in our day to day lives has energy costs added into it. We have to pay for our energy or service. Today, our society is in the midst of major sociological and technical revolutions, which will forever change the way we live and work. We are transitioning from a predominantly industrial economy to an information-centered economy. While our society has an increasingly older and longer living population the world has become increasingly smaller, integrated and interdependent.

As with all change, current national and international transformations present both dangers and opportunities. This situation requires that the United States protect our future and seize the opportunity to ensure a secure energy future for our nation.
an excellent environmental record. According to
the United States Coast Guard, for the
1980–1999 period 7.4 BILLION barrels of oil
was produced in federal offshore waters with
less than 0.001 percent spilled. That is a
99.999 percent record for clean operations.

Most rigs under current Interior regulation
must have an emergency shutdown process in
the event of a major accident which imme-
diately seals the pipeline. Other safety fea-
tures include training requirements for per-
sonnel, redundant safety systems, and
environmental specialists on board to monitor all drill-
ning activity.

Fossil fuels and the quality of life most citi-
zens enjoy in the United States are insepa-
able. The multiple uses of petroleum have
made it a key component of plastics, paint,
heating oil, and of course gasoline. All fossil fuels
are non-renewable electricity, and due to the
nation’s addiction to petroleum was pain-
fully exposed in 1973 when the Organization
of Petroleum Exporting Countries (OPEC) im-
plemented an oil embargo against the United
States. This event resulted in the rapid con-
version of oil-fired electricity production electric
plants into coal- and natural gas-fired plants.

Energy and its interconnected nature of our
national and global economy is highlighted by
rising oil, and gasoline prices experienced by
producers and consumers over the last ten months.

The United States Postal Service has re-
ported that for every 1 cent increase in the
price of gasoline, they have an additional $5.5
million in transportation costs. Based on their
national fleet of 2002 vehicles resulting they
had a cost of $275 million added to the ex-
 pense of their vehicle fleet for Fiscal Year 2000.

I held a fact-finding hearing in Houston,
Texas on October 2, of last year to address
the energy crisis and its impact on consumers
and businesses in my District. I wanted to
listen to what producers, suppliers, and con-
sumers were experiencing due to the current
energy crisis in our nation. I wanted to take
from that discussion valuable insight that
might be helpful to me in encouraging the
House leadership to take up legislation that I
hope will address many of their concerns.

As legislators, we must boldly define, add-
ress and find solutions to future energy prob-
lems. We know that the geological supply of
petroleum is not infinite, but finite. We know
that our Nation’s best reserves of fuel sources
are in the forms of coal and natural gas,
among others.

I would only caution my colleagues, admin-
istration officials, academics, industry leaders,
environmental groups and consumers not to
assume that we have learned all that is
knowable about energy extraction, refining,
generation, or transportation but that we are
still learning. We must bring to this debate a
vigor and vitality that will ennoble our efforts to
not have a future of energy have and have
nots, due to out of control energy demand with
few creative minds working on the solution to
this pressing problem.

During the 1970s some argued against the
use of natural gas in electric utility generation,
while others argued that it was necessary in
 reducing our dependence on imported oil and
foreign sources of fossil fuel. In response the
Congress passed the Powerplant and Indus-
trial Fuel Act, which prohibited the use of nat-
ural gas in new powerplants, and the Natural
Gas Policy Act, which removed vintages of
natural gas from regulations.

As a result, natural gas production rose dra-
 matically and Congress repealed the “off-gas”
provisions of the Fuel Act, which resulted in
increased use of that fossil fuel.

I ask that my colleagues join me and Con-
gressman Lampson in support of this amend-
ment.

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

The amendment was agreed to.

The CHAIRMAN pro tempore. It is
now in order to consider amendment
No. 11 printed in part B of House Re-
port 107–178.

AMENDMENT NO. 11 OFFERED BY MR. SUNUNU

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

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

The text of the amendment is as fol-
s:

Amendment No. 11 offered by Mr. SUNUNU:

Page 500, beginning at line 16, amend sec-
section 6512 to read as follows:

SEC. 6512. REVENUE ALLOCATION.

(a) FEDERAL AND STATE DISTRIBUTION.—

(1) IN GENERAL.—Notwithstanding section 6504 of the
Renewable Energy Act (30 U.S.C. 181 et. seq.), or any other law,
of the amount of adjusted bonus, rental, and royalty
revenues from oil and gas leasing and operations
henceforth:

(A) 50 percent shall be paid to the State of
Alaska; and

(B) the balance shall be deposited into the
Renewable Energy Technology Investment
Fund and the Royalties Conservation Fund as
provided in this section.

(2) ADJUSTMENTS.—Adjustments to bonus,
rental, and royalty revenues from oil and gas
leasing and operations authorized under this
section shall be made as necessary for overpay-
ments and refunds from lease revenues rec-
erved in current or subsequent periods before
the distribution of such revenues pursuant to

(b) TIMING OF PAYMENTS TO STATE.—Pay-
ments to the State of Alaska under this sec-
tion shall be made semiannually.

(2) RENEWABLE ENERGY TECHNOLOGY
INVESTMENT FUND.

(1) ESTABLISHMENT AND AVAILABILITY.—There is hereby established in the Treasury
of the United States a separate account which shall be known as the “Renewable
Energy Technology Investment Fund”.

(2) DEPOSITS.—Fifty percent of adjusted
revenues from bonus payments for leases
issued under this title shall be deposited into
the Renewable Energy Technology Invest-
ment Fund.

(3) USE GENERALLY.—Subject to paragraph
(4), funds deposited into the Renewable
Energy Technology Investment Fund shall be
used by the Secretary of Energy to finance
research grants, cooperative agreements
and expenses of direct research by Federal agencies, including the costs of
administering and reporting on such a pro-
gram of research, to improve and dem-
strate technology and develop basic
science information for development and use
of renewable and alternative fuels including
wind energy, solar energy, geothermal en-
ergy, and energy from biomass. Such re-
search may include studies on deployment of
such technology including how to lower the costs of introduction of such technology and of barriers to entry into
the market of such technology.

(4) USE FOR ADJUSTMENTS AND REFUNDS.—If
for any circumstances, adjustments or ref-
unds of bonus amounts deposited pursuant
to this title become warranted, 50 percent of
the amount necessary for the sum of such
adjustments and refunds may be paid by the
Secretary from the Renewable Energy Tech-
nology Investment Fund.

(5) CONSULTATION WITH COORDINATION.—Any
specific use of the Renewable Energy Tech-
nology Investment Fund shall be determined
only after the Secretary of Energy consults
and coordinates with the heads of other ap-
propriate Federal agencies.

(6) REPORTS.—Not later than 1 year after
the date of the enactment of this Act and on
an annual basis thereafter, the Secretary of
Energy shall transmit to the Committee on
Science of the House of Representatives and
the Committee on Energy and Natural Re-
sources of the Senate a report on the use of
funds under this subsection and the impact
of and efforts to integrate such uses with
other energy research and development.

(3) ROYALTIES CONSERVATION FUND.

(1) ESTABLISHMENT AND AVAILABILITY.—There is hereby established in the Treasury
of the United States a separate account which shall be known as the “Royalties Con-
servation Fund”.

(2) DEPOSITS.—Fifty percent of revenues
from rents and royalties for leases
issued under this title shall be deposited into
the Royalties Conservation Fund.

(3) USE, GENERALLY.—Subject to paragraph
(4), funds deposited into the Royalties Con-
servation Fund—

(A) may be used by the Secretary of the
Interior and the Secretary of Agriculture to fi-
nance grants, contracts, cooperative agree-
ments, and expenses for direct activities of
the Department of the Interior and the For-
est Service to restore and otherwise conserve
habitat and to eliminate maintenance and
improvements backlogs on Fed-
ERAL LANDS, including the costs of admin-
istering and reporting on such a program; and

(B) may be used by the Secretary of the In-
terior to finance grants, contracts, cooper-
aive agreements, and expenses—

(1) funds deposited into the General purse-
plans go back to the American people in an important way that conserves our parks, invests in maintenance of our national forests, and of course invests in future energy technology and independence.

Mr. Chairman, I yield 2 minutes to the gentleman from New Mexico (Mrs. Wilson), the cosponsor of the amendment.

Mrs. Wilson. Mr. Chairman, I thank the gentleman for yielding me this time, and I commend him for his leadership.

When I looked at this proposal for exploration of oil in Alaska, I did not think it was good enough, because I have long advocated for a balanced energy plan. I thank the gentleman for his leadership and the leadership of the chairman and this committee, because I felt as though we could find a better way.

I think this amendment, combined with the next amendment, gives us the balance that all of us are looking for. I have long believed that we do not have to choose between having energy and preserving the environment that we love. These two amendments allow us to do both and to begin with conservation.

What my amendment does is take the royalties and the bonus payments that have been talked about here in the debate, and the proceeds of the royalty sharing arrangement where the Federal Government will get half of the royalties from any oil production in the northern plains of Alaska, and take those royalties to set up two important funds.

The first fund would be geared toward conservation, a fund that could invest in our backlog maintenance of national parks, national forests, a fund that could invest in historic preservation, and a fund that could invest in the conservation of urban parks as well.

The remainder, the balance of the royalties, go into a second fund, a fund that invests in our energy future, alternative and renewable technologies, wind, solar, biomass, again a range of technologies that in the debate today have been held out as being the likely technologies that in the debate today will be approved and funded. That fund would become warranted, 50 percent of the amount necessary for the sum of such adjustments and refunds may be paid from the Royalties Conservation Fund.

(b) Availability.—Moneys covered into the accounts established by this section—

(1) shall be available for expenditure only to the extent appropriated therefor;

(2) may be appropriated without fiscal-year limitation; and

(3) may be obligated or expended only as provided in this section.

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

Mr. Tauzin. Mr. Chairman, I ask unanimous consent to claim the time in opposition, since there is no one in opposition, although I am very much in support of the amendment.

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

There was no objection.

The CHAIRMAN pro tempore. The Chair recognizes the gentleman from New Hampshire (Mr. Sununu).

Mr. Sununu. Mr. Chairman, I yield myself such time as I may consume, and I look forward to the amendment as we put the final touches on this energy policy bill. It is an amendment that tries to strike a balance, a balance between the need for safe, reliable energy sources for the American economy and the need and desire to conserve our precious resources, our environment, and our natural heritage.

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Mr. Sununu. Mr. Chairman, I yield myself such time as I may consume, and I look forward to the amendment as we put the final touches on this energy policy bill. It is an amendment that tries to strike a balance, a balance between the need for safe, reliable energy sources for the American economy and the need and desire to conserve our precious resources, our environment, and our natural heritage.

What my amendment does is take the royalties and the bonus payments that have been talked about here in the debate, and the proceeds of the royalty sharing arrangement where the Federal Government will get half of the royalties from any oil production in the northern plains of Alaska, and take those royalties to set up two important funds.

The first fund would be geared toward conservation, a fund that could invest in our backlog maintenance of national parks, national forests, a fund that could invest in historic preservation, and a fund that could invest in the conservation of urban parks as well.

The remainder, the balance of the royalties, go into a second fund, a fund that invests in our energy future, alternative and renewable technologies, wind, solar, biomass, again a range of technologies that in the debate today have been held out as being the likely technologies that in the debate today will be approved and funded. That fund would become warranted, 50 percent of the amount necessary for the sum of such adjustments and refunds may be paid from the Royalties Conservation Fund.

(b) Availability.—Moneys covered into the accounts established by this section—

(1) shall be available for expenditure only to the extent appropriated therefor;

(2) may be appropriated without fiscal-year limitation; and

(3) may be obligated or expended only as provided in this section.

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

Mr. Tauzin. Mr. Chairman, I ask unanimous consent to claim the time in opposition, since there is no one in opposition, although I am very much in support of the amendment.

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

There was no objection.

The CHAIRMAN pro tempore. The Chair recognizes the gentleman from New Hampshire (Mr. Sununu).

Mr. Sununu. Mr. Chairman, I yield myself such time as I may consume, and I look forward to the amendment as we put the final touches on this energy policy bill. It is an amendment that tries to strike a balance, a balance between the need for safe, reliable energy sources for the American economy and the need and desire to conserve our precious resources, our environment, and our natural heritage.

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(3) may be obligated or expended only as provided in this section.
development, and put it back into protecting and preserving the wild and wet areas.

Mr. Chairman, I yield 2 minutes to the gentleman from Utah (Mr. HANSEN), the chairman of the Committee on Resources, who is responsible for most of the product we see now before us in this bill.

Mr. HANSEN. Mr. Chairman, let me point out that I have had an opportunity to look at the Sununu amendment. I talk to folks in their offices are listening to this because this is an interesting amendment.

Mr. Chairman, this amendment, if Members are at all on the fence wondering if they should vote for ANWR or not, this puts Members on the side to vote for ANWR. This amendment secures the amount of acreage we are talking about. It puts it at the 2,000-acre level. And if Members went there, they would see this is a fraction of what we are looking at.

All the people saying, oh, my goodness, we are going to have the tentacles of this thing spread over the ANWR area. Well, the tentacles, if there ever was such a thing, have just been snapped off, and it is not going to happen.

If we talk about an amendment that perfects what we have been doing, the gentleman has come up with one. It makes eminently good sense that we do want to set aside land for future generations; but here we have 19 million acres, and I think where the energy security and the energy future of the United States is concerned, it is realistic to think if we could put together a program that utilizes only 2,000 acres, approximately 3 square miles, a very small fraction of the 19 million acres in the entire ANWR area.

I think that is an indication of a balance, of common sense.

We do want to protect a sensitive area. We do want to set aside land for future generations; but here we have 19 million acres, and I think where the energy security and the energy future of the United States is concerned, it is realistic to think if we could put together a program that utilizes only 2,000 acres, we have done the right thing for future generations.

That is what my amendment does. I am pleased to introduce it with the gentlewoman from New Mexico (Mrs. WILSON) as a cosponsor.

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

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

Mr. Chairman, I rise in opposition to the Sununu amendment. The proponents of the drilling in this Arctic Refuge have taken one of their most misleading statements, and they have tried to undue it into an amendment. We are now debating that amendment. This 2,000 acre amendment would simply make official what the industry has already said unofficially, that it intends to industrialize the very heart of the Arctic Wildlife Refuge.

The Department of Interior has already analyzed those plans. Let me show Members what 2,000 acres subdivided into all of its parts would mean for the refuge.

The industry says it will just be a little red dot. They have been passing this little red dot around for the last 5 months. It really will not do a great deal of damage. But the industry has big plans for that 2,000 acres of surface area because here is what can be done with 2,000 acres of surface area, if instead of a little dot, which is not how one drills because these are a lot of other things that need to be done to be successful in bringing oil and gas out of any part of this refuge.

Two hundred miles of pipeline can be built across the refuge. Two hundred miles of roads can be built into the refuge. Twenty oil fields can be fit into the refuge.
the ice roads, the water, the trucks, the pollution and on and on. The gravel pits.

According to the Department of Interior, 2,000 acres of surface area would permit a spider web of facilities so extensive that its impact on the refuge, the wildlife, the ecosystem would spread over 130,000 acres to 303,000 acres, one-fifth of the entire 102 area.

Mr. Chairman, that is what Members are voting for when they vote for this amendment. It is not a little red dot. It is a huge pink snake.

Mr. Chairman I reserve the balance of my time.

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

Mr. Chairman, I ask the gentleman if he means to suggest in any way, shape or form that the pink shaded area in his diagram is representative of an area equal to 2,000 acres given the scale of the map?

Mr. MARKEY. I will be glad to respond. Yes, I am using the Department of Interior analysis.

Mr. SUNUNU. Reclaiming my time, I am not arguing that that is a Department of Interior myth, I am asking you if the pink shaded area is 2,000 acres. I think, given the scale of that map, the answer is clearly no. The pink shaded area probably represents at least half a million acres, if not more, given the scale of that map. I suggest it is misleading.

Mr. Chairman, I yield 1 minute to the gentlewoman from New Hampshire for yielding this time, and I thank him for bringing this amendment.

Mr. Chairman, my colleague from Massachusetts needs some help. My preschoolers are over in my office, we have our crayons, and I think we could help him with his math, because it is misleading.

That is not 2,000 acres covered but that limited him admitted it in his own presentation. That is 130,000 acres. That is exactly what this amendment prevents. It is now technologically possible, if we push the envelope, to minimize the impact on the Arctic National Wildlife Refuge; and we are going to do it in this legislation, with this amendment, to 2,000 acres which is less than one-hundredth of 1 percent of the area that will be affected by the people on those platforms, the waste disposal, the animal response to the inhabitants, that is the kind of footprint 2,000 acres in practice will have on this coastal plain.

This is a wolf in sheep's clothing. This is 2,000 acres of 100-acre per drilling pads. That adds up to have, with its roads, a huge impact on this area. That, of course, does not include the destruction wrought by mapping and waste disposal. Vote no on the Sununu amendment.

Mr. SUNUNU. Mr. Chairman, I yield 1 minute to the gentleman from Montana (Mr. REHBERG).

Mr. REHBERG. Mr. Chairman, I rise in support of the Sununu amendment to the SAFE Act. America has the resources, technology and expertise to develop a commonsense energy policy, one that, without going to extremes, preserves all of the environmental quality gains of the past 2 decades, meets our energy needs and allows for new science and new technologies to take us into the future.

One important component of America’s journey towards energy self-reliance is environmentally responsible development of the coastal plain of ANWR. It is for this reason I rise in support of the Sununu amendment. This amendment solidifies the promise that no more than 2,000 acres in ANWR will be affected by exploration.

To put 2,000 acres into perspective, ANWR is approximately the size of South Carolina. The footprint that would be left by exploration on the coastal plain would be less than one-fifth the size of Dulles International Airport; and we are going to do it in this legislation, with this amendment, to 2,000 acres which is less than one-hundredth of 1 percent of the area that we are talking about.

Two thousand acres is 3 square miles. It is about one-fifth the size of Dulles International Airport in an area the size of the State of South Carolina.

It is time for a balanced approach to our national energy policy that allows production while protecting Alaska and the Alaskan environment.

I commend the gentleman for his amendment.

Mr. MARKEY. Mr. Chairman, I yield 1/2 minute to the gentlewoman from Connecticut (Mrs. JOHNSON) asking you...

Mrs. JOHNSON of Connecticut. "What big eyes you have, Grandmother," said Little Red Riding Hood.

That map represented what 2,000 acres of drilling platforms would look like in this ANWR plain plus the areas affected by the drilling and the roads needed to connect the drilling platforms. Because everyone knows that ANWR, this pristine part, this coastal plane, has no deep wells. It may have several shallow wells. So you are going to need a number of platforms. Each one of those platforms is only a hundred acres. It only takes a hundred acres for a platform and an airstrip. So this amendment adds to 20 platforms. Nobody has ever suggested that more than 16 were needed. But by the time you string those platforms together with all the roads, which this amendment does not count, and the land that will be affected by the people on those platforms, the waste disposal, the animal response to the inhabitants, that is the kind of footprint 2,000 acres in practice will have on this coastal plain.

This amendment solidifies the promise that no more than 2,000 acres in ANWR will be affected by exploration. To put 2,000 acres into perspective, ANWR is approximately the size of South Carolina. The footprint that would be left by exploration on the coastal plain would be less than one-fifth the size of Dulles Airport, a footprint one-fifth the size of Dulles Airport in an area the size of South Carolina. Being from the Big Sky country of Montana, I am absolutely committed to a safe, clean, healthy environment. I will not take a back seat to anyone when it comes to championing commonsense environmental protections.

I urge my colleagues to support the Sununu amendment and support this environmentally responsible development.

Mr. MARKEY. Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. BOEHLERT).

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

Mr. BOEHLERT. Mr. Chairman, I rise in opposition to this amendment, or should I say this ruse masquerading as an amendment. I have to admit it to the proponents of drilling in ANWR. This is a very clever, well-crafted attempt to give people cover to say they oppose Arctic drilling when they do not. It is time for a balanced approach to our national energy policy. America has the technology available, we have already shown in New Hampshire (Mr. SUNUNU) and the gentlewoman from New Mexico (Mrs. WILSON) for offering it, and I hope that we pass this one on a voice vote.

Mr. MARKEY. Mr. Chairman, I yield 1 minute to the gentlewoman from New Jersey (Mr. PALLONE).

Mr. PALLONE. Mr. Chairman, I rise in opposition to this amendment. It is
Mr. INSLEE. Mr. Chairman, the problem is that this amendment does not solve the problem that you are attempting to violate one of the most pristine areas in America, the largest intact ecosystem in America. Sure, you may limit this. It is like if a phone company said to you and said, We are going to stick a cell phone in your backyard, you have got a 4,000 square foot backyard, we are going to stick a cell phone in the middle of it, a cell phone tower, and it is only going to be four square feet. And they said, is, no, you are changing the basic character of my backyard.

Building another Prudhoe Bay, and I was there 3 weeks ago, is going to dramatically change this wilderness. Why is that important? In part because the Fish and Wildlife Service concluded that drilling in the ANWR could reduce the caribou herd, the largest caribou herd in North America by 40 percent. It does because you want to place an oil facility right smack dab in the heart of the caribou calving ground. You can limit it all you want, but the bottom line is this: you are defacing an American wilderness established during the Eisenhower administration. We should not let George Bush put asunder what the Dwight David Eisenhower administration created. We should not put a mustache on this Mona Lisa.

Mr. SUNUNU. Mr. Chairman, I yield myself 30 seconds to underscore the remarks of the previous speaker, because I think to a certain degree they make the point, the point that I made earlier that we need to move away from the extremes of this debate. The opponents of this amendment do not support a limitation of only 2,000 acres disturbed. They would not support a limitation of only 200 acres disturbed. They would not support a limitation of only 2 acres disturbed. And as the chairman pointed out, they will not even accept a limitation of disturbing 4 square feet. That is the difference in this debate, arguing from the extremes or arguing from this standpoint of preserving America’s energy independence while being reasonable about conserving natural resources.

Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania (Mr. Petersen). Mr. PETERSON of Pennsylvania. I thank the gentleman for yielding time. Mr. Chairman, we have had a pretty good debate here today, I have heard most of it, until a few moments ago. The pink snake that we were shown is a fraud. It is an absolute fraud. That map, if kept in context, would have been millions of acres of ANWR covered. A pipeline going from the wells that would be drilled to the existing Alaskan pipeline would not be visible on that map from this distance. A pipeline in that area, let’s not forget, that ruined the Prudhoe Bay area. I am here to say, folks, let us have a debate that is fair and that makes sense. The pink snake has nothing to do with what is going to happen in ANWR. ANWR is our best oil reserve that America has anything to do with. Every well we drill in ANWR can prevent 70 wells needed in the lower 48. It can be done in an environmentally sound, and it should be.
Mr. MARKEY. Mr. Chairman, I yield myself the balance of my time.

The CHAIRMAN pro tempore. The gentleman from Massachusetts is recognized for 1 minute.

Mr. MARKEY. Mr. Chairman, again, 2,000 acres rolled out, and that is what the oil and gas companies are going to do. Rolled out in the form of roads, of oil wells, of feeder roads, of gravel pipes, turns into something that looks like this, according to the Department of Interior. This is the actual pipelines and roads that will be built, and then the pink area is obviously the affected area, because you have deployed it.

Now, I know the Republicans think arsenic is not that bad for people, I understand that, because this is arsenic for the Arctic Wilderness, and you are serving it up, even though you rejected any real improvement in fuel economy for SUVs, for air conditioners, or for anything else that would make it unnecessary for us to go here.

Prudhoe Bay, they heard the same promises in 1972, and it turned into an environmental nightmare. The same thing will happen here.

Mr. SMITH of Michigan. Mr. Chairman, I rise in support of this amendment. Today, the Nation imports an estimated 56 percent of our petroleum energy, and we are more dependent on foreign sources of oil than ever before. Relying on foreign sources of oil is a national security issue of the greatest importance.

This bill allows oil development within the Arctic National Wildlife Refuge (ANWR). Opponents of this provision are concerned about the impact it will have on a pristine area. Nevertheless, the imperatives of the Nation’s energy situation dictates that we must seek new sources of domestic energy production, including oil.

This amendment would set aside no more than 2,000 acres of ANWR to oil development. This is about the area that would be needed to tap oil resources located there, potentially tens of billions of barrels. This area represents about one-hundredth of one percent of the land area in ANWR—about the area of medium-sized farm.

This seems to me to be a reasonable and responsible compromise. It would shut off the vast majority of ANWR from development while at the same time allowing oil development to move ahead on a very small portion of land.

Developing 2,000 acres, an area less than two miles square of ANWR vast area would improve America’s energy security while leaving the remainder of the refuge untouched.

I urge my colleagues to vote “yes” on this amendment.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from New Hampshire (Mr. Sununu).

The question was taken; and the recorded vote ordered. The time for any electronic vote after the first vote in this series was limited to 5 minutes.

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: amendment No. 6 offered by the gentleman from California (Mr. Cox); amendment No. 7 offered by the gentleman from California (Mr. Waxman); amendment No. 11 offered by the gentleman from New Hampshire (Mr. Sununu); and amendment No. 12 offered by the gentleman from New Hampshire (Mr. Sununu).

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

AMENDMENT NO. 6 OFFERED BY MR. COX

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: amendment No. 6 offered by the gentleman from California (Mr. Cox); amendment No. 7 offered by the gentleman from California (Mr. Waxman); amendment No. 11 offered by the gentleman from New Hampshire (Mr. Sununu); and amendment No. 12 offered by the gentleman from New Hampshire (Mr. Sununu).

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

The Clerk redesignated the amendment.

RECORDED VOTE

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

The vote was taken by electronic device, and there were—ayes 125, noes 300, not voting 8, as follows:

(For Vote Sheet, see H. Rept. 107-500, Part 1.)
The CHAIRMAN pro tempore (Mr. NETHERCUTT). Pursuant to clause 6 of rule XVIII, the CHAIRMAN pro tempore will reduce to a minimum of 5 minutes the period of time within which a recorded vote on Amendment No. 7 offered by the gentleman from California (Mr. WAXMAN) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

RECORDED VOTE

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

A recorded vote was ordered.

The CHAIRMAN pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—aye 241, noes 186, not voting 6, as follows:

[Roll No. 315]
Mr. WELLER changed his vote from "no" to "aye."
Mr. MARKEY. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The text of the amendment is as follows:

Amendment No. 13 offered by Mr. MARKEY:

In division F, strike title V (page 477, line 12 through page 501, line 8).

The CHAIRMAN pro tempore. Pursuant to House Resolution 216, the gentleman from Massachusetts (Mr. MARKEY) and a Member opposed each will control 20 minutes.

Mr. HANSEN. Mr. Chairman, I rise in opposition to the gentleman's amendment.

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

There was no objection.

Mr. MARKEY. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, this is the most important environmental vote of this Congress, 2001 and 2002. This is the top environmental vote for every environment group in the United States. The proponents say we are going to drill and leave a little red dot of 2000 acres on this pristine wilderness area in Alaska. Yes, it is a little dot, but that is not how they drill.

This is what the Department of Interior says it will look like after all of the drilling is done, after all the roads are laid, after all the ice roads are dug, after all the oil wells are out there, after all the gravel pits are dug. This is what it will look like.

Ladies and gentlemen, this is the most important environmental vote of this entire Congress. Vote yes on Markey-Johnson.

Mr. HANSEN. Mr. Chairman, I yield 3 minutes to the gentleman from Alaska (Mr. YOUNG).

(Mr. YOUNG of Alaska asked and was given permission to revise and extend his remarks.)

Mr. YOUNG of Alaska. Mr. Chairman, I want to remind my colleagues this is 1002 is not ANWR. This area was set aside in 1980 for oil exploration by Senator Jackson, Congressman Udall, Senator Stephens, and Senator Bennett. It was supposed to be drilled, explored for the American people.

This is a charade from that side of the aisle. This amendment will deprive ourselves of, in fact, the oil that we must have for this Nation. It is a very small area.

I support the Sununu amendment. Two thousand acres is what we are talking about. I will give an example. After the previous speaker talked about a huge disturbance, this picture shows the alpine flat field next to the so-called 1002 area. This is what it looks like in the winter. This looks very intrusive.

This picture shows what it looks like at the end of the exploration development, and this well right now is producing 100,000 barrels of oil a year. This is less than the size of this small area from which we speak tonight, from the pools which we have.

The misinformation on this issue by the gentleman from Massachusetts (Mr. MARKEY) and the gentlemwoman from Connecticut (Mrs. JOHNSON) is so repugnant to me because it is really not the truth. This oil we have must have for this Nation. It is 1 million barrels of oil a day for the 100 years so that Saddam Hussein cannot control the market, cannot drive the gasoline prices up.

I was really interested in hearing the people argue against this whole bill. If we fail to adopt this bill in total tonight, I can guarantee the public and people on this House floor that the price of fuel will go up in 2 months' time because they have control of us. How anybody can take and send money abroad to Saddam Hussein and not develop our own oil, I cannot understand that mentality.

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

The CHAIRMAN pro tempore. Pursuant to House Resolution 107, it is now in order to consider amendment No. 316, I placed my card in the machine and was not properly recorded. I intended to vote "no."

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

The CHAIRMAN pro tempore. Mr. MARKEY?

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

Mr. MARKEY. Mr. Chairman, I yield 1 minute to the gentleman from Massachusetts.

Mr. MARKEY. Mr. Chairman, I yield myself 3 minutes to the gentleman from Connecticut (Mrs. JOHNSON).

Mr. MARKEY. Mr. Chairman, I yield myself 1 minute to the gentleman from Alaska (Mr. YOUNG).

(Mr. YOUNG of Alaska asked and was given permission to revise and extend his remarks.)

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

Mr. MARKEY. Mr. Chairman, I yield 1 minute to the gentleman from Michigan (Mr. BONIOR).

Mr. BONIOR. Mr. Chairman, 22 years ago, with my friend from Massachusetts and others here, I helped pass the Alaska lands bill and one of its crown jewels, ANWR. I would say to my friend from Alaska, I have been to this refuge. I have stood on the banks of the Arctic River and watched the ice caribou thundering across the horizon. I have seen the grayling running in the streams and the rivers. I have listened to the wolves howl at night, and I have hiked this wondrous tundra knowing that even though I did not see a grizzly bear, they were watching me.

Mr. Chairman, this is no ordinary land. This is a cathedral of nature. It is an American inheritance, and it is our responsibility to protect it.

The conservationist Aldo Leopold once wrote: "Our remnants of wilderness will yield bigger values to the Nation's character and health than they will to its pocketbook... to destroy..."
them will be to admit that the latter are the only values that interest us."

It is this contest of values that lies at the heart of this debate today. Will our Nation honor its natural heritage, protecting its last remnants of wilderness; or will the big oil companies win? Vote today on the heart of this matter.

Mr. HANSEN. Mr. Chairman, I yield 2 minutes to the gentleman from Louisiana (Mr. TAUZIN).

Mr. TAUZIN. Mr. Chairman, I have walked the bayous of Louisiana and piddled those lakes and canals and wetlands, and I have seen the egret and the crawfish and the deer and the rabbits and the squirrels, and I promise the gentleman, I have seen a thousand more species in a square mile of those bayou lands in Louisiana than one will ever see in the ANWR.

And guess what, the bayous and the wetlands I was transversing on are in the National Wildlife Refuge in Louisiana. And right next to them, right next to the Amazing display of nature’s bounty are 100 producing oil wells in the Louisiana Mandelag National Wildlife Refuge.

Mr. Chairman, I want to ask a question. I hope the gentleman answers it in his heart. Is my national wildlife refuge any less sacred or precious than the Arctic National Wildlife Refuge? Is my national wildlife refuge more susceptible to drilling and risks than the Arctic? The answer is no. Mine ought to be as sacred.

I can understand somewhat when some Members come to the well of this House and say, Do not drill in my backyard. Do not explore for energy in the offshore off my State. But I am amazed when Members show up on the floor and say, Do not do it in somebody’s else State when they want to do it, areas that were set aside to be productive areas. Do not do it in areas that are rich in natural resources that this country is starving for, that we send our young men and women to fight over, to die for, so we can have energy to power our cars and light our homes.

I am amazed at the rationale of people who come and say do not do what can be done to make us a little less dependent upon a place in this world that is unsafe, that sets us up for a situation where we are buying oil from Saddam Hussein to turn it into jet fuel to put it in our airplanes so we can bomb the war sites.

This amendment is awful. We ought to defeat it.

Mrs. JOHNSON of Connecticut. Mr. Chairman, I yield 1½ minutes to the gentleman from Maryland (Mr. GILCHRIST).

Mr. GILCHRIST. Mr. Chairman, I would like to say that I have a sensitivity to the gentleman from Alaska (Mr. YOUNG) who wants the oil drilled in ANWR of the kind of resource that it will bring to bear on the Native Alaskans. Sometimes we forget how easy our life is here in the lower 48 with all of the conveniences and resources that we have to provide the quality of life that we have. There is a strong sensitivity to that particular issue.

I will say to the gentleman from Louisiana, about the difference between the difference of the Arctic refuge on the coast of Alaska, the native lands of Louisiana, in 1966 I spent a winter in a tent 250 miles north of the Arctic Circle, and I can tell the gentleman, there might not be as much biological diversity there as opposed to Louisiana, but what is there is extremely sensitive. What is damaged, for all intents and purposes, is damaged forever.

When we have access to this oil, if and when it is drilled, the alternative use of technology to provide our energy will also come on-line; in less than 20 years, alternative sources of fuel that will break us away from the dependence on fossil fuel, and the way we are now can be achieved.

The other reason I am opposed to drilling for oil in ANWR is relatively simple. We are using up our oil faster than we should, and ANWR ought to be preserved in case of a disaster or an energy crisis.

Mr. MARKEY. Mr. Chairman, I yield 1 minute to the gentleman from West Virginia (Mr. RAHALL), the ranking member of the Committee on Resources.

Mr. RAHALL. Mr. Chairman, I rise to call to the attention of the body a very intriguing position in the ANWR title. Tucked away on page 487 is a section that mandates project labor agreements in ANWR oil and gas leases. What that means is that union labor would be employed to do the construction and other work in the Arctic Refuge.

If we were to open the refuge, fine. I think that is a great idea. Since it is good for Alaska, I say to my colleagues, then let us also benefit the men and women working for oil and gas companies who stand to profit from royalty-free leases in the Gulf of Mexico as well.

Now that the Bush administration is squarely behind the ANWR provision in this bill, perhaps the President realizes that he made a big mistake in February when he issued an executive order rescinding Clinton administration initiatives on PLAs.

And maybe corporate America has reconsidered and decide that project labor agreements are good ideas after all. Perhaps that is why the Reliance for Energy and Economic Growth has endorsed this bill, along with myriad other manufacturing groups.

Mr. Chairman, I am glad, and I know that the National United Mine Workers union will appreciate that the National Mining Association now supports project labor.

Mr. HANSEN. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. HALL).

Mr. HALL of Texas. Mr. Chairman, the gentleman from Massachusetts (Mr. MARKEY has stated that this is the most important environmental vote we will cast this year. I can follow by saying that it is the most important energy vote we will cast this year. But to be more succinct, I would say it is the most important vote we are going to take this year. August 1, 2001. August 1, 2001. August. August. August. August. I tell the people from California, the West Coast, those from Florida, we have a problem that we have to solve, and I want to be part of that solution. I want to help California and the West Coast. August, August. August. August. August.

Even through, though the 12-year battle for clean air, those people, those very same people who are objecting to this amendment wanted no transmission. They wanted no drilling. They did not want a boat in the harbor with energy on it, or a railroad going through with energy on it.

And I compliment them. They represented their State well. They did exactly what their States wanted them to do, and they were successful.

Despite their reluctance for energy self-help, we have to work with them and we are going to. We are going to solve it.

It is a little like the Boy Scout who was thinking of helping to lay the lady across the street when she did not want to go. We are going to help the West Coast go across the street, even though they are objecting to it tonight. Even though they now cry out for energy, I think it is odd that they want to tell us where the energy cannot come. Yet it is in our national interest to close ranks and solve the problem.

Mr. Chairman, this amendment is about energy. The barometer for the United States on the economy and how well we are doing is new home starts and new auto sales. But because nations will fight for energy, because we will send kids overseas to fight for energy, the barometer on energy is $3 a gallon for gasoline and, I am sorry to say, body bags. These are things that we need to remember.

Some say that the North Slope is beautiful. I would tell you, Hades is probably beautiful if it is covered in snow. And I would drill at Hollywood and Vine if it took it to keep my kids out of body bags.

Mrs. JOHNSON of Connecticut. Mr. Chairman, I yield 1½ minutes to the gentlewoman from Maryland (Mrs. MORELLA).

Mrs. MORELLA. Mr. Chairman, I rise in strong support of the Markley-Johnson amendment. I do want to thank the Chair in the Committee on Rules for allowing us to have a fair and open debate on this very critical issue this evening.

The Arctic National Wildlife Refuge was established by President Eisen- hower. And yes, it was called a refuge because it was a place to be protected, where there was security, where there was preservation. That is what we are discussing this evening. This pristine
wilderness has been recognized for its rich biological diversity. It has over 200 species of migratory birds, caribou, polar bears, musk-oxen, et cetera. Without question, oil and gas development in the Arctic coastal plain would result in substantial environmental impacts.

But today I am supporting this amendment for the simple reason that I think it is premature for us to open up ANWR for energy exploration. We have not even done enough to explore the alternatives. Conservation, improved efficiency, and renewable sources of energy must be integral aspects of our comprehensive national energy policy. Increased exploration and production of fossil fuels will simply not be sufficient. We need to make our economy less dependent on oil by becoming more energy efficient. Drilling in the Arctic Refuge will not address our energy needs. In fact, optimism for recoverable resources from ANWR would never meet more than 2 percent of our energy requirements.

Shakespeare once said, “To energy none must bind. To nature none must bound. Love us we preserve it. Any damage will be irretrievable. Vote ‘yes.” Mr. MARKEY. Mr. Chairman, I yield 1 minute to the gentlewoman from California (Ms. LEE). Ms. LEE. Mr. Chairman, I thank the gentleman from Massachusetts for yielding me this time and for his leadership on this issue.

Mr. Chairman, there are simply places on earth that are too fragile, too vulnerable and too special really to drill for oil. We have a real moral obligation to protect these places. The Arctic National Wildlife Refuge is really one of those places. Pilaging the Arctic will not solve our energy problems. It will, however, endanger precious habitat and wilderness and will endanger the way of life for thousands of Alaskan natives.

Yes, there are more jobs but we do not have to sacrifice this wilderness area to get them. Developing new technologies will drive our economy forward and create new job opportunities. Building a natural gas pipeline from existing North Slope oil and gas fields will create jobs and increase our electricity supply. We can have both a healthy environment and a healthy economy. We do not need to sacrifice one for the other.

urge Members to support this amendment.

Mr. HANSEN. Mr. Chairman, I yield 1½ minutes to the gentleman from Louisiana (Mr. JOHN). (Mr. JOHN asked and was given permission to revise and extend his remarks.)

Mr. JOHN. Mr. Chairman, while I rise in opposition to the Markey-Johnson amendment, I appreciate the Committee on Rules making it in order that we can have a good debate on this very important issue.

As a former member of the House Committee on Resources, I had an opportunity to visit ANWR. I also had an opportunity to visit the current production facilities down at Prudhoe Bay. I stand here today to tell Members that with today’s technology we can develop ANWR without unleashing an environmental apocalypse on the Arctic. But let me tell you what some here may make you believe. ANWR is not a silver bullet to stop our dependence on foreign oil and natural gas, but it is our best prospect.

As hard as we try, this Nation cannot meet its oil needs by drilling off the coast of Louisiana and the other gulf States. If my colleagues from other States insist on stopping exploration and production in Federal and State lands in the lower 48, then we cannot shut out opportunities on Federal lands that are supported by the State of Alaska and a majority of its residents. I am constantly amazed at my colleagues who stand up and attack the oil and gas industry as some evil forces at work in Washington where does the gasoline come from that fuels your cars that you came to work in today? Where does the natural gas come from that heats our home on those cold days? It reminds me of a little adage that we have in Louisiana: gasoline is like boudin. You do not like to see any of it being made, but we all want it.

Please do not vote for this amendment. This is bad public policy.

Mr. MARKEY. Mr. Chairman, I yield such time as she may consume to the gentlewoman from New York (Mrs. MALONEY). (MRS. MALONEY of New York asked and was given permission to revise and extend her remarks.)

Mrs. MALONEY of New York. Mr. Chairman, I rise in support of the Johnson-Markey amendment.

Mr. MARKEY. Mr. Chairman, I yield 30 seconds to the gentleman from New Jersey (Mr. HOLT). (Mr. HOLT asked and was given permission to revise and extend his remarks.)

Mr. HOLT. Mr. Chairman, in a bill that has the American taxpayers assuming the risk for drilling in marginal areas by subsidizing the oil companies, the centerpiece of this bill, opening up the Arctic Refuge for drilling, represents all that is wrong with this bill. We cannot turn this environmental jewel into an industrial complex. For what is left of the oil from the Arctic Reserve, we would still be importing most of our oil from abroad unless we conserve and use our energy efficiently.

This is not a bill that is worthy of the 21st century. I urge Members to support the Markey amendment.

Mr. HANSEN. Mr. Chairman, I yield 1½ minutes to the gentleman from Oklahoma (Mr. CARSON).

Mr. CARSON of Oklahoma. Mr. Chairman, I have no doubt that when history looks at this era in time they will call it the age of petroleum. In 1859 when the first oil well was discovered in Pennsylvania, we were a Nation that rode mustangs, a short 100 years later we drove Mustangs, and 10 years after that we walked on the Moon, because of one thing, cheap, easily exploitable petroleum products.

The sad fact is, Mr. Chairman, we are running out of this precious commodity. World oil production is to peak in 10 to 20 years. Domestic oil production peaked in 1970. We are running out of oil. It is coming faster than we know. We have in ANWR, it is said, the best pool, the best possible source of resources outside the Caspian Sea, the best and largest pool to be found in nearly 30 years.

If the optimists are right and we do not begin to run out of oil in 20 years, that is only 7,000 days away. The time to act is now because it takes nearly 10 years to lease and begin production in ANWR. And if, God save us, the pessimists are right and we begin to run out of oil in 10 years, as some would suggest, we will need to begin now so that the petroleum products, the jet fuel, the gasoline, the pharmaceuticals, the plastics, everything that has made industrial life possible can continue for future generations.

Mr. MARKEY. Mr. Chairman, I yield 1½ minutes to the gentleman from Maryland (Mr. WYNN). Mr. WYNN. Mr. Chairman, I rise in support of the Markery-Johnson amendment. In the Arctic Reserve, we have unparalleled splendor. We have 160 bird species, 36 land mammals, 36 types of fish. But they are not more important than the working men and women in America, if exploring that territory, exploiting that territory would yield oil to make us independent as some would have us believe.

The reality, however, is that developing oil in ANWR will not make us energy independent. In the year 2015, we will be needing 24 million barrels a day. ANWR yields 300,000. This is clearly a case in which the juice is not worth the squeezing.

Reject the ANWR development.

Mr. HANSEN. Mr. Chairman, I yield 1½ minutes to the gentleman from Nebraska (Mr. OSBORNE). (Mr. OSBORNE asked and was given permission to revise and extend his remarks.)

Mr. OSBORNE. Mr. Chairman, I rise to oppose the Markery amendment. A week or so ago I was sitting in the Committee on Resources and someone made the statement that the United States has only 3 percent of the world’s petroleum reserves.

I thought about that and I thought, How do we know? We really do not know because we have not explored. And so we do not know whether we have got 1 percent or 5 percent or 10 percent or 15 percent.

Currently, we import 60 percent of our oil. Most of that oil is from OPEC. Currently, OPEC controls the market in the United States. Currently that is an irritant. They can cause the price to fluctuate.
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But let us take this hypothetical. Let us say we have a major war in the Middle East sometime in the next 3 or 4 years. Let us say that OPEC all of a sudden decides to cut off the spigot at some point or let us say OPEC decides to do nothing at all. At that point, what do we do? We do not have an irritant at that point; we have got a national crisis. And where do we go? What do we do?

The first thing that we are going to do is we are going to start scrambling, and we are going to try to figure out what we do have. Right now we do not know. I am not saying we have to drill, I am not saying that we have to extract all that we can know what our resources are, in the gulf, in the 1002 area, we need to know precisely. Because this is something that can very likely happen in the near future.

And so it is not a matter of destroying the area; it is a matter of exploring and knowing what is available to us.

Mrs. JOHNSON of Connecticut. Mr. Chairman, I yield 3 minutes to the gentleman from New York (Mr. BOEHLERT).

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

Mr. BOEHLERT. Mr. Chairman, I rise in strong support of this amendment which would protect a very special area originally set aside by that radical environmentalist Dwight David Eisenhower. We can have lots of spirited debate about the science and the impact of drilling and other essential matters related to this issue, but I will leave that to others. For me, this is an issue of fundamental principle. What right do we as human beings and what sense does it make as a Nation to open a pristine area to oil drilling when we are not willing to take the simplest, easiest steps to conserve oil?

Earlier today, this House defeated my amendment to raise CAFE standards which would have been the only truly significant conservation measure in this bill. Opening ANWR without any consideration of taking serious conservation steps is simply irresponsible and future generations a wilderness because we refused to take painless steps to control our own generation's appetite for oil. I do not know when that kind of thinking becomes acceptable, but I do know that for eons that kind of gluttony has been considered wrong.

The proponents of oil drilling add insult to injury with their spurious arguments. Not a defender of drilling. It is only a few thousand acres, they say. It is like saying. Don't worry, the tumor is only in your lungs.

The proponents say the drilling in Prudhoe Bay has had no ill environment in reality. Of the largest environmental fines in history have been paid because of damage in the Prudhoe Bay operations.

I am told. You say you don't want to drill, but anything goes in your State. Well, I stood and opposed drilling in the Finger Lakes National Forest in my State of New York.

It is said to me. How can you oppose ANWR? You've never seen it. I have never had cancer, either, and I vigorously oppose it. A lot is at stake with this amendment, a lot in terms of principle, in terms of impact on wildlife, in terms of land conservation.

I urge my colleagues to think about the future, the impact on generations to come, and support the Markey-Johnson amendment.

Mr. MARKEY. Mr. Chairman, I yield 30 seconds to thegentlewoman from Minnesota (Ms. MCCOLLUM).

Ms. MCCOLLUM. Mr. Chairman, earlier this summer, I went to the Arctic Refuge; and it is a living treasure. It is a treasure that must be defended and protected for future generations. Drilling in the arctic is not about a national crisis, it is about petroleum prices and this administration willing to plunder a national treasure for profits.

I want to believe that this Congress has the courage and wisdom to invest in an energy strategy that emphasizes conservation, energy efficiency, and renewables.

I urge my colleagues to protect the Arctic Refuge.

Mr. HANSEN. Mr. Chairman, I yield myself 1½ minutes, and I ask unanimous consent that the gentleman from Louisiana (Mr. TAUZIN) control the balance of time on this side.

The CHAIRMAN pro tempore (Mr. NETHERCUTT). Without objection, so ordered.

There was no objection.

Mr. HANSEN. Mr. Chairman, I find it is very interesting that on September 16, 1996, the President of the United States went to Arizona and declared 1.7 million acres of monument in the State of Utah, and that people got up on this floor and all over America and said this is beautiful, this is a great gorgeous area. And the question the gentleman from Alabama (Mr. YOUNG) asked was, has anyone been there? No, they had not.

Do you know how many millions and millions of acres in the West is nothing but sagebrush? Well, two-thirds of that was nothing but sagebrush. But no, we are going to tie that up, with the biggest deposit of low-sulfur coal there is that we know of in the world.

I find it is interesting when everyone says how pristine this area is. Well, I have only been there once. I do not think in my definition of pristine, it even comes close.

But I think The Washington Post said it best. Fourteen years ago they made this statement. "That part of ANWR is one of the bleakest, most remote places on this continent, and there is hardly any other where drilling would have less impact on the surrounding life in the world." Then they made another statement. "Even the most ardent people concede that, in the winter, with 70 below zero temperature, it is no paradise; however, it is no paradise in the summertime either. But beauty is in the eye of the beholder. I guess there is some beauty there. Those who have been there know better.

I worry about those we can least depend on are controlling our oil supply. Do you realize what we are getting out of this area, our best projections is probably the exact amount we are getting from Saddam Hussein, this great lover of America. And we are going to say, okay, Mr. Saddam Hussein, you can control the spigot; we do not have to.

I think this is really kind of a foolish approach for us to take, and I would worry about it.

Let me say this: this amendment is anti-energy; it is anti-jobs. It is especially anti-jobs, and that bothers me.

Mrs. JOHNSON of Connecticut. Mr. Chairman, I yield ½ minutes to the gentleman from Connecticut (Mr. SHAYS).

Mr. SHAYS. Mr. Chairman, I am reluctant to speak tonight because, being in politics for 24 years, I know after 10 o'clock at night it is difficult for some in the Chamber to be tolerant but I believe deeply in the issue, and, therefore, I want to speak about it.

I believe we will not have a world to live in if we continue our neglectful ways. I believe that with all my heart and soul. But earlier today this House continued to fecklessly go on by refusing to hold SUVs and other light trucks to the same efficiency standards as today's cars. If we had taken that simple step, we would have saved more gasoline in just over 3 years than is economically recoverable in ANWR, and yet people say we need to drill in ANWR.

I find it unconscionable that we would now consider despoiling one of North America's last great wilderness areas, when we are unwilling to take the smallest step toward slowing the growth in demand for energy resources.

Mr. Chairman, drilling in the Arctic Refuge will make Japan very happy, because that is where this oil is ultimately going. It is not going to the United States, it is going to Japan.

The bottom line is, we are not resolving our energy needs, because we are not conserving. We will just continue to consume more and waste more, consume more and waste more, and act like it doesn't matter. We are on a demand course that is simply unsustainable.

The CHAIRMAN pro tempore. The Chair advises Members that the gentleman from Louisiana (Mr. TAUZIN) has 7 minutes remaining, the gentlewoman from Connecticut (Mrs. JOHNSON) has 1 minute remaining, and the gentleman from Massachusetts (Mr. MARKEY) has 4½ minutes remaining.

Mr. MARKEY. Mr. Chairman, I yield 30 seconds to the gentleman from Washington State (Mr. INSLEE).

Mr. INSLEE. Mr. Chairman, I was there 3 weeks ago, and I have come to
the well to say that those who say that the Arctic Refuge is a barren area and that Prudo Bay is a wildlife refuge are dead wrong on both counts. My grandchildren deserve to hear the same bird song from birds from all 50 States that I heard in the Arctic just like I did. You, my grandchildren deserve to know that the caribou are going to be there 1,000 years from now, just like you do.

Now, we have a disagreement. The majority wants to give $20 billion to the oil companies, and our children's heritage as icing on the cake. That is wrong. Preserve the Arctic Refuge.

Mr. TAUZIN. Mr. Chairman, I yield myself 30 seconds to correct the record. The record should be corrected, because a misstatement occurred on the floor.

The bill was amended in committee to prohibit the export of any of this oil and gas that might be produced in section 1002 to Japan or any other foreign place to be produced and used for America. That is what the bill now says. Any reference contrary to that is simply wrong.

Mr. Chairman, I yield 1½ minutes to my friend, the gentleman from Texas (Mr. HOEFFEL). (Mr. GREEN of Texas asked and was given permission to revise and extend his remarks.)

Mr. GREEN of Texas. Mr. Chairman, I thank the chairman of our committee for yielding me time.

Mr. Chairman, I am glad to follow my colleague from Washington, because I have also been to ANWR, and maybe we went to 2 different places, because when I was there in the first week of August, it was snowing: It was a blizzard. Maybe he was further south, where we are not talking about drilling, but I have been there, and I know we can extract oil from it and we can have an infrastructure that will not impact the environmental quality of ANWR.

Our technology has changed since the North Slope was first developed decades ago. We have a much more efficient and robust and less intrusive effort in anywhere, whether it is off the coast of Texas, or in ANWR. Mr. Chairman, we have to drill somewhere, and, if not in ANWR, where do my colleagues suggest to drill?

I rise in strong opposition to the Johnson-Markey amendment, and I hope this body is debating this issue as a national policy, because we have to drill somewhere. We cannot keep depending on foreign sources to be able to depend on for our country.

Where are we supposed to drill, only in foreign countries? Well, then, we are either going to let people who are our enemies control it, or we are going to take advantage of Third World countries by drilling in those countries and just using it from them.

We have a multi-front, multi-continental effort on foreign dependence on oil, and that is what we need to stop. I think this rationale is crazy. Our country cannot

Mr. BARTON. Mr. Chairman, I yield 1 minute to the gentleman from Texas (Mr. BARTON), the chairman of the Subcommittee on Energy and Air Quality of the Committee on Energy and Commerce.

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

Mr. BARTON of Texas. Mr. Chairman, they asked a great American bank robber why he robbed banks. He said, that is where the money is. Well, why do we want to drill in ANWR? Because that is where the oil is.

We have drilled three million wells in the lower 48. Two million of those have been in Texas. I would die and go to heaven if they would tell me I had a 10 billion oil field in my backyard. I would go clip coupons and live on the beach. But, unfortunately, we do not have much oil and gas in Texas.

The mid-case example in ANWR is 1 million barrels a day for 30 years; 1 million barrels a day for 30 years. That is 25 million gallons of gasoline a day, 176 million gallons a week, 706 million gallons a month, or 9 billion gallons a year, for 30 years. That saves 5 to 15 cents a gallon every day for 30 years for every American consumer of gasoline.

It is the right vote. Vote no on Markey-Johnson. Vote yes for American energy security.

Mr. MARKEY. Mr. Chairman, I yield 30 seconds to the gentleman from Pennsylvania (Mr. HOEFFEL).

Mr. HOEFFEL. Mr. Chairman, there is 250 million barrels under the North Slope of Alaska. Right now we can drill in 95 percent of the North Slope of Alaska. We are saying protect 5 percent, the coastal plain of ANWR.

There are other opportunities. Seventy-five percent of the North Slope is comprised of the National Petroleum Reserve set aside in the 1940s for exploration and drilling. Drill there. But protect ANWR. Protect the coastal plain.

We are not talking about capping Old Faithful or damming up the Grand Canyon. Do not drill in ANWR.

Mr. TAUZIN. Mr. Chairman, I yield 30 seconds to the gentleman from Minnesota (Mr. GUTKNECHT).

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

I would like to calm things down for a minute. This Capitol is filled with great quotations on the walls, but in this great Chamber, this is only one quotation. It is right up here, and I would like to read it.

It says, “Let us develop the resources of our land, call forth its powers, build
It is about leaving them options in the future.

Barry Goldwater was asked if he had any regrets about the votes he cast in the Senate when he served here so admirably. He said, One vote, when I voted to dam the Glen Canyon area. He understood that you could not develop and preserve a wilderness area at the same time.

Let us not have any regrets. Let us remember what Teddy Roosevelt said about the Grand Canyon and that it also applies to the wildlife refuge, ‘Man cannot improve on it. Let us leave it like the Creator envisioned it.’

On the question of whether to open the coastal plain, Congress is being asked to gamble on finding oil. So, we must decide what stakes we are willing to risk, and then weigh the odds.

The stakes are the coastal plain. The U.S. Fish and Wildlife Service says it is ‘critically important to the ecological integrity of the whole Arctic Refuge’ which is ‘America’s finest example of an intact, naturally functioning community of arctic/subarctic ecosystems.’

What are the odds? Well, the best estimate is by the U.S. Geological Survey (USGS). In 1998 they estimated that if the price of oil dropped to less than $16 per barrel (as it did a few years ago) there would be no economically recoverable oil in the coastal plain. At $24 per barrel, USGS estimated there is a 95 percent chance of finding 1.9 billion barrels of economically recoverable oil in the refuge’s coastal plain. He said 60 percent chance of finding 5.3 billion barrels.

But Americans use 19 million barrels of oil each day, or 7 billion barrels of oil per year. So, USGS is saying that at $24 per barrel, there is a 50 percent chance of finding several months’ supply of oil in the coastal plain. The one in 100 percent sure bet—drilling will change everything on the coastal plain forever. It will never be wilderness again. We do not need to take that bet. There are less-sensitive places to drill—and even better alternatives, including conserving energy and more use of renewable resources.

For example, fuel-efficiency standards for new cars and light trucks could feasibly be raised to more than 40 miles per gallon by 2020. Experts estimate that alone would save 10 times as much oil as is likely to be extracted from the Arctic refuge over the next 30 years.

In short, when it comes to drilling in the Arctic National Wildlife Refuge, I think the stakes are too high and the odds are too low—expect we have better options. So I do not support it.

For the benefit of our colleagues, I attach excerpts from a recent article in Foreign Affairs by two Coloradans—Amory R. Lovins and L. Hunter Lovins. Founders and leaders of the Rocky Mountain Institute, they are recognized experts on energy issues.

The article, entitled ‘Fool’s Gold in Alaska,’ clearly shows that drilling for oil on the coastal plain does not make sense in terms of economics, national security, or environmental protection.

From Foreign Affairs, July/August 2001

Fool’s Gold in Alaska
(From Foreign Affairs, July/August 2001)

Oil prices have fluctuated randomly for well over a century. Needless of this fact, oil’s promoters are always offering opportunities that are many—but on the flawed assumption that high prices will prevail. Leading the field of these optimists are Alaskan politicians. Rather than funding their state’s de facto negative income tax, oil provides 80 percent of the state’s unrestricted general revenue—they have used every major rise in oil prices since 1973 to advocate drilling beneath federal lands on the coastal plain of the Arctic National Wildlife Refuge. Just as predictably, environmentalists counter that the refuge is the crown jewel of the American wilderness and home to the threatened indigenous Gwich’in people. As some see it, drilling could raise human rights concerns under international law. Canada, which shares threatened wildlife, also opposes drilling.

Both sides of this debate have largely overlooked the economics driving oil in the refuge’s coastal plain make sense for economic and security reasons? After all, three imperatives should shape a national energy policy—economic viability, security, and environmental quality. To merit serious consideration, a proposal must meet at least one of these goals.

Drilling oil that prospecting for refuge oil will enhance the first two while not unduly harming the third. In fact, not only does refuge oil fail to meet any of the three test, it would compromise the first two. First, the refuge is unlikely to hold economically recoverable oil. And even if it did, exploitation would only briefly reduce U.S. dependence on imported oil by just a few percentage points, starting in about a decade. Nor would the refuge yield significant natural gas. Despite some recent statements by the Bush administration, the North Slope’s important natural-gas deposits are almost entirely outside the refuge. The gas-rich areas are already open to industry, and the decades of environmental debate and pipeline there, but its high cost—an estimated $10 billion—would make it seem economically.

Furthermore, those who suppose that any domestic oil is more secure than imported oil should remember that oil reserves almost anywhere else on earth are more accessible and more reliably deliverable than those above the Arctic Circle. Importing oil in tankers from the highly diversified world market is arguably safer and cheaper than securing the security than delivering refuge oil to other U.S. states through one vulnerable conduit, the Trans-Alaska Pipeline System. Although proponents argue that exploiting refuge oil would make better use of TAPS (which is all paid for but only half full), that pipeline is disruptive and damaging. More than half of it is elevated and indescribable; in fact, it has already been bombed twice. If one of its vital pumping stations were attacked by pirate, the millions of hot oil could congeal into the world’s largest Chapstick. Nor has the 24-year-old TAPS aged gracefully; premature and accelerated erosion, corrosion, and stress are raising maintenance costs. Last year, the pipeline suffered two troubling accidents plus another that almost blew up the Valdez oil terminal. If TAPS were to start transporting refuge oil, it would start only around the end of its originally expected lifetime. That one a simple conclusion, refuge oil is unnecessary, insecure, a poor business risk, and a distraction from a sound national debate over realistic energy priorities. If that debate is transformed by the 21st- century’s experience of what works, a strong energy policy will seek the lowest-cost mix of demand- and supply-side investments that can deliver security at affordable and not pick winners, sail out losers, substitute central planning for market forces, or forecast demand and then plan capacity to meet it. Instead, it will treat demand as a choice, not fate. If consumers can choose optimal levels of efficiency, demand can remain stable (as oil demand did during 1975-91) or even decline—and it will be possible to provide secure, safe, and clean energy services at the lowest cost. In this market-driven world, the time for costly refuge oil, it is poised to repeat itself entered a second golden age of rapidly improving energy efficiency. From 1979 to 1986, GDP grew 20 percent while total energy use fell by 5 percent. Improved efficiency provided more than five times as much new energy service as the flawed expansion of the coal and nuclear industries; domestic oil output rose only 1.5 percent while domestic energy output fell 18 percent. When the resulting glut slashed energy prices in 1985-86, attention strayed and efficiency slowed. But just in the past few years, the United States entered a second golden age of rapidly improving energy efficiency. Now, with another efficiency boom underway, the whole cycle is now repeating, this another energy-policy train wreck with serious economic consequences.
market failures in buying efficiency technologies and better designs, streamlined energy sources, not just a few central-effective. This can give the United States a make the demand-side response even more...

Today, new factors—a demand-side national energy policy.

Efficient energy use often yields annual...

Energy gluts rapidly recur whenever customers output, only energy efficiency can stabilize oil prices—as well as sink them. And only a tiny fraction of the vast untapped efficiency gains is needed to do it.

What could that refuge actually produce under optimal conditions? Starting about ten years from now, if oil prices did stay high enough, the pipeline project around approved the project, and if the refuge yielded the USGS’s mean estimate of about 3.2 billion barrels of profitable oil, the 30-year output of 80,000 barrels per day. Oil prices reached their all-time high, for example, just as such a huge field, in Alaska’s Prudhoe Bay, neared its maximum output. Only energy efficiency can stabilize oil prices—as well as sink them. And only a tiny fraction of the vast untapped efficiency gains is needed to do it.

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Oil is becoming more abundant but relatively affordable. For each 1 percent of GDP, the United States used nearly 19 percent less oil in 2000 than it did in 1975. Compared with 1975, the amount that energy efficiency now saves is five times the size of the country’s annual domestic oil production, twelve times its imports from the Persian Gulf, and twice its total oil imports. And the efficiency that former federal officials say is just starting to be tapped—instead, it is constantly expanding. It is already far larger and cheaper than anyone had dared imagine.

Increasing energy productivity now delivers two-fifths of all U.S. energy services and is also the fastest growing “source.” (Abroad, renewable energy supply is growing even faster.) Energy productivity has risen 5 percent over the country’s annual domestic oil production, twelve times its imports from the Persian Gulf, and twice its total oil imports. And the efficiency that former federal officials say is just starting to be tapped—instead, it is constantly expanding. It is already far larger and cheaper than anyone had dared imagine.

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the hysteria and the charges and the warnings of the catastrophe, oh, the environmental catastrophe that would happen; and the caribous were going to quit breeding and all of those other dire consequences we would face. None of them came true.

But do my colleagues know what happened? We won that vote by 1 vote, 1 vote in the Senate. Because we had that pipeline, America has received 25 percent of its oil, domestic oil production through that pipeline. If we had not had that oil, our people would have lived at a much lower standard of living, we would not have been helped out during the crises that we faced.

What kind of crises are we going to face in the future? This 2 percent might help us out. We should make sure we can use it for the benefit of our people, keeping them prosperous and at peace.

Mrs. JOHNSON of Connecticut. Mr. Chairman, I reserve the balance of my time.

Mr. MARKEY. Mr. Chairman, could I inquire as to how much time is remaining.

The CHAIRMAN pro tempore (Mr. NETHERCUTT). The gentleman from Connecticut (Mr. JOHNSON) has 1 minute remaining; the gentlewoman from California (Mrs. JOHNSON) has 1 minute remaining; the gentleman from Louisiana (Mr. TAUVIN) has 1½ minutes remaining and has the right to close.

Mr. MARKEY. Mr. Chairman, I yield 45 seconds to the gentleman from California (Mr. GEORGE MILLER).

(Mr. GEORGE MILLER of California asked and was given permission to revise and extend his remarks.)

Mr. GEORGE MILLER of California. Mr. Chairman, a few hours ago we rejected the amendment to improve the CAFE standards, the mileage standards for automobiles. At that moment, this amendment ceased to be about America's independence, America's security, America's energy policy, and America's national security, because at that moment, this House made a decision that it was going to continue to waste the oil products of this Nation, the finds of this Nation, to waste it on automobiles. Even though we have not made an improvement in 13 years, we voted to cave in to the automobile industry and not make those improvements.

This is not about our national security; it is about our national energy; this is about a value. This is about a value, whether we are going to invade one of the most pristine and magnificent areas on the face of the Earth so that we can put it in automobiles to waste it.

The American public rejects that value and so should the Congress.

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

Mrs. JOHNSON of Connecticut. Mr. Chairman, I yield myself the remaining time.

Mr. Chairman, I think this is about values. And in reading the inscription from Daniel Webster, it did say we are responsible to promote all of its interests, all of the Nation's interests; and this is about the Nation's interest in preserving the environmental unique areas that we have inherited to pass them on to our children.

This is 16 minutes. Ninety-five percent of the North Slope is available for drilling. Prudhoe Bay, there are well-known large reserves of gas. They could have drilled last year or the year before. They can drill the next year or the year after that as well.

Forty percent of our oil is used by transportation vehicles. All we have to do is raise the miles-per-gallon usage 3 miles to save much more than anyone thinks we will get out of this area of the ANWR.

So this is not about oil. This is about balance, this is about values. This is about a nation that is going to diversify its energy sources through exploration and renewable resources and preserve the environment.

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

Mr. Chairman, this, I say to my colleagues, is what the Arctic Refuge will look like if the Markey-Johnson amendment is not successful. The oil and gas industry has a bull's-eye that they have put in the middle of this sacred refuge that we should remove this evening.

This will be the most important environmental vote that we have. Do not allow the proponents of drilling in this refuge to convince us for a moment that, like Prudhoe Bay, the Arctic Refuge will not look like an industrial site, because it will. And this would be after a day in which our air conditioners and automobiles and every other device, that we could have voted to make more efficient so that we did not have to drill here.

But the majority said no. They say yes to the oil and gas industry and no to conservation and renewable energy and to energy efficiency.

Vote yes on the Markey-Johnson amendment and no to the oil and gas industry's design on this sacred wilderness in our country.

Mr. TAUVIN. Mr. Chairman, I yield such time as he may consume to the gentleman from Virginia (Mr. CANTOR). (Mr. CANTOR asked and was given permission to revise and extend his remarks.)

Mr. CANTOR. Mr. Chairman, I rise in opposition to the Markey-Johnson amendment.

Mr. Chairman, I am against the amendment to ban drilling in the Arctic National Wildlife Refuge. Don Young has said, "Oil exploration on Alaska's North slope is already the safest, cleanest, most environmentally responsible production in the world. If we say no to exploration in ANWR, we are saying yes to destructive methods that occur in other countries." I have been in this body for only seven months and I have the honor of having Don Young as my hero and I know he is a man of his word. We should respect his views on important matters within his district.

Failure to increase energy exploration in the United States will strengthen the OPEC cartel and taxes our constituents with higher fuel bills. We must work together to control our nation's destiny when it comes to meeting the future energy needs of our country.

Mr. TAUVIN. Mr. Chairman, I yield myself the balance of the time to close in opposition to the Markay amendment.

It is important at this stage that we set the record straight again. The map the gentleman from Massachusetts (Mr. MARKEY) showed us is not the Arctic Refuge. It is a map of section 1002. It is a map of a part of the Arctic Refuge, if you will, that was set aside in 1980 for exploration for minerals. It was specifically set aside for that purpose, and they said when Congress is ready, it will vote to open it up the same way we voted to do the pipeline.

The second thing that is erroneous about that map is that the pink lines represent, I guess, about 5-mile-wide highways, if that is what he is trying to represent.

The most important thing that is wrong about the map is that this House just voted to limit the footprint of any development to 2,000 acres, and it voted again to make sure that the Federal share of production, the dollars, would go back into conservation and alternative fuels, including $2.25 billion according to CBO estimates.

So what we have done literally in this bill is to say that the 1980 set-aside can now be explored and developed for the good of this country. And we know that there is a 95 percent chance of 4 billion barrels of oil there, and it could be as high as 16 billion barrels of oil, the biggest find since Prudhoe Bay, and this country sorely needs it.

There was a time in American history when we disagreed. It was in our Revolutionary days. We decided we did not like government a whole lot, but we also decided if we had to have it, it would be better if we had our own instead of somebody else's. My colleagues may not like oil companies operating in Alaska, but if we produce it at home than depend upon Saddam Hussein.

Vote no on the Markay amendment.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I believe that environmental opportunity and energy development can go hand in hand. That is why I offered the Jackson-Lee-Lampson amendment to H.R. 4, Securing America's Future Energy Act of 2001. This
amendment’s adoption creates a win for both the environment and the need to address growing energy demand in our Nation. This amendment directs the Secretary of Energy to study and evaluate the availability of natural gas and oil deposits located off the coasts of Louisiana and Texas at existing drilling sites. This assessment every 2 years would allow an inventory of existing oil and gas supplies and evaluation of techniques or processes that may assist in keeping those wells productive. I have several reasons for not supporting drilling in ANWR: the President has not made his case for drilling, the studies that have been conducted have questions regarding their accuracy, and there is no time table for how long it would take the process to begin, and finally I believe strongly that one of the most unblemished national resources in our Nation.

The Nation’s record for safe and clean offshore natural gas and oil operations off the Texas and Louisiana coasts are excellent. The environmental soundness of oil and gas exploration in the gulf has been proven over many decades that have passed since offshore drilling began. I know that energy exploration and sound environmental practices can go hand in hand, with the proper application of technology. I also know that our Nation’s energy needs require that we start today so that tomorrow our children and grandchildren can have a more secure and reliable source of energy. That is why I plan to vote for final passage of H.R. 4, Securing America’s Future Energy Act of 2001. 

Mr. MALONEY of New York. Mr. Chairman, I am proud to stand here today alongside Representative MARKEY. Representative NANCY JOHNSON and the many other cosponsors of this critical legislation to say loud and clear—we will not sacrifice America’s unique natural treasures to satisfy the whims of the oil industry.

Today, we are sending a bipartisan message to Congress and to our President: don’t let the Energy bill pass out of Congress if it calls for tapping the arctic national wildlife refuge for fossil fuel exploitation. As the most unblemished national resources in our Nation.

In my fight to ensure that the industry paid their fair share of the royalties that they owe to the Federal Government for taking oil from Federal lands, they claimed for years that their system for calculating royalties was fair. Now, they have settled lawsuits with the Federal Government and States for close to $5 billion.

This may not be an admission of guilt, but it is the closest you will ever get from a multi-billion dollar industry that gets more wealthy each year.

After they ripped off American taxpayers for years, I must admit I am skeptical that this industry is terribly concerned with the “national interest” or preserving our Nation’s most pristine resources.

We do not believe the oil industry when they claim that they can somehow extract millions of barrels of oil without leaving any trace. Does Exxon have the Exxon Valdez in mind? In 1995, there were more than 500 oil spills “reported” on the north slope, spilling over 80,000 gallons of oil, diesel fuel, and acid.

Is this considered “acceptable” environmental damage by this administration? This is the number one priority of the environmental community. The main point is, oil rigs don’t belong in the Arctic refuge. Oil drilling in this pristine area is both foolish and shortsighted. Former justice William Douglas called the Arctic refuge “the most wondrous place on earth.”

We need a balanced energy program. We should not allow the oil companies to drill everywhere. Protect the Arctic refuge. Vote for the Markey-Johnson amendment.

Mr. BENTSEN. Mr. Chairman, I rise in support of the amendment offered by Mr. MARKEY and in opposition to the opening on the Alaska National Wildlife Reserve to oil and gas exploration.

I have not come to this position easily. I believe that the United States needs to expand production of oil and gas as much as we need to increase conservation. I have consistently supported increasing production in the outer continental shelf including off the coast of Florida and later by an act of Congress during the late 1970’s, is the last undisturbed coastal plain in Alaska. Specifically, section 1002, the area being considered, is the last stretch of protected coastal plain in Alaska. If it were opened to exploration and production, it would eliminate from ANWR any coastal area. And, it would breach the delicate ecosystem which currently exists.

According DOI’s Final Legislative Environmental Impact Statement (FLEIS or 1002 report) in April 1987 stated that, “the most biologically productive part of the Arctic Refuge for wildlife and is the center of wildlife activity.” Some cite that caribou in the North Slope are increasing in population, from 3,000 to over 20,000. They fail to note that the predators have been reduced putting the populations out of balance. While I believe that development on the North Slope is an acceptable environmental outcome. I see the impact in increasing that risk at this time. I do not believe that energy development and environmental protection are incompatible, but I am not dismissive of the real environmental risk.

I do not believe either that the limitation of acres open to development will serve as a successful deterrent. As with any attempt to locate new reserves, producers will have to drill multiple wells to determine the actual location of the largest reserves. If we open a portion, we will ultimately open all. I am not convinced that at this time, the risk is worth the potential reward.

Again, I support our Nation’s efforts to expand exploration and production. Unlike many proponents and opponents of the Markey amendment, I am willing to vote to expand production, but not in this pristine, protected ecosystem at this time. It’s yield will not solve our problems, but its cost may be more than we can afford.

Mr. WILKENAUER. Mr. Chairman, I recently visited the Arctic Wildlife Refuge. It is an area that I have not visited before in previous trips to Alaska and I wanted to see this controversial area for myself. I spent a several days hiking, camping, exploring the wilderwho are considered the last stretch of pristine, protected coastal plain. I saw caribou in vast numbers and witnessed the fragility of the tundra with small willows that are 20 and 30 years old that are only inches high. I thought a lot about what would happen if there were problems with drilling in this area. I came away with a profound sense that the American public is right. The Arctic Wildlife Refuge is absolutely the last place we should be exploring for oil, not the first.

A rational national energy policy must place conservation and efficiency at the forefront. Merely ending the fuel efficiency loophole for SUVs and light trucks will not materially decrease our dependency on foreign oil.

We would do better to use the 10 years it would take to get the oil from the coastal plain to improve the energy efficiency of our transportation system, homes and factories, and develop a significant, meaningful, long-term national energy policy.

The Arctic refuge should be left alone.

Mr. Chairman, as Yogi Berra once said, “It’s deja vu all over again.”

Once before, this House held an important debate on whether to open up a portion of Alaska to oil and gas exploration. The arguments were about the same as what we’ve been hearing today. Supporters said it was critical for our national energy security. Opponents said it couldn’t be done.

The vote was close, but Congress authorized drilling in Prudhoe Bay. Imagine how much more dependent the United States would have been on oil from Saddam Hussein and the Ayatollah if that courageous and far-sighted decision had not been made.

Now, it’s our time.

I’ve been to Alaska, and I have seen how oil and gas exploration can be done, while preserving the natural beauty of the State. I have personally seen the tract in ANWR that we are presently considering. It is an almost new area that was contemplated long ago. I left convinced that exploration and the environment can comfortably coexist. I just wish that more people could see first-hand the area that we’re talking about.

The higher energy prices we’ve experienced lately, really come down to the old law of supply and demand. Our economy has been growing, but we haven’t been producing enough energy to keep up. Opening up a sliver of ANWR is a sensible way to increase our energy supplies, while at the same time making us less dependent on foreign oil.

Ms. PELOSI. Mr. Chairman, I rise in support of the Markey-Johnson amendment to prevent
drilling for oil and gas in the coastal plain of the Arctic National Wildlife Refuge.

Many of my colleagues have spoken eloquently today of the windswept coastal plain, the wide variety of wildlife found there, and the people there who continue to practice the traditional ways of their ancestors. This area was first protected in 1960 by the Eisenhower administration. Today the Arctic National Wildlife Refuge contains the last 5% of Alaska’s northern shore that is closed to exploration for oil and gas. This ecological jewel should be preserved for posterity.

Our nation should continue to develop our oil and gas resources, to the extent that is compatible with environmental protection. But we must be realistic. The United States contains less than 3% of the world’s proven oil reserves. Even if we extracted every drop of oil to be found in the U.S. and off our shores, we would still remain dependent on foreign oil.

It is time to take advantage of the abundance of renewable energy resources in our country, and greatly accelerate our development of clean energy technologies powered by wind, solar, and biomass. Equally important are our energy conservation resources. By using energy more wisely—in transportation, buildings, and industry—we can save money, prevent pollution, reduce our dependence on foreign oil, and create new jobs. By adopting a commitment to energy efficiency, we could lower energy use in the U.S. by as much as 18% in 2010 and 33% in 2020.

Mr. Chairman, we truly do not need to drill in ANWR, the crown jewel among our national wildlife refuges. We have many, many other options for powering our homes, businesses, and transportation systems. I urge my colleagues to vote for the Markay-Johnson amendment.

Mr. SMITH of Michigan. Mr. Chairman, I rise in strong opposition to this amendment. Today, America is more dependent on foreign oil reserve than ever before—1 million barrels a day from Saddam Hussein’s Iraq. This oil reserve represents 30 years of Iraq’s oil supply and 25 years of Iran’s. This is a national security issue as much as an energy issue. In recent years, energy plans call for the opening of a small portion of the Arctic National Wildlife Refuge (ANWR) to reduce America’s dependence of foreign oil.

Opponents tell us that opening ANWR would destroy the refuge, despite the fact that 99.99 percent of the refuge would be untouched by oil exploration. They also tell us that the polar bears and caribou that live in the refuge would be harmed, despite the fact that these animals have been thriving at Prudhoe Bay and are believed to exist in record numbers in the region.

Opponents have also told us that the native people of the region oppose opening ANWR. However, 75 percent of Alaskans and 78 percent of the indigenous residents of Katovik in ANWR favor oil development on the coastal plain.

In addition, opening ANWR would generate as many as 736,000 new jobs across the Nation. That is why the labor unions have backed this proposal.

I am confident that oil and gas exploration can be accomplished without harming this environment. Developing ANWR’s coastal plain would improve America’s energy security and create high-paying jobs. I urge my colleagues to vote “no” on this amendment.

Mr. ISRAEL. Mr. Chairman, tonight we make a historic decision about the preservation of one of the world’s last great wilderness areas. And let me bring my colleagues back into history, and share with them the words of a great former Republican President, Theodore Roosevelt.

He said this:

‘‘Leave it as it is. The ages have been at work on it, and man can only mar it. What you can do is keep it for your children, your children’s children, and for all who come after you.’’

That is why President Theodore Roosevelt said when protecting the Grand Canyon. That is what he would have us do tonight.

Mr. DELAY. Mr. Chairman, Members should oppose the Markey amendment because it undercuts our energy security.

Opening ANWR to safe exploration is the most powerful tool we have to reduce our dependence on foreign sources of energy. The logic supporting ANWR exploration built a broad base of support across our economy. Labor unions, employers, families, and industry experts all agree that the benefits to our energy security and economic strength make a compelling case to put the resources in ANWR to work for America.

Opponents cloud this debate with a fog of unfounded assertions to the effect that opening ANWR will subject a wilderness to utter devastation. It’s simply not true.

We can develop ANWR responsibly. We can produce its resources within strict environmental guidelines that conserve the natural beauty we all want to protect.

Members will expand our energy security by opposing this amendment.

The CHAIRMAN pro tempore. Time has expired.

The question is on the amendment offered by the gentleman from Massachusetts (Mr. MARKEY).

The question was taken; and the time for debate expired.

The CHAIRMAN pro tempore. All further proceedings on the amendment offered by the gentleman from Massachusetts (Mr. MARKEY) will be postponed.

The text of the amendment is as follows:

Amendment No. 14 offered by Mr. HAYWORTH

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 14 offered by Mr. HAYWORTH: Page 502, after line 13, insert the following:
SEC. 6002. AMENDMENT TO BUY INDIAN ACT.
Section 23 of the Act of June 25, 1910 (25 U.S.C. 47; commonly known as the “Buy Indian Act”) is amended by inserting “energy products, and energy by-products,” after “printing.”

The CHAIRMAN pro tempore. Pursuant to House Resolution 216, the gentleman from Arizona (Mr. HAYWORTH) and a Member opposed each will control 5 minutes.

Does any Member claim time in opposition to the amendment of the gentleman from Arizona?

Mr. RAHALL. Mr. Chairman, I claim the time in opposition.

The Chair recognizes the gentleman from Arizona (Mr. HAYWORTH).

Mr. HAYWORTH. Mr. Chairman, I yield myself such time as I might consume.

With Native economies commonly reliant on Federal transfer payments to create employment opportunities, American Indians and Alaska Natives suffer an average unemployment rate at or near 50 percent, stagnant incomes, poor health, substandard housing and education, and associated social ills.

American Indian and Alaska Native tribes own a large share of the Nation’s untapped energy resources and proper development of products and energy by-products would result in significant socioeconomic benefits both to tribal members and to the rest of our Nation.

The United States and tribal governments share the obligation to preserve and protect tribal land, assets, and resources, including efforts to assure that renewable and nonrenewable resources are used to the maximum advantage of tribal owners.

Economic development is an essential tool in achieving self-sufficiency by American Indians and Alaska Native tribes. Increased employment and business opportunities are key to achieving economic self-sufficiency for American Indian and Alaska Native tribes.

The Buy Indian Act amendment provides additional opportunities as envisioned in the Indian Self-determination and Education Act for tribes to achieve self-sufficiency. Each American Indian and Alaska Native tribe has to choose its own path to self-sufficiency. It is our role to provide options for tribes, not to make decisions for them.

Mr. Chairman, the purchase of energy products and energy by-products will provide additional economic means for American Indians and Alaska Native tribes and Indian businesses to achieve economic independence and self-sufficiency. The Buy Indian Act provides additional incentives for corporations to partner with American Indian and Alaska Native tribes and Indian-owned companies in energy sector development projects.

If tribes are given the tools to stand on their own and not be beholden to the Bureau of Indian Affairs, the sooner they will achieve self-sufficiency.

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

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

Mr. Chairman, the purpose of the Buy Indian Act has been to try and encourage the hiring of Indian workers in the purchase of Indian-made products by the Secretary of the Interior. While it is appropriate that the purchase of Indian-produced energy products, it is necessary that we address the real energy needs of Native
Americans and put some teeth and some backbone into real solutions.

Along with several colleagues, I introduced H.R. 2412, the Tribal Energy Self-Sufficiency Act, which contains not only the Hayworth amendment offered here this evening, but a full and comprehensive program to address the energy needs in Indian country. My bill includes financing options, tax incentives and provisions designed to encourage development of renewable and nonrenewable resources on Indian lands to benefit Indians and non-Indians alike.

Native Americans have by far the highest percentage of homes without electricity. Many homes on the Indian reservations have either no electricity or unreliable electricity. In numerous instances, Indian lands are crisscrossed with electricity transmission and distribution lines, yet the Indian homes on those lands remain dark. Unlike local non-Indian governments, Indian tribes often have no access to these lines and little authority over what energy they do receive.

As the ranking Democratic member of the Committee on Resources, I offered substitute language to the energy bill during markup which included the language as an amendment that we are debating, as well as several other proposals to assist Indian tribes in attracting business development and access to electricity. Unfortunately, that language was defeated by almost a two-thirds vote. Again, I worked to ensure that language designed to break down barriers to energy development by the Indians be included in the Markey-Stenholm amendment which we hoped to bring here to the floor, but the Committee on Rules would not allow it.

The Republican leadership of this House has determined that the plight and energy needs of Native Americans are not in order to be addressed.

Mr. Chairman, I do support the gentlemen’s amendment and encourage my colleagues to do the same. But shame on us, shame on us, shame on us. This paltry amendment is all that we have to address the very real energy needs of American Indians.

But not to worry, not to worry, since many Indian homes do not have electricity here in 2001, they are probably not watching this travesty on C-Span, but the rest of the country are probably. For the first time.

The amendment would operate to add competitively priced energy products to the list of goods and services covered under the original Buy Indian Act. The Buy Indian Act amendment does not discriminate against any type of energy, and encourages all types of production. If the tribe wants to produce hydropower, they can take advantage of the amendment. If the tribe is able to mine coal, they can take advantage of the amendment. If a tribe is able to produce oil or gas, they can take advantage of the amendment. If a tribe can produce wind power, they can take advantage of the amendment.

The amendment will encourage partnerships of Indian tribes, Indian and Alaska native tribes and the private sector. The resources that Indian country can bring to the table, including a dedicated labor force, energy resources such as coal, oil, and gas combined with the business expertise of the business community, is a win-win situation for tribes, the business community, and the Nation.

It is important that Congress does what it can to encourage economic development in Indian country. Although this amendment is a small step, it is a step in the right direction to promote economic opportunities and self-sufficiency for the American Indian and Alaska native tribes.

I encourage my colleagues on both sides of the aisle to join me in the coming weeks to further consult with tribes and explore additional measures we can take to achieve economic development and self-sufficiency in Indian country through energy development and production.

Mr. RAHALL. Mr. Chairman, I yield the remainder of my time to the gentleman from New Jersey (Mr. PALLONE).

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

I rise in support of the amendment offered by the gentleman from Arizona (Mr. HAYWORTH) that would assist the American Indian community by making energy products and energy by-products eligible under the Buy Indian Act.

Although I agree with this amendment, I believe it does fall short, much like the rest of this bill, in addressing the real problems of American Indian tribes.

As my colleague, the gentleman from West Virginia (Mr. RAHALL), mentioned earlier, Members of this House introduced H.R. 2412, the Tribal Energy Self-Sufficiency Act, and I cosponsored that bill because I believe it incorporates real solutions for Indian country’s energy needs.

I was sorely disappointed that when parts of this bill were offered as the Democratic substitute in the Committee on Resources, it failed on a nearly party line vote. A week ago, it was wrong not to incorporate solutions for tribes into this bill; and today, again, from this amendment, we are doing the same thing.

In fact, American Indians, as we know, face a myriad of energy-related problems. Problem areas include inability for tribes to get financing for new generation projects, difficulties with interconnections, and the list goes on.

While visiting with representatives from Indian country, I have listened to them closely. They have explained to me their view of the history of America’s energy industry. Basically, they have been shortchanged.

Again, I support the amendment of the gentleman from Arizona (Mr. HAYWORTH), but like the rest of the members of this Committee, I have a fraction of the positive actions we can and should be taking to make energy resources mutually beneficial for American Indians and this country.

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

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

Mr. Chairman, I appreciate the support of the gentleman from New Jersey for this bipartisan amendment. If we listen closely, the problem with the minority is a problem essentially of process.

As I mentioned before, as is part of the RECORD in terms of the Committee markup, we made clear as part of the majority we stand ready to work for comprehensive solutions throughout the width and breadth of native America, to work for these tribes.

There are tremendous opportunities.

Let me agree with my friend, the gentleman from New Jersey. In terms of hearing from representatives of sovereign Indian tribes and nations, their determination to become involved in energy exploration, in energy resources, we should listen.

This is an important first step, but make no mistake, Mr. Chairman, much more work remains to be done. So in the spirit of bipartisanship, I appreciate the voting of support for this amendment; and I think this can be a good night for the House and an important step for Indian country to have this amendment adopted.

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

I say, in conclusion, this is not the first provision of our Democratic alternative in the Committee on Resources that we have seen reoffered now in a different form.
As the gentleman from Louisiana knows, another provision of ours that was defeated on a straight party line in committee was offered in another form, i.e., his own committee. But the gentleman from Arizona (Mr. Hayworth) mentioned in full committee that he wanted to work with us on this issue. We are now hearing from him for the first time since that committee action, and we are glad to work with the gentleman on this. We need to do more today, with the hope that we will be able to join forces in the future and do more for our Indian tribes.

The CHAIRMAN pro tempore (Mr. Nethercutt). All time has expired. The question is on the amendment offered by the gentleman from Arizona (Mr. Hayworth).

The amendment was agreed to.

The CHAIRMAN pro tempore. It is now in order to consider amendment No. 15, printed in part B of House Report 107–178.

AMENDMENT NO. 15 OFFERED BY MR. ROGERS OF MICHIGAN

Mr. ROGERS of Michigan. Mr. Chair-

man, I offer an amendment.

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

The text of the amendment is as follows:

Amendment No. 15 offered by Mr. Rogers of Michigan:

In division F, at the end of subtitle C of title II add the following:

SEC. 2423. ENCOURAGEMENT OF STATE AND PROVINCIAL PROHIBITIONS ON OFF-SHORE DRILLING IN THE GREAT LAKES.

(a) FINDINGS.—The Congress finds that:

(1) The water resources of the Great Lakes Basin are precious public natural resources, shared and held in trust by the States of Illinois, Indiana, Michigan, Minnesota, New York, Ohio, Pennsylvania, and Wisconsin, and the Canadian Province of Ontario.

(2) The environmental dangers associated with off-shore drilling in the Great Lakes for oil and gas outweigh the potential benefits of such drilling.

(3) In accordance with the Submerged Lands Act (43 U.S.C. 1301 et seq.), each State that borders any of the Great Lakes has authority, as between that State’s coastline and the boundary of Canada or another State.

(4) The States of Illinois, Michigan, New York, Pennsylvania, and Wisconsin each have a statutory prohibition of off-shore drilling in the Great Lakes for oil and gas.

(5) The States of Indiana, Minnesota, and Ohio do not have such a prohibition.

(6) The Canadian Province of Ontario does not have such a prohibition, and drilling for and production of gas occurs in the Canadian portion of Lake Erie.

(b) ENCOURAGEMENT OF STATE AND PROVINCIAL PROHIBITIONS.—The Congress encourages—

(1) the States of Illinois, Michigan, New York, Pennsylvania, and Wisconsin to continue to prohibit off-shore drilling in the Great Lakes for oil and gas;

(2) the States of Indiana, Minnesota, and Ohio and the Canadian Province of Ontario to enact a prohibition of such drilling; and

(3) the Canadian Province of Ontario to require the cessation of any such drilling and any production resulting from such drilling.

The CHAIRMAN pro tempore. Pursuant to House Resolution 216, the gentle-

man from Michigan (Mr. Rogers) and a Member opposed each will control 5 minutes.

Does any Member seek time in opposition?

Mr. TAUZIN. Mr. Chairman, I would state for the record that I support the amendment. Let us send a message to Canada to play fair like the rest of the Great Lakes States and protect that 20 percent of the world’s fresh water.

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

The gentleman from Michigan’s (Mr. Rogers) amendment simply affirms that the waters of the Great Lakes are a shared responsibility of the bordering States and the Canadian province of Ontario over which the Federal Government has no ownership. I urge my colleagues to support this amendment. It corrects, I think, an ill-advised move that has occurred last month in the committee that sent a message that a Federal agency, the Corps of Engineers, had some span of control over the Great Lakes, which it clearly does not.

Passage of this amendment will simply clarify that both the waters of the Great Lakes and the subsurface beneath them are controlled by the bordering States or the Canadian province. We would urge its adoption.

Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. ROGERS of Michigan. Mr. Chair-

man, I have no further requests for time, and I yield back the balance of my time.

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

The question was taken; and the ayes appeared to have it.

Mr. ROGERS of Michigan. Mr. Chair-

man, I demand a recorded vote.

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

It is now in order to consider amendment No. 16, printed in part B of House Report 107–178.

AMENDMENT NO. 16 OFFERED BY MR. TRAFICANT

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

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

The text of the amendment is as follows:

Amendment No. 16 offered by Mr. Trafican-

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

SEC. 2423. OIL SHALE RESEARCH.

There are authorized to be appropriated to the Secretary of Energy for fiscal year 2002 $10,000,000, to be divided equally between grants for research on Eastern oil shale and grants for research on Western oil shale.

The CHAIRMAN pro tempore. Pursuant to House Resolution 216, the gentle-

man from Ohio (Mr. Trafican) and a Member opposed each will control 5 minutes.

Does any Member seek time in opposition?
Mr. TAUZIN. Mr. Chairman, if no one claims time in opposition, although I support the gentleman’s amendment, I ask unanimous consent to control the time; and I would announce that this is the last amendment to be considered tonight. Though we have run through four chairmen for the full committee, I want to thank the gentleman for his patience and endurance tonight, as well as the other chairmen.

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

There was no objection.

The CHAIRMAN pro tempore. The Chair recognizes the gentleman from Ohio (Mr. TRAFFICANT).

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

Mr. Chairman, I want to start out by commending the chairman on one of the first major bills that he has conducted. I have served with him for many years, as have many others; and he is absolutely a leader.

Mr. Chairman, this amendment is one that should have been done years ago. We were dependent on shale rock. There is enough oil in shale rock to fuel America for 300 years without a drop of oil or energy coming from any other source. The Devonian eastern oil shale is a little bit deeper under the soil. The western oil shale is closer to the surface. It creates jobs. People have to mine it, work to claim it, refine it, distribute it, reclaim the ground and the earth.

But the problem has always been that the cost per barrel is higher than the imported foreign oil. But what people do not realize when we look at the jobs and the tax revenue, the cost factor is not as great as it is.

Let me just say this, to spare the Congress a lot of time. There is a cost to freedom, Mr. Chairman. Freedom does not come inexpensively. If we are going to in fact become energy independent, we must in fact capture all of America’s energy resources: the coal, the oil trapped in shale rock.

The gentleman from Texas (Mr. Barton) stole my line. Willy Sutton was asked why he robbed banks, and he said, that is where the money is. Congress is being asked tonight, why are we going after oil in Alaska, and why we are doing these other oil experiments? It is because that is where the money is.

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

Mr. TAUZIN. Mr. Chairman, I yield 30 seconds to myself.

Mr. Chairman, I compliment the gentleman from Ohio (Mr. TRAFFICANT) for this amendment. Oil shale may contain the oil equivalent several times the amount in conventional oil reserves and this is an important resource in America. It is rather vast, and we ought to explore it and know whether the potential is real. I think the gentleman is correct in this amendment. I ask all Members to support it.

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

Mr. TAUZIN. Mr. Chairman, I yield to the gentleman from Ohio.

Mr. TRAFFICANT. Mr. Chairman, will the gentleman keep this in conference? I will not ask for a recorded vote.

Mr. TAUZIN. I will definitely try to keep it in conference.

Mr. TRAFFICANT. Mr. Chairman, I yield back my time.

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

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

The amendment was agreed to.

Mr. TAUZIN. Mr. Chairman, I yield 2 minutes to the gentleman from Utah (Mr. CANNON).

Mr. CANNON. Mr. Chairman, I rise in support of the gentleman from Utah. We have some slightly different figures here. In Utah alone, we have enough energy in oil shale to serve America’s energy needs for the next 1,000 years. Now, we have to get that oil out.
he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken on the next amendment.

AMENDMENT NO. 15 OFFERED BY MR. ROGERS OF MICHIGAN

The CHAIRMAN pro tempore. The pending business is a demand for a recorded vote on the amendment offered by the gentleman from Michigan (Mr. ROGERS) on which further proceedings were postponed and on which the ayes prevailed by voice vote. The Clerk will redesignate the amendment. The Clerk redesignated the amendment.

RECORDED VOTE

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

Recorded vote was ordered.

The vote was taken by electronic device, and there were—aye 345, noes 85, not voting 4, as follows:

[Roll No. 318]

YEAS—345

Abercrombie, Dan
Allen, Steve
Andrews, Arne
Army, John
Baca, Ed
Bachus, Mark
Baldacci, Thomas
Ballegren, Don
Barcia, Bob
Barrett, Bart
Bartlett, John
Becerra, Jose
Berkley, Pete
Berman, Howard
Berry, Bill
Bilirakis, Gus
Bishop, Robert
Blumenauer, Earl
Buentello, Joaquin
Byrd, Jim
Bush, George
Cannon, Martha
Cardin, Ben
Capuano, Grace
Cardozzo, Anthony
Cassidy, Thaddeus
Caucus
Chabot, Jim
Chambliss, Ed
Clyburn, James
Cohen, Steve
Capitol
Castro, Erica
Caskey, Bob
Cox, Dave
Cramer, James
Crenshaw, Jack
Cubin, Larry
Cuellar, Henry
LaTourette, Bob
Cunningham, Mike
Davis, Joe
DeLay, Tom
DeMint, Tim
Duncan, Charles
Edwards, Roy
Ehlers, Joe
Ehlers, John
Emerson, Frank
Engel, Charles
Evans, Rob
Burr, Chuck
Butler, Tom
Camp, John
Cannon, Jack
Capito, Bob
Casasanta, Ronald
Carson, Joe
Carter, John
Cassidy, Thaddeus
Castle, Henry
Chauncey, Richard
Chabot, Jim
Chambliss, Ed
Clyburn, James
Cohen, Steve
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Caskey, Bob
Cox, Dave
Cramer, James
Crenshaw, Jack
Cubin, Larry
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Caskey, Bob
Cox, Dave
Cramer, James
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Cubin, Larry
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Evans, Rob
Burr, Chuck
Butler, Tom
Camp, John
Cannon, Jack
Capito, Bob
Casasanta, Ronald
Carson, Joe
Carter, John
Cassidy, Thaddeus
Castle, Henry
Chauncey, Richard
Mr. NEY. Mr. Chairman, on rollcall No. 319 I was unavoidably detained. Had I been present, I would have voted “no.”

The CHAIRMAN pro tempore (Mr. NETHERCUTT.) There being no other amendments, under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. SIMPSON) having assumed the chair, Mr. NETHERCUTT; Chair pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4) to enhance energy conservation, research and development and to provide for security and diversity in the energy supply for the American people, and for other purposes, pursuant to House Resolution 216, he reported the bill, as amended pursuant to that rule, back to the House with sundry further amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en bloc.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMEND OFFERED BY MRS. THURMAN

Mrs. THURMAN. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. The motion to recommit would provide that the tax benefits of the bill would be contingent on the availability of sufficient surpluses outside the Social Security and Medicare trust funds. I offered this language in the Committee on Ways and Means, but it was rejected.

Today we are considering a $33 billion energy bill. You told us there is an energy crisis, and we had to respond. We want to respond responsibly. You have also said there is a Medicare crisis and a Social Security crisis, and I too want to resolve those crises, but how are we going to pay for their solution if we continue to spend money we do not have?

You cannot pass this bill without invading the trust funds and breaking the promises made to the American people.

You do not have to take my word for it. According to a Republican memo cited by the press, “We are possibly already into the Medicare trust fund and are very close to touching the Social Security surplus in fiscal year 2003.”

Just Monday, Treasury said that it would be borrowing $51 billion to pay for the tax rebate. So, instead of paying down debt, we are adding to debt in interest payments. In fact, theCommittee on the Budget chairman is threatening spending cuts for later this year.

Mr. Speaker, I frequently have heard the “if it came, first served” argument. It goes like this. There is a slush fund in the 2002 budget that is available on a first come, first served basis; the first bill signed draws from the fund.

We should not be legislating on a first come, first served basis. That is not governing.

Once we have taken care of the easy bills, where are the funds for the education bill that this House passed and promised to the American people? What happens to our Social Security reform or a Medicare prescription drug benefit? The answer is nothing. Because we do not have any money left for them.

Yet, all of these are important priorities, but not as important as the promise we made in protecting the trust funds. Virtually every Member on this floor has voted one time or another to protect the trust funds.

Earlier today, in the debate, a Member said something to this effect: If you think this bill hurts Medicare and Social Security, then you do not understand the trust funds. In fact, we do understand the trust funds. If, in fact, we are not or you are not invading the trust funds, then you lose nothing by supporting this motion. Are you protecting the trust funds? Mr. Speaker, do you know that this bill hurts Social Security and Medicare recipients?

If you reject this motion, then go home. You go explain to your constituents that what they believed would be for them will not be there. If you break your promise and raid the trust funds, then tell our children, our farmers, our armed services, and seniors to look out for themselves.

However, if you want to keep your promise to all Americans, then support the motion to recommit.

Mr. Speaker, I yield the balance of my time to the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. Mr. Speaker, there are $34 billion worth of energy tax breaks in this bill, but they do not pay for them at all. Now, we do not have a surplus to pay any longer, plus the majority is doing is setting up an oil rig on top of the Social Security and Medicare trust funds, because the only way that this bill, worth $34 billion, can be paid for, is by drilling into the Medicare and Social Security trust funds.

Vote for the Thurman recommittal motion and protect the senior citizens of our country from having a pipeline built into their pockets and having every senior citizen pay for this energy bill for the biggest oil companies in our country.

Mr. TAUZIN. Mr. Chairman, I rise in opposition to the motion to recommit, and yield such time to the gentleman from California (Mr. THOMAS), the chairman of jurisdiction, the distinguished chairman of the Committee on Ways and Means.

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

I want to thank the gentleman from Massachusetts for providing that very enlightening chart. What most Members could not see was the fine print up there. You said, “For more than 40 years, that is what the Democrats did.”

There was another sign right below that said, “This rig is no longer in operation.” Because we are here arguing about the surplus. Never happened on your watch.

Let me repeat the key words of that devastating Republican quote that the gentlewoman from Florida offered. “It goes like this. There is a slush fund in the 2002 budget that is available on a first come, first served basis. That is not governing.” The answer is, we are not invading the HI trust fund and we will not invade the HI trust fund.
Stripped of all of the language, what this is is something that is becoming familiar to us. It is a trigger, and the trigger says, now watch this; the trigger says, they want to rely on a projection of income.

During the tax bill, all we heard from them was, We cannot rely on projections. This trigger is based on projections, so the last desperate refuge is to argue that there is a deficit, not that there is a deficit, but that not a deficit occurs, but that there is a projection that there will be a deficit.

What does that trigger, since this is a deficit? Not that a deficit occurs, but that there is a projection. Do not rely on projections. This trigger says, now watch this; the trigger says, they want to rely on a projection of income going again.

The SPEAKER pro tempore (Mr. SIMPSON). Without objection, the previous question is ordered on the motion to recommit. The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mrs. THURMAN. Mr. Speaker, I record a voted.

The vote was taken by electronic device, and there were—aye 206, noes 223, not voting 5, as follows:

[Roll No. 319]

NAYS—223

The vote was taken by electronic device, and there were—aye 206, noes 223, not voting 5, as follows:  

[Roll No. 319]

NAYS—223
Mr. FOSSELLA changed his vote from ‘aye’ to ‘no.’ So the bill was passed. The result of the vote was announced as above recorded.

Mr. BARCIA changed his vote from ‘no’ to ‘aye.’ This motion to reconsider was laid on the table.

RESIGNATION AS MEMBER AND ELECTION AS MEMBER OF COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT

The SPEAKER pro tempore (Mr. SIMPSON) laid before the House the following resolution as a member of the Committee on Standards of Official Conduct:


HON. J. DENNIS HASTERT,
Speaker, House of Representatives, Capitol, Washington, DC.

DEAR MR. SPEAKER: This is official notification that I hereby resign my seat on the Committee on Standards of Official Conduct.

Sincerely,

MARTIN OLAV SABO, Member of Congress.

The SPEAKER pro tempore. Without objection, the resolution is accepted. There was no objection.

Mr. FROST, Mr. Speaker, I offer a resolution (H. Res. 218) and ask unanimous consent for its immediate consideration.

The Clerk reads the resolution, as follows:

House Resolution 218

Resolved, That the following named be, and is hereby, elected to the following standing committee of the House of Representatives: Committee on Standards of Official Conduct: Mr. Green of Texas.

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

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule 1, the Chair declares the House in recess, subject to the call of the Chair.

Accordingly (at 12 o’clock and 30 minutes a.m.), the House stood in recess, subject to the call of the Chair.

AFTER RECESS

The House was called to order by the Speaker pro tempore (Mr. DREIER) at 8 o’clock and 55 minutes a.m.
REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2563, BIPARTISAN PATIENT PROTECTION ACT

Mr. GOSS, from the Committee on Rules, submitted a privileged report (Rept. No. 107–184) on the resolution (H. Res. 219) providing for consideration of the bill (H.R. 2563) to amend the Public Health Service Act, the Employee Retirement Income Security Act of 1974, and the Internal Revenue Code of 1986 to protect consumers in managed care plans and other health coverage, which was referred to the House Calendar and ordered to be printed.

REPORT ON HOUSE RESOLUTION 220, PROVIDING FOR PRO FORMA SESSIONS DURING SUMMER DISTRICT WORK PERIOD

Mr. GOSS, from the Committee on Rules, submitted a privileged report (Rept. No. 107–185) on the resolution (H. Res. 220) providing for pro forma sessions during the summer district work period, which was referred to the House Calendar and ordered to be printed.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. McNulty) to revise and extend their remarks and include extraneous material:)

Mr. Brown of Ohio, for 5 minutes, today.
Mr. Davis of Illinois, for 5 minutes, today.
Mr. Olver, for 5 minutes, today.

SENATE CONCURRENT RESOLUTION REFERRED

A concurrent resolution of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. Con. Res. 45. Concurrent resolution expressing the sense of the Congress that the Humane Methods of Slaughter Act of 1958 should be fully enforced so as to prevent needless suffering of animals; to the Committee on Agriculture.

BILL PRESENTED TO THE PRESIDENT

Jeff Trandahl, Clerk of the House reports that on August 1, 2001 he presented to the President of the United States, for his approval, the following bill:


ADJOURNMENT

Mr. GOSS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 56 minutes a.m.), the House adjourned until today, Thursday, August 2, 2001, at 10 a.m.
STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LOTT (for himself and Mr. COCHRAN):


Mr. LOTT. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1287

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION OF JUDGE DAN M. RUSSELL, JR. FEDERAL BUILDING AND UNITED STATES COURTHOUSE.

The Federal building and United States courthouse located at 2015 15th Street in Gulfport, Mississippi, shall be known and designated as the "Judge Dan M. Russell, Jr. Federal Building and United States Courthouse.

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building and United States courthouse referred to in section 1 shall be deemed to be a reference to the Judge Dan M. Russell, Jr. Federal Building and United States Courthouse.

By Mr. SHELBY (for himself and Mr. SESSIONS):

S. 1288. A bill to amend the Tennessee Valley Authority Act of 1933 to modify provisions relating to the Board of Directors of the Tennessee Valley Authority, and for other purposes; to the Committee on Environment and Public Works.

Mr. SHELBY. Madam President, I rise today to introduce legislation to reform the board structure of the Tennessee Valley Authority. The legislation that I am introducing with my colleague from Alabama would create a corporate structure to oversee TVA.

This legislation expands the board from the current three members to 14 members, requiring the President to appoint two members from each of the seven states in which TVA operates. In addition to expanding the board, our legislation creates the position of a Chief Executive Officer who will be responsible for daily management and operation decisions. Under this new structure, board members would serve on a part-time basis, receiving a stipend for their services and the CEO would become the only full-time, paid position.

It is no secret that TVA has suffered financial turmoil in the past and is still trying to work its way out of substantial debt. In my view, restructuring and reform are overdue. The goal of this legislation is to provide the Authority with board members that have a direct interest in the well-being of TVA and its rate payers and to place at the helm a Chief Executive Officer to make the difficult business decisions that will guide TVA through the impending challenges of an evolving energy industry.

TVA is a multi-billion dollar entity. However, it continues to operate under the same administrative structure it did when Congress created the Authority in 1933. Senator Sessions and I believe that it is time for that structure to change. It is time for the Tennessee Valley Authority to step into the 21st Century and out of the bureaucratic stronghold that has guided its decision making process for so long. We believe that this new board structure will equip TVA to meet the challenges of the future and better serve the people of Alabama and the other States in which it operates.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1288

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CHANGE IN COMPOSITION, OPERATION, AND DUTIES OF THE BOARD OF DIRECTORS OF THE TENNESSEE VALLEY AUTHORITY.

(a) IN GENERAL.—The Tennessee Valley Authority Act of 1933 (16 U.S.C. 831 et seq.) is amended by striking section 2 and inserting the following:

"SEC. 2. MEMBERSHIP, OPERATION, AND DUTIES OF THE BOARD OF DIRECTORS.

"(a) MEMBERSHIP.—

"(1) APPOINTMENT.—The Board of Directors of the Corporation (referred to in this Act as the 'Board') shall be composed of 14 members appointed by the President by and with the advice and consent of the Senate.

"(2) COMPOSITION.—The Board shall be composed of 14 members, of whom

"(A) 2 members shall be residents of Alabama;

"(B) 2 members shall be residents of Georgia;

"(C) 2 members shall be residents of Kentucky;

"(D) 2 members shall be residents of Mississippi;

"(E) 2 members shall be residents of North Carolina;

"(F) 2 members shall be residents of Tennessee;

"(G) 2 members shall be residents of Virginia.

"(b) QUALIFICATIONS.—

"(1) IN GENERAL.—To be eligible to be appointed as a member of the Board, an individual—

"(A) shall be a citizen of the United States;

"(B) shall not be an employee of the Corporation;

"(C) shall have no substantial direct financial interest in—

"(i) any public-utility corporation engaged in the business of distributing and selling power to the public; or

"(ii) any business that may be adversely affected by the success of the Corporation as a producer of electric power; and

"(D) shall profess a belief in the feasibility and wisdom of this Act.

"(2) PARTY AFFILIATION.—Not more than 8 of the 14 members of the Board may be affiliated with a single political party.

"(c) TERMS.—

"(1) IN GENERAL.—A member of the Board shall serve a term of 4 years except that in..."
first making appointments after the date of enactment of this paragraph, the President shall appoint—

(A) 5 members to a term of 2 years;

(B) 6 members to a term of 3 years; and

(C) 3 members to a term of 4 years.

(2) VACANCIES.—A member appointed to fill a vacancy in the Board occurring before the expiration of the term for which the predecessor of the member was appointed shall be appointed for the remainder of that term.

(3) REAPPOINTMENT.—

(A) IN GENERAL.—A member of the Board that was appointed for a full term may be re-appointed for an additional term.

(B) APPOINTMENT TO FILL VACANCY.—For the purpose of subparagraph (A), a member appointed to serve the remainder of the term of a vacant member for a period of more than 2 years shall be considered to have been appointed for a full term.

(d) QUORUM.—

(1) IN GENERAL.—Eight members of the Board shall constitute a quorum for the transaction of business.

(2) MINIMUM NUMBER OF MEMBERS.—A vacancy in the Board shall not impair the power of the Board to act, so long as there are 8 members in office.

(e) COMPENSATION.—

(1) APPOINTMENT.—The President, by and with the advice and consent of the Senate, shall appoint a person to serve as chief executive officer of the Corporation.

(2) QUALIFICATIONS.—To serve as chief executive officer of the Corporation, a person—

(A) shall be a citizen of the United States;

(B) shall have proven management experience in large, complex organizations;

(C) shall not be a current member of the Board within 2 years before being appointed chief executive officer; and

(D) shall have no substantial direct financial interest in—

(i) any public-utility corporation engaged in the business of distributing and selling power to the public; or

(ii) any business that may be adversely affected by the success of the Corporation as a producer of electric power; and

(3) TERM.—

(A) IN GENERAL.—The chief executive officer shall serve for a term of 4 years.

(B) REAPPOINTMENT.—The chief executive officer may be reappointed for additional terms.

(4) COMPENSATION.—

(A) IN GENERAL.—The chief executive officer shall be entitled to receive—

(i) compensation at a rate that does not exceed the annual rate of pay prescribed under Level III of the Executive Schedule under section 5315 of title 5, United States Code; and

(ii) reimbursement from the Corporation for travel expenses, including per diem in lieu of subsistence, while away from home or regular place of business in the performance of the duties of the chief executive officer.

(b) CURRENT BOARD MEMBERS.—A member of the board of directors of the Tennessee Valley Authority who was appointed before the effective date of the amendment made by subsection (a) shall continue to serve as a member until the date of expiration of the member's current term; and

(2) may not be reappointed.

SEC. 3. EFFECTIVE DATE.

The amendments made by this Act take effect—

(A) when the President notifies the Senate that the Corporation has appointed the Tennessee Valley Authority Chief Executive Officer; and

(B) may be made effective on a later date, but not later than 90 days after the date of enactment of this Act.

By Ms. SNOWE:

S. 1289. A bill to require the Secretary of the Navy to report changes in budget and staffing that take place as a result of the regionalization program of the Navy; to the Committee on Armed Services.

Mr. SNOWE. Madam President, I rise today to introduce the Navy Regionalization Reporting Act, a bill that would benefit all Navy bases and their surrounding communities by providing ample notification of planned, through regular reports, and unplanned, through the Congressional notifications, changes that happen due to the Navy's regionalization process.

Earlier this year, it was brought to my attention that both funding and jobs at the Naval Air Station in Brunswick, ME, could be impacted by the Navy's reallocation of base operating functions as part of its regionalization program. The Navy's stated goal for the regionalization program is to consolidate functions by eliminating management and support redundancies as well as functional areas where the end result being increased efficiency and decreased overhead costs for shore installations. As such, for the Navy's program to be successful, funding, as well as jobs, must be reduced in some areas.

While I applaud Navy's intentions to increase efficiency and save taxpayer dollars, I can not support efforts that may lead to reduced service levels for our men and women in uniform. I am also concerned that the Navy has not been able to produce detailed projections on the impact regionalization will have on the Federal employees.

To date, the Navy has been unable to answer questions regarding future employment and benefits after establishment of the regionalization program. This legislation would require the Navy to establish a tracking and planning program to make these changes more transparent. The Navy would provide an initial baseline or historical report that includes the pre-regionalization budgets and staffing levels at each base or station in each Navy region by July 1, 2002. Subsequently, the Navy would submit semi-annual reports with projected and actual losses, gains, or restructuring of budgets and staff for each base. Any deviation from the reported budget or staff projections would then require Congressional notification 30 days prior to implementation.

Finally, in an effort to prevent the degradation of operational readiness and quality of life for our service members due to the redistribution of base support functions, this legislation includes a Sense of the Senate that the Navy should ensure the job and dollar distribution within each region is equitable and does not become concentrated at one location.

To assure the benefits of the Navy's program are equitably realized at all affected communities, I urge my colleagues to support the Navy Regionalization Reporting Act.

By Mr. GRASSLEY. (for himself, Mr. HARKIN, and Mr. BROWN-BACK):

S. 1290. A bill to amend title 49, United States Code, to preempt State laws requiring a certificate of approval or other form of approval prior to the construction or operation of certain airport development projects, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1290

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE. This Act may be cited as the "End Gridlock at Our Nation's Critical Airports Act of 2001."

SEC. 2. PREEMPTION OF STATE LAWS REQUIRING APPROVAL OF AIRPORT DEVELOPMENT PROJECTS.

(a) IN GENERAL.—Chapter 471 of title 49, United States Code, is amended by adding at the end the following new item:

"40129. Preemption of State laws requiring approval of airport development projects.

"(a) IN GENERAL.—No State, political subdivision of a State, or political authority of at least 2 States may enact or enforce a law, regulation, or other provision having the force and effect of law that—

"(1) requires a certificate of approval or other form of approval prior to the construction or operation of an airport development project at a covered airport if the project meets the standards established by the Secretary of Transportation under section 47105(b)(3), whether or not the project is the subject of a grant approved under chapter 471; or

"(2) prohibits, conditions, or otherwise regulates the direct application for, or receipt or expenditure of, a grant or other funds by the sponsor of a covered airport under chapter 471 for an airport development project at a covered airport if the project meets the standards referred to in paragraph (1).

"(b) COVERED AIRPORT DEFINED.—In this section, the term "covered airport" means an airport that each year has at least .25 percent of the total annual boardings in the United States.

"(c) REPORTING AMENDMENT.—The analysis for such chapter is amended by adding at the end the following new item:
of higher education may adjust his or her status to that of conditional permanent resident. Thereafter, the student has 6 or 4 years to graduate from a qualified 4 or 2-year institution, respectively. Upon graduation and a demonstration that the student has remained a person of good moral character, has maintained his or her continuous physical presence in the United States, and has not become removable based on criminal convictions or security grounds, the conditions of the student’s status as an alien lawful permanent resident shall not terminate when the alien student becomes a full-fledged permanent resident.

I recognize that there are significant differences between the DREAM Act and other legislation that has been recently introduced. However, I look forward to working with members of this body to ensure that the American dream is extended to these children. I therefore strongly urge my colleagues to support this bill and thereby provide hope and opportunity to hundreds of thousands of deserving alien children nationwide.

I ask unanimous consent that the text of the bill be included following my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1291

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.
This Act may be cited as the "Development, Relief, and Education for Alien Minors Act" or "DREAM Act".

SEC. 2. RESTORATION OF STATE OPTION TO DESIGNATE NATIONALITY OF ALIEN STUDENTS.

(a) Special Rule for Children in Qualified Institutions of Higher Education.—

(1) In general.—Notwithstanding any other provision of law and subject to paragraph (2), the Attorney General may cancel removal of, and adjust to the status of an alien lawful permanent resident for purposes of eligibility to attend college and 2, provide adjustment of status to undocumented alien children who secure a degree of higher education.

(b) Conditions.—Any alien in a State whose status as an alien lawful permanent resident for purposes of eligibility to attend college and who has an undocumented alien child residing in the State whose attendance in the State, including the cost of attending school, including an institution of higher education, is funded by financial assistance from any public or private source, shall be referred to the Secretary of Education to determine whether the alien child meets the needs of the alien child and is eligible for attendance at an institution of higher education. The Secretary of Education shall determine whether the alien child meets the needs of the alien child and is eligible for attendance at an institution of higher education. The Secretary of Education shall have the power to cancel removal or adjust status to the status of an alien lawful permanent resident for purposes of eligibility to attend college and who has an undocumented alien child residing in the State whose attendance in the State, including the cost of attending school, including an institution of higher education, is funded by financial assistance from any public or private source.

(c) Effect of Failure to Provide Notice.—If the Secretary of Education determines that the alien child meets the needs of the alien child and is eligible for attendance at an institution of higher education, the Secretary of Education shall provide a notice to the alien child and the alien child’s parent or legal guardian informing the alien child and the alien child’s parent or legal guardian of the alien child’s eligibility for attendance at an institution of higher education. The notice must specify the amount of financial assistance that the alien child is entitled to receive for attendance at an institution of higher education and the method by which the alien child may obtain the financial assistance.

(d) Procedural Requirements.—The Attorney General shall provide a procedure allowing eligible individuals to apply affirmatively for the relief available under this paragraph without being placed in removal proceedings.

(e) Termination of Continuous Residence.—For purposes of this section, any period of continuous residence or continuous physical presence in the United States of an alien who applies for cancellation of removal under this Act shall not terminate when the alien student becomes a full-fledged permanent resident.

(f) Adjustment of Status.—An alien shall be considered to have failed to maintain continuous physical presence in the United States under subsection (a) if the alien has departed from the United States for any period in excess of 90 days or for any periods in the aggregate exceeding 180 days.

(g) Statutory Construction.—Nothing in this Act may be construed to apply a numerical limitation on the number of aliens who may be eligible for cancellation of removal or adjustment of status under this Act.

(h) Regulations.—

(1) Proposed Regulations.—Not later than 90 days after the date of enactment of this Act, the Attorney General shall publish proposed regulations implementing this section.

(2) Interim, Final Regulations.—Not later than 180 days after the date of the enactment of this Act, the Attorney General shall publish final regulations implementing this section.

SEC. 3. CANCELLATION OF REMOVAL AND ADJUSTMENT OF STATUS FOR CERTAIN LONG-TERM RESIDENT STUDENTS.

(a) In General.—

(1) Conditional Basis for Status.—Notwithstanding any other provision of this Act, an alien whose status has been adjusted under section 203(a)(10) to that of an alien lawful permanent resident shall be considered to be an alien who has been granted permanent resident status on a conditional basis subject to the provisions of this section.

(2) Notice of Requirements.—At the time an alien obtains permanent resident status on a conditional basis under paragraph (1), the Attorney General shall provide notice of such alien respecting the provisions of this section and the requirements of subsection (c)(1) to have the conditional basis of such status removed.

(3) Effect of Failure to Provide Notice.—The failure of the Attorney General to provide notice under this paragraph shall not affect the enforcement of the provisions of this section with respect to such an alien.

(4) Termination of Status if Finding That Qualifying Education Improper.—

(a) In General.—In the case of an alien with permanent resident status on a conditional basis under subsection (a), if the Attorney General finds that the qualifying education is no longer a student in good standing at an accredited institution of higher education,
the Attorney General shall so notify the alien and, subject to paragraph (2), shall terminate the permanent resident status of the alien as of the date of the determination.

(2) REMOVAL PROCEEDING.—Any alien whose permanent resident status is terminated under paragraph (1) may request a review of such determination in a proceeding to remove the alien as of the date of the determination, the burden of proof shall be on the alien to establish, by a preponderance of the evidence, that the condition described in paragraph (1) is not met.

(c) REQUIREMENTS OF TIMELY PETITION FOR REMOVAL OF CONDITION.—

(I) IN GENERAL.—In order for the conditional status established under subsection (a) to be a basis for an alien to be removed the alien must submit to the Attorney General, during the period described in subsection (d)(2), a petition which requests the removal of such conditional basis and which states, under penalty of perjury, the facts and information described in subsection (d)(1).

(2) TERMINATION OF PERMANENT RESIDENT STATUS FOR FAILURE TO FILE PETITION.—

(A) IN GENERAL.—In the case of an alien with permanent resident status on a conditional basis under subsection (a), the burden of proof shall be on the alien to establish compliance with the condition of paragraph (1).

(3) DETERMINATION AFTER PETITION AND INTERVIEW.—

(A) IN GENERAL.—If a petition is filed in accordance with the provisions of paragraph (1), the Attorney General shall make a determination, within 90 days, as to whether the facts and information described in subsection (d)(1) and alleged in the petition are true with respect to the alien’s education.

(B) REMOVAL OF CONDITIONAL BASIS IF FAVORABLE DETERMINATION.—If the Attorney General determines that such facts and information are true, the Attorney General shall so notify the alien and shall remove the conditional basis of the alien effective as of the 90th day after the alien’s graduation from an institution of higher education.

(C) TERMINATION IF ADVERSE DETERMINATION.—If the Attorney General determines that such facts and information are not true, the Attorney General shall so notify the alien and, subject to subparagraph (D), shall terminate the permanent resident status of an alien as of the date of the determination.

(D) HEARING IN REMOVAL PROCEEDING.—Any alien whose conditional status is terminated under subparagraph (C) may request a review of such determination in a proceeding to remove the alien. In such proceeding, the burden of proof shall be on the Attorney General to establish, by a preponderance of the evidence, that the facts and information described in subsection (d)(1) and alleged in the petition are not true with respect to the alien’s education.

(e) DETAILS OF PETITION.—

(I) CONTENTS OF PETITION.—Each petition under subsection (a) shall contain the following facts and information:

(A) The alien graduated from an institution of higher education, as evidenced by an official report from the registrar—

(i) within six years, in the case of a four-year bachelor’s degree program; or

(ii) within four years, in the case of the degree program of a two-year institution.

(B) The alien maintained good moral character.

(C) The alien has not been convicted of any offense described in section 237(a)(2) or 237(a)(4).

(D) The alien has maintained continuous physical residence in the United States.

(2) PERIOD FOR FILING PETITION.—The petition under subsection (c)(1)(A) must be filed during the 90-day period after the alien’s graduation from a institution of higher education.

(3) TREATMENT OF PERIOD FOR PURPOSES OF NATURALIZATION.—For purposes of title III of the Immigration and Nationality Act, in the case of an alien who is in the United States as a lawful permanent resident on a conditional basis under this section, the alien shall be considered to have been admitted as an alien lawfully admitted for permanent residence to be in the United States as an alien lawfully admitted to the United States for permanent residence.

(f) TREATMENT OF CERTAIN WAIVERS.—In the case of an alien who has permanent resident status on a conditional basis under this section, if, in order to obtain such status, the alien obtained a waiver under subsection (h) or (i) of section 212 of the Immigration and Nationality Act of certain grounds of inadmissibility, such waiver terminates upon the termination of such permanent resident status under this section.

(g) INSTITUTION OF HIGHER EDUCATION DEFINED.—In this section, the term “institution of higher education” has the meaning given in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

SEC. 5. GAO REPORT.

Six years after the date of enactment of this Act, the Comptroller General of the United States shall submit a report to the Committees of the Senate and the House of Representatives setting forth—

(A) the number of aliens who were granted adjustment of status under section 3(a);

(B) the number of aliens who applied for adjustment of status under section 3(a); and

(C) the number of aliens who were granted adjustment of status under section 3(a) and the number with respect to whom the conditional basis of their status was removed under section 4.

Mrs. CARNHAN, Madam President, one of the great challenges we face as a society is to find ways to ease the burdens of our modern, hectic world on working families. When I talk to Missouri parents who work outside the home, one of their top concerns, if not their top concern, is finding high-quality, affordable child care.

Every day, my own family has struggled with this issue. My mother struggled with it. I struggled with it. My children struggled with it. I would say that in the next generation, it will be this grandmother’s fondest wish that when my grandchildren become parents themselves, finding high-quality child care won’t be a problem.

More and more, employers are finding that providing access to daycare is important in attracting and retaining a quality workforce. Parents who know their children are happy, safe, and enriched in their day care setting are more productive, less distracted, and more satisfied employees. In an effort to support employers’ efforts to offer this valuable service to their employees, I have co-sponsored S. 99, a bill that provides tax credits to employers who provide child care assistance to their employees.

Making affordable child care is an issue for federal employees, too. As the largest employer in the country, the Federal Government shall lead by example in supporting working families. For this reason, today I am introducing the “Child Care Affordability for Federal Employees Act.”

Senator BARBARA MIKULSKI is an original co-sponsor of the bill, and I would like to thank her for the strong leadership she has shown on this issue. She has worked hard to make this initiative a permanent reality for Federal employees in Maryland and across the United States.

This bill grants Federal agencies the flexibility to use a portion of their funds to provide child care assistance for their lower income employees. Federal agencies can choose to allow the assistance to apply towards the costs of its own-site Federal facility or an independent provider in the area that is licensed and safe.

Being able to afford child care is a problem for all employees, but it is particularly difficult for low income employees. This bill will assist low income Federal employees to afford the safe, quality child care that is available on-site. If the agency so chooses, it could also help low-income employees better afford safe, licensed child care that is available in the community.

I hope this legislation will also help the Federal Government compete with the private sector in attracting employees. In January, the GAO placed the Federal Government’s human capital crisis on its “High-Risk” list of serious government problems. In three years, more than half of the federal workforce will be eligible for regular or early retirement. This bill is a strong, common action the Federal Government can take to help the Federal Government compete with the private sector to attract the skilled Federal workforce it needs.

For the past two years, this initiative has been included in the annual Treasury-Postal Appropriations bill. This has been a critical first step. From its initial implementation, we now know that the program works and that families in Missouri and across the country have benefited. However, because the program was only temporary, some Federal agencies elected not to participate. They were afraid to offer the benefit for a year and then have to take it away from their employees if it were not renewed. Other agencies have only implemented the program at a small level for the same reason. Passing this legislation and making the program permanent is essential to helping this initiative reach its full potential and benefit the maximum number of families.

We know that child care is not simply about children having a place to go...
where an adult is present. A child’s environment has significant impact on their well-being and development. This is particularly true for children during the first three years of life. Recent brain studies have shown that those early brain influences matter more than we previously thought. This bill seeks to ensure that more of our children spend their days in safe, nurturing environments. As the writer Gabriella Mistral has said: “Many things can wait, the child cannot ... To him we cannot say tomorrow; his name is today.”

By Mr. EDWARDS:

S. 1292. A bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for dry and wet cleaning equipment which uses non-hazardous primary process solvents; to the Committee on Finance.

Mr. EDWARDS. Madam President, in 1997, the Small Business Pollution Prevention and Opportunity Act. This legislation would help address a matter of great concern to all Americans who care about water quality and the environment.

Toxic primary process solvents are used in ninety-five percent of the 35,000 small dry cleaning businesses in our country. Dry-cleaned clothes are the primary source of toxins entering our homes, endangering our health. These solvents are often leaked from storage tanks or spills that greatly damage the property on which dry cleaning businesses are located. This contamination has resulted in part in the large number of brownfields sites across our country. These dry cleaning solvents are regulated by numerous State and Federal agencies, causing dry cleaners and neighboring businesses to be concerned about the health of their workers and the dangers of property contamination.

An innovative scientist, Dr. Joseph M. DeSimone of North Carolina, developed an environmentally-friendly alternative to these solvents. He and his graduate students have developed a process to clean clothes using liquid carbon dioxide and special detergents. This safer dry cleaning method has been commercially available since February 1999, with several machines in operation around the country that have successfully cleaned half a million pounds of clothes in over 10,000 cleaning cycles at shops in various states across the nation.

The Small Business Pollution Prevention and Opportunity Act would provide new and existing dry cleaners a 20 percent tax credit as an incentive to switch to an environmentally-friendly and energy efficient technology. Dry cleaners in Enterprise Zones would receive a 40 percent tax credit. The tax credit would also be extended to wet cleaning fabric cleaners who use water-based systems to effectively clean 40 percent of “dry clean only” garments.

This new technology is becoming increasingly recognized as a safer, cleaner alternative to traditional dry cleaning. The U.S. Environmental Protection Agency, EPA, has issued a case study declaring liquid carbon dioxide as a viable alternative to dry cleaning. R&D Magazine named Dr. DeSimone’s technology one of the 100 most innovative technologies that will change our everyday lives. For his innovation, Dr. DeSimone received the Presidential Green Chemistry Challenge Award in 1997. The EPA as well as the National Science Foundation, NSF, has funded Dr. DeSimone’s research.

Now that environmentally beneficial technologies like liquid carbon dioxide and wet cleaning are commercially available, it makes sense to provide a modest incentive to encourage dry cleaners to utilize them. The benefits to small business dry cleaners, consumers, employees, and the environment would be enormous. This bill’s approach provides incentives, not additional regulations for dry cleaners. The goal of the bill is to protect and enhance the dry cleaning industry, not reinvent or harm it.

I encourage my colleagues to join me in supporting this legislation. It is the right thing to do for 35,000 small businesses, millions of dry cleaning consumers, and for our environment.

By Mr. HAGEL:

S. 1293. A bill to amend the Internal Revenue Code of 1986 to provide incentives for the voluntary reduction, avoidance, and sequestration of greenhouse gases to advance global climate science and technology development and deployment; to the Committee on Finance.

By Mr. MURkowski (for himself and Mr. DOMENICI, Mr. ROBERTS, and Mr. BOND):


Mr. CRAIG. Madam President, let me first thank my colleagues, Senators MURkowski, Hagel, and DOMENICI, for their great support in developing the policy that I introduced today. I enjoyed working with them and their staffs on this analytically complex issue. The results of our patience and hard work are two companion pieces of legislation that will provide the underpinning for a path forward to enhance issue that will meet the nation’s and global needs for economic progress, while ensuring our nation’s energy and national security. In addition, it will provide a sound basis for productive engagement with our friends and allies that share the same needs.

The first bill is the Climate Change Tax Amendments of 2001 which is essentially the same as S. 1777 that I introduced in the 106th Congress. This bill is an important element of the approach we should take as a nation because current U.S. tax policy treats capital formation—including investments that can improve energy efficiency and reduce emissions—harshly compared with other industrialized countries and our own recent past. Slower capital cost recovery means that facilities deploying new advanced technology will not be put in place as quickly, if at all, as in the rest of the world.

Based on our current understanding of the science available on climate change, I remain convinced that it is still premature for our government to mandate stringent controls on carbon dioxide emissions and pick winners and losers in technology. This bill assures that there will be a true partnership between the innovation and technology innovation in both research and deployment.

Although the science of climate change has progressed rather dramatically over the last five years, many trenchant questions remain about what is happening to our climate system. However, the climate change issue is at a crossroads. We cannot make decisions on how to proceed. The bills introduced today ensure a more focused and coordinated effort to understand the outstanding and formidable scientific issues associated with climate change. While I disagree with some answers to those questions, the bills also create a comprehensive and systematic program to achieve the goals of reducing, avoiding, or sequestering greenhouse gas emissions. That program is manifest in both the technological research and development effort authorized in the Risk Management bill and a comprehensive and systematic approach that aggressively encourages voluntary actions to reduce, avoid, or sequester greenhouse gas emissions.

To bolster and strengthen the voluntary action program we have proposed tax incentives in the companion Tax Amendment bill that should also stimulate the creative ways to reduce, avoid, or sequester greenhouse gas emissions.

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The companion bill is the Climate Change Risk Management Act of 2001. This bill has as its roots in S. 1776 and S. 882, two bills that were introduced in the 106th Congress with the expressed intent to forge consensus on this issue. The principal objectives of the current legislation are to encourage the research, development, and deployment of the technologies that can meet our national and international obligations. A key focus are the technologies that can help us reduce, avoid or sequester emissions of greenhouse gases.
In addition the bill also encourages deployment of technologies that can sequester greenhouse gases in the atmosphere. This approach is essential to assure that we can fully use all of our domestic resources to their fullest. This must include following our nation's energy policy. The issue at hand, the manner in which the climate policy debate has been fixated on assigning blame and inflicting pain. This is harmful and counterproductive. Our best technology must be made available and our research activities must focus on developing country needs as well as our own.

Moreover, we believe that the President has chosen the right path forward on this issue and we are committed to working with his Cabinet level task force, finding effective, technologically based approaches to attacking this important environmental and economic issue.

Although these bills are comprehensive, there are still more steps Congress can and will take in the immediate future to ensure we are doing all that is reasonably and responsibly possible. For example, a key piece of this puzzle is better government-wide coordination of scientific efforts to solve the remaining mysteries of climate change. A strong and consistent recommendation from the National Academy of Sciences has been for us to solve this problem.

Because that issue includes Federal agency "turf battles," legislative committee jurisdictional constraints prevented us from fully addressing that issue in these bills. However, we will have this, and other key pieces (such as traffic congestion, agricultural, forest management, and ocean sequestration) not currently getting sufficient attention, ready to complete a comprehensive package on climate change before the end of the 107th Congress.

But for now, the bills we introduce today are an important and aggressive attempt to shape and implement policy on climate change. It is a responsible effort to work with our friends and allies to:

1. Develop better policy mechanisms for addressing the effects of greenhouse gas emissions; 2. accelerate development and deployment of climate response technology; 3. facilities international deployment of U.S. technology to mitigate climate change to the developing world; 4. advance climate science to reduce uncertainties in key areas; and 5. improve public access to government information on climate science.

All involved in this debate must stop politicizing this issue and help us get to the point where the issue is reasonably understood. The American people have a right to know the whole truth on this issue. The success of any future government response to climate change depends on that more than anything else.

I ask unanimous consent that the bill texts along with section-by-section analyses be printed in the RECORD.

SEC. 1. SHORT TITLE. This Act may be cited as the "Climate Change Tax Amendments of 2001".

SEC. 2. PERMANENT TAX CREDIT FOR RESEARCH AND DEVELOPMENT REGARDING GREENHOUSE GAS EMISSIONS REDUCTION, AVOIDANCE, OR SEQUESTRATION. (a) IN GENERAL.—Section 41(h) of the Internal Revenue Code of 1986 (relating to term-ination) is amended by adding at the end the following:

"(3) EXCEPTION FOR CERTAIN RESEARCH.— Paragraph (1)(B) shall not apply in the case of any qualified research expenses if the research—

(A) has as one of its purposes the reduc- ing, avoiding, or sequestering of greenhouse gas emissions;

(B) has been reported to the Department of Energy under section 1605(b) of the Energy Policy Act of 1992;"

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies with respect to amounts paid or incurred after the date of enactment of this Act, except that such amendment shall not take effect unless the Climate Change Risk Management Act of 2001 is enacted into law.

SEC. 3. TAX CREDIT FOR GREENHOUSE GAS EMISSIONS FACILITIES. (a) ALLOWANCE OF GREENHOUSE GAS EMISSIONS FACILITIES CREDIT.—Section 46 of the Internal Revenue Code of 1986 (relating to amount of credit) is amended by striking "and" at the end of paragraph (2), by striking the period at the end of paragraph (3) and inserting "and", and by adding at the end the following:

"(4) the greenhouse gas emissions facilities credit.".

(b) AMOUNT OF CREDIT.—Subpart E of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to rules for computing investment credit) is amended by inserting after section 46 the following:

"SEC. 46A. CREDIT FOR GREENHOUSE GAS EMISSIONS FACILITIES.

(a) IN GENERAL.—For purposes of section 46, the greenhouse gas emissions facilities credit for any taxable year is the applicable percentage of the qualified investment in a greenhouse gas emissions facility for such taxable year.

(b) GREENHOUSE GAS EMISSIONS FACILITIES.—For purposes of subsection (a), the term 'greenhouse gas emissions facility' means a facility of the taxpayer—

(1) the construction, reconstruction, or erection of which is completed by the taxpayer;

(2) the operation of which—

(A) replaces the operation of a facility of the taxpayer;

(B) reduces, avoids, or sequesters greenhouse gas emissions on a per unit of output basis as compared to such emissions of the replaced facility.

(C) uses the same type of fuel (or com-bination of the same type of fuel and bio-
mass fuel) as was used in the replaced facility.

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

(4) which meets the performance and quality standards (if any) which—

(A) have been jointly prescribed by the Secretary and the Secretary of Energy by regulations,

(B) are consistent with regulations pres-cribed under section 1605(b) of the Energy Policy Act of 1992, and

(C) are in effect at the time of the acqui-sition of the facility.

(c) APPLICABLE PERCENTAGE.—For pur-pose of subsection (a), the term 'qualified invest-ment' means, with respect to any taxable year, the basis of a greenhouse gas emissions facility placed in service by the taxpayer during such taxable year, but only with re-spect to that portion attributable to providing production capacity not greater than the production capacity of the facility being replaced.

(d) QUALIFIED PROGRESS EXPENDITURES.—(1) INCREASE IN QUALIFIED INVESTMENT.—In the case of a taxpayer who has made an election under paragraph (5), the amount of the qualified investment of such taxpayer for the taxable year (determined under subsection (d) without regard to this subsection) shall be increased by an amount equal to the product of such qualified progress expendi-ture for the taxable year with respect to progress expenditure property.

(2) PROGRESS EXPENDITURE PROPERTY DEFINED.—For purposes of this paragraph, the term 'progress expenditure property' means any property being constructed by or for the taxpayer and which it is reasonable to believe will qualify as a greenhouse gas emissions facility which is being constructed by or for the taxpayer when it is placed in serv-ice.

(3) QUALIFIED PROGRESS EXPENDITURES DEFINED.—For purposes of this subsection—

"(A) SELF-CONSTRUCTED PROPERTY.—In the case of any self-constructed property, the term 'qualified progress expenditures' means the amount which, for purposes of this subpart, is properly chargeable (during such taxable year) to capital account with respect to such property.

(B) NON-SELF-CONSTRUCTED PROPERTY.—In the case of non-self-constructed property, the term 'qualified progress expenditures' means the amount paid or incurred by or for the taxpayer when it is placed in serv-ice.

(4) OTHER DEFINITIONS.—For purposes of this subsection—

"(A) SELF-CONSTRUCTED PROPERTY.—The term 'self-constructed property' means property for which it is reasonable to believe that more than half of the construction expenditures will be made directly by the taxpayer.

(B) NON-SELF-CONSTRUCTED PROPERTY.—The term 'non-self-constructed property' means property which is not self-constructed property.

(C) CONSTRUCTION, ETC.—The term 'construction' includes reconstruction and erec-tion, and the term 'constructed' includes recon-structed and erected.

(D) ONLY CONSTRUCTION OF GREENHOUSE GAS EMISSIONS FACILITIES COUNTS TOWARDS CREDIT.—Construction shall be taken into account only if, for purposes of this subpart,
expenditures therefor are properly chargeable to capital account with respect to the property.

(5) Election.—An election under this subsection may be made at such time and in such manner as the Secretary may by regulations prescribe. Such an election shall apply to the taxable year for which made and to all subsequent taxable years. An election, once made, may not be revoked except with the consent of the Secretary.

(6) Amount.—The amount described in such paragraph shall be substituted in lieu of the term "greenhouse gas emissions facility under section 48(m)") of the Internal Revenue Code of 1986 (as in effect on the day before the date of the enactment of this Act, under rules similar to the rules of section 48(m) of the Internal Revenue Code of 1986). Certain 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 this Act, under rules similar to the rules of section 48(m) of the Internal Revenue Code of 1986), and consistent with regulations prescribed under Sec. 1605 of the Energy Policy Act of 2001, shall apply for purposes of section 48A(a).''

The amount of the credit would be calculated based upon the amount of greenhouse gas emissions facility property that would have been subject to depreciation for the taxable year for which made and in the following taxable years if the election had not been made. The credit would be equal to one-half of the applicable percentage of the qualified investment in a "reduced greenhouse gas emissions facility." For example, if a taxpayer replaces a coal-fired generator with a gas-fired one that reduced greenhouse gas emissions by 18 percent, compared to the retired unit, the tax credit would be equal to one-half of the 9 percent of qualified investment in that "reduced greenhouse gas emissions facility". Such facility is defined as a facility of the taxpayer designed for the construction or erection of which is completed by the taxpayer, or the facility may be acquired by the taxpayer if the original use of the facility was with the consent of the Secretary. The Secretary may write in a manner (i.e. as an investment tax credit) that would provide non-profit entities (such as municipal utilities and energy cooperatives) with economic incentives for greenhouse gas emissions facilities comparable to those incentives under the provisions of this Act.

Subject to certain limitations and regulations prescribed under Sec. 1605(b) of the Energy Policy Act of 2001, the amount of the credit would be equal to one-half the qualified investment in a "reduced greenhouse gas emissions facility." For example, if a taxpayer replaces a coal-fired generator with a gas-fired one that reduced greenhouse gas emissions by 18 percent, compared to the retired unit, the tax credit would be equal to one-half of the 9 percent of qualified investment in that "reduced greenhouse gas emissions facility". Such facility is defined as a facility of the taxpayer designed for the construction or erection of which is completed by the taxpayer, or the facility may be acquired by the taxpayer if the original use of the facility was with the consent of the Secretary. The Secretary may write in a manner (i.e. as an investment tax credit) that would provide non-profit entities (such as municipal utilities and energy cooperatives) with economic incentives for greenhouse gas emissions facilities comparable to those incentives under the provisions of this Act.

(1) In General.—The Secretary of the Treasury and the Secretary of Energy shall jointly study possible additional incentives for, and removal of barriers to, voluntary, non-allowable expenditures for the reduction, avoidance, or sequestration of greenhouse gas emissions. For purposes of this subsection, the term "sequestration" shall be considered voluntary and non-allowable if the expenditure is not recoupable.

(2) Amount.—(A) From revenues generated from the investment tax credits under paragraph (1) and accepted accounting standards (or under the applicable rate-of-return regulation, in the case of a taxpayer subject to such regulation), and

(B) From any tax or other financial incentive program established under Federal, State, or local tax credit for research and development in the field of climate change technology or for related scientific research. Such a tax credit shall be treated as a year of remaining depreciation unless the Secretary of the Treasury and Energy shall jointly report to Congress on the results of the study described in paragraph (1), along with any recommendations for legislative action.

(3) Description.—The amount of the credit in paragraph (2) shall be treated as a year of remaining depreciation. The credit would be equal to one-half of the applicable percentage of the qualified investment in a "reduced greenhouse gas emissions facility." For example, if a taxpayer replaces a coal-fired generator with a gas-fired one that reduced greenhouse gas emissions by 18 percent, compared to the retired unit, the tax credit would be equal to one-half of the 9 percent of qualified investment in that "reduced greenhouse gas emissions facility". Such facility is defined as a facility of the taxpayer designed for the construction or erection of which is completed by the taxpayer, or the facility may be acquired by the taxpayer if the original use of the facility was with the consent of the Secretary. The Secretary may write in a manner (i.e. as an investment tax credit) that would provide non-profit entities (such as municipal utilities and energy cooperatives) with economic incentives for greenhouse gas emissions facilities comparable to those incentives under the provisions of this Act.
Study of Additional Incentives for Voluntary Reduction of Greenhouse Gas Emissions

The Secretary of Energy and the Secretary of Transportation are directed to study, and report upon to Congress along with any recommendations for an actionable legislative initiative, possible additional incentives for and removal of barriers to voluntary non-recoupable expenditures on the reduction of greenhouse gas emissions or their precursors if it is voluntary and not recoupable: from revenues generated from the investment; determined under generally accepted accounting standards; under the applicable rate-of-return regulation (in the case of a taxpayer subject to such regulations); from any tax or other financial incentive program established at the Federal, State, or local law; and pursuant to any credit-trading or other mechanism established under any international agreement or protocol that is in force.

Incentives for Non-profit Institutions

The Secretary of the Treasury and the Secretary of Energy are directed to jointly study possible additional measures that would provide non-profit entities, such as municipalities, utilities and energy co-operatives, with economic incentives for greenhouse gas emission reductions comparable to the incentives provided to taxpayers under the amendments made to the Internal Revenue Code by this Act. Within six months of the date of enactment, the Secretary of the Treasury and the Secretary of Energy shall jointly report to Congress on the results of the study along with any recommendations for legislative action.

SEC. 1. SHORT TITLE.

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Climate Change Risk Management Act of 2001”.

SEC. 2. FINDINGS.

Congress finds that—

(1) human activities, namely energy production and use, contribute to increasing concentrations of greenhouse gases in the atmosphere, which will result in climate change beyond that resulting from natural variability;

(2) although the science of global climate change is advanced in the last two decades, the timing and magnitude of climate change-related impacts on the United States cannot currently be predicted with any reasonable certainty;

(3) furthermore, a recent National Research Council review of climate change science suggests that without an understanding of the sources and degree of uncertainty regarding climate change and its impacts, decision-makers could fail to define the best ways to manage the risk of climate change;

(4) despite this uncertainty, the potential impacts from human-induced climate change pose a substantial risk that should be managed in a responsible manner;

(5) given that the bulk of greenhouse gas emissions from human activities result from energy production and use, national and international energy policy decisions made now and in the longer-term future will influence the extent and timing of any climate change and resultant impacts from climate change;

(6) the characteristics of greenhouse gases and the physical nature of the climate system require that stabilization of atmospheric concentrations and any future level must be a long-term effort undertaken on a global basis;

(7) the characteristics of existing energy-related infrastructure and capital suggest that effective greenhouse gas management efforts will depend on the development of long-term energy strategies and practices that can be demonstrated and deployed commercially in the United States and around the world;

(8) environmental, economic, security, economic prosperity, and satisfaction of basic human needs are interrelated, particularly in developing countries;

(9) developing countries will constitute the major source of greenhouse gas emissions in the 21st century and the minor source of increases in such emissions;

(10) any program to address the risks of climate change that does not fully include developing nations as integral participants will be ineffective; and

(11) a new long-term, technology-based, cost-effective, flexible, and global strategy to ensure long-term energy security and manage the risk of climate change is needed, and should be promoted by the United States in its domestic and international activities in this regard.

SEC. 3. DEFINITIONS.

Title XVI of the Energy Policy Act of 1992 (42 U.S.C. 13381, et seq.) is amended by inserting before section 1601 the following:

"SEC. 1600. DEFINITIONS.

"(a) AGRICULTURAL ACTIVITY.—The term 'agricultural activity' means livestock production, cropland cultivation, biogas and other waste material recovery and nutrient management.

"(b) CLIMATE SYSTEM.—The term ‘climate system’ means the totality of the atmosphere, hydrosphere, geosphere and geophysics and their interactions.

"(c) CLIMATE CHANGE.—The term ‘climate change’ means a change in the state of the climate system: directly or indirectly, human activity which is in addition to natural climate variability observed over comparable time periods.

"(d) EMISIONS.—The term ‘emissions’ means the net release of greenhouse gases and/or their precursors into the atmosphere over a specified area and period of time, after taking into account any reductions due to greenhouse gas sequestration.

"(e) GREENHOUSE GASES.—The term ‘greenhouse gases’ means carbon dioxide and other gaseous and aerosol constituents of the atmosphere, both natural and anthropogenic, that absorb and emit infrared radiation.

"(f) SEQUESTRATION.—The term ‘sequestration’ means any process, activity or mechanism which removes a greenhouse gas or its precursor from the atmosphere or from emissions streams.

"(g) FOREST PRODUCTS.—The term ‘forest products’ means all products or goods manufactured from trees.

"(h) FORESTRY ACTIVITY.—

"(1) IN GENERAL.—The term ‘forestry activity’ means any ownership or management action that has a discernible impact on the use and productivity of forest.

"(2) INCLUSIONS.—Forestry activities include, but are not limited to, the establishment of aspen forests, the management of aspen forests, the establishment of aspen forests, the management of aspen forests, the establishment of aspen forests, and the management of aspen forests.

"(i) SEQUESTRATION.—The term ‘sequestration’ means any process, activity or mechanism which removes a greenhouse gas or its precursor from the atmosphere or from emissions streams.

"(j) REDUCING GREENHOUSE GAS EMISSIONS.—The term ‘reducing greenhouse gas emissions’ includes the activities of reducing greenhouse gas emissions, including—

"(1) a new long-term, technology-based, cost-effective, flexible, and global strategy to ensure long-term energy security and manage the risk of climate change is needed, and should be promoted by the United States in its domestic and international activities in this regard.

"(k) RISK MANAGEMENT.—The term ‘risk management’ means any process, activity or mechanism that has a discernible impact on the probability of a natural or human-induced event or the economic and social impacts on the United States; and

"(l) a new long-term, technology-based, cost-effective, flexible, and global strategy to ensure long-term energy security and manage the risk of climate change is needed, and should be promoted by the United States in its domestic and international activities in this regard.

"SEC. 4. NATIONAL CLIMATE CHANGE STRATEGY.

Title XVI of the Energy Policy Act of 1992 (42 U.S.C. 13381) is amended to read as follows:

"SEC. 1601. NATIONAL CLIMATE CHANGE STRATEGY.

"(a) IN GENERAL.—Section 1601 of the Energy Policy Act of 1992 (42 U.S.C. 13381) is amended to read as follows:

"(b) GOAL.—The strategy shall be consistent with the United Nations Framework Convention on Climate Change, done at New York on May 9, 1992, in a manner that—

"(1) does not result in serious harm to the U.S. economy;

"(2) adequately provides for the energy security of the U.S.;

"(3) establishes and maintains U.S. leadership with respect to climate change-related scientific research, development and deployment of advanced energy technologies; and

"(4) result in a reduction in the ratio that the net U.S. greenhouse gas emissions bears to the U.S. gross domestic production.

"(c) ELEMENTS.—The strategy shall include short-term and long-term strategies, programs and policies that—

"(1) enhance the scientific knowledge base for understanding and evaluation of natural and human-induced climate change, including the role of climate feedbacks and all climate forcing agents;

"(2) improve scientific observation, modeling, analysis and prediction of climate change and its impacts, and the economic, social and environmental risks posed by such impacts;

"(3) assess the economic, social, and environmental costs and benefits of current and potential options to reduce, avoid, or sequester greenhouse gas emissions;

"(4) develop and implement market-directed policies that reduce, avoid or sequester greenhouse gas emissions, including—

"(5) cost-effective and technologically feasible measures and policies that provide for adaptation to natural and human-induced climate change;

"(6) recommend specific legislative or administrative activities giving preference to cost-effective and technology-based feasible measures that will—

"(A) result in a reduction in the ratio that the net U.S. greenhouse gas emissions bears to the U.S. gross domestic product;

"(B) avoid adverse short-term and long-term economic and social impacts on the U.S. economy; and

"(C) foster such changes in institutional and technology systems as are necessary to
mitigate or adapt to climate change and its impacts in the short-term and the long-term;

"(8) designate federal, state, tribal or local agencies responsible for carrying out this strategy, and make available guidance, and identify interagency entities or activities that may be needed to coordinate actions carried out consistent with this strategy.

(1) that this strategy will be developed in a manner that provides for meaningful participation by, and consultation among, Federal, State, tribal, and local governments and agencies, non-governmental organizations, academia, scientific bodies, industry, the public, and other interested parties.

(2) biennial report—No later than one year after the date of enactment of this section, and at the end of each second year thereafter, the President shall submit to Congress a report that includes—

"(1) a description of the national climate change strategy and its goals and Federal programs and activities intended to carry out this strategy through mitigation, adaption, and scientific research activities;

(2) an evaluation of Federal programs and activities implemented as part of this strategy against the goals and implementation dates outlined in the strategy;

(3) a description of changes to Federal programs and activities implemented to carry out this strategy, in light of new knowledge of climate change and its impacts and costs or benefits, or technological capacity to improve the effectiveness of adaption activities;

(4) a description of all Federal spending on climate change for the current fiscal year and each of the five years previous, categorized by Federal agency and program function (including scientific research, energy research and development, demonstration and deployment programs, and education and other activities);

(5) an estimate of the budgetary impact for the current fiscal year and each of the five years previous of any Federal tax credits, tax deductions or other incentives claimed by taxpayers that are directly or indirectly attributable to greenhouse gas emissions reduction activities; and

(6) an estimate of the amount, in metric tons, of greenhouse gas emissions reduced, avoided or sequestered directly or indirectly as a result of each spending program or tax credit, deduction, or other incentive for the current fiscal year and each of the five years previous.

(1) Review by National Academies.—Not later than 90 days after the date of publication of this biennial report as directed by this section, the President shall commission the National Academies to conduct a review of the national climate change strategy and implementation plan required by this section.

(2) Criteria.—The National Academies' review shall be conducted on the basis of the goals and recommendations contained in the national climate change strategy report in light of—

(a) new or improved scientific knowledge regarding climate change and its impacts;

(b) new understanding of human social and economic responses to climate change, and responses of natural ecosystems to climate change;

(c) advancements in energy technologies that reduce, avoid, or sequester greenhouse gases (which otherwise mitigate the risks of climate change);

(d) new or revised understanding of economic costs and benefits of mitigation or adaptation activities; and

(e) the existence of alternative policy options that could achieve the strategy goals at lower economic, environmental, or social cost.

(3) Report.—The National Academies shall prepare and submit to Congress and the President a report concerning the results of such review, along with any recommendations as appropriate. Such report shall also be made available to the public.

(2) Review of purposes of this section, the term 'National Academies' means the National Research Council, the National Academy of Sciences, the National Academy of Engineering, and the Institute of Medicine.''

(b) CONFORMING AMENDMENT.—Section 1103(b) of the Energy Policy Act of 1992 (42 U.S.C. 13301) is amended by inserting "(8) demonstrated evidence of the ability of the applicant to undertake and complete the proposed project, including the successful introduction of the technology into commerce.

(6) a description of the technology transfer mechanisms and industry partnerships that the applicant will use to make available research results to industry and to other researchers;

(7) a statement whether the unique capabilities of Department of Energy national laboratories warrant collaboration with those laboratories, and the extent of any such collaboration proposed; and

(8) demonstrated evidence of the ability of the applicant to undertake and complete the proposed project, including the successful introduction of the technology into commerce.

(c) SELECTION OF PROPOSALS.—From the proposals submitted, the Secretary shall select, fund, or otherwise support no more than one proposal that will best accomplish the program objectives outlined in this section.

(d) ANNUAL REPORT.—The Secretary shall prepare and submit an annual report to Congress that—

(1) demonstrates that the program objectives are adequately focused, peer-reviewed, and within the scope of the science and technology research being conducted by other Federal agencies and programs;

(2) states whether the program as conducted in the prior year addresses an adequate breadth and range of technologies and solutions to address anthropogenic climate change and;

(3) evaluates the quantitative progress of funded proposals toward the program objectives as described in their respective proposals.

(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this title $200,000,000 each for fiscal years 2002 through 2011, to remain available until expended.

(b) CONFORMING AMENDMENTS.—Section 6 of the Federal Nonnuclear Energy Research and Development Act of 1974 (42 U.S.C. 5905) is amended—

(1) in subsection (a)—

(A) in paragraph (2), by striking "and" and at the end;

(B) in paragraph (3) by striking the period at the end and inserting "; and"; and
(C) by adding at the end the following:

"(4) solutions to the effective management of greenhouse gas emissions in the long term by the development of technologies and practices available until expended;"

"(A) reduce or avoid anthropogenic emissions of greenhouse gases;"

"(B) remove and sequester greenhouse gases from emissions streams; and"

"(C) remove and sequester greenhouse gases from the atmosphere."; and

(2) subsection (b)—

(A) in paragraph (2), by striking "section (a)(1) through (3)" and inserting "paragraphs (1) through (4) of subsection (a)"; and

(B) in paragraph (3)—

(i) in subparagraph (R), by striking "and"

(ii) by adding at the end the following:

"(T) to pursue a long-term climate technology strategy designed to demonstrate a variety of technologies by which stabilization of greenhouse gases might be best achieved, in project selection, development, demonstration and deployment of—"

"(i) renewable energy systems;"

"(ii) advanced fossil energy technology;"

"(iii) advanced nuclear power plant design;"

"(iv) fuel cell technology for residential, industrial and transportation applications;"

"(v) carbon sequestration practices and technologies, including agricultural and forestry practices that store and sequester carbon;"

"(vi) efficient electrical generation, transmission and distribution technologies; and"

"(vii) efficient end use energy technologies.";

SEC. 6. INTERNATIONAL ENERGY TECHNOLOGY DEPLOYMENT PROGRAM.

Section 1605 of the Energy Policy Act of 1992 (42 U.S.C. 13387) is amended by striking subsection (a) and inserting the following:

"(1) INTERNATIONAL ENERGY TECHNOLOGY DEPLOYMENT PROGRAM.—The term "international energy deployment project" means an international energy deployment project of giving annual public recognition for international energy deployment projects.

"(B) SELECTION CRITERIA.—After consulta-

"(C) FINANCIAL ASSISTANCE.—

"(1) In general.—A United States firm that undertakes a qualifying international energy deployment project that is selected to participate in the pilot program shall be eligible to receive a loan or a loan guarantee from the Secretary.

"(1) INTERNATIONAL ENERGY TECHNOLOGY DEPLOYMENT PROJECT.—The term "international energy deployment project" means an international energy deployment project of giving annual public recognition for international energy deployment projects.

"(2) by amending subsection (b)(1) (B) and (C) to read as follows—

"(C) remove and sequester greenhouse gases from the atmosphere."; and

"(C) remove and sequester greenhouse gases from the atmosphere."; and

(2) subsection (b)—

(A) in paragraph (2), by striking "section (a)(1) through (3)" and inserting "paragraphs (1) through (4) of subsection (a)"; and

(B) in paragraph (3)—

(i) in subparagraph (R), by striking "and"

(ii) by adding at the end the following:

"(T) to pursue a long-term climate technology strategy designed to demonstrate a variety of technologies by which stabilization of greenhouse gases might be best achieved, in project selection, development, demonstration and deployment of—"

"(i) renewable energy systems;"

"(ii) advanced fossil energy technology;"

"(iii) advanced nuclear power plant design;"

"(iv) fuel cell technology for residential, industrial and transportation applications;"

"(v) carbon sequestration practices and technologies, including agricultural and forestry practices that store and sequester carbon;"

"(vi) efficient electrical generation, transmission and distribution technologies; and"

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"(ii) advanced fossil energy technology;"

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"(v) carbon sequestration practices and technologies, including agricultural and forestry practices that store and sequester carbon;"

"(vi) efficient electrical generation, transmission and distribution technologies; and"

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SEC. 6. INTERNATIONAL ENERGY TECHNOLOGY DEPLOYMENT PROGRAM.

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"(i) renewable energy systems;"

"(ii) advanced fossil energy technology;"

"(iii) advanced nuclear power plant design;"

"(iv) fuel cell technology for residential, industrial and transportation applications;"

"(v) carbon sequestration practices and technologies, including agricultural and forestry practices that store and sequester carbon;"

"(vi) efficient electrical generation, transmission and distribution technologies; and"

"(vii) efficient end use energy technologies.";
(ii) a range of reference cases for reporting of project-based activities in sectors, including the measures specified in subparagraph (1)(B) of this subsection, and the inclusion of a baseline definition and assumptions for consistency with energy projects defined on an entity-wide basis or on an activity or project basis; and

(iii) issues, such as comparability, that are associated with Alternative Uses, including the option of reporting on an entity-wide basis or on an activity or project basis; and

(iv) safeguards to address the possibility of reporting on emissions reductions by more than one reporting entity or person to make corrections where necessary;

(v) provisions that encourage entities or persons to register their certified, by appropriate and credible means, baseline emissions levels on an annual basis, taking into consideration all of their reports made under this section prior to the enactment of this paragraph;

(vi) procedures and criteria for the review and registration of ownership of all or part of any reported and verified emissions reductions relative to a reported baseline emissions reduction; and

(vii) accounting provisions needed to allow for changes in registration of ownership of emissions reductions resulting from a voluntary transfer or transaction between reporting entities or persons.

For the purposes of this paragraph, the term ‘reductions’ means any and all activities taken by a reporting entity or person that reduce, avoid or sequester greenhouse gas emissions, or sequester greenhouse gases from the atmosphere.

(C) ECONOMIC ANALYSIS.—The review should consider the costs and benefits of any such amendments, the effect of such amendments on participation in this program, including small farms and small businesses, and the need to avoid creating undue economic advantages or disadvantages for persons or entities in the private sector. The review should provide, where appropriate, a range of reasonable options that are consistent with the voluntary nature of this section and that will help further the purposes of this section.

(D) REPORT AND SUBMISSION OF REPORT.—The findings of the review shall be made available in draft form for public comment for at least 45 days, and a report containing the findings of the review shall be submitted to Congress and the President no later than one year after date of enactment of this section.

(E) EXPANSION OF GUIDELINES.—If the Secretary, after consultation with the Administrator, finds, based on the study results, that changes to the program are likely to be beneficial and cost effective in improving the accuracy and reliability of reported greenhouse gas reductions and related information, are consistent with the voluntary nature of this program and further the purposes of this section, the Secretary shall propose and promulgate changes to program guidelines based with such findings. If, in carrying out the provisions of this paragraph, the Secretary shall consult with the Secretary of Agriculture and the Administrator of the Small Business Administration to encourage greater participation by small business and small farmers in addressing greenhouse gas emission reductions and reporting such reductions.

(F) PERIODIC REVIEW AND REVISION OF GUIDELINES.—The Secretary shall thereafter review and revise these guidelines at least once every 5 years, following the provisions for economic analysis and reporting set forth in subsections (C) through (E) of this section.

(G) AGRICULTURAL AND SMALL BUSINESS OUTREACH.—The Secretary of Agriculture and the Administrator of the Small Business Administration shall assist the Secretary in creating and implementing a targeted public awareness program to encourage voluntary participation by small businesses and farmers.

SEC. 8. REVIEW OF FEDERICALLY FUNDED ENERGY TECHNOLOGY RESEARCH AND DEVELOPMENT.

(a) IN GENERAL.—Title XVI of the Energy Policy Act of 1992 (2 U.S.C. 13381 et seq.) is amended by adding the following new section:

SEC. 1610. REVIEW OF FEDERICALLY FUNDED ENERGY TECHNOLOGY RESEARCH AND DEVELOPMENT.

(a) DEPARTMENT OF ENERGY REVIEW.—

(1) IN GENERAL.—The Secretary shall review annually all federally funded research and development activities carried out with energy technology and related energy matters pursuant to title. The Secretary shall report to Congress by October 15 of each year.

(2) ASSESSMENT OF TECHNOLOGY READINESS AND BARRIERS TO DEPLOYMENT.—As part of this review, the Secretary shall—

(A) assess the status and readiness (including the potential commercialization) of each energy technology and any regulatory or market barriers to deployment;

(B) consider—

(i) the formats of time it will take for deployment and use of the energy technology and for the technology to have a meaningful impact on emission reductions;

(ii) the extent of deploying the energy technology; and

(iii) the safety of the technology;

(C) assess the available resource base for any energy technology used by the energy technology, and the potential for expanded sustainable use of the resource base; and

(D) recommend to Congress any changes in law or regulation necessary to appropriate by the Secretary to hasten deployment and use of the energy technology.

(b) ENERGY TECHNOLOGY RESEARCH AND DEVELOPMENT CLEARINGHOUSE.—The Secretary shall establish an information clearinghouse to facilitate the transfer and dissemination of the results of federally funded research and development activities being carried out on energy technology subject to any restrictions or safeguards established for national security or the protection of intellectual property rights (including trade secrets and confidential business information protected under section 522(b)(4) of title 5, United States Code).

(c) TECHNICAL AMENDMENT.—The table of contents of the Energy Policy Act of 1992 (106 Stat. 2776) is amended by inserting after the item relating to the following:

Sec. 1610. Review of federally funded energy technology research and development.

SEC. 9. OFFICE OF APPLIED ENERGY TECHNOLOGY AND GREENHOUSE GAS MANAGEMENT.

Section 1603 of the Energy Policy Act of 1992 (42 U.S.C. 13383) is amended to read as follows:

SEC. 1603. OFFICE OF APPLIED ENERGY TECHNOLOGY AND GREENHOUSE GAS MANAGEMENT.

(a) ESTABLISHMENT.—There is established by this section in the Department of Energy a position of Administrator of Energy Technology and Greenhouse Gas Management.

(b) FUNCTION.—The office shall—

(1) establish appropriate performance and deployment goals for energy technologies that reduce avoided, or sequester greenhouse gases, provided that such goals are consistent with any national climate change strategy;

(2) promote and international energy technology demonstration and deployment program for energy technologies that reduce, avoid or sequester greenhouse gases, including those authorized under this title, provided that such programs supplement and do not replace existing energy research and development activities within the Department;

(3) facilitate the development of domestic and international cooperative research and development agreements (as that term is defined in section 12d(1) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a(d)(1)), or similar cooperative, cost-shared partnerships with non-Federal organizations to accelerate the rate of domestic and international demonstration and development of energy technologies that reduce, avoid or sequester greenhouse gas emissions; and

(4) coordinate issues, policies, and activities for the Department regarding climate change and related energy matters pursuant to this title, and coordinate the issuance of such reports as may be required under this title.
are known or expected to be temporary, long-term, or permanent;

"(B) the role of national energy policy in the determination of current and future emissions of greenhouse gases, appropriate, to adapt, to the greatest extent practicable, to climate change;

"(C) the development of voluntary means and measures to mitigate or minimize significant adverse effects of climate change and, in accordance with all law administered by the Secretary and other applicable Federal law and contracts, including patent and intellectual property laws, and in furtherance of the principles established under Subsection 106 of the Energy Policy Act of 1992, to assist developing countries in meeting development goals with fewer greenhouse gas emissions. Modeled after several state initiatives already under way, this section provides for the Secretary of Energy to initiate a stakeholder-led process to develop new greenhouse gas emissions reduction reporting system ("1605b") that improve the accuracy and reliability of voluntary reports made to this program, establish consistent reporting procedures and independent verification, and allow for registration of emissions baselines and emissions reductions claimed by such baseline. Includes provisions to encourage participation by small businesses and farmers. Upon completion of review of guidelines, provides for public comment and consideration of guidelines if cost-effective.

Section 8—Review of Federally Funded Energy Technology Research and Development

Amends Section 1605 of the Energy Policy Act of 1992 to provide for a regular review of federally funded energy technology research and development, including the programs authorized in this bill. The review will consider cost, safety, resource availability, technology readiness, in-kind potential for commercial application, and barriers to deployment in widespread use. Also establishes an "Energy Technology R&D Clearinghouse" to disseminate to the private sector and the public information on energy technology research and development activities within the National Academy of Sciences, technologies available for deployment through public-private partnerships.
Amends Section 1603 of the Energy Policy Act of 1992 to create a new office within the Department of Energy to manage advanced energy technology activities, public-private partnerships, and activities to reduce, avoid, or sequester greenhouse gases. In addition to administering programs and activities under this bill, the Office would supplement existing activities of the Department by working to increase the rate at which new energy technologies are applied, developed and deployed for widespread use. The Office will also function to coordinate domestic and international cooperative energy research, development, and deployment activities within the Department and participate in interagency activities with respect to climate change research and technology programs.

Section 10—Coordination of Global Change Research

Provides the Director of the U.S. Global Change Research Program with new authority for the purposes of coordinating and strengthening scientific research with respect to climate observation systems and data being conducted as suggested by recent National Academy reports on the state of U.S. climate change research. Authorizes $50 million in new funding for each of fiscal years 2002 through 2004, and such sums as are necessary thereafter. Requires that the Program utilize where possible existing Working Groups and other resources in laboratory activities.

Mr. HAGEL. Mr. President, I am proud to join my colleagues Senators FRANK MURkowski and LARRY CRAIG today in introducing legislation that takes a comprehensive approach to domestic climate change.

This legislation provides a forward-looking, balanced approach to address the challenge of climate change. There's a lot we can do, and this legislation lays out a comprehensive approach to domestic climate change.

Specifically, the Climate Change Risk Management Act of 2001 provides for: a national climate change strategy; new funding to advance the research, development and deployment of new technologies to reduce, avoid or sequester greenhouse gas emissions; a pilot program to assist in the exports of advanced technology to developing countries; $1 billion over 10 years for a loan program; better coordination of federal scientific research; an office in the Department of Energy to coordinate the R&D efforts for new technologies, that is accountable to the Secretary, the President and the Congress.

This legislation is very consistent with the approach presented by President Bush and dominates on the efforts that Senators MURkowsKi, CRAIG, and I—along with Senator BYRD and others—have pursued for some time to advance our efforts in the area of climate change. I am pleased that Senators PETE DOMENICI, PAT ROBERTs, and CHRIStOR HERBST are original co-sponsors of this legislation.

By Mr. LEVIN (for himself and Senator THRASHas), S. 1295. A bill to amend title 18, United States Code, to revise the requirements for procurement of products of Federal Prison Industries to meet needs for Federal agencies, and for other purposes; to the Committee on the Judiciary.

Mr. LEVIN. Madam President, I am pleased to be joined by Senator CRAIG THOMAS in introducing the Federal Prison Industries Competition in Contracting Act. Our bill is based on a straightforward principle: It is unfair for Federal Prison Industries to deny citizens in the private sector an opportunity to compete for sales to their own government.

I repeat: the bill that we are introducing today, if enacted, would do nothing more than permit private sector companies to compete for Federal contracts that are paid for with their tax dollars. It may seem incredible that they are denied this opportunity today, but that is precisely what Federal Prison Industries says that it wants, a contract, it gets that contract, regardless whether a company in the private sector may offer to provide the product better, cheaper, and faster.

This bill would not limit the ability of Federal Prison Industries to sell its products to Federal agencies. It would simply say that these sales should be made on a competitive, rather than a sole-source basis.

FPI also has a significant advantage in any competition with the private sector, since FPI pays inmates less than two dollars an hour, far below the minimum wage and a small fraction of the wage paid to most private sector workers in competing industries. And of course, the taxpayers provide a direct subsidy to Federal Prison Industries products by picking up the cost of feeding, clothing, and housing the inmates who provide the labor. Given those advantages, there is no reason why Federal agencies to purchase products from FPI even when they are more expensive and of a lower quality than competing commercial items. I can think of no reason why private industry should be prohibited from competing for these Federal agency contracts.

We have made several changes to this bill since it was introduced in the 106th Congress. The three new sections are intended to address new abuses by FPI that have arisen in the last few years: Do that is the law prohibit FPI from granting prison workers access to classified information or information that is protected under the Privacy Act; section 4 of the bill would clarify that private sector businesses and their employees must be permitted to compete for Federal subcontracts as well as prime contracts; and section 5 of the bill would clarify that the general prohibition on sales of prison-made goods that the statute now contains is intended to apply to sales of services.

These changes should strengthen the bill and reinforce its underlying intent.

Federal Prison Industries has repeatedly claimed that it provides a quality product at a price that is competitive with private sector manufacturers, but the Federal Prison Industries statute requires them to do so. That statute states that FPI may provide to Federal agencies products that “meet their requirements” at price that do not “exceed current market prices.”

Yet, FPI remains unwilling to compete with private sector businesses and their employees, or even to permit Federal agencies to compare their products and prices with those available in the private sector. Indeed, FPI has even sought to prohibit Federal agencies from conducting market research, as they would ordinarily do, to determine whether the price and quality or FPI products is comparable to what is available in the commercial marketplace. Instead, Federal agencies are directed to contact FPI, which acts as the sole arbiter of whether the product meets the agency’s requirements.

The reason for FPI’s position is obvious: it is much easier to gain market share by fiat than it is to compete for business. Under FPI’s current interpretation of the law, it need not offer the best product at the best price; it is sufficient for it to offer an adequate product at an adequate price, and insist upon its right to make the sale. Indeed, Federal agencies are directed to contact FPI, which simply says that these sales should be made on a competitive, rather than a sole-source basis. FPI also has a significant advantage in any competition with the private sector, since FPI pays inmates less than two dollars an hour, far below the minimum wage and a small fraction of the wage paid to most private sector workers in competing industries. And of course, the taxpayers provide a direct subsidy to Federal Prison Industries products by picking up the cost of feeding, clothing, and housing the inmates who provide the labor. Given those advantages, there is no reason why Federal agencies to purchase products from FPI even when they are more expensive and of a lower quality than competing commercial items. I can think of no reason why private industry should be prohibited from competing for these Federal agency contracts.

The result of the FPI’s status as a mandatory source is not unlike the result of other sole-source contracting: the taxpayers frequently pay too much and receive an inferior product for their money. When FPI sets its prices, it does not even attempt to match the best price available in the commercial sector; instead, it claims to have charged a “market price” whenever it can show that at least some inmates in the private sector charge as high a price. As GAO reported in August 1998, “The only limit the law imposes on FPI’s price is that it may not exceed the upper end of the current market price range.”

The result is frustrating to private sector businesses and their employees who are denied an opportunity to compete for Federal business, as well as to the Federal agencies who are forced to buy FPI products. One letter that I received from a commercial vendor stated with regard to UNICOR—the trade name used by Federal Prison Industries:
If the Air Force would purchase a completed unit as described in UNICOR's solicitation directly from a . . . manufacturer we estimate the cost will be approximately $6,500. UNICOR is going to purchase a $9,259 and add their assembly and administrative costs to the unit. If UNICOR only adds $1,500 to the total cost of the unit, it will cut their profit to $7,759. This is $2,759 higher than the current market price. If the Air Force purchases 8,000 units over the next five years it will cost the taxpayers an additional $58,000 over what it would cost if they dealt directly with a manufacturer.

A letter from a second frustrated vendor stated, also with regard to UNICOR:

UNICOR bid on this item and simply because UNICOR did bid, I was told that the award had to be given to UNICOR. UNICOR won the bid at $45 per unit. My company bid $22 per unit. The way I see it, the government just overspend my tax dollars to the tune of $1,978. The total amount of my bid was less than that. Do you seriously believe that this type or procurement is cost-effective?

I lost business, and my tax dollars were misused because of unfair procurement practices mandated by federal regulations. This is a problem that I am certain is not the only one, of how the procurement system is being misused and small businesses in this country are being excluded from competition, with the support of federal regulations and the seeming approval of Congress. It is far past the time to curtail this 'company' known as Federal Prison Industries and require them to be competitive for the benefit of all taxpayers.

I am a strong supporter of the idea of putting federal inmates to work. I understand that a strong prison work program not only reduces inmate idleness and prison disruption, but can also help build a work ethic, provide job skills, and enable prisoners to return to product society upon their release.

However, I believe that a prison work program must be conducted in a manner that is sensitive to the need not to unfairly displace the jobs of able-bodied working citizens who have not committed crimes. FPI will be able to achieve this result only if it diversifies its product lines and avoids the temptation to build its workforce by continuing to displace private sector jobs in its traditional lines of work. For this reason, I have been working since 1990 to try to help Federal Prison Industries to identify new markets that it can expand into without displacing private sector jobs, with a particular emphasis on markets for products that are currently imported.

Avoiding competition is the easy way out, but it isn't the right way for FPI. It isn't the right way for the private sector workers whose jobs FPI is taking, and it isn't the right way for the taxpayer, who will continue to pay more and get less as a result of the mandatory preference for FPI goods.

We need to have jobs for prisoners, but we can no longer afford to allow FPI to designate whose jobs it will take, and when and how it will take them. Competition will be better for FPI, better for the taxpayer, and better for working men and women around the country.

The fight to allow private industry to compete against Federal Prison Industries is far from over, but I am optimistic that it can be won in this Congress.

Mr. THOMAS. Madam President, today I rise to join Senator LEVIN in introducing a bill that will further my efforts to limit government competition with the private sector. Senator LEVIN and I propose to eliminate the mandatory contracting requirement that Federal agencies are required to purchase materials made by the Federal Prison Industries. FPI. Under law, all Federal agencies are required to purchase products made by the FPI. Simply put, this bill will require the FPI to compete with the private sector for Federal contracts.

Currently, the FPI employs approximately 22,000 Federal prisoners or roughly 20 percent of all Federal prisoners. These prisoners are responsible for producing a diverse range of products ranging from office furniture to clothing. The remaining 80 percent of Federal prisoners, who work, do so in and around Federal prisons.

While Senator LEVIN and I believe that it is important to keep prisoners working, I do not believe that this effort should unduly harm or conflict with law-abiding businesses. This bill seeks to minimize the unfair competition that private sector companies face with the FPI.

The FPI's mandatory source requirement not only undercuts private business throughout America, but its mandatory source preference oftentimes costs American tax payers more money. I believe American taxpayers would be alarmed to learn of the preferential treatment that the FPI enjoys when it comes to Federal contracts.

As I said before, Senator LEVIN and I support the goal of keeping prisoners busy while serving their time in prison. However, if the FPI is going to compete in Federal contracts, the FPI will be required to focus its efforts in product areas that don't unfairly compete with the private sector. Clearly, competitive bidding is a reasonable process that will ensure taxpayer's dollars are being spent justly.

Of particular note, our bill allows contracting officers, within each Federal agency, the ability to select the FPI for contracts if he/she believes that the FPI can meet that particular agency's requirements and the product is offered at a fair and reasonable price. Currently, the FPI prohibits Federal agencies from conducting market research to determine whether the price and quality of its products is comparable to those available in the private sector. The above outlined provision in our bill seeks to place the control of government procurement in the hands of contracting officers, rather than in the hands of the FPI.

In addition to having a competitive procedure for the procurement of products, we include a provision that allows the Attorney General to grant a waiver to this process if a particular product is deemed essential to the safety and effective administration of a particular prison.

I am confident that by allowing competition for government contracts our bill will save tax dollars. As Congress looks to eliminate all unnecessary practices, the elimination of the FPI's mandatory source preference will bring about numerous improvements, not just in cost savings, but also a streamlining of the FPI's products.

By Mr. DODD:

S. 1296. A bill to provide for the protection of the due process rights of United States citizens (including United States service members) before foreign tribunals, including the International Criminal Court, for the prosecution of war criminals, and for other purposes; to the Committee on Foreign Relations.

Mr. DODD, Madam President, the Nuremberg Trial of the leading Nazi war criminals following World War II was a landmark in the struggle to deter and punish crimes of war and genocide, setting the stage for the Geneva and Genocide Conventions. It was also largely an American initiative. Justice Robert Jackson's team drove the process of drafting the indictments, gathering the evidence and conducting this extraordinary case.

My father, Thomas J. Dodd, served as Executive Trial Counsel at Nuremberg, it was among his proudest accomplishments. But it was also part of a common theme that ran through a lifetime of public service. He believed that America had a special role to help make the rule of law relevant in every corner of the globe. I believe that he would have endorsed President Clinton's decision to sign the Rome Statute last December on behalf of the United States. President Clinton did so knowing that full world remains to be done before the United States can become a party to the U.N. convention establishing an International Criminal Court, ICC.

The Bush administration is currently reviewing its options with respect to the Rome Statute and with respect to the ongoing preparatory work that is necessary to make the court operational once sixty parties have ratified the so-called American Service-members Protection Act of 2001 sponsored by Senators HELMS and Congressman DELAY in the Senate and House, respectively, if enacted into law, will severely limit the Bush administration's options for interacting with our friends and allies about issues directly related to the ICC, as well as have a major impact on possible United States participation in the ICC at some date in the future. Among other things, their legislation would prevent the U.S. from helping to prosecute war criminals before the ICC on a case-by-case basis. Elie Wiesel has written that this legislation would erase America's Nuremberg legacy "by
ensuring that the U.S. will never again join the community of nations to hold accountable those who commit war crimes and genocide. A vote for this legislation would signal U.S. acceptance of impunity for the world’s worst atrocities.

That is why I am introducing “The American Citizens Protection and War Criminal Prosecution Act of 2001.” The American Citizens Protection Act, today in the Senate to both protect America’s Nuremberg legacy while at the same time safeguarding the rights of American citizens brought before foreign tribunals. My friend and House colleague, William Delahunt of Massachusetts is also introducing a companion bill in the House today. Our bill calls for active U.S. diplomatic efforts to ensure that the ICC functions properly, mandates the assertion of U.S. jurisdiction over American citizens and bars the surrender of U.S. citizens to the ICC once the United States has acted under the American Servicemembers’ Protection Act, however, The American Citizens Protection Act allows the United States to help prosecute war criminals and it does not effectively end U.S. participation in U.N. peacekeeping or authorize going to war to obtain the release of certain persons detained by the ICC.

I believe that the bill that has been introduced today in the House and Senate strikes the right balance between protecting our citizens and our men and women in uniform, the armed forces who may be traveling or deployed abroad, and preserving United States leadership and advocacy of universal adherence to principles of international justice and the rule of law. I hope that the Bush administration will review carefully provisions of this bill, because I believe taken together they address the administration’s concerns about the Rome Statute without doing damage to our national interest or future foreign policy. I look forward to working with Administration officials and with my colleagues on this important issue in the coming weeks.

By Mr. DURBIN (for himself and Mr. REED):

S. 1297. A bill to require comprehensive health insurance coverage for childhood immunization; to the Committee on Health, Education, Labor, and Pensions.

Mr. DURBIN. Madam President, I rise today to kick off National Immunization Awareness Month by introducing legislation to expand access to affordable childhood and adolescent immunizations. I am pleased that my colleague, Senator REED, joins me in this initiative.

Immunization against vaccine-preventable disease is perhaps the most powerful health care and public health achievement of the 20th Century. Remarkably, in the scientific community, vaccine development and widespread immunization efforts have led to a substantial reduction in the incidence of infectious disease. Today, vaccination coverage is at record high levels. Smallpox has been eradicated; polio has been eliminated from the Western Hemisphere; and measles, pertussis and Hib invasive disease have been reduced to record levels.

The bill I introduce today builds on these successes. “The Comprehensive Insurance Coverage of Childhood Immunization Act of 2001,” ensures that all health plans cover the recommended childhood and adolescent immunizations. This improvement is simple, it is cost effective, and it is long overdue.

More than 3.6 million children currently insured in the private sector are not covered for the recommended immunizations. Millions more have partial insurance for some of the recommended vaccines, but not all. Even if private coverage is complete, cost-sharing may be a significant barrier for many families.

A number of reputable studies confirm these statistics. The Institute of Medicine found in its report of last year that “While most private health plans provide some form of immunization coverage, this coverage varies by type of plan. Enrollees in a private plan does not guarantee that immunizations will be provided as a plan benefit.” Results from a 1999 William M. Mercer/Partnership for Prevention survey of employer sponsored plans found that about one of five employer-sponsored plans does not cover childhood immunizations, and out of four does not cover adolescent immunizations. And researchers at the George Washington University recently collected data on the immunization coverage policies of five health care companies, four national and one regional, that suggest significant variation by type of plan, as well as by vaccine.

The States have enacted some requirements to address these gaps in coverage, albeit limited. Only about 28 states have laws requiring that insurers cover childhood immunizations to some degree. Coverage standards vary considerably from state to state. And, as we know, employers that self-insure are generally exempt from state insurance regulation under the federal Employee Retirement Income Security Act. Approximately 50 million private-insured individuals are covered by self-insured plans.

These gaps are not insignificant. The private sector is a critical partner in vaccine delivery. Almost half, 45 percent, of all vaccine is delivered in the private sector. Certainly most health plans do provide some immunization coverage, but there is a just no reason why every child who has private insurance should not have access to such a basic, essential benefit. This is not only a flaw in our health system, it is simply illogical and irresponsible.

This is the 21st Century. We have long since learned how important immunizations are to the health of children and adolescents and to entire communities. At the beginning of the 20th century, infectious diseases were widely prevalent in the United States and exacted an enormous toll on the population. For example, in 1900, 21,064 cases were reported and 894 patients died. In 1920, 469,924 measles cases were reported, and 7,575 patients died; 147,991 diphtheria cases were reported, and 13,170 patients died. In 1922, 107,473 pertussis cases were reported, and 5,059 patients died. Today these same diseases persist, but overall U.S. vaccination coverage is at record high levels.

But despite the dramatic declines in vaccine-preventable diseases, such diseases persist, particularly in developing countries but also in our own.

Just this past June, the Chicago Sun Times reported that a new study found “distressingly low” vaccination rates in a South Side Chicago neighborhood of Englewood. Twenty-six percent of the children under age 5 have not been vaccinated for measles in this community.

In 1999, the measles preschool vaccination rate for all of Chicago was 86 percent, down from 90 percent in 1996. In many pockets of the city, such as Englewood, rates are much lower than average. It was just a little over a decade ago that such low vaccination rates led to an epidemic of the highly contagious disease. In 1990 there were more than 4,200 cases of measles and 15 deaths in the Chicago area.

It is also important to keep in mind that an estimated 11,000 children are born each day in the United States. Every year, approximately 170,000 of these babies are born into families with private health insurance that does not cover immunizations. Each one of these children needs up to 20 doses of vaccine by age two to be protected against childhood diseases.

It must remain a goal. Insuring universal age-appropriate vaccine coverage requires a strong and consistent partnership among State, local and Federal Governments, vaccine industry leaders, private and public health insurers and policymakers. From the beginning, immunization financing was explicitly structured to be a Federal/State/private-sector partnership. In 1955, under President Eisenhower, the Federal Government began Federal funding for immunization. Since then the Program at CDC. Over the years, Federal support for vaccine purchase and assistance to states for immunization activities has grown.

Today, Federal and State grants, the State Children’s Health Insurance Program, the Vaccines for Children’s Program and private-sector health plans and providers together provide a comprehensive approach to get our Nation’s children immunized. This system
is the result of a concerted effort to fill in the gaps in coverage. But the system must adapt to new science and new social conditions. Shifting finance patterns require all partners to adapt to minimize system instability. For example, last year, after the Institute of Medicine reported that Federal funding has waned and that the public system was becoming increasingly unstable, Congress increased the appropriation for immunization infrastructure and vaccine grants.

The public system cannot do it alone. Maintaining high immunization rates is a public health responsibility that must be shared by both the public and private sectors. Most Americans rely on a system of insurance for their care. Most children today receive their immunization services from private-sector providers.

The National Vaccine Advisory Committee, the Institute of Medicine and the American Academy of Pediatrics have recommended that all health plans should offer first-dollar coverage for recommended childhood vaccines. The $6 billion in savings that this bill has been supported by a broad coalition of groups for many years, including Every Child by Two, the Children’s Defense Fund, the American Public Health Association and Partnership for Prevention. Today, many health plans and insurers do not cover all immunizations fully as a covered benefit.

The Comprehensive Insurance Coverage of Childhood Immunization Act implements the long-standing recommendations by requiring all health plans—including groups, individual, and ERISA—cover all vaccines for children and adolescents that are recommended by the Advisory Committee on Immunization Practices. The Advisory Committee on Immunization Practices’ recommendations are the standard of care. It is the Committee’s Congressionally-mandated job to provide advice and guidance to the Secretary of Health and Human Services, the Centers for Disease Control and Prevention, CDC, on the most effective means to prevent vaccine-preventable diseases.

The Act also directs that health plans cover immunizations without a copayment or deductible. Out-of-pocket costs have been identified as a barrier to proper immunization. In 2001, the cost of fully immunizing one child is approximately $257, with almost half of the expense from the newly-recommended pneumococcal conjugate vaccine series. New vaccines and new combination vaccines currently under development will significantly reduce this cost in the future. The U.S. Task Force on Community Preventive Services found that reducing out-of-pocket costs can result in increases in vaccination coverage by improving availability of vaccines and increasing demand for vaccinations. More than a dozen studies have documented the effectiveness of reducing out-of-pocket costs and the resulting improvement in vaccination outcomes.

Another obvious barrier to appropriate immunization is the lack of private coverage itself. Studies have shown that providers are more likely to refer children with less private insurance coverage to other sites for vaccines and referral providers are known to have an adverse effect on both the timing and the rate of immunization. Service utilization studies within public health clinics indicate that some low-income parents use public clinics because of the reduced costs, even though they might prefer to receive immunizations from regular private providers. This certainly places an unfair burden on parents who have to take their children to different sites for care. It makes it even harder for families to keep track of their children’s complicated immunization schedule. And it may result in missed opportunities to immunize children who are lacking needed shots. Studies of the implementation of the Vaccines for Children Program indicated that referrals to health departments decrease when free vaccines are provided to private providers, suggesting that both parents and providers take advantage of the free vaccines. The Comprehensive Insurance Coverage of Childhood Immunization Act will help parents avoid unnecessary referrals due to lack of coverage or financial barriers and retain their child’s medical home.

This practice of referral to public clinics also shifts the cost of vaccinating children from the private sector to taxpayers. Through the Federal Vaccines for Children Program, children with health insurance that does not cover immunization may receive vaccines at a Federally Qualified Health Center or a Rural Health Clinic. Vaccines at these clinics are also supported by federal grants to states for vaccine purchase through the Federal incentive for immunization program. States also fund the purchase and distribution of vaccines. When the private sector fails—the public sector picks up the tab.

For this reason, the Congressional Budget Office found that this legislation will increase the budget surplus by $70 million dollars over five years and $150 million dollars over 10 years. This savings is somewhat offset by the reduction in Federal tax receipts, but still savings of $48 million dollars and costs less than $35 million over 10 years. There is no doubt that the States would see similar savings. Many States contribute up to 30 percent of the public sector vaccine purchase bill. This means that State funds, like Federal funds, are picking up the tab for kids with private insurance. And the CBO found that the new requirement would have a negligible effect on health insurance premiums, increasing premium costs, if at all, by no more than 0.1 percent.

Private providers should find comprehensive childhood vaccination cost-effective as well. Immunizations are one of the rare health services that have been proven to save money. The Measles-Mumps Rubella, MMR, vaccine saves $10.30 in direct medical costs for every $1 dollar invested. The diphtheria and tetanus toxoids and pertussis DTP vaccine saves $8.02 for every $1 dollar spent. The Haemophilus influenza type b (Hib) vaccine saves $1.40 per dollar. The Inactivated Polio Vaccine, IPV, saves $3.03 for every $1 dollar investment. These figure are all direct medical savings.

It is rare that we have policy decisions that are this easy to make. The Comprehensive Insurance Coverage of Childhood Immunization Act will help millions of working families afford the immunization they need to protect their children. It represents a shared responsibility that we all have to our communities. Like safe food and clean water, high immunization rates safeguard all of us. I urge my colleagues to support this legislation and to act promptly to pass it on behalf of American families.

By Mr. HARKIN (for himself, Mr. SPECKER, Mr. KENNEDY, Mr. BURDEN and Mrs. CLINTON).

S. 1256. A bill to title XIX of the Social Security Act to provide individuals with disabilities and older Americans with equal access to community-based attendant services and supports, and for other purposes; to the Committee on Finance.

Mr. HARKIN. Madam President, just a few days ago, the Nation celebrated the 11th anniversary of the Americans with Disabilities Act, ADA. When we passed the ADA, we told Americans with disabilities that the door to equal opportunity was finally open.

And the ADA has opened doors of opportunity, plenty of them. Americans with disabilities now expect to be treated as full citizens, with all the rights and responsibilities that entails. And they are participating in American life like never before in our Nation’s history.

Indeed, eleven years after the passing of the ADA we have a lot to celebrate. But we also have a lot of work to do. We need to make sure our Federal policies further the principle of independence for all that we agreed on eleven ago. For example, a few years ago Congress recognized that in order for people with disabilities to work, we would need to remove the disincentives to work embedded in our Medicaid and Social Security statutes. After passage of the Ticket to Work and Work Incentives bill, people with disabilities should no longer have to choose between going to work and receiving necessary health care services.

Today, Senator SPECKER and I introduce a bill that reflects another policy I am sure we can all agree on. In order to go work or live in their own homes, Americans with disabilities and older Americans need access to community-based services and supports. Unfortunately, under current Federal Medicaid
policy, the deck is stacked against community living. The purpose of our bill is to level the playing field and give eligible individuals equal access to community-based services and supports.

The Medicaid Community-Based Attendant Services and Supports Act does three things. First, the bill amends Title XIX of the Social Security Act to provide a new Medicaid plan benefit that would give individuals who are eligible for nursing home and other equivalent community-based attendant services and supports.

Second, for a limited time, States would have the opportunity to receive an enhanced match rate for community attendant services and supports and for certain administrative activities to help them reform their long term care systems.

Third, the bill provides State with financial assistance to support "real choice" systems change initiatives that include specific action steps for the provision of community-based long term community services and supports.

Finally, the bill establishes a demonstration project to evaluate service coordination and cost sharing approaches with respect to the provision of services and supports to daily eligible individuals with disabilities under the age of 65.

States are already out ahead of us here in Washington on this issue. Spending under the Medicaid home and community based waiver program has grown tenfold in the past ten years. Every State offers certain services under home and community based waivers. Almost 30 States are now providing the personal care optional benefit through their Medicaid programs. More than 2 1/2 times more people are served in home and community-based settings than in institutional settings.

The States have realized that community based care is both popular and cost effective, and community-based attendant services and supports are a key component of a successful program. However, despite this marked progress, home and community based services are unevenly distributed within and across States and only reach a small percentage of eligible individuals.

The numbers speak volumes. Only about 27 percent of long term care funds expended under Medicaid, and only about 9 percent of all funds expended under the program, pay for services and supports in home and community-based settings. That means that right now a large majority of Medicaid long term care funding is not being used to further independence. In fiscal year 2000, only 3 States spent 50 percent or more of their long term care funds under the Medicaid program on home-based community-based care. And that means that individuals do not have equal access to community based care.

Of course, numbers only tell a part of the story. This bill is about real people in real communities. Take the example of a friend of mine in Iowa. Dan Piper works at a hardware store. He has his own apartment and just bought a VCR. He also has Type 2 diabetes. For years Dan has received services through a community waiver program. But, last year, his community-based supports were threatened because he wasn’t sure he’d be able to find a provider who could provide an optional home waiver service. The result? He almost had to sacrifice his independence just to get services. Today, Dan works and contributes to the economy as both a wage earner and a consumer. But, tomorrow, he could be forced into a nursing home, far from his roommate, his job and his family. That’s why our Federal policy must foster comprehensive and consistent access to community-based services and supports in the most integrated setting appropriate.

Federal policy should reflect the consensus that Americans with disabilities should have the equal opportunity to contribute to our communities and participate in our society as full citizens. That means people with disabilities can receive types of services in the community so that they don’t have to sacrifice their full participation in society simply because they need a catheter or help getting out of the house in the morning or assistance with medication, or some other basic service.

So, where do we begin? To start, States need time and money to reform their long term care systems. Last year, Senator SPECTER and I worked hard to fund the systems change grants included in Title II of MICA SASS through the Labor-HHS appropriations bill. We included $70 million in grant money to help States reform their long term care programs through systems change initiatives and nursing home transition.

I am very pleased that Secretary Thompson has supported the development and implementation of these grants and included them as part of the President’s New Freedom Initiative for people with disabilities. As I understand it, all but two of the eligible States and territories have submitted application to HCFA. This is a great start. And it shows the need for a Federal role in more time to the enthusiastic response to the systems change grants shows just how much States need help to reform their long term care systems to implement the principles of independence, community living, and economic opportunity. The Supreme Court found that, to the extent Medicaid dollars are used to pay for a person’s long term care, that person has a right to receive those services in the most integrated setting appropriate. We in Congress have a responsibility to help States meet this critical test of Olmstead. It’s up to the Federal Government to provide national leadership and adequate resources.

The rest of the bill looks a lot like last year. Community-based services and supports help people do tasks that they would do themselves if they did not have a disability. Our bill would allow any person eligible for nursing home services to use the money for community attendant services and supports. Those services and supports include help with things like eating, bathing, grooming, toileting, and transferring in and out of a wheelchair.

Community-based services and supports are the lowest-cost and most consumer friendly services in the long-term care spectrum. They can be provided in and across States and only reach a fraction of eligible individuals. The States are already out ahead of us in this area. That’s why we included $70 million in grant funds under the Medicaid program on home and community-based services and supports.

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Of course, numbers only tell a part of the story. This bill is about real people in real communities. Take the example of a friend of mine in Iowa. Dan Piper works at a hardware store. He has his own apartment and just bought a VCR. He also has Type 2 diabetes. For years Dan has received services through a community waiver program. But, last year, his community-based supports were threatened because he wasn’t sure he’d be able to find a provider who could provide an optional home waiver service. The result? He almost had to sacrifice his independence just to get services. Today, Dan works and contributes to the economy as both a wage earner and a consumer. But, tomorrow, he could be forced into a nursing home, far from his roommate, his job and his family. That’s why our Federal policy must foster comprehensive and consistent access to community-based services and supports in the most integrated setting appropriate.

Federal policy should reflect the consensus that Americans with disabilities should have the equal opportunity to contribute to our communities and participate in our society as full citizens. That means people with disabilities can receive types of services in the community so that they don’t have to sacrifice their full participation in society simply because they need a catheter or help getting out of the house in the morning or assistance with medication, or some other basic service.

So, where do we begin? To start, States need time and money to reform their long term care systems. Last year, Senator SPECTER and I worked hard to fund the systems change grants included in Title II of MICA SASS through the Labor-HHS appropriations bill. We included $70 million in grant money to help States reform their long term care programs through systems change initiatives and nursing home transition.

I am very pleased that Secretary Thompson has supported the development and implementation of these grants and included them as part of the President’s New Freedom Initiative for people with disabilities. As I understand it, all but two of the eligible States and territories have submitted application to HCFA. This is a great start. And it shows the need for a Federal role in more time to the enthusiastic response to the systems change grants shows just how much States need help to reform their long term care systems to implement the principles of independence, community living, and economic opportunity. The Supreme Court found that, to the extent Medicaid dollars are used to pay for a person’s long term care, that person has a right to receive those services in the most integrated setting appropriate. We in Congress have a responsibility to help States meet this critical test of Olmstead. It’s up to the Federal Government to provide national leadership and adequate resources.
Community-based attendant services and supports allow people with disabilities to lead independent lives, have jobs, and participate in the community. Some will become taxpayers, some will do volunteer work, some will get an education, some will participate in recreational or other community activities. All will experience a better quality of life, and a better chance to take part in the American dream.

I urge my colleagues and their staff to study our proposal over the break. I hope we will have hearings and action on this bill in the next year.

This bill will open the door to full participation by people with disabilities in our workplaces, our economy, and our American Dream, and I urge all my colleagues to support us on this issue. I thank the cosponsors of this bill. Senator KENNEDY and Senator SPECTER have been leaders on disability issues for a long time. And I also thank Senator CLINTON and Senator SPECTER for joining me on this very important issue.

By Mr. DOMENICI (for himself, Mrs. CLINTON, Mr. REID, Mrs. BOXER, Mrs. MIKULSKI, Mr. BINGAMAN, and Mrs. HUTCHISON):

S. 1299. A bill to amend the Safe Drinking Water Act to establish a program to provide assistance to small communities in carrying out projects and activities necessary to achieve or maintain compliance with drinking water standards; to the Committee on Environment and Public Works.

Mr. DOMENICI. Madam President, I stand before you today to introduce a piece of legislation that will help move many States forward toward compliance with the arsenic drinking water standards the EPA Administrator intends to finalize in February. It has been said that the government must not waiver once it has chosen its course. It must not look to the left or to the right, but instead must go forward. This is the situation we find ourselves in today, our government has chosen a course and now we have no choice but to move forward.

My bill, the Community Drinking Water Assistance Act, authorizes $1.9 billion dollars to be made directly available to local communities and Tribes through the EPA. It would award grants to communities and Tribes needing assistance for projects, activities, technical assistance, or for training and certifying system operators. The criteria for awarding grants would be directly based on financial need and per capita costs of complying with the drinking water standards.

A new arsenic standard was promulgated in the waning hours of the Clinton Administration. While I do not fault the Bush administration for what they did, I must admit that I was disappointed when Administrator Whitman set a maximum standard without further scientific basis. It seemed illogical for Ms. Whitman to announce that the National Academy of Sciences would further review the health effects associated with arsenic, while simultaneously placing herself in a box that would set the maximum standard at a price tag of $127 million. What this course will mean for New Mexicans. First and foremost, Arsenic is naturally occurring in New Mexico. In fact, New Mexico has some of the highest levels of arsenic in the Nation, yet has a lower than average incidence of the diseases associated with arsenic. Nonetheless, for all systems in New Mexico to be in compliance with a standard of 20 parts per billion, we are looking at a minimum price tag of $127 million. This means to small community water users is more staggering. The average cost to water users, in small systems serving less than 1,000 people, is $57.46, and this is for a standard of 20 parts per billion! The numbers are even more staggering for a 10 part per billion standard.

The New Mexico Environment Department estimates that if the standard is set at 10 parts per billion, approximately 25 percent of New Mexico’s water systems will be affected. The price tag of compliance could fall between $400 million and $500 million in initial capital expenditures. Annual operating costs will easily fall anywhere between $16 and $21 million. Additionally, large water system users will see an average monthly water bill increase of $38 and $42 and small system users will see an average water bill increase of $91.

The costs of complying with either of these standards could well put small rural systems out of business, which is the exact opposite of what we should be trying to accomplish, providing a safe and reliable supply of drinking water to rural America. Many New Mexicans cannot afford a minimum $57.46 rate increase in their monthly water bill.

We live in a society that is dedicated to the removal of risk. Generally, when we get unintended consequences associated with risk averse decisions, the government stands ready with band-aids for any size. We should not have a sound scientific basis suggesting what the actual arsenic standard should be. Therefore, to be “on the safe side” and remove risk, the government has chosen to set an arbitrary standard that will increase costs to water users, particularly in the West, by extreme proportions. Therefore, I do not assume that it is unfair to also ask that the government put itself in a position to offer financial assistance to these communities so that they can make the necessary changes in their water systems to comply with this law. This is the only way to move forward on the course that has been set.

Mrs. CLINTON. Will the Senator yield? I would be honored to be an original cosponsor of that legislation.

Mr. DOMENICI. I ask unanimous consent Senator CLINTON and Senator REID be added as cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. And Senator BOXER. The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. See all this great bipartisanship.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD. There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1299

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SEC. 1. SHORT TITLE. This Act may be cited as the “Community Drinking Water Assistance Act”.

SEC. 2. FINDINGS.

Congress finds that—

(1) drinking water standards proposed and in effect as of the date of enactment of this Act will place a large financial burden on many public water systems, especially those public water systems in rural communities serving small populations;

(2) the limited scientific, technical, and professional resources available in small communities complicate the implementation of regulatory requirements;

(3) small communities often cannot afford to meet water quality standards because of the expenses associated with providing public water systems and training personnel to operate and maintain the public water systems;

(4) small communities do not have a tax base for dealing with the costs of upgrading their public water systems;

(5) small communities face high per capita costs in improving drinking water quality;

(6) small communities would greatly benefit from a grant program designed to provide funding for water quality projects;

(7) effective implementation of this Act, there is no Federal program in effect that adequately meets the needs of small, primarily rural communities with respect to public water systems;

(8) since new, more protective arsenic drinking water standards proposed by the Clinton and Bush administrations, respectively, are expected to be implemented in 2006, the grant program established by the amendment made by this Act should be implemented in a manner that ensures that the implementation of those new standards is not delayed.

SEC. 3. ASSISTANCE FOR SMALL PUBLIC WATER SYSTEMS.

(a) DEFINITION OF INDIAN TRIBE.—Section 1401(14) of the Safe Drinking Water Act (42 U.S.C. 300f(14)) is amended in the second sentence of section 1401(14) of the Safe Drinking Water Act (42 U.S.C. 300f(14)) is amended by striking “1402,” and inserting “1402 and part G.”

(b) ESTABLISHMENT OF PROGRAM.—The Safe Drinking Water Act (42 U.S.C. 300f et seq.) is amended by adding at the end the following:

“PART G.—ASSISTANCE FOR SMALL PUBLIC WATER SYSTEMS

“SEC. 1471. DEFINITIONS. In this part:

“(1) ELIGIBLE ACTIVITY.—In general.—The term ‘eligible activity’ means a project or activity concerning a small public water system that is carried out...
by an eligible entity to comply with drinking water standards.

(b) Inclusions.—The term ‘eligible activity’ includes—

(1) training and certifying operators of small public water systems.

(c) Exclusion.—The term ‘eligible activity’ does not include any project or activity to increase the population served by a small public water system, except to the extent that the Administrator determines such a project or activity to be necessary to—

(i) achieve compliance with a national primary drinking water regulation; and

(ii) provide a water supply to a population that, as of the date of enactment of this part, is not served by a safe public water system.

(2) Eligible entity.—The term ‘eligible entity’ means a small public water system that—

(A) is located in a State or an area governed by an Indian Tribe; and

(B)(i) if located in a State, serves a community that, under affordability criteria established by the Administrator under section 1452(d)(3), is determined by the State to be—

(I) a disadvantaged community; or

(II) a community that may become a disadvantaged community as a result of carrying out an eligible activity; or

(ii) if located in an area governed by an Indian Tribe, serves a community that is determined by the Administrator, under affordability criteria published by the Administrator under section 1452(d)(3) and in consultation with the Secretary, to be—

(I) a disadvantaged community; or

(II) a community that the Administrator expects to become a disadvantaged community as a result of carrying out an eligible activity.

(3) Program.—The term ‘Program’ means the small public water assistance program established under section 1472a.

(4) Secretary.—The term ‘Secretary’ means the Secretary of Health and Human Services, acting through the Director of the Indian Health Service.

(5) Small public water system.—The term ‘small public water system’ means a public water system (including a community water system and a noncommunity water system) that serves—

(A) a community having a population of not more than 200,000; or

(B) the city of Albuquerque, New Mexico.

SEC. 1472. SMALL PUBLIC WATER SYSTEM ASSISTANCE PROGRAM.

(a) Establishment.—

(1) In general.—Not later than 1 year after the date of enactment of this part, the Administrator shall establish a program to provide grants to eligible entities for use in carrying out projects and activities to comply with drinking water standards.

(2) Priority.—The Administrator shall award grants under the Program to eligible entities based on—

(A) the financial need of the community for the grant assistance, as determined by the Administrator; and

(B) second, with respect to the community in which the eligible entity is located, the per capita cost of complying with drinking water standards, as determined by the Administrator.

(b) Application Process.—

(1) In general.—An eligible entity that seeks to receive a grant under the Program shall submit to the Administrator, on such form as the Administrator shall prescribe (not to exceed 3 pages in length), an application to receive the grant.

(2) Components.—The application shall include—

(A) a description of the eligible activities for which the grant is needed;

(B) a description of the efforts made by the eligible entity, as of the date of submission of the application, to comply with drinking water standards; and

(C) any other information required to be included by the Administrator.

(c) Review and Approval of Applications.—

(1) In general.—On receipt of an application under paragraph (1), the Administrator shall forward the application to the Council and the Congress that—

(A) the Program has been implemented in the state; and

(B) the State has made substantial progress, as determined by the Administrator in consultation with the Governor of the State, in complying with drinking water standards under this Act.

(d) Role of Council.—The Council shall—

(1) review applications for grants to eligible entities received by the Administrator under subsection (b); and

(2) for each reviewed application, recommend to the Administrator whether the application should be approved or disapproved.

SEC. 1473. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this part $1,900,000,000 for the period of fiscal years 2001 through 2006.

By Mr. BOND:


Mr. BOND. Madam President, I rise today to introduce a bill I call the ‘‘Better Medicine for Children Act.’’

This legislation deals with a problem that pediatricians have been confronted with for years, while doctors have a huge variety and choice of medicines to prescribe for different medical conditions, they don’t always have enough specific information on how well these drugs work in children.

The Food and Drug Administration does not require a drug maker to conduct pediatric testing on any drug. At that time, we did not have much specific information on how this drug affected children, but some doctors prescribed the drug for children anyway because they honestly thought it was the best option.

For this little boy it was not, because of an adverse reaction to the drug, that baby developed acidosis and had a heart rhythm disturbance, causing a truly life-threatening incident. Fortunately, this little boy did recover. But this was by no means a sure thing.

In 1997, Congress decided to deal with this problem. We passed a law that gave pharmaceutical companies a strong incentive to do more pediatric testing so we can get this crucial information. If the company agreed to perform needed pediatric studies on a drug, and did the study exactly as requested by the Food and Drug Administration, the company would get a six-month extension on the drug’s patent.

The results have been amazing. Hundreds of pediatric drug studies are under way and are producing huge amounts of new drug information for kids.

One example of new information is the drug propofol, the very drug I mentioned earlier that caused a serious
problem for the 18-month-old boy in the ICU. What they found in extensive pediatric studies done on propofol as a result of the new incentive is that the drug is more dangerous than other alternatives that could be used to sedate pediatric ICU patients.

So because of this testing, propofol would not be used in the same situation today. And that little boy wouldn’t have had a life-threatening incident.

So what’s the incentive, and all of this new pediatric testing is being done, what’s the problem?

Well, there are actually at least three problems. My legislation will deal with each of them.

First, the incentives expire at the end of this year. My “Better Medicine for Children Act” will extend this important and successful program for five more years.

Second, because the incentive used to encourage new pediatric testing is an extended patent life, there’s actually no incentive to do pediatric studies in drugs whose patent or patents have already expired. My legislation will authorize $200 million in funding so that tests can be performed on these off-patent drugs whose patent or patents have already extended patent life, there’s actually no more years.

There may be scientific reasons why the FDA may not always be able to ask for neonate studies. For example, as part of a drug test you may need to take regular blood samples from a test subject.

But a neonate only has so much blood, and at some point, too many blood tests could actually create a health problem. However, at some time in the future, the technology may well be developed enough to enable us to do this testing with smaller amounts of blood.

At other times, the FDA may not request studies that include the youngest children because of ethical concerns. If we are lacking information that gives us some clue how a neonate might react to a particular drug, perhaps drug information in a nearby age group, for example, it may actually be dangerous to test a drug in young children. In a report released January that evaluated the entire pediatric incentive provision, the FDA uses the example of a neurotropic drug to say that we may not want to test in the youngest children without more information. But once this other information is developed, these studies may be possible.

The end result of all this is that we simply do not perform drug tests in the youngest kids as much. And because of that, we simply don’t get as much useful information for younger children that can be put on a drug’s label.

The drug I discussed earlier today, propofol, is a great example. I spoke about a 18-month-old little boy who, several years ago, had a serious problem when given the drug propofol. Today, a similar 18-month-old boy would not be given propofol under the same circumstances because of what we have learned from the pediatric studies performed in the interim. But propofol is an example of a drug that has now been tested in some children, about which we have learned some very important things, but has not yet been fully tested in the youngest children. Propofol has not been used in younger children, even in neonates, but it has only been labeled far enough to include 2-month-olds.

Now, will these companies go back and actually do the studies in the younger kids? Almost certainly not.

Under current law, you only get one incentive period, one bite at the apple. That’s it. If the last few decades have taught us anything, it is that pediatric studies in the youngest children—unless there is an economic incentive. Yet with the pediatric incentive already used for these drugs, the younger kids are out of luck.

What makes it worse for these younger kids is that there is almost no commercial incentive to study drugs in these age-groups. The raw size of this young population is so small, obviously even smaller than the population of children as a whole, that there is hardly ever sufficient market incentive for a drug company to perform the studies needed to help the youngest children.

Again, the FDA reports says it well: “Once pediatric exclusivity is granted for studies in older pediatric age groups, section 505A provides an adequate incentive to conduct later studies in the younger age groups . . .” This has left some age groups, especially neonates, unstudied, even where the need for the drug in those age groups is great.”

Children this young are almost certainly facing less-than-optimal health care outcomes—and perhaps even health risks—because they are still being prescribed propofol and similar drugs that haven’t been tested in their age group. Of course, we may never know for sure what’s happening with some of these drugs. Because, unless we find a way to produce a study in this age group, we will never know for sure how this drug works for the youngest children.

My legislation contains a provision that—in limited circumstances—would provide drug companies with a second patent extension to serve as an incentive to study drugs in the youngest age group. Of course, I believe this could serve as the incentive to make sure these younger children share fully in the positive results of this legislation.

However, understanding the various concerns about possible abuse of a second incentive, increased prices, and high profits, my second incentive is carefully limited.

First, the patent extension that serves as the incentive to perform studies on neonates and younger children is three months rather than six. While neonates and infants are extremely important age groups, it is an inescapable fact that there simply aren’t as many of these young children running around as there are kids in general, and this legitimate concerns about marginally raising drug prices by keeping generic drugs off the market longer. I believe that limiting the neonatal incentive to three months is reasonable.

Second, unlike the existing pediatric incentives, my proposed second incentive period would not be available to drugs going through the FDA approval...
process. If a drug company is doing pedi-
atrie studies prior to a drug’s ap-
proval, it should be able to plan a se-
quential set of studies as part of the first set of pediatric tests.

Finally, the possibility of a second incen-
tive period is restricted to drugs
that fit one of two categories. First, drugs which cannot initially be studied in neonates or other young children be-
cause it is necessary to pursue sequen-
tial studies for scientific, medical, or
ethical reasons. Second, drugs for
which new uses have been discovered and for which drug studies in young children were not originally expected to be useful could qualify for a second incentive period.

Given these limits, my expectation is
that the majority of drugs would not
qualify for a second patent extension if
my legislation were to pass. A signifi-
cant enough amount to make a dif-
ference in young children’s lives, yes.

Enough to produce a tidal wave of addi-
tional pediatric information, no.

The FDA, from their January report,
actually recommended that Congress
consider the general idea I am talking about: “When there is a need to pro-
ceed in a sequential manner for the de-
velopment of pediatric information,
FDA should have the option of issuing a second Written Request for the con-
duct of studies in the relevant younger
age group(s). For this option to be
meaningful, the second Written Re-
quest should occur before submitting the studies to an Initial Written Request and pediatric exclusivity awarded, would be linked with a meaningful incentive to spon-
sors.

Before 1997, we had a serious lack of
information for children generally, so
we provided an incentive to study drugs in children. We now have a lack of
information for the youngest chil-
dren, why not approve a second patent extension period to provide a new incen-
tive for this age group? To me, this
simply makes sense.

Separately, my bill also contains
some provisions to improve the govern-
ment, institutional, and human infra-
structure needed to support pediatrie drug testing. This includes a Dodd-
DeWine provision to create a new Of-
lice of Pediatric Therapeutics within
the Food and Drug Administration to
monitor and facilitate the new pedi-
atrie drug testing. Furthermore, my bill
will direct the National Institutes of
Health to establish a program that
encourages young pediatric researchers to ensure
there is an adequate supply of pediatric pharmacology experts to support the revo-
lution in pediatric drug research.

Finally, this bill modifies some spe-
cific language in the Dodd-DeWine legis-
lation to ensure that the $200 million fund designed to study drugs that have lost all patent life, and thus are not helped by the patent extension in-
centives—truly focuses on the highest-pri-
ority needs.

Even with limited information, we have
good medicine for children right
now. But with more studies and infor-
mation, we can, and must, produce bet-
ter medicine for children.

STATEMENTS ON SUBMITTED RESOLUTIONS

SENATE RESOLUTION 145—RECOGNIZING THE 4,500,000 IMMIGRANTS HELPED BY THE HEBREW IMMIGRANT AID SOCIETY

Mr. KENNEDY (for himself and Mr. BROWNBACK) submitted the following resolution; which was referred to the Committee on the Judiciary:

WHEREAS the United States has always been a country of immigrants and was built on the hard work and dedication of generations of those immigrants who have gathered on our shores;

WHEREAS, over the past 120 years, more than 4,500,000 immigrants of all faiths have im-
migrated to the United States, Israel, and other safe havens around the world through the aid of the Hebrew Immigrant Aid Society (referred to in this resolution as ‘HIAS’), the oldest international migration and refugee resettlement agency in the United States;

WHEREAS, since the 1970s, more than 400,000 refugees from countries who have fled areas of conflict and instability, danger and persecution, have resettled in the United States with the high quality assistance of HIAS;

WHEREAS outstanding individuals such as former Secretary of State Henry Kissinger, artist Marc Chagall, Olympic gold-medalist Lenny bytes, and many more;

Resolved, That the Senate—

(1) recognizes the contributions of the 4,500,000 immigrants and refugees served by HIAS to the United States and its democracies, and throughout the world in the arts, sciences, government, and in other areas; and

(2) requests that the President issue a proclamation—

(A) recognizing September 9, 2001, as the 120th anniversary of the founding of HIAS; and

(B) calling on the people of the United States to conduct appropriate ceremonies, activities, and programs to demonstrate apprecia-
tion for the contributions made by the millions of immigrants and refugees served by HIAS.

SENATE RESOLUTION 146—DESIGNATING AUGUST 4, 2001, AS "LOUIS ARMSTRONG DAY"

Mr. HATCH (for himself, Mr. SCHU-
MER, Mr. LIEBERMAN, and Mr. BREAUX) submitted the following resolution; which was referred to the Committee on the Judiciary:

WHEREAS, on this day in 1900, the jazzman’s death in New York City in 1971, a researcher discovered Louis Armstrong’s baptismal certificate, the standard notice of birth in New Orleans, that showed that Louis Armstrong actually was born on August 4, 1901; Therefore be it.

Resolved, That the Senate—

(1) recognizes Louis Armstrong, a

merit to his legacy.

(2) requests the President issue a

proclamation—

(A) recognizing September 9, 2001, as the 120th anniversary of the founding of the

B) calling on the people of the United

States to conduct appropriate ceremonies, activities, and programs to demonstrate apprecia-
tion for the contributions made by the millions of immigrants and refugees served by HIAS.

Louis Armstrong always said he was
born on the Fourth of July, 1900. Friends and fans alike accepted this
without question. It was, after all, a
popular birthday for a musical legend; it was a perfect day for a man who created a music that was, in
my opinion, thoroughly American.

But then, years after that great jazzman’s death in New Orleans in 1971, a researcher discovered Louis Armstrong’s baptismal certificate, the standard notice of birth in New Orleans, that showed that Louis Armstrong actually was born on August 4, 1901. That means, that this Saturday is the centennial of the birth of one of America’s greatest artistic icons.

Across the country this week and this
summer there have been Louis Armstrong celebrations. Generations of Americans, of its defractions, discrimi-
nations and poverty that so many Afri-

Americans suffered. It is always in-
exusable that such circumstances could exist and do still exist in Ameri-
can society. It is nothing short of in-
credible when one sur-
vives these circumstances and transcends them. That was the life of Louis Armstrong.

It was an American life. I would like to
quote the social and music critic Stanely Crouch, who wrote earlier this
month in the New York Daily News:

As an improviser who worked in the collec-
tive context of the jazz band, Armstrong re-

resented the freedom of the individual to make decisions that improve our circumstances. It was, after all, a

perfect birthday for an American music

standard notice of birth in New Orle-

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strong.

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summer there have been Louis Armstrong celebrations. Generations of Americans, of ethnicities, color, sex, region, religion and class. In-
Louis Armstrong’s music uplifted people. Is it no coincidence that his music was adored on the other side of the Iron Curtain? That millions around the world, on all continents, would flock to hear him on his tours? No, that is no coincidence. That is the power of music in general, and the genius of Louis Armstrong in particular.

Louis Armstrong’s music remains loved today by millions around the world, and I think virtually every jazz performer has credited Louis Armstrong with being the source of their inspiration. One of America’s greatest contemporary jazz trumpeters, Mr. Wynton Marsalis, was quoted in last Sunday’s Deseret News saying that Louis Armstrong “is the one who taught all of us how to play. He taught the whole world about jazz.”

My resolution today, which I am pleased to have co-sponsored by Senators Schumer, Breaux and Lieberman, recognizes the brilliance of this great American’s artistic contribution. I think all senators are in agreement that this September 4 marks the centennial of his birth. I hope we all have a moment to pause in joy and gratitude for the uplifting experience of Louis Armstrong’s music. I know that, for me, when I think of the life and work of Louis Armstrong, I say to myself: What a Wonderful World.

S. Res. 146

Whereas Louis Armstrong’s artistic contribution as an instrumentalist, vocalist, arranger, and bandleader is one of the most significant contributions in 20th century American music;

Whereas Louis Armstrong’s thousands of performances and hundreds of recordings created an American body of musical work defining American music in the 20th century, from which musicians continue to draw inspiration;

Whereas Louis Armstrong and his bandmates served as international ambassadors of goodwill for the United States, entertaining and uplifting millions of people of all races around the world; and

Whereas Louis Armstrong is one of the most well-known, respected, and beloved African-Americans of the 20th century;

Whereas Louis Armstrong was born to a poor family in New Orleans on August 4, 1901 and died in New York City on July 6, 1971 having been feted by kings and presidents throughout the world as one of our Nation’s greatest musicians; and

Whereas August 4, 2001 is the centennial of Louis Armstrong’s birth: Now, therefore, be it

Resolved, That the Senate—

(1) designates August 4, 2001, as “Louis Armstrong Day”; and

(2) requests that the President issue a proclamation calling upon the people of the United States to observe the day with appropriate ceremonies and activities.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1213. Mrs. MURRAY (for herself and Mr. SHELBY) proposed an amendment to the bill H.R. 2620, making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, authorities, and offices, for the fiscal year ending September 30, 2002, and for other purposes.

SA 1215. Mr. REID (for himself and Mr. ENZI) submitted an amendment intended to be proposed by him to the bill H.R. 2620, supra; which was ordered to lie on the table.

SA 1216. Mr. REID submitted an amendment intended to be proposed by him to the bill H.R. 2620, supra; which was ordered to lie on the table.

SA 1217. Ms. MIKULSKI (for herself and Mr. BOND) proposed an amendment to the bill H.R. 2620, making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundy independent agencies, boards, commissions, authorities, and offices, for the fiscal year ending September 30, 2002, and for other purposes.

TEXT OF AMENDMENTS

SA 1213. Mrs. MURRAY (for herself and Mr. SHELBY) proposed an amendment to the bill H.R. 2620, making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundy independent agencies, boards, commissions, authorities, and offices, for the fiscal year ending September 30, 2002, and for other purposes.

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SA 1217. Ms. MIKULSKI (for herself and Mr. BOND) proposed an amendment to the
Transportation shall conduct a study and submit to Congress a report on the costs and benefits of constructing a third bridge across the Mississippi River in the Memphis, Tennessee, area.

On page 55, line 2, insert after “access,” the following: “preserving and utilizing existing Chicago-area reliever and general aviation airports.”

At the end of title III, add the following: Sec. 350. (a) Congress makes the following findings:

(1) Section 345 of the National Highway System Designation Act of 1995 authorizes limited relief to drivers of certain types of commercial motor vehicles from certain restrictions on maximum driving time and on-duty time.

(2) Subsection (c) of that section requires the Secretary of Transportation to determine by rulemaking proceedings that the exemptions granted are not in the public interest and adversely affect the safety of commercial motor vehicles.

(3) Subsection (d) of that section requires the Secretary of Transportation to monitor the safety performance of drivers of commercial motor vehicles who are subject to an exemption under section 345 and report to Congress prior to the rulemaking proceedings.

(b) It is the sense of Congress that the Secretary of Transportation should not take any action that would diminish or revoke any exemption in effect on the date of enactment of this Act for drivers of vehicles under subparagraph (A) of subsection (c) of section 345 of the National Highway System Designation Act of 1995 (Public Law 104–97; 108 Stat. 4113–4114).

(4) by inserting after subparagraph (D), as redesignated by paragraph (1), the following new subparagraph (E):

“(E) DEFINITIONS.—In this paragraph—

(i) The term ‘initial deployment area’ means a metropolitan area referred to in the first sentence of subparagraph (A).

(ii) The term ‘follow-on deployment area’ means a metropolitan area referred to in the second sentence of subparagraph (A).

(iii) The term ‘follow-on deployment areas’ means the metropolitan areas of Baltimore, Birmingham, Boston, Chicago, Cleveland, Dallas–Fort Worth, Detroit, Houston, Indianapolis, Las Vegas, Los Angeles, Miami, New York/Northern New Jersey, Northern Kentucky/Cincinnati, Oklahoma City, Philadelphia, Phoenix, Portland, Seattle, St. Louis, Nashville, and Washington, District of Columbia.

At the appropriate place, insert the following:

Sec. . Section 41703 of Title 49, United States Code, is amended by adding at the end the following: “$375,000 shall be available for the National Scenic Byways program. $500,000 shall be for the Kalispell, MT, Bypass Project, and the remainder”.

SA 1214. Ms. MIKULSKI (for herself and Mr. BOND) proposed an amendment to the bill H.R. 2620, making appropriations for the Department of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2002, and for other purposes, namely:

TITLe I—DEPARTMENT OF VETERANS AFFAIRS

VETERANS BENEFITS ADMINISTRATION

COMPENSATION AND PENSIONS (INCLUDING TRANSFERS OF FUNDS)

For the payment of compensation benefits to or on behalf of veterans and a pilot program for disability examinations as authorized by law (38 U.S.C. 107, chapters 11, 13, 15, 31, 35, and 36); and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2002, and for other purposes, namely:

TITLe I—DEPARTMENT OF VETERANS AFFAIRS

VETERANS BENEFITS ADMINISTRATION

COMPENSATION AND PENSIONS (INCLUDING TRANSFERS OF FUNDS)

For the payment of compensation benefits to or on behalf of veterans and a pilot program for disability examinations as authorized by law (38 U.S.C. 107, chapters 11, 13, 15, 31, 35, and 36); and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2002, and for other purposes, namely:

TITLe I—DEPARTMENT OF VETERANS AFFAIRS

VETERANS BENEFITS ADMINISTRATION

COMPENSATION AND PENSIONS (INCLUDING TRANSFERS OF FUNDS)

For the payment of compensation benefits to or on behalf of veterans and a pilot program for disability examinations as authorized by law (38 U.S.C. 107, chapters 11, 13, 15, 31, 35, and 36); and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2002, and for other purposes, namely:
NATIVE AMERICAN VETERAN HOUSING LOAN PROGRAM ACCOUNT
(INCLUDING TRANSFER OF FUNDS)
For administrative expenses to carry out the direct loan program authorized by 38 U.S.C. chapter 37, subchapter V, as amended, $509,000,000 shall be transferred to and merged with the appropriation for "General operating expenses".

GUARANTEED TRANSITIONAL HOUSING LOANS PROGRAM ACCOUNT
(INCLUDING TRANSFER OF FUNDS)
Not to exceed $750,000 of the amounts appropriated by this Act for "General operating expenses" and "Medical care" may be expended for the administrative expenses necessary to carry out the programs authorized by 38 U.S.C. chapter 37, subchapter VI.

VETERANS HEALTH ADMINISTRATION MEDICAL CARE
(INCLUDING TRANSFER OF FUNDS)
For necessary expenses for the maintenance and operation of hospitals, nursing homes, and domiciliary facilities; for furnishing, as authorized by law, inpatient and outpatient care and treatment to beneficiaries of Veterans Affairs, including care and treatment in facilities not under the jurisdiction of the department; and furnishing recreational facilities, supplies, and equipment; funeral, burial, and other expenses incidental thereto for beneficiaries receiving care in the department; administrative expenses in support of planning, design, project management, real property acquisition and disposition, construction and renovation of any facility under the jurisdiction of the department; oversight, engineering and architectural activities not charged to project cost; repairing, altering, improving or providing facilities in the several hospitals and homes under the jurisdiction of the department, not otherwise provided for, either by contract or by the hire of temporary employees and purchase of materials; uniforms or allowances therefor, as authorized by 5 U.S.C. 5901-5902; aid to State homes as authorized by 38 U.S.C. 174; administrative and legal expenses of the department for collecting and recovering debts owed by the department as authorized under 38 U.S.C. chapter 17, and the Federal Medical Care Recovery Act, 42 U.S.C. 2651 et seq., as amended; Provided, That of the funds made available under this heading, $121,169,000 shall be available until September 30, 2002.

EDUCATION LOAN FUND PROGRAM ACCOUNT
(INCLUDING TRANSFER OF FUNDS)
For the cost of direct and guaranteed loans, such sums as may be necessary to carry out the program, as authorized by 38 U.S.C. chapter 37, as amended: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That during fiscal year 2002, within the resources available, not to exceed $300,000,000 in gross obligations for direct loans are authorized for specially adapted housing loans.

In addition, for administrative expenses to carry out the direct and guaranteed loan programs, $164,497,000, which may be transferred to and merged with the appropriation for "General operating expenses".

VOCATIONAL REHABILITATION LOANS PROGRAM ACCOUNT
(INCLUDING TRANSFER OF FUNDS)
For the cost of direct loans, $1,000, as authorized by 38 U.S.C. 321, as amended: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That these funds are available to subside gross obligations for the principal amount of direct loans not to exceed $3,400.

In addition, for administrative expenses necessary to carry out the direct loan program, $64,000, which may be transferred to and merged with the appropriation for "General operating expenses".

GUARANTEED TRANSITIONAL HOUSING LOANS PROGRAM ACCOUNT
(INCLUDING TRANSFER OF FUNDS)
Not to exceed $750,000 of the amounts appropriated by this Act for "General operating expenses" and "Medical care" may be expended for the administrative expenses necessary to carry out the programs authorized by 38 U.S.C. chapter 37, subchapter VI.

VETERANS HEALTH ADMINISTRATION MEDICAL CARE
(INCLUDING TRANSFER OF FUNDS)
For necessary expenses for the maintenance and operation of hospitals, nursing homes, and domiciliary facilities; for furnishing, as authorized by law, inpatient and outpatient care and treatment to beneficiaries of Veterans Affairs, including care and treatment in facilities not under the jurisdiction of the department; and furnishing recreational facilities, supplies, and equipment; funeral, burial, and other expenses incidental thereto for beneficiaries receiving care in the department; administrative expenses in support of planning, design, project management, real property acquisition and disposition, construction and renovation of any facility under the jurisdiction of the department; oversight, engineering and architectural activities not charged to project cost; repairing, altering, improving or providing facilities in the several hospitals and homes under the jurisdiction of the department, not otherwise provided for, either by contract or by the hire of temporary employees and purchase of materials; uniforms or allowances therefor, as authorized by 5 U.S.C. 5901-5902; aid to State homes as authorized by 38 U.S.C. 174; administrative and legal expenses of the department for collecting and recovering debts owed by the department as authorized under 38 U.S.C. chapter 17, and the Federal Medical Care Recovery Act, 42 U.S.C. 2651 et seq., as amended; Provided, That of the funds made available under this heading, $121,169,000 shall be available until September 30, 2002.

For necessary expenses in the administration of the medical, hospital, nursing home, domiciliary, construction, supply, and research activities, as authorized by law; administrative expenses, $43,441,000, to be charged to this account: Provided, That technical and consultation services offered by the Facilities Management Field Service, including project management and real property administration (including leases, site acquisition and disposal activities directly supporting projects), shall be provided to Department of Veterans Affairs components only on a reimbursable basis, and such amounts will remain available until September 30, 2002.

DEPARTMENTAL ADMINISTRATION GENERAL OPERATING EXPENSES
For necessary operating expenses of the Department of Veterans Affairs, not otherwise provided for, including uniforms or allowances therefor, notwithstanding 31 U.S.C. 1010(a), (2), (5) and (11) that the Secretary determines are necessary to enable entitled veterans (1) to the maximum extent feasible, to become employable and to obtain and maintain suitable employment; or (2) to achieve maximum independence in the performance of activities of daily living and of the duties of daily living, $15,665,000, to be charged to this account: Provided, That of the funds made available under this heading, not to exceed $60,000,000 shall be available until September 30, 2002.

NATIONAL CEMETARY ADMINISTRATION
For necessary expenses of the National Cemetery Administration for operations and maintenance, not otherwise provided for, including uniforms or allowances therefor; cemetery expenses as authorized by law; expenditures for the operation, purchase of one passenger motor vehicle for use in cemeterial operations; and hire of passenger motor vehicles, $121,169,000.
OFFICE OF INSPECTOR GENERAL


CONSTRUCTION, MAJOR PROJECTS

For constructing, altering, extending, and improving any of the facilities under the jurisdiction or for the use of the Department of Veterans Affairs, or for any of the purposes set forth in sections 316, 2404, 2406, 8102, 8103, 8106, 8108, 8109, 8110, and 8122 of title 38, United States Code, including planning, architectural and engineering services, maintenance of centers, and site acquisition, where the estimated cost of a project is $4,000,000 or more or where funds for a project were made available in a previous major project appropriation, $155,180,000, to remain available until expended, of which $60,000,000 shall be for Capital Asset Realignment for Enhanced Services (CARES) activities; and (2) by the end of fiscal year 2002; and (3) by the end of fiscal year 2002 for the unused amounts appropriated for Enhanced Services (CARES) activities: Provided, That from amounts appropriated under this heading, additional amounts may be used for CARES activities: Provided further, That funds in this account shall be available for: (1) repairs to any of the nonmedical facilities under the jurisdiction or for the use of the Department of Veterans Affairs which are necessary because of loss or damage caused by any natural disaster or catastrophe; and (2) temporary measures necessary to prevent or to minimize damage to such facilities.

GRANTS FOR CONSTRUCTION OF STATE EXTENDED CARE FACILITIES

For grants to assist States to acquire or construct State nursing home and domiciliary facilities and to remodel, modify or expand State existing facilities: Provided, That except for advance planning activities (including market-based and other assessments of needs which may lead to capital planning), funds provided through the advance planning fund, design of projects funded through the design fund, and planning and design activities funded through the CARES fund shall be used for all authorized purposes to which the appropriations for "Construction, major projects", "Construction, minor projects", and "Construction, development projects" are available.

GRANTS FOR THE CONSTRUCTION OF STATE VETERANS CEMETERIES

That funds be available to the Secretary of Veterans Affairs for fiscal year 2002 for salaries and expenses which shall be available for all authorized purposes except operations and maintenance costs, which will be funded from "Medical care".

ADMINISTRATIVE PROVISIONS (INCLUDING TRANSFER OF FUNDS)

Sect. 101. Any appropriation for fiscal year 2002 for "Compensation and pensions", "Readjustment benefits", and "Veterans insurance and indemnities" may be transferred to any other of the mentioned appropriations.

Sect. 102. Available to the Department of Veterans Affairs for fiscal year 2002 for salaries and expenses shall be available for services authorized by 5 U.S.C. 3109.

SEC. 103. No appropriations in this Act for the Department of Veterans Affairs (except the appropriations for "Construction, major projects", "Major projects", and the "Parking revolving fund") shall be available for the purchase of any site for or toward the construction of any new hospital or home.

Sect. 104. No appropriations in this Act for the Department of Veterans Affairs shall be available for hospitalization or examination of any person (except beneficiaries entitled under the laws bestowing such benefits to veterans, and persons receiving such treatment under 5 U.S.C. 7901-7901d or 42 U.S.C. sections 1901-1901d) for which the cost is made to the "Medical care" account at such rates as may be fixed by the Secretary of Veterans Affairs.

Sect. 105. Appropriations available to the Department of Veterans Affairs for fiscal year 2002 for "Compensation and pensions", "Readjustment benefits", and "Veterans insurance and indemnities" may be transferred to any other of the mentioned appropriations for the payment of prior year accrued obligations required to be recorded by law against the corresponding prior year accounts within the last fiscal year.

Sect. 106. Appropriations accounts available to the Department of Veterans Affairs for fiscal year 2002 shall be available to pay prior year obligations of corresponding prior year appropriations accounts resulting from title X of the Competitive Equality Banking Act of 1994, 12 U.S.C. 4711. Such obligations are from trust fund accounts they shall be payable from "Compensation and pensions".

Notwithstanding any other provision of law, during fiscal year 2002, the Secretary of Veterans Affairs shall, from the National Service Life Insurance Fund (38 U.S.C. 2408), the Veterans' Special Life Insurance Fund (38 U.S.C. 1923), and the United States Government Life Insurance Fund (38 U.S.C. 1955), reimburse the "General operating expenses" account for the cost of administration of the insurance programs financed through those accounts: Provided, That reimbursement shall be made only from the surplus earnings accumulated in an insurance program in fiscal year 2002, that are available for dividends in that program after claims have been paid and actuarially determined reserves have been set aside: Provided further, That the cost of administration of an insurance program exceeds the amount of surplus earnings accumulated in that program: Provided further, That reimbursement shall be limited to the extent of such surplus earnings: Provided further, That the Secretary shall determine if the cost of administration for fiscal year 2002 for each insurance program exceeds the amount of surplus earnings accumulated in that program: Provided further, That reimbursement shall be made only from the surplus earnings accumulated in an insurance program in fiscal year 2002, that are available for dividends in that program after claims have been paid and actuarially determined reserves have been set aside: Provided further, That reimbursement shall be limited to the extent of such surplus earnings: Provided further, That the Secretary shall determine the cost of administration for fiscal year 2002 for each insurance program and the provision of any total disability income insurance included in such insurance program.

For fiscal year 2002 only, funds available in any Department of Veterans Affairs appropriation or fund for salaries and other administrative expenses shall also be available to reimburse the Office of Resolution Management and the Office of Employment Discrimination Complaint Adjudication for all services provided at rates which were in effect on January 1, 2002. Payment may be made in advance for services to be furnished, based on estimated costs. Amounts received shall be credited to the General Operating Expenses account for use by the office that provided the service. Total resources available to these offices for fiscal year 2002 shall not exceed $28,560,000 for the Office of Resolution Management and $2,383,000 for the Office of Employment Discrimination Complaint Adjudication.

Notwithstanding any other provision of law, the Department of Veterans Affairs shall continue the Franchise Fund pilot program authorized to be established by section 403 of Public Law 105-277, until October 1, 2002: Provided, That the Franchise Fund, established by Title I of Public Law 104-204 to finance the operations of the Franchise Fund pilot program, shall continue until October 1, 2002.

TITLE II—DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

PUBLIC AND INDIAN HOUSING

HOUSING CERTIFICATE FUND (INCLUDING REINCORPORATION AND TRANSFERS OF APPROPRIATIONS OF ANOTHER LAW)

For activities and assistance to prevent the involuntary displacement of low-income families, the elderly and the disabled because of the loss of affordable housing stock, the rehabilitation of subsidy contracts for which amounts are provided under another heading in this Act) or expiration of use restrictions, or other changes in housing assistance arrangements, and for other purposes, $15,658,769,000, and amounts that are recaptured in this account to remain available until expended: Provided, That the total amount appropriated under this heading, $15,506,746,000, of which $11,306,746,000 shall be available on October 1,
2001 and $1,200,000,000 shall be available on October 1, 2002 shall be for assistance under the United States Housing Act of 1937, as amended (‘‘the Act’’ herein) (42 U.S.C. 1437): Provided further, that the amount otherwise authorized under section 8(q), as in effect immediately before the enactment of the Omnibus Budget Reconciliation Act of 1999, for the purpose of modifying such notes and other obligations, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended.

Provided further, that of the amount provided under this heading, $20,000,000 shall be available for the New Approach Anti-Drug program which will provide for the construction of facilities or operating public housing developments, federally assisted multifamily housing developments, or other multifamily housing developments supported by non-Federal governmental entities or similar housing developments supported by nonprofit private sources in order to provide training, capacity building (including technical assistance and contract expertise, to be provided directly or indirectly by grants, contracts or cooperative agreements, including training and technical assistance), or the equivalent in the case of projects by or on behalf of public housing agencies or similar housing developments operated by non-Federal governmental entities or similar housing developments supported by nonprofit private sources in order to provide training, capacity building (including technical assistance and contract expertise, to be provided directly or indirectly by grants, contracts or cooperative agreements, including training and technical assistance), or the equivalent in the case of projects by or on behalf of public housing agencies or similar housing developments.

REVITALIZATION OF SEVERELY DISTRESSED PUBLIC HOUSING (HOPE VI)

For grants to public housing agencies for demolition, site revitalization, replacement or construction of new permanent housing, conception and planning of improvements, or similar activities to projects as authorized by section 24 of the United States Housing Act of 1937, as amended, $573,735,000 to remain available until September 1, 2003, of which the Secretary may use up to $7,500,000 for technical assistance and contract expertise, to be provided directly or indirectly by grants, contracts or cooperative agreements, including training and technical assistance, or the equivalent in the case of projects by or on behalf of public housing agencies and to residents of such developments.

NATIVE AMERICAN HOUSING BLOCK GRANTS (INCLUDING TRANSFERS OF FUNDS)

For the Native American Housing Block Grants program, as authorized under title I of the Native American Housing Assistance and Self-Determination Act of 1996 (NAHASDA) (Public Law 104–330), $648,570,000, to remain available until expended.

PUBLIC HOUSING OPERATING FUND

For payments to public housing agencies for the operation and management of public housing authorities in accordance with section 9 of the United States Housing Act of 1937, as amended (42 U.S.C. 1437c), $3,848,868,000, to remain available until September 30, 2003: Provided, That none of such funds shall be used directly or indirectly by granting competitive advantage in awards to settle litigation or administrative claims, unless expressly permitted herein.

SELF-DETERMINATION ACT OF 1996

That of the amount under this heading, $40,000,000 shall be made available to nonelderly disabled families in accordance with section 658 of the Housing and Community Development Act of 1992 (42 U.S.C. 13977), to the extent an additional amount is available to other nonelderly disabled families: Provided further, that of the amount under this heading or the heading ‘‘Annual contributions for assisted housing’’ for fiscal year 2002 and prior years, such amount shall be made available on a pro-rata basis, no sooner than September 1, 2002, and shall be transferred for use under the ‘‘Reinvestment of note proceeds, and other funds’’ for the operation and maintenance of information technology systems:

For the operation and maintenance of information technology systems: Provided, That the total amount provided under this heading, no less than $13,400,000 shall be transferred to the Working Capital Fund for the development and maintenance of information technology systems:

For the development and maintenance of information technology systems: Provided, That no less than $43,000,000 shall be transferred to the Working Capital Fund for the development and maintenance of information technology systems:

For the development and maintenance of information technology systems: Provided, That of the total amount provided under this heading, no less than $13,400,000 shall be transferred to the Working Capital Fund for the development and maintenance of information technology systems:

For the development and maintenance of information technology systems: Provided, That the Secretary shall have until September 30, 2002, to meet the rescissions in the preceding provisions: Provided further, That any obligated balances of contract authority that have been terminated shall be canceled.

PUBLIC HOUSING CAPITAL FUND (INCLUDING TRANSFER OF FUNDS)

For the Public Housing Capital Fund Program to carry out capital and management activities for public housing agencies, as authorized under section 9 of the United States Housing Act of 1937, as amended (42 U.S.C. 1437), $2,945,400,000, to remain available until March 65, 2003, of which $40,000,000 shall be for carrying out activities under section 9(h) of such Act, up to $500,000 shall be for lease adjustments to section 23 projects and no less than $45,000,000 shall be transferred to the Working Capital Fund for the development and maintenance of information technology systems:

For the development and maintenance of information technology systems: Provided, That no less than $43,000,000 shall be transferred to the Working Capital Fund for the development and maintenance of information technology systems:

For the development and maintenance of information technology systems: Provided, That the total amount provided under this heading, no less than $40,000,000 shall be made available to nonelderly disabled families affected by the designation of a public housing development under section 7 of the Act, the establishment of preferences in accordance with section 651 of the Housing and Community Development Act of 1992 (42 U.S.C. 1381l), or the restriction of occupancy to elderly families in accordance with section 658 of such Act, and to the extent the Secretary determines that such amount is not needed to fund applications for such affected families, to other nonelderly disabled families:

For the operation and management of public housing authorities in accordance with section 9 of the United States Housing Act of 1937, as amended (42 U.S.C. 1437c), $3,848,868,000, to remain available until September 30, 2003: Provided, That no less than $43,000,000 shall be transferred for use under the “Housing for Special Populations” account of the Department of Housing and Urban Development: Provided further, That the Secretary shall have until September 30, 2002, to meet the rescissions in the preceding provisions: Provided further, That any obligated balances of contract authority that have been terminated shall be canceled.

For the Public Housing Capital Fund Program to carry out capital and management activities for public housing agencies, as authorized under section 9 of the United States Housing Act of 1937, as amended (42 U.S.C. 1437), $2,945,400,000, to remain available until March 65, 2003, of which $40,000,000 shall be for carrying out activities under section 9(h) of such Act, up to $500,000 shall be for lease adjustments to section 23 projects and no less than $45,000,000 shall be transferred to the Working Capital Fund for the development and maintenance of information technology systems:

For the development and maintenance of information technology systems: Provided, That the total amount provided under this heading, no less than $13,400,000 shall be transferred to the Working Capital Fund for the development and maintenance of information technology systems:

For the development and maintenance of information technology systems: Provided, That of the total amount provided under this heading, no less than $43,000,000 shall be transferred to the Working Capital Fund for the development and maintenance of information technology systems:

For grants to public housing agencies and to residents of such developments for the purposes specified in section 9(k) of the United States Housing Act of 1937, as amended.

For grants to public housing agencies and to residents of such developments for the purposes specified in section 9(k) of the United States Housing Act of 1937, as amended.

For grants to public housing agencies and to residents of such developments for the purposes specified in section 9(k) of the United States Housing Act of 1937, as amended.

DRUG ELIMINATION GRANTS FOR LOW-INCOME HOUSING

For grants to public housing agencies and Indian tribes and their tribally designated housing entities for use in eliminating crime or drug abuse, pursuant to section 102 of the Omnibus Crime Control and Safe Streets Act of 1968: Provided further, That not less than $615,000,000 are rescinded from unobligated balances remaining from funds appropriated to the Department of Housing and Urban Development under this heading or the heading “Annual contributions for assisted housing” for fiscal year 2002 and prior years: Provided further, That, after the amount under the preceding proviso, to the extent an additional amount is available for rescission from unobligated balances remaining for funds appropriated to the Department of Housing and Urban Development under this heading or the heading “Annual contributions for assisted housing” for fiscal year 2002 and prior years, such amount shall be made available on a pro-rata basis, no sooner than September 1, 2002, and shall be transferred for use under the “Reinvestment of note proceeds, and other funds” for the operation and maintenance of information technology systems:

For the operation and maintenance of information technology systems: Provided, That of the total amount provided under this heading, no less than $40,000,000 shall be made available for incremental vouchers under section 8 of the Act on a fair share basis to public housing agencies which do not have a chip and pin system, or none that produce a unique identifier and have no less than 97 percent occupancy rate: Provided further, That amounts available under this heading may be made available for administrative fees and other expenses to cover the cost of administering rental assistance programs under section 8 of the Act: Provided further, That the fee otherwise authorized under section 8(q) of such Act, or the fee determined in accordance with section 8(q), as in effect immediately before the enactment of the Quality Housing and Work Responsibility Act of 1996: Provided further, That $615,000,000 are rescinded from unobligated balances remaining from funds appropriated to the Department of Housing and Urban Development under this heading or the heading “Annual contributions for assisted housing” for fiscal year 2002 and prior years: Provided further, That, after the amount under the preceding proviso, to the extent an additional amount is available for rescission from unobligated balances remaining for funds appropriated to the Department of Housing and Urban Development under this heading or the heading “Annual contributions for assisted housing” for fiscal year 2002 and prior years, such amount shall be made available on a pro-rata basis, no sooner than September 1, 2002, and shall be transferred for use under the “Reinvestment of note proceeds, and other funds” for the operation and maintenance of information technology systems:

For the operation and maintenance of information technology systems: Provided, That of the total amount provided under this heading, no less than $40,000,000 shall be made available for technical assistance, technical assistance grants, training, and program assessment for or on behalf of public housing agencies, resident organizations, and Indian tribes and their tribally designated housing entities (including up to $150,000 for the cost of necessary travel for participants in such training) for oversight, to the extent an additional amount is available for rescission from unobligated balances remaining for funds appropriated to the Department of Housing and Urban Development under this heading or the heading “Annual contributions for assisted housing”.
EXCEED $54,600,000: Provided further, That for administrative expenses to carry out the guaranteed loan program, up to $150,000 from amounts in the first proviso, which shall be transferred to and merged with the appropriation for “Salaries and expenses”, to be used only for the administrative costs of these guarantees.

INDIAN HOUSING LOAN GUARANTEE FUND

(INCLUDING TRANSFER OF FUNDS)

For the cost of guaranteed loans, as authorized by section 184 of the Housing and Community Development Act of 1992 (42 U.S.C. 3504), as amended, to remain available until September 30, 2000: Provided, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $324,283,000.

In addition, for administrative expenses to carry out the guaranteed loan program, up to $200,000 from amounts in the first proviso, and funds made available until September 30, 2000: Provided, That such costs, including the costs of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $40,000,000.

In addition, for administrative expenses to carry out the guaranteed loan program, up to $35,000 from amounts in the first proviso, which shall be transferred to and merged with the appropriation for “Salaries and expenses”, to be used only for the administrative costs of these guarantees.

COMMUNITY DEVELOPMENT FUND

(INCLUDING TRANSFERS OF FUNDS)

For assistance to units of State and local government, and to other entities, for economic and community development activities, and for the Net Counties Program, as authorized by section 107(b)(3) of the Act, and for the Enterprise Community Loan Guarantee program under title I of the Housing and Community Development Act of 1974, as amended (the “Act”) herein (42 U.S.C. 3501): Provided, That $71,000,000 shall be for flexible grants to Indian tribes notwithstanding section 106(a)(1) of such Act; $3,000,000 shall be available as a grant to the Housing Assistance Council; $2,000,000 shall be a grant to the Native American Indian Housing Council; and $45,500,000 shall be for grants pursuant to section 107 of the Act of which $4,000,000 shall be available as a grant to the National American Indian Housing Council and $40,000,000 shall be available as a grant to the National Native Hawaiian Housing Loan Guarantee Fund (INCLUDING TRANSFERS OF FUNDS)

For the cost of guaranteed loans, as authorized by section 148A of the Housing and Community Development Act of 1992 (12 U.S.C. 1715z-13a), $1,000,000, to remain available until September 30, 2002: Provided, That the Secretary shall renew all expiring contracts that were funded under section 849(c)(3) of such Act that meet all program requirements before awarding funds for new contracts and activities as authorized under this section: Provided further, That the Secretary may use up to $2,000,000 of the funds under this heading for training, oversight, and technical assistance activities.

RURAL HOUSING AND ECONOMIC DEVELOPMENT

For the Office of Rural Housing and Economic Development in the Department of Housing and Urban Development, $25,000,000, to remain available until September 30, 2002, of which amount shall be awarded by June 1, 2002, to Indian tribes, State housing finance agencies, State community and/or economic development agencies, local rural nonprofits and community development corporations to support innovative housing and economic development activities in rural areas: Provided, That these funds may be awarded on a competitive basis as specified in section 102 of the HUD Reform Act.

EMPOWERMENT ZONES/ENTERPRISE COMMUNITIES

For grants in connection with a second round of empowerment zones and enterprise communities, and for the Native Hawaiian Home Lands to provide assistance as authorized under the Native American Housing Assistance and Self-Determination Act of 1996 (NAHASDA) and for grants for service coordinators and congregate services for the elderly and disabled residents of public and assisted housing and housing assisted under NAHASDA.

Of the amount made available under this heading, $80,000,000 is for grants to create or expand community economic development activities in high poverty urban and rural communities and to provide technical assistance to those centers.

Of the amount made available under this heading, $25,000,000 shall be available for neighborhood initiatives that are utilized to improve the conditions of distressed and blighted areas and to stimulate investment, economic diversification, and community revitalization in areas with population outmigration or a stagnating or declining economic base, or to determine whether housing benefits can be integrated more effectively with welfare reform initiatives.

Of the amount made available under this heading, notwithstanding any other provision of law, $60,000,000 shall be available for YouthBuild program activities authorized by section 102(d)(3) of the Cranston-Gonzalez National Affordable Housing Act, as amended, and such activities shall be an eligible activity with respect to any funds made available under this Act. That local YouthBuild programs that demonstrate an ability to leverage private and nonprofit funding shall be given a priority for YouthBuild funding: Provided further, That no more than ten percent of any grant award may be used for administrative costs: Provided further, That not less than $1,000,000 shall be available for grants to establish YouthBuild programs in underserved and rural areas: Provided further, That of the amount provided under this paragraph, $25,000,000 shall be available for a grant to YouthBuild USA for capacity building for community development and affordable housing activities as specified in section 4 of the HUD Demonstration Act of 1993, as amended.

Of the amount made available under this heading, $140,000,000 shall be available for grants under the Economic Development Initiative (EDI) to finance a variety of economic development efforts in accordance with the terms and conditions specified for such grants in the Senate report accompanying this Act.

COMMUNITY DEVELOPMENT LOAN GUARANTEES PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of guaranteed loans, $14,000,000, as authorized by section 108 of the Housing and Community Development Act of 1974, as amended: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $608,696,000, notwithstanding any aggregate limitation on outstanding obligations guaranteed in section 108(c) of the Housing and Community Development Act of 1974, as amended: Provided further, That in addition, for administrative expenses to carry out the guaranteed loan program, up to $1,000,000, shall be available for grants for the Economic Development Initiative (EDI) to finance a variety of economic development efforts in accordance with the terms and conditions specified for such grants in the Senate report accompanying this Act.

BROWNFIELDS REDEVELOPMENT

For Economic Development Grants, as authorized by section 103(a) of the Housing and Community Development Act of 1974, as amended, for Brownfields redevelopment projects, $25,000,000, to remain available until
until September 30, 2003: Provided, That the Secretary of Housing and Urban Development shall make these grants available on a competitive basis as specified in section 102 of the Department of Housing and Urban Development Reform Act of 1989.

HOME INVESTMENT PARTNERSHIPS PROGRAM (INCLUDING TRANSFER OF FUNDS)

For the HOME investment partnership program, as authorized under subtitle B of title IV of the Cranston-Gonzalez National Affordable Housing Act, as amended, $1,796,040,000 to remain available until September 30, 2004, of which up to $20,000,000 of these funds shall be available to the Counseling of Home Owners Program under section 106 of the Housing and Urban Development Act of 1968; and of which no less than $17,000,000 shall be transferred to the Working Capital Fund for the development and maintenance of information technology systems.

HOMELESS ASSISTANCE GRANTS (INCLUDING TRANSFER OF FUNDS)

For the emergency shelter grants program as authorized under subtitle B of title IV of the McKinney-Vento Homeless Assistance Act, as amended; the supportive housing program as authorized under subtitle E of title IV of such Act; the section 8 moderate rehabilitation single room occupancy program as authorized under the United States Housing Act of 1959, as amended; and the shelter plus care program as authorized under subtitle F of title IV of such Act, $1,022,745,000, to remain available until September 30, 2004: Provided, That not less than 30 percent of these funds shall be used for permanent supportive housing and excluding funds under services must be matched by 25 percent in funding by each grantee: Provided further, That all awards of assistance under this heading shall be coordinated and integral to other homeless programs with other mainstream health, social services, and employment programs for which homeless populations may be eligible, including Medicaid, State Children’s Health Insurance Program, Temporary Assistance for Needy Families, Food Stamps, and services funding through the Mental Health and Substance Abuse Block Grant, Workforce Investment Act, and the Welfare-to-Work grant program: Provided further, That no less than $14,200,000 of the funds appropriated under this heading shall be transferred to the Working Capital Fund to be used for technical assistance for management information systems and to develop an accountable Annual Performance Report System: Provided further, That $500,000 shall be made available to the Interagency Council on the Homeless for administrative needs.

SHELTER PLUS CARE RENEWALS

For the renewal on an annual basis of contracts expiring during fiscal years 2002 and 2003 or amendment of contracts funded under the Shelter Plus Care program, as authorized under subtitle F of title IV of the McKinney-Vento Homeless Assistance Act, as amended, $98,780,000, to remain available until expended: Provided, That each Shelter Plus Care project with an expiring contract shall be eligible for renewal only if the project is determined to be needed under the applicable continuous funding or to meet the program requirements and financial standards, as determined by the Secretary.

HOUSING PROGRAMS

HOUSING FOR SPECIAL POPULATIONS (INCLUDING TRANSFER OF FUNDS)

For the purchase, construction, acquisition, or development of additional public and subsidized housing units for low income families not otherwise provided for, $1,001,000,000, to remain available until expended: Provided, That $783,266,000 shall be for capital advances, including amounts for contracts, for housing for the elderly, as authorized by section 202 of the Housing Act of 1959, as amended, and for project rental assistance, and amounts appropriated for project rental assistance, for the elderly under such section 202(c)(2), and for supportive services associated with the housing, of which amount $50,000,000 shall be for coordination of case managers, with the continuation of existing congregate service grants for residents of assisted housing projects, of which amount $25,000,000 shall be for new projects; and for conversion of eligible projects under such section to assisted living or related use: Provided further, That the amount under this heading, $217,723,000 shall be for capital advances, including amendments to capital advance contracts, for supportive housing for persons with disabilities, as authorized under the Cranston-Gonzalez National Affordable Housing Act, for project rental assistance, for amendments to contracts for project rental assistance, and such section 811 (including the provision of a rollover for the Mobility {$1,001,000,000} for conversion of eligible projects under such section to assisted living or related use: Provided further, That the amount under this heading, $217,723,000 shall be for capital advances, including amendments to capital advance contracts, for supportive housing for persons with disabilities, as authorized under the Cranston-Gonzalez National Affordable Housing Act, for project rental assistance, for amendments to contracts for project rental assistance, and such section 811 (including the provision of a rollover for the Mobility

FEDERAL HOUSING ADMINISTRATION MUTUAL MORTGAGE INSURANCE PROGRAM ACCOUNT (INCLUDING TRANSFERS OF FUNDS)

During fiscal year 2002, obligations to guarantee loans to carry out the purposes of section 204(g) of the National Housing Act, as amended, shall not exceed $150,000,000,000: Provided, That the foregoing amount shall be for loans to nonprofit and governmental entities in connection with sales of single family rental homes: Provided further, That to the extent guaranteed loan commitments exceed $65,500,000,000 on or before April 1, 2002, $16,000,000,000 of the amounts appropriated for administrative contract expenses shall be available for each $1,000,000 in additional guaranteed loan commitments (including a pro rata amount for any amount below $1,000,000), but in no case shall funds made available by this proviso exceed $16,000,000.

GENERAL AND SPECIAL RISK PROGRAM ACCOUNT (INCLUDING TRANSFERS OF FUNDS)

For the cost of funds authorized by sections 238 and 519 of the National Housing Act (12 U.S.C. 1715z-3 and 1735c), including the cost of loan guarantee programs authorized by section 502 of the Congressional Budget Act of 1974, as amended, $15,000,000, to remain available until expended: Provided, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, of up to $21,000,000,000: Provided further, That any amounts made available in any prior appropriations Act in such term is defined in section 502 of the Congressional Budget Act of 1974) of guaranteed loans that are obligations of the funds established under section 502 of the National Housing Act that have not been obligated or that are deobligated shall be available to the Secretary of Housing and Urban Development in connection with the making of such guarantees and shall remain available until expended, notwithstanding the expiration of any period of availability otherwise applicable to such guarantee: Provided further, That gross obligations for the principal amount of direct loans, as authorized by sections 204(g), 207(i), 238, and 519(a) of the National Housing Act (12 U.S.C. 1715z-3 and 1735c), including the cost of loan guarantee programs authorized by section 502 of the Congressional Budget Act of 1974) of guaranteed loans that are obligations of the funds established under section 502 of the National Housing Act that have not been obligated or that are deobligated shall be available to the Secretary of Housing and Urban Development in connection with the making of such guarantees and shall remain available until expended, notwithstanding the expiration of any period of availability otherwise applicable to such guarantee: Provided further, That gross obligations for the principal amount of direct loans, as authorized by sections 204(g), 207(i), 238, and 519(a) of the National Housing Act (12 U.S.C. 1715z-3 and 1735c), including the cost of loan guarantee programs authorized by section 502 of the Congressional Budget Act of 1974) of guaranteed loans that are obligations of the funds established under section 502 of the National Housing Act that have not been obligated or that are deobligated shall be available to the Secretary of Housing and Urban Development in connection with the making of such guarantees and shall remain available until expended, notwithstanding the expiration of any period of availability otherwise applicable to such guarantee.
of multifamily real properties owned by the Secretary and formerly insured under such Act; and of which not to exceed $20,000,000 shall be for loans to nonprofit and governmental entities in connection with the sale of single-family real properties owned by the Secretary and formerly insured under such Act.

In addition, for administrative expenses necessary to carry out the guaranteed and direct loan programs, $216,100,000, of which $157,777,000 shall be transferred to the appropriation for "Salaries and expenses"; and of which $18,321,000 shall be transferred to the appropriation for "Office of Inspector General". For administrative contract expenses necessary to carry out the guaranteed and direct loan programs, $14,940,000 is provided. That to the extent such guaranteed loan commitments exceed $8,426,000,000 on or before April 1, 2002, an additional $19,800,000 for administrative contract expenses shall be available for each $1,000,000 in additional guaranteed loan commitments over $8,426,000,000 (including a pro rata amount for any increment below $1,000,000) provided for, as authorized by title V of the Housing and Urban Development Act of 1970, as amended (12 U.S.C. 1712g)), shall not exceed $200,000,000,000, to remain available until September 30, 2003.

For administrative expenses necessary to carry out the guaranteed mortgage-backed securities program, $9,383,000 to be derived from the GNMA guarantee fund program account and $35,000 shall be transferred from the "Indian housing loan guarantee fund program" account and $5,000 shall be transferred from the National Housing Loan Guarantee Program: Provided, That the amount of such transfer from the Department of Housing and Urban Development's section 502 and 501 accounts shall be limited to the amount of the general fund of the Thrift Savings Plan.

Residential Lead-Based Hazard Reduction Act of 1992, $109,758,000 to remain available until September 30, 2003, of which $10,000,000 shall be for the Healthy Homes Initiative, pursuant to section 501 of the Housing and Urban Development Act of 1970 that shall include research, studies, testing, and demonstration efforts, including education and outreach, to reduce childhood-based paint poisoning and other housing-related diseases and hazards: Provided, That of the amounts provided under this heading, $1,000,000 shall be for the President's Lead Safe Housing: Provided further, That of the amounts provided under this heading, $750,000 shall be for CLEARCorps.

POLICY DEVELOPMENT AND RESEARCH

Research and Technology

For contracts, grants, and necessary expenses of programs of research and studies relating to housing and urban problems, not otherwise provided for, including not to exceed $7,000 for official representation expenses, $1,097,257,000, of which $530,476,000 shall be provided from the various funds of the Federal Housing Administration, $387,000 provided from funds of the Government National Mortgage Association, $1,000,000 shall be provided from the "Community fund" account, $150,000 shall be provided by transfer from the "Title VI Indian federal guarantees program" account, $200,000 shall be provided by transfer from the "Indian housing loan guarantee fund program" account and $5,000 shall be transferred from the Natural Hawaiian Loan Guarantee Fund: Provided, That no less than $85,000,000 shall be transferred to the Working Capital Fund for the development and maintenance of Information Technology Systems: Provided further, That the amount of such transfer shall be $26,000,000.

Oversight

For necessary expenses of the Office of Inspector General in carrying out the Inspect General Act of 1978, as amended, $88,886,000, of which $22,343,000 shall be provided from the various funds of the Federal Housing Administration: Provided, That the Inspector General shall have independent authority over all personnel issues within the Office of Inspector General.

Consolidated Fee Fund

For carrying out the Federal Housing Enterprise Financial Safety and Soundness Act of 1992, $15,000,000 for official representation and representation expenses, $27,000,000, to remain available until expended, to be derived from the Federal Housing Enterprise Financial safety and soundness Fund: Provided, That to the extent such amounts shall be available from the general fund of the Treasury, to the extent necessary to incur obligations and make expenditures pending the receipt of collections to the Fund: Provided further, That the general fund amount shall be reduced by an amount equal to the receipt of collections during the fiscal year so as to result in a final appropriation from the general fund estimated at not more than $0: Provided further, That from the proceeds of the Fund the Secretary shall remit to the House and Senate Committees on Appropriations no later than January 30, 2002.

ADMINISTRATIVE PROVISIONS

Scc. 201. Fifty percent of the amounts of budget authority, or in lieu thereof, of the percent of the cash amounts associated with such budget authority, that are recaptured from projects described in section 102(a) of the Housing and Urban Development Act of 1992, including not to exceed $500 for official representation expenses, Amendments Act of 1988 (Public Law 100–628; 102 Stat. 3224, 3268) shall be rescinded, or in the case of cash, shall be remitted to the Secretary, and such amounts of budget authority or cash recaptured and not rescinded or remitted to the Secretary shall be used by State housing finance agencies or local governments or local housing agencies with projects approved by the Secretary of Housing and Urban Development for which settlement occurred after January 1, 1992, in accordance with such section and States deemed eligible thereunder. Notwithstanding the previous sentence, the Secretary may award up to 15 percent of the budget authority or cash recaptured and not rescinded or remitted to the Trustee to project owners with incentives to refinance their project at a lower interest rate.

Scc. 202. None of the amounts made available under this Act may be used during fiscal year 2002 to investigate or prosecute under the Fair Housing Act any otherwise lawful activity engaged in by one or more persons, if the filing of any such action is a non-frivolous legal action, that is engaged in solely for the purpose of achieving or preventing action by a Government official or entity, or a court of competent jurisdiction.

Scc. 203. (a) Notwithstanding section 854(c)(1)(A) of the AIDS Housing Opportunity Act (42 U.S.C. 12903(c)(1)(A)), from any amounts made available under this title for fiscal year 2002 that are allocated under such section, the Secretary of Housing and Urban Development shall allocate and make a grant, in the amount in subsection (b), for any State that—

(1) received an allocation in a prior fiscal year under clause (i) of such section; and

(2) not otherwise eligible for an allocation for fiscal year 2002 under such clause (i) because the areas in the State outside of the metropolitan statistical areas that qualify under clause (i) in fiscal year 2002 do not have the number of cases of acquired immunodeficiency syndrome (AIDS) required under such clause.

(b) The amount of the allocation and grant for any State described in subsection (a) shall be an amount based on the cumulative number of AIDS cases in the State that are outside of metropolitan statistical areas that qualify under clause (i) of such section 854(c)(1)(A) in fiscal year 2002, in proportion to AIDS cases reported to AIDS reporting States that qualify under clauses (i) and (ii) of such section and States deemed eligible under subsection (a).

Scc. 204. Section 225 of the Department of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2000, Public Law 106–76, is amended by inserting after "fiscal year 2001" after "fiscal year 2001".

Scc. 205. Section 236(g)(3)(A) of the National Housing Act is amended by striking out "and fiscal year 2002" and inserting in lieu thereof “fiscal years 2000, 2001, and 2002”.
S. 206. Section 220(c)(1) of the National Housing Act is amended by inserting "purchase" or "mortgage" immediately before "refinancing of existing debt".

S. 206. Section 106(c)(9) of the Housing and Urban Development Act of 1968 is repealed.

S. 206. Section 251 of the National Housing Act is amended—

(1) in subsection (b), by striking "issue regulations" and all that follows and inserting the following:

"(b) The Secretary shall also require satisfactory assurance that such standards will be applied and enforced with respect to the home, facility, or combined home or facility.

"(c) In the case of the initial interest rate adjustment applicable to the home, facility, or combined home or facility, the Secretary shall also require that such procedure be followed before the application for insurance is submitted, and the application shall document that such need has also been established under that procedure.

S. 212. Section 333 of the National Housing Act is amended to read as follows:

"333. REVIEW OF MORTGAGE PERFORMANCE AND AUTHORITY TO TERMINATE.—

(a) PERFORMANCE.—To reduce losses in connection with single family mortgage insurance programs under this Act, at least once a year the Secretary shall review the rate of early defaults and claims for insured single family mortgages originated or underwritten by each mortgagee.

(b) COMPARISON WITH OTHER MORTGAGEE.—For each mortgagee, the Secretary shall compare the rate of early defaults and claims for insured single family mortgage loans originated or underwritten by this mortgagee in an area with the rate of early defaults and claims for other mortgages originating or underwriting insured single family mortgage loans in the same area. For purposes of this section, the term "area" means each geographic area in which the mortgagee is authorized by the Secretary to originate insured single family mortgages.

(c) TERMINATION OF MORTGAGEE ORIGINATION APPROVAL.—(1) Notwithstanding section 202(c)(2)(A) of the National Housing Act, the Secretary shall terminate the approval of a mortgagee to originate or underwrite single family mortgages if the Secretary determines that the mortgagee loans originated or underwritten by the mortgagee present an unacceptable risk to the insurance funds. The determination shall be based on the comparison required under subsection (b) and shall be made in accordance with regulations of the Secretary. The Secretary may rely on existing regulations published before this section takes effect.

(2) The Secretary may, at any time, terminate the approval of a mortgagee at least 60 days prior written notice of any termination under this subsection. The termination shall take effect at the end of the notice period. If the Secretary withdraws the termination notice or extends the notice period, the mortgagee shall be entitled to an informal conference with the official authorized to issue termination notices on behalf of the Secretary (or a designee of that official).

(3) The Secretary shall compare the rate of early defaults and claims for insured single family mortgage loans originated or underwritten by the mortgagee to the rate of early defaults and claims for other mortgage loans in the same area in order to determine whether the mortgagee presents an unacceptable risk to the insurance funds. The determination shall be based on the comparison required under subsection (b) and shall be made in accordance with regulations of the Secretary. The Secretary may rely on existing regulations published before this section takes effect.

S. 219. Section 203(c) of the National Housing Act is amended—

(1) in paragraph (1), by striking "and (k)" and inserting "or (k)"; and

(2) in paragraph (2), by adding the following new subsection (v):

"(v) patient health plan;"

S. 220. (a) Section 203(c) of the National Housing Act is amended—

(1) in paragraph (1), by striking "and (k)" and inserting "or (k)"; and

(2) in paragraph (2), by adding the following new subsection (v):

"(v) patient health plan;"

S. 220. (a) Section 203(c) of the National Housing Act is amended—

(1) in paragraph (1), by striking "and (k)" and inserting "or (k)"; and

(2) in paragraph (2), by adding the following new subsection (v):

"(v) patient health plan;"

S. 220. (a) Section 203(c) of the National Housing Act is amended—

(1) in paragraph (1), by striking "and (k)" and inserting "or (k)"; and

(2) in paragraph (2), by adding the following new subsection (v):

"(v) patient health plan;"

S. 220. (a) Section 203(c) of the National Housing Act is amended—

(1) in paragraph (1), by striking "and (k)" and inserting "or (k)"; and

(2) in paragraph (2), by adding the following new subsection (v):

"(v) patient health plan;"

S. 220. (a) Section 203(c) of the National Housing Act is amended—

(1) in paragraph (1), by striking "and (k)" and inserting "or (k)"; and

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"(v) patient health plan;"

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(1) in paragraph (1), by striking "and (k)" and inserting "or (k)"; and

(2) in paragraph (2), by adding the following new subsection (v):

"(v) patient health plan;"

S. 220. (a) Section 203(c) of the National Housing Act is amended—

(1) in paragraph (1), by striking "and (k)" and inserting "or (k)"; and

(2) in paragraph (2), by adding the following new subsection (v):

"(v) patient health plan;"
(1) by striking "$30,420"; "$33,696"; "$40,248"; "$49,608"; and "$56,160" and inserting "$38,025"; "$42,120"; "$50,310"; "$62,010"; and "$70,200", respectively; and
(2) by striking "$57,100"; "$58,312"; "$48,204"; "$60,372"; and "$68,262" and inserting "$43,875"; "$49,140"; "$60,255"; "$75,465"; and "$85,328", respectively.

Sec. 217. Notwithstanding any other provision of law, the Tribal Student Housing Project proposed by the Cook Inlet Housing Authority is authorized to be constructed in accordance with the 1998 Indian Housing Block Grant awarded from amounts previously appropriated for the benefit of the Housing Authority, a portion of which may be used as a maintenance reserve fund.

TITLe III—INDEPENDENT AGENCIES

AMERICAN BATTLE MONUMENTS COMMISSION

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, of the American Battle Monuments Commission, $9,850,000, of which not more than $2,500,000 may be used to establish or support an endowment fund, the corpus of which shall remain intact and the interest in-cluding $61,000,000 to be made available for the activities described in title III of the Act, provided that the Foundation may invest the corpus and income in federally insured bank accounts, tax-deferred annuities, savings accounts or comparable interest bearing accounts, certificates of deposit, money market funds, mutual funds, obligations of the United States, and other marketable instruments and securities to earn estate investments: Provided further, That not-withstanding any other law $2,500,000 of the funds made available by the Corporation to Foundation under section 126-777 may be used in the manner described in the preceding proviso: Provided further, That no funds shall be available for national service programs run by Federal agencies authorized under section 121(b) of such Act (42 U.S.C. 12571(b)): Provided further, That the maximum extent feasible, funds appropriated under subtitle C of title I of the Act shall be provided in a manner that is consistent with the recommendations of peer review panels in order to ensure that priority is given to projects that demonstrate innovation, replicability, and sustainability: Provided further, That not more than $25,000,000 of the funds made available under this heading shall be available for the Community Corps authorized under subtitle E of title I of the Act (42 U.S.C. 12611 et seq.): Provided further, That not more than $4,500,000 shall be available for school-based and community-based service-learning programs authorized under subtitle B of title I of the Act (42 U.S.C. 12521 et seq.): Provided further, That not more than $28,488,000 shall be available for grants to support the Veterans Mission for Youth Program: Provided further, That not more than $5,000,000 shall be available for audits and other evaluations authorized under section 179 of the Act (42 U.S.C. 12639): Provided further, That to the maximum extent practicable, the Corporation shall increase significantly the level of matching funds and in-kind contributions provided by the private sector, and shall re-duce Federal funding to the extent that the Corporation receives matching funds and in-kind contributions from the private sector: Provided further, That not more than $15,000,000 shall be available for National and Community Service programs run by Federal agencies authorized under subtitle B of title I of the Act (42 U.S.C. 12521 et seq.): Provided further, That not more than $2,500,000 of the funds made available under this heading shall be available for the Community Corps authorized under subtitle E of title I of the Act (42 U.S.C. 12611 et seq.): Provided further, That not more than $5,000,000 shall be available for grants to support the Communities In Schools, Inc. to support education prevention activities: Provided further, That not more than $2,500,000 of the funds made available under this heading shall be made available to the YMCA to support school-based programs designed to strengthen collaborations and linkages between public schools and communities: Provided further, That not more of the funds made available under this heading shall be made available to Teach For America: Provided further, That not more than $1,000,000 of the funds made available under this heading shall be made available to Parents As Teachers National Center, Inc. to support literacy activities.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, as amended,
$5,000,000, to remain available until Septem-

U.S. Court of Appeals for Veterans Claims
Salaries and Expenses
For necessary expenses for the operation of the
U.S. Court of Appeals for Veterans Claims as
authorized by 38 U.S.C. 7251–7296, $13,221,000,
of which $895,000 shall be available for the pur-
pose of providing financial assistance as author-
ized, and in accordance with the process and report-
ing procedures set forth, under this heading in Pub-
lic Law 102–229.

Department of Defense—Civil
Cemetery Expenses, Army
Salaries and Expenses
For necessary expenses, as authorized by law,
for maintenance, operation, and improve-
ment of Arlington National Cemetery and Soldiers' and Airmen’s Home National Cemetery,
including the purchase of two pas-
senger motor vehicles for replacement only,
and not to exceed $1,000 for official reception
and representation expenses, $18,437,000, to
remain available until expended.

Department of Health and Human Services
National Institutes of Health
National Institute of Environmental Health Sciences
For necessary expenses for the National Insti-
tute of Environmental Health Sciences in con-
carrying out activities set forth in section 311(a)
of the Comprehensive Environmental Response,
Compensation, and Liability Act of 1980, as amend-
ed, $70,228,000.

Agency for Toxic Substances and Disease Registry
Salaries and Expenses
For necessary expenses for the Agency for
Toxic Substances and Disease Registry (ATSDR) in
carrying out activities set forth in sections 104(i), 111(c)(4), and 111(c)(14) of the Comprehensive Environmental Response,
Compensation, and Liability Act of 1980 (CERCLA), as amended; section 118(f) of the
Hazardous Substance Superfund Trust Fund Act
(SARA), as amended; and section 3019 of the Solid Waste Disposal Act, as amended, $78,255,000, to be derived from the
Superfund Amendments and Reauthorization of 1986 (SARA), as amended; and section 4 of
the Comprehensive Environmental Response,
Compensation, and Liability Act of 1980 (CERCLA), as amended; section 118(f) of the
Hazardous Substance Superfund Trust Fund Act
(SARA), as amended; and section 3019 of the Solid Waste Disposal Act, as amended, $78,555,000.

For necessary expenses of the Office of In-
spector General in carrying out the provi-
sions of the Inspector General Act of 1978, as
amended, United States Internal Revenue Service,
to carry out health assessments, $2,061,996,200,
which shall remain available until September 30,
2003.

Office of Inspector General
For necessary expenses of the Office of In-
spector General in carrying out the provi-
sions of the Inspector General Act of 1978, as
amended, United States Internal Revenue Service,
to carry out health assessments, $2,061,996,200,
which shall remain available until September 30,
2003.

Buildings and Facilities
For construction, repair, improvement, ex-
tension, alteration, and purchase of fixed equip-
ment or facilities of, or for use by, the Environ-
mental Protection Agency, $25,318,400, to remain available until expended.

Hazardous Substance Superfund
(Including Transfer of Funds)
For necessary expenses to carry out the Compre-
prehensive Environmental Response,
Compensation, and Liability Act of 1980 (CERCLA), as amended, $34,019,000, to remain available until expended.

ENVIRONMENTAL PROTECTION AGENCY
Science and Technology
For science and technology, including re-
search and development activities, which shall
include research and development activities un-
Federal Emergency Management Agency
Disaster Relief
(INCLUDING TRANSFER OF FUNDS)


OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, as amended, $152,000,000, of which $53,000,000, for salaries and expenses, shall be deposited in the Fund as offsetting collections: Provided, That the entire amount designated for this purpose shall be available until expended: Provided further, That the entire amount designated for this purpose shall be available until expended: Provided further, That the entire amount designated for this purpose shall be available until expended: Provided further, That the entire amount designated for this purpose shall be available until expended: Provided further, That the entire amount designated for this purpose shall be available until expended: Provided further, That the entire amount designated for this purpose shall be available until expended: Provided further, That the entire amount designated for this purpose shall be available until expended: Provided further, That the entire amount designated for this purpose shall be available until expended: Provided further, That the entire amount designated for this purpose shall be available until expended: Provided further, That the entire amount designated for this purpose shall be available until expended: Provided further, That the entire amount designated for this purpose shall be available until expended: Provided further, That the entire amount designated for this purpose shall be available until expended: Provided further, That the entire amount designated for this purpose shall be available until expended: Provided further, That the entire amount designated for this purpose shall be available until expended: Provided further, That the entire amount designated for this purpose shall be available until expended: Provided further, That the entire amount designated for this purpose shall be available until expended: Provided further, That the entire amount designated for this purpose shall be available until expended: Provided further, That the entire amount designated for this purpose shall be available until expended: Provided further, That the entire amount designated for this purpose shall be available until expended: Provided further, That the entire amount designated for this purpose shall be available until expended: Provided further, That the entire amount designated for this purpose shall be available until expended: Provided further, That the entire amount designated for this purpose shall be available until expended: Provided further, That the entire amount designated for this purpose shall be available until expended: Provided further, That the entire amount designated for this purpose shall be available until expended: Provided further, That the entire amount designated for this purpose shall be available until expended: Provided further, That the entire amount designated for this purpose shall be available until expired.
For necessary expenses of the Federal Consumer Information Center, including services authorized by 5 U.S.C. 3109, $7,276,000, to be deposited into the Federal Consumer Information Center Fund: Provided, That the appropriations, revenues, and collections, as provided in this Act during fiscal year 2002 in excess of $12,000,000 shall remain in the Fund and not be available for expenditure except as authorized in appropriations Acts.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

HUMAN SPACE FLIGHT

(INCLUDING TRANSFER OF FUNDS)

For salaries, not otherwise provided for, in the conduct and support of human space flight research and development activities, including research, development, planning, support and services; personnel and related costs, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; travel expenses; purchase and hire of passenger motor vehicles; not to exceed $20,000,000, to remain available until September 30, 2003.

ADMINISTRATIVE PROVISIONS

Notwithstanding the limitation on the availability of funds appropriated for “human space flight” or “science, aeronautics and technology” by this appropriation Act, any activity has been initiated by the issuance of obligations for construction of facilities as authorized by law, such amount available for such activity shall not be reduced proportionately. This provision does not apply to the amounts appropriated for institutional minor revitalization and construction of facilities, and institutional facility planning and design.

Notwithstanding the limitation on the availability of funds appropriated for “human space flight,” or “science, aeronautics and technology” by this appropriation Act, the amounts appropriated for construction of facilities shall remain available until September 30, 2003.

Notwithstanding the limitation on the availability of funds appropriated for “office of inspector general” in carrying out the Inspector General Act of 1978, as amended, $23,700,000, to remain available until September 30, 2003.

RESEARCH AND RELATED ACTIVITIES

For necessary expenses in carrying out the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875), and the Act to establish a National Medal of Science (42 U.S.C. 1861–1881); services as authorized by 5 U.S.C. 3109; authorized travel; maintenance and operation of aircraft and purchase of flight services for research support; acquisition of aircraft; $3,514,481,000, of which not to exceed $385,000,000 shall be available until expended for Polar research and operations support, and for reimbursement to other Federal agencies for operational and support and administrative expenses for related activities for the United States Antarctic program; the balance to remain available until September 30, 2003: Provided, That receipt for scientific support services and materials furnished by the National Research Centers and other National Science Foundation supported research facilities may be credited to the National Science Foundation: Provided further, That to the extent that the amount appropriated is less than the total amount authorized to be appropriated for in- cluded program activities, all amounts, including floors and ceilings, specified in the authorizing Act for those program activities or their subactivities shall be reduced proportionally: Provided further, That $75,000,000 of the funds available under this heading shall be made available for a comprehensive research initiative on plant genomes for economically significant crops.

MAJOR RESEARCH EQUIPMENT

For necessary expenses of major construction projects pursuant to the National Science Foundation Act of 1950, as amended, including authorized travel, $180,832,000, to remain available until expended.

EDUCATION AND HUMAN RESOURCES

For necessary expenses in carrying out science and engineering education and human resources programs and activities pursuant to the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875), providing for the training of graduate students, postdoctoral associates, and research professionals, and the training of individuals in the teaching of science, mathematics, and technology; for the establishment and support of training programs, professional development programs, and educational activities, including stipends and other support, for the training of students and educators, $650,000, together with amounts of principal and interest on loans made to individuals eligible to be transferred to the Community Development Revolving Loan Fund, of which $650,000, together with amounts of principal and interest on loans made to individuals eligible to be transferred to the Community Development Revolving Loan Fund, shall be available until expended for loans to community development credit unions, and $350,000 shall be available until expended for technical assistance to low-income and community development credit unions.

NATIONAL SCIENCE FOUNDATION

CONGRESSIONAL RECORD — SENATE August 1, 2001

CENTRAL LIQUIDITY FUND

(INCLUDING TRANSFER OF FUNDS)

During fiscal year 2002, gross obligations of the Central Liquidity Facility for the principal amount of new direct loans to member credit unions, as authorized by 12 U.S.C. 1796 et seq., shall not exceed $1,500,000,000: Provided, That the administrative expenses of the Central Liquidity Facility shall not exceed $5,000,000: Provided further, That $1,000,000 shall be transferred to the Community Development Revolving Loan Fund, of which $550,000, together with amounts of principal and interest on loans made to individuals eligible to be transferred to the Community Development Revolving Loan Fund, shall be available until expended for loans to community development credit unions, and $350,000 shall be available until expended for technical assistance to low-income and community development credit unions.
SEC. 401. Where appropriations in titles I, II, and III of this Act are available for travel expenses and no specific limitation has been made for such travel expenses for such travel expenses may not exceed the amounts set forth therefor in the budget estimates submitted for the appropriations:

SEC. 402. Appropriations and funds available for the administrative expenses of the Department of Housing and Urban Development and the Selective Service System shall be available for the purchase of uniforms, or allowances therefor, as authorized by 5 U.S.C. 5901–5902; hire of passenger motor vehicles; and services as authorized by 5 U.S.C. 7905.


SEC. 404. No part of any appropriation contained in this Act shall be available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 405. No funds appropriated by this Act may be expended (1) pursuant to a certification of an officer or employee of the United States unless—

(a) such certification is accompanied by, or is part of, a voucher or abstract which describes the payee or payees and the items or services for which such expenditure is being made; or

(b) the expenditure of funds pursuant to such certification, and without such a voucher or abstract, is specifically authorized by law; and

(2) unless such expenditure is subject to audit by the General Accounting Office or is specifically exempt by law from such audit.

SEC. 410. Funds provided in this Act may be used for payment, through grants or contracts, to recipients that do not share in the cost of conducting research resulting from privileged solicitation by the Government: Provided, That the extent of cost sharing by the recipient shall reflect the mutuality of interest of the grantee or contractor and the Government in the research.

SEC. 411. Except as otherwise provided under existing law, or under an existing Executive Order issued pursuant to an existing law, the obligation or expenditure of any appropriated funds in connection with any consulting service shall be limited to contracts which are—

(1) a matter of public record and available for public inspection; and

(2) thereafter included in a publicly available list of all contracts entered into within 24 months prior to the date on which they were entered into.

SEC. 412. Except as otherwise provided by law, no part of any appropriation contained in this Act shall be obligated or expended by any executive agency, as referred to in the Office of Federal Procurement Policy Act (41 U.S.C. 401 et seq.), for a contract for services unless such executive agency: (1) has awarded and entered into such contract in full compliance with such Act and the regulations promulgated thereunder; and (2) requires any report prepared pursuant to such contract, including plans, evaluations, studies, unless the Secretary submits a report which prepared by the agency which is substantially derived from or substantially includes any report prepared pursuant to such contract, or contains information: (A) the contract pursuant to which the report was prepared; and (B) the contractor who prepared the report pursuant to such contract.

SEC. 413. None of the funds provided in this Act to any department or agency shall be obligated or expended to purchase or lease automobiles as defined in 15 U.S.C. 2001 with an EPA estimated miles per gallon average of less than 22 miles per gallon.

SEC. 414. None of the appropriated funds in title I of this Act shall be used to enter into any new lease of real property if the estimated annual rental is more than $300,000 unless the Secretary submits a report which the Committees on Appropriations of the Congress approve within 30 days following the date on which the report is received.

SEC. 415. (a) It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American-made.

(b) In providing financial assistance to, or entering into any contract with, any entity under this Act, the head of each Federal agency, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (a) of the Congress.

SEC. 416. None of the funds appropriated in this Act may be used to implement any cap on audits and reimbursable to grantees for indirect costs, except as published in Office of Management and Budget Circular A-21.

SEC. 417. Such sums as may be necessary for the current fiscal year for any program or project funded by this Act shall be within the levels appropriated in this Act.

SEC. 418. None of the funds made available in this Act may be used for any program, project, or activity, when the program, project, or activity is not in compliance with any Federal law, regulation, or Executive order, or with the protection of private property rights, or unfunded mandates.

SEC. 419. Corporations and agencies of the Department of Housing and Urban Development which are subject to the Government Corporation Control Act, as amended, are hereby authorized to make such expenditures from funds made available to such corporations or agencies as are necessary to provide services at interest rates which do not exceed 7.50 percent and to provide such borrowing authority available to each such corporation or agency and in accord with law.
and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of such Act as may be necessary in carrying out the programs in the budget for fiscal 2002 for such corporation or agency except as hereinafter provided: Provided, That collections of these corporations and agencies may be used for necessary emergency purchase commitments only to the extent expressly provided for in this Act (unless such loans are in support of other forms of assistance provided for in this or prior appropriations Acts), except that this proviso shall not apply to the mortgage insurance or guaranty operations of these corporations, or where loans or mortgage guaranties are necessary to provide the financial interest of the United States Government.

Sec. 420. Notwithstanding any other provision of law, the term “qualified student loan” with respect to national service education awards shall mean any loan determined by an institution of higher education to be necessary to cover a student’s cost of attendance at such institution and made directly to a student by a state agency, in addition to other meanings under section 148(b)(4) of the National and Community Service Act.

Sec. 421. Unless otherwise provided for in this Act and the appropriations Act of the Department of Housing and Urban Development shall be available for any activity in excess of amounts set forth in the budget estimate submitted to Congress.

Sec. 422. None of the funds appropriated or otherwise made available by this Act shall be used to promulgate a final regulation to implement the payment of pesticide tolerance processing fees as proposed at 64 Fed. Reg. 31040, or any similar proposals. The Environmental Protection Agency may proceed with the development of such a rule.

Sec. 423. Except in the case of entities that are funded solely with Federal funds or any natural persons that are funded under this Act, none of the funds in this Act shall be used for the planning or execution of any program, project, or activity that may compensate, non-Federal parties to lobby or litigate in respect to adjudicatory proceedings funded in this Act. A chief executive officer of a Federal instrumentality receiving funds under this Act shall certify that none of these funds have been used to engage in the lobbying of the Federal Government or in litigation in the United States unless authorized under existing law.

Sec. 424. No part of any funds appropriated in this Act shall be used by an agency of the executive branch, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, and for the preparation, distribution or use of any printed, broadcast, radio, television or film presentation designed to support or defeat legislation pending before the Congress, except in presentation of the views of that Congress itself.

Sec. 425. None of the funds provided in Title II for technical assistance, training, or management improvements may be obligated or expended unless HUD provides to the Committees on Appropriations a description of each proposed activity and a detailed budget estimate of the costs associated with each activity as part of the Budget Justifications. For fiscal year 2002, HUD shall transmit this information to the Committees by January 16, 2002 for 30 days of review.


Sec. 427. All Departments and agencies funded under this Act are encouraged, within the limits of the existing statutory authorities and funding, to expand their use of “E-Commerce” technologies and procedures in the conduct of their business practices and public services.

This Act may be cited as the “Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2002.”

SA 1215. Mr. REID (for himself and Mr. ENSEN) submitted an amendment intended to be proposed by him to the bill H.R. 2620, making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 76, line 16 following “Villages;” insert the following: “$1,400,000 shall be for Clean Water Act and Clean Air Act activities at Lake Tahoe in Nevada and California.”.

SA 1216. Mr. REID submitted an amendment intended to be proposed by him to the bill H.R. 2620, making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 76, line 16 following “Villages;” insert the following: “$5,700,000 shall be for the Ammonium Perchlorate interdiction project in the Las Vegas Wash in Nevada.”.

SA 1217. Ms. MIKULSKI (for herself and Mr. BOND) proposed an amendment to amendment SA 1214 proposed by Ms. MIKULSKI to the bill (H.R. 2620) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 81, line 2 of the amendment after “$2,000,000,” insert “to be available immediately upon the enactment of this Act, and”.

SA 1218. Mr. WELLSTONE proposed an amendment to amendment SA 1214 proposed by Ms. MIKULSKI to the bill (H.R. 2620) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 7, line 19, strike “$21,379,742,000” and insert “$22,029,742,000.”

SA 1219. Mrs. BOXER proposed an amendment to amendment SA 1214 proposed by Ms. MIKULSKI to the bill (H.R. 2620) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 78, line 16, before the period, insert “: of which no less than $4 million shall be available to the City of Manchester, New Hampshire for the Combined Sewer Overflow Elimination Project.”

SA 1220. Mr. SMITH of New Hampshire submitted an amendment intended to be proposed by him to the bill H.R. 2620, making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 78, line 16, before the period, insert “: of which no less than $4 million shall be available to the City of Manchester, New Hampshire for the Combined Sewer Overflow Elimination Project.”

SA 1222. Mr. SMITH of New Hampshire submitted an amendment intended to be proposed by him to the bill H.R. 2620, making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal 2002.
year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 78, line 16, before the period, insert the following: "...of which no less than $1,000,000 shall be made available to the EPA Office of Policy, Economics, and Innovation for the New Hampshire-Vermont Solid Waste Project, to conduct a Mercury Waste Source Separation Pilot Project."

SEC. 1223. Mr. SMITH of New Hampshire submitted an amendment intended to be proposed by him to the bill H.R. 2620, making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 81, line 18, before the period, insert the following: "...of which no less than $30,000 shall be made available to the EPA Office of Policy, Economics, and Innovation for the New Hampshire-Vermont Solid Waste Project, to conduct a Mercury Waste Source Separation Pilot Project."

SEC. 1224. Mr. LOTTE submitted an amendment intended to be proposed by him to the bill H.R. 2620, making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert:
SEC. 1226. (a) REDUCTION IN AMOUNTS AVAILABLE FOR PROJECTS FUNDED BY COMMUNITY DEVELOPMENT FUND.—The amount appropriated by title II under the heading "COMMUNITY DEVELOPMENT FUND" is hereby reduced by $10,000,000. The amount of the reduction shall be derived from the termination of the availability of funds under that paragraph for projects, and in amounts, as follows:

(1) $750,000 for the Fell's Point Creative Alliance of Baltimore, Maryland, for development of the Patterson Center for the Arts.
(2) $300,000 for the County of Kauai, Hawaii, for the Heritage Cultural Arts Center in Lihue.
(3) $750,000 for infrastructure improvements to the School of the Building Arts in Charleston, South Carolina.
(4) $1,000,000 for development assistance for Desert Space Station in Nevada.
(5) $200,000 for the Center Theatre Group, of Los Angeles, California, for the Culver City Theater project.
(6) $1,000,000 for the Louisiana Department of Culture, Recreation, and Tourism for development activities related to the Louisiana Purchase Bicentennial Celebration.
(7) $450,000 for the City of Providence, Rhode Island, for the development of a Botanical Center at Roger Williams Park and Zoo.
(8) $300,000 for the Newport Art Museum in Newport, Rhode Island, for historical renovation.
(9) $250,000 for the City of Wildwood, New Jersey, for revitalization of the Pacific Avenue Business District.
(10) $300,000 for the Arts of Poca-

SEC. 1225. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill H.R. 2620, making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:
SEC. 1226. (a) REDUCTION IN AMOUNTS AVAILABLE FOR PROJECTS FUNDED BY COMMUNITY DEVELOPMENT FUND.—The amount appropriated by title II under the heading "COMMUNITY DEVELOPMENT FUND" is hereby reduced by $10,000,000. The amount of the reduction shall be derived from the termination of the availability of funds under that paragraph for projects, and in amounts, as follows:

(1) $750,000 for the Fell's Point Creative Alliance of Baltimore, Maryland, for development of the Patterson Center for the Arts.
(2) $300,000 for the County of Kauai, Hawaii, for the Heritage Cultural Arts Center in Lihue.
(3) $750,000 for infrastructure improvements to the School of the Building Arts in Charleston, South Carolina.
(4) $1,000,000 for development assistance for Desert Space Station in Nevada.
(5) $200,000 for the Center Theatre Group, of Los Angeles, California, for the Culver City Theater project.
(6) $1,000,000 for the Louisiana Department of Culture, Recreation, and Tourism for development activities related to the Louisiana Purchase Bicentennial Celebration.
(7) $450,000 for the City of Providence, Rhode Island, for the development of a Botanical Center at Roger Williams Park and Zoo.
(8) $300,000 for the Newport Art Museum in Newport, Rhode Island, for historical renovation.
(9) $250,000 for the City of Wildwood, New Jersey, for revitalization of the Pacific Avenue Business District.
(10) $300,000 for the Arts of Pocahontas, Arkansas, for a new facility.
(11) $1,000,000 for the Southern New Mexico Fair and Rodeo in Dona Ana County, New Mexico, for improvements and to build a multi-purpose event center.
(12) $1,000,000 for Dubuque, Iowa, for the development of an American River Museum.
(13) $1,000,000 for Sevier County, Utah, for a multi-events center.
(14) $100,000 to the OLYMPIA ship of Independence Seaport Museum to provide ship reactivation funds for the seafaring development of the Penn’s Landing waterfront area in Philadelphia, Pennsylvania.
(15) $500,000 for the Lewis and Clark College, Idaho, for the Idaho Virtual Incubator.
(16) $1,000,000 for Henderson, North Caro-

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mrs. MURRAY, Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry Subcommittee on Production and Price Competitiveness be authorized to meet during the session of the Senate on Wednesday, August 1, 2001.
The purpose of this hearing will be to consider the U.S. export market share.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ARMED SERVICES

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Wednesday, August 1, 2001, at 9:30 a.m., in open session to consider the nominations of Gen. John P. Jumper, USAF, for reappointment to the grade of General and to be Chief of Staff, U.S. Air Force.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING AND URBAN AFFAIRS

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Wednesday, August 1, 2001, to conduct a markup of the Mark-to-Market Reauthorization Act of 2001, and of the nominations of Ms. Linda Mysliwy Conlin, of New Jersey, to be an Assistant Secretary of Commerce for Trade Development; Ms. Melody H. Pennel, of Virginia, to be the Assistant Secretary of Commerce for Housing and Urban Development for Congressional and Intergovernmental Relations; Ms. Henrietta Holtman Fore, of Nevada, to be Director of the Mint; Mr. Michael J. Garcia, of New York, to be an Assistant Secretary of Commerce for Export Enforcement; and Mr. Michael Minoru Fawn Liu, of Illinois, to be an Assistant Secretary of Housing and Urban Development for Public and Indian Housing.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Wednesday, August 1, 2001, at 9:30 a.m., on trade issues.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Wednesday, August 1, 2001, at 9:30 p.m., on the nominations of John A. Hammerschmidt to be member of the NTSB; Jeffrey Runge to be Administrator of the NHTSA; Nancy Victory to be Assistant Secretary of Commerce for Communications and Information; and Otto Wolff to be Assistant Secretary of Administration and Chief Financial Officer of the Department of Commerce.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Wednesday, August 1, for purposes of conducting a full committee business meeting which is scheduled to begin at 10:30 a.m. The purpose of this business meeting is to begin consideration of energy policy legislation and other pending calendar business.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet on Wednesday, August 1, at 9 a.m., to conduct a hearing to assess the impact of air emissions from the transportation sector on public health and the environment in SD-406.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet on Wednesday, August 1, immediately following the first vote to consider the following nominations: David A. Sampson to be Assistant Secretary for Economic Development, Department of Commerce; George Tracy Mehan III, to be Assistant Administrator for the Office of Water; Environmental Protection Agency; Judith Elizabeth Ayers to be Assistant Administrator for the Office of International Activities, Environmental Protection Agency; Robert E. Fabricant to be General Counsel, Environmental Protection Agency; Jeffrey Holmstead to be Assistant Administrator for the Office of Air and Radiation, Environmental Protection Agency; and Donald Schregardus to be Assistant Administrator for the Office of Enforcement and Compliance Assurance, Environmental Protection Agency.

In addition, the committee will consider the courthouse naming for S. 584 to designate the United States courthouse located at 40 Centre Street in New York, NY, as the "Thurgood Marshall United States Courthouse." The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Wednesday, August 1, 2001, to hear testimony on "Cybershopping and Sales Tax: Finding the Right Mix".

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, August 1, 2001, at 10:30 a.m., to hold a business meeting.

The Committee will consider and vote on the following agenda items:

S. 367. A bill to prohibit the application of certain restrictive eligibility requirements to foreign nongovernmental organizations with respect to the provision of assistance under part I of the Foreign Assistance Act of 1961.

S. Res. 126. A resolution expressing the sense of the Senate regarding observance of the Olympic Truce.

S. Con. Res. 58. A concurrent resolution expressing support for the tenth annual meeting of the Asia Pacific Parliamentary Forum.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet in executive session during the session of the Senate on Wednesday, August 1, 2001, at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON SMALL BUSINESS

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Committee on Small Business be authorized to meet during the session of the Senate for a hearing entitled "The Business of Environmental Technology" on Wednesday, August 1, 2001, beginning at 9 a.m., in room 428A of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, August 1, 2001, at 2:30 p.m., to hold a hearing on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON ANTITRUST, BUSINESS RIGHTS AND COMPETITION

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Committee on Antitrust, Business Rights and Competition be authorized to meet during the session of the Senate on Wednesday, August 1, 2001, at 10:30 a.m., in Dirksen 226.

Tentative witness list on "S. 1233, the Product Package Protection Act: Keeping Offensive Material Out of our Children's Hands".

Panel I: Department of Justice, TBA, Washington, DC.
Panel II: Leslie Sarasin, President, American Frozen Food Institute, McLean, VA; Paul Petruccelli, Chief Counsel, Kraft North American, Inc.,
FOREIGN CURRENCY REPORTS

In accordance with the appropriate provisions of law, the Secretary of the Senate herewith submits the following report(s) of standing committees of the Senate, certain joint committees of the Congress, delegations and groups, and select and special committees of the Senate, relating to expenses incurred in the performance of authorized foreign travel:


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<th>Name and country</th>
<th>Name of currency</th>
<th>Per diem</th>
<th>Transportation</th>
<th>Miscellaneous</th>
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### Consolidated Report of Expenditure of Funds for Foreign Travel by Members and Employees of the U.S. Senate, Under Authority of Sec. 22, P.L. 95-384—22 U.S.C. 1754(b), Committee on Appropriations for Travel from Apr. 1 to June 30, 2001 (Continued)

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#### Description

- **Currency Conversion**: The table shows the expenditure of funds for foreign travel by specific members of the U.S. Senate, including the name of the member, their country of travel, the name of the currency used, and the amount spent in foreign currency and its equivalent in U.S. currency. The total expenditure is also converted to U.S. dollars.
- **Currency Information**: The currency details include the name and country, followed by the U.S. dollar equivalent or foreign currency.

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*Chaired by**

- **Phil Gramm**, Chairman, Committee on Banking, Housing, and Urban Affairs, June 30, 2001.
### CONGREGATIONAL RECORD—SENATE

**S8619**

**CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON ARMED SERVICES FOR TRAVEL FROM APR. 1 TO JUNE 30, 2001—Continued**

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**CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION FOR TRAVEL FROM APR. 1 TO JUNE 30, 2001**

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<th>Foreign currency or U.S. dollar equivalent</th>
<th>Transportation</th>
<th>Miscellaneous</th>
<th>Total</th>
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**CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON FINANCE FOR TRAVEL FROM APR. 1 TO JUNE 30, 2001**

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**CARL LEVIN,**

Chairman, Committee on Armed Services, June 28, 2001.

**JOHN MCCAIN,**

## AMENDMENT TO 4TH QUARTER 2000 CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SECTION 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON FOREIGN RELATIONS FOR TRAVEL FROM OCT. 1 TO DEC. 31, 2000

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### AMENDMENT TO 4TH QUARTER 2000 CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SECTION 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON FOREIGN RELATIONS FOR TRAVEL FROM OCT. 1 TO DEC. 31, 2000

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### AMENDMENT TO 4TH QUARTER 2000 CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SECTION 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON FOREIGN RELATIONS FOR TRAVEL FROM OCT. 1 TO DEC. 31, 2000

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### AMENDMENT TO 4TH QUARTER 2000 CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SECTION 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON FOREIGN RELATIONS FOR TRAVEL FROM OCT. 1 TO DEC. 31, 2000

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### AMENDMENT TO 4TH QUARTER 2000 CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SECTION 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON FOREIGN RELATIONS FOR TRAVEL FROM OCT. 1 TO DEC. 31, 2000

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### ADDITIONAL AMENDMENTS

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### August 1, 2001

**CONGRESSIONAL RECORD — SENATE**

**S8621**

**AMENDMENT TO 1ST QUARTER 2001 CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON FOREIGN RELATIONS FOR TRAVEL FROM JAN. 1, TO MAR. 31, 2001**

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**JOSE HELMS,**

Chairman, Committee on Foreign Relations, Mar. 31, 2001.

**CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), CODEL HELMS/BIDEN (COMMITTEE ON FOREIGN RELATIONS) FOR TRAVEL FROM APR. 16 TO APR. 18, 2001**
### CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SECTION 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON FOREIGN RELATIONS FOR TRAVEL FROM APR. 1 TO JUNE 30, 2001—Continued

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### CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SECTION 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON FOREIGN RELATIONS FOR TRAVEL FROM APR. 16 TO APR. 18, 2001—Continued

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| Chairman, Committee on Foreign Relations, Apr. 20, 2001.
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### CONSOLIDATED REPORT OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON INTELLIGENCE FOR TRAVEL FROM APR. 1 TO JUNE 30, 2001—Continued

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- 277.78

#### Georgia
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- 5,112.89
- 5,878.34
- 2,030.71

#### Austria
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#### France
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#### United Kingdom
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#### United States
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#### Consulate General
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#### Total
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**BEN NIGHTHORSE CAMPBELL, Chairman, July 17, 2001.**
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1 Delegation expenses include payments and reimbursements to the Department of State and the Department of Defense under authority of Sec. 503(b) of the Mutual Security Act of 1954, as amended by Sec. 22 of P.L. 95–384, and S. Res. 179 agreed to May 25, 1977.


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1 Delegation expenses include direct payments and reimbursements to the Department of State and the Department of Defense under authority of sec. 502(b) of the Mutual Security Act of 1954, as amended by Sec. 22 of P.L. 95–384, and S. Res. 179 agreed to May 25, 1977.

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2 Delegation expenses include direct payments and reimbursements to the Department of State and the Department of Defense under authority of sec. 502(b) of the Mutual Security Act of 1954 as amended by Sec. 22 of P.L. 95–384, and S. Res. 179 agreed to May 25, 1977.
APPOINTMENT

The PRESIDING OFFICER. The Chair, on behalf of the President of the Senate, and after consultation with the Democratic leader, pursuant to Public Law 106–286, appoints the Senator from Indiana (Mr. BAYH) to serve on the Congressional-Executive Commission on the People’s Republic of China, vice the Senator from Oregon (Mr. SMITH), and appoints the Senator from Montana (Mr. BAUCUS) as Chairman of the Commission.

ZIMBABWE DEMOCRACY AND ECONOMIC RECOVERY ACT OF 2001

Mr. REID. Madam President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 90, S. 494.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 494) to provide for a transition to democracy and to promote economic recovery in Zimbabwe.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Foreign Relations with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

[Strike out all after the enacting clause and insert the part printed in black italic.]

SECTION 1. SHORT TITLE.

This Act may be cited as the “Zimbabwe Democracy and Economic Recovery Act of 2001”.

SEC. 2. STATEMENT OF POLICY.

It is the policy of the United States to support the people of Zimbabwe in their struggle to effect peaceful, democratic change, achieve broad-based and equitable economic growth, and restore the rule of law.

SEC. 3. DEFINITIONS.

In this Act:

(1) INTERNATIONAL FINANCIAL INSTITUTIONS.—The term “international financial institutions” means the multilateral development banks and the International Monetary Fund.

(2) MULTILATERAL DEVELOPMENT BANKS.—The term “multilateral development banks” means the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Inter-American Development Bank, the African Development Bank, the Asian Development Bank, the Inter-American Investment Corporation, the African Development Bank, the African Development Fund, the European Bank for Reconstruction and Development, and the Multilateral Investment Guarantee Agency.

(3) ECONOMIC RECOVERY ACT OF 2001

It is the policy of the United States to support the people of Zimbabwe in their struggle to effect peaceful, democratic change, achieve broad-based and equitable economic growth, and restore the rule of law.

(4) FULFILLMENT OF AGREEMENT ENDING WAR IN DEMOCRATIC REPUBLIC OF CONGO.—The Government of Zimbabwe is making a good faith effort to fulfill the terms of the Lusaka, Zambia, agreement on ending the war in the Democratic Republic of Congo.

SEC. 4. SUPPORT FOR DEMOCRATIC TRANSITION AND ECONOMIC RECOVERY.

(a) FINDINGS.—Congress makes the following findings:

(1) Through economic mismanagement, undemocratic practices, and the costly deployment of troops to the Democratic Republic of the Congo, the Government of Zimbabwe has rendered itself ineligible to participate in International Bank for Reconstruction and Development and International Monetary Fund programs, which would otherwise be providing substantial resources to assist in the recovery and modernization of Zimbabwe’s economy. The people of Zimbabwe have thus been denied the economic and democratic benefits envisioned by the donors to such programs, including the United States.

(2) In September 1999 the IMF suspended its support under a “Stand By Arrangement”, approved the previous month, for economic adjustment and reform in Zimbabwe.

(3) In October 1999, the International Development Association (in this section referred to as the “IDA”) suspended all structural adjustment loans, credits, and guarantees to the Government of Zimbabwe.

(4) In May 2000, the IDA suspended all other new lending to the Government of Zimbabwe.

(5) In September 2000, the IDA suspended disbursement of funds for ongoing projects under previously-approved loans, credits, and guarantees to the Government of Zimbabwe.

(b) SUPPORT FOR DEMOCRATIC TRANSITION AND ECONOMIC RECOVERY.—Upon receipt by the appropriate congressional committees of a certification describing in subsection (d), the following shall apply:

(1) DEBT RELIEF AND OTHER FINANCIAL ASSISTANCE.—The Secretary of the Treasury shall—

(A) undertake a review of the feasibility of restructuring, rescheduling, or eliminating the sovereign debt of Zimbabwe held by any agency of the United States Government;

(B) direct the United States executive director of each multilateral development bank to propose that the bank shall undertake a review of the feasibility of restructuring, rescheduling, or eliminating the sovereign debt of Zimbabwe held by that bank;

(C) direct the United States executive director of each international financial institution to which the United States is a member to propose that the bank undertake financial and technical support for Zimbabwe, especially support that is intended to promote Zimbabwe’s economic recovery and development, the stabilization of the Zimbabwean dollar, and the viability of Zimbabwe’s democratic institutions;

(2) ESTABLISHMENT OF A SOUTHERN AFRICA FINANCE CENTER.—The President should direct the establishment of a Southern Africa Finance Center located in Zimbabwe that will include regional offices of the Overseas Private Investment Corporation, the Export-Import Bank of the United States, and the Trade and Development Agency for the purpose of facilitating the development of commercial projects in Zimbabwe and the southern Africa region.

(c) MULTILATERAL FINANCING RESTRICTION.—Until the President makes the certification described in subsection (d), and except as may be required to meet basic human needs or for good governance, the Secretary of the Treasury shall instruct the United States executive director to each international financial institution to oppose and vote against—

(1) any extension by the respective institution of any loan, credit, or guarantee to the Government of Zimbabwe; or

(2) any cancellation or reduction of indebtedness owed by the Government of Zimbabwe to the United States or any international financial institution.

(d) PRESIDENTIAL CERTIFICATION THAT CERTAIN CONDITIONS ARE SATISFIED.—A certification under this subsection is a certification transmitted to the appropriate congressional committees of a determination made by the President that the following conditions are satisfied:

(1) RESTORATION OF THE RULE OF LAW.—The rule of law has been restored in Zimbabwe, including respect for ownership and title to property, freedom of speech and association, and an end to the lawlessness, violence, and intimidation sponsored, condoned, or tolerated by the Government of Zimbabwe, the ruling party, and their supporters or entities.

(2) ELECTION OR PRE-ELECTION CONDITIONS.—Either of the following two conditions is satisfied:

(A) PRESIDENTIAL ELECTION.—Zimbabwe has held a presidential election that is widely accepted as fair and free by independent international monitors, and the president-elect is free to assume the duties of the office.

(B) PRE-ELECTION CONDITIONS.—In the event the certification is made before the presidential election takes place, the Government of Zimbabwe has sufficiently improved the election environment to a degree consistent with accepted international standards for security and freedom of movement and association.

(3) COMMITMENT TO EQUITABLE, LEGAL, AND TRANSPARENT LAND REFORM.—The Government of Zimbabwe has demonstrated a commitment to equitable, legal, and transparent land reform program consistent with agreements reached at the International Donors’ Conference on Land Reform and Resettlement in Zimbabwe held in Harare, Zimbabwe, in September 1998.

(4) FULFILLMENT OF AGREEMENT ENDING WAR IN DEMOCRATIC REPUBLIC OF CONGO.—The Government of Zimbabwe is making a good faith effort to fulfill the terms of the Lusaka, Zambia, agreement on ending the war in the Democratic Republic of Congo.

(5) MILITARY AND NATIONAL POLICE SUBORDINATE TO CIVILIAN GOVERNMENT.—The Zimbabwe Armed Forces, the National Police of Zimbabwe, and the other national security forces are responsible to and serve the elected civilian government.

(e) WAIVER.—The President may waive the provisions of subsection (b) or subsection (c), if the President determines that it is in the national interest of the United States to do so.
SEC. 5. SUPPORT FOR DEMOCRATIC INSTITUTIONS, THE FREE PRESS AND INDEPENDENT MEDIA, AND THE RULE OF LAW.

(a) IN GENERAL.—The President is authorized to provide assistance under part I and chapter 4 of part II of the Foreign Assistance Act of 1961 to—

(1) support an independent and free press and electronic media in Zimbabwe;

(2) support equitable, legal, and transparent mechanisms of land reform in Zimbabwe, including the payment of costs related to the acquisition of land and the resettlement of individuals, consistent with the International Donors’ Conference on Land Reform and Resettlement in Zimbabwe held in Harare, Zimbabwe, in September 1998, or any subsequent agreement relating thereto; and

(3) for democracy and governance programs in Zimbabwe.

(b) FUNDING.—Of the funds authorized to be appropriated to carry out part I and chapter 4 of part II of the Foreign Assistance Act of 1961 for fiscal year 2002—

(1) $20,000,000 is authorized to be available to provide the assistance described in subsection (a)(2); and

(2) $6,000,000 is authorized to be available to provide the assistance described in subsection (a)(3).

(c) SUPERSEDES OTHER LAWS.—The authority in this section supersedes any other provision of law.

SEC. 6. SENSE OF CONGRESS ON THE ACTIONS TO BE TAKEN AGAINST INDIVIDUALS RESPONSIBLE FOR VIOLENCE AND THE BREAKDOWN OF THE RULE OF LAW IN ZIMBABWE.

It is the sense of Congress that the President should begin immediate consultation with the governments of European Union member states, Canada, and other appropriate foreign countries on ways in which to—

(1) identify and share information regarding individuals responsible for the deliberate breakdown of the rule of law, politically motivated violence, and intimidation in Zimbabwe;

(2) identify assets of those individuals held outside Zimbabwe;

(3) implement travel and economic sanctions against those individuals and their associates and families; and

(4) provide for the eventual removal or amendment of those sanctions.

Mr. REID. Madam President, I ask unanimous consent that the committee substitute be agreed to, the bill, as amended, be read a third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment in the nature of a substitute was agreed to. The bill (S. 494), as amended, was read the third time and passed.
Daily Digest

HIGHLIGHTS

See Résumé of Congressional Activity.

Senate passed Department of Transportation and Related Agencies Appropriations Act.

House Committees ordered reported 10 sundry measures.


Committee on Rules reported a resolution providing for consideration of H.R. 2563, Bipartisan Patient Protection Act.

Senate

Chamber Action

Routine Proceedings, pages S8499–S8628

Measures Introduced: Sixteen bills and three resolutions were introduced, as follows: S. 1286–1301, S.J. Res. 21, and S. Res. 145–146. Pages S8574–75

Measures Reported:


S. Res. 126, expressing the sense of the Senate regarding observance of the Olympic Truce.

S. 367, to prohibit the application of certain restrictive eligibility requirements to foreign nongovernmental organizations with respect to the provision of assistance under part I of the Foreign Assistance Act of 1961.

S. 584, to designate the United States courthouse located at 40 Centre Street in New York, New York, as the “Thurgood Marshall States Courthouse”.

S. 1254, to reauthorize the Multifamily Assisted Housing Reform and Affordability Act of 1997, with an amendment.

S. Con. Res. 58, expressing support for the tenth annual meeting of the Asia Pacific Parliamentary Forum.

S. Con. Res. 62, congratulating Ukraine on the 10th anniversary of the restoration of its independence and supporting its full integration into the Euro-Atlantic community of democracies. Page S8570

Measures Passed:

Department of Transportation and Related Agencies Appropriations Act: Senate passed H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, after taking action on the following amendment proposed thereto: Pages S8505–33

Adopted:

Murray/Shelby Amendment No. 1213, to make certain revisions and improvements to the bill. Page S8526

By prior unanimous consent, Senate agreed to the motion to proceed to the motion to reconsider the vote by which cloture was not invoked on the bill. Page S8505

By prior unanimous consent, Senate agreed to the motion to reconsider the vote by which cloture was not invoked on the bill. Page S8505

During consideration of this measure today, Senate also took the following action:

By a unanimous vote of 100 yeas (Vote No. 262), three-fifths of those Senators duly chosen and sworn, having voted in the affirmative, Senate agreed to the motion to close further debate on H.R. 2299 (listed above). Page S8505

Zimbabwe Democracy and Economic Recovery Act: Senate passed S. 494, to provide for a transition to democracy and to promote economic recovery in Zimbabwe, after agreeing to a committee amendment in the nature of a substitute. Pages S8627–28

Emergency Agriculture Assistance Act: Senate continued consideration of S. 1246, to respond to
the continuing economic crisis adversely affecting American agricultural producers, taking action on the following amendments proposed thereto:

Withdrawn:

Voinovich Amendment No. 1209, to protect the social security surpluses by preventing on-budget deficits.

Pending:

Lugar Amendment No. 1212, in the nature of a substitute.

A motion was entered to close further debate on S. 1246 (listed above) and, in accordance with Rule XXII of the Standing Rules of the Senate, a vote on the cloture motion will occur on Friday, August 3, 2001.

VA–HUD Appropriations Act: Senate began consideration of H.R. 2620, making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2002, taking action on the following amendments proposed thereto:

Adopted:

Mikulski/Bond Amendment No. 1217 (to Amendment No. 1214), to make $2,000,000,000 for FEMA disaster relief available upon enactment.

By 97 yeas to 1 nay (Vote No. 265), Boxer Amendment No. 1219 (to Amendment No. 1214), to provide for a new national primary drinking water regulation for arsenic.

Pending:

Mikulski/Bond Amendment No. 1214, in the nature of a substitute.

During consideration of this measure today, Senate also took the following action:

By 25 yeas to 75 nays (Vote No. 263), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate failed to agree to the motion to waive section 302(f) of the Congressional Budget Act of 1974 with respect to Wellstone Amendment No. 1218 (to Amendment No. 1214), to increase the amount available for medical care for veterans by $650,000,000. Subsequently, a point of order that the amendment was in violation of the Congressional Budget Act by providing spending in excess of the subcommittee’s 302–B allocation was sustained, and the amendment thus fell.

A unanimous-consent agreement was reached providing for further consideration of the bill and certain amendments to be proposed thereto on Thursday, August 2, 2001; that upon disposition of all amendments, the substitute amendment be agreed to, the bill be read three times, and the Senate vote on passage of the bill; that upon passage of the bill, the Senate insist on its amendment, request a conference with the House, and the Chair be authorized to appoint conferees on the part of the Senate.

Export Administration Act Agreement: A unanimous-consent agreement was reached providing that the Majority Leader may, after consultation with the Republican Leader, turn to the consideration of S. 149, to provide authority to control exports, but not before September 4, 2001.

Appointments:

Congressional-Executive Commission on the People's Republic of China: The Chair, on behalf of the President of the Senate, and after consultation with the Democratic Leader, pursuant to Public law 106–286, appointed Senator Bayh to serve on the Congressional-Executive Commission on the People’s Republic of China, vice Senator Gordon Smith, and appointed Senator Baucus as Chairman of the Commission.

Nominations Confirmed: Senate confirmed the following nominations:

By 98 yeas 1 nay (Vote No. EX. 264), Asa Hutchinson, of Arkansas, to be Administrator of Drug Enforcement.

Gordon H. Mansfield, of Virginia, to be an Assistant Secretary of Veterans Affairs (Congressional Affairs).

Jack Dyer Crouch II, of Missouri, to be an Assistant Secretary of Defense.

Sue McCourt Cobb, of Florida, to be Ambassador to Jamaica.

Mercer Reynolds, of Ohio, to be Ambassador to Switzerland, and to serve concurrently and without additional compensation as Ambassador to the Principality of Liechtenstein.

Josefina Carbonell, of Florida, to be Assistant Secretary for Aging, Department of Health and Human Services.

Russell F. Freeman, of North Dakota, to be Ambassador to Belize.

Clark Kent Ervin, of Texas, to be Inspector General, Department of State.

Michael E. Guest, of South Carolina, to be Ambassador to Romania.

Roger Francisco Noriega, of Kansas, to be Permanent Representative of the United States of America to the Organization of American States, with the rank of Ambassador.

Dan R. Brouillette, of Louisiana, to be an Assistant Secretary of Energy (Congressional and Intergovernmental Affairs).
Stuart A. Bernstein, of the District of Columbia, to be Ambassador to Denmark.

Charles A. Heimbold, Jr., of Connecticut, to be Ambassador to Sweden.

Jim Nicholson, of Colorado, to be Ambassador to the Holy See.

Thomas J. Miller, of Virginia, to be Ambassador to Greece.

Larry C. Napper, of Texas, to be Ambassador to the Republic of Kazakhstan.

Thomas C. Hubbard, of Tennessee, to be Ambassador to the Republic of Korea.

Eric M. Bost, of Texas, to be a Member of the Board of Directors of the Commodity Credit Corporation.

William T. Hawks, of Mississippi, to be a Member of the Board of Directors of the Commodity Credit Corporation.

Joseph J. Jen, of California, to be a Member of the Board of Directors of the Commodity Credit Corporation.

James R. Moseley, of Indiana, to be a Member of the Board of Directors of the Commodity Credit Corporation.

J.B. Penn, of Arkansas, to be a Member of the Board of Directors of the Commodity Credit Corporation.

Marie T. Huhtala, of California, to be Ambassador to Malaysia.

Harvey Pitt, of North Carolina, to be a Member of the Securities and Exchange Commission for the remainder of the term expiring June 5, 2002.

Harvey Pitt, of North Carolina, to be a Member of the Securities and Exchange Commission for a term expiring June 5, 2007. (Reappointment)

Franklin L. Lavin, of Ohio, to be Ambassador to the Republic of Singapore.

J. Strom Thurmond, Jr., of South Carolina, to be United States Attorney for the District of South Carolina for the term of four years.

Charles F. Lettow, of Virginia, to be a Judge of the United States Court of Federal Claims for a term of fifteen years.

Marian Blank Horn, of Maryland, to be a Judge of the United States Court of Federal Claims for a term of fifteen years. (Reappointment)

Michael W. Mosman, of Oregon, to be United States Attorney for the District of Oregon for the term of four years.

Paul J. McNulty, of Virginia, to be United States Attorney for the Eastern District of Virginia for the term of four years.

Robert Garner McCampbell, of Oklahoma, to be United States Attorney for the Western District of Oklahoma for the term of four years.

Harry Sandlin Mattice, Jr., of Tennessee, to be United States Attorney for the Eastern District of Tennessee for the term of four years.

Timothy Mark Burgess, of Alaska, to be United States Attorney for the District of Alaska for the term of four years.

Four Coast Guard nominations in the rank of admiral.

A routine list in the Army.

Nominations Received: Senate received the following nominations:

Executive Communications:
Petitions and Memorials:
Executive Reports of Committees:
Messages From the House:
Measures Referred:
Measures Read First Time:
Statements on Introduced Bills:
Additional Cosponsors:
Amendments Submitted:
Additional Statements:
Authority for Committees:
Privilege of the Floor:
Record Votes: Four record votes were taken today. (Total—265)
Adjournment: Senate met at 10 a.m., and adjourned at 8:56 p.m., until 9:30 a.m., on Thursday, August 2, 2001. (For Senate’s program, see the remarks of the Acting Majority Leader in today’s Record on page S8577.)

Committee Meetings

U.S. EXPORT MARKET SHARE
Committee on Agriculture, Nutrition, and Forestry: Subcommittee on Production and Price Competitiveness concluded hearings to examine the status of the U.S. agricultural export market share, the Department of Agriculture’s strategy for expanding overseas sales, and how impending policy changes may benefit the food and agricultural sector, after receiving testimony from Mattie R. Sharpless, Acting Administrator, Foreign Agricultural Service, Department of Agriculture; Leonard W. Condon, American Meat Institute, Arlington, Virginia; Henry Jo Von Tungeln, Calumet, Oklahoma, on behalf of the U.S. Wheat Associates, the Wheat Export Trade Education Committee, and the National Association of
Wheat Growers; and Carl Brothers, Riceland Foods, Inc., Stuttgart, Arkansas, on behalf of the USA Rice Federation.

STEM CELL RESEARCH
Committee on Appropriations: Subcommittee on Labor, Health and Human Services, and Education concluded hearings to examine how intellectual property considerations and ethical issues affect stem cell research and the future development of products for public benefit, and how the transfer of federally funded technology from the not-for-profit sector to the for-profit is accomplished, after receiving testimony from Maria Freire, Director, Office of Technology Transfer, National Institutes of Health, Department of Health and Human Services; Carl E. Gulbrandsen, WiCell Research Institute, Madison, Wisconsin, on behalf of the Wisconsin Alumni Research Foundation; Nigel Cameron, Centre for Bioethics and Public Policy, London, England; Arthur Caplan and Glenn McGee, both of the University of Pennsylvania Center for Bioethics, Philadelphia; Michael D. West, Advanced Cell Technology, Inc., Worcester, Massachusetts.

APPROPRIATIONS—NAVY AND AIR FORCE CONSTRUCTION

NOMINATION
Committee on Armed Services: Committee concluded hearings on the nomination of Gen. John P. Jumper, USAF, for reappointment to the grade of general and to be Chief of Staff, United States Air Force, after the nominee testified and answered questions in his own behalf.

BUSINESS MEETING
Committee on Banking, Housing, and Urban Affairs: Committee ordered favorably reported the following business items:

S. 1254, to reauthorize the Multifamily Assisted Housing Reform and Affordability Act of 1997, with an amendment; and

The nomination of Linda Mysliwy Conlin, of New Jersey, to be Assistant Secretary for Trade Development, and Michael J. Garcia, of New York, to be Assistant Secretary for Export Enforcement, both of the Department of Commerce, Melody H. Fennel, of Virginia, to be Assistant Secretary for Congressional and Intergovernmental Relations, and Michael Minoru Fawn Liu, of Illinois, to be Assistant Secretary for Public and Indian Housing, both of the Department of Housing and Urban Development, and Henrietta Holsman Fore, of Nevada, to be Director of the Mint, Department of the Treasury.

SUBCOMMITTEE ASSIGNMENTS
Committee on Banking, Housing, and Urban Affairs: Committee announced the following subcommittee assignments:

Subcommittee on Securities and Investment: Senators Dodd (Chairman), Johnson, Reed, Schumer, Bayh, Corzine, Carper, Stabenow, Akaka, Enzi (Ranking Member), Shelby, Crapo, Bennett, Allard, Hagel, Santorum, and Bunning.

Subcommittee on Financial Institutions: Senators Johnson (Chairman), Miller, Carper, Stabenow, Dodd, Reed, Bayh, Corzine, Bennett (Ranking Member), Ensign, Shelby, Allard, Santorum, Bunning, and Crapo.

Subcommittee on Housing and Transportation: Senators Reed (Chairman), Carper, Stabenow, Corzine, Dodd, Schumer, Akaka, Allard (Ranking Member), Santorum, Ensigh, Shelby, Enzi, and Hagel.

Subcommittee on Economic Policy: Senators Schumer (Chairman), Miller, Corzine, Akaka, Bunning (Ranking Member), Bennett, and Ensign.

Subcommittee on International Trade and Finance: Senators Bayh (Chairman), Miller, Johnson, Akaka, Hagel (Ranking Member), Enzi, and Crapo.

INTERNATIONAL TRADE AGREEMENTS
Committee on Commerce, Science, and Transportation: Committee held hearings to examine the status of current U.S. trade agreements, focusing on the proposed benefits and practical realities of expanding trade markets, while trying to improve labor standards abroad, protect the environment, and protect and compensate workers in the U.S., receiving testimony from Donald L. Evans, Secretary of Commerce; and Edward N. Luttwak, Center for Strategic and International Studies, William Reinsch, National
Foreign Trade Council, on behalf of the Organization for International Investment, and Alan Tonelson, United States Business and Industry Council, all of Washington, D.C.

Hearings recessed subject to call.

NOMINATIONS
Committee on Commerce, Science, and Transportation: Committee concluded hearings on the nominations of John Arthur Hammerschmidt, of Arkansas, to be a Member of the National Transportation Safety Board; Jeffrey William Runge, of North Carolina, to be Administrator of the National Highway Traffic Safety Administration, Department of Transportation; and Nancy Victory, to be Assistant Secretary for Communications and Information, and Otto Wolff, to be Assistant Secretary for Administration and Chief Financial Officer, both of Virginia, both of the Department of Commerce, after the nominees testified and answered questions in their own behalf. Dr. Runge was introduced by Representative Myrick, and Ms. Victory was introduced by Senator Allen.

NATIONAL ENERGY POLICY
Committee on Energy and Natural Resources: Committee began markup of S. 597, to provide for a comprehensive and balanced national energy policy, but did not complete action thereon, and will meet again tomorrow.

BUSINESS MEETING
Committee on Environment and Public Works: Committee ordered favorably reported the following business items:

S. 584, to designate the United States courthouse located at 40 Centre Street in New York, New York, as the “Thurgood Marshall States Courthouse”; and

The nominations of David A. Sampson, of Texas, to be Assistant Secretary of Commerce for Economic Development, and George Tracy Mehan III, of Michigan, to be Assistant Administrator for the Office of Water, Judith Elizabeth Ayres, of California, to be Assistant Administrator for the Office of International Activities, Robert E. Fabricant, of New Jersey, to be General Counsel, Jeffrey R. Holmstead, of Colorado, to be Assistant Administrator for the Office of Air and Radiation, and Donald R. Schregardus, of Ohio, to be Assistant Administrator for the Office of Enforcement and Compliance Assurance, all of the Environmental Protection Agency.

TRANSPORTATION AIR EMISSIONS
Committee on Environment and Public Works: Committee held hearings to examine the impact of air emissions from the transportation sector on public health and the environment, current and future programs that reduce harmful air pollution, and the energy impacts of the transportation sector and its relationship to environmental concerns, receiving testimony from Robert D. Brenner, Acting Assistant Administrator for Air and Radiation, Environmental Protection Agency; Jason Mark, Union of Concerned Scientists; and Gregory Dana, Alliance of Automobile Manufacturers, both of Washington, D.C.; Daniel S. Greenbaum, Health Effects Institute, Cambridge, Massachusetts; Omar F. Freilla, New York City Environmental Justice Alliance, New York, New York; and Jeffrey A. Saitas, Texas Natural Resource Conservation Commission, Austin.

Hearings recessed subject to call.

CYBERSHOPPING AND SALES TAX
Committee on Finance: Committee held hearings to examine issues related to the Internet Tax Freedom Act, which provides a moratorium on certain state and local government taxes on Internet access and electronic commerce, and proposals to extend or modify the Act, focusing on remote collection of taxes and reduction of compliance costs, including a related proposal S. 512, to foster innovation and technological advancement in the development of the Internet and electronic commerce, receiving testimony from G. Thomas Woodward, Assistant Director for Tax Analysis, Congressional Budget Office; Illinois State Senator Steven Rauschenberger, Springfield, on behalf of the National Conference of State Legislatures; David Bullington, Wal-Mart Stores, Inc., Bentonville, Arizona; Frank G. Julian, Federated Department Stores, Inc., Cincinnati, Ohio, on behalf of the Direct Marketing Association and the Internet Tax Fairness Coalition; and Michael S. Greve, American Enterprise Institute, Jeffrey A. Friedman, KPMG, and Frank Shafroth, National Governors Association, all of Washington, D.C.

Hearings recessed subject to call.

BUSINESS MEETING
Committee on Foreign Relations: Committee ordered favorably reported the following business items:

An original bill to authorize appropriations for the Department of State and for United States international broadcasting activities for fiscal years 2002 and 2003;

S. 367, to prohibit the application of certain restrictive eligibility requirements to foreign nongovernmental organizations with respect to the provision of assistance under part I of the Foreign Assistance Act of 1961;

S. Res. 126, expressing the sense of the Senate regarding observance of the Olympic Truce;
The nominations of Vincent Martin Battle, of the Republic of Lebanon, Nancy Goodman Brinker, of Florida, to be Ambassador to the Republic of Hungary, Carole Brookins, of Indiana, to be United States Executive Director of the International Bank for Reconstruction and Development, R. Nicholas Burns, of Massachusetts, to be United States Permanent Representative on the Council of the North Atlantic Treaty Organization, with the rank and status of Ambassador, Daniel R. Coats, of Indiana, to be Ambassador to the Federal Republic of Germany, Ross J. Connelly, of Maine, to be Executive Vice President of the Overseas Private Investment Corporation, Patrick M. Cronin, of the District of Columbia, to be Assistant Administrator for Policy and Program Coordination of the United States Agency for International Development, Christopher William Dell, of New Jersey, to be Ambassador to the Republic of Angola, Richard J. Egan, of Massachusetts, to be Ambassador to Ireland, Edward William Gnehm, Jr., of Georgia, to be Ambassador to the Hashemite Kingdom of Jordan, Edmund James Hull, of Virginia, to be Ambassador to the Republic of Yemen, Richard Henry Jones, of Nebraska, to be Ambassador to the State of Kuwait, Theodore H. Kattouf, of Maryland, to be Ambassador to the Syrian Arab Republic, Robert Geers Loftis, of Colorado, to be Ambassador to the Kingdom of Lesotho, Jeanne L. Phillips, of Texas, to be Representative of the United States of America to the Organization for Economic Cooperation and Development, with the rank of Ambassador, Randal Quarles, of Utah, to be United States Executive Director of the International Monetary Fund, Maureen Quinn, of New Jersey, to be Ambassador to the State of Qatar, Craig Roberts Stapleton, of Connecticut, to be Ambassador to the Czech Republic, Joseph Gerard Sullivan, of Virginia, to be Ambassador to the Republic of Zimbabwe, and Johnny Young, of Maryland, to be Ambassador to the Republic of Slovenia.

BUSINESS MEETING

Committee on Health, Education, Labor, and Pensions: Committee ordered favorably reported the following business items:

S. 543, to provide for equal coverage of mental health benefits with respect to health insurance coverage unless comparable limitations are imposed on medical and surgical benefits, with an amendment in the nature of a substitute;

An original bill, to amend the Public Health Service Act to provide grants for public access defibrillation programs and public access defibrillation demonstration projects;

S. 1281, to amend the Public Health Service Act to reauthorize and strengthen the health centers program and the National Health Service Corps, and to establish the Healthy Communities Access Program, which will help coordinate services for the uninsured and underinsured, with an amendment in the nature of a substitute; and

S. 838, to amend the Federal Food, Drug, and Cosmetic Act to improve the safety and efficacy of pharmaceuticals for children, with an amendment in the nature of a substitute.

Also, committee announced the following subcommittee assignments:

Subcommittee on Aging: Senators Mikulski (Chairman), Dodd, Edwards, Murray, Clinton, Hutchinson (Ranking Member), Gregg, Warner, and Roberts.

Subcommittee on Children and Families: Senators Dodd (Chairman), Bingaman, Wellstone, Murray, Reed, Jeffords, Collins (Ranking Member), Frist, Warner, Bond, and DeWine.

Subcommittee on Employment, Safety and Training: Senators Wellstone (Chairman), Kennedy, Dodd, Harkin, Enzi (Ranking Member), Sessions, and DeWine.

Subcommittee on Public Health: Senators Kennedy (Chairman), Harkin, Mikulski, Jeffords, Bingaman, Wellstone, Reed, Edwards, Clinton, Frist (Ranking Member), Gregg, Enzi, Hutchinson, Roberts, Collins, Sessions, and Bond.

RACIAL PROFILING

Committee on the Judiciary: Subcommittee on Constitution, Federalism, and Property Rights concluded hearings on S. 989, to prohibit racial profiling, after receiving testimony from Senators Clinton and Corzine; Representatives Conyers and Shays; Mayor Dennis W. Archer, Detroit, Michigan, on behalf of the National League of Cities; Raymond W. Kelly, New York City Police Department, New York, New York, former Commissioner, U.S. Customs Service, Department of the Treasury; Ronald L. Davis, Oakland Police Department, Oakland, California, on behalf of the National Organization of Black Law Enforcement Executives; Lorie Fridell, Police Executive Research Forum, and Steve Young, Fraternal Order of Police, both of Washington, D.C.; Reuben M.
improving environmental policy and technology, receiving testimony from Paul Stolpman, Director, Office of Atmospheric Programs, Office of Air and Radiation, Environmental Protection Agency; Dan H. Renberg, Member, Board of Directors, Export-Import Bank of the United States; Byron Kennard, Center for Small Business and the Environment, Washington, D.C.; Jeffrey M. Bentley, Nuvera Fuel Cells, Inc., Cambridge, Massachusetts; Thomas A. Dreessen, EPS Capital Corporation, Doylestown, Pennsylvania, on behalf of the Export Council for Energy Efficiency; Ed C. Patterson, Jr., Natural Environmental Solutions, Inc., St. Louis, Missouri; and Ralph Bedogne, Engineered Machined Products, Inc., Escanaba, Michigan.

Hearings recessed subject to call.

INTELLIGENCE

Select Committee on Intelligence: Committee held closed hearings on intelligence matters, receiving testimony from officials of the intelligence community.

Committee recessed subject to call.

House of Representatives

Chamber Action

Bills Introduced: 21 public bills, H.R. 2693–2713, were introduced.

Reports Filed: Reports were filed as follows:

Supplemental report on H.R. 2587, to enhance energy conservation, provide for security and diversity in the energy supply for the American people (H. Rept. 107–162, Pt. 2);

H.R. 2501, to reauthorize the Appalachian Regional Development Act of 1965 (H. Rept. 107–180);

H. Con. Res. 25, expressing the sense of the Congress regarding tuberous sclerosis, amended (H. Rept. 107–181);

H. Con. Res. 36, urging increased Federal funding for juvenile (Type 1) diabetes research, amended (H. Rept. 107–182);


H. Res. 219, providing for consideration of H.R. 2563, to amend the Public Health Service Act, the Employee Retirement Income Security Act of 1974, and the Internal Revenue Code of 1986 to protect consumers in managed care plans and other Health coverage (H. Rept. 107–184); and

H. Res. 220, providing for pro forma sessions during the summer district work period (H. Rept. 107–185).

Speaker Pro Tempore: Read a letter from the Speaker wherein he appointed Representative Sweeney to act as Speaker pro tempore for today.

Guest Chaplain: The prayer was offered by the guest Chaplain, Rev. Gregory S. Cox, Warwick Assembly of God of Hampton, Virginia.

Journal: Agreed to the Speaker's approval of the Journal of July 31 by a recorded vote of 343 ayes to 65 noes with 2 voting "present," Roll No. 308.

Joint Meeting to Receive President Vicente Fox of Mexico: Agreed that it be in order at any time on Thursday, September 6, 2001, for the Speaker to declare a recess, subject to the call of the Chair for the purpose of receiving in Joint Meeting His Excellency Vicente Fox, President of the United Mexican States.

Joint Meeting to Receive Prime Minister John Howard of Australia: Agreed that it be in order at any time on Wednesday, September 12, 2001, for the Speaker to declare a recess, subject to the call of
the Chair for the purpose of receiving in Joint Meeting the Honorable John Howard, Prime Minister of Australia.

Capito amendment No. 9 printed in H. Rept. 107–178 that directs the Secretary of Energy to fund at least one coal gasification project; Pages H5146–50

Jackson-Lee amendment No. 10 printed in H. Rept. 107–178 that directs the Secretary of the Interior to transmit a report to the Congress assessing the contents of natural gas and oil deposits at existing sites off the coast of Louisiana and Texas; Pages H5150–52

Sununu amendment No. 11 printed in H. Rept. 107–178 that provides that the Federal share of Arctic National Wildlife Refuge royalties from oil and gas leasing and operations be used for the Renewable Energy Technology Investment Fund and the Royalties Conservation Fund (agreed to by a recorded vote of 241 ayes to 186 noes, Roll No. 315); Pages H5152–54, H5158–59

Sununu amendment No. 12 printed in H. Rept. 107–178 that limits all oil and gas production activities in the Arctic national Wildlife Refuge Coastal Plain to 2000 acres (agreed to by a recorded vote of 228 ayes to 201 noes, Roll No. 316); Pages H5154–57, H5159–60

Hayworth amendment No. 14 printed in H. Rept. 107–178 that amends the “Buy Indian Act” to include the development of energy and energy products; Pages H5169–71

Rogers of Michigan amendment No. 15 printed in H. Rept. 107–178 that encourages state and provincial prohibitions against off shore drilling in the Great Lakes for oil and gas (agreed to by a recorded vote of 345 ayes to 85 noes, Roll No. 318); and Pages H5171, H5173–74

Traficant amendment No. 16 printed in H. Rept. 107–178 that authorizes $10 million to be equally divided between grants for research on Eastern oil shale and Western oil shale. Pages H5171–72

Rejected:

Boehlert amendment No. 3 printed in H. Rept. 107–178 that sought to increase the Corporate Average Fuel efficiency (CAFE) standard for automobiles and light trucks to 27.5 mpg beginning in 2007 and provides incentives for alternative fuel vehicles (rejected by a recorded vote of 160 ayes to 269 noes, Roll No. 311); Pages H5114–22, H5127–28, H5133

Green of Texas amendment No. 5 printed in H. Rept. 107–178 that sought to repeal the Hinshaw exemption so as to give FERC oversight over intrastate natural gas pipelines (rejected by a recorded vote of 154 ayes to 275 noes, Roll No. 312); Pages H5130–33, H5133–34

Cox amendment No. 6 printed in H. Rept. 107–178 that sought to grant California a waiver of the reformulated gas rules of the Clean Air Act requiring 2% oxygen, only if its reformulation will achieve equivalent or greater emissions reductions


Securing America’s Future Energy (SAFE) Act: The House passed H.R. 4, to enhance energy conservation, research and development and to provide for security and diversity in the energy supply for the American people by a recorded vote of 240 ayes to 189 noes, Roll No. 320. Pages H5008–H512, H5127–76

Rejected the Thurman motion to recommit the bill to the Committee on Ways and Means with instructions to report it back forthwith with an amendment that sought to make tax reductions contingent on sufficient non-social security, non-medicaid surpluses by a recorded vote of 206 ayes to 223 noes, Roll No. 319. Pages H5174–76

Pursuant to the rule, the amendment in part A of H. Rept. 107–178 that strikes Section 301, Budget Status of Nuclear Waste Fund, in Title III was considered as adopted.

Agreed To:

Taufzin amendment No. 1 printed in H. Rept. 107–178 that makes technical and clarifying changes and directs various studies on energy conservation education, anticipated demand growth for natural gas consumption in the west, modification of the gasoline excise tax to promote cleaner burning fuel in the study on boutique fuels, and feasibility of establishing a renewable fuel standard (agreed to by a recorded vote of 281 ayes to 148 noes, Roll No. 309); Pages H5106–11, H5113–14

Bono amendment No. 2 printed in H. Rept. 107–178 that establishes a renewable energy partnership at EPA to promote the use of renewable energy, recognize companies that purchase it, and educate consumers on its environmental benefits (agreed to by a recorded vote of 411 ayes to 15 noes, Roll No. 310); Pages H5111–13, H5114

Wilson amendment No. 4 printed in H. Rept. 107–178 that prohibits the commercial sale of uranium by the United States until 2009 with the exception of sales required pursuant to statute; Pages H5128–30

Jackson-Lee amendment No. 8 printed in H. Rept. 107–178 that earmarks $5 million for bioenergy training and education targeted to minority and socially disadvantaged farmers and ranchers; Pages H5146–48

The House passed H.R. 4, to enhance energy conservation, research and development and to provide for security and diversity in the energy supply for the American people by a recorded vote of 240 ayes to 189 noes, Roll No. 320.

Pages H5008–H5112, H5127–76

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Capito amendment No. 9 printed in H. Rept. 107–178 that directs the Secretary of Energy to fund at least one coal gasification project;
CHALLENGES FACING WORKING FAMILIES
Committee on the Budget: Held a hearing on Making Ends Meet: Challenges Facing Working Families in America. Testimony was heard from Representative Cardin; and public witnesses.

INTERNET EQUITY AND EDUCATION ACT; JUVENILE CRIME CONTROL AND DELINQUENCY PREVENTION ACT

SHIPMENTS OF MUNICIPAL SOLID WASTE
Committee on Energy and Commerce, Subcommittee on Environment and Hazardous Materials held a hearing entitled “Perspectives on Interstate and International Shipments of Municipal Solid Waste,” focusing on the following bills: H.R. 1213, Solid Waste Interstate Transportation Act of 2001; H.R. 667, Solid Waste Compact Act; and H.R. 1927, Solid Waste International Transportation Act of 2001. Testimony was heard from Representatives Bonior, Jo Ann Davis of Virginia, Kanjorski, Moran of Virginia and Rogers of Michigan; Chris Jones, Director, Environmental Protection Agency, State of Ohio, David E. Hess, Secretary, Department of Environmental Protection, State of Pennsylvania; Russell J. Harding, Director, Department of Environmental Quality, State of Michigan; Lori Kaplan, Commissioner, Department of Environmental Management, State of Indiana; Joseph Lhota, Deputy Mayor, City of New York; and public witnesses.

AUTHORIZING SAFETY NET PUBLIC HEALTH PROGRAMS
Committee on Energy and Commerce: Subcommittee on Health held a hearing on Authorizing Safety Net Public Health Programs. Testimony was heard from Elizabeth James Duke, Acting Director, Health Resources and Service Administration, Department of Health and Human Services; Janet Heinrich, M.D., Director, Health-Public Issues, GAO; Angela Monson, member Senate, State of Oklahoma; and public witnesses.

OVERSIGHT
Committee on Financial Services: Subcommittee on Capital Markets, Insurance and Government Sponsored Enterprises held an oversight hearing on the Office of Federal Housing Enterprise risk-based capital rule for Fannie Mae and Freddie Mac. Testimony was heard from Armando Falcon, Jr., Director, Office of Federal Housing Enterprise Oversight, Department of Housing and Urban Development.
AUTOMOBILE INSURANCE—OVER-REGULATION

Committee on Financial Services: Subcommittee on Oversight and Investigations held a hearing entitled “Over-regulation of Automobile Insurance: A Lack of Consumer Choice.” Testimony was heard from public witnesses.

NATIONAL YOUTH ANTI-DRUG MEDIA CAMPAIGN

Committee on Government Reform: Subcommittee on Criminal Justice, Drug Policy and Human Resources held an oversight hearing on the “National Youth Anti-Drug Media Campaign: How to Ensure the Program Operates Efficiently and Effectively?” Testimony was heard from Edward H. Jurith, Acting Director, Office of National Drug Control Policy; Bernard L. Ungar, Director, Physical Infrastructure Team, GAO; Capt. Mark D. Westin, USN, Contract Administration, Fleet and Industrial Supply Center Norfolk Washington Detachment, Department of the Navy; and Susan David, Deputy Chief, Prevention Research Branch, National Institute on Drug Abuse, NIH, Department of Health and Human Services.

MISCELLANEOUS MEASURES


The Committee also favorably considered the following measures and adopted a motion urging the Chairman to request that they be considered on the Suspension Calendar: H.R. 2541, to enhance the authorities of special agents and provide limited authorities to uniformed officers responsible for the protection of domestic Department of State occupied facilities; H. Res. 181, congratulating President-elect Alejandro Toledo on his election to the Presidency of Peru, congratulating the people of Peru for the return of democracy to Peru, and expressing sympathy for the victims of the devastating earthquake that struck Peru on June 23, 2001; H. Con. Res. 188, expressing the sense that the Government of the People’s Republic of China should cease its persecution of Falun Gong practitioners; and H. Con. Res. 89, mourning the death of Ron Sander at the hands of terrorist kidnappers in Ecuador and welcoming the release from captivity of Arnie Alford, Steve Derry, Jason Weber, and David Bradley, and supporting efforts by the United States to combat such terrorism.

MISCELLANEOUS MEASURES


END GRIDLOCK AT OUR NATION’S CRITICAL AIRPORTS ACT

Committee on Transportation and Infrastructure: Subcommittee on Aviation held a hearing on H.R. 2107, End Gridlock at Our Nation’s Critical Airports Act of 2001. Testimony was heard from Representatives Hyde, Gutierrez, Weller, Jackson of Illinois, and Davis of Illinois; from the following officials of the State of Illinois: George H. Ryan, Governor; and John F. Harris, 1st Deputy Commissioner, Department of Aviation, City of Chicago; and public witnesses.

FEDERAL PHOTOVOLTAIC UTILIZATION ACT

Committee on Transportation and Infrastructure: Subcommittee on Economic Development, Public Buildings and Emergency Management held a hearing on H.R. 2407, Federal Photovoltaic Utilization Act. Testimony was heard from the following officials of the GSA: Joseph Moravec, Commissioner, Public Building Service; and Mark Ewing, Director, Energy Center of Expertise; David K. Garman, Assistant Secretary, Energy Efficiency and Renewable Energy; and public witnesses.

BIPARTISAN PATIENT PROTECTION ACT OF 2001

Committee on Rules: Ordered, by a vote of 7 to 3, a structured rule on H.R. 2563, Bipartisan Patient Protection Act of 2001, providing two hours of general debate equally divided and controlled by the chairmen and ranking minority members of the Committee on Energy and Commerce, the Committee on Education and the Workforce, and the Committee on Ways and Means. The rule waives all points of order against consideration of the bill. The rule makes in order only the amendments printed in the Rules Committee report accompanying the resolution. The rule provides that the amendments printed in the report may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand
for division of the question in the House or in the Committee of the Whole. The rule waives all points of order against the amendments printed in the report. Finally, the rule provides one motion to recommit with or without instructions. Testimony was heard from Representatives Burr, Norwood, Cox, Deal of Georgia, Ganske, Boehner, Sam Johnson of Texas, Fletcher, Culberson, Thomas, Collins, LaTourette, Kirk, Dingell, Andrews, Pomeroy, Peterson of Minnesota, and Berry.

PRO FORMA SESSIONS DURING THE SUMMER DISTRICT WORK PERIOD

Committee on Rules: Reported a resolution providing that when the House adjourns on the legislative day of Thursday, August 2, 2001, or Friday, August 3, 2001, on a motion offered pursuant to this resolution by the Majority Leader or his designee, and on each of its successive days of meeting under this order, it stand adjourned until noon on each third successive day until it shall convene at 2:00 p.m. on Wednesday, September 5, 2001. The resolution further provides that the House shall stand adjourned pursuant to a concurrent resolution providing for the summer district work period upon receipt of a message from the Senate transmitting its adoption of such concurrent resolution.

Joint Meetings

ELEMENTARY AND SECONDARY EDUCATION ACT

Conferees continued into evening session to resolve the differences between the Senate and House passed versions of H.R. 1, to close the achievement gap with accountability, flexibility, and choice, so that no child is left behind.

COMMITTEE MEETINGS FOR THURSDAY, AUGUST 2, 2001

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Agriculture, Nutrition, and Forestry: to resume hearings to examine the proposed federal farm bill, focusing on rural economic issues, 9 a.m., SR–328A.

Committee on Armed Services: Subcommittee on Readiness and Management Support, to hold hearings on proposed legislation authorizing funds for fiscal year 2002 for the Department of Defense and the Future Years Defense Program, focusing on installation programs, military construction programs, and family housing programs, 2:15 p.m., SR–232A.

Committee on Banking, Housing, and Urban Affairs: Subcommittee on Financial Institutions, to hold hearings to examine responses to the Federal Deposit Insurance Cor-

poration recommendations for reform, focusing on the comprehensive deposit insurance reform, 10 a.m., SD–538.

Committee on the Budget: to hold hearings to examine social security, focusing on budgetary tradeoffs and transition costs, 10 a.m., SD–608.

Committee on Commerce, Science, and Transportation: business meeting to consider S. 633, to provide for the review and management of airport congestion; S. 951, to authorize appropriations for the Coast Guard; S. 980, to provide for the improvement of the safety of child restraints in passenger motor vehicles; S. 1214, to amend the Merchant Marine Act, 1936, to establish a program to ensure greater security for United States seaports; and pending nominations, 9:30 a.m., SR–255.

Full Committee, with the Committee on Energy and Natural Resources, to hold joint hearings to examine the National Academy of Sciences report on fuel economy, focusing on the effectiveness and impact of Corporate Average Fuel Economy Standards, 2:30 p.m., SH–216.

Committee on Energy and Natural Resources: business meeting to resume consideration on energy policy legislation, 10 a.m., SD–366.

Full Committee, with the Committee on Commerce, Science, and Transportation, to hold joint hearings to examine the National Academy of Sciences report on fuel economy, focusing on the effectiveness and impact of Corporate Average Fuel Economy Standards, 2:30 p.m., SH–26.

Committee on Governmental Affairs: business meeting to consider pending calendar business, 9:30 a.m., SD–342.

Committee on Health, Education, Labor, and Pensions: to hold hearings on the nomination of John Lester Henshaw, of Missouri, to be an Assistant Secretary of Labor, Occupational Safety and Health Administration, 9:30 a.m., SD–430.

Committee on the Judiciary: business meeting to consider the nomination of William J. Riley, of Nebraska, to be United States Circuit Judge for the Eighth Circuit; the nomination of Deborah J. Daniels, of Indiana, to be Assistant Attorney General for the Office of Justice Programs, the nomination of Sarah V. Hart, of Pennsylvania, to be Director of the National Institute of Justice, the nomination of Robert S. Mueller III, of California, to be Director of Federal Bureau of Investigation, all of the Department of Justice; S. 356, to establish a National Commission on the Bicentennial of the Louisiana Purchase; S. 1046, to establish a commission for the purpose of encouraging and providing for the commemoration of the 50th anniversary of the Supreme Court decision in Brown v. Board of Education; H.R. 2133, to establish a commission for the purpose of encouraging and providing for the commemoration of the 50th anniversary of the Supreme Court decision in Brown v. Board of Education; S. Res. 143, expressing the sense of the Senate regarding the development of educational programs on veterans’ contributions to the country and the designation of the week of November 11 through November 17, 2001, as “National Veterans Awareness Week”; S. Res. 138, designating the month of September as “National Prostate Cancer Awareness Month; and original resolution regarding immigrants.
and the 120th anniversary of the Hebrew Immigrant Aid Society; and an original resolution designating Louis Armstrong Day, 10 a.m., SD–226.

Committee on Rules and Administration: business meeting to mark up S.J. Res. 19, providing for the reappointment of Anne d’Harnoncourt as a citizen regent of the Board of Regents of the Smithsonian Institution; S.J. Res. 20, providing for the appointment of Roger W. Sant as a citizen regent of the Board of Regents of the Smithsonian Institution; S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections; an original resolution providing for members on the part of the Senate of the Joint Committee on Printing and the Joint Committee of Congress on the Library; and other legislative and administrative matters, 9 a.m., SR–301.

Committee on Veterans’ Affairs: to hold hearings on the nomination of John A. Gauss, of Virginia, to be Assistant Secretary of Veterans Affairs for Information and Technology; the nomination of Claude M. Kicklighter, of Georgia, to be Assistant Secretary of Veterans Affairs for Policy and Planning; to be followed by a business meeting to consider pending calendar business, 2:30 p.m., SR–418.

House

Committee on Appropriations, Subcommittee on Transportation, on Airline Delays and Aviation System Capacity, 10 a.m., 2359 Rayburn.

Committee on the Budget, to mark up H.R. 981, Budget Responsibility and Efficiency Act of 2001, 11:30 a.m., 210 Cannon.

Committee on Education and the Workforce, Subcommittee on Employer-Employee Relations, to mark up H.R. 2269, Retirement Security Advice Act of 2001, 2 p.m., 2175 Rayburn.

Subcommittee on Select Education, hearing on “CAPTA: Successes and Failures at Preventing Child Abuse and Neglect,” 10 a.m., 2175 Rayburn.


Committee on Government Reform, Subcommittee on Energy Policy, Natural Resources and Regulatory Affairs, hearing on FERC: Regulators in Deregulated Electricity Markets, 2 p.m., 2154 Rayburn.


Committee on International Relations, Subcommittee on Europe, to mark up the following: H. Res. 200, relating to the transfer of Slobodan Milosevic, and other alleged war criminals, to the International Criminal Tribunal for Yugoslavia; H. Con. Res. 131, congratulating the Baltic nations of Estonia, Latvia, and Lithuania on the tenth anniversary of the reestablishment of their full independence; and H. Con. Res. 58, urging the President of Ukraine to support democratic ideals, the rights of free speech, and free assembly for Ukrainian citizens, 10:30 a.m., 2172 Rayburn.

Committee on the Judiciary, Subcommittee on Commercial and Administrative Law, to mark up the following bills: H.R. 1552, Internet Tax Nondiscrimination Act; and H.R. 1675, Internet Tax Nondiscrimination Act, 2 p.m., 2141 Rayburn.

Subcommittee on Crime, to mark up the following bills: H.R. 2146, Two Strikes and You’re Out Child Protection Act; and H.R. 2624, Law Enforcement Tribute Act, 4:30 p.m., 2237 Rayburn.

Subcommittee on Immigration and Claims, oversight hearing on the U.S. Population and Immigration, 10 a.m., 2237 Rayburn.


Committee on Rules, to mark up H.R. 981, Budget Responsibility and Efficiency Act of 2001, 2 p.m., H–313 Capitol.

Permanent Select Committee on Intelligence, Working Group on Terrorism and Homeland Security, executive, briefing on “CBRN 101,” The Terrorist Threat, 10 a.m., H–405 Capitol.
Résumé of Congressional Activity

FIRST SESSION OF THE ONE HUNDRED SEVENTH CONGRESS

The first table gives a comprehensive résumé of all legislative business transacted by the Senate and House. The second table accounts for all nominations submitted to the Senate by the President for Senate confirmation.

### DATA ON LEGISLATIVE ACTIVITY

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<td>Senate concurrent resolutions</td>
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<td>House concurrent resolutions</td>
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<td>Simple resolutions</td>
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<td>Special reports</td>
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<td>Conference reports</td>
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<td>Measures pending on calendar</td>
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<td>Measures introduced, total</td>
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<td>4,677</td>
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<td>Bills</td>
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<td>Joint resolutions</td>
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<td>Simple resolutions</td>
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<td>Quorum calls</td>
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<td>Yea-and-nay votes</td>
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<td>Recorded votes</td>
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<td>Bills vetoed</td>
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<td>Vetoes overridden</td>
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### DISPOSITION OF EXECUTIVE NOMINATIONS

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<tr>
<th>Nomination Type</th>
<th>Total</th>
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<tbody>
<tr>
<td>Civilian Nominations, totaling 472, disposed of as follows:</td>
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<tr>
<td>Confirmed</td>
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<tr>
<td>Unconfirmed</td>
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<tr>
<td>Withdrawn</td>
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<td>Other Civilian Nominations, totaling 1,362, disposed of as follows:</td>
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<td>Air Force Nominations, totaling 4,586, disposed of as follows:</td>
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<td>Army Nominations, totaling 4,343, disposed of as follows:</td>
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<td>Navy Nominations, totaling 3,268, disposed of as follows:</td>
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<td>Confirmed</td>
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<td>Marine Corps Nominations, totaling 3,588, disposed of as follows:</td>
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<td>Unconfirmed</td>
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</tbody>
</table>

**Summary**

- Total Nominations carried over from the First Session: 0
- Total Nominations Received this Session: 17,619
- Total Confirmed: 15,771
- Total Unconfirmed: 1,783
- Total Withdrawn: 65
- Total Returned to the White House: 0

*These figures include all measures reported, even if there was no accompanying report. A total of 49 reports have been filed in the Senate, a total of 177 reports have been filed in the House.*
Next Meeting of the SENATE  
9:30 a.m., Thursday, August 2

 Senate Chamber

Program for Thursday: Senate will continue consideration of H.R. 2620, VA–HUD and Independent Agencies Appropriations Act. Also, Senate hopes to resume consideration of S. 1246, Emergency Agriculture Assistance Act.

Next Meeting of the HOUSE OF REPRESENTATIVES  
10 a.m., Thursday, August 2

House Chamber

Program for Thursday: Consideration of H.R. 2563, Bipartisan Patient Protection Act (structured rule, 2 hours of debate).