

and not allowed it to move forward. Only now, after gas prices have risen to new heights, do the Republicans bring up this bill and call it their own.

I urge support on H.R. 5253, but the American people deserve better leadership in this body.

Mr. BARTON of Texas. Mr. Speaker, I ask that this exchange of letters be included in the RECORD during today's debate on H.R. 5253.

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE JUDICIARY,
Washington, DC, May 3, 2006.

Hon. JOE BARTON,
Chairman Committee on Energy and Commerce,
Rayburn House Office Building, Wash-
ington, DC.

DEAR CHAIRMAN BARTON: In recognition of the desire to expedite consideration of H.R. 5253, a bill to prohibit price gouging in the sale of gasoline, diesel fuel, crude oil, and home heating oil, the Committee on the Judiciary hereby waives consideration of the bill. There are a number of provisions contained in H.R. 5253 that implicate the Rule X jurisdiction of the Committee on the Judiciary. Specifically, the bill contains increases in criminal penalties under title 18 of the United States Code, which implicate the Judiciary Committee's jurisdiction under Rule X(I)(1)(7) ("criminal law enforcement").

The Committee takes this action with the understanding that by forgoing consideration of H.R. 5253, the Committee on the Judiciary does not waive any jurisdiction over subject matter contained in this or similar legislation. The Committee also reserves the right to seek appointment to any House-Senate conference on this legislation and requests your support if such a request is made. Finally, I would appreciate your including this letter in the CONGRESSIONAL RECORD during consideration of H.R. 5253 on the House floor. Thank your attention to these matters.

Sincerely,

F. JAMES SENSENBRENNER, JR.,
Chairman.

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON ENERGY AND COM-
MERCE,
Washington, DC, May 3, 2006.

Hon. F. JAMES SENSENBRENNER, JR.,
Chairman, Committee on the Judiciary, Ray-
burn House Office Building, Washington,
DC.

DEAR CHAIRMAN SENSENBRENNER: Thank you for your letter concerning H.R. 5253, a bill to prohibit price gouging in the sale of gasoline, diesel fuel, crude oil, and home heating oil.

I appreciate your willingness not to seek a referral on H.R. 5253. I agree that your decision to forego action on the bill will not prejudice the Committee on the Judiciary with respect to its jurisdictional prerogatives on this or future legislation. Further, I recognize your right to request conferees on those provisions within the Committee on the Judiciary's jurisdiction should they be the subject of a House-Senate conference on this or similar legislation.

I will include our exchange of letters in the Congressional Record during consideration of the bill on the House floor.

Sincerely,

JOE BARTON,
Chairman.

Mr. GENE GREEN of Texas. Mr. Speaker, this legislation gives the FTC explicit authority to define and prosecute price gouging by gasoline retailers and wholesale distributors.

Given the amount of anger that Americans are feeling at the gasoline pumps, we should

have enacted similar legislation in law long ago.

There are certainly some price gougers out there, especially in situations with tight supplies during emergencies, but the American people should know that this legislation will not bring relief at the pump this year.

First, the FTC will take six months to define price gouging before they can enforce the new law.

Second, when the price of oil is \$75 like it is this week, the price of gasoline is going to be high, without any price gouging by anybody.

The price of oil used to be controlled by OPEC, but most energy experts believe that stable OPEC nations are producing at near full capacity.

The two major reasons why prices are going up is because of high global demand, particularly the booming economies of China and India, and instability in producing nations.

Iraq's oil production has never recovered to pre-war levels due to the insurgency, and many believe that Iran's oil production could soon be reduced due to our tensions with that nation.

In addition to being a large oil producer, Iran sits on the Straits of Hormuz between the Persian Gulf and the Indian Ocean.

If conflict were to occur in that global oil shipping choke point, the price of oil will increase even further.

Unfortunately instability in oil producing countries is not limited to the Middle East. Nigeria, Angola, and other areas of Africa are experiencing civil wars which are limiting oil exports.

Our Administration has been engaged in a war of words with the President of Venezuela, which is one of our major oil suppliers.

Bolivia just sent the army in to occupy its oil and gas fields, some of which had been jointly explored with Spanish and U.S. oil companies under contracts approved by previous governments.

With all of these developments in oil producing nations and the surging global economy, the price of oil has gone up dramatically and the price of gasoline tracks the price of oil.

If a gas station or a gasoline distributor wants to use the background of a rising market price to engage in price-gouging, they should be stopped and punished.

The legislation by my friend BART STUPAK may be superior to this legislation in some ways, and if the House was under Democratic control we would have a more democratic process.

But this is a decent piece of legislation that gives the FTC authority to investigate price gouging, so for that reason alone we should approve it.

Mr. DINGELL. Mr. Speaker, I congratulate my colleagues on the other side of the aisle for awakening at long last to the need to pass strong anti-price gouging legislation to protect America's energy consumers.

It would have been far better if the House majority had come to this realization last fall, when Representative STUPAK offered a stronger version of the bill we are now debating. Instead, the Republicans voted down the STUPAK bill on three separate occasions in Committee and on the House floor. Apparently, the Majority has now seen the light, as this new bill borrows heavily from H.R. 3936, anti-

gouging legislation sponsored by Rep. STUPAK.

Better late than never, I suppose. But in the meantime, seven critical months have elapsed during which all manner of shenanigans may have occurred in the energy markets. Fortunately for consumers, a mild winter sheltered them from the full effects of high prices during the winter heating season, but last month gasoline prices shot up. As we approach the summer driving season, there is no relief in sight.

In a perfect world, I would support Representative STUPAK's bill over the legislation now under consideration. In fact, since last December House Republicans could have signed the discharge petition pending on the Stupak bill and passed it on the suspension calendar. That would have empowered the Federal Trade Commission to go after price gougers—or better yet—the enactment of anti-gouging authority might have deterred gasoline price gougers from taking advantage of U.S. consumers.

Nonetheless, the bill before us today is much improved from the version the Majority offered in the fall. The American energy consumer is hurting and action is needed. I will, with some misgivings, support the bill before the House.

Mrs. WILSON of New Mexico. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. BOOZMAN). The question is on the motion offered by the gentleman from Texas (Mr. BARTON) that the House suspend the rules and pass the bill, H.R. 5253.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mrs. WILSON of New Mexico. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

REFINERY PERMIT PROCESS SCHEDULE ACT

Mr. BARTON of Texas. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5254) to set schedules for the consideration of permits for refineries.

The Clerk read as follows:

H.R. 5254

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 "Refinery Permit Process Schedule Act".

SEC. 2. DEFINITIONS.

For purposes of this Act—

(1) the term "Administrator" means the Administrator of the Environmental Protection Agency;

(2) the term "applicant" means a person who is seeking a Federal refinery authorization;

(3) the term "biomass" has the meaning given that term in section 932(a)(1) of the Energy Policy Act of 2005;

(4) the term "Federal refinery authorization"—

(A) means any authorization required under Federal law, whether administered by a Federal or State administrative agency or official, with respect to siting, construction, expansion, or operation of a refinery; and

(B) includes any permits, licenses, special use authorizations, certifications, opinions, or other approvals required under Federal law with respect to siting, construction, expansion, or operation of a refinery;

(5) the term "refinery" means—

(A) a facility designed and operated to receive, load, unload, store, transport, process, and refine crude oil by any chemical or physical process, including distillation, fluid catalytic cracking, hydrocracking, coking, alkylation, etherification, polymerization, catalytic reforming, isomerization, hydrotreating, blending, and any combination thereof, in order to produce gasoline or distillate;

(B) a facility designed and operated to receive, load, unload, store, transport, process, and refine coal by any chemical or physical process, including liquefaction, in order to produce gasoline or diesel as its primary output; or

(C) a facility designed and operated to receive, load, unload, store, transport, process (including biochemical, photochemical, and biotechnology processes), and refine biomass in order to produce biofuel; and

(6) the term "State" means a State, the District of Columbia, the Commonwealth of Puerto Rico, and any other territory or possession of the United States.

SEC. 3. STATE ASSISTANCE.

(a) STATE ASSISTANCE.—At the request of a governor of a State, the Administrator is authorized to provide financial assistance to that State to facilitate the hiring of additional personnel to assist the State with expertise in fields relevant to consideration of Federal refinery authorizations.

(b) OTHER ASSISTANCE.—At the request of a governor of a State, a Federal agency responsible for a Federal refinery authorization shall provide technical, legal, or other nonfinancial assistance to that State to facilitate its consideration of Federal refinery authorizations.

SEC. 4. REFINERY PROCESS COORDINATION AND PROCEDURES.

(a) APPOINTMENT OF FEDERAL COORDINATOR.—

(1) IN GENERAL.—The President shall appoint a Federal coordinator to perform the responsibilities assigned to the Federal coordinator under this Act.

(2) OTHER AGENCIES.—Each Federal and State agency or official required to provide a Federal refinery authorization shall cooperate with the Federal coordinator.

(b) FEDERAL REFINERY AUTHORIZATIONS.—

(1) MEETING PARTICIPANTS.—Not later than 30 days after receiving a notification from an applicant that the applicant is seeking a Federal refinery authorization pursuant to Federal law, the Federal coordinator appointed under subsection (a) shall convene a meeting of representatives from all Federal and State agencies responsible for a Federal refinery authorization with respect to the refinery. The governor of a State shall identify each agency of that State that is responsible for a Federal refinery authorization with respect to that refinery.

(2) MEMORANDUM OF AGREEMENT.—(A) Not later than 90 days after receipt of a notification described in paragraph (1), the Federal coordinator and the other participants at a meeting convened under paragraph (1) shall establish a memorandum of agreement setting forth the most expeditious coordinated schedule possible for completion of all Fed-

eral refinery authorizations with respect to the refinery, consistent with the full substantive and procedural review required by Federal law. If a Federal or State agency responsible for a Federal refinery authorization with respect to the refinery is not represented at such meeting, the Federal coordinator shall ensure that the schedule accommodates those Federal refinery authorizations, consistent with Federal law. In the event of conflict among Federal refinery authorization scheduling requirements, the requirements of the Environmental Protection Agency shall be given priority.

(B) Not later than 15 days after completing the memorandum of agreement, the Federal coordinator shall publish the memorandum of agreement in the Federal Register.

(C) The Federal coordinator shall ensure that all parties to the memorandum of agreement are working in good faith to carry out the memorandum of agreement, and shall facilitate the maintenance of the schedule established therein.

(c) CONSOLIDATED RECORD.—The Federal coordinator shall, with the cooperation of Federal and State administrative agencies and officials, maintain a complete consolidated record of all decisions made or actions taken by the Federal coordinator or by a Federal administrative agency or officer (or State administrative agency or officer acting under delegated Federal authority) with respect to any Federal refinery authorization. Such record shall be the record for judicial review under subsection (d) of decisions made or actions taken by Federal and State administrative agencies and officials, except that, if the Court determines that the record does not contain sufficient information, the Court may remand the proceeding to the Federal coordinator for further development of the consolidated record.

(d) REMEDIES.—

(1) IN GENERAL.—The United States District Court for the district in which the proposed refinery is located shall have exclusive jurisdiction over any civil action for the review of the failure of an agency or official to act on a Federal refinery authorization in accordance with the schedule established pursuant to the memorandum of agreement.

(2) STANDING.—If an applicant or a party to a memorandum of agreement alleges that a failure to act described in paragraph (1) has occurred and that such failure to act would jeopardize timely completion of the entire schedule as established in the memorandum of agreement, such applicant or other party may bring a cause of action under this subsection.

(3) COURT ACTION.—If an action is brought under paragraph (2), the Court shall review whether the parties to the memorandum of agreement have been acting in good faith, whether the applicant has been cooperating fully with the agencies that are responsible for issuing a Federal refinery authorization, and any other relevant materials in the consolidated record. Taking into consideration those factors, if the Court finds that a failure to act described in paragraph (1) has occurred, and that such failure to act would jeopardize timely completion of the entire schedule as established in the memorandum of agreement, the Court shall establish a new schedule that is the most expeditious coordinated schedule possible for completion of proceedings, consistent with the full substantive and procedural review required by Federal law. The court may issue orders to enforce any schedule it establishes under this paragraph.

(4) FEDERAL COORDINATOR'S ACTION.—When any civil action is brought under this subsection, the Federal coordinator shall immediately file with the Court the consolidated

record compiled by the Federal coordinator pursuant to subsection (c).

(5) EXPEDITED REVIEW.—The Court shall set any civil action brought under this subsection for expedited consideration.

SEC. 5. DESIGNATION OF CLOSED MILITARY BASES.

(a) DESIGNATION REQUIREMENT.—Not later than 90 days after the date of enactment of this Act, the President shall designate no less than 3 closed military installations, or portions thereof, as potentially suitable for the construction of a refinery. At least 1 such site shall be designated as potentially suitable for construction of a refinery to refine biomass in order to produce biofuel.

(b) REDEVELOPMENT AUTHORITY.—The redevelopment authority for each installation designated under subsection (a), in preparing or revising the redevelopment plan for the installation, shall consider the feasibility and practicability of siting a refinery on the installation.

(c) MANAGEMENT AND DISPOSAL OF REAL PROPERTY.—The Secretary of Defense, in managing and disposing of real property at an installation designated under subsection (a) pursuant to the base closure law applicable to the installation, shall give substantial deference to the recommendations of the redevelopment authority, as contained in the redevelopment plan for the installation, regarding the siting of a refinery on the installation. The management and disposal of real property at a closed military installation or portion thereof found to be suitable for the siting of a refinery under subsection (a) shall be carried out in the manner provided by the base closure law applicable to the installation.

(d) DEFINITIONS.—For purposes of this section—

(1) the term "base closure law" means the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note) and title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526; 10 U.S.C. 2687 note); and

(2) the term "closed military installation" means a military installation closed or approved for closure pursuant to a base closure law.

SEC. 6. SAVINGS CLAUSE.

Nothing in this Act shall be construed to affect the application of any environmental or other law, or to prevent any party from bringing a cause of action under any environmental or other law, including citizen suits.

SEC. 7. REFINERY REVITALIZATION REPEAL.

Subtitle H of title III of the Energy Policy Act of 2005 and the items relating thereto in the table of contents of such Act are repealed.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. BARTON) and the gentleman from Virginia (Mr. BOUCHER) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. BARTON of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the legislation and insert extraneous material on the bill.

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

There was no objection.

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

Mr. Speaker, we now take up a second bill today to help improve our energy outlook, H.R. 5254, the Refinery Permit Process Schedule Act. Getting new refinery projects sited and permitted is a challenge to energy developers, especially to new market entrants who could offer alternatives to today's overworked refineries.

The plain fact is that our country is losing its ability to refine oil into motor fuel. We are not only importing oil in ever-greater quantities, now we are importing gasoline by the shipload, too. The threat that we face today is not only to the price but also to the supply.

If you tried to buy gasoline at one of the stations that have run out of gas lately, you will remember the gasoline lines of 1970s. High prices are a hardship, but dry pumps are a disaster. As I pointed out earlier today, at the 7-Eleven station at Glebe Road and Second Street in Arlington, Virginia, when I went by this morning to get some gasoline, there was no gasoline to be had.

My Taurus that I am driving here in Washington is now literally on "E" and I hope I have enough to get to a station that has some gasoline later this evening when Congress recesses for the day.

The last American refinery to be built from scratch in this country was over 30 years ago, and I believe it was in Louisiana. We have shut down more refineries in the last 30 years than we have refineries in operation today in the United States. Most of those are clustered in the gulf coast region, which, as we know because of Hurricanes Katrina and Rita, are in harm's way if hurricanes continue to batter that part of the country.

Hurricane Katrina has taught us some very bitter lessons. One was do not put too many of your refinery eggs in one basket.

This bill does nothing to dictate new refinery locations. Only developers and local State governments can do that. But it will make certain that the Federal Government does its part to eliminate some of the needless, in my opinion, bureaucratic delay if somebody wants to build a new refinery or expand an existing refinery. And, in my opinion, we need to do that.

We consume about 21 million barrels of refined product in the United States every day. Our refinery capacity located domestically is less than 17 million barrels per day. That is a shortage of 4 million barrels a day in refining capacity for domestic demand for refined products from oil.

Are we trying to take a backseat to environmental protection? Nothing of the sort. Under this bill, while the EPA will be given priority to coordinate and consolidate the permitting process, we are not backing down on one permit that is required at the State or Federal level. The EPA and the Department of Energy under this bill would work together to consolidate and streamline

the permitting process so that you can get a decision in a timely fashion.

The bill before us would put all agencies responsible for considering permitting applications for an oil refinery, a coal-to-liquid refinery, or a biofuel refinery, that they would have to sit down at the same table and hammer out a coordinated action schedule. They would put permitting schedules on parallel tracks and instill focus and teamwork in process.

The schedule will appear in the Federal Register for all stakeholders to see; and if an agency drags its feet and throws everyone else off schedule, you can go to court and a court can order to get that particular agency back on track. They cannot tell the agency how to rule, but it can require that they meet the schedule that has been agreed to by all of the other State and Federal agencies that have permitting authority under the current laws.

Public participation will go on exactly as it has in the past. All of the open records requirements will go on exactly as it has in the past. So we are not short-sheeting any environmental protection law under this pending legislation. All we are doing is saying, since we have a situation in the United States of America where we use 21 million barrels of refined products every day and we only have refining capacity for 17, it is about time that we do something to make it possible to build and expand existing refineries in the United States.

It takes a million dollars per thousand barrels of capacity. So we need 4 million barrels of new refinery capacity. That is somewhere between \$40 billion and \$60 billion. Nobody in their right mind is going to put up that kind of money to expand refinery capacity when it takes as long as 10 years just to get the permit to build or expand existing refinery.

The bill before us will make it possible to get a decision on the permits. The President has asked that we do it within 1 year. The bill before us does not set a 1-year timetable exactly, but we would hope that the consolidation process and the parallel-track process would shorten the permitting window. If we can get it down to a year or 18 months, I think the day would come very soon where we would see companies announcing new refinery projects, which would be good for the public in the form of lower prices.

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

Mr. Speaker, I ask unanimous consent that the gentleman from New Hampshire (Mr. BASS) manage the rest of the floor time on the majority side.

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

There was no objection.

Mr. BOUCHER. Mr. Speaker, I yield myself 4 minutes.

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

Mr. BOUCHER. Mr. Speaker, I rise in opposition to this bill and urge its rejection by the House.

Democrats are more than willing to work with the majority Republicans to write legislation which addresses constricted refinery capacity in a proper manner. But on the measure we are debating this morning, we were not consulted. In fact, no hearings have been held on the bill. No markup sessions have been conducted. There has been no consideration whatsoever of this measure by the House Committee on Energy and Commerce, which is the committee of jurisdiction. The bill was not even introduced until late last night or early this morning.

If the majority party is willing to work with us, we would make every effort to construct a thoughtful bill that addresses the refinery shortage in a constructive way and bring that bipartisan measure to the floor of the House within a matter of days or at most a matter of weeks. I hope the majority Republicans will consider and accept our offer.

But the bill before us is not constructive. According to testimony the Congress received last year, the bill would weaken environmental protections but do virtually nothing to encourage the construction of new gasoline refineries.

The bill before us repeals the law requiring the States and the Federal Government to work together to set deadlines and streamline the process for issuing permits for new refinery construction. That new requirement became law just last August. Rather than repeal it now, let us give it a chance to work.

The bill before us adds a new layer of Federal bureaucracy by creating a Federal coordinator to oversee State permitting actions, and States would be mandated to meet a Federal schedule for issuing refinery construction permits.

States that have legitimate environmental concerns would find their normal review process short-circuited under a mandated Federal schedule for permit issuance. And the bill proceeds from a deeply flawed assumption that the reason we have a refinery shortage is burdensome State permitting processes. The real reason we have a refinery shortage is that the companies that own refineries are profiting enormously from the present market structure, including the refinery bottleneck. In essence, they are making more money by refining less gasoline.

The real reason we do not have enough refineries is economic interest, not environmental constraints.

Here is what the oil company CEOs had to say about the regulations regarding the regulations citing new refineries.

Last November, the CEO of Shell testified to the Senate, "We are not aware of any environmental regulations that have prevented us from expanding refinery capacity or siting a new refinery."

Conoco's CEO testified, "At this time, we are not aware of any projects that have been directly prevented as a result of any specific Federal or State regulation."

The record before the Congress is clear. It is devoid of any evidence that environmental permitting has delayed or prevented the construction of new refineries. In fact, the record clearly shows that environmental permitting is simply not a problem. And yet this bill weakens environmental permitting. It is the wrong answer for the problem that we face.

Let us reject this measure and begin working in a bipartisan fashion this afternoon in order to write a law that will make a genuine difference. If the Republicans are willing, Democrats pledge our best efforts to work with you to achieve that goal.

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

Mr. BASS. Mr. Speaker, I yield myself 4 minutes.

Mr. Speaker, I rise in strong support of the pending legislation, and I urge my colleagues on both sides of the aisle to do likewise. As others have stated, it is clear that refinery capacity has not been able to keep up with demand. Although current refiners have been able to ramp up their production sometimes in excess of 100 percent, which is an interesting mathematical challenge, the fact of the matter is that our population has grown, our economy has grown, and the resulting demand for more energy across the board has created a situation where, when we have a disaster similar to the one we had last summer with Hurricane Katrina where refiners were clustered in one specific area of the country, they were running at full capacity, they were shut down for a period of time, we had a short-term crisis which we were able to get over, but it was not easy.

Historically, utilization has been much lower than it has for the last 20 or so years; and the reason for that is we have not built a new refinery.

I agree that this bill is not going to circumvent any of the procedural hurdles that need to be crossed in order to build a new refinery. But what it does do is something that is, in my opinion at least, is innovative and imaginative in that it establishes a coordinator that will help make sure that the process, although not shortened because you are circumventing any regulation, makes this process work coterminously rather than successively.

Nobody will lose the ability to have their voice heard. There will be no part of the process circumvented. But an investor, a developer, a refiner, will have the certainty of knowing that there is a master plan in place, that there is a Federal coordinator and that there is a process that can be more predictable.

□ 1215

And I don't see how you can be against a process that uses the current system and all of its hurdles that need

to be crossed but simply makes it run more efficiently. That is all this bill is trying to do.

Now, there is a provision that allows the President to simply suggest that three base closures be identified for possible location. There is no requirement that it be done. And it also contains a provision that allows for the same expedited process to apply to biorefineries as well. And as one who comes from New Hampshire, we need to develop biorefinery capacity in this country. We are moving away from MTBEs as an oxygenate for gasoline, and I have as a high-priority project the development of an ethanol refinery from cellosic fiber, in other words, wood products somewhere in the northeast. And this process, although not circumventing, as I said before, any particular rule or regulation, will make the process go quicker.

And I understand my colleague's concern about not having enough hearings and so forth. But this bill simply speeds up the process. And if you want the process to last as long as possible and not have any new refinery capacity in this country, vote "no" on this bill. I understand that. But I believe in the process, but I believe that it should be quick and expedient but fair.

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

Mr. BOUCHER. Mr. Speaker, I yield 2 minutes to a member of the House Energy and Commerce Committee, the gentlewoman from California (Ms. SOLIS).

Ms. SOLIS. Mr. Speaker, today I rise in strong opposition to this bill. The bill will not increase refinery capacity. It will not bring down the price of gasoline, and it will not ensure any ability of the United States to refine its own gasoline.

The bill is based on a false premise. There is no evidence that refineries are being denied needed permits either for construction or expansion. In written testimony before the Senate, Chevron CEO stated, and I quote, "we are not aware of any projects that have been directly prevented as a result of any specific Federal or State regulation."

The truth is that refiners do not want to expand existing or construct new refineries. The dirty secret is they are not going to make any money off of that.

The five largest oil companies reported a record \$110 billion in profits in 2005, and three of the largest petroleum companies made more than \$16 billion in the first quarter of 2006.

Existing law already provides for new permitting assistance; 1 year ago, in fact, this body passed the Energy Policy Act. Title 3, subsection H, of the Energy Policy Act allowed States to seek additional assistance from the Federal Government for permitting when it was needed.

Yet the legislation before us today repeals this provision and replaces it with less effective language. Last year Democrats brought a plan to this floor

that would have set our Nation on the right course. It would have created a Strategic Refinery Reserve, giving the U.S. Government the ability to refine its own oil for use by military and first responders. The Strategic Refinery Reserve would have made that difference.

But rather than solve the problem, we are here with a plan that will not increase refinery capacity, will not bring down the price of gas and will not ensure any ability of the United States to refine its own gasoline.

I urge my colleagues to reject and give us the opportunity to take this action that will really make a difference for our constituents.

And I would also like to make reference to letters that we will be submitting later from the State Air Quality Program administrators and various environmental organizations.

Mr. BASS. Mr. Speaker, I include for the RECORD a letter dated May 3, 2006, from the National School Transportation Association, expressing their support for the pending bill.

NATIONAL ASSOCIATION FOR PUPIL
TRANSPORTATION,
Albany, NY.
NATIONAL SCHOOL TRANSPORTATION
ASSOCIATION,
Alexandria, VA, May 3, 2006.

Hon. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

Hon. NANCY PELOSI,
Minority Leader, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER AND MINORITY LEADER PELOSI: On behalf of school transportation interests around the country (both public and private), I am writing to urge quick action on H.R. 5254, to increase the availability of reasonably priced fuel by streamlining the permitting process for new or expanded refineries and H.R. 5253, to ensure that the Federal government has the authority necessary to investigate price gouging by fuel suppliers. Our industry is struggling with staggeringly high fuel costs that are threatening our ability to provide low-cost, safe transportation for 25 million school children each day. Enactment of these two measures can help drive down the cost of fuel in the long-run and we support their approval by the House.

The nation's school bus fleet is the largest mass transportation fleet in the country, 2.5 times the size of all other forms of mass transportation including transit, intercity buses, commercial airlines and rail, combined. This system is also the safest way to transport children to and from school every day. The National Academy of Sciences has reported that there are approximately 800 fatalities per year among children who do not ride school buses, while the school bus related annual fatality rate is less than 20. Keeping our school buses running is vital to the safety of our children.

In the wake of instability in crude oil supplies, Hurricane Katrina and other factors, rising fuel costs have devastated the industry and now threaten to force the involuntary reduction of school bus transportation nationwide. In addition, today's diesel fuel prices are significantly higher than they were one year ago and are more than twice what they were four years ago. This is proving to be a burden to public and private operators alike.

Public school systems and their school transportation providers are not able to pass

on the costs to the students they drive to and from school every day. Instead, many school districts have responded to this crisis by eliminating field trips and worse, reducing transportation to and from school, forcing students to find less safe and reliable ways to access their education or even temporarily closing schools. For example, in Ohio school districts have eliminated school bus service to 80,000 school children a day and, just last week a local school system in Tennessee closed for two days due to the inability to provide school transportation due to the high cost of fuel for their buses.

We understand that there are no easy solutions to this problem, but are writing to ask for your help nonetheless. We ask that Congress act quickly to help increase supplies of fuel by ensuring that adequate refining capacity is available as quickly as possible and that any allegations of price gouging are fully investigated. We understand that the House is preparing to act on H.R. 5254 and H.R. 5253 later today. We welcome and support these initiatives and ask for broad, bipartisan action to enact these important measures as a way to help bring down prices for fuel as quickly as possible so that school children will continue to be able to have access to the safest possible mode of transportation. We also pledge to work with you to find and advance other solutions that might provide more immediate relief, such as H.R. 4158, legislation introduced earlier this year to provide grants to cover the cost of energy for financially strapped school districts.

Sincerely,

LEONARD BERNSTEIN,
President, National
Association of Pupil
Transportation.

JOHN D. CORR, Jr.,
President, National
School Transportation
Association.

Mr. Speaker, I yield 2 minutes to my friend from New York (Mr. BOEHLERT).

Mr. BOEHLERT. I rise in support of this bill, and I want to thank Chairman BARTON and the committee and particularly Mr. BASS for his leadership and for facilitating staff discussions and providing very helpful suggestions as we fashion this bill.

I think this bill will not do any harm, and it could do some good. While regulations have not prevented oil refinery expansion and while regulations are not the reason that new refineries have not been built, it can't hurt to help streamline the process, as long as streamlining is not a euphemism for weakening environmental protections. And in this bill, I think we have hit the right balance.

This bill is a far cry from the bill the House debated last fall. Some of the commentary I have heard from opponents of the bill on the floor address the old bill. In this bill, the Department of Energy, which isn't even involved in refinery permitting, would have been able to impose a schedule on other agencies and States, and that schedule was designed to speed the process at all costs.

In today's bill, the new bill, the Federal Government will bring together all the permitting authorities to agree on a permitting schedule acceptable to all of them, and that schedule must allow for the full, substantive and procedural review required by law.

In last fall's bill, any legal proceedings were to be biased in favor of

the refineries, even going so far as paying their legal costs. In today's bill, while we still create a new cause of action, a court, the Federal district court must consider the behavior of all parties, including whether the refiner has been cooperating fully with regulators, and then the court can do nothing more than impose a new schedule. And this bill explicitly preserves every provision of current environmental law, including the right to bring citizen suits.

So I think we have struck the right balance, and I urge adoption of this measure.

Mr. BOUCHER. Mr. Speaker, I insert in the RECORD a letter dated May 3, 2006, from the State and Territorial Air Pollution Program Administrators, joined in that letter by the Association of Local Air Pollution Control Officials.

STATE AND TERRITORIAL AIR POLLUTION PROGRAM ADMINISTRATORS,
ASSOCIATION OF LOCAL AIR POLLUTION CONTROL OFFICIALS,

Washington, DC, May 3, 2006.

DEAR REPRESENTATIVES: On behalf of the State and Territorial Air Pollution Program Administrators (STAPPA) and the Association of Local Air Pollution Control Officials (ALAPCO), we write to you today to express the associations' concerns regarding the Refinery Permit Process Schedule Act.

First, we question the premise of this bill—namely, that environmental permitting requirements obstruct efforts to construct or expand refining capacity and contribute to escalating gasoline prices. We are aware of no evidence that such requirements, particularly those related to air pollution, have prevented or impeded construction of new, or the major modification of existing, refineries. In fact, what experience shows is that when regulated sources comply with federal, state and local permitting requirements in a timely manner, state and local agencies are able to act expeditiously to approve permits.

Second, it is unclear how this bill would expedite the issuance of permits. Rather, it appears that it could have the opposite effect. Subtitle H of Title III of the Energy Policy Act of 2005, approved by Congress last year to streamline the permitting of refineries, already provides states the ability to request special procedures to coordinate federal and state agency permitting actions for refineries. Repealing those provisions and replacing them with ones that insert a "Federal Coordinator" into the process and impose additional procedural requirements on states and localities—including a requirement to enter into judicially enforceable schedules—would almost surely delay the permitting process.

Third, we are concerned that this bill is moving directly to the floor of the House of Representatives, circumventing consideration by the House Committee on Energy and Commerce and open public debate during which state and local permitting authorities and other stakeholders could present their views.

STAPPA and ALAPCO understand the desire to take swift action of some kind to address fuel prices. Moreover, we recognize that this particular bill is an improvement over other refinery permitting legislation introduced in the past few years. Notwithstanding this, however, we firmly believe environmental permitting requirements have been wrongly targeted and, further, that the Refinery Permit Process Schedule Act could result in unintended, problematic consequences. Therefore, our associations oppose the bill.

Sincerely,

EDDIE TERRILL,

STAPPA President,
JOHN A. PAUL,
ALAPCO President.

Mr. Speaker, I yield for the purpose of making a unanimous consent request to the gentleman from Michigan (Mr. STUPAK).

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

Mr. STUPAK. Mr. Speaker, I urge a "no" vote on this legislation.

As a member of the Energy and Commerce Committee, I am concerned that the Republicans are attempting to move legislation that would significantly alter Federal law regarding the refinery permitting process without a committee hearing, without a markup, without even allowing the bill to be amended on the floor.

This bill is a rerun of the Gasoline for America's Security (GAS) Act, which was only approved by the House by a vote of 212 to 210 after the Republican Leadership held the vote open for 45 minutes, twisted arms. That GAS Refinery bill was a bad bill then, and now this bill before us is even worse.

By pushing refinery legislation through the House without any hearings, debate, or amendments, we are doing the American public a disservice.

While the proponents of this legislation contend that oil companies are unable to improve their refinery capacity because of excessive regulation, the truth is, oil companies have intentionally reduced domestic refining capacity to drive up gas prices.

I have here internal memos from Mobil, Chevron, and Texaco, specifically advocating that these companies limit their refining capacity to drive up prices.

From September 2004 to September 2005, refineries profits increased by 255 percent.

During the first quarter of 2006, Valero Energy Corporation, the largest refiner in the United States, reported profits 60 percent higher than last year.

Obviously, complying with Federal regulations does not present these companies with a significant financial hardship.

I encourage my Republican colleagues to address real legislation that can help the American consumer at the pump, rather than legislation that provides additional hand-outs and free-rides for their friends in the oil industry.

Vote "no" on H.R. 5254.

Mr. BOUCHER. Mr. Speaker, I yield 3 minutes to the gentleman from Maine (Mr. ALLEN).

Mr. ALLEN. Mr. Speaker, I rise in strong opposition to this bill. It is being rushed to the floor under expedited consideration with limited debate, no opportunity for amendments, no hearings, no markup. In fact, as of yesterday, the bill hadn't even been introduced. This is yet another example of the "ready, fire, aim" approach that passes for legislating in the Republican-controlled House.

Unfortunately, some communities in this country that are suffering the most right now are caught in the crossfire. They are the communities that are coping with a military base closed

through the BRAC process. This bill resurrects the bad idea that communities with closed military bases become dumping grounds for refineries.

There is nothing, absolutely nothing in existing statutes or regulations that prohibits a local redevelopment authority from developing a closed base into a refinery complex. In fact, for some communities, a refinery may make sense. But that decision should be made by the local community, not by the President or the Secretary of Defense.

Proponents of this bill say they aren't forcing an LRA to build a refinery, only to consider one. But under current law, the Secretary of Defense has the final say about a reuse plan, and this bill requires an LRA to put a refinery into the reuse plan. Moreover, the Secretary has the power to transfer the land at little or no cost, if he chooses to do so.

So if Donald Rumsfeld wants to give away a closed military base in your community to ExxonMobil to build a refinery, there is nothing your community can do to stop it. Nothing. In fact, your community could have been forced to spend its own resources to draw up a plan to build a refinery, even if the community didn't want one.

The BRAC process has already punished these communities enough, including the town of Brunswick in my district. Congress should not add insult to injury by punishing them again.

I urge my colleagues to vote against this ill advised Republican refinery bill.

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

I just want to correct the record if I could. It is my understanding that the bill only allows the President to identify a possible closed military base for a refinery location. It is only drawing attention, and it does nothing more than that.

Mr. Speaker, I yield 1 minute to my friend from California (Mr. HERGER).

Mr. HERGER. Mr. Speaker, I rise in strong support of H.R. 5254 to streamline the permitting process of oil refineries.

My constituents in rural northern California are paying some of the highest gas prices in the Nation.

Red tape is stifling the construction of new and expansion of existing refineries and technology to make refineries cleaner and more efficient. In fact, America has not built a new refinery since the 1970s.

I am reminded today of what President Reagan said in 1981, "Government is not the solution. Government is the problem." We need to streamline government regulation and start expanding our oil refinery capacity.

Families and businesses throughout this country have to meet deadlines. The government should have to as well.

I urge my colleagues to support this legislation.

Mr. BOUCHER. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from California (Mr. WAXMAN).

Mr. WAXMAN. Mr. Speaker, the Republican leadership has a problem. For 6 years, they have worked to give the big oil companies everything they could ever want, subsidies, environmental exemptions, loopholes and paybacks, and the results have been spectacular for the oil companies.

ExxonMobil just announced first-quarter profits of over \$3 billion. They now make more in a single quarter than they used to make in an entire year. They rewarded their CEO with a retirement package totaling nearly \$400 million.

Well, it is a different story for the American people. Gasoline prices have doubled. Home heating prices have soared. Natural gas prices have risen to unprecedented levels. And we are more dependent than ever on imported oil.

The Republican leadership has a problem. They want desperately to blame State and local governments, to blame environmental requirements for the cost of gasoline. That is the myth they want to create. But the facts are completely different.

Permits have been readily granted whenever refiners have applied for them. For instance, in Yuma, Arizona, permits have been issued not once but twice for the construction of a new refinery, but the oil industry refuses to actually invest and rebuild it. And recently, this project may have been dealt a death blow when the Mexican Government announced it would not supply the proposed refinery with crude oil.

To the extent there ever was a problem with permitting refineries, Energy Secretary Bodman has stated that the problem was solved in last year's energy bill.

Well, the State and Territorial Air Pollution Program Administrators delivered a letter to the House that said this legislation would have the opposite effect that is intended. It would almost surely delay the permitting process.

Mr. Speaker, we need to reject this legislation. It is based on a faulty premise, repeals a law that is said to be successful and replaces it with an approach that will delay the permitting process. And presumably, it does all this so that we can claim we have done something about gasoline prices.

Mr. BASS. Mr. Speaker, I yield myself 30 seconds simply to say that it is interesting that my friend from California now is on the same side as ExxonMobil, which opposes this bill because they claim there is no need for new refinery capacity, and I would only point out that he makes a great argument for the passage of the bill, because what this bill does is take the argument that government red tape and bureaucracy is holding up the process completely off the table. And if that doesn't lead to more production, more construction after passage of this bill, I will be the first one to step forward and blast the industry for not creating more capacity.

So I appreciate the apparent support that my friend from California has for making sure that this process, permitting process, is sped up.

Mr. Speaker, I yield 3 minutes to my friend from Illinois (Mr. SHIMKUS).

Mr. SHIMKUS. Mr. Speaker, just a brief part of good news. I just heard from Champion Laboratories that makes fuel filters that they are closing their Mexico plant and adding 100 jobs back in my district and developing a line. So the economy is moving forward. And that is good news. And sometimes we don't hear that.

A lot of focus of this debate is on crude oil and gas. And the fact that we import refined product, the fact that we import gasoline and not just crude oil, should make us all concerned, and that is really the premise of this debate.

□ 1230

Two years ago, Chairman Alan Greenspan stated at the Economic Club in New York that we do not have any refineries, not just in the United States but we do not have any expanded refinery capacity in the world, especially as we are making fuel products. And I have the quote right here, but for time I will save that.

But I want to focus on another provision of this bill. If you do not like Big Oil, support this bill. If you do not like Big Oil, if you want a competitive to crude oil gasoline, support this bill. Why? Because the incentives to increase the refinery capacity will also apply to biofuels.

Twenty-nine new ethanol facilities are in Illinois. I drive an E85 flexible fuel vehicle, 10 to 15 cents less a gallon; and 2 years ago I did not have a single retail location in my district when I had a flexible fuel vehicle, Ford Taurus. Now I have over 20 locations. That is good; and if we want to incentivize new competitors to Big Oil, we need new biorefineries. That is in this bill. So all my ag friends need to look at this bill.

Secondly, and I have some here in this Chamber, my friends from the coal basin, another great way to defeat Big Oil is to get the rebirth of big coal. And Btu conversion, taking our coal fields, can you imagine this: a coal mine in Virginia, West Virginia, Kentucky, Ohio, Illinois; and on top of that coal mine, you put a refinery. Look at all the issues that we address. No longer dependent on foreign crude oil, no longer having refineries on the coast where they are subject to damage and destruction through hurricanes, diversified fuel refineries across this country. That is in this bill.

So for all my friends who want to beat up on Big Oil, this is your opportunity to do this. To incentivize renewable fuels, to incentivize coal to liquid, this is your opportunity. We will get a chance to count the votes later on.

I thank Mr. BASS for yielding me the time.

Mr. BOUCHER. Mr. Speaker, I yield myself 15 seconds.

Mr. Speaker, I applaud the sentiments of my friend from Illinois with whom I have partnered on many coal-related issues over the years, and I certainly agree with him that we need to start rebuilding refineries that will turn coal into a liquid fuel. But, Mr. Speaker, we do not need this bill to do it.

Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Mrs. CAPPS).

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

I rise in strong opposition to this ill-conceived legislation, nothing more than a shameless attempt to blame public health and environmental protections for the shortage of refinery capacity and high gas prices.

First of all, public health and environmental laws are not impeding construction or expansion of refineries. My colleague, Mr. BOUCHER, already quoted the CEO for Shell saying on record that he is "not aware of any environmental regulations preventing us from expanding refinery capacity or siting a new refinery."

Also, this bill will do nothing to lower gas prices in the short term or the long term. What it will do, however, is lead to increased pollution at the expense of public health; and that is why both State and local officials, air pollution control officials, oppose this bill.

I have here the letter, which I know is being submitted to the RECORD. State and Territorial Air Pollution Program administrators and the Association of Local Air Pollution Control officials sent this letter in strong opposition to this bill. Specifically, they say the bill's new Federal coordinator position is certain to lead to more, not less, delay in permitting.

Mr. Speaker, the problem of high gas prices is serious. It affects businesses and families on a daily basis. I know that well.

Mr. BASS. Mr. Speaker, will the gentlewoman yield?

Mrs. CAPPS. I yield to the gentleman from New Hampshire.

Mr. BASS. The date of the letter?

Mrs. CAPPS. The date of the letter, May 3, 2006.

Mr. BASS. Thank you.

Mrs. CAPPS. Mr. Speaker, I know that because gas prices in my district are usually among the highest in the Nation; and right now they are way over \$3 a gallon. But this bill does not do anything about that. It is, in fact, trying to distract the American people from a failed Republican energy strategy, a strategy that says if laws that protect public health or environment get in the way, then we should just waive them. This is a strategy that dooms America to never-ending energy crises that consistently enrich energy companies at the expense of hard-working American families and businesses and their health.

Over the past several years, we have had repeated chances to craft common-

sense, effective energy legislation setting America on a more stable future. But this Republican Congress has failed to do that. This failure has resulted in this bill. We should vote this harmful legislation down.

Mr. BASS. Mr. Speaker, I yield 1 minute to the gentleman from Illinois (Mr. KIRK).

Mr. KIRK. Mr. Speaker, I rise in support of this bill because it addresses one key problem, that the United States has not built a new refinery in America since the 1976 bicentennial, 30 years ago. Over 50 million Americans have moved to our country since then but no new refineries. We can expand gas supplies and lower prices at the pump while strengthening our environmental law through this legislation, and who doubts that we cannot make new refineries be cleaner than old refineries?

This bill stands for the principle that we should simply coordinate our laws, written in different decades by different Congresses, to yield environmental protection and more gasoline at the pumps.

The population of the United States is expanding. So should our ability to provide gasoline to Americans. We should do so, though, not at the expense of the environment; and this bill does not modify those statutes. It simply says the various Federal bureaucracies should all be coordinated in one place. It makes common sense and helps us reduce pressure at the pump.

Mr. BOUCHER. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from New Jersey (Mr. PASCRELL).

Mr. PASCRELL. Mr. Speaker, a recent General Accounting Office investigation in 2004, which I am holding in my hand, concluded that gasoline refineries have intentionally limited their capacity to keep gasoline prices high and their profits up.

You did not write this. I did not write this. This is the General Accounting Office. For the consumers, these higher energy costs are a disaster for their pocketbooks and further stagnates our economy.

Now there is a difference here between what your side approaching the problem will do and what our side will do. Question, who is going in the right direction? We have heard that a lot lately.

Former Energy Secretary Bill Richardson said that we are a 21st-century superpower with a third-world transmission grid. Remember that debate a few years ago on utilities and electricity and who got blamed for it? And then we finally discovered that the industry itself was fooling the market and manipulating the market, and those characters are on trial right now. A 21st-century superpower with a third-world refinery infrastructure, and that is what we have come to.

This refinery legislation, which I will vote against, which is before us right now is an effort to solidify our depend-

ence on fossil fuel. On one side of our mouth, we are saying we are addicted to oil. On the other side of our mouth, we are saying let us build more refineries, make it easier for more refineries to be built so that we can produce gasoline.

You want to streamline the permitting because you want to produce more gasoline from fossil fuel. I must remind you that in a report presented by the Rocky Mountain Institute in 2004, it was very specific: America's energy future is a choice, not our fate. Oil dependence is a problem we need not have, and it is cheaper not to.

When the United States last paid attention to the oil efficiency problem was between 1977 and 1985. Oil use fell 17 percent; gross product went up 27 percent. During those 8 years, oil imports fell 50 percent and imports from the Persian Gulf fell by 87 percent. That exercise of market muscle broke OPEC's pricing power for a decade.

Look, the other side, in all due respect, you have made your bed. You have got to lie in it now. And you are trying to get out of it, but you are doing it in the wrong way. This bill does nothing to increase refinery capacity in the first place, and it certainly does not help in lowering gas prices.

We have done a disservice to the American people, and we only confuse the issue. We are either addicted to oil or we are not. And if we are, let us go in a different direction. Please join us.

Call it what you will: price-gouging, profiteering, or simple old fashioned greed.

Oil companies have the greatest corporate profits in history, yet they were able to stiff taxpayers over \$7 billion in royalties that they owe us for drilling on public lands. But the jig is finally up.

Whether you are a Democrat or a Republican, whether you believe collusion is the cause of the high gas prices or not.

No matter how you define it, what we have witnessed in the past several months is the looting of the American public.

And don't take my word for it—a recent report by the Foundation for Taxpayer and Consumer Rights found that corporate markups are primarily responsible for price spikes, not crude oil costs or the national switchover to ethanol, as the industry has claimed.

In this crisis, we hear echoes of Enron—hot-shot oilmen departing their companies with golden parachutes, while average Americans live on the edge, some so desperate they are intentionally breaking down on highways to receive a free tank of gas.

President Bush and the leadership in Congress don't have dismal approval ratings merely because they don't have skilled public relations flaks.

They have dismal approval ratings because the vast majority of Americans recognize that something has gone very wrong in this country.

Despite the recent political posturing, the Administration has dedicated its time in office to protecting the oil industry from any restrictions or oversight at all—and that is what has led us to where we are today.

We need to get serious about this issue. We cannot just clamor for change when gas prices

are high, and return to a passive stupor if prices settle down again.

Remember, this is not only about our pocketbooks.

Americans have come to believe that we have fought one war too many in the Persian Gulf—at least partially to ensure a continuous supply of foreign oil.

Now is the time for leadership to get us started down the path of real energy independence.

Let us live up to our responsibility today—let's reign in the bloated oil companies and protect the public from economic catastrophe.

Let us invest in far-sighted renewable energy and conservation programs, so that we will never again sacrifice our precious blood and treasure to slake this terrible thirst for Middle Eastern oil.

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

This is a very odd debate. One of the previous speakers said that this bill would do nothing to lower gasoline prices. If you increase refinery production, you are going to have more supply, and obviously more supply is going to lead to lower prices.

Another speaker said that this bill would somehow create more environmental pollution. It does absolutely nothing to change any existing environmental rule or regulation. It just increases the time. So if you want less supply, higher prices and the only reason you are against that is because you think that an additional refinery would create more pollution, then you should vote "no" on the bill.

Mr. Speaker, I have no further requests for time, and I reserve the balance of my time.

Mr. BOUCHER. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, this bill is not an effective way to address the gasoline refinery shortage. It tramples on State environmental laws without solving the fundamental problem.

The CEOs of the refining companies have testified to the Congress that the permitting process is not burdensome. It has not prevented the construction of needed new refineries, and yet this bill addresses the permitting process.

For our part, Democrats are more than willing to work with our Republican colleagues and to do so on a bipartisan basis, to write a law that will make a difference, a law that will get the needed new refineries built. We could produce and bring to the floor a bipartisan bill within a matter of days or, at most, within a matter of weeks.

So what I would say to the Members of the House is reject this measure and then, beginning this afternoon, let us sit down in a bipartisan exercise to draft a bill that addresses the fundamental need for new refineries. We pledge to you our best efforts to achieve that goal, and we hope that you will accept this offer.

I urge a "no" vote on the measure.

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

Mr. BASS. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I urge my colleagues to support the passage of this bill.

I will match my environmental record in this Congress with anybody else's and certainly my record in supporting the development of alternative energy resources. And, quite frankly, this bill does just that because the expedited permitting process, which does not in any way change the requirements for the process at all but simply makes it more organized and more manageable, also applies to coal to liquid and biorefineries. And this is critical for my part of the country. We cannot afford to wait 5, 6, 7, 8, 9, 10 years to increase our supplies not only of traditional motor fuels but also these alternatives. We need to remove the uncertainty that a successive permitting process creates and the chilling effect that has on the ability of investors where large amounts of money are involved to stick with the process year after year after year.

There is nothing in this bill that will reduce in any fashion the ability of the Environmental Protection Agency, the States, or any other entity to go through the appropriate process in order to permit a new refinery. But what it does do is for the first time in 30 years is make it incrementally more possible that we will get more capacity.

So when your constituents call you and say that they are unhappy with the high cost of fuel, remember that part of that high cost is associated with the fact that we have a very, very tight inventory of fuel in this country. As the chairman of the committee said a few minutes ago, we are consuming considerably more gasoline in this country than we are producing domestically, so some of it is imported. Our refineries are clustered in one region of the country.

If you want to answer your constituents by saying that you voted against a bill that would not have any environmental impact but would simply make it possible for us to address this issue in a more timely, quicker fashion, that is your choice.

□ 1245

But we are doing what we can quickly and expeditiously and incrementally to address the issue of refinery capacity in this country. I hope the House will adopt this bill, and I urge its passage.

Mr. GENE GREEN of Texas. Mr. Speaker, the Refinery Permit Process Schedule Act sends the right message—more refinery capacity in this country is a good thing.

Unfortunately this legislation did not follow the Committee process, since the House leadership is struggling to appear like they are doing something about gas prices, which they know are beyond their control.

As a result, this legislation probably could be improved with hearings, amendment, and more careful consideration.

However, I will support the legislation because it does not alter or repeal any environmental rule, regulation, or law. The bill would

just ensure that permits do not sit on any federal bureaucrat's desk for too long.

That is a worthy goal, and I believe that if Chairman BARTON could do this bill his preferred way, then he would have brought this legislation to the Committee for a hearing. But the American people are very angry with energy prices right now, and during these politically-charged times the House often operates differently than it should.

Many Americans and Members of the House are upset that we have not built a new refinery in this country in 25 years. That is true but that is also irrelevant, because it is much cheaper and more efficient to expand existing refineries than to build brand new refineries.

Since 1994, U.S. refiners added 2.1 million barrels of capacity, which is the equivalent of adding a larger than average refinery each year.

Over the next several years, capacity will increase another 1.2 million barrels per day. For example, here are some refinery expansions that have already been announced:

Chevron—80,000 barrels per day at its Pascagoula, MS, refinery.

CITGO in Lake Charles, LA—105,000 barrels per day.

Coffeyville Resources in Kansas—15,000 barrels per day.

Flint Hills Resources in Minnesota—50,000 barrels per day.

Holly Corp. in Artesia, NM—10,000 barrels per day.

Marathon Petroleum—180,000 barrels per day in Garyville, LA, and 26,000 barrels per day in Detroit, MI.

ConocoPhillips will spend \$3 billion over four years on refinery expansion, which means tens of thousands of extra barrels per day.

Motiva Enterprises is considering doubling the capacity of its large refinery in Port Arthur, TX.

Sunoco recently announced plans to commit \$1.8 billion over the next 3 years, leading to thousands more barrels per day.

Tesoro Petroleum Company will devote \$670 million in the next year alone to refining facility expansions.

And the Nation's largest refiner, Valero plans to spend \$5 billion to add over 400,000 barrels per day of new capacity nationwide.

So the debate about a lack of new refineries is a red herring. We should really focus on expansion projects, since that is where the action is.

If this legislation fails to gain the required $\frac{2}{3}$ support by the full House, I hope we could revisit this legislation in Committee.

Mr. BARTON of Texas. Mr. Speaker, I ask that this exchange of letters be included in the RECORD during today's debate on H.R. 5254.

MAY 3, 2006.

Hon. F. JAMES SENSENBRENNER, Jr.,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, DC.

DEAR CHAIRMAN SENSENBRENNER: Thank you for your letter concerning H.R. 5254, a bill to set schedules for the consideration of permits for refineries.

I appreciate your willingness not to seek a referral on H.R. 5254. I agree that your decision to forgo action on the bill will not prejudice the Committee on the Judiciary with respect to its jurisdictional prerogatives on this or future legislation. Further, I recognize your right to request conferees on those provisions within the Committee on the Judiciary's jurisdiction should they be the subject of a House-Senate conference on this or similar legislation.

I will include our exchange of letters in the Congressional Record during consideration of the bill on the House floor.

Sincerely,

JOE BARTON,
Chairman.

MAY 3, 2006.

Hon. JOE BARTON,
*Chairman, Committee on Energy and Commerce,
House of Representatives, Washington, DC.*

DEAR CHAIRMAN BARTON: In recognition of the desire to expedite consideration of H.R. 5254, a bill to set schedules for the consideration of permits for refineries, the Committee on the Judiciary hereby waives consideration of the bill. There are a number of provisions contained in H.R. 5254 that implicate the rule X jurisdiction of the Committee on the Judiciary. Specifically, section four of the bill contains a provision that implicates the Committee on the Judiciary's jurisdiction under rule X(1)(1) ("the judiciary and judicial proceedings, civil and criminal).

The Committee takes this action with the understanding that by forgoing consideration of H.R. 5254, the Committee on the Judiciary does not waive any jurisdiction over subject matter contained in this or similar legislation. The Committee also reserves the right to seek appointment to any House-Senate conference on this legislation and requests your support if such a request is made. Finally, I would appreciate your including this letter in the Congressional Record during consideration of H.R. 5254 on the House floor. Thank you for your attention to these matters.

Sincerely,

F. JAMES SENSENBRENNER, Jr.,
Chairman.

Ms. LEE. Mr. Speaker, I rise in strong opposition to H.R. 5254.

This bill is a complete sham, and will do absolutely nothing to mitigate the high gas prices that our constituents are being forced to pay at the pump.

The fact is we did not get to \$3 a gallon for gas because of our environmental and public health laws, and we shouldn't be gutting them in response.

The bottom line is that energy companies are not interested in expanding their refinery capacity because they want gas supply to remain tight so they can keep making record profits.

In a hearing last November in the other body, both the CEO's for Shell and ConocoPhillips indicated that they were not aware of any environmental regulation that was preventing them from building new refineries.

While in January representatives from Exxon indicated that they had no plans to build new refineries.

So what is the point of this bill if nobody wants it or needs it?

The real problem with high gas prices today boils down to two things:

1. The administration's deliberate decision to promote an energy policy developed by and for their cronies in the oil and gas industry at the expense of the American people.

2. The geo-political problems in the Middle East that have been exacerbated by the actions of this administration over the last six years.

Those are the issues we should be dealing with today.

Instead of gutting our Nation's environmental and public health laws and providing

another giveaway to the energy industry we need to implement a strategy of energy independence.

We need to make immediate investments to expand energy efficiency and the use of renewable fuels, and we need to adopt a foreign policy that does not hold our constituents hostage to the latest political crisis in the Middle East.

I urge my colleagues to oppose this wrong-headed bill.

Mr. UDALL of Colorado. Mr. Speaker, we all know why this bill was rushed to the floor today, and why it is being considered under a shortcut process that limits debate and prevents any consideration of even a single amendment.

It's because the Republican leadership thinks they need to make a show of doing something about the price of gasoline.

But just because they are feeling some political heat does not mean that we should pass this bill, which I think does not deserve to be approved.

The bill would require State and local governments to comply with a new Federal schedule for approving permits to site, construct, or expand a refinery. To do that, it would repeal part of the brand-new Energy Policy Act of 2005 that gave the States the ability to request authority to trigger a process that would coordinate Federal and State actions on a refinery.

In other words, it is a new Federal mandate—and it probably would not do anything to speed up construction of any refineries, for several reasons.

First, more Federal bureaucracy and red tape means more delays, because heavy-handed Federal requirements—including judicially-enforceable deadlines—will bring exactly the resistance and litigation that the provisions in the Energy Policy Act were intended to forestall.

And, second, it's economics that controls decisions about refinery capacity.

That's why, as the Wall Street Journal recently reported, Exxon thinks building a new refinery would be bad for its long-term business even as it expands the capacity of its existing refineries.

Just last November, in fact, Shell's CEO testified in a Senate hearing that "[w]e are not aware of any environmental regulations that have prevented us from expanding refinery capacity or siting a new refinery" and Conoco's CEO echoed that, saying "we are not aware of any projects that have been directly prevented as a result of any specific Federal or State regulation."

But, when the Republican leadership gets scared, who cares about the facts or wants to bother with thinking things through?

So here we are, rushing to take up a bill that was just introduced, on which there have been no hearings and no opportunity for anyone who will be affected—including the State and local governments—to have a chance to comment.

That's a bad way to do business, and this is a bad bill. I cannot support it.

Mr. HOLT. Mr. Speaker, I rise today in opposition to the Refinery Permit Process Schedule Act (H.R. 5254). This bill is based on a false premise—that requirements for environmental permits are to blame for the lack of refinery capacity. As many of my colleagues have expressed, oil companies have openly

stated that environmental standards are not stopping them from building new refineries. In fact, the truth is that oil companies simply do not want to build more refineries. The solution that H.R. 5254 prescribes does not match the problem that our nation faces with energy. Instead of investing our efforts in sustainable energy sources to meet our growing energy needs, we remain stuck in our old ways.

I would like to take the opportunity to discuss one point of this bill that I find particularly disturbing. Section 5 directs the President to designate three closed military bases for new oil refining facilities. This section will ultimately force communities that have already suffered from the closure of a military base to welcome unwillingly an oil refinery in their backyards if the President and the Secretary of the Army deem it worthy of a refinery.

I recently joined with New Jersey Governor Jon S. Corzine, Representative FRANK PALLONE and other New Jersey state legislators for the signing of the Fort Monmouth Economic Revitalization Act, which creates a ten-member authority charged with overseeing the transition and revitalization of Fort Monmouth once it closes in or before 2011. Creating such an authority is an important step for communities to protect their interests as communities are revitalized following a base closure. What frightens me even more about this provision is that the Secretary of Defense can override any decision made by a local authority. The federal government can supersede a local decision. This is not just about Fort Monmouth in my district in Central New Jersey. This is about communities who are already dealing with the closure of a military base. This is about allowing the federal government to overrule what state and local authorities believe is best for their communities.

We owe it to our constituents to debate meaningful energy legislation that reaches the root of our growing energy problems, not something that tries to fix a problem that does not exist.

I urge my colleagues to vote no on this legislation because it does not address our growing energy needs and is unfair to local communities.

The SPEAKER pro tempore (Mr. BOOZMAN). The question is on the motion offered by the gentleman from Texas (Mr. BARTON) that the House suspend the rules and pass the bill, H.R. 5254.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

EXPRESSING NEED FOR PUBLIC AWARENESS OF TRAUMATIC BRAIN INJURY AND SUPPORT FOR DESIGNATION OF NATIONAL BRAIN INJURY AWARENESS MONTH

Mr. DEAL of Georgia. Mr. Speaker, I move to suspend the rules and agree to