

To: West Valley Citizen Task Force
From: Melinda Holland, Facilitator, Holland & Assoc.
Subject: Summary of April 7, 2003, CTF Conference Call with Congressional Staff
Date: April 15, 2003

CTF Participants

Attending were: Mark Mitskovski, Bill King, Joe Patti, John Allan, Paul Piciulo, Hal Brodie, Mike Hutchinson, Ray Vaughan, Warren Schmidt, Elizabeth Lowes, Jess Fitzpatrick, Eric Wohlers, Tom Attridge and Sonja Allan.

Congressional Staff Participants

Bob VanWicklin, of Representative Houghton's staff; Moira Campion, Scott Sroka, and Ryan McConaghy all of Senator Schumer's staff.

Conference Call Summary

The conference call started with Congressional staff updating the Task Force members on where the Senate and House bills are in Committee and if there is any current activity/discussion with respect to either Bill. H.R. 576 is still in the House Energy and Commerce Committee, ("Billy" Tauzin, Chairman¹) with no opportunity as yet to move the Bill out of Committee. On the Senate side, S. 619 is in the Energy and Natural Resources Committee (Pete Dominici, Chairman²) with no activity so far. In response to a question on how broad the support is for these Bills, the Congressional staff participants stated that the Bills and their subject matter are fairly unknown outside of the Western New York delegation, thus the delegation must educate others on the need for this legislation to move. A Task Force member suggested preparation of a brief chronology of the negotiations/issues between DOE and NYSERDA at West Valley. Congressional staffers believed this could be a useful educational tool if it was kept very brief (e.g. one page). They stated that CTF letters to the Committee Chairmen would not hurt, but they were not sure if those letters would help move the Bills. More useful would be encouraging the remaining 26 members of the New York delegation to sign on as House Bill sponsors, and providing information to the three members of the House Energy and Commerce Committee who are from New York³. Encouraging Representative Louise Slaughter to become a co-sponsor of the House Bill would also be helpful as the site impacts her district.

The Congressional staff conference call participants anticipate that the Administration and DOE's primary concerns will be the cost of implementing the legislation which could exceed \$100 million. They have asked DOE for an "official" DOE response to the Bills but have not as yet received one. Silence is viewed as better than opposition in this case.

¹ For a list of the members of the House Energy and Commerce Committee see:
<http://energycommerce.house.gov/108/members/members.htm>

² For a list of the members of the Senate Energy and Natural Resources Committee see:
http://energy.senate.gov/about/about_members.html

³ House Energy and Commerce Committee members from New York include: Vito Fossella, Ed Towns, and Eliot Engel.

A Senate staff participant explained that there are three basic ways for the Senate Bill to move: 1) open to debate and amendment; 2) via unanimous consent with no debate or amendment; 3) add the language to another Bill which is likely to move. The third option may be the most viable as it is hard to move such a state-specific Bill to the floor for vote.

A Task Force member asked about the risks of “hostile” amendments being added to the Bill(s) and how those risks can be controlled. The House staff participant on the call responded that he did not view H.R. 576 as a likely vehicle for hostile amendments as they would not be germane to such a focused Bill. However, he noted that the rule is different in the Senate. He mentioned two primary ways to avoid amendments in the House, one is suspension of the rules while the Bill is on the House floor, but this requires passage by a 2/3 majority which is more difficult. The second method would be to attach the language of this Bill to another Bill. One potential area where the Bill sponsors have little control would result if the Bill passed the House and Senate and was referred to a conference committee – the result depends on who is appointed to the conference committee.

Action Items

Action	Assigned to	Due Date
Draft a one-page fact sheet on the chronology of the NYSERDA/DOE negotiations	Task Force	4/23/03
Contact Representative Louise Slaughter to become a co-sponsor of the House Bill	Mark Mitskovski	4/23/03
Draft letters to Representatives Fossella, Towns, and Engel encouraging them to support moving H.R. 576 out of their committee	Task Force	4/23/03
Draft letter to all members of the NY delegation urging them to support House Bill 576	Task Force	4/23/03