and the construction are very important obviously in trying
to convert the depleted uranium hexafluoride into a more
stable product.

My understanding, the bids were submitted in March, and
it was our hope that an award would be made no later than
August. However, it is my understanding most recent
estimates indicate that the DOE will not award the contract
until about October. Is that your understanding at this
point?

Secretary ABRAHAM. I would have to check to see if there
is any updated information. I honestly can't tell you a
date, but I know that our offices work with yours, and I
suspect the information you have just indicated is something
that reflects the most recent estimates on our part.

Mr. WHITFIELD. Okay. Good.

Also, I, along with Congressman Strickland of Portsmouth,
had written a letter to you regarding the pension benefits
for the employees at the--for contract employees at both
Paducah and Portsmouth. Recently, the pension benefits for
the contract employees at Oak Ridge had been increased
significantly, and we have not been able to determine how
those benefits would be increased, but the benefits at the
Paducah and Portsmouth facilities would not have been
increased, particularly with the large surplus in the pension
fund. And I have talked to your staff some actually this
morning, and I know that they are going to be working on
that. And I just wanted to say to you that it is a very
important issue, and we appreciate you all taking the time to
look into that and get back with us.

Secretary ABRAHAM. Well, we will, and I just would like
to acknowledge the work you have done. We have worked with
Congressman Strickland as well, as you have indicated and he
did in his opening statement, to try to address some of these
issues within our complex. Obviously some of the employees
are involved that work directly with the Department, but most
don't. And we are trying to be responsive to their concerns,
as expressed through you, and we will continue to work with
you to accomplish that.

Mr. WHITFIELD. Thank you.

At the time USEC was privatized, they became the
exclusive executive agent for the--implementing the Russian
HEU agreement, and at this time the National Security Council
is reviewing that entire agreement, and I know that you will
be having input into that. And I would just like to make the
comment that I think that you, SEC, has done a very good job
as the agent for that agreement, and I--it is my hope that
they would be able to maintain the exclusive agency
responsibility in that. And I know that that is an ongoing
process, and I simply just wanted to express my views on
that. And, of course, as we move toward--I am assuming that
it is your view that we do need to always have a domestic
capability to enrich uranium in the U.S. Do you agree with
that?

Secretary ABRAHAM. Well, Congressman, one of the things
which we are trying to evaluate in the early days of the new
administration is precisely what general policies we are
going to outline in these areas.

As you indicated, there is a national security review
going on that embraces both the specific issues that relate
to the USEC role and, more broadly, the HEU agreement as it
pertains to nonproliferation, but also as to the national
security implications both with regard to domestic production
capabilities, as well as the capacity to import on a
long-term basis. So that is all part of the review, and
those are definitely considerations that will be taken into
account.

Mr. WHITFIELD. Okay. Well, Mr. Secretary, I know that
everyone on this committee does look forward to working with
you as we try to solve this energy crisis in America and to
utilize all fuels available to us. And I see that my time
has about expired.

So has Mr. Waxman--okay. I will recognize Mr. Waxman of
California for 5 minutes.

Mr. WAXMAN. Thank you very much, Mr. Chairman, and Mr.
Secretary. I am pleased to have you here before us.
We want to work together with this administration, but the proposal that we have seen on energy just is so puzzling to me, because you would not get a tighter standard to make motor vehicles more cost-efficient, to get more fuel use more effectively with cars. You wouldn’t get as tight a standard on air conditioning, which, if we had the standard that the last administration proposed, would have resulted in 43 fewer power plants from having to be built. We are not going to get other areas of conservation. But instead we are being told, well, we will just have to start drilling in the national Alaska wilderness area, open up all Federal lands.

We are getting some kinds of sources of energy that are being favored. We are getting a subsidy for coal. At the same time the administration is proposing a cutback on funds for renewables. And there is a 30 percent cut in the conservation fund, which is a fund that can be used to make greater efficiency use of electricity and other energy. So it is very troubling.

On the one hand, we are being told there is a crisis, let us drill, let’s produce more energy, let us open up our natural resources. We are in a crisis so we need more supply. And yet we don’t have the effective ways to use our energy more efficiently and to conserve.

How do you answer that?

Secretary ABRAHAM. Let me try to go through all of
those, if we can. First of all, let us just talk about
energy efficiency and conservation. There is a major
component of this proposal, an entire chapter devoted to
recommendations in that area. It ranges from--on the one
hand, to call for the expansion of combined heat and power
program systems.

Mr. WAXMAN. Well, let me ask you about motor vehicles.
That is one of the major sources of use of energy. You said
in answer to a previous question that the proposal of this
administration is to study tighter fuel efficiency standards.
Yet the standards were adopted in the 1970s and implemented
in the 1980s, and we are now in the 21st century. Don’t we
need tighter standards right now to put in place for future
motor vehicles, particularly those SUVs?

Secretary ABRAHAM. I would note a couple things. First
of all, we already have legislation in place that puts the
Secretary of Transportation in charge of making these
determinations, and I believe that is really what we have now
urged happen. But just remember, of course, over the last
several years, there has been a moratorium on funding to, in
fact, make any changes with respect to--.

Mr. WAXMAN. Well, that is a moratorium the Republicans
in the Congress supported--.

Secretary ABRAHAM. And it is also a moratorium that we
do not call for in this plan. And indeed, I believe that the
Mr. WAXMAN. Well, because your plan--.

Secretary ABRAHAM. --appropriations subcommittee just this week has lifted that moratorium.

Mr. WAXMAN. I know there is no need for a moratorium, that the administration's proposal is to simply send it out for further study by the National Academy of Sciences.

Secretary ABRAHAM. No. That isn't the case, Congressman. I think that, quite the contrary, we envision in this moving forward on CAFE taking into account three factors that I think are important. One, the study which was a bipartisan compromise worked out last year to have the National Academy of Sciences--and I believe in a few weeks they will have their study completed--give us some recommendations that should be incorporated into the consideration and taking into account safety as well as potentially disparate impact on manufacturing.

If 46,000 Americans have died as a result of mandated CAFE standards over the last 20 years, we ought to be looking forward in terms of changing standards to make sure that we do so in a fashion that doesn't--.

Mr. WAXMAN. People have died because of CAFE standards?

Secretary ABRAHAM. That is exactly right.

Mr. WAXMAN. How is that happening?

Secretary ABRAHAM. Because we...
Mr. WAXMAN. We have got more cars efficient now than they used to be.

Secretary ABRAHAM. They may be more efficient with respect to fuel, it doesn't necessarily mean they are safer. And the problem, I think, that the National Highway Transportation--.

Mr. WAXMAN. You are no longer the Senator from Michigan. You are the Secretary of Energy. That argument never stood the test of--.

Secretary ABRAHAM. I am equally interested in the safety of Americans in this job, and what I would say is that the National Highway Transportation Safety Commission has, in fact, found a direct correlation between the weight of vehicles and traffic fatalities that have ensued. It is not my numbers. It is the numbers of NHTSC. It is the calculation done by Gannett News Service, taking into account the data provided.

Now, the issue isn't whether or not we should improve CAFE standards. The question is can we do so without any resultant increase in the unsafety of vehicles. And I--.

Mr. WAXMAN. Well, Ford is talking about a vehicle, an SUV, in 3 years that will get 40 miles to the gallon. Do you think they are going to make one that is less safe than the SUVs on the road today?

Secretary ABRAHAM. I am confident they won't. And they
didn't need a government fuel efficiency standard to make it. The question is whether or not—what we are calling for is for the process to move ahead with the Secretary of Transportation, who has responsibility under the standards and the statutes in place today to make a decision.

Mr. WAXMAN. My only point is Ford says they have the technology. They can do it. That doesn't mean they'll do it. And it seems to me if we want it done, and we want to get the automobile industry to act, we have got to set in place the requirements for them and push them to do it. That is how we got them to move forward on safety, on fuel emissions from automobiles that pollute the air, on greater efficiency. And what I see is this administration telling the automobile industry, don't worry about efficiency standards. We are going to send it to the National Academy of Sciences and study it for a couple more years.

Secretary ABRAHAM. Actually, that is wrong, Congressman. The Congress last year in a compromise on a bipartisan basis sent it to the National Academy of Sciences. Their study is due in a matter of weeks, and when it is done, it will be incorporated in the Transportation Department's statutorily required fuel efficiency determination process.

Mr. BARTON. Okay. The gentleman's time has expired.

The gentleman from Ohio Mr. Sawyer is recognized for 5 minutes.
Mr. SAWYER. Thank you very much, Mr. Chairman.

Mr. Secretary, welcome again. I understand that in your answer to Congressman John, that you discussed in some degree or other the problems with transmission constraints and the need to put a more modern ratemaking structure in place to deal with transmission as a freestanding business enterprise, and you mentioned Federal siting authority. I am not going to ask you to elaborate on that at this point, but I will be interested in looking at your response to Congressman John.

Let me ask you, though, the whole question of RTO formation is proceeding today with large numbers of investor-owned utilities working to comply with the FERC Order 2000. Do you think that we should allow utilities to continue in their current progress toward RTO formations in the free market, or in the interest of avoiding the kinds of constraints that we have seen, formed in some places in the country, does there need to be a government role in mandating formation in identified places or forcing utilities to divest of transmission—

Secretary ABRAHAM. One of the recommendations in the President's plan—in fact, the whole—as I pointed out to Congressman John, the whole chapter is devoted to the serious infrastructure problems that you identified in large measure in your opening statement. And within there is both a call for trying to address the reliability issues, with and...
The problem that I see in the brief period of time I have been in this job is while we have a variety of, I think, 10 regional reliability associations or councils, we don't there is no teeth in there. There is no authority at FERC to enforce reliability measures so that people have some, shall we say, latitude in terms of how they behave. At the same time so we envision presenting legislation that would move in the direction of a national reliability council with real enforcement capabilities as one leg of the puzzle or the stool.

Second, we don't make a specific recommendation towards a mandatory RTO approach. However, in a letter to FERC, encouraged with respect to western RTO, the inclusion of the Bonneville Power Administration because we felt there would be a benefit from having that process in the Western States. And we see that as a promising way to address some of these transmission issues.

One of the most important assignments I have received as part of the National Energy Plan is the required or the requirement by the end of this year for us to make a national assessment of where bottlenecks exist, to where interconnectivity is required to try to address the national highway system you suggested in your comments. How we get from that completed project to the building and constructing of that is, I think, dependent on, one, a rate structure that
incentivizes construction on the one hand and the ability, at
least as a matter of last resort, if not otherwise, of the
Federal Government to play a role in siting where we have an
unwillingness on the part of State and local officials to do
so.

My hope is once we identify problem areas, perhaps that
will bring some focus on them and cause regulators to make
those decisions. But we believe that there needs to be
ultimately a Federal role, if necessary.

Mr. SAWYER. Thank you very much.

Mr. BARTON. The gentlelady from Missouri is recognized
for 5 minutes.

Ms. MCCARTHY. Thank you very much, Mr. Chairman, and
thank you, Mr. Secretary. I know in my opening statement,
opening remarks, I posed some thoughts to you, which I am
happy to have you get back to me on, budget items.

I want to pursue in this 5-minute window issues that Mr.
Whitfield and Mr. Barton both raised, and that is with regard
to the study, that strategic review, that is to be completed
September 1st. And in your remarks you talk about how
important it is to maintaining energy security with regard to
current and future technologies. I couldn't agree with you
more.

But I want to have you elaborate a little bit on what you
will do following that study, even though we don’t
necessarily know fully what we will find in the study. But I
am concerned because in the budget process, which we are
underway with here in the Congress, there are some cuts being
made, in particular to the National Renewable Energy Lab in
Colorado. It is managed by Midwest Research Institute in my
district, and I have spoken to the director at length about
this, because I believe very much in our energy labs and what
they are trying to accomplish and that they are, in fact, key
to our future energy security. But the cuts—the lab itself
is going to receive about a million dollars increase in
equipment, maintenance and repairs, but the research
activities are said to take about 195- to 199 million cut in
2001 and another 140 million in 2002.

Will your strategic review be looking at the consequences
of those cuts? And what I think personally is that they are
very untimely, given the commitment we all seem to share in a
bipartisan way here today for, you know, energy security,
next-generation technologies, you know, elaborating on what
those technologies mean.

You and I both know if you set research back for 3 years
or more, you can’t just recoup when you finally find some
more money. You can’t—you just can’t pick them up where you
left them, and we are—at least in this lab I am familiar
with—so close to the technologies that we need—we need to
use, we need to export, we need for economic development and
energy security and national security. I really think it
would be impossible to resume in the future, and it would be
a huge loss for us right now.

So this report that is to be completed by September 1,
based on your review of it, will you then rethink some of the
budget items that have not been addressed, you know, and make
recommendations to the appropriators?

Secretary ABRAHAM. Mr. Chairman, if I might ask, this is
an issue brought up by so many Members, I would like to just
kind of give a very comprehensive-I will do it as quickly as
I can--response, but it does--there were so many components
with respect to the renewable energy budget.

Our budget, if you eliminate congressionally directed
projects in the renewable energy area from last year's
budget, is about $60 million less than had been in the 2001
final level of appropriations.

The time frame in which we developed this budget was
almost immediate with respect to our arrival in office, and
it was not a budget that we had the ability to draw
conclusions from the National Energy Plan development,
because the budget had to be completed by February 27th, and
all the details by April the 9th, and the energy plan wasn't
finished until May the 17th. As a consequence, it put us in
a somewhat difficult position within a variety of the budget
categories to try to establish priorities.

What we decided to do in this area was to try to identify programs where we saw a clear need for maintaining level funding from previous years, and we did that with respect to hydrogen, with respect to superconductivity, with respect to other areas within the renewable budget, and to retain the core competencies, although at a reduced level, of real other areas, pending guidance from the National Energy Plan, which we have now received.

If you will look at the National Energy Plan, it gives me explicit authority to begin immediately working on a review of both the renewables areas, as well as some of the other areas in the fossil energy that are somewhat combined for the purposes of making new budgetary recommendations.

Now, the study that I have mentioned actually has two phases to it. The first phase has begun. In fact, our newly installed Assistant Secretary for Energy Efficiency and Renewable Energy, David Garman, is already on the road, having public hearings at a regional basis. The first phase of the study will be done on July the 10th, and the purpose of having phase 1 was to put us in a position to make recommendations that would apply to the 2002 budget levels. The final project will be completed on September 1st, and I would envision that providing us with guidance as we work into the 2003 budget that will be forthcoming obviously.
next year, although that process within the executive branch is already under way.

I would note for the record, though, that one thing about renewable energy that I hope we can all work together to take into account is that a lot of the research in some of the major areas, particularly wind, geothermal and solar, is very mature. Our Department has spent—we have calculated almost $6 billion in current dollar terms over the last 20 years on research in these areas, and yet today the contribution to America's total energy supply in those three areas is less than 1 percent. And, in fact, when our Energy Information Administration was asked to estimate what the contribution level would be in 20 years down the road, it was only a little bit more than 1 percent. Now, I don't think any of us want that to be the case.

It seems to me the challenge we have is not only on the research side, but also on the implementation side, and one of the things I have also asked our division, our Energy Efficiency/Renewable Energy Division, to do is to look at and give us recommendations which will have to assure us of steps that ought to be taken to translate into technologies that have already been largely invested in.

In the budget we have some--or rather in the energy plan, we have some recommendations with respect to tax incentives. For example, expanding the solar energy tax credit to
residential as well as commercial applications; an expansion
also with respect to biomass; and some others, fuel cell
vehicles.

But I think there are other factors involved as well. We
have some siting problems that are regulatory in nature
rather than research-related with regard to, for example,
wind energy farms, because people may not want to have that
in some particular part of their State or community. We
have, I think, some problems with respect to the uncertainty
of some of these tax incentives that have been only put in
place in the past for a short duration, and, therefore, it
has caused people to not be certain about whether or not
there is going to be that available in the future.

We have pricing issues that I think need to be addressed.
For example, when you are using solar energy, there are
periods when, in fact, you are a net energy generator. You
are generating more in the heat of the day than you are
using. If we can incentivize or provide people who might use
a solar system the opportunity to benefit at those times
through net metering, which is available in some places, I
think that can cause an expansion of that particular
renewable.

And so I think we have got to look at this both on the
research side, but also on the application side, or else that
1 percent for those three sources will be the final number,
and I don't think any of us want that to be.

Ms. MCCARTHY. Mr. Chairman, since he is addressing his
answer to the many Members who had raised the issue, may I
pursue briefly?

Mr. BARTON. You can ask one more question, and then we
go to Mr. Dingell, and we will go to Mr. Walden.

Ms. MCCARTHY. Thank you, Mr. Chairman.

I thank you, Mr. Secretary, and I do hope that the study
provides you with the impetus I think we all feel we need to
make these other forms of energy competitive and available.
We can look to our European friends for help there as well,
since they are ahead of the curve on these matters, having
had high energy costs far longer than we have.

I wanted to comment or ask your thoughts on revisiting
the CAFE standards issue that both the Chairman and others
have brought up. I am concerned because this committee has
taken a look at SUVs and, you know, the danger in them, the
design, and perhaps the tire issue. We have taken a good
look at that. Are you suggesting there are some—that there
are some data available that shows that the deaths due to
CAFE standards somehow relate to SUVs, because it was my
understanding that SUVs were exempt from those standards?

And secondly, what is wrong with the Secretary of
Transportation and you collaboratively calling on the
industry to become more efficient, give them a goal of a mile

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per gallon per year over the next decade and call upon them
voluntarily to meet that goal for energy security and
national security, and just send a message that this is what
the administration would like to see happen, all the while
you are pursuing other studies on just what we can
accomplish. I would like your thoughts on both, please.

Secretary ABRAHAM. Let me say with respect to the safety
issue, as we address fuel efficiency, I think it is
imperative that we also consider safety implications. For
those of us who have, you know, looked at these previous
studies, what we see is that when fuel efficiency standards
came into effect, one of the ways that people
met the higher standard--one way that manufacturers can meet
a higher standard of fuel efficiency is to make a vehicle
lighter.

Now, if a vehicle is lighter, NHTSA has concluded that
there is a correlation to more serious accident
ramifications, and so I want to make sure that if we do
change CAFE standards, that we take that into account and try
to make sure the changes aren't ones that bring about any
unique consequences on a safety front.

In terms of the industry, you know, first, I think we
need to execute the already existing statutory requirements
that are in place today, which call upon the Secretary of
Transportation to on a--I think it is on an annual basis to,
in fact, make recommendations with respect to fuel
efficiency. Those have been—those have been basically
stopped because of the moratorium on funding, but I believe
that from what I gather, the moratorium is not likely to
be—the ban or whatever is not going to be in this year's
appropriations. At least it doesn't seem to be at this point
on the House side.

Ms. MCCARTHY. Mr. Secretary, if I might speak from my
heart, since I arrived here in 1995, the auto industry has
been all over me to support legislation, to deny those CAFE
standard changes. I think that it has stopped not because of
budget issues, but because of politics, and I think that is
why I suggested that you and the Secretary of Transportation
call on the industry to be a partner in this instead of
trying to politically keep it from happening.

Secretary ABRAHAM. Well, my point was only that the
appropriation process has prevented the Transportation
Department from taking the action that is otherwise
statutorily called upon. I do believe the point you made
with respect—or perhaps it was Congressman Waxman made with
regard to industry now moving forward to actually have on the
road more fuel-efficient SUVs even sooner than a time frame
likely would be mandated is a step in a very positive
direction, and I think we would encourage that. And I hope
that we will see the entire industry move in that direction,
but do so in a safe way, do so in a way that doesn't have a disproportionate impact on whether it is American workers' jobs that are also affected.

Ms. McCARTHY. Well, it is probably very appropriate that the President is in Europe this week, because he will see a whole lot of fuel-efficient cars, and perhaps his staff can gather some of the data on the hazards and dangers of those. But, again, thank you, Mr. Chairman, for your indulgence in this time, and I yield back.

Mr. BARTON. Thank you.

The gentleman from Michigan is recognized for 5 minutes, Mr.--.

Mr. DINGELL. Mr. Chairman, I thank you for your courtesy.

Mr. Secretary, these are friendly questions, and I think they will be susceptible of yes or no answers, and in view of the time limit, I hope you will be able to give me that yes or no.

Secretary ABRAHAM. Well, I am very hesitant to say no, I am sure.

Mr. DINGELL. In response to my May 14 letter on various waste issues, you attached a chart, indicating the program would experience a funding shortfall in fiscal year 2002. If I read this correctly, I would say that it tells me that you will fall nearly $6 billion short between fiscal year 2002
and the repository opening of 2010. Is that correct, Mr.
Secretary?
Secretary ABRAHAM. We believe--I am sorry. I can't
answer that issue yes or no. We believe that we will have a
funding path towards a 2010 completion, assuming that--.
Mr. DINGELL. But the chart says you will have a
shortfall.
Secretary ABRAHAM. We are committed--.
Mr. DINGELL. It is your chart, Mr. Secretary.
Secretary ABRAHAM. Congressman, we are committed to
moving forward to request adequate funding to meet the
construction of--.
Mr. DINGELL. I want to address--.
Secretary ABRAHAM. --if we, in fact, feel we can make the
recommendation.
Mr. BARTON. Will the gentleman from Michigan yield, and
we will give you additional time, because I want to back you
up on this.
Mr. DINGELL. Well, I will be happy to yield to the Chair
then.
Mr. BARTON. Would the Secretary be willing to work in a
bipartisan fashion with Congressman Dingell and myself and
Mr. Tauzin and others to use a nuclear waste fund for the
purpose which it was intended, which would mean in real
language that we have to remove that budgetary cap that was
imposed, I think, 6 or 7 years ago?

Secretary ABRAHAM. Mr. Chairman and Mr. Dingell--.

Mr. BARTON. Because that is what Mr. Dingell is getting at. His committee did that in our nuclear waste bill in the last Congress.

Secretary ABRAHAM. It would be my view that those funds which were contributed by ratepayers through their companies should be used for exactly those purposes.

Mr. BARTON. Thank you.

Mr. DINGELL. Now, if we don't do something about this, the administration has to do something like putting it off budget, because there are nearly $10 billion in unexpended ratepayers' monies that are supposed to be spent for the waste repositories Congress intended. Will you send legislation up to take this waste fund off budget?

Secretary ABRAHAM. We have begun discussions with the Office of Management and Budget to try to address how this can be done. We actually began those discussions in this year's budget period, but we did not have sufficient time to complete them. But I have been working with Director Daniels to try to move in a direction that would provide some sort of methodology for us to have access to those dollars.

Mr. DINGELL. You are now being sued for failure to proceed by the electrical utility industry, and it is my personal judgment you will lose all of those lawsuits, Mr.
Secretary. When you lose, what are you going to do?

Secretary ABRAHAM. First, let me just say when the Chairman asked me earlier what were the pleasant surprises of this new job, he didn't ask what the unpleasant ones were, and one of them was that I have been sued more--.

Mr. DINGELL. Your unpleasant surprises are without limit.

Mr. BARTON. It was a holdover suit. It is not you personally.

Secretary ABRAHAM. For one, I have been sued more than I ever had planned to be in my life; and second, I would just say that the Ranking Member had warned me about virtually all of these matters before I took the job, so I was on notice.

But obviously we believe that as the first step in the process, we need to address the issue that pertains to a site characterization and recommendation. Whether or not I can make that recommendation will be based on sound science. I believe if we begin moving forward, if the conclusions that we reach after getting the science are that we can make a recommendation to the President to seek license--a license to go forward with the Nevada site, that that will have a profound influence on a number of these issues, including the nature of lawsuits in the future.

Mr. DINGELL. Now, Mr. Secretary, I would note that EPA has issued standards for protecting public health and the...
environment at Yucca Mountain. If it proves scientifically
suitable, can you meet the environmental standards that have
been described to you or for you by EPA?

Secretary ABRAHAM. Congressman, our--the process that I
intend to go through once the site characterization science
is presented to me will be aimed at determining not only
whether or not to make the recommendation, but whether or
not, in fact, we can meet the standards that are set. We
accept these as very stringent, tough standards. There is no
question that they are. I will certainly make the
determination based on my evaluation of those standards
against the science that we receive. I believe that it is
feasible for us to meet those standards based on at least my
preliminary examination of them, but I don't feel I should
rush to judgment until I have actually received the site
characterization information.

Mr. DINGELL. Statutory standards on this point?

Secretary ABRAHAM. I am sorry?

Mr. DINGELL. Will the Congress have to enact statutory
standards on this point because of the inability to meet the
standards or to--or to proceed under the standards of the
Department because of technical difficulties in doing so?

Secretary ABRAHAM. At this point, I mean, there is no
question, Congressman, that the standards that EPA has set
are ones that go beyond either what the National Academy of
Sciences or the Nuclear Regulatory Commission had established or suggested. They are very stringent tests, and certainly our capacity to meet them would--I would hope--resolve any issues with respect to safety and environmental implications of the site.

I don't at this point have a recommendation for legislation.

Mr. DINGELL. So you can't answer yes or no.

Now, Mr. Secretary, are you using your authority under section 403 of the DOE Reorganization Act to propose a rule which FERC would provide relief for--under which price relief would be provided for California by FERC?

Secretary ABRAHAM. No.

Mr. DINGELL. No.

Do you plan to send up a comprehensive electric restructuring bill?

Secretary ABRAHAM. We have been asked as a part of the President's energy plan to do so. The answer is yes. We have not begun the actual development of that legislation, because it is--one of our goals is to work with the committee and with counterparts on the Senate side as we determine the approaches that would be receptive here.

Mr. DINGELL. The plan also recommends legislation, quote, clarifying Federal and State regulatory jurisdictions.

I would note that consensus on this has proved impossible.