



United States  
of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 112<sup>th</sup> CONGRESS, FIRST SESSION

Vol. 157

WASHINGTON, MONDAY, JULY 11, 2011

No. 102

## House of Representatives

The House met at noon and was called to order by the Speaker pro tempore (Mr. HARRIS).

### DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,  
July 11, 2011.

I hereby appoint the Honorable ANDY HARRIS to act as Speaker pro tempore on this day.

JOHN A. BOEHNER,  
*Speaker of the House of Representatives.*

### MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 5, 2011, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties, with each party limited to 1 hour and each Member other than the majority and minority leaders and the minority whip limited to 5 minutes each, but in no event shall debate continue beyond 1:50 p.m.

### BALANCED BUDGET AMENDMENT

The SPEAKER pro tempore. The Chair recognizes the gentleman from Oklahoma (Mr. LANKFORD) for 5 minutes.

Mr. LANKFORD. Nineteen years ago, when my wife and I married, I was still in school, I was working as much as I could, and she was also working, but we were barely making it. But we made the decision we were not going to run up credit card debt and live beyond our means. We paid our school loans, we tithed to our church, we ate a lot of peanut butter, and we lived simply. As Dave Ramsey says, "We determined to act our wage."

It is a biblical principle for myself and my family. Proverbs 22:7 states: "The borrower is slave to the lender." Proverbs 22 applies to families, and Proverbs 22 applies to nations. If we were living within our means as a Nation, almost all the debate in the last 6 months in this Chamber would have been different.

We've tried every method in the Fed's bag of tricks to protect our interest rate, because if the rate goes up at all, the house of cards falls. We work to manipulate banks, mortgage lending and manufacturing because we must keep revenue up. We carefully manage every relationship worldwide because we need the borrowing liquidity. We pour billions of dollars into the economy that we borrow from future generations because we're afraid this generation will have to make hard choices if we do not keep up the borrow pace. Our economy struggles, which leads Washington regulators to overmanage every sector, which causes even more economic uncertainty.

Our focus has shifted from families to corporate bailouts because we're living beyond our means, and we're trying everything we can to make it work. It's not sustainable. We have to get back in balance.

Capital investment in business and industry is slower because so much of the money that would go toward starting new businesses is actually financing our national debt obligation. There's only a limited amount of money in the world economy at any one moment to subsidize our debt and the debt of other nations around the world. When we consume that money for our debt payments, we remove it from the market.

America is the world leader. Unfortunately, we have led the world in debt and deficit spending, and now it's time we lead the world in how to solve a debt crisis.

You see, I believe we have a debt crisis, not a debt ceiling vote crisis. If we

increase the debt ceiling without beginning to solve the debt problem, we did not avert the economic disaster; we accelerated the disaster. I understand we're painted into a corner, and we cannot balance our budget instantly without completely collapsing this fragile economy. I get it. But I also get that we were sent here to make adult choices.

This is a bipartisan problem. We all point fingers at each other, but we all know both parties made promises with no plan to pay for it. So since we know that, why don't we also agree to a bipartisan solution? I've heard a hundred times since I've been here, we need a balanced approach to solving this problem. Well, let me tell you I agree. We do need a balanced approach—a balanced budget amendment approach. That is the first big step to forcing us to get into balance permanently.

The Constitution is not a Republican or a Democrat document. A balanced budget amendment is not a Republican or a Democrat issue. You see, you can't make changes to the Constitution without both parties engaged. But if both parties actually worked together, we can solve this debt crisis for our children and grandchildren.

The last time this body dealt seriously with a balanced budget amendment was 1996. It passed this House with overwhelming bipartisan support, and it failed in the Senate by a single vote. Can you imagine for a moment what our financial condition would be like right now if we'd started balancing our budget during the good economic times of the 1990s and kept that discipline to this present day?

If you want to know the true consequences of that failed balanced budget amendment vote in 1996, point to the financial collapse of 2008, because I believe the financial collapse of 2008 would not have occurred if we had balanced the budget when we did. Even if we did, we would be in a position to

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



Printed on recycled paper.

H4797

better respond to it. We can either learn from that lesson or repeat it. The balanced budget amendment passed the Senate in the 1980s and failed in the House. Then it passed in the nineties in the House and failed in the Senate. This is the moment we will either doom the next generation of Americans to more financial uncertainty or we will solve the problem.

A balanced budget amendment solves the S&P and Moody's rating question because it settles the issue forever that we will live within our means. While this body should be able to make tough choices, we all know full well this body will make the tough choices only when it has to. It has always been that way; it always will be that way. A balanced budget amendment gives future Congresses the gift of a moment each year when they must make tough choices. Let's bring up the amendment.

Let's send it to the States for a vote. It is the ultimate "allow the people to speak" moment. I think Americans get this more than Washington gets this. Forty-nine of our 50 States have a structure in place right now for a balanced budget every single year. They make it work every year. We can too. The only fear from Washington is the inability to spend more money at will and to control the States with our preferences and money.

At the end of this labor, if we birth a balanced budget amendment, all the pain of this process will have been worth it. Let's show the Nation we can work together. Let's solve the debt problem. Let's take up and pass a balanced budget amendment to the Constitution, and then let's get to work in solving our debt crisis.

---

#### RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 2 p.m. today.

Accordingly (at 12 o'clock and 7 minutes p.m.), the House stood in recess until 2 p.m.

---

□ 1400

#### AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. POE of Texas) at 2 p.m.

---

#### PRAYER

The Chaplain, the Reverend Patrick J. Conroy, offered the following prayer:

We give You thanks, O God, for giving us another day. We ask Your blessing upon this assembly and upon all to whom the authority of government is given. We pray that Your spirit of reconciliation and peace, of goodwill and understanding, will prevail on the hearts and in the lives of us all.

Encourage the Members of this House, O God, to use their abilities and talents in ways that bring righteous-

ness to this Nation and to all people. Ever remind them of the needs of the poor, the homeless or forgotten, and those who live without freedom or liberty. May they be instruments of justice for all citizens. May Your spirit live with them, and with each of us, and may Your grace surround us and those we love that in all things we may be the people You would have us be in service to this great Nation.

May all that is done within the people's House this day be for Your greater honor and glory. Amen.

---

#### THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

---

#### PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Indiana (Mr. VISCLOSKEY) come forward and lead the House in the Pledge of Allegiance.

Mr. VISCLOSKEY led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

---

#### HIGHER TAXES KILL JOBS

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, sadly, with the unemployment rate rising on Friday, today's Investor's Business Daily's lead editorial is correct: With unemployment now at 9.2 percent and job growth at a standstill, is there anyone not blinded by ideology or rank partnership who can't see that Obama's spend-and-regulate economic plan has been an utter failure?" Citing that the unemployment rate has dipped below 9 percent in only 5 of the President's 29 months in office, the verdict is clear: "No President since the Great Depression can match that record of failure."

On Friday, The Hill proclaimed the President's campaign responds that people won't vote based on the unemployment rate. I believe the American people know better. Even worse, now liberals are pushing harder for tax increases that will kill jobs. Liberals do not understand, as The Lexington County Chronicle explained, people's income belongs to them and does not belong to the government. Tax increases hurt small businesses and kill jobs.

In conclusion, God bless our troops, and we will never forget September the 11th in the global war on terrorism.

#### SUPPORTING ENERGY AND WATER APPROPRIATIONS BILL

(Mrs. BIGGERT asked and was given permission to address the House for 1 minute.)

Mrs. BIGGERT. Mr. Speaker, I rise in support of H.R. 2354. I commend the work of my colleagues, Chairman FRELINGHUYSEN and Ranking Member VISCLOSKEY of Energy and Water Development appropriations, for their efforts to balance important energy and infrastructure funding in nuclear energy, the Army Corps of Engineers, and in particular the Office of Science.

Strong funding at DOE is critical for the development of future reactor technologies and licensing for new nuclear and small modular nuclear power. Similarly, healthy funding for the Army Corps of Engineers is vital to our waterway commerce, protection from invasive species and water quality in the Midwest.

Finally, by maintaining our investment in the Office of Science, Congress will preserve our capacity to innovate, enhance our competitive edge in the global economy, and create good American jobs well into the future. Mr. Speaker, I ask my colleagues to support the Office of Science.

---

#### ENOUGH OF THE BACKROOM DEALS

(Mr. FLEMING asked and was given permission to address the House for 1 minute.)

Mr. FLEMING. Mr. Speaker, enough with the backroom dealing on the debt ceiling. The debate has continued for months behind closed doors in the proverbial "smoke-filled room" with nothing to show for the effort. As a congressman, why should I be forced to peruse cable stations and blog sites for information on the discussions—and then be asked to vote for the deal when I have no input and no time to know even what's in it?

Let's pull back the shades and open the window. Let's put the sunlight and fresh air on this discussion. Should we cut spending? Should we reform entitlements? Should we have a balanced budget amendment?

Mr. Speaker, let Congress do its job and put the debate right here on the floor. Let's do this in the people's House for everyone to see. This will be the way the people and their choice come to fruition.

---

#### DON'T TAX JOB CREATORS

(Mr. HARRIS asked and was given permission to address the House for 1 minute.)

Mr. HARRIS. Mr. Speaker, another week, and another week that our fiscal problems in this country are unsolved. We saw the jobs report—18,000 jobs created when we need 350,000 jobs created in order to get our unemployment rate back down to 5 percent. And who can blame our job creators when all the

talk in Washington now appears to be about how we can raise taxes on those job creators?

I don't care whether we call it expenditures in our tax code or revenues, what they are are taxes on our job creators, and our job creators have responded by not creating jobs. Mr. Speaker, what they want is they want to know that Washington understands how to solve this problem. They want to know that we know that we can cut our spending, we can cap our future spending.

Mr. Speaker, it's time for a balanced budget amendment to the Constitution of the United States. Forty-nine of the 50 States have it. We should have it here in Washington so that we never have to face again the question of how high to raise our debt ceiling and how far to put our children in debt.

#### GAINESVILLE, GEORGIA—BEST CITY

(Mr. GRAVES of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GRAVES of Georgia. Mr. Speaker, I rise today to honor Gainesville, Georgia, for earning a spot in the Top 100 "Best Cities for Job Growth in 2011."

This award is a testament to the small business owners and the entrepreneurs in Gainesville who work hard every day to innovate and to grow despite the pressures put on them from Washington and this challenging economic climate. To make the Top 100, the city of Gainesville was measured on recent growth as well as growth over the last 5 years.

Driving the success were the entrepreneurs who created 34 new businesses or grew existing ones. They collectively brought in 1,140 new jobs to Gainesville and nearly \$250 million in capital investment. I'm proud to represent Gainesville in Congress and proud of the hard work of my neighbors in Georgia. Today, the city of Gainesville stands a little bit taller because of the hard work of the entrepreneurs in north Georgia.

#### GENERAL LEAVE

Mr. FRELINGHUYSEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the further consideration of H.R. 2354, and that I may include tabular material on the same.

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

There was no objection.

#### ENERGY AND WATER DEVELOPMENT AND RELATED AGENCIES APPROPRIATIONS ACT, 2012

The SPEAKER pro tempore (Mr. GRAVES of Georgia). Pursuant to House

Resolution 337 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the further consideration of the bill, H.R. 2354.

□ 1410

#### IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 2354) making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes, with Mr. POE of Texas in the chair.

The Clerk read the title of the bill.

The CHAIR. When the Committee of the Whole rose on Friday, July 8, 2011, all time for general debate had expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule.

During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment who has caused it to be printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

The Clerk will read.

The Clerk read as follows:

H.R. 2354

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes, namely:

#### TITLE I—CORPS OF ENGINEERS—CIVIL DEPARTMENT OF THE ARMY CORPS OF ENGINEERS—CIVIL

The following appropriations shall be expended under the direction of the Secretary of the Army and the supervision of the Chief of Engineers for authorized civil functions of the Department of the Army pertaining to rivers and harbors, flood and storm damage reduction, shore protection, aquatic ecosystem restoration, and related efforts.

#### INVESTIGATIONS

For expenses necessary when authorized by law for the collection and study of basic information pertaining to river and harbor, flood and storm damage reduction, shore protection, aquatic ecosystem restoration, and related needs; for surveys and detailed studies and plans and specifications of proposed river and harbor, flood and storm damage reduction, shore protection, and aquatic ecosystem restoration projects and related efforts prior to construction; for restudy of authorized projects; and for miscellaneous investigations and, when authorized by law, surveys and detailed studies and plans and specifications of projects prior to construction, \$104,000,000, to remain available until expended: *Provided*, That except as provided in section 101, the amounts made available under this paragraph shall be expended as authorized by law for the programs, projects and activities specified in the text and table under this heading in the report of the Committee on Appropriations of the House of Representatives to accompany this Act.

AMENDMENT OFFERED BY MR. KING OF IOWA

Mr. KING of Iowa. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 3, line 5, after the dollar amount, insert "(reduced by \$1,000,000) (increased by \$1,000,000)".

The CHAIR. The gentleman is recognized for 5 minutes.

Mr. KING of Iowa. Mr. Chairman, this amendment that decreases a line item by a million dollars and then increases it by a million dollars is the parliamentarily approved method by which we direct some intent into this appropriation legislation that we have.

As a lot of the world knows by now, and as I viewed from this morning as it was getting light as we took off from the Omaha airport, we have water that is a mile to as wide as 11 miles wide, and that's just getting to Missouri, and it may well be wider downstream Missouri. The Missouri River itself, which flooded in 1952, and in that year it was the last flood they hoped for all time. They built the Pick-Sloan program. That is six dams in the Upper Missouri River. The Corps of Engineers' construction of those was designed to prevent a flood of similar magnitude of 1952.

What has happened is that in 1952—for awhile this year they had the largest amount of water to flow down the Missouri River—came down in 1952 in April, and that was 13.2 million acre-feet of water. In May of this year, coming out of the Missouri River, it was 10.5 million acre-feet of water. And one might think we can deal with that. Well, we could not.

We are flooded, and this water is going to stay up now for another month or longer. And we got the records from June of this year, and that became not 13.2 but 13.8 million acre-feet, more water in a single month than to ever come down the Missouri River since we have been keeping records. And, Mr. Chairman, that is just 2 months, and this continues. This year will be the largest volume of water to go down the Missouri River since we have been keeping records.

Mr. DICKS. Will the gentleman yield?

We don't have a copy of the gentleman's amendment. If we are going to start out this way without cooperating—

Mr. KING of Iowa. Mr. Chairman, I might point out I didn't yield, but I would be happy to yield to the gentleman and hopefully get you a copy.

Mr. DICKS. We would like to have it.

Mr. KING of Iowa. I will personally deliver it to you if this version is okay.

The CHAIR. The gentleman from Iowa controls the time.

Mr. KING of Iowa. Thank you, Mr. Chairman.

This year, we will see more water come down the Missouri River than ever before in recorded history. And the result is the Corps of Engineers is releasing 160,000 cubic feet per second from Gavins Point Dam. That is the lowest one of the six dams. What it

brings about is massive flooding all of the way down the river for a sustained period of time.

Now I'm not here to take issue with the design, the engineering, or the management of this river; but what this amendment does is it takes a million dollars out and puts a million dollars back in. What I'm asking is to direct the Corps of Engineers to conduct a new study and come back and let us know how they would have had to manage this river in the event that they had been able to see this massive amount of water coming, how they would have been able to protect not only all of the people downstream from each of these reservoirs, but also the additional component of that is although a year ago last May we had record flooding in the tributaries downstream from Gavins Point, the dam that is the lowest. We need to be able to look at two catastrophic events. All of this snow runoff and rain that we got, particularly in Montana in the mountains, coupled with the record rainfall coming down the tributaries from below Gavins Point Dam that we saw a year ago last May, those two laid on top of each other, how do they have to manage the reservoirs for the purposes of protecting all of that valuable real estate and infrastructure.

My constituents have spent millions of dollars to try to protect themselves. They built miles of levee, watching the water come down the river. They have hauled dirt with water coming up on one side of the levee. This amendment urges and actually directs the Corps of Engineers to commence with that study. And we will have more information as it unfolds. I urge its adoption.

I yield back the balance of my time.

Mr. FRELINGHUYSEN. I move to strike the last word.

The CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. FRELINGHUYSEN. Mr. Chairman, we have not had a chance to really study the implications of the gentleman's amendment.

First of all, we would like to extend our sympathy to the gentleman, his constituents, and to many Members of Congress and those affected by the devastation and, in many cases, loss of life, loss of income and livelihood. But we are not quite sure what \$1 million in and \$1 million out means, and we need a little more time to further investigate.

Would the gentleman be willing to work with us to accomplish this objective without moving ahead on the amendment? Would you be willing to work with the committee, the ranking member and yours truly?

Mr. KING of Iowa. If the gentleman would yield?

Mr. FRELINGHUYSEN. Yes.

Mr. KING of Iowa. I think the chairman has made a significant point here. Sometimes we are playing catch-up. I would like to have had the lead work done so that this information was out in front of the majority and the minor-

ity. I think you've seen the water coming down the river. But I would ask this, that if we are willing to work on this, Democrats and Republicans, to bring about a review of the master manual management, then I would ask unanimous consent to withdraw the amendment.

Mr. FRELINGHUYSEN. We are highly sympathetic to working with the gentleman and look forward to working with him to address this crisis and what he is talking about, future crises and devastation.

Mr. VISCLOSKEY. Will the gentleman yield for a moment?

Mr. FRELINGHUYSEN. I yield to the gentleman from Indiana.

Mr. VISCLOSKEY. I would be happy to work with the chairman, but I would note, we are on page 3 of the bill and would hope that as we proceed today and into the future, that we have advance notice of amendments. So I would direct my comment in this case to the gentleman from Iowa and those who may be thinking about offering additional amendments. But I would be happy to work with the chairman on this issue.

Mr. FRELINGHUYSEN. I thank the gentlemen.

I yield back the balance of my time.

Mr. KING of Iowa. Mr. Chairman, I ask unanimous consent to withdraw the amendment.

The CHAIR. Without objection, the amendment is withdrawn.

There was no objection.

The CHAIR. The Clerk will read.

The Clerk read as follows:

#### CONSTRUCTION

##### (INCLUDING RESCISSION OF FUNDS)

For expenses necessary for the construction of river and harbor, flood and storm damage reduction, shore protection, aquatic ecosystem restoration, and related projects authorized by law; for conducting detailed studies and plans and specifications of such projects (including those involving participation by States, local governments, or private groups) authorized or made eligible for selection by law (but such detailed studies and plans and specifications shall not constitute a commitment of the Government to construction), \$1,615,941,000, to remain available until expended; of which such sums as are necessary to cover the Federal share of construction costs for facilities under the Dredged Material Disposal Facilities program shall be derived from the Harbor Maintenance Trust Fund as authorized by the Water Resources Development Act of 1996 (Public Law 104-303); and of which such sums as are necessary to cover one-half of the costs of construction, replacement, rehabilitation, and expansion of inland waterways projects (including only Olmsted Lock and Dam, Ohio River, Illinois and Kentucky; Emsworth Locks and Dam, Ohio River, Pennsylvania; Lock and Dams 2, 3, and 4, Monongahela River, Pennsylvania; and Lock and Dam 27, Mississippi River, Illinois) shall be derived from the Inland Waterways Trust Fund: *Provided*, That of the unobligated balances from prior year appropriations available under this heading, \$50,000,000 is rescinded: *Provided further*, That no amounts may be rescinded from amounts that were designated by the Congress as an emergency requirement pursuant to the Concurrent Resolution on the Budget or the Balanced

Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That except as provided in section 101, the amounts made available under this paragraph shall be expended as authorized by law for the programs, projects, and activities specified in the text and table under this heading in the report of the Committee on Appropriations of the House of Representatives to accompany this Act.

#### AMENDMENT OFFERED BY MR. TIERNEY

Mr. TIERNEY. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 3, line 24, after the dollar amount, insert "(increased by \$133,822,000)".

Page 6, line 6, after the dollar amount, insert "(increased by \$51,759,000)".

Page 24, line 6, after the dollar amount, insert "(reduced by \$92,790,500)".

Page 24, line 18, after the dollar amount, insert "(reduced by \$92,790,500)".

□ 1420

Mr. FRELINGHUYSEN. I reserve a point of order on the gentleman's amendment.

The CHAIR. A point of order is reserved.

The gentleman from Massachusetts is recognized for 5 minutes.

Mr. TIERNEY. Mr. Chairman, this amendment is relatively straightforward. It ensures that two important Army Corps of Engineers accounts—construction and operation maintenance—be funded at last year's levels. I certainly understand that the committee was challenged by the allocation it was allotted, and that was \$1 billion below fiscal year 2011 and nearly \$6 billion less than the President's request.

Despite that, I appreciate that Chairman FRELINGHUYSEN has added \$195 million to the President's budget request for the Army Corps of Engineers. He is to be commended for that. Unfortunately, I think that Congress can and must do better. According to the Army Corps, we have 59 ports and harbors that carry about 90 percent of our economic activity in this country—2.2 billion tons of cargo and \$1.4 trillion in commerce.

In testimony before the Senate committee last year, an official from the United States Chamber of Commerce discussed the importance of our ports, inland and coastal waterways to America's businesses. This is what the official said:

The business community, from ports to barge operators to agricultural exporters, depends on a marine transportation system to move goods to domestic and international markets. They are also important parts of the Nation's economic engine and are drivers for job creation in America. Maintaining our Federal channels to their authorized and required dimensions is a critical part of ensuring that this commerce can continue uninterrupted.

Yet we continue to have a significant dredging backlog, and I am concerned that this bill's allocation for the Army Corps is insufficient to appropriately

address that backlog. It doesn't just affect commerce; it impacts people's lives very intimately as well. I hear from constituents in my district, particularly those in Newburyport and the Plum Island part of Newbury, who tell me that their homes are quite literally about to fall into the ocean unless the Army Corps can rehabilitate a jetty that hasn't been repaired in 40 years. That's not an uncommon story on our waterways.

The least we can do for these families is to ensure that the important Army Corps programs are funded at last year's levels. The subcommittee allocation makes that incredibly difficult for Members to address, and I understand that. Taking care of perceived deficiencies in a bill are going to need attention. I expect there will be some concerns, which I am perfectly willing to address in my further comments.

In anticipation of what might be brought up, either Congress can fund these important Army Corps functions at last year's levels by making modest reductions to two Department of Energy programs that, when combined, receive more than \$1 billion in this bill or Congress can choose to sustain the level of commitment to the Army Corps and slightly reduce the Department of Energy's fossil fuel energy research and development and the nuclear energy programs.

I think it is a relatively easy call. For my constituents, it certainly is. Congress should be on the side of increasing its investments and repairing and modernizing its water infrastructure and putting people back to work, so support for this amendment would ensure that we don't diminish our commitment to those critical Army Corps functions.

With that, I yield back the balance of my time.

Mr. FRELINGHUYSEN. Mr. Chairman, I move to strike the last word.

I continue to reserve my point of order.

The CHAIR. The gentleman continues to reserve his point of order.

The gentleman from New Jersey is recognized for 5 minutes.

Mr. FRELINGHUYSEN. I rise in opposition to the amendment.

I share in the gentleman's support for smart investments in our Nation's water resources infrastructure and in the good work of the Army Corps of Engineers. I well understand on the committee the economic benefits of spending money on these needs. At the same time, we cannot ignore the importance of addressing our Nation's deficit problem and the other priorities of the bill, namely national defense and scientific innovation.

The underlying bill balances these important goals, in part, by reducing the construction account from the fiscal year 2011 enacted level but not by nearly as much as that account was reduced in the President's own fiscal year 2012 budget request. With this level of funding, we are working to re-

duce the deficit, funding our national defense needs, supporting scientific innovation, and at the same time allowing the Corps to continue progress on the most critical water resources investments.

We must preserve the careful balance that this bill strikes. Therefore, I must oppose the amendment and urge my colleagues to vote "no."

I yield back the balance of my time.

POINT OF ORDER

Mr. FRELINGHUYSEN. Mr. Chairman, I would like to assert my point of order.

The CHAIR. The gentleman may state his point of order.

Mr. FRELINGHUYSEN. Mr. Chairman, the amendment proposes to amend portions of the bill not yet read.

The amendment may not be considered en bloc under clause 2(f) of rule XXI because the amendment proposes to increase the level of outlays in the bill.

I ask for a ruling from the Chair.

The CHAIR. Does any other Member wish to be heard on the point of order?

The Chair is prepared to rule.

To be considered en bloc pursuant to clause 2(f) of rule XXI, an amendment must not propose to increase the levels of budget authority or outlays in the bill. Because the amendment offered by the gentleman from Massachusetts proposes a net increase in the level of outlays in the bill, as argued by the chairman of the Subcommittee on Appropriations, it may not avail itself of clause 2(f) to address portions of the bill not yet read.

The point of order is sustained. The amendment is not in order.

AMENDMENT OFFERED BY MR. TURNER

Mr. TURNER. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 3, line 24, after the dollar amount, insert "(reduced by \$118,400,000)".

Page 6, line 6, after the dollar amount, insert "(reduced by \$123,313,000)".

Page 33, line 20, after the dollar amount, insert "(increased by \$129,353,000)".

Page 34, line 20, after the dollar amount, insert "(increased by \$71,475,000)".

Page 35, line 10, after the dollar amount, insert "(increased by \$40,885,000)".

The CHAIR. The gentleman from Ohio is recognized for 5 minutes.

Mr. TURNER. Mr. Chairman, I intend to offer this amendment and then request unanimous consent for its withdrawal.

This amendment would restore funding to the most critically and historically underfunded portions of this bill: the defense activities of the Department of Energy as carried out by the semiautonomous National Nuclear Security Administration, the NNSA. I thought it was important to offer this amendment so that the record of the discussion of this bill could focus also on the importance of funding shortfalls that are occurring in this bill.

The amendment would restore \$241 million to NNSA defense activities, our

nuclear weapons activities, with an offset from two water project catch-all funding lines, in the Corps of Engineers' account that were not requested by the President. This restoration is critically important to revitalize and modernize our nuclear security enterprise.

I encourage my colleagues to consider these charts that depict the cuts in this bill to the vitally important national security programs:

The FY12 Defense appropriations bill, as reported by the Appropriations Committee, cut Department of Defense spending by 1 percent below the President's budget request, the smaller amount. The FY12 Energy and Water appropriations bill before us cuts funding for the defense activities of the NNSA by 10 percent, including a 7 percent cut for nuclear weapons activities and nuclear modernization.

Again, there is only a 1 percent cut that is occurring as policy to DOD, but as you can see, NNSA, which is a defense activity, is being cut by 10, our nuclear weapons activities by seven. Meanwhile, the energy and water bill increases spending on water projects through the Corps of Engineers by over 4 percent of the budget requests, and that is leaving aside the \$1 billion energy supplemental for water projects to address funding on the Mississippi River.

The problem is that nuclear weapons spending is considered part of the Energy and Water appropriations bill instead of Defense appropriations. The funds cut from NNSA support critically needed nuclear modernization efforts that are strongly supported by people on both sides of the aisle, on both sides of this Capitol, and by the administration.

I would like to yield at this point to the gentleman from Louisiana, Dr. FLEMING.

Mr. FLEMING. Mr. Chairman, I rise today in support of the amendment being offered by the gentleman from Ohio, which would restore a modest 20 percent of over \$1.1 billion in funding this bill cuts from the defense activities of the Department of Energy, which ensures the safety, security and reliability of our Nation's nuclear weapons.

□ 1430

The FY12 Energy and Water appropriations bill sharply reduces overall funding for the National Nuclear Security Administration from the President's budget request by more than 10 percent, or \$1.1 billion, while increasing funding for Army Corps of Engineers water projects by 4 percent above the budget request. This is in addition to the \$1 billion plus-up in emergency supplemental disaster relief added to the bill for the Mississippi River flooding.

As a Member who represents Louisiana, I can appreciate how critical funding for the Army Corps of Engineers is, but we have to consider those

priorities in light of the vital need to maintain our national security which since the end of World War II has rested on the strength of our strategic nuclear deterrent.

The reductions set forth in this measure would significantly impact NNSA's ability to implement the goals and policies established in the April 2010 Nuclear Posture Review and our Nation's nuclear modernization plans. Most concerning is a \$498 million cut that this bill makes to the Weapons Activity account which provides the necessary technical support to ensure safety, security and effectiveness of the U.S. nuclear deterrent.

This bill also places at risk the timely replacement of Cold War-era nuclear infrastructure, specifically the construction of the Nation's plutonium capability at Los Alamos—the Chemistry and Metallurgy Replacement Facility, which is cut by \$100 million out of the \$300 million necessary for the FY12 activities.

Mr. Chairman, at a time when major defense spending cuts are on the horizon, we can ill afford to undercut our Nation's last line of defense, which has always been our nuclear deterrent.

I strongly urge support of this amendment.

Mr. TURNER. Mr. Chair, this House has three times previously confirmed our commitment to fully funding the NNSA activities. I would urge that as we go through the process of this bill that this funding be restored.

I ask unanimous consent to withdraw the amendment.

Mr. MCKEON. Mr. Chair, I rise in support of my colleague's amendment to restore funding to the defense activities of the National Nuclear Security Administration (NNSA). In May, the House overwhelmingly passed—by a vote of 322 to 96—the Fiscal Year 2012 National Defense Authorization Act (NDAA). The NDAA recognized the critical need to shore up our nuclear security enterprise and authorized full funding for NNSA.

Unfortunately, the appropriations bill before us reduces the NNSA budget by \$1.1 billion from the level authorized by the NDAA. The funding level authorized by the NDAA was a key component of a deal between the Administration and Congress. This deal would finally, after decades of neglect, reinvigorate and modernize our nuclear security enterprise to ensure the safety, security, and reliability of our nuclear weapons in exchange for the nuclear force reductions contained in the New START treaty. The 10% NNSA budget cut proposed by this bill greatly endangers this modernization, and reneges on this deal.

I recognize that the offset in this amendment is difficult for many of my colleagues. Unfortunately, there are no easy offsets within the energy and water bill.

Through my committee, Armed Services, the House authorizes all defense funding—both for the Department of Defense and the NNSA. We must recognize that NNSA is defense spending, and treat it as such. As Secretary Gates told my committee earlier this year, NNSA's work is "incredibly important" and is, "intimately tied to our national security and should be regarded as part of the security component."

I strongly encourage my colleagues to support national defense, and restore funding for NNSA.

The CHAIR. Without objection, the amendment is withdrawn.

There was no objection.

AMENDMENT OFFERED BY MR. TIERNEY

Mr. TIERNEY. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 3, line 24, after the dollar amount, insert "(increased by \$133,822,000)".

Page 6, line 6, after the dollar amount, insert "(increased by \$51,759,000)".

Page 24, line 6, after the dollar amount, insert "(reduced by \$133,822,000)".

Page 24, line 18, after the dollar amount, insert "(reduced by \$92,790,500)".

Mr. FRELINGHUYSEN. Mr. Chairman, I reserve a point of order on the gentleman's amendment.

The CHAIR. A point of order is reserved.

The gentleman from Massachusetts is recognized for 5 minutes.

Mr. TIERNEY. Mr. Chairman, this is a revised amendment that deals with the objection raised by the chairman on the previous amendment that was proposed on this matter. It still gets to the fundamental issue here, that we need to restore the Army Corps of Engineer budgets here through the Construction and Operation and Maintenance accounts to the point of at least where it was in fiscal year 2011.

We have serious issues confronting our economy. This is a way to make sure that the Corps has the resources it needs to deal with its numerous issues—our ports, dealing with our economy, moving the cargo, and essentially putting people to work, and also protecting the homes and the welfare of people that live along ways that need dredging or that need jetties repaired that haven't been repaired for decade after decade.

While I understand that the chairman had a difficult role and opportunity was limited due to the amount of money that was allocated for him and this committee, and I respect what he tried to do, simply speaking, I think we have the choices to make here, and those choices are to protect the interests of people, to make sure that we get people back to work, to give the Army Corps the resources that it needs, at the same time reducing other accounts by a rather minimal amount so that we effect our purposes without causing too much destruction to programs that other people may favor.

I yield back the balance of my time.

Mr. FRELINGHUYSEN. Mr. Chairman, I continue to reserve my point of order.

The CHAIR. The point of order is reserved.

Mr. FRELINGHUYSEN. I move to strike the last word.

The CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. FRELINGHUYSEN. Mr. Chairman, I rise in opposition to the amend-

ment basically for the same reasons I did for his earlier amendment. We worked hard to preserve a careful balance that our bill strikes, but I appreciate his effort. We recognize his commitment to this type of work; and when we have a better allocation in the future, maybe we will be able to be of more assistance.

I continue to reserve my point of order.

The CHAIR. The gentleman continues to reserve.

Mr. VISCLIOSKY. Mr. Chairman, I move to strike the last word.

The CHAIR. The gentleman from Indiana is recognized for 5 minutes.

Mr. VISCLIOSKY. Mr. Chairman, I do not know if a point or order will be insisted upon, I do not know if it will be prevailed upon, but I would want to make a comment relative to the amendment offered by the gentleman from Massachusetts.

I agree with everything that Mr. TIERNEY has said—and more—during committee and during the general debate on this floor. I mentioned that in the 2009 report card on America's infrastructure, the American Society of Civil Engineers estimated an investment shortfall of \$2.2 trillion that is necessary to bring our Nation's infrastructure up to good condition.

Additionally, the engineering society gave our Nation's dams, levees and inland waterways grades of D or D minus.

I want to use my time because we have had a lot of discussion—and I have joined in that discussion—about the inadequate allocation that the subcommittee has been given.

I would also point out that there is another failure, and that is the budget request itself. And the subcommittee has taken note of that on page 13 of their report by stating that the budget request by the President represents a level of investment, as with previous budget requests, that is not reflective of the Corps' importance to the national economy, jobs, or our international competitiveness. And further, the committee urges the administration to take into account while developing a special request the extraordinary economic benefits of the projects historically funded in the Corps accounts, which, again, jibes with exactly the points that the gentleman from Massachusetts has said.

So I am in agreement with the gentleman. This is woefully inadequate. The administration bears a blame here as well. But I also must add my voice to the chairman's and respectfully oppose the amendment simply because we are in a very tight situation with this bill and we prefer that the amendment not be adopted, despite the relevance of it and the correctness of the gentleman's position from Massachusetts.

I yield back the balance of my time.

Mr. FRELINGHUYSEN. Mr. Chairman, I withdraw my point of order.

The CHAIR. The point of order is withdrawn.

The question is on the amendment offered by the gentleman from Massachusetts (Mr. TIERNEY).

The question was taken; and the Chair announced that the noes appeared to have it.

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

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Massachusetts will be postponed.

AMENDMENT OFFERED BY MR. RIVERA

Mr. RIVERA. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 3, line 24, after the dollar amount, insert "(increased by \$32,724,000)".

Page 23, line 4, after the dollar amount, insert "(reduced by \$32,724,000)".

The CHAIR. The gentleman from Florida is recognized for 5 minutes.

Mr. RIVERA. I wish to thank Chairman FRELINGHUYSEN and Ranking Member VISCLOSKEY, along with committee staff, for crafting this legislation.

The Florida Everglades is one of our Nation's greatest treasures. The Everglades' combination of abundant moisture, rich soils and subtropical temperatures support a vast array of species. However, flood control and reclamation efforts in the 1940s and 1950s manipulated the Everglades' hydrology, redirecting fresh water destined for the Everglades out to sea. The ecosystem has changed because it now receives less water during the dry season and more during the rainy season. It is also harmed by degraded water quality, pollutants from urban areas, and agricultural runoff, including pesticides and excess nutrients such as phosphorous and nitrogen which have harmed the plant and animal populations.

□ 1440

The program under the Corps of Engineers' South Florida Ecosystem Restoration will capture freshwater destined for the sea, the lifeblood of the Everglades, and direct it back to the ecosystem to revitalize it and protect plant and wildlife.

However, Everglades restoration is not only about the ecosystem restoration. It is also about boosting Florida's economy. According to a study by Atlanta-based Mather Economics, boosting strained water supplies associated with restoration efforts will save local water treatment facilities \$13 billion in the long term. It will provide flood control for south Florida and improve local home values by an estimated \$16 billion. Furthermore, a healthier water supply, which will contribute to better fishing grounds, will have a huge positive impact on tourism traffic, which is a key aspect of Florida's economy.

Everglades restoration is a huge priority for the Florida congressional delegation, and I respectfully ask the committee and chairman for their continued support in protecting and restoring this great natural resource and economic engine.

At this time, I would yield to the gentleman from New Jersey, the chairman of the subcommittee.

Mr. FRELINGHUYSEN. I appreciate the gentleman from Florida yielding.

I appreciate Mr. RIVERA's passion for the Everglades restoration, and that of the entire Florida delegation, which continues to move forward in this bill. The committee dedicated 8 percent of the entire Corps construction budget to the Everglades, making it one of the three largest allocations in title I.

So I say to the gentleman that we will continue to work with the Florida delegation on this important issue, knowing how committed they are to it. And when we have additional resources, we hope to be able to consider them.

Mr. DICKS. Will the gentleman yield?

Mr. RIVERA. I yield to the gentleman from Washington, the ranking member on the committee.

Mr. DICKS. The restoration of the Florida Everglades has been one of our five national priorities. And I, too, want to compliment the gentleman for his support. We have moved forward with the Tamiami bridge and other important projects. This is a program of national significance, and I concur with the chairman.

Mr. RIVERA. Reclaiming my time, thank you, Mr. Chairman, for your commitment. I look forward to working with you and the rest of my colleagues in a bipartisan fashion to achieve the goal of restoring water flow in these areas.

I ask unanimous consent to withdraw my amendment.

The CHAIR. Without objection, the amendment is withdrawn.

There was no objection.

Ms. WASSERMAN SCHULTZ. I move to strike the last word.

The CHAIR. The gentlewoman from Florida is recognized for 5 minutes.

Ms. WASSERMAN SCHULTZ. Mr. Chairman, I rise to express deep disappointment and concern about the severe proposed cut in this bill to the Federal Everglades Ecosystem Restoration effort.

The Energy and Water bill before us today slashes \$32 million from the administration's request. These times of tight budgets certainly call for belt-tightening, but cutting 20 percent from the requested amount for Everglades restoration is draconian. It is wildly disproportionate to the more modest 3 percent cut in the bill to the overall fiscal year 12 Corps of Engineers construction fund from fiscal year 11 levels.

I thank my colleague Congressman DAVID RIVERA for joining me and other members of the Florida delegation to urge that full funding be restored to this important national priority, as Mr. DICKS just mentioned. I hope we can work together with Chairman FRELINGHUYSEN to make this happen during conference with the Senate.

To be sure, Everglades restoration is a priority the Florida congressional

delegation takes very seriously, and we have fought for adequate funding every year. Continued investment in Everglades restoration protects our water supply, benefits key job-creating industries, and enhances our quality of life.

A recent study by Mather Economics, commissioned by the Everglades Foundation, showed that there is a 4:1 return on investment for Everglades restoration projects. The Everglades is the source of water for millions of residents and visitors in south Florida. It is a haven for fishing, hunting, and boating activities and is home to scores of endangered species. There is no other ecosystem in the world like our Everglades, a true national treasure and important resource.

I would ask the chairman of the subcommittee to clarify certain language in the committee's report that we find deeply disturbing. I hope this language does not signal the committee's intent to deemphasize the importance of Everglades restoration in the future. In particular, the language refers to an inability to sustain funding levels and seems to say that the committee views Everglades funding to be inequitable, as if the Everglades has been receiving too much somehow.

I hope I am interpreting the language incorrectly. I hope the committee is not announcing that the Everglades is somehow being deemed as not being a national priority and will not continue to be singled out for cuts in funding from now on. Because, make no mistake about it, the Everglades is a national treasure and has been a national priority, as Ranking Member DICKS pointed out, for the Federal Government since we created the Comprehensive Everglades Restoration Plan in 2000.

Eleven years ago, Members of Congress from both sides of the aisle and from every corner of this great Nation came together with the executive branch and partnered with the State of Florida to embark on the largest ecosystem restoration effort on Earth. We understood then that it would not be easy, or inexpensive, but it had to be done to restore this unique ecosystem. The plan spans three decades, has over 60 component projects, and will take resolve and a sustained commitment to see this project through to its completion.

The Everglades Restoration Plan was spearheaded by esteemed Senators from around the Nation and both political parties—Republican Bob Smith from New Hampshire, Republican Dave Hobson of Ohio, Democrat MAX BAUCUS from Montana, and, of course, Florida's own Senators Connie Mack and Bob Graham.

Congressman E. Clay Shaw said it perfectly right here on this floor during passage of the restoration plan a decade ago when he said:

"Mr. Speaker, it is remarkable to have this broad a cross section of Americans supporting legislation on any single issue. But protection of the

Everglades is a national priority because most Americans speak of this national treasure in the same breath as the redwood forests, the Mississippi River, Old Faithful, the Appalachian Trail, or the Grand Canyon."

I couldn't agree more; and Presidents Clinton, Bush, and now President Obama share this commitment.

In 2001, George W. Bush said:

"This area needs our protection, and I am here to join with your Governor in the cause of preserving and protecting the Florida Everglades. For its part, the Federal Government carries important responsibilities and stewardship. It is not enough to regulate and dictate from afar. To preserve places like this, we must bring to our work a new spirit of respect and cooperation."

Again, I couldn't agree more.

History is important. So are the words that we use or do not use. That is why I am deeply disappointed that the chairman has refused so far to state publicly that Everglades restoration is a national priority. I would note that the chairman, speaking on the Energy and Water bill for fiscal year 05, stood here on June 24, 2004, and referred to his own local port and harbor dredging and deepening project as a "national priority."

Well, having several ports in south Florida, I would agree on the economic significance of navigation infrastructure. But surely the Everglades, a unique national treasure, rises to at least the same level. We need to look beyond our own State borders and districts when we shape our priorities, as our predecessors did. I hope the chairman will see fit to stand with us now and recommit to Everglades restoration as a national priority.

I yield back the balance of my time.

AMENDMENT OFFERED BY MR. GRAVES OF MISSOURI

Mr. GRAVES of Missouri. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 3, line 24, after the dollar amount, insert "(reduced by \$1,750,000)."

Page 6, line 6, after the dollar amount, insert "(increased by \$1,000,000)".

The CHAIR. The gentleman is recognized for 5 minutes.

Mr. GRAVES of Missouri. Mr. Chairman, basically what I'm trying to do here is to point out the absurdity and misalignment of priorities which have become clear in this appropriations bill.

I live along the Missouri River in Missouri, and we've had families that have been inundated by the flooding that has taken place this year with no real end in sight, to be quite honest with you. This underlying bill provides \$73 million for the Missouri River Recovery Program which is used to fund habitat creation projects. Unfortunately, the underlying bill only provides slightly more than \$6 million for the maintenance of the levees all the way from Sioux City, Iowa, to the

mouth of the Missouri, where it meets up with the Mississippi. So essentially we are spending nearly 12 times more to buy land for the betterment of fish and birds than we are to protect farmers, businesses, and homes that are being flooded right now.

This year, many levees in Missouri have been breached and overtopped as a result of the amounts of water and the mismanagement of the river, and many people in my district have been evacuated and will remain evacuated for months, in some cases. The President has issued an emergency disaster declaration for parts of Missouri, and yet here we are spending, again, \$73 million for fish and wildlife and a mere \$6 million for the maintenance of these levees.

While I believe conservation is important, we should not overlook what it is we sometimes sacrifice to achieve conservation. In this case, we are sacrificing the livelihoods of businesses and farmers and are destroying homes.

□ 1450

Again, my amendment just simply transfers money from the construction account to the operations and maintenance account. The intent is just to reduce funding in one and increase that funding in the other. With that, I would urge my colleagues to support this amendment.

I yield back the balance of my time.

Mr. FRELINGHUYSEN. Mr. Chairman, I rise in reluctant opposition to the amendment.

The CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. FRELINGHUYSEN. I am very sympathetic to those that have been devastated by floods in Missouri and in other States across the Nation. It's a very personal thing for many Members of Congress who look to their congressional districts and see the loss of life, and livelihoods, and jobs, and devastation to family farms and to small towns.

One of the things we did in our bill of course, and I am sure the gentleman would recognize this, we came up with a billion dollars of emergency aid, which hopefully will be of assistance. I know he doesn't speak of that in this amendment. But certainly all Members of Congress, on both sides of the aisle, are committed to help those whose lives have been unalterably changed because of the devastation.

My concern with his amendment is that the Corps has said this construction funding is necessary to avoid jeopardy under the Endangered Species Act. If the river system jeopardizes species, it could have great effect on the operations of the river. So speaking to my earlier point, we want to be helpful, but we also look to the Corps for some direction on this point. As a consequence, I oppose his amendment.

I yield back the balance of my time.

Mr. VISCLOSKEY. I move to strike the last word.

The CHAIR. The gentleman from Indiana is recognized for 5 minutes.

Mr. VISCLOSKEY. Mr. Chairman, I would join in the chairman's remarks, and emphasize the word "reluctantly," because I do understand the devastation that has been suffered. I would emphasize for the record that the chairman recognized the tragedies that have occurred, and had an amendment in committee to have a billion dollars set aside.

Earlier in the process, we had essentially about a billion dollars also transferred from the Energy and Water appropriation bill to the Homeland Security bill for various similar purposes. There is no denying the emergency. But as I have said on more than one occasion during the debate of this issue, it is time we as an institution have the intestinal fortitude to understand we have natural disasters. We have people who have lost their lives. We have people who are suffering and have lost property. We need, in a deliberate, thoughtful fashion, to set those moneys aside as opposed to, if you would, moving moneys from accounts to take care of these emergencies.

So I do understand also looking ahead that the ultimate cost of the tragedy the gentleman's constituents and others have suffered is probably going to exceed the moneys that have been set aside in this bill, and do hope, again, institutionally, that we address that problem. So I understand the motive, agree with the principle that is espoused, but again would have to reluctantly join in opposition to the amendment.

I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Missouri (Mr. GRAVES).

The question was taken; and the Chair announced that the noes appeared to have it.

Mr. GRAVES of Missouri. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Missouri will be postponed.

The Clerk will read.

The Clerk read as follows:

MISSISSIPPI RIVER AND TRIBUTARIES

For expenses necessary for flood damage reduction projects and related efforts in the Mississippi River alluvial valley below Cape Girardeau, Missouri, as authorized by law, \$210,000,000, to remain available until expended, of which such sums as are necessary to cover the Federal share of eligible operation and maintenance costs for inland harbors shall be derived from the Harbor Maintenance Trust Fund: *Provided*, That except as provided in section 101, the amounts made available under this paragraph shall be expended as authorized by law for the programs, projects, and activities specified in the text and table under this heading in the report of the Committee on Appropriations of the House of Representatives to accompany this Act.

OPERATION AND MAINTENANCE

For expenses necessary for the operation, maintenance, and care of existing river and harbor, flood and storm damage reduction, aquatic ecosystem restoration, and related projects authorized by law; providing security for infrastructure owned or operated by



the Corps of Engineers, including administrative buildings and laboratories; maintaining harbor channels provided by a State, municipality, or other public agency that serve essential navigation needs of general commerce, when authorized by law; surveying and charting northern and northwestern lakes and connecting waters; clearing and straightening channels; and removing obstructions to navigation, \$2,366,465,000, to remain available until expended, of which such sums as are necessary to cover the Federal share of eligible operation and maintenance costs for coastal harbors and channels and for inland harbors shall be derived from the Harbor Maintenance Trust Fund; of which such sums as become available from the special account for the Corps of Engineers established by the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-6a(i)) shall be derived from that account for resource protection, research, interpretation, and maintenance activities related to resource protection in the areas at which outdoor recreation is available; and of which such sums as become available from fees collected under section 217 of the Water Resources Development Act of 1996 (Public Law 104-303) shall be used to cover the cost of operation and maintenance of the dredged material disposal facilities for which such fees have been collected: *Provided*, That 1 percent of the total amount of funds provided for each of the programs, projects or activities funded under this heading shall not be allocated to a field operating activity prior to the beginning of the fourth quarter of the fiscal year and shall be available for use by the Chief of Engineers to fund such emergency activities as the Chief of Engineers determines to be necessary and appropriate, and that the Chief of Engineers shall allocate during the fourth quarter any remaining funds which have not been used for emergency activities proportionally in accordance with the amounts provided for the programs, projects or activities: *Provided further*, That except as provided in section 101, the amounts made available under this paragraph shall be expended as authorized by law for the programs, projects, and activities specified in the text and table under this heading in the report of the Committee on Appropriations of the House of Representatives to accompany this Act.

AMENDMENT OFFERED BY MR. SCALISE

Mr. SCALISE. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 6, line 6, after the dollar amount, insert "(increased by \$6,360,000)".

Page 8, line 16, after the dollar amount, insert "(reduced by \$6,360,000)".

Mr. FRELINGHUYSEN. Mr. Chairman, I reserve a point of order on the gentleman's amendment.

The CHAIR. A point of order is reserved.

The gentleman from Louisiana is recognized for 5 minutes.

Mr. SCALISE. Mr. Chairman, this is a bipartisan amendment, worked on with Mr. RICHMOND and others, and it deals with dredging. You know, we've seen over the last few months a shift in the Corps of Engineers' policy. In years past, they've always reprogrammed millions of dollars, in many cases tens of millions of dollars, from other areas within their agency because they inadequately had initially funded dredging of our waterways. And of course, this is

the lifeblood to moving commerce throughout not only much of our country, but as we export to other countries throughout the world.

For whatever reason, the Corps made an internal decision earlier this year that they would no longer do that reprogramming, which jeopardizes much of the movements that we have along our waterways. This amendment is revenue-neutral. It doesn't add anything to the cost of the bill. But what it does is it takes money out of the general administration account, which actually saw an increase this year, moves it over into the general operations and maintenance section of the bill so that it allows us at least additional revenues to go and properly dredge our waterways.

Why is this important? Number one, it's a critical jobs issue. Because as we just saw a few weeks ago, prior to some of the record levels of flooding, Mr. Chairman, we saw they had to roll back, just in my region of the New Orleans area, they had to roll back some of the depth that they were allowed to transport on the Mississippi River. This cost about \$1 million per vessel, added costs to move commerce throughout our country. Not only does that cost jobs, but it also increases the cost of goods for Americans who buy those products. But it also increases the costs of exporting. And it makes our American companies less competitive in the world.

And of course right now this Congress, the President, we're working together to try to reach trade agreements with Colombia, Panama, and South Korea. And I support more trade, free trade, the ability for more American employers to be able to sell their goods throughout the world, to actually create more jobs in America. But if we're going to do that, we've got to have the proper dredging going on to allow for that commerce along our waterways.

So if the Corps is allowed to go through with their policy of no more reprogramming, we know from what they've said, we know from what history's shown us that in years past they didn't have adequate amounts in their operations and maintenance for dredging, and so they have reprogrammed. Every year for years now that's been going on. And they've said this year they're no longer going to do it. So we would be sitting in a situation where we have to wait until some of our waterways are shut down or until you saw vessels grounded, like we just saw a few weeks ago just in the New Orleans area because of their lack of dredging. And then we would lose more jobs, we would lose our ability to export more.

So what we are saying is, there is additional money in this fund, in the general administration fund. We know this is a looming problem if we don't address it. So let's move it somewhere where it will actually help us create jobs and remain competitive. And hopefully as those trade agreements

move through Congress, where we now have more opportunities if those trade agreements move through to trade even more and to create more jobs in America, then our ability to move those goods through our waterways would still be there. Because they won't if we are not properly dredging our waterways. So this amendment addresses that problem. And it's a problem we know is coming because the Corps themselves have said this is looming. So let's address it head on. Let's not wait until it's a crisis before we do something about it. That's why I bring the amendment, again an amendment with bipartisan support.

I yield back the balance of my time.

Mr. FRELINGHUYSEN. Mr. Chairman, I continue to reserve my point of order.

The CHAIR. The point of order is reserved.

Mr. FRELINGHUYSEN. I move to strike the last word.

The CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. FRELINGHUYSEN. Unfortunately and reluctantly, I must oppose the gentleman from Louisiana's amendment.

□ 1500

Mr. Chairman, I share the gentleman's concern for sufficiently maintaining our waterways as necessary to realizing the national economic benefits of efficient cargo transportation.

Representing, as I do, part of New Jersey, which is highly dependent on the Port of New York and New Jersey, I am well aware that navigation and money for navigation and dredging is absolutely essential, and I am highly sympathetic to the gentleman from Louisiana for all of the historical things that have impacted Louisiana's economy and so many people down there.

In fact, a major factor in developing the recommendation for the Army Corps of Engineers' budget this year was to focus proportionately more funds on the projects and activities that contribute most to the economy and job creation, including dredging and other navigation improvements.

The underlying bill does not include, as we are aware, any congressional earmarks. Oftentimes these issues were dealt with through the earmark process. Rather, our bill provides the Army Corps of Engineers the flexibility to allocate programmatic funds to those navigation and flood control projects that it deems most critical, and we have the ability as individual Members of Congress to help the Corps focus on what we feel is most critical for their attention.

The Corps is required to report to Congress in our bill, within 45 days of enactment, on which projects were deemed most critical and why. Navigation needs are not the only important issues addressed in our bill, however. Increased funding for this programmatic line even further would

upset the careful balance of priorities that I have spoken of earlier, including national defense, which is a major component of why we even have a Department of Energy, and nuclear safety, energy innovation and, of course, the great work of the Army Corps, the water resources needs.

So, therefore, reluctantly I must oppose the gentleman's amendment.

I withdraw my point of order.

The CHAIR. The gentleman withdraws his point of order.

Mr. RICHMOND. I move to strike the last word.

The CHAIR. The gentleman from Louisiana is recognized for 5 minutes.

Mr. RICHMOND. Mr. Chairman, I rise in support of the amendment of my colleague from across the aisle, in fact, my colleague from across town and our great State of Louisiana.

Not only is this amendment on time; it's on target, in terms of job creation and job retention in our great country.

The current cargo activity at the Port of New Orleans alone generates \$2.8 billion in Federal taxes. The future and livelihood of farmers and manufacturers in 30 States that depend on the Mississippi River to get their goods to market, that's 60 percent of all U.S. grain exports in this country flows through the Port of New Orleans.

Our industrial heartland desperately needs the Mississippi River. The steel, rubber, copper, aluminum, and lumber that they need to use in manufacturing comes up the mouth of the Mississippi.

So although it's two colleagues from the great State of Louisiana, we are not here specifically talking about one thing that's important to Louisiana. This is important to 30 States in this country. It's important to the entire country.

According to customs, \$85 billion to \$104 billion a year is attributed to trade through the Mississippi River. So when you talk about how we keep this country going, how do we grow this country, it's through making wise investments.

And right now, in these tough times, the American people want us to use every dollar that we have very wisely; and I will say that according to the Port of New Orleans, every dollar that this country spends on dredging the Mississippi River, we get a 35-1 return. So the \$6.8 million that my colleague from New Orleans and the metropolitan area is talking about diverting creates \$238 million in this country.

I would say what's happening in this country is that we should look at return on investment. We should look at how we spend money wisely to create more income, create more jobs, and make this a better country. That's what this amendment does.

And for all of my colleagues in those 30 States that depend upon the Mississippi River, I would just say think about your farmers, think about all of your industrial employees because they need these goods to come up the river so that they can continue to compete.

I will just tell that you if you look at a Panamax vessel, the 5 feet of draft—of the difference it would make if we don't dredge the Mississippi River would cost us \$3.2 million per voyage.

That makes us noncompetitive in the world. So they can get their grain from the United States or they can go to Brazil to get their grain. And I would just suggest, Mr. Chairman, if they start going to Brazil to get their grain, then they will never come back to the great country that we live in. So we have to use our money wisely.

I think this is a very prudent use of \$6.8 million and that the American people, if they knew they could spend \$6.8 million to generate \$238 million, everybody would support it, and that would be the reason why I would ask my colleagues to support it.

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

The CHAIR. The question is on the amendment offered by the gentleman from Louisiana (Mr. SCALISE).

The question was taken; and the Chair announced that the noes appeared to have it.

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

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Louisiana will be postponed.

AMENDMENT OFFERED BY MR. BISHOP OF NEW YORK

Mr. BISHOP of New York. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 6, line 6, after the dollar amount insert "(increased by \$33,535,000)".

Page 24, line 18, after the dollar amount insert "(reduced by \$33,535,000)".

Mr. FRELINGHUYSEN. Mr. Chairman, I reserve a point of order on the gentleman's amendment.

The CHAIR. A point of order is reserved.

The gentleman from New York is recognized for 5 minutes.

Mr. BISHOP of New York. Mr. Chairman, my amendment increases the operations and maintenance account by \$35 million in line with the O&M budget for FY2010. My amendment offsets this amendment in the Fossil Energy R&D account by the same amount consistent with the President's FY2012 budget request.

Mr. Chairman, as our Nation continues to climb out of the hole left behind from the Great Recession, Congress must focus on funding programs that create jobs and encourage economic growth. As the ranking member on the Water Resources and Environment Subcommittee of the Transportation and Infrastructure Committee, it is clear to me just how important it is to ensure that our water infrastructure assets remain safe, reliable and efficient to address our goals of encouraging economic prosperity.

Over the past few years, my subcommittee has held hearing after hear-

ing on the declining condition of our Nation's water transportation corridors, our levees and flood walls, and our Nation's wastewater infrastructure.

Countless witnesses have told us that our water-related infrastructure is on the brink of failure, and they have specifically warned how the effects of such a failure would devastate our health, safety, prosperity and quality of life.

In just the past decade, the Corps has had multiple emergency closures of navigation locks on almost every major river system to address infrastructure deterioration. These unscheduled closures result in significant impacts to the movement of goods and services, as well as impact shippers and customers alike in terms of higher costs.

Similarly, the lack of available maintenance dredging funding has resulted in reduced depths at many major port facilities and has all but passed over the dredging needs of smaller ports such as Lake Montauk Harbor and Shinnecock Inlet in my district of eastern Long Island.

Our Nation's ports handle 2.5 billion tons of domestic and international cargo annually. They move imports and exports worth more than \$5.5 billion per day. In 2007, ports employed over 13.3 million Americans, 9 percent of the total workforce, and those jobs paid \$649 billion in wages. One billion dollars in exports creates 15,000 new jobs. Our ports and the maritime industry keep America open for business.

It would seem apparent, then, that underfunding the missions of the Corps of Engineers is shortsighted for many reasons. First, it has a substantial negative impact on local economies and the bottom lines of big industries and small businesses alike.

Second, it puts our families and communities at an increased risk of flooding and damage from coastal storms.

Third, it delays the potential public and environmental health benefits that come from environmental restoration projects.

Finally, it places this Nation on an unsustainable path where it is forced to rely on an outdated and failing infrastructure to keep the Nation going.

In light of this, or in spite of this, in the first 6 months of the 112th Congress, the new House majority has put forward several legislative proposals to cut the funding for the core to levels not seen since 2004.

The most aggressive proposal, included as part of H.R. 1, would have cut over \$500 million, about 10 percent, from an already strained Corps budget; and it could only result in increased delay in carrying out vital Corps projects and increased reliance on using Band-Aids to remedy critical infrastructure maintenance issues.

Similarly, this appropriations bill further reduces the level of funding for the Corps by 11.5 percent, including a remarkable cut of 20.5 percent from the Corps' construction account and an additional 38.2 percent reduction for Corps work along the Mississippi River.

Collectively, for the hundreds of Corps projects around the country, these reductions in funding will result in a growing deficiency in maintenance that will continue to expand until it becomes an emergency or fails at a critical moment.

Given the lack of viable offsets in this bill, my amendment focuses on the Corps' Operation and Maintenance account that provides funding to the Corps to dredge existing harbors to their congressionally authorized width and depth.

□ 1510

Mr. Chairman, eliminating the funds for operation and maintenance is both penny-wise and pound-foolish. Businesses large and small depend greatly on their ability to move their goods to market by using our Nation's waterways.

From California importers to Minnesota miners to Ohio steelworkers to Michigan manufacturers to New York fishermen to Louisiana exporters to Illinois farmers to Pennsylvania producers, they and a great many others depend on efficient waterborne transportation to receive goods, move products to market, create jobs, and grow economically.

I encourage my colleagues to support this amendment.

I yield back the balance of my time.

Mr. FRELINGHUYSEN. Mr. Chairman, I continue to reserve my point of order.

The CHAIR. The gentleman continues to reserve.

Mr. FRELINGHUYSEN. I move to strike the last word.

The CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. FRELINGHUYSEN. Mr. Chairman, I oppose the gentleman's amendment.

Again, our bill strikes a balance between funding for many competing national priorities in this bill that this amendment would undo.

I do, and we do, support the important work of the Army Corps of Engineers but not at the expense of those national priorities—national defense, scientific research, good things in the Department of Energy. And may I say our mark is considerably more generous for these purposes than the President's mark; so do give us a little bit of credit.

This amendment would cut into the fossil energy research program, an account nearly \$200 million below the 2010 budget mark. Fossil energy, I think as we're all aware of, produces nearly 70 percent of our Nation's electricity, and we must continue to invest to ensure that we use our fossil resources efficiently and clearly.

This bill, again, strikes a careful balance between these priorities, and I oppose the amendment and will insist on my point of order.

Mr. VISCLOSKY. Will the gentleman yield?

Mr. FRELINGHUYSEN. I yield to the gentleman from Indiana.

Mr. VISCLOSKY. I appreciate the gentleman for yielding and would join in his remarks.

I appreciate the position of the gentleman. As, again, I have pointed out in the past, if we look at the need that the gentleman so eloquently stated, it is overwhelming. Currently for the top 59 ports in the U.S., the Corps is only able to maintain authorized depths within the middle of the channel 33 percent of the time.

I might also add, though, that the chairman noted that the actual moneys contained in this bill, inadequate as they are, are more than the President of the United States asked for. So I do want to remind my colleagues about that fact. It doesn't solve our problem, but there were also points that administrations, past and present, they have got to wake up and recognize we've got to make an investment.

I also do believe at this point in time that there is a purpose for the moneys the committee has set aside as far as fossil research. We do need to learn how to use carbon fuels more cleanly. We have to learn how to use them more efficiently, as we also look for a broader mix of energy policy in this country.

So, very reluctantly, I would have to oppose the gentleman's amendment, but I agree with every word he has said about the need in this country.

POINT OF ORDER

Mr. FRELINGHUYSEN. Mr. Chairman, I insist on my point of order.

The CHAIR. The gentleman will state his point of order.

Mr. FRELINGHUYSEN. Mr. Chairman, the amendment proposes to amend portions of the bill not yet read.

The amendment may not be considered en bloc under clause 2(f) of rule XXI because the amendment proposes to increase the level of outlays in the bill.

I ask for a ruling from the Chair.

The CHAIR. Does any other Member wish to be heard on the point of order?

If not, the Chair is prepared to rule.

To be considered en bloc pursuant to clause 2(f) of rule XXI, an amendment must not propose to increase the levels of budget authority or outlays in the bill.

Because the amendment offered by the gentleman from New York proposes a net increase in the level of outlays in the bill, as argued by the chairman of the Subcommittee on Appropriations, it may not avail itself of clause 2(f) to address portions of the bill not yet read.

The point of order is sustained, and the amendment is not in order.

AMENDMENT OFFERED BY MR. WOODALL

Mr. WOODALL. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 6, line 6, after the dollar amount, insert "(reduced by \$4,900,000)".

Page 62, line 2, after the dollar amount, insert "(increased by \$4,900,000)".

Mr. VISCLOSKY. Mr. Chairman, we do not have a copy of the gentleman's amendment.

Mr. WOODALL. I've got a copy right here. I would be happy to—

Mr. VISCLOSKY. I regret that the gentleman did not share it with us earlier.

Mr. WOODALL. I turned in a copy at the desk, and I regret that the ranking member didn't get one earlier.

The CHAIR. The gentleman from Georgia is recognized for 5 minutes.

Mr. WOODALL. Thank you, Mr. Chairman.

My amendment moves to strike from the operation and maintenance account all dollars for global warming project planning.

I know the committee put a lot of effort into this particular section of the bill, plussing it up almost a million dollars over 2011 levels, up \$52 million from the FY 2012 request.

I come from a county—my primary county, Mr. Chairman, depends entirely on a Corps water project for all of our drinking water, not to mention recreation and economic development, and on and on and on. So I'm very interesting in seeing the Corps succeed.

What I'm concerned about are those silos that are being created in government today, Mr. Chairman. This body in the early 1970s would have been talking about the calamity we are faced with, global cooling, and here we today with a special budget line item for global warming for the Corps of Engineers.

We have a great deal of global warming money going into our Department of the Interior, going into the Environmental Protection Agency. The Corps at its core is a construction agency, and certainly this account provides for operations and maintenance for anything that might come up along those lines. But rather than creating this silo to focus specifically on global warming issues, in these tough economic times when we have so many Corps projects that are so lacking in funding, my amendment would strike this account in its entirety, \$4.9 million, and transfer that money to a deficit reduction account.

I yield back the balance of my time. Mr. MARKEY. I move to strike the last word.

The CHAIR. The gentleman from Massachusetts is recognized for 5 minutes.

Mr. MARKEY. Mr. Chairman, I rise in opposition to this amendment.

This attack on science, this attack on the need to learn more about the science of climate change, more about the impacts which this changing global environment is having upon our planet is just, once again, a direct attack upon the reality that the planet is warming, and in parts of the planet, the Arctic, sub-Saharan Africa, dangerously so.

So the role that science plays is a little bit like the role that Paul Revere played. The scientists are saying climate change is coming. It's intensifying. It can do great harm to our planet and to the security interests of our planet.

So this amendment basically strikes right at what it is that the rest of the world expects our country to be, which is the leader on science. And if we look at it in the totality of the energy part of this bill that we're considering today where they cut the funding for solar, for wind, for energy efficiency, for geothermal, for biomass, for plug-in hybrids, for all-electric vehicles, it's all part of a pattern where they slash the budgets for those programs that can help to deal with the impacts of global warming.

□ 1520

By the way, this same bill increases the budget for oil, coal, and gas, that which is creating this global warming, the man-made gases that we know are dangerously warming the planet. So the green generation, the young people in our country, they look on at this debate, and they say, How can the Republicans cut wind and solar in the same budget that they are then going to defund the studies that basically help us to forecast, to deal with and to analyze the impact of global warming and climate warming on our planet?

I urge a "no" vote.

I yield to the gentleman from Indiana.

Mr. VISCLOSKEY. I appreciate the gentleman yielding and would join in his objection to the amendment that is offered. I happen to believe that we have climate change. Others will debate that, and I would set aside that debate for the moment and simply recognize the obvious, and that is we have had significant variations in weather patterns in the United States of America. We have had horrific flooding in the Midwest during this past year, and that flooding has huge impacts on the reservoirs that are managed by the Army Corps of Engineers. I think it is not correct public policy to not proceed with the study as to how climate and weather patterns affect those very important Corps projects and appreciate the chairman rising in objection.

The CHAIR. The time of the gentleman from Massachusetts has expired.

(On request of Mr. DICKS, and by unanimous consent, Mr. MARKEY was allowed to proceed for 1 additional minute.)

Mr. MARKEY. I yield the gentleman from Washington 1 additional minute.

Mr. DICKS. Will the gentleman yield?

Mr. MARKEY. I yield to the gentleman from Washington.

Mr. DICKS. I held hearings when I was chairman of the Interior and Environment Appropriations Subcommittee, brought in the Federal agencies, and every one of them testified that they could already see signs of the effects of climate change: one was a longer fire season; one was more drought; one was more variations in weather; and, most importantly, to the Corps of Engineers, that the seas are rising at a rate more rapidly than at any time in the last 3,000 years.

Now, this is serious stuff that affects the planet. I'm glad the gentleman who chaired the committee on this took time to be here.

Mr. MARKEY. I thank the gentleman.

We've had 11 three- and four-star generals and admirals testify that we need a national intelligence assessment of the defense implications of global warming around the planet, and we have done that for the Pentagon. We have done that for the National Security Agency at their request. They believe it's real. They believe it has real implications for the defense of our country where we might have to project force.

The same thing is true domestically, however. The same thing is true in terms of how we have to protect our own people because of rising rivers, because of increased drought, because of the melting of the Arctic, because villages are falling into the ocean up in Alaska because of the melting tundra. These are things that affect us here in the United States today. And to say, no, we are going to defund all aspects of that is a mistake.

I yield back the balance of my time.

Mr. DICKS. I move to strike the requisite number of words.

The CHAIR. The gentleman from Washington is recognized for 5 minutes.

Mr. DICKS. There also is another aspect of this that some people don't recognize, and that is ocean acidification, which is upon us. A significant amount of carbon dioxide goes into the oceans. And that's why getting a handle on this and trying to control CO<sub>2</sub> emissions is so very important. And when it goes into the ocean, it has a negative effect on coral and it has a negative effect on oysters. It has a negative effect on anything in a shell. In fact, there is the phytoplankton which is one of the crucial elements for salmon, 60 percent of the food for salmon. If the acidity rate gets as high, the pH rate drops and the acidity goes up, those fish will be adversely affected.

Mr. WOODALL. Will the gentleman yield?

Mr. DICKS. I want to yield to the gentleman from Massachusetts, and then I will yield to the gentleman.

Mr. MARKEY. I thank the gentleman.

So this is science. This is undeniable. This is what the green generation keeps screaming at our generation, Are you going to do anything about it? Are you going to put a plan in place to deal with it? And what their budget today says is, no, we are slashing the wind budget, the solar budget, the plug-in hybrid budget, the all-electric vehicle budget, and the energy efficiency and conservation budget. We are slashing, slashing, slashing, slashing. And then, to put the cherry on top of the sundae, they say, well, let's just eliminate the money that deals with the study of global warming climate science, because obviously it's not a problem. And

in the same budget, they increase the funding for oil, gas, and coal.

Now, that is a budget looking in a rearview mirror at the technologies that are causing problems, including national security problems for us because of some importation of that oil, while not in fact depending upon our technological genius. And that's what young people in our country want. They want us to use the technology to be able to tell the Saudis and others that we don't need their oil any more than we need their sand.

But what we have here is not only a national security disaster but an environmental disaster which is looming in our country. And the Republicans continue to slash away at the science that helps us to protect them.

Mr. DICKS. I appreciate the gentleman's statement.

I yield to the gentleman from Georgia.

Mr. WOODALL. I appreciate the work you've done on this bill.

This appropriation, this \$4.9 million isn't about doing the science. You won't see me down here attacking dollars for the science. But as the gentleman knows, this is about the maintenance and operation of Corps projects dedicated solely to global warming. If we were talking about the science, then let's talk about the engineers and the folks who are going to do that Corps research.

This isn't that. This is just like the bricks-and-mortar operations and maintenance that goes on in every Corps project in my district, and every other Corps project across the country, but just put in the global warming silo. And I'm concerned that the visceral reaction that even a discussion of operations and maintenance brings up demonstrates where silos of this kind do more harm than good.

I thank the gentleman for yielding.

Mr. DICKS. I yield to the gentleman from Massachusetts.

Mr. MARKEY. I thank the gentleman.

This item is a response to climate change at Army Corps projects, response to climate change. Are we going to be in denial that projects here in the United States aren't affected by climate change, that we are somehow immune to what's happening in the Arctic and the sub-Saharan deserts of Africa right now? No, we are not.

And so this amendment is just a continuation of this same attack that the whole bill is, in fact, aimed at achieving.

Mr. DICKS. What I worry about is how many of our people live on the coast of this country who could be directly impacted by rising sea levels. And the seas have gone up more rapidly in this last 50 years than it has in the last 3,000 years. Somebody's got to take this seriously. Obviously, there are some on the other side who are in denial. The gentleman said it quite correctly. They don't believe that this is real. It is real.

Mr. MARKEY. Will the gentleman yield?

Mr. DICKS. I yield to the gentleman from Massachusetts.

Mr. MARKEY. We just had a debate on the Everglades. The Everglades is a perfect example of where, over the next 20 to 50 years, climate change is going to have a profound impact on an entire State. And this amendment is just part of the denial, as is the evisceration, the annihilation of the wind, solar, and all-electric vehicle budget that is being cut out of this bill.

Mr. DICKS. If they don't take into account Corps of Engineers projects on the possibilities that the seas are going to rise, I mean, this could be catastrophic. It could be another Katrina.

I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Georgia (Mr. WOODALL).

The question was taken; and the Chair announced that the noes appeared to have it.

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

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Georgia will be postponed.

AMENDMENT OFFERED BY MR. COURTNEY

Mr. COURTNEY. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 7, line 15, insert before the period at the end "*Provided further*. That in addition, there is appropriated \$808,000,000, which shall be derived from the Harbor Maintenance Trust Fund".

Mr. FRELINGHUYSEN. I reserve a point of order on the gentleman's amendment.

The CHAIR. The point of order is reserved.

The gentleman from Connecticut is recognized for 5 minutes.

□ 1530

Mr. COURTNEY. Mr. Chairman, this amendment is simple. It would increase the Army Corps of Engineers operations and maintenance budget by \$808 million in 2012. This number is not a random number that was just picked out of the air. This number represents the difference between the tax revenue collected through the harbor maintenance tax and the amount of money that is actually being spent out of the harbor maintenance trust fund for the purpose of maintaining and dredging America's harbors.

Again, for some listeners it might be helpful to understand that in 1986, the Congress passed a harbor maintenance tax, which is a tax—it is really a user fee—on imported goods coming into America's harbors all across this country, East Coast, West Coast, all across the coastlines of the United States of America. The purpose of that tax was to create a fund to dredge harbors so we would have passable waterways. Again, we have heard over and over

this afternoon, that is good for the U.S. economy.

What has happened since 1986 is the revenue collected through the harbor maintenance tax has gone up at a steady rate. It has gone up 13 percent just in the last year because there are a lot more imported goods coming into this country, but the funding for actual dredging has plateaued. It has been at a level pace so that today, we have a budget which calls for using only 53 percent of the harbor maintenance taxes collected for the purposes of dredging America's harbors. This would be like having only 53 percent of our gas taxes being spent on surface transportation in this country. If motorists saw only 53 percent of gas taxes being actually used to maintain roads in this country, there would be a revolution, because there is a promise in terms of Federal gas taxes that it will be used to maintain surface transportation.

Well, that was the equivalent idea under the harbor maintenance tax passed in 1986, that it would be used to invest and reinvest in America's harbors.

Because we are, in fact, diverting year in and year out hundreds of millions of dollars out of the harbor maintenance tax away from its intended purpose, we have what we have seen here this afternoon. We have heard from Members from Massachusetts, from New York, Louisiana, South Carolina, and New Jersey.

I can chime in from Connecticut. We have about \$113 million of dredging that is underfunded from Bridgeport all of the way to Stonington. And I know the gentleman from New Jersey is familiar with the fact that we are on the silty side of Long Island Sound. Again, we have a Navy base which requires dredging to keep our attack submarines going in and out of New London. But we also have a maritime economy that depends on having these Federal waterways dredged.

The budget that we will be passing this year, whether it is the President's budget or whether it is the one that the subcommittee has reported out, is clearly inadequate in terms of making sure that our waterways are passable.

As we have heard from other Members, because of the increase in terms of imports, whether we pass these new free trade agreements or not, the expansion of the Panama Canal is going to double the amount of imports brought in by sea into this country, and we have a system that is clearly inadequate in terms of dealing with that challenge.

Now there is legislation pending before the Congress. I am a cosponsor with the gentleman from Louisiana (Mr. BOUSTANY). It is called the RAMP Act. It is an acronym for Restore America's Maritime Promise Act, which is a grandiose title, but it is true. We need to make sure that these harbor maintenance taxes are being directed to their intended purpose when

that tax was created in 1986. What the RAMP Act will do is basically cordon off this tax revenue so that it is used for the intended purpose that Congress meant when it was passed in 1986.

What that will do is it will take pressure off this subcommittee's budget year in and year out. Again, it will deal with this problem that has worsened, as the subcommittee chairman mentioned, because earmarks are now a thing of the past in terms of dealing with dredging projects. What it will do is create a stable flow of money into the Army Corps of Engineers harbor maintenance dredging fund so that all of these projects that we have heard about this afternoon—again, from one end of the country to the other—are actually going to be paid for. We have over 100 bipartisan cosponsors.

The Transportation Committee had a hearing this past Friday, and it does appear from Mr. MICA that they are going to move forward in terms of adopting the RAMP Act as part of the transportation authorization bill.

This amendment, again, puts a spotlight on the fact that only 53 percent of the harbor maintenance tax revenue is being used for its intended purpose, and that is the reason why I have offered this amendment.

I suspect it will be subject to a point of order. But again, I think it is important for people to realize there is a way out of this problem that we face: Pass the RAMP Act.

The CHAIR. The time of the gentleman has expired.

Mr. FRELINGHUYSEN. Mr. Chairman, I continue to reserve my point of order, and I move to strike the last word.

The CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. FRELINGHUYSEN. Mr. Chairman, while I strongly support the gentleman from Connecticut's overall intent, I must regretfully oppose his amendment.

I share my colleague's concern for sufficiently maintaining our waterways. These waterways contribute significantly to our national economy by providing a means of cost-effective cargo transportation. In recognition of the economic benefits of navigation generally and maintenance dredging specifically, the bill before us provides funds above the President's budget request for navigation needs—\$191 million in total and \$99 million specifically for the operation and maintenance activities. This funding represents a 12 percent increase over the President's own budget for navigation.

I also agree with the gentleman from Connecticut's idea that if the Federal Government levies a tax for a specific purpose, the revenue should be used for that purpose. Unfortunately, the only way to do that at this point would be to make substantial reductions in other priorities in our bill.

The gentleman's amendment would avoid those difficult decisions by simply not offsetting the additional spending, but our debt crisis makes that,

too, an untenable option. For these reasons, even though I am very much in support of what he is trying to achieve, which is things for navigation, keeping America open for business, I must oppose his amendment, and I will insist on my point of order.

Mr. VISCLOSKEY. Will the gentleman yield?

Mr. FRELINGHUYSEN. I would be happy to yield to the ranking member.

Mr. VISCLOSKEY. I appreciate the gentleman yielding, and just want to make one observation.

The gentleman is absolutely correct as far as the maintenance fund. After fiscal year 2012, there will be \$6.928 billion in the fund. Today there is \$5.474 billion in the fund. That discrepancy is \$1.454 billion. Apparently, it will make the deficit look a bit better, but at \$1 trillion, who are we fooling? Certainly no one in the United States of America. The chairman of the committee rightfully pointed out that it is unfair to those who are paying the tax, it is unfair to those companies who want to make a fair profit, as well as to those who might be able to work, if we could resolve this problem.

Mr. FRELINGHUYSEN. I yield back the balance of my time.

POINT OF ORDER

Mr. FRELINGHUYSEN. Mr. Chairman, I insist on my point of order.

The CHAIR. The gentleman from New Jersey will state his point of order.

Mr. FRELINGHUYSEN. Mr. Chairman, the amendment proposes a net increase in budget authority in the bill. The amendment is not in order under Section 3(j)(3) of House Resolution 5, 112th Congress, which states: "It shall not be in order to consider an amendment to a general appropriations bill proposing a net increase in budget authority in the bill unless considered en bloc with another amendment or amendments proposing an equal or greater decrease in such budget authority pursuant to clause 2(f) of rule XXI."

The amendment proposes a net increase in budget authority in the bill in violation of such section.

I ask for a ruling from the Chair.

The CHAIR. Does any Member wish to be heard on the point of order?

The gentleman from New Jersey makes a point of order that the amendment offered by the gentleman from Connecticut violates section 3(j)(3) of House Resolution 5. Section 3(j)(3) establishes a point of order against an amendment proposing a net increase in budget authority in the pending bill.

As persuasively asserted by the gentleman from New Jersey, the amendment proposes a net increase in budget authority in the bill. Therefore, the point of order is sustained. The amendment is not in order.

The Clerk will read.

The Clerk read as follows:

REGULATORY PROGRAM

For expenses necessary for administration of laws pertaining to regulation of navigable waters and wetlands, \$196,000,000, to remain available until expended.

FORMERLY UTILIZED SITES REMEDIAL ACTION PROGRAM

For expenses necessary to clean up contamination from sites in the United States resulting from work performed as part of the Nation's early atomic energy program, \$109,000,000, to remain available until expended.

FLOOD CONTROL AND COASTAL EMERGENCIES

For expenses necessary to prepare for floods, hurricanes, and other natural disasters and support emergency operations, repairs, and other activities in response to such disasters as authorized by law, \$27,000,000, to remain available until expended.

EXPENSES

For expenses necessary for the supervision and general administration of the civil works program in the headquarters of the Corps of Engineers and the offices of the Division Engineers; and for costs of management and operation of the Humphreys Engineer Center Support Activity, the Institute for Water Resources, the United States Army Engineer Research and Development Center, and the United States Army Corps of Engineers Finance Center allocable to the civil works program, \$185,000,000, to remain available until expended, of which not to exceed \$5,000 may be used for official reception and representation purposes and only during the current fiscal year: *Provided*, That no part of any other appropriation in this title shall be available to fund the civil works activities of the Office of the Chief of Engineers or the civil works executive direction and management activities of the division offices: *Provided further*, That any Flood Control and Coastal Emergencies appropriation may be used to fund the supervision and general administration of emergency operations, repairs, and other activities in response to any flood, hurricane, or other natural disaster.

OFFICE OF THE ASSISTANT SECRETARY OF THE ARMY FOR CIVIL WORKS

For the Office of the Assistant Secretary of the Army for Civil Works as authorized by section 3016(b)(3) of title 10, United States Code, \$5,000,000, to remain available until expended.

ADMINISTRATIVE PROVISION

The Revolving Fund, Corps of Engineers, shall be available during the current fiscal year for purchase (not to exceed 100 for replacement only) and hire of passenger motor vehicles for the civil works program.

GENERAL PROVISIONS, CORPS OF ENGINEERS—CIVIL

(INCLUDING TRANSFERS OF FUNDS)

SEC. 101. (a) None of the funds provided in this title shall be available for obligation or expenditure through a reprogramming of funds that—

- (1) creates or initiates a new program, project, or activity;
- (2) eliminates a program, project, or activity;
- (3) increases funds or personnel for any program, project, or activity for which funds are denied or restricted by this Act;
- (4) reduces funds that are directed to be used for a specific program, project, or activity by this Act;
- (5) increases funds for any program, project, or activity by more than \$2,000,000 or 10 percent, whichever is less; or
- (6) reduces funds for any program, project, or activity by more than \$2,000,000 or 10 percent, whichever is less.

(b) Subsection (a)(1) shall not apply to any project or activity authorized under section 205 of the Flood Control Act of 1948, section 14 of the Flood Control Act of 1946, section

208 of the Flood Control Act of 1954, section 107 of the River and Harbor Act of 1960, section 103 of the River and Harbor Act of 1962, section 111 of the River and Harbor Act of 1968, section 1135 of the Water Resources Development Act of 1986, section 206 of the Water Resources Development Act of 1996, or section 204 of the Water Resources Development Act of 1992.

(c) This section shall not apply to additional flood and coastal storm damage reduction and navigation program funds provided under "Remaining Items" in the tables under the headings "Corps of Engineers—Civil—Construction" and "Corps of Engineers—Civil—Operation and Maintenance" or to additional investigations funding under "National Programs" under the heading "Corps of Engineers—Civil—Investigations" in the report of the Committee on Appropriations of the House of Representatives to accompany this Act.

(d) The Corps of Engineers shall submit reports on a quarterly basis to the Committees on Appropriations of the House of Representatives and the Senate detailing all the funds reprogrammed between programs, projects, activities, or categories of funding. The first quarterly report shall be submitted not later than 60 days after the date of enactment of this Act.

SEC. 102. None of the funds in this Act, or previous Acts, making funds available for Energy and Water Development, shall be used to implement any pending or future competitive sourcing actions under OMB Circular A-76 or High Performing Organizations for the Army Corps of Engineers.

AMENDMENT OFFERED BY MR. SESSIONS

Mr. SESSIONS. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Strike section 102.

The CHAIR. The gentleman from Texas is recognized for 5 minutes.

Mr. SESSIONS. Mr. Chairman, over the last few weeks, the House has voted three times in favor of striking problematic and anticompetitive A-76 language from H.R. 2017, the Department of Homeland Security appropriations bill; and from H.R. 2112, the Agriculture appropriations bill; and last week from H.R. 2219, the Department of Defense appropriations bill.

□ 1540

The same change and reversal of bad policy should be adopted in this legislation by striking section 102 from the bill. My amendment would strike section 102 of this legislation, which, as drafted, prohibits the use of any funds in the underlying bill to convert any functions performed by Federal Government employees to private competition pursuant to a study conducted under OMB Circular A-76 or high-performing organizations for the Army Corps of Engineers.

Currently, some 850,000 of the 2 million executive branch, non-postal, full-time, and permanent positions are jobs that are commercial in nature. The Heritage Foundation has reported that subjecting Federal employee positions which are commercial in nature to a public-private cost comparison generate on average a 30 percent cost savings regardless of which sector wins the competition.

According to Americans for Tax Reform, the average cost of each new Federal employee for salary, benefits and pension totals \$4.27 million. Without competition, government-run monopolies of commercial activities duplicate and price out the private sector, resulting in inefficient expenditures of taxpayer money. The requirements outlined in section 102 are unnecessary. Rather than preventing market competition that would improve service and lower costs, we should be encouraging agencies to find the best way to deliver services to the citizens of this great Nation. The role of government should be to govern, not to operate businesses inside the government.

The Nation's current unemployment rate is 9.2 percent. Congress must allow the private sector the ability to create jobs without an unfair disadvantage and, might I also add, without an unfair disadvantage to the taxpayer. Removing section 102 will allow the private sector just this opportunity. If competition is deemed fair, it really doesn't matter who wins. As long as both sides are allowed equal opportunity, the taxpayer should be and, I believe, would be the ultimate winner. I urge all of my colleagues to support this commonsense, taxpayer-first amendment and to ensure cost-saving competition is available.

I yield back the balance of my time.

Mr. VISCLOSKY. I move to strike the last word.

The CHAIR. The gentleman from Indiana is recognized for 5 minutes.

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

The gentleman's amendment would strike section 102 of the bill, a provision that prohibits the use of the Circular A-76 privatization process and high-performing organization process for the Army Corps of Engineers. This is a debate that we have had before. This provision enjoys support from both sides of the aisle, and has been included in this bill every year since fiscal year 2008. This provision was originally included to stop an effort to privatize the operation, maintenance and repair of locks and dams.

The importance of locks and dams to our Nation's economy cannot be understated, and any failure to ensure that the Nation's waterways remain safe and navigable would cripple the economy. These operators and mechanics make vital decisions affecting the lives, liberty and property of private persons, thus rendering the workload inappropriate for contractor performance. Further, no reasonable argument has been made that the locks and dams are overstuffed. Additionally, the Corps undertook a privatization study for their IT personnel in 2004. After an expensive 3-year study, the results came back as an in-house win.

In general, the circular is profoundly flawed. Both the Government Accountability Office and the Department of Defense Inspector General have re-

ported that agencies are constantly unable to demonstrate that A-76 studies result in savings and that agencies fail to consider the significant costs of conducting such studies. There is nothing wrong with attempts to look for efficiencies in the Federal workforce—that certainly is clear—but when describing A-76 processes, I think of a phrase often uttered by other colleagues: "That dog won't hunt."

We need to stop wasting millions of dollars on these expensive competitions that time and again show government employees are a less expensive alternative, and I would urge all of my colleagues to vote "no."

I yield back the balance of my time.

Mr. FRELINGHUYSEN. Mr. Chairman, I rise in support of the gentleman from Texas' amendment.

The CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

There was no objection.

Mr. FRELINGHUYSEN. The amendment of the gentleman from Texas will allow the Corps to use the A-76 process at its discretion. It will not require that anything in particular be contracted out.

I agree with the gentleman that, particularly during this time of necessary budget-cutting, we should allow the agencies to evaluate all options and to choose the most cost-effective manner of delivering a product or service. The language to be struck is a carryover provision from several years ago when there was, perhaps, too much of an emphasis placed on the A-76 process. We are not in the same situation as several years ago, as we know, so the provision is unnecessarily restrictive. Therefore, I strongly support the amendment.

I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Texas (Mr. SESSIONS).

The question was taken; and the Chair announced that the noes appeared to have it.

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

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Texas will be postponed.

Mr. MORAN. Mr. Chairman, I move to strike the last word.

The CHAIR. The gentleman from Virginia is recognized for 5 minutes.

Mr. MORAN. Only 3 percent of the water on this planet is freshwater, but that's the water that we depend upon for drinking, for agriculture, and for much of our fishing and wildlife habitat.

If my amendment to strike section 109 of this bill is not accepted, critical headwater and wetlands, which ensure the quality and the quantity of our freshwater supply, will be lost—lost to the dumping of sewage, to toxic mining materials, and to unregulated in-fill for residential, commercial and industrial development.

Over the past decade, Mr. Chairman, two Supreme Court rulings have caused

confusion about which waters and wetlands should receive protection under the Clean Water Act. As a result, important fish, wildlife, flood protection, and filtering waters now lack clear protection under the law, and businesses and regulators face uncertainty and delay as to which waters should fall under Federal protection.

The Corps of Engineers and the Environmental Protection Agency developed draft guidance this spring to clearly show which waters should be protected, and this guidance does provide clear and predictable guidelines in accordance with the Court's direction, but this bill prohibits that guidance from moving forward this year and every subsequent year. The Supreme Court did remove some waters from Federal protection, but it left a great deal of confusion over which waters and wetlands should be protected. The EPA and the Corps of Engineers are using an open, public process to develop the guidance. Published in May and open for comment through July, the public, businesses and States have over 3 months to let the Federal agency know their views. All comments will be considered and made publicly available.

It is important to understand what the guidance does not do. This new guidance doesn't change any existing agricultural exemptions. All clean water exemptions for normal agricultural, forestry and ranching practices continue to apply. The guidance also clearly describes waters that are not regulated under the act, including isolated wetlands, artificially irrigated areas, stock watering ponds, construction-related ponds, swimming pools, and washes and gullies.

Failing to update the guidance, which is what this bill would do unless my amendment passes, is not only bad for the environment, but it's also bad for business.

□ 1550

American businesses need to know when the Federal Government has authority and when it doesn't. Without updated guidance, developers have little certainty regarding permits. This uncertainty could subject them to civil and criminal penalties, and surely will cost them extra money.

Some also claim that Federal regulation is unnecessary because States will protect the same waters under their authority. But State authority to regulate waters of the United States derives directly from Federal law. When Federal law is unclear, State authority based on that law is also unclear. States are still required to implement the law, but they need clarity to be consistent and to avoid lawsuits. Some States may adequately protect clean waters on their own, but not all do. The Corps and the EPA must be able to protect water quality irrespective of whether individual States do.

Sixteen different sportsmen's groups oppose the prohibition in this group, as

do over 100 conservation groups. When wetlands are destroyed and streams are polluted, sportsmen are often the first to be directly impacted. The economic benefits of hunting and fishing contribute more than \$65 billion to the economy, breathing life into rural communities and supporting millions of jobs across the country.

But these benefits are in jeopardy with this bill. Since 2001, safeguards for headwater streams and critical wetlands have steadily eroded. Wetlands and tributaries that provide clean water for iconic systems like the Chesapeake Bay and the Great Lakes that recharge aquifers, help retain floodwaters, and provide important fish and wildlife habitat are now endangered. These economic and environmental benefits will be lost without updated guidance and rules.

If this bill language stands, some critical waters will be subject to sewage dumping, to mining contaminants, and to industrial pollution. Some will be filled in for development. Bear in mind, much of the fresh water we depend upon is under the ground, but contiguous to rivers and streams that our fiscal health and the health of our economy is dependent upon.

That's why I urge a vote for my amendment to strike section 109.

The CHAIR. The time of the gentleman has expired.

The Clerk will read.

The Clerk read as follows:

SEC. 103. None of the funds made available in this title may be used to award or modify any contract that commits funds beyond the amounts appropriated for that program, project, or activity that remain unobligated, except that such amounts may include any funds that have been made available through reprogramming pursuant to section 101.

SEC. 104. None of the funds in this Act, or previous Acts, making funds available for Energy and Water Development, shall be used to award any continuing contract that commits additional funding from the Inland Waterways Trust Fund unless or until such time that a long-term mechanism to enhance revenues in this Fund sufficient to meet the cost-sharing authorized in the Water Resources Development Act of 1986 (Public Law 99-662) is enacted.

SEC. 105. Not later than 90 days after the date of the Chief of Engineers Report on a water resource matter, the Assistant Secretary of the Army for Civil Works shall submit the report to the appropriate authorizing and appropriating committees of the Congress.

SEC. 106. During the 1-year period beginning on the date of enactment of this Act, the Secretary of the Army is authorized to implement measures recommended in the efficacy study authorized under section 3061 of the Water Resources Development Act of 2007 (121 Stat. 1121) or in interim reports, with such modifications or emergency measures as the Secretary of the Army determines to be appropriate, to prevent aquatic nuisance species from dispersing into the Great Lakes by way of any hydrologic connection between the Great Lakes and the Mississippi River Basin.

SEC. 107. The Secretary is authorized to transfer to "Corps of Engineers-Civil-Construction" up to \$100,000,000 of the funds provided for reinforcing or replacing flood walls under the heading "Corps of Engineers-

Civil-Flood Control and Coastal Emergencies" in Public Law 109-234 and Public Law 110-252 and up to \$75,000,000 of the funds provided for projects and measures for the West Bank and Vicinity and Lake Ponchartrain and Vicinity projects under the heading "Corps of Engineers-Civil-Flood Control and Coastal Emergencies" in Public Law 110-28, to be used with funds provided for the West Bank and Vicinity project under the heading "Corps of Engineers-Civil-Construction" in Public Law 110-252 and Public Law 110-329, consistent with 65 percent Federal and 35 percent non-Federal cost share and the financing of, and payment terms for, the non-Federal cash contribution associated with the West Bank and Vicinity project.

SEC. 108. The Secretary of the Army may transfer to the Fish and Wildlife Service, and the Fish and Wildlife Service may accept and expend, up to \$3,800,000 of funds provided in this title under the heading "Operation and Maintenance" to mitigate for fisheries lost due to Corps of Engineers projects.

SEC. 109. None of the funds made available by this Act or any subsequent Act making appropriations for Energy and Water Development may be used by the Corps of Engineers to develop, adopt, implement, administer, or enforce a change or supplement to the rule dated November 13, 1986, or guidance documents dated January 15, 2003, and December 2, 2008, pertaining to the definition of waters under the jurisdiction of the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.).

AMENDMENT OFFERED BY MR. MORAN

Mr. MORAN. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 14, strike lines 3 through 11 (and redesignate the subsequent sections accordingly).

The CHAIR. The gentleman from Virginia is recognized for 5 minutes.

Mr. MORAN. Mr. Chairman, I've explained what this amendment does. I believe that it is critically important to protect the headwaters and the wetlands of America.

Two Supreme Court rulings cast considerable doubt on what is to be considered navigable water. Clearly, some waters that may have been protected in the past are not now protected, but there is a great deal of confusion as to which waters do need to be protected. That's why more than 100 environmental groups, and more than 16 major sportsmen's groups have urged adoption of this amendment, which strikes section 109 because section 109 precludes the Corps of Engineers and EPA from issuing regulations that would clarify what waters do fall under Federal protection.

The original idea was that you would define waters that are contiguous, that you can see on the surface, that you can navigate across from one State into another as falling under Federal protection. The problem is that there are a lot of waters that part of the year may run under the ground but are still contiguous and supply water to navigable streams and to rivers that are absolutely important to our economy and to our environment.

So which of those waters should EPA and the Corps of Engineers regulate?

During part of the year, the water flows under the surface, but it's still there; it's still important. If we don't enable our Federal agencies to clarify which waters are to be protected, many wetlands will be filled in, many habitats will be destroyed, many streams that run alongside mines will be filled with toxic material that will then subsequently run into rivers and water supplies that people need for their drinking water.

Some bodies of water will be filled in with sewage. Some wetlands will be filled in for industrial, commercial and residential development. Some of that doesn't need to be protected, but much of it does. And all of it needs to be clarified. There's no way we can clarify what can be used and what needs to be protected unless the Corps of Engineers and EPA are allowed to go forward with regulations and guidance that they issued this spring.

Now, there's still comments coming in. They're still listening to all the parties involved. But once they issue these regulations, private interests will know what can be developed and what can't; mining firms, farms will all know what water is under the jurisdiction of the Corps and what water isn't.

I believe that was the intent of the Supreme Court. Two very important decisions, SWANCC and Rapanos, certainly said some waters are not under Federal jurisdiction, but they clearly left open a vast amount of room for the Federal Government to then clarify which waters are under Federal protection.

So this legislation—and not only does it apply to this fiscal year, it applies to all subsequent years—this legislation is going to cast enormous doubt. It's going to generate millions of dollars of lawsuits all over the country. That's why I oppose it, Mr. Chairman. I don't think it's in our economic interest or in our environmental interest for us not to clarify by allowing the normal guidance process to go forward.

I know that there is concern on the part of some farmers and miners and businesses, but the fact is the right thing to do is to move forward and strike section 109 of this bill.

The CHAIR. The time of the gentleman has expired.

Mr. REHBERG. Mr. Chairman, I move to strike the last word.

The CHAIR. The gentleman from Montana is recognized for 5 minutes.

Mr. REHBERG. Confusion—you've heard the word confusion. There is no one confused. That pesky Supreme Court has ruled against the environmental community of America saying you're trying to overextend your authority or belief in the authority of the regulatory agencies. There is no confusion here. It's a private property right.

□ 1600

When the Clean Water Act was written, as the courts have made their decision, whether it was the U.S. Supreme Court or the Fifth Circuit, they've



made a determination that “navigable” means navigable. Thank goodness. Finally, a court that gets it; a court that understands, that makes the right decision. There is no confusion here. The confusion is that there is an element within American society that wants to regulate all water to the detriment of private property rights.

They want to make a determination that if there is a stock water pond and a duck lands on it, we get control. If there’s an independent stream, meaning it goes underground, and then occasionally when it rains too much and there is going to be moisture, we want control. This is what we’re talking about in America today, overregulation. When we talk about jobs—where are the jobs—a lot of it is because of overregulation.

Might I remind my colleague from Virginia, when I first got to Congress, one of the biggest issues was sewage dumped in a river—what river? the Potomac—in the dead of night. When their sewer system was full, the D.C. Government took their sewage and dumped it into the Potomac. And you know what happened? We thought, finally, us western Congressmen and -women, that there was going to be parity, there was going to be equality, there was going to be a recognition that many of the rules and regulations were difficult, there needed to be an infrastructure bill that was going to come and clean up our waters.

And what did the Virginia, Maryland, and D.C. Representatives do to Congress? They got an exemption from the decision to continue to allow some of the things that were occurring in the Potomac.

You want to talk about the endangered species and the bridge south of here going across the Potomac? There was an Endangered Species Act. We westerners, said, Thank God. Finally there’s going to be equality. There’s going to be parity. You are going to recognize that some of the things that we’re having to deal with in the West just don’t necessarily work as easily as you think they’re going to.

What did the Representatives from D.C. and Virginia and Maryland do? They helped Congress and the bureaucracy turn their backs on those various regulations. This is clearly understood. This is clearly defined. We don’t want the Federal agencies mucking around in an issue that they don’t understand. This is clearly an East versus West or an urban versus rural debate.

Finally, finally, the courts have said, enough is enough. You’ve gone too far. There is no confusion. The only confusion is they want to create confusion. They want to make an argument so they can ultimately start overregulating one more time to the cost of our jobs, to the cost of our economy, frankly, in some cases, like in the Potomac, to the cost to our environment. Shame on them.

Work with the western colleagues to clearly understand how to manage nat-

ural resources for the betterment of the natural resources, for clean water. Let the people that have allowed us the opportunity to have the clean water have it in the future. That’s private property. That’s a clear understanding of State regulations.

One of the reasons we’re even going through the whole states’ rights issue in the water issue and the adjudication process in places like Montana is so that we can clearly understand that it’s a states’ rights issue, that we’d better understand water—especially the headwaters. And, frankly, the downstream States are the beneficiaries of the clean water that we’re sending them.

Don’t further hamstring us. Don’t tie our hands. Don’t allow additional regulatory oversight for the various agencies that are helping to create a problem. And we’ll have better clean water. Society will have a better environment. We will have a better America. And as a result, we will have the jobs that we want.

I yield back the balance of my time.

Mrs. LUMMIS. I move to strike the last word.

The CHAIR. The gentlewoman from Wyoming is recognized for 5 minutes.

Mrs. LUMMIS. Mr. Chairman, I rise to oppose the amendment and to support the underlying bill.

Water rights are a State issue. And this amendment would allow two Federal agencies to increase their own scope of jurisdiction pursuant to the Clean Water Act. Those agencies have acknowledged that this amendment would allow them to increase the scope of their jurisdiction under the Clean Water Act. It is not that nonnavigable waters go without regulation. Nonnavigable waters are regulated. They are regulated in the States by State systems. In the State of Wyoming, that system is a regulatory system administered by the executive branch. In Colorado, that system is an adjudicatory system regulated through the courts.

But in every case, in the West, where water is precious and sparse, the people who control it—whether it is in my State, like the board of control and our four regions and our water commissioners, our superintendents, our ditch riders, our ranchers, our farmers, our Department of Environmental Quality—they know the names of the streams; they know the names of the people who interact with the streams, the livestock that interacts with the streams, the wildlife that interacts with the streams, the weeds, the crops, the grass. They understand these ecosystems.

State government has been regulating water for over a century in a very comprehensive, clear, boots-on-the-ground, understand the systems way of managing. Now if you take that and allow the EPA and the Army Corps of Engineers to expand their jurisdiction in a way that includes nonnavigable waters, it will take that regulatory scheme that is working so well,

and it will bring it to Washington, 2,000 miles away from where the regulators are currently doing their jobs well every day, and put it right here in Washington, D.C., where people don’t understand the scarcity of water, where people don’t understand our regulatory schemes, where they don’t understand our case law, where they don’t understand our ditch riders, where they don’t understand our superintendents, where they don’t understand our boards of control, they don’t understand our State engineers.

Under the Western Attorneys General Conference, there is a specific entity related to the State engineers. The State engineers in the West are the people who regulate water. They meet regularly to discuss interstate issues and water jurisdiction as well as intrastate issues. This is a well-regulated, well-understood, well-managed, well-articulated system.

To take it and decide the Federal Government, for no good reason, could do better at a time when the Federal Government is broke and we cannot expand its jurisdiction without costing the taxpayers needlessly more is a travesty, Mr. Chairman.

I yield back the balance of my time. Mr. HASTINGS of Washington. Mr. Chairman, I move to strike the last word.

The CHAIR. The gentleman is recognized for 5 minutes.

Mr. HASTINGS of Washington. Mr. Chairman, I too rise to oppose this amendment offered by the gentleman from Virginia, an amendment offered, in my mind, to protect this administration’s overreach on regulating all bodies of water in this country.

As my friend from Montana alluded to, this really is a job-killing amendment. Section 109 of the Energy and Water Development Appropriations bill puts a check on this administration’s proposed “guidance” on Clean Water Act regulations. Mr. Chairman, at a time when unemployment exceeds 9 percent, this so-called guidance document, from my point of view, being from the West, will undermine economic growth, increase permitting requirements, and undoubtedly lead to more litigation.

According to the American Farm Bureau Federation, this guidance document “would take an overly broad view of waters of the United States and would serve as a road map to designate nearly all bodies of water, and even some dry land, as subject to Federal regulation that dictates land use decisions.”

Mr. Chairman, water is a precious commodity, especially to those of us in the West. It is a necessary resource for many activities, including agriculture, energy, transportation, and recreation. Our economy and way of life cannot afford to have the Federal Government claim control of all waterways in this country. This administration’s attempt to enact such Draconian regulations through regulatory fiat is a deliberate attempt to circumvent Congress.

□ 1610

As many of my colleagues know, the prior Congress could not pass an overly restrictive renewal of the Clean Water Act, so it's clear that this part of the regulatory agenda is aimed at picking up the pieces that the Congress could not enact last time. So it's for this reason that I joined 169 of my colleagues in April of 2010 to urge both the EPA and the Corps of Engineers to withdraw these proposed guidance regulations. That was in April of 2010. Unfortunately, this administration refuses to do so.

So that is why section 109 is so important, to protect rural America from overzealous bureaucracies. For that reason, Mr. Chairman, I urge my colleagues to oppose this amendment.

I yield back the balance of my time.

Mr. VISCLOSKY. I move to strike the last word.

The CHAIR. The gentleman from Indiana is recognized for 5 minutes.

Mr. VISCLOSKY. Mr. Chairman, I rise in strong support of the gentleman's amendment. Without this amendment, the bill would result in increased implementation costs to both the Federal and State resource agencies, as well as to the regulated community, increase delays in the implementation of important public works projects and protracted litigation on the disparity between existing Federal regulations and the two court decisions.

Clearly, the Army Corps of Engineers cannot exceed its congressional authority. But it's certainly necessary that the law and regulations be clarified, given the Supreme Court decision. There is a purpose to the Clean Water Act. It is to protect the Nation's waterways. And all of the environmental and economic benefits these aquatic ecosystems provide are at risk if some elements are protected and others are not.

We certainly need to make sure that the definitions are predictable and manageable. The definition of waters protected by the Clean Water Act should be clear, understandable, well-supported, and transparent to the public. I am concerned if the language currently in the bill is not removed that that will not be the case. It is certainly needed to promote consistency between the Clean Water Act and agricultural wetland programs. We need the identification of waters covered by the Clean Water Act and the Food Security Act. And operational elements of implementing programs should reflect consistent, predictable, and straightforward decision guidelines. We ought to be precise on exemptions as well.

My further concern is that the provision now contained in the bill does not apply simply to the coming fiscal year; it applies to any subsequent energy and water development act, ensuring uncertainty continues indefinitely.

So I am in strong support of the gentleman's amendment and would be willing to yield time to him.

Mr. MORAN. I thank my very good friend, the ranking member of Energy and Water Appropriations.

Let me first address the points that were made by my very good friend from Montana.

First of all, there was a suggestion that there was sewerage dumped into the Potomac River. I think that's pretty much a quote. That's not accurate, I would say to my very good friend. It was not sewerage. It was clean, filtered silt that came from a drinking water reservoir that was put into the Potomac without any threat to the quality of the water or the habitat. The Corps of Engineers understood that. They don't now put it there. But I don't think it's quite accurate to describe it in the way that it was.

With regard to the Supreme Court ruling, even Justice Scalia made it clear that waters that are adjacent to navigable waters should be federally regulated and protected. So the statement that was offered in the debate is not entirely accurate.

I would also mention that EPA does have an office in Montana. And, in fact, the people who were adversely affected by the oil pipeline of late that put a considerable amount of oil into the Yellowstone River, they are saying that EPA was wonderful, tremendously helpful to them. That's what EPA wants to be now, not only to individual communities adversely affected, but to the businesses, to the mining interests, to the farming interests that need clarification on what waters are appropriately under Federal jurisdiction.

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

Mr. TERRY. I move to strike the last word.

The CHAIR. The gentleman from Nebraska is recognized for 5 minutes.

Mr. TERRY. I yield to the gentleman from Montana.

Mr. REHBERG. I thank the gentleman from Nebraska for yielding.

No, the point is there was more than just clean water dropped into the Potomac. It was done in the dead of the night. It would not have needed to be done in the dead of the night if it was being done legally or aboveboard. And if you want to talk about the oil spill in Montana, the Yellowstone River is in fact a navigable stream.

Yes, in fact, the EPA did a good job. No, in fact, we haven't, to my knowledge, yet—and that is still yet to be open to interpretation because we are waiting—there has been no loss of life among the fish. We will wait and see. Certainly, some of the ramifications will be down the road as a result of the studies that occur. And we do appreciate the EPA coming in. But, again, it was a navigable stream.

And this amendment strips what we are trying to do to protect nonnavigable from being expanded beyond the original intent.

Mr. DICKS. Will the gentleman yield?

Mr. TERRY. I yield to the gentleman from Washington.

Mr. DICKS. The gentleman talks about the Potomac. I have been here for many, many years. I was on the staff in the other body. And at the time—and this was probably in the mid-seventies when what the gentleman says was an issue.

Mr. REHBERG. No.

Mr. DICKS. What time are you talking about?

Mr. REHBERG. If the gentleman will allow me to reclaim the gentleman's time, no, no, this was—

Mr. DICKS. This was more recent?

Mr. REHBERG. Yes. This was in the year 2000.

Mr. DICKS. I was just going to say the reason we got the thing cleaned up was because of the Clean Water Act. That's how the Potomac got cleaned up.

Mr. REHBERG. No, the issue was not as a result of the Clean Water Act being established to clean up the various rivers around the country. The issue had to do with specifically the Potomac and the discharges that occurred within the Potomac. And those of us from the Western Caucus in 2001, which is when I first got to Congress, were trying to make the issue of the hypocrisy between the eastern constituency, the urban constituency of Washington, D.C., Virginia, and Maryland, trying to apply a different standard to Montana.

So the issue was specific to the discharge in the Potomac, and it was specific to the Wilson Bridge and an endangered species, and the hypocrisy of two separate interpretations. The Supreme Court has made an interpretation that the agencies are going too far. We agree with it. The language in the bill agrees with it.

This amendment is a bad amendment, and I hope you vote "no."

Mr. TERRY. I yield back the balance of my time.

Mr. DICKS. I move to strike the requisite number of words.

The Acting CHAIR (Mrs. MILLER of Michigan). The gentleman from Washington is recognized for 5 minutes.

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

Mr. MORAN. I thank the gentleman from Washington.

I am not going to belabor this, but I do think for the record we should clarify. Some of what the gentleman said is accurate except for the material. This was not sewerage. This was filtered silt that came from a drinking water reservoir at Dalecarlia that is operated by the Corps of Engineers. They did put it into the Potomac, after verifying that it would not jeopardize the health of the fish or any of the vegetation. And they did seek an exemption. They lost. And now that silt is put in a landfill.

Mr. DICKS. I would like to ask the gentleman a question.

Does the gentleman not believe, as I do, that the Potomac River is far better today in terms of water quality because of the Clean Water Act?

I yield to the gentleman from Virginia.

□ 1620

Mr. MORAN. There is no question that the Clean Water Act is responsible for the health, such as it is, of the Potomac River. There was a time when you could almost strike a match and light the Potomac River on fire, there was so much pollution in it.

Mr. DICKS. There were rivers, particularly in Pennsylvania, where they, in fact, did that.

Mr. MORAN. They did that.

Mr. DICKS. And it was lit on fire. And then the Clean Water Act was passed by Congress, and guess who signed it? Richard Milhous Nixon. He signed that bill. He signed the Clean Air Act, the Environmental Policy Act. I mean, in those days there were Republicans who cared about the environment.

Mr. MORAN. Bill Ruckelshaus.

Mr. DICKS. Bill Ruckelshaus, Bill Agee.

Mr. MORAN. Yes.

Mr. DICKS. And to hear this discussion over there about the Clean Water Act is really amazing. And this amendment, your amendment would improve it, would protect the environment, clarify the Supreme Court decisions so that we can get on with it and to make the waters of our country swimmable, fishable and drinkable.

Mr. HASTINGS of Washington. Will the gentleman yield?

Mr. DICKS. I yield to the distinguished chairman of the Natural Resources Committee.

Mr. HASTINGS of Washington. I appreciate my friend from Washington yielding.

This amendment is about a bureaucratic guidance on an issue, on an issue that this Congress attempted to take up last time that simply, among other things, said that the jurisdiction of the Clean Water Act would not be navigable waters.

Now, that causes a whole lot of us in the West a lot of problems. And coming from an irrigation area, it bothers me because that means the Federal Government would now be in charge of everything not navigable, which could be irrigation streams.

Mr. DICKS. Reclaiming my time, I would just say to the gentleman, why don't you, as chairman, do you have jurisdiction over this or is this the Commerce Committee?

Mr. HASTINGS of Washington. This is Transportation.

Mr. DICKS. Which one?

Mr. HASTINGS of Washington. Transportation.

Mr. DICKS. Well, you know, you Republicans are in the majority now. You are the chairman of a major committee. Why don't you have your committee system hold a hearing?

We don't—you know, the fact is what you are trying to do in this appropriations bill is so egregious that we have to use an amendment to fix it.

Mr. HASTINGS of Washington. Will the gentleman yield?

Mr. DICKS. I yield to the gentleman.

Mr. HASTINGS of Washington. The issue for me is not the Clean Water Act. The issue was the attempt to amend the Clean Water Act to take out "navigable," and that is what is being done potentially by the guidance with this drafting.

Mr. DICKS. Reclaiming my time, again, the regulatory process hasn't even been completed. People are still sending in comments, and so to use a blunt tool and put this prohibition in here doesn't allow the process to work to make sure we can clarify the Supreme Court decision.

Mr. MORAN. Will the gentleman yield?

Mr. DICKS. I yield to the gentleman.

Mr. MORAN. I would underscore what the distinguished ranking member of the full Appropriations Committee has said: This amendment prevents guidance and rulemaking. It's that comprehensive.

What EPA and the Corps of Engineers have tried to do is to clarify where Federal jurisdiction extends and where it ends. There is clearly confusion on what constitutes navigable waters. The Supreme Court recognized that, even Justice Scalia said it's not just navigable waters; it's waters that are contiguous. And there are any number of water sources that are under the surface that you can't see.

Most of the water in this country is under the surface. It can be under land; it's under water.

Mr. DICKS. Reclaiming my time just for a second, the gentleman may be better off in the long term by letting the process work. And if it does then clarify between navigable and nonnavigable, that would be important to the gentleman from Washington.

Mr. HASTINGS of Washington. Will the gentleman yield?

Mr. DICKS. I yield to the gentleman.

Mr. HASTINGS of Washington. The law is clear. It only says "navigable." Now, that is where the danger comes.

Mr. DICKS. Let's work together to clarify it. I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Virginia (Mr. MORAN).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. VISCLOSKEY. Madam Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Virginia will be postponed.

The Clerk will read.

The Clerk read as follows:

SEC. 110. None of the funds made available in this Act may be used by the Corps of Engineers to relocate, or study the relocation of, any regional division headquarters of the Corps located at a military installation or any permanent employees of such headquarters.

SEC. 111. (a) Section 5 of the Act entitled "An Act authorizing the construction of certain public works on rivers and harbors for

flood control, and for other purposes," approved June 22, 1936, (33 U.S.C. 701h), is amended by—

(1) inserting "for work, which includes planning and design," before "to be expended";

(2) striking "flood control or environmental restoration work" and inserting "water resources development study or project"; and

(3) inserting "": *Provided further*, That the term "States" means the several States, the District of Columbia, the commonwealths, territories, and possessions of the United States, and Federally recognized Indian tribes" before the period.

(b) The Secretary shall notify the appropriate committees of Congress prior to initiation of negotiations for accepting contributed funds under 33 U.S.C. 701h.

AMENDMENT OFFERED BY MR. TERRY

Mr. TERRY. Madam Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of title I, insert the following:

SEC. —. Not later than 1 year after the date of enactment of this Act, the Army Corps of Engineers shall conduct and publish the results of a study regarding the reasons and contributing factors that led to the abnormal flooding of the Missouri River during the spring and summer of 2011, with specific focus on whether the water management activities of the Corps, conducted for any purpose other than flood prevention and control, contributed to the 2011 flooding and in what ways.

Mr. FRELINGHUYSEN. Madam Chair, I reserve a point of order on the gentleman's amendment.

The Acting CHAIR. The gentleman from New Jersey reserves a point of order.

The gentleman from Nebraska is recognized for 5 minutes.

Mr. TERRY. Madam Chairman, I rise today with this amendment to the Energy and Water appropriations bill.

This amendment would direct the Army Corps of Engineers to conduct and publish a study regarding the flooding of the Missouri River this year. We need to know why this flooding occurred, particularly if our flood control system was utilized for purposes other than flood prevention, so we can prevent this from happening in the future.

Let me be clear. I would assume the Corps of Engineers in charge of flood control would be doing an annual study of whether or not they are succeeding in their legislative-mandated goals, the whole purpose of the dams along the river. So we are just simply asking them to do what they should be doing anyway, especially when this is such an interesting—well, strike the word "interesting"—devastating year based on the miscalculations of the Corps of Engineers.

As I am standing here now, the Missouri is flooding in five States, including Nebraska and Iowa. In my own district, I have constituents damaged, under water, wiped out. As we stand here, we are wondering if our levees are going to hold back the water preventing downtown Omaha from being

flooded. This is a 90-day sustained flood. It's entitled, "The Great Missouri River Flood of 2011," not to recede until maybe October or November.

Anyone who lives near a powerful body of water knows flooding is a reality and must be expected or planned for. That's the whole point of these dams and the Corps of Engineers' purpose is to reduce the flooding. It's been successful since the dams have been put in except for the last couple of years.

It's imperative that we investigate the decisions, guidelines, and parameters in place to do the flooding to determine if there was any possibility that this disaster could have and, I would say, should have been prevented.

We must implement the necessary additional reforms and controls to ensure our flood control system is utilized for just that, Madam Chairman, flood control.

The issue, well documented in our local papers and some other publications, has shown that either the manual that the Corps of Engineers swears by leads them down the wrong path, which then led to this disaster that we are incurring at this moment, or that their modeling—and/or their modeling. There were other weather experts that predicted, one even said a flood of Biblical proportions, yet it wasn't on the Corps of Engineers' radar.

Something went terribly wrong here. So all we are doing is asking that there be specific language that they do what is inherent to their job and determine if their manuals, their models need to be changed to prevent the devastating flood that we are incurring right now to prevent the next one in the future. That's all we are doing with this amendment here.

I yield back the balance of my time.

□ 1630

POINT OF ORDER

Mr. FRELINGHUYSEN. Madam Chairman, I insist on my point of order.

The Acting CHAIR. The gentleman will state his point of order.

Mr. FRELINGHUYSEN. Madam Chairman, I make a point of order against this amendment because it proposes to change existing law and constitutes legislation in an appropriation bill and therefore violates clause 2 of rule XXI.

The rule states in pertinent part: "An amendment to a general appropriation bill shall not be in order if changing existing law." The amendment imposes additional duties.

I ask for a ruling from the Chair.

The Acting CHAIR. Does any other Member wish to speak to the gentleman's point of order?

Mr. TERRY. I would like to speak.

The Acting CHAIR. The gentleman from Nebraska is recognized.

Mr. TERRY. I tried to make the case that this is basically reiterating already current duties and responsibilities of the Corps but stressing that

they need to look specifically at what caused this devastating flood.

I have to admit that you're probably going to rule that this is legislating, but I have got to tell you I'm extremely disappointed. If we had somebody in the Missouri Valley on the Appropriations Committee, they could have done something similar to this in committee, but yet when somebody from outside the committee comes here at the right opportunity, then somehow it's out of order.

I just don't know how I go back to my constituents and tell them that the leadership in the House has raised an objection to this study. So I'm disappointed for my constituents. I'm disappointed, frankly, in the fact that something like this that's so necessary and obvious wasn't accepted.

The Acting CHAIR. Does any other Member wish to speak to the gentleman's point of order?

If not, the Chair is prepared to rule.

The Chair finds that this amendment imposes new duties on the Army Corps of Engineers.

The amendment therefore constitutes legislation in violation of clause 2 of rule XXI.

The point of order is sustained and the amendment is not in order.

AMENDMENT OFFERED BY MR. MCINTYRE

Mr. MCINTYRE. Madam Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 15, after line 11, insert the following: SECTION 112. Section 156 of the Water Resources Development Act of 1976 (42 U.S.C. 1962d-5f) is amended—

(1) by striking "The" and inserting "(a) The";

(2) by inserting before the period at the end the following: "or after the date of the last estimated periodic nourishment as contemplated in the Chief's Report, whichever is later"; and

(3) by adding at the end the following:

"(b) Before the end of the fifty year period referred to in subsection (a), the Secretary of the Army, acting through the Chief of Engineers, shall, subject to the availability of appropriations therefor, undertake a review of a project to which subsection (a) applies to evaluate the feasibility of continuing Federal participation in the project and shall make a recommendation to the Congress."

Mr. FRELINGHUYSEN. Madam Chairman, I reserve a point of order on the gentleman's amendment.

The Acting CHAIR. A point of order is reserved.

The gentleman from North Carolina is recognized for 5 minutes.

Mr. MCINTYRE. Madam Chairman, under the Water Resources Development Act, which we know as WRDA, of 1986, Congress authorized most coastal and shoreline protection and beach restoration projects to be periodically nourished according to a cost-sharing agreement between the Federal Government and a local sponsor, usually a municipality, for a period of up to 50 years from the starting date of the initial construction of the project.

Several of these projects are rapidly approaching the end of that first 50-

year period of Federal participation. Currently, there is no language in place to provide a process for the reauthorization of these projects.

In order for the Federal Government to remain a continuing partner to protect the people, the infrastructure, the economy, and the environment of our Nation's coastal communities, Congress must give the Army Corps of Engineers the authority to assess continued Federal participation in expiring beach and coastal projects prior to the end of their original authorizations in order to prevent interruptions to Federal renourishment efforts.

This authority would ensure that communities' shorelines will remain safe and economically viable for years to come by letting the Army Corps and the local communities help determine whether or not to continue a shore protection project based on science, on local support, and the standards that the Corps uses for determining whether there should be continued Federal fiscal participation and whether it is warranted.

These projects are of national and regional significance. Coastal storm damage reduction projects not only support regional economies and, indeed, the national economy, but they provide critical protection against hurricanes and, as we now are in hurricane season, realize the seriousness of this and other dangerous storms.

Federal participation in these projects is determined based on a benefit-cost analysis, meaning that these projects go through a significant study in order to determine that they are merited and that it is in the Federal Government's financial interest to continue to participate in these projects.

However, let's be clear that this amendment would not cut Congress out of the loop, because Congress would always have the final say on final approval of reauthorizing these projects. Any approval for a construction phase would still have to be approved by Congress. So it only makes sense to allow these projects to proceed without interruption.

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

POINT OF ORDER

Mr. FRELINGHUYSEN. Madam Chairman, I must oppose the amendment as authorizing on an appropriations bill.

I share the gentleman's support for the Corps of Engineers' participation in beach replenishment projects that provide protection from coastal storms for individuals and businesses. Coming from a State with 137 miles of shoreline, I too understand the importance of these projects to local, regional, and our national economy.

The amendment offered, however, would add authorizing language to the Energy and Water bill; therefore, it is subject to a point of order.

So while I am sympathetic to the gentleman's intent, I must oppose the amendment and insist on my point of order.

The Acting CHAIR. Does any other Member wish to speak to the point of order?

If not, the Chair is prepared to rule.

The Chair finds that the amendment proposes directly to change existing law.

As such, it constitutes legislation in violation of clause 2(c) of rule XXI.

The point of order is sustained.

Ms. KAPTUR. I move to strike the last word.

The Acting CHAIR. The gentlewoman from Ohio is recognized for 5 minutes.

Ms. KAPTUR. Members and Madam Chairman, I am having help from the pager placing this chart up here. It shows how much petroleum America imports—the red line—and overall how much petroleum we use. Energy-wise, America is a totally dependent Nation.

I offer this amendment to help restore the energy security, economic security, and environmental security of our Nation. Nothing could be more vital.

My amendment takes a small step by shifting a very small amount of funds, \$10 million, from the administrative costs within the Department of Energy to help restore funds to solar energy research and development within the Energy Efficiency and Renewable Energy Program.

Sadly, the base bill jeopardizes America's new energy future. It cuts research in solar energy by more than one-third from last year, and over 60 percent from the President's request, providing \$166 million for 2012, but that's \$97 million below fiscal year 2011 and \$291 million below the President's request.

The \$10 million in reprogramming represents less than 5 percent of the \$220 million administrative budget of the Department of Energy. If the Department of Energy made their buildings more energy efficient, we could shift the funds into research on new technologies.

For months I have been hearing from constituents outraged about the high price of gas and energy in our country. And once again the recent job statistics from the Department of Labor tell us very clearly that every time you have an oil price hike, you have rising unemployment. You can go back 40 years. Every time it goes over \$4 a gallon, we get a spike in unemployment. It's not rocket science.

As it stands, this bill reinforces our dependence on foreign oil. By contrast, my amendment focuses on a new energy future for America by shifting a modest amount of funds for solar energy to provide American consumers with the new energy choices that they want.

Our priorities in this bill must be aligned with the needs of our Nation for tomorrow, not yesterday. America shouldn't be held hostage by future energy price spikes. We must promote sustainable environmental stewardship while creating jobs right here in our country.

□ 1640

We need to address budgetary realities, and this bill does it. And there are accounts we have cut. But investments in new energy sources to displace imported oil are not the place to cut, not when America is this dependent. Research investments in solar technology have helped create numerous new companies, creating thousands of high quality jobs already with domestically produced energy. We are at the dawn of a new energy age, and we can't lose edge now. Solar companies already employ over 90,000 American workers and are expected to grow in both sales and jobs. But that depends on new research. And many of the fledgling companies can't afford to do that.

Last week, Isofoton, a Spanish solar panel manufacturer, announced plans to open a new plant in Napoleon, Ohio, that will create more than 300 jobs. Global firms know that particularly northern Ohio has made renewable energy a priority, and the investment is following. Congress simply must focus on a new energy future for our Nation and not let inertia and the habits of the past thwart progress.

Overall, the U.S. economy is anticipated to increase jobs by 2 percent next year. But guess what? In the solar industry, the number of new jobs is expected to increase 26 percent, according to Cornell University's 2010 solar job census. Those are the kind of jobs that America wants. And a recent Ernst and Young report predicts the cost of solar to decrease by as much as half, creating a strong solar option for American consumers and providing solar companies with the opportunity to expand.

Investors know where to put their dollars, and our Nation knows—or we should know—that this is an emerging industry, and cutting edge research is fundamental to progress. The race to be the energy provider of the future is this generation's space race. And basic research is critical. It is fundamental. It is the fundamental ingredient to build that new future for our people. America has never shirked a major challenge. And we have a real finish line to go across as competitors are fierce, from China, from Germany, from Japan.

New technology will provide a new power future for us, and we must position ourselves not to be second, not to be third, but to be the global leader and to create those good jobs here at home. So my amendment sets a course to keep the keel more steady as we advance energy security, economic security, and the environmental security of our Nation while promoting jobs here at home through new energy independence and innovation.

I urge my colleagues to vote in favor of the Kaptur amendment.

I yield back the balance of my time. The Acting CHAIR. The Clerk will read.

The Clerk read as follows:

TITLE II—DEPARTMENT OF THE INTERIOR

CENTRAL UTAH PROJECT

CENTRAL UTAH PROJECT COMPLETION ACCOUNT

For carrying out activities authorized by the Central Utah Project Completion Act, \$27,154,000, to remain available until expended, of which \$2,000,000 shall be deposited into the Utah Reclamation Mitigation and Conservation Account for use by the Utah Reclamation Mitigation and Conservation Commission. In addition, for necessary expenses incurred in carrying out related responsibilities of the Secretary of the Interior, \$1,550,000. For fiscal year 2012, the Commission may use an amount not to exceed \$1,500,000 for administrative expenses.

BUREAU OF RECLAMATION

The following appropriations shall be expended to execute authorized functions of the Bureau of Reclamation:

WATER AND RELATED RESOURCES

(INCLUDING TRANSFERS OF FUNDS)

For management, development, and restoration of water and related natural resources and for related activities, including the operation, maintenance, and rehabilitation of reclamation and other facilities, participation in fulfilling related Federal responsibilities to Native Americans, and related grants to, and cooperative and other agreements with, State and local governments, federally recognized Indian tribes, and others, \$822,300,000, to remain available until expended, of which \$10,698,000 shall be available for transfer to the Upper Colorado River Basin Fund and \$6,136,000 shall be available for transfer to the Lower Colorado River Basin Development Fund; of which such amounts as may be necessary may be advanced to the Colorado River Dam Fund; of which not more than \$500,000 is for high priority projects which shall be carried out by the Youth Conservation Corps, as authorized by 16 U.S.C. 1706: *Provided*, That such transfers may be increased or decreased within the overall appropriation under this heading: *Provided further*, That of the total appropriated, the amount for program activities that can be financed by the Reclamation Fund or the Bureau of Reclamation special fee account established by 16 U.S.C. 4601-6a(1) shall be derived from that Fund or account: *Provided further*, That funds contributed under 43 U.S.C. 395 are available until expended for the purposes for which contributed: *Provided further*, That funds advanced under 43 U.S.C. 397a shall be credited to this account and are available until expended for the same purposes as the sums appropriated under this heading: *Provided further*, That except as provided in section 201, the amounts made available under this paragraph shall be expended as authorized by law for the programs, projects, and activities specified in the text and table under this heading in the report of the Committee on Appropriations of the House of Representatives to accompany this Act.

CENTRAL VALLEY PROJECT RESTORATION FUND

For carrying out the programs, projects, plans, habitat restoration, improvement, and acquisition provisions of the Central Valley Project Improvement Act, \$53,068,000, to be derived from such sums as may be collected in the Central Valley Project Restoration Fund pursuant to sections 3407(d), 3404(c)(3), and 3405(f) of Public Law 102-575, to remain available until expended: *Provided*, That the Bureau of Reclamation is directed to assess and collect the full amount of the additional mitigation and restoration payments authorized by section 3407(d) of Public Law 102-575: *Provided further*, That none of the funds made available under this heading may be used for

the acquisition or leasing of water for in-stream purposes if the water is already committed to in-stream purposes by a court adopted decree or order.

CALIFORNIA BAY-DELTA RESTORATION  
(INCLUDING TRANSFERS OF FUNDS)

For carrying out activities authorized by the Water Supply, Reliability, and Environmental Improvement Act, consistent with plans to be approved by the Secretary of the Interior, \$35,928,000, to remain available until expended, of which such amounts as may be necessary to carry out such activities may be transferred to appropriate accounts of other participating Federal agencies to carry out authorized purposes: *Provided*, That funds appropriated herein may be used for the Federal share of the costs of CALFED Program management: *Provided further*, That the use of any funds provided to the California Bay-Delta Authority for program-wide management and oversight activities shall be subject to the approval of the Secretary of the Interior: *Provided further*, That CALFED implementation shall be carried out in a balanced manner with clear performance measures demonstrating concurrent progress in achieving the goals and objectives of the Program.

POLICY AND ADMINISTRATION

For necessary expenses of policy, administration, and related functions in the Office of the Commissioner, the Denver office, and offices in the five regions of the Bureau of Reclamation, to remain available until expended, \$60,000,000, to be derived from the Reclamation Fund and be nonreimbursable as provided in 43 U.S.C. 377: *Provided*, That no part of any other appropriation in this Act shall be available for activities or functions budgeted as policy and administration expenses.

ADMINISTRATIVE PROVISION

Appropriations for the Bureau of Reclamation shall be available for purchase of not to exceed five passenger motor vehicles, which are for replacement only.

GENERAL PROVISIONS, DEPARTMENT OF  
THE INTERIOR

(INCLUDING RESCISSION OF FUNDS)

SEC. 201. (a) None of the funds provided in this title shall be available for obligation or expenditure through a reprogramming of funds that—

- (1) creates or initiates a new program, project, or activity;
- (2) eliminates a program, project, or activity;
- (3) increases funds for any program, project, or activity for which funds have been denied or restricted by this Act;
- (4) reduces funds that are directed to be used for a specific program, project, or activity by this Act;
- (5) transfers funds in excess of the following limits:
  - (A) 15 percent for any program, project, or activity for which \$2,000,000 or more is available at the beginning of the fiscal year; or
  - (B) \$300,000 for any program, project, or activity for which less than \$2,000,000 is available at the beginning of the fiscal year;
- (6) transfers more than \$500,000 from either the Facilities Operation, Maintenance, and Rehabilitation category or the Resources Management and Development category to any program, project, or activity in the other category; or
- (7) transfers, when necessary to discharge legal obligations of the Bureau of Reclamation, more than \$5,000,000 to provide adequate funds for settled contractor claims, increased contractor earnings due to accelerated rates of operations, and real estate deficiency judgments.

(b) Subsection (a)(5) shall not apply to any transfer of funds within the Facilities Operation, Maintenance, and Rehabilitation category.

(c) For purposes of this section, the term “transfer” means any movement of funds into or out of a program, project, or activity.

(d) The Bureau of Reclamation shall submit reports on a quarterly basis to the Committees on Appropriations of the House of Representatives and the Senate detailing all the funds reprogrammed between programs, projects, activities, or categories of funding. The first quarterly report shall be submitted not later than 60 days after the date of enactment of this Act.

SEC. 202. (a) None of the funds appropriated or otherwise made available by this Act may be used to determine the final point of discharge for the interceptor drain for the San Luis Unit until development by the Secretary of the Interior and the State of California of a plan, which shall conform to the water quality standards of the State of California as approved by the Administrator of the Environmental Protection Agency, to minimize any detrimental effect of the San Luis drainage waters.

(b) The costs of the Kesterson Reservoir Cleanup Program and the costs of the San Joaquin Valley Drainage Program shall be classified by the Secretary of the Interior as reimbursable or nonreimbursable and collected until fully repaid pursuant to the “Cleanup Program-Alternative Repayment Plan” and the “SJVDP-Alternative Repayment Plan” described in the report entitled “Repayment Report, Kesterson Reservoir Cleanup Program and San Joaquin Valley Drainage Program, February 1995”, prepared by the Department of the Interior, Bureau of Reclamation. Any future obligations of funds by the United States relating to, or providing for, drainage service or drainage studies for the San Luis Unit shall be fully reimbursable by San Luis Unit beneficiaries of such service or studies pursuant to Federal reclamation law.

SEC. 203. Of the funds deposited in the San Joaquin River Restoration Fund in accordance with subparagraphs (A), (B) and (C) of section 10009(c)(1) of Public Law 111-11, all unobligated balances remaining from prior fiscal years are hereby permanently rescinded.

TITLE III—DEPARTMENT OF ENERGY  
ENERGY PROGRAMS

ENERGY EFFICIENCY AND RENEWABLE ENERGY

For Department of Energy expenses including the purchase, construction, and acquisition of plant and capital equipment, and other expenses necessary for energy efficiency and renewable energy activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, \$1,304,636,000, to remain available until expended: *Provided*, That for the purposes of allocating weatherization assistance funds appropriated by this Act to States and tribes, the Secretary of Energy may waive the allocation formula established pursuant to section 414(a) of the Energy Conservation and Production Act (42 U.S.C. 6864(a)).

AMENDMENT OFFERED BY MS. KAPTUR

Ms. KAPTUR. I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 23, line 4, after the dollar amount insert “(increased by \$10,000,000)”.

Page 32, line 4, after the dollar amount insert “(reduced by \$10,000,000)”.

Page 32, line 23, after the dollar amount insert “(reduced by \$10,000,000)”.

Mr. FRELINGHUYSEN. I reserve a point of order on the gentlewoman's amendment.

The Acting CHAIR. The point of order is reserved.

The gentlewoman from Ohio is recognized for 5 minutes.

Ms. KAPTUR. Madam Chair, I made a statement a little bit earlier regarding this amendment which aims to help restore the energy security, economic security, and environmental security of our Nation by focusing on the future. It essentially shifts a very modest amount of funds, \$10 million, from the administrative costs within the Department of Energy to help restore funds to solar energy research and development within the energy efficiency and renewable energy program.

Sadly, the bill overall moves backward in terms of helping America invent its new energy future because it cuts research in solar development by more than one-third from last year and over 60 percent from the President's request. The base bill provides \$166 million for solar research, which is a \$97 million reduction below this year's level and a \$291 million reduction below the President's request.

What sense does that make when we're importing petroleum at this level, we continue to use more and more, and prices are going up? It is pretty clear America needs new answers. So my effort is to merely reprogram about 5 percent of the funds in the administrative budget of the Department of Energy and shift those to the energy efficiency and renewable energy program itself.

I believe that the Department of Energy, which took years to even get their solar array up at the national headquarters here, could save the money that we need to put into research if they'd merely be more energy efficient about their own buildings. And that comes out of their administrative funds. So this merely is a 5 percent shift. It's \$10 million from the administrative budget, and put it into hard research that really helps to create jobs. We know that America has to invent her future. We can't depend on the energy sources of the past alone. Technology is critical to that.

And in the solar field, the competition globally for patents and for the cutting edge research that is part of this sector is just growing so fast globally, America simply can't slip backward. We just have to keep up our edge. It's very difficult with China and with Germany having the kind of incentives they do in their own country. For example, China even offers companies 15-year tax holidays, and they have so many more engineers and scientists than we do working on this. So I think cutting solar research is not a good option for this country. This bill makes many other cuts. Surely, we know that

research investments in solar technology have helped create numerous companies already and thousands and thousands of new jobs.

In fact, solar companies employ over 90,000 American workers now, and they expect both growth in sales and jobs, but that depends fundamentally on cutting-edge breakthroughs in technology. And that is a fight that is occurring every day, not just in this country, but in research platforms around the world.

I mentioned earlier that Isofoton, a Spanish solar manufacturer in my region, had announced 300 new jobs this past week. So global firms are coming to places like northern Ohio where they know that the energy systems of the future are being built. But the number of jobs being created in this sector far exceed what is being created in just the general job creation sector in our country.

□ 1650

Cornell University's 2010 solar job census shows that in solar energy, the number of new jobs is increasing by 26 percent; and those are good jobs building a new future for our country and for our people. We know that many of these entrepreneurial companies are too small to do their own in-house research, they still need Federal research and basic research to help us use new materials and to help us develop the new transmission technologies to make them truly competitive, to compete against the Chinas and the Germanys of the world that are taking market share as I stand here even today.

So the race is a serious one in the solar energy field. Basic research is the critical ingredient. My amendment essentially moves 5 percent of the funds out of the administrative accounts into the Energy Efficiency and Renewable Energy accounts at the Department. I would ask for my colleagues' support on that. Hopefully, we can help take a small step for humankind, for solar energy development in our country.

I yield back the balance of my time.

POINT OF ORDER

Mr. FRELINGHUYSEN. Madam Chair, I insist on my point of order. The amendment proposes to amend portions of the bill not read. The amendment may not be considered en bloc under clause 2(f) of rule XXI because the amendment does not merely propose to transfer appropriations among objects in the bill but also proposes language other than amounts.

I ask for a ruling from the Chair.

The Acting CHAIR. Does any other Member wish to speak to the point of order?

Ms. KAPTUR. Madam Chair, I would thank the gentleman very much for his thoughtful point of order and would ask unanimous consent to withdraw this amendment. I have a revised amendment at the desk that I think will satisfy his concern.

The Acting CHAIR. Without objection, the amendment is withdrawn.

There was no objection.

AMENDMENT OFFERED BY MS. KAPTUR

Ms. KAPTUR. Madam Chair, I have a revised amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 23, line 4, after the dollar amount insert "(increased by \$10,000,000)".

Page 32, line 4, after the dollar amount insert "(reduced by \$10,000,000)".

The Acting CHAIR. The gentlewoman from Ohio is recognized for 5 minutes.

Ms. KAPTUR. Madam Chair, I would offer this amendment as a new amendment that would perform essentially the same function. That is, it satisfies any concerns the gentleman might have about where we are moving funds from in the Dept. of Energy Administrative Programs and moving them to in the Energy Efficiency and Renewable Energy Program.

I offer this revised amendment that I hope would satisfy the gentleman's concern on his point of order. This is a new amendment. It essentially moves dollars from the administrative accounts at the Department of Energy to the Energy Efficiency and Renewable Energy block grant.

Does the gentleman have concerns, and I yield to the gentleman.

Mr. FRELINGHUYSEN. I would rise to oppose the amendment.

Ms. KAPTUR. Could I ask the gentleman the nature of the opposition, please?

Mr. FRELINGHUYSEN. I would like to take my own time to respond in a more formal manner. I would be happy to yield to you perhaps at the end of my remarks.

Ms. KAPTUR. I thank the gentleman, and I yield back the balance of my time.

Mr. FRELINGHUYSEN. Madam Chair, I move to strike the last word.

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. FRELINGHUYSEN. I rise to oppose the amendment. The amendment that has been rewritten somewhat would reduce funding for salaries and expenses in order to increase funding for energy efficiency and renewable energy activities at the Department of Energy. Within this year's extraordinarily tight budget constraints, the bill cannot fund programs that overlap improperly with the private sector, for one; or that do not have pressing needs for additional appropriations.

In other words, Madam Chair, I can't support reducing funds for an account, especially for accounts and administrative purposes that oversee Department activities. We need more oversight in the Department of Energy. So I reluctantly oppose the amendment.

As I promised, I said I would yield to the gentlewoman.

Ms. KAPTUR. I thank the gentleman very much. I know that the choices are difficult. I guess I would put my marbles on getting the Department to be more efficient in its administrative op-

erations on its nuclear side and on its civil side, and put more of those dollars into research and development for the future of new energy systems, including solar.

I regret the gentleman's objection, but I have the highest respect for him. Maybe we can work this out down the road.

Mr. FRELINGHUYSEN. I still oppose the amendment, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Ohio (Ms. KAPTUR).

The amendment was rejected.

AMENDMENT OFFERED BY MR. MCCLINTOCK

Mr. MCCLINTOCK. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 23, line 4, after the dollar amount, insert "(reduced by \$1,304,636,000)".

Page 24, line 6, after the dollar amount, insert "(reduced by \$289,420,000)".

Page 24, line 18, after the dollar amount, insert "(reduced by \$476,993,000)".

Page 28, line 13, after the dollar amount, insert "(reduced by \$820,488,000)".

Page 28, line 23, after the dollar amount, insert "(reduced by \$100,000,000)".

Page 29, line 7, after the dollar amount, insert "(reduced by \$160,000,000)".

Page 31, line 21, after the dollar amount, insert "(reduced by \$6,000,000)".

Page 32, line 4, after the dollar amount, insert "(reduced by \$500,000)".

Page 52, line 15, after the dollar amount, insert "(reduced by \$68,400,000)".

Page 53, line 7, after the dollar amount, insert "(reduced by \$11,700,000)".

Page 53, line 13, after the dollar amount, insert "(reduced by \$10,700,000)".

Page 54, line 4, after the dollar amount, insert "(reduced by \$1,350,000)".

Page 54, line 12, after the dollar amount, insert "(reduced by \$250,000)".

Page 62, line 2, after the dollar amount, insert "(increased by \$3,250,437,000)".

The Acting CHAIR. The gentleman from California is recognized for 5 minutes.

Mr. MCCLINTOCK. Madam Chair, I offer this amendment on behalf of the Republican Study Committee to save roughly 10 percent from this appropriations bill, or \$3.25 billion, simply by getting the Federal Government out of the energy subsidy business.

For more than 30 years, the Department of Energy has squandered billions of dollars subsidizing research and development that no private investor would touch with the promise it would somehow make our Nation energy independent.

□ 1700

Every year, we have spent untold billions on these programs, and every year, we have become more dependent on foreign oil. We are now running a deficit that threatens to bankrupt our country, and this forces us to cast a critical eye on every expenditure that fails to meet its objectives. None has failed so spectacularly as the Department of Energy's subsidy of energy research, which has left us billions of dollars poorer and has left us stuck with

mediocre technologies that only survive on a lifeline of public subsidies.

I am sure the opposition will try to depict this amendment as some sort of Luddite reaction to green technology, but it is exactly the opposite. By stopping the government from doling out dollars to politically favored industries, by stopping it from picking winners and losers among emerging technologies competing for capital, we restore the natural flow of that capital toward those that are the most economically viable and technologically feasible.

For example, this amendment cuts funding to the Energy Efficiency and Renewable Energy program, which functions as an R&D department for every solar, biomass, geothermal, and wind energy company in the country.

We're not funding the most viable research in these technologies. Private capital beats a path to the door of viable technology. These expenditures are for research considered so dubious that no private investor in his right mind would risk his own capital. Yet this Congress has been more than willing to risk our constituents' capital in the form of their tax dollars, and it shouldn't surprise us that those investments have not paid off. This misallocation of resources not only destroys jobs in productive ventures in order to create jobs in subsidized ones; it ends up reducing our energy potential instead of expanding it, and it destroys our wealth instead of creating it.

Politicians love to appear at ribbon cuttings and to issue self-congratulatory press releases at government-supported "alternative energy" businesses, but they fall strangely silent when asked to actually account for the billions of our dollars that they've wasted. The best thing we did for shale oil and gas technology was to have gotten the government out of the business of funding it. Guess what happened?

Once we got the government out, it took the productive sector just a few years to develop remarkable new drilling techniques that have unleashed a cornucopia of American energy into the market. Is there really any question at all as to which of these models actually works?

Let me give you another example:

This appropriations act proposes to spend \$200 million for vehicle technology research. Isn't that what automobile manufacturers should do and used to do with their own capital? And if they're not willing to risk their own capital, what right has this Congress to risk our constituents' earnings?

These amendments move the government out of all sectors of subsidizing research—biomass, nuclear, solar, wind, fossil fuels—all across the board. Does that mean that research and development will stop on all of these technologies? On the contrary. It means that all of the distortions that government intervention has made in the energy sector can be corrected and

that private capital can, once again, flow freely to those technologies that offer the greatest return at the lowest cost.

Thirty years of government energy subsidies promised to reduce our dependence on foreign oil; yet our dependence has become ever greater. All we have done is to squander billions of dollars of our Nation's treasure and to distort and impede the natural flow of investment dollars that could have produced far greater returns in viable technology. We are left with a bankrupt, energy-deficient and dependent Nation while propping up a few politically well-connected interests that are producing ethanol and solar panels at a staggering expense—an expense that we have hidden from consumers with their own tax dollars.

Our energy policy over the last 30 years simply proves that Thomas Jefferson was right when he observed: "were we directed from Washington when to sow and when to reap, we should soon want bread." For 30 years, we have been directed from Washington on how to develop our energy. It should surprise no one that today we lack energy.

With that, I yield back the balance of my time.

Mr. VISCLOSKY. Madam Chair, I move to strike the last word.

The Acting CHAIR. The gentleman from Indiana is recognized for 5 minutes.

Mr. VISCLOSKY. I do rise in strong opposition to the gentleman's amendment. It would cut over 10 percent of the total funding in the bill. Specifically, it would eliminate or significantly reduce funding for 14 different accounts. I have several concerns.

One, the gentleman said that it is time to get out of subsidizing energy research. Notice that he did zero out many accounts, and certainly would not argue that point. Yet, as a proponent myself of nuclear energy, I would point out that he did not throw out that account, and approximately \$444 million would be left in the nuclear research account. So there was some selectivity that was engaged in here as far as the construction of the amendment.

Then my concern here as far as the research, as far as the whole broad range of energy research in this country, is that we do need to make that investment to move ahead economically, to move ahead in reducing our dependency upon oil imports and the use of carbon in this society, so I strongly oppose the gentleman's amendment.

I yield to the gentleman from Massachusetts.

Mr. MARKEY. I thank the gentleman for yielding.

This is a classic case of ancestor worship. They leave in the money for nuclear, but zero out the money for wind, zero out the money for solar, zero out the money for energy efficiency, zero out the money for conservation.

So here we are. It's 2 months after Fukushima. The capital markets are

saying we're not going to touch new nuclear power plants, but this amendment says we're leaving in \$476 million for research done by the Federal Government for nuclear power. Yet, for wind and for solar and for all the new technologies coming down the line that don't melt down, no, that money is going to be zeroed out—zero, zero—zero for the future.

This rearview mirror amendment, which is being made by the gentleman from California, just continues to reflect this attitude, this fear. Let's admit it. There's a fear that the oil and gas industry and that the nuclear industry have about wind and solar and biomass and geothermal in the ever-increasing efficiency of technologies all across the board.

So the green generation, they look down here, these young people, and they say, Is that possible? Is it possible that the Congress could actually vote to zero out wind and solar and keep in money for nuclear 2 months after Fukushima? Isn't it time for us to invest in these new technologies? You don't need an evacuation plan around a solar plant, around a wind plant or around an energy-efficiency facility.

So, again, I urge a "no" vote on this amendment. It's just basically another data point that indicates that the Republicans are really committed to zeroing out this renewable energy future for our country.

Just be knowledgeable here. There has not been a new nuclear power plant completed, that has been ordered, for 36 consecutive years, but there were 10,000 new megawatts of wind that were installed in our country just last year. If that's what they want to begin to zero out, if that's what they want to take out of the budget, it's only a reflection of basically, again, this technological ancestor worship.

Mr. MCCLINTOCK. Will the gentleman yield?

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

Mr. MCCLINTOCK. Just to be clear, the \$400 million remaining in the nuclear account, as I understand it, is for regulatory activities, not for research and development, which we now place back in the hands of the productive sector.

Mr. MARKEY. If the gentleman from Indiana will yield, the gentleman from California is just saying this is the budget for the Nuclear Regulatory Commission?

Mr. MCCLINTOCK. For regulatory activities associated with this provision.

Mr. MARKEY. That, in and of itself, is a subsidy. Let's be honest. It's Federal taxpayer money which is subsidizing an industry—the electric utility industry, the nuclear electric utility industry—that is probably the wealthiest industry in the United States with the exception of the oil and gas industry.

So why should the taxpayer be subsidizing that and at the same time be



taking out the funding for the wind and solar industry?

I urge a "no" vote.

Mr. VISCLOSKY. I yield back the balance of my time.

□ 1710

Mr. FRELINGHUYSEN. Madam Chair, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. FRELINGHUYSEN. Our Energy and Water bill is already \$1 billion below last year's fiscal amount and \$2.8 billion below fiscal year 2010. As a matter of fact, our entire mark is reaching the 2006 level. So the committee has done its homework. We've made deep cuts. I think the committee understands we're about to go off a fiscal cliff in our country, but the cuts that we've made were developed after a lot of hearings, a lot of discussion, a lot of thought.

The bill recommended by our committee recognizes that the Federal Government has gotten too large—and in many ways philosophically I agree with a lot of what the gentleman from California says, that we're too involved with the private sector, sometimes picking winners and losers and different technologies where the market should be choosing. But the committee is also mindful that there are appropriate roles that the government should take because sometimes the private sector can't or will not take those risks.

The cuts proposed in this amendment would eliminate, as the ranking member said, or cut many worthwhile programs, put at risk, I think in many instances, our country's competitive intellectual advantage, and put in doubt perhaps the ability of the private sector to make some substantial investments. And those investments lead to jobs, jobs that we badly need.

So for that and many other reasons, I oppose the gentleman's amendment.

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

Mr. MARKEY. Madam Chair, I move to strike the last word.

The Acting CHAIR. The gentleman from Massachusetts is recognized for 5 minutes.

Mr. MARKEY. And for what? Why would we zero out the wind and the solar budget? Why would we zero out the energy efficiency, the conservation budget? For what? Well, so that we can have larger tax breaks they tell us. Because in another room not too far from here there are a whole bunch of Republican negotiators saying that the \$4 billion a year, which are the tax breaks for the oil industry, they're off the table. You can't touch those tax breaks for the oil industry, can't touch them. And over the next 10 years, that's \$40 billion for the oil industry.

So we're out here kneecapping wind and solar, kneecapping the future, kneecapping our ability to have wind

and solar become equal with natural gas and coal as a way to generate electricity in our country. And in another room no more than 100 feet from here they're also meeting and deciding what the big deal is going to be between President Obama and the Republicans here in the Congress. And in that room they're saying no touching any tax breaks for the oil and gas industry, which is \$4 billion a year.

So see the total story here, see the big picture, see really what this agenda is. Here, it's kind of like the monsignor that goes up into the pulpit on Sunday and he says, on Wednesday in the church hall, Father Geiney will lecture on the evils of gambling; on Thursday in the church hall, bingo. Well, here on the House floor, on Monday we're learning about the evils of giving any kind of subsidies to the wind and the solar industry, and in another room right around the corner they're saying \$4 billion a year to the oil industry in tax breaks. That's the agenda. You have to see it in its totality. You have to capture it for all that it is as the story of the future of our country.

So, ladies and gentlemen, I urge a very strong "no" vote on this amendment of the gentleman from California. This is a defining vote. This really goes to the heart of whether or not we are going to say to the young people in our country that we do have a renewable energy future for our country.

The past is just a memory, but the future will be the hard reality for young people in our country if we do not put together an energy agenda dependent upon the indigenous renewable energy resources in our country. This amendment zeros out that future. It makes it impossible for us to compete and to send a signal overseas that we are going to have true energy independence in our country.

I urge a "no" vote.

Madam Chair, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from California (Mr. McCLINTOCK).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. McCLINTOCK. Madam Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from California will be postponed.

AMENDMENT OFFERED BY MR. MARKEY

Mr. MARKEY. Madam Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 23, line 4, after the dollar amount insert "(increased by \$100,000,000)".

Page 24, line 6, after the dollar amount insert "(reduced by \$50,000,000)".

Page 24, line 18, after the dollar amount insert "(reduced by \$50,000,000)".

The Acting CHAIR. The gentleman from Massachusetts is recognized for 5 minutes.

Mr. MARKEY. Madam Chairman, my amendment deals with the heart of what's wrong with this entire bill.

In this bill, the Republicans cut the budget for solar, for wind, for geothermal, for biomass, for clean vehicles—that's plug-in hybrids and all electric vehicles. They cut the budget for science. They cut the budget for weatherization. They cut the budget for energy efficiency. But what do they do in the same bill? They increase the budget for coal, for oil, for gas, for nuclear. They increase it while they eviscerate, while they annihilate the clean energy budget, the future energy agenda for our country.

So, ladies and gentlemen, this is a big moment here. Where is America heading? Are we going to compete against the Saudi Arabians, the Venezuelans, and others in the generation of energy or are we going to capitulate? Are we going to just become a country where we're importing oil or are we going to move to a solar future, a wind future, an all-electric vehicle future over the next 20 and 30 and 40 years?

You know, this budget that they have put together is really one that gets right to the heart of their argument that they say they care about all of the above. What this budget actually says is it is oil above all. It's still a fossil fuel agenda. It's not a technology-oriented agenda. It's not an agenda that can help us to turn the corner and to create new technologies that move us to a 21st century agenda.

But see this in the larger picture. This is not compromise. The defense budget last week went up \$17 billion. They're not going to cut defense. They're saying they're not going to actually take away the tax breaks for billionaires. They're saying they're not actually going to take away the tax breaks for the oil and gas industry. All of that is safe. "Don't worry," they say to billionaires. Don't worry, they say to Big Oil. Don't worry, they say to the Defense Department, we're not touching you in this big budget deal that we want.

And then where do they turn? They turn over here to solar and wind and to geothermal and biomass, to plug-in hybrids, to all the technologies that we should be investing in in the future. And they turn to Grandma and say, Your Medicare benefit is too big. They turn to Medicaid, they say, You, poor child, you're taking too much of America's wealth. And you, green energy sector, we can't afford to invest in you.

So, ladies and gentlemen, this is not compromise. This is the capitulation that they are looking for from the Democrats. This is the capitulation to an agenda that helps billionaires, helps Big Oil, helps big gas, helps us export jobs overseas by keeping those tax breaks in place rather than fighting hard for what the green generation—the young people in our country—expect us to do, rather than allowing ourselves to be tipped upside down at the gasoline pump.

□ 1720

All I do is take \$100 million, move it from the coal subsidies, the oil and the gas subsidies, and move it over, move it over to solar and wind, to plug-in hybrids, to all electric vehicles. And with that, by the way, ladies and gentlemen, they still haven't been cut this year in this budget. That's just taking away the increase that they get in this budget. And we still haven't made up for all of the cuts in the solar and wind and clean energy budget that they continue to slash.

So, ladies and gentlemen, it's \$100 million. Does oil and coal and gas deserve an increase this year? Let's at least keep them level and give that extra \$100 million over to the clean energy technologies of the future. That is the least that the green generation, the young people in our country, expect us to do because it's not only imported oil, it's also our national security, it's also global warming, it's also creating economic jobs here in the United States. I urge an "aye" vote.

I yield back the balance of my time.

Mr. FRELINGHUYSEN. Madam Chair, I move to strike the last word.

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. FRELINGHUYSEN. I rise in opposition to the gentleman's amendment.

The gentleman's amendment would increase funding for Energy Efficiency and Renewable Energy accounts and reduce funding for Fossil Energy Research and Development and nuclear energy research. This would increase money for a program that already receives sufficient funds and hamper efforts to further technologies that produce most of our electricity.

Madam Chair, the gentleman asserted that fossil and nuclear energy are yesterday's sources of energy and that we're shortchanging tomorrow's energy sources. Well, in fact, nuclear energy produces 20 percent of our Nation's electricity, and even the State of Massachusetts depends on nuclear energy for about 10 percent of its energy. Fossil fuels, such as coal and natural gas, generate 70 percent of our Nation's electricity, and we will use these valuable energy sources for many generations. In fact, the Commonwealth of Massachusetts gets 80 percent of its electricity from fossil fuels.

I understand his desire to move us forward, but realistically, we'll be using fossil fuels for decades and nuclear energy perhaps for centuries. And we must ensure that we use those resources as efficiently and clearly as possible. Further, the amendment increases funding for that Energy Efficiency and Renewable Energy account, a program that has seen a record increase since 2007 and still has nearly \$9 billion of unspent stimulus funds from 2009. Imagine that.

There's a proper role for core Energy Efficiency and Renewable Energy programs, and our bill preserves funding

for those activities while cutting out activities that are redundant with the private sector or that interfere improperly in market innovation.

But his amendment would add back unnecessary funding for administration proposals that are poorly planned and lack justification. For example, the administration proposes more than \$200 million to deploy electric vehicle infrastructure. But after repeated requests, the department provided less than one page of explanation for this program. At best, this funding would be poorly used, and at worst, it will interfere with entrepreneurial innovations in infrastructure underway in the private sector.

The administration also proposes a new Race to the Green program, a State and city grant program. Again, after repeated requests for justification to the Department of Energy, this new \$100 million proposal is accompanied by barely more than a paragraph of explanation.

When every tax dollar must be spent well, we can't throw money at poorly planned programs while cutting fossil energy and nuclear programs. I, therefore, oppose the amendment and urge all Members to do likewise.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Massachusetts (Mr. MARKEY).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. MARKEY. Madam Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Massachusetts will be postponed.

Mr. FRELINGHUYSEN. Madam Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. WOODALL) having assumed the chair, Mrs. MILLER of Michigan, Acting Chair of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2354) making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes, had come to no resolution thereon.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on the motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Any record vote on the postponed question will be taken after 6:30 p.m. today.

□ 1730

#### BETTER USE OF LIGHT BULBS ACT

Mr. BARTON of Texas. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2417) to repeal certain amendments to the Energy Policy and Conservation Act with respect to lighting energy efficiency, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2417

*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 "Better Use of Light Bulbs Act".

#### SEC. 2. LIGHTING ENERGY EFFICIENCY.

(a) IN GENERAL.—Sections 321 and 322 of the Energy Independence and Security Act of 2007 (Public Law 110-140) are repealed.

(b) APPLICATION.—The Energy Policy and Conservation Act (42 U.S.C. 6201 et seq.) shall be applied and administered as if sections 321 and 322 of the Energy Independence and Security Act of 2007 (and the amendments made by those sections) had not been enacted.

#### SEC. 3. MERCURY-CONTAINING LIGHTING.

No Federal, State, or local requirement or standard regarding energy efficient lighting shall be effective to the extent that the requirement or standard can be satisfied only by installing or using lamps containing mercury.

#### SEC. 4. STATE REGULATION.

No State or local regulation, or revision thereof, concerning the energy efficiency or energy use of medium screw base general service incandescent lamps shall be effective.

#### SEC. 5. DEFINITIONS.

In this Act, the terms "general service incandescent lamp", "lamp", and "medium screw base" have the meanings given those terms pursuant to the Energy Policy and Conservation Act (42 U.S.C. 6201 et seq.), as applied and administered pursuant to section 2.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. BARTON) and the gentleman from Pennsylvania (Mr. DOYLE) 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 within which to revise and extend their remarks on this legislation, and to 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.

I want to start off by introducing to the body my special assistant this week, Mr. Speaker, young Jack Kevin Barton, my 5-year-old son. He is with me to help with the congressional baseball game that we are going to play on Thursday evening. And he loves coming to the floor, and he loves voting. So we

are glad to have Jack Kevin on the floor with us.

Mr. Speaker, we are here today because of something that happened back in 2007, when this body passed a bill that later became a law that effectively, beginning next year, if not changed, would ban the traditional incandescent light bulb, the 100-watt bulbs, the 60-watt bulbs that we have all grown up with. The bill doesn't truly ban them. It just sets an efficiency standard that the current light bulbs cannot meet.

The problem with the de facto ban, Madam Speaker, is that it has the effect of taking off the market one of the least expensive options for lighting in our constituents' homes. I went to a local grocery store last week and purchased one CFL 60-watt bulb for \$5.99. I purchased four 60-watt incandescent light bulbs in a four-pack for \$1.50, or 37.5 cents a piece. Now, obviously, a \$6 light bulb is a much bigger expense to a moderate- or low-income family than a 37.5-cent light bulb.

The 60-watt CFL does claim it will last 10,000 hours, and it does claim over its life it will save money. That's probably a true statement, Madam Speaker. But what is not so apparent is that that \$6 cost up front is real, and the savings may or may not occur, depending upon how long that bulb lasts, how often it's used, and under what conditions it's used.

If you assume that the average bulb is used 4 hours a day, which is what the American Lighting Association assumes, then it is quite possible, Madam Speaker, that that \$6 CFL bulb won't last 10,000 hours if it's turned on and off 2,500 times. It might last half that long. So I am not opposed to the squiggly tailed CFLs. I think they have their place in the market. But to take off the market something that's cheap, effective, and in average use costs maybe two or three cents a week to use seems to me to be overkill by the Federal Government.

When I have talked about the light bulb bill in my town hall meetings and in my meetings in my district, I have had very few people, Madam Speaker, say that they think that's a good piece of legislation, that they think the Federal Government should be telling us what kind of light bulbs we should and should not use. They think we should let the marketplace operate. We should repeal this de facto ban, then let people decide whether they want to pay \$6 per light bulb or 37.5 cents. Some people may decide that the life expectancy cost savings are worth it. But I bet the majority, the overwhelming majority, would choose the less expensive up-front costs of the traditional incandescent light bulbs.

With that, Madam Speaker, I reserve the balance of my time.

Mr. DOYLE. Madam Speaker, I yield myself 5 minutes.

I rise in opposition to this bill. I was on the committee back in 2007 when we first wrote the efficiency standards

that Republicans are trying to repeal here today. The way I remember it, our current chairman, Mr. UPTON, introduced the bill to set the standards. Our former House Speaker, Dennis Hastert, supported it, along with many Republicans. And, finally, President George W. Bush signed these standards into law.

In fact, if you look at the history behind consensus efficiency standard, you will see that this used to be something that we all agreed upon. Beginning with President Reagan in 1987, Congress and the White House have enacted Federal energy efficiency standards five times, each time with bipartisan support. These standards were developed as consensus agreements with manufacturers, energy efficiency advocates, and States.

There's more than 50 products on the market today that are covered by a variety of these Federal standards. Everything from dishwashers and refrigerators to traffic signals have become more efficient as a result of these Federal standards, saving the country energy and saving consumers money.

These standards have been in effect since 1987, have saved Americans about 3.6 quads of energy. If we continue with enacting Federal efficiency standards, we can save up to 6.1 quads of energy by 2030. That is more energy than was used in my State of Pennsylvania in 2008. The light bulb efficiency standards alone will save Pennsylvania 3.64 billion kilowatt hours of energy in a year. That means we'll save \$465 million in Pennsylvania in just 1 year from these standards.

In Congress we don't always agree on much; but for the last 25 years, we have been able to agree on energy efficiency. And it's been good for the country and for American families and for the environment. So why would we wish to reverse this policy today? But you know, energy and cost savings aren't the only benefits from these standards.

Having lived in Pittsburgh, Pennsylvania, my whole life, I have seen how efficiency can revolutionize an industry and revitalize a city. In the seventies, I worked two summers at J & L steel mill on Pittsburgh's south side. The industry was doing well, and Pittsburgh was a company town. But in a few years, that industry came to a screeching halt as international competitors were making steel using new technologies and more efficient processes, allowing them to undercut the price of U.S. steel. But the steel industry didn't leave the United States, and it didn't leave Pittsburgh. It re-invented itself. It got smarter and leaner and more energy efficient.

U.S. steelmakers started using blast oxygen furnaces rather than old open hearth furnaces that used more energy. They started doing continuous casting rather than ingots and molds that required reheating. They started using waste heat recovery and energy monitoring and management technologies. As a result, the U.S. steel industry has

reduced the amount of energy needed to produce a ton of steel by 33 percent since 1990.

The lighting industry has already begun to revolutionize, much like the industrial steel industry did back in the nineties. When the industry agreed to these efficiency standards in 2007, it was because they knew they could innovate and still be profitable by making the incandescent bulb, yes, colleagues, the incandescent bulb more efficient and developing new technologies like compact fluorescents and LED light bulbs. And even better, the lighting industry began making those bulbs right here in the United States of America. Even in Pennsylvania,sylvania, Pennsylvania, to make these incandescent light bulbs that meet the energy efficiency standards that we passed in 2007.

□ 1740

They are being made in the United States by United States steelworkers in Pennsylvania, and you can find them on your shelf at the grocery store or the hardware store. Or you can get these Philips bulbs, also incandescent light bulbs, colleagues. They meet the energy standards that were set in 2007.

Steelworkers are making the filaments in these bulbs in Bath, New York. In fact, United Steelworkers is opposing this bill and telling us at a time when Americans continue to experience downward financial pressures, energy-efficient light bulbs present an everyday solution to a much-needed cost savings.

But it's not just steelworkers that are benefiting. Light bulbs that meet these standards are being made all over the United States of America. In 2011, TCP, one of the world's largest makers of CFLs, is opening a new factory in Ohio.

The SPEAKER pro tempore (Mrs. MILLER of Michigan). The time of the gentleman has expired.

Mr. DOYLE. I yield myself 30 additional seconds.

CFL is making a new factory in Ohio to meet the demand. Seven thousand U.S. jobs have been created by companies like Cree in North Carolina, Lighting Science Group in Florida, and Lighting Philips Company, the world's biggest lighting company, to produce the next generation of efficient LED light bulbs. GE recently invested \$60 million to create a Global Center of Excellence for linear fluorescent lamp manufacturing in Bucyrus, Ohio, an action that will double the number of jobs there.

New innovation and energy efficiency has brought jobs to this country. This is not the time to repeal these standards.

UNITED STEELWORKERS,  
Washington, DC, July 11, 2011.

HOUSE OF REPRESENTATIVES,  
Washington, DC.

DEAR REPRESENTATIVE: Today, Congress is expected to vote on the Better Use of Light Bulbs (BULB) Act (HR 2417). On behalf of the

850,000 members of the United Steelworkers (USW) union, I urge you to vote “No” on this bill that would repeal the energy efficiency standards for light bulbs that were enacted under the Energy Independence and Security Act (EISA) of 2007.

The BULB Act would only serve to reverse the spirit of ingenuity that has taken place among light bulb manufacturers since the passage of EISA. Rather than viewing the new efficiency laws as a reason to halt production and close their doors, domestic manufacturers, such as Osram Sylvania, decided to retrofit their existing facilities in Wellsboro and St. Mary’s, Pennsylvania to produce energy efficient Sylvania Super Saver halogen bulbs. USW members manufacture the outer glass portion of the light bulbs at the Wellsboro facility and assemble the bulbs at the St. Mary’s facility.

Osram Sylvania’s decision to change their business model and use new technology to produce more energy efficient bulbs works towards our nation’s overall goal of reducing our green house gas emissions, but also provides a tangible example of family-sustaining clean energy manufacturing jobs in the U.S.

Additionally, these U.S.-made bulbs have been able to successfully compete against foreign-made compact fluorescent light (CFL) bulbs, which have dominated the market and rely heavily on the use of mercury, which the Sylvania Super Saver halogen bulbs do not contain.

Lastly, at a time when American’s continue to experience downward financial pressures, energy efficient light bulbs present an every-day solution to much needed cost-savings. A recent study conducted by the Appliance Standards Awareness Project for the Natural Resources Defense Council (NRDC), found that repealing the energy efficiency standards would cause a seven percent or \$85 increase in energy costs for the average household.

Again, we urge you to vote “No” on the Bulb Act, and instead to support the spirit of ingenuity, job creation and preservation and energy-savings that have resulted from the improved energy efficiency standards enacted in 2007.

Sincerely,

HOLLY R. HART,  
Assistant to the President,  
Legislative Director.

I reserve the balance of my time.

Mr. BARTON of Texas. Before I yield to the gentlewoman from Tennessee, I would point out that the light bulbs that my good friend, Mr. DOYLE, just alluded to, are five times to six times as expensive as the traditional incandescent light bulb, and they are not manufactured—I think there is one facility in the United States, a Sylvania facility, that still makes light bulbs. The rest have moved overseas.

I yield 3 minutes to a cosponsor of the legislation, a member of the committee, Mrs. BLACKBURN of Tennessee.

Mrs. BLACKBURN. Madam Speaker, the chairman spoke to the cost of these bulbs and how incredibly expensive they are; and, indeed, our constituents have talked about that.

And to my colleagues who are going to try to support this standard and this de facto ban on the incandescent light bulb, I would simply say two wrongs do not make a right. I know you heard that as you grew up, and I would ask you to think about that in this Chamber today.

Putting this ban, putting these higher efficiency standards in place, many people thought it was the right decision. I didn’t think it was the right decision. I voted against it in committee. I voted against all of this on the floor.

But I would ask you just to remember the American people are telling us this doesn’t work. They don’t like the restrictions that are there in the marketplace. They don’t like the fact that the bulbs cost too much money.

And I would also remind my colleagues that all of the CFLs, the compact fluorescent light bulbs, they are made in China. They are not made here. The CFLs don’t work as well. It requires more bulbs to get the same amount of light in a given area. These things have proven to be very vulnerable to power surges. We hear that from our constituents in the rural areas.

In essence, Madam Speaker, they don’t save any energy, and we know that they are also dangerous because they are filled with mercury. I know that Congressman BURGESS, who has also worked on this with Chairman BARTON and me, is going to speak to that. There is a provision in this that does address the mercury levels.

Also, our legislation says, and I think this is very important, that D.C. cannot mandate the standards on these bulbs, that your State government cannot mandate the standards on these bulbs, that we are going to leave that to the consumer to choose. And consumers want to have that choice.

I think so many groups have come out in favor of our legislation and opposed to these light bulbs, even the AFL-CIO has an interesting little bit on their labor union Web site about that light bulb, making the point that there are many ways to save electricity without shifting all these jobs to China for a mercury-filled light bulb.

We know that the President thought this was going to help create 800,000 U.S. jobs. The only jobs we have found is that the Winchester, Virginia, plant shut down and those 200 jobs, employees that lost their jobs on September 24, 2010, they saw their jobs go to China.

There have been unanticipated consequences of the 2007 act, and it is time for us to say it was bad policy, it was a bad idea, and we need to get it off the books.

Mr. WAXMAN. Madam Speaker, I rise to manage the time on this bill on behalf of the Energy and Commerce Committee Democrats.

The SPEAKER pro tempore. Without objection, the gentleman from California will control the time.

There was no objection.

Mr. WAXMAN. I yield 5 minutes to the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. I thank the gentleman.

First, let’s start with how much electricity this saves for our country. It

saves the need to construct 30 coal-fired plants over the next 20 years in the United States.

Now, if you are a coal executive, you are a nuclear executive, you are going, Oh, no, kill those more efficient light bulbs. People in America are going to consume less electricity. It will cut into our profits. People will buy these light bulbs.

And, by the way, here’s a Sylvania, which, by the way, looks just like those old bulbs too, because it is an old bulb. They just made it more efficient. And so people who are nostalgic for the way bulbs looked for the last hundred years, it is the same look, and it cost a buck 69 for this bulb. But it will save you, over the next 5 years, over the next 10 years, a lot of money. But it won’t cost the coal industry and the nuclear industry, who generate electricity, a lot of money because they won’t have to build 30 new coal-fired plants.

So let’s just think about other things.

And, by the way, every living descendant of Thomas Alva Edison opposes this amendment; by the way, as would every living descendant of Alexander Graham Bell oppose moving from black rotary phones to BlackBerries. I think that Alexander Graham Bell and his descendants would say, I think he would be happy that you made the transition. But, of course, we had to pass legislation here on the House floor to move that technology.

I think that people probably would think twice if a Xerox machine had to come with carbon paper at the same time, just in case people were still nostalgic for carbon paper rather than Xerox paper, because that’s really what this debate is all about. It’s really a debate about whether or not we are going to continue to see an increase in the efficiency of technologies in our society, especially those that consume energy.

In other words, there is a point to this, and the point is it reduces the amount of greenhouse gases that we have to send up into the atmosphere. It reduces the amount of energy that we have to think about importing from other countries. And it gives to the consumers something that, over the life of the light bulb—and we are talking here about Philips and Sylvania and other companies who have already figured out in the last 4 years how to comply with the law—you don’t have to buy one of those funny-looking new light bulbs. You can just buy one of those old light bulbs that look just like the one that your mother and father used to go down to the store and buy. Why? Because finally they had to make them more efficient.

And, by the way, what is the analogy? Well, back in 1987, I was able to author the Appliance Efficiency Act of 1987. And what has happened since then? Well, believe it or not, refrigerators are now three or four times more efficient. Air conditioning systems are now three to four times more

efficient. And because of that, there are hundreds of coal-fired plants that did not have to get built in this country.

Because all of these lights in this room, all of the air conditioning in this room, well, for every building across the country, piled up, that's why we need coal-fired and nuclear-fired plants.

□ 1750

The fewer of them that there are is directly related to how efficient we make the things that we plug into the wall. So light bulbs are at the very top of the list because they're on in every single room in the United States every day. So if you can double the efficiency, then you reduce dramatically the number of nuclear power plants and of coal-fired plants that have to get built.

That's really what we should be all about. We have to learn how to think smarter and not harder. We have to think how we use technology to improve our society and not bring out legislation on the floor that prohibits the advance of technology, prohibits the advance of science, prohibits the advance of efficiency in our society. And just like the Blackberry has transformed our society in the last 15 years and no one would want to go back to that old era of 1996 before the broadband revolution began, the same thing is true for these more, modern, efficient light bulbs. They save people money. They give them just the same kind of light. They reduce the amount of pollution that we send up into the atmosphere, and they make America the leader technologically on these technologies that are ultimately going to be sold in every country in the world.

I urge a "no" vote.

Mr. BARTON of Texas. Briefly, to reply to my good friend from Massachusetts, the light bulbs that he just showed, the least expensive one of those I think he said was about \$1.60, \$1.70. Your traditional incandescent light bulb you can buy, if you can find them, for anywhere from 25 cents to 40 cents apiece. So that light bulb is still five to six times more expensive than the classic incandescent bulb.

With that I yield 3 minutes to another original sponsor of the legislation, a member of the committee of jurisdiction, the good doctor from Denton County, Texas, Dr. MICHAEL BURGESS.

Mr. BURGESS. I thank the gentleman for yielding.

Four years ago, the summer of 2007, the then-new Democratic majority brought legislation to our committee that included a provision that I frankly did not understand what in the world they were trying to do, a provision that would regulate the type of light bulb that every American would have to use in their home.

During the markup of this bill, I was outspoken in my opposition to the lan-

guage. I introduced amendment after amendment to try to modify or prevent this from happening, and over and over again I was struck down along party lines. I tried to amend the bill so that we would not have to require the use of a mercury-containing light bulb in areas where there were vulnerable populations—nurseries in hospitals, nursing homes—where it would be difficult to move the people out of the way in order to comply with the EPA's guidelines for how you would deal with accidental breakage of one of these bulbs.

The bottom line is that I and every other American should be permitted, should be allowed to determine what type of light bulb we use at home. It seems so simple. Whatever happened to government with the consent of the governed?

But now the government wants to tell consumers what type of light bulb they use to read, cook, watch television, or light their garage. In fact, consumers should make that decision, and they should make that based upon what is available in the marketplace. However, we have distorted what's available in the marketplace.

Proponents claim that this bill does not ban incandescent bulbs. Well, that's correct. What it does ban is the 100-watt light bulb. Let me repeat. The 2007 Energy Security Act bans the 100-watt light bulb. That's just flat wrong. Consumers should be making the decision as to whether or not they use a 100-watt bulb in their home, not bureaucrats in Washington.

The new bulbs cost more. American families are already tightening their budgets. They need to be able to make the decision: Do I save on the electric bill, or do I save on the purchase of a light bulb? We should not be picking winners and losers in the United States Congress.

Now, I'm a strong supporter of energy efficiency. I do an energy efficiency summit every summer in my district. I did one last weekend. I invite speakers to talking about what businesses and constituents can do to conserve energy. I drive a hybrid. I have taken steps to make my home more efficient. But I've done all of this because it was the right thing to do, and I purchased those things on the open market because they made sense to me and my family, not because the Federal Government or even the gentleman from Massachusetts told me that this was what I should be doing. The American people should be able to choose what type of light bulb they use in their home. They should not be constrained to all of the romance of a Soviet stairwell when they go home in the evening.

Look, I work in a Federal building. I understand that in a Federal building I'm going to work under fluorescent light. I get that. But when I go home at night, I should be able to read my paper by the light of an incandescent bulb if that is my choice. I purchase other things, and I'm able to make an

adult choice about that. I should be able to make the choice about what wavelength of light to use.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. BARTON of Texas. I yield the gentleman an additional 30 seconds.

Mr. BURGESS. Here's the bottom line: Those of us of a certain age under a compact fluorescent bulb, we don't look as good as we do under an incandescent bulb. Even the former chairman of my Committee of Energy and Commerce suffers from what might be called "spectrum fatigue" under a compact fluorescent bulb. We need to be able to have the type of bulb that Americans choose, not that Congress chooses.

Mr. WAXMAN. Madam Speaker, I am pleased to yield 3 minutes to the gentleman from New Jersey (Mr. HOLT).

Mr. HOLT. I thank the gentleman.

Madam Speaker, I rise in opposition.

Many have claimed that Washington will ban the sale of conventional incandescent light bulbs. My colleague from Texas just said he regrets that he would lose this soft glow of the incandescent light. In fact, he can use an incandescent light. It looks like this. It looks familiar. It's what in comic strips you put above somebody's head to say, "I've got a good idea." Not that I'm going to keep doing things the old way and stick in a rut, no. I've got a good, new idea.

That's what happened a few years ago when it became apparent that technology had come so far that we didn't have to throw away 90 percent of the energy of an incandescent light bulb. Scientists had shown us how you can make light bulbs that would produce, as these do, 100 watts worth of light for 72 watts of electricity charge, and you could do it for \$1.49 for each of them here.

Well, in a bipartisan effort, this legislation that has driven the country forward in lighting was passed, and now the majority on a partisan tear is coming and trying to repeal it just when it shows that it is working. About 15 percent of residential electricity goes into lighting. Wouldn't you, wouldn't anyone, like to save 30 percent of that, which is just being thrown away?

Now, my colleagues say Congress shouldn't be doing this. Why are they not also issuing calls for turn-of-the-century Model Ts or iceboxes? They have sort of a yearning for the good old days, technologies that are roughly as old as the incandescent light bulb.

We're proud in New Jersey of Thomas Edison. But we've improved the talking machines. We've done a little bit better with the moving pictures. Now, Model Ts and iceboxes are technologies that actually happen to have been improved through Federal standards. The companies are moving rapidly to make more efficient lighting that will give you all the advantages you want that you're used to of the incandescent bulb and save you bundles. Yes, this costs a few

dimes more, but let me tell you, you start saving dimes the moment you screw these into the socket.

This is a bad idea to repeal it.

Mr. BARTON of Texas. Madam Speaker, I yield 3 minutes to the gentleman from Houston, Texas, Judge TED POE.

Mr. POE of Texas. I thank the gentleman for yielding.

Madam Speaker, energy efficiency is a good idea. Mandated by the Federal Government under this legislation that we're currently serving under, it is preventing competition. The Federal Government is creating a monopoly.

□ 1800

The Model T Ford is not outlawed. You can still buy one if you can find one. But the Federal Government hadn't banned it just because it's inefficient. Iceboxes—some of us actually know what an icebox looks like—are not banned by the Federal Government. You can still find one and use one if you want to because it's competition, even though they are inefficient. But the issue is should the Federal Government come in and mandate a monopoly? And that is what has occurred.

Second, these new light bulbs, these CFL light bulbs, are dangerous to our health. Dr. BURGESS has already pointed out they contain mercury. I thought for years we were trying to get rid of the mercury in our environment, but it is in these light bulbs. Plus, now French scientists have discovered that these new CFL light bulbs may cause blindness in children. German scientists have found out it's reported that these light bulbs may cause cancer. Now, isn't that lovely? The Federal Government is mandating something that is hazardous to our health because you have no choice.

And the whole issue is about choice, Madam Speaker, that we can let the consumer decide. What's wrong with letting the consumer decide? Why are you opposed to the consumer making this choice? You want the Federal Government to mandate it. Now the Federal Government is in the business of forcing us to do something that is harmful.

And, finally, the EPA even warns in their 1,000-word, three-page, single-spaced document about these CFL light bulbs how dangerous they are, and they tell us how to dispose of one of these light bulbs.

I will insert into the RECORD this three-page, single-spaced report by the EPA on how to dispose of one of these light bulbs.

So we are, after the passage of this legislation years ago, finding out that these aren't the greatest things in the world, and we have found and shed a little light on this new CFL light bulb. The CFL light bulb is not a brighter idea. It is too expensive, it is unhealthy for Americans, and it doesn't allow for competition. So if we don't pass this bill, we might as well

turn out the lights; the party is over for the traditional incandescent light bulb.

And that's just the way it is.

Mr. WAXMAN. Madam Speaker, I yield 1 minute to the gentleman from Pennsylvania (Mr. ALTMIRE).

Mr. ALTMIRE. I continue to hear my colleagues promote the fantasy that government has banned the incandescent light bulb. They think if they say it over and over again that it will be true. But it's not true. The incandescent light bulb is not banned. Manufacturers are not told which technology to use to produce light bulbs, and consumers will still be able to buy the incandescent light bulb for years to come.

Incandescent bulbs that meet the new standards are already on the market. Three American-made brands are here before me. They have the same look and emit the same light as traditional incandescent bulbs. But there is a difference: They last much longer and offer substantial energy efficiency savings for consumers.

Hopefully, a symbolic light bulb will soon go on above the heads of my colleagues to enlighten them to let them know that their rhetoric bears no fact to reality, and the incandescent bulb is here to stay whether they like it or not.

Mr. BARTON of Texas. I yield 1 minute to one of our vigorous new Members from the great State of Illinois, Congressman HULTGREN.

Mr. HULTGREN. Madam Speaker, I rise in strong support of the BULB Act because, simply put, the government has no business telling my constituents what kind of light bulbs they can use in their homes. Here's a novel idea: Let's let the free market work. This valuable bill would restore consumer choice and remove the danger posed by mandated mercury-filled compact fluorescent bulbs in our homes. As a constituent of mine said recently: Like we need a light bulb that requires a hazmat suit to clean up if you break it.

I urge my colleagues from both parties to support this bill and restore consumer choice to their constituents.

Mr. WAXMAN. Mr. Speaker, how much time remains on both sides?

The SPEAKER pro tempore (Mr. LANKFORD). The gentleman from California has 5½ minutes remaining. The gentleman from Texas has 6 minutes remaining.

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

Mr. Speaker, you have to ask: How do they come up with this great idea to put this bill on the House floor today under the suspension of the rules? This calendar is usually put in place for noncontroversial bills. But this is a controversial bill. In fact, it's a bill that never had a single hearing in the Energy and Commerce Committee, which has jurisdiction. Not only would it eliminate national standards, it would bar any State standards, taking away longstanding State authority to

improve efficiency in the absence of Federal action. And we should have cleaned up the drafting of this bill that eliminates all efficiency standards for fluorescent lighting.

I oppose this bill, first of all, on procedural grounds. We shouldn't adopt legislation with significant impacts without a single hearing or markup to understand what it does. But I strongly oppose this BULB Act on substance. It would undermine job growth, strand investments that have been made to make sure that we meet these new standards, waste \$12 billion a year on unnecessary electricity bills, and increase pollution.

I don't think my colleagues on the other side of the aisle would come to the floor and say: Why are we requiring new cars to meet tighter emissions standards or tighter pollution standards? Let the public be able to choose the old ones that polluted more.

I would be amazed if the colleagues on the other side of the aisle came here and said: Why should we have more efficient dryers, washers, and refrigerators? We like the old ones that were less efficient.

This bill is absolutely unnecessary. In 2007, the lighting industry and the efficiency advocates reached a consensus on national standards to make light bulbs more efficient and avoid a patchwork of conflicting State standards, and, effective January 1 of next year, these national standards will go into effect.

So what we have is an attempt to repeal a proposal that was offered by our current chairman of the Energy and Commerce Committee, the gentleman from Michigan (Mr. UPTON), and former Congresswoman Jane Harman. It passed on a bipartisan voice vote with Members of both sides of the aisle speaking in favor. This bill, which they want to repeal, was signed into law by President George W. Bush as part of the 2007 Energy Independence and Security Act.

Since it was signed into law, manufacturers have made millions of dollars in investments to produce more efficient incandescent bulbs. Not one manufacturer but a number of manufacturers can compete, and are competing, once they can figure out how to meet these standards, and they're doing it very well.

The new incandescent bulb looks and works just like the old incandescent bulb. In fact, we know this to be the case. The only difference between this bulb and the old one is that it will last longer, cost less over the life of the bulb. American families will save an average of \$100 a year with the new standards. This is particularly welcome in today's tough economy and adds up to a nationwide savings of \$12 billion a year.

These investments are creating new jobs in the United States. While most manufacturers moved their production of the old incandescent bulbs overseas years ago, research and development

and high-technology manufacturing is now happening here. For example, there are LED facilities now in North Carolina, California, and Florida. This is a growth industry. Phillips hired 100 more people at its LED facility last year.

If we repeal this law and enact the so-called BULB Act, we will repeal standards that are driving this competition, and we'll switch back to a time when U.S. jobs would return to China and Mexico.

On January 1, 2012, we will be able to buy a better incandescent light bulb that looks and feels the same as the old ones. You don't have to buy compact fluorescents now. You don't have to buy them on January 1, 2012. You can buy the better incandescent bulbs or LEDs, neither of which contain mercury. That's more choice, not less.

Well, if this bill had moved under regular order, they might have heard at a hearing that the following groups are now opposing this legislation to repeal the law: The National Electrical Manufacturers Association, the Consumers Union, the Consumer Federation of America, the American Lighting Association, the National Association of State Energy Officials, the National Association of Energy Service Companies, Pacific Gas and Electric Company, Seattle City Light, Johnson Controls, Philips Electronics, United Technologies Corporation, United Steelworkers, Alliance to Save Energy, National Wildlife Federation, and the Environmental Defense Fund.

I urge my colleagues to oppose this bill and not repeal a law that's working as we intended it to.

NEMA,

*Rossllyn, VA, July 11, 2011.*

The National Electrical Manufacturers Association, representing over 95% of the U.S. lighting manufacturing industry, opposes HR 2417. A repeal of the standards established in EISA 2007 would strand millions of dollars in investments, provide a marketplace advantage to companies who have not made similar investments, create regulatory uncertainty, and increase energy consumption in the United States. Lighting manufacturers have invested heavily to comply with the federal incandescent lighting energy conservation standards as well as the standards for fluorescent and metal halide lighting described below.

Section 321 of EISA 2007 established for the first-time federal efficiency standards on the manufacturing of common light bulbs. It requires bulbs to be about 30% more efficient than today's bulbs.

The standards do not ban incandescent light bulbs.

The standards apply to production starting January 1, 2012 for the 100 watt bulb; January 1, 2013 for the 75 watt bulb; and January 1, 2014 for the 60 and 40 watt bulbs. EISA permitted California to adopt the federal standards one year earlier.

Consumers will have expanded lighting options that include:

advanced incandescent, compact fluorescent lights (CFLs), and new lighting technologies like light-emitting diodes (LEDs).

The standards are implemented over several years. This will permit an orderly process for the transition both in terms of prod-

uct manufacturing but also in terms of the consumer education and awareness of the transition and what products they need for their lighting needs. Just like today, no one bulb fits every lighting application or meets every consumer need.

Lighting accounts for about 12% of energy use in homes. While individual home usage varies, it is estimated that the average household savings associated with this transition is over \$100 per year, every year going forward. Overall national energy savings is estimated at \$10-15 billion per year, every year going forward, depending on assumptions of usage and what type of technology is selected to replace traditional incandescent.

Section 3 of HR 2417 would repeal all current energy conservation standards for a variety of energy efficient lighting:

1. General Service Fluorescent Lamps (tubes). Section 3 would repeal the standards that DOE promulgated in 2009 that are effective a year from now. It would also repeal the current standards that went into effect in 1996 that Congress enacted in the Energy Policy Act of 1992.

2. Compact Fluorescent Lamp (medium screw base). Section 3 would repeal the standards that Congress adopted in the Energy Policy Act of 2005.

3. Metal halide lighting. It would repeal the standards that Congress adopted in Energy Policy Act of 2005.

When combined with the EISA repeal language in Section 2 for incandescent lighting (EISA section 321) and certain incandescent reflector bulbs (EISA section 322), HR 2417 would erase all energy conservation standards for lighting products, except the standards for fluorescent lamp ballasts and other types of incandescent reflector lamps.

NEMA encourages you to vote "no" on HR 2417 or any other provision that would repeal the incandescent light bulb standards.

JULY 10, 2011.

DEAR REPRESENTATIVE: The House is expected to vote early next week on the BULB Act (H.R. 2417), which would repeal energy efficiency standards for light bulbs that were enacted in 2007. We urge you to oppose this legislation. There is no ban on incandescent bulbs—they are just getting better.

As a result of the 2007 law, manufacturers are already making a variety of new energy saving bulbs for homes, including more efficient incandescent bulbs. These bulbs look, light, and turn on like the bulbs we have been using for decades, but are 28-33 percent more efficient.

Energy efficient lighting saves consumers money, creates jobs, and benefits the environment. At a time when families are struggling with high energy costs, efficient lighting will save the average American family around \$100 every year (about \$12 billion nationwide) and save enough energy annually to power all the homes in Pennsylvania and Tennessee.

Phasing-in energy efficient light bulbs means more choices and savings . . . that's good for families, the country, and the environment. We urge you to oppose repeal of the light bulb efficiency standards.

Sincerely,

AEC Science & Technology; Alliance to Save Energy; American Council for an Energy Efficient Economy; American Lighting Association; Appliance Standards Awareness Project; Association for Facilities Engineering; Association of State Energy Research Institutions; Beneficial Results LLC; BlueGreen Alliance; Business Council for Sustainable Energy; Businesses for an Energy Efficient Texas Coalition; Ceres; Citizens for Pennsylvania's Future (PennFuture); Clean Energy Associ-

ates; Conservation Law Foundation; Conservation Services Group; Consumer Federation of America; Consumers Union; CREE; Earthjustice; Ecobuild America; Efficiency First; Energy Future Coalition; Environment America; Environment California; Environment Colorado.

Environment Illinois; Environment Maryland; Environment Minnesota; Environment New Mexico; Environment New York; Environment Ohio; Environment Texas; Environmental and Energy Study Institute; Environmental Defense Fund; Fresh Energy; Illuminating Engineering Society of North America; Institute for Energy and Environmental Research; Interfaith Power & Light; Izaak Walton League of America; Johnson Controls Inc.; kWhOURS, Inc.; LED Waves; Lighting Science Group Corporation; McKinstry; National Association of Energy Service Companies; National Association of State Energy Officials; National Association for State Community Services Programs; National Electrical Manufacturers Association; National Grid; Natural Resources Defense Council; Northeast Energy Efficiency Partnerships.

Northwest Energy Coalition; Northwest Energy Efficiency Alliance; Office of the Ohio Consumers' Counsel; Pacific Gas & Electric Company; PennEnvironment; Philips Electronics North America Corporation; Polyisocyanurate Insulation Manufacturers Association; Public Citizen; Republicans for Environmental Protection; Sacramento Municipal Utility District; Seattle City Light; Southern Alliance for Clean Energy; Southwest Energy Efficiency Project; Texas Impact; The California Energy Efficiency Industry Council; The Center for the Celebration of Creation; The Stella Group, Ltd.; United States Green Building Council; United Technologies Corporation; Urban Green Council; Utah Clean Energy; William C. Velasquez Institute; Windustry; Wisconsin Environment.

JULY 6, 2011.

House of Representatives,  
Washington, DC.

DEAR REPRESENTATIVE: We write to urge you to vote against H.R. 91, (the "BULB Act"), or any other legislation that would repeal efficiency standards for lighting which were adopted by the Congress in 2007. Repealing these standards would increase consumer energy costs, waste energy, and diminish consumers' lighting choices.

The new lighting standards do NOT ban incandescent bulbs. Rather, these standards are technology-neutral, and manufacturers have already developed more efficient incandescent bulbs that are available and on the market today. Efficient options that meet the new standard include a wide variety of technologies and high quality bulbs, many of which are dimmable, can withstand cold, are long-lasting, and come in a range of intensity and colors. Efficiency standards have enhanced the numerous lighting options for consumers to choose from, as inefficient models have been scheduled to phase out of the market and new options to replace them have been developed.

Lighting accounts for 10-15% of household electricity use, and is one of the cheapest efficiency upgrades available to consumers. Repealing lighting standards would undermine consumer savings, drive up costs for efficient lighting, and increase demand on the

power grid, which increases the cost of electricity.

Consumers Union, Consumer Federation of America, National Consumer Law Center, Public Citizen, and National Consumers League strongly believe that Congress should continue to move efficiency standards forward, not backward. We thank you for your attention to this important consumer matter and urge you to vote against any legislation that would repeal lighting efficiency standards.

Sincerely,

SHANNON BAKER-BRANSTETTER,  
Consumers Union.

SALLY GREENBERG,  
National Consumers League

MEL HALL-CRAWFORD,  
Consumer Federation of America.

TYSON SLOCUM,  
Public Citizen.

CHARLIE HARAK,  
National Consumer Law Center, on behalf of its low-income clients.

JULY 8, 2011.

DEAR REPRESENTATIVE: The House is scheduled to vote this Monday on the BULB Act (H.R. 2417), which would repeal energy efficiency standards for light bulbs. On behalf of our millions of members and supporters, we urge you to oppose this bill. The standards were enacted in 2007 with strong bipartisan support and signed into law by President Bush.

Many proponents of legislation to repeal the standards claim that they ban the incandescent light bulb, which is simply not true. The standards just require the bulbs to be more efficient. Manufacturers are already making a variety of bulbs that meet the new standards, including incandescent bulbs that are 28-33 percent more efficient than the traditional incandescent bulb that has changed little over the past 125 years. These new incandescent bulbs look, light, and turn on like the old bulbs. Consumers also have the option to buy compact fluorescent lamps (CFLs) and light emitting diodes (LEDs), which provide even greater cost and energy savings.

Repealing the standards would jeopardize their benefits, which include:

Annual energy bill savings of about \$100 for the average American family and approximately \$12 billion nationwide.

Decreased energy demand, which would avoid the need for 30 large power plants, decreasing levels of harmful air pollution.

American jobs making better, more efficient light bulbs that meet the new standards. More than 2,000 jobs have already been created at lighting facilities in the U.S., and the standards are key factor in this development.

The light bulb energy efficiency standards will help bring light bulb technology from the days of the horse and buggy to the 21st Century, which will save consumers money, create jobs, and reduce pollution. We urge you to oppose legislation that would repeal these standards.

Sincerely,

Carol Andress, Legislative Director, Climate and Air Program, Environmental Defense Fund.

Anna Aurilio, Washington, D.C. Office Director, Environment America.

Dan Becker, Director, Safe Climate Campaign.

Melanie Beller, Vice President, Public Policy, The Wilderness Society.

Joy Bergey, Federal Policy Manager, Citizens for Pennsylvania's Future (Penn Future).

Joy Bergey, Executive Director, The Center for the Celebration of Creation.

Marty Hayden, Vice President, Policy and Legislation, Earthjustice.

Bryan Howard, Legislative Director, U.S. Green Building Council.

Seth Kaplan, Vice President for Policy and Climate Advocacy, Conservation Law Foundation.

Scott Kovarovics, Conservation Director, Izaak Walton League of America.

Nat Mund, Legislative Director, Southern Environmental Law Center.

Sandy Newman, President, Voices for Progress.

Elsa Ramirez, Board Member, Voces Verdes.

Kathleen Rogers, President, Earth Day Network.

Lexi Shultz, Legislative Director, Climate and Energy Program, Union of Concerned Scientists.

Debbie Sease, Director, National Campaigns, Sierra Club.

Scott Slesinger, Legislative Director, Natural Resources Defense Council.

Tyson Slocum, Director, Energy Program, Public Citizen.

Stephen A. Smith, DVM, Executive Director, Southern Alliance for Clean Energy.

Bill Snape, Senior Counsel, Center for Biological Diversity.

Lynn Thorp, National Campaigns Coordinator, Clean Water Action.

Karen E. Torrent, Federal Legislative Director, Environmental Law and Policy Center.

Brooks Yeager, Executive Vice President, Clean Air-Cool Planet.

LEAGUE OF CONSERVATION VOTERS,

Washington, DC, July 8, 2011.

Re Oppose H.R. 2417, the BULB Act of 2011.  
House of Representatives,  
Washington, DC.

DEAR REPRESENTATIVE: The League of Conservation Voters (LCV) works to turn environmental values into national priorities. Each year, LCV publishes the National Environmental Scorecard, which details the voting records of members of Congress on environmental legislation. The Scorecard is distributed to LCV members, concerned voters nationwide, and the media.

LCV urges you to vote NO on H.R. 2417, the so-called Better Use of Light Bulbs Act of 2011. This bill would eliminate the common-sense energy efficiency standards for light bulbs that passed with strong bipartisan and industry support and were signed into law by President Bush in 2007. It would roll back the financial and public health benefits of these standards that will contribute to billions of dollars in savings for American families, thousands of new jobs in the manufacturing sector, and energy savings equivalent to 30 large power plants. This legislation also preempts the rights of states to issue their own energy efficiency standards for light bulbs.

Supporters of H.R. 2417 have falsely claimed that new standards would ban conventional incandescent light bulbs and require consumers to purchase compact fluorescent lamps (CFLs). The standards simply require that light bulbs be more energy efficient. In fact, manufacturers, including GE, Philips, and Osram Sylvania, are already making a number of bulbs, including incandescent bulbs that meet this new standard. These common-sense standards will continue to provide American families with a choice for their lighting needs, but with lower energy bills and estimated savings of about \$100 per year for the average family.

The economic and public health benefits of these standards are already being demonstrated. Manufacturers are expanding or opening lighting plants, creating thousands of new, quality jobs here in the U.S. Once fully implemented, the standards will sig-

nificantly decrease both energy demand and harmful pollution.

We urge you to REJECT H.R. 2417: this assault on common-sense efficiency standards will only increase American families' energy bills, cost jobs, and increase pollution. We will strongly consider including votes on this bill in the 2011 Scorecard. If you need more information, please call Tiernan Sittenfeld, Sara Chieffo, or Alex Taurel in my office at (202) 785-8683.

Sincerely,

GENE KARPINSKI,  
President.

NATIONAL WILDLIFE FEDERATION,  
NATIONAL ADVOCACY CENTER,  
Washington, DC, July 11, 2011.

DEAR REPRESENTATIVE: On behalf of the National Wildlife Federation and our over 4 million members and supporters nationwide, I urge you to oppose the "Better Use of Light Bulbs (BULB) Act" (H.R. 2417), or any similar legislation that would repeal energy efficiency standards for light bulbs that were enacted in 2007 with strong bipartisan support and signed into law by President Bush.

Despite claims by critics of the provision, the standard is not a ban on the incandescent light bulb. U.S. lighting manufacturers are already producing advanced incandescent light bulbs that meet the EISA energy efficiency standards. These fully dimmable, instant-on bulbs look like and provide the same quality of bright, white light consumers are use to—while consuming nearly 30 percent less energy. The difference between the newer high-tech bulbs and the venerable 135-year-old incandescent is \$15.8 billion annually—saving each U.S. family of four more than \$200 a year.

Energy efficiency measures are one of the cheapest and quickest ways to reduce carbon pollution that contributes to climate change. The light bulb efficiency standards will reduce pollution that harms our public health, including emissions of mercury and carbon pollution. The standards will prevent more than 100 million tons of carbon pollution per year—the equivalent of taking 17 million cars off the road. Coal-fired power plants are the number 1 man-made source of mercury emissions in the US and put public health and wildlife at risk. When fully implemented, the new lighting standards would eliminate 60 percent of the mercury emissions caused by common household lighting. New energy-efficient incandescent bulbs and LEDs contain no mercury and while CFLs do contain a very small amount of mercury—equivalent in size to the tip of a ballpoint pen and one-fifth the amount of mercury in a watch battery on your wrist—they result in less than half the overall mercury emissions as traditional incandescent bulbs.

The light bulb energy efficiency standards are backed by the lighting industry! The industry has already made very significant investments to develop and produce more efficient bulbs. Repealing this standard will create uncertainty for manufacturers and threaten jobs. Now is the time to implement common-sense measures, like efficiency standards, to save consumers money, create jobs, and reduce pollution. The National Wildlife Federation urges you to oppose legislation that would repeal these standards.

Sincerely,

LARRY SCHWEIGER,  
President & CEO.

REPUBLICANS FOR ENVIRONMENTAL PROTECTION, GOVERNMENT AFFAIRS OFFICE,

Oakton, VA, July 11, 2011.

DEAR REPRESENTATIVE: Republicans for Environmental Protection (REP), a national



grassroots organization of Republican voters and elected officials, respectfully urges you to vote against the "BULB Act" (H.R. 91) or any other legislation that scuttles the common-sense efficiency standards for light bulbs that were enacted in the 2007 energy bill.

This irresponsible and embarrassing legislation is entirely based on the false premise that the new standards phase out or ban incandescent screw-base light bulbs. A simple trip to Home Depot would reveal just how false that premise is.

All major lighting manufacturers, including Philips, Sylvania and GE, currently produce and sell incandescent light bulbs that meet or exceed the new standards. In fact, the lighting industry helped craft the 2007 legislation with the full understanding that they could produce incandescent bulbs that meet the new standards.

Also, contrary to the claims made by sponsors of the "BULB Act," these new incandescent bulbs are not expensive. A Philips bulb that meets the new standards sells for \$1.49, lasts about 50 percent longer than older incandescent bulbs, and saves consumers roughly \$10 in energy cost.

If passed this legislation would not only waste energy and cost consumers money, it would also threaten the millions of dollars lighting manufacturers have invested in retooling their factories to produce bulbs that meet the new standards.

There is nothing new or unusual about federal legislation setting efficiency standards for energy-using equipment. The first such legislation was signed into law 25 years ago by President Ronald Reagan. Thanks to the standards in the Reagan legislation and similar laws signed by his successors, Americans are saving billions of dollars on their utility bills.

Anyone who has been misled by the irresponsible untruths being spread about the new standards will find their concerns to be totally unfounded once January of 2012 rolls around.

The only thing this legislation will accomplish is the waste of energy and money. Waste is not conservative, and passing legislation that is based on a totally fictitious premise is not prudent.

How does peddling inefficient lighting that throws off more heat than light help our nation's energy security? How does it help consumers save money? It doesn't.

The iconic conservative author and theorist Russell Kirk correctly pointed out: "Nothing is more conservative than conservation."

Please stand up for energy efficiency and saving money. Please oppose this bizarre legislation to repeal industry-supported lighting efficiency standards. It is an embarrassment to Congress and to our party.

Thank you for your time and attention to this matter.

Sincerely,

DAVID JENKINS,  
*Vice President for Government  
and Political Affairs.*

CALIFORNIA LEGISLATURE,  
STATE CAPITOL,  
*Sacramento, CA, July 11, 2011.*

Hon. JOHN BOEHNER,  
*The Capitol,  
Washington, DC.*

Hon. NANCY PELOSI,  
*Cannon House Office Building,  
Washington, DC.*

DEAR SPEAKER BOEHNER AND MINORITY LEADER PELOSI: The undersigned leaders of the California State Legislature strongly oppose federal efforts to invalidate California energy efficiency standards and urge you to vote "no" on H.R. 2417 or any other measure

that strips states of their authority to pursue clean energy policies that benefit their citizens.

Effective January 1, 2011—a year earlier than the rest of the nation—California began implementing state standards that require light bulbs to be 30 percent more efficient. H.R. 2417 expressly invalidates these California standards and repeals similar federal standards set to take effect on January 1, 2012.

For decades, California has led the nation in energy efficiency standards for buildings and appliances, and now light bulbs, as part of an overall strategy to reduce energy use, lower consumers' utility bills, and create good jobs for a clean energy economy. California's standards have resulted in tens of billions of dollars in utility bill savings for its citizens. It is estimated that California's early implementation of the light bulb standards will avoid the sale of 10.5 million inefficient bulbs that would cost consumers \$35.6 million in unnecessarily higher electricity bills. Studies indicate that using more efficient bulbs would save the average California household about \$125 per year.

In addition, California's light bulb standards have spurred innovation and economic growth, providing consumers new, more efficient lighting options, including advanced incandescent bulbs, light-emitting diode bulbs, and compact fluorescent bulbs. The standards are technology-neutral and do not ban incandescent bulbs.

H.R. 2417 is a direct attack on California's energy efficiency strategy and would harm our citizens. We urge you, the California delegation, and all Members of Congress to protect states' rights to pursue clean energy policies and vote "no" on H.R. 2417.

Sincerely,

SENATOR DARRELL  
STEINBERG,  
*President pro Tem-  
pore.*

SENATOR ALEX PADILLA  
*Chair, Senate Com-  
mittee on Energy,  
Utilities and Com-  
munications.*

SENATOR FRAN PAVLEY,  
*Chair, Senate Com-  
mittee on Natural  
Resources and  
Water.*

JULY 8, 2011.

Support a Constitutional Repeal of the Incandescent Light Bulb Ban—Strike Section 4 from H.R. 2417.

DEAR COLLEAGUE: The federal ban on incandescent light bulbs is the perfect example of government overreach and intrusion into our daily lives. That is why we applauded the introduction of H.R. 91, the Better Use of Light Bulbs Act. This legislation would have simply repealed the ban on incandescent light bulbs and returned freedom of choice to consumers throughout the United States.

However, the bill has been reintroduced (H.R. 2417) and will likely be considered under suspension on Monday, July 11. H.R. 2417 contains a new provision that violates the 10th Amendment and the spirit of federalism. Section 4 of H.R. 2417 would prohibit states from re-imposing the ban on incandescent light bulbs. It reads:

"No State or local regulation, or revision thereof, concerning the energy efficiency or energy use of medium screw base general service incandescent lamps shall be effective."

While it is arguably unwise for a state to restrict consumers' choice for a product such as a light bulb, such a federal prohibition infringes upon states' rights and the principles of federalism. Most importantly, it is a vio-

lation of the Constitution that we have sworn an oath to uphold.

Congress should repeal the federal ban on the incandescent light bulb and should do so in a manner that is consistent with the Constitution.

If you would like to sign onto the letter urging Chairman Upton and Representative Barton to strike Section 4 of H.R. 2417 (on reverse), please contact John Maniscalco at 5-4465 or john.maniscalco@mail.house.gov.

Sincerely,

SCOTT GARRETT,  
*Member of Congress.*  
ROB BISHOP,  
*Member of Congress.*  
MARLIN STUTZMAN,  
*Member of Congress.*

JULY 8, 2011.

Hon. FRED UPTON,  
*Chairman, House Energy and Commerce Com-  
mittee, House of Representatives, Wash-  
ington, DC.*

Hon. JOE BARTON,  
*House of Representatives, Washington, DC.*

DEAR CHAIRMAN UPTON AND REPRESENTATIVE BARTON: The 2010 elections demonstrated that Americans are fed up with government intrusion. The federal government has crept so deep into our lives that federal agencies now determine what kind of light bulbs the American people are allowed to purchase.

That is why we applauded the introduction of H.R. 91, the Better Use of Light Bulbs Act. This legislation would simply repeal the ban on incandescent light bulbs and would have returned freedom of choice to consumers throughout the United States. However; the bill has been reintroduced (H.R. 2417) and contains a new provision that violates the 10th Amendment and the spirit of federalism that was so important to our nation's founding.

Section 4 of H.R. 2417 would prohibit states from re-imposing the ban on incandescent light bulbs. While it is arguably unwise for a state to restrict consumers' choice for a product such as a light bulb, such a federal prohibition infringes upon states' rights and the principles of federalism. Most importantly, it is a violation of the Constitution that we have sworn an oath to uphold.

If Congress is to repeal the ban on incandescent light bulbs, it should do so in a manner that is consistent with the Constitution and the founding principles of the United States. We strongly urge you to strike Section 4 of H.R. 2417.

Sincerely,

SCOTT GARRETT,  
*Member of Congress.*  
ROB BISHOP,  
*Member of Congress*  
MARLIN STUTZMAN,  
*Member of Congress.*

I yield back the balance of my time.

□ 1810

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

I have listened, Mr. Speaker, with interest to what my friends on the Democrat side have said about this bill. And I think in the interest of fairness, we ought to call a spade a spade. It is true that the law that they are defending does not automatically ban incandescent light bulbs. That is a true statement. What it does is set efficiency standards that the existing 100-watt and 60-watt and 75-watt bulbs can't meet. So they are effectively banned

because they cannot meet the standard.

As has been pointed out by Mr. DOYLE and several of the other speakers, it is also true that industry has developed new incandescent light bulbs that do meet the standard. What they haven't done is develop a new incandescent light bulb that meets the standard at existing cost. What gets left out of the equation by my friends on the Democratic side of the aisle is the cost to purchase these new bulbs, whether they are the squiggly tailed CFLs or the new, more energy-efficient incandescents.

We're not opposed, I'm not opposed to CFL lighting. I'm not opposed to the new incandescents. But I am opposed to telling my constituents that they have no choice at all, that they have to go and fork over \$1.50 or \$2.50 or \$6. Or in the case of the LEDs that Mr. WAXMAN just referred to, a minimum of \$12, and the average price of the new LED lighting at Home Depot or Lowe's is \$40 a bulb.

Now, I'm young enough to remember when I was a renter and I would move into an apartment, and when I went into the apartment, there were no light bulbs. The people who left took the light bulbs with them. So I would have to go out and buy 20 or 30 or 40 light bulbs. Well, if light bulbs are 20 cents apiece, or 25 or 30 or even 40 cents apiece, that is an expense but it's not exorbitant. You go out and replace 40 light bulbs at \$6 a pop, you're spending some money that, to our constituency, to our voters, Mr. Speaker, that's real money.

Again, we're not opposed to new technology. We're not opposed to more energy-efficient incandescents. But why take the low end of the market off the market? Why not give our constituents, i.e., our consumers, our voters, the choice? If you're Al Gore and you want to spend \$10 a light bulb, more power to you. More power to you. But if you're a young family that's just getting started, give us the option to go out and spend for a package of four or a package of six the equivalent of 25 cents apiece, or 30 cents apiece, or as I purchased last week at a food store here in Virginia, 37.5 cents apiece for four 60-watt light bulbs.

We're saying let the market work. We're saying let people make their own choices. Why in the world does the Federal Government have to tell people what kind of lights to use in their home? That's not anywhere in the constitutional requirement of the Federal Government.

And this bill that was passed in 2007 had a lot of preemptions of State and local. It preempted State and local building codes. It required historical buildings to meet certain standards by the year 2050. It had so many bad things in it that this one, while offensive, was kind of the least of the evils.

But it is also, Mr. Speaker, what the average voter, the average consumer understands. When I go to the grocery

store or to Wal-Mart or to Home Depot, let me decide what kind of lighting, let me decide what kind of energy efficiency I want.

Now, it is a true statement that these new bulbs are more energy efficient; but if it takes you 10 years to realize the efficiency and the only way you do it is by leaving it on all of the time, it is spending money to save money that some people don't have. Again, purchase a classic 100-watt or 60-watt incandescent light bulb for less than 50 cents, you might use it, you might not. But if you use it all week, it is going to cost you less than a nickel. And if you use it like the average consumer, it is going to cost you a penny to 2 cents a week to use.

So do you save money? The CFL that I bought last week for \$6 or \$5.99 is guaranteed for 10 years and says it will save over \$40, but you've got to use it for 10 years. You know, I don't think that's a very good deal, with all due respect to my friends on the other side.

What we're saying is let's get the Federal Government out of something that they shouldn't have gotten into in the first place. Let's go back and let the market operate. If these new CFLs and these new incandescents are as good as they claim to be, people are going to want to buy them. But if they are not or if they can't afford the upfront cost, don't force them to. Don't take off the market the very thing that provides price competition in the market. Even the new incandescents cost on average \$1.50 to \$2 a pop. And I haven't seen a CFL—I've seen them for \$10 or \$12, the average price is around \$6 or \$7—I haven't seen them even in the most energy-efficient package for less than about \$2.50 or \$3 apiece. And, again, if you're buying a lot of light bulbs at one time, that's real money, Mr. Speaker.

What we say is let's repeal this part of the bill. Let's also say with regards to mercury that you cannot mandate mercury. That's the section that Mr. WAXMAN was apparently referring to. We're not banning fluorescents. We are simply saying you cannot require mercury to be used in the CFLs.

So I would urge an "aye" vote on the pending legislation, Mr. Speaker.

Mr. HONDA. Mr. Speaker, I am appalled that the Republican majority in the House would even craft a bill such as the BULB Act, much less actually bring it to the floor for a vote. This bill is based on inaccurate and downright false claims like the one made by the Wall Street Journal when it outrageously tried to say that by setting energy efficiency standards for light bulbs, "Washington will effectively ban the sale of conventional incandescent light bulbs." Nothing could be further from the truth.

The lighting efficiency standards enacted by Congress in 2007 do not ban incandescent light bulbs, they simply make those bulbs 25 to 30 percent more efficient and help incentivize the development of even more efficient lighting using alternative technologies, such as compact fluorescent lighting or light emitting diodes.

Major light bulb manufacturers such as Philips, Osram Sylvania, and General Electric have already developed more efficient incandescent bulbs that consumers can purchase in the store today that meet the new standards. Clearly, statements like the one made by the Wall Street Journal are incorrect, because incandescent bulbs to meet the standard already exist developed solely because the standard is in place.

The standard is also spurring manufacturers to develop even more efficient lighting options than just these new incandescent bulbs, creating R&D and high-tech manufacturing jobs in the U.S. In Silicon Valley alone, Philips employs over 700 people and hired more than 100 people at its LED facility in San Jose, California in 2010. We need to encourage this kind of work, not roll back standards that led to the shipping of bulb manufacturing overseas.

The standard is good for the environment, too—it will save the amount of electricity generated by more than 30 large power plants, and prevent the emission of global warming pollution equivalent to the amount released by 14 million cars and light trucks each year. Critics may argue that by promoting the use of compact fluorescent bulbs, the standard would increase exposure to mercury, but on this they are also wrong—the reduction in mercury emissions from coal power plants that would be achieved because less electricity is needed for lighting is ten times greater than the mercury that could escape from a compact fluorescent bulb in a landfill.

Repealing the lighting efficiency standard would cost the typical consumer around \$100 per year in additional energy costs. In essence, Republicans want to institute an energy tax on consumers in order to cling to some antiquated vision of the past.

As a representative of Silicon Valley, I know that we must look to the future and do everything that we can to promote the development and domestic manufacture of new technologies that will help us use less energy and grow our economy. That is why I support the new lighting efficiency standards and vehemently oppose H.R. 2147, the BULB Act.

The SPEAKER pro tempore. 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. 2417.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. WAXMAN. 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 motion will be postponed.

#### RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess for a period of less than 15 minutes until approximately 6:30 p.m.

Accordingly (at 6 o'clock and 18 minutes p.m.), the House stood in recess until approximately 6:30 p.m.

□ 1831

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. CRAVAACK) at 6 o'clock and 31 minutes p.m.

ENERGY AND WATER DEVELOPMENT AND RELATED AGENCIES APPROPRIATIONS ACT, 2012

The SPEAKER pro tempore. Pursuant to House Resolution 337 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the further consideration of the bill, H.R. 2354.

□ 1832

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 2354) making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes, with Mr. LANKFORD (Acting Chair) in the chair.

The Clerk read the title of the bill.

The Acting CHAIR. When the Committee of the Whole rose earlier today, the bill had been read through page 23, line 10.

Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed, in the following order:

An amendment by Mr. TIERNEY of Massachusetts.

An amendment by Mr. GRAVES of Missouri.

An amendment by Mr. SCALISE of Louisiana.

An amendment by Mr. WOODALL of Georgia.

An amendment by Mr. MCCLINTOCK of California.

The Chair will reduce to 2 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT OFFERED BY MR. TIERNEY

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Massachusetts (Mr. TIERNEY) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 162, noes 246, not voting 23, as follows:

Ackerman  
Alexander  
Amash  
Andrews  
Baca  
Baldwin  
Barletta  
Bass (CA)  
Becerra  
Berkley  
Berman  
Bishop (NY)  
Blumenauer  
Boswell  
Boustany  
Brady (PA)  
Brady (TX)  
Buchanan  
Butterfield  
Capps  
Capuano  
Cardoza  
Carney  
Carson (IN)  
Cassidy  
Castor (FL)  
Chu  
Cicilline  
Clarke (MI)  
Clarke (NY)  
Clay  
Cleaver  
Cohen  
Connolly (VA)  
Conyers  
Costa  
Costello  
Courtney  
Crowley  
Davis (CA)  
DeFazio  
DeGette  
DeLauro  
Dicks  
Doggett  
Duncan (TN)  
Edwards  
Ellison  
Engel  
Eshoo  
Farr  
Fattah  
Finler  
Fortenberry  
Frank (MA)

[Roll No. 534]  
AYES—162

Fudge  
Garamendi  
Green, Al  
Green, Gene  
Grijalva  
Hanabusa  
Harris  
Hastings (FL)  
Herrera Beutler  
Higgins  
Himes  
Hinojosa  
Hirono  
Hochul  
Holt  
Honda  
Hoyer  
Israel  
Jackson (IL)  
Jackson Lee (TX)  
Johnson (GA)  
Johnson, E. B.  
Jones  
Kaptur  
Keating  
Kildee  
Kind  
Kissell  
Kucinich  
Landry  
Langevin  
Larsen (WA)  
Lee (CA)  
Levin  
Lewis (GA)  
LoBiondo  
Lofgren, Zoe  
Lowe  
Lujan  
Lynch  
Maloney  
Markey  
Matsui  
McClintock  
McCollum  
McDermott  
McGovern  
McIntyre  
Meeks  
Michaud  
Moran  
Murphy (CT)  
Nadler  
Napolitano

Neal  
Olver  
Pallone  
Pascrell  
Paul  
Payne  
Pelosi  
Peters  
Pingree (ME)  
Poe (TX)  
Price (NC)  
Quigley  
Rahall  
Long  
Rangel  
Reyes  
Richardson  
Richmond  
Rooney  
Rothman (NJ)  
Roybal-Allard  
Sánchez, Linda T.  
Sarbanes  
Scalise  
Schakowsky  
Schiff  
Schrader  
Schwartz  
Scott (VA)  
Scott, David  
Serrano  
Sherman  
Shuler  
Sires  
Slaughter  
Speier  
Stark  
Stearns  
Sutton  
Thompson (CA)  
Tierney  
Tonko  
Tsongas  
Van Hollen  
Velázquez  
Walz (MN)  
Wasserman  
Schultz  
Watt  
Waxman  
Welch  
Wilson (FL)  
Woolsey  
Wu  
Yarmuth

NOES—246

Adams  
Aderholt  
Akin  
Altmire  
Austria  
Bachus  
Barrow  
Barton (TX)  
Bass (NH)  
Benishek  
Berg  
Biggert  
Bilbray  
Bilirakis  
Bishop (GA)  
Bishop (UT)  
Black  
Blackburn  
Bonner  
Bono Mack  
Boren  
Brooks  
Broun (GA)  
Bucshon  
Buerkle  
Burgess  
Burton (IN)  
Calvert  
Camp  
Campbell  
Canseco  
Cantor  
Capito  
Carnahan  
Carter  
Chabot  
Chaffetz  
Chandler  
Clyburn

Kelly  
King (IA)  
King (NY)  
Kingston  
Kinzinger (IL)  
Kline  
Labrador  
Lamborn  
Lance  
Lankford  
Larson (CT)  
Latham  
LaTourette  
Latta  
Lewis (CA)  
Lipinski  
Long  
Lucas  
Luetkemeyer  
Lummis  
Lungren, Daniel E.  
Mack  
Manzullo  
Marchant  
Marino  
Matheson  
McCarthy (CA)  
McCaul  
McCotter  
McHenry  
McKeon  
McKinley  
McMorris  
Rodgers  
McNerney  
Meehan  
Mica  
Miller (FL)  
Miller (MI)  
Miller (NC)  
Miller, Gary  
Mulvaney  
Murphy (PA)

Myrick  
Noem  
Nugent  
Nunes  
Nunnelee  
Olson  
Owens  
Palazzo  
Pastor (AZ)  
Paulsen  
Pearce  
Pence  
Perlmutter  
Peterson  
Petri  
Pitts  
Platts  
Polis  
Pompeo  
Posey  
Price (GA)  
Quayle  
Reed  
Rehberg  
Reichert  
Renacci  
Ribble  
Rigell  
Rivera  
Roby  
Roe (TN)  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rohrabacher  
Rokita  
Ros-Lehtinen  
Roskam  
Ross (AR)  
Ross (FL)  
Royce  
Runyan  
Ruppersberger  
Ryan (OH)

Ryan (WI)  
Schilling  
Schmidt  
Schock  
Schweikert  
Scott (SC)  
Scott, Austin  
Sensenbrenner  
Sessions  
Sewell  
Shimkus  
Shuster  
Simpson  
Smith (NE)  
Smith (NJ)  
Smith (TX)  
Smith (WA)  
Southernland  
Stivers  
Sullivan  
Terry  
Thompson (MS)  
Thompson (PA)  
Thornberry  
Tiberi  
Tipton  
Turner  
Upton  
Visclosky  
Walberg  
Walsh (IL)  
Webster  
West  
Westmoreland  
Whitfield  
Wilson (SC)  
Wittman  
Wolf  
Womack  
Woodall  
Yoder  
Young (AK)  
Young (IN)

NOT VOTING—23

Bachmann  
Bartlett  
Braley (IA)  
Brown (FL)  
Davis (IL)  
Deutch  
Giffords  
Gutierrez

Hinchey  
Holden  
Johnson (IL)  
Loeb sack  
McCarthy (NY)  
Miller, George  
Moore  
Neugebauer

Rush  
Sanchez, Loretta  
Stutzman  
Towns  
Walden  
Waters  
Young (FL)

□ 1857

Messrs. RUPPERSBERGER and ROYCE changed their vote from “aye” to “no.”

Messrs. BRADY of Texas, BISHOP of New York, SCALISE, POE of Texas, CARSON of Indiana, CLARKE of Michigan, Ms. HOCHUL, Ms. WILSON of Florida, and Messrs. STEARNS and AMASH changed their vote from “no” to “aye.”

So the amendment was rejected. The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. GRAVES OF MISSOURI

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Missouri (Mr. GRAVES) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 216, noes 190, not voting 25, as follows:

Garrett  
Gerlach  
Gibbs  
Gibson  
Gingrey (GA)  
Gohmert  
Gonzalez  
Goodlatte  
Gosar  
Gowdy  
Granger  
Graves (GA)  
Graves (MO)  
Griffin (AR)  
Griffith (VA)  
Grimm  
Guinta  
Guthrie  
Hall  
Hanna  
Harper  
Hartzler  
Hastings (WA)  
Hayworth  
Heck  
Heinrich  
Hensarling  
Henger  
Huelskamp  
Huizenga (MI)  
Hultgren  
Hunter  
Hurt  
Inslee  
Issa  
Jenkins  
Johnson (OH)  
Johnson, Sam  
Jordan

[Roll No. 535]

AYES—216

Adams Graves (MO) Palazzo  
 Akin Griffin (AR) Paul  
 Alexander Griffith (VA) Paulsen  
 Altmire Grimm Pearce  
 Amash Guthrie Pence  
 Andrews Hall Petri  
 Austria Hanna Pitts  
 Barletta Harper Platts  
 Barton (TX) Harris Poe (TX)  
 Benishek Hartzler Pompeo  
 Berg Hastings (WA) Posey  
 Biggert Hayworth Price (GA)  
 Bilbray Heck Quayle  
 Bishop (UT) Hensarling Reed  
 Black Herger Rehberg  
 Bonner Herrera Beutler Renacci  
 Bono Mack Huelskamp Ribble  
 Boren Huizenga (MI) Richmond  
 Boustany Hultgren Rigell  
 Brady (TX) Hunter Rivera  
 Brooks Hurt Roe (TN)  
 Broun (GA) Issa Rogers (AL)  
 Bucshon Jenkins Rogers (KY)  
 Buerkle Johnson (OH) Rogers (MI)  
 Burgess Johnson, Sam Rohrabacher  
 Burton (IN) Jones Rokita  
 Calvert Jordan Ros-Lehtinen  
 Camp Kaptur Roskam  
 Campbell Kelly Ross (AR)  
 Canseco King (IA) Ross (FL)  
 Cantor King (NY) Royce  
 Capito Kinzinger (IL) Runyan  
 Cassidy Kissell Ryan (WI)  
 Chabot Klime Scalise  
 Chaffetz Labrador Schilling  
 Clarke (NY) Lamborn Schmidt  
 Clay Landry Schock  
 Cleaver Lankford Schweikert  
 Coble Latham Scott (SC)  
 Coffman (CO) LaTourette Scott, Austin  
 Cravaack Latta Sensenbrenner  
 Crawford Lewis (CA) Sessions  
 Culberson LoBiondo Shimkus  
 Davis (KY) Lucas Shuster  
 Denham Luetkemeyer Smith (NE)  
 DesJarlais Lummis Smith (NJ)  
 Diaz-Balart Lungren, Daniel Smith (TX)  
 Dold E. Southerland  
 Dreier Mack Stearns  
 Duffy Manzullo Stivers  
 Duncan (SC) Marino Sullivan  
 Duncan (TN) Matheson Terry  
 ELLMERS McCarthy (CA) Thompson (PA)  
 Emerson McCaul Thornberry  
 Farenthold McClintock Tiberi  
 Fincher McCotter Tipton  
 Flake McHenry Upton  
 Fleischmann McKeon Walberg  
 Fleming McKinley Walsh (IL)  
 Flores McMorris Webster  
 Forbes Rodgers West  
 Fortenberry Mica Westmoreland  
 Franks (AZ) Miller (FL) Whitfield  
 Gallegly Miller (MI) Wilson (SC)  
 Gardner Miller, Gary Wittman  
 Garrett Mulvaney Wolf  
 Gibbs Murphy (PA) Womack  
 Gibson Myrick Woodall  
 Gingrey (GA) Noem Wu  
 Gohmert Nugent Yoder  
 Goodlatte Nunes Young (AK)  
 Gowdy Nunnelee Young (IN)  
 Graves (GA) Olson

NOES—190

Ackerman Cardoza Critz  
 Aderholt Carnahan Crowley  
 Baca Carney Cuellar  
 Baldwin Carson (IN) Cummings  
 Barrow Carter Davis (CA)  
 Bass (CA) Castor (FL) DeFazio  
 Bass (NH) Chandler DeGette  
 Becerra Chu DeLauro  
 Berkley Cicilline Dent  
 Berman Clarke (MI) Dicks  
 Bilirakis Clyburn Dingell  
 Bishop (GA) Cohen Doggett  
 Bishop (NY) Cole Donnelly (IN)  
 Blackburn Conaway Doyle  
 Blumenauer Connolly (VA) Edwards  
 Boswell Conyers Ellison  
 Brady (PA) Cooper Engel  
 Buchanan Costa Eshoo  
 Butterfield Costello Farr  
 Capps Courtney Fattah  
 Capuano Crenshaw Filner

Fitzpatrick Lofgren, Zoe Rothman (NJ)  
 Foxx Long Roybal-Allard  
 Frank (MA) Lowey Ruppertsberger  
 Frelinghuysen Lujan Ryan (OH)  
 Fudge Lynch Sánchez, Linda  
 Garamendi Maloney T.  
 Gerlach Marchant Sarbanes  
 Gonzalez Markey Schakowsky  
 Gosar Matsui Schiff  
 Granger McCollum Schrader  
 Green, Al McDermott Schwartz  
 Green, Gene McGovern Scott (VA)  
 Grijalva McIntyre Scott, David  
 Hanabusa McNeerney Serrano  
 Hastings (FL) Meehan Sewell  
 Heinrich Meeke Sherman  
 Higgins Michaud Shuler  
 Himes Miller (NC) Simpson  
 Hinojosa Moore Sires  
 Hirono Moran Slaughter  
 Hochul Murphy (CT) Smith (WA)  
 Holt Nadler Speier  
 Honda Napolitano Stark  
 Hoyer Hoyer Sutton  
 Inslee Olver Thompson (CA)  
 Israel Owens Pallone Thompson (MS)  
 Jackson (IL) Pallone Pastor (AZ)  
 Jackson Lee Payne  
 (TX) Pelosi  
 Johnson (GA) Johnson, E. B. Perlmutter  
 Johnson, E. B. Keating Peters  
 Keating Kildee Peterson  
 Kind Pingree (ME) Velázquez  
 Kingston Polis Visclosky  
 Kucinich Price (NC) Walz (MN)  
 Lance Quigley Wasserman  
 Langevin Rahall Schultz  
 Larsen (WA) Rangel Watt  
 Larson (CT) Reichert Waxman  
 Lee (CA) Reyes Welch  
 Levin Richardson Wilson (FL)  
 Lewis (GA) Roby Woolsey  
 Lipinski Rooney Yarmuth

NOT VOTING—25

Bachmann Gutierrez Rush  
 Bachus Hinchey Sanchez, Loretta  
 Bartlett Holden Stutzman  
 Braley (IA) Johnson (IL) Towns  
 Brown (FL) Loebsack Walden  
 Davis (IL) McCarthy (NY) Waters  
 Deutch Miller, George Young (FL)  
 Giffords Neugebauer  
 Guinta Pascrell

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote).  
 There is 1 minute remaining in this  
 vote.

□ 1901

So the amendment was agreed to.  
 The result of the vote was announced  
 as above recorded.

Stated for:

Mrs. ELLMERS. Mr. Chair, on rollcall No.  
 535, I inadvertently voted “no” when I in-  
 tended to vote “yes.”

AMENDMENT OFFERED BY MR. SCALISE

The Acting CHAIR. The unfinished  
 business is the demand for a recorded  
 vote on the amendment offered by the  
 gentleman from Louisiana (Mr. SCA-  
 LISE) on which further proceedings  
 were postponed and on which the noes  
 prevailed by voice vote.

The Clerk will redesignate the  
 amendment.

The Clerk redesignated the amend-  
 ment.

RECORDED VOTE

The Acting CHAIR. A recorded vote  
 has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-  
 minute vote.

The vote was taken by electronic de-  
 vice, and there were—ayes 241, noes 168,  
 not voting 22, as follows:

[Roll No. 536]

AYES—241

Adams Graves (GA) Nunnelee  
 Akin Olson  
 Alexander Green, Al Owens  
 Altmire Green, Gene Palazzo  
 Amash Griffin (AR) Pallone  
 Andrews Griffith (VA) Pastor (AZ)  
 Austria Grimm Paul  
 Barletta Guinta Paulsen  
 Barton (TX) Guthrie Payne  
 Bass (CA) Hanabusa Pearce  
 Benishek Hanna Pence  
 Bilirakis Harper Perlmutter  
 Bishop (NY) Harris Peterson  
 Bishop (UT) Hartzler Petri  
 Black Hastings (WA) Pingree (ME)  
 Blackburn Hensarling Pitts  
 Bono Mack Herrera Beutler Platts  
 Boren Higgins Poe (TX)  
 Boswell Himes Pompeo  
 Boustany Hinojosa Posey  
 Brady (TX) Hochul Price (GA)  
 Broun (GA) Huizenga (MI) Quigley  
 Buchanan Hultgren Rahall  
 Bucshon Hurt Reed  
 Buerkle Israel Ribble  
 Burgess Issa Richardson  
 Burton (IN) Jackson Lee Richmond  
 Calvert (TX) Rigell  
 Camp Jenkin Rivera  
 Campbell Johnson (OH) Roe (TN)  
 Cantor Johnson, E. B. Rogers (MI)  
 Capito Johnson, Sam Rohrabacher  
 Carney Jones Rokita  
 Carter Jordan Rooney  
 Cassidy Kelly Ros-Lehtinen  
 Castor (FL) King (IA) Ross (AR)  
 Chabot King (NY) Ross (FL)  
 Clarke (MI) Kinzinger (IL) Royce  
 Cleaver Kissell Runyan  
 Clyburn Klime Labrador  
 Cohen Lamborn Schilling  
 Cooper Lance Schmitt  
 Costello Landry Schock  
 Courtney Lankford Schrader  
 Cravaack Larson (CT) Schweikert  
 Crawford Latta Scott (SC)  
 Cuellar Lewis (CA) Scott, Austin  
 Culberson LoBiondo Sessions  
 Davis (KY) Lucas Shuster  
 DeFazio Luetkemeyer Smith (NE)  
 Denham Lungren, Daniel Smith (NJ)  
 Dent E. Smith (TX)  
 DesJarlais Mack Southerland  
 Donnelly (IN) Marchant Stearns  
 Doyle Marino Stivers  
 Duffy Matheson Sullivan  
 Duncan (SC) McCarthy (CA) Sutton  
 Duncan (TN) McCaul Terry  
 ELLMERS McClintock Thompson (CA)  
 Emerson McCotter Thornberry  
 Farenthold McHenry Tiberi  
 Fincher McIntyre Upton  
 Flake McKeon Velázquez  
 Fleischmann McKinley Walberg  
 Fleming McMorris Walsh (IL)  
 Flores Rodgers Walsh (MN)  
 Forbes Meehan Webster  
 Fortenberry Franks (AZ) West  
 Gallegly Michaud Westmoreland  
 Gardner Miller (FL) Wilson (FL)  
 Garrett Miller, Gary Wilson (SC)  
 Gerlach Mulvaney Wittman  
 Gibbs Murphy (CT) Womack  
 Gibson Murphy (PA) Woodall  
 Gingrey (GA) Myrick Wu  
 Gohmert Nadler Young (AK)  
 Goodlatte Nugent Young (IN)  
 Gowdy Nunes

NOES—168

Ackerman Bilbray Carson (IN)  
 Aderholt Bishop (GA) Chaffetz  
 Baca Blumenauer Chandler  
 Bachus Bonner Chu  
 Baldwin Brady (PA) Cicilline  
 Barrow Brooks Clarke (NY)  
 Bass (NH) Butterfield Clay  
 Becerra Canseco Cole  
 Berg Capps Conaway  
 Berkley Capuano Connolly (VA)  
 Berman Cardoza Conyers  
 Biggert Carnahan Costa

Crenshaw Keating Rogers (AL)  
 Critz Kildee Rogers (KY)  
 Crowley Kind Roskam  
 Cummings Kingston Rothman (NJ)  
 Davis (CA) Kucinich Roybal-Allard  
 DeGette Langevin Ruppertsberger  
 DeLauro Larsen (WA) Ryan (OH)  
 Diaz-Balart Latham Ryan (WI)  
 Dicks LaTourette Sánchez, Linda  
 Dingell Lee (CA) T.  
 Doggett Levin Sarbanes  
 Dold Lewis (GA) Schakowsky  
 Dreier Lipinski Schiff  
 Edwards Lofgren, Zoe Schwartz  
 Ellison Long Scott (VA)  
 Engel Lujan Scott, David  
 Eshoo Lummis Scott, David  
 Farr Lynch Sensenbrenner  
 Fattah Maloney Serrano  
 Filner Manzullo Sherman  
 Foxx Markey Simpson  
 Frank (MA) Matsui Sires  
 Frelinghuysen McCollum Slaughter  
 Fudge McDermott Smith (WA)  
 Garamendi McNerney Speier  
 Gonzalez Meeks Stark  
 Gosar Miller (NC) Thompson (MS)  
 Granger Moore Thompson (PA)  
 Grijalva Moran Tierney  
 Hall Napolitano Tipton  
 Hastings (FL) Neal Tonko  
 Hayworth Noem Tsongas  
 Heck Oliver Turner  
 Heinrich Pascrell Van Hollen  
 Herger Pelosi Visclosky  
 Hirono Peters Wasserman  
 Holt Polis Schultz  
 Honda Price (NC) Watt  
 Hoyer Quayle Waxman  
 Huelskamp Rangel Welch  
 Hunter Rehberg Whitfield  
 Inslee Reichert Wolf  
 Jackson (IL) Renacci Woolsey  
 Johnson (GA) Reyes Yarmuth  
 Kaptur Roby Yoder

NOT VOTING—22

Bachmann Hinchey Sanchez, Loretta  
 Bartlett Holden Stutzman  
 Braley (IA) Johnson (IL) Towns  
 Brown (FL) Loeb sack Walden  
 Davis (IL) McCarthy (NY) Waters  
 Deutch Miller, George Young (FL)  
 Giffords Neugebauer  
 Gutierrez Rush

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote).  
 There is 1 minute remaining in this  
 vote.

□ 1905

So the amendment was agreed to.

The result of the vote was announced  
 as above recorded.

AMENDMENT OFFERED BY MR. WOODALL

The Acting CHAIR. The unfinished  
 business is the demand for a recorded  
 vote on the amendment offered by the  
 gentleman from Georgia (Mr.  
 WOODALL) on which further proceedings  
 were postponed and on which the noes  
 prevailed by voice vote.

The Clerk will redesignate the  
 amendment.

The Clerk redesignated the amend-  
 ment.

RECORDED VOTE

The Acting CHAIR. A recorded vote  
 has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-  
 minute vote.

The vote was taken by electronic de-  
 vice, and there were—ayes 218, noes 191,  
 not voting 22, as follows:

[Roll No. 537]  
 AYES—218  
 Gowdy Nunes  
 Granger Nunnelee  
 Graves (GA) Olson  
 Graves (MO) Palazzo  
 Griffin (AR) Paul  
 Griffith (VA) Paulsen  
 Grimm Pearce  
 Guinta Pence  
 Guthrie Petri  
 Hall Pitts  
 Harper Platts  
 Harris Poe (TX)  
 Hartzler Pompeo  
 Hartings (WA) Posey  
 Hayworth Price (GA)  
 Heck Quayle  
 Hensarling Reed  
 Herger Rehberg  
 Herrera Beutler Renacci  
 Huelskamp Ribble  
 Hui zenga (MI) Rigell  
 Hultgren Rivera  
 Hunter Roe (TN)  
 Hurt Issa  
 Johnson (OH) Jenkins  
 Johnson, Sam Johnson (OH)  
 Jones Johnson, Sam  
 Jordan Jones  
 Kelly Jordan  
 King (IA) Carter  
 King (NY) Chabot  
 Kingdon Chaffetz  
 Kinzinger (IL) Coble  
 Kline Coffman (CO)  
 Labrador Cohen  
 Lamborn Cole  
 Landry Conaway  
 Lankford Cravaack  
 Latham Crawford  
 LaTourette Crenshaw  
 Latta Culberson  
 Lewis (CA) Davis (KY)  
 Dent Denham  
 DesJarlais Dent  
 Diaz-Balart Long  
 Dreier Lucas  
 Duffy Luetkemeyer  
 Duncan (SC) Lummis  
 Duncan (TN) Lungren, Daniel  
 E. E.  
 Mack Ellmers  
 Manzanillo Emerson  
 Marchant Farenthold  
 Marino Fincher  
 McCarthy (CA) Fitzpatrick  
 McCaul Flake  
 McClintock Fleischmann  
 McCotter Fleming  
 McHenry Flores  
 McKeon Forbes  
 McKinley Fortenberry  
 McMorris Foxx  
 Rodgers Franks (AZ)  
 Meehan Gallegly  
 Mica Gardner  
 Miller (FL) Garrett  
 Miller (MI) Gerlach  
 Miller, Gary Gibbs  
 Mulvaney Gibson  
 Murphy (PA) Gingrey (GA)  
 Myrick Gohmert  
 Noem Goodlatte  
 Nugent Gosar

NOES—191

Cooper  
 Brady (TX) Costa  
 Butterfield Capps  
 Capps Costello  
 Capuano Courtney  
 Cardoza Critz  
 Carnahan Crowley  
 Carney Cuellar  
 Carson (IN) Cummings  
 Cassidy Davis (CA)  
 Castor (FL) DeFazio  
 Chandler DeGette  
 Chu DeLauro  
 Cicilline Dicks  
 Clarke (MI) Dingell  
 Clarke (NY) Doggett  
 Clay Dold  
 Cleaver Donnelly (IN)  
 Clyburn Doyle  
 Connolly (VA) Edwards  
 Conyers Ellison

Engel Lipinski  
 Eshoo Lofgren, Zoe  
 Farr Lowey  
 Fattah Lujan  
 Filner Lynch  
 Frank (MA) Maloney  
 Frelinghuysen Markey  
 Fudge Matheson  
 Garamendi Matsui  
 Gonzalez McCollum  
 Green, Al McDermott  
 Green, Gene McGovern  
 Grijalva McIntyre  
 Hanabusa McNerney  
 Hanna Meeks  
 Hastings (FL) Michaud  
 Heinrich Miller (NC)  
 Higgins Moore  
 Hinojosa Moran  
 Hirono Murphy (CT)  
 Hochul Nadler  
 Holt Napolitano  
 Honda Neal  
 Hoyer Oliver  
 Inslee Owens  
 Israel Pallone  
 Jackson (IL) Pascrell  
 Jackson Lee Pastor (AZ)  
 (TX) Payne  
 Johnson (GA) Pelosi  
 Johnson, E. B. Perlmutter  
 Peters  
 Kaptur Peterson  
 Keating Pingree (ME)  
 Kildee Polis  
 Kind Price (NC)  
 Kissell Quigley  
 Kucinich Rahall  
 Lance Rangel  
 Langevin Reichert  
 Larsen (WA) Reyes  
 Larson (CT) Richardson  
 Lee (CA) Richmond  
 Levin Roby  
 Lewis (GA) Rogers (KY)

NOT VOTING—22

Bachmann Hinchey Sanchez, Loretta  
 Bartlett Holden Stutzman  
 Braley (IA) Johnson (IL) Towns  
 Brown (FL) Loeb sack Walden  
 Davis (IL) McCarthy (NY) Waters  
 Deutch Miller, George Young (FL)  
 Giffords Neugebauer  
 Gutierrez Rush

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote).  
 There is 1 minute remaining in this  
 vote.

□ 1908

So the amendment was agreed to.  
 The result of the vote was announced  
 as above recorded.

PERSONAL EXPLANATION

Mr. LOEB SACK. Mr. Chair, on July 11,  
 2011, I was not present for recorded votes be-  
 cause my flight from Iowa to Washington, DC  
 was significantly delayed. I had returned to  
 Iowa to meet with constituents and regret that  
 I was not present to cast my vote on rollcall  
 numbers 534, 535, 536, and 537.

AMENDMENT OFFERED BY MR. MCCLINTOCK

The Acting CHAIR. The unfinished  
 business is the demand for a recorded  
 vote on the amendment offered by the  
 gentleman from California (Mr.  
 MCCLINTOCK) on which further pro-  
 ceedings were postponed and on which the  
 noes prevailed by voice vote.

The Clerk will redesignate the  
 amendment.

The Clerk redesignated the amend-  
 ment.

RECORDED VOTE

The Acting CHAIR. A recorded vote  
 has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-  
 minute vote.

The vote was taken by electronic device, and there were—ayes 96, noes 313, not voting 22, as follows:

[Roll No. 538]

AYES—96

Adams	Hartzler	Pitts
Akin	Hensarling	Pompeo
Amash	Herger	Posey
Berg	Huelskamp	Price (GA)
Bishop (UT)	Huizenga (MI)	Quayle
Blackburn	Hunter	Ribble
Brady (TX)	Jenkins	Rigell
Broun (GA)	Johnson, Sam	Rohrabacher
Buechson	Jones	Rokita
Burgess	Jordan	Rooney
Burton (IN)	Kingston	Ross (FL)
Campbell	Kline	Royce
Canseco	Labrador	Ryan (WI)
Carter	Landry	Scalise
Chabot	Lankford	Schmidt
Chaffetz	Latta	Schweikert
Conaway	LoBiondo	Scott (SC)
Duncan (SC)	Long	Scott, Austin
Duncan (TN)	Mack	Sensenbrenner
Ellmers	Manzullo	Sessions
Farenthold	Marchant	Southerland
Flake	McChaul	Stearns
Fleming	McClintock	Terry
Flores	McHenry	Thornberry
Fox	Miller (FL)	Walberg
Franks (AZ)	Miller, Gary	Walsh (IL)
Garrett	Mulvaney	West
Gingrey (GA)	Nugent	Westmoreland
Gohmert	Nunes	Wilson (SC)
Gowdy	Paul	Woodall
Graves (GA)	Paulsen	Yoder
Harris	Petri	Young (IN)

NOES—313

Ackerman	Cole	Graves (MO)
Aderholt	Connolly (VA)	Green, Al
Alexander	Conyers	Green, Gene
Altmire	Cooper	Griffin (AR)
Andrews	Costa	Griffith (VA)
Austria	Costello	Grijalva
Baca	Courtney	Grimm
Bachus	Cravaack	Guinta
Baldwin	Crawford	Guthrie
Barletta	Crenshaw	Hall
Barrow	Critz	Hanabusa
Barton (TX)	Crowley	Hanna
Bass (CA)	Cuellar	Harper
Bass (NH)	Culberson	Hastings (FL)
Becerra	Cummings	Hastings (WA)
Benishek	Davis (CA)	Hayworth
Berkley	Davis (KY)	Heck
Berman	DeFazio	Heinrich
Biggart	DeGette	Herrera Beutler
Biglray	DeLauro	Higgins
Bilirakis	Denham	Himes
Bishop (GA)	Dent	Hinojosa
Bishop (NY)	DesJarlais	Hirono
Black	Diaz-Balart	Hochul
Blumenauer	Dicks	Holt
Bonner	Dingell	Honda
Bono Mack	Doggett	Hoyer
Boren	Dold	Hultgren
Boswell	Donnelly (IN)	Hurt
Boustany	Doyle	Inlee
Brady (PA)	Dreier	Israel
Brooks	Duffy	Issa
Buchanan	Edwards	Jackson (IL)
Buerkle	Ellison	Jackson Lee
Butterfield	Emerson	(TX)
Calvert	Engel	Johnson (GA)
Camp	Eshoo	Johnson (OH)
Cantor	Farr	Johnson, E. B.
Capito	Fattah	Kaptur
Capps	Filner	Keating
Capuano	Fincher	Kelly
Cardoza	Fitzpatrick	Kildee
Carnahan	Fleischmann	Kind
Carney	Forbes	King (IA)
Carson (IN)	Fortenberry	King (NY)
Cassidy	Frank (MA)	Kinzinger (IL)
Castor (FL)	Frelinghuysen	Kissell
Chandler	Fudge	Kucinich
Chu	Gallegly	Lance
Cicilline	Garamendi	Langevin
Clarke (MI)	Gardner	Larsen (WA)
Clarke (NY)	Gerlach	Larson (CT)
Clay	Gibbs	Latham
Cleaver	Gibson	LaTourette
Clyburn	Gonzalez	Lee (CA)
Coble	Goodlatte	Levin
Coffman (CO)	Gosar	Lewis (CA)
Cohen	Granger	Lewis (GA)

Lipinski	Pascrell	Scott, David
Loeb sack	Pastor (AZ)	Serrano
Lofgren, Zoe	Payne	Sewell
Lowey	Pearce	Sherman
Lucas	Pelosi	Shimkus
Luetkemeyer	Pence	Shuler
Lujan	Perlmutter	Shuster
Lummis	Peters	Simpson
Lungren, Daniel	Peterson	Sires
E.	Pingree (ME)	Slaughter
Lynch	Platts	Smith (NE)
Maloney	Poe (TX)	Smith (NJ)
Marino	Polis	Smith (TX)
Markey	Price (NC)	Smith (WA)
Matheson	Quigley	Speier
Matsui	Rahall	Stark
McCarthy (CA)	Rangel	Stivers
McCollum	Reed	Sullivan
McCotter	Rehberg	Sutton
McDermott	Reichert	Thompson (CA)
McGovern	Renacci	Thompson (MS)
McIntyre	Reyes	Thompson (PA)
McKeon	Richardson	Tiberi
McKinley	Richmond	Tierney
McMorris	Rivera	Tipton
Rodgers	Roby	Tonko
McNerney	Roe (TN)	Tsongas
Meehan	Rogers (AL)	Turner
Meeks	Rogers (KY)	Upton
Mica	Rogers (MI)	Van Hollen
Michaud	Ros-Lehtinen	Velázquez
Miller (MI)	Roskam	Visclosky
Miller (NC)	Ross (AR)	Walz (MN)
Moore	Rothman (NJ)	Wasserman
Moran	Roybal-Allard	Schultz
Murphy (CT)	Runyan	Watt
Murphy (PA)	Ruppersberger	Waxman
Myrick	Ryan (OH)	Webster
Nadler	Sánchez, Linda	Welch
Napolitano	T.	Whitfield
Neal	Sarbanes	Wilson (FL)
Nunnelee	Schakowsky	Wittman
Olson	Schiff	Wolf
Oliver	Schilling	Womack
Owens	Schock	Woolsey
Palazzo	Schrader	Wu
Pallone	Schwartz	Yarmuth
	Scott (VA)	Young (AK)

NOT VOTING—22

Bachmann	Hinchey	Sanchez, Loretta
Bartlett	Holden	Stutzman
Critz	Johnson (IL)	Towns
Brown (FL)	Lamborn	Walden
Davis (IL)	McCarthy (NY)	Waters
Deutch	Miller, George	Young (FL)
Giffords	Neugebauer	
Gutierrez	Rush	

□ 1912

So the amendment was rejected.  
The result of the vote was announced as above recorded.

#### PERSONAL EXPLANATION

Mr. GUTIERREZ. Mr. Chair, I was unavoidably absent for votes in the House Chamber today. I would like the RECORD to show that, had I been present, I would have voted "yea" on rollcall vote 534 and "no" on rollcall votes 535, 536, 537, and 538.

AMENDMENT NO. 5 OFFERED BY MR. LAMBORN

Mr. LAMBORN. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 23, line 4, strike "expended;" and all that follows through "6864(a).", and insert "expended."

The Acting CHAIR. The gentleman from Colorado is recognized for 5 minutes.

Mr. LAMBORN. Mr. Chairman, my constituents in Colorado, like all Americans, are demanding that Congress cut spending. We must look for every opportunity, large and small, to

cut wasteful government programs. This amendment does just that.

The Weatherization Assistance Program, otherwise known as "Cash for Caulkers," and part of the failed stimulus package, has been plagued by bureaucratic mismanagement. This \$5 billion program was supposed to create jobs, but we all know that didn't work out so well. In fact, with unemployment ticking up for 2 months in a row, we must reverse course and cut all unspent stimulus dollars.

In the stimulus, \$5 billion was injected into "Cash for Caulkers" through the Department of Energy in an attempt to help lower the cost of energy and increase efficiency for people who qualified. The goal was to make 593,000 homes more energy efficient by March 2012.

This program, however, has been marked by mismanagement, fraud, waste, and abuse. Most notably is the case of Delaware, where Federal auditors found mismanagement issues and potential fraudulent activities. Reportedly, subsequent repairs and other inspections will cost the State a sizable amount of their remaining funds. Issues have arisen in other States as well.

When large sums of money are spent too quickly, the opportunities for waste and abuse are rampant. The Obama administration, in its haste to create government jobs, failed to thoughtfully and prudently assess how money was spent. In these tough fiscal times, we must have accountability for every dollar spent by the Federal Government.

□ 1920

States have until March of 2012 to use Cash for Clunkers funds or risk having them returned to the Treasury. I am concerned that this could leave a large slush fund of \$1.5 billion in the hands of federal bureaucrats. They could spend that money with very little Congressional oversight.

My amendment is simple. It will prevent the Secretary of Energy from reallocating funds remaining from the American Recovery and Reinvestment Act from one State to another. This will leave up to \$1.5 billion that can be returned to the Treasury next March, thus reducing our massive deficit.

I urge support for this amendment.

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

Mr. McCLINTOCK. I move to strike the last word.

The Acting CHAIR. The gentleman from California is recognized for 5 minutes.

Mr. McCLINTOCK. Mr. Chairman, this amendment strikes language in the bill that allows the Secretary of Energy to redirect unspent stimulus funds from one State to another. What they're really saying is this: \$1.5 billion is going to be taken from the States that decided not to use the money and give it to States that not only have spent their allocations but want to

spend even more. If Aesop were writing this tale, I think it would include an ant and a grasshopper.

The principle stinks, and so does the program. These funds are ostensibly to finance weatherization and building design programs to increase energy efficiency. But the potential savings—if anywhere near as great as the administration claims—should be more than enough motivation for individuals to pursue this activity on their own without a government giveaway. After all, why should taxpayers pay to develop and subsidize building materials and technologies to be sold in the private sector to private consumers?

In all matters of energy and energy conservation, we've got to get back to the simple doctrine that the beneficiary should pay. If a product saves consumers money—in this case through energy savings—that's a benefit, and it is incorporated into the price structure of that product. This elegant and simple process allows consumers to decide for themselves if the added energy savings are worth the added financial cost. If the answer is yes, the world will beat a path to the door of those who manufacture and sell those products. And if the answer is no, taxpayers shouldn't be subsidizing it.

I yield back the balance of my time.

Mr. FRELINGHUYSEN. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. FRELINGHUYSEN. I rise to oppose the amendment.

The weatherization program was provided \$5 billion by the stimulus bill in 2009. But the program has been slow to act, and approximately \$1.4 billion will be unspent and available for use in fiscal year 2012.

Some States have spent all of their stimulus money, while others will have plenty left for fiscal year 2012. But the Department of Energy, by law, must spread any new funding evenly across all States.

The bill cuts this program by \$141 million below the President's request. The language in the underlying bill gives the Secretary of Energy the flexibility to use limited appropriations provided in fiscal year 2012 to supplement States that have no stimulus funding. The bill does not allow—I would like to add that emphasis—the bill does not allow the Secretary to reallocate stimulus funds. All it does is allow the Secretary some flexibility in where he allocates it. There is \$33 million left in the bill.

Let me say, we can't afford, in the Department of Energy, with this program, or any other program, to have business as usual in terms of weatherizations. And I would agree with the gentleman from Colorado that in many cases, the money hasn't been spent, and in some cases there have been questions as to how well it's been spent.

This waiver in our bill provides a solution allowing all States to continue

this program under a tight federal budget and with direct oversight of our committee. The amendment that is suggested by the gentleman from Colorado would undo the solution by striking language providing this flexibility, causing job losses and program stoppages in many States where, in fact, in those States, these funds are obligated.

So, therefore, I oppose the amendment and urge other Members to do so as well.

I yield back the balance of my time.

Mr. VISCLOSKY. Mr. Chairman, I move to strike the last word and rise in opposition to the amendment as well.

The Acting CHAIR. The gentleman from Indiana is recognized for 5 minutes.

Mr. VISCLOSKY. I would point out to my colleagues that while the pending legislation is \$141 million below fiscal year 2011 levels, the fact is we do have approximately \$1.5 billion that essentially has been forwarded to the States. And the chairman just mentioned the issue of jobs. Those moneys are available as they are allocated and distributed for weatherization programs to put people to work. We have had complaints in this Chamber over the last week about the last unemployment report.

These moneys have already been budgeted. These moneys have been obligated to the States, and these moneys can put people to work doing useful things such as helping those who need to weatherize their house and reduce their utility bills so they can have enough money to buy gasoline and put it in their cars, as well as to begin to reduce the use of energy in this country. These are very necessary moneys to create jobs, to help those in need, and to reduce our energy dependence. I strongly oppose the gentleman's amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Colorado (Mr. LAMBORN).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

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

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Colorado will be postponed.

AMENDMENT OFFERED BY MR. CONNOLLY OF VIRGINIA

Mr. CONNOLLY of Virginia. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 23, line 4, after the dollar amount, insert "(increased by \$46,000,000)".

Page 24, line 18, after the dollar amount, insert "(reduced by \$99,000,000)".

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. CONNOLLY of Virginia. Mr. Chairman, the fiscal year 2012 Energy

and Water Appropriations Act is an assault on any rational, scientific basis for public policy. It would decimate American manufacturing, impoverish American consumers, and allow polluters to sully our water with impunity. At a time when the American economy is stuck in neutral, while China and Germany are accelerating their production of clean energy and advanced vehicles, this bill would take America back to the 19th century standards of unbridled industrial predation without public oversight or regulation.

Mr. PETERS of Michigan and I drafted a simple amendment to fix one, among many, problems in this bill. Mr. PETERS has been a leader of efforts to restore our auto industry, and I appreciate his cosponsorship of this amendment. It would simply restore some of the funding cut from the Vehicle Technologies program with a funding offset providing by eliminating an increase in corporate welfare for the fossil fuel industry. This amendment would maintain the same level of funding as was provided in this fiscal year's Energy and Water appropriations bill.

The Vehicle Technologies program is a critical part of our efforts to revive American manufacturing and the automobile industry. It is a job generator. Five years ago, our auto industry was on its deathbed, with two major manufacturers facing bankruptcy. Fortunately, President Obama intervened and provided temporary assistance both to General Motors and Chrysler, most of which has already been repaid. Today, these domestic manufacturers are growing again, with positive domestic economic benefits for auto dealers and parts suppliers all across America. Unfortunately, this Energy and Water appropriations bill would reverse this progress by gutting important vehicle research funding.

The Vehicle Technologies program is a success story in boosting domestic manufacturing of cleaner cars that save consumers money at the pump. It is reducing the cost of advanced lithium ion batteries, which are in all hybrid vehicles on the road in America. This program has helped deploy 48 battery manufacturing projects all across the United States with the goal of reducing hybrid vehicle engine costs by 35 percent. Hybrid vehicles are an important part of our domestic manufacturing base and provide direct quality of life benefits in suburban regions with high levels of smog pollution, such as here in the Nation's capital. The Advanced Vehicle Technologies program also is helping to deploy electric vehicles, including the new Chevy Volt.

Finally, Mr. Chairman, this program has accelerated deployment of hybrid-electric diesel buses, improving transit service and air quality in communities throughout the country like my own in Fairfax County, Virginia.

□ 1930

We cannot allow a hemorrhaging of technology and manufacturing jobs to foreign competition while unemployment grows in America. The Republicans seem to believe that corporate welfare for oil companies will help the economy, but we tried that during the previous administration and it did not work. We need to focus on rebuilding the technologies of the future right here in America, and the Vehicle Technologies Program is a part of that effort.

I ask for favorable consideration of this amendment.

I yield back the balance of my time.

Mr. FRELINGHUYSEN. Mr. Chairman, I rise to oppose the amendment.

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. FRELINGHUYSEN. The gentleman from Virginia's amendment would increase funding for the Energy Efficiency and Renewable Energy and reduce funding for Fossil Energy Research and Development. This would result in an increase in a program that already receives sufficient funds and hamper efforts to further technologies that produce most of our electricity.

Let's be frank. Fossil fuels, such as coal and natural gas, generate 70 percent of our Nation's electricity, and we will use these valuable energy sources for many generations.

We must ensure that we use those resources, of course, as efficiently and cleanly as possible. Further, the amendment increases funding for Energy Efficiency and Renewable Energy, a program that has seen record increases since 2007, and still has nearly, if you can believe it, \$9 billion of unspent stimulus funds from 2009.

There is a proper role for the core Energy Efficiency and Renewable programs, and the bill preserves funding for those activities while cutting out activities that are redundant with the private sector or that intervene improperly in market innovation.

The amendment would also add back unnecessary funding for administration proposals that are poorly planned and lack justification. That in and of itself is bad enough, and I oppose the amendment and urge others to do so as well.

I yield back the balance of my time.

Mr. PETERS. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from Michigan is recognized for 5 minutes.

Mr. PETERS. I rise to support the Connolly-Peters amendment because times of fiscal restraint force us to prioritize. However, I am disappointed that the Republican bill prioritizes the needs of extremely profitable private companies over the manufacturing and innovative jobs of the future.

ExxonMobil Corp. earned nearly \$11 billion in the first 3 months of the year, Shell earned \$6.3 billion in the first quarter, and BP made \$7.1 billion. Yet the Republican bill includes \$476

million for fossil energy R&D. Clearly, the private sector has the initiative and the resources to conduct this research on their own, and they are doing so. Private sector R&D currently dwarfs activities at the Department of Energy, yet this program is actually seeing an increase in funds.

This amendment strikes a better balance by decreasing funding in the fossil energy account and restoring the Vehicle Technologies Program to fiscal year 2011 levels. The Vehicle Technologies Program supports private sector growth and the development of innovative technologies to meet mileage and emission standards for both cars and trucks.

Consider how much fuel is used in the transport of consumer goods across our Nation on medium and heavy-duty trucks. Small gains in efficiency can have huge gains in fuel and cost savings. The Vehicle Technologies Program is investing heavily in new truck technologies, which have some of the greatest potential to reduce our Nation's petroleum use and dependence on foreign oil.

There is a global competition right now to determine which countries will produce the cars and trucks of the future. There is no doubt in the years ahead more Americans will be driving hybrids, plug-in hybrids, battery electric vehicles, and cars and trucks powered by hydrogen fuel cells or natural gas. The only question is whether these new technologies will be researched, developed, and manufactured here in the United States or overseas.

The Vehicle Technologies Program is critical to ensure that the American automobile industry and manufacturing base will continue to be globally competitive, and that we as a Nation will not trade our dependence on foreign oil for dependence on foreign batteries and other emerging technology.

I would like to thank my colleague, Mr. CONNOLLY, for offering this amendment, and I urge my colleagues to support American innovation and manufacturing and support this amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Virginia (Mr. CONNOLLY). The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. CONNOLLY of Virginia. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Virginia will be postponed.

AMENDMENT NO. 4 OFFERED BY MR. HARRIS

Mr. HARRIS. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 23, line 4, after the dollar amount insert "(reduced by \$6,000,000)".

Page 62, line 2, after the dollar amount insert "(increased by \$6,000,000)".

The Acting CHAIR. The gentleman from Maryland is recognized for 5 minutes.

Mr. HARRIS. Mr. Chairman, my amendment will reduce funding for the international programs of the Office of Energy Efficiency and Renewable Energy by cutting \$6 million out of their \$8 million budget and transferring it to the spending reduction account to reduce our deficit.

Now, first, Mr. Chairman, I want to commend the committee for doing excellent work in cutting the EERE budget by an overall total of 27 percent, but this program was cut less than that. It was cut by 20 percent. Mr. Chairman, as I go through the district, the number one area that I hear people say let's cut that to attack our deficit is foreign aid; and basically, this program is foreign aid. It takes scarce American jobs and sends them overseas.

Now, Mr. Chairman, as you know, our unemployment rate here jumped to 9.2 percent last week. We created 18,000 jobs, and here in front of us we have a program, this international program, that creates jobs. It sure does. The problem is they're all in foreign countries. So it takes those scarce American jobs and sends them overseas.

And I agree with the ranking member: Our actions today should have jobs as our focus, American jobs. That is why this amendment is essential.

The United States Government now has a \$1.5 trillion debt. We borrow 9 cents out of every dollar spent. We borrow money from China to finance our Federal spending and our national debt. And through this program, we spend that money in China to make Chinese manufacturers more energy efficient. Yes, that is hard to believe, but we do that. We take a million dollars and spend it in China to make their factories more efficient so they can compete with us so we can lose jobs, lose our revenues, and then borrow more money from China to do it all over again. We have got to end this vicious cycle, and we have to end it with this amendment.

As chairman of the Energy and Environment Subcommittee in the Science, Space and Technology Committee, we held hearings on this specific subject. Let me tell you about some of the programs this international program funds. It assists manufacturing facilities in China and India to reduce their energy use. Well, that's great, but why are we helping our economic competitors with hard-earned dollars that we borrow from them and then use to make their industries more efficient.

It gets even better. Then we improve energy efficiency in the Chinese building sector. Great. Let's strengthen our economic opponents with money we actually borrowed from them. In fact, the DOE just announced a \$25 million project over the next 5 years to support the U.S.-India Joint Clean Energy Research and Development Center. Now, why isn't it a U.S. energy research and



development center? Why are we spending hard-earned, hard-borrowed dollars overseas?

Even more programs:

One to promote energy efficiency in Indian software companies; unbelievable. Why aren't we promoting energy efficiencies in American software companies.

Partnering with the Kazakhstan Government to provide training on industrial efficiency. Now, I like those auto jobs in the United States. Maybe we should, in fact, train our own industry to be more efficient and not go to Kazakhstan and spend our money to do it.

A renewable energy center and solar power project in Chile; energy efficiency centers in Peru and Costa Rica; windmills in Mexico. Yeah, we are taking this money and we are actually building windmills in Mexico. Renewable energy strategy development in the Caribbean, and windmills in the Dominican Republic.

Ladies and gentlemen, I have gone throughout my district. They are begging for us to cut the deficit. The President said, he promised he would go line by line through that budget and find some items to cut. Ladies and gentlemen, this program is ripe for that cutting. We shouldn't be sending this money overseas. This doesn't eliminate the program; it cuts 75 percent of the funding. It goes a little further than the committee.

□ 1940

We clearly have to allocate America's hard-earned resources to higher priorities. Again, I commend the committee for making a start in cutting here, but we've got to go further. When we're spending money on making Chinese factories more efficient to compete with us and when we're building windmills in Mexico with our money, we've gone too far. That's why the Citizens Against Government Waste has endorsed this amendment. It hardly gets more wasteful than taking hard-earned dollars, borrowing from overseas, sending it back over there, and creating jobs overseas when we have a 9.2 percent unemployment rate here.

I urge my colleagues to support this amendment.

I yield back the balance of my time.

Mr. VISCLOSKY. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from Indiana is recognized for 5 minutes.

Mr. VISCLOSKY. I will be brief.

The gentleman from Maryland (Mr. HARRIS) and I are pretty close, but I will respectfully oppose his amendment for a couple of reasons.

One is that the program that is subject to his amendment is coordinating programs with other countries. We're not, by definition, sending jobs overseas to other countries. The theory of the program is to provide technical assistance for activities to help prime markets for clean technologies in

major emerging economies, and the theory of the program is also that it can bring home lessons learned from other experiences and share them at the national, State and local levels.

I say I reluctantly oppose his amendment and that we are very close because I have great concerns over any number of these types of programs at the Department of Energy. I have expressed my displeasure to the Secretary, among others, that if we are going to invest our taxpayers' money—our money—in these endeavors, we ought to be very discreet as to how those moneys are spent to develop markets in the United States of America and, God bless, the rest of the world.

So I will in this instance take the Department of Energy at its word, and that's why I would respectfully oppose the amendment. I would be happy to stay in close communication with the gentleman, and I would be happy to stay in very close touch with the Department of Energy relative to the management of this program and, assuming the moneys are in the fiscal year 2012 budget, to pursue this program to make sure that your point is heard and that their expenditures are not violative of what you want to do today.

Mr. FRELINGHUYSEN. Will the gentleman yield?

Mr. VISCLOSKY. I yield to the chairman, the gentleman from New Jersey.

Mr. FRELINGHUYSEN. I have mixed views as well.

Obviously, Israel is a strong ally, and were it not for Kazakhstan, we perhaps wouldn't be able to do some things militarily to support our troops that are both in Afghanistan and Iraq. I think that it bears close watching, but there is a perception that somehow we're giving China, India, Brazil, and other countries sort of an advantage. I view this program as a two-way street. It does provide a degree of access to American companies.

So I reluctantly oppose your amendment, but I can assure you that both of us feel very strongly that it bears watching. It has borne some fruit, so it's not money wasted, and it's not money given away to our competitors. At least that's my view of it.

Mr. VISCLOSKY. But I think, again, it draws attention to the fact that we should be very closely monitoring the department as far as the expenditures of these funds.

I yield back the balance of my time.

Mr. BROUN of Georgia. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. BROUN of Georgia. I yield to the gentleman from Maryland.

Mr. HARRIS. I thank the gentleman for yielding.

Let me just briefly address this so that we can move on.

We only cut \$6 million out of the \$8 million. There is actually budget language further on that protects a cooperative agreement between the U.S.

and Israeli Governments, so it does not eliminate all the funding; it protects that program, and there will be another amendment offered later that will make that quite specific.

I understand that there is some possibility of actually getting a benefit for partnering—and I thank the ranking member for offering assistance—but honestly, I'm not sure what we're going to learn from Kazakhstan by sending money over there to provide training on industrial efficiency. I thought that we were the powerhouse of the world in industry. I thought we were the leader of the world. It's fine when we have a lot of money, but the fact of the matter is we borrow 40 cents out of every dollar, and the largest program expenditure outside of the joint program with Israel is that expenditure in China.

Now, I want everyone to understand there is still money available. It's in the Department of State budget. This doesn't eliminate these programs. This just removes the Department of Energy's contribution. I will remind the body why the Department of Energy was formed years and years ago. It was to reduce our dependency on foreign oil, and it has failed to do so. It has existed for decades, failing to do the mission for which it was established. In my district, people in private industry tell me, if they had a division or a department that failed to do its job for decades, they wouldn't be cutting it back—they'd be eliminating it.

So, again, I thank the chairman and I thank the ranking member, and I urge the body to support the amendment.

Mr. BROUN of Georgia. In reclaiming my time, I am going to support Dr. HARRIS' amendment.

As we face this huge budget deficit as a Nation, we've got to look at every source of cuts that we can possibly accomplish. It's time not only to cut spending, but we've got to start paying back our debts, and we're not doing that here in this country. I think it is absolutely critical. The American people, the people who are looking for jobs today, want us to do the right thing. Programs like this and many others are killing our economy, and they're killing jobs in America.

So I'm going to support Dr. HARRIS' amendment. I hope at least enough of our colleagues here in the House will understand the financial crisis that we're in as a Nation and will support it also.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Maryland (Mr. HARRIS).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. MILLER OF NORTH CAROLINA

Mr. MILLER of North Carolina. I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 23, line 4, after the dollar amount insert "(increased by \$24,018,000)".

Page 24, line 18, after the dollar amount insert “(reduced by \$50,000,000)”.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. MILLER of North Carolina. Mr. Chairman, this amendment is similar to others that we have heard today.

This amendment would reduce the Fossil Energy Research and Development account by \$24.018 million, and will put as much of that money as our rules will allow into the Energy Efficiency and Renewable Energy Research, Development, Demonstration, and Deployment.

The bill now is \$5.9 billion less than the administration’s request and is more than \$1 billion less than last year’s funding. Fossil energy is a glaring exception to the austerity visited upon every other kind of energy research, but the Fossil Energy program gets an increase of \$24 million above what the administration requested and \$32 million more than last year’s levels.

This amendment would reduce that account, Fossil Energy, to the level of the administration’s request, and will put as much money as possible back into energy efficiency and renewable energy research, which now gets a \$331 million cut, or more than 25 percent, more than a quarter.

Mr. Chairman, I agree that we need to be doing fossil energy research. It is more than 70 percent of our energy now, and it will be the bulk of our energy supply for the foreseeable future. We do need an abundant and clean supply of fossil energy, but it’s hard to look at the spending levels in this bill and not see some hypocrisy at work.

I am the ranking Democrat on the Energy and Environment Subcommittee, and I have heard again and again in committee hearing after committee hearing and in subcommittee hearing after subcommittee hearing the same stale talking point that it is not the place of the Federal Government to pick energy winners and losers and that taxpayers shouldn’t have to subsidize the development of alternative fuels.

□ 1950

Just last week, in a hearing in the committee, one of my Republican colleagues on the committee said we should promote an all-of-the-above approach—oil, nuclear, coal, natural gas. Heck, I’m okay with wind, solar, water, biofuels and everything else you can think of as long as it isn’t subsidized by the American taxpayer. And we’ve heard that same talking point again and again today.

The subsidy, the help with funding for research that the alternative energy now gets, is tiny in comparison to what traditional energy sources—fossil fuel and nuclear—have gotten for a long time. And if Republicans are now pushing alternative energy and energy efficiency technologies away from the public trough, it is so they can make more room for fossil fuels and nuclear.

Of course those traditional industries have been subsidized right along, and they continue to be subsidized in this bill today. Taxpayers subsidize it, in addition to this little bit of research funding, with very significant tax incentives—the subject of discussions over at Blair House the last few weeks, and we’ve heard there is no budging on that. And we know that those industries fully expect, if disaster strikes, if there is a massive oil spill or, God forbid, a nuclear accident, they won’t really have to pay the cost. They will get help with that; they will get bailed out.

We are not talking about basic early-stage research here; that’s somewhere else in the bill. This is all late-stage applied research. But in the case of alternative energies, we have fledgling industries, economically vulnerable industries that have some ways to go to get to the marketplace before they can turn a profit. And on the other hand, we’ve got an industry that is 70 percent of our current energy supply. They’re up and running, they’re in good shape, they’re fabulously profitable.

The top five oil and gas companies made \$32 billion in profits in the first quarter—the first quarter, \$32 billion, 3 months. To that industry Republicans say, belly on up to the public trough, boys; we’ll make room for you.

The energy research that we’re talking about in the EER&E is wind, solar, biomass, water—on and on. You know what they are. We need to make some of those technologies work, or we are not going to have enough energy in the future. And in the shorter term, they promised healthy competition for the fossil fuel industry to bring down the cost of energy for Americans.

It’s hard, in fact, to look at the hostility of Republicans to those industries, to those emerging energy technologies and think a big part of their hostility is not at the bidding of the fossil fuel industry to smother that competition in the crib.

I urge adoption of this amendment.

I yield back the balance of my time.

Mr. FRELINGHUYSEN. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. FRELINGHUYSEN. The gentleman from North Carolina’s amendment increases funding for the Energy Efficiency and Renewable account, a program that I said earlier has seen record increases since 2007 and still has \$9 billion in unspent stimulus funds in its account from 2009 to spend. On that alone, I oppose this amendment and urge my colleagues to do so as well.

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

The Acting CHAIR. The question is on the amendment offered by the gentleman from North Carolina (Mr. MILLER).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. MILLER of North Carolina. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from North Carolina will be postponed.

AMENDMENT OFFERED BY MR. BROUN OF GEORGIA

Mr. BROUN of Georgia. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 23, line 4, after the dollar amount insert “(reduced by \$26,510,000)”.

Page 62, line 2, after the dollar amount insert “(increased by \$26,510,000)”.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. BROUN of Georgia. Mr. Chairman, my amendment cuts \$26.51 million from the Vehicle Technologies Deployment Subprogram in the Energy Efficiency and Renewable Energy’s Clean Cities program and transfers those funds to the spending reduction account.

The House Committee on Science, Space, and Technology has identified many concerns with this program which it has shared with the Department of Energy. This program filters over \$25 million to about 90 coalitions to buy electric charging stations, E85 pumps, alternative fuel vehicles, and other infrastructure.

Beyond concerns with how this program is run and how the dollars are being spent, this program should not be funded or run by the Federal Government. This type of program is best served by the private sector or local and State governments.

Despite the management concerns, the Department of Energy has recently announced its intention to broaden the scope of the Vehicle Technologies Deployment Subprogram to also include the National Clean Fleets program. One mission of this program is to assist Fortune 100 companies to upgrade their commercial fleet. Is this really an appropriate use of Federal dollars when we are facing a \$1.6 trillion deficit? Is it really appropriate to be helping companies such as Enterprise, GE, and Ryder upgrade their fleets to electric or alternative fuel vehicles? The answer to these questions, in my opinion, is no. In fact, I think most of the American people believe the answer to those questions is no.

I urge my colleagues to support my amendment.

I yield back the balance of my time.

Mr. HARRIS. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from Maryland is recognized for 5 minutes.

Mr. HARRIS. The doctor from Georgia is absolutely right. We held a hearing in my subcommittee on this very topic, and it was very instructive because for the last several weeks we have heard a lot about, oh, my gosh, these giveaways to corporations and

how we have to look at them critically. Well, here is a program where we can put \$25.5 million back into our deficit reduction by reducing corporate subsidies.

The doctor is right, GE doesn't need a subsidy, but they get it through this program. UPS doesn't need a subsidy; they get it through this program. They all make money, millions and billions of dollars, but this program gives them another subsidy. Verizon doesn't need a subsidy, but they get it through this program. They make a lot of money. They make a lot of money. This program subsidizes it.

And the gentleman is right, E85 is probably a bad choice. Why are we spending money—money that we have to borrow from the Chinese every day—in order to put E85 pumps around or to convert vehicles to E85 as part of this program? Mr. Chairman, it makes no sense.

This is another little contribution we can make. Our constituents have sent us here to deal with the Federal deficit. The doctor makes a contribution, \$25.5 million. We held a hearing on this. You know, their press release on one of these was "green beer for St. Patrick's Day" because they actually spent money for a beer distributing company to upgrade their trucks.

□ 2000

Last I looked, that business made money. We shouldn't be subsidizing it.

This is a good amendment. The body should adopt the amendment, help cut our deficit, and stop sending money to corporations that simply don't need our help.

I yield back the balance of my time.

Mr. VISCLOSKY. I move to strike the last word.

The Acting CHAIR. The gentleman from Indiana is recognized for 5 minutes.

Mr. VISCLOSKY. Mr. Chair, I rise in opposition to the gentleman's amendment, and it would appear there will be others differing in amounts but very similar in intent. And I think that they do not represent a wise energy policy for this country.

The first point I would make is that the bill includes a reduction of \$491 million for the overall renewable program from fiscal year 2011, an even more significant reduction compared to fiscal year 2010. So the committee, I believe, fully recognizes their responsibilities to be careful fiscally.

But I also must indicate that someone who I have a great deal of respect for, my senior Senator in the State of Indiana, Senator LUGAR, has always characterized our energy problem as a national security problem. I think we all recognize it is an economic problem. We can debate the environmental aspects. I happen to think it is an environmental problem myself. But I don't think anyone can dispute the fact that it is a national security issue, relative to where we are buying so many of our petroleum products. And to gain en-

ergy independence, we are going to need a different and more diverse matrix of energy sources.

Seventy percent of our energy today is created through coal and natural gas, and that cannot continue. That is not healthy for our Nation. It is not healthy for our economy. It is not healthy for our national security. We need to diversify. In this instance, the committee has recognized our fiscal responsibility but continues to make an investment in our economic, our job, and our energy futures. And I do oppose the gentleman's amendment.

I yield back the balance of my time.

Mr. FRELINGHUYSEN. I move to strike the last word.

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. FRELINGHUYSEN. I would like to associate my remarks with those of the ranking member.

This amendment would slash even more than we did in our committee, the Vehicle Technologies Program and this Energy Efficiency and Renewable Energy account. There is almost nothing left in the account now. Maybe the desire is to put this whole account out of business; but personally, I think that is unwise. We have made the tough choices. We have held our hearings. We have had the input. And I would ask Members to oppose the amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Georgia (Mr. BROWN).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

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

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Georgia will be postponed.

AMENDMENT OFFERED BY MR. WELCH

Mr. WELCH. Mr. Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 23, line 4, after the dollar amount, insert "(increased by \$491,000,000)".

Page 33, line 20, after the dollar amount, insert "(reduced by \$491,000,000)".

The Acting CHAIR. The gentleman from Vermont is recognized for 5 minutes.

Mr. WELCH. Mr. Chair, I have been sitting here listening to what, in fact, I think is a very interesting debate: what's the role that the taxpayer, through this body, should play in trying to steer an energy policy towards efficiency. There were a lot of contentious debates that we've had about energy policy, about climate change.

One of the areas where I have found that we have frequently had some common ground is the notion that less is more. Whatever the source of energy that you use or favor, if a consumer is

able to use less oil—that's what we rely on in Vermont to heat our homes—or less electricity that's generated by nuclear, you can save money. And the efficiency title is one that gives us an opportunity to try to promote efficiency, where doing so has significant benefits.

Last year, Mr. Chair, we passed in this House—it failed in the Senate—an energy efficiency bill that would have given homeowners an incentive to put some of their money into home retrofits, and the government would have matched that. So you would have had an all-in situation.

And when you're retrofitting your home, you are using local contractors who have been hammered by the collapse in housing. They need work. It's work that is done locally in your district and mine. Ninety-five percent of the materials that are used in any kind of efficiency work in a commercial building or in home building are manufactured in America. So even without a debate about Make It in America, we would be getting the benefit of manufacturing in America. And obviously, it would then have an impact of saving the homeowner money. That particular bill would have saved about \$10 million in energy bills over 10 years. So that's real savings for homeowners.

The bill that is brought before the floor makes a decision to dramatically cut the efficiency title by about 27 percent, or \$491 million. What my amendment would do is propose to restore that money and take that from the Nuclear Security Weapons Activities account which has \$7.1 billion. So diverting the amount of money this amendment proposes would not wipe out that account in any way.

I think all of us would like to find some places we can work together despite the very significant differences between us; and efficiency, I found in the last Congress, was one of those areas where we had some potential to do it. Then-Ranking Member BARTON was supportive of some of these efforts.

And the money in this title actually does end up promoting projects back in your district and mine. I will just give some examples. And these are small things. They are small things but important. In Burlington, Vermont, we had a program through this title that helped a community market install 136 solar panels on the roof of the city market that generated 31 kilowatts of power. I mean, that's not going to save the world, but it created jobs. It reduced their costs. And it was local, local people doing it.

In Waterbury, a home for seniors was retrofitted and improved with insulation, better boiler controls and efficient lighting. Again, it's not rocket science, but it's real. It was real Vermonters doing the installation work. It was insulation that was manufactured in America. And it made those seniors warmer. It made their bill lower. That kind of thing can happen all around.

In Lunenburg, Vermont, way up by the Canadian border, the 430-cow Auburn Star Farm got some loans and grants through a State energy program that was funded from this title. It allowed them to build a biodigester, and that digester will dispose of the waste from the dairy cows, produce biogas to generate electricity, and help the bottom line of that farm that is struggling with low milk prices and high costs.

So the real question that is before us is: Do we want to promote energy efficiency at the local level in all the various ways people can come up with to save money when we know that in your district or mine, Republican, Democrat, or independent, we've got out-of-work contractors, we've got homeowners who want to save money, and we've got manufacturers who want to sell their goods? So I urge the body to consider favorably the amendment that is before you.

I yield back the balance of my time.

Mr. FRELINGHUYSEN. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. FRELINGHUYSEN. Certainly let me salute the gentleman from Vermont. Certainly Vermonters are often characterized as being independent and self-sufficient and self-reliant. Of course I would have to note for the record that you are 72 percent relying on nuclear power in Vermont. There may be other forms of power, so you might just want to check on that, just for the record.

□ 2010

Mr. Chairman, I rise in opposition to the amendment because this amendment decreases funding for weapons activities by \$491 million in order to increase, as we heard, the Energy Efficiency and Renewable account. Modernization of the nuclear complex is a critical national priority and must be funded, and that doesn't matter whether it's the Obama administration or the Bush administration. All of our administrations are working to make sure that we have a nuclear stockpile that is safe, reliable, and verifiable.

With years of stagnant funding, we have put off long enough the investments that are needed to sustain our nuclear capabilities into the future. The funding in our bill for weapons activities is both now, as a result, timely and urgent. When every tax dollar must be spent well, we cannot enact cuts that will risk our national security while throwing money at poorly planned programs that have large balances, which I mentioned earlier—\$9 billion in the EERE account that's unspent of stimulus money.

So not so reluctantly, I rise in opposition to the amendment and urge my colleagues to vote accordingly.

I yield back the balance of my time.

Mr. VISCLOSKY. I move to strike the last word.

The Acting CHAIR (Mr. CONAWAY). The gentleman from Indiana is recognized for 5 minutes.

Mr. VISCLOSKY. Mr. Chairman, I also have to rise, with great respect to my colleague, in opposition to the amendment.

I certainly appreciate, having just talked about needing to invest in a mix of energy sources in the future, what the intent of the amendment is. He obviously wants to return us to where we are in fiscal year 2011. I would certainly point out for the record that at that level, \$1.795 billion, we would still be significantly below where we were last year, fiscal year 2010, when our level of spending in this account was \$2.24 billion.

The problem I have here is particularly where the money has come from, and that is the weapons account. Too often, and we saw it again last week, we do tend, I think unnecessarily, to hold the defense accounts harmless. In this case the committee has recommended, and it was very carefully considered, an increase in the weapons account. If the amendment was adopted, the fact is we would be \$269 million below current year level, for a cut of 4.3 percent.

I have on numerous occasions in my district, in conversations with colleagues on the floor and elsewhere, suggested it is time, if we are going to solve our budget crisis in the United States of America, for everybody to belly up on both sides of the equation. And I don't care where you're getting your paycheck or how you're earning your contract money; I cannot believe if you are a defense function of the Government of the United States you can't find one penny, one cent of savings out of every dollar we spend. Having said that, that comes out to 1 percent. I think at this point the 4.3 percent in the weapons programs, that is very important as far as their safety, their security and surety, is a step beyond that 1 percent I have so often talked about the last months. So with great respect to my colleague, I would also oppose this amendment.

I yield back the balance of my time.

Mr. WELCH. I move to strike the last word.

The Acting CHAIR. Is there objection?

Without objection, the gentleman from Vermont is recognized for 5 minutes.

There was no objection.

Mr. WELCH. Just in clarification, Member from New Jersey, Vermont has about one-third nuclear power. That was misreported I am not sure by whom, but it's one-third nuclear, one-third hydro, and one-third other.

Thank you.

Mr. FRELINGHUYSEN. This is from the EIA.

Mr. WELCH. And it is incorrect.

Mr. FRELINGHUYSEN. I assume it is verifiable. Twenty-two percent is hydro and 72 percent is nuclear. Nothing to be ashamed of.

Mr. WELCH. All right. I will just say it's news to most of us in Vermont. And, in fact, there is a big dispute about the relicensing of the current nuclear reactor we have.

But I appreciate the gentleman. Thank you.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Vermont (Mr. WELCH).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. WELCH. Mr. Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Vermont will be postponed.

AMENDMENT OFFERED BY MR. POMPEO

Mr. POMPEO. I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 23, line 4, after the dollar amount insert "(reduced by \$45,641,000)".

Page 62, line 2, after the dollar amount insert "(increased by \$45,641,000)".

The Acting CHAIR. The gentleman from Kansas is recognized for 5 minutes.

Mr. POMPEO. Mr. Chairman, the amendment that I presented would decrease the Department of Energy's Office of Energy Efficiency and Renewable Energy program by \$45.6 million and the funding for DOE's Vehicle Technologies Program.

While I am certainly 100 percent behind innovation and the development of domestic sources of energy and new vehicle technologies, this program is simply not the way to do it. We shouldn't take money from one set of citizens to subsidize companies that, frankly, have had subsidies for too long in the development of new energy vehicle technologies.

Look, it's a subsidy program, plain and simple. The program is part of this present administration's liberal agenda to replace the free market with government bureaucrats in determining which energy sources we ought to use to propel our vehicles and for transportation.

You know, we are already seeing tremendous advances in hybrid technology and electric vehicle technology. In the State of Kansas, we have got folks coming up with wonderful, great, innovative ideas. They are seeking private capital markets to make that innovation happen. We have enormous venture capital firms that have made significant investment in these technologies. Why would the government use taxpayer money to compete with those ventures? They don't need the subsidies. They'll make these things work.

This is a quarter billion dollars in an R&D subsidy in a sector that has received subsidies for decades, and they no longer need that. They are far

along. They can make the progress. They can make these vehicles work. And the market will also choose them when they provide a technology that provides a cost-effective solution for folks who want to drive their vehicles and for companies that want to move their products and goods all across our Nation.

You know, these subsidies come in lots of forms, and I have opposed them in every form. They come in our Tax Code. They come in the form of grants. They come in the form of other programs. Both the House and the Senate have recently rejected tax subsidies for specific fuel purposes already this year. This Vehicle Technologies Program should be no different.

The President today said that we need to eat our peas. I suggest that he was suggesting that we need to do some difficult things. I happen to like peas. But he said we should do some difficult things. This is an easy thing. I would just as soon see this entire technology subsidy go away, but my suggestion here in this amendment is only this: that we return to spending levels from 2008, just 2 short years ago. I, for one, certainly don't believe, and I don't think the folks in Kansas and across this country believe, that we spent too little money on vehicle technology subsidies in 2008.

So I would urge my colleagues to support this amendment.

With that, I yield back the balance of my time.

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

The Acting CHAIR. The gentleman from Indiana is recognized for 5 minutes.

Mr. VISCLOSKEY. I would point out that we have a vote pending in the House for a reduction of about \$26.5 million from this account. This would be an additional reduction of another \$45 million from this account.

The gentleman noted that what his intent is is to get the Vehicle Technologies Program, if I understand him correctly, back to where we were in 2008. If I did understand him correctly, I would suggest that that is why we are where we are today, because the levels for vehicle technology research were inadequate, totally inadequate in 2008.

You drive by a gas station today and gas is \$4 a gallon. All of us repeatedly are asked what are we going to do about gas prices. If we are not going to act as far as price fixing, collusion, cartels, monopolies, speculation, and we can't do anything about the laws of supply and demand, I have indicated to my constituents the thing that Congress can do most effectively for the price of gasoline is help our constituents buy less of it.

□ 2020

If we can, through vehicle technology research, help everyone in this country get an extra mile per gallon, we have helped them with the price of gasoline.

If we begin to cut back to prior year levels as far as the investment in making sure people can move in this country as efficiently as possible and reduce our dependency on imported oil, we are not going to make economic progress in this country and are going to continue to be held hostage to those overseas who send that oil to us for our dollars that they then use for other nefarious purposes.

Again, I think this is an ill-advised amendment. I think it takes us in the wrong direction. We should be looking for ways to ensure that we do good research to get more miles per gallon and to make sure that the Department of Energy also, as they do this research, ensures that it is applied not for more power in cars but for more miles per gallon, because, again, these are our taxpayers dollars.

So for those reasons, again, I would be opposed to the gentleman's amendment.

I yield back the balance of my time.

Mr. FRELINGHUYSEN. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. FRELINGHUYSEN. Let me just say to the gentleman from Kansas, he said he would like us at least to go back to, in this particular account, to the 2008 level. Maybe there is some consolation: In our bill, we actually go back to 2007 in this account, and the bill is just, just beneath the overall allocation, in terms of the final product, is just beneath the 2006 level. You won't find too many bills on the appropriations docket that go back to that level, recognizing this is 2011. Our committee goes back to just below 2006 levels. So give us a little bit of credit.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Kansas (Mr. POMPEO).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

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

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Kansas will be postponed.

AMENDMENT OFFERED BY MR. TONKO

Mr. TONKO. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 23, line 4, after the dollar amount insert the following: "(increased by \$226,800,000)".

Page 33, line 20, after the dollar amount insert the following: "(reduced by \$226,800,000)".

The Acting CHAIR. The gentleman from New York is recognized for 5 minutes.

Mr. TONKO. Mr. Chair, first I want to thank my colleague, the gentleman from New Hampshire (Mr. BASS) for of-

fering this bipartisan amendment with me. He is a leader on energy issues, and I thank him for his support.

Mr. Chair, the Tonko-Bass amendment is simple. It will restore three specific, results-driven energy efficiency programs within the fiscal year 2012 Energy and Water Development appropriations bill to last year's levels. It is neither a stretch nor an overreach. It is a balanced approach, and it is fully offset.

First, this amendment will restore funding to the Weatherization Assistance Program, or WAP. WAP is the largest residential efficiency program in our Nation. It reduces the energy burden on low-income families and the elderly and disabled, and creates jobs, invests in local businesses, and advances technology, state-of-the-art technology. The 35 percent savings as a result of weatherizing homes under this program saves \$437 in annual utility bills for the average homeowner.

Second, the amendment restores funding to the State Energy Program or SEP. SEP is the only cost-shared program administered by the United States Department of Energy that provides resources directly to the States for allocation by the Governor for use in energy efficiency. This includes 56 State and territory energy offices. And according to a study by the Oak Ridge National Laboratory, for every \$1 in federal SEP funds, annual savings of 1.03 million source Btu's are saved, along with the cost savings of \$7.22 and a leveraging of \$10.71 on that same \$1.

Finally, the Tonko-Bass amendment restores funding to the Building Technologies Programs. Buildings in the United States use about 40 percent of our total energy and two-thirds of our electricity. As such, this program seeks to promote American innovation and technologies to reduce operating costs to building owners, which is vital in today's market.

Finally, Mr. Chair, this amendment has a net impact of zero dollars on budget authority and reduces 2012 outlays by \$58 million, according to the Congressional Budget Office. It does so by offsetting the increase of spending with cuts to the Weapons Activities Account, specifically to the Readiness in Technical Base Facilities account. The Appropriations Committee report suggests they are seriously concerned with the recent cost growth reported for construction of two major projects in the account. The committee report claims modernization will take several years and the considerable number of variables still at play argues against an excessively aggressive funding curve.

Therefore, Mr. Chairman, I wish to close by saying I do not believe we can afford to slip any further behind our global competitors in energy investments. A vote for this amendment is a vote in favor of decreasing our dependence on foreign oil, creating local, private sector contracting jobs, and providing State control on energy projects.

Again, I would like to commend the gentleman from New Hampshire for his leadership on this issue and thank him for his support.

I urge adoption of this amendment.

To: Southern States Members of the U.S. House of Representatives

From: Kenneth J. Nemeth, Secretary and Executive Director

Date: July 7, 2011

Re FY12 SEP, WAP and BTP Appropriations under H.R. 2354—Tonko Amendment

As an interstate compact organization representing 16 southern states and two U.S. territories, we are disappointed with the budget cuts to the U.S. State Energy Program (SEP), Weatherization Assistance Program (WAP), and the Department of Energy's (DOE) Building Technologies Program (BTP) under the House Energy and Water Development FY 12 appropriations measure that was approved on June 15, 2011. The Southern States Energy Board (SSEB) has a long and direct relationship with the state energy offices and fully supports their role as a key component of implementing our country's energy policies.

I am writing to you to ask for your support of Representative Tonko's amendment to H.R. 2354 to restore funds to the State Energy Program, Weatherization Assistance Program and the Building Technologies Program. Representative Tonko will be circulating a "Dear Colleague" letter seeking your support for the amendment and we are urging you to sign in support of the amendment. Mr. Tonko's amendment would add funding for these three key programs to bring them up to FY11 levels as follows:

State Energy Program—add \$25 million for a total of \$50 million

Weatherization Assistance Program—add \$141 million for a total of \$174 million

DOE Building Technologies Program—add \$62 million for a total of \$212 million

This Nation's future is reliant on reducing our energy dependence. As a policy maker, it is important to understand the role of State Energy Offices and the importance of the State Energy Program, Weatherization Program and the Building Technologies Program to achieve these national goals. The SEP allows states to support a variety of energy efficiency and renewable energy projects including improvements to schools and hospitals, establishing partnerships with utilities, businesses and industry and facilitating the economic development opportunities for states while maximizing the development of states' renewable energy resources.

In keeping with protecting our economy while increasing the efficient use of energy, the U.S. DOE Buildings Technologies Program is essential and requires full FY11 funding levels to continue deploying technologies that will reduce pressure on tight energy supplies and help to restrain prices while protecting the environment. This program encourages innovation for emerging technologies and contributes to our global leadership while creating jobs and strengthening our economy.

Also, the Weatherization Program is essential to helping low-income families, the elderly and disabled by improving the energy efficiency of their homes and lowering their energy bills. During the economic strain that we are experiencing all across the country, cutting funding to this program would create even a larger burden on our citizens forcing them into more difficult choices on basic needs.

I strongly urge you to vote in favor of the Tonko Amendment so that these critical programs can continue contributing toward our Nation's energy goals.

U.S. GREEN BUILDING COUNCIL,

Washington, DC, July 7, 2011.

Hon. PAUL TONKO,  
House of Representatives, Cannon House Office Building, Washington, DC.

Hon. CHARLES F. BASS,  
House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR CONGRESSMEN TONKO AND BASS: On behalf of the U.S. Green Building Council and our nearly 16,000 organizational members and 80 local chapters, I would like to thank you for introducing an amendment to the FY'12 Energy and Water Appropriations Bill that will restore funding for the U.S. Department of Energy's Weatherization Assistance Program, U.S. State Energy Program, and Building Technologies Program to FY'11 levels. Each of these programs has an established record of successfully returning significant value to the American people. Continued funding for these programs is a crucial investment that reaches beyond short-term energy efficiency: they create jobs and savings opportunities for low-income families; support and spur building industry activity; and contribute to long-term national energy security goals.

Over the past thirty years, the Weatherization Assistance Program has served as the nation's largest residential energy conservation program. According to the Energy Information Administration (EIA)'s Short Term Energy Report, homes weatherized through WAP saved low-income residents \$2.1 billion dollars in 2010. Weatherization returns \$2.51 for every \$1 invested and annually decreases national energy consumption by the equivalent of 24.1 million barrels of oil. WAP is an essential part of both present and future national energy saving strategies.

The U.S. State Energy Program is a thirty-year-old cost-shared program that provides direct support and funding to State Energy Offices to develop and implement state allocated energy efficiency and innovation projects. The Oak Ridge National Laboratory (ORNL) found that, in a single year, the program enabled states to collectively perform 15,264 energy audits, 12,896 building upgrades, provide \$12,345,608 in grants, and loan \$30,403,388 towards energy efficiency projects. ORNL also found that \$1 of federal funding leveraged \$10.71 in state and private funding.

The Building Technologies Program works with organizations across sectors to help develop technologies that make commercial and residential buildings more efficient and affordable. Over the life of the program, \$14 billion of direct savings to the consumer has been reinvested in local economies. Additionally, since its founding 20 years ago, the Building Technologies Programs has saved the equivalent of over 12 billion gallons of gasoline.

This suite of programs provides both measurable and immeasurable value to tax-payers across the country. The U.S. Green Building Council commends your leadership by supporting these programs as they have proven to be a sound investment for this country's ability to thrive. We urge all other members to support this amendment to restore funding for each of these programs to FY'11 levels to maintain this country's commitment to energy security and economic stability.

Sincerely,

JASON HARTKE,  
Vice President, National Policy,  
U.S. Green Building Council.

SUPPORT THE TONKO/BASS AMENDMENT TO THE  
FY'12 ENERGY AND WATER DEVELOPMENT  
APPROPRIATIONS BILL

JULY 11, 2011.

DEAR REPRESENTATIVE: The undersigned companies, organizations and associations

all strongly urge you to support the bi-partisan Tonko/Bass amendment to restore funding for energy efficiency programs within the FY'12 Energy and Water Development Appropriations Bill. If the country is serious about addressing our energy security concerns, reducing energy costs, promoting economic growth and domestic jobs and cutting oil imports, then we should not give up on energy efficiency programs. Energy efficiency is a cornerstone of a balanced energy policy.

The Tonko/Bass amendment would restore funding to the FY'11 levels for the Weatherization Assistance Program, the State Energy Program (SEP) and the Buildings Technology Program.

The Weatherization Assistance Program is the largest residential energy efficiency program in the nation. It reduces the energy burden on low-income families, the elderly and disabled, and creates jobs, invests in local businesses and advances technology. The 35% energy savings as a result of weatherizing homes under this program saves \$437 in annual utility bills for the average homeowner.

SEP delivers extraordinary economic benefits to all sectors of the economy by working with the private sector in delivering key energy services. A study by Oak Ridge National Laboratory found that for every federal dollar invested in this program, \$7 in energy savings are achieved and almost \$11 in non-federal funds are leveraged.

Buildings consume approximately 40% of our energy in this country. The Buildings Technology Program conducts critical R&D that permits the private sector to incorporate new technologies into their construction. This allows businesses to maintain their competitive edge by reducing their costs of doing business and expanding against fierce global competition. These new products and technologies also help consumers every day.

These three programs that would be restored to FY'11 funding levels as a result of this amendment are critical to our future. The proposed amendment will increase Weatherization funding by \$141.3 million, SEP funding by \$25 million and the Buildings Technology Program by \$60.5 million, for a total of \$226.8 million. The amendment is fully offset.

Sincerely,  
Adirondack Community Action Programs, Inc. (NY)  
Alexandria Economic Opportunity Commission (VA)  
Alliance to Save Energy  
American Council for an Energy Efficient Economy  
Association of State Energy Research and Technology Transfer Institutions  
Baltimore County Community Action Agency  
Boston Community Development, Inc.  
Business Council for Sustainable Energy  
California/Nevada Community Action Partnership  
Central Florida Community Action Agency (CFAA), Inc.  
Chesapeake Climate Action Network  
Citizens Utility Board of Wisconsin  
Community Action Partnership  
Community Action Partnership of Idaho  
Community Action Partnership of Lake County (IL)  
Community Action Partnership of Northwest Montana  
Community Action Partnership of San Luis Obispo Co., Inc. (CA)  
Conservation Law Foundation  
Conservation Services Group  
Corporation for Ohio Appalachian Development  
Direct Energy

Earth Advantage Institute  
 Eastern Idaho Community Action Partnership  
 Efficiency First  
 ENE (Environment Northeast)  
 Energy Future Coalition  
 Energy Platforms, LLC  
 Environmental and Energy Study Institute  
 Environment America  
 Illuminating Engineering Society  
 Izaak Walton League of America  
 Jefferson County Committee for Economic Opportunity (AL)  
 Johnson Controls, Inc.  
 Knauf Insulation  
 LACAP (LA)  
 League of Conservation Voters  
 Mid-Willamette Valley Community Action Agency (OR)  
 National Association for State Community Services Programs  
 National Association of Energy Service Companies  
 National Association of State Energy Officials (NASEO)  
 National Community Action Foundation  
 National Insulation Association  
 National Wildlife Federation  
 Natural Resources Defense Council  
 Newburgh Community Action Committee, Inc. (NY)  
 Nicholas Community Action (WV)  
 North American Insulation Manufacturing Association  
 North Carolina Community Action Association  
 Northeast Missouri Community Action Agency  
 NYS Community Action Association (NY)  
 Ohio Association of Community Action Agencies  
 Ohio Heartland Community Action Commission  
 Ohio Partners for Affordable Energy  
 People Incorporated of Virginia  
 Polyisocyanurate Insulation Manufacturers Association  
 Pro Action of Steuben and Yates, Inc. (NY)  
 Safe Climate Campaign  
 Schenectady Community Action Program (NY)  
 S.E. Idaho Community Action Agency, Inc.  
 Sierra Club  
 Southeastern Association of Community Action Agencies (NC)  
 Supportive Housing Network of New York  
 The Sheet Metal and Air Conditioning Contractors National Association, Inc. (SMACNA)  
 Tompkins Community Action, Inc. (NY)  
 The Dow Chemical Company  
 The Mechanical Contractors Association of America (MCAA)  
 The Weidt Group  
 Union of Concerned Scientists  
 U.S. Green Buildings Council  
 West CAP (WI)  
 West Virginia Community Action Partnership, Inc.  
 Wider Opportunities for Women  
 WSOS Community Action Commission, Inc. (OH)

I yield back the balance of my time.  
 Mr. FRELINGHUYSEN. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. FRELINGHUYSEN. In order to increase funding for this energy efficiency and renewable account, the gentleman's amendment again suggests we decrease funding for weapons activities.

As I said earlier the modernization of the nuclear complex is a critical na-

tional security priority and must be re-funded. Reductions of this magnitude would be unacceptable and impact our ability and our nuclear security strategy.

These reductions in the nuclear account would be to increase funding for Energy Efficiency and Renewable Energy programs primarily in the area of weatherization in the State Energy Program. For your information, these two programs have \$3.4 billion in unspent funds from the 2009 stimulus and a full \$2.7 billion is expected to be available for use in fiscal year 2012.

They don't need any more money. The Department of Energy needs to get the money out of the door, and if they aren't capable, they need to make sure States that have received money get money out of the door. So I therefore oppose the amendment.

I yield back the balance of my time.  
 Mr. BASS of New Hampshire. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. BASS of New Hampshire. As much as it pains me to oppose the position of my good friend from the State of New Jersey, I rise in support of this very worthy amendment and want to thank my friend from New York for his sponsorship of it.

As he said, it raises the Weatherization Assistance Program by about \$141.3 million, the State Energy Program by \$25 million, and the Buildings Technologies Program by \$60.5 million, basically to the level funded at the 2011 level. It is offset, as was mentioned, by a reduction of an increase in the Nuclear Security Administration's Weapons Activities, which would make that line item level funded as well.

And I believe, as has been said by my friend from Indiana, as well as my friend from New Jersey, that the Weapons Activities Programs are laudable, especially as they relate to the safety and security of our weapons stockpile. But I think level funding the 2011 levels is adequate.

□ 2030

When you look at the weatherization programs and what they do, you can't dispute it. Low-income individuals cannot afford to spend money on efficiency. It's just not possible. Yet when they do, it has a positive impact on all sorts of other programs, one of which is LIHEAP.

As was mentioned by my friend from New York, these programs pay back on the order of \$7, \$8, \$9, \$10, \$11 to \$1 spent, not only in savings to low-income individuals but also to the Federal Government. This is good for the economy. It puts people to work. It's good for energy efficiency and lessening our dependence on foreign sources of oil, and it does contribute to the long-term national energy goals for this country as I see them.

So all that Mr. TONKO and I are looking for is level funding for fiscal year

2011 for both the nuclear weapons program as well as the weatherization program, the State Energy Program, and the Building Technologies Program, which benefit so many people in so many different parts of America.

So I urge adoption of this amendment.

I yield back the balance of my time.  
 Mr. TONKO. Mr. Chairman, I ask unanimous consent to strike the last word.

The Acting CHAIR. Without objection, the gentleman from New York is recognized for 5 minutes.

There was no objection.

Mr. TONKO. For a point of clarification, I would just point out the statutory deadline for the weatherization program and the State Energy Program is on March 31 of any given year, in this case 2012. So, of course, it's not all spent yet. There is expected to be an accelerated spending on these investments that are made. The draw-down on those moneys will come in an accelerated way. But also the intent was a 3-year spend-out. And I think if we pull the rug out from these job creators at this stage, we stand to reduce employment among our private sector contractors, our builders and renovators. What I had seen in New York, especially with the State Energy Programs, they had a 3-year waiting list.

There is a great deal of good that comes from this program, and I think everyone in this Chamber is well served by investment in this program.

I yield back the balance of my time.

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

The question was taken; and the Acting Chair announced that the noes appeared to have it.

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

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New York will be postponed.

AMENDMENT OFFERED BY MR. GARRETT

Mr. GARRETT. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 23, line 4, after the dollar amount, insert "(reduced by \$300,000,000)".

Page 24, line 18, after the dollar amount, insert "(reduced by \$32,000,000)".

Page 28, line 13, after the dollar amount, insert "(reduced by \$167,500,000)".

Page 32, line 4, after the dollar amount, insert "(reduced by \$500,000)".

Page 62, line 2, after the dollar amount, insert "(increased by \$500,000,000)".

Mr. GARRETT (during the reading). Mr. Chairman, I ask unanimous consent to consider the amendment read.

The Acting CHAIR. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. GARRETT. Mr. Chairman, I ask my colleagues to rise with me in support for my amendment, which will save Americans over \$500 million.

My amendment before us today makes reasonable and targeted spending reductions in order to do what? Achieve significant savings that will contribute to our Nation's fiscal health.

Mr. Chairman, we must really now step forward and take bold steps to reduce spending. And I do commend my colleague from the State of New Jersey for the hard work that he has put in, and I appreciate so many of the comments that he has already made on the floor, pointing out to the other side that in so many cases there is money in these accounts, the money hasn't been spent, and they have taken a serious look to try to rein in spending throughout the committee process. For they realize that our Nation is on a path to bankruptcy and we have maxed out our Nation's credit card.

So while the committee did an admirable job and made significant cuts in the underlying bill, I stand here myself, and I and the Republican Study Committee believe that we can go further than this. So this amendment is a very reasonable attempt at showing that this body is serious about cutting spending.

Mr. Chairman, for too long the Federal Government's energy programs have been sold to the American public as basically wise investments that will yield vast new technologies whose costs would basically pale in comparison to the benefits later on. But when you think about it, when you think about the billions and billions of dollars that we have spent year after year, our energy infrastructure remains largely the same in many respects, and we are still here today dependent upon foreign sources of oil. And energy prices? Well, they just continue to spiral upward.

The other side talked wise energy policy. Well, time and time again, Federal energy programs have failed to live up to their potential. These Federal programs have allowed the government to basically play venture capitalists, if you will, and they do so not with their own money. Not at all. They do it with taxpayer moneys. And despite the little return on their investment, they have little choice in making these investments. American taxpayers basically are commanded to increase this investment every year.

For example—I will just give out one since we have been here for a long time this evening—the American people are being asked by their government to invest literally millions to promote something called “advanced solid-state lighting.” What is that? It's a technology that even its supporters can see is far too expensive to compete in today's marketplace. So does this sound like something that an intelligent investor would do? I think not. But only Members of Congress who are spending other people's money would do so.

Mr. Chairman, the United States is home to the most vibrant marketplace of ideas and investors. So the very best way for government to encourage energy innovation and revolutionary technology is to do what? It is to use that marketplace and get out of the way and allow private capital to make those investments. It is in the marketplace where private individuals will assess the risks and rewards, and they will invest responsibly with their own money on projects that will merit further development.

So to conclude, considering the precarious state of our economy and the fiscal condition of this country, the government can no longer invest in some of these extremely risky and unproven projects without regard to loss and expense. Government can no longer play the role of that reckless investor. We must eliminate the waste where it exists and encourage the Federal Government to spend the American public's money in a wise and prudent manner.

For that reason I urge my colleagues on both sides of the aisle to vote in favor of this amendment and fiscal responsibility.

I yield back the balance of my time.

Mr. FRELINGHUYSEN. Mr. Chairman I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. FRELINGHUYSEN. First of all, let me compliment my colleague and good friend from New Jersey (Mr. GARRETT). And, of course, I'm reluctant because he's done his homework and he's worked hard, and I believe, with him, that we need to reduce Federal spending. We've been going over a financial precipice.

But we on the Energy and Water Committee made a commitment. Of course, we were given a very low allocation, so we had to meet that. But we have cut Energy and Water back to approximately the 2006 level after multiple hearings. We have put into the bill more oversight. I believe we have made the tough choices. We've reviewed all accounts. We've put at the pinnacle, of course, our responsibility for national security, national defense, and the weapons program and the nuclear navy, the next class of Ohio ballistic submarines, and also made substantial investments in the Army Corps of Engineers.

I am reluctant to oppose this amendment, but I think we've made the tough choices. I urge Members to oppose the amendment.

I yield back the balance of my time.

Mr. VISCLOSKEY. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from Indiana is recognized for 5 minutes.

Mr. VISCLOSKEY. I rise also to join my chairman in opposition to the gentleman's amendment relative to, again, cutting back on what I think are very

necessary investments in our economy as far as research, both as far as renewables, as far as fossil energy, as far as the science account.

The gentleman mentioned advanced solid-state lighting. It is my understanding that Philips has indicated that a small investment in manufacturing technology to improve the mechanisms as far as the construction and manufacturing of these lightbulbs would allow them to bring back jobs that are currently outsourced overseas. If we make that investment, and I hope we do, I certainly would want to join with other colleagues to see if, in fact, Philips Electronics is good to their word. But at this point I would state my objection.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from New Jersey (Mr. GARRETT).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

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

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New Jersey will be postponed.

□ 2040

AMENDMENT OFFERED BY MR. WU

Mr. WU. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 23, line 4, after the dollar amount insert “(increased by \$60,500,000)”.

Page 32, line 4, after the dollar amount insert “(reduced by \$60,500,000)”.

The Acting CHAIR. The gentleman from Oregon is recognized for 5 minutes.

Mr. WU. Mr. Chairman, I rise today to urge my colleagues to support my commonsense amendment to save consumers significant costs in heating and cooling their homes and businesses. I am joined by my colleagues Don YOUNG of Alaska, CHARLES BASS of New Hampshire, and PAUL TONKO of New York in this bipartisan, commonsense amendment.

Now, it's important because buildings use more energy than either transportation or industry. Fully 40 percent of our energy is consumed by building systems and in homes. My friend PAUL TONKO cited the figure that 70 percent of electricity in America is used in buildings.

At a time of both record energy costs and record unemployment, we need to protect Americans from crushing energy costs by improving the efficiency of existing and new buildings and homes. It's not just an issue for cold weather regions like the State of one of my cosponsors, Representative YOUNG of Alaska. It's also an issue for hot climates like what we have here in Washington, DC. Even at this late hour, at



8:30 p.m., you can just about hear the air conditioning straining to keep it cool in this Chamber. The cost for air conditioning the U.S. Capitol is a fortune. It is also very costly at my 13-foot-wide townhouse near the Capitol, and, of course, heating cost is a big issue in my home in Oregon.

The Building Technologies Program reduces the cost of operating homes and buildings by fostering public-private partnerships and developing technologies, techniques, and tools for making homes and businesses more affordable, productive, and efficient.

According to the Department of Energy, the Building Technologies Program has resulted in fully \$14 billion of direct savings to the consumer, savings that have been reinvested in local economies. Additionally, since its founding 20 years ago, the Building Technologies Program has saved the equivalent of over 12 billion gallons of gasoline.

This amendment would return the Building Technologies Program to just its current fiscal year 2011 funding level. This amendment will cost nothing extra because it is fully offset by taking funds from the Office of the Secretary.

According to the Energy and Water Appropriations Subcommittee report, "a significant fraction of the funding directed in prior appropriations reports to specified energy efficiency and renewable energy activities has been diverted by department management to other purposes in recent years. In some cases, as much as 12 percent of the funding directed by the Congress for this activity has been diverted."

The offset for this amendment will simply return the funds to the Building Technologies Program as intended by this Congress. This, my colleagues, is low-hanging fruit, and we should pick it.

I want to thank my colleagues DON YOUNG, CHARLES BASS, and PAUL TONKO for their joint sponsorship.

I urge passage of this amendment, and I yield back the balance of my time.

Mr. FRELINGHUYSEN. I move to strike the last word.

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. FRELINGHUYSEN. Mr. Chairman, I rise to oppose the gentleman's amendment, but I give him credit for pursuing it. I have already noted that the bill reduces funds for Energy Efficiency and Renewable Energy activities from that account because the government needs to live within its means and really because they don't need any additional funding.

This amendment increases that account despite, as I said earlier, \$9 billion in unspent stimulus money. But perhaps the amendment illustrates how there is simply no room to increase funding for this provision, as the amendment makes an unrealistic cut to departmental administration to do so.

It's not responsible to cut administration and oversight, the very thing that both the ranking and I would suggest the Department of Energy needs more than anything. They need people to review their programs, provide accountability, meet the benchmarks we've set and the timetables we've set and report back to our committee.

So I oppose the amendment and urge others to do so as well.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Oregon (Mr. WU).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

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

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Oregon will be postponed.

AMENDMENT OFFERED BY MR. WOODALL

Mr. WOODALL. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 23, line 4, after the dollar amount, insert "(reduced by \$200,000)".

Page 62, line 2, after the dollar amount, insert "(increased by \$200,000)".

The Acting CHAIR. The gentleman from Georgia is recognized for 5 minutes.

Mr. WOODALL. Mr. Chairman, I realize \$200,000 doesn't seem like a lot of money as we talk about millions and billions and then on to trillions. But, Mr. Chairman, when I got this press release from the Department of Energy dated May 24, 2011, it read this:

The U.S. Department of Energy, together with the U.S. Department of Education, today announces the launch of a new energy education initiative, America's Home Energy Education Challenge, to educate America's youth about the benefits of energy efficiency.

Now, Mr. Chairman, you know as I do, this committee has been asked to make tough, tough decisions about how to allocate money in this appropriations bill and has done an amazing job in doing that. And yet what we continue to see out of agencies from downtown is the creation of new programs.

Now you know as I know that we could go through and eliminate, we could zero out this entire appropriations bill and we wouldn't be anywhere close to balance. We could zero out all the discretionary spending and wouldn't be close to balance. And I wonder if folks downtown are getting that same message. Now more than ever is not the right time to start a new program for which there is no demand and bring that to the American people.

Now, Mr. Chairman, I grew up before there was a Department of Energy. And believe it or not—and this program is targeted at folks in grades 3 to 8—when I was in elementary school, we had an

energy efficiency program. There was a sign on the wall that said, Please turn out the lights when you leave. There was another room in my younger days that had a bird, and the light switch came right out through the beak that said, Tweet the beak when you leave.

Lots of those things were going on in America's classrooms, Mr. Chairman. They don't need to originate from Washington, D.C. They don't need the U.S. Department of Education and the U.S. Department of Energy to get involved training children to turn out the lights.

We've heard from speaker after speaker after speaker who is trying to move dollars around to make sure that we are targeting our few dollars that we have at those critical, cutting-edge technology programs, those critical research programs, those critical infrastructure programs, and yet here we have a brand new program, Mr. Chairman, going to teach children to turn out the lights when they leave.

I think that is a wonderful goal, and I hope parents across America who are watching this tonight, Mr. Chairman, will take this as their push to go and begin that program at home if they haven't already. Knowing how tight dollars are in my community, I'm sure families are already doing that.

But this is a serious issue that requires folks across this board to come together to make the kinds of spending decisions that we have to make to dig ourselves out of this hole. Creating new programs to do something that are State responsibilities, local responsibilities, family responsibilities, this is not the time nor the bill for it, Mr. Chairman. And I urge my colleagues to support this amendment, to cut this \$200,000 and eliminate this new program and put these dollars in the spending reduction account before the new school year begins.

I yield back the balance of my time.

□ 2050

Mr. FRELINGHUYSEN. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. FRELINGHUYSEN. I rise to speak in support of the gentleman from Georgia's amendment. He is so articulate and so convincing, we are willing to accept his amendment.

Mr. VISCLOSKY. Will the gentleman yield?

Mr. FRELINGHUYSEN. I yield to the gentleman from Indiana.

Mr. VISCLOSKY. I would like to thank the gentleman from Georgia for providing us with a copy of the amendment ahead of time and join with the chairman in accepting the amendment.

Mr. FRELINGHUYSEN. One of the convincing arguments you made, you made reference to the Department of Energy newsletter, a new program where maybe personal responsibility should be perhaps ahead of what they may suggest.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Georgia (Mr. WOODALL).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. MCCLINTOCK

Mr. MCCLINTOCK. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 23, line 4, after the dollar amount, insert "(reduced by \$166,143,000)".

Page 62, line 2, after the dollar amount, insert "(increased by \$166,143,000)".

The Acting CHAIR. The gentleman from California is recognized for 5 minutes.

Mr. MCCLINTOCK. Mr. Chairman, this amendment saves \$166 million by relieving taxpayers of having to subsidize yet another year of handouts to the solar industry.

Solar power is not some fragile, new technology. Photovoltaic electricity generation was invented by Edmund Becquerel in 1839, more than 170 years ago. And in more than 170 years of continuing research and development and technological advancement, not to mention untold billions of taxpayer subsidies, we have not yet invented a more expensive way to generate electricity.

Yet we're perfectly comfortable telling our constituents that we are taking another \$166 million from their families this year to throw at this 19th-century technology for no particular reason other than it makes us feel good.

Not only is this the most expensive way we have ever invented to generate electricity; it also adds nothing to our baseline power. Our electricity systems operate on an integrated grid, meaning we constantly have to match the power going onto the grid with the power coming off the grid. And since there's no way to predict when a cloud passing over a solar array will immediately drop the output to zero, we have to construct an equal amount of reliable conventional power to back it up at a moment's notice.

In other words, for every kilowatt of solar power we add to the grid, we also have to add an additional kilowatt of backup power. If this technology was truly on the verge of a breakthrough, it would be the hottest thing in the stock market right now, and investors would be tripping over themselves to get a piece of the action. They are not.

We have no right to take our constituents' money and put it into yet another losing proposition. We're told the solar industry is making great strides in the marketplace. Lots of new jobs. That's true, but it is making those strides not on its own merit, but solely because we are hiding its true cost from consumers through massive tax subsidies that in turn we are borrowing from the Chinese.

It is true that if you hand over \$166 million of taxpayer money to certain solar corporations, those corporations are going to do very well financially.

But their government-funded windfall comes at the expense of not only the hardworking Americans who are the source of this largess; it comes at the expense of our ability to generate the most energy for the lowest price.

Perhaps it is just human nature that the more we invest in our mistakes, the less willing we are to admit them. But with the mistakes of the last 30 years now contributing to the bankruptcy of our country and the impoverishment of our people, perhaps it is time to tell not only the solar industry but every part of the energy sector, get off the public dole, compete on your own merit, and restore to consumers the accurate and unadulterated price signals that they need to make rational decisions in the marketplace.

I yield back the balance of my time.

Mr. VISCLOSKY. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from Indiana is recognized for 5 minutes.

Mr. VISCLOSKY. I rise in opposition to the gentleman's amendment for reasons I have stated on other very similar amendments relative to energy research into renewable accounts.

I would point out there has been reference about the care that the subcommittee has taken as far as drafting this legislation. Stated in the committee report is language relative to solar, that the committee encourages the Department to include in its efforts disruptive solar energy utilization technologies, fabrication methods that yield ultra-low-cost solar cells, technology for ultrahigh efficiency solar cells, and technologies designed to simulate the operation of solar cells and other methods to yield advance sciences.

The committee also recommended no funding for solar demonstration zone projects, as the Department has adequate facilities at its existing laboratories. So they certainly recognized that they did not want money expended in that area.

The committee also indicated in its report that it is aware of the significant cost and efficiency advantages that solar films can provide to thin film and crystalline silicon modules, and we encouraged the Department to expand the funding of solar film research and development.

So, again, the moneys that are provided, which are very tight, are also very thoughtfully put forth with very directive language by the committee.

For that reason, I do oppose the gentleman's amendment.

I yield back the balance of my time.

Mr. GARAMENDI. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from California is recognized for 5 minutes.

Mr. GARAMENDI. We clearly have to move away from fossil fuels. In order to do so, we need to understand the other opportunities that are available to us. Indeed, solar has been around for

a long time. But also in the last decade, 15 years, there have been extraordinary increases in the efficiencies in the solar systems, and they continue to increase.

This is not the time for us to back away from the future. It is time for us to move aggressively forward, providing the research, providing the incentives to move to a new source of energy.

If you want to continue to pollute the atmosphere, then stay with coal. If you want to continue to be indebted to the petro dictators of the world, then stay with oil. But we need to move away from that. And this money in this particular part of the bill provides us with the opportunity to seize the next generation of power, and that is the sun. Yes, the sun has been around a long time, warming us and providing us with what we need to survive. We need to use it more effectively and efficiently, and that is what this money allows us to do. Removing the \$154 million is exactly the wrong thing to do. I oppose the amendment.

I yield back the balance of my time.

Mr. FRELINGHUYSEN. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. FRELINGHUYSEN. I oppose this amendment, but agree with the gentleman's concern about the use of the taxpayers' dollars. In this account, which we have been debating for perhaps an hour and a half, I don't think any program has probably had a larger cut than the solar program, perhaps for the very reasons that the gentleman raises. Solar technologies have been around for a long time. We have a fairly viable public sector, but I still think we do need within the Department of Energy people in the Department of Energy who can put together and provide some degree of expertise and advice to a variety of different entrepreneurs.

So I reluctantly oppose the amendment, but certainly know his heart is in the right place.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from California (Mr. MCCLINTOCK).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

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

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from California will be postponed.

The Clerk will read.

The Clerk read as follows:

ELECTRICITY DELIVERY AND ENERGY RELIABILITY

For Department of Energy expenses including the purchase, construction, and acquisition of plant and capital equipment, and other expenses necessary for electricity delivery and energy reliability activities in

carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, \$139,496,000, to remain available until expended.

#### NUCLEAR ENERGY

For Department of Energy expenses including the purchase, construction, and acquisition of plant and capital equipment, and other expenses necessary for nuclear energy activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, and the purchase of not more than 10 buses, all for replacement only, \$733,633,000, to remain available until expended.

#### AMENDMENT OFFERED BY MR. SCHIFF

Mr. SCHIFF. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 24, line 6, after the dollar amount insert "(reduced by \$10,000,000) (increased by \$10,000,000)".

The Acting CHAIR. The gentleman from California is recognized for 5 minutes.

□ 2100

Mr. SCHIFF. Mr. Chairman, my amendment is very simple. Of the \$733 million appropriated in this bill for nuclear energy research at the Department of Energy, it separates out \$10 million to spend on a cooperative effort with NASA to restart the production of plutonium-238.

Advancing the state of nuclear energy technology was the initial mission of the DOE, and it was hugely successful, developing technologies now used in power plants, submarines and deep space missions. This last focus is now one of the smallest: DOE spends about \$40 million a year building plutonium-238 radioisotope thermal generators, RTGs, for NASA and for national security purposes. This program began in the fifties. RTGs flew on all of the Apollo missions and many times since. In deep space, RTGs are often the only possible source of power.

Unfortunately, in the early nineties, the U.S. shut down plutonium-238 production, and since then, the Department of Energy has been using stockpiled material and material purchased from Russia to build these devices. Recently, though, Russia refused to continue that relationship, and our supply of plutonium-238 is almost exhausted. There are no other viable ways to provide this power, so the U.S. must restart production to allow any deep space or national security uses to continue.

This project has been requested in the last three budget requests, under the Bush and Obama administrations. Over the course of 5 years, the total cost of the project is estimated at \$75-\$90 million. By agreement between the agencies, the project would be equally funded by NASA and the DOE as NASA

has the largest need for the power and the DOE has the expertise and would build and maintain the facility. The \$10 million requested this year in the NASA budget was included in the CJS billing making its way through the Appropriations Committee. This 50/50 cost share is consistent with the decades-long history of the RTG program in which NASA has paid for each RTG produced for its purposes and the DOE has paid for the infrastructure required.

In the context of the nuclear energy research budget, which, in fact, receives a modest increase in this bill, this is a very small project, but it would have an outsized influence on our ability to do the kind of space exploration that no one else in the world can. It may also provide an opportunity for national security agencies to pursue important projects that would otherwise not be available.

I hope that every Member can support this amendment so that we can continue the long history of space exploration for which this Nation is known around the world.

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

Mr. FRELINGHUYSEN. I move to strike the last word.

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. FRELINGHUYSEN. Mr. Chairman, I rise in opposition to the gentleman's amendment, but let me thank him for his historical perspective of the department and of its initial responsibility and for his own deep knowledge, which he shared with many of us in the House, of its necessity in terms of space exploration.

The gentleman's amendment increases funding for the plutonium-238 production restart project, as it's called. To do so, funding for other valuable nuclear energy activities would have to be cut, including the advanced reactor concept research, fuel cycle development, and promising avenues like small modular reactors licensing and research.

The administration has proposed this new project for several years in order to increase domestic supplies of plutonium-238. The vast majority of this material, as Mr. SCHIFF has said, would be used by NASA for in-space power supplies, and only a small fraction would be used by the Department of Energy. Unfortunately, after the committee repeatedly expressed concerns since fiscal year 2010, the administration once again proposed in the 2012 budget request for the Department of Energy to share a full half of the project's financial cost. The administration has neither altered its stance nor addressed or even acknowledged the committee's concerns about this disproportionate sharing.

The funding plans in the budget request and the amendment simply don't make sense, particularly given the other critical priorities in this bill. As

we have expressed for 2 years, the administration must develop a more sensible plan. Therefore, I oppose the amendment, and urge Members to do likewise.

I yield back the balance of my time. Mr. HOLT. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. HOLT. I would like to make a brief comment in support of the gentleman's amendment.

As he said and as I would like to reiterate, there is a class of space exploration that cannot be carried out without these RTGs. Our domestic supply is unreliable at best, essentially nonexistent, and it takes a while to regenerate that.

I strongly support the gentleman's move to restart that program so that we could have a reliable domestic program for deep space exploration that cannot be conducted in any way with other energy sources. I think it is a reasonable amendment and is not overstated, and I would urge its adoption.

I yield back the balance of my time.

Mr. VISCLOSKEY. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from Indiana is recognized for 5 minutes.

Mr. VISCLOSKEY. I rise in opposition to the gentleman's amendment.

I certainly appreciate, again, the gentleman's seriousness in offering it. I appreciate what he wants to accomplish, but the history of this issue has been discussed by a number of speakers.

The fact is there have been Presidents of both parties who have made this recommendation over the last 3 years, and there has been directive language by this committee under the direction of both political parties over the last 3 years. The point is there is a benefit to another agency in the government outside the Department of Energy picking up a reasonable cost, and there ought to be an agreement. Until that is done, I would, with all due respect, rise to oppose the gentleman's amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from California (Mr. SCHIFF).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

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

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from California will be postponed.

#### AMENDMENT OFFERED BY MR. GARAMENDI

Mr. GARAMENDI. I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 24, line 6, after the dollar amount, insert "(increased by \$20,000,000)".

Page 24, line 18, after the dollar amount, insert “(reduced by \$20,000,000)”.

Mr. FRELINGHUYSEN. Mr. Chairman, I reserve a point of order on the gentleman's amendment.

The Acting CHAIR. The gentleman reserves a point of order.

The gentleman from California is recognized for 5 minutes.

Mr. GARAMENDI. This particular section provides \$700 million-plus for nuclear power research, various kinds. The chairman spoke to this issue a few moments ago.

The purpose of my amendment is to carve out of that \$700 million-plus a sum of \$20 million to restart America's program on recycling spent nuclear fuel. We currently call this spent nuclear fuel a “waste” when, in fact, it still possesses about 97 percent of the energy that was originally in the uranium and then processed once through the light water reactors. The purpose of the amendment is to restart.

In the 1960s, 1970s and 1980s, America undertook a program to close the nuclear fuel cycle. That was abandoned in 1994 after a successful effort to recycle and to use that energy that is found in the nuclear fuel. Unfortunately, now this spent nuclear fuel, which we call a “waste product,” is sitting at every reactor in the United States and mostly around the world, creating a significant hazard. We only need to think about Fukushima's little swimming pool that went dry and of the meltdown that occurred at that point.

We need to recycle and completely use, or as much as possible completely use, the energy in these spent nuclear fuel pools. If we do so, we can do it in a way that significantly reduces the hazards and that significantly reduces the longevity of the problem from some 200,000 to some 300 years and create an enormous energy opportunity.

This is a beginning. There is a long path ahead of us, and we have to start on this immediately. That is the purpose of this. Unfortunately, it is going to be ruled out of order. However, in the future, as we move forward, I would hope that the committee and this House and the Senate deem fit to put this kind of program back into action.

With that, I yield back the balance of my time.

□ 2110

Mr. FRELINGHUYSEN. Mr. Chairman, I continue to reserve my point of order.

The Acting CHAIR. The point of order is reserved.

Mr. FRELINGHUYSEN. I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. FRELINGHUYSEN. Mr. Chairman, I will insist on my point of order but would first make a few comments.

The gentleman's amendment prescribes a path forward for the back end of the nuclear energy fuel cycle by directing the Department of Energy to

develop a specific type of reprocessing plant and facility, the integral fast reactor.

Let me say I appreciate our colleague from California's passion for moving forward our Nation's strategy for handling spent nuclear fuel, and I want to thank him for the many times he approached me on this issue. I and many of my colleagues share the gentleman's concerns, and I have repeatedly pushed the administration to move forward at least one piece of the solution, which is the Yucca Mountain repository. There is, however, ongoing debate about the future of the back end of our Nation's fuel cycle.

There are many approaches, including open, closed and modified fuel cycles. Each of these approaches—some of which utilize reprocessing facilities—are far from straightforward and can be accomplished using a variety of competing technologies. While I appreciate my colleague's desire to move the Nation forward, we must carefully evaluate these highly technical issues to address the economic safety and non-proliferation impacts that accompany any fuel cycle option. The gentleman's amendment chooses one winning technology, and I believe it deserves more careful evaluation before moving forward.

#### POINT OF ORDER

Mr. FRELINGHUYSEN. Mr. Chairman, I insist on my point of order.

The Acting CHAIR. The gentleman will state his point of order.

Mr. FRELINGHUYSEN. Mr. Chairman, the amendment proposes to amend portions of the bill not yet read. The amendment may not be considered en bloc under clause 2(f) of rule XXI because of outlays in the bill.

I ask for a ruling from the Chair. The Acting CHAIR. Does any Member wish to speak on the point of order?

Mr. GARAMENDI. I do wish to speak on the point of order.

The Acting CHAIR. The gentleman from California is recognized.

Mr. GARAMENDI. I think the point of order is out of order. In fact, the issue before us is of utmost importance to this Nation—and indeed to the world—as more and more light water reactors are built.

The problem of spent fuel continues to mount and creates hazards. The United States did, in fact, figure out how to close the nuclear gap.

The Acting CHAIR. The gentleman needs to speak to the point of order.

Mr. GARAMENDI. I'm working towards that.

The Acting CHAIR. Well, the gentleman needs to speak to the point of order.

Mr. GARAMENDI. The point of order that I would have wished to speak to, I will yield back my time and take up the subject later.

The Acting CHAIR. The Chair is prepared to rule.

To be considered en bloc pursuant to clause 2(f) of rule XXI, an amendment must not propose to increase the levels

of budget authority or outlays in the bill.

Because the amendment offered by the gentleman from California proposes a net increase in the level of outlays in the bill, as argued by the chairman of the Subcommittee on Appropriations, it may not avail itself of clause 2(f) to address portions of the bill not yet read.

The point of order is sustained. The amendment is not in order.

The Clerk will read.

The Clerk read as follows:

#### FOSSIL ENERGY RESEARCH AND DEVELOPMENT

For necessary expenses in carrying out fossil energy research and development activities, under the authority of the Department of Energy Organization Act (Public Law 95-91), including the acquisition of interest, including defeasible and equitable interests in any real property or any facility or for plant or facility acquisition or expansion, and for conducting inquiries, technological investigations and research concerning the extraction, processing, use, and disposal of mineral substances without objectionable social and environmental costs (30 U.S.C. 3, 1602, and 1603), \$476,993,000, to remain available until expended: *Provided*, That for all programs funded under Fossil Energy appropriations in this Act or any other Act, the Secretary may vest fee title or other property interests acquired under projects in any entity, including the United States.

AMENDMENT OFFERED BY MR. GARAMENDI  
Mr. GARAMENDI. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 24, line 18, after the dollar amount insert “(reduced by \$450,000,000)”.

Page 28, line 23, after the dollar amount insert “(increased by \$450,000,000)”.

The Acting CHAIR. The gentleman from California is recognized for 5 minutes.

Mr. GARAMENDI. This amendment would transfer \$450 million from the Fossil Fuel Research Account to ARPA-E. The reason for the amendment is that we have to move off the 19th-century fuel, that is, coal and oil, and move to future energy sources, one of which I talked about a few moments ago, that is, the nuclear. The other energy sources are out there. We discussed on this floor here over the last hour the issue of solar. There are fuels, advanced biofuels. There are also wind, solar, wave, geothermal. All of these are being advanced at this time by the ARPA-E program within the Department of Energy. That's where the future is.

Now, we can make a choice here about staying with the past and trying to figure out how to create clean coal, which is probably the oxymoron of the century, or we can simply shift our resources to look at other energy sources, and that's what we have to do. The purpose of this amendment is to do that, to shift \$450 million into ARPA-E so that we can look for the energy systems of the future, providing the support that they need both in the research and in the early development of those resources.

There has been much success in this area. There have been numerous research programs that have been done not only at the Department of Energy facilities, but at universities around this country that have taken advantage of the ARPA-E program. It is modeled after the very successful and very long-lasting Department of Defense ARPA program, and it works. We've actually seen major scientific breakthroughs that have occurred as a result of the funding from the ARPA-E program.

Modest as it was, if this amendment were to be adopted, it would be a very big program, one that has the potential of advancing this Nation's future and freeing us—in the case of oil—from the petro dictators of the world and also, in the case of coal, from the extraordinary problems that coal brings to the environment and to communities throughout this Nation. I understand the coal industry and their desire to continue to dig for coal, but we know that at some point we're going to have to move away into the future, and that is what this amendment would attempt to accomplish.

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

Mr. VISCLOSKY. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from Indiana is recognized for 5 minutes.

Mr. VISCLOSKY. With all respect, I do rise in opposition to the gentleman's amendment. I appreciate his comments about ARPA-E. I appreciate the purpose behind its creation. And I will certainly acknowledge that it would appear at ARPA-E there is a new culture, if you would, at that element of the Department of Energy to move projects along and to have a conclusion to research.

As I indicated in my opening remarks in general debate on this bill, I wish the Department of Energy had brought the same vigor and that same commitment that they had to ARPA-E to existing programs at the Department of Energy because my concern is that at some point in time we have too many programs that are going to solve the problem and we're tripping over each other.

At this point, we have 46 Energy Frontier Research Centers, and there is a request to add three to eight more. We have a new administration, and it is not unique to the Obama administration that at the Department of Energy we need, as I would characterize it, a new silver ball to chase around. We need new hubs so that people can talk to each other about critical research. At this point in time, there are three hubs in place, as I understand, for about 18 months. There are two more called for in this bill, totaling five.

We need a bioenergy research center. There are now three in the United States: one in Berkeley, California; one in Madison, Wisconsin; and one in Oak Ridge, Tennessee. We also need defined

research being done at the Joint Genome Institute that was established in 1997 under President Clinton.

I, at this point in time, would like to make sure that ARPA-E works over a longer term, as advertised, and that as advertised the Department takes that culture that is being developed at ARPA-E and to infuse it into these other programs and to show the Congress of the United States there is communication between these numerous programs before we provide any additional monies over and above those called for in the bill.

So again, very respectfully, I would oppose the gentleman's amendment.

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

□ 2120

Mr. FRELINGHUYSEN. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. FRELINGHUYSEN. I rise to oppose the amendment but also to associate myself with the ranking member's comments on ARPA-E, which I'm supportive of. Of course our colleague's amendment would add funding to ARPA-E, which receives some \$100 million in our bill; but the way he would do it would be virtually to eliminate funding for the Fossil Energy Research and Development program, I think causing excessive job losses. And I think the program makes major contributions.

Of course we can't forget that fossil fuels, coal, and natural gas generate about 70 percent of our Nation's electricity. ARPA-E may someday generate a much greater percentage than perhaps it potentially does today, but we're a long way from there. So I oppose the gentleman's amendment and certainly the source, using the Fossil Fuels account for this additional money, that he suggests.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from California (Mr. GARAMENDI).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

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

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from California will be postponed.

Mr. FRELINGHUYSEN. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. BROWN of Georgia) having assumed the chair, Mr. CONAWAY, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 2354) making

appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes, had come to no resolution thereon.

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. DAVIS of Illinois (at the request of Ms. PELOSI) for today.

Ms. BROWN of Florida (at the request of Ms. PELOSI) for today on account of official business in the district.

#### ADJOURNMENT

Mr. FRELINGHUYSEN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 24 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, July 12, 2011, at 10 a.m. for morning-hour debate.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

2367. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Pears Grown in Oregon and Washington; Amendment To Allow Additional Exemptions [Doc. No.: AMS-FV-10-0072; FV10-927-1 FIR] received June 13, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2368. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — User Fees for 2011 Crop Cotton Classification Services to Growers [AMS-CN-10-0111; CN-11-001] (RIN: 0581-AD11) received June 13, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2369. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Nectarines and Peaches Grown in California; Suspension of Handling Requirements [Doc. No.: AMS-FV-11-0019; FV11-916/917-5 IR] received June 13, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2370. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Grapes Grown in Designated Area of Southeastern California; Increases Assessment Rate [Doc. No.: AMS-FV-10-0104; FV11-925-1 FR] received June 13, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2371. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Olives Grown in California; Decreased Assessment Rate [Doc. No.: AMS-FV-10-0115; FV11-932-1 IR] received June 13, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2372. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Raisins Produced From Grapes Grown in California; Increased Assessment Rate [Doc. No.: AMS-FV-10-0090; FV10-989-3 FR] received June 13, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2373. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Federal Seed Act Regulations [Doc. No.: AMS-LS-08-0002] (RIN: 0581-AC74) received June 13, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2374. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Regulations Issued Under the Export Grape and Plum Act; Revision to the Minimum Requirements [Doc. No.: AMS-FV-10-0091; FV11-35-1 FR] received June 13, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2375. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Irish Potatoes Grown in Washington; Decreased Assessment Rate [Doc. No.: AMS-FV-11-0012; FV11-946-2 IR] received June 13, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2376. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Blueberry Promotion, Research, and Information Order; Section 610 Review [Document Number: AMS-FV-10-0006] received June 13, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2377. A letter from the Deputy Director, Food and Community Resources, Department of Agriculture, transmitting the Department's final rule — Competitive and Noncompetitive Non-Formula Federal Assistance Programs—Specific Administrative Provisions for the Beginning Farmer and Rancher Development Program (RIN: 0524-AA59) received June 20, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2378. A letter from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting the Administration's final rule — Federal Agricultural Mortgage Corporation Funding and Fiscal Affairs; Farmer Mac Risk-Based Capital Stress Test, Version 5.0 (RIN: 3052-AC70) received June 24, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2379. A letter from the Under Secretary, Department of Defense, transmitting a letter on the approved retirement of General David H. Petraeus, United States Army, and his advancement to the grade of general on the retired list; to the Committee on Armed Services.

2380. A letter from the Under Secretary, Department of Defense, transmitting a letter of correction concerning the RQ-4A/B Unmanned Aircraft System (UAS) Global Hawk Block 30 Program of Record; to the Committee on Armed Services.

2381. A letter from the Chairman, The Appraisal Subcommittee, Federal Financial Institutions Examination Council, transmitting the 2010 Annual Report of the Appraisal Subcommittee, pursuant to 12 U.S.C. 3332; to the Committee on Financial Services.

2382. A letter from the Secretary, Securities and Exchange Commission, transmitting the Commission's final rule — Beneficial Ownership Reporting Requirements and Security-Based Swaps [Release No.: 34-64628; File No. S7-10-11] (RIN: 3235-AK98) received June 13, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

2383. A letter from the Secretary, Securities and Exchange Commission, transmitting the Commission's final rule — Exemptions for Advisers to Venture Capital Funds, Private Fund Advisers With Less Than \$150 Million in Assets Under Management, and Foreign Private Advisers [Release No.: IA-3222; File No. S7-37-10] (RIN: 3235-AK81) received

June 24, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

2384. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting report prepared by the Department of State concerning international agreements other than treaties entered into by the United States to be transmitted to the Congress within the sixty-day period specified in the Case-Zablocki Act; to the Committee on Foreign Affairs.

2385. A letter from the Chief Human Capital Officer, Corporation for National and Community Service, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

2386. A letter from the Secretary, Department of Education, transmitting the sixty-second Semiannual Report to Congress of the Office of the Inspector General for the period October 1, 2010, through March 31, 2011; to the Committee on Oversight and Government Reform.

2387. A letter from the Chair, Equal Employment Opportunity Commission, transmitting the Inspector General's Semiannual Report to Congress for the period ending March 31, 2011; to the Committee on Oversight and Government Reform.

2388. A letter from the Branch of Recovery and Delisting, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Reinstatement of Listing Protections for the Virginia Northern Flying Squirrel in Compliance With a Court Order [Docket No.: FWS-R5-ES-2011-0035] (RIN: 1018-AX80) June 24, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

2389. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's determination on a petition on behalf of workers from the Linde Ceramics Plant in Tonaawanda, New York, to be added to the Special Exposure Cohort (SEC), pursuant to the Energy Employees Occupational Illness Compensation Program Act of 2000 (EEOICPA); to the Committee on the Judiciary.

2390. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's determination on a petition on behalf of workers from the Dow Chemical Company in Madison, Illinois, to be added to the Special Exposure Cohort (SEC), pursuant to the Energy Employees Occupational Illness Compensation Program Act of 2000 (EEOICPA); to the Committee on the Judiciary.

2391. A letter from the Board Members, Railroad Retirement Board, transmitting the Board's 2011 annual report on the financial status of the railroad unemployment insurance system, pursuant to 45 U.S.C. 369; jointly to the Committees on Transportation and Infrastructure and Ways and Means.

2392. A letter from the Board Members, Railroad Retirement Board, transmitting a report on the actuarial status of the railroad retirement system, including any recommendations for financing changes, pursuant to 45 U.S.C. 231f-1; jointly to the Committees on Ways and Means and Transportation and Infrastructure.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. DINGELL (for himself and Mr. GENE GREEN of Texas):

H.R. 2482. A bill to establish the sense of Congress that Congress should enact, and the President should sign, bipartisan legislation to strengthen public safety and to enhance wireless communications, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Science, Space, and Technology, and Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GRIMM (for himself, Mr. GARRETT, Mr. STIVERS, and Mr. CAMPBELL):

H.R. 2483. A bill to amend the Securities Exchange Act of 1934 and the Commodity Exchange Act to modify certain provisions relating to whistleblower incentives and protection; to the Committee on Financial Services, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HARRIS (for himself, Mrs. CHRISTENSEN, Mr. MICHAUD, Mr. GRIJALVA, Ms. PINGREE of Maine, and Mr. MACK):

H.R. 2484. A bill to reauthorize the Harmful Algal Bloom and Hypoxia Research and Control Act of 1998 to include a comprehensive and integrated strategy to address harmful algal blooms and hypoxia, to provide for the development and implementation of a comprehensive research plan and action strategy to reduce harmful algal blooms and hypoxia, and for other purposes; to the Committee on Science, Space, and Technology, and in addition to the Committee on Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. THOMPSON of Pennsylvania (for himself, Mr. BUTTERFIELD, Mr. BARLETTA, Mr. PETRI, Mr. PLATTS, Mr. HANNA, Ms. SLAUGHTER, Mr. HINOJOSA, Mr. ROSS of Arkansas, Mr. KELLY, and Mr. BOREN):

H.R. 2485. A bill to amend, for certain fiscal years, the weighted child count used to determine targeted grant amounts and education finance incentive grant amounts for local educational agencies under title I of the Elementary and Secondary Education Act of 1965; to the Committee on Education and the Workforce.

By Ms. BORDALLO (for herself, Mr. FALCOMA, Mr. SABLAN, Mrs. CHRISTENSEN, Mr. HONDA, Ms. HANABUSA, Ms. HIRONO, Ms. LEE of California, and Ms. CHU):

H.R. 2486. A bill to amend the Public Health Service Act to provide for health data regarding Native Hawaiians and other Pacific Islanders; to the Committee on Energy and Commerce.

By Mr. FLAKE:

H.R. 2487. A bill to amend the Food, Conservation, and Energy Act of 2008 to terminate direct payments for the 2012 crop year; to the Committee on Agriculture.

By Mr. HINCHEY (for himself, Mr. CRITZ, Mrs. LOWEY, Mr. PETERSON, Mr. GALLEGLY, Mr. HANNA, Mr. WU, Mr. FILNER, and Mr. GRIJALVA):

H.R. 2488. A bill to amend the Internal Revenue Code of 1986 to allow a \$1,000 refundable credit for individuals who are bona fide volunteer members of volunteer firefighting and emergency medical service organizations; to the Committee on Ways and Means.

By Mr. HOLT (for himself, Mr. HINCHEY, Mr. FORTENBERRY, Mr. ROTHMAN of New Jersey, and Mr. WELCH):

H.R. 2489. A bill to authorize the acquisition and protection of nationally significant battlefields and associated sites of the Revolutionary War and the War of 1812 under the American Battlefield Protection Program; to the Committee on Natural Resources.

By Mr. INSLEE (for himself, Mr. DICKS, Mr. LARSEN of Washington, Mr. SMITH of Washington, Mr. McDERMOTT, and Mr. BASS of New Hampshire):

H.R. 2490. A bill to amend the National Trails System Act to provide for a study of the Cascadia Marine Trail; to the Committee on Natural Resources.

By Mr. LUETKEMEYER (for himself and Mrs. MYRICK):

H.R. 2491. A bill to amend the Internal Revenue Code of 1986 to allow refunds of Federal motor fuel excise taxes on fuels used in mobile mammography vehicles; to the Committee on Ways and Means.

By Mr. MARINO (for himself and Ms. SUTTON):

H.R. 2492. A bill to prohibit attendance of an animal fighting venture, and for other purposes; to the Committee on Agriculture, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. McDERMOTT (for himself, Mr. RANGEL, Mr. LEWIS of Georgia, and Mr. JOHNSON of Georgia):

H.R. 2493. A bill to amend the African Growth and Opportunity Act to extend the third country fabric program, and for other purposes; to the Committee on Ways and Means.

By Mr. NADLER:

H.R. 2494. A bill to authorize and direct the Secretary of State and the Commissioner of Social Security to continue to work with the governments of the states of the former Soviet Union to encourage such states to adopt policies that would allow receipt of pensions for individuals who worked in any such state and earned a pension and currently reside in the United States, and for other purposes; to the Committee on Foreign Affairs.

By Mr. TIERNEY (for himself, Mr. ELLISON, Mr. GRJALVA, Mr. JACKSON of Illinois, and Ms. MCCOLLUM):

H.R. 2495. A bill to amend the Internal Revenue Code of 1986 to eliminate certain tax expenditures; to the Committee on Ways and Means.

## MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

85. The SPEAKER presented a memorial of the House of Representatives of the State of Texas, relative to House Resolution No. 1955 urging the United States Fish and Wildlife Service to withdraw its proposal to list the dunes sagebrush lizard under the Endangered Species Act of 1973; to the Committee on Natural Resources.

86. Also, a memorial of the General Assembly of the State of Rhode Island, relative to Senate Resolution S. 976 urging the swift adoption of the Main Street Fairness Act; to the Committee on the Judiciary.

87. Also, a memorial of the House of Representatives of the State of Texas, relative to House Resolution No. 1483 endorsing the inclusion of Taiwan in the United States Visa Waiver Program; to the Committee on the Judiciary.

88. Also, a memorial of the House of Representatives of the State of Louisiana, rel-

ative to House Concurrent Resolution No. 94 memorializing the Congress to review the Government Pension Offset and the Windfall Elimination Provision Social Security benefit reductions and enacting the Social Security Fairness Act; to the Committee on Ways and Means.

## CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. DINGELL:

H.R. 2482.

Congress has the power to enact this legislation pursuant to the following:

Article I, section 8, clause 3, and Article I, section 8, clause 18 of the Constitution of the United States.

By Mr. GRIMM:

H.R. 2483.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3.

By Mr. HARRIS:

H.R. 2484.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 3 & 18 of the United States Constitution.

Clause 3: To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes.

Clause 18: To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by the Constitution in the Government of the United States, or in any Department or Officer thereof.

By Mr. THOMPSON of Pennsylvania:

H.R. 2485.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 18; and including, but not solely limited to the 14th Amendment.

By Ms. BORDALLO:

H.R. 2486.

Congress has the power to enact this legislation pursuant to the following:

Clause 3 of Section 8 of Article I.

By Mr. FLAKE:

H.R. 2487.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority of Congress provided by Article I, section 8 of the United States Constitution, specifically clause 1 (relating to the power of Congress to provide for the general welfare of the United States), clause 3 (relating to the power to regulate interstate commerce), and clause 18 (relating to the power to make all laws necessary and proper for carrying out the powers vested in Congress).

By Mr. HINCHEY:

H.R. 2488.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8

The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States;

By Mr. HOLT:

H.R. 2489.

Congress has the power to enact this legislation pursuant to the following:

Article I of the Constitution of the United States.

By Mr. INSLEE:

H.R. 2490.

Congress has the power to enact this legislation pursuant to the following:

The Constitutional authority of Congress to enact this legislation is provided by Article 1, Section 8, Clause 18, which provides that Congress shall have the power to make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by the Constitution in the Government of the United States, or in any Department or Officer thereof.

By Mr. LUETKEMEYER:

H.R. 2491.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority on which this bill rests is the explicit power of Congress to regulate commerce in and among the states, as enumerated in Article 1, Section 8, Clause 3, the Commerce Clause, of the United States Constitution.

Additionally, the constitutional authority on which the tax provisions of this bill rest is the power of Congress to explicitly lay and collect taxes, duties, impost and excises, to pay the Debts and provide for the common defense and general welfare of the United States and, therefore, implicitly allows Congress to reduce taxes, as enumerated in Article 1, Section 8, Clause 1 of the United States Constitution.

By Mr. MARINO:

H.R. 2492.

Congress has the power to enact this legislation pursuant to the following:

1) Article I, Section 8, Clause 1

The Congress shall have Power to lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States.

2) Article I, Section 9, Clause 3

To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes.

By Mr. McDERMOTT:

H.R. 2493.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3 of the Constitution

By Mr. NADLER:

H.R. 2494.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clauses 1 and 18.

By Mr. TIERNEY:

H.R. 2495.

Congress has the power to enact this legislation pursuant to the following:

Article I, section 8 of the United States Constitution.

## ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 23: Mr. CONNOLLY of Virginia, Mr. CALVERT, Mr. WEST, and Mr. BOSWELL.

H.R. 27: Mr. SMITH of Texas, Mr. BONNER, and Mr. KISSELL.

H.R. 329: Mr. BOSWELL.

H.R. 333: Mr. GINGREY of Georgia, Mr. HONDA, Mr. HINOJOSA, and Mr. SCHOCK.

H.R. 376: Mr. MICHAUD.

H.R. 389: Mr. FORBES.

H.R. 402: Ms. EDDIE BERNICE JOHNSON of Texas and Ms. NORTON.

H.R. 436: Mrs. HARTZLER, Mr. KING of Iowa, and Mr. MATHESON.

H.R. 452: Mrs. HARTZLER, Mr. DANIEL E. LUNGREN of California, Mr. STUTZMAN, and Mrs. CHRISTENSEN.

H.R. 466: Mr. BURGESS.

H.R. 495: Mr. RIGELL.

H.R. 607: Mr. GARAMENDI and Mr. BARLETTA.

H.R. 687: Mr. FRANKS of Arizona and Mr. REHBERG.

H.R. 692: Mr. DUNCAN of South Carolina.

H.R. 704: Mr. DUNCAN of South Carolina.

H.R. 719: Mrs. ELLMERS and Mr. SCHIFF.

H.R. 721: Mr. WATT and Mr. THORNBERRY.

H.R. 733: Mr. AL GREEN of Texas, Mr. RUNYAN, and Mr. BOSWELL.

H.R. 743: Mr. COBLE.

H.R. 756: Mr. FILNER.

H.R. 795: Mr. WALDEN and Mr. DENHAM.

H.R. 805: Mr. BOSWELL.

H.R. 812: Mr. LARSON of Connecticut.

H.R. 860: Mr. MILLER of North Carolina, Ms. NORTON, Mr. AUSTRIA, Mr. McCOTTER, Mr. NADLER, Mr. MCKINLEY, Ms. BALDWIN, Mr. NEAL, Mr. MICHAUD, Mrs. CAPPS, Mr. DEUTCH, Mr. ROE of Tennessee, Mr. CONAWAY, Mr. LATOURETTE, Mr. HANNA, Mr. CONYERS, and Mr. WATT.

H.R. 865: Mr. CARNAHAN and Mr. SCHIFF.

H.R. 886: Mrs. MYRICK.

H.R. 931: Mr. MILLER of Florida.

H.R. 965: Mr. FARR and Mr. TIERNEY.

H.R. 992: Mr. SCHIFF.

H.R. 998: Mr. SCHIFF.

H.R. 1001: Mr. JONES, Mr. YOUNG of Alaska, and Mr. COSTELLO.

H.R. 1006: Mr. DUNCAN of South Carolina and Mr. McCLINTOCK.

H.R. 1031: Mr. MICA.

H.R. 1041: Mrs. BIGGERT, Mr. YOUNG of Indiana, and Mr. AKIN.

H.R. 1044: Mr. ROE of Tennessee and Mr. HEINRICH.

H.R. 1063: Mr. SIRES.

H.R. 1127: Mrs. NAPOLITANO and Mr. RUSH.

H.R. 1170: Mr. CARTER.

H.R. 1175: Mr. BLUMENAUER.

H.R. 1187: Mr. HANNA.

H.R. 1188: Mr. TIERNEY.

H.R. 1234: Mr. PALLONE.

H.R. 1236: Mr. POE of Texas and Mr. MCINTYRE.

H.R. 1240: Mr. COHEN.

H.R. 1256: Mr. QUIGLEY.

H.R. 1284: Mr. PAYNE.

H.R. 1288: Mr. WATT and Mr. MCCAUL.

H.R. 1297: Mr. AUSTIN SCOTT of Georgia.

H.R. 1300: Ms. DELAURO.

H.R. 1327: Mr. MCDERMOTT.

H.R. 1351: Mr. STARK, Ms. MCCOLLUM, Mr. SCOTT of Virginia, and Mr. LANCE.

H.R. 1358: Mr. GOWDY.

H.R. 1370: Mr. WALSH of Illinois, Mr. GUTHRIE, and Mr. CONAWAY.

H.R. 1381: Ms. SCHAKOWSKY.

H.R. 1404: Mr. PETERS.

H.R. 1416: Mr. GARAMENDI.

H.R. 1417: Mr. RUSH and Mr. GRIMM.

H.R. 1418: Mr. POE of Texas.

H.R. 1439: Mr. DANIEL E. LUNGREN of California.

H.R. 1465: Mr. MORAN and Mr. GUTIERREZ.

H.R. 1477: Mr. HONDA and Ms. BASS of California.

H.R. 1515: Mr. CROWLEY.

H.R. 1533: Mr. MICA.

H.R. 1556: Mr. YOUNG of Alaska.

H.R. 1558: Mr. LANKFORD, Mr. BISHOP of Utah, Mr. PLATTS, Mr. JORDAN, and Mr. DENHAM.

H.R. 1575: Mr. RANGEL.

H.R. 1583: Mr. CROWLEY.

H.R. 1591: Mr. FRANKS of Arizona.

H.R. 1639: Mr. BOUSTANY, Mr. DENHAM, and Mr. LONG.

H.R. 1707: Mr. LIPINSKI.

H.R. 1715: Mr. DUNCAN of South Carolina.

H.R. 1723: Mr. LONG, Mr. GIBBS, and Mr. GARDNER.

H.R. 1741: Mr. DUNCAN of South Carolina.

H.R. 1744: Mr. PLATTS, Mr. YOUNG of Indiana, Mr. KINGSTON, and Mr. LATTA.

H.R. 1756: Mr. NADLER, Mr. ENGEL, and Mr. PASCRELL.

H.R. 1775: Mr. FRANKS of Arizona, Mrs. CHRISTENSEN, and Mr. FORTENBERRY.

H.R. 1792: Mr. LATHAM and Mr. MILLER of Florida.

H.R. 1817: Mr. QUIGLEY.

H.R. 1832: Mr. DUNCAN of South Carolina.

H.R. 1848: Mr. MULVANEY.

H.R. 1856: Mr. DUNCAN of South Carolina and Mr. SIRES.

H.R. 1901: Mr. COHEN.

H.R. 1932: Mr. MANZULLO and Mr. HERGER.

H.R. 1941: Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 1964: Mr. FORBES.

H.R. 1980: Mr. FRANKS of Arizona, Mr. POE of Texas, and Mr. FRANK of Massachusetts.

H.R. 1981: Mr. COBLE, Mr. FRANKS of Arizona, Mr. GALLEGLY, Mr. GOWDY, Mr. CHABOT, Mr. DEUTCH, Mr. SHULER, Mr. DANIEL E. LUNGREN of California, and Mr. CRITZ.

H.R. 2010: Mrs. BLACKBURN.

H.R. 2033: Mr. PETERS.

H.R. 2054: Mr. CHANDLER.

H.R. 2068: Mr. HULTGREN.

H.R. 2085: Mr. BRADY of Pennsylvania.

H.R. 2088: Mr. RYAN of Ohio.

H.R. 2104: Mr. TIBERI, Mr. GIBBS, Ms. KAPTUR, and Mr. NEUGEBAUER.

H.R. 2108: Mrs. BLACKBURN and Mr. MCNERNEY.

H.R. 2111: Mr. ROTHMAN of New Jersey, Mrs. MALONEY, and Ms. ZOE LOFGREN of California.

H.R. 2139: Mr. YOUNG of Indiana, Mr. LOEBSACK, Mr. PEARCE, Mr. GOSAR, and Mr. VISCSLOSKEY.

H.R. 2190: Ms. SCHAKOWSKY.

H.R. 2198: Mr. BURTON of Indiana.

H.R. 2206: Mrs. ELLMERS.

H.R. 2214: Mr. RIGELL.

H.R. 2228: Mr. LIPINSKI.

H.R. 2238: Mr. LOEBSACK and Ms. HIRONO.

H.R. 2247: Ms. RICHARDSON.

H.R. 2250: Mr. ROKITA, Mrs. HARTZLER, Mr. JONES, Mr. THOMPSON of Mississippi, Mr. CRAVAACK, and Mr. HULTGREN.

H.R. 2280: Mr. CONYERS.

H.R. 2281: Mr. RUSH.

H.R. 2288: Mr. COURTNEY.

H.R. 2304: Mr. GRIMM and Mr. SCOTT of South Carolina.

H.R. 2315: Mr. STARK and Mr. COHEN.

H.R. 2333: Mr. HONDA.

H.R. 2355: Mr. SCHOCK.

H.R. 2357: Mr. YOUNG of Alaska and Mr. COBLE.

H.R. 2360: Mrs. MILLER of Michigan, Mr. HUNTER, Mr. NUNNELEE, Mr. SOUTHERLAND, Mr. ROKITA, Mr. GOWDY, Mr. DUNCAN of South Carolina, Mr. WITTMAN, Mr. YOUNG of Alaska, Mr. ALEXANDER, and Mr. BONNER.

H.R. 2402: Mr. BISHOP of Utah, Mrs. ADAMS, Mr. WEST, Mr. PEARCE, Mr. SESSIONS, Mr. AUSTIN SCOTT of Georgia, Mr. ROE of Tennessee, and Mr. ROONEY.

H.R. 2407: Mr. FILNER.

H.R. 2412: Mr. SCHIFF.

H.R. 2417: Mr. FITZPATRICK and Mr. WOMACK.

H.R. 2432: Mr. ROSKAM.

H.R. 2436: Mr. CANSECO.

H.R. 2445: Mrs. ROBY and Mr. ROSS of Florida.

H.R. 2446: Mr. WESTMORELAND.

H.R. 2457: Mr. HULTGREN.

H.R. 2458: Mr. McCLINTOCK, Mrs. McMORRIS RODGERS, Mr. HULTGREN, and Mr. LATTA.

H.R. 2472: Mr. GINGREY of Georgia.

H.J. Res. 10: Mr. COOPER.

H.J. Res. 13: Mr. LANCE.

H.J. Res. 47: Ms. CHU and Mr. PETERS.

H. Con. Res. 39: Mr. HULTGREN and Mr. OLSON.

H. Res. 25: Mr. PEARCE.

H. Res. 111: Mr. COURTNEY.

H. Res. 137: Ms. HERRERA BEUTLER.

H. Res. 262: Mr. YOUNG of Florida.

H. Res. 298: Mr. DIAZ-BALART and Mr. ROE of Tennessee.

H. Res. 332: Mr. CLAY.

#### AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 1309

OFFERED BY: Mr. GOSAR

AMENDMENT No. 1: Page 19, after line 8, insert the following new subsection:

(f) EFFECTIVE DATE OF POLICIES FOR CERTAIN PROPERTIES AFFECTED BY WILDFIRE.— Paragraph (2) of section 1306(c) of the National Flood Insurance Act of 1968 (42 U.S.C. 4013(c)(2)) is amended—

(1) in subparagraph (A), by striking “or” at the end;

(2) in subparagraph (B), by striking the period at the end and inserting “; or”; and

(3) by adding at the end the following new subparagraph:

“(C) the initial purchase of flood insurance coverage pursuant to a determination by the Administrator that the waiting period under paragraph (1) shall be waived for private property that is affected by flooding on Federal land affected by wildfire.”.

H.R. 2434

OFFERED BY: Mr. WESTMORELAND

AMENDMENT No. 1: Page 3, line 20, strike “\$200,000,000” and insert “\$100,000,000”.

Page 4, line 3, strike “\$200,000,000” and insert “\$100,000,000”.

H.R. 2434

OFFERED BY: Mr. WESTMORELAND

AMENDMENT No. 2: Page 75, line 19, after the dollar amount, insert “(reduced by \$342,000,000)”.

Page 76, line 12, after the dollar amount, insert “(reduced by \$342,000,000)”.

Page 130, line 11, after the dollar amount, insert “(increased by \$342,000,000)”.

H.R. 2354

OFFERED BY: Mr. FLORES

AMENDMENT No. 27: At the end of the bill (before the short title), add the following new section:

SEC. \_\_\_\_ . None of the funds made available by this Act may be used to enforce section 526 of the Energy Independence and Security Act of 2007 (Public Law 110-140; 42 U.S.C. 17142).

H.R. 2354

OFFERED BY: Ms. KAPTUR

AMENDMENT No. 28: Page 23, line 4, after the dollar amount insert “(increased by \$10,000,000)”.

Page 32, line 4, after the dollar amount insert “(reduced by \$10,000,000)”.

H.R. 2354

OFFERED BY: Mr. TURNER

AMENDMENT No. 29: Page 3, line 24, after the dollar amount, insert “(reduced by \$118,400,000)”.

Page 6, line 6, after the dollar amount, insert “(reduced by \$123,313,000)”.

Page 33, line 20, after the dollar amount, insert “(increased by \$129,353,000)”.

Page 34, line 20, after the dollar amount, insert “(increased by \$71,475,000)”.

Page 35, line 10, after the dollar amount, insert “(increased by \$40,885,000)”.

H.R. 2354

OFFERED BY: Mr. COURTNEY

AMENDMENT No. 30: Page 7, line 15, insert before the period at the end “; *Provided further*, That in addition, there is appropriated



\$808,000,000, which shall be derived from the Harbor Maintenance Trust Fund”.

H.R. 2354

OFFERED BY: MR. MCCLINTOCK

AMENDMENT NO. 31: Page 23, line 4, after the dollar amount, insert “(reduced by \$1,304,636,000)”.

Page 24, line 6, after the dollar amount, insert “(reduced by \$289,420,000)”.

Page 24, line 18, after the dollar amount, insert “(reduced by \$476,993,000)”.

Page 28, line 13, after the dollar amount, insert “(reduced by \$820,488,000)”.

Page 28, line 23, after the dollar amount, insert “(reduced by \$100,000,000)”.

Page 29, line 7, after the dollar amount, insert “(reduced by \$160,000,000)”.

Page 31, line 21, after the dollar amount, insert “(reduced by \$6,000,000)”.

Page 32, line 4, after the dollar amount, insert “(reduced by \$500,000)”.

Page 52, line 15, after the dollar amount, insert “(reduced by \$68,400,000)”.

Page 53, line 7, after the dollar amount, insert “(reduced by \$11,700,000)”.

Page 53, line 13, after the dollar amount, insert “(reduced by \$10,700,000)”.

Page 54, line 4, after the dollar amount, insert “(reduced by \$1,350,000)”.

Page 54, line 12, after the dollar amount, insert “(reduced by \$250,000)”.

Page 62, line 2, after the dollar amount, insert “(increased by \$3,250,437,000)”.

H.R. 2354

OFFERED BY: MR. WELCH

AMENDMENT NO. 32: Page 23, line 4, after the dollar amount, insert “(increased by \$491,000,000)”.

Page 33, line 20, after the dollar amount, insert “(reduced by \$491,000,000)”.

H.R. 2354

OFFERED BY: MR. MORAN

AMENDMENT NO. 33: Page 14, strike lines 3 through 11 (and redesignate the subsequent sections accordingly).

H.R. 2354

OFFERED BY: MR. TONKO

AMENDMENT NO. 34: Page 23, line 4, after the dollar amount insert the following: “(increased by \$226,800,000)”.

Page 33, line 20, after the dollar amount insert the following: “(reduced by \$226,800,000)”.

H.R. 2354

OFFERED BY: MR. BISHOP OF NEW YORK

AMENDMENT NO. 35: Page 6, line 6, after the dollar amount insert “(increased by \$33,535,000)”.

Page 24, line 18, after the dollar amount insert “(reduced by \$33,535,000)”.

H.R. 2354

OFFERED BY: MR. TERRY

AMENDMENT NO. 36: At the end of title I, insert the following:

SEC. XX. Not later than 1 year after the date of enactment of this Act, the Army Corps of Engineers shall conduct and publish the results of a study regarding the reasons and contributing factors that led to the abnormal flooding of the Missouri River during the spring and summer of 2011, with specific focus on whether the water management activities of the Corps, conducted for any purpose other than flood prevention and control, contributed to the 2011 flooding and in what ways.

H.R. 2354

OFFERED BY: MR. CHAFFETZ

AMENDMENT NO. 37: Page 52, line 15, after the dollar amount, insert “(reduced by \$68,400,000)”.

Page 62, line 2, after the dollar amount, insert “(increased by \$68,400,000)”.

H.R. 2354

OFFERED BY: MR. CHAFFETZ

AMENDMENT NO. 38: Page 53, line 7, after the dollar amount, insert “(reduced by \$11,700,000)”.

Page 62, line 2, after the dollar amount, insert “(increased by \$11,700,000)”.

H.R. 2354

OFFERED BY: MR. CHAFFETZ

AMENDMENT NO. 39: Page 53, line 13, after the dollar amount, insert “(reduced by \$10,700,000)”.

Page 62, line 2, after the dollar amount, insert “(increased by \$10,700,000)”.

H.R. 2354

OFFERED BY: MR. CHAFFETZ

AMENDMENT NO. 40: Page 24, line 18, after the dollar amount insert “(reduced by \$32,464,000)”.

Page 62, line 2, after the dollar amount insert “(increased by \$32,464,000)”.

H.R. 2354

OFFERED BY: MS. KAPTUR

AMENDMENT NO. 41: Page 23, line 4, after the dollar amount insert “(increased by \$10,000,000)”.

Page 32, line 4, after the dollar amount insert “(reduced by \$10,000,000)”.

Page 32, line 23, after the dollar amount insert “(reduced by \$10,000,000)”.

H.R. 2354

OFFERED BY: MR. POMPEO

AMENDMENT NO. 42: Page 23, line 4, after the dollar amount insert “(reduced by \$45,641,000)”.

Page 62, line 2, after the dollar amount insert “(increased by \$45,641,000)”.

H.R. 2354

OFFERED BY: MR. BROUN OF GEORGIA

AMENDMENT NO. 43: Page 28, line 13, after the dollar amount insert “(reduced by \$820,488,000)”.

Page 62, line 2, after the dollar amount insert “(increased by \$820,488,000)”.

H.R. 2354

OFFERED BY: MR. BROUN OF GEORGIA

AMENDMENT NO. 44: Page 32, line 4, after the dollar amount insert “(reduced by \$2,500,000)”.

Page 32, line 23, after the dollar amount insert “(reduced by \$2,500,000)”.

Page 62, line 2, after the dollar amount insert “(increased by \$2,500,000)”.

H.R. 2354

OFFERED BY: MR. BROUN OF GEORGIA

AMENDMENT NO. 45: Page 23, line 4, after the dollar amount insert “(reduced by \$1,304,636,000)”.

Page 62, line 2, after the dollar amount insert “(increased by \$1,304,636,000)”.

H.R. 2354

OFFERED BY: MR. BROUN OF GEORGIA

AMENDMENT NO. 46: Page 53, line 13, after the dollar amount insert “(reduced by \$10,700,000)”.

Page 62, line 2, after the dollar amount insert “(increased by \$10,700,000)”.

H.R. 2354

OFFERED BY: MR. BROUN OF GEORGIA

AMENDMENT NO. 47: Page 54, line 12, after the dollar amount insert “(reduced by \$250,000)”.

Page 62, line 2, after the dollar amount insert “(increased by \$250,000)”.

H.R. 2354

OFFERED BY: MR. BROUN OF GEORGIA

AMENDMENT NO. 48: Page 31, line 21, after the dollar amount insert “(reduced by \$6,000,000)”.

Page 62, line 2, after the dollar amount insert “(increased by \$6,000,000)”.

H.R. 2354

OFFERED BY: MR. BROUN OF GEORGIA

AMENDMENT NO. 49: Page 62, after line 2, insert the following new section:

SEC. 609. None of the funds made available in this Act may be used to prohibit or limit, based on material content, the types of traditional hunting and fishing implements used for hunting and fishing to the extent a specific law or regulation is in effect on the date of enactment of this Act.

H.R. 2354

OFFERED BY: MR. CONNOLLY OF VIRGINIA

AMENDMENT NO. 50: Page 24, line 18, after the dollar amount, insert “(reduced by \$92,000,000)”.

Page 23, line 4, after the dollar amount, insert “(increased by \$46,000,000)”.

H.R. 2354

OFFERED BY: MR. GARRETT

AMENDMENT NO. 51: Page 23, line 4, after the dollar amount, insert “(reduced by \$300,000,000)”.

Page 24, line 18, after the dollar amount, insert “(reduced by \$32,000,000)”.

Page 28, line 13, after the dollar amount, insert “(reduced by \$167,500,000)”.

Page 32, line 4, after the dollar amount, insert “(reduced by \$500,000)”.

Page 32, line 23, after the dollar amount, insert “(reduced by \$500,000)”.

Page 62, line 2, after the dollar amount, insert “(increased by \$500,000,000)”.

H.R. 2354

OFFERED BY: MR. GOSAR

AMENDMENT NO. 52: Insert after section 607 the following new section:

SEC. 608. None of the funds made available under this Act may be expended to administer or enforce the requirements of subchapter IV of chapter 31 or title 40, United States Code (commonly referred to as the Davis-Bacon Act), except with respect to a contract that exceeds \$20,000,000.

Page 61, line 22, strike “SEC. 608” and insert “SEC. 609”.

H.R. 2354

OFFERED BY: MR. HARRIS

AMENDMENT NO. 53: Page 62, after line 2, insert the following new section:

SEC. 609. None of the funds made available by this Act may be used to fund any portion of the International program activities at the Office of Energy Efficiency and Renewable Energy of the Department of Energy with the exception of the activities authorized in section 917 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17337).

H.R. 2354

OFFERED BY: MR. WU

AMENDMENT NO. 54: Page 23, line 4, after the dollar amount insert “(increased by \$60,500,000)”.

Page 32, line 4, after the dollar amount insert “(reduced by \$60,500,000)”.

Page 32, line 23, after the dollar amount insert “(reduced by \$60,500,000)”.

H.R. 2354

OFFERED BY: MR. WU

AMENDMENT NO. 55: Page 52, after line 5, insert the following new section:

SEC. 314. It is the sense of Congress that demonstrating advanced technologies developed in the Energy Efficiency and Renewable Energy Building Technologies Program is critical to fostering broader market adoption and spurring the creation of new industries.

H.R. 2354

OFFERED BY: MR. HASTINGS OF FLORIDA

AMENDMENT NO. 56: At the end of the bill (before the short title), insert the following:

SEC. \_\_\_\_ . None of the funds made available by this Act may be used in contravention of, or to delay the implementation of, Executive Order No. 12898 of February 11, 1994 (“Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations”).

H.R. 2354

OFFERED BY: MR. REHBERG

AMENDMENT NO. 57: Page 24, line 18, after the dollar amount insert “(reduced by \$2,200,000) (increased by \$2,200,000)”.

H.R. 2354

OFFERED BY: MR. REED

AMENDMENT NO. 58: Page 27, line 10, after the dollar amount, insert “(increased by \$41,000,000)”.

Page 32, line 4, after the dollar amount, insert “(reduced by \$21,000,000)”.

Page 32, line 23, after the dollar amount, insert “(reduced by \$21,000,000)”.

Page 35, line 15, after the second dollar amount, insert “(reduced by \$20,000,000)”.

H.R. 2354

OFFERED BY: MR. SCHIFF

AMENDMENT NO. 59: Page 28, line 23, after the dollar amount insert “(increased by \$79,640,000)”.

Page 32, line 4, after the dollar amount insert “(reduced by \$79,640,000)”.

Page 32, line 23, after the dollar amount insert “(reduced by \$79,640,000)”.

H.R. 2354

OFFERED BY: MR. SCHIFF

AMENDMENT NO. 60: Page 24, line 6, after the dollar amount insert “(reduced by \$10,000,000) (increased by \$10,000,000)”.

H.R. 2354

OFFERED BY: MS. JACKSON LEE OF TEXAS

AMENDMENT NO. 61: None of the funds made available in this Act may be used to contravene the comprehensive plan authorized in section 4091 of the Water Resources Development Act of 2007.