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House of Representatives

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

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
June 5, 2012.

I hereby appoint the Honorable ADRIAN SMITH 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 17, 2012, 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.

WHAT WOULD RONALD REAGAN DO?

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

Mr. CONNOLLY of Virginia. Mr. Speaker, when we look at this economy, we should ask: What would Ronald Reagan do? When he took office in 1981, President Reagan inherited an economy in deep recession. During the past 3 years, we've heard a number of current Republicans laud the accomplishments of Ronald Reagan in spurring economic recovery during that decade.

As they often point out, President Reagan cut taxes. Of course, so did President Obama. The Recovery Act, which I proudly supported, cut taxes for 95 percent of all Americans, averaging $400 for individuals and $800 for families. When that tax cut expired—and when Republicans refused to extend it—I was again proud to join President Obama to enact the payroll tax cut, averaging $1,000 per family. But tax cuts alone do not make a robust recovery.

The other notable thing Ronald Reagan did was preside over a Nation with a sharp increase in public sector employment from local, State, and Federal levels. Because, while today's Republicans may try to argue otherwise, teaching jobs are jobs; firefighters have real jobs; police jobs are jobs. In fact, three of the last four economic recoveries had one thing in common: public sector employment increased. Two and a half years into the recovery from 2001, total public sector employment was 1 percent higher; 2½ years into the recovery from the 1980 recession, total public sector employment was 3 percent higher. And 2½ years into the recovery from the 1980 recession, total public sector employment under Ronald Reagan was almost 3½ percent higher than it was at the start of the recovery.

In contrast, today's recovery from the recent recession has seen total public sector employment decrease by 2.5 percent, largely because the Republicans have gotten their way in trying to shrink the public sector. Real jobs were lost. Had total public sector employment merely held steady over the last 2½ years, the unemployment rate today would be 7.8 percent, not 8.2. But instead, we've lost 600,000 public sector jobs: teachers, police officers, firefighters, librarians, and other dedicated public servants. If the goal truly were to foster a robust economic recovery, you'd think today's Republicans would be looking at how the Nation worked its way out of previous recessions. But, obviously, that's not the case.

Last September, President Obama put forward the American Jobs Act, a proposal to cut taxes on workers and businesses to incentivize hiring and to fund necessary infrastructure improvements. Economists predicted the American Jobs Act would have added up to 1 million new jobs and spurred GDP growth by an extra 1.5 percent.

These are proposals that have traditionally earned bipartisan support. For example, one of the single largest infrastructure projects ever was under the creation of President Dwight D. Eisenhower, the interstate highway program. In 1982, while he was still working toward economic recovery, Ronald Reagan proposed a highway and bridge repair program to create jobs in the public sector. But, sadly, Republican opposition has kept the American Jobs Act from even coming to the floor for a vote.

Many Republicans decried the use of additional revenue to help offset any increase in national debt. Apparently, they forgot that when faced with rising deficits, Ronald Reagan looked to revenue increases, broadening the tax base, closing loopholes, and raising taxes. Yes, he raised taxes in 1982, 1984, 1985, 1986, and 1987.

It's unfortunate that today's Republicans have lost sight of the value of investing in America in a fiscally responsible manner, because the Nation's construction industry has been the hardest hit. America lost more than 2 million construction jobs in the recession that began in 2007.

Infrastructure investments don't just create jobs, they also repair dangerous bridges and make our roadways safer. They build needed schools to lessen overcrowding; they renovate hospitals and improve water treatment plants.

As part of the Recovery Act, we enacted the Build America Bonds program that leveraged $4 billion in Federal funds to $181 billion in private sector funding, completing more than 2,000 projects in every State in the country. I introduced a bill to extend this successful program because there remain unmet needs in our communities, and there are millions of construction workers awaiting the opportunity to return to work and communities that would benefit from the projects. We haven't even had a hearing on that bill.

Mr. Speaker, Dwight Eisenhower did not subscribe to the current Republican mantra that investing in America was something to be shunned. Ronald Reagan did not share the current Republican dictum that serving one's country in public service is somehow a less-than-noble endeavor and the way to prosperity is through devastating cuts to the public sector.

Congress must act to ensure long-term fiscal responsibility, but it should not come at the expense of millions of Americans struggling to get back to work. As we contemplate our economic policies, we really should ask: What would Ronald Reagan do?

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.

□ 1400

AFTER RECESS

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

PRAYER

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

Loving and gracious God, we give You thanks for giving us another day.

We ask today that You bless the Members of this assembly, to be the best and most faithful servants of the people they serve. Purify their intentions, that they will say what they believe and act consistent with their words.

May they be filled with gratitude at the opportunity they have to serve in this place. We thank You for the abilities they have been given to do their work, to contribute to the common good. May they use their talents as good stewards of Your many gifts and thereby be true servants of justice and partners in peace.

As elections across our Nation highlight the competition of ideas, grant that those who sit in the people's House will place the good of our Nation and its citizens above political gain. It is a difficult task—all the more, it is why we ask Your grace during these days.

May all that is done 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 South Carolina (Mr. WILSON) come forward and lead the House in the Pledge of Allegiance.

Mr. WILSON of South Carolina 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.

UNEMPLOYMENT RATE IS MUCH HIGHER THAN ADVERTISED

(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, the President's policies are failing our families and destroying jobs. Since the President was sworn into office in January 2009, our citizens have lost a net of 740,000 jobs, as was discovered on Friday.

For the past 40 months, the unemployment rate has remained above 8 percent. Sadly, during the month of May, this rate increased from 8.1 percent in April to 8.2 percent. The biased liberal media can no longer conceal the truth of the President's failed policies.

And to make matters worse, if the number of Americans who want to work but have stopped looking for a job and those who are forced to work part-time were factored into the equation, the real unemployment rate would rise to 14.8 percent.

House Republicans have passed over 30 bipartisan bills which would promote job creation. I urge my colleagues in the Senate to take immediate action on these pieces of legislation and help put American families back to work.

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

QUEEN ELIZABETH II'S DIAMOND JUBILEE

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

Mr. KUCINICH. This year marks the Diamond Jubilee—the 60th year—of Queen Elizabeth II's reign as Monarch of the United Kingdom. As our closest relation, it's only fitting that we join the United Kingdom in celebrating the Queen's Diamond Jubilee.

Queen Elizabeth II's coronation as Queen was on June 2, 1953—when she was just 25 years old—following the death of her father, King George IV.

Her Majesty is the second-longest-serving Monarch in British history. She has conducted regular meetings with every British Prime Minister since Winston Churchill. She serves as a patron of over 600 charities. Over the last 60 years, she has conducted 261 official visits to 116 different countries. Her Majesty has received eight Presidents of the United States and made five State visits to the U.S. Last year, she became the first British Monarch since 1911 to visit the Republic of Ireland, a significant and historic move for peace and reconciliation.

Throughout decades of change, Her Majesty, Queen Elizabeth II, has served as a constant and steadfast presence in the United Kingdom and the world. I ask my colleagues to join me in congratulating and celebrating Her Majesty's Diamond Jubilee.

OBAMACARE GRANTS

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

Mr. PITTS. Mr. Speaker, in today's Wall Street Journal, Dr. Steven Greer relates his disastrous experience trying to review grants for a program created by ObamaCare.

The Center for Medicare and Medicaid Innovation will hand out more than $10 billion in the coming decade. Dr. Greer was one of the chairmen overseeing panels of outside experts who were supposed to review grants for projects to train new types of health care workers. The team had only 2 weeks to review applications that ran more than 100 pages. Among other things, work was lost to poor computer systems, leading some panelists to quit in disgust. Dr. Greer himself quit after his complaints went unanswered.

Despite the problems, the money went out the door—$1.9 million to a George Washington University project that only saves $1.7 million, $4.5 million to a San Antonio project that only saves $5 million, and $5.8 million for the University of Chicago to create 80 jobs. All this poorly supervised spending while we rack up more than $1 trillion in debt every year. More evidence that our debt problem is a spending problem.

LOOMING STUDENT LOAN INTEREST RATE CRISIS

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

Mr. COURTNEY. Mr. Speaker, unless Congress acts in the next 25 days, the Stafford student loan interest rate will

double from 3.4 percent to 6.8 percent, adding millions of dollars of additional student loan debt to middle class families.

Unfortunately, the do-nothing House is in session only 2 full days this week and 6 full days for the rest of this month. The Republican whip announced yesterday that there is no action planned on this issue this week.

It is no wonder that President Obama will once again this week reach out to college students all across America to demand action before July 1. Not only that, he is announcing today a historic agreement with colleges and universities to establish a financial aid shopping sheet, which will better inform families about the true cost of tuition as a way of avoiding debt, and will announce new lower repayment caps for the Stafford loans to reduce the burden of high debt.

One branch of government is doing its job to help with the cost of college. It is time for the Republican leadership to do the same.

HEALTH CARE TAX

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

Mr. SAM JOHNSON of Texas. Now more than ever the President and Congress need to cut spending and pass legislation that promotes job growth. Instead, the government is just months away from enacting a job-killing tax on medical devices that will drastically harm our Nation's medical industry. An estimated 43,000 jobs could be lost and could force these American factories to relocate overseas. President Obama wants to implement this harmful tax as a way to pay for his nearly $2 trillion health care law. This is insane.

The government has a spending problem. American taxpayers shouldn't have to foot the bill for this disastrous law, and businesses shouldn't have to fork over more of their money to pay for Washington's reckless spending spree.

It's time to promote real solutions—let's cut spending, repeal ObamaCare, and protect hardworking taxpayers from these destructive taxes. Americans want, need, and deserve real solutions, and we can take action now and vote this week to eliminate this tax.

□ 1410

PROVIDE TRANSPARENCY IN HEALTH CARE PRICES

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

Mr. BURGESS. Mr. Speaker, the current health insurance system has essentially insulated people from the actual cost of medical care that they receive. But maybe, by pulling back the curtain on these opaque areas of the health care market, over time we could lead to the development of a more rational pricing structure, at least from the consumers' perspective.

Once we understand the actual cost, then we can begin to make effective changes, leading to fair physician reimbursement, appropriate patient billing, and better medical services.

To that end, the Health Care Price Transparency Act of 2012, H.R. 5800, is bipartisan legislation that is a long-term solution to runaway medical costs. The bill calls upon States to establish and maintain laws requiring a disclosure of information on hospital charges. This means that State law will require health insurance providers to give patients an actual dollar estimate of what the patient must pay for health care items and services within a specified period of time.

It's commonsense legislation. It's far past time for us to do it. I encourage Members to join me in cosponsoring H.R. 5800. Let's get it done.

MEDIA BIAS AGAINST FAITH REPORTING

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

Mr. SMITH of Texas. Mr. Speaker, last month, 43 Catholic institutions across America joined together to defend the First Amendment and filed a total of 12 lawsuits against the administration in order to protect their right to freedom of religion on behalf of all Americans.

This is the most significant religious lawsuit in U.S. history, and Christian leaders all across America have joined in support of these Catholic institutions. Despite the unprecedented and historic nature of this event, the national media largely ignored it.

The Catholic institutions filed the lawsuit due to new ObamaCare regulations that force some religious institutions to pay for coverage of anti-abortion drugs, regardless of the employer's religious and moral objections.

How can the liberal media ignore 12 different lawsuits being filed in Federal courts that each charge the administration with violating the First Amendment right of freedom of religion?

The liberal national media continues to show their bias by their scanty coverage of this historical event.

COMMUNICATION FROM CONSTITUENT SERVICES DIRECTOR, THE HONORABLE MIKE PENCE, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from Karrie Pardieck, Constituent Services Director, the Honorable MIKE PENCE, Member of Congress:

HOUSE OF REPRESENTATIVES,
Washington, DC, May 23, 2012.

Hon. JOHN A. BOEHNER,
Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to notify you formally, pursuant to rule VIII of the Rules of the House of Representatives, that I have been served with a trial subpoena ad testificandum issued by the State of Indiana's Delaware County Circuit Court No. 4.

After consultation with the Office of General Counsel, I will determine whether compliance with the subpoena is consistent with the privileges and rights of the House.

Sincerely,

KARRIE PARDIECK,
Constituent Services Director, Congressman Mike Pence.

ENERGY AND WATER DEVELOPMENT AND RELATED AGENCIES APPROPRIATIONS ACT, 2013

GENERAL LEAVE

Mr. FRELINGHUYSEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on the further consideration of H.R. 5325, and that I may include tabular material on the same.

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

There was no objection.

The SPEAKER pro tempore. Pursuant to House Resolution 667 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. 5325.

Will the gentleman from Nebraska (Mr. SMITH) kindly take the chair.

□ 1413

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. 5325) making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2013, and for other purposes, with Mr. SMITH of Nebraska (Acting Chair) in the chair.

The Clerk read the title of the bill.

The Acting CHAIR. When the Committee of the Whole rose on Friday, June 1, 2012, an amendment offered by the gentleman from Georgia (Mr. BROUN) had been disposed of, and the bill had been read through page 22, line 11.

AMENDMENT NO. 3 OFFERED BY MR. MCCLINTOCK

Mr. MCCLINTOCK. 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 22, line 3, after the dollar amount, insert ''(reduced by $514,391,000)''.

Page 56, line 24, after the dollar amount, insert ''(increased by $514,391,000)''.

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

Mr. MCCLINTOCK. Mr. Chairman, on Friday, I offered an amendment to eliminate taxpayer subsidies to the so-called renewable sector, and this amendment eliminates them to the nuclear sector, saving another half billion dollars.

It does not affect the surcharges that electricity consumers have already paid for waste disposal or for military applications or the essential maintenance of our Nation's radiological facilities, but it relieves taxpayers from funding research and development that rightly rests with the nuclear industry, and requires that industry to compete with all other energy technologies to attract capital based on its own merit.

On Friday, I expressed my skepticism of companies like Solyndra that have peddled technologies that just don't pencil out. Let me now declare my confidence in nuclear technology and in companies like General Electric and Westinghouse that have pioneered these technologies. But that is not an argument for taxpayers to underwrite their research and development departments.

Whether Congress is skeptical of the technology or confident in it, we are not intellectually equipped or constitutionally authorized to choose winners and losers among various companies or technologies, or to substitute our judgment for that of individual investors. I realize these companies certainly won't turn down free money extracted from taxpayers, but I don't believe they actually need it. What's more, I imagine that they'll be better off when we stop telling them what designs to use by Federal fiat, and start allowing the licensing of any design submitted to the Nuclear Regulatory Commission that meets health and safety standards.

This is the worst of both worlds for our constituents. We force them to pay for the R&D programs of these companies, and these companies then reap the profits. Let their investors risk their own money. Let their investors reap their own profits or losses, and leave the rest of us alone.

That's called freedom. It works, and it's time that our Nation put it back to work.

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 in opposition to the gentleman's amendment. The amendment offered by our colleague would cut nuclear energy research and development activities by 70 percent. It would all but eliminate this very critical program to our Nation.

Our bill provides the same funding level as last year, funding that is a critical part of our support for a balanced energy portfolio, protecting American manufacturing, and reducing reliance on foreign energy sources.

Nuclear power generates 20 percent of our Nation's electricity. It will continue to play a large role in the future, as our constituents look for reliable, inexpensive, and clean energy.

America invented nuclear power, but now other nations are mimicking our companies' designs and building them entirely within their own borders. We must drive the next generation of reactors, and that's what this program does, in addition to improving the reliability of our current nuclear fleet.

Through simulations, cooperation with the industry, and advanced research, the program develops next-generation reactors, such as small modular reactors and high-temperature gas designs, that are inherently safe and have even more substantial safety margins than today's reactors.

These new types of reactors can be wholly built here at home by American companies, by American workers. The gentleman's amendment would halt these efforts, lose the innovation and manufacturing edge overseas, and risk hundreds, if not thousands, of jobs. I therefore oppose this amendment and urge the Members to do the same.

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 appreciate the recognition, Mr. Chairman, and I also rise in opposition to the gentleman's amendment.

Our country really does need a diversified energy portfolio. Nuclear is part of that. Almost a quarter of all of our electrical power today is generated through nuclear power. It is carbon free, and I do not think this is the time to withdraw research support.

In light of, particularly, the tragedy in Japan, the safety of our existing fleet and progress as far as improved technologies is vital.

And, again, I would add my voice to that in opposition to 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. 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.

□ 1420

The Acting CHAIR. 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), $554,000,000, to remain available until expended: *Provided*, That of such amount, $115,753,000 shall be available until September 30, 2014, for program direction: *Provided further*, That for all programs funded under Fossil Energy appropriations in this Act or any other Act, the Secretary of Energy may vest fee title or other property interests acquired under projects in any entity, including the United States.

AMENDMENT OFFERED BY MS. HIRONO

Ms. HIRONO. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 22, line 23, after the dollar amount, insert ''(reduced by $133,400,000)''.

Page 26, line 16, after the dollar amount, insert ''(increased by $133,400,000)''.

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

Ms. HIRONO. Mr. Chairman, I rise in support of the Hirono-Chu-Matsui-Lee-Carnahan amendment. This amendment will increase the resources for the Advanced Research Projects Agency-Energy, or ARPA-E.

In 2006, the National Academy of Sciences released a report titled, ''Rising Above the Gathering Storm.'' That report called for the establishment of an Agency focused on energy. That Agency would be modeled after the famous Defense Advanced Research Projects Agency, or DARPA. Congress created ARPA-E in the 2007 America COMPETES Act. That legislation passed the House and Senate with strong bipartisan support.

ARPA-E's purpose is to support research that helps Americans lead a 21st-century clean-energy revolution. This is about generating new ideas and innovations that lead to new jobs, industries, and opportunities. Ideas and innovations are the hallmarks of America's economic success. Names like Benjamin Franklin, the Wright brothers, Thomas Edison, Akio Morita, Bill Gates, Steve Jobs, and others are familiar to us all. They are familiar names across the globe. That's because their ideas led to cutting-edge technologies that were widely adopted and put to use, changing our lives and society for the better.

Some of these bold innovations were far ahead of their time and often succeeded with government support. For example, few know that, without government contracts for airmail, our commercial aviation industry would not have become so successful. It was research supported by both U.S. Government labs and the private sector that gave us the Internet. Most famously, who can forget President John F. Kennedy's call to put a man on the Moon. While this effort was successful from a technological perspective, it

also captivated a generation of Americans, inspiring them to think big and think bold.

It is vital to our Nation's future success that we reinvigorate the spirit of innovation. If we do, we can harness the talent of our Nation's people as we continue rebuilding our economy. That's why supporting ARPA-E is so important. ARPA-E awardees are developing the kinds of breakthroughs that will help us break free from the grip of foreign oil and fossil fuels. In the past year alone, ARPA-E has supported research into high-tech electric car batteries. ARPA-E has supported potential breakthroughs in energy-grid technology and algae-based biofuels. These are ideas that could change how the U.S. produces, uses, and transmits energy.

Unfortunately, the bill before us takes a different tack. It actually cuts funding for the research and innovation sponsored by ARPA-E. Instead, it gives even more resources for research into mature energy sources. Last year, fossil fuel R&D received $346 million. The bill before us provides $554 million for fossil fuel R&D. That is a $207 million increase. ARPA-E, on the other hand, gets a $75 million cut in this bill.

My friend Warren Bollmeier, who is the head of the Hawaii Renewable Energy Alliance, once told me:

> The path we need to take to energy independence is one where we level the playing field for clean energy.

We all agree that energy independence is a critical national priority. I think we can also agree that we need to take a broad-based approach to getting there. Responsible fossil fuel development must be part of this mix, but so should clean energy, which is what this amendment does.

To increase the resources for ARPA-E, my amendment transfers some funds from the Fossil Fuel Research and Development programs. My amendment does not eliminate fossil fuel R&D. It would merely bring the funding level for this research to the amount requested by the administration. That number was nearly $420 million, and that's still an increase of $73 million from last year.

We know that innovation equals job creation. In fact, in States across the country, we are seeing the advantages of investing in clean-energy research, development, and deployment. We need to keep this forward momentum. In Hawaii, our clean-energy economy is growing. Private sector clean-energy jobs in Hawaii have grown to over 11,000 jobs with double-digit growth expected in the coming year. These firms generate $1.2 billion for our State economy. These are jobs that keep money in our State and can't be outsourced.

At this time of tight budgets, we need to balance our priorities and lay the groundwork for the future. My amendment moves us in that direction. I urge my colleagues to support this 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 rise in opposition to the gentlewoman's amendment.

My colleague's amendment would increase funding for ARPA-E to levels beyond what the program needs.

Our bill provides $200 million for ARPA-E because of its focus on energy security, American manufacturing and competitiveness and research to address gas prices; but we have continuing concerns that this program must not intervene where private capital markets are already acting. It must not fund work redundant with other programs at the Department of Energy.

ARPA-E is only 3 years old and is still proving itself. Given how we must spend tax dollars wisely, it would simply not be prudent to give this young program its highest funding level ever. This amendment would, unfortunately, do just that; therefore, I oppose it for that and for many other reasons.

I yield back the balance of my time.

Mr. CONNOLLY of Virginia. Mr. Chairman, I move to strike the last word.

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

Mr. CONNOLLY of Virginia. I rise to join my colleagues in support of this amendment to restore funding to the Advanced Research Projects Agency for Energy, known as ARPA-E.

In the report language for this bill, the committee's majority correctly notes that projects funded by ARPA-E ''are capable of significantly changing the energy sector to address our critical economic and energy security challenges.'' This Agency is funding research to advance more efficient power transmission, energy storage, transportation fuel alternatives, energy-efficient buildings, and so much more. So it is puzzling that the committee would then recommend reducing the funding for activities that promote American energy and independence by 27 percent compared to the current funding of 43 percent below the President's reasonable request.

It is thanks to our strategic investments in R&D that we have captured the full benefit of America's ideas and innovations through partnerships with the higher education community and the private sector. More than half of the Nation's economic growth since World War II can be traced to science-driven technology research and innovation that has stemmed from that partnership. It was central to our ability to capitalize in the space race in the 1960s.

Since then, the magnitude of research supported by the Federal Government has actually grown and revolutionized health care, transportation, the digital economy and, yes, energy delivery and efficiency. For example, a Federal energy grant at Georgia Tech evolved into a private company, Suniva, that manufactures solar energy cells that are cost competitive with fossil fuels. In fact, the company technology was named the world's best commercially applied innovation in 2010. So it's unfortunate to see the majority continue a pattern of disinvestment in basic research, which typically yields a 2–1 return on investment. Cuts like this actually wind up costing our country in the long run.

The real question is: Who is going to fill that gap if we start to retreat on this historic partnership? The answer: our foreign competitors. It's already happening, Mr. Chairman. More than half of U.S. patents were granted to foreign companies in 2009. China is now the world's leading high-tech exporter, and we rank 27th in the number of graduates with science or engineering degrees.

On a related note, I would highlight another issue of which the majority is paying lip service to the need to address the shortage of American scientists and innovators. The report language correctly expresses concern with the long-term science, technology, engineering, and math workforce development pipeline, particularly for underrepresented minority students. Yet the majority then continues to underfund the very programs aimed at supporting strong teachers and scientists to recruit and train the next generation of innovators.

Mr. Chairman, we need to invest more, not less, in these Federal research partnerships. I urge my colleagues to restore these vital funds so we can continue to nurture promising industries, provide entrepreneurs with skills and capital and allow American companies to be globally competitive and help American workers get jobs.

I yield back the balance of my time.

□ 1430

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. Mr. Chairman, I rise in very reluctant opposition to the gentlelady's amendment, as well as remarks issued by the gentleman from Virginia. I certainly appreciate their desire relative to the good work being done at ARPA–E.

The two points I would make in opposition is that, first of all, the gentlewoman was absolutely correct on the top-line figures for fossil fuel, but I do think they are somewhat misleading because there is a rescission contained within the bill for $187 million. The true reflection, as far as the relationship between current year spending and the proposal in the House bill, is for fiscal year 2012. Fossil fuel is at $534 million. The proposal in the subcommittee mark and the committee-reported bill is $554 million.

Again, appreciating deeply the very good work and cultural change that is

taking place within the Department of Energy because of ARPA–E, I would also point out that energy consumption today by fossil fuel is represented by about 83 percent of our utilization. We do need to continue to be focused on that huge segment of current use to be more efficient and to reduce our carbon footprint.

Again, I would add my remarks to the chairman's, and I yield back the balance of my time.

Ms. CHU. Mr. Chair, I rise in support of the amendment to increase the resources for the Advanced Research Projects Agency—Energy, or ARPA–E.

ARPA–E invests in the success of our entrepreneurs by allowing them to innovate in high-reward energy projects. This critical investment turns ideas into new technologies, which create new companies and even whole industries. These companies start out as small businesses, which we know are the greatest drivers of our economy. ARPA–E is exactly the kind of forward thinking we need to spur American innovation and create well-paying jobs in cutting-edge fields.

ARPA–E is also vital to achieving the kind of 21st century energy solutions America needs to increase our energy efficiency, lower consumer costs, and curb the damage to our environment. While other countries around the world are promoting these kinds of programs, we are letting ourselves fall behind.

In the midst of one of the worst recessions in U.S. history, we are turning our backs on energy innovation, where we once led the way. This makes no sense, and it must stop. We should not be cutting ARPA–E, we should be expanding it. That is exactly what this amendment will do.

ARPA–E gives universities, entrepreneurs, and other innovators resources to develop their ideas. It holds forums to bring researchers together to share expertise, and educate future innovators. Some research ARPA–E has supported includes high-tech electric car batteries, breakthroughs in energy grid technologies, and algae-based biofuels. These developments hold the power to revolutionize the way America produces and consumes energy. This is not science-fiction; it is already science-fact. But it needs the support and vision of my colleagues in Congress in order to continue.

In my home State of California we have ambitious energy standards that we need to work hard to meet in the next few years.

The underlying bill increases research and development funds for fossil fuels by $207 million more than these programs received last year. We are going backwards.

This amendment does not gut fossil fuels research and development, but it does bring funding levels in line with the President's request while increasing funding for ARPA–E in line with the President's request.

Let's stop going backwards; let's stop selling America short. Instead, let America do what it does best: innovate, grow, and lead.

I strongly encourage my colleagues to support this amendment.

Mr. CARNAHAN. Mr. Chair, I rise in opposition to the Graves amendment.

The Missouri River, the Nation's longest, is an important economic tool for not only the state of Missouri but the Nation as a whole. The river is critical to the local water supply, is home to a diverse ecosystem, and also serves residential and recreational roles. Due to our dependence on the River, three million acres along the river have been distorted or changed, causing natural habitats to disappear. Reinvigorating the river and its wildlife will not only benefit those who live along the river, but those who depend on its resources as well.

I stand in strong support of the Missouri River Recovery Program, a program which serves to revitalize the Missouri River and allow native species populations to grow. Missouri needs this program to ensure that the future of the Missouri river ecosystem is one that is sustainable and affordable to maintain. This amendment does nothing to redirect funds for other means of flood control, but instead limits a program that is integral to the River's recovery. Without the funding this program needs, we risk programs that provide habitats and safety for federally listed endangered and threatened species. The maintenance and recovery of the Missouri River is vital to the millions of Americans impacted by the Missouri River basin. I urge my colleagues to consider the economic and environmental impact that a cut to funding for the Missouri River Recovery Program would have, and urge my colleagues to vote "no" on this amendment.

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

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

Ms. HIRONO. 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 gentlewoman from Hawaii will be postponed.

AMENDMENT NO. 5 OFFERED BY MR. MCCLINTOCK

Mr. MCCLINTOCK. 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 22, line 23, after the dollar amount, insert ''(reduced by $554,000,000)''.

Page 22, line 24, after the dollar amount, insert ''(reduced by $115,753,000)''.

Page 56, line 24, after the dollar amount, insert ''(increased by $554,000,000)''.

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

Mr. MCCLINTOCK. Mr. Chairman, this is the final amendment I'll offer to remove government from subsidizing energy companies. This one pertains to fossil fuel industries.

The coal, oil, and natural gas industries are profitable and proven and have never had any trouble finding investors to pay for legitimate research.

Once again, I pose the question: Why are taxpayers then being forced to subsidize research and development for energy companies that have every incentive to pay for it themselves if they actually believe it will bear fruit. If it pans out, these technologies have enormous economic value and will richly reward all of those who invest in them; and if they don't, taxpayers shouldn't be left holding the bag.

Today, the fossil fuels industry has opened a new chapter of clean, cheap, and abundant natural gas recovery through horizontal drilling and hydraulic fracturing, a process developed almost entirely through private capital. Our dismal energy situation today is not because of not enough government. It is because of too much government, and the American people have finally figured that out.

We have done enormous damage not only to our energy policy, but to our entire economy by subsidizing inefficiencies, hiding true costs, and slanting the competitive field. If left alone, prices convey an entire world of data. Embedded in the price at your local gas station is information on political conditions in the Middle East, refinery capacity in Benicia, bribery rates in Venezuela, and what the guy down the street is selling it for, to name just a few. Accurate prices are essential for consumers and investors to make rational decisions about the highest and best use of their dollars.

When government interferes in these decisions through subsidies, it corrupts the data that is necessary to assure that every dollar in the economy is spent to its highest and best use. So it's not just the cost of these subsidies to taxpayers; it's the misallocation of resources that those subsidies cost. And that's perhaps the most serious drag of all on our economy.

When government plays this game, risks are masked, inefficiencies go undetected and uncorrected, capital flows from productive to nonproductive use, and perhaps most dangerous of all in a free society, the government begins picking winners and losers. The productive sector becomes more and more beholden to government and less and less beholden to its own customers.

I am told on generally reliable authority that this is what Republicans are supposed to believe in. This Republican House needs to be true to those beliefs and true to the voters who elected us because of those beliefs.

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

Mr. ROGERS of Kentucky. Mr. Chairman, I rise in opposition to this amendment.

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

Mr. ROGERS of Kentucky. The Obama administration has not been shy about its desire to wipe out our Nation's use of fossil energy resources. Mining permits in Kentucky and eastern America have ground to a halt. Oil and gas leasing on Federal lands and our Outer Continental Shelf are stagnant, onerous regulations are shuttering power plants, and EPA officials have gone on the record expressing a desire to crucify the fossil industries, which have been the backbone of our energy security for decades and continue to today.

And how does this administration propose to fill the gaping hole they've

left in our energy security? By throwing billions of taxpayer dollars down a black hole at pie-in-the-sky renewable pet projects like Solyndra.

I agree with my colleagues that we must balance the expansion of conventional fuels—coal, natural gas, oil, and nuclear—to provide energy today with investment into renewable energies to power our future. And that's exactly what the underlying bill seeks to do, Mr. Chairman.

The funding provided for fossil energy research and development will support investments in carbon capture, carbon storage, and other advanced energy systems so our country can more efficiently use centuries worth of coal and natural gas already at our disposal. Meanwhile, we continue to support reasonable levels in the EERE account that have seen exponential increases in recent years.

The President's energy strategy yields neither savvy investments for the taxpayer nor does it strengthen our energy security or our economy. Seen in tandem with the EPA's onerous utility regulations and deliberate delays to energy production permits, any cuts to fossil energy research are a part of a pincer movement designed to drive fossil energy from the marketplace. The results will be spiking energy costs, greater reliance on foreign sources of energy, and lost jobs.

As a result, Mr. Chairman, I urge a ''no'' vote on this amendment, and I yield back the balance of my time.

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

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

Mr. MCKINLEY. Mr. Chairman, fossil energy research and development continues to evolve to reflect our Nation's key energy supply, security, and environmental needs. American fossil energy R&D takes place in our national energy technology laboratories throughout the country, including laboratories in Morgantown, West Virginia, and in Pittsburgh, Pennsylvania.

Over the years, these two labs alone have produced thousands of jobs, billions of dollars in investment into local and State economies, and an incredible working relationship among WVU, Pitt, Carnegie Mellon, Penn State, and Virginia Tech.

Just to point out the importance of fossil energy R&D funding to the gentleman's home State of California: in 2011, over 200 projects were developing in California. This research provided $1.6 billion in funds being brought into that State, along with over 7,600 jobs.

□ 1440

In Hawaii, there was over $36 million spent in research involving nearly 300 jobs. Fossil energy R&D has led the research that has significantly reduced acid rain, as well as in other advanced pollution controls and mercury emission reductions, and has led and/or conducted research that created technology used in 75 percent of our Nation's largest coal power plants.

Today, fossil energy R&D continues to lead the Nation's efforts in carbon capture, sequestration, and utilization, and has led efforts in combustion and turbine R&D that led to substantial increases in power plant efficiencies and reductions in power plant emissions. Simply put, the research through this program focuses on developing affordable, safe, and clean mechanisms to enhance and utilize our domestic fossil energy resources in the most efficient manner.

If this amendment passes, Congress will not be able to ensure our Nation of job security, job retention, growth, and the ability to meet our ever-increasing energy needs. Not only would this amendment destroy nearly 90,000 jobs, 2,100 research projects, and over $18 billion in investments, but would harm our educational institutions and the students, scientists, and professors who work in our national energy laboratories.

I urge all of my colleagues to oppose this amendment and to continue to support our domestic fossil energy initiatives.

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 the very reasons I espoused briefly before relative to the gentlewoman from Hawaii'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. 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.

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 22, line 23, after the dollar amount, insert ''(reduced by $25,000,000)''.

Page 56, line 24, after the dollar amount, insert ''(increased by $25,000,000)''.

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

Mr. CONNOLLY of Virginia. Mr. Chairman, at a time when we should be working together to find ways to save taxpayer money and reduce the deficit, this bill proposes to waste millions of dollars on research into an inefficient and highly polluting energy extraction process known as oil shale. For 100 years, oil shale advocates and big energy companies have been selling us the promise of cheap energy through oil shale. Despite those efforts, no company has been able to deliver on that promise.

It's time to end the sham and stop wasting taxpayer dollars. That's why this amendment, which I offer with my good friend Congressman JARED POLIS of Colorado, would save $25 million and invest it in deficit reduction.

Despite what some in the industry might claim, oil shale development won't produce affordable American energy or jobs. Mr. Chairman, just a few weeks ago, Interior Secretary Salazar pointed out that the House majority continues to confuse shale oil with oil shale, two completely different things.

While they clearly sound similar, any undergraduate in geology can tell you that, in fact, one is a rock and the other is a liquid. Let me say that again so my colleagues understand. Oil shale, derived from a rock, is not to be confused with shale oil.

While shale oil is experiencing a boom in development, oil shale technology simply doesn't exist, a fact recently confirmed by the Congressional Budget Office. The CBO estimated that implementing a commercial leasing program for oil shale on Federal lands under the PIONEERS Act would not generate revenue for at least 10 years.

The amendment I'm offering with my friend from Colorado (Mr. POLIS) would simply eliminate the research and funding dollars designated in this bill for oil shale production. This is a simple commonsense amendment. Given the current budget constraints we hear so much about, we cannot continue to throw good money after bad for a nonexistent, uneconomic energy source. There is no sense in wasting $25 million in taxpayer dollars on oil shale research and development when there is no commercially viable technology to bake rock and turn it into synthetic oil.

In addition to the technological and economic hurdles facing oil shale, oil shale threatens already scarce water supplies in the West. According to the Bureau of Land Management, industrial scale oil shale development could actually require as much as 150 percent of the amount of water Denver metro area consumes every year. That not only would threaten Denver and eastern agriculture in Colorado, but it would also throw a wrench in the delicate multistate agreements that govern the Colorado River and its use, which is already overtaxed.

Simply put, every Colorado River State, from Colorado to California, should be concerned by this use of this money and water and support this amendment.

Mr. Chairman, we need more affordable American energy. Achieving that goal includes responsible oil and gas exploration, better use of technology to capitalize on all available resources,

and greater focus on the cleaner energy future from renewables such as solar and wind. Some might call it an all-of-the-above approach, but all of the above should not include things that science tells us aren't really viable and represent an unwise investment.

Mr. Chairman, I urge passage of the Polis-Connolly amendment. I ask for consideration of this issue that we, in fact, save $25 million and put it to deficit reduction. I urge my colleagues to vote ''yes'' on the 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 rise in opposition to the gentleman's amendment.

Our bill funds a truly all-of-the-above research approach for addressing future high gas prices by reducing oil imports, developing fuel alternatives, and reducing what Americans pay at the pump.

The amendment would eliminate, as we've heard, $25 million in our bill for an oil shale research program, an important component of our comprehensive approach. The United States has an estimate of 2 trillion barrels of resources in oil shale deposits. For some perspective, that's more than 10 times larger than the United States' estimated proven and unproven oil reserves, and roughly as large as the entire world's proven oil reserves.

But shale oil resources have been barely tapped worldwide because substantial environmental and technological hurdles prevent their extraction, and the fluctuating world oil prices prevent the sustained research needed to bring this resource to market.

Our bill provides $25 million for an oil shale research program to develop the technologies that can make our vast reserves competitive and environmentally sustainable for decades or centuries. If successful, the program could change the game completely. It could prevent future high gas prices and substantially reduce our reliance on foreign oil.

For these and many other reasons, I oppose the gentleman's amendment.

I yield back the balance of my time.

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

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

Mr. POLIS. Mr. Chairman, this amendment—and I appreciate my colleague from Virginia for helping to bring it forward here today—will help reduce the budget deficit by about $25 million.

At a time when we all know we need to make some of the hard cuts to balance our budget, why not make some of the easy cuts? Oil shale, and the research that's reduced under this amendment, does not exist in any economically viable fashion. In fact, many of the corporations and companies that would have the most self-interest in developing oil shale have given it not even a second priority or a third priority—a distant, distant priority—and have cut back on much of the research because there simply is no economically viable way to produce oil shale.

Again, at a time when we need to reexamine our priorities and we know that we need to balance our budget, why not save $25 million from a technology that doesn't exist and that we've already plowed billions of dollars of taxpayer money into.

□ 1450

We still contribute with our Federal resources with regard to any future potential that oil shale might have. There are several research leases in place and private companies continue to invest, although in decreasing amounts, in this technology.

What I think anybody opposed to this amendment would need to convince us of is why it is a justifiable use of taxpayer funds to continue to pursue this boondoggle of a technology that we have already sunken billions of dollars into with zero return for taxpayers, with zero return for energy independence, and with zero return for reducing energy prices for our country.

We in Colorado, and across the country, have a lot of reasonable concerns with regard to any potential future technology in terms of where the water is coming from and how and where it will be used. But fundamentally, for a prospective technology that is locally problematic in affected areas, why does this bill continue to invest good money after bad to continue to throw another $25 million down the billion-dollar hole that has been pursued and talked about for over a century.

The technology to, in an economically and viable way, extract oil shale simply does not exist. My amendment would save $25 million, reduce the deficit, allow private research to continue, and make sure that we continue an all-of-the-above approach to energy independence and reducing gas prices for our country.

I urge strong support of the Connolly-Polis amendment, and 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 strong support of the gentleman's amendment.

Developing oil shale into a fuel source is very energy intensive. Both strip mining and in situ oil mining requires huge amounts of energy. In fact, more energy may go into developing the process than would be produced in the oil secured.

Oil shale development is projected to have a dramatic effect also, as was mentioned during the debate, on water supplies. This water would further stress already overallocated water in the West. Oil shale development also poses a potentially serious threat to water quality. The process of transforming the kerogen in shale into oil leaves behind salts and numerous toxins, water-soluble chemicals that could leach into the groundwater that is the source of much of the region's surface water during the critical time when flow is lowest. Flushing these chemicals from the oil shale production zone, as several companies have proposed, would also create huge volumes of highly saline water that will require further treatment. The technical feasibility of isolating and treating contaminated groundwater has not been demonstrated.

The proposed development of this resource will recreate major new demands on the energy grid as well. By some estimates, the new power plants needed to support a 1 million-barrel-per-day oil shale industry—and we believe that is the low end of DOE's projections—could emit 105 million tons of carbon dioxide every year. That's about 80 percent more than was released by all existing electric utility generating units in the States of Colorado, Wyoming, and Utah in the year 2005.

The spent shale that remains after processing is also not an easy problem, and it will not go away. It potentially represents between 90 and 95 percent of the material that is mined. The Nation already has a legacy of sites that we cannot afford to adequately clean up today. We should not add to this legacy.

While I have indicated during debate on this bill that I support a balanced approach to solving the Nation's energy issues, given the costs and environmental impacts of this particular source at this particular time, with our constrained resources, this is one alternative that should be foregone.

Again, I strongly support the amendment, and 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 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 Virginia will be postponed.

The Clerk will read.

The Clerk read as follows:

NAVAL PETROLEUM AND OIL SHALE RESERVES

For expenses necessary to carry out naval petroleum and oil shale reserve activities, $14,909,000, to remain available until expended: *Provided*, That, notwithstanding any other provision of law, unobligated funds remaining from prior years shall be available for all naval petroleum and oil shale reserve activities.

ELK HILLS SCHOOL LANDS FUND

For necessary expenses in fulfilling the final payment under the Settlement Agreement entered into by the United States and

the State of California on October 11, 1996, as authorized by section 3415 of Public Law 104–106, $15,579,815, for payment to the State of California for the State Teachers' Retirement Fund, of which $15,579,815 shall be derived from the Elk Hills School Lands Fund.

STRATEGIC PETROLEUM RESERVE

For necessary expenses for Strategic Petroleum Reserve facility development and operations and program management activities pursuant to the Energy Policy and Conservation Act of 1975, as amended (42 U.S.C. 6201 et seq.), $195,609,000, to remain available until expended.

NORTHEAST HOME HEATING OIL RESERVE

(INCLUDING RESCISSION OF FUNDS)

For necessary expenses for Northeast Home Heating Oil Reserve storage, operation, and management activities pursuant to the Energy Policy and Conservation Act, $10,119,000, to remain available until expended: *Provided*, That of the unobligated balances from prior year appropriations available under this heading, $6,000,000 is hereby permanently 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.

ENERGY INFORMATION ADMINISTRATION

For necessary expenses in carrying out the activities of the Energy Information Administration, $100,000,000 to remain available until expended.

NON-DEFENSE ENVIRONMENTAL CLEANUP

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other expenses necessary for non-defense environmental cleanup 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, $198,506,000, to remain available until expended.

AMENDMENT OFFERED BY MR. MATHESON

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

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 25, line 5, after the dollar amount, insert ''(increased by $9,600,000)''.

Page 30, line 5, after the dollar amount, insert ''(reduced by $9,600,000)''.

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

Mr. MATHESON. This amendment would add $9.6 million to the Department of Energy's nondefense environmental cleanup account, thereby restoring the amount that was cut from the previous year for the small sites associated with this program. This will be offset by taking money from the National Nuclear Security Administration's weapons activities account, which in this bill right now has an increase of just over $298 million relative to last year.

The funding for the small sites in the nondefense environmental cleanup accounts supports activities across the country that address the legacy resulting from civilian nuclear energy research and uranium mining, and it is critical that the Department of Energy have the resources necessary to meet its obligation to clean contaminated sites across the country in a timely manner.

I know it's tough to come up with these appropriations bills, and I think the committee has done a nice job of trying to balance many things. I acknowledge and I support the increase in funding for the NNSA weapons modernization efforts. I believe that directing a small portion of the $298 million increase over the FY 12 levels towards cleanup of small sites around the country is worth consideration here today.

This is not an attack of the work of the NNSA, but rather an amendment to increase the efficiency of the small-site cleanup effort undertaken by the Department of Energy. The $9.6 million represents a fraction of 1 percent of the total funding of NNSA weapons activities that will be received in this bill.

I think we want to do this funding and maintain this funding because it ensures the progress of these sites can continue. Let's remember these small sites are shovel-ready projects directly employing hundreds of people at various sites across the country.

While this is for all sites, I'll talk about one location of which I'm familiar because it's in my congressional district, near Moab. It's a site that at one point had 16 million tons of radioactive material. It's on the banks of the Colorado River. During an environmental impact statement review it was determined that it was with an absolute certainty that at some point, if this pile is not moved, a flood event will flush this downstream. There are roughly 25 million users downstream of the Colorado River in Nevada, Arizona, and southern California.

What I find interesting is if we're looking to reduce funding for these small projects, we end up increasing the proportion of what's left for fixed costs, for administrative costs. In the case of the project in Utah, the contract that was just let by the Department of Energy, 25 percent of all moneys were just on administrative costs; and that means that we're spending a significant portion not moving material.

The thing about these small projects is there is an end in sight. We can get this done. We can knock this project out if we aggressively fund it, and I think on a lifecycle basis you actually are spending less taxpayer dollars if we adequately fund these small sites.

My concern about funding of small-site remediation is not unique to me. In fact, the committee in its own report of this bill on page 100 mentions this issue about small sites. It says:

The committee remains concerned about the lack of remediation activity taking place around the country at various Department-sponsored facilities and small sites classified as under the responsibility of the Department.

□ 1500

So I know we all care about this. I know we do. I'm just trying to point out, at least in my State we have one of these sites whereby shrinking of the funding I think we extend the life of this project for more years. I think we'll end up spending more taxpayer dollars on a life-cycle basis at the project as a result, and I would submit that it merits consideration to see if we can do this small plus-up in the environmental cleanup account for small sites.

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

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

The Acting CHAIR (Mr. THORNBERRY). The gentleman from New Jersey is recognized for 5 minutes.

Mr. FRELINGHUYSEN. Mr. Chairman, I rise in opposition to the amendment, but I do appreciate my colleague's advocacy for removing uranium tailing at the former uranium ore processing facility in his congressional district, Moab, Utah, to protect the Colorado River and downstream water users.

There has been, as I'm sure he'd admit, tremendous progress at this site, where work was accelerated with an influx of $100 million from the stimulus bill, or the Recovery Act.

Our bill, for the record, fully funds the President's request for nondefense environmental cleanup. It provides $198 million to sustain ongoing cleanup projects. While this is a reduction from fiscal year 2012, it is a reasonable one considering the need to reduce overall Federal spending in our bill. Within that amount, the amount of funding for the Moab project, which my colleague is particularly concerned about, is sustained at $31 million, the same amount as in fiscal year 2012.

This amendment increases funding over the request and over last year's level for Moab. While many sites like Moab are struggling to reduce cleanup work following the Recovery Act, we simply cannot maintain these highly elevated funding levels. As an offset, this amendment proposes to take resources from important national security activities. It unacceptably strikes funding for priority investments in our nuclear security enterprise which is both urgent and long overdue. Thus, I urge Members to vote ''no'' on his amendment, and 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. Mr. Chairman, I appreciate the recognition and rise in strong support of the gentleman's amendment. I certainly appreciate the concerns he has expressed about cleanup nationally, as well as the site illustrated in Utah, and share his concerns that we are not adequately investing in cleaning up contaminated communities where we have a national obligation.

This amendment would make a cut of $9.6 million to the weapons program,

but I would point out to my colleagues that while I support the weapons complex and its modernization, this is a very slight change in funding, an account that has a $7.5 billion allocation and sees a $275 million increase for 2013 under the bill. And, therefore, I do think the gentleman has taken a very reasoned approach and strongly support his amendment.

I yield back the balance of my time.

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

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

Mr. MATHESON. 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 Utah will be postponed.

The Clerk will read.

The Clerk read as follows:

URANIUM ENRICHMENT DECONTAMINATION AND DECOMMISSIONING FUND

For necessary expenses in carrying out uranium enrichment facility decontamination and decommissioning, remedial actions, and other activities of title II of the Atomic Energy Act of 1954, and title X, subtitle A, of the Energy Policy Act of 1992, $425,493,000 to be derived from the Uranium Enrichment Decontamination and Decommissioning Fund, to remain available until expended.

SCIENCE

(INCLUDING RESCISSION OF FUNDS)

For Department of Energy expenses including the purchase, construction, and acquisition of plant and capital equipment, and other expenses necessary for science 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 facility or for plant or facility acquisition, construction, or expansion, and purchase of not more than 25 passenger motor vehicles for replacement only, including one ambulance and one bus, $4,824,931,000, to remain available until expended: *Provided*, That of such amount, $185,000,000 shall be available until September 30, 2014, for program direction: *Provided further*, That of the unobligated balances from appropriations available under this heading, $23,500,000 is hereby permanently 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.

ADVANCED RESEARCH PROJECTS AGENCY—ENERGY

For necessary expenses in carrying out the activities authorized by section 5012 of the America COMPETES Act (Public Law 110–69), as amended, $200,000,000, to remain available until expended: *Provided*, That of such amount, $20,000,000 shall be available until September 30, 2014, for program direction.

NUCLEAR WASTE DISPOSAL

For nuclear waste disposal activities to carry out the purposes of the Nuclear Waste Policy Act of 1982, Public Law 97-425, as amended (the ''NWPA''), $25,000,000, to remain available until expended, and to be derived from the Nuclear Waste Fund established in section 302(c) of such Act (42 U.S.C. 10222(c)), to be made available only to support the Yucca Mountain license application: *Provided*, That not less than $5,000,000 of funds made available under this heading shall be made available only for assistance to affected units of local government which have given formal consent to the Secretary of Energy to host a high-level waste repository as authorized by the NWPA.

TITLE 17 INNOVATIVE TECHNOLOGY LOAN GUARANTEE PROGRAM

Such sums as are derived from amounts received from borrowers pursuant to section 1702(b)(2) of the Energy Policy Act of 2005 under this heading in prior Acts, shall be collected in accordance with section 502(7) of the Congressional Budget Act of 1974: *Provided*, That, for necessary administrative expenses to carry out this Loan Guarantee program, $38,000,000 is appropriated, to remain available until September 30, 2014: *Provided further*, That $38,000,000 of the fees collected pursuant to section 1702(h) of the Energy Policy Act of 2005 shall be credited as offsetting collections to this account to cover administrative expenses and shall remain available until expended, so as to result in a final fiscal year 2013 appropriation from the general fund estimated at not more than $0: *Provided further*, That fees collected under section 1702(h) in excess of the amount appropriated for administrative expenses shall not be available until appropriated.

ADVANCED TECHNOLOGY VEHICLES MANUFACTURING LOAN PROGRAM

For administrative expenses in carrying out the Advanced Technology Vehicles Manufacturing Loan Program, $6,000,000, to remain available until September 30, 2014.

DEPARTMENTAL ADMINISTRATION

For salaries and expenses of the Department of Energy necessary for departmental administration in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the hire of passenger motor vehicles and official reception and representation expenses not to exceed $30,000, $230,783,000, to remain available until September 30, 2014, plus such additional amounts as necessary to cover increases in the estimated amount of cost of work for others notwithstanding the provisions of the Anti-Deficiency Act (31 U.S.C. 1511 et seq.): *Provided*, That such increases in cost of work are offset by revenue increases of the same or greater amount, to remain available until expended: *Provided further*, That moneys received by the Department for miscellaneous revenues estimated to total $108,188,000 in fiscal year 2013 may be retained and used for operating expenses within this account, and may remain available until expended, as authorized by section 201 of Public Law 95–238, notwithstanding the provisions of 31 U.S.C. 3302: *Provided further*, That the sum herein appropriated shall be reduced by the amount of miscellaneous revenues received during 2013, and any related appropriated receipt account balances remaining from prior years' miscellaneous revenues, so as to result in a final fiscal year 2013 appropriation from the general fund estimated at not more than $122,595,000.

AMENDMENT OFFERED BY MR. SHIMKUS

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

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 28, line 16, after the dollar amount insert ''(reduced by $10,000,000)''.

Page 49, line 25, after the second dollar amount insert ''(increased by $10,000,000)''.

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

Mr. SHIMKUS. Mr. Chairman, the Nuclear Regulatory Commission, the NRC, has adequate funds to resume licensing activities for the Yucca nuclear waste repository as called for in the Nuclear Waste Policy Act, but it refuses to do so. The NRC claims it has the legal authority to ignore the law duly enacted by this Congress if the agency isn't given enough money to ''finish the job.''

Under our Constitution, agencies are funded year to year. They are seldom, if ever, given enough money in 1 year to do everything the law tells them to do, especially for long-term projects. In 2008 when the Yucca Mountain licensing proceedings started, Congress appropriated NRC enough money to conduct the proceedings for that year. We sure didn't give it enough to complete the 3-year licensing proceeding. In 2009, we gave the NRC enough to carry out the proceeding for another year. The NRC didn't stop because it didn't have enough money to finish the job. In fact, NRC only stopped the licensing and refused to spend money appropriated for licensing based on the administration's policy decision that the site is no longer workable.

Now, after being hauled into Federal court for ignoring a statutory duty to decide the license application in 3 years, the NRC claims it doesn't have to follow the law because, while it has plenty of money to resume the licensing process and move it forward, it doesn't have enough money to finish it.

When we pass a law and tell an agency to do something and give it enough money to do a job during a given year, can the agency just thumb its nose and say, We're not going to do that job at all because Congress didn't give us enough money to finish the job next year?

No agency has ever successfully told a court not to make it follow the law because in some future year it might not get enough money to do the job the law requires. Allowing NRC to cancel Yucca would unconstitutionally shift the balance of powers to executive agencies to evade congressionally mandated legal obligations.

The Federal appellate court has made its displeasure with the NRC's legal position known. We need to do the same.

This is an outrageous unilateral decision to stop Yucca and not spend funds specifically appropriated for licensing activities. No agency can ignore a statutory duty to proceed with a project based on a subjective determination that adequate funds may not be available to complete the project in the future. We need to send a clear message to every agency this isn't how our Constitution works.

So on top of the over $10 million that the NRC has now to restart the licensing process, this amendment provides an additional $10 million in new funds so they can continue the process. The amendment is budget neutral and fully offset by taking funds from the DOE's departmental administration account.

We are asking DOE to do more with a little less by making modest cuts to an account for salaries and expenses.

I urge my colleagues to vote ''yes'' on the amendment to fund the legally required licensing process for Yucca Mountain so that the NRC, an independent government agency, has funding necessary to finish their thorough, objective, and technical review. In doing so, the NRC, not political games, will determine whether Yucca Mountain would make a safe repository. Having spent 30 years and $15 billion of ratepayer money, the American people at least deserve to find out the answer to whether Yucca is safe.

And whether you favor nuclear power or Yucca Mountain isn't the only issue. The core issue is whether laws we pass may be completely ignored by agencies if they think that some day they may not get enough money to finish the job. Allowing agencies to get away with this results in shifting more of our legislative powers to unelected agency bureaucrats.

With that, Mr. Chairman, I urge all of my colleagues to support the Shimkus amendment, and I yield back the balance of my time.

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

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

Mr. DICKS. I rise in strong support of the Shimkus amendment, which will ensure that the NRC has the resources to carry out its responsibility with regard to the Nation's high-level waste repository at Yucca Mountain.

I regret the position that the NRC has taken on this issue. On the Appropriations Committee, it is our belief that the Commission has adequate funds to resume licensing activities for the Yucca Mountain project as called for in the Nuclear Waste Policy Act.

□ 1710

But the Commission simply has refused to act. The NRC claims it has the legal authority to ignore the law duly enacted by this Congress if the Agency isn't given enough money to ''finish the job.''

Under our Constitution, agencies are funded year to year. They are seldom, if ever, given enough money in 1 year to do everything the law tells them to do, especially for long-term projects.

In 2008, when the Yucca Mountain licensing proceeding started, Congress appropriated sufficient funds to the NRC to conduct the proceeding for that fiscal year. In 2009, we gave NRC enough money to carry out those responsibilities for another year. The NRC didn't stop because it didn't have the entire amount of money to finish the job. In fact, the NRC only stopped the licensing and refused to spend money appropriated for licensing based on a unilateral policy decision that the site is no longer workable.

Now, after being brought to Federal court for ignoring its statutory duty to decide the license application in 3 years, the NRC claimed—astoundingly—that it does not have to follow the law because, while it has plenty of money to resume the licensing process and move it forward, it doesn't have every dollar in hand that would be required to complete the process.

When Congress passes a law, appropriates money, and directs an agency to carry out an important government function during any given fiscal year, that agency cannot just thumb its nose and say we're not going to do that job at all because Congress didn't give us the money to do the following year's work. No agency has ever successfully told a court not to make it follow the law because in some future year it might not get enough money to do the job the law requires.

Allowing the Nuclear Regulatory Commission such power to effectively cancel Yucca Mountain after Congress has enacted a law directing that it be accomplished would be an affront to the Constitution, and it would shift the balance of power to executive agencies to evade congressionally mandated legal obligations.

The Federal appellate court has already made its displeasure with the NRC's legal position known. We need to do the same. The Shimkus amendment would assure that the Commission proceeds with the determination of whether Yucca Mountain is an appropriate location for a safe repository.

The amendment is budget neutral—fully offset by redirecting funding from DOE's departmental administration account.

I urge the adoption of the Shimkus amendment and yield back the balance of my time.

Mr. HASTINGS of Washington. Mr. Chairman, I move to strike the last word.

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

Mr. HASTINGS of Washington. Mr. Chairman, I want to thank the sponsor of this amendment, Mr. SHIMKUS, for bringing this amendment forward. And I want to thank the distinguished ranking member from my home State of Washington and the chairman of the subcommittee for their support also of this amendment.

This is very serious business when the administration is absolutely ignoring statutory law that was passed by this Congress. As a matter of fact, going way back to 1995, this House has acted 32 different times, principally on these appropriation bills as they come forward, to address this issue. Generally, the issue is to not fund Yucca Mountain. Thirty-two times this House, since 1995, has said we are going to fund Yucca Mountain. So I think that the Congress—and certainly the House—has well established what their position is.

Mr. DICKS. Will the gentleman yield?

Mr. HASTINGS of Washington. I yield to the gentleman from Washington.

Mr. DICKS. The fact is that we passed a law that was signed by the President of the United States at that time. I can remember Congressman Udall was chair of the committee at that point. We passed a law that said do Yucca Mountain, and that law has not been repealed. That is still the law of the land.

Mr. HASTINGS of Washington. Reclaiming my time, that is precisely the point. Both you and Mr. SHIMKUS made that point very well that needs to be repeated over and over: This is statutory law. And 32 different times it has been attempted to be modified on the House floor, and 32 times it has been rejected since 1995.

Let me put a personal note on this because I represent the Hanford area in central Washington. It was one of the three Manhattan Projects where we developed atomic weapons to win not only the Second World War but also the Cold War. The process of developing those atomic weapons created a tremendous amount of waste, and the State of Washington has a legal agreement with the Federal Government to clean up that waste. It's called the Tri-Party Agreement. But just to give you an idea of the scope of what needs to be cleaned up there, the waste in underground tanks at Hanford would fill this Chamber over 21 times with radioactive and/or hazardous waste. That's the waste that will eventually go to the repository after it is glassified.

So I thank the gentleman from Illinois for bringing this amendment forward, and I urge my colleagues to support this amendment. It's very, very important. This will be the 33rd time, I contend, that this House will have reaffirmed that Yucca should be the repository.

With that, 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. Mr. Chairman, I rise to speak very briefly to associate my remarks with Mr. DICKS, Dr. HASTINGS, and Mr. SHIMKUS. I want to thank them for bringing this amendment forward to increase funding for license for Yucca.

This is a bipartisan effort. And it's not only bipartisan; the nexus is also support from authorizers and appropriators. So I'm highly appreciative of their initiative. I think it ought to be supported by all Members. I think we ought to move forward and send a message: we need to get Yucca open. This is a way to reclaim the $15 billion that's been put into that effort by keeping the license process open and above board.

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 appreciate the recognition and rise in strong support of the gentleman from Illinois' amendment. I believe the debate on this has been very fruitful and will simply add my voice to theirs.

I believe the administration and the Senate's ongoing attempts to shut this activity down are without scientific merit and are contrary, as has been said on the floor, to existing law and congressional direction.

Under the Nuclear Waste Policy Act of 1982, the Federal Government has a responsibility to demonstrate its capability to meet its contractual obligation by addressing the spent fuel and other high-level nuclear waste at permanently shutdown reactors.

We need to ensure that the administration does not unilaterally dictate policy for nuclear waste disposal, and I strongly urge my colleagues to join me in supporting 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 Illinois (Mr. SHIMKUS).

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

Mr. SHIMKUS. 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 Illinois will be postponed.

AMENDMENT OFFERED BY MS. LORETTA SANCHEZ OF CALIFORNIA

Ms. LORETTA SANCHEZ of California. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 28, line 16, after the dollar amount, insert ''(reduced by $16,000,000)''.

Page 30, line 25, after the dollar amount, insert ''(increased by $16,000,000)''.

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

Ms. LORETTA SANCHEZ of California. Mr. Chairman, I offer an amendment to increase funding for the National Nuclear Security Administration's defense nonproliferation program by $16 million. This is a small restoration of funds, and it would restore the Global Threat Reduction Initiative to our fiscal year '12 levels. It's really just a small increase in funds, but it will go a long way, in particular for the President's top national security priorities. The $16 million would come from the Department's administration account. Specifically, this $16 million transfer would restore half of the funds that had been cut from the Global Threat Reduction Initiative to counter the risk of nuclear terrorism.

The danger that nuclear weapons and materials might spread to countries that are hostile to us or to terrorists who want to use these against us is one of the gravest dangers that we have to the United States. Nonproliferation programs are one of the least expensive ways, and they're critical for U.S. national security, and they must be a top priority. It's our line of first defense. It is the most cost-effective way to achieve the most urgent of goals, which is securing and reducing the amount of vulnerable bomb-grade material.

□ 1520

The funding for the Global Threat Reduction Initiative specifically supports securing vulnerable nuclear material around the world in 4 years, in order to prevent this deadly material from falling into the hands of terrorists who are intent on doing us harm.

And let me give you a specific example of why this is so important. Increasing the funds would help accelerate the conversion of research reactors and the removal of vulnerable highly enriched uranium. The need to accelerate those important efforts can be seen, for example, in the example of Belarus, which had enough HEU for several nuclear weapons, and agreed, in 2010, to give up this material.

Now, the NNSA cleaned out a portion of that material; but in 2011, Belarus reneged on its agreement because it was angry at the imposition of U.S. sanctions on that regime. There is still a significant amount of highly enriched uranium that sits there in Belarus. It could have been cleaned out by the NNSA if it had had 5 more months before Belarus said no. This illustrates why it's so important for us to put the money in to go and clean these places up before people decide or new regimes come in and all of a sudden we can't get to what is very dangerous materials for us.

We can't squander the opportunities to move forward on this urgent priority. The 9/11 Commission and the Nuclear Posture Commission noted that the addressing of this issue is important. This is a grave danger, with the Nuclear Posture Commission warning that ''the urgency arises from the imminent danger of nuclear terrorism if we pass a tipping point in nuclear proliferation.''

I urge support for a very modest increase of $16 million that will significantly help us reduce the dangerous delays to these very important nonproliferation programs.

I yield back the balance of my time.

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

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

Mr. FRELINGHUYSEN. Mr. Chairman, I rise in opposition to the gentlewoman's amendment. Though less than last year's level, the $2.3 billion provided for defense nuclear nonproliferation already shows very strong support of our committee for nonproliferation.

Our bill fully funds the core nonproliferation programs to secure vulnerable nuclear materials around the world in 4 years. In fact, it goes further and provides an additional $28 million above the request for the international programs under what's called the Global Threat Reduction Initiative.

While I appreciate our colleague's support for these activities, there's simply no reason to provide even more funding. The international activities have been clearly laid out in the 4-year plan, which peaked in 2011. These activities are supposed to ramp down as we accomplish more and more projects abroad. The President's budget reflects that planned ramp-down.

This additional funding would just likely sit there unexpended. The National Nuclear Security Agency already has considerable problems getting other countries to follow through with agreements. The Government Accountability Office has confirmed that half of all the funding we provide each year is not spent. To use the words I heard a few minutes ago: the money is sitting there.

This additional funding is simply not needed, and I ask the Members to reject 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 appreciate the recognition.

Mr. Chairman, I rise in strong support of the gentlewoman's amendment and commend her for crafting it.

As I pointed out in earlier remarks, I do appreciate the chairman's efforts, as well as the members of the subcommittee and full committee, to increase money set aside for the Global Threat Reduction Initiative. In fact, the chairman was responsible for adding $17 million above the administration's current request.

However, I do believe that more can be done and that the Sanchez amendment, by adding $16 million to the Global Threat Reduction Initiative, would get us very close to our current year appropriated level.

I believe, as a Nation, our greatest security threat is not a launched attack by another nation-state, but the use of nuclear weapons or materials in an act of terror. And given that particular threat, I do believe every dollar counts and every dollar of these $16 million count. I would ask my colleagues to support the gentlewoman's amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from California (Ms. LORETTA SANCHEZ).

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

Ms. LORETTA SANCHEZ of California. 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 gentlewoman from California will be postponed.

AMENDMENT NO. 7 OFFERED BY MR. WELCH

Mr. WELCH. Mr. Chair, 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 29, line 10, insert before the period at the end the following:

: *Provided further*, That of the funds made available under this heading, such sums as may be necessary shall be available to the Secretary of Energy to comply with the Department's energy management requirements under section 543(f)(7) of the National Energy Conservation Policy Act (42 U.S.C. 8253(f)(7))

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

Mr. WELCH. Mr. Chairman, Representative GARDNER of Colorado and I offered this amendment. He's the lead sponsor, but his plane is late, and I'm standing in in his place as a cosponsor.

Previous legislation by this Congress required our governmental Agencies to do an energy audit, and the reason behind that energy audit was that it would lead to energy savings. There are firms that can do energy-saving contracts at no expense to the taxpayer, no expense whatsoever to the Federal Government.

The point of this amendment is to have the Department of Energy and other government Agencies that have already been directed to do the energy audit to get on with it, and the reason we want to have it done yesterday is so that we can begin today achieving savings for the American taxpayer.

There's a lot of debate in Congress among us as to what makes sensible energy policy. But there is immense consensus that whatever energy policy you favor, saving energy, using less rather than more, saving taxpayer dollars is a wise thing to do in every single policy that might be advanced by Members on both sides of the aisle.

So the point of the amendment that Mr. GARDNER and I offer is basically to say to the Federal Government that, hey, let's audit the energy use in our buildings. Let's take practical steps to save money. Let's use a tool that costs taxpayers no money and guarantees that they'll save money, and let's get on with it.

Mr. Chairman, we seek support for this amendment. But before I yield, I do want to mention one aspect of the bill to which I am opposed and that I'm speaking on my own here, not with my cosponsor, and that's a rider in the bill.

Section 433 lays out a roadmap for designing increasingly energy-efficient new buildings. And the provision has a clause in it that will drive advances in building energy efficiency, deep retrofits and savings in taxpayer dollars, while reducing carbon pollution and leading by example. DOE is working to develop rules that implement section 433 in a workable and flexible manner, but the funding rider would block that.

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. We have no objection to the amendment. We think it's a good way to enact it. It's a commonsense approach, and we have no objection.

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 amendment was agreed to.

The Acting CHAIR. The Clerk will read.

The Clerk read as follows:

OFFICE OF THE INSPECTOR GENERAL

For necessary expenses of the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $43,468,000, to remain available until September 30, 2014.

ATOMIC ENERGY DEFENSE ACTIVITIES

NATIONAL NUCLEAR SECURITY ADMINISTRATION

WEAPONS ACTIVITIES

(INCLUDING RESCISSION OF FUNDS)

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other incidental expenses necessary for atomic energy defense weapons 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 to exceed one ambulance, $7,577,341,000, to remain available until expended: *Provided*, That of the unobligated balances from prior year appropriations available under this heading, $65,000,000 is hereby permanently 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.

AMENDMENT OFFERED BY MR. POLIS

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

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 30, line 5, after the dollar amount, insert ''(reduced by $298,221,000)''.

Page 56, line 24, after the dollar amount, insert ''(increased by $298,221,000)''.

The Acting CHAIR. The gentleman from Colorado is recognized for 5 minutes on his amendment.

□ 1530

Mr. POLIS. The Polis-Markey amendment would reduce the funding for unneeded nuclear weapons programs by $298 million in order to reduce the budget deficit.

At a time of decisions, at a time of choices, we need to ask ourselves: How much is enough with regard to nuclear defense?

These programs included in this amendment have consistently been over budget and ineffectual. We simply shouldn't be increasing funding for them—yes, actually increasing funding for them. This amendment simply eliminates the increase at a time when we should be focused on deficit reduction.

We all agree that we need to stop wasteful government spending. Congress has to justify every penny it spends to the taxpayers, the American people, the global markets. There just isn't any justification for spending an additional $300 million, on top of prior year appropriations, on weapons programs that aren't needed and aren't suited to our current conflicts in the war on terror.

This account funds programs like the B61 Life Extension Program. This program to modify nuclear bombs was originally set to cost $32.5 million and be completed in 2012. Since then, it has ballooned to $4 billion and won't be completed until 2022. At the time that this nuclear warhead is finished, if it's even finished by 2022, it might not even have a mission or a delivery vehicle. Then there is the W78 Life Extension Program, which would create yet another nuclear warhead. This boondoggle was originally set to cost $26 million, and now it has cost over $5 billion.

Why would this Congress approve yet another taxpayer bailout of failed nuclear weapons technology?

Finally, there is a uranium processing facility which was supposed to manufacture components for nuclear warheads. This project was supposed to cost $1.5 billion. Now it has cost over $6.5 billion, and it is 4 years behind schedule.

Frankly, American taxpayers can't afford a Congress that keeps throwing good money after bad on these unnecessary nuclear weapons programs. Now, I'm sure the other side will talk about how we need to maintain our nuclear arsenal. This amendment isn't about that. If this amendment passes, the bill still appropriates over $7 billion for nuclear weapon activities. In reality, it makes no sense to increase spending on nuclear weapons when we've agreed to responsibly reduce our nuclear stockpile.

This is no longer the era of the Cold War where we have another nation-state gearing a large percentage of their GNP toward competing with us on the nuclear weapons front. We are and will remain, even with the passage of this amendment, the global leader on both developing and deploying nuclear weapons technology. This simply isn't a responsible way to govern, and it reduces our national security to spend more money than we can afford on national security. To borrow it from countries like China makes our Nation less secure, not more secure.

I would urge the House to listen to the experts, who are telling us not to throw good money after bad. Let's get our budget under control. Let's get our budget on the right track by spending money on programs that are proven to

protect our country, not on boondoggles that continue to cost taxpayers year after year after year without increasing our security. We need to make hard choices to get our country back on the path to fiscal sanity. Well, this Polis-Markey amendment is an easy choice.

Vote for the Polis-Markey amendment and against spending hundreds of millions of additional dollars on redundant and unneeded nuclear weapons technology on top of the $7 billion base included in this bill, which already allows us to be the unchallenged global leader in developing and deploying nuclear weapons. I urge a ''yes'' vote on the Polis-Markey 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. Mr. Chairman, I rise in strong opposition to this amendment.

Assuring funding for the modernization of our nuclear weapons stockpile is the most critical national security issue in our Energy and Water bill. The Secretary of Energy must certify to the President that our nuclear stockpile is reliable. It's absolutely essential that these funds be put in the bill and kept in the bill.

With years of level funding, we have put off for too long the type of investments that are needed to sustain our nuclear capability as our stockpile ages. That's why the 2010 Nuclear Posture Review concluded that additional funding was essential to ensure that our infrastructure is adequately maintained and that our warheads receive the refurbishments they need to remain reliable and effective. There has also been strong bipartisan support for carrying out the recommended increases in modernization funding.

This amendment unacceptably strikes funding for these priority investments, which are both urgent and long overdue. I strongly urge my colleagues to make defense a priority and to vote ''no'' on this amendment.

I yield back the balance of my time.

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

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

Mr. MARKEY. I rise in support of the Polis amendment. He and I are introducing this amendment so that we can, once again, demonstrate the lack of compatibility of the priorities of this budget to the overall well-being of our country.

The Cold War ended 20 years ago. We won. Since that time, there has been a dramatic reduction in the number of nuclear weapons that both the United States and the former Soviet Union deploy. That number continues to drop. Yet, here in this budget, there is additional profligate spending on new nuclear weapons programs, on weapons modernization. Well, let me just say this, ladies and gentlemen:

Each nuclear submarine that the United States has has 96 independently targetable nuclear warheads. That means that every single nuclear commander of a submarine in the United States can destroy the entire country of Russia, can destroy the entire country of China—each American nuclear submarine commander—and neither Russia nor China knows where those submarines are. We should be proud of ourselves. We are 10-feet tall compared to the Russians, compared to the Chinese.

By the way, any problems that we have with Iran or with Syria in terms of Russian support for them or Chinese support for them have nothing to do with our nuclear weapons capability. That's not influencing them one way or the other. If we needed to ever drop a nuclear bomb on any one of our enemies—let's just say we had a war with Iran—and after the nuclear sub commanders in the United States Navy were to send one nuclear weapon towards Tehran, what would the next target be?

What are we doing out here? Why are we talking about additional nuclear weapons in the 21st century? Why are we talking about cutting Medicare, cutting Medicaid, cutting programs for poor children, cutting nutrition programs for poor children, and at the same time saying that we need more nuclear weapons?

This is a wayback machine. It's a Cold War time machine that basically says that the inexorable investment of political capital already made continues to drive the investments of the future; that we aren't going to step back and reevaluate that we won the Cold War; that we're not going to have a nuclear war with Russia; that we're not going to have a nuclear war with China; that we are 10 feet tall. Even if all there is is parity, each country understands that it's a total annihilation to use these weapons.

Let's save this money. Vote ''aye'' on the Polis amendment. Send a signal to the world. Send a signal to our own people that at least we can find some expenditure in the defense budget which we can cut and which is not related to our national security. That's all that we ask from you: that please, on one vote, on the nuclear weapons issue, where we don't need new weapons, that there is a vote for sanity, that there is a vote that we send as a signal to the rest of the world and to our own people that we understand that that nuclear arms race is over. Vote ''aye'' on the Polis amendment.

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. Chairman, I rise in reluctant opposition to the amendment offered by the gentlemen from Colorado and Massachusetts.

I do believe, given the work of the subcommittee, that the dollars that are contained in it represent an attempt to ensure that, looking down the road with the hopeful ratification of the New START Treaty, we will be consistent with those funding levels that will be required.

□ 1540

While a world without nuclear weapons would be my preference and while the U.S. must maintain its deterrent capability today, we should also maintain the capabilities necessary to ensure that they are safe and effective.

The gentleman from Massachusetts rightfully asked are there any savings that we can see under the defense accounts, whether at the Department of Defense or the Department of Energy. And I would point out one of the eliminations in this year's budget are moneys for the Chemistry and Metallurgy Research Replacement Nuclear Facility.

So I would again emphasize to my colleagues that the subcommittee try to look at this account with great specificity to remove those items that were not necessary and to spend our tax dollars wisely.

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

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

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

Mr. POLIS. 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.

The Clerk will read.

The Clerk read as follows:

DEFENSE NUCLEAR NONPROLIFERATION

(INCLUDING RESCISSION OF FUNDS)

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other incidental expenses necessary for defense nuclear nonproliferation 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 to exceed one passenger motor vehicle for replacement only, $2,283,024,000, to remain available until expended: *Provided*, That of the unobligated balances from prior year appropriations available under this heading, $7,000,000 is hereby permanently 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.

AMENDMENT NO. 9 OFFERED BY MR. BURGESS

Mr. BURGESS. 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 30, line 25, after the dollar amount, insert ''(reduced by $100,000,000)''.

Page 56, line 24, after the dollar amount, insert ''(increased by $100,000,000)''.

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

Mr. BURGESS. Mr. Chairman, this is very straightforward.

This amendment would strike the $100 million from the nuclear nonproliferation account which has been earmarked by the committee for a bailout of a failing uranium enrichment company. This $100 million could then be put toward deficit reduction.

This has nothing to do with taking away money from national security and everything to do with ending bailouts to a failed business model. Twenty years ago, two decades ago, this Congress created by charter the United States Enrichment Corporation, believing USEC could better run the uranium enrichment facilities than the government itself. But after two decades, you look at the situation and realize it ain't happening and Congress was wrong.

Since its inception, USEC has squandered billions of dollars in Federal bailouts, running its operations to near insolvency because of poor decisions and—dare I say—corporate incompetency. Yearly, USEC comes to Congress and the executive branch—hat in hand—begging for millions of dollars in bailout money to continue operation sites that are technologically out of date. It is time that the Federal Government ended the endless bailouts to this enterprise.

Moreover, USEC has been a bad-faith actor in negotiations with the uranium mining industry which provides the needed raw materials that are enriched at these facilities. You always ask yourself on these deals who is the winner and who is the loser. We always say Congress shouldn't pick winners and losers. They clearly are. USEC is the winner. The losers are the uranium miners that populate the western United States.

What motivation does USEC have to negotiate in good faith when it knows if it doesn't get everything it wants from the miners, it simply goes to the Department of Energy, gets a handout, and then time and time again they either get direct-cash payments or they get spent uranium tails? So they have no reason to negotiate with our miners in the western United States.

The Department of Energy has a longstanding agreement with the uranium mining industry not to dump any more than 10 percent of the market's worth of uranium in handouts to USEC at any given time; yet it becomes increasingly clear that the Department of Energy is willing to ignore that agreement and provide the bailout that USEC desires.

This betrayal of the mining industry threatens thousands of jobs across the western United States—Texas, Nevada, New Mexico, Illinois, and Wyoming to name a few. Moreover, arguments that USEC is the only facility that can supply tritium to the Department of Defense ignores the plain language of the Washington treaty and the U.S.-India Nuclear Agreement. The Department of Energy has in its possession enough highly enriched uranium and tritium to last for at least 15 years, costing hundreds of millions of dollars less than the continued bailouts of USEC that the country is currently obligated to.

It is time for this Congress to stand up and stop the continual bailouts of a failed business model. Propping up one company at the expense of American workers is not how this body should be operating. Let's end the bailout, return the money to the Treasury, pay down our deficit.

With that, Mr. Chairman, 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. Mr. Chairman, respectfully, a mention was made of congressional earmarks. There are no congressional earmarks in the Energy and Water bill. This is a Presidential priority, but this is not a congressional earmark.

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

Mr. MARKEY. Mr. Chairman, I move to strike the requisite number of words.

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

Mr. MARKEY. Mr. Chairman, I rise in support of the amendment.

After Congress privatized the United States Enrichment Corporation in 1996, we quickly learned that it couldn't survive in the private sector without continued and repeated bailouts to the tune of billions of dollars. We've given it free centrifuge technology. We've given it free uranium that it enriches and then sells at below-market prices, undercutting its competitors. We've paid to clean up its radioactive messes. We have assumed its liabilities.

And what has happened to these investments? The entire company is worth less than the $100 million contained in this bill that's the next gift that the Congress is giving to this company. Adam Smith is spinning in his grave so rapidly right now that he would qualify as a new energy source. That's how violative of free-market principles this continued subsidy of this company is, knowing that there are other companies that can provide the same resource without the government subsidies.

Even after the Department of Energy's recent announcement of another gift of free uranium to USEC, Standard & Poor's downgraded it to junk-bond status. Who invests in something that has already achieved junk-bond status with the exception of the United States Congress? That's what we're voting on here today, funding of a company that is now in junk-bond status. And JPMorgan, the company's creditor, now directly controls every penny USEC spends because it felt the company could not manage its own precarious finances.

When I asked the Treasury Department whether government support for the company put taxpayers at risk, it said yes and that extreme care should be taken before offering any exposure to the taxpayer. But are we following the Treasury Department's advice? No. The Department of Energy has approved hundreds of millions of dollars' worth of subsidies for this company and is about to approve another $82 million bailout in the coming days. And Congress has acceded to pressure to insert even more money in no fewer than three pieces of legislation that are currently pending, including the $100 million contained in this bill.

We've been told this bailout is only about getting the tritium we need for our nuclear weapons, but this is just not true. The treaty that governs uranium enrichment technology does not prevent other companies from doing this work. Even if it did, there are even additional alternatives. When DOE examined its tritium options, it found that down-blending surplus highly enriched uranium that it already has would cost taxpayers hundreds of millions of dollars less than obtaining the services from this company.

This amendment is supported by a coalition that spans the political horizon that makes it possible for Mr. BURGESS—a very conservative Member from Texas—to join with a very liberal Congressman from Massachusetts in agreeing that the pragmatic center here has lost its bearings. It has lost touch with the free-market principles. And at least if we're going to subsidize something, let's see that it's not already reached junk-bond status and we're continuing to pour good money after bad.

This is something that in my opinion is unacceptable. The Department of Energy has already given $44 million for this program this year, and it is about to provide another $82 million as it prepares to buy the centrifuges that have yet to be demonstrated to work properly. That's right, $126 million that will buy centrifuges from a company whose total value is now less than $90 million.

□ 1550

As part of the deal, the taxpayers also have to assume liability for the company's nuclear waste.

We should not be throwing good money after bad. This is $100 million that should not be wasted. Please support the Burgess-Markey amendment.

I yield back the balance of my time.

Mr. JOHNSON of Ohio. Mr. Chairman, I move to strike the last word.

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

Mr. JOHNSON of Ohio. Mr. Chairman, I rise today in strong opposition to the Burgess-Markey amendment.

Put simply, if this amendment passes, our national security is at risk. The appropriation that this amendment seeks to strike is vital to ensure that America has a domestic source of uranium enrichment. According to U.S. law and nonproliferation treaties that the United States is signatory to, we must have a domestic source of uranium. International agreements prevent us from purchasing enriched uranium from foreign-owned companies for military purposes.

If the Burgess-Markey amendment passes, the U.S. would no longer have a domestic source of enrichment and would instead be reliant on a foreign-owned company that has many red flags in its past for uranium enrichment.

This amendment is a rerun of a similar attempt by Mr. MARKEY and our colleague from New Mexico (Mr. PEARCE) during the debate of the 2013 National Defense Authorization Act a few weeks ago to strip the authorizing language for this uranium research, development, and demonstration program. That amendment failed by an overwhelming vote of 121–300. Nothing—I repeat, nothing—has changed in the last few weeks since that vote and today.

Mr. Chairman, some of my colleagues are claiming that the RD&D program is some type of congressional earmark, but this is simply not true. The President of the United States requested the authorization and funding for the RD&D program in his budget request because the President has determined it is necessary for our national security.

Now, I may still be a freshman, but I know enough that, in order to be a congressional earmark, a Member of Congress would need to make the request for the program. That didn't happen.

Furthermore, in the NDAA legislation, Chairman MCKEON added a provision to ensure that taxpayers are protected by requiring any company that participates in the RD&D program to put up their intellectual property rights as collateral. The IP rights are worth billions of dollars and far outweigh any amount of money that the Federal Government might put towards this program.

So to call this an earmark or a bailout is just simply not true.

The sponsors of this amendment have also tried to confuse Members by saying that we can satisfy our national security needs by down-blending existing uranium. While we may be able to do this in the near term, this argument is shortsighted at best.

What happens when the government runs out of inventory to down-blend and we no longer have a domestic capability to enrich uranium? The other side doesn't seem to have a good response for that question because they know the answer, and the answer is that we need to go forward with the RD&D program to ensure we have a domestic source in the future.

It seems some would rather ignore the long-term national security implications of having a domestic source of uranium enrichment. The fact is, if this amendment passes, our nuclear national security could be at risk.

Mr. Chairman, I will once again remind my colleagues that this amendment attempts to achieve the same goal that the failed Pearce-Markey amendment did a few weeks ago, and we already know that amendment failed by a very wide margin. I urge my colleagues to defeat this amendment to ensure that our national nuclear security is not outsourced to a foreign-owned company.

With that, 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 appreciate the recognition, and, to be honest with you, I don't know about conservatives from Texas or liberals from Massachusetts. I'm from Gary, Indiana, and I am here simply to ask my colleagues to not flush $100 million down a drain. That would be my technical argument. And I want to thank the gentleman from Texas and I want to thank the gentleman from Massachusetts for offering this amendment.

I also want to thank the subcommittee chair for reducing the administration's original request that was $150 million for USEC, which is the United States Enrichment Corporation, to $100 million that is contained in this bill.

I must tell you, I have serious disagreement with the committee mark on this and do believe this amendment needs to be adopted. The people of this country work too hard for the tax dollars they send to us to flush this $100 million down a drain.

In 2008, when this company applied for a loan guarantee, DOE required USEC to produce a track record of running these centrifuges for a time sufficient to prove that they could be commercialized. This, we were told, would be sufficient to prove the technology. It was not.

Further, I would point out that in 2010, $45 million in accounting exchange, an exchange for liability for enrichment services, was provided to the company, essentially forgiving them $45 million of liability. This fiscal year 12, $44 million in additional dollars in exchange, relieving the company of liability that is now on the taxpayers' book, was put forward.

There is a proposal on the table, separate from this bill and separate from this amendment, to do that exchange of liability for enrichment services a third time for another $82 million because the company needs it. The question during subcommittee consideration of this issue that was addressed to the Department of Energy is: What happens to the taxpayers? What happens to this country if the cost of cleaning up those tailings exceeds the liability that was given a company. That is what happens if it's not $44 million. What if it's not $45 million? What if it's not $82 million? What if it's $100 million? We eat it. We eat it, and that's wrong. That is wrong, and people ought to adopt this amendment.

Several months ago, the claim was that just in another 2 years, just another 2 years and just another $300 million would prove the technology. Now, now today, the Department is saying this program would make progress, not prove the technology. They would make progress towards proving the technology.

It was mentioned that on May 15 the company was downgraded by Standard & Poor's. Last month USEC was warned that it was in danger of being delisted by the New York Stock Exchange. Delisting would mean that the company stock would essentially be reduced to speculative penny stock status, reducing the market for the company's shares.

Last month, the Department announced again this very complicated deal relative to the tailings. This deal takes the most compelling argument away from funding USEC's American Centrifuge Project, because last month USEC, the Department, Energy Northwest, and TVA agreed to keep the enrichment plant USEC operates, the Paducah Gaseous Diffusion Plant, in operation for another year by re-enriching uranium tailings.

The point I would make is that the transfer of these tailings results in enough U.S. origin low-enriched uranium for 15 years. In addition, the National Nuclear Security Administration can access the mixed oxide facilities for backup low-enrichment uranium for an additional 4½ years.

The gentleman from Ohio (Mr. JOHNSON), talked about the long term. That is the long term. That's two decades from now. And the technology that USEC is using today is 20 years old, and the National Nuclear Security Administration has not evaluated alternatives, but it has the time to do so.

Again, we need to make a decision here. The decision ought to be to adopt this amendment and to save the taxpayers $100 million.

I yield back the balance of my time.

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

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

Mr. PEARCE. Mr. Chairman, I rise in support of the Burgess-Markey amendment.

With all due respect to my friend from Ohio who said that this is a national security issue, the Department of the Navy has said they have enough material to last them through 2050.

□ 1600

We have plenty of time to start from scratch to bid the project out.

If the contention of our friends is that we must have a U.S. company that produces this material, then start the bid process today. We have until 2050. USEC has attempted for over 30 years to develop a centrifuge—and has yet to do it. They've had over $5 billion given to them. If they get this bailout, then they're going to continue operations with the request for another $2 billion.

At which point are we, the designated representatives of the people, going to stand and say that other people can do that? Right now, the Department of Energy is saying the only scientists in the country that we can fund are at USEC. I sincerely disagree with them. I do not believe that we should have foreign-owned corporations providing this material, but we have plenty of time now if we start.

We're told that we do not have the intellectual property if we somehow take the funds away, if we don't give them. What intellectual property is available when the company has spent $5 billion to create 38 machines, six of which have had catastrophic failures? One split the case, which stops the whole program because that would cause a leak of radioactive material.

It is time for the Congress simply to say what they want to go to bid and allow the best bidder in the Nation, the best developer, the best minds in the Nation, to come together and develop what we want. Stop funding a failed corporation that was at risk a month ago of being pulled off of the New York Stock Exchange, that has been downgraded. USEC had 90 percent of the world market. They had 90 percent of the U.S. market when they were given the company and privatized. They were given a billion dollars worth of tails. A billion dollars worth of product and 90 percent of market share, and they have squandered that market share down to 10 percent.

Several years ago, they put those tails on the open market and collapsed the uranium market. What valuable company sells the raw materials out the backdoor that they are given and collapses the world market? That's the company that I'm saying in the Burgess-Markey amendment simply doesn't get bailed out. The head of that company last year paid himself $5 million.

Taxpayer bailout dollars are going to pay the executives of this company elaborate salaries when they're not producing anything. If the company were as good at producing centrifuges as it is getting government handouts, they would have long ago succeeded in developing the capacity to make centrifuges. Other countries, other companies, other nations have centrifuges by the hundreds of thousands operating—and this Nation, after $5 billion, has 38 that don't operate.

Just stop the games. Stop the bailout.

I yield back the balance of my time.

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

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 Texas 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. WOMACK) having assumed the chair, Mr. THORNBERRY, 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. 5325) making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2013, and for other purposes, had come to no resolution thereon.

Mr. FRELINGHUYSEN. Mr. Speaker, I ask unanimous consent that, during further consideration of H.R. 5325 in the Committee of the Whole pursuant to House Resolution 667, no further amendment to the bill may be offered except: pro forma amendments offered at any point in the reading by the chair or ranking minority member of the Committee on Appropriations or their respective designees for the purpose of debate; amendments printed in the CONGRESSIONAL RECORD and numbered 1, 10, 17, and 18; an amendment by Mrs. BLACKBURN regarding an across-the-board reduction; an amendment by Mrs. BLACKBURN regarding section 1705 of the Energy Policy Act of 2005; an amendment by Mr. BROUN of Georgia limiting funds for the Advanced Research Projects Agency-Energy; an amendment by Mr. BROUN of Georgia regarding Advanced Research Projects Agency-Energy awards with expected Technology Readiness Levels; an amendment by Mr. CHABOT regarding funding levels in title IV of the bill; an amendment by Mr. CLEAVER limiting funds relating to the Missouri River Ecosystem Restoration Plan; an amendment by Mr. CRAVAACK regarding the Harbor Maintenance Trust Fund; an amendment by Mr. DEFAZIO regarding section 9.104(d) of title 48, Code of Federal Regulations, which shall be debatable for 20 minutes; an amendment by Mr. DENHAM regarding section 10011(b) of Public Law 111–11; an amendment by Mr. ENGEL limiting funds for new light duty vehicles, which shall be debatable for 20 minutes; an amendment by Mr. FLAKE regarding an across-the-board reduction; an amendment by Mr. FLAKE limiting funds for the Wind Powering America initiative; an amendment by Mr. FLAKE limiting funds for the Batteries and Electric Drive Technology program; an amendment by Mr. FLORES limiting funds to enforce section 526 of the Energy Independence and Security Act of 2007; an amendment by Mr. FORTENBERRY regarding funding levels for Defense Nuclear Nonproliferation; an amendment by Mr. FORTENBERRY limiting funds for the proposed rule ''Energy Conservation Program: Energy Conservation Standards for Battery Chargers and External Power Supplies''; an amendment by Mr. FRELINGHUYSEN regarding funding levels; amendments en bloc by Mr. FRELINGHUYSEN consisting of amendments specified in this order not earlier disposed of; an amendment by Mr. GARDNER regarding energy management requirements under the National Energy Conservation Policy Act; an amendment by Mr. GOHMERT regarding Department of Energy construction, purchase, or lease in the District of Columbia; an amendment by Ms. JACKSON LEE of Texas regarding funding for Corps of Engineers Operation and maintenance; two amendments by Ms. JACKSON LEE of Texas regarding funding levels for Energy Efficiency and Renewable Energy; an amendment by Ms. JACKSON LEE of Texas regarding funding levels for Corps of Engineers Construction; an amendment by Ms. JACKSON LEE of Texas limiting funds for Department of Energy; Energy Programs; Science an amendment by Mr. JORDAN limiting funds for title 17 loan guarantees; an amendment by Mr. KING of Iowa regarding subchapter IV of chapter 31 of title 40, United States Code; an amendment by Mr. KUCINICH regarding section 1703 of the Energy Policy Act of 2005; an amendment by Mr. LANDRY limiting funds relating to mitigation methodology, referred to as the ''Modified Charleston Method''; an amendment by Mr. LANDRY regarding section 801 of the Energy Independence and Security Act of 2007; an amendment by Mr. LUETKEMEYER limiting funds for the study conducted pursuant to section 5018(a)(1) of the Water Resources Development Act of 2007; an amendment by Mr. LUETKEMEYER limiting funds for the study authorized in section 108 of the Energy and Water Development and Related Agencies Appropriations Act, 2009; an amendment by Mr. LUJÁN regarding funding levels for Defense Environmental Cleanup; an amendment by Mrs. LUMMIS regarding uranium; an amendment by Mr. MCINTYRE limiting funds to plan for termination of periodic nourishment for water resource development projects; an amendment by Mr. MULVANEY regarding an across-the-board reduction; an amendment by Mr. PEARCE regarding funding levels for Defense Environmental Cleanup; an amendment by Mr. POLIS regarding funding levels for Weapons Activities, which shall be debatable for 20 minutes; an amendment by Mr. REED regarding funding levels for Non-Defense Environmental Cleanup; an amendment by Mr. ROHRABACHER limiting funds for the U.S.-China Clean Energy Research Center; an amendment by Ms. LORETTA SANCHEZ of California regarding funding levels for Defense Nuclear Nonproliferation, which shall be debatable

for 20 minutes; an amendment by Mr. SCHOCK regarding a prohibition on the planting of row crops; an amendment by Mr. SCHWEIKERT regarding title 10, Code of Federal Regulations; an amendment by Mr. STEARNS regarding funding levels for Advanced Research Projects Agency-Energy; an amendment by Mr. STEARNS limiting funds to subordinate interest in any loan guarantee; an amendment by Mr. STEARNS limiting funds for purchase of light duty vehicles; and an amendment by Mr. TIPTON limiting funds to conduct surveys; and further that each such amendment may be offered only by the Member named in this request or a designee, or by the Member who caused it to be printed in the CONGRESSIONAL RECORD or a designee, shall not be subject to a demand for division of the question in the House or in the Committee of the Whole, and shall not be subject to amendment except that the chair and ranking minority member of the Committee on Appropriations (or their respective designees) each may offer one pro forma amendment for the purpose of debate; and further that except as otherwise specified, each amendment shall be debatable for 10 minutes, equally divided and controlled by the proponent and an opponent; and further that an amendment shall be considered to fit the description stated in this request if it addresses in whole or in part the object described.

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

Mr. PEARCE. Reserving the right to object, Mr. Speaker, we have a discussion that needs to take place before we make a decision, and I see the gentlelady coming onto the floor. So if we can take just a moment to discuss, there is an amendment we would like to be made in order, and I need to visit with the gentlelady, if I can.

Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The SPEAKER pro tempore. Pursuant to House Resolution 667 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. 5325.

Will the gentleman from Texas (Mr. THORNBERRY) kindly resume the chair.

□ 1613

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. 5325) making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2013, and for other purposes, with Mr. THORNBERRY (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, a request for a recorded vote on amendment No. 9 offered by the gentleman from Texas (Mr. BURGESS) had been postponed and the bill had been read through page 31, line 8.

Pursuant to the order of the House of today, no further amendment may be offered except those specified in the previous order, which is at the desk.

AMENDMENT OFFERED BY MR. FORTENBERRY

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

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 30, line 25, after the dollar amount, insert ''(reduced by $17,319,000) (increased by $17,319,000)''.

The Acting CHAIR. Pursuant to the order of the House of today, the gentleman from Nebraska (Mr. FORTENBERRY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Nebraska.

Mr. FORTENBERRY. Mr. Chairman, I'd like to thank both the chairman and the ranking member of the subcommittee for the opportunity to discuss an important problem in our Nation's nuclear security infrastructure and for their support of this amendment.

The amendment would reduce funding for the mixed oxide fuel program at the Department of Energy by approximately $17 million and redirect it to the National Nuclear Security Administration's Global Threat Reduction Initiative. Such a redirection of funds would provide for greater security and be a wiser investment of taxpayer dollars.

If there is one thing we can all agree on, Mr. Chairman, it is that dollars are scarce in Washington. And with this in mind, I'm concerned about the amount of money that has been spent on the mixed oxide fuel program, known as MOX, at the DOE.

Under an agreement signed by the United States and Russia in 2000, both countries agreed to dispose of excess weapons-grade plutonium by blending it with uranium to create mixed oxide fuel. The intent was to use it as a fuel in civilian nuclear reactors. Subsequently, the Department of Energy spent billions on the mixed oxide fuel project. The fuel is intended for a market segment that has yet to emerge, and according to a report from the Government Accountability Office, the Department of Energy has had to consider offering subsidies to attract potential customers for the fuel. The most optimistic estimates predict that the mixed oxide production facility will begin operating 6 years behind schedule.

Another problem is that the mixed oxide fuel project poses a new nuclear nonproliferation risk as MOX fuel can be separated into weapons-grade nuclear material. In addition, the Russians have not lived up to their treaty obligations. They have fallen behind on their own MOX production schedule. As a result, the United States has had to step in and provide our own designs for the MOX plant to jump-start Russia's.

As a cofounder of the House Nuclear Security Caucus, Mr. Chairman, I feel confident that the funding removed from the mixed oxide fuel program will be put to much better use protecting our Nation through the global threat reduction initiative.

By the end of the current year, the global threat reduction initiative will have converted or shut down 81 research reactors, removed over 3,400 kilograms of vulnerable nuclear material, and secured nearly 1,400 buildings containing radiological materials. There are other important global threat reduction initiatives as well that could use additional funding.

We should be proud of our work as a country in our nuclear security efforts, but it is abundantly clear that the mixed oxide fuel program is not the most productive use of our constituents' taxpayer dollars. The persistence of nuclear threats demands that we retain the highest sense of vigilance and agility when it comes to our own nuclear security, and for that reason, I urge the adoption of this amendment, and I reserve the balance of my time.

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

The Acting CHAIR. Does the gentleman from New Jersey rise in opposition to the amendment?

Mr. FRELINGHUYSEN. No, I rise in support of the amendment.

The Acting CHAIR. Under the previous order of the House, the time is controlled by the Member offering the amendment and a Member opposed to the amendment.

Mr. FRELINGHUYSEN. Will the gentleman yield?

Mr. FORTENBERRY. I yield to the gentleman from New Jersey.

Mr. FRELINGHUYSEN. I thank the gentleman for yielding, and I rise in support of the gentleman's amendment and recognize his advocacy for nonproliferation.

I share my colleague's concerns about the National Nuclear Security Administration's management of the MOX fuel fabrication facility project. The latest Department of Energy report indicates that the MOX facility could take months, if not years, to complete and will exceed the current baseline cost by as much as $1.4 billion due to continued construction problems and creeping scope. So I'm pleased to support the gentleman's amendment.

The Acting CHAIR. Does any Member seek to control time in opposition to the amendment?

Mr. FORTENBERRY. Mr. Chairman, I yield the balance of my time to the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. The reason Mr. FORTENBERRY and I are making this

amendment is that it would address a wrongheaded plan by the Department of Energy to build a facility to produce dangerous, highly radioactive nuclear fuel that no one actually wants to buy.

□ 1620

The Department wants to take uranium and plutonium from dismantled nuclear bombs and make fuel for commercial nuclear reactors.

This plan will cost taxpayers $2 billion. It is a nuclear bomb budget-buster. It is the most expensive way to boil water that has ever been proposed on the planet. It is also unnecessary—no electric utility in the United States wants to buy this fuel. It is also a serious threat to human health. The MOX—the mixed oxide plutonium fuel—is actually more dangerous than existing commercial nuclear fuel. And in the event of a nuclear disaster, the releases from a MOX fuels reactor will cause between 39 and 131 percent more fatalities than a traditional fuel nuclear reactor.

MOX is a reverse Field of Dreams. If you build it, they will not come. The utility industry is not going to arrive. Instead, it is a nightmare that will leave future generations to safeguard a dangerous fuel with no buyers.

I congratulate the gentleman, and I urge an ''aye'' vote.

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

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

Mr. FORTENBERRY. 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 Nebraska will be postponed.

The Clerk will read.

The Clerk read as follows:

NAVAL REACTORS

For Department of Energy expenses necessary for naval reactors activities to carry out the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition (by purchase, condemnation, construction, or otherwise) of real property, plant, and capital equipment, facilities, and facility expansion, $1,086,635,000, to remain available until expended: *Provided*, That of such amount, $43,212,000 shall be available until September 30, 2014, for program direction.

OFFICE OF THE ADMINISTRATOR

For necessary expenses of the Office of the Administrator in the National Nuclear Security Administration, including official reception and representation expenses not to exceed $12,000, $400,000,000, to remain available until September 30, 2014.

AMENDMENT OFFERED BY MR. PEARCE

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

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 31, line 23, after the second dollar amount, insert ''(reduced by $88,923,000)''.

Page 32, line 14, after the dollar amount, insert ''(increased by $88,923,000)''.

The Acting CHAIR. Pursuant to the order of the House of today, the gentleman from New Mexico (Mr. PEARCE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New Mexico.

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

Mr. Chairman, I offer this amendment today which transfers funds from the Office of the NNSA Administrator and into the Defense Environmental Management Fund, a program which funds the cleanup of radioactive waste. This program is important to our defensive mission, our environment, and public safety.

The Defense Environmental Management Program has demonstrated success in solid waste disposition, soil and groundwater remediation, and facility decontamination and decommissioning, and will continue to do so with sufficient funding.

I would like to thank Chairman FRELINGHUYSEN and Ranking Member VISCLOSKY for their hard work on this bill and for prioritizing this issue particularly. Unfortunately, the budget request from the White House did not accurately reflect the monetary needs to fully fund the project contained in the EM program. My amendment would simply put back $40 million into the Environmental Management Program, which would provide much needed relief to the already constrained budgets for these projects.

As we accelerate the permanent disposal of radioactive waste, we decrease downstream the long-term cost for security, storage, and providing a better, safer environment into the future.

Many of the storage sites that currently exist for radioactive waste sit aboveground and are threatened by tornados, earthquakes, and wildfires. As I'm sure most of you have seen this week, New Mexico is susceptible to wildfires that can be started at any moment, get out of control extremely quickly, and rage out of control for days.

Los Alamos is located in a forest area and is highly vulnerable. In fact, just a little less than 1 year ago, the Las Conchas fire burned around 150,000 acres of thick pine woodlands in the Santa Fe National Forest, which surrounds the lab complex in the adjacent town of Los Alamos. At one point, the leading edge of the fire was as close as 50 feet from the grounds, which contain thousands of outdoor drums of plutonium-contaminated waste. Until this week, the Las Conchas fire was the largest in New Mexico's history.

There is a similar story from the year 2000, the Sierra Grande fire. As a result, just this January, DOE and the New Mexico Environment Department entered into a consent order framework agreement to expeditiously address the highest risk waste at Los Alamos National Laboratory. The waste amounts to 3,706 cubic meters of noncemented aboveground waste, and the agreement calls for the removal of this waste by June 30, 2014. This amendment will allow LANL to meet groundwater and surface water requirements, as well as ensure the health and safety of the New Mexico residents who live closest to the lab.

While the overall bill dedicates funding to LANL for this project, it still falls short of what is needed. Without full funding, projects like removal of the highest risk waste at LANL are in jeopardy.

Finally, I am transferring this fund out of the Office of the Administrator for NNSA. These funds are needed more in the field and less in Washington, which, as we know, could go on a strict diet.

I reserve the balance of my time.

Mr. FRELINGHUYSEN. Mr. Chairman, I rise to claim time in opposition reluctantly.

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

Mr. FRELINGHUYSEN. Mr. Chairman, I rise in opposition to the gentleman from New Mexico's amendment.

The bill before the committee provides a total of $4.9 billion for defense environmental cleanup activities at the Department of Energy. This funding sustains thousands of cleanup jobs, and I thank my colleague for his deep concern about supporting these programs and meeting our cleanup commitments.

Our bill makes several difficult choices to achieve our deficit-reduction goals, providing the necessary increases for our nuclear security programs while making targeted reductions to activities which can be deferred.

This amendment seeks to partially reverse that priority setting that we put in place. It targets vital nuclear security programs and shifts funds to non-security environmental cleanup that should be ramped back. The cleanup programs received an infusion of $6 billion from the Recovery Act—AKA, the stimulus—accelerating the scope of work and pace of cleanup at those sites. And while I would like to express my support for the cleanup, we cannot sustain that stimulus-level funding that we had so in the past.

The funding for Los Alamos—which my colleague is particularly concerned about, is extremely knowledgeable about, and is very, very concerned about—will actually increase by 45 percent, or $30 million, over last year's level. The 1.7 reduction to defense cleanup is a reasonable one in our bill.

Recently, we've been informed by the Department of Energy that the Department of Energy may miss a number of its cleanup milestones because they had been relying on receiving large funding increases year after year, an assumption that was overly optimistic in any budget environment. We cannot continue to shovel in funding to make

up for poor planning. Instead, the Department needs to work constructively with its stakeholders to establish reasonable and sustainable plans for remediating these sites, which will still take another 20 to 30 years.

I urge my colleagues to vote ''no'' on this amendment, and 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. Mr. Chairman, I rise reluctantly to oppose the amendment offered by the gentleman from New Mexico.

I deeply respect his concern with the oversight of the programs under NNSA, and I agree that there are some areas of oversight that need to be strengthened. I cannot support any further cuts, however, to the Office of the Administrator.

As written, the bill already reduces funding for the Administrator's Office by $10 million from this year's enacted level. This amendment would compound that cut by $89 million. At the same time, NNSA has already received an increase of $275 million when compared to current year spending. I'm concerned that any further reductions to the Administrator's Office would hamper the ability of NNSA to plan and oversee its core mission areas.

I would like to work with the chairman and the gentleman from New Mexico to address the concerns expressed, and to ensure that NNSA properly maintains and cleans up its sites in New Mexico and throughout the country.

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

Mr. PEARCE. Mr. Chairman, I have no additional comments, and would yield back the balance of my time.

□ 1630

The Acting CHAIR (Mr. FORTENBERRY). The question is on the amendment offered by the gentleman from New Mexico (Mr. PEARCE).

The amendment was rejected.

AMENDMENT OFFERED BY MR. LUJÁN

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

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 31, line 23, after the dollar amount, insert ''(reduced by $21,899,000)''.

Page 32, line 14, after the dollar amount, insert ''(increased by $21,899,000)''.

The Acting CHAIR. Pursuant to the order of the House of today, the gentleman from New Mexico and a Member opposed each will control 5 minutes.

Mr. LUJÁN. Mr. Chairman, my amendment is similar to that of my friend from New Mexico. It would simply increase funding for the Defense Environmental Cleanup Act, specifically the NNSA labs, by just under $22 million to bring it up to the level of the President's request and decrease funding for the NNSA Office of the Administrator by the same amount.

I offer this amendment because, to put it simply, it's a more effective use of taxpayer funds for NNSA to remove dangerous toxic waste from their lab's property than it is to maintain the current levels of redundant oversight bureaucracy.

Last June, the Las Conchas fire burned 150,000 acres in my district in New Mexico and encircled Los Alamos National Laboratory. Had the fire burned contaminated areas on the lab property, a plume of toxic smoke would have threatened the health of everyone in its path. The lab has promised to clean these areas, many of which contain waste from, if you can believe this, Mr. Chairman, the Manhattan Project and Cold War weapons programs; but Congress must also fulfill its obligation to appropriate funds for the cleanup.

While the NNSA labs have pressing environmental issues that demand our attention, there has been increasing evidence that paring back the NNSA's Office of the Administrator could actually make the Agency and its labs more cost effective and productive. A recent report by the National Academies of NNSA's management of its laboratories concluded that the NNSA's oversight had become inefficient and a distraction from the labs' vital mission.

Following a series of hearings, the House Armed Services Committee added provisions to the FY2013 National Defense Authorization Act that this body passed a few weeks ago to change NNSA's approach and reduce its personnel. This amendment is consistent with these provisions. If there are going to be fewer authorized NNSA personnel, then NNSA's funding should reflect that.

My budget-neutral amendment reduces outlays by $3 million next fiscal year by simply moving funds from the NSA regulatory arm to a place where they put boots on the ground and support cleanup.

And while I very much appreciate the work of the chairman and the ranking member and the entire committee in this for their commitment to cleanup, it's my hope, Mr. Chairman, that I be able to emphasize to our distinguished leaders managing the floor of the dire situation that needs attention in New Mexico and around the country.

Mr. Chairman, I urge adoption of this amendment.

I yield back the balance of my time.

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

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

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

I want to thank my colleague from New Mexico, as I did Mr. PEARCE, for his continued advocacy for the cleanup at Los Alamos. The committee is well aware of the increasing vulnerability of above-ground radioactive waste being stored at Los Alamos, and share the Members' concerns. As a result, our bill strongly supports accelerating the cleanup efforts there, providing a total of $215 million for cleanup at the site.

The bill increases funding $30 million, or 45 percent above the Fiscal Year 2012 level. That makes the increase for Los Alamos the largest site expenditure increase across all the cleanups in our bill. But understandably, of course, you'd like more.

We look forward to working with the Member to see what we could do to be of additional assistance.

I would be happy to yield to the ranking member for any comments he would make.

Mr. VISCLOSKY. I appreciate the chairman yielding and would add my words to his and would want to work with the gentleman, as well as the former speaker from New Mexico. They have a very serious problem they're trying to address.

My concern is with problems we have with management at the Department, and this would, I think, complicate that problem, given the increase that NNSA has. But, again, I understand what the gentleman is trying to do and would like to work with him and the chair.

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

The Acting CHAIR. The question is on the amendment offered by the gentleman from New Mexico (Mr. LUJÁN).

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

Mr. LUJÁN. 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 Mexico will be postponed.

The Clerk will read.

The Clerk read as follows:

ENVIRONMENTAL AND OTHER DEFENSE ACTIVITIES

DEFENSE ENVIRONMENTAL CLEANUP

(INCLUDING RESCISSION OF FUNDS)

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other expenses necessary for atomic energy defense environmental cleanup 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 to exceed one ambulance and one fire truck for replacement only, $4,930,078,000, to remain available until expended: *Provided*, That of such amount, $315,607,000 shall be available until September 30, 2014, for program direction: *Provided further*, That of the unobligated balances from prior year appropriations available under this heading, $10,000,000 is hereby permanently 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.

OTHER DEFENSE ACTIVITIES

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment, and other expenses necessary for atomic energy defense, other defense activities, and classified 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, $813,364,000, to remain available until expended: *Provided*, That of such amount, $114,858,000 shall be available until September 30, 2014, for program direction.

POWER MARKETING ADMINISTRATION

BONNEVILLE POWER ADMINISTRATION FUND

Expenditures from the Bonneville Power Administration Fund, established pursuant to Public Law 93–454, are approved for construction of, or participating in the construction of, a high voltage line from Bonneville's high voltage system to the service areas of requirements customers located within Bonneville's service area in southern Idaho, southern Montana, and western Wyoming; and such line may extend to, and interconnect in, the Pacific Northwest with lines between the Pacific Northwest and the Pacific Southwest, and for John Day Reprogramming and Construction, the Columbia River Basin White Sturgeon Hatchery, and Kelt Reconditioning and Reproductive Success Evaluation Research, and, in addition, for official reception and representation expenses in an amount not to exceed $7,000: *Provided*, That during fiscal year 2013, no new direct loan obligations may be made.

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 appreciate the recognition, and would yield, at this point in time, to my colleague from Massachusetts (Mr. MARKEY).

Mr. MARKEY. I thank the gentleman from Indiana very much.

I just rise to briefly talk about light bulbs, because I know it's a subject of great interest to all of the Members, and I know that there is going to be an effort by some Republican Members later on tonight to repeal the new light bulb efficiency laws. And I just rise to do a little bit of an explanation of what has happened.

Five years ago a law passed here on the floor of the House, and it became law. And that law said that these old light bulbs, these light bulbs that Thomas Alva Edison invented and people really love, they had to be made 28 percent more efficient in order to be sold in the United States. They really hadn't been made much more efficient.

And a lot of people, they really love old light bulbs. They don't want their automobiles to look the same way they did 50 years ago. They don't want their television sets to look the same way they did 50 years, they don't want their cell phones to look the same way they did 15 years ago; but they really want their light bulbs to look the same, many people.

And so here's what the American lighting industry did: Sylvania and General Electric, they make the same light bulb now. It gives off the same color, looks the same. Grandma had this light bulb in her house that gave off that warm glow that you remember from when you visited Grandma. Well, the new one gives off the same warm glow, except for this, that over the life of this new light bulb, you save $5 over what Grandma had to pay to the electric company to keep it on. You save five bucks because it's so much more efficient.

Now, it seems to me that we shouldn't be trying to repeal a law like that that reduces the amount of electricity that every American needs to use in their home. And by the way, times every light bulb in your home over the course of a year, you're going to save $100 to $160 every year. Same light bulb. It's on the market today. You can go out and buy it. You don't have to hoard it.

I know some people are hoarding the old light bulbs that are 28 percent less efficient, and that's their right. They can do that. But you can go to the department store and buy the same light bulb, same looking light bulb, and save $5 over the life of that light bulb giving off the same amount of light.

Now, I'm not saying that you have to go out and buy one of these squiggly deals. Now, if you do go out and buy one of these squiggly deals, you actually have 78 percent more efficiency and you save even more money if you buy one of these. But no one's saying you have to. You can use the same old light bulb. It's in the store today. Nothing got banned in terms of the old light bulb technology. It's still the same incandescent light bulb that Grandma used, except it's 28 percent more efficient.

And I'm definitely not saying you've got to buy one of these new jobs which are in the stores as well. This only saves you $130 over the course of the 20-year life of this light bulb. In fact, increasingly, what's going to happen is that when people move, in addition to packing up their television sets and their sofas, they're going to be packing up their light bulbs because these things save you money, $130 per light bulb over the course of this light bulb.

But, again, you don't have to buy this if you don't like the way it looks. You don't have to buy one of these squiggly deals because you don't like the way it looks. You can go to the store and just buy the same light bulb that your grandma bought, that your great grandma bought, because this thing goes back, really, to the beginning of the 20th century. And you can have the exact same feel, look in your living room, in your kitchen, in your bedrooms.

□ 1640

Again, I just wanted to make this very clear to all of the Members, because in the course of the debate today, we're going to have this discussion, but I have no idea why you would want to ban something that's 28 percent more efficient. Refrigerators are more efficient than they were 50 years ago; automobiles are; there has been a dramatic reduction in the cost of making a phone call on a cell phone; and now light bulbs are in the same category, but they look exactly the same.

I am just, again, making the point so that later on in the day, as we perhaps have a roll call on this, that Members can understand what they're voting for.

Mr. VISCLOSKY. I appreciate the gentleman's illuminating comments.

I yield back the balance of my time.

The Acting CHAIR. The Clerk will read.

The Clerk read as follows:

OPERATION AND MAINTENANCE, SOUTHEASTERN POWER ADMINISTRATION

For necessary expenses of operation and maintenance of power transmission facilities and of marketing electric power and energy, including transmission wheeling and ancillary services, pursuant to section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the southeastern power area, and including official reception and representation expenses in an amount not to exceed $1,500, $8,732,000, to remain available until expended: *Provided*, That notwithstanding 31 U.S.C. 3302 and section 5 of the Flood Control Act of 1944, up to $8,732,000 collected by the Southeastern Power Administration from the sale of power and related services shall be credited to this account as discretionary offsetting collections, to remain available until expended for the sole purpose of funding the annual expenses of the Southeastern Power Administration: *Provided further*, That the sum herein appropriated for annual expenses shall be reduced as collections are received during the fiscal year so as to result in a final fiscal year 2013 appropriation estimated at not more than $0: *Provided further*, That, notwithstanding 31 U.S.C. 3302, up to $87,696,000 collected by the Southeastern Power Administration pursuant to the Flood Control Act of 1944 to recover purchase power and wheeling expenses shall be credited to this account as offsetting collections, to remain available until expended for the sole purpose of making purchase power and wheeling expenditures: *Provided further*, That for purposes of this appropriation, annual expenses means expenditures that are generally recovered in the same year that they are incurred (excluding purchase power and wheeling expenses).

OPERATION AND MAINTENANCE, SOUTHWESTERN POWER ADMINISTRATION

For necessary expenses of operation and maintenance of power transmission facilities and of marketing electric power and energy, for construction and acquisition of transmission lines, substations and appurtenant facilities, and for administrative expenses, including official reception and representation expenses in an amount not to exceed $1,500 in carrying out section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the Southwestern Power Administration, $44,200,000, to remain available until expended: *Provided*, That notwithstanding 31 U.S.C. 3302 and section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), up to $32,308,000 collected by the Southwestern Power Administration from the sale of power and related services shall be credited to this account as discretionary offsetting collections, to remain available until expended, for the sole

purpose of funding the annual expenses of the Southwestern Power Administration: *Provided further*, That the sum herein appropriated for annual expenses shall be reduced as collections are received during the fiscal year so as to result in a final fiscal year 2013 appropriation estimated at not more than $11,892,000: *Provided further*, That, notwithstanding 31 U.S.C. 3302, up to $41,000,000 collected by the Southwestern Power Administration pursuant to the Flood Control Act of 1944 to recover purchase power and wheeling expenses shall be credited to this account as offsetting collections, to remain available until expended for the sole purpose of making purchase power and wheeling expenditures: *Provided further*, That, for purposes of this appropriation, annual expenses means expenditures that are generally recovered in the same year that they are incurred (excluding purchase power and wheeling expenses).

CONSTRUCTION, REHABILITATION, OPERATION AND MAINTENANCE, WESTERN AREA POWER ADMINISTRATION

For carrying out the functions authorized by title III, section 302(a)(1)(E) of the Act of August 4, 1977 (42 U.S.C. 7152), and other related activities including conservation and renewable resources programs as authorized, including official reception and representation expenses in an amount not to exceed $1,500; $291,920,000, to remain available until expended, of which $281,702,000 shall be derived from the Department of the Interior Reclamation Fund: *Provided*, That notwithstanding 31 U.S.C. 3302, section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), and section 1 of the Interior Department Appropriation Act, 1939 (43 U.S.C. 392a), up to $195,790,000 collected by the Western Area Power Administration from the sale of power and related services shall be credited to this account as discretionary offsetting collections, to remain available until expended, for the sole purpose of funding the annual expenses of the Western Area Power Administration: *Provided further*, That the sum herein appropriated for annual expenses shall be reduced as collections are received during the fiscal year so as to result in a final fiscal year 2013 appropriation estimated at not more than $96,130,000, of which $85,912,000 is derived from the Reclamation Fund: *Provided further*, That of the amount herein appropriated, not more than $3,375,000 is for deposit into the Utah Reclamation Mitigation and Conservation Account pursuant to title IV of the Reclamation Projects Authorization and Adjustment Act of 1992: *Provided further*, That notwithstanding 31 U.S.C. 3302, up to $242,858,000 collected by the Western Area Power Administration pursuant to the Flood Control Act of 1944 and the Reclamation Project Act of 1939 to recover purchase power and wheeling expenses shall be credited to this account as offsetting collections, to remain available until expended for the sole purpose of making purchase power and wheeling expenditures: *Provided further*, That for purposes of this appropriation, annual expenses means expenditures that are generally recovered in the same year that they are incurred (excluding purchase power and wheeling expenses).

FALCON AND AMISTAD OPERATING AND MAINTENANCE FUND

For operation, maintenance, and emergency costs for the hydroelectric facilities at the Falcon and Amistad Dams, $5,555,000, to remain available until expended, and to be derived from the Falcon and Amistad Operating and Maintenance Fund of the Western Area Power Administration, as provided in section 2 of the Act of June 18, 1954 (68 Stat. 255) as amended: *Provided*, That notwithstanding the provisions of that Act and of 31 U.S.C. 3302, up to $5,335,000 collected by the Western Area Power Administration from the sale of power and related services from the Falcon and Amistad Dams shall be credited to this account as discretionary offsetting collections, to remain available until expended for the sole purpose of funding the annual expenses of the hydroelectric facilities of these Dams and associated Western Area Power Administration activities: *Provided further*, That the sum herein appropriated for annual expenses shall be reduced as collections are received during the fiscal year so as to result in a final fiscal year 2013 appropriation estimated at not more than $220,000: *Provided further*, That for purposes of this appropriation, annual expenses means expenditures that are generally recovered in the same year that they are incurred.

FEDERAL ENERGY REGULATORY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Energy Regulatory Commission to carry out the provisions of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including services as authorized by 5 U.S.C. 3109, the hire of passenger motor vehicles, and official reception and representation expenses not to exceed $3,000, $304,600,000, to remain available until expended: *Provided*, That notwithstanding any other provision of law, not to exceed $304,600,000 of revenues from fees and annual charges, and other services and collections in fiscal year 2013 shall be retained and used for necessary expenses in this account, and shall remain available until expended: *Provided further*, That the sum herein appropriated from the general fund shall be reduced as revenues are received during fiscal year 2013 so as to result in a final fiscal year 2013 appropriation from the general fund estimated at not more than $0.

GENERAL PROVISIONS, DEPARTMENT OF ENERGY

(INCLUDING TRANSFER OF FUNDS)

SEC. 301. (a) No appropriation, funds, or authority made available by this title for the Department of Energy shall be used to initiate or resume any program, project, or activity or to prepare or initiate Requests For Proposals or similar arrangements (including Requests for Quotations, Requests for Information, and Funding Opportunity Announcements) for a program, project, or activity if the program, project, or activity has not been funded by Congress.

(b) The Department of Energy may not, with respect to any program, project, or activity that uses budget authority made available in this title under the heading ''Department of Energy—Energy Programs'', enter into a multi-year contract, award a multi-year grant, or enter into a multi-year cooperative agreement unless:

(1) the contract, grant, or cooperative agreement is funded for the full period of performance as anticipated at the time of award; or

(2) the contract, grant, or cooperative agreement includes a clause conditioning the Federal Government's obligation on the availability of future-year budget authority and the Secretary notifies the Committee on Appropriations of the House of Representatives and the Senate at least 14 days in advance.

(c) Except as provided in subsections (d), (e), and (f), the amounts made available by this title shall be expended as authorized by law for the projects and activities specified in the ''Bill'' column in the ''Department of Energy'' table or the text included under the heading ''Title III—Department of Energy'' in the report of the Committee on Appropriations accompanying this Act.

(d) The amounts made available by this title may be reprogrammed for any program, project, or activity, and the Department shall notify the Committees on Appropriations of the House of Representatives and the Senate at least 30 days prior to the use of any proposed reprogramming which would cause any program, project, or activity funding level to increase or decrease by more than $5,000,000 or 10 percent, whichever is less, during the time period covered by this Act.

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

(1) creates, initiates, or eliminates a program, project, or activity;

(2) increases funds or personnel for any program, project, or activity for which funds are denied or restricted by this Act; or

(3) reduces funds that are directed to be used for a specific program, project, or activity by this Act.

(f)(1) The Secretary of Energy may waive any requirement or restriction in this section that applies to the use of funds made available for the Department of Energy if compliance with such requirement or restriction would pose a substantial risk to human health, the environment, welfare, or national security.

(2) The Secretary of Energy shall notify the Committees on Appropriations of any waiver under paragraph (1) as soon as practicable, but not later than 3 days after the date of the activity to which a requirement or restriction would otherwise have applied. Such notice shall include an explanation of the substantial risk under paragraph (1) that permitted such waiver.

SEC. 302. The unexpended balances of prior appropriations provided for activities in this Act may be available to the same appropriation accounts for such activities established pursuant to this title. Available balances may be merged with funds in the applicable established accounts and thereafter may be accounted for as one fund for the same time period as originally enacted.

SEC. 303. Funds appropriated by this or any other Act, or made available by the transfer of funds in this Act, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2013 until the enactment of the Intelligence Authorization Act for fiscal year 2013.

SEC. 304. None of the funds made available in this title shall be used for the construction of facilities classified as high-hazard nuclear facilities under 10 CFR Part 830 unless independent oversight is conducted by the Office of Health, Safety, and Security to ensure the project is in compliance with nuclear safety requirements.

SEC. 305. None of the funds made available in this title may be used to approve a Critical Decision-2 or Critical Decision-3 under Department of Energy Order 413.3B, or any successive departmental guidance, for construction projects where the total project cost exceeds $100,000,000, until a separate independent cost estimate has been developed for the project for that critical decision.

SEC. 306. None of the funds made available in this title may be used to make a grant allocation, discretionary grant award, discretionary contract award, or Other Transaction Agreement, or to issue a letter of intent, totaling in excess of $1,000,000, or to announce publicly the intention to make such an allocation, award, or Agreement, or to issue such a letter, including a contract covered by the Federal Acquisition Regulation, unless the Secretary of Energy notifies the

Committees on Appropriations of the Senate and the House of Representatives at least 3 full business days in advance of making such an allocation, award, or Agreement, or issuing such a letter: *Provided*, That if the Secretary of Energy determines that compliance with this section would pose a substantial risk to human life, health, or safety, an allocation, award, or Agreement may be made, or a letter may be issued, without advance notification, and the Secretary shall notify the Committees on Appropriations of the Senate and the House of Representatives not later than 5 full business days after the date on which such an allocation, award, or Agreement is made or letter issued: *Provided further*, That the notification shall include the recipient of the award, the amount of the award, the fiscal year for which the funds for the award were appropriated, and the account and program from which the funds are being drawn, the title of the award, and a brief description of the activity for which the award is made.

SEC. 307. None of the funds made available by this or any subsequent Act for fiscal year 2013 or any fiscal year hereafter may be used to pay the salaries of Department of Energy employees to carry out section 407 of division A of the American Recovery and Reinvestment Act of 2009.

SEC. 308. Section 20320(c) of division B of Public Law 109–289, as added by Public Law 110–5, is amended by striking ''an annual review'' and inserting ''a review every 3 years''.

SEC. 309. Not later than June 30, 2013, the Secretary shall submit to the House and Senate Committees on Appropriations a tritium and enriched uranium management plan that provides:

(a) An assessment of the national security demand for tritium through 2060;

(b) An assessment of the national security demand for low and highly enriched uranium through 2060;

(c) A description of the Department of Energy's plan to provide adequate amounts of tritium for national security purposes through 2060, including the derivation of adequate supplies of enriched uranium and its use;

(d) An analysis of planned and alternative tritium production technologies, including weapons dismantlement;

(e) An analysis of planned and alternative enriched uranium production technologies, including down-blending, which are available to meet the supply needs for national security programs through 2060.

SEC. 310. None of the funds made available in this Act may be used for uranium transactions that do not conform to the excess uranium inventory management plan submitted pursuant to the Consolidated Appropriations Act, 2012.

SEC. 311. No funds within this Act shall be expended to promulgate the final rule pursuant to Section 433 of the Energy Independence and Security Act of 2007, Pub. L. No. 110 – 140 (Dec. 19, 2007) (codified at 42 U.S.C. § 6834) and no funds shall be used to implement any final rule implementing Section 433 of the Energy Independence and Security Act of 2007, Pub. L. No. 110 – 140 (Dec. 19, 2007) (codified at 42 U.S.C. § 6834).

SEC. 312. None of the funds made available in this title or funds available in the Bonneville Power Administration Fund may be used by the Department of Energy for any new program, project, or activity required by or otherwise proposed in the memorandum from Steven Chu, Secretary of Energy, to the Power Marketing Administrators with the subject line ''Power Marketing Administrations' Role'' and dated March 16, 2012.

Mr. FRELINGHUYSEN (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of title III be considered as read, printed in the RECORD, and open to amendment at any point.

The Acting CHAIR. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The Acting CHAIR. Are there any amendments to that portion of the bill?

The Clerk will read.

The Clerk read as follows:

TITLE IV—INDEPENDENT AGENCIES

APPALACHIAN REGIONAL COMMISSION

For expenses necessary to carry out the programs authorized by the Appalachian Regional Development Act of 1965, as amended, notwithstanding 40 U.S.C. 14704, and for necessary expenses for the Federal Co-Chairman and the Alternate on the Appalachian Regional Commission, for payment of the Federal share of the administrative expenses of the Commission, including services as authorized by 5 U.S.C. 3109, and hire of passenger motor vehicles, $75,317,000, to remain available until expended.

AMENDMENT OFFERED BY MR. CHABOT

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

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 47, line 22, after the dollar amount, insert ''(reduced by $75,317,000)''.

Page 48, line 14, after the dollar amount, insert ''(reduced by $11,677,000)''.

Page 48, line 20, after the dollar amount, insert ''(reduced by $10,679,000)''.

Page 49, line 9, after the dollar amount, insert ''(reduced by $1,425,000)''.

Page 49, line 17, after the dollar amount, insert ''(reduced by $250,000)''.

Page 56, line 24, after the dollar amount, insert ''(increased by $99,348,000)''.

Mr. CHABOT (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read.

The Acting CHAIR. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Acting CHAIR. Pursuant to the order of the House of today, the gentleman from Ohio (Mr. CHABOT) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Ohio.

Mr. CHABOT. Mr. Chairman, I introduced this amendment because it is high time that we take our debt and our deficit seriously. We no longer can afford to go on with politics as usual and continue to subsidize wasteful spending programs and policies that redistribute wealth and that really have zero economic impact.

These supposed economic development programs that are referred to in my amendment are anything but that. Instead, they're really wasteful programs that the Government Accountability Office, the GAO, has found to be duplicative. In other words, there are other bills and there are other programs that do exactly the same things. These are wasted tax dollars that do the same things over and over again. Really, they have no track record of success.

In 2009, the Congressional Budget Office and White House Office of Management and Budget found that the Denali Commission, the Appalachian Regional Commission, and the Delta Regional Authority had 29 duplicative programs—not one, not 10, not a dozen—29 that do essentially the same thing. Furthermore, Citizens Against Government Waste has found that the Denali Commission duplicates several programs in the Labor Department.

Last year, the GAO released a report detailing Federal programs that overlap and provide similar services as a supplement to its report, the title of which is ''Opportunities to Reduce Potential Duplication in Government Programs, Save Tax Dollars, and Enhance Revenue.'' In this report, the GAO revealed the names of 80 Federal economic development programs administered by four different agencies.

Surely, my colleagues in the House do not favor paying twice for the same program. Yet, Mr. Chairman, the decision to continue the funding for these regional commissions will do exactly that unless we eliminate them, which is what I am suggesting that we do by this amendment.

The taxpayers are fed up with the frivolous spending of our Federal Government. It's time that we identify wasteful programs—that's what we are doing here—and cut them. Numerous agencies and organizations have plainly stated and repeatedly recommended the dismantling of these types of programs. Congress ought to listen and heed these requests, and that's what I'm suggesting that we do in this particular legislation.

I am suggesting in here programs that affect my own area. I'm not just saying let's go into other areas around the country. The Appalachian area is an area of the country that I represent, the same general area. I'm saying let's not just do it in Alaska or out West or somewhere else. We ought to do it right at home and in my district as well. So that's what I'm suggesting is that we eliminate these programs. As I indicated, it's supported by Citizens Against Government Waste, and there are a number of other budget-cutting types of organizations that are in favor of this, so I would recommend my colleagues support this amendment.

I yield back the balance of my time.

Mr. ROGERS of Kentucky. I rise in opposition to the amendment.

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

Mr. ROGERS of Kentucky. Appalachia confronts a combination of challenges that few other parts of the country face: mountainous terrain and isolation, a dispersed population, inadequate infrastructure, a lack of financial and human resources, and a weak track record in applying for and receiving assistance from other Federal programs.

For decades, Appalachia has experienced an economic lag. Even during years of economic expansion, employment growth in this 13–State region was significantly lower than the Nation's as a whole. Even with ARC's funding, in fiscal '09, Appalachia received 33 percent fewer Federal expenditures per capita than the Nation. It's clear ARC programs do not duplicate other Federal programs. Instead, they extend the reach of those programs. In the last 5 years, every dollar of ARC investment yielded $10 of private sector investment. Clearly, ARC is an effective and efficient steward of the taxpayer dollar, targeting these funds where they are needed the most.

As a result, 125,000 households were served by infrastructure. Nearly 140,000 jobs were created or retained. And 100,000 students received vital job training skills. In addition, completing the Appalachian Development Highway System is expected to generate some $5 billion in annual economic benefit for the entire country by 2035.

But perhaps just as important as ARC's winning investment strategies is its working knowledge of the communities served. When storms ripped through rural Kentucky last March, leveling entire towns and particularly devastating the community of West Liberty, ARC was one of the first agencies on the ground to support and coordinate the State, local, and Federal response.

Largely because of ARC, these communities have a sense of hope for a successful rebuild and restoration. The Appalachian Regional Commission is uniquely qualified to administer these much-needed and targeted Federal investments to close the economic gap between Appalachia and the rest of the Nation and bring the region's 420 counties and 25 million people into the Nation's economic mainstream.

We must uphold our commitment to the American people to reduce the size and scope of government while maintaining the funding for proven effective programs like ARC that create jobs and keep the economy moving. I am confident ARC will continue its strong legacy of creating jobs and positive change in areas of the country which have been bypassed by opportunity. I urge a ''no'' vote.

I yield back the balance of my time.

Mr. CHABOT. Mr. Chairman, may I ask how much time I have left of my 5 minutes?

The Acting CHAIR. The gentleman had 2 minutes, but yielded back his time.

Mr. CHABOT. I think I reserved.

The Acting CHAIR. Does the gentleman seek unanimous consent to reclaim his time?

Mr. CHABOT. I do.

The Acting CHAIR. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Acting CHAIR. The gentleman from Ohio is recognized for 2 minutes.

Mr. CHABOT. I will be brief.

Mr. Chairman, I have the utmost respect for our distinguished chairman. He speaks with great wisdom on many, many occasions, and I'm sure he did on this occasion as well. However, I would just reiterate a couple of things.

Number one, we did adopt a ban on earmarks, which I think was the right thing to do. It was really a proclamation to the American people that we are serious about stopping wasteful spending. However, in essence, when we have these types of things, they are really giant earmarks to certain areas of the country.

□ 1650

They do go through scrutiny, so it is unlike an earmark in some areas. But nonetheless, these are benefiting certain parts of the country at the expense of other parts of the country, similarly to what an earmark does. I just think they are really bad policy, and as I indicated, duplicative in many instances. So we have different programs doing exactly the same thing, and we're really wasting dollars.

Prudence says that we must reduce spending and must pay down our debt. We have to do it. If we're going to do it, this is the type of thing we really have to cut, and this would go towards deficit reduction. We have got a $13 trillion deficit. We need to start working on it. I just think this is one way to attempt to do that.

Additionally, Mr. Chairman, I would note that it's the responsibility for providing aid in supporting local and regional development type things. It's the States and local governments—not the Federal Government—that ought to be funding these types of things. They are closer to the people, and they are closer to monitoring the situation. It ought not to be the Federal Government doing these types of things.

I urge my colleagues to support the amendment, and I yield back the balance of my time.

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

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

Mr. CHABOT. 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 Ohio will be postponed.

AMENDMENT OFFERED BY MR. REED

Mr. REED. Mr. Chairman, I have an amendment at the desk, and I ask unanimous consent to consider the amendment out of order.

The Acting CHAIR. Is there objection to considering the amendment at this point?

Hearing none, the Clerk will report the amendment.

The Clerk read as follows:

Page 25, line 5, after the dollar amount insert ''(increased by $36,000,000)''.

Page 28, line 16, after the dollar amount insert ''(reduced by $18,000,000)''.

Page 31, line 23, after the second dollar amount insert ''(reduced by $18,000,000)''.

The Acting CHAIR. Pursuant to the order of the House of today, the gentleman from New York (Mr. REED) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York.

Mr. REED. Mr. Chairman, I rise today to offer this amendment in a bipartisan fashion with my colleague, Mr. HIGGINS from New York.

What we're looking to do here, Mr. Chairman, is amend the proposal before the committee to restore $36 million in funding to non-defense environmental cleanup. Mr. Chairman, last year, a similar amendment passed the House with total votes of 261 people in favor of the proposed amendment.

Mr. Chairman, I understand the dire fiscal situation that we find ourselves in America today. What I have proposed here is putting that $36 million out into the field to deal with nuclear waste and nuclear waste cleanup sites across America. I have one of those nuclear waste sites in my district, the West Valley Demonstration Project in western New York that abuts where Mr. HIGGINS' district is located.

What we're trying to do is take that $36 million that is otherwise going to be used in the bureaucracy of Washington, D.C., for administrative purposes here, and allocate that money out to the field, to the sites where it can be best utilized to clean up these nuclear waste facilities and make sure that the threat of nuclear waste to all of our citizens is completely remediated and taken care of so that we do not have to deal with this year after year after year.

There are numerous reports out that show that by cleaning these facilities up sooner than later, we can potentially save hundreds of millions of dollars. So to me, at this point in time, this amendment makes sense. It recognizes the fiscal situation we find ourselves in in America and takes care of a true public safety threat to all citizens of our great country.

With that, I reserve 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. Mr. Chairman, I rise in reluctant opposition to the amendment.

Our bill fully funds the request for non-defense environmental cleanup at $198 million. I know my colleagues from New York State—Mr. REED and Mr. HIGGINS—are particularly concerned about the West Valley site in New York, and we respect their views and that they know their districts and their State well.

But this bill provides the full amount requested for the project in the President's budget. While below last year's

level, it's a reasonable reduction given the need to reduce overall Federal spending in our bill. But this amendment proposes to increase funding 18 percent over the amount of our request. This would be an unbalanced approach considering the reduction to other sites in the bill, and there are many sites in different congressional districts, a number of which have much higher hazard activities taking place. And that is not to minimize what's happening at this site.

We've prepared—in a bipartisan way—a balanced bill, one that prioritizes available funding to address the highest risk activities first while ensuring progress at lower risk sites, that that progress continues, albeit at a smaller pace. We simply cannot sustain the high levels of spending at every location and must make the hard choices to extend time lines where the risks are lower.

As an offset, the amendment would eliminate the salaries of approximately 100 employees who are engaged in carrying out vital security activities, as well as the salaries of up to another 100 employees who are carrying out a variety of, I think, critically important energy and science programs at the Department of Energy.

I know their heart is in the right place. I know that they want to do more things to clean up the site in their home State, but I reluctantly oppose their amendment for the reasons that I've outlined.

I yield back the balance of my time.

Mr. REED. Mr. Chairman, I yield the balance of my time to my colleague from New York (Mr. HIGGINS).

Mr. HIGGINS. Mr. Chairman, I rise in strong support of this bipartisan amendment to provide adequate funding for the non-defense environmental cleanup program.

One of the most important roles of government is to protect public health and safety. However, the amount of money appropriated in this bill is insufficient to do one of these most important areas. Our amendment ensures that nuclear cleanup sites get the funding they need to protect surrounding communities from radioactive contamination.

In my community and that of Mr. REED's in western New York, the West Valley Nuclear Waste Reprocessing Plant was established in the 1960s in response to a Federal call to commercialize the reprocessing of spent nuclear fuel from power reactors. Just a few years ago, the site ceased operation, and more than 600,000 gallons of high-level radioactive waste was left behind, posing a significant and enduring hazard. This site, prone to erosion, contains streams that drain into Lake Erie, located just 30 miles away. We have already seen a leak on the site develop into a plume of radioactive groundwater. If this radioactive waste makes its way into the Great Lakes, the largest source of surface fresh water in the world, the environmental and economic implications would be devastating. Without question, this hazardous and radioactive waste and the contamination that remains is one of our Nation's largest environmental liabilities.

Mr. Chairman, in these cleanup efforts, time is money. Failing to adequately fund the non-defense environmental cleanup program decelerates cleanup efforts. For the past four decades, progress in cleaning up West Valley has been delayed by legal disputes and funding shortfalls. For West Valley, this means $30 million in added maintenance costs per year. In the current budgetary climate, it is more important than ever that the Federal Government use taxpayers' money most efficiently.

Mr. Chairman, we cannot jeopardize the irreplaceable natural resources of the Great Lakes or the communities and resources near other nuclear sites across this Nation by continuing to underfund this cleanup program.

□ 1700

I'm proud to work with my friend and colleague, Mr. REED, on this important issue, and I urge support on this bipartisan amendment to ensure we finish the job.

Mr. REED. 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. REED).

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

Mr. REED. 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.

Mr. FRELINGHUYSEN. Mr. Chairman, I ask unanimous consent that the remainder of the bill through page 56, line 24, be considered as read, printed in the RECORD and open to amendment at any point.

The Acting CHAIR. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The text of that portion of the bill is as follows:

DEFENSE NUCLEAR FACILITIES SAFETY BOARD

SALARIES AND EXPENSES

For necessary expenses of the Defense Nuclear Facilities Safety Board in carrying out activities authorized by the Atomic Energy Act of 1954, as amended by Public Law 100–456, section 1441, $29,415,000, to remain available until September 30, 2014.

DELTA REGIONAL AUTHORITY

SALARIES AND EXPENSES

For necessary expenses of the Delta Regional Authority and to carry out its activities, as authorized by the Delta Regional Authority Act of 2000, as amended, notwithstanding sections 382C(b)(2), 382F(d), 382M, and 382N of said Act, $11,677,000, to remain available until expended.

DENALI COMMISSION

For expenses of the Denali Commission including the purchase, construction, and acquisition of plant and capital equipment as necessary and other expenses, $10,679,000, to remain available until expended, notwithstanding the limitations contained in section 306(g) of the Denali Commission Act of 1998: *Provided*, That funds shall be available for construction projects in an amount not to exceed 80 percent of total project cost for distressed communities, as defined by section 307 of the Denali Commission Act of 1998 (division C, title III, Public Law 105–277), as amended by section 701 of appendix D, title VII, Public Law 106–113 (113 Stat. 1501A–280), and an amount not to exceed 50 percent for non-distressed communities.

NORTHERN BORDER REGIONAL COMMISSION

For necessary expenses of the Northern Border Regional Commission in carrying out activities authorized by subtitle V of title 40, United States Code, $1,425,000, to remain available until expended: *Provided*, That such amounts shall be available for administrative expenses, notwithstanding section 15751(b) of title 40, United States Code.

SOUTHEAST CRESCENT REGIONAL COMMISSION

For necessary expenses of the Southeast Crescent Regional Commission in carrying out activities authorized by subtitle V of title 40, United States Code, $250,000, to remain available until expended.

NUCLEAR REGULATORY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Commission in carrying out the purposes of the Energy Reorganization Act of 1974, as amended, and the Atomic Energy Act of 1954, as amended, including official representation expenses (not to exceed $25,000), $1,038,800,000, to remain available until expended: *Provided*, That of the amount appropriated herein, not more than $9,500,000 may be made available for salaries, travel, and other support costs for the Office of the Commission, of which, notwithstanding section 201(a)(2)(c) of the Energy Reorganization Act of 1974 (42 U.S.C. 5841(a)(2)(c)), the use and expenditure shall only be approved by a majority vote of the Commission: *Provided further*, That revenues from licensing fees, inspection services, and other services and collections estimated at $911,772,000 in fiscal year 2013 shall be retained and used for necessary salaries and expenses in this account, notwithstanding 31 U.S.C. 3302, and shall remain available until expended: *Provided further*, That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 2013 so as to result in a final fiscal year 2013 appropriation estimated at not more than $127,028,000: *Provided further*, That of the amounts appropriated under this heading, $10,000,000 shall be for university research and development in areas relevant to their respective organization's mission, and $5,000,000 shall be for a Nuclear Science and Engineering Grant Program that will support multiyear projects that do not align with programmatic missions but are critical to maintaining the discipline of nuclear science and engineering.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, $11,020,000, to remain available until September 30, 2014: *Provided*, That revenues from licensing fees, inspection services, and other services and collections estimated at $9,918,000 in fiscal year 2013 shall be retained and be available until September 30, 2014, for necessary salaries and expenses in this account, notwithstanding section 3302 of title 31, United States Code: *Provided further*, That the sum herein appropriated shall be reduced by the amount of revenues received during

fiscal year 2013 so as to result in a final fiscal year 2013 appropriation estimated at not more than $1,102,000.

NUCLEAR WASTE TECHNICAL REVIEW BOARD

SALARIES AND EXPENSES

For necessary expenses of the Nuclear Waste Technical Review Board, as authorized by Public Law 100–203, section 5051, $3,400,000, to be derived from the Nuclear Waste Fund established in section 302(c) of such Act (42 U.S.C. 10222(c)) and to remain available until expended.

OFFICE OF THE FEDERAL COORDINATOR FOR ALASKA NATURAL GAS TRANSPORTATION PROJECTS

For necessary expenses for the Office of the Federal Coordinator for Alaska Natural Gas Transportation Projects pursuant to the Alaska Natural Gas Pipeline Act of 2004, $1,000,000: *Provided*, That any fees, charges, or commissions received pursuant to section 802 of Public Law 110–140 in fiscal year 2013 in excess of $2,000,000 shall not be available for obligation until appropriated in a subsequent Act of Congress.

GENERAL PROVISIONS, INDEPENDENT AGENCIES

SEC. 401. (a) None of the funds provided for ''Nuclear Regulatory Commission—Salaries and Expenses'' in this Act or prior Acts shall be available for obligation or expenditure through a reprogramming of funds that—

(1) increases funds or personnel for any program, project, or activity for which funds are denied or restricted by this Act; or

(2) reduces funds that are directed to be used for a specific program, project, or activity by this Act.

(b) The Chairman of the Nuclear Regulatory Commission may not terminate any program, project, or activity without the approval of a majority vote of the Commissioners of the Nuclear Regulatory Commission approving such action.

(c) The Nuclear Regulatory Commission may waive the restriction on reprogramming under subsection (a) on a case-by-case basis by certifying to the Committees on Appropriations of the House of Representatives and the Senate that such action is required to address national security or imminent risks to public safety. Each such waiver certification shall include a letter from the Chairman of the Commission that a majority of Commissioners of the Nuclear Regulatory Commission have voted and approved the reprogramming waiver certification.

SEC. 402. The Chairman of the Nuclear Regulatory Commission shall notify the Committees on Appropriations of the House of Representatives and the Senate not later than 1 day after the Chairman begins performing functions under the authority of section 3 of Reorganization Plan No. 1 of 1980, or after a member of the Commission who was delegated emergency functions under subsection (b) of that section begins performing those functions. Such notification shall include an explanation of the circumstances warranting the exercise of such authority. The Chairman shall report to the Committees, not less frequently than once each week, on the actions taken by the Chairman, or a delegated member of the Commission, under such authority, until the authority is relinquished. The Chairman shall notify the Committees not later than 1 day after such authority is relinquished. The Chairman shall submit the report required by section 3(d) of the Reorganization Plan No. 1 of 1980 to the Committees not later than 1 day after it was submitted to the Commission.

TITLE V—GENERAL PROVISIONS

SEC. 501. None of the funds appropriated by this Act may be used in any way, directly or indirectly, to influence congressional action on any legislation or appropriation matters pending before Congress, other than to communicate to Members of Congress as described in 18 U.S.C. 1913.

SEC. 502. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in this Act or any other appropriation Act.

SEC. 503. None of the funds made available under this Act may be expended for any new hire by any Federal agency funded in this Act that is not verified through the E-Verify Program as described in section 403(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note).

SEC. 504. None of the funds made available by this Act may be used to enter into a contract, memorandum of understanding, or cooperative agreement with, make a grant to, or provide a loan or loan guarantee to any corporation that was convicted (or had an officer or agent of such corporation acting on behalf of the corporation convicted) of a felony criminal violation under any Federal law within the preceding 24 months, where the awarding agency is aware of the conviction, unless the agency has considered suspension or debarment of the corporation, or such officer or agent, and made a determination that this further action is not necessary to protect the interests of the Government.

SEC. 505. None of the funds made available by this Act may be used to enter into a contract, memorandum of understanding, or cooperative agreement with, make a grant to, or provide a loan or loan guarantee to, any corporation that has any unpaid Federal tax liability that has been assessed, for which all judicial and administrative remedies have been exhausted or have lapsed, and that is not being paid in a timely manner pursuant to an agreement with the authority responsible for collecting the tax liability, where the awarding agency is aware of the unpaid tax liability, unless the agency has considered suspension or debarment of the corporation and made a determination that this further action is not necessary to protect the interests of the Government.

SEC. 506. None of the funds made available by this Act may be used in contravention of Executive Order No. 12898 of February 11, 1994 (''Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations'').

SEC. 507. No funds made available by this Act may be used to pay for mitigation associated with the removal of Federal Energy Regulatory Commission Project number 2342.

SEC. 508. None of the funds made available in this Act may be used to conduct closure of adjudicatory functions, technical review, or support activities associated with the Yucca Mountain geologic repository license application, or for actions that irrevocably remove the possibility that Yucca Mountain may be a repository option in the future.

SPENDING REDUCTION ACCOUNT

SEC. 509. The amount by which the applicable allocation of new budget authority made by the Committee on Appropriations of the House of Representatives under section 302(b) of the Congressional Budget Act of 1974 exceeds the amount of proposed new budget authority is $0.

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. LATOURETTE) having assumed the chair, Mr. FORTENBERRY, 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. 5325) making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2013, 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 motions 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.

Record votes on postponed questions will be taken later in the day.

AUTHORIZATION OF CONVEYANCE OF CERTAIN LANDS IN LOS PADRES NATIONAL FOREST

Mr. HASTINGS of Washington. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 241) to authorize the conveyance of certain National Forest System lands in the Los Padres National Forest in California, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Washington (Mr. HASTINGS) and the gentleman from Arizona (Mr. GRIJALVA) each will control 20 minutes.

The Chair recognizes the gentleman from Washington.

Mr. HASTINGS of Washington. Mr. Chairman, I ask unanimous consent to withdraw my motion.

The SPEAKER pro tempore. The gentleman may withdraw as a matter of right. The motion is withdrawn.

CENTRAL OREGON JOBS AND WATER SECURITY ACT

Mr. HASTINGS of Washington. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2060) to amend the Wild and Scenic Rivers Act to adjust the Crooked River boundary, to provide water certainty for the City of Prineville, Oregon, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2060

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 ''Central Oregon Jobs and Water Security Act''.

SEC. 2. WILD AND SCENIC RIVER; CROOKED, OREGON.

Section 3(a)(72) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)(72)) is amended as follows:

(1) By striking ''15-mile'' and inserting ''14.75-mile''.

(2) In subparagraph (B)—

(A) by striking ''8-mile'' and all that follows through ''Bowman Dam'' and inserting ''7.75-mile segment from a point one-quarter mile downstream from the toe of Bowman Dam''; and

(B) by adding at the end the following: ''The developer for any hydropower development, including turbines and appurtenant facilities, at Bowman Dam, in consultation with the Bureau of Land Management, shall analyze any impacts to the Outstandingly Remarkable Values of the Wild and Scenic River that may be caused by such development, including the future need to undertake routine and emergency repairs, and shall propose mitigation for any impacts as part of any license application submitted to the Federal Energy Regulatory Commission.''.

SEC. 3. CITY OF PRINEVILLE WATER SUPPLY.

Section 4 of the Act of August 6, 1956 (70 Stat. 1058), (as amended by the Acts of September 14, 1959 (73 Stat. 554), and September 18, 1964 (78 Stat. 954)) is further amended as follows:

(1) By striking ''ten cubic feet'' the first place it appears and inserting ''17 cubic feet''.

(2) By striking ''during those months when there is no other discharge therefrom, but this release may be reduced for brief temporary periods by the Secretary whenever he may find that release of the full ten cubic feet per second is harmful to the primary purpose of the project''.

(3) By adding at the end the following: ''Without further action by the Secretary, and as determined necessary for any given year by the City of Prineville, up to seven of the 17 cubic feet per second minimum release shall also serve as mitigation for City of Prineville groundwater pumping, pursuant to and in a manner consistent with Oregon State law, including any shaping of the release of the up to seven cubic feet per second to coincide with City of Prineville groundwater pumping as may be required by the State of Oregon. As such, the Secretary is authorized to make applications to the State of Oregon in conjunction with the City to protect these supplies instream. The City shall make payment to the Secretary for that portion of the minimum release that actually serves as mitigation pursuant to Oregon State law for the City in any given year, with the payment for any given year equal to the amount of mitigation in acre feet required to offset actual City groundwater pumping for that year in accordance with Reclamation 'Water and Related Contract and Repayment Principles and Requirements', Reclamation Manual Directives and Standards PEC 05–01, dated 09/12/2006, and guided by 'Economic and Environmental Principles and Guidelines for Water and Related Land Resources Implementation Studies', dated March 10, 1983. The Secretary is authorized to contract exclusively with the City for additional amounts in the future at the request of the City.''.

SEC. 4. FIRST FILL PROTECTION.

The Act of August 6, 1956 (70 Stat. 1058), as amended by the Acts of September 14, 1959 (73 Stat. 554), and September 18, 1964 (78 Stat. 954), is further amended by adding at the end the following:

''SEC. 6. Other than the 17 cubic feet per second release provided for in section 4, and subject to compliance with the Army Corps of Engineers' flood curve requirements, the Secretary shall, on a 'first fill' priority basis, store in and release from Prineville Reservoir, whether from carryover, infill, or a combination thereof, the following:

''(1) 68,273 acre feet of water annually to fulfill all 16 Bureau of Reclamation contracts existing as of January 1, 2011, and up to 2,740 acre feet of water annually to supply the McKay Creek lands as provided for in section 5 of this Act.

''(2) Not more than 10,000 acre feet of water annually, to be made available to the North Unit Irrigation District pursuant to a Temporary Water Service Contract, upon the request of the North Unit Irrigation District, consistent with the same terms and conditions as prior such contracts between the District and the Bureau of Reclamation.

''SEC. 7. Except as otherwise provided in this Act, nothing in this Act—

''(1) modifies contractual rights that may exist between contractors and the United States under Reclamation contracts;

''(2) amends or reopens contracts referred to in paragraph (1); or

''(3) modifies any rights, obligations, or requirements that may be provided or governed by Oregon State law.''.

SEC. 5. OCHOCO IRRIGATION DISTRICT.

(a) EARLY REPAYMENT.—Notwithstanding section 213 of the Reclamation Reform Act of 1982 (43 U.S.C. 390mm), any landowner within Ochoco Irrigation District in Oregon, may repay, at any time, the construction costs of the project facilities allocated to that landowner's lands within the district. Upon discharge, in full, of the obligation for repayment of the construction costs allocated to all lands the landowner owns in the district, those lands shall not be subject to the ownership and full-cost pricing limitations of the Act of June 17, 1902 (43 U.S.C. 371 et seq.), and Acts supplemental to and amendatory of that Act, including the Reclamation Reform Act of 1982 (43 U.S.C. 390aa et seq.).

(b) CERTIFICATION.—Upon the request of a landowner who has repaid, in full, the construction costs of the project facilities allocated to that landowner's lands owned within the district, the Secretary of the Interior shall provide the certification provided for in subsection (b)(1) of section 213 of the Reclamation Reform Act of 1982 (43 U.S.C. 390mm(b)(1)).

(c) CONTRACT AMENDMENT.—On approval of the district directors and notwithstanding project authorizing legislation to the contrary, the district's reclamation contracts are modified, without further action by the Secretary of the Interior, to—

(1) authorize the use of water for instream purposes, including fish or wildlife purposes, in order for the district to engage in, or take advantage of, conserved water projects and temporary instream leasing as authorized by Oregon State law;

(2) include within the district boundary approximately 2,742 acres in the vicinity of McKay Creek, resulting in a total of approximately 44,937 acres within the district boundary;

(3) classify as irrigable approximately 685 acres within the approximately 2,742 acres of included lands in the vicinity of McKay Creek, where the approximately 685 acres are authorized to receive irrigation water pursuant to water rights issued by the State of Oregon and have in the past received water pursuant to such State water rights; and

(4) provide the district with stored water from Prineville Reservoir for purposes of supplying up to the approximately 685 acres of lands added within the district boundary and classified as irrigable under paragraphs (2) and (3), with such stored water to be supplied on an acre-per-acre basis contingent on the transfer of existing appurtenant McKay Creek water rights to instream use and the State's issuance of water rights for the use of stored water.

(d) LIMITATION.—Except as otherwise provided in subsections (a) and (c), nothing in this section shall be construed to—

(1) modify contractual rights that may exist between the district and the United States under the district's Reclamation contracts;

(2) amend or reopen the contracts referred to in paragraph (1); or

(3) modify any rights, obligations or relationships that may exist between the district and its landowners as may be provided or governed by Oregon State law.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Washington (Mr. HASTINGS) and the gentleman from Arizona (Mr. GRIJALVA) each will control 20 minutes.

The Chair recognizes the gentleman from Washington.

GENERAL LEAVE

Mr. HASTINGS of Washington. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

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

There was no objection.

Mr. HASTINGS of Washington. I yield myself such time as I may consume.

Mr. Speaker, H.R. 2060, sponsored by our colleague from Oregon (Mr. WALDEN), is an important step towards restoring water and power abundance and jobs to a rural area that has been devastated by Federal logging restrictions.

This bill is a reflection of years of negotiation. Its supporters include those who would normally be water adversaries in most parts of the West. Municipalities, irrigators, the Warm Spring Tribes utilities, organized labor, and environmental organizations have come together to support this legislation.

I commend my colleague from Oregon for working hard to bring these many parties together, and I urge adoption of this commonsense legislation.

I reserve the balance of my time.

Mr. GRIJALVA. I yield myself such time as I may consume.

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

Mr. GRIJALVA. Mr. Speaker, H.R. 2060, as my colleague described, does several things, including providing water and economic certainty to the city of Prineville and the Ochoco Irrigation District. It does so in a way, however, that provides certainty for the city and agriculture, but not the future needs of the environment.

The legislation also mandates how Reclamation is to operate and manage the Prineville Reservoir through the first-fill provision and removes some flexibility on Reclamation's part to mitigate and adapt to changing conditions.

We still do not fully support the first-fill provision but understand that there are ongoing negotiations that look at providing the certainty that the city needs while protecting the environment. Stakeholder-driven processes are the best way to answer our community's needs, and we look forward to working with our colleagues in the Senate and on the other side of the aisle to ensure that all needs are met and protected.

I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I yield as much time as he may consume to the author of this legislation, the gentleman from Oregon (Mr. WALDEN).

Mr. WALDEN. Thank you, Chairman HASTINGS and Ranking Member GRIJALVA, for your support for the commonsense Central Oregon Jobs and Water Security Act.

This bill we have before us today will create jobs in central Oregon, remove government red tape. It will protect family farmers and improve both water flows and quality of water for fish and for wildlife, all without costing taxpayers one cent. We made it completely cost-neutral.

Now the city of Prineville is the county seat of Crook County. It's located in the heart of Oregon's central Oregon, and it's along the Crooked River. Crook County was among the hardest hit in the economic downturn that we have all suffered, where unemployment even today—even today—is at over 14 percent, one of the highest rates, if not the highest, in the State of Oregon.

Nonetheless, jobs and economic growth are on the rise in Crook County. Facebook recently built their first custom data center in Prineville and is currently expanding that project. Apple recently announced that it is going to build a data center there and has actually already begun construction.

Chairman HASTINGS knows well how important the technology sector can be to rural communities. Prineville is on the verge of becoming another Quincy, Washington, which is home to Yahoo, Microsoft, Dell, and others.

To pursue new economic development, however, Prineville needs more water. Roughly 20 miles upriver from Prineville sits Bowman Dam and Prineville Reservoir, a Bureau of Reclamation project, which holds 80,000 acre feet of uncontracted water, 80,000 acre feet that is just sitting there uncontracted.

This bill would allow Prineville to access roughly 6 percent of that water, or 5,100 acre feet, and the city would pay a fair market value for the water. That extra water would allow the city to tell prospective companies, hey, you can bring your business and jobs to Prineville. We now have the water that you need. That's certainty in the job market.

It would also allow the city to provide water to an additional 500 homes within the city limits, which currently the city of Prineville can't do because it has maxed out its mitigation credits. You're talking about 500 homes inside the city limits that don't have access to city water that this bill now will allow them to have access to.

Because the city would access the water through the ground and not from directly behind the dam, that extra allocation of water would increase the minimum release of water from Bowman Dam by up to 7 cubic feet per second. Now, that's a lot.

□ 1710

In dry years, particularly in the winter, this higher release requirement could benefit fish and wildlife, including the blue-ribbon trout fishery below Bowman Dam.

This legislation also fixes a BLM error regarding the exact location of the Crooked River wild and scenic boundary line. Currently, the wildlife and scenic line runs directly over the crest of Bowman Dam. Mr. Chairman and Ranking Member GRIJALVA, let me assure there's nothing wild or scenic about the top of a dam unless you're falling over the edge of it. This is a picture of where that is. If you follow the center line of this road, that's where the current law says the wild and scenic boundary starts. We move it downriver, where it really belongs.

As a result, we create another economic opportunity for the region—development of small-scale renewable hydropower that would create roughly 50 construction jobs over the course of 2 years. This dam doesn't have hydro on it today. Adding the hydro actually improves the release of the water, making it better for the fish, and it creates new hydroenergy and construction jobs. My legislation also protects the Ochoco Irrigation District farmers and assures they will continue to operate their family-run farms for generations to come.

Finally, this bill expedites the McKay Creek project, which will result in increased water flows for redband trout and summer steelhead. This project has long been supported by the Warm Springs Tribe and the Deschutes River Conservancy. So I want to thank and commend the Warm Springs tribal leaders and tribal members for their hard work and working in partnership with me on this legislation. Their collaborative approach has really made a difference in issues in the Deschutes Basin, and we appreciate the partnership and leadership that the tribal leaders have shown.

This is a good, commonsense, job-creating bill. It's a culmination of years of collaboration between the City of Prineville, Crook County, farmers, the Warm Springs Tribes, and the Deschutes River Conservancy.

I want to thank Mayor Roppe and County Judge McCabe for their leadership in working through this process. Mayor Roppe has testified before the House Natural Resources Committee and has done an excellent job advocating for the City of Prineville. Judge McCabe has worked tirelessly on these issues to attract tech companies like Facebook and Apple to Crook County. Hopefully, with positive steps like the passage of this legislation, more companies will soon bring their jobs to Prineville and central Oregon.

So I appreciate the assistance of Ranking Member ED MARKEY, along with Ranking Member GRACE NAPOLITANO and, of course, Mr. GRIJALVA, as well as Chairman HASTINGS. Thank you again for your help in moving forward on the Central Oregon Jobs and Water Security Act. I look forward to this legislation finally becoming law.

Mr. GRIJALVA. I continue to reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I have no further requests for time, so if the gentleman is prepared to yield back.

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

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in many respects, this bill epitomizes the problems that those of us have in the West. This is a simple boundary change to something that was designated here on the Federal level. It has taken a great deal of time, and the impacts will be great for the economy in that area.

As I mentioned in my opening remarks, this has broad support from all of the local groups and local environmental groups, as the gentleman from Oregon said. Sadly, the frustration that we continue to have when we're trying to move legislation like this to help the local job economy in these areas is that you have national groups that don't live in those areas opposing it. And that's what frustrates us, because when you get people, especially on the local level, that support this, it's frustrating when have you a national group that says, Just because we're dealing with national land, we want to have a say in all of this. A big sense of frustration for us.

So I commend my friend from Oregon for moving this legislation, and I urge my colleagues to support it.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Washington (Mr. HASTINGS) that the House suspend the rules and pass the bill, H.R. 2060, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

THREE KIDS MINE REMEDIATION AND RECLAMATION ACT

Mr. HASTINGS of Washington. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2512) to provide for the conveyance of certain Federal land in Clark County, Nevada, for the environmental remediation and reclamation of the Three Kids Mine Project Site, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2512

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 ''Three Kids Mine Remediation and Reclamation Act''.

SEC. 2. DEFINITIONS.

In this Act:

(1) HAZARDOUS SUBSTANCE; POLLUTANT OR CONTAMINANT; RELEASE; REMEDY; RESPONSE.—

The terms ''hazardous substance'', ''pollutant or contaminant'', ''release'', ''remedy'', and ''response'' have the meanings respectively set forth for those terms in section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601).

(2) HENDERSON REDEVELOPMENT AGENCY.—The term ''Henderson Redevelopment Agency'' means the public body, corporate and politic, known as the redevelopment agency of the City of Henderson, Nevada, established and authorized to transact business and exercise its powers in accordance with the Nevada Community Redevelopment Law (Nev. Rev. Stat. 279.382 to 279.685, inclusive).

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(4) STATE.—The term ''State'' means the State of Nevada.

(5) THREE KIDS MINE FEDERAL LAND.—The term ''Three Kids Mine Federal Land'' means the parcel or parcels of Federal land consisting of approximately 948 acres in sections 26, 34, 35, and 36, Township 21 South, Range 63 East, Mount Diablo Meridian, Nevada, as depicted on the map entitled ''Three Kids Mine Project Area'' and dated February 6, 2012.

(6) THREE KIDS MINE PROJECT SITE.—The term ''Three Kids Mine Project Site'' means the Three Kids Mine Federal Land and the adjacent approximately 314 acres of non-Federal land, together comprising approximately 1,262 acres, as depicted on the map entitled ''Three Kids Mine Project Area'' and dated February 6, 2012.

SEC. 3. LAND CONVEYANCE.

(a) IN GENERAL.—Notwithstanding sections 202 and 203 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712, 1713) and any other provision of law, as soon as practicable after fulfillment of the conditions in subsection (b), and subject to valid existing rights, the Secretary shall convey to the Henderson Redevelopment Agency all right, title, and interest of the United States in the Three Kids Mine Federal Land.

(b) CONDITIONS.—

(1) DETERMINATION OF FAIR MARKET VALUE.—The Secretary shall administratively adjust the fair market value of the Three Kids Mine Federal Land as determined pursuant to paragraph (2) by deducting from the fair market value of the Three Kids Mine Federal Land the reasonable approximate assessment, remediation and reclamation costs for the Three Kids Mine Project Area as determined pursuant to paragraph (3). The Secretary shall begin the appraisal and cost determination under paragraphs (2) and (3), respectively, not later than 30 days after the date of the enactment of this Act.

(2) APPRAISAL.—The Secretary shall determine the fair market value of the Three Kids Mine Federal Land based on an appraisal without regard to any existing contamination associated with historical mining or other uses on the property and in accordance with nationally recognized appraisal standards including the Uniform Appraisal Standards for Federal Land Acquisitions and the Uniform Standards of Professional Appraisal Practice. The Henderson Redevelopment Agency shall reimburse the Secretary for costs incurred in performing the appraisal.

(3) REMEDIATION AND RECLAMATION COSTS.—The Secretary shall prepare a reasonable approximate estimation of the costs to assess, remediate, and reclaim the Three Kids Mine Project Site. This estimation shall be based upon the results of a comprehensive Phase II environmental site assessment of the Three Kids Mine Project Site prepared by the Henderson Redevelopment Agency or its designee that has been approved by the State, and shall be prepared in accordance with the current version of ASTM International Standard E–2137–06 entitled ''Standard Guide for Estimating Monetary Costs and Liabilities for Environmental Matters''. The Phase II environmental site assessment shall, without limiting any additional requirements that may be required by the State, be conducted in accordance with the procedures of the current versions of ASTM International Standard E–1527–05 entitled ''Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process'' and ASTM International Standard E–1903–11 entitled ''Standard Practice for Environmental Site Assessments: Phase II Environmental Site Assessment Process''. The Secretary shall review and consider cost information proffered by the Henderson Redevelopment Agency and the State. In the event of a disagreement among the Secretary, Henderson Redevelopment Agency, and the State over the reasonable approximate estimate of costs, the parties shall jointly select one or more experts to advise the Secretary in making the final determination of such costs.

(4) CONSIDERATION.—The Henderson Redevelopment Agency shall pay the fair market value, if any, as determined under this subsection.

(5) MINE REMEDIATION AND RECLAMATION AGREEMENT EXECUTED.—The Secretary receives from the State notification, in writing, that the Mine Remediation and Reclamation Agreement has been executed. The Mine Remediation and Reclamation Agreement shall be an enforceable consent order or agreement administered by the State that—

(A) obligates a party to perform, after the conveyance of the Three Kids Mine Federal Land under this Act, the remediation and reclamation work at the Three Kids Mine Project Site necessary to complete a permanent and appropriately protective remedy to existing environmental contamination and hazardous conditions; and

(B) contains provisions determined to be necessary by the State, including financial assurance provisions to ensure the completion of such remedy.

(6) NOTIFICATION.—The Secretary receives from the Henderson Redevelopment Agency notification, in writing, that the Henderson Redevelopment Agency is prepared to accept conveyance of the Three Kids Mine Federal Land under this Act. Such notification must occur not later than 90 days after execution of the Mine Remediation and Reclamation Agreement referred to in paragraph (5).

SEC. 4. WITHDRAWAL.

(a) IN GENERAL.—Subject to valid existing rights, for the 10-year period following the date of the enactment of this Act or on the date of the conveyance required by this Act, whichever is earlier, the Three Kids Mine Federal Land is withdrawn from all forms of—

(1) entry, appropriation, operation, or disposal under the public land laws;

(2) location, entry, and patent under the mining laws; and

(3) disposition under the mineral leasing, mineral materials, and the geothermal leasing laws.

(b) EXISTING RECLAMATION WITHDRAWALS.—Subject to valid existing rights, any withdrawal of public land for reclamation project purposes that includes all or any portion of the Three Kids Mine Federal Land for which the Bureau of Reclamation has determined that it has no further need under applicable law is hereby relinquished and revoked solely to the extent necessary to exclude from the withdrawal the land no longer needed and to allow for the immediate conveyance of the Three Kids Mine Federal Land as required under this Act.

(c) EXISTING RECLAMATION PROJECT AND PERMITTED FACILITIES.—Without limiting the general applicability of section 3(a), nothing in this Act shall diminish, hinder, or interfere with the exclusive and perpetual use by existing rights holders for the operation, maintenance, and improvement of water conveyance infrastructure and facilities, including all necessary ingress and egress, situated on the Three Kids Mine Federal Land that were constructed or permitted by the Bureau of Reclamation prior to the effective date of this Act.

SEC. 5. ACEC BOUNDARY ADJUSTMENT.

Notwithstanding section 203 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1717), the boundary of the River Mountains Area of Critical Environmental Concern (NVN 76884) is hereby adjusted consistent with the map entitled ''Three Kids Mine Project Area'' and dated February 6, 2012.

SEC. 6. RELEASE OF THE UNITED STATES.

Upon making the conveyance under section 3, notwithstanding any other provision of law, the United States is released from any and all liabilities or claims of any kind or nature arising from the presence, release, or threat of release of any hazardous substance, pollutant, contaminant, petroleum product (or derivative of a petroleum product of any kind), solid waste, mine materials or mining related features (including tailings, overburden, waste rock, mill remnants, pits, or other hazards resulting from the presence of mining related features) at the Three Kids Mine Project Site in existence on or before the date of the conveyance.

SEC. 7. SOUTHERN NEVADA PUBLIC LANDS MANAGEMENT ACT.

Southern Nevada Public Land Management Act of 1998 (31 U.S.C. 6901 note; Public Law 105–263) shall not apply to land conveyed under this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Washington (Mr. HASTINGS) and the gentleman from Arizona (Mr. GRIJALVA) each will control 20 minutes.

The Chair recognizes the gentleman from Washington.

GENERAL LEAVE

Mr. HASTINGS of Washington. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous materials on this bill under consideration.

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

There was no objection.

Mr. HASTINGS of Washington. I yield myself such time as I may consume.

Mr. Speaker, I want to start this debate by defining clearly what H.R. 2512, the Three Kids Mine Remediation and Reclamation Act, does. This bill will create jobs, clean up an abandoned mine that is the responsibility of the United States Government, and represents a tremendous win-win for all the parties involved in this effort.

The Three Kids Mine is located in Clark County, Nevada, adjacent to the City of Henderson. The mine was operated from 1916 until 1961. From 1942 to 1955, the United States Government, through the Defense Plant Corporation, owned 446 acres of the Three Kids Mine Project site. The mine site was used to produce federally owned manganese ore for national defense purposes and was leased to the U.S. until 2003 to stockpile those nodules.

The total Three Kids Mine Project area is approximately 1,262 acres and includes 948 acres of Federal lands managed by the Bureau of Land Management and the Bureau of Reclamation, and 314 acres of private lands that include the mill site and the former processing site.

The City of Henderson, the Henderson Redevelopment Agency, Nevada

Department of Environmental Protection, Lakemoor Development, LLC, and the Bureau of Land Management have negotiated a plan to clean up and redevelop the Three Kids Mine Project site that includes the purchase of 948 acres of Federal lands. The site is contaminated with arsenic, lead, and other heavy metals and petroleum hydrocarbons. Cost estimates for cleanup and reclamation at the site range from $300 million to over $1 billion. The lower cost estimates apply to onsite remediation and disposal of tailings and other minerals in the open pits if it can be accomplished without contaminating groundwater. The higher cost estimate is associated with offsite disposal of the contaminated material.

The purchase price of the Federal lands would be adjusted to reflect the actual cleanup costs of the Federal and non-Federal land where the Federal Government has environmental liability resulting from the mill, the processing facilities, and the storage of Federal-owned manganese nodules. The City of Henderson and the developer would absolve the Federal Government if any liability arises for this site.

All in all, Mr. Speaker, this is a win-win for everyone involved. The environmental problems are addressed, the abandoned mine site is reclaimed and the land redeveloped for a beneficial use—all at no cost to the American taxpayer. This should provide a framework for other abandoned mine sites that are near or adjacent to small towns in larger urban areas.

That's why this legislation is needed and that's why I urge my colleagues to support this, and I reserve the balance of my time.

Mr. GRIJALVA. Mr. Speaker, I yield myself such time as I may consume.

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

Mr. GRIJALVA. Mr. Speaker, H.R. 2512 would seek to address the abandoned Three Kids Mine in Nevada. The Three Kids Mine site is an abandoned manganese mine and mill near Las Vegas. Today, the abandoned mine has open mine pits and significant volumes of toxic manganese tailings containing arsenic, lead, and diesel fuel, which the BLM has said pose significant risks to public health, safety, and the environment. H.R. 2512 would direct the BLM to convey the Federal portions of the Three Kids Mine site to the Redevelopment Agency of the City of Henderson, Nevada, and require remediation and reclamation of the site.

We support the goals of H.R. 2512 to clean up the toxic abandoned mine site and commend the sponsors of the legislation on their innovative thinking with respect to addressing this problem; however, the estimates of the cost addressing this abandoned mine site are large and uncertain. According to the Bureau of Land Management, the cost of reclaiming and remediating this abandoned mine site is estimated to be between $300 million and $1.3 billion.

We continue to have concerns about who would assume responsibility for these costs should the cleanup be abandoned for any reason in the future because this legislation would release the United States from all liabilities related to the Three Kids Mine site, including under environmental laws such as the Comprehensive Environmental Response, Compensation, and Liability Act.

□ 1720

Such a release of liability for the United States could mean that in the event that the developer is unable to complete the cleanup of the Three Kids mine, there may be no responsible party. We also have concerns about the precedent that could be set by waiving the liability of the United States for the cleanup of the site if we are trying to ensure that private entities are held responsible for cleaning up other sites.

However, while we continue to have some concerns regarding the process outlined by the legislation, we do support the goals of H.R. 2512 to reclaim this abandoned mine site, and we do not oppose the legislation.

I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I'm pleased to yield such time as he may consume to the author of this important piece of legislation, the gentleman from Nevada (Mr. HECK).

Mr. HECK. Mr. Speaker, I thank the chairman and ranking member for their assistance in moving forward with this important piece of legislation. I rise in support of H.R. 2512, the Three Kids Mine Remediation and Reclamation Act of 2012, legislation I introduced with the support of the entire Nevada delegation, to address a serious environmental, public safety, and abandoned mine reclamation issue in the city of Henderson, Nevada.

The Three Kids mine is an abandoned manganese mine and mill site consisting of approximately 1,262 acres of both Federal and private lands which lie within the Henderson City limits and is literally across the street from Lake Mead Parkway where there is an increasing number of homes and businesses. The Three Kids mine was owned and operated by various parties over the years, including the United States, from approximately 1917 through 1961, and used as a storage area for Federal manganese ore reserves from the late 1950s through 2003. The project site contains numerous large, unstable sheer-cliff open pits as deep as 400 feet, huge volumes of mine overburden/tailings, mill facility remnants, and waste disposal areas. To give a sense of scale, mine overburden is 10 stories high in some areas; abandoned waste ponds are up to 60 feet deep and filled with over 1 million cubic yards of gelatinous tailings containing high concentrations of arsenic, lead, and petroleum compounds.

H.R. 2512 provides an innovative solution for cleaning up the Three Kids mine site. In its simplest form, the legislation directs the Secretary of the Interior to convey the Federal lands at the project site—approximately 948 acres—at fair market value, taking into account the costs of investigating and remediating the entire site, which includes an additional 314 acres of now-private lands that were used historically in mine operations.

It is important to note that the government will receive a release of liability for cleanup of both the Federal and private lands. Under the legislation, before the Federal lands are conveyed, the State must enter into a binding consent agreement under which the cleanup of the entire project site will occur. The consent agreement must include financial assurances to ensure the completion of the remediation and reclamation of the site. The cleanup will be financed with private capital and Nevada tax increment financing at no cost to the Federal Government.

The Three Kids Mine Remediation and Reclamation Act is the result of over 4 years of work among the city of Henderson Redevelopment Agency, the Department of the Interior, the State of Nevada, and private entities. This legislation is a unique and complex public-private partnership proposal. It will finally lead to the cleanup of the Three Kids mine site at no cost to the Federal Government, while at the same time providing for economic development and the creation of as many as 3,000 jobs.

I believe that this initiative offers a viable solution for the cleanup and reclamation of the Three Kids mine and could serve as a model for other similar sites across the country.

This legislation is a win for the economy, it is a win for the environment, and it is a win for the Federal taxpayer. I encourage my colleagues to join me in supporting this legislation.

Mr. GRIJALVA. Mr. Speaker, as I indicated, while the precedent of waiving the liability of the United States for the cleanup and reclamation of the site is of concern, of equal concern is the fact that Henderson has grown into the site, and grown closer and closer. BLM has stated they don't have the resources to provide the money to clean the site adequately, so it just sits there.

This developer, and if the consent decree is binding, as has been indicated by the sponsor, is an opportunity. While it is not a perfect opportunity from my perspective, it is indeed an opportunity to deal with that cleanup and not just have the site sit there in perpetuity without any attention as everything else grows around it.

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

Mr. HASTINGS of Washington. Mr. Speaker, I yield back the balance of my time and urge adoption of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Washington (Mr. HASTINGS) that the House suspend the rules and pass the bill, H.R. 2512, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

LAKE THUNDERBIRD EFFICIENT USE ACT OF 2011

Mr. HASTINGS of Washington. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3263) to authorize the Secretary of the Interior to allow the storage and conveyance of nonproject water at the Norman project in Oklahoma, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3263

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 ''Lake Thunderbird Efficient Use Act of 2011''.

SEC. 2. NORMAN PROJECT, OKLAHOMA.

Public Law 86–529 (74 Stat. 225) is amended by adding at the end the following:

''SEC. 10. LAKE THUNDERBIRD.

''(a) IN GENERAL.—If the Secretary of the Interior determines that there is enough excess capacity in the reservoir on the Little River known as 'Lake Thunderbird' that nonproject water can be stored in Lake Thunderbird, the Secretary of the Interior may, in accordance with the reclamation laws, amend an existing contract, or enter into 1 or more new contracts, with the Central Oklahoma Master Conservancy District for the storage and conveyance of nonproject water in Norman project facilities to augment municipal and industrial supplies for the cities served by the Central Oklahoma Master Conservancy District.

''(b) COSTS.—If any additional infrastructure is needed to enable the storage and conveyance of non-project water in Norman project facilities under subsection (a) or any other provision of this Act, the costs of constructing, operating, and maintaining the infrastructure shall be the responsibility of the non-Federal entity contracting with the Secretary of the Interior for storage and conveyance rights.''.

SEC. 3. EFFECT.

Nothing in this Act or an amendment made by this Act authorizes any expansion of the storage capacity of Lake Thunderbird.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Washington (Mr. HASTINGS) and the gentleman from Arizona (Mr. GRIJALVA) each will control 20 minutes.

The Chair recognizes the gentleman from Washington.

GENERAL LEAVE

Mr. HASTINGS of Washington. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous materials on the bill under consideration.

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

There was no objection.

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself such time as I may consume.

H.R. 3263, introduced by our colleague from Oklahoma (Mr. COLE), allows the Central Oklahoma Master Conservancy District to store water purchased from Oklahoma City in Lake Thunderbird. This legislation is necessary since Federal regulations do not allow water transfers from out-of-basin areas unless Congress expressly authorizes such a transfer.

This bill specifically states that any cost associated with its enactment will be borne by the project beneficiary. It is a no-nonsense bill that will provide additional water storage during times of drought. I thank Congressman COLE for sponsoring this commonsense bill, and I urge adoption of the measure.

I reserve the balance of my time.

Mr. GRIJALVA. Mr. Speaker, I yield myself such time as I may consume.

As my colleague stated, H.R. 3263 authorizes storage of nonproject water in Lake Thunderbird Reservoir. The ability to store water at Lake Thunderbird Reservoir will provide reclamation and the managers with flexibility in managing the system.

The administration supports H.R. 3263, and we have heard from the tribes around the region who do not object to this legislation.

I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I'm pleased to yield such time as he may consume to the sponsor of this legislation, the gentleman from Oklahoma (Mr. COLE).

Mr. COLE. Mr. Speaker, I thank the gentleman for yielding, and I thank Chairman HASTINGS and Ranking Member MARKEY for their help in moving this legislation and also the staff of the Natural Resources Committee who have been very supportive and helpful.

I rise today in support of my legislation, H.R. 3263, the Lake Thunderbird Efficient Use Act of 2011. Lake Thunderbird is a Bureau of Reclamation project which provides municipal water to Norman, Del City, and Midwest City, all major municipalities in the Oklahoma City metropolitan area.

In recent years, the watershed that feeds Lake Thunderbird has not been able to keep that lake full. The water that remains is of poor quality and ill-suited for drinking water and recreation. Lake Thunderbird was built to provide water to a water-starved region, and this legislation would help the Bureau of Reclamation meet the original goals of this project.

The bill allows the Central Oklahoma Master Conservancy District to acquire and store water from outside of the Bureau of Reclamation system in Lake Thunderbird. Any cost associated with this action would be paid for by the conservancy district. This legislation costs Federal taxpayers nothing.

□ 1730

Frankly, Mr. Speaker, in my view, this is the type of action that we should be able to take administratively; however, under current law, it requires congressional consent.

Mr. Speaker, I first initiated this legislation in the 110th Congress when central Oklahoma was in the midst of a significant drought. In July of 2011, Oklahoma recorded the driest month ever recorded by any of the 50 States since records have been kept. Central Oklahoma remains in a drought that is forecast to continue and worsen this summer.

H.R. 3263 is important to the economic growth of central Oklahoma. The Oklahoma City metropolitan area has seen tremendous growth over the past decade and has been a positive economic force at a time of great challenges to the national economy. Water must be available to support the continued growth of this region. This straightforward and commonsense legislation is an important tool to support further growth in central Oklahoma.

Mr. Speaker, again, I want to thank the chairman and the ranking member for their cooperation, and I urge my colleagues to vote ''yes'' on this legislation.

Mr. GRIJALVA. Mr. Speaker, if I might inquire of the chairman if he has any additional speakers.

Mr. HASTINGS of Washington. I have one more speaker.

Mr. GRIJALVA. I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I am very pleased to yield such time as he may consume to another Member from Oklahoma, the gentleman from Oklahoma (Mr. LANKFORD).

Mr. LANKFORD. I would like to, as well, thank my colleague, TOM COLE, for his work on this. He is the one who has really sponsored this, has focused on it, has driven it through to completion. It is a very important thing for communities that are both in his district and in my district as well.

H.R. 3263 authorizes the Secretary of the Interior to simply amend an existing contract with the Central Oklahoma Master Conservancy District for the storage of nonproject water in Lake Thunderbird. It's very simple and straightforward. This bill would allow the district to augment water if the Secretary determines that there is enough excess capacity in the reservoir.

Since the summer of 2010, Oklahoma has been in a severe drought. This has seriously endangered the quality and supply of our drinking water. To address this devastating shortage, the Central Oklahoma Master Conservancy District could purchase water from Oklahoma City to supply high-quality water through the Atoka pipeline to Midwest City, Del City, and Norman. Regrettably, Congress must act before this resource can be tapped. It is imperative that we remedy the storage issues faced by these cities, and Congress shouldn't stand in the way of this.

It is amazing that it takes an act of Congress for an Oklahoma lake to buy water from another Oklahoma lake. No

Federal funds are needed, only Congress giving the permission to allow Oklahomans the flexibility to use their own water as needed. I am strongly in support of this. This is the type of thing that should be widely bipartisan. It is a simple fix, and hopefully we can fix this legislatively in the future to not have to have an act of Congress just for us to use our own water in each State.

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

Mr. HASTINGS of Washington. Mr. Speaker, I yield back the balance of my time and urge adoption of the measure.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Washington (Mr. HASTINGS) that the House suspend the rules and pass the bill, H.R. 3263.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

AUTHORIZATION OF CONVEYANCE OF CERTAIN LANDS IN LOS PADRES NATIONAL FOREST

Mr. HASTINGS of Washington. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 241) to authorize the conveyance of certain National Forest System lands in the Los Padres National Forest in California, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 241

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DEFINITIONS.

In this Act:

(1) FEDERAL LAND.—The term ''Federal land'' means the approximately 5 acres of National Forest System land in Santa Barbara County, California, as generally depicted on the map.

(2) FOUNDATION.—The term ''Foundation'' means the White Lotus Foundation, a nonprofit foundation located in Santa Barbara, California.

(3) MAP.—The term ''map'' means the map entitled ''San Marcos Pass Encroachment for Consideration of Legislative Remedy'' and dated June 1, 2009.

(4) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture.

SEC. 2. LAND CONVEYANCE.

(a) IN GENERAL.—Subject to the provisions of this section, if the Foundation offers to convey to the Secretary all right, title, and interest of the Foundation in and to a parcel of non-Federal land that is acceptable to the Secretary—

(1) the Secretary shall accept the offer; and

(2) on receipt of acceptable title to the non-Federal land, the Secretary shall convey to the Foundation all right, title, and interest of the United States in and to the Federal land.

(b) APPLICABLE LAW.—The land exchange authorized under subsection (a) shall be subject to section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716).

(c) TIME FOR COMPLETION OF LAND EXCHANGE.—It is the intent of Congress that the land exchange under subsection (a) shall be completed not later than 2 years after the date of enactment of this Act.

(d) AUTHORITY OF SECRETARY TO CONDUCT SALE OF FEDERAL LAND.—If the land exchange under subsection (a) is not completed by the date that is 2 years after the date of enactment of this Act, the Secretary may offer to sell to the Foundation the Federal land for fair market value.

(e) ADDITIONAL TERMS AND CONDITIONS.—The land exchange under subsection (a) and any sale under subsection (d) shall be subject to—

(1) valid existing rights;

(2) the Secretary finding that the public interest would be well served by making the exchange or sale;

(3) any terms and conditions that the Secretary may require; and

(4) the Foundation paying the reasonable costs of any surveys, appraisals, and any other administrative costs associated with the land exchange or sale.

(f) APPRAISALS.—

(1) IN GENERAL.—The land conveyed under subsection (a) or (d) shall be appraised by an independent appraiser selected by the Secretary.

(2) REQUIREMENTS.—An appraisal under paragraph (1) shall be conducted in accordance with nationally recognized appraisal standards, including—

(A) the Uniform Appraisal Standards for Federal Land Acquisitions; and

(B) the Uniform Standards of Professional Appraisal Practice.

(g) MANAGEMENT AND STATUS OF ACQUIRED LAND.—Any non-Federal land acquired by the Secretary under this Act shall be managed by the Secretary in accordance with—

(1) the Act of March 1, 1911 (commonly known as the ''Weeks Law'') (16 U.S.C. 480 et seq.); and

(2) any laws (including regulations) applicable to the National Forest System.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Washington (Mr. HASTINGS) and the gentleman from Arizona (Mr. GRIJALVA) each will control 20 minutes.

The Chair recognizes the gentleman from Washington.

GENERAL LEAVE

Mr. HASTINGS of Washington. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

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

There was no objection.

Mr. HASTINGS of Washington. I yield myself such time as I may consume.

Mr. Speaker, H.R. 241 authorizes the Forest Service to convey, for appraised market value, approximately 5 acres of the Los Padres National Forest to the White Lotus Foundation.

Due to steep topography, there is limited access to the White Lotus Foundation other than a short access road that crosses Forest Service land. This bill would allow the foundation to acquire this parcel and ensure public access to their facility.

So I urge my colleagues to support this legislation, as authored by our colleague from California (Mr. GALLEGLY), and I reserve the balance of my time.

Mr. GRIJALVA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 241, sponsored by the gentleman from California, provides for the conveyance of 5 acres of land from Los Padres National Forest to the White Lotus Foundation. This conveyance allows for better access to a retreat area owned by the foundation.

We have no objections to this legislation, and I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I am very pleased to yield such time as he may consume to the author of this legislation, the gentleman from California (Mr. GALLEGLY).

Mr. GALLEGLY. I thank the gentleman for yielding.

Mr. Speaker, I rise today in support of my legislation, H.R. 241. This bill will authorize the Forest Service to convey a small parcel of land on the perimeter of the Los Padres National Forest to a nonprofit organization, the White Lotus Foundation.

In 1983, the White Lotus Foundation inherited property in the hills above Santa Barbara, California, on the border of the Los Padres National Forest. After operating at this location for over 25 years, the Forest Service sent a letter to the foundation notifying them of a 1/20-of-an-acre encroachment on Forest Service land.

The encroachment in question is located on a loop of the only road that allows White Lotus and the rest of the public access to and from the White Lotus property. Due to the steep topography, the foundation no longer has any other reasonable alternatives.

The loop lies on flat ground which holds equipment storage for fire and flood emergencies and provides access to a water pump and other necessary equipment. There is no other flat ground on which to move these items, and without this space, the foundation will be forced to cease operations.

My legislation authorizes the Forest Service to enter into a land exchange with the White Lotus Foundation for land worth no less than the appraised market value. If this land exchange does not occur within 2 years, the Forest Service is allowed to convey the land that would benefit White Lotus and to determine the amount to be conveyed. If the Forest Service does not feel that this land conveyance is in its best interest, it does not have to sell any Federal land to White Lotus. However, if the land sale does move ahead, my legislation will not cost the taxpayers a single penny. White Lotus will pay for the land, the survey, and all administrative costs and related costs.

There are no exemptions from NEPA or any other environmental laws. The land in question is not protected wilderness or any other specifically designated area.

In closing, I want to thank the chairman, the ranking member, and my colleagues for allowing this to be brought to the floor today.

I urge the support for my legislation, H.R. 241.

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

Mr. HASTINGS of Washington. Mr. Speaker, I yield back the balance of my time and urge adoption of the measure.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Washington (Mr. HASTINGS) that the House suspend the rules and pass the bill, H.R. 241, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

SALMON LAKE LAND SELECTION RESOLUTION ACT

Mr. HASTINGS of Washington. Mr. Speaker, I move to suspend the rules and pass the bill (S. 292) to resolve the claims of the Bering Straits Native Corporation and the State of Alaska to land adjacent to Salmon Lake in the State of Alaska and to provide for the conveyance to the Bering Straits Native Corporation of certain other public land in partial satisfaction of the land entitlement of the Corporation under the Alaska Native Claims Settlement Act.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 292

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 ''Salmon Lake Land Selection Resolution Act''.

SEC. 2. PURPOSE.

The purpose of this Act is to ratify the Salmon Lake Area Land Ownership Consolidation Agreement entered into by the United States, the State of Alaska, and the Bering Straits Native Corporation.

SEC. 3. DEFINITIONS.

In this Act:

(1) AGREEMENT.—The term ''Agreement'' means the document between the United States, the State, and the Bering Straits Native Corporation that—

(A) is entitled the ''Salmon Lake Area Land Ownership Consolidation Agreement'';

(B) had an initial effective date of July 18, 2007; and

(C) is on file with Department of the Interior, the Committee on Energy and Natural Resources of the Senate, and the Committee on Natural Resources of the House of Representatives.

(2) BERING STRAITS NATIVE CORPORATION.—The term ''Bering Straits Native Corporation'' means an Alaskan Native Regional Corporation formed under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.) for the Bering Straits region of the State.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(4) STATE.—The term ''State'' means the State of Alaska.

SEC. 4. RATIFICATION AND IMPLEMENTATION OF AGREEMENT.

(a) IN GENERAL.—Subject to the provisions of this Act, Congress ratifies the Agreement.

(b) EASEMENTS.—The conveyance of land to the Bering Straits Native Corporation, as specified in the Agreement, shall include the reservation of the easements that—

(1) are identified in Appendix E to the Agreement; and

(2) were developed by the parties to the Agreement in accordance with section 17(b) of the Alaska Native Claims Settlement Act (43 U.S.C. 1616(b)).

(c) CORRECTIONS.—Beginning on the date of enactment of this Act, the Secretary, with the consent of the other parties to the Agreement, may only make typographical or clerical corrections to the Agreement and any exhibits to the Agreement.

(d) AUTHORIZATION.—The Secretary shall carry out all actions required by the Agreement.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Washington (Mr. HASTINGS) and the gentleman from Arizona (Mr. GRIJALVA) each will control 20 minutes.

The Chair recognizes the gentleman from Washington.

GENERAL LEAVE

Mr. HASTINGS of Washington. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous materials on the bill under consideration.

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

There was no objection.

Mr. HASTINGS of Washington. I yield myself such time as I may consume.

Mr. Speaker, S. 292 ratifies the Salmon Lake Area Ownership and Consolidation Agreement signed in 2007 by the State of Alaska, the United States, and the Bering Straits Native Corporation.

□ 1740

The agreement resolves overlapping claims to certain public lands by the State of Alaska, the United States, and the Bering Straits Native Corporation. The claims arose from the implementation of the Alaska Statehood Act of 1958 and the Alaska Native Claims Settlement Act of 1971.

Though similar legislation sponsored by the gentleman from Alaska, and the sponsor in the House of this bill, Mr. YOUNG, passed by 410–0 in the 111th Congress, the Committee on Natural Resources undertook regular order on S. 292, including a hearing in the Subcommittee on Indian and Alaska Native Affairs, and a markup in the full committee, which reported the bill out favorably.

I am unaware of any opposition to S. 292, and so I urge full House support for the motion to suspend the rules and pass this bill today.

With that, I reserve the balance of my time.

Mr. GRIJALVA. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, I rise in support of S. 292, a bill that ratifies an agreement between the United States, the Bering Straits Native Corporation and the State of Alaska by transferring certain Federal lands to the Bering Straits Native Corporation and the State of Alaska.

S. 292 is the result of years of negotiations between the parties regarding overlapping land selections made by the Bering Straits Native Corporation under the Alaska Native Claims Settlement Act and the State of Alaska under its Statehood Act.

The bill reasonably and sensibly finalizes each party's interests in the land around Salmon Lake, an area of great importance to the people of the Bering Straits region.

With that, I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I am very pleased to yield as much time as he may consume to the author of the legislation that the last Congress passed, the gentleman from Alaska (Mr. YOUNG).

Mr. YOUNG of Alaska. Mr. Speaker, it's been said this is a simple bill. In a way it is simple, but it solves a great problem.

As mentioned by the chairman and the ranking member, this bill probably wouldn't necessarily be passed if it wasn't because of the conflict we had between the State when we passed statehood, the Native Land Claims Act and, of course, the BLM. There is no one that objects to this bill. It solves a very important problem for the local people and the subsistence-style living. It also takes care of the recreational areas that they can be utilizing. And it's the right bill to do for the State of Alaska and Alaska natives.

Mr. Speaker, I'd like to speak on another subject for a short moment which I believe relates to this. For the people listening to this great display of legislative action on the House floor, we'd like to remind them, you know, Little Red Riding Hood, do not go to sleep.

Just because the prices of gas have been dropping at the pumps, do not be lured into the idea that everything's going to be okay, because I've watched this now in my 40 years here go up and down, up and down; and every time we start to do something, start moving forward for self-dependency on our fossil fuels, those that are providing us the fuel from overseas at cost of great bloodshed and a flood of dollars, they take and drop their prices. When doing so, we start getting lulled back to sleep, and we don't do anything. And then they'll jack the prices up again, and the whole economy will not recover.

So I'm asking the public to understand one thing: do not go to sleep. Just because you go up to the pump station now and put that nozzle in and say, oh, my, gas is only $3.60 when it was $4.15, headed to $5. Watch it very closely, ladies and gentlemen. Watch this, everybody on the floor of this House, because you are going to sleep.

Oh, everything's fine and dandy. We do not have to worry about this anymore. Our good friends in the Middle East will take care of us. Yes, the good friend in Venezuela, Hugo Chavez.

Think about this a moment, ladies and gentlemen. We're just where we were back in 1972 when we passed the

Trans Alaska pipeline. We had an embargo. People were lined up to buy the gasoline; lined up and actually shooting at one another because it was, at that time, 36 cents a gallon. And we built the Trans Alaska pipeline, and we lowered that price very rapidly.

As it went down, and the economy came back and people weren't shooting at anyone anymore, they were doing, in fact, one thing that we need to do today. That is the reality that we must start producing our own fossil fuels. Yes, fossil fuels, not wind power, not solar power. Yes, they're good. But fossil fuels that move objects.

Everybody listening to this show today, keep in mind every time you get in that car you're moving weight. Every truck that delivers a product to the grocery store and to anyplace you buy is moved by fossil fuels, not just made by fossil fuels, moved by fossil fuels, the trains, the planes, the ships, and, yes, the automobile.

We will spend this year close to $300 billion buying fossil fuels from people that do not like us, do not even tolerate us most of the time, would like to kill us every time.

And why this Congress and why the administration, yes, the previous administrations—no one's innocent in this project—will not set forth an energy policy that doesn't involve just wind power and sun power, but involves all the powers that we have to produce energy for the people of America. The coal, yes, we're going to burn cheap coal. It can be burned and should be burned. But most of all, the oil which we're still importing from abroad. That's what we have to do.

So I ask you, don't go to sleep, ladies and gentlemen, because the persons that raise the price of oil are there, and they will do it again. And this Congress will say, oh, we've got to do something. We'll have to do something. And by the time that prices go so high that it affects our economy, it will start going back down when we try to do something.

I'm saying that the leadership on this side of the aisle, we have an energy package. It's been sent over to the other body. I know I'm not supposed to mention that other body. In fact, I'm not. It's the other body. And it has not passed any energy legislation. We've done it on the House side numerous times, not just this year and last year, even some of the years before. We have passed energy legislation.

But it's time for this Congress, a reflection of the American people, to rise up and say we are going to do something so those people that have been hurting us all these years—$4 trillion worth of oil has been spent in the last 14 years overseas. Trillion, ladies and gentlemen. That was equal to the national debt.

But take $4 trillion off the existing debt, see where we would be today. We wouldn't have the unemployment rate. The President wouldn't have to say, well, it's getting a little better. The economy is better than it was, they say. But it all relates back to the cheap energy, energy that could be afforded by the working class people of America, the working class people of America, not the rich that can afford it, the working class that provide the economy to this machine that we have called a democracy.

So I'm asking the American public and this body to wake up. Wake up and let's do what's right. Wake up the other body and do what is right for the future of this Nation.

Mr. GRIJALVA. Mr. Speaker, I know that the gentleman from Alaska will be pleased to know that the production of fossil fuels from our public lands is at a record high, and the percentage of our oil from imports is dropping every year.

The bill before us today resolves competing land claims. We support that.

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

Mr. HASTINGS of Washington. I urge adoption of this legislation and yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Washington (Mr. HASTINGS) that the House suspend the rules and pass the bill, S. 292.

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. HASTINGS of Washington. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

EXCHANGE OF NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION PROPERTY IN PASCAGOULA, MISSISSIPPI

Mr. HASTINGS of Washington. Mr. Speaker, I move to suspend the rules and pass the bill (S. 363) to authorize the Secretary of Commerce to convey property of the National Oceanic and Atmospheric Administration to the City of Pascagoula, Mississippi, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 363

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXCHANGE OF NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION PROPERTY IN PASCAGOULA, MISSISSIPPI.

(a) IN GENERAL.—Notwithstanding any other provision of law, if the Secretary of Commerce determines that it is in the best interest of the National Oceanic and Atmospheric Administration and the Federal Government to do so, the Secretary may convey to the City of Pascagoula, Mississippi, by standard quitclaim deed, real property consisting of parcels, or portions of parcels, under the administrative jurisdiction of the Under Secretary for Oceans and Atmosphere, including land and improvements thereon, within a tract roughly bounded by—

(1) Delmas Avenue to the south;

(2) Pascagoula River to the west;

(3) Pol Street to the north; and

(4) real property owned by the City of Pascagoula to the east.

(b) CONSIDERATION.—

(1) IN GENERAL.—For a conveyance under subsection (a), the Secretary shall require that the United States receive consideration of not less than the fair market value of the property or rights conveyed.

(2) FORM.—Consideration under this subsection may include any combination of—

(A) property (either real or personal), including tracts of real property and buildings, owned by the City of Pascagoula, that are located in such city south of Delmas Avenue, as well as a contiguous portion of the street known as Delmas Avenue adjacent to real property under the administrative jurisdiction of the Under Secretary for Oceans and Atmosphere;

(B) cash or cash equivalents; and

(C) consideration in-kind, including—

(i) provision of space, goods, or services of benefit, including construction, repair, remodeling, or other physical improvements;

(ii) maintenance of property;

(iii) provision of office, storage, or other useable space; or

(iv) relocation services associated with conveyance of property under this section.

(3) DETERMINATION OF FAIR MARKET VALUE.—The Secretary shall determine fair market value for purposes of paragraph (1) based on a highest- and best-use appraisal of the properties conveyed under subsection (a) conducted in conformance with the Uniform Appraisal Standards for Professional Appraisal Practice.

(c) USE OF PROCEEDS.—Any amounts received under subsection (b)(2)(A) by the United States as proceeds of any conveyance under this section shall be available to the Secretary, subject to appropriation, for activities related to the operations of, or capital improvements to, property of the Administration.

(d) ADDITIONAL TERMS AND CONDITIONS.—

(1) IN GENERAL.—The Secretary may require such additional terms and conditions with the exchange of property by the United States under subsection (a) as the Secretary considers appropriate to protect the interest of the United States.

(2) EASEMENTS OR RIGHTS OF WAY.—The Secretary may grant or convey to the City of Pascagoula a right of way or easement if the Secretary determines such grant or conveyance is in the best interest of the Administration and the Federal Government.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Washington (Mr. HASTINGS) and the gentleman from Arizona (Mr. GRIJALVA) each will control 20 minutes.

The Chair recognizes the gentleman from Washington.

GENERAL LEAVE

Mr. HASTINGS of Washington. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous materials on the bill under consideration.

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

There was no objection.

Mr. HASTINGS of Washington. I yield myself such time as I may consume.

Mr. Speaker, S. 363, introduced by Senator WICKER from Mississippi, would authorize the Secretary of Commerce to convey less than 1 acre of property owned by the National Oceanic and Atmospheric Association to the City of Pascagoula, Mississippi.

□ 1750

This would improve the operations of the NOAA science center and give the city river access and space for a park.

The bill specifies that a land conveyance could occur provided that the United States receives at least the fair market value for the property or in-kind exchange. The city and the agency have identified properties to exchange, and therefore, both parties are in agreement. S. 363 would simply allow them to go forward with this land exchange, so I urge its adoption.

I reserve the balance of my time.

Mr. GRIJALVA. Mr. Speaker, I yield myself such time as I may consume.

Many years ago, the National Oceanic and Atmospheric Administration fenced off two small parcels of land plus a portion of a street outside of their Pascagoula, Mississippi, facility for security purposes. Recently, NOAA has been using this property for storage and parking. NOAA would like to secure this land, which is now back under the ownership of the City of Pascagoula, to accommodate the storage and future expansion of their facility.

In exchange for these two parcels of land, NOAA proposes to transfer real estate to the City of Pascagoula to develop waterfront property for the purposes of creating a public green space as part of the overall redevelopment plan in the wake of Hurricane Katrina. NOAA and the city have both identified the parcels of land to be considered for this transaction, and NOAA is prepared to contract for the land surveys and appraisals necessary to prepare the acquisition and disposal documents. They have both expressed written support for this land exchange.

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

Mr. HASTINGS of Washington. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Washington (Mr. HASTINGS) that the House suspend the rules and pass the bill, S. 363.

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. HASTINGS of Washington. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

DESIGNATION OF WILD AND SCENIC RIVER SEGMENTS

Mr. HASTINGS of Washington. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1740) to amend the Wild and Scenic Rivers Act to designate a segment of Illabot Creek in Skagit County, Washington, as a component of the National Wild and Scenic Rivers System, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1740

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION OF WILD AND SCENIC RIVER SEGMENTS.

Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended by adding at the end the following:

''(____) ILLABOT CREEK, WASHINGTON.—

''(A) The 14.3-mile segment from the headwaters of Illabot Creek to the northern terminus as generally depicted on the map titled 'Illabot Creek Proposed WSR–Northern Terminus', dated September 15, 2009, to be administered by the Secretary of Agriculture as follows:

''(i) The 4.3-mile segment from the headwaters of Illabot Creek to the boundary of Glacier Peak Wilderness Area as a wild river.

''(ii) The 10-mile segment from the boundary of Glacier Peak Wilderness to the northern terminus as generally depicted on the map titled 'Illabot Creek Proposed WSR–Northern Terminus', dated September 15, 2009, as a recreational river.

''(B) Action required to be taken under subsection (d)(1) for the river segments designated under this paragraph shall be completed through revision of the Skagit Wild and Scenic River comprehensive management plan.

''(C) The Secretary of Agriculture may not acquire by condemnation any land or interest in land within the boundaries of the Illabot Creek Wild and Scenic River described in subparagraph (A).

''(D) Nothing in this paragraph creates or authorizes the creation of a protective perimeter or buffer zone around the boundaries of the Illabot Creek Wild and Scenic River described in subparagraph (A). The fact that an activity or use can be seen or heard from within such boundaries shall not preclude the conduct of that activity or use outside such boundaries.

''(E) No private property or non-Federal public property shall be included within the boundaries of the Illabot Creek Wild and Scenic River described in subparagraph (A) without the written consent of the owner of such property.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Washington (Mr. HASTINGS) and the gentleman from Arizona (Mr. GRIJALVA) each will control 20 minutes.

The Chair recognizes the gentleman from Washington.

GENERAL LEAVE

Mr. HASTINGS of Washington. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous materials on the bill under consideration.

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

There was no objection.

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself such time as I may consume.

H.R. 1740 will designate segments of the Illabot Creek in Skagit, Washington, as a component of the National Wild and Scenic Rivers System. The designated area is located within the Mt. Baker-Snoqualmie National Forest, and it totals 14.3 miles in two separate segments. The U.S. Forest Service studied this creek and found that it possesses the requisite characteristics consistent with the Wild and Scenic Rivers Act.

Mr. Speaker, as I mentioned, this bill was amended with some provisions that the subcommittee and the full committee thought were very important on these designations, but I urge its passage.

I reserve the balance of my time.

Mr. GRIJALVA. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of H.R. 1740. This legislation seeks to add these river segments to the Wild and Scenic Rivers System. The legislation passed the House by voice vote last year. Congressman LARSEN has been a consistent advocate for this legislation. On behalf of the river and his constituents, we applaud his hard work.

With that, I reserve the balance of my time.

Mr. HASTINGS of Washington. I continue to reserve the balance of my time.

Mr. GRIJALVA. I would like to yield such time as he may consume to the sponsor of the legislation, the gentleman from Washington (Mr. LARSEN).

Mr. LARSEN of Washington. Mr. Speaker, I rise to support the passage of my bill, H.R. 1740, and to urge my colleagues to vote in favor of this measure.

I want to thank Chairman HASTINGS and Chairman BISHOP of the subcommittee, as well as Ranking Members MARKEY and GRIJALVA, for their help in getting this bill to the floor.

I have the honor of representing one of the most scenic parts of the country, Washington's Second District. The Second District is home to the North Cascades and to the beautiful San Juan Islands. It's also home to some of the best fishing in the country, both commercially and recreationally. Salmon and groundfish stocks are beginning to recover all over the Northwest. Part of the reason is that we've begun to protect places that are important for fish habitat. When we protect these places, we protect the jobs that come from the fishing industry. This preservation is a catalyst to introducing the legislation before us.

Illabot Creek travels from the Glacier Park Wilderness Area to the upper Skagit River, falling about 7,000 feet during its journey. The water of Illabot provides the optimal conditions for wild Chinook salmon, steelhead, and bull trout—all species listed as threatened. This legislation will designate 14.3 miles of the Illabot Creek as wild

and scenic, protecting these species while ensuring that hunting and fishing and other recreational activities continue. Protecting this area has the support of local hunters, farmers, environmentalists, anglers, the local government, and the State government, which are all in my district.

I want to thank Senator MURRAY for introducing the bill's companion over in the Senate. I hope that that body will take up the bill as well.

I appreciate the support of Minority Whip HOYER, of the chairmen, and of the ranking members for bringing this legislation to the floor, and I urge my colleagues to support its passage and to protect this important body of water.

Mr. HASTINGS of Washington. Mr. Speaker, I advise my friend from Arizona that I have no further requests for time.

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

Mr. HASTINGS of Washington. I urge the passage of this legislation, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Washington (Mr. HASTINGS) that the House suspend the rules and pass the bill, H.R. 1740, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

YORK RIVER WILD AND SCENIC RIVER STUDY ACT OF 2011

Mr. HASTINGS of Washington. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2336) to amend the Wild and Scenic Rivers Act to designate segments of the York River and associated tributaries for study for potential inclusion in the National Wild and Scenic Rivers System, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2336

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 ''York River Wild and Scenic River Study Act of 2011''.

SEC. 2. DESIGNATION FOR STUDY.

Section 5(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1276(a)) is amended by adding at the end the following:

''(__) YORK RIVER, MAINE.—(A) The York River that flows 11.25 miles from its headwaters at York Pond to the mouth of the river at York Harbor, and all associated tributaries.

''(B) The study conducted under this paragraph shall—

''(i) determine the effect of the designation on—

''(I) existing commercial and recreational activities, such as hunting, fishing, trapping, recreational shooting, motor boat use, bridge construction;

''(II) the authorization, construction, operation, maintenance, or improvement of energy production and transmission infrastructure; and

''(III) the authority of State and local governments to manage those activities; and

''(ii) identify—

''(I) all authorities that will authorize or require the Secretary to influence local land use decisions (such as zoning) or place restrictions on non-Federal land if designated under this Act;

''(II) all authorities that the Secretary may use to condemn property; and

''(III) all private property located in the area studied under this paragraph.''.

SEC. 3. STUDY AND REPORT.

Section 5(b) of the Wild and Scenic Rivers Act (16 U.S.C. 1276(b)) is amended by adding at the end the following:

''(__) YORK RIVER, MAINE.—The study of the York River, Maine, named in paragraph (____) of subsection (a) shall be completed by the Secretary of the Interior and the report thereon submitted to Congress not later than 3 years after the date on which funds are made available to carry out this paragraph.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Washington (Mr. HASTINGS) and the gentleman from Arizona (Mr. GRIJALVA) each will control 20 minutes.

The Chair recognizes the gentleman from Washington.

GENERAL LEAVE

Mr. HASTINGS of Washington. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous materials on the bill under consideration.

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

There was no objection.

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself such time as I may consume.

H.R. 2336 authorizes the National Park Service to study 11.25 miles of the York River, in the State of Maine, for the possible inclusion into the Wild and Scenic Rivers program.

The Wild and Scenic Rivers Act of 1968 was intended to put a development freeze on rivers to preserve their ''free-flowing'' characteristics. Although no risks to the river necessitating Federal designation were identified, proponents of the study explained that they would benefit from the expertise of the National Park Service and its interaction with the community.

As I mentioned, Mr. Speaker, this legislation was amended. The subcommittee felt that there should be some conditions even though this is only a study, and those conditions were inserted into this bill. I urge its adoption.

I reserve the balance of my time.

Mr. GRIJALVA. I yield myself such time as I may consume.

I rise in support of the legislation, and I commend Congresswoman PINGREE for her hard work.

H.R. 2336 moves forward a study of 11 miles of the York River to determine if it is qualified to be protected as a Wild and Scenic River. This is a good piece of legislation.

I reserve the balance of my time.

Mr. HASTINGS of Washington. I continue to reserve the balance of my time.

Mr. GRIJALVA. Mr. Speaker, I yield such time as she may consume to the sponsor of the legislation, the gentlelady from Maine (Ms. PINGREE).

□ 1800

Ms. PINGREE of Maine. Mr. Speaker, I thank both Mr. GRIJALVA and Mr. HASTINGS for their support.

I'm very happy to stand in support of my bill, H.R. 2336, the York River Wild and Scenic River Study Act. It is my pleasure to see this piece of legislation, which was proposed by the people living in my district, who care deeply about the York River, come to the floor of the House today. This bill would allow organizations working around the York River to partner with the National Park Service to conduct a study that would provide additional information that is vital to making informed decisions about the future of the York River and its communities.

I have heard from small business owners, community groups, State and local government representatives, local and national land trusts, fishermen, hunters, school representatives, and historical and environmental conservationists; and all agree that continuing to benefit from the river depends on recognizing and protecting its important and unique qualities.

When I last visited the York River, I spoke with members of local communities about the importance of the river to the people, the economy, and the wildlife of the York River watershed. I learned that the river is home to important and rare species, including the Maine-endangered box turtle and the threatened harlequin duck. The salt marshes of York River watershed serve as a nursery ground for nearly 30 species of fish that are vital to the Gulf of Maine ecosystem.

I also learned that the York River is a key waterway to the history of our Nation. The first English settlers arrived there in 1630, and European settlements of archeological importance have been identified along the banks of the river. The York River is a place where children are learning in an outdoor classroom, as well. Students from nearby school districts gather data from the river for class and to inform community decisions about the environment and the economy. Perhaps the most important factor is that many of the hardworking people in this part of the State depend on the York River to support their jobs. The York River is a place where people go to work.

Commercial and recreational fishing operations depend on excellent water quality and reliable access to the waterfront. Farmers in the York River watershed grow pumpkin, potatoes, and other produce that help keep Maine communities healthy. People travel to the York River to explore and appreciate its natural character and incredible history. And while doing so, they invest in the surrounding communities.

The work of community groups has already resulted in considerable

progress, but the York River needs additional protection so this vital resource is not overwhelmed by increasing development. In order to move forward to a future that protects the most important aspects of this waterway and the jobs and communities that depend on it, it is vital to connect these communities with the information they need. This is the goal and, hopefully, the outcome of this important piece of legislation.

I urge my colleagues to join me in supporting this bill today.

Mr. HASTINGS of Washington. Mr. Speaker, I advise my friend from Arizona that I have no more requests for time.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Washington (Mr. HASTINGS) that the House suspend the rules and pass the bill, H.R. 2336, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

PASCUA YAQUI TRIBE TRUST LAND ACT

Mr. HASTINGS of Washington. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4222) to provide for the conveyance of certain land inholdings owned by the United States to the Tucson Unified School District and to the Pascua Yaqui Tribe of Arizona, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4222

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 ''Pascua Yaqui Tribe Trust Land Act''.

SEC. 2. DEFINITIONS.

For the purposes of this Act, the following definitions apply:

(1) DISTRICT.—The term ''District'' means the Tucson Unified School District, a school district recognized as such under the laws of the State of Arizona.

(2) MAP.—The term ''map'' means the map titled ''Pascua Yaqui Tribe Trust Land Act'' and dated April 23, 2012.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(4) TRIBE.—The term ''Tribe'' means the Pascua Yaqui Tribe of Arizona, a federally recognized Indian tribe.

SEC. 3. LANDS TO BE HELD IN TRUST.

(a) PARCEL A.—Subject to valid existing rights, all right, title, and interest of the United States in and to the Federal lands of approximately 10 acres shown on the map as Parcel A are declared held in trust by the United States for the benefit of the Tribe.

(b) PARCEL B.—Immediately upon the Secretary's receipt from the District of the abandonment of its possessory interest of the lands of approximately 10 acres shown on the map as Parcel B, subject to valid existing rights, all right, title, and interest of the United States in and to the Federal lands shown on the map as Parcel B are declared held in trust by the United States for the benefit of the Tribe.

SEC. 4. GAMING PROHIBITION.

The Tribe may not conduct gaming activities on the lands held in trust under this Act, as a matter of claimed inherent authority or under the authority of any Federal law, including the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.) or under any regulations thereunder promulgated by the Secretary or the National Indian Gaming Commission.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Washington (Mr. HASTINGS) and the gentleman from Arizona (Mr. GRIJALVA) each will control 20 minutes.

The Chair recognizes the gentleman from Washington.

GENERAL LEAVE

Mr. HASTINGS of Washington. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative to revise and extend their remarks and include extraneous materials on the bill under consideration.

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

There was no objection.

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 4222, authored by the gentleman from Arizona (Mr. GRIJALVA), directs the Secretary of the Interior to take two approximately 10-acre parcels of Federal land into trust for the Pascua Yaqui tribe in Arizona. The two parcels are completely surrounded by either the tribe's reservation or by fee lands owned by the tribe.

Before one of the parcels can be taken into trust, however, the Tucson Unified School District will need to relinquish its possessory interest in the parcel. The school district no longer needs the land, which it had previously received under the Recreation and Public Purposes Act. Both parcels would be utilized as part of a golf course as currently under construction. Neither parcel is necessary for the construction of the golf course, but if the tribe does not acquire and use the parcels, they will be orphaned and of relatively no use to either the tribe or to the United States.

Finally, as has been the practice of the committee during the last several Congresses, this bill includes language that prohibits any gaming on the two parcels to be taken into trust, and the tribe has no objection to this language.

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

Mr. GRIJALVA. Mr. Speaker, I yield myself such time as I may consume. Let me thank the chairman for moving the legislation forward. I'm very appreciative.

H.R. 4222 is an important piece of legislation that will enable the Pascua Yaqui tribe of my district in Arizona to consolidate its landholdings and remove two isolated undeveloped parcels of land from the Bureau of Land Management responsibility.

The two 10-acre parcels are islands of trapped Federal land surrounded by Pascua Yaqui land on all sides. The tribe is developing a golf course in this area, and conveying these two parcels to the tribe will make managing the land easier for the tribe and the Federal Government. Without this legislation, the tribe would have to design around the parcels, slowing down the project, and weakening economic development that will benefit the entire Pascua Yaqui community and the residents of Pima County. Passage of this bill will further the Federal Government's responsibility to enhance tribal trust resources.

I worked with BLM to ensure that the language of the bill would allow for environmental review and a public comment period in line with the National Environmental Policy Act and am pleased to report that the bill we are taking up today is supported by the Agency. I wish to thank my colleagues and the leadership within the Natural Resources Committee for bringing this bill forward and for hopeful passage in this session.

I urge my colleagues to support the passage of H.R. 4222, and I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I advise my friend from Arizona that I have no more requests for time on this excellent piece of legislation.

Mr. GRIJALVA. Mr. Speaker, I want to thank the chairman for saving this very complicated and important piece of legislation as the last item that we deal with here today. My appreciation.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Washington (Mr. HASTINGS) that the House suspend the rules and pass the bill, H.R. 4222, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 6 o'clock and 8 minutes p.m.), the House stood in recess.

□ 1830

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro

tempore (Mr. POE of Texas) at 6 o'clock and 30 minutes p.m.

CORRECTING TECHNICAL ERROR IN PUBLIC LAW 112–122

Mr. DOLD. Mr. Speaker, I ask unanimous consent that the Committee on Financial Services be discharged from further consideration of the bill (H.R. 5890) to correct a technical error in Public Law 112–122, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

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

There was no objection.

The text of the bill is as follows:

H.R. 5890

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TECHNICAL CORRECTION.

Section 24 of Public Law 112–122 is amended by striking ''4 of Public Law 109–438'' and inserting ''1(c) of Public Law 103–428''.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. DOLD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material on H.R. 5890.

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

There was no objection.

MAKING TECHNICAL CORRECTION IN PUBLIC LAW 112–108

Mr. COLE. Mr. Speaker, I ask unanimous consent that the Committee on Oversight and Government Reform be discharged from further consideration of the bill (H.R. 5883) to make a technical correction in Public Law 112–108, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

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

There was no objection.

The text of the bill is as follows:

H.R. 5883

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TECHNICAL CORRECTION.

(a) IN GENERAL.—Public Law 112–108 is amended by striking ''115 4th'' and inserting ''208 1st''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as if included in the enactment of Public Law 112–108.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AUTHORIZING THE USE OF EMANCIPATION HALL IN THE CAPITOL VISITOR CENTER FOR AN EVENT TO AWARD THE CONGRESSIONAL GOLD MEDAL, COLLECTIVELY, TO THE MONTFORD POINT MARINES

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I ask unanimous consent that the Committee on House Administration be discharged from further consideration of House Concurrent Resolution 128, and ask for its immediate consideration in the House.

The Clerk read the title of the concurrent resolution.

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

There was no objection.

The text of the concurrent resolution is as follows:

H. CON. RES. 128

Resolved by the House of Representatives (the Senate concurring),

SECTION 1. USE OF EMANCIPATION HALL FOR EVENT TO AWARD THE CONGRESSIONAL GOLD MEDAL TO THE MONTFORD POINT MARINES.

(a) IN GENERAL.—Emancipation Hall in the Capitol Visitor Center is authorized to be used on June 27, 2012, for an event to award the Congressional Gold Medal, collectively, to the Montford Point Marines.

(b) IMPLEMENTATION.—Physical preparations for the conduct of the event shall be carried out in accordance with such conditions as may be prescribed by the Architect of the Capitol.

Ms. BROWN of Florida. Mr. Speaker, I rise today in support of my Resolution to allow the Ceremony honoring the Montford Point Marines to receive the Congressional Gold Medal.

As you know, I was honored to have introduced the legislation that granted the Montford Point Marines a Congressional Gold Medal, the highest civilian honor that can be bestowed for an outstanding deed or act of service to the security, prosperity, and national interest of the United States.

I was pleased to work with the General James F. Amos, the Commandant of the Marine Corps, in support of this resolution.

Years before Jackie Robinson, and decades before Rosa Parks and Martin Luther King, Jr., these heroes joined the Marines to defend their country and do their job.

At the end of this month, over 500 Montford Point Marines will descend upon Washington and receive the honor that is due them. I am pleased to be able to make the Capitol available to them.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and include extraneous materials on House Concurrent Resolution 128.

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

There was no objection.

NOTICE OF INTENTION TO OFFER MOTION TO INSTRUCT CONFEREES ON H.R. 4348, SURFACE TRANSPORTATION EXTENSION ACT OF 2012, PART II

Mr. FLAKE. Mr. Speaker, under rule XXII, clause 7(c), I hereby announce my intention to offer a motion to instruct on H.R. 4348.

The form of the motion is as follows:

Mr. Flake moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 4348 be instructed to recede from disagreement with the provision contained in the matter proposed to be inserted as section 104(c)(1)(B) of title 23, United States Code, by section 1105 of the Senate amendment that reads as follows: ''for each State, the amount of combined apportionments for the programs shall not be less than 95 percent of the estimated tax payments attributable to highway users in the State paid into the Highway Trust Fund (other than the Mass Transit Account) in the most recent fiscal year for which data are available''.

ENERGY AND WATER DEVELOPMENT AND RELATED AGENCIES APPROPRIATIONS ACT, 2013

The SPEAKER pro tempore (Mr. KING of Iowa). Pursuant to House Resolution 667 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. 5325.

Will the gentleman from Texas (Mr. POE) kindly resume the chair.

□ 1834

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. 5325) making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2013, and for other purposes, with Mr. POE of Texas (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, a request for a recorded vote on the amendment offered by the gentleman from New York (Mr. REED) had been postponed and the bill had been read through page 56, line 24.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed, in the following order:

Amendment No. 3 by Mr. MCCLINTOCK of California.

An amendment by Ms. HIRONO of Hawaii.

Amendment No. 5 by Mr. MCCLINTOCK of California.

An amendment by Mr. MATHESON of Utah.

The Chair will reduce to 2 minutes the minimum time for any electronic vote after the first vote in this series.

AMENDMENT NO. 3 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 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 106, noes 281, not voting 44, as follows:

[Roll No. 315]

AYES—106

Adams
Amash
Amodei
Bachmann
Benishek
Berkley
Bilirakis
Bishop (UT)
Black
Blackburn
Boustany
Brady (TX)
Brooks
Buchanan
Burgess
Burton (IN)
Campbell
Canseco
Carson (IN)
Chabot
Chaffetz
Coble
Cohen
Conaway
Conyers
Culberson
Doggett
Duffy
Duncan (TN)
Ellmers
Farenthold
Flake
Fleming
Foxx
Franks (AZ)
Gardner
Garrett
Gohmert
Gosar
Graves (GA)
Gutierrez
Harris
Heck
Hensarling
Herger
Herrera Beutler
Huelskamp
Huizenga (MI)
Hultgren
Jenkins
Jones
Jordan
Kucinich
Labrador
Lamborn
Lance
Landry
Long
Lummis
Marchant
Markey
McClintock
McGovern
McHenry
Miller (FL)
Miller (MI)
Mulvaney
Nadler
Neugebauer
Pence
Petri
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Ribble
Rigell
Rohrabacher
Rokita
Ross (FL)
Royce
Rush
Ryan (WI)
Scalise
Schakowsky
Schweikert
Scott, Austin
Sensenbrenner
Serrano
Sessions
Smith (NJ)
Southerland
Stearns
Stutzman
Sullivan
Tierney
Tipton
Velázquez
Walden
Walsh (IL)
West
Westmoreland
Woodall
Yoder
Young (IN)

NOES—281

Ackerman
Aderholt
Akin
Alexander
Altmire
Andrews
Austria
Bachus
Baldwin
Barletta
Barrow
Bartlett
Barton (TX)
Bass (NH)
Berg
Biggert
Bilbray
Bishop (GA)
Bishop (NY)
Blumenauer
Bonamici
Bonner
Bono Mack
Boren
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Bucshon
Butterfield
Calvert
Camp
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carter
Cassidy
Castor (FL)
Chandler
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Clyburn
Coffman (CO)
Cole
Connolly (VA)
Cooper
Costa
Costello
Courtney
Cravaack
Crawford
Crenshaw
Critz
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
Davis (KY)
DeFazio
DeGette
DeLauro
Dent
DesJarlais
Deutch
Diaz-Balart
Dicks
Dingell
Dold
Doyle
Dreier
Duncan (SC)
Edwards
Ellison
Emerson
Engel
Eshoo
Farr
Fattah
Fincher
Fitzpatrick
Fleischmann
Flores
Forbes
Fortenberry
Frank (MA)
Frelinghuysen
Fudge
Gallegly
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gonzalez
Goodlatte
Gowdy
Graves (MO)
Green, Al
Green, Gene
Griffin (AR)
Griffith (VA)
Grijalva
Grimm
Guinta
Guthrie
Hanabusa
Harper
Hartzler
Hastings (FL)
Hastings (WA)
Hayworth
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hochul
Holden
Holt
Honda
Hoyer
Hurt
Israel
Issa
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson (IL)
Johnson (OH)
Johnson, E. B.
Johnson, Sam
Kaptur
Keating
Kelly
Kildee
Kind
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kissell
Kline
Langevin
Lankford
Larsen (WA)
Latham
LaTourette
Latta
Lee (CA)
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lungren, Daniel E.
Lynch
Manzullo
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McCollum
McDermott
McKinley
McMorris Rodgers
McNerney
Meehan
Meeks
Mica
Michaud
Miller (NC)
Miller, George
Moran
Murphy (CT)
Murphy (PA)
Neal
Noem
Nugent
Nunes
Nunnelee
Olson
Owens
Palazzo
Pallone
Pastor (AZ)
Paulsen
Pearce
Pelosi
Perlmutter
Peters
Peterson
Pingree (ME)
Pitts
Platts
Polis
Price (NC)
Quigley
Rahall
Rangel
Reed
Rehberg
Reichert
Renacci
Reyes
Richmond
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Roybal-Allard
Runyan
Ruppersberger
Ryan (OH)
Sanchez, Loretta
Sarbanes
Schiff
Schilling
Schmidt
Schock
Schrader
Schwartz
Scott (SC)
Scott (VA)
Scott, David
Sewell
Shimkus
Simpson
Smith (NE)
Smith (TX)
Smith (WA)
Speier
Stark
Stivers
Sutton
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiberi
Tonko
Towns
Tsongas
Turner (NY)
Turner (OH)
Upton
Van Hollen
Visclosky
Walberg
Walz (MN)
Wasserman Schultz
Waxman
Webster
Welch
Whitfield
Wilson (FL)
Wilson (SC)
Wittman
Wolf
Womack
Woolsey
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—44

Baca
Bass (CA)
Becerra
Berman
Broun (GA)
Buerkle
Chu
Cleaver
Denham
Donnelly (IN)
Filner
Garamendi
Granger
Hahn
Hall
Hanna
Heinrich
Hunter
Larson (CT)
Lewis (CA)
Loebsack
Mack
Maloney
Marino
McCotter
McIntyre
McKeon
Miller, Gary
Moore
Myrick
Napolitano
Olver
Pascrell
Paul
Richardson
Rothman (NJ)
Sánchez, Linda T.
Sherman
Shuler
Shuster
Sires
Slaughter
Waters
Watt

□ 1900

Messrs. DAVIS of Illinois, MCCARTHY of California, DICKS, KINGSTON, KEATING, WELCH, and TOWNS changed their vote from ''aye'' to ''no.''

Messrs. RIGELL, HERGER, TIERNEY, and LANDRY changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. FILNER. Mr. Chair, on rollcall No. 315, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted "no."

AMENDMENT OFFERED BY MS. HIRONO

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from Hawaii (Ms. HIRONO) 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 131, noes 257, not voting 43, as follows:

[Roll No. 316]

AYES—131

Ackerman
Andrews
Baldwin
Bass (NH)
Berkley
Bishop (NY)
Blumenauer
Bonamici
Boswell
Brady (PA)
Braley (IA)
Butterfield
Capps
Capuano
Carnahan
Carney
Castor (FL)
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Crowley
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
Dent
Deutch
Dingell
Doggett
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Frank (MA)
Fudge
Gibson
Grijalva
Gutierrez
Hanabusa
Hastings (FL)
Higgins
Himes
Hinchey
Hirono
Hochul
Holt
Honda
Hoyer
Israel
Jackson (IL)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones
Keating
Kildee
Kind
Kucinich
Langevin
Lee (CA)
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Luján
Lynch
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moran
Nadler
Neal
Owens
Pallone
Pastor (AZ)
Pelosi
Peters
Pingree (ME)
Polis
Price (NC)
Quigley
Rangel
Reyes
Richmond
Roybal-Allard
Ruppersberger
Rush
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Smith (WA)
Speier
Stark
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Wasserman Schultz
Waxman
Welch
Wilson (FL)
Woolsey
Yarmuth

NOES—257

Adams
Aderholt
Akin
Alexander
Altmire
Amash
Amodei
Austria
Bachmann
Bachus
Barletta
Barrow
Bartlett
Barton (TX)
Benishek
Berg
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Boustany
Brady (TX)
Brooks
Brown (FL)
Buchanan
Bucshon
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Cardoza
Carson (IN)
Carter
Cassidy
Chabot
Chaffetz
Chandler
Coble
Coffman (CO)
Cole
Conaway
Costa
Costello
Courtney
Cravaack
Crawford
Crenshaw
Critz
Cuellar
Culberson
Davis (KY)
DeLauro
DesJarlais
Diaz-Balart
Dicks
Dold
Doyle
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann

Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gosar
Gowdy
Graves (GA)
Graves (MO)
Green, Al
Green, Gene
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Hensarling
Herger
Herrera Beutler
Hinojosa
Holden
Huelskamp
Huizenga (MI)
Hultgren
Hurt
Issa
Jackson Lee (TX)
Jenkins
Johnson (OH)
Johnson, Sam
Jordan
Kaptur
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kissell
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Larsen (WA)
Latham
LaTourette
Latta
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Manzullo
Marchant
Matheson
McCarthy (CA)
McCaul
McClintock
McHenry
McKinley
McMorris Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Mulvaney
Murphy (CT)
Murphy (PA)
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Paulsen
Pearce
Pence
Perlmutter
Peterson
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Rahall
Reed
Rehberg
Reichert
Renacci
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Royce
Runyan
Ryan (OH)
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Sewell
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stearns
Stivers
Stutzman
Sullivan
Sutton
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Visclosky
Walberg
Walden
Walsh (IL)
Walz (MN)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NOT VOTING—43

Baca
Bass (CA)
Becerra
Berman
Broun (GA)
Buerkle
Chu
Cleaver
Denham
Donnelly (IN)
Filner
Garamendi
Granger
Hahn
Hall
Hanna
Heinrich
Hunter
Larson (CT)
Lewis (CA)
Loebsack
Mack
Maloney
Marino
McCotter
McIntyre
McKeon
Miller, Gary
Moore
Myrick
Napolitano
Olver
Pascrell
Paul
Richardson
Rothman (NJ)
Sánchez, Linda T.
Sherman
Shuler
Sires
Slaughter
Waters
Watt

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There are 30 seconds remaining.

□ 1906

Ms. HOCHUL changed her vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. FILNER. Mr. Chair, on rollcall 316, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted ''aye.''

AMENDMENT NO. 5 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 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 138, noes 249, not voting 44, as follows:

[Roll No. 317]

AYES—138

Adams
Akin
Amash
Amodei
Andrews
Bachmann
Baldwin
Benishek
Berkley
Bilirakis
Bishop (UT)
Black
Blackburn
Blumenauer
Brady (TX)
Brooks
Buchanan
Burgess
Burton (IN)
Campbell
Canseco
Capps
Carnahan
Carney
Chabot
Chaffetz
Clay
Coble
Coffman (CO)
Cohen
Conaway
Conyers
Culberson
DeFazio
Duncan (SC)
Duncan (TN)
Ellmers
Eshoo
Farenthold
Fincher
Flake
Fleming
Flores
Foxx
Franks (AZ)
Gardner
Garrett
Gingrey (GA)
Gohmert
Gosar
Gowdy
Graves (GA)
Guthrie
Gutierrez
Heck
Hensarling
Herger
Herrera Beutler
Honda
Huelskamp
Huizenga (MI)
Hultgren
Issa
Jackson (IL)
Jenkins
Johnson (IL)
Jones
Jordan
Keating
King (IA)
Kucinich
Labrador
Lamborn
Lance
Landry
Lofgren, Zoe
Long
Lummis
Markey
McClintock
McDermott
McGovern
McHenry
McMorris Rodgers
Miller (FL)
Miller (MI)
Miller, George
Mulvaney
Nadler
Neugebauer
Nunes
Pence
Peters
Petri
Pingree (ME)
Poe (TX)
Polis
Pompeo
Posey
Price (GA)
Quayle
Quigley
Ribble
Rigell
Rohrabacher
Rokita
Rooney
Ross (FL)
Royce
Rush
Ryan (WI)
Scalise
Schakowsky
Schilling
Schweikert
Scott (SC)
Sensenbrenner
Serrano
Smith (NE)
Southerland
Stark
Stearns
Stutzman
Sullivan
Thompson (CA)
Tiberi
Tierney
Tipton
Tsongas
Velázquez
Walden
Walsh (IL)
West
Westmoreland
Wilson (SC)
Woodall
Woolsey
Yoder

NOES—249

Ackerman
Aderholt
Alexander
Altmire
Austria
Bachus
Barletta
Barrow
Bartlett
Barton (TX)
Bass (NH)
Berg
Biggert
Bilbray
Bishop (GA)
Bishop (NY)
Bonamici
Bonner
Bono Mack
Boren
Boswell
Boustany
Brady (PA)
Braley (IA)
Brown (FL)
Bucshon
Butterfield
Calvert
Camp
Cantor
Capito
Capuano
Cardoza
Carson (IN)
Carter
Cassidy
Castor (FL)
Chandler
Cicilline
Clarke (MI)
Clarke (NY)
Clyburn
Cole
Connolly (VA)
Cooper
Costa
Costello
Courtney
Cravaack
Crawford
Crenshaw
Critz
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
Davis (KY)
DeGette
DeLauro
Dent
DesJarlais
Deutch
Diaz-Balart
Dicks
Dingell
Doggett
Dold
Doyle
Dreier
Edwards
Ellison
Emerson
Engel
Farr
Fattah
Fitzpatrick
Fleischmann
Forbes
Fortenberry
Frank (MA)
Frelinghuysen
Fudge
Gallegly
Gerlach
Gibbs
Gibson
Gonzalez
Goodlatte
Graves (MO)
Green, Al
Green, Gene
Griffin (AR)
Griffith (VA)
Grijalva
Grimm
Guinta
Hanabusa
Harper
Harris
Hartzler
Hastings (FL)
Hastings (WA)
Hayworth
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hochul
Holden
Holt
Hoyer
Hurt
Israel
Jackson Lee (TX)
Johnson (GA)
Johnson (OH)
Johnson, E. B.
Johnson, Sam
Kaptur
Kelly
Kildee
Kind
King (NY)
Kingston
Kinzinger (IL)
Kissell
Kline
Langevin
Lankford
Larsen (WA)
Latham
LaTourette
Latta
Lee (CA)
Levin
Lewis (GA)
Lipinski
LoBiondo
Lowey
Lucas
Luetkemeyer
Luján
Lungren, Daniel E.
Lynch
Manzullo
Marchant
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McCollum
McKinley
McNerney
Meehan
Meeks
Mica
Michaud
Miller (NC)
Moran
Murphy (CT)
Murphy (PA)
Neal
Noem
Nugent
Nunnelee
Olson
Owens
Palazzo
Pallone
Pastor (AZ)
Paulsen
Pearce
Pelosi
Perlmutter
Peterson
Pitts
Platts
Price (NC)
Rahall
Rangel
Reed
Rehberg
Reichert
Renacci
Reyes
Richmond
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Roskam
Ross (AR)
Roybal-Allard
Runyan
Ruppersberger
Ryan (OH)
Sanchez, Loretta
Sarbanes
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (VA)
Scott, Austin
Scott, David
Sessions
Sewell
Shimkus
Shuster
Simpson
Smith (NJ)
Smith (TX)
Smith (WA)
Speier
Stivers
Sutton
Terry
Thompson (MS)
Thompson (PA)
Thornberry
Tonko
Towns
Turner (NY)
Turner (OH)
Upton
Van Hollen
Visclosky
Walberg
Walz (MN)
Wasserman Schultz
Waxman
Webster
Welch
Whitfield
Wilson (FL)
Wittman
Wolf
Womack
Yarmuth
Young (AK)
Young (FL)
Young (IN)

NOT VOTING—44

Baca
Bass (CA)
Becerra
Berman
Broun (GA)
Buerkle
Chu
Cleaver
Denham
Donnelly (IN)
Duffy
Filner
Garamendi
Granger
Hahn
Hall
Hanna
Heinrich
Hunter
Larson (CT)
Lewis (CA)
Loebsack
Mack
Maloney
Marino
McCotter
McIntyre
McKeon
Miller, Gary
Moore
Myrick
Napolitano
Olver
Pascrell
Paul
Richardson
Rothman (NJ)
Sánchez, Linda T.
Sherman
Shuler
Sires
Slaughter
Waters
Watt

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There are 30 seconds remaining.

□ 1912

Mr. CUMMINGS and Ms. PELOSI changed their vote from ''aye'' to ''no.''

Messrs. FLORES and RIGELL changed their vote from ''no'' to ''aye''

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. DUFFY. Mr. Chair, on rollcall No. 317, I was unavoidably detained. Had I been present, I would have voted "aye."

Mr. FILNER. Mr. Chair, on rollcall 317, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted "aye."

AMENDMENT OFFERED BY MATHESON

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Utah (Mr. MATHESON) 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 152, noes 235, not voting 44, as follows:

[Roll No. 318]

AYES—152

Ackerman	Fudge	Murphy (CT)
Altmire	Gibson	Nadler
Amash	Gonzalez	Neal
Baldwin	Green, Al	Pallone
Barrow	Grijalva	Pastor (AZ)
Bishop (GA)	Gutierrez	Pelosi
Bishop (NY)	Hanabusa	Peters
Blumenauer	Hastings (FL)	Pingree (ME)
Bonamici	Higgins	Polis
Boren	Himes	Price (NC)
Brady (PA)	Hinchey	Quigley
Braley (IA)	Hinojosa	Rangel
Brown (FL)	Hirono	Reyes
Butterfield	Hochul	Richmond
Capps	Holden	Ross (AR)
Capuano	Holt	Roybal-Allard
Carnahan	Honda	Ruppersberger
Carney	Hoyer	Rush
Carson (IN)	Israel	Ryan (OH)
Castor (FL)	Jackson (IL)	Sanchez, Loretta
Chaffetz	Jackson Lee (TX)	Sarbanes
Chandler	Johnson (GA)	Schakowsky
Cicilline	Johnson (IL)	Schiff
Clarke (MI)	Johnson, E. B.	Schrader
Clarke (NY)	Jones	Schwartz
Clay	Kaptur	Scott (VA)
Clyburn	Keating	Scott, David
Cohen	Kildee	Serrano
Connolly (VA)	Kind	Sewell
Conyers	Kissell	Smith (WA)
Costa	Kucinich	Speier
Costello	Langevin	Stark
Critz	Lee (CA)	Sutton
Crowley	Levin	Thompson (CA)
Cuellar	Lewis (GA)	Thompson (MS)
Cummings	Lipinski	Tierney
Davis (CA)	Lowey	Tonko
Davis (IL)	Marchant	Towns
DeFazio	Markey	Tsongas
DeGette	Matheson	Van Hollen
DeLauro	Matsui	Velázquez
Deutch	McCarthy (NY)	Visclosky
Dicks	McCollum	Walz (MN)
Dingell	McDermott	Wasserman Schultz
Doggett	McGovern	Waxman
Doyle	McNerney	Welch
Edwards	Meeks	Wilson (FL)
Ellison	Michaud	Woolsey
Engel	Miller (NC)	Yarmuth
Eshoo	Miller, George	
Farr	Moran	
Frank (MA)		

NOES—235

Adams	Andrews	Bartlett
Aderholt	Austria	Barton (TX)
Akin	Bachmann	Bass (NH)
Alexander	Bachus	Benishek
Amodei	Barletta	Berg
Berkley	Griffin (AR)	Peterson
Biggert	Griffith (VA)	Petri
Bilbray	Grimm	Pitts
Bilirakis	Guinta	Platts
Bishop (UT)	Guthrie	Poe (TX)
Black	Harper	Pompeo
Blackburn	Harris	Posey
Bonner	Hartzler	Price (GA)
Bono Mack	Hastings (WA)	Quayle
Boswell	Hayworth	Rahall
Boustany	Heck	Reed
Brady (TX)	Hensarling	Rehberg
Brooks	Herger	Reichert
Buchanan	Herrera Beutler	Renacci
Bucshon	Huelskamp	Ribble
Burgess	Huizenga (MI)	Rigell
Burton (IN)	Hultgren	Rivera
Calvert	Hurt	Roby
Camp	Issa	Roe (TN)
Campbell	Jenkins	Rogers (AL)
Canseco	Johnson (OH)	Rogers (KY)
Cantor	Johnson, Sam	Rogers (MI)
Capito	Jordan	Rohrabacher
Cardoza	Kelly	Rokita
Carter	King (IA)	Rooney
Cassidy	King (NY)	Ros-Lehtinen
Chabot	Kingston	Roskam
Coble	Kinzinger (IL)	Ross (FL)
Coffman (CO)	Kline	Royce
Cole	Labrador	Runyan
Conaway	Lamborn	Ryan (WI)
Cooper	Lance	Scalise
Courtney	Landry	Schilling
Cravaack	Lankford	Schmidt
Crawford	Larsen (WA)	Schock
Crenshaw	Latham	Schweikert
Culberson	LaTourette	Scott (SC)
Davis (KY)	Latta	Scott, Austin
Dent	LoBiondo	Sensenbrenner
DesJarlais	Lofgren, Zoe	Sessions
Diaz-Balart	Long	Shimkus
Dold	Lucas	Simpson
Dreier	Luetkemeyer	Smith (NE)
Duffy	Luján	Smith (NJ)
Duncan (SC)	Lummis	Smith (TX)
Duncan (TN)	Lungren, Daniel E.	Southerland
Ellmers	Lynch	Stearns
Emerson	Manzullo	Stivers
Farenthold	McCarthy (CA)	Stutzman
Fattah	McCaul	Sullivan
Fincher	McClintock	Terry
Fitzpatrick	McHenry	Thompson (PA)
Flake	McKinley	Thornberry
Fleischmann	McMorris Rodgers	Tiberi
Fleming	Meehan	Tipton
Flores	Mica	Turner (NY)
Forbes	Miller (FL)	Turner (OH)
Fortenberry	Miller (MI)	Upton
Foxx	Mulvaney	Walberg
Franks (AZ)	Murphy (PA)	Walden
Frelinghuysen	Neugebauer	Walsh (IL)
Gallegly	Noem	Webster
Gardner	Nugent	West
Garrett	Nunes	Westmoreland
Gerlach	Nunnelee	Whitfield
Gibbs	Olson	Wilson (SC)
Gingrey (GA)	Owens	Wittman
Gohmert	Palazzo	Wolf
Goodlatte	Paulsen	Womack
Gosar	Pearce	Woodall
Gowdy	Pence	Yoder
Graves (GA)	Perlmutter	Young (AK)
Graves (MO)		Young (FL)
Green, Gene		Young (IN)

NOT VOTING—44

Baca	Hanna	Napolitano
Bass (CA)	Heinrich	Olver
Becerra	Hunter	Pascrell
Berman	Larson (CT)	Paul
Broun (GA)	Lewis (CA)	Richardson
Buerkle	Loebsack	Rothman (NJ)
Chu	Mack	Sánchez, Linda T.
Cleaver	Maloney	Sherman
Denham	Marino	Shuler
Donnelly (IN)	McCotter	Shuster
Filner	McIntyre	Sires
Garamendi	McKeon	Slaughter
Granger	Miller, Gary	Waters
Hahn	Moore	Watt
Hall	Myrick	

□ 1917

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. FILNER. Mr. Chair, on rollcall 318, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted "aye."

PERSONAL EXPLANATION

Mr. LARSON of Connecticut. Mr. Chair, on June 5, 2012, I was not present for rollcall votes 315–318. If I had been present for these votes, I would have voted: "nay" on rollcall vote 315, "nay" on rollcall vote 316, "nay" on rollcall vote 317, and "aye" on rollcall vote 318.

PERSONAL EXPLANATION

Ms. SLAUGHTER. Mr. Chair, I was unavoidably detained and missed rollcall vote Nos. 315, 316, 317, and 318. Had I been present, I would have voted "no" on rollcall vote Nos. 315, 316, 317, 318.

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. BISHOP of Utah) having assumed the chair, Mr. POE of Texas, 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. 5325) making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2013, and for other purposes, had come to no resolution thereon.

□ 1920

NOTICE OF INTENTION TO OFFER MOTION TO INSTRUCT CONFEREES ON H.R. 4348, SURFACE TRANSPORTATION EXTENSION ACT OF 2012, PART II

Mr. DOGGETT. Mr. Speaker, under rule XXII, clause 7(c), I hereby announce my intention to offer a motion to instruct on H.R. 4348, the transportation conference report.

The form of the motion is as follows:

Mr. Doggett moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 4348 be instructed to recede from disagreement with the provisions contained in section 100201 of the Senate amendment (relating to stop tax haven abuse—authorizing special measures against foreign jurisdictions, financial institutions, and others that significantly impede United States tax enforcement).

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. POE of Texas). Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on the additional 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 later.

INTERNATIONAL CHILD SUPPORT RECOVERY IMPROVEMENT ACT OF 2012

Mr. BERG. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4282) to amend part D of title IV of the Social Security Act to ensure that the United States can comply fully with the obligations of the Hague Convention of 23 November 2007 on the International Recovery of Child Support and Other Forms of Family Maintenance, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4282

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; REFERENCES.

(a) SHORT TITLE.—This Act may be cited as the ''International Child Support Recovery Improvement Act of 2012''.

(b) REFERENCES.—Except as otherwise expressly provided in this Act, wherever in this Act an amendment is expressed in terms of an amendment to a section or other provision, the amendment shall be considered to be made to a section or other provision of the Social Security Act.

SEC. 2. AMENDMENTS TO ENSURE ACCESS TO CHILD SUPPORT SERVICES FOR INTERNATIONAL CHILD SUPPORT CASES.

(a) AUTHORITY OF THE SECRETARY OF HHS TO ENSURE COMPLIANCE WITH MULTILATERAL CHILD SUPPORT CONVENTIONS.—

(1) IN GENERAL.—Section 452 (42 U.S.C. 652) is amended—

(A) by redesignating the second subsection (l) (as added by section 7306 of the Deficit Reduction Act of 2005) as subsection (m); and

(B) by adding at the end the following:

''(n) The Secretary shall use the authorities otherwise provided by law to ensure the compliance of the United States with any multilateral child support convention to which the United States is a party.''.

(2) CONFORMING AMENDMENT.—Section 453(k)(3) (42 U.S.C. 653(k)(3)) is amended by striking ''452(l)'' and inserting ''452(m)''.

(b) ACCESS TO THE FEDERAL PARENT LOCATOR SERVICE.—Section 453(c) (42 U.S.C. 653(c)) is amended—

(1) by striking ''and'' at the end of paragraph (3);

(2) by striking the period at the end of paragraph (4) and inserting ''; and''; and

(3) by adding at the end the following:

''(5) an entity designated as a Central Authority for child support enforcement in a foreign reciprocating country or a foreign treaty country for purposes specified in section 459A(c)(2).''.

(c) STATE OPTION TO REQUIRE INDIVIDUALS IN FOREIGN COUNTRIES TO APPLY THROUGH THEIR COUNTRY'S APPROPRIATE CENTRAL AUTHORITY.—Section 454 (42 U.S.C. 654) is amended—

(1) in paragraph (4)(A)(ii), by inserting before the semicolon ''(except that, if the individual applying for the services resides in a foreign reciprocating country or foreign treaty country, the State may opt to require the individual to request the services through the Central Authority for child support enforcement in the foreign reciprocating country or the foreign treaty country, and if the individual resides in a foreign country that is not a foreign reciprocating country or a foreign treaty country, a State may accept or reject the application)''; and

(2) in paragraph (32)—

(A) in subparagraph (A), by inserting '', a foreign treaty country,'' after ''a foreign reciprocating country''; and

(B) in subparagraph (C), by striking ''or foreign obligee'' and inserting '', foreign treaty country, or foreign individual''.

(d) AMENDMENTS TO INTERNATIONAL SUPPORT ENFORCEMENT PROVISIONS.—Section 459A (42 U.S.C. 659a) is amended—

(1) by adding at the end the following:

''(e) REFERENCES.—In this part:

''(1) FOREIGN RECIPROCATING COUNTRY.—The term 'foreign reciprocating country' means a foreign country (or political subdivision thereof) with respect to which the Secretary has made a declaration pursuant to subsection (a).

''(2) FOREIGN TREATY COUNTRY.—The term 'foreign treaty country' means a foreign country for which the 2007 Family Maintenance Convention is in force.

''(3) 2007 FAMILY MAINTENANCE CONVENTION.—The term '2007 Family Maintenance Convention' means the Hague Convention of 23 November 2007 on the International Recovery of Child Support and Other Forms of Family Maintenance.'';

(2) in subsection (c)—

(A) in the matter preceding paragraph (1), by striking ''foreign countries that are the subject of a declaration under this section'' and inserting ''foreign reciprocating countries or foreign treaty countries''; and

(B) in paragraph (2), by inserting ''and foreign treaty countries'' after ''foreign reciprocating countries''; and

(3) in subsection (d), by striking ''the subject of a declaration pursuant to subsection (a)'' and inserting ''foreign reciprocating countries or foreign treaty countries''.

(e) COLLECTION OF PAST-DUE SUPPORT FROM FEDERAL TAX REFUNDS.—Section 464(a)(2)(A) (42 U.S.C. 664(a)(2)(A)) is amended by striking ''under section 454(4)(A)(ii)'' and inserting ''under paragraph (4)(A)(ii) or (32) of section 454''.

(f) STATE LAW REQUIREMENT CONCERNING THE UNIFORM INTERSTATE FAMILY SUPPORT ACT (UIFSA).—

(1) IN GENERAL.—Section 466(f) (42 U.S.C. 666(f)) is amended—

(A) by striking ''on and after January 1, 1998,'';

(B) by striking ''and as in effect on August 22, 1996,''; and

(C) by striking ''adopted as of such date'' and inserting ''adopted as of September 30, 2008''.

(2) CONFORMING AMENDMENTS TO TITLE 28, UNITED STATES CODE.—Section 1738B of title 28, United States Code, is amended—

(A) in subsection (d), by striking ''individual contestant'' and inserting ''individual contestant or the parties have consented in a record or open court that the tribunal of the State may continue to exercise jurisdiction to modify its order,'';

(B) in subsection (e)(2)(A), by striking ''individual contestant'' and inserting ''individual contestant and the parties have not consented in a record or open court that the tribunal of the other State may continue to exercise jurisdiction to modify its order''; and

(C) in subsection (b)—

(i) by striking '' 'child' means'' and inserting ''(1) The term 'child' means'';

(ii) by striking '' 'child's State' means'' and inserting ''(2) The term 'child's State' means'';

(iii) by striking '' 'child's home State' means'' and inserting ''(3) The term 'child's home State' means'';

(iv) by striking '' 'child support' means'' and inserting ''(4) The term 'child support' means'';

(v) by striking '' 'child support order' '' and inserting ''(5) The term 'child support order' '';

(vi) by striking '' 'contestant' means'' and inserting ''(6) The term 'contestant' means'';

(vii) by striking '' 'court' means'' and inserting ''(7) The term 'court' means'';

(viii) by striking '' 'modification' means'' and inserting ''(8) The term 'modification' means''; and

(ix) by striking '' 'State' means'' and inserting ''(9) The term 'State' means''.

(3) EFFECTIVE DATE; GRACE PERIOD FOR STATE LAW CHANGES.—

(A) PARAGRAPH (1).—(i) The amendments made by paragraph (1) shall take effect with respect to a State on the earlier of—

(I) October 1, 2013; or

(II) the effective date of laws enacted by the legislature of the State implementing such paragraph, but in no event later than the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of the enactment of this Act.

(ii) For purposes of clause (i), in the case of a State that has a 2-year legislative session, each year of the session shall be deemed to be a separate regular session of the State legislature.

(B) PARAGRAPH (2).—(i) The amendments made by subparagraphs (A) and (B) of paragraph (2) shall take effect on the date on which the Hague Convention of 23 November 2007 on the International Recovery of Child Support and Other Forms of Family Maintenance enters into force for the United States.

(ii) The amendments made by subparagraph (C) of paragraph (2) shall take effect on the date of the enactment of this Act.

SEC. 3. DATA EXCHANGE STANDARDIZATION FOR IMPROVED INTEROPERABILITY.

(a) IN GENERAL.—Section 452 (42 U.S.C. 652), as amended by section 2(a)(1) of this Act, is amended by adding at the end the following:

''(o) DATA EXCHANGE STANDARDIZATION FOR IMPROVED INTEROPERABILITY.—

''(1) DATA EXCHANGE STANDARDS.—

''(A) DESIGNATION.—The Secretary, in consultation with an interagency work group which shall be established by the Office of Management and Budget, and considering State and tribal perspectives, shall, by rule, designate a data exchange standard for any category of information required to be reported under this part.

''(B) DATA EXCHANGE STANDARDS MUST BE NONPROPRIETARY AND INTEROPERABLE.—The data exchange standard designated under subparagraph (A) shall, to the extent practicable, be nonproprietary and interoperable.

''(C) OTHER REQUIREMENTS.—In designating data exchange standards under this section, the Secretary shall, to the extent practicable, incorporate—

''(i) interoperable standards developed and maintained by an international voluntary consensus standards body, as defined by the Office of Management and Budget, such as the International Organization for Standardization;

''(ii) interoperable standards developed and maintained by intergovernmental partnerships, such as the National Information Exchange Model; and

''(iii) interoperable standards developed and maintained by Federal entities with authority over contracting and financial assistance, such as the Federal Acquisition Regulatory Council.

''(2) DATA EXCHANGE STANDARDS FOR REPORTING.—

''(A) DESIGNATION.—The Secretary, in consultation with an interagency work group established by the Office of Management and

Budget, and considering State and tribal perspectives, shall, by rule, designate data exchange standards to govern the data reporting required under this part.

''(B) REQUIREMENTS.—The data exchange standards required by subparagraph (A) shall, to the extent practicable—

''(i) incorporate a widely-accepted, nonproprietary, searchable, computer-readable format;

''(ii) be consistent with and implement applicable accounting principles; and

''(iii) be capable of being continually upgraded as necessary.

''(C) INCORPORATION OF NONPROPRIETARY STANDARDS.—In designating reporting standards under this paragraph, the Secretary shall, to the extent practicable, incorporate existing nonproprietary standards, such as the eXtensible Markup Language.''.

(b) EFFECTIVE DATES.—

(1) DATA EXCHANGE STANDARDS.—The Secretary of Health and Human Services shall issue a proposed rule under section 452(o)(1) of the Social Security Act within 12 months after the date of the enactment of this section, and shall issue a final rule under such section 452(o)(1), after public comment, within 24 months after such date of enactment.

(2) DATA REPORTING STANDARDS.—The reporting standards required under section 452(o)(2) of such Act shall become effective with respect to reports required in the first reporting period, after the effective date of the final rule referred to in paragraph (1) of this subsection, for which the authority for data collection and reporting is established or renewed under the Paperwork Reduction Act.

SEC. 4. EFFICIENT USE OF THE NATIONAL DIRECTORY OF NEW HIRES DATABASE FOR FEDERALLY SPONSORED RESEARCH ASSESSING THE EFFECTIVENESS OF FEDERAL POLICIES AND PROGRAMS IN ACHIEVING POSITIVE LABOR MARKET OUTCOMES.

Section 453 (42 U.S.C. 653) is amended—

(1) in subsection (i)(2)(A), by striking ''24'' and inserting ''48''; and

(2) in subsection (j), by striking paragraph (5) and inserting the following:

''(5) RESEARCH.—

''(A) IN GENERAL.—Subject to subparagraph (B) of this paragraph, the Secretary may provide access to data in each component of the Federal Parent Locator Service maintained under this section and to information reported by employers pursuant to section 453A(b), for—

''(i) research undertaken by a State or Federal agency (including through grant or contract) for purposes found by the Secretary to be likely to contribute to achieving the purposes of part A or this part; or

''(ii) an evaluation or statistical analysis undertaken to assess the effectiveness of a Federal program in achieving positive labor market outcomes (including through grant or contract), by—

''(I) the Department of Health and Human Services;

''(II) the Social Security Administration;

''(III) the Department of Labor;

''(IV) the Department of Education;

''(V) the Department of Housing and Urban Development;

''(VI) the Department of Justice;

''(VII) the Department of Veterans Affairs;

''(VIII) the Bureau of the Census;

''(IX) the Department of Agriculture; or

''(X) the National Science Foundation.

''(B) PERSONAL IDENTIFIERS.—Data or information provided under this paragraph may include a personal identifier only if, in addition to meeting the requirements of subsections (l) and (m)—

''(i) the State or Federal agency conducting the research described in subparagraph (A)(i), or the Federal department or agency undertaking the evaluation or statistical analysis described in subparagraph (A)(ii), as applicable, enters into an agreement with the Secretary regarding the security and use of the data or information;

''(ii) the agreement includes such restrictions or conditions with respect to the use, safeguarding, disclosure, or redisclosure of the data or information (including by contractors or grantees) as the Secretary deems appropriate;

''(iii) the data or information is used exclusively for the purposes defined in the agreement; and

''(iv) the Secretary determines that the provision of data or information under this paragraph is the minimum amount needed to conduct the research, evaluation, or statistical analysis, as applicable, and will not interfere with the effective operation of the program under this part.

''(C) PENALTIES FOR UNAUTHORIZED DISCLOSURE OF DATA.—Any individual who willfully discloses a personal identifier (such as a name or social security number) provided under this paragraph, in any manner to an entity not entitled to receive the data or information, shall be fined under title 18, United States Code, imprisoned not more than 5 years, or both.''.

SEC. 5. BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled ''Budgetary Effects of PAYGO Legislation'' for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from North Dakota (Mr. BERG) and the gentleman from Texas (Mr. DOGGETT) each will control 20 minutes.

The Chair recognizes the gentleman from North Dakota.

GENERAL LEAVE

Mr. BERG. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and to include extraneous material on the subject of the bill under consideration.

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

There was no objection.

Mr. BERG. Mr. Speaker, I yield myself such time as I may consume.

I rise today with my colleague, Mr. DOGGETT of Texas, and other members of the Human Resources Subcommittee of the Committee on Ways and Means. I urge support for House Resolution 4282, as amended, the International Child Support Recovery Improvement Act of 2012.

This bill provides the implementing legislation for the Hague Convention on International Recovery of Child Support and Other Forms of Family Maintenance. Negotiation of this treaty began in 2003, and it was eventually signed in 2007. The Senate then provided its consent in 2010. Now States cannot take advantage of the benefits of this treaty until Congress moves forward.

Currently, States have the option to recognize child support orders from other countries and many of them do. However, States have found that other countries are less cooperative in recognizing our orders.

The Hague Convention seeks to address this issue by establishing a standardized process so more countries cooperate in the collection of child support. This will ensure that children in the United States have the same access to financial support even when one of their parents is abroad.

This bill is about empowering the States, which operate the child support enforcement program, to do more for families and, most importantly, for children.

My home State of North Dakota has already made the necessary changes to its State law to accept the Hague Convention. Unfortunately, we are one of only 10 States that have done so. The United States cannot ratify the Hague Convention until all States make the necessary changes, so now is the time to act.

On March 20, the Human Resources Subcommittee of the Committee on Ways and Means had a hearing on this issue and heard that States are waiting to follow our lead. It's time for this Chamber to do its job and pass this bill, which will improve the program while resulting in modest savings.

This bill also includes the continuation of our subcommittee's bipartisan efforts to standardize the process and data, and improve the exchange of data within and across human services programs. While the child support system already relies heavily on data exchanges, it's important for those efforts to be consistent with provisions we have recently enacted in child welfare, TANF, and unemployment programs. The goal is simple: improve government's efficiency; provide benefits to those who are eligible; and drive out waste, fraud, and abuse.

Finally, this bill expands researcher's access to a database maintained by the Office of Child Support Enforcement. The National Directory of New Hires, NDNH, captures employment information for individuals working in most jobs in the United States. Expanding access to earning data in the NDNH will improve our ability to determine whether Federal education, training, and social service programs help people find and keep jobs.

According to the administration, most Federal agencies do not currently have reliable access to data that can show the impact of their programs on a participant's employment and earnings. In an era of tighter resources, it's critical that we have reliable data to conduct rigorous evaluations and make sure that Federal investments are getting results.

The National Child Support Enforcement Association represents the views of State agency child support directors and actively participated in the negotiations of the Hague Convention.

I would like to thank Congressman GEOFF DAVIS, the chairman of the

Ways and Means Subcommittee on Human Resources. I would also like to thank the subcommittee's ranking member, Mr. DOGGETT, who joins me on the floor today, as well as other members of the subcommittee for their support and original cosponsorship.

I invite all Members to join us in supporting this important bipartisan legislation. It will move us a step closer to ratifying the Hague Convention on the International Recovery of Child Support and ensuring that more children living in the United States receive the financial support they deserve.

I urge all my colleagues to support it and reserve the balance of my time.

COALITION FOR
EVIDENCE-BASED POLICY,
April 10, 2012.

Hon. GEOFF DAVIS,
Chairman, House Committee on Ways and Means, Subcommittee on Human Resources, Washington DC.
Hon. LLOYD DOGGETT,
Ranking Member, House Committee on Ways and Means, Subcommittee on Human Resources, Washington DC.

DEAR CHAIRMAN DAVIS AND RANKING MEMBER DOGGETT: I'm writing to express our strong support for your subcommittee's efforts, in H.R. 4282, to increase researcher access to the National Directory of New Hires (NDNH).

As background, the Coalition for Evidence-Based Policy is a nonprofit, nonpartisan organization, whose mission is to increase government effectiveness through rigorous evidence about ''what works.'' We have no financial interest in this or any other policy proposals or initiatives.

Our support for your proposal to increase researcher access to NDNH is based on its potential to greatly lower the cost and burden of conducting scientifically-rigorous evaluations of employment programs, by enabling such studies to measure employment and earnings outcomes using existing administrative data rather than engaging in costly new data collection (e.g., individual interviews).

As summarized in a short brief we recently developed—Rigorous Program Evaluations on a Budget—in other policy areas where administrative data are more accessible, such as education and criminal justice, large-scale rigorous evaluations have sometimes been conducted for as little as $50,000–$100,000, producing valid evidence that is of policy and practical importance. Researcher access to NDNH data could bring this capability to workforce development policy, greatly accelerating the development of credible evidence about what works to improve the employment and earnings of U.S. workers.

We appreciate your leadership on this important issue. Please let us know if we can be of assistance as it goes forward.

Sincerely,

JON BARON,
President.

BUILDING KNOWLEDGE
TO IMPROVE SOCIAL POLICY,
June 4, 2012.

Hon. CONGRESSMAN BERG,
Cannon House Office Building,
Washington, DC.

DEAR CONGRESSMAN BERG: I am writing to congratulate you on advancing H.R. 4282, The International Child Support Recovery and Improvement Act of 2012, to the House floor. Thank you again for inviting me to testify before the Human Resources Subcommittee on Ways and Means.

As I stated in my recent testimony, this bill includes an important technical provision that enables researchers to more easily access the National Directory of New Hires (NDNH) database, which contains earnings and employment data collected by states from employers. Removing this barrier in the law will result in more accurate, cost-effective assessments of the employment effects of federal programs.

Independent research firms like MDRC are contracted by the government to evaluate the extent to which federal programs work; in many cases, a key measure of effectiveness is the programs' long-term impact on participants' employment and earnings. The NDNH database, maintained by the federal Office of Child Support Enforcement, houses employment and earnings data reported by the states for child support enforcement purposes. However, research contractors are generally unable to access this essential database. Instead they are forced to get the very same data directly from the states, at great cost to the federal government and at considerable burden in duplicative reporting for the states.

In this time of severe budget constraints, Congress must have credible, nonpartisan information to understand whether federally supported programs actually help people find work and increase their earnings. The technical provision in this bill would ensure the availability of data necessary for researchers to examine the effectiveness of these programs.

This provision expands researchers' access to NDNH data and also maintains strong privacy protections. Since personally identifiable information is contained in the NDNH database, the provision requires research firms to continue to uphold strict rules governing the data's confidentiality and provides severe penalties for unauthorized disclosure of this data.

Thank you for recognizing the importance of giving researchers greater access to NDNH data. Attached is my testimony for further reference.

Sincerely,

GORDON L. BERLIN,
President, MDRC.

NATIONAL CHILD SUPPORT
ENFORCEMENT ASSOCIATION,
McLean, VA, June 4, 2012.

Representative GEOFF DAVIS, Chairman,
Representative LLOYD DOGGETT, Ranking Member,
Ways and Means Subcommittee on Human Resources, Longworth House Office Building, Washington, DC.

DEAR CHAIRMAN DAVIS AND RANKING MEMBER DOGGETT: The National Child Support Enforcement Association (NCSEA) supports the bipartisan International Child Support Recovery Improvement Act of 2012 (H.R. 4282) and applauds your efforts to bring the measure to the House floor.

Section 2 of the bill provides the implementing language necessary to ratify the 2007 Hague Convention Treaty on the International Recovery of Child Support and Other Forms of Family Maintenance. NCSEA members worked tirelessly on the Convention. It contains procedures for processing international child support cases that are uniform, simple, efficient, accessible, and cost-free to U.S. citizens seeking support in other countries. It is founded on the agreement of countries that ratify the Convention to recognize and enforce each other's support orders.

International cases can be challenging and very time consuming for child support workers because there are no agreed upon standards of proof, forms or methods of communication. As more parents cross international borders leaving children behind, international child support enforcement is more important than ever.

For many international cases, U.S. courts and state Title IV–D child support enforcement agencies already recognize and enforce child support obligations, whether or not the United States has a reciprocal agreement with the other country. However, many foreign countries will not enforce U.S. support orders in the absence of a treaty obligation. Ratification of the Convention by the United States will mean that more children residing in the United States will receive financial support from their parents residing in countries that are also signatories to the Convention.

NCSEA has long sought congressional action on this issue, so that our nation's children receive the financial support to which they are entitled.

Thank you again for your leadership on this bill.

Sincerely,

COLLEEN DELANEY EUBANKS,
Executive Director.

Mr. DOGGETT. Mr. Speaker, I yield myself such time as I may consume.

I am pleased to join my colleague from North Dakota in our truly bipartisan effort on behalf of H.R. 4282, the International Child Support Recovery Improvement Act. He has made an excellent statement regarding the need for this legislation.

International borders should never be barriers to children receiving the financial support that their parents are obligated to provide, nor should a parent be able to avoid their responsibility by just leaving the country. That's why the United States has previously adopted reciprocal agreements with a number of other nations to collect child support from deadbeat parents who do not live in the same country as their children. But these agreements don't cover many nations, and the procedures sometimes vary from nation to nation. A more comprehensive approach is to enter into a broad convention, another type of treaty, to ensure the international collection of child support.

□ 1930

In 2010, the Senate ratified the Hague Convention for the International Recovery of Child Support. Today's bill simply implements the treaty and provides that our child support collection across America fully complies with our treaty obligations. This will assure that more children living in the United States obtain the necessary financial support from a parent living in another country, and it will also protect taxpayers who ought not have to be responsible for covering the expenses when a parent is obligated to do so.

Exemplifying the need for today's bill is the plea of a mother from Houston, who wrote to the Federal Office of Child Support Enforcement:

Please help me collect child support from my daughter's father in Venezuela. We were married years ago in the United States. It took a long time to finalize the divorce, as he was out of the country. Finally, the divorce went through, which at the time was a relief. But 3 to 4 years later, my daughter is

12 and teenage expenses are kicking in. Regardless of the divorce requirements, he states Venezuela is unable to conduct business with the U.S., and he's unable to send money on his own.

Our bill would provide relief to her and many other families. Child support touches the lives of nearly one in four children across America, securing financial support for almost 18 million children—including a million and a half children in Texas—and it's played an important role in keeping children out of poverty. Without its support, roughly half a million children would have fallen into poverty in 2010.

This bill recognizes the general premise that both parents are responsible for their children.

It would respond to another Texas mother who wrote the same office:

My ex-husband has been working for an international company for nearly 6 years. His income the first year was $100,000. To date, after taxes, he's clearing over $8,000 monthly. Per our court order, I'm only receiving $260 a month, which is now currently on hold. So therefore I'm not receiving any funds from my child support at all. Please help me. I'm making less money since I switched from the night shift to days to be home with my two children. I keep making necessary sacrifices, but I have no one to help me.

That's the kind of individual, the kind of children that would be assisted by this legislation. Passing the act would access financial support from a noncustodial parent living abroad. As with other effective child support initiatives, taxpayers will benefit by not being saddled with the cost of supporting children whose parents should be doing so.

The Congressional Budget Office has estimated that this bill will result in some modest net savings to the child support program. Child support advocates, as Mr. BERG indicated, along with the American Bar Association, the Conference of State Court Administrators, the Conference of Chief Justices, and the National Center for State Courts have all endorsed this legislation. It is truly a bipartisan effort that improves the well-being of many children by ensuring that their parents abroad continue to fulfill their obligations here at home in the United States to their children.

I urge approval of this bill, and I yield back the balance of my time.

Mr. BERG. Again, this legislation will help families, and most importantly, children—help them receive the financial services they need, regardless of where they live or where their parents live. I appreciate the comments of our subcommittee ranking member who has joined me here today on the floor in support of this bill, and I look forward to continuing to work with him as we improve the child support enforcement program.

I yield back the balance of my time.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES, COMMITTEE ON THE JUDICIARY, WASHINGTON, DC, MAY 18, 2012.

Hon. DAVE CAMP,
Chairman, Committee on Ways and Means, 1102 Longworth House Office Building, Washington, DC.

DEAR CHAIRMAN CAMP, reference is made to H.R. 4282, the ''International Child Support Recovery Improvement Act of 2012,'' with respect to which the Committee on the Judiciary received a referral. I understand that the bill may soon proceed to consideration by the full House. As a result of your having consulted with the Judiciary Committee concerning provisions of the bill that fall within our Rule X jurisdiction, and your agreement to call up an amended version of the bill that is consistent with our mutual understanding with respect to those provisions, I to agree to discharge the Committee on the Judiciary from further consideration of the bill so that the bill may proceed expeditiously to the House Floor.

The Judiciary Committee takes this action with our mutual understanding that, by foregoing consideration of H.R. 4282 at this time, we do not waive any jurisdiction over the subject matter contained in this or similar legislation, and that our committee will be appropriately consulted and involved as the bill or similar legislation moves forward so that we may address any remaining issues that fall within our Rule X jurisdiction. Our committee also reserves the right to seek appointment of an appropriate number of conferees to any House-Senate conference involving this or similar legislation, and requests your support for any such request.

Finally, I would appreciate your response to this letter confirming this understanding with respect to H.R. 4282, and would ask that a copy of our exchange of letters on this matter be included in the Congressional Record during floor consideration thereof.

Sincerely,

LAMAR SMITH
Chairman.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES, COMMITTEE ON WAYS AND MEANS,
WASHINGTON, DC, MAY 23, 2012.

Hon. LAMAR SMITH,
Chairman, Committee on the Judiciary, 2138 Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN SMITH, thank you for your letter regarding H.R. 4282, the ''International Child Support Recovery Improvement Act of 2012,'' which the Committee on Ways and Means anticipates may soon proceed to consideration by the full House.

As introduced, H.R. 4282 contained two provisions (sections 2 and 4) that formed the basis of an additional referral of the bill to your committee. I am most appreciative of your decision to discharge the Committee on the Judiciary from further consideration of H.R. 4282, as amended, so that it may proceed to the House floor. I acknowledge that, although you are waiving formal consideration of the bill, the Committee on the Judiciary is in no way waiving its jurisdiction over the subject matter contained in those provisions of the bill, including sections 2 and 4 of the bill as amended, which fall within your Rule X jurisdiction. In addition, if a conference is necessary on this legislation, I will support any request that your committee be represented therein.

Finally, I will be pleased to include a copy of this letter, as well as your letter dated May 18, 2012, in the Congressional Record during floor consideration of H.R. 4282.

DAVE CAMP,
Chairman.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Dakota (Mr. BERG) that the House suspend the rules and pass the bill, H.R. 4282, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

ENERGY AND WATER DEVELOPMENT AND RELATED AGENCIES APPROPRIATIONS ACT, 2013

The SPEAKER pro tempore (Mr. BERG). Pursuant to House Resolution 667 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. 5325.

Will the gentleman from Texas (Mr. POE) kindly resume the chair.

□ 1936

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. 5325) making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2013, and for other purposes, with Mr. POE of Texas (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, an amendment offered by the gentleman from Utah (Mr. MATHESON) had been disposed of and the bill had been read through page 56, line 24.

AMENDMENT OFFERED BY MS. KAPTUR

Ms. KAPTUR. Mr. Chairman, I rise to offer an amendment as the designee of Congressman MCINTYRE of North Carolina.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill, before the short title, insert the following:

SEC. _____. None of the funds made available under this Act may be used to plan for the termination of periodic nourishment for any water resource development project described in section 156 of the Water Resources Development Act of 1976 (Public Law 94–587), as amended by the Water Resources Development Act of 1986 (Public Law 99–662).

Ms. KAPTUR (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read.

The Acting CHAIR. Is there objection to the request of the gentlewoman from Ohio?

There was no objection.

The Acting CHAIR. Pursuant to the order of the House of today, the gentlewoman from Ohio (Ms. KAPTUR) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Ohio.

Ms. KAPTUR. I rise today on behalf of the esteemed gentleman from North Carolina, Representative MIKE MCINTYRE, who represents a district inclusive of the southeastern coast of North Carolina. Congressman MCINTYRE is, unfortunately, unable to come to the floor tonight, so I rise on his behalf to offer the following amendment.

This amendment will prevent the Army Corps of Engineers from using funds to terminate or plan to terminate any 50-year coastal storm damage reduction project. The language in this amendment will give Congress and the Corps needed time to determine proper evaluation procedures.

Coastal storm damage reduction projects were created by Congress to keep coastal communities safe and, over time, to save taxpayer dollars from repeated damage costs. These projects involve Federal-State partnerships where the communities assume the Federal Government will meet the commitment we have established through the Army Corps of Engineers.

Obviously, coastal regions across our country have varying needs. The Seventh Congressional District of North Carolina is coastally different than Ohio's Ninth Congressional District along Lake Erie, which I represent. But the more than 100 miles of Ohio coastline that are in the Ninth District have seen important improvements for flood protection and shoreline improvement installations over the years that have proven themselves to be cost effective. In particular, two of these in Point Place and Maumee Bay have both performed better than even the Army Corps of Engineers analysis originally predicted. As a result of these completed projects, coastal communities in our region have been protected from costly and previously unmanageable storm water damage.

In today's energy and water legislation, I ask on behalf of Mr. MCINTYRE and myself that Congress give communities affected by this amendment the same chance. On behalf of Congressman MCINTYRE, I appreciate the respected chairman and ranking member of the Energy and Water Subcommittee, Mr. FRELINGHUYSEN and Mr. VISCLOSKY, for their willingness to work collaboratively on these issues. These projects are proven successes, and the demonstrated need warrants a continuation of these cost-conscious investments that improve the safety of our coastal communities.

I yield back the balance of my time.

□ 1940

The Acting CHAIR. Does any Member seek time in opposition?

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

The amendment was agreed to.

AMENDMENT OFFERED BY MR. YOUNG OF ALASKA

Mr. YOUNG of Alaska. Mr. Chairman, I offer an amendment on behalf of the gentleman from California (Mr. DENHAM).

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

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 to implement section 10011(b) of Public Law 111–11.

The Acting CHAIR. Pursuant to the order of the House of today, the gentleman from Alaska (Mr. YOUNG) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Alaska.

Mr. YOUNG of Alaska. This amendment has been adopted by the House twice unanimously, and so I urge the passage of the 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 support the amendment, and 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 do rise today in opposition to the amendment offered by my colleague from Alaska on behalf of the gentleman from California.

In 2009, the Congress ratified the San Joaquin Settlement Act, which ended 18 years of litigation in the Central Valley of California over water. The agreement was supported by the Bush administration and California's then-Republican Governor Schwarzenegger. The Federal authorizing legislation was initially cosponsored by Congressman Pombo in the House and Senator FEINSTEIN in the Senate.

If the amendment that has been offered were adopted, I believe we would be undermining the San Joaquin River agreement, which, if it were to stand, would land this case back in court. If the court is forced to take over river restoration, the Friant water users would be at risk of losing the 20 years of water supply certainty provided by the settlement.

By blocking funding for efforts to restore salmon, the Denham amendment offered by Mr. YOUNG would potentially end the broadly supported and bipartisan effort to restore the San Joaquin River while also improving water supply management, flood protections, and water quality. Therefore, I do insist on objecting to the gentleman's amendment, and I yield back the balance of my time.

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

The amendment was agreed to.

AMENDMENT OFFERED BY MR. KUCINICH

Mr. KUCINICH. Mr. 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 the bill (before the short title), insert the following:

SEC. ____. None of the funds made available under this Act may be used to provide new loan guarantees under section 1703 of the Energy Policy Act of 2005 (42 U.S.C. 16513), and the amount otherwise appropriated by this Act for ''Title 17 Innovative Technology Loan Guarantee Program'' is hereby reduced by $33,000,000.

The Acting CHAIR. Pursuant to the order of the House of today, the gentleman from Ohio (Mr. KUCINICH) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Ohio.

Mr. KUCINICH. My amendment would put a moratorium for fiscal year 2013 on any new loan guarantees under what is now known as the section 1703 loan guarantee program. To offset the loss of administrative revenue that would no longer come to the Department of Energy if the amendment passes, the amendment cuts $33 million from administrative costs that will not be necessary if the program is suspended. This program, originated in the Energy Policy Act of 2005, offers a guarantee for the loans that finance an energy project. With that kind of guarantee, the risk for the loaning entity is considered lower, which means they can charge a lower interest rate to the people initiating the energy project. In other words, it saves the project money. But it also puts the taxpayers on the hook if the project defaults.

Section 1703 projects cover nuclear, coal, and even renewable energy. The closer we look at the guarantees, the less they seem like a worthwhile investment for the American taxpayer. Let me give you an example.

Some of the biggest guarantees are for nuclear power. One of the first and biggest loans the Department of Energy is considering is one that is not necessary. That's not my assessment; it's the assessment of Kevin Marsh, the president of South Carolina Electric & Gas Company, which is attempting to build a new nuclear power plant. He said on a call to analysts and investors:

We're confident in our ability to finance this project without a loan guarantee.

This program stands to give him and his project, which could be in the $8 billion to $11 billion range, a preemptive bailout that is not even needed.

Here's another example. A loan guarantee that is most likely to be awarded is for a new nuclear plant called Vogtle. That loan guarantee is for $8.3 billion. For those of you who displayed a great deal of concern about Solyndra's loan guarantee, this one is 15 times the size. With a project that big, it makes sense to look closely at the odds of this project going into default, leaving the taxpayers with the price tag. Well, Vogtle already has $913 million in cost overruns, and their SEC filings indicate more overruns can be expected. That, of course, is not at all unusual for a nuclear power plant

project. Construction cost overruns are the rule, not the exception.

Maybe that's why the CBO had this to say about nuclear loan guarantees:

CBO considers the risk of default on such a loan guarantee to be very high—well above 50 percent.

Or maybe they said that because there is another reason to expect nuclear power plants will continue to struggle financially: that reason is the low cost of natural gas that makes it far more attractive than taking multiple risks by going with nuclear power. Dale Klein, a former chairman of the NRC, cautioned that nuclear plants will not move off the blackboard and into construction, not as long as natural gas remains as cheap and plentiful as it is today.

Nuclear power is not the only recipient of government largess under the section 1703 loan guarantee. Even if you are a nuclear power plant supporter, there are plenty of other boondoggles that are covered by this program that I don't have time to go into. That's why Members of Congress on both sides of the aisle can get behind this amendment, which is supported by a bipartisan coalition of groups, including Taxpayers for Common Sense, Friends of the Earth, National Taxpayers Union, and Physicians for Social Responsibility. It is for those who are concerned about wasteful government spending. This program alone will cost the taxpayers over $500 million—not including any defaults the taxpayers may have to cover. This amendment is for those who have concerns about deficit spending. It's for those with free market concerns about an energy technology that is not financially viable even after tens of billions of dollars in subsidies and decades of opportunities to mature to the point where subsidies are not needed. It is for those who are concerned about the effects of these energy technologies on our drinking water, on clean air, on healthy soil, and on climate change. It is for those who have concerns as ratepayers that they'll get stuck holding the bill when an energy project fails and their electricity rates go up. It is for those who found the Solyndra default to be outrageous.

There's a little something for everyone with this amendment. I urge my colleagues to support it, and I yield back the balance of my time.

My amendment would put a moratorium for fiscal year 2013 on any new loan guarantees under what is known as the Section 1703 loan guarantee program. To offset the loss of administrative revenue that would no longer come to the Department of Energy if the amendment passes, the amendment cuts $33 million from administrative costs that will not be necessary if the program is suspended. This program, originated in the Energy Policy Act of 2005, offers a guarantee for the loans that finance an energy project. With that kind of guarantee, the risk for the loaning entity is considered lower, which means they can charge a lower interest rate to the people initiating the energy project. In other words, it saves the project money. But it also puts taxpayers on the hook if the project defaults.

Section 1703 projects cover nuclear, coal, and even renewable energy. The closer we look at the guarantees, the less they seem like a worthwhile investment for the American taxpayer. Let me give you an example.

Some of the biggest guarantees are for nuclear power. One of the first and biggest loans the Department of Energy is considering is one that is not necessary. That is not my assessment. That is the assessment of Kevin B. Marsh, the President of South Carolina Electric & Gas Company, which is attempting to build a new nuclear power plant. He said on a call to analysts and investors, "[W]e are confident in our ability to finance this project without loan guarantee . . ." This program stands to give him and his project, which could be in the 8–11 billion dollar range, a preemptive bailout that is not even needed.

Here's another example. A loan guarantee that is most likely to be awarded is for a new nuclear power plant called Vogtle. That loan guarantee is for 8.33 billion dollars. For those of you who displayed a great deal of concern about Solyndra's loan guarantee, this one is 15 times as big. With a project that big, it makes sense to look closely at the odds of this project going into default, leaving you and me with the price tag. Well, Vogtle already has $913 million in cost overruns and their SEC filings indicate more overruns can be expected. That, of course, is not at all unusual for a nuclear power plant project. Construction cost overruns are the rule, not the exception.

Maybe that is why the Congressional Budget Office had this to say about nuclear loan guarantees; "CBO considers the risk of default on such a loan guarantee to be very high—well above 50 percent." Or maybe they said that because there is another reason to expect nuclear power plants will continue to struggle financially; that reason is the low cost of natural gas that makes it far more attractive than taking multiple risks by going with nuclear power. Dale Klein, a former chairman of the Nuclear Regulatory Commission, cautioned that nuclear plants will not "move off the blackboard and into construction . . . . Not as long as natural gas remains as cheap and plentiful as it is today."

Nuclear power is not the only recipient of government largesse under the section 1703 loan guarantee program. Even if you are a nuclear power supporter, there are plenty of other boondoggles covered by this program that I don't have time to go into.

That is why Members of Congress on both sides of the aisle can get behind this amendment, which is supported by a bipartisan coalition of groups including Taxpayers for Common Sense, Friends of the Earth, National Taxpayers Union, and Physicians for Social Responsibility. It is for those who are concerned about wasteful government spending. This program alone will cost the taxpayers over 500 million dollars—not including any defaults the taxpayers may have to cover. This amendment is for those who have concerns about deficit spending. It is for those with free market concerns about an energy technology that is not financially viable even after tens of billions of dollars of subsidies and decades of opportunities to mature to the point where subsidies are not needed. It is for those who are concerned about the effects of these energy technologies on our drinking water, on clean air, on healthy soil, and on climate change. It is for those who have concerns as ratepayers that they will also get stuck holding the bill when an energy project fails and their electricity rates go up. It is for those who found the Solyndra default to be outrageous.

There is a little something for everyone here. I urge my colleagues to support the Kucinich amendment.

POTENTIAL QUESTIONS

You are targeting nuclear loan guarantees. This is an anti-nuclear amendment.

The Section 1703 loan guarantees will be awarded to a range of energy projects, including some which I wholeheartedly support like renewable energy. I firmly believe that renewables deserve to have aggressive subsidies to help them compete with the fuels of yesterday that have been so heavily subsidized for decades. But I am looking at the big picture here. This program, on balance, is bad policy.

It is bad for our energy portfolio, bad for taxpayers, bad for clean air and water, and bad fiscal policy. Many of my friends on the other side of the aisle have voiced concerns over government picking winners and losers. This qualifies. They have expressed concern about government spending. This is a half billion program at a minimum, probably many times that. They have expressed concern about deficit spending. This is it. They have expressed concern that the free market should reign. This program does the opposite.

This is an anti-renewable amendment,

This is a 32 billion dollar loan guarantee program, of which only between 1.2 billion and 4 billion dollars is dedicated to renewables. The rest goes to unsustainable energy. Still, I don't take the renewable money lightly. I am a major supporter of the solar industry. In fact, I think the rapid and full throated deployment of solar energy should be one of our top priorities in Congress. But I am looking at the big picture here. This program, on balance, is bad policy.

It is bad for our energy portfolio, bad for taxpayers, bad for clean air and water, and bad fiscal policy. Many of my friends on the other side of the aisle have voiced concerns over government picking winners and losers. This qualifies. They have expressed concern about government spending. This is a half billion program at a minimum, probably many times that. They have expressed concern about deficit spending. This is it. They have expressed concern that the free market should reign. This program does the opposite.

This is a limitation amendment so you will not save a half billion dollars.

We will not save the half billion all in one year. But if we hit the pause button on this program to consider it a little more carefully, we won't spend any of that money this year.

Nuclear is viable/a good investment/financially sustainable.

In reaction to Southern Company's investment in new nuclear reactors in 2010, Moody's downgraded its rating of Southern Company's.

The Economist magazine declared in its March 10th issue that nuclear power is "the dream that failed": the plants are too costly and uncompetitive with alternatives.

How will this amendment work?

The CBO determined that budget authority would be increased by this amendment because administrative revenue from the loan guarantee recipients to the Department of Energy would be foregone. CBO estimated that

amount to be $33 million. My amendment offsets that cost to the federal government buy cutting administrative expenses dedicated to running the program this amendment would suspend.

What kind of energy is covered in the loan guarantees?

$18.5 billion for nuclear power plants.

$4 billion for uranium enrichment plants.

$8 billion for non-nuclear technologies; probably coal.

$2 billion for unspecified projects.

$1.183—$3.0 billion for renewable energy and energy efficiency.

TAXPAYERS FOR COMMONSENSE, ACTION,
June 5, 2012.

DEAR REPRESENTATIVE: Together we urge you support the amendment offered by Reps. Kucinich (D–OH) and McClintock (R–CA) amendment to stop the Department of Energy (DOE) Loan Guarantee Program from issuing any new loan guarantees in FY 2013. Created in Title 17 of the 2005 Energy Policy Act, the DOE Loan Guarantee Program has received increased scrutiny with the recent default of a loan guarantee to the solar start-up company, Solyndra. Taxpayers stand to lose $500 million on the failed solar project and billions more could be lost if the program continues in its current form.

The Government Accountability Office (GAO), the DOE Inspector General, and many others have been critical of the existing loan guarantee effort. Recently the GAO found that DOE could not even provide comprehensive information on the current loan guarantee applicants and commitments, and a recent review commissioned by the White House found the program was not proactively protecting the taxpayer or providing for a reasonable prospect of repayment.

A recent audit of the Loan Guarantee Program by the Office of the Inspector General found that the program, ''could not always readily demonstrate . . . how it resolved or mitigated relevant risks prior to granting loan guarantees.'' This creates serious concern for taxpayers that the financial terms of the loans are not being judiciously decided. Furthermore, loan guarantees provided under Title 17 guarantee 100% of a loan for up to 80% of the project cost—leaving taxpayers to shoulder far too much of the project risk. Adding insult to injury, the little protection taxpayers did have in the event of project default was undermined in 2009 when DOE weakened the original statute.

With hundreds of billions in bailouts already on the shoulders of US taxpayers, the country cannot afford to continue a program that could easily become a black hole for tens of billions in new defaults. We urge you to support the Kucinich-McClintock amendment to stop new loan guarantees from the troubled DOE Loan Guarantee Program!

Sincerely,

TAXPAYERS FOR COMMON SENSE ACTION,
NATIONAL TAXPAYERS UNION,
AMERICANS FOR PROSPERITY,
FRIENDS OF THE EARTH,
NONPROLIFERATION POLICY EDUCATION CENTER,
COMPETITIVE ENTERPRISE INSTITUTE,
FREEDOM ACTION,
PHYSICIANS FOR SOCIAL RESPONSIBILITY.

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

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

□ 1950

Mr. FRELINGHUYSEN. Mr. Chairman, I strongly oppose this amendment. It would put in jeopardy thousands of jobs in our energy sector. The types of projects it would jeopardize are entirely different than Solyndra. If the Member wants to reduce the risk of losing taxpayers' dollars, he should look towards the 1705 program, which has already lost over half a billion dollars to risky loans.

This may be a convenient attempt to paint some of these potential loan guarantees with a Solyndra brush, but it just doesn't wash. The companies requesting these loan guarantees are not startups with shaky financial records, but neither are they large enough to have enough capital to fully pay for such massive projects. The loan guarantees help them leverage their capital in a reasonable manner to ensure that the benefits of these technologies can be shared by millions of Americans.

I urge Members to vote ''no'' on this amendment, and 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. Mr. Chairman, I would simply also state my objection to the gentleman's amendment.

I appreciate the concerns he expressed, especially for those projects that may not make economic sense. If in those cases the gentleman is correct, there should be no loan guarantee offered. Having said that, for those programs that are in the queue that are under consideration that make sense and move our energy policy forward, we ought not to prohibit them from doing so by passing this amendment this evening.

I yield back the balance of my time.

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

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

Mr. KUCINICH. 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 Ohio will be postponed.

AMENDMENT OFFERED BY MRS. BLACKBURN

Mrs. BLACKBURN. Mr. 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 the bill (before the short title) insert the following:

SEC. ____. None of the funds made available under this Act may be used to provide new loan guarantees or loan guarantee commitments under section 1705 of the Energy Policy Act of 2005 (42 U.S.C. 16515).

The Acting CHAIR. Pursuant to the order of the House of today, the gentlewoman from Tennessee (Mrs. BLACKBURN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Tennessee.

Mrs. BLACKBURN. Mr. Chairman, since 2009, the Department of Energy has used title 17, and specifically 1705—section 1705—to create a government-run venture capital firm using taxpayers' hard-earned funds. Unfortunately, in this zero-sum game being played and led by this administration, American taxpayers have continually ended up on the short end of the stick as we have watched companies like Solyndra, Beacon Power, and others lose hundreds of millions of taxpayer dollars.

Through section 1705, DOE has closed transactions that guarantee approximately $16.15 billion of loans for renewable-energy projects through a policy of acceleration implemented by Secretary Chu.

With 82 percent of all funding within section 1705 going to solar projects, it appears that even in the field of renewable energy this administration has a very aggressive policy of picking winners and losers.

Throughout the program, there have been countless red flags raised by career DOE staff about the financial viability of firms looking for taxpayer funding, as was the case with Solyndra. Many of us have been around solar power for years. We have watched it go through many stages of development; And while many of these companies have great ideas, they are just not ready for prime time.

The high level of frustration with the loan guarantee program is not only being felt by taxpayers, but by companies who have also tried to go through the loan guarantee process. This amendment should send a clear signal to the Senate, to DOE, and to the administration that we have truly grown ill and fatigued with the mismanagement of the loan guarantee program and that we do not want any funding put into section 1705 in fiscal year 2013 through the appropriations or through any other vehicle.

I ask my colleagues for their support as we close the door on the Solyndra debacle.

Mr. FRELINGHUYSEN. Will the gentlewoman yield?

Mrs. BLACKBURN. I yield to the gentleman from New Jersey.

Mr. FRELINGHUYSEN. We are prepared to accept her amendment.

Mrs. BLACKBURN. I thank the chairman for the acceptance, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Tennessee (Mrs. BLACKBURN).

The amendment was agreed to.

AMENDMENT OFFERED BY MRS. BLACKBURN

Mrs. BLACKBURN. Mr. 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 the bill (before the short title), insert the following:

SEC. ___. Each amount made available by this Act (other than an amount required to be made available by a provision of law) is hereby reduced by 1 percent.

The Acting CHAIR. Pursuant to the order of the House of today, the gentlewoman from Tennessee (Mrs. BLACKBURN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Tennessee.

Mrs. BLACKBURN. I want to thank the committee for its hard work in identifying ways to cut spending in this appropriations. The fiscal year 2013 proposed funding level is $32.1 billion. Now, that is $965 million below the President's budget request. But, Mr. Chairman, there is a lot more that can be done; and thereby I again am making the request that we make an additional 1 percent across-the-board spending reduction which will save taxpayers an additional $321 million.

Now, I am fully aware that as I come with these amendments for each of our appropriations bills, I hear about how these cuts are too deep, they are going to have too far of a reach, they are damaging our national security, they are going to cut things that are important to our life and our property. And imagine that—we are asking the bureaucracy to go in and shave one penny out of a dollar—one additional penny out of a dollar—in order to help put our Nation back on a track to fiscal sanity.

As I've said before, across-the-board spending cuts effectively control the growth and the cost of the Federal Government. They not only give agencies flexibility to determine which expenses are necessary; but, more importantly, they do not pick winners and losers. Not only do I support the use of across-the-board spending cuts, but so does former Governor Mitt Romney, Governor Chris Christie, Governor Rick Perry, Governor Mitch Daniels, Governor Brian Schweitzer, and Governor Christine Gregoire, just to name a few of the Nation's chief executives of their States.

In the chairman's own State of New Jersey, I would like to point out Governor Christie's statement. Now, this was November 7, 2010 on ''Meet the Press.'' Governor Christie said:

In New Jersey what we did was we cut spending in every department, a 9 percent cut in real spending, not projected spending, real spending year over year.

That is because these work. And Indiana Governor Mitch Daniels took the State's 2-year budget. He enacted that budget in June, and he cut most agency spending by 10 percent from the previous budget.

□ 2000

And we hear about Indiana being on the road to fiscal health.

Then former Governor Mitt Romney has said, as President, Mitt Romney will send Congress a bill on day one that cuts nonsecurity discretionary spending by 5 percent across the board.

Governor Rick Perry, starting in January 2010, we asked them to identify 5 percent savings in the 2010–11 biennium, and 10 percent for the '12 and '13 biennium. The point, Mr. Chairman, it works. Across-the-board cuts work. We know that. The Governors know it.

The American people have really grown so tired of this wasteful Washington out-of-control spending. They want to see cuts made. Let's do this for our children and grandchildren. Let's cut one penny out of every dollar and have the bureaucracy do exactly what our small businesses are doing every single day—sitting down, making cuts, figuring out how they're going to handle very difficult economic times.

I ask for the support.

I yield back the balance of my time.

Mr. FRELINGHUYSEN. I rise to seek time in opposition, Mr. Chairman.

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

Mr. FRELINGHUYSEN. Mr. Chairman, I rise in strong opposition to this amendment. Our bill already cuts $1 billion from the President's request. We're below 2009 levels. While difficult trade-offs had to be made, the bill, in its current form, balances our needs. We prioritize funding for essential activities and cut out new spending on poorly performing programs. Yet the gentlelady's amendment proposes an across-the-board cut on every one of these programs.

With all due respect, and she's extremely knowledgeable, that's not the way that Governor Christie does it in New Jersey. He takes a look at each program, considers its merit, considers whether it's a proper investment in infrastructure, whether it will promote jobs.

And yet unlike, perhaps, the State budget, we're responsible for nuclear security, for our nuclear stockpile, national security needs.

This is not the way to approach budget cutting. I urge the committee and the House to reject this amendment.

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. I want to add my voice to the chairman's in opposition.

The gentlewoman talked about a 1 percent cut. I would point out that several years ago this Nation spent more money on water projects in one city than we did on every water project in the United States of America. The city was New Orleans, because we didn't make the proper investment up front.

I don't think we should risk losing one life. And I would acknowledge that we have already reduced the Corps' budget from existing year level by $216 million.

We have at least a third of the harbors in this Nation that are not dredged to depth. Every time a ship comes in or leaves that is not fully loaded, there is a job that is lost, one job or more. There is $1 of profit for that shipper, for that company, or more that is lost. Those are the numbers I'm worried about.

I strongly oppose the gentlewoman's amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Tennessee (Mrs. BLACKBURN).

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

Mrs. BLACKBURN. 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 gentlewoman from Tennessee will be postponed.

AMENDMENT OFFERED BY MS. JACKSON LEE OF TEXAS

Ms. JACKSON LEE of Texas. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The Clerk read as follows:

Page 56, after line 24, insert the following new section:

SEC. 510. None of the funds made available by this Act for ''Department of Energy; Energy Programs; Science'' may be used in contravention of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.).

The Acting CHAIR. Pursuant to the order of the House of today, the gentlewoman from Texas (Ms. JACKSON LEE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Texas.

Ms. JACKSON LEE of Texas. Mr. Chairman, I hope that my appreciation to the ranking member and the chairman is evidenced by hoping to offer an amendment that is a reflection of the time that I served on the Science Committee for 12 years, and now almost a decade plus on Homeland Security.

When we speak about jobs, we understand that jobs are equated to education, and the education that is the key of today in the 21st century is science, technology, engineering, and math.

I had the privilege of participating in one of the largest robotic competitions among students from around the world, hosted in Houston, Texas, sponsored by the Harmony School. It was amazing, Mr. Chairman, to see the outstanding and talented young people, particularly from the United States, but hosting individuals from around the world. The camaraderie, the collegiality around not war but peace and how to use science, technology, engineering, and math to improve the quality of life of all who live in this world was amazing.

But more importantly, as we look to America and the creation of jobs, we must create a new generation of inventors knowledgeable about science,

technology, engineering, and math similar to what NASA did in inspiring young people to go into physics, biology, chemistry, and a variety of sciences, all desiring be to be astronauts, many of whom became medical doctors.

Now, as we begin to look at regaining our manufacturing prowess, science, technology, engineering, and math are key. The United States economic base has shifted from the manufacturing of durable goods to processing and analyzing information.

In this information-driven economy, the most valuable assets are human resources in science, technology, engineering, and math. But, in addition, manufacturing can be bolstered by science, technology, engineering, and math. It is so important, then, to ensure that we prepare the next generation.

This amendment is simply a restatement and an affirmation of the importance of the fact of the Department of Energy energy programs, science, and that we reinforce the value of these programs. I have seen it firsthand. I am promoting, and many Members as well, science, technology, engineering, and math in their particular communities.

The National Assessment of Educational Progress, the Nation's education report card, shows that fewer than 40 percent of students at every grade level tested are proficient in math and science. In 2006, only 4.5 percent of college graduates in the United States received a diploma in engineering.

So I ask my colleagues to just reinforce our commitment to job creation; to science, technology, engineering, and math; to inventiveness; to world peace; to the collaboration of young people in this generation moving forward to make a better quality of life for all who are in this world.

Mr. FRELINGHUYSEN. Will the gentlewoman yield?

Ms. JACKSON LEE of Texas. I would be happy to yield to the gentleman.

Mr. FRELINGHUYSEN. We are prepared to accept your amendment.

Ms. JACKSON LEE of Texas. I thank the gentleman very much, and I thank the committee for its work.

I ask my colleagues to support the amendment.

I yield back the balance of my time.

Mr. Chair, I rise today to offer an amendment to H.R. 5325, the ''Energy and Water Appropriations Development Act, FY 2013.'' My amendment will protect funds provided for Science under Title III of the Department of Energy's Energy Programs. This amendment addresses the need to increase programs that educate minorities in science, technology, engineering and mathematics (STEM), as well as, the need to train teachers and scientists in advanced scientific and technical practices.

As a former Member of the Committee on Science, Space, and Technology, I recognize the importance of developing a highly skilled technical workforce. Over the last 50 years, there have been major changes in the United States in terms of both the economy and the population.

The economic base has shifted from the manufacturing of durable goods to processing and analyzing information. In this information-driven economy, the most valuable assets are human resources. Therefore, in order to compete successfully in the global economy, the U.S. needs citizens who are literate in terms of science and mathematics, and a STEM workforce that is well educated and well trained (Friedman 2005, National Academy of Sciences 2005, Pearson 2005). Consequently, we cannot—literally or figuratively—afford to squander its human resources; it is imperative that we develop and nurture the talent of all its citizens.

The jobs of tomorrow will require workers who possess strong advanced science, engineering and math backgrounds. Other countries are training and educating their citizens in these areas and we must do the same. By investing in the scientific advancement of our workforce and our youth, we are investing in our future . . . we are investing in job creation . . . we are investing in greater job opportunities for Americans. This investment is the only way to address the increasing knowledge gap between our nation's workforce and those of our international counterparts. We must invest in our citizens. My amendment will ensure the funds that have been made available will be utilized for that purpose.

PROGRAM 1: WORK FORCE AND DEVELOPMENT PROGRAMS FOR TEACHERS AND SCIENTISTS

The work force and development program for teachers and scientists is vital to ensure that we have an adequate amount of properly educated and trained teachers and scientists. Under H.R. 2354, workforce development for teachers and scientists is funded at $17,849,000, which is $4,751,000 below the fiscal year 2011 level, which is a devastating $17,751,000 below the President's requested amount. This is a draconian cut which will have drastic effects on an already struggling workforce. My amendment would ensure that the amount provided to this program would remain intact.

The workforce development program for teachers and scientists provides funding to graduate fellowship programs which train and develop our Nation's top scientists, engineers, and teachers. These individuals go on to become researchers and innovators—contributing to American business and, moreover, the U.S. economy. Fellowship programs like these are exactly what our country needs in order to develop a highly skilled technical workforce.

As we have heard time and time again in many different contexts, our country suffers from a shortage of scientists and engineers. Moreover, our country is dealing with a lack of qualified instructors, at all levels—elementary, secondary, and post-secondary—to teach STEM subjects—science, technology, engineering, and mathematics.

The United States faces a critical shortage of highly qualified mathematics and science teachers, we will need an additional 283,000 teachers in secondary school settings by 2015 to meet the needs of our Nation's students. This qualified teacher shortage is particularly pronounced in low-income, urban school districts. As BHEF reported in A Commitment to America's Future: Responding to the Crisis in Mathematics and Science Education, high teacher turnover in conjunction with increasing student enrollment and lower student-to-teacher ratios will cause annual increases in the mathematics and science teacher shortage culminating in a 283,000-person shortage by 2015.

Fewer American students than ever are graduating from college with math and science degrees. In 2006 only 4.5 percent of college graduates in the United States received a diploma in engineering, compared with 25.4 percent in South Korea, 33.3 percent in China, and 39.1 percent in Singapore.

The problem is systemic. According to the National Center for Education Statistics, about 30% of fourth graders and 20% of eighth graders cannot perform basic mathematical computations. Today, American students rank 21st out of 30 in science literacy among students from developed countries and 25th out of 30 in math literacy. If this trend continues, there will be dire consequence for our children and our economy.

To be sure, in order to train and develop the amount of scientists, educators, and teachers of STEM subjects that our country needs, we would really need more of these graduate fellowship programs. As reflected in the budgetary request, which H.R. 5325 fails to meet, an increased number of graduate fellowships would be ideal to invest in our future.

At the very least, we would want to keep the same amount of graduate fellowships available. Unfortunately, the proposed amount appropriated to these programs under H.R. 2354 ignores the current shortage of scientists and teachers, and irresponsibly ignores our future by providing for a lesser amount of graduate fellowships.

PROGRAM 2: SCIENCE, TECHNOLOGY, ENGINEERING, AND MATHEMATICS (STEM)

I have long recognized the need to improve the participation and performance of America's students in Science, Technology, and Engineering and Math (STEM) fields.

Traditionally, our Nation recruited its STEM workforce from a relatively homogenous talent pool consisting largely of non-Hispanic White males. However, this pool has decreased significantly due not only to comprising an increasingly smaller proportion of the total U.S. population but also to declining interest among this group in pursuing careers in STEM.

It is important to note that the need to improve the participation of underrepresented groups—especially underrepresented racial/ethnic groups—in STEM is not solely driven by demographics and supply-side considerations; an even more important driver is that STEM workers from a variety of backgrounds improve and enhance the quality of science insofar as they are likely to bring a variety of new perspectives to bear on the STEM enterprise—in terms of both research and application (Best 2004; Jackson 2003; Leggon and Malcom 1994).

The current state of STEM education is deplorable. In 2006 only 4.5 percent of college graduates in the United States received a diploma in engineering, compared with 25.4 percent in South Korea, 33.3 percent in China, and 39.1 percent in Singapore. Today, American students rank 21st out of 30 in science literacy among students from developed countries and 25th out of 30 in math literacy. If this trend continues, there will be dire consequence for our children and our economy.

These numbers are discouraging, but the statistics on minority students in the STEM fields are even more alarming. In 2004, African American and Hispanic students were

among the least likely groups to take advanced math and science courses in high school. Even as African Americans, Hispanics, and Native Americans comprise an increasingly large portion on the population, they continue to be underrepresented in the science and engineering disciplines. Together, these three groups account for over 25% of the population, but only earn 16.2% of bachelor's degrees, 10.7% of master's degrees, and 5.4% of doctorate degrees in the science, math and engineering fields. This fact directly contributes to the unacceptable underrepresentation of African American and Hispanics in the STEM workforce. If we choose to continue to ignore this problem, we are not only shortchanging our students' success, we will be giving up on our nation's future.

Many school districts across the nation have begun to recognize this problem and work towards a strategic solution. In my home district for example, several public schools and charter schools have started to allocate funds towards programs aimed at increasing STEM performance.

For example the Harmony Science Academy in Houston devotes an impressive amount of time and resources towards educating the city's youth in the sciences. Small class sizes, high expectations for students, and well-qualified teachers helped this school make it to Newsweek magazine's list of best high schools in America. Harmony Science Academy is a success story we can all be proud of. Unfortunately, schools like this are the exception and not the rule.

In many school districts there simply are not enough resources available to make our children science and math literate. There is a shortage of qualified teachers, many classes are woefully overcrowded and some schools just cannot afford the materials and books that students need in order to master basic math and science concepts. I cannot stand idly by while we fail to give our children the educational tools they need to succeed in life and gain employment.

This amendment recognizes the importance of equipping young minds with the technological and scientific knowledge necessary to compete in a globalized economy. Further, within the context of globalization, I strongly believe that this country's ability to achieve and maintain a high standard of living is dependent on the extent to which it can harness science and technology. Thus, in order to enhance the international competitiveness of the country, it is critical for us to promote and support students pursuing careers in STEM fields.

Mr. Chair, it is essential that we invest in a workforce ready for global competition by creating a new generation of innovators and make a sustained commitment to federal research and development. We need to spur and expand affordable access to broadband, achieve energy independence, and provide small business with tools to encourage entrepreneurial innovation.

The establishment and maintenance of a capable scientific and technological workforce remains an important facet of U.S. efforts to maintain economic competitiveness. Pre-college instruction in mathematics and scientific fields is crucial to the development of U.S. scientific and technological personnel, as well as our overall scientific literacy as a nation. The value of education in science and mathematics is not limited to those students pursuing a degree in one of these fields, and even students pursuing nonscientific and nonmathematical fields are likely to require basic knowledge in these subjects.

Mr. Chair, the United States has a great history of scientific innovation. From Ben Franklin to NASA to Silicon Valley, the success and competitiveness of America has always depended on the knowledge and skills in the STEM fields. Funding my amendment today will help ensure that the American legacies of intelligence, innovation, and invention continue. Today I urge my colleagues to support this amendment and invest in America's future.

FAST FACTS ON STEM—LIMITATION AMENDMENT

The Importance of STEM fields to the U.S. economy:

The U.S. economic base has shifted from the manufacturing of durable goods to processing and analyzing information. In this information-driven economy, the most valuable assets are human resources in science, technology, engineering, and mathematics fields.

In 2005, the National Academy of Sciences published a report entitled ''Rising Above the Gathering Storm,'' which estimated that in the United States innovations generated by the Science, Technology, Engineering, and Mathematics (STEM) fields account for nearly half of the growth in gross domestic product.

More than 3 million job openings in STEM related fields will be created by 2018 that will require a bachelor's degree or higher (Georgetown Center on Education and the Workforce).

The Bureau of Labor Statistics reports that science and engineering occupations are projected to grow by 21.4% from 2004 to 2014, which is significantly higher than the projected growth of 13% in all other occupations during the same time period.

The Crisis in STEM education:

The National Assessment of Educational Progress (NAEP)—the Nation's education report card—shows that fewer than forty percent of students, at every grade level tested, are proficient in math and science.

In 2006, only 4.5 percent of college graduates in the United States received a diploma in engineering, compared with 25.4 percent in South Korea, 33.3 percent in China, and 39.1 percent in Singapore.

Today, American students rank 21st out of 30 in science literacy among students from developed countries and 25th out of 30 in math literacy.

At our current rate, the United States falls short of project workforce needs in the STEM fields by more than a million workers (National Science Foundation).

Underrepresentation of Minorities and Women in STEM fields:

Recent statistics provided by the Engineering Workforce Commission indicate a large disparity in STEM education between men and women, and between minorities and Caucasians.

African American and Hispanic students were among the least likely groups to take advanced math and science courses in high school.

Together, these three groups account for over 25% of the total U.S. population, but only earn 16.2% of bachelor's degrees, 10.7% of master's degrees, and 5.4% of doctorate degrees in the science, math and engineering fields.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Texas (Ms. JACKSON LEE).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. LUETKEMEYER

Mr. LUETKEMEYER. Mr. 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 the bill, before the short title, insert the following:

SEC. ____. None of the funds made available in this Act may be used to continue the study conducted by the Army Corps of Engineers pursuant to section 5018(a)(1) of the Water Resources Development Act of 2007.

The Acting CHAIR. Pursuant to the order of the House of today, the gentleman from Missouri (Mr. LUETKEMEYER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Missouri.

Mr. LUETKEMEYER. Mr. Chairman, last year the United States was pummeled by severe weather that destroyed land, homes, businesses, and even lives. Families living along the Missouri River endured another year of significant flooding that left them physically and economically underwater.

In the first half of 2012 alone, millions of American tax dollars have gone toward environmental restoration and recovery programs, while maintenance of our Nation's infrastructure has been neglected.

President Obama, in his fiscal year 2013 budget, requested more than $90 million for the Missouri River Recovery Program, which would primarily go toward the funding of environmental restoration studies and projects.

□ 2010

This figure should alarm all of my colleagues.

In fiscal year 2012, the President requested $70 million for this program. These are staggering increases from the $50 million request that was seen in fiscal year 2008, and the Corps has little to show for its increased spending. Moreover, the fiscal year 2013 request dwarfs the insufficient $7.8 million requested for the entire Bank Stabilization and Navigation Program from Sioux City to the mouth of the Missouri.

I do not take for granted the importance of river ecosystems. I grew up along the Missouri River, as did so many of the people I represent. Yet, we have reached a point in our Nation at which we value the welfare of fish and birds more than the welfare of our fellow human beings. Our priorities are backwards, Mr. Chairman.

This exact amendment passed by voice vote during the fiscal year 2012 appropriations consideration. It is supported by the American Waterways Operators, the Coalition to Protect the Missouri River, the Missouri and Illinois Farm Bureaus, and the Missouri and Iowa Corn Growers Associations, which propose a prohibition of funding

for the Missouri River Ecosystem Restoration Plan, or MRERP.

By the way, the end of the study will in no way jeopardize the Corps' ability to meet the requirements of the Endangered Species Act. MRERP is one of no fewer than 70 environmental and ecological studies focused on the Missouri River. The people who have had to foot the bill for these studies, many which take years to complete and are ultimately inconclusive, are the very people who last year lost their farms, their businesses, and their homes.

This amendment will eliminate a study that has become little more than a tool of the administration's and environmentalists for the promotion of the return of the river to its most natural state with little regard for flood control, navigation, trade, power generation, or the people who depend on the Missouri River for their livelihoods.

Our vote today will also show our constituents that this Congress is aware of the gross disparity between the funding for environmental efforts and the funding for the protection of our citizens. During the debate on fiscal year 2012 appropriations, the House passed by voice vote this exact language, which was ultimately signed into law by President Obama.

It is time for Congress to take a serious look at water development funding priorities, and it is time to send a message to the Federal entities that manage our waterways. I urge my colleagues to support this amendment and to support our Nation's river communities.

I yield back the balance of my time.

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

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

Mr. VISCLOSKY. Mr. Chairman, the WRDA bill 2007, which was passed with much bipartisan support, so much so that it overcame a Presidential veto, authorized the Corps to undertake the Missouri River Ecosystem Restoration Plan and to develop the Missouri River Recovery Implementation Committee to consult on the study. This authority provided a venue for collaboration between the 70 stakeholder groups of tribes, States, public interest groups, and Federal agencies to develop a shared vision and comprehensive plan for the restoration of the Missouri River ecosystem.

At this time, by prohibiting the Corps from expending any 2013 funds on the study and the committee, we would continue to delay that start. I believe this would be very shortsighted and would lead to a further erosion of trust in the delicate partnership in the basin. While the Corps will continue to comply with Endangered Species' requirements through other activities, I believe there is a role for a long-term plan for this basin. Again, I would urge my colleagues 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 Missouri (Mr. LUETKEMEYER).

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

Mr. BERG. 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 Missouri will be postponed.

AMENDMENT OFFERED BY MS. JACKSON LEE OF TEXAS

Ms. JACKSON LEE of Texas. Mr. 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 the bill (before the short title), insert the following:

SEC. ____. For an additional amount for ''Department of Energy—Energy Programs—Energy Efficiency and Renewable Energy'', as authorized by sections 131(c)(4), 131(d)(4), 135(j), 207(c), 229(d), 244(f), 246(d), 321(g)(2), 422(f), 439(e), 452(f)(1)(E), 495(d), 625(e), 641(p), 652(d), 655(k), 656(j), 703(b), 705(b)(4), 803(c), 805(e)(6), 807(c)(2), and 1303(c) of the Energy Independence and Security Act of 2007, sections 712(c) and 1008(f)(7)(A) of the Energy Policy Act of 2005, and section 399A(i) of the Energy Policy and Conservation Act, there is appropriated, and the amount otherwise made available for ''Atomic Energy Defense Activities—National Nuclear Security Administration—Weapons Activities'' is hereby reduced by, $10,000,000.

The Acting CHAIR. Pursuant to the order of the House of today, the gentlewoman from Texas (Ms. JACKSON LEE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Texas.

Ms. JACKSON LEE of Texas. For a number of years, Mr. Chairman—and to my colleagues, again, I thank the chairman and ranking member—I practiced energy law in the State of Texas.

For a number of years, I worked with advocacy groups that were crying out for an energy policy in this Nation, one that would respect the assets that we've been blessed with in this country. Texas is blessed with a number of assets, particularly wind and solar, as it has fossil fuel, shale—opportunities to ensure that America remains independent in the quest for energy independence.

My amendment recognizes the holistic approach to energy. In recognizing the various resources that our State has and many other States, it is a very, very small contribution, but an important contribution, for the Energy Efficiency and Renewable Energy program.

Whenever you speak to the multinationals, I will assure you that all of them have within their companies an emphasis or a section on the Energy Efficiency and Renewable Energy program. This is an essential office that invests in clean energy technologies, an office that is created to strengthen our economy and protect our environment. It works well simultaneously along with the other very important programs in the U.S. Department of Energy.

Under H.R. 5325, this development program fosters research, providing to innovators the funds and resources they need to develop energy-efficient equipment that can be used at home, by the construction industry, and in the transportation market. The main concept is that this can create jobs, that partnerships can create jobs. This program is designed to develop cost-efficient methods through the use of renewable energy practices for the home. Financial incentives are provided to builders that utilize methods that result in the reduction of energy use during construction, as well as to manufacturers within the transportation industry who research and design energy-efficient vehicles.

I have had the privilege of going through energy-constructed homes. What a unique difference. Builders across America are crying out for the opportunity to experiment with these very special, unique tools. I would ask my colleagues to consider the job creation aspect of renewable energy and the role that it plays in a holistic energy policy. I ask my colleagues to support this amendment.

Mr. VISCLOSKY. Will the gentlelady yield?

Ms. JACKSON LEE of Texas. I yield to the gentleman from Indiana.

Mr. VISCLOSKY. I simply would voice my support for her amendment.

Ms. JACKSON LEE of Texas. I thank the gentleman very much.

I reserve the balance of my time.

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, this amendment would risk our nuclear security activities in order to add unnecessary funding to energy efficiency and renewable energy programs.

Our bill preserves the funding for that account's highest priorities and those accounts that help advance American manufacturing and that help our companies compete globally and address soaring gas prices. Additional funding for Energy Efficiency and Renewable Energy is unwarranted, especially when it comes at the expense of national security. So I strongly urge my colleagues to vote against the gentlewoman's amendment.

I yield back the balance of my time.

Ms. JACKSON LEE of Texas. Mr. Chairman, how much time do I have remaining?

The Acting CHAIR. The gentlewoman has 2½ minutes remaining.

Ms. JACKSON LEE of Texas. I respect and thank the gentleman from Indiana very much, the ranking member, for his support of the amendment, and I thank him for his leadership.

I appreciate the chairman's commentary, but that is why I attempted to be very responsible and balanced.

□ 2020

This is a mere—though I take that word seriously—$10 million. And let me tell you why it is enormously important. The U.S. Department of Energy report found that wind energy could supply 20 percent of the Nation's electricity by 2030. We're fast approaching that, which could entail 300,000 megawatts of new wind-generating capacity.

There are States throughout the United States that would have a great opportunity for increased job creation and businesses around wind capacity. Again, a holistic approach to energy. Nearly $20 billion will be saved if the energy efficiency of commercial and industrial buildings improved by 10 percent.

As a member of the Homeland Security Committee overseeing the Homeland Security Department, I know we look at all aspects to secure our Nation. Energy independence, in spite of the fact of our diversity in resources, is extremely important. That's why I believe a holistic approach is crucial. This helps the holistic approach. As we continue in States that deal with fossil fuel, this is equally important. Thirty percent of energy in buildings is used inefficiently or unnecessarily. Ethanol is a clean renewable energy. It is helping to reduce our Nation's dependence on oil and offers a variety of economic, environment benefits.

Again, I'm not too unappreciative, if you will, of the diversity of energy in this country not to look at all aspects of it. And I do hope that we can have a holistic approach. I think this contributes to that holistic approach, taking into account all aspects of energy in a unified energy policy.

I ask my colleagues to support this amendment, and I yield back the balance of my time.

Mr. Chair, I rise today to offer an amendment to H.R. 5325, the "Energy and Water Appropriations Development Act, FY 2013." My amendment provides to increase funds by $10,000,000 for the Energy Efficiency and Renewable Energy Program.

The Energy Efficiency and Renewable Energy Program is an essential office that invests in clean energy technologies created to strengthen our economy and protect our environment.

Under H.R. 5325, this development program fosters research providing funds to innovators with the resource they need to develop energy efficient equipment that can be used at home, by the construction industry and in the transportation market.

This program is designed to develop cost efficient methods through the use of renewable energy practices for the home. Financial incentives are provided to builders who utilize methods that results in the reduction of energy use during construction, as well as, manufactures within the transportation industry who research and design energy efficient vehicles.

Providing additional funding to this program today only advances research that may one day result in a significant decrease in our dependence on energy from foreign sources that are hostile to U.S. interest. In addition, this program will positively impact rising fuel prices affecting Americans across the country.

It is this research which will ultimately contribute to sustaining our economy by looking for domestic solutions to energy concerns thus reducing foreign dependency on highly consumed substances such as oil. Likewise it provides incentives to businesses taking initiatives to conserving energy by creating tools directly effecting solar, wind and water energy. Programs like these are vital to the Americans, in order to develop a highly skilled technical workforce to address current energy issues that have generational effects on our families and our land.

FAST FACTS

The U.S. Department of Energy's Building Technologies Program reduced energy costs for consumers and businesses by billions of dollars, as well as associated energy use and emissions, through setting minimum energy performance standards for appliances and commercial equipment.

To date, every Federal dollar spent has resulted in an average of $650 in net savings, and has also helped spur product innovation. As of 2010, consumers and businesses have saved $15 billion per year, and this annual amount is expected to nearly double by 2025.

Buildings use more energy than any other sector of the U.S. economy, consuming more than 70 percent of electricity and over 50 percent of natural gas.

A U.S. Department of Energy (DOE) report found that the wind energy could supply 20 percent of the Nation's electricity by 2030, which would entail 300,000 megawatts (MW) of new wind generating capacity.

Nearly $20 billion would be saved if the energy efficiency of commercial and industrial buildings improved by 10 percent.

Thirty percent of energy in buildings is used inefficiently or unnecessarily.

Ethanol is a clean, renewable fuel. It is helping to reduce our Nation's dependence on oil and offers a variety of economic and environmental benefits. Today, on a life cycle basis, ethanol produced from corn results in about a 20 percent reduction in GHG emissions relative to gasoline. With improved efficiency and use of renewable energy, this reduction could be as much as 52 percent.

One hundred ten (110) manufacturers joining the Better Buildings, Better Plants Program to gain recognition and technical support from the U.S. Department of Energy (DOE). Demonstrated their commitment to energy savings by signing a voluntary pledge to reduce energy intensity by 25 percent over 10 years. These companies are implementing cost-effective energy efficiency improvements that reduce their bottom lines while enhancing U.S. competitiveness.

Household vehicle ownership has changed over the last six decades. In 1960, over 20 percent of households did not own a vehicle, but by 2010, that number fell to less than 10 percent. The number of households with three or more vehicles grew from 2 percent in 1960 to nearly 20 percent in 2010. Before 1990, the most common number of vehicles per household was one, but since 1990, the most common number of vehicles is two.

Starting in 1980, more than 50 percent of American households owned two or more vehicles.

The typical U.S. family spends at least $2,000 a year on home utility bills. This amount can be lowered by up to 25 percent by engaging in more efficient methods to save energy within the home.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Texas (Ms. JACKSON LEE).

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

Ms. JACKSON LEE of Texas. 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 gentlewoman from Texas will be postponed.

AMENDMENT OFFERED BY MR. LUETKEMEYER

Mr. LUETKEMEYER. Mr. 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 the bill (before the short title), insert the following:

SEC. ___. None the funds made available by this Act may be used for the study of the Missouri River Projects authorized in section 108 of the Energy and Water Development and Related Agencies Appropriations Act, 2009 (division C of Public Law 111–8).

The Acting CHAIR. Pursuant to the order of the House of today, the gentleman from Missouri (Mr. LUETKEMEYER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Missouri.

Mr. LUETKEMEYER. Mr. Chairman, last year, parts of the Missouri River basin faced some of the worst flooding in history. This devastation, combined with our dire financial climate and the aging waterways infrastructure, means that now, more than ever, we must be deliberative, focused, and responsible with taxpayer-funded projects and studies.

My amendment would prohibit funding for the duplicative Missouri River Authorized Purposes Study, also known as MRAPS. This amendment was passed by the House during both fiscal year 2011 and 2012 debates. MRAPS is a $25 million earmark study that comes on the heels of a comprehensive $35 million 17-year study completed in 2004.

Some may say that we need MRAPS to examine the causes and impacts of the 2011 flooding. That simply isn't the case. First and foremost, every member of the Missouri River basin is on record as supporting flood control as the most important authorized purpose. It's something that we take very seriously. The last thing we need is another 17-year, highly litigious study to tell us that flood control is important.

Thousands of Missouri River basin residents who lost their homes and businesses deserve action, not distraction. What we need to do is take legitimate steps that focus on protecting life and property and improving the safety and soundness of our flood-control system. It is also important to note that there are many commercial advantages

provided by our inland waterway system. The Missouri River plays an integral part in both domestic and international trade. MRAPS puts the uses of the Missouri and Mississippi Rivers in jeopardy, which could result in devastating consequences for navigation along both. That's why the Missouri waterways operators, the Coalition to Protect the Missouri River, the Missouri and Iowa Corn Growers Associations, and the Missouri and Illinois Farm Bureaus support this amendment.

This study is duplicative and wasteful of taxpayer dollars. On this exact issue, we've already spent 17 years and $35 million on hundreds of public meetings and extensive litigation. Again, I offered identical language to the fiscal year 2011 continuing resolution. That amendment passed by a vote of 245 to 176. In the fiscal year 2012 debate, this exact amendment passed by a voice vote and was ultimately included in a package signed by the President. I appreciate my colleagues who offered their support and hope to have their support once again.

Mr. Chairman, there is no doubt in my mind that water resources receive too little funding. It is time for the Federal Government to refocus and reprioritize to create safer, more efficient infrastructure for our inland waterways and stop spending hard-earned taxpayer dollars unnecessarily.

I ask for my colleagues' support of this amendment, and 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. Mr. Chairman, my understanding is there is no money in the bill for this project, so I do not know why the gentleman is offering it. But I have no objection to it, and I yield back the balance of my time.

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

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

Mr. BERG. 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 Missouri will be postponed.

AMENDMENT NO. 17 OFFERED BY MR. CRAVAACK

Mr. CRAVAACK. 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:

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 by the Department of Energy to require grant recipients to replace any lighting that does not meet or exceed the energy efficiency standard set forth in section 325 of the Energy Policy and Conservation Act (42 U.S.C. 6295).

The Acting CHAIR. Pursuant to the order of the House of today, the gentleman from Minnesota (Mr. CRAVAACK) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Minnesota.

Mr. CRAVAACK. Mr. Chairman, I rise to offer an amendment that would protect universities, nonprofits, and businesses who receive Federal grants from having to implement the light bulb ban. Even though the Department of Energy has been prohibited from carrying out the light bulb ban by last year's Energy and Water appropriations bill, and will in this bill as well in section 316 of FY12 omnibus appropriations bill, it however included a requirement that recipients of all Department of Energy grants in excess of $1 million certify that they will replace all light bulbs in their facilities that do not meet the energy-efficiency standards instituted by the 2007 energy bill.

This requirement was driven by the Senate. The House passed a DOE spending bill that did not include a similar provision or debate and vote on this significant requirement. This is a particularly burdensome provision that in some ways goes well beyond the actual light bulb ban that prohibits manufacture and sale of 100 watt bulbs, and beginning in July 2013, 75 watt bulbs.

Rather than allowing the DOE grantees to replace bulbs as they burn out, this requirement forces small businesses and universities across the country to immediately replace existing light bulbs. This makes absolutely no sense. This forces extra costs on grant recipients and effectively means funds otherwise intended for actual research activities must instead be dedicated to purchasing new light bulbs to replace perfectly functional ones. This amendment allows the House to explicitly go on record opposing this unnecessary and burdensome requirement.

I encourage my colleagues to support this commonsense amendment.

Mr. FRELINGHUYSEN. Will the gentleman yield?

Mr. CRAVAACK. I yield to the gentleman from New Jersey.

□ 2030

Mr. FRELINGHUYSEN. I am pleased to support the gentleman's amendment.

Mr. CRAVAACK. I reserve 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. Mr. Chairman, I firmly believe that the issues that inspire Congress to enact energy efficiency standards in the Energy Policy and Conservation Act of 2007 have not changed and, if anything, they have gotten worse. Families continue to struggle every day to meet rising energy bills, and there are real savings to be had by moving to more efficient illumination.

However, if this bill is going to carry a provision prohibiting the Department of Energy from implementing and enforcing the light bulb efficiency standards, then it does not make much sense to hold DOE grant recipients to the standard.

I surmise that most recipients of DOE grants who tend to be pretty energy savvy have already made the transition to light bulbs and are enjoying their energy savings as we in the House rehash and debate the exaggerated doubt of the incandescent light bulb. However, I do not oppose the amendment of the gentleman from Minnesota.

I yield back the balance of my time

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

The Acting CHAIR (Mr. CHAFFETZ). The question is on the amendment offered by the gentleman from Minnesota (Mr. CRAVAACK).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. CRAVAACK

Mr. CRAVAACK. Mr. 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 the bill (before the short title), insert the following:

SEC. ____. None of the funds made available in this Act may be used to develop or submit a proposal to expand the authorized uses of the Harbor Maintenance Trust Fund described in section 9505(c) of the Internal Revenue Code of 1986 (26 U.S.C. 9505(c)).

The Acting CHAIR. Pursuant to the order of the House of today, the gentleman from Minnesota (Mr. CRAVAACK) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Minnesota.

Mr. CRAVAACK. Mr. Chairman, in the Transportation and Infrastructure Committee last year, Jo-Ellen Darcy, Assistant Secretary of the Army for Civil Works, testified that the administration was preparing to expand the scope of projects eligible to receive Harbor Trust Fund monies. She alluded to the administration's interest in using the Harbor Trust Fund for port security, among other things.

While I support the funding of port security through appropriations, I oppose repurposing the Harbor Maintenance Trust Fund while our Nation's maritime infrastructure is in a state of disrepair. Eight out of 10 of the Nation's largest harbors are not dredged their authorized depths and widths.

Mr. Chairman, make no mistake: This has direct impact on American job creation and prosperity. When American ships have to light load to clear the shallowest channel, American economic productivity is lost.

For instance, every inch silted in the American Laker Fleet collectively, per voyage, leaves 8,000 tons of Minnesota

iron ore on the docks in Duluth. That's enough to produce over 6,000 cars.

Moreover, light loading causes increased transportation costs for our exports and decreases our national economic competitiveness. Every billion dollars in exports, Mr. Chairman, translates into 15,000 jobs.

We must, Mr. Chairman, ensure that the monies intended for dredging are not siphoned off for other programs. My amendment will prohibit monies from being used by the administration to develop a plan or draft legislation to expand the scope of projects eligible to receive Harbor Maintenance Trust Fund monies. American shippers are taxed specifically to maintain the channels they and our Nation depend on. It is imperative that we ensure that the Harbor Trust Fund monies be spent as they were intended, thereby ensuring American competitiveness and proliferation of American jobs.

I am thankful that the administration has dropped this misguided proposal in their budget proposal this year, but the only way to ensure that this doesn't return in a midnight rule is to prohibit the funding in this bill. I ask my colleagues to join me in supporting this amendment.

I reserve 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. Mr. Chairman, while I agree with the gentleman from Minnesota that the moneys from the Harbor Maintenance Trust Fund should not be diverted from their intended purpose of dredging, I do think it is an overreach for the legislative branch to prohibit the executive branch from even discussing the topic. I do think we are in a position where looking forward we ought to let other branches of government talk about ideas and concepts so that they can be debated by this body.

Additionally, though, we all know that any proposal put together by the executive branch to expand eligible activities under the Harbor Maintenance Trust Fund without first addressing the surplus and addressing backlog issues would not be considered in either House of Congress.

Again, I do not believe particularly that the amendment is necessary. That being said, I do not oppose its inclusion in the bill.

I yield back the balance of my time.

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

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

The amendment was agreed to.

AMENDMENT NO. 18 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:

At the end of the bill (before the short title) insert the following:

SEC. ____. None of the funds made available under 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).

The Acting CHAIR. Pursuant to the order of the House of today, the gentleman from Maryland (Mr. HARRIS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Maryland.

Mr. HARRIS. Mr. Chairman, this amendment would prohibit the use of funds for many of the international projects in the Office of Energy Efficiency and Renewable Energy—that's EERE—including the President's plan to spend $600,000 on ''sustainable cities'' projects in China and India. My amendment is identical to one I offered last year that was successfully adopted by this Chamber.

I would also like to congratulate the chairman of the committee for his own action regarding this issue. The chairman's bill reduces funding for EERE by $428 million from last year's level. He makes the hard choices required to address our country's deficit and spending problems.

This amendment supports language in the report that accompanied the FY 2012 appropriations bill. In that report, the chairman was able to retain much of last year's amendment by directing the DOE to only fund projects that directly benefit the United States, such as increasing American energy self-sufficiency, furthering United States research efforts or reducing domestic pollution.

Unfortunately, the Department of Energy is failing to follow these clear instructions. Instead, they are choosing to spend money in China and India on foreign sustainable cities projects, even as we borrow money from China to pay our national debt.

Mr. Chairman, we must take great care how we spend our constituents' paychecks. I don't believe these projects make the best use of hard-earned taxpayer money. There are greater needs that remain unmet and a massive Federal debt and annual deficit that continues to drag down our entire economy, as was demonstrated in today's Congressional Budget Office report. I urge adoption of the 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. Mr. Chairman, I rise in opposition to the amendment offered by my colleague from Maryland. The amendment would essentially create an energy renewable program for the U.S.-Israel program by restricting the EERE international program from dealing with any other country.

I certainly am a supporter of the country of Israel, and Israel has a vibrant and cutting-edge clean energy industry, but I do not believe that we ought to limit this program to one country out of many, and think that it would be a mistake to put all of our international program eggs into a single basket.

This program, which directly supports the mission of the Department to advance the development and deployment of clean energy technologies, needs to be able to establish relationships with multiple partner countries in order to be effective.

□ 2040

The program's technical assistance activities help to prime markets for us for clean technologies in major emerging economies. The program can bring home lessons learned from others' experiences to share with national, State, and local authorities. The program can also promote U.S. national security and potentially reduce price volatility of fossil energy resources by decreasing the influence of oil-exporting countries and mitigating world demand for oil.

Again, this is an excellent program. I do not believe it ought to be simply limited to one country. I am opposed to the gentleman's amendment, and 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 NO. 10 OFFERED BY MR. BURGESS

Mr. BURGESS. 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:

At the end of the bill, before the short title, insert the following new section:

SEC. ____. None of the funds made available in this Act may be used—

(1) to implement or enforce section 430.32(x) of title 10, Code of Federal Regulations; or

(2) to implement or enforce the standards established by the tables contained in section 325(i)(1)(B) of the Energy Policy and Conservation Act (42 U.S.C. 6295(i)(1)(B)) with respect to BPAR incandescent reflector lamps, BR incandescent reflector lamps, and ER incandescent reflector lamps.

The Acting CHAIR. Pursuant to the order of the House of today, the gentleman from Texas (Mr. BURGESS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. BURGESS. The passage in this House back in 2007 of the Energy Independence and Security Act was something that has caused a great deal of difficulty across the country. I have heard from tens of thousands of my constituents on how that language will affect their lives and take away consumer choice for what kind of light bulbs they will use in their home. Mr. Chairman, they are exactly right.

When the government passed energy efficiency standards in other realms over the years, they never went as far as they did this time. They lowered standards drastically. It's now to a point where the technology is, honestly, years off in making light bulbs that are compliant with the law and actually affordable by the consumer.

Light bulb companies have talked about their new bulbs that are compliant with the existing law and that are available now, but at what price? A four-pack of 100-watt incandescent bulbs in my district cost $2.97 at a hardware store last December 31. Now a single bulb will cost $20, $30, $40—even $50.

Opponents to my amendment say that the 2007 language does not ban the incandescent bulb. Well, that's partly true, but it bans the sale of the 100-watt incandescent bulb, and soon the 60-watt and 45-watt bulbs will follow suit because they cannot meet the energy standards supplied in the underlying legislation. The replacement bulbs are far from economically efficient, if indeed they are energy efficient.

But here's the deal. We shouldn't be making these decisions for the American people. Let them decide how much energy they want to consume and how many dollars they want to spend on kilowatt hours every month, not the Federal Government. A family living paycheck-to-paycheck can't afford to replace every bulb in their house at $25 a pop, even if it will last them 20 years.

This exact amendment was passed last year on this appropriations bill by a voice vote. It was signed into law by President Obama. It allows consumers to continue to have a choice and a say as to what they put in their homes. It's common sense. Let's give some relief to American families, at least until replacement light bulbs can be marketed at a price that is reasonable.

I yield back the balance of my time.

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

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

Mr. VISCLOSKY. I would point out to my colleagues that this debate is not about choice—or energy efficiency, for that matter. It is about, from my perspective, endangering American jobs and, specifically, American manufacturing jobs.

We have a significant trade imbalance in this country. Given that American manufacturers have committed to following the law regardless of whether or not it is enforced, the only benefit to this amendment is to allow foreign manufacturers who may not feel a similar obligation to export noncompliant light bulbs that will not only harm the investments made by U.S. companies but place at risk U.S. manufacturing jobs associated with making compliant bulbs.

Further, I believe they represent a tax increase. It represents an equivalent of a $100 tax on every American family—$16 billion across the Nation—through increased energy costs.

The performance standards for light bulbs were established in the Energy Independence and Security Act of 2007. At that time, the bill, as I pointed out in an earlier portion of this debate, enjoyed such strong bipartisan support that we were able to override a Presidential veto of that act. As far as I'm aware, the issues that inspire this standard have not changed, and I would argue have gotten worse.

It is a common misunderstanding that the Energy Independence and Security Act bans the incandescent light bulb and requires people to have the limited choice of only a compact florescent bulb. This is not true. It simply requires that they be more efficient. And I do not see what the harm is in that.

Further, while claiming that the incandescent bulb is dead makes for a great sound bite, it does not reflect reality.

I am opposed to the gentleman's amendment, and I yield back the balance of my time.

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

The amendment was agreed to.

AMENDMENT OFFERED BY MR. TIPTON

Mr. TIPTON. I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The text of the amendment is as follows:

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 to conduct a survey in which money is included or provided for the benefit of the responder.

The Acting CHAIR. Pursuant to the order of the House of today, the gentleman from Colorado (Mr. TIPTON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Colorado.

Mr. TIPTON. Mr. Chairman, I rise today to offer an amendment aimed at ending an egregious practice of wasting taxpayer dollars in this time of mounting Federal debt. This amendment specifically aims to eliminate the Federal Government's recent practice of sending out cash to encourage survey responses favorable to agency goals. I wholeheartedly agree with the general need for public input in our government, but the practice of sending out American taxpayer dollars to encourage public participation, or worse, to buy public support where it might otherwise be lacking, is a symbol of the lack of accountability and how out of touch our Federal Government has become.

For generations, the Bureau of Reclamation has served the Western United States well. Its dams, reservoirs, canals, and hydro-powered turbines have formed the backbone of our communities and provided abundant water and emission-free energy. This was all based on ratepayers paying for almost every cent of these projects at no expense to the taxpayers. Yet that mission is changing, and this couldn't be a better example of just how out of touch the agency has become under this administration.

At issue here is the so-called survey aimed at soliciting local, regional, and national input on the societal need to remove four privately owned dams on the Klamath River. The survey was mailed to 1,000 households in California, Oregon, and selected households in the rest of the Nation. Each of these households received a postcard telling them that the survey was coming. Then a large packet with the survey arrived. In each packet a cover letter, a postage paid return envelope, a survey, and a $2 bill was included to entice the people to respond. That's $22,000 of American taxpayers' money being spent.

To those who did not respond but kept the $2 bill anyway, a Federal Express or priority mail package was sent out. This was sent to 1,245 people, out of which 286 responded.

□ 2050

Each of these 286 respondents was then given $20, which means that $5,720 of additional taxpayer dollars was spent, not including the cost of the FedEx or Priority Mail. Only the Federal Government would further reward people for not responding the first time.

Let's take a look at some of the responses that the Bureau of Reclamation published in a report earlier this year:

''Another waste of taxpayer money,'' one said.

''No wonder the U.S. is having money problems if the government has extra $2 bills to mail out randomly,'' said another.

''Wow, what a waste of time. I have neither the time or interest in something I have not a clue about happening clear across the country. Sorry. P.S. Thanks for the 2 bucks,'' yet another wrote.

In all fairness, there were some positive responses. But, I think this comment says it best:

''Send me no more. Thank you.''

And that's what this amendment does, Mr. Chairman. It simply prohibits the Bureau of Reclamation and other agencies covered under the legislation from funding a survey in which money is included or provided for the benefit of the responder. It doesn't say that the Federal Government can't have public input or send out surveys, which is necessary to the process. It simply says no more giving away taxpayer dollars.

The above amounts may not seem a lot in this day of trillion-dollar budgets, but it is symbolic of the waste and abuse going on here.

To make matters worse, the Bureau of Reclamation has yet to fully answer

and comply with a request made months ago by Natural Resources Chairman DOC HASTINGS and the Water and Power Subcommittee Chairman TOM MCCLINTOCK that is aimed at answering the rationale about the survey, the overall cost of this survey, and why taxpayer dollars were included. The American people deserve answers. They deserve transparency that apparently this administration will not give. In the interim, however, they deserve to know that their government will not be sending out their hard-earned tax dollars on a dam removal survey by an organization that was once dedicated to building dams.

I urge my colleagues to end this blatant waste of taxpayer fraud and abuse by supporting this amendment, and I yield back the balance of my time.

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

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

Mr. VISCLOSKY. I am happy to accept the gentleman's amendment, and I yield back the balance of my time.

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

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

Mr. TIPTON. 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 MS. JACKSON LEE OF TEXAS

Ms. JACKSON LEE of Texas. Mr. 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 the bill (before the short title), insert the following:

SEC. ____. The amounts otherwise provided by this Act are revised by reducing the amount made available for ''Atomic Energy Defense Activities—National Nuclear Security Administration—Weapons Activities'', and increasing the amount made available for ''Corps of Engineers-Civil—Department of the Army—Operation and Maintenance'', by $52,000,000.

Mr. FRELINGHUYSEN. Mr. Chairman, I reserve a point of order.

The Acting CHAIR. A point of order is reserved.

Pursuant to the order of the House of today, the gentlewoman from Texas (Ms. JACKSON LEE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Texas.

Ms. JACKSON LEE of Texas. Mr. Chairman, I again ask my colleagues to support this amendment because anyone who has lived near a port understands what the Army Corps of Engineers is going through. We spend our time working with the Corps on this issue of dredging. In every port in the United States, millions of dollars are lost because of the inability of access and the difficulty of making sure that our Nation's ports are ready for the increase in business.

The Transportation Institute Center for Ports and Waterways indicated, analyzing the direct economic effects of channel restrictions and the loss of 1 foot of draft from the Houston ship channel, as an example, and the data was collected from the years 2008 and 2009, the study determined that a direct economic impact of the loss of 1 foot over 2 years amounts to $373 million. This, in fact, is an account that has been authorized, as evidenced by the Army Corps, which deals in particular with the Department of Army Operations and Maintenance. This infusion is to assist in making sure that jobs are saved and jobs are created.

The study does not consider other effects that are very real but are extremely difficult to measure, but they can measure what the lack of dredging can bring about. I would make the argument that in ports that are competing with world ports, accessibility is crucial.

I ask my colleagues to be reminded that we are in the business of creating jobs. It seems ridiculous that we cannot add to an existing account to create jobs, to assist in one of the largest ports in the Nation, ports along the west coast, ports along the gulf, and ports along the east coast, all ports that are engaged in receiving large vessels that are bringing in goods and large vessels going out with manufactured and other goods from the United States of America.

I ask my colleagues to support this amendment, and I reserve the balance of my time.

Mr. FRELINGHUYSEN. Mr. Chairman, I rise to claim time in opposition.

The Acting CHAIR. Does the gentleman continue to reserve his point of order?

Mr. FRELINGHUYSEN. Yes, I do.

The Acting CHAIR. The gentleman reserves.

The gentleman from New Jersey is recognized for 5 minutes.

Mr. FRELINGHUYSEN. I rise to oppose the gentlewoman's amendment.

As I've said many times, I, too, am concerned about sufficiently maintaining our waterways. These waterways contribute significantly to our national economy by providing a means of cost-efficient cargo transportation. To this end, our bill funds the operations and maintenance account at $2.5 billion, an increase of $109 million above the President's budget request and $95 million above fiscal year 2012.

I would remind the gentlewoman that under the earmark ban, the final bill cannot include funding to a specific project in an amount above the President's budget request.

Instead of increasing funding for specific projects, our bill includes additional funding for categories of ongoing projects—including an additional $189 million for navigation dredging—with final project-specification allocations to be made by the administration. The project my colleague is interested in would be eligible to compete for this additional funding.

As an offset, this amendment strikes funding for the modernization of our nuclear weapons stockpile and its supporting infrastructure. Ensuring adequate funding to maintain our nuclear weapons is my highest priority for our bill. The increases provided in this bill for nuclear security have received strong bipartisan support.

This amendment unacceptably strikes funding for both of these priority investments, which are both urgent and overdue. I strongly urge my colleagues to make defense a priority and vote ''no'' on this amendment, and I yield back the balance of my time.

POINT OF ORDER

Mr. FRELINGHUYSEN. Mr. Chairman, I raise a point of order against the amendment.

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

Mr. FRELINGHUYSEN. The amendment proposes to increase an appropriation not authorized by law, and therefore is in violation of clause 2(a) of rule XXI.

Although the original account funding for the Corps of Engineers—Civil—Department of Army—Operations and Maintenance is unauthorized, it was permitted to remain in the bill pursuant to the provisions of the rule that provided for the consideration of this bill. When an unauthorized appropriation is permitted to remain in a general appropriations bill, an amendment merely changing that amount is in order, but the rules of the House apply a ''merely perfecting standard'' to the items permitted to remain and do not allow the insertion of a new paragraph—not part of the original text permitted to remain—to increase a figure permitted to remain.

I would further say the account contains funding for projects not entirely authorized.

The amendment cannot be construed as merely perfecting, and therefore, Mr. Chairman, I ask that the Chair rule the amendment out of order.

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

Ms. JACKSON LEE of Texas. Mr. Chairman, I do.

The Acting CHAIR. The gentlewoman is recognized on the point of order.

Ms. JACKSON LEE of Texas. I thank the gentleman from New Jersey for his expression. What I would argue is: What are Members here to do?

I would vigorously disagree this is an earmark. I believe there is authorization, in particular under operation and maintenance. But the dilemma that the gentleman is making an argument on is whether or not you can increase it versus reducing it. And so what my argument is is that this is a general increase to operation and maintenance

with no specific tie to indicate that it is an earmark.

□ 2100

There is no monetary benefit to me as a Member of Congress, publicly stated on the floor of the House. Therefore, this is to increase millions of jobs in America, in ports around America, for an issue that is devastating to ports and that the Army Corps of Engineers is being overwhelmed, that is, the requirement of dredging. Dredging equals allowing the quality of vessel to increase by tonnage, to bring in and take out goods that Americans have manufactured and goods that Americans are seeking to import with our allies and trading partners.

It is to increase jobs. Therefore, I'd make the argument that we are bound by rules that have nothing to do with earmarks if you are, in essence, placing funding into existing accounts to help Americans—all of America—and to build our ports—all of our ports—making them more secure and making them more accessible so that the goods of Americans can go to and fro, and that jobs can multiply.

If one port alone, by one foot of inaccessibility, lack of dredging, loses $373 million, multiply that by the number of major ports in the United States from the East to the southern coastline to the west coast. I make the argument that this is an amendment that can stand on its own and should not be subject to a point of order.

I ask my colleagues to support the amendment.

The Acting CHAIR. Does any other Member wish to be heard on the point of order? If not, the Chair is prepared to rule.

The proponent of an item of appropriation carries the burden of persuasion on the question whether it is supported by an authorization in law. Having reviewed the amendment and entertained argument on the point of order, the Chair is unable to conclude that the item of appropriation in question is authorized in law. For example, the manager has stated that the account contains funding for unauthorized projects and the Chair would note that some items appropriated in the Operation and Maintenance account are not modified by the phrase ''as authorized by law.''

Under the precedents of July 12, 1995, and July 16, 1997, an amendment adding matter at the pending portion of the bill to effect an indirect increase in an unauthorized amount permitted to remain in a portion of the bill already passed in the reading is not ''merely perfecting'' for purposes of clause 2(a) of rule XXI. The Chair is therefore constrained to sustain the point of order under clause 2(a) of rule XXI.

AMENDMENT OFFERED BY MR. ROHRABACHER

Mr. ROHRABACHER. Mr. 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 the bill (before the short title) insert the following:

SEC. ____. None of the funds made available under this Act may be used for the U.S. China Clean Energy Research Center.

The Acting CHAIR. Pursuant to the order of the House of today, the gentleman from California (Mr. ROHRABACHER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. ROHRABACHER. Mr. Chairman, my amendment would prevent any funds in this bill from being spent on the U.S.-China Clean Energy Research Center.

Our Department of Energy is using our taxpayer dollars to help China to develop their energy systems. This specific expenditure is $37.5 million over 5 years. China should be spending their own money for developing their own energy systems.

With the miserable shape of our budget and our economy, the last thing we should be doing is depleting our resources to help the Chinese become more efficient and thus more competitive. We are borrowing money from Communist China, paying interest on that money, and then turning around and subsidizing the development of a high-tech manufacturing sector in China that will take away more American jobs. This is as nutty as it gets.

The Department of Energy is helping the Communist Chinese to build electric vehicles. Over the next 20 years, the electric vehicle industry may well be creating 130,000 up to maybe 350,000 American jobs. As of 2010, 30,000 Americans are already working in the electric vehicle and advanced battery industries. Tesla Motors in my State is already doing it. Why are we spending our tax dollars to put these jobs in jeopardy by improving the Chinese ability to build such cars? Why does our government want to ship jobs to China and subsidize the effort?

The Clean Energy Research Center also shares American know-how with China in advanced coal technology. The global value of electricity generated using clean coal technologies was $63 billion in 2010 and by 2020 will reach $85 billion. U.S. companies have the potential to capture the global market and can sell American-designed and -built technology to China, but if we give the Chinese access to our research now, our lead in this area will be undercut. Why are we undercutting ourselves?

Last month, the U.S. Department of Commerce announced anti-dumping tariffs on Chinese companies for unfair trade practices regarding solar panels. Sixty-six Chinese producers were named, which suggests this is a concerted effort to undermine the United States market.

In 2011, the U.S. imported over $3 billion worth in Chinese panels, and since 2001 our share of the global market in these panels has shrunk from 27 percent to just 5 percent. Over 100,000 American jobs depend directly or indirectly on the success of the U.S. solar industry. Why are we subsidizing the Chinese development of this technology?

China is not playing by the same rules that we're playing by. The Office of the National Counterintelligence Executive released a report last year which states:

Chinese actors are the world's most active and persistent perpetrators of economic espionage.

Among the technologies which they have the greatest interest in is stealing. And what they're interested in stealing is the cutting-edge energy technologies that we are developing with our expertise.

Let's stop paying the Chinese to give them access to our best scientists, research centers, and technology. They are already stealing enough intellectual property to enhance their own economic and military power. They are robbing us blind, but we are not blind. This is happening right in front of our face. America's high-tech industry—whether in energy, aerospace, or any other kind of manufacturing—should be way out in front of the competition. Why are we helping China close that gap?

This amendment would put a stop to over $7 million annually that is being used to bolster the efforts of our Chinese adversary. Transferring technology or funds to help develop that technology to a strategic rival makes no sense whatsoever. I urge my colleagues to support my amendment and put an end to it.

I reserve the balance of my time.

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

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

Mr. FRELINGHUYSEN. Mr. Chairman, I certainly share some of my colleague's concerns. We should not be sending Department of Energy funding overseas if it doesn't benefit our citizens or it undermines our own competitiveness. But we cannot assume that all international cooperation is objectionable. The research the gentleman's amendment would eliminate is both a proper role for Federal funds and directly benefits America.

Let me first point out these research centers are not a donation to China. They are funded in equal parts by China and the United States. They actually support three consortia centered at West Virginia University, the University of Michigan, and Lawrence Berkeley National Lab in his own home State. They fund research at seven American national laboratories, five American universities, and 40 American companies, institutes, and other organizations. There's nothing nutty about that, Mr. Chairman.

I certainly share the concerns that we keep intellectual property and manufacturing here at home. To address

these concerns, these research centers signed agreements to protect American intellectual property while allowing us to take advantage of new joint discoveries. Eliminating these centers altogether would harm American researchers, American scientists, American innovation, and American job creation.

I oppose his amendment, and I yield back the balance of my time.

Mr. ROHRABACHER. Mr. Chairman, how much time is remaining?

The Acting CHAIR. The gentleman from California has 30 seconds remaining.

Mr. ROHRABACHER. Well, I'll make this very quick.

We're not talking about all cooperation. I'm not opposed to all cooperation. I'm opposed to cooperation with the Adolf Hitlers of our day—the people who are murdering Christians and other religious people as we speak. No, we should not be cooperating with that government in developing their technologies, whether it's energy or otherwise.

□ 2110

All of these different groups that are cooperating with them, this is part of a group that also has research going on throughout our universities of the United States. That makes it even worse because you have Chinese nationals there who are taking as much of the information as they can and taking it back to China from our universities.

We should be opposed to this. Let's stand up for the American worker and what's right.

I yield back the balance of my time.

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

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

Mr. ROHRABACHER. 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 ask unanimous consent that the request for a recorded vote on the first amendment offered by the gentleman from Missouri (Mr. LUETKEMEYER) be withdrawn, to the end that the Chair put the question de novo.

The Acting CHAIR. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

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

The amendment was agreed to.

AMENDMENT OFFERED BY MR. ENGEL

Mr. ENGEL. Mr. 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 the bill (before the short title), insert the following:

SEC. ____. None of the funds made available by this Act may be used by the Department of Energy or any other Federal agency to lease or purchase new light duty vehicles, for any executive fleet, or for an agency's fleet inventory, except in accordance with Presidential Memorandum-Federal Fleet Performance, dated May 24, 2011.

The Acting CHAIR. Pursuant to the order of the House of today, the gentleman from New York (Mr. ENGEL) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from New York.

Mr. ENGEL. Mr. Chairman, on May 24, 2011, President Obama issued a memorandum on Federal Fleet Performance that requires all new light duty vehicles in the Federal fleet to be alternate fuel vehicles, such as hybrid, electric, natural gas or biofuel, by December 31, 2015.

My amendment echoes the Presidential Memorandum by prohibiting funds in the Energy and Water Development and Related Agencies Appropriations Act from being used to lease or purchase new light duty vehicles except in accord with the President's Memorandum.

I've introduced a similar amendment to five different appropriations bills in the past, including last year's Energy and Water Appropriations Bill, and each time my amendment was accepted and passed by voice vote. My amendments have also been accepted to the Commerce, Justice and Science appropriations bill for FY 2013, and the Agriculture, Defense and Homeland Security appropriations bills for FY 2012.

Mr. FRELINGHUYSEN. Will the gentleman yield?

Mr. ENGEL. I yield to the gentleman.

Mr. FRELINGHUYSEN. We're prepared to accept your amendment again.

Mr. ENGEL. Thank you very, very much.

I just want to say, before I sit down, that this is truly a bipartisan effort. And I want to pay tribute to my good friend, the gentleman from Illinois (Mr. SHIMKUS) who has been working with me on this open fuel standard. We've introduced a bill, H.R. 1687, which requires 50 percent of new automobiles in 2014, 80 percent in 2016 and 95 percent in 2017, to be warranted to operate on nonpetroleum fuels in addition to or instead of petroleum-based fuels.

I want to just say that compliance possibilities include the full array of existing technologies, including flex fuel, natural gas, hydrogen, biodiesel, plug-in electric drive and fuel cell, and a catch-all for new technologies.

So I thank the gentleman from New Jersey for accepting this.

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. ENGEL).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. STEARNS

Mr. STEARNS. Mr. 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 the bill (before the short title), insert the following:

SEC. ____. None of the funds made available by this Act may be used by the Department of Energy to subordinate any loan obligation to other financing in violation of section 1702 of the Energy Policy Act of 2005 (42 U.S.C. 16512) or to subordinate any Guaranteed Obligation to any loan or other debt obligations in violation of section 609.10 of title 10 of the Code of Federal Regulations.

The Acting CHAIR. Pursuant to the order of the House of today, the gentleman from Florida (Mr. STEARNS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Florida.

Mr. STEARNS. I rise to offer an amendment on behalf of myself, Mr. SCALISE of Louisiana, Mrs. ADAMS of Florida and Mr. BROUN of Georgia.

My colleagues, this simple amendment will prohibit the Department of Energy from using any funds included in this bill to subordinate any loan obligation to other financing in violation of the Energy Policy Act of 2005. That was the original intent of Congress.

As chairman of the Energy and Commerce Committee's Subcommittee on Oversight and Investigation, I've led the investigation into the administration's rushed decision to loan Solyndra, a California-based solar panel manufacturing company, $535 million in taxpayers' money that was ultimately lost.

During this investigation, it was uncovered that, shockingly, the Department of Energy knew as early as August 2009 that Solyndra would go bankrupt in September of 2011, but simply proceeded to risk more taxpayers' funds throughout that time.

The investigation also discovered that following meetings with outside investors, DOE made the unprecedented decision on December 10, 2010, to subordinate $75 million of taxpayer money so more private capital could be injected into Solyndra.

Subordination gave private investors' money priority over taxpayers' money, meaning that, in the event of bankruptcy, private investors would be paid back before the taxpayers. But Secretary Chu wasn't allowed to subordinate the taxpayers' money.

As I mentioned earlier, the Energy Policy Act of 2005 states that DOE loan guarantees are not to be subordinated to other financing, and it was clear what the intent of Congress was.

In fact, DOE went out of its way to violate the will of Congress and sought the opinion of outside counsel on the legality of the subordination. And based upon this opinion, they made a decision to subordinate. And it all hinged on the word ''is,'' the meaning of the word ''is.''

In a 17-page draft memo obtained by the Energy and Commerce Committee,

DOE's private attorneys, they seem to acknowledge that the law prohibits the subordination of Department-guaranteed funds. However, this draft memo was never finalized. Instead, an email was sent by a lawyer at the law firm stating that DOE's rationale for subordination was, ''it makes the best possible case based on a reasonable interpretation supported by restructuring policy arguments.''

Now, Secretary Chu also ignored important parts of the law. The law required the Energy Secretary to notify the Attorney General in the event of a default on a loan guarantee. In a December 13, 2010 letter to Solyndra, Jonathan Silver, then-executive director of the DOE's loan program, notified Solyndra it was in default. However, Secretary Chu did not alert the Attorney General, as required by law.

In addition, Treasury and OMB officials' emails clearly indicate they believed DOE's legal justification for placing taxpayers at the back of the line was inconsistent with their interpretation of the law, and advised DOE to seek a legal opinion from the Justice Department.

□ 2120

In an August 17, 2011, email, Department of the Treasury Assistant Secretary for Financial Markets Mary Miller sent an email to Jeffery Zients, Deputy Director of OMB, in which she stated:

Our legal counsel believes that the statute and the DOE regulations both require that the guaranteed loan should not be subordinate to any loan or other debt obligation.

It is clear, Mr. Chairman, that every step of the way the Department of Energy ignored the law and did whatever it wished in order to push through the subordination.

Our investigation continues. I and my colleagues on Energy and Commerce are working on a permanent legislation solution to ensure that taxpayers are never, ever again stuck paying hundreds of millions of dollars because of the Obama administration's risky bets and decisions to put taxpayers at the back of the line. I encourage all of my colleagues to support this amendment.

Mr. FRELINGHUYSEN. Will the gentleman yield?

Mr. STEARNS. How much time, Mr. Chairman, do I have left?

The Acting CHAIR. The gentleman has 30 seconds remaining.

Mr. STEARNS. I yield to the gentleman from New Jersey.

Mr. FRELINGHUYSEN. Mr. Chairman, I am pleased to support the amendment. I commend the gentleman for his investigations and his conclusion.

Mr. STEARNS. I yield the balance of my time to my colleague from Florida (Mrs. ADAMS).

Mrs. ADAMS. Mr. Chairman, I rise this evening in support of the Adams-Stearns-Scalise-Broun amendment, which ensures the protection of taxpayer dollars at the Department of Energy. American taxpayers were left out in the cold when President Obama's administration went through with this loan when the now-defunct bankrupt Solyndra was restructured.

In the restructuring agreement, the Department of Energy ensured investors and special interests would recover their money first, before the American taxpayers. This is unacceptable.

Although the Department of Energy continues to argue that it has the power under Federal law to put the needs of the American taxpayer at the back of the line in a financial crisis, this amendment makes it absolutely clear the Department shall not do it again.

This amendment will ensure that if the taxpayers take a risk, they will be protected when the loan goes bad. I thank Chairman STEARNS, and Representatives SCALISE and BROUN for their leadership on this issue and I urge support of this amendment.

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

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

Mr. STEARNS. 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 Florida will be postponed.

AMENDMENT OFFERED BY MS. JACKSON LEE OF TEXAS

Ms. JACKSON LEE of Texas. Mr. 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 the bill (before the short title), insert the following:

SEC. ___. The amounts otherwise provided by this Act are revised by reducing the amount made available for ''Atomic Energy Defense Activities—National Nuclear Security Administration—Weapons Activities'', and increasing the amount made available for ''Corps of Engineers-Civil—Department of the Army—Construction'', by $10,000,000.

The Acting CHAIR. Pursuant to the order of the House of today, the gentlewoman from Texas (Ms. JACKSON LEE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Texas.

Ms. JACKSON LEE of Texas. Mr. Chairman, this is my ''can we all get along'' amendment. I thank, again, the chairman and ranking member for their work on this bill.

My amendment would be helpful to the Army Corps of Engineers and their work on our east coast, on our gulf, and on our west coast because it deals specifically with restoration. It sends a strong message to the importance of restoration and its issue of national importance. It talks about the economic well-being of the regions along the Nation's coastlines, and it provides an opportunity for restoration.

There is no doubt that over the years our coastlines have deteriorated and that wetlands have not been protected. We've experienced a devastating spill on the gulf coastline, and so many along that coastline, from Florida to Alabama to Louisiana to Texas and in between, have experienced a negative impact on their wetlands and their coastline. This takes a mere $10 million—again, I say it with respect—to assist the Nation in providing aid and improvement to the Nation's coastlines, which, again, produce opportunities of economic development, tourism, and various protections for a coastline that has suffered under neglect.

The United States Army Corps of Engineers estimates that 60 percent of the coastline along the gulf is eroding. The coast loses up to 10 feet of shoreline a year, with 225 acres of topsoil washing into the gulf coast. Funds are needed to preserve the gulf coast as well as other coasts. This will, in turn, protect the economic stability of that region.

Just a few months ago, I introduced H.R. 3710, which would provide for the added opportunity of protecting the coastline as well as for deficit reduction through an energy security fund. The legislation would provide funds for programs to help with the restoration as it establishes grants for States along our coastal areas—a coastal and disaster grant program and a national grant program—to address coastal and ocean disasters and the restoration, protection, and maintenance of the coastal areas and oceans, including research and programs in coordination with State and local agencies.

I look forward to the hearing and passage of that legislation, but today I rise to support the Nation's coastal region and to provide these resources. With that, I ask my colleagues to support this amendment.

I reserve 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. I share the gentlewoman's support for smart investments in our Nation's water resources infrastructure. I well understand the economic benefits of spending money on these needs.

I would remind the gentlewoman, under the earmark ban, the final bill cannot include funding to a specific project in an amount above the President's budget request. Instead, the bill includes additional funds for categories of projects with final project-specific allocations to be made by the administration. As an offset, this amendment strikes the funding for the modernization of our nuclear weapons stockpile and its supporting infrastructure.

For that reason alone, I oppose the bill, and I urge my colleagues to do so as well.

I yield back the balance of my time.

Ms. JACKSON LEE of Texas. Mr. Chairman, I would make the point that this is included in this bill on page 3,

under ''Construction.'' I don't view this in particular as an earmark as much as I do as putting in resources necessary for the protection of our coastline. Again, it is not excessive. It does not undermine the atomic program. What it does is to help millions of Americans along the coastline and particularly those who have experienced deterioration going from the east coast to the west coast.

Certainly, I believe this is one on which we can join together and support. It is constructive; it is productive; it creates jobs; it creates an economic engine; and it protects one of our most valued resources, and that is the Nation's coastline, wetlands included. It is compatible with those who are fishing, with those who are exploring, and with those who are enjoying.

I think it is crucial that this amendment be passed by this House in a constructive way in order to create jobs, to move this Nation forward, and to preserve the bounty of the environment that we've been given to protect. I ask my colleagues to support the Jackson Lee amendment, which deals with the restoration of our coastline.

I yield back the balance of my time.

Mr. Chair, I rise today to offer an amendment to H.R. 5325, the ''Energy and Water Appropriations Development Act, FY 2013.'' My amendment would increase the Army Corps of Engineers Construction Account by $10 million for Texas Coastal Restoration and reduce the Atomic Energy Defense Account by the same amount.

My amendment sends a strong message that gulf restoration is of national importance. In addition to all the Gulf Coast States, Texas plays a crucial role in the Gulf Coast's economic well-being and deserves funds for its restoration as well.

THE IMPORTANCE OF THE TEXAS GULF COAST

Texas boasts a 370 mile long coastline that plays a major role in the state and the nation's economy.

The state hosts three of the country's top ten ports and is ranked number one in the nation in the total value of waterborne commerce, most of which is dependent on the Gulf ports.

The Texas Gulf Coast also plays a major role in the tourism industry. Texas gets over $445 million a year from cruise ships and earns a quarter of the coast's travel dollars. The state also accounts for 37 percent of the Gulf of Mexico's tourism and recreational employment.

In 2008, the Gulfs oil and gas development generated about $26 billion in wages.

Erosion is steadily threatening to destroy the Texas coast's success. The United States Army Corps of Engineers estimates that 60 percent of the Texas coastline is eroding.

The coast loses up to 10 feet of shoreline a year with 225 acres of topsoil washing into the Gulf Coast.

Funds are needed to help preserve the Texas Gulf Coast which will in turn protect the economic stability of the gulf coast region.

This Congress I introduced a bill which is also designed to help restore our Gulf Coast. H.R. 3710, ''The Deficit Reduction, Job Creation and Energy Security Act.''

My bill directs the Secretary of Interior to increase the 5-Year oil and gas leasing program of lease sales designed to best meet the Nation's energy needs by 10 percent of the total acreage contained in the OCS Lands Act.

This 10 percent added acreage shall be known as the Deficit Reduction Energy Security Fund. For 15 years after issuance of the first lease or receipt of the first payment coming from the Deficit Reduction Energy Security Fund, all proceeds shall be deposited into an interest bearing account for a period of 2 years.

Upon expiration of the 2 year period, these proceeds shall be distributed as follows: The interest gained during 2 year period shall be placed in the Coastal and Ocean Sustainability and Health Fund; and the principle from the Deficit Reduction Energy Security Fund shall be applied directly toward deficit reduction.

My bill, H.R. 3710, not only increases access to oil and gas leases it also funds programs to help with Gulf Restoration as it establishes grants for states (Coastal and Disaster Grant Program and a National Grant Program) for addressing coastal and ocean disasters, restoration, protection, and maintenance of coastal areas and oceans, including research and programs in coordination with state and local agencies.

I firmly believe that we must continue to support Gulf Restoration which is why I offered the bill H.R. 3710 and why I propose the amendment today. I urge my colleagues to support my amendment which is intended to restore our nation's Gulf Coast.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Texas (Ms. JACKSON LEE).

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

Ms. JACKSON LEE of Texas. 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 gentlewoman from Texas will be postponed.

AMENDMENT OFFERED BY MR. MULVANEY

Mr. MULVANEY. Mr. 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 the bill (before the short title), insert the following:

SEC. ____. (a) Each amount made available by this Act (other than an amount required to be made available by a provision of law) is hereby reduced by 24 percent.

(b) The reduction in subsection (a) shall not apply to the following accounts:

(1) ''Corps of Engineers—Civil—Department of the Army''.

(2) ''Department of Energy—Energy Programs—Nuclear Energy''.

(3) ''Department of Energy—Energy Programs—Non-Defense Environmental Cleanup''.

(4) ''Department of Energy—Energy Programs—Nuclear Waste Disposal''.

(5) ''Department of Energy—Atomic Energy Defense Activities—National Nuclear Security Administration—Weapons Activities''.

(6) ''Department of Energy—Atomic Energy Defense Activities—National Nuclear Security Administration—Defense Nuclear Nonproliferation''.

(7) ''Department of Energy—Atomic Energy Defense Activities—National Nuclear Security Administration—Naval Reactors''.

(8) ''Department of Energy—Atomic Energy Defense Activities—National Nuclear Security Administration—Office of the Administrator''.

(9) ''Department of Energy—Environmental and Other Defense Activities—Defense Environmental Cleanup''.

(10) ''Department of Energy—Environmental and Other Defense Activities—Other Defense Activities''.

(11) ''Independent Agencies—Defense Nuclear Facilities Safety Board''.

(12) ''Independent Agencies—Nuclear Regulatory Commission—Salaries and Expenses''.

(13) ''Independent Agencies—Nuclear Regulatory Commission—Office of the Inspector General''.

(14) ''Independent Agencies—Nuclear Waste Technical Review Board''.

Mr. MULVANEY (during the reading). Mr. Chairman, I ask unanimous consent to dispense with the reading.

The Acting CHAIR. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

The Acting CHAIR. Pursuant to the order of the House of today, the gentleman from South Carolina (Mr. MULVANEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from South Carolina.

Mr. MULVANEY. When I was campaigning for this job 2 years ago, one of the things that I told folks back home I would do if I ever got here was to try and roll back discretionary spending to 2008 levels. One of the things I've done since I've been here is work on the Republican Study Committee budgets—we've done two of them now—which try and make an effort to really get our spending addiction under control and lower our deficits and balance our budget in a reasonable amount of time.

□ 2130

As encouraging as this bill is and as much work as the Committee has done on this particular bill, it doesn't accomplish those things. That's why I'm here. I also draw attention to the fact that this bill, as much as an improvement as it has made over previous bills, still spends more money than we did last year.

The amendment, Mr. Chairman, is fairly simple. I seek to cut $3.1 billion from this expenditure. That represents 9½, roughly 10 percent of the overall bill. However, it only represents about one-half of 1 percent of all the discretionary spending. We're spending over a trillion dollars in the discretionary budget this year. More importantly—and what I think the folks back home would like to know—is that it's only one-sixth of 1 percent of the overall Federal expenditures. It's only one penny out of every $6 that we spend. It is our effort to try and bring some sanity to the spending side of the equation. It is not an across-the-board cut.

We have tried, Mr. Chairman, to be smart and sensible where we've cut these funds, and for that reason we do not cut the U.S. Army Corps of Engineer accounts. We do not cut the NNSA accounts. We do not cut the environmental and other defense activities,

non-defense, environmental, nuclear waste disposal, Nuclear Regulatory Commission. What we've cut, Mr. Chairman, are things that need to be cut.

We've cut Federal research on energy efficiency and renewable energy. We propose to cut fossil energy research and development. Yes, a Republican is actually here, Mr. Chairman, arguing that we should get rid of what my colleagues across the aisle would call subsidies for Big Oil. We're trying to get rid of all the subsidies. Imagine that, a world where the Federal Government doesn't actually subsidize energy production in any fashion, but the market takes care of the supply, the demand, and the prices for those products.

We also cut spending on the Appalachian Regional Commission, the Delta Regional Authority Commission, the Denali Commission, the Northern Border Regional Commission, and the Southeast Crescent Regional Commission. Yes, sir, some of those probably are in my district, but goodness gracious, we probably have enough commissions in this government already.

Mr. Chairman, this is a reasoned and a sensible approach to try and cut as much spending as we possibly can, especially in light of today's CBO report that says the debt situation, the debt difficulties that we face are even worse than we've been talking about for the last 18 months in this Congress. For that reason, Mr. Chairman, I ask for support for this amendment, and I ask that my colleagues vote ''yea.''

With that, I reserve 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. Mr. Chairman, our bill already cuts nearly $1 billion from the President's request. We're below 2009 levels. We're actually pretty close to 2008 levels. And the last time I checked, we're in the year 2012.

Spending levels for non-security-related accounts are brought down by more than $800 million from last year's level. And while difficult trade-offs had to be made to get to that level, our bill did the hard work to balance our highest priorities and serve the Nation's most pressing needs. Unfortunately, the amendment proposes an across-the-board cut on many programs, not all programs as the gentleman from South Carolina states, but on many programs that actually serve pressing needs.

Our bill cuts energy efficiency and renewable energy by 24 percent but preserves programs that can address gas prices and help keep manufacturing jobs here at home. That's the focus of the bill: lower gas prices of the future; keep jobs here at home. This amendment would jeopardize those objectives.

Our bill funds fossil energy research that ensures a secure domestic supply of electric and lower gas prices in the future. The amendment indiscriminately cuts many of the activities, many programs.

Our bill funds science research, which is a key component of keeping America competitive. The amendment would do harm to that program. The amendment even cuts funds to the operation of our Strategic Petroleum Reserve, severely curtailing our government's ability to respond to real emergencies.

These are not acceptable cuts, and I strongly oppose the 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. Mr. Chairman, I appreciate the recognition and rise in strong opposition to the gentleman's amendment.

The gentleman, during his debate, mentioned a penny of savings out of a significant sum of monies. I would point out in conjunction with the chairman's remark that the non-security programs in this bill for fiscal year 2013 are $188 million below current year level spending because the subcommittee and the full committee made discreet decisions account by account.

Dependent upon nomenclature—and I don't want to get into a semantic argument—there may be some of these cuts that the gentleman proposes that touch what nominally would be considered defense accounts, but he also makes a point that he is going after non-defense discretionary spending. I assume because he has left defense harmless that he has never read an inspector general's report relative to any defense program in the United States. And he mentioned a penny in his remarks, and I find it curious that he could not find 1 cent of savings out of 1 dollar spent in a defense account.

For that reason among many, I am strongly opposed to the gentleman's amendment. If we are going to, in fact, make an investment in this country and if we are, in fact, going to address our budgetary problems, everybody has got to be on the table with no exceptions.

The gentleman's amendment, from my perspective, is a mistake, and I yield back the balance of my time.

Mr. MULVANEY. Very briefly, Mr. Chairman, I appreciate the gentleman from Indiana's words. I would point out to him, Mr. Chairman, that there are those of us on this side of the aisle that have encouraged us to look at defense spending as ways to cut not just a penny, but to find significant savings.

I'd be curious to know, Mr. Chairman, how the gentleman from Indiana voted last year on my amendment to do exactly that, to freeze military spending at 2011 levels, but that is a discussion for another day.

So with that, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from South Carolina (Mr. MULVANEY).

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

Mr. MULVANEY. 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 South Carolina will be postponed.

AMENDMENT OFFERED BY MR. KING OF IOWA

Mr. KING of Iowa. Mr. 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 the bill (before the short title), insert the following:

SEC. 519. None of the funds made available by this Act may be used to implement, administer, or enforce the requirements in subchapter IV of chapter 31 of title 40, United States Code (commonly referred to as the Davis-Bacon Act).

The Acting CHAIR. Pursuant to the order of the House of today, the gentleman from Iowa (Mr. KING) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Iowa.

Mr. KING of Iowa. Mr. Chairman, this is the Davis-Bacon Act amendment. And for everyone's information, Mr. Chairman, it's this:

The Davis-Bacon Act was an act that was signed into law on or about 1932. It was generated in New York to lock the African Americans out of the construction trades in New York. It is the last remaining vestige of Jim Crow laws in America. It's a union protection law. What it says is that any Federal construction project with 2,000 or more dollars involved in it must meet these Federal prevailing wage standards.

We know—and I've spent 28-plus years as a founder and owner of a construction company and a number of years prior to that. I'm over 30 years in the construction business, Mr. Chairman. We know this amounts to a union-imposed wage scale and federally controlled wage prices. What it does is it increases the cost of our construction projects.

Our records over the years show that someplace between 8 percent and 35 percent is the increase with the Davis-Bacon wage scale as opposed to competition setting those wages. Some of the charts here that I'm looking at show between 9 percent and 37 percent. I just use the number 20 percent more. Our project costs us 20 percent more because of this federally imposed wage scale that's unnecessary, and it cuts out competition.

You can make the decision, then, on whether we want to build 4 miles of road or 5, whether we want to build, Mr. Chairman, four bridges or five, or whether we're going to create and have these construction jobs. Are there

going to be four jobs or are there going to be five?

□ 2140

In many cases if we repeal the Davis-Bacon wage scale, you would have minorities, in fact, you would have a majority of those that would fill those jobs would be minorities.

It takes the Department of Labor 2.3 years just to issue a ruling on whatever the wages might be. I have seen them vary 40, 50 or 60 percent just across the road. That's how far off it is.

What this bill does is it prohibits any funds from being used to enforce or implement the Davis-Bacon wage scale, and it gets us a lot more bang for our buck. It gets us the quality that we have always had, and it puts America back into competition. That's what's built this country.

I urge its adoption, and I reserve the balance of my time.

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

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

Mr. VISCLOSKY. Mr. Chairman, I would note at the beginning of my remarks that Davis-Bacon is a very simple concept and is a very fair one.

The law requires that workers on federally funded construction projects be paid no less than the wages in the community in which the work is being performed for similar work.

Large Federal projects can disrupt local markets if cheap imported labor is used. Davis-Bacon requirements ensure that local workers, citizens, Americans, have a fair chance at bidding for Federal contracts in their own individual communities.

Additionally, prevailing wage protections are not the reason we have deficits. Doing away with them will not result in savings to the Federal Government. Davis-Bacon does not add to a project's total cost. A 2011 study of highway construction projects in the State of Colorado proved this point as it found no statistical significance between the cost of highway projects in the States which were subject to Davis-Bacon and the cost of State highway projects which were not subject to Davis-Bacon.

Davis-Bacon has not led to extravagant wages for affected workers. I would point out at this date, 2012, from 2000 and 2008, the real hourly wage rate for construction workers, carpenters, electricians, iron workers, plumbers, steelworkers, declined—declined—despite a small increase in the hourly wage rate.

I would point out when my mentor, Congressman Adam Benjamin, Jr., walked into this room in 1977, the real hourly wage for 1 hour's worth of a human being's work in the United States of America—it could have been laying brick, it could be pushing papers in Congress, it could be waiting on tables at a diner in the middle of the night—was more for 1 hour's worth of a human being's labor in the United States of America than it was in 2010, and we're here trying to slam down that wage.

You want to save money on contracts, why don't we look at the executive compensation for these construction firms? Why don't we look there for some as opposed to going to the lowest common denominators.

Opponents claim that Davis-Bacon requirements are a union giveaway. However, more than 75 percent, three-quarters of Davis-Bacon wage determinations, are not based solely on union wages. There are issues about the quality of work. Get it done efficiently, get it done right, do not do it a second time. That is crucial to these communities depending upon them.

When local workers are hired, they are duly accountable to their employers and to the communities in which they reside. If the work is shoddy and therefore is delayed or needs to be redone, their families, their friends, their communities, have to live with the consequences. This is a throwback, and I am strongly opposed to the gentleman's amendment.

I reserve the balance of my time.

Mr. KING of Iowa. Mr. Chairman, may I inquire as to how much time I have remaining?

The Acting CHAIR. The gentleman from Iowa has 3 minutes remaining.

Mr. KING of Iowa. Mr. Chairman, I appreciate the gentleman's work in putting the statement together, but as someone who has lived this 30 years, I don't accept this statement on its face, and I can tell you that my hands-on experience tells me something entirely different. The statement that was made that says that three-quarters of these decisions are not based solely on union scale. It might be based on union scale in a union contract or sitting down in a room to make an agreement with the Department of Labor.

I don't know how these deals are made. It is union scale, and they sit there and decide we can drive up the costs of these public projects, and we can make sure that we can pay more in wages and benefits to anybody else and cut out the competition so that the entrepreneurs, the people that are founding businesses that are trying to get into this market, are locked out of the market. Davis-Bacon locks people out of the market. It locks minorities out of the market.

If you look around and you hear that expression, ''people doing work that Americans won't do''—well, if you look around, the unions have been locking minorities out ever since 1932. That was the purpose of this bill.

By the way it was a couple of misguided Republicans that passed the Davis-Bacon Act and got that started. I'm embarrassed about that. One day we will have to fix this because Davis-Bacon is the last vestige of the Jim Crow laws in the United States of America.

It does drive up the costs an average of 20 percent, somewhere between 9 and 37 percent for these costs. It cannot be said either that there's a reduction in quality when we put competition in. Competition increases the quality, it increases the efficiency. It brings about the skills in the workforce, and it allows contractors to bring people in at a scale where they can be trained. So we have more competition for the labor. We get better bang for our dollar. We build four bridges instead of five, 4 miles of road instead of 5 under Davis-Bacon. We can do it the other way around and reverse it.

I reserve the balance of my time.

Mr. VISCLOSKY. I would simply mention that if the gentleman from Iowa is suggesting that labor organizations in this country today are discriminating on a racial basis, he has not attended many union meetings lately.

I yield the remainder of my time to the gentlewoman from Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE of Texas. I thank the gentleman very much.

If my good friend from Iowa was joining and trying to make sure that Federally funded construction jobs went to companies that were based here in the United States, I would be celebrating with him to avoid the incident that happened with the bridge in California, where it was built by a Chinese company with Chinese nationals who had come over to the United States.

But in this instance, I would like to ask the gentleman where he finds this present-day discrimination.

In fact, as he well knows, opportunities for minority contractors have come about because of Members of this Congress who have fought for what we call—not set asides—but MWBE opportunities. We have seen the increase in construction companies. We need more. More importantly, unions have engaged in apprenticeship programs.

Prevailing wages are nothing but giving a hard day's work and a decent-paying wage. It is to construction what we were trying to do with paycheck fairness. I disagree with the gentleman that in this day and time we're not making extensive efforts to make sure that there are diverse populations working and being trained under the union label and umbrella, and that there are young men and women who are benefiting from these training programs. More importantly, MWBEs, and if the gentleman would want to work with me on ensuring that these small contractors can work on Federal projects, he would have me aligned with him today. But not to deny us the Davis-Bacon and prevailing wages.

I ask my colleagues to oppose the amendment in the name of fairness and in the name of the betterment of the working person.

Mr. KING of Iowa. Mr. Chairman, in response to that I would say again I have worked in this trade for a lifetime, I have been in the room. I know how this works. This is union scale imposed through the Department of Labor. It is not prevailing wage.

There is a study I have in front of me that shows that if we repeal Davis-Bacon there would be approximately 25,000 more minorities working in the construction business. In some trades there are many, some trades there are few. It's not something that's balanced across the countryside.

But what you don't have is competition coming into the marketplace. You do not have efficiency in your work. You don't get the bang for the buck because you have got a federally mandated wage scale, and it cuts down on the efficiency because you have people on the projects that are looking for the highest-paid scale that's there. And so they will climb on the finish motor grader and drive up and down the road rather than the rough bulldozer to get the production work done. They won't pick up the shovel because it pays less than it does holding the grade stake.

□ 2150

You cannot get willful efficiency out of people when you have the Federal Government deciding what they're going to pay. Additionally, we have some studies also that show when they audited the reports, 100 percent of those wage reports were wrong, Mr. Chairman.

So I would urge its adoption, and 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. At this time I yield to my colleague from Massachusetts (Mr. LYNCH).

Mr. LYNCH. I would like to refute the gentleman's last point, especially. I worked for 18 years as an ironworker. I've worked not only in the Massachusetts area, but New York, New Mexico, Louisiana. I worked in Indiana. I worked at a lot of the steel mills. I worked a lot of jobs where Davis-Bacon has been in effect.

What Davis-Bacon does—and the gentleman's amendment would provide—that none of the funds made available to this bill will be available to administer the wage rate requirements of chapter 31 of title 40, which is the Davis-Bacon Act. What Davis-Bacon was meant to do is to prevent the wages in any area of the country and every area of the country from being depressed by bringing in low-wage workers. This was the practice back before the prevailing wage, before Davis-Bacon was in effect. You would have large construction projects, but you'd have unscrupulous contractors who would pay very low wages to their employees, and they would move into an area where the cost of living required those workers to get a decent wage.

And what will happen now if we repeal Davis-Bacon, which is a very, very bad idea, not only for the gentleman's district but every State in the Union, is we will get one group of very low-paid workers, and they will be like locusts. They will go into areas, whether it be Houston, whether it be down in Texas or Louisiana or in the Northeast, we will have low-wage workers go in there and undercut the wages of the workers in those areas. This prevented that practice of undermining the wages of local workers.

The Davis-Bacon wage is established by a study in the gentleman's area. Specifically, they look at the wages for the construction trades. I was an ironworker. They look it at for plumbers, electricians—what is the area wage for that individual worker.

Now I'm sure we can find some workers over in Mexico that will come in and work for less money. That's supported by a lot of people in this body, unbelievably so. Davis-Bacon prevents that from happening. The contractor has to pay the wage for Houston, the wage for Tucson, the wage for New York, the wage for Boston. Those wages are different for each area because of the standard of living and the cost of living in those areas.

This protects workers, whether they're union workers or nonunion workers. And I've worked on Davis-Bacon jobs where there have been nonunion working across from me. I worked at the Shell Oil refinery down in Norco, Louisiana. Half the job was union, half the job was nonunion, because that was the deal. That's how they got enough workers to cover that job.

And I've worked 18 years. I strapped on the work boots every single day for 18 years. I've been a foreman. I've been a general foreman. I've worked on Davis-Bacon jobs. I've worked on many, many jobs. I've seen how this works, and I know the history here and why this law was put into place. This is a good law. It prevents piracy. It prevents undermining the workers in every State in this Union. If you strap on a pair of work boots, I don't care if you're union or nonunion, this is a good bill for you. This protects you.

They tried to repeal it after Katrina in the areas where Katrina affected Mississippi and Louisiana, and the President suspended it for a short while. You know what he had to do? He had to reinstate it because they couldn't get enough workers to come in because the wages were so low they could not get workers in there. So President George Bush repealed his own executive order suspending Davis-Bacon. And when they lifted that, the workers came in and worked. Workers from Louisiana, workers from Mississippi took those jobs.

This is another attack on the working people. This is just blue-collar jobs. If we don't support apprenticeship programs and decent wages and a set of skills in our workers, shame on us, shame on us, shame on us.

Mr. Chair, I rise in strong opposition to the King amendment.

The King amendment seeks to ensure that none of the funds made available through this bill may be made available to administer the wage-rate requirements of subchapter IV of Chapter 31 of title 40, United States Code, more commonly referred to as the Davis-Bacon Act.

The Davis-Bacon Act, enacted in 1931, requires Federal contractors to pay workers the local "prevailing wage" on construction projects. Its goal was to outlaw wage exploitation, since public contracts go to the lowest bidder.

We've come a long way since 1931 in terms of workers' rights and workplace safety. But, I believe, if general contractors on Federal jobs have an opportunity to pay a lower wage to their workers and increase their own profit margin, they're going to do it. It doesn't make them bad people, they're businessmen concerned primarily about the bottom line.

In these difficult economic times, when so many workers are unemployed or barely hanging on, it sets a dangerous precedent to waive these important worker protections.

Through the underlying bill the U.S. Army Corps of Engineers will build dams, shore up vulnerable coastlines and maintain our navigable waterways. And this range of efforts will create good jobs. It's hard work, but good work for a lot of men and women across the country.

But because more than 20 percent of our construction tradespeople are out of work, there will be opportunity for some of the less scrupulous contractors to exploit this workforce, so desperate to get back on the job.

And waiving Davis-Bacon removes critical worker protections, compromising the work quality on these projects.

American workers deserve the kind of fair wage rates that Davis-Bacon provides, a wage that will lift up their circumstances, provide hope, and get them and our economy back on track. To deprive our workforce of these protections, of these opportunities, is an egregious abrogation of our responsibility as elected leaders.

I urge my colleagues to join me in opposition to this amendment.

Mr. VISCLOSKY. I would simply say this is not a Davis-Bacon attempt to increase wages. It is protecting those who labor in this country from having their wages undercut.

I am adamantly opposed to the gentleman's amendment, and I yield back the balance of my time.

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

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

Mr. KING of Iowa. 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 Iowa will be postponed.

AMENDMENT OFFERED BY MR. JORDAN

Mr. JORDAN. Mr. 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 the bill (before the short title), insert the following:

SEC. ____. None of the funds made available by this Act for the Title 17 Innovative Technology Loan Guarantee Program may be

used by the Department of Energy to issue or administer new loan guarantees for renewable energy systems, electric power transmission systems, or leading edge biofuel projects as defined by section 1705 of the Energy Policy Act of 2005.

The Acting CHAIR. Pursuant to the order of the House of today, the gentleman from Ohio (Mr. JORDAN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Ohio.

Mr. JORDAN. Mr. Chairman, let me just say this complements the amendment that was done earlier by Mrs. BLACKBURN from Tennessee. This is the no-more-Solyndras amendment. We're all familiar with that situation. As the Clerk read, this amendment would prohibit any new loan guarantees for renewable energy, electricity systems, and biofuels as defined in section 1705 of title 17 and, as I said before, complements what the House agreed to and passed earlier.

Let me just quickly tell you about this program. This is a $15 billion program. Twenty-six projects got your tax dollars. Of those 26 projects that got American tax money, 22 of those 26—three-fourths of those—were rated double B-minus junk status. In other words, no private capital would go there, but it was okay to put your tax dollars into these projects.

And what have we got for this? Everyone knows the story of Solyndra. They received $535 million, fired a thousands workers, and went bankrupt. But we also have Beacon Power, which received $43 million of your tax dollars and went bankrupt as well. First Solar got $3 billion in loan guarantees. It's now fired half of its workers. Its stock has plummeted. And Abound Solar—just to name four—$400 million loan guarantee and has fired 180 workers.

So here's what's going on with this program. The 1705 program was funded by the stimulus program. That is now expired. But in this continuing resolution that was passed last year, in that bill there was language to allow the 1703 program to continue to do what was previously done in 1705.

And so my amendment says, Enough of that. We've had enough taxpayer dollars wasted. We don't need any more. Our committee that I get the privilege of sitting on, the Oversight Committee, has had several hearings on this. We don't need the Department of Energy handing out more of your money to companies with double B-minus ratings and junk ratings and lower. We don't need that anymore. This says: enough is enough. We're in debt. This is at least one place we can start to save some taxpayer dollars.

I reserve 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. I rise in opposition to the gentleman's amendment.

The title 17 loan program has had its share of publicized problems, but I do believe that the Department of Energy has implemented changes to the program that will strengthen the management of it going forward. And while it is impossible to ensure the success of a loan guarantee, these reforms, I believe, will significantly reduce the risk borne by the Department.

This amendment is specifically targeted at renewable energy projects pending approval under the 1705 Innovative Loan Guarantee program. Some of these projects are eligible to have their credit subsidy costs covered by the Department. Generally, given the current capital markets and project structure, it is difficult for renewable projects to raise sufficient revenue to use loan authority. Because we have several promising projects that remain in the pipeline and the companies behind these applications have invested a significant amount of time and financial resources to advance them, I do not believe that this amendment is fruitful.

□ 2200

The amendment would make these efforts multiyear for naught and further exacerbate the uncertain business environment facing innovative energy companies at this time. Therefore, I would be opposed to the gentleman's amendment, and I yield back the balance of my time.

Mr. JORDAN. Mr. Chairman, I would just respond that the gentleman talked about—a ''couple of problems'' I think was the language he used referring to this program. It's hard to see when you have companies going bankrupt with taxpayer money, and 22 out of 26 of the projects that were funded were rated below investment grade credit quality—in other words junk status—it's hard to see how you can say ''a couple of problems'' when that's the history of this program. At some point, we're going to have to cut some spending.

One of my favorite movies, and some of you may have seen the movie ''1776.'' It's a musical. It's when they draft the Declaration of Independence, and there's a great scene, a great line—there are many great scenes, but one of the ones that I remember, where they're going through the declaration that Jefferson has just written. They're marking it up, they're editing it. And as they go through it, there are Members of that Congress who say, Well, we don't want to say this because that might really offend King George. And if we say this, Parliament may not like that. And what about deep sea fishing rights? They go through this whole thing. Finally, John Adams stands up and says: It's a revolution, dammit; we're going to have to offend somebody.

And at some point we've got to say we're so in debt we're going to have to cut something. Why not focus on a program that completely doesn't work? A program we all know has failed.

So if the other party can't even cut a program where 22 of the 26 projects are junk status, no one will give them money, they gave your taxpayer dollars to them and they went bankrupt—if we can't even stop that program, how in the heck are we ever going to deal with a $16 trillion debt larger than our entire economy?

So this is as simple as it gets. This is the low hanging fruit here, guys. And this party over here won't even go there. Unbelievable. The program speaks for itself. It's a failure. We should end it. We should save taxpayer dollars and take that initial first step in bringing some sanity back to our fiscal situation.

I yield back the balance of my time and urge a yes vote on the amendment.

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

The amendment was agreed to.

AMENDMENT NO. 1 OFFERED BY MR. GRAVES OF MISSOURI

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

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title), insert the following:

SEC. _____. Of the funds appropriated in title I of this Act, not more than $50,000,000 may be used for the Missouri River Recovery Program.

The Acting CHAIR. Pursuant to the order of the House of today, the gentleman from Missouri (Mr. GRAVES) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Missouri.

Mr. GRAVES of Missouri. Mr. Chairman, I rise today in support of my amendment, which modestly reduces funding for the Missouri River recovery program.

Since 2006, the Federal Government has spent more than $468 million on the Missouri River recovery program. This program is primarily intended to improve the ecosystem for the piping plover, the least tern, and the pallid sturgeon within the Missouri River basin.

Projects funded through this program include shallow water habitat creation, land acquisition, and emergent sandbar habitat. It also supports unknown numbers of positions and departments within the U.S. Army Corps of Engineers and the Fish and Wildlife Service, generates thousands of pages of documents, and pays for numerous conferences and conference calls.

Many of my constituents along the Missouri River have been flooded for the last several years due to mismanagement and misplaced priorities in the Federal Government. Congress practically writes a blank check for the Missouri River recovery program while providing far less than sufficient funds for levee maintenance and repair. This is unacceptable.

It is also important to note that many projects funded by the Missouri River recovery program increase the chance of flooding by weakening flood protection systems. Further, a recent independent review of major initiatives of the Missouri River recovery program concludes that the current mitigation strategy does not mitigate losses of the pallid sturgeon, the least tern, and the piping plover, or the degradation of their habitats. So Congress is essentially spending millions of dollars on projects that are unproven. And at the very least, these funds are diverted away from critically important and proven flood mitigation projects.

My amendment won't prevent future floods, but it will show those located in the Missouri River basin that Congress is serious about getting its priorities straight. My amendment does not gut the Missouri River recovery program—it's only a small reduction from the amount provided in the underlying bill. The underlying bill provides $71 million and my amendment reduces that to $50 million, which is consistent with the level of funding provided in 2008.

I believe conservation is important, but we should not overlook what it is we sometimes sacrifice to achieve conservation. In this case, it is the livelihood of businesses, farms, and families. I urge my colleagues to support my amendment, and I reserve 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. Mr. Chairman, I rise to express my opposition to the amendment offered by the gentleman from Missouri. I would certainly agree with him that we are not making sufficient investments in our infrastructure, but this amendment would do nothing to resolve that problem. But it would introduce a host of other detrimental impacts to the basin and will lead to a failure to comply with the requirements of the Endangered Species Act.

The $90 million which was in the President's budget is the Corps' best assessment of the minimum required to maintain long term biological opinion compliance. There is in the bill a $18.6 million cut already which reduces the Corps' ability to maintain required progress on emergent sandbar habitat construction, shallow water habitat, Yellowstone intake, and real estate acquisition.

While the gentleman indicates he does not want to gut the program, the fact is he would add another $21.4 million worth of cuts, essentially representing a 44 percent cut of the President's budget. If that's not gutting, it is certainly a significant hindrance.

Given the extent of existing cuts, the Corps would need to consult with the U.S. Fish and Wildlife Service on the potential for reduced progress on biological opinion compliance and on potential operational adjustments, opening the possibility of a jeopardy determination.

Further, reducing the amount would have a significant and negative impact with regards to maintaining biological opinion compliance for the Missouri River, and the Corps may not be in a position to serve all eight congressionally authorized purposes.

Additionally, operational changes may have to be made to avoid impacts to listed species that could result in a split navigation season, impacts on hydropower production, and impacts on water supply and recreation. A split navigation season will further erode the ability of farmers and manufacturers to get their products to market or to the consumer.

And given that the power produced by the Missouri River projects provides base power loads for the region, reduced production would further jeopardize peak power needs in the area.

The impacts to water supply also potentially could be great. Many communities are already having difficulty with the intake infrastructure to local water supplies. Without the regulation river flow provided by the projects, these communities will have a monumental task to extend the intakes for the low flow periods, increasing the burden on already cash-strapped local governments.

For these reasons, I urge my colleagues to oppose the amendment, and I yield back the balance of my time.

Mr. GRAVES of Missouri. Mr. Chairman, as I stated before, we are not gutting this program, we are just reducing the funding for it. For that matter, I might add that even if we zeroed this program out, it would have absolutely no effect on power intake systems, on power generation systems, on navigation whatsoever. But the fact of the matter is, and I've seen it, this money is spent to dump sand in the river so it can create more sandbars, to try to create more sandbars. It's used to buy more land, which takes land out of production. The fact of the matter is when we have trillions of dollars worth of deficits each year and trillions and trillions of dollars worth of debt, the last thing we need to be doing as the Federal Government is buying more land and dumping dirt in the Missouri River to create habitat. That's the bottom line: it's unacceptable, and this program needs to be reduced.

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

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

The amendment was agreed to.

□ 2210

AMENDMENT OFFERED BY MR. LANDRY

Mr. LANDRY. Mr. 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 the bill (before the short title), insert the following:

SEC. _____. None of the funds made available in this Act may be used within the borders of the State of Louisiana by the Mississippi Valley Division or the Southwestern Division of the Army Corps of Engineers or any district of the Corps within such divisions to implement or enforce the mitigation methodology, referred to as the ''Modified Charleston Method''.

The Acting CHAIR. Pursuant to the order of the House of today, the gentleman from Louisiana (Mr. LANDRY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Louisiana.

Mr. LANDRY. Mr. Chairman, I have consistently championed the need for Louisiana to protect its fragile coast and wetlands. I have offered amendments and supported bills that all positively affect the creation of new wetlands and starts to turn the tide on the coastal land loss in Louisiana. But the New Orleans District Corps of Engineers office is going to cripple our ability for Louisiana to protect itself from dangerous hurricanes by introducing a standardized method of wetlands mitigation. This standardized method is called the Modified Charleston Method.

This method is driving up the State and local mitigation cost of hurricane protection in Louisiana by 300 percent. I said only the State and local cost because the Corps has exempted itself from its own method on Federal projects. This is why the American people are frustrated at the Federal Government; it creates a rule, enforces it on everybody else, but exempts itself.

The Corps' new wetland rules are actually halting the creation of wetlands. As such, my amendment prevents the enforcement of the Modified Charleston Method within the State of Louisiana for 1 year, forcing the Corps to take a breath and develop a mitigation system that provides for our wetlands without stifling needed hurricane protection measures and economic development.

My amendment impacts only Louisiana. If your Corps districts use the MCM and it works for your constituents, great, your Corps districts can continue to do so. But the MCM does not work for Louisiana. In fact, the State of Louisiana, the Police Jury Association of Louisiana—our association of counties—the Association of Levee Boards of Louisiana, Vermillion Parish and countless local communities all have severe concerns about the MCM.

Moreover, the MCM does not acknowledge that some construction projects actually preserve wetlands. For example, a flood protection levee that protects homes also protects wetlands from saltwater intrusion and erosion. However, these benefits are not calculated.

The Corps itself does not follow the MCM. And until it does, local parishes, communities, and builders should not be forced to follow it as well.

I urge passage of this amendment and reserve the balance of my time.

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

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

Mr. VISCLOSKY. I do rise in opposition to the gentleman's amendment. While I have some sympathy for the issue that the gentleman has raised, I believe that more consistency should be brought to the way we evaluate wetland impacts, not less, as this amendment would ensure.

The Charleston Method has been utilized for two decades in various Corps districts. The Charleston Method is a quick, inexpensive, and consistent methodology—I think that's very important to note, a consistent methodology—for use by the regulated public and the Corps.

The gentleman suggests that it doesn't work. If it doesn't work, I do not know why in 2006 and 2007 the New Orleans District worked with its Federal and State partners to modify the Charleston Method so that it better reflected the unique conditions found in southern Louisiana resulting in the Modified Charleston Method.

The use of the Modified Charleston Method is longstanding in many Corps districts. Many regulatory customers use the tool to assess their potential mitigation requirements for their impact site as well as credits required at mitigation banks. This transparency in Corps mitigation requirements has helped the applicant prepare a complete application package and determine mitigation costs up front.

Suspension of the use of the Modified Charleston Method in Corps districts would require that any pending permit applications—section 404 of the Clean Water Act—and pending mitigation banks would need to be reevaluated using a different assessment tool/methodology or, in the absence of such, use best professional judgment to determine appropriate mitigation requirements for impacts and for available credits in mitigation banks, obviously encompassing a great deal of delay.

All approved mitigation banks with available credits that were determined by the Charleston Method would be temporarily closed until a new methodology could be developed and the bank credits converted to the credit system of a new methodology. These banks were established utilizing the credit system of the Modified Charleston Method, and until a similar credit system can be determined for these projects, it would not be possible to correlate the new requirements with the old system. We would not have transparency; we would not have consistency. We would have delay.

For these reasons, I do oppose the gentleman's amendment.

I reserve the balance of my time.

Mr. LANDRY. Mr. Chairman, how much time do I have remaining?

The Acting CHAIR. The gentleman from Louisiana has 2½ minutes remaining.

Mr. LANDRY. Mr. Chairman, the only thing consistent about the method is that it doesn't work in Louisiana. In fact, the only thing that it increases is the amount of land that the mitigation banks can sell.

We have parishes in Louisiana who understand that the Federal Government doesn't have any more money. The residents and citizens of those parishes have taxed themselves to protect themselves from storms, and yet the formula that the Corps is using is driving the cost of these projects to a point where they can't build them anymore. But yet some in this body will argue that after hurricanes come in, after hurricanes affect Louisiana's coast, they don't want to pour the money in to rebuild those communities.

Those communities are trying to protect themselves at a time when the Federal Government has told them ''no'' as a source of funding, and yet now the Federal Government is going to change the rules. It just doesn't work in Louisiana. And for that, I urge my colleagues to help me pass this amendment.

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

PARISH OF JEFFERSON,
OFFICE OF THE PRESIDENT,
Jefferson, LA, June 5, 2012.

Hon. JEFF LANDRY,
Cannon House Office Building,
Washington, DC.

DEAR REPRESENTATIVE LANDRY: I strongly oppose use of the Modified Charleston Method (MCM) to assess wetland habitats and compute compensatory credits for wetland impacts from public safety and economic development projects. The MCM must be revised to provide adequate and defensible compensation calculations for required mitigation.

Jefferson Parish has serious concern that the MCM, in its current form and with its current factor value(s), may cause unnecessarily high and impractical compensatory mitigation values. Section 404 of the Clean Water Act requires that compensatory mitigation be practicable. The MCM offers the very real possibility of quantifying compensatory mitigation calculations that are unworkable and in direct violation of both the letter and the spirit of the Clean Water Act.

The Parish is also concerned that the MCM may have a negative influence on important public works projects that are tied directly to public safety. It is the Parish's belief that the MCM will have a direct negative impact on important public safety projects by requiring an inordinate amount of compensatory mitigation for wetland impacts associated with these projects. The communities of southeastern Louisiana have little choice, in most cases, than the construction of the necessary flood protection structures in areas which trigger wetland mitigation requirements, if they are to provide adequate safety for these communities. Ultimately, the utilization of the MCM for assessing the wetland impacts for these important projects may lead to loss of property, livelihood, life, and result in local, state and federal legal liabilities.

In addition, the Parish is concerned that the MCM may also have a negative influence on critical infrastructure projects such as roadways/hurricane evacuation routes, ports, hurricane protection features, etc. Most of this infrastructure also provides crucial access that is required for the maintenance and growth of the petroleum and chemical industry, which supports this state, the region and the rest of the nation.

Accordingly. I vehemently oppose use of the Modified Charleston Method and would like to offer my support of your proposed amendment to H.R. 5325,

Sincerely,

JOHN F. YOUNG, Jr.,
Jefferson Parish President.

ST. MARY PARISH GOVERNMENT,
Franklin, LA, June 4, 2012.

Hon. JEFF LANDRY,
House of Representatives, Cannon House Office Building, Washington, DC.

DEAR REPRESENTATIVE LANDRY: The St. Mary Parish government is supportive of your efforts to craft legislation in the form of an amendment to the FY 2013 House Energy and Water Appropriations bill. St. Mary Parish supports the Landry Amendment that would prohibit any funds be used within the borders of the State of Louisiana by the Mississippi Valley Division or the Southwestern Division of the Army Corps of Engineers (Corps) to implement or enforce the Modified Charleston Method (MCM).

We feel that this is an appropriate step that shows the Corps that a variation is needed from the current MCM. Our community cannot afford the every growing expense that this methodology has put on the backs of our locals.

St. Mary Parish has repeatedly asked the Corps to revisit the MCM as in current form it is unreasonably burdensome on our local economy. Our community is already experience negative impacts of the MCM. While we agree that wetland mitigation is necessary, our figures indicate that under the MCM projects cost three times more than they were before this methodology was implemented.

Your leadership on this issue is appreciated. I look forward to working with you on these and other issues important to St. Mary Parish.

Sincerely,

PAUL P. NAQUIN, Jr.,
Parish President.

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

The amendment was agreed to.

AMENDMENT OFFERED BY MR. LANDRY

Mr. LANDRY. Mr. 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 the bill (before the short title) insert the following:

SEC. ____. None of the funds made available under this Act may be used to carry out section 801 of Energy Independence and Security Act of 2007 (42 U.S.C. 17281).

The Acting CHAIR. Pursuant to the order of the House of today, the gentleman from Louisiana (Mr. LANDRY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Louisiana.

Mr. LANDRY. Mr. Chairman, in 2007, Congress passed the Energy Independence and Security Act of 2007. Section 801 of this act authorizes the Department of Energy to create a national media campaign to promote alternative green technologies and wean Americans off of fossil fuels. My amendment defunds this media campaign.

Our government must get out of the business of picking winners and losers. The American public knows far better than any government bureaucrat what energy sources work best for them, their families, and their businesses. Instead, private green energy firms should use their own advertising campaign funds on behalf of the energy sources they sell. Why are government dollars needed?

I urge my colleagues to support this amendment and to defund this taxpayer media campaign.

I yield back the balance of my time.

□ 2220

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

The amendment was agreed to.

AMENDMENT OFFERED BY MR. BROOKS

Mr. BROOKS. Mr. Chairman, as the designee of the gentleman from Georgia (Mr. BROUN), 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 the bill (before the short title) insert the following:

SEC. ____. None of the funds made available under this Act for the Advanced Research Projects Agency—Energy may be used for unallowable costs related to advertising or promoting the sale of products or services in contravention of the requirements of section 31.205–1, or for unallowable expenditures related to raising capital in contravention of the requirements of 31.205–27, of title 48 of the Code of Federal Regulations.

The Acting CHAIR. Pursuant to the order of the House of today, the gentleman from Alabama (Mr. BROOKS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Alabama.

Mr. BROOKS. Mr. Chairman, I offer this amendment to address a shortcoming in the manner in which ARPA-E, the Department of Energy's Advanced Research Projects Agency for Energy, spends taxpayer dollars.

In August 2011, the Department of Energy Inspector General released an audit report that disputed costs incurred by ARPA-E award recipients. For clarity, an ARPA-E award recipient is a private company or entity that seeks operational cost reimbursement from Federal taxpayers.

The Inspector General disputes that private company expenses for ''meetings with bankers to raise capital'' and ''a fee to appear on a local television program'' are reimbursable costs that Federal taxpayers should pay for. The Inspector General report found that such spending violates Federal acquisition regulation subpart 31.2.

ARPA-E disputed the Inspector General's finding and argued that such costs are allowable under ARPA-E's statutory authority to fund technology transfer and outreach activities.

In February 2011, ARPA-E finalized Technology Transfer and Outreach guidance for awardees that explicitly encourages ARPA-E private company awardees to engage in and seek taxpayer reimbursement for these questionable expenditures.

More specifically, the policy states that acceptable taxpayer reimbursement activities by private companies include:

Marketing and other expenditures related to promoting an ARPA-E funded technology;

Consulting and other expenditures related to developing ARPA-E-funded technologies, building business and identifying potential users, markets and customers, e.g., business plan development, market research, and

Presentation and other expenditures relating to seeking additional funding from the private sector and government agencies.

ARPA-E guidance suggests the inappropriate spending identified by the Inspector General may be significantly widespread. At a January 2012 hearing, the Science, Space and Technology Committee's Subcommittee on Investigations and Oversight examined ARPA-E guidance in spending.

One day prior to the hearing, ARPA-E delivered to the committee an updated policy that omits mention of these questionable spending activities. Hence, ARPA-E's revision adds confusion, not clarity, to the pending question. In the absence of more explicit guidance consistent with the Inspector General's spending concerns, there is a significant risk to American taxpayers that ARPA-E private company awardees will incur costs that violate Federal regulations, yet which ARPA-E reimburses out of taxpayer funds.

On February 10, Subcommittee on Investigation and Oversight Chairman PAUL BROUN asked ARPA-E Director Majumdar to clarify in writing whether ARPA-E considers the activities mentioned in the original ARPA-E policy as allowable spending. Responses to these questions were due on February 24, 2012, but the Department of Energy refused to provide a response, a response which is now well over 3 months past the deadline.

This amendment does what ARPA-E should have already done, make it explicitly clear that the spending concerns identified by the Inspector General using taxpayer funds to raise private capital and using tax dollars to market, advertise, and promote private company-funded technologies are not allowable.

ARPA-E tax dollars should not go to private company advertising, marketing and ''meetings with bankers to raise capital.''

Stated differently, in this era of deficits and accumulated debt that threaten America with insolvency and bankruptcy, American tax dollars should not be used to pay for the operational costs of private sector companies, particularly when the Inspector General has already determined they are improper.

Mr. FRELINGHUYSEN. Will the gentleman from Alabama yield?

Mr. BROOKS. I yield to the gentleman.

Mr. FRELINGHUYSEN. I think we're prepared to accept your amendment.

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

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

The amendment was agreed to.

AMENDMENT OFFERED BY MR. SCHWEIKERT

Mr. SCHWEIKERT. Mr. 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 the bill (before the short title), insert the following:

SEC. ____. None of the funds made available by this Act may be used to enforce part 429 or 430 of title 10, Code of Federal Regulations, with respect to showerheads (as that term is defined in section 430.2 of such title).

The Acting CHAIR. Pursuant to the order of the House of today, the gentleman from Arizona (Mr. SCHWEIKERT) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. SCHWEIKERT. Mr. Chairman, this is one of those sort of occasions I'm going to refer to this almost as the law of unintended consequences.

About 6 months ago, I was visiting one of my favorite places in life, a Starbucks in Scottsdale, and a gentleman walks up to me, just bouncing off the walls, and apparently it wasn't from a bunch of espressos. He had just been given a $447,000 fine for his tiny little business that made custom shower heads, made specialty shower heads, because apparently the water restrictor ring inside was too easy to pry out.

Now, I need to disclose something here, in all honesty. I've actually changed the shower heads in my house. And guess what the first thing I've always done is. I take a screwdriver and stick it in there and pull that little water-restricting ring out of there because I have this bad habit; I actually like to get wet when I shower. I know it's a novel concept, but it's something I like to do.

But think of this: the Department of Energy is out there enforcing, and here's the standards they live by. If it takes more or less than 8 pounds of pressure to remove the water restrictor after they take apart the shower head, they come and fine you.

But the creepy part of this story is they demanded a list of everyone who had purchased one of these shower heads. So now the Department of Energy is putting together the database of the people that bought shower heads that the water-restricting O ring inside is too easy to remove.

Have we lost our minds?

I'm not thrilled coming to the floor and doing a limitation amendment on something like this, but this is the type of thing the American people are absolutely livid about. And this actually affects our daily lives.

With that, Madam Chairwoman, I reserve the balance of my time.

Mr. VISCLOSKY. I rise to claim time in opposition to the gentleman's amendment.

The Acting CHAIR (Ms. FOXX). The gentleman from Indiana is recognized for 5 minutes.

Mr. VISCLOSKY. I appreciate the recognition and do rise to oppose the gentleman's amendment.

The standards the gentleman is very exercised about were contained in the EPA Act of 1992 and have been in effect for more than a decade. And they, in fact, do save energy and they do save water. A number of States are starting to adopt tighter standards on these products, including the State of Georgia, because they do save energy.

There is no part of the country, including mine that borders the Great Lakes, the largest body of fresh water on the planet, that does not have water supply concerns. In California, there has been a tremendous public investment to encourage and incentivize homeowners to replace their utilities with models that require less water.

□ 2230

I really do not know why we are discussing this issue again. We talked about it in the nineties. We talked about it in the last decade, and here we are this evening talking about it again. Manufacturers have been complying with this provision for, again, a decade. The question is: Why are we talking about it today? I am aware of an enforcement action recently, but against plumbing manufacturers who have put multiple compliant showerheads onto one fixture, obviously trying to sidestep the law when you have three efficient showerheads attached to one.

With water shortages across the country, with an energy crisis in most of the Mountain and Western States, I would ask my colleagues to oppose the gentleman's amendment.

I reserve the balance of my time.

Mr. SCHWEIKERT. Madam Chairwoman, may I inquire as to my time?

The Acting CHAIR. The gentleman from Arizona has 3 minutes remaining.

Mr. SCHWEIKERT. This is actually an interesting debate from an economic standpoint.

Being from the desert, where we actually really, really care about our water supply, we've learned something. I'm one of those people who lives in a house with rock landscaping and low water this and low water landscaping, but I do like to get wet in my shower, as we've already stated. If you want to deal with water usage, basic economics says you do it through the pricing mechanism, not through trying to manage my life with a bunch of laws.

Madam Chairwoman, I stand in front of you and hope this amendment passes because, in many ways, I think this is a great example of what drives the American voters, the American people mad in that we try to micromanage every aspect of their lives, and we turn huge numbers of them functionally into criminals. I would love to do an honest survey through this body of how many people have done any remodeling or who have put up a new showerhead and who have not monkeyed with that flow restrictor that's inside that showerhead.

Ultimately, I appreciate that in 1992 this somehow passed through this body. Maybe it was meant to help, and maybe it was meant to have all sorts of good purposes, but this is not the rational methodology with which to promote that type of water conservation. Then when you turn the Department of Energy into a police force that actually now sets standards of—if I can exceed 8 pounds of force, then all of a sudden it's perfectly legal, but if it's under 8 pounds of force in removing the water restrictor, then I get a $447,000 fine, as my constituent received here.

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

Mr. VISCLOSKY. Madam Chairman, I do not live in a desert. I mentioned in my earlier remarks that my congressional district, in fact, borders the largest body of freshwater on the planet Earth. I find water very precious myself, and I try to explain to my constituents every day we should not take it for granted.

I find the debates that we have engaged in here very interesting tonight. A bit earlier today, we had an amendment to suppress the wage rates in this country. We have about 13 million people who don't work today, but the gentleman suggests the way that we solve our water crisis in this country is pricing. His solution is: Let's increase the price of water. Let's increase the price of water for those 13 million people who aren't working. Let's increase the price of water. Let's use pricing for water to conserve it for those people who may not be making a living wage because people want to destroy Davis-Bacon in this country.

Maybe we ought to think about the people who are just getting by, just grubbing to get the money to pay their water bills. Pricing means something to them. In this case, if regulation that had been in place for more than a decade will help those people of least means pay their water bills, I say that's a good thing and a very sound reason 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 Arizona (Mr. SCHWEIKERT).

The amendment was agreed to.

AMENDMENT OFFERED BY MRS. LUMMIS

Mrs. LUMMIS. 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 the bill (before the short title) insert the following:

SEC. ___. None of the funds made available under this Act may be used to plan or undertake sales or any other transfers of natural or low enriched uranium from the Department of Energy that combined exceed 1,917 metric tons of uranium as uranium hexafluoride equivalent in fiscal year 2013.

The Acting CHAIR. Pursuant to the order of the House of today, the gentlewoman from Wyoming (Mrs. LUMMIS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Wyoming.

Mrs. LUMMIS. I first want to thank my colleague, Representative HINOJOSA from Texas, for joining me in this amendment.

Now here is an undisputed fact: Today, the United States imports more than 90 percent of our uranium from foreign countries. Some of them don't like us very much. We have an ample supply of uranium in the West and across this country. A lack of supply is not the problem.

We import that much uranium for two reasons: First, accidents that happened decades ago cooled interest in nuclear energy in our country, so companies slowed down their production. But here is the second reason: Just as our domestic energy began to recover from these disasters, our own government started dumping into the market excess uranium it has stockpiled.

DOE uses the stockpile to raise funds for itself for various purposes—a fact that this Appropriations subcommittee has been concerned about for quite some time. Every time the Federal Government dumps its excess stockpile into the market, it depresses the price of uranium. Depressed uranium prices halt private investment in domestic mining and conversion and hurt American jobs in the West and in the Midwest.

Being reasonable folks, the uranium miners have agreed to accept that the Department of Energy can dump into the market up to 10 percent of domestic demand for uranium. That has been the consensus approach since 2008. However, last month, the DOE departed from the consensus and announced that it would dump into the market a volume of uranium that is overwhelming in its scope—9,000 tons—an amount that is orders of magnitude greater than 10 percent of domestic demand.

That is what my amendment today seeks to end—the price-distorting dumping of uranium in the open market above what has been the consensus in the uranium industry for years and above a level that can be weathered by U.S. companies offering U.S. jobs in uranium mining.

Now here is where my amendment gets politically sticky. High-profile Members of Congress from the Midwest are trying to protect 1,200 jobs for 1 year at the United States Enrichment Corporation facility in Kentucky. Let me be clear. I don't want jobs lost in Paducah, Kentucky, but I also don't want jobs lost in Wyoming and in the West.

I want my colleagues to understand this. While the actions of the Department of Energy may help save 1,200 jobs for 1 year in Kentucky, it will also end 1,200 jobs in the West and Midwest for much longer than that. So the Department of Energy's dump onto the

open market of $815 million worth of uranium to further bail out a failing private company, USEC, will result in no net savings of jobs. Over $800 million to save no net jobs is a stunningly bad investment.

The good news is that we can protect jobs in Kentucky and in the West at the same time. We do not have to choose. Here is how. Vote for this bipartisan amendment. If my amendment passes, the DOE will still transfer 62 percent of the 9,000 tons of depleted uranium before my amendment even takes effect.

□ 2240

After that, DOE can still continue its transfers, just under a reasonable cap that doesn't destroy domestic uranium mining and conversion in the process.

Here are the facts: My amendment does not halt work at any of USEC's failing sites; it does not prevent transfers for national security purposes; it does not halt the cleanup of sites in Ohio. In fact, my amendment provides a way for all of these projects to move forward efficiently and fairly.

The bottom line is this: We do not need to sacrifice jobs in Wyoming or Illinois to support jobs in Kentucky. That is a false choice. We can do both, and that is exactly what my amendment does.

I implore my colleagues to give DOE's actions careful thought here. DOE's plan is a market distorting government intrusion into the private market. We cannot stop it in full, but we can rein it in next year in a way that is fair to every single stakeholder in this debate.

I ask my colleagues to support my amendment, and I yield back the balance of my time.

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

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

Mr. FRELINGHUYSEN. Madam Chair, I share the gentlelady's concern on the Department's continued off-budget use of its uranium transfer authority to circumvent the appropriations process and avoid congressional oversight. Congressional oversight is essential in order to make sure there are adequate protections in place to protect our domestic uranium mining and conversion industry. However, this amendment is too broad an approach for what is, by most estimates, a very complex issue.

There are several uses for the many uranium transfer authorities given to the Secretary of Energy that support ongoing national security activities, and there is still a great deal of ambiguity of whether this language in this amendment would prohibit funding for a depleted uranium tails transfer that will keep the Paducah plant in Kentucky operating for another year. That deal would sustain, and there may be a question in terms of how many jobs are here, but our estimates say it will sustain 2,000 jobs in fiscal year 2013 and provide the needed uranium fuel to produce tritium to supply our nuclear weapons stockpile.

I hope we can work together—the gentlelady and I, and members of the authorizing committee and the Appropriations Committee on Energy and Water—to find a solution that addresses all of these and other concerns.

I urge my colleagues reluctantly to vote ''no'' on this amendment, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Wyoming (Mrs. LUMMIS).

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

Mrs. LUMMIS. 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 gentlewoman from Wyoming will be postponed.

AMENDMENT OFFERED BY MR. FORTENBERRY

Mr. FORTENBERRY. Madam Chair, 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 the bill (before the short title), insert the following:

SEC. ___. None of the funds made available by this Act may be used to finalize, implement, or enforce the proposed rule entitled ''Energy Conservation Program: Energy Conservation Standards for Battery Chargers and External Power Supplies'' (77 Fed. Reg. 18478 (March 27, 2012)) with respect to product class 7 (as described in such proposed rule).

The Acting CHAIR. Pursuant to the order of the House of today, the gentleman from Nebraska (Mr. FORTENBERRY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Nebraska.

Mr. FORTENBERRY. Madam Chair, I appreciate the opportunity to offer this commonsense amendment to protect American jobs and reduce regulatory burdens. Quite simply, this amendment would block the Department of Energy from implementing unnecessary energy conservation standards for golf cart battery chargers.

Madam Chairman, I recognize that reasonable regulations are necessary to protect human health and the environment; however, we must guard against costly rules that provide no meaningful benefit to the United States but instead encourage this shift of American jobs overseas to lower-wage countries where environmental standards are minimal. The proposed golf cart battery charger rule is clearly such a regulation. The proposed standards would achieve minimal energy savings, and the Department of Energy itself acknowledges that they would result in U.S. manufacturing jobs being sent overseas.

While I support the overall goal of promoting energy efficiency, I am very concerned about this proposed regulation that directly affects more than 100 jobs right where I live.

Madam Chair, last week's unemployment figures highlight the economic challenges we face in our country. Job growth is slowing and unemployment is ticking up. In this kind of economic climate, why would we want to intentionally force American jobs overseas through increased and unnecessary regulation?

I would also like to emphasize that golf cart battery chargers should not even be included in this proposed rule, which is intended to cover consumer products. It is my understanding that about 90 percent of new golf carts are sold to businesses for fleets, while less than 10 percent of new golf carts are for personal use by individuals. This does not meet the significant standard necessary to be considered a consumer product.

It is clear that the proposed rule would make American manufacturers of battery chargers less competitive and it would cost American jobs, so we must ask what would we achieve by implementing this rule. According to the Department of Energy's calculations, making this change would result in energy savings of only about $6 per charger per year. That's because these chargers are already very highly efficient.

With that, Madam Chair, I urge my colleagues to support this amendment which will help protect American jobs, and I reserve 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. Madam Chair, I will not oppose the gentleman's amendment, but I do have some concerns.

First, I would like to say that I hope that we will not begin to legislate every rule coming out of the Department of Energy on this particular bill, though I understand the frustration that the Department of Energy is capable of causing from time to time. However, in this instance, I do understand that the Department is responding to the concerns expressed by the gentleman from Nebraska, and it is anticipated that a resolution is expected soon.

On that basis, I do not oppose the amendment as a gentle reminder for the Department to address this issue expeditiously.

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

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

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

The amendment was agreed to.

AMENDMENT OFFERED BY MR. FLORES

Mr. FLORES. Madam Chair, 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 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).

The Acting CHAIR. Pursuant to the order of the House of today, the gentleman from Texas (Mr. FLORES) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. FLORES. Madam Chair, I rise to offer an amendment which addresses another misguided and restrictive Federal regulation.

Section 526 of the Energy Independence and Security Act prevents Federal agencies from entering into contracts for the procurement of a fuel unless its life-cycle greenhouse gas emissions are less than or equal to emissions from an equivalent conventional fuel produced from conventional petroleum sources.

In summary, my amendment would stop the government from enforcing this ban on all Federal agencies funded by the Energy and Water Development appropriations bill.

□ 2250

The initial purpose of section 526 was to stop the Defense Department's plans to buy and develop coal-based or coal-to-liquids jet fuel. This restriction was based on the opinion of some environmentalists that coal-based jet fuel might produce more greenhouse gas emissions than traditional petroleum. We must ensure that our military has adequate fuel resources and that it can rely on domestic and more stable sources of fuel. Unfortunately, section 526's ban on fuel choice now affects all Federal agencies, not just the Defense Department.

This is why I'm offering this amendment again today to the Energy and Water appropriations bill. Federal agencies should not be burdened with wasting their time studying fuel restrictions when there is a simple fix, and that fix is to not restrict our fuel choices based on extreme environmental views, policies, and misguided regulations like those in section 526.

With increasing competition for energy and fuel resources and with the continued volatility and instability in the Middle East, it is now more important than ever for our country to become more energy independent and to further develop and produce all of our domestic energy resources.

Placing limits on Federal agencies' fuel choices is an unacceptable precedent to set in regard to America's policy independence and our national security. Madam Chair, section 526 makes our Nation more dependent on Middle Eastern oil. Stopping the impact of section 526 will help us to promote American energy, improve the American economy, and create American jobs.

In some circles, there is a misconception that my amendment somehow prevents the Federal Government and our military from being able to produce and use alternative fuels. Madam Chair, this viewpoint is categorically false. All my amendment does is to allow the Federal purchasers of these fuels to acquire the fuels that best and most efficiently meet their needs. I offered a similar amendment to the CJS appropriations bill, and it passed with strong bipartisan support.

My similar amendment to the MilCon-VA appropriations bill also passed by a voice vote. My friend, Mr. CONAWAY, also had language added to the Defense authorization bill to exempt the Defense Department from this burdensome regulation.

Let's remember the following facts about section 526: it increases our reliance on Middle Eastern oil; it hurts our military readiness, our national security and our energy security. It also prevents a potential increased use of some sources of safe, clean, and efficient American oil and gas.

It also increases the cost of American food and energy. It hurts American jobs and the American economy. Last, but certainly not least, it costs our taxpayers more of their hard-earned dollars. I urge my colleagues to support the passage of this commonsense amendment.

I reserve 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. Madam Chair, I rise in support of the amendment by the gentleman from Texas. The gentleman's amendment enhances our national security by giving the Federal Government alternatives to imported petroleum fuels. Gas prices this year are at record highs, and the Nation imports nearly half of its oil. Our bill takes a comprehensive approach to once and for all reduce gas prices and our reliance on imported oil.

Unfortunately, by declaring some fuel options to be off-limits, off-limits to Federal fleets, section 526 of the Energy Independence and Security Act of 2007 limits our ability to reduce our Nation's dependence on oil imports.

By undoing that law, the amendment puts all the alternatives back on the table so the Nation can begin developing and using fuels that are made with resources right here in the United States. Energy self-sufficiency is a national security issue, and this amendment takes a step in the right direction by adding to the comprehensive approach in our bill. I support the gentleman's amendment, and I am prepared to accept it.

I yield back the balance of my time.

Mr. VISCLOSKY. Madam Chair, I rise in opposition to the gentleman's amendment.

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

Mr. VISCLOSKY. Section 526 is, I believe, a commonsense provision that stops Federal agencies from wasting taxpayer dollars on new alternative fuels that are dirtier and more polluting than fuels we use today.

Section 526 simply bars agencies from entering into contracts to purchase alternative and unconventional fuels that emit more carbon pollution than conventional fuels on a life-cycle basis. Section 526 doesn't prevent the sale of dirty fuels, nor does it prevent the Federal agencies from buying these fuels if they need to.

Instead, it simply prevents the Federal Government from propping up the makers of dirty fuels with long-term contracts. Government policy, given the problems we face as far as our energy policy, should help drive the development of alternative fuels that cut pollution in carbon emission, not increase it.

The effect of this provision has been that it has spurred development of advanced biofuels. These fuels are being successfully tested and proven today on U.S. Navy planes at supersonic speeds. It is a testament to this country's ingenuity.

Opponents of this section claim that it creates problems for Federal agencies, and that is simply not the case. For example, the Department of Defense supports section 526, recognizing that tomorrow's soldiers, sailors, air personnel, and marines are going to need a greater range of energy sources.

Last July, the Department of Defense stated very clearly, and I quote:

> The provision has not hindered the Department from purchasing the fuel we need today, worldwide, to support military missions. But it also sets an important baseline in developing the fuels we need for the future.

DOD has also said that repealing section 526 could ''complicate the Department's efforts to provide better energy options to our warfighters and take advantage of the promising developments in home-grown biofuels.''

If DOD, the government's largest fuel purchaser, believes that section 526 is workable and helpful, that should be true for other agencies as well. In fact, the agencies we're addressing today have not expressed any concerns that I am aware of about section 526 nor have they asked for this provision.

I believe this amendment could also damage the developing biofuels sector at the worst possible time for our economy. It can send a very negative signal to America's advanced biofuel industry and could result in adverse impacts to U.S. job creation, world development efforts, and the export of world-leading technology.

Developing and bringing advanced low-carbon biofuels to scale is a critical step in reducing the Nation's dependence on oil. In this section, section 526, is a key part of this process. For these reasons, I would certainly be opposed to the gentleman's amendment.

I reserve the balance of my time.

Mr. FLORES. Madam Chair, may I ask how much time I have remaining.

The Acting CHAIR. The gentleman from Texas has 1½ minutes remaining.

Mr. FLORES. I want to make sure that we clear up any misconceptions about this bill. This bill does not tell the military that they cannot pursue alternative sources of fuel. What it does is it removes all restrictions that have been placed on the military and on the Federal Government to procure any type of fuel, whether it's based on coal technology, whether it's based on the oil sands from a friendly country next door in Canada. It contains no restrictions. It takes away the restrictions that have manipulated the market and have forced up the cost of energy for the Defense Department.

For instance, the Navy was buying vegetable oil to burn in its ships and aircraft in 2010 at a cost of $424 per gallon. Last year, this cost was reduced to $27 a gallon, yet it's still six times higher than what the cost of normal Navy fuel would be.

What this hurts is our personnel readiness; it hurts the ability to buy more tanks, to buy more airplanes, to buy more protective gear for our men and women in the military.

□ 2300

It also hurts our taxpayers. As I said earlier, it keeps the military from being able to even buy fuel from Canadian oil sands next door, which, hopefully, some day, will be transported through the Keystone XL pipeline down to United States refineries.

I want to also talk about what the Defense Department has said.

The Acting CHAIR. The time of the gentleman from Texas has expired.

Mr. FRELINGHUYSEN. Madam Chair, I would like to move to strike the last word and yield some additional time to the gentleman, another 5 minutes, if he is so inclined.

The Acting CHAIR. The gentleman from New Jersey has already used the time available to him by striking the last word.

Mr. VISCLOSKY. Madam Chair, I would be happy to yield the gentleman some time, if he needs it, to close.

Mr. FRELINGHUYSEN. I thank the gentleman for yielding, and I in turn yield to the gentleman from Texas.

Mr. FLORES. Thank you. I should be able to do this in a minute.

A letter from the General Counsel of the Department of Defense to Senator INHOFE says:

The Department of Defense supports Senate 2827, a bill to repeal the requirement with respect to the procurement and acquisition of alternative fuels. The bill would repeal section 526 of the Energy Independence and Security Act of 2007. Section 526 has the potential to generate significant problems for the DOD and its procurement of fuels for the national defense. It creates uncertainty about what fuels the DOD can procure and discourage the development of new sources, particularly reliable domestic sources of energy supplies for the Armed Forces.

Mr. VISCLOSKY. I would simply reiterate my objection to the gentleman's amendment so that is clear for the record, and I yield back the balance of my time.

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

The amendment was agreed to.

Mr. FRELINGHUYSEN. Madam Chair, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. WOMACK) having assumed the chair, Ms. FOXX, 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. 5325) making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2013, and for other purposes, had come to no resolution thereon.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BACA (at the request of Ms. PELOSI) for today on account of personal reasons.

Mr. BERMAN (at the request of Ms. PELOSI) for today on account of in district.

Mr. HEINRICH (at the request of Ms. PELOSI) for today.

Mrs. NAPOLITANO (at the request of Ms. PELOSI) for today and June 6 on account of family medical reasons.

ADJOURNMENT

Mr. FRELINGHUYSEN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 4 minutes p.m.), under its previous order, the House adjourned until tomorrow, Wednesday, June 6, 2012, 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:

6281. A letter from the Secretary, Commodity Futures Trading Commission, transmitting the Commission's ''Major'' final rule — Further Definition of ''Swap Dealer'', ''Security-Based Swap Dealer'', ''Major Swap Participant'', ''Major Security-Based Swap Participant'' and ''Eligible Contract Participant'' [Release No.: 34-66868; File No. S7-39-10] (RIN: 3235-AK65) received May 23, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6282. A letter from the Secretary, Department of Defense, transmitting Annual Report on the Activities of the Western Hemisphere Institute for Security Cooperation (WHINSEC) for 2011; to the Committee on Armed Services.

6283. A letter from the Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to Mexico pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

6284. A letter from the Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to Mexico pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

6285. A letter from the Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to Singapore pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

6286. A letter from the Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to the Philippines pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

6287. A letter from the Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to United Arab Emirates pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

6288. A letter from the Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to the Republic of Korea pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

6289. A letter from the Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to South Africa pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

6290. A letter from the Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to Ireland pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

6291. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's report entitled, ''Report to Congress on the Head Start Fiscal Monitoring Assessment''; to the Committee on Education and the Workforce.

6292. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting biweekly Iraq Status Reports for the December 26, 2011 to February 25, 2012 period; to the Committee on Foreign Affairs.

6293. A letter from the Secretary, Department of the Treasury, transmitting as required by section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), and pursuant to Executive Order 13313 of July 31, 2003, a six-month periodic report on the national emergency with respect to Iran that was declared in Executive Order 12170 of November 14, 1979; to the Committee on Foreign Affairs.

6294. A letter from the Attorney-Advisor, Department of Transportation, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

6295. A letter from the First Vice President, Controller and Chief Accounting Officer, Federal Home Loan Bank of Boston, transmitting the 2011 management report and statement of internal controls of the Federal Home Loan Bank of Boston, pursuant to 31 U.S.C. 9106; to the Committee on Oversight and Government Reform.

6296. A letter from the National Chairman, Naval Sea Cadet Corps, transmitting the 2011 Annual Audit and the 2011 Annual Report of the Naval Sea Cadet Corps (NSCC), pursuant to 36 U.S.C. 1101(39) and 1103; to the Committee on the Judiciary.

6297. A letter from the Chair, Sentencing Commission, transmitting amendments to the federal sentencing guidelines; to the Committee on the Judiciary.

6298. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Airplanes; [Docket No.: FAA-2011-1225; Directorate Identifier 2010-NM-269-AD; Amendment 39-17019; AD 2012-08-03] (RIN: 2120-AA64) received May 1, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6299. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Airplanes; [Docket No.: FAA-2012-0273; Directorate Identifier 2011-NM-149-AD; Amendment 39-16988; AD 2012-06-07] (RIN: 2120-AA64) received May 1, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6300. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Rolls-Royce Deutschland Ltd & Co KG Turbofan Engines [Docket No.: FAA-2012-0288; Directorate Identifier 2012-NE-10-AD; Amendment 39-16998; AD 2012-06-17] (RIN: 2120-AA64) received May 1, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6301. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier, Inc. Airplanes [Docket No.: FAA-2011-1228; Directorate Identifier 2011-NM-176-AD; Amendment 39-17022; AD 2012-08-05] (RIN: 2120-AA64) received May 1, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6302. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier, Inc. Airplanes [Docket No.: FAA-2011-1224; Directorate Identifier 2011-NM-175-AD; Amendment 39-17021; AD 2012-08-04] (RIN: 2120-AA64) received May 1, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6303. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Agusta S.p.A. Helicopters [Docket No.: FAA-2012-0355; Directorate Identifier 2011-SW-013-AD; Amendment 39-17007; AD 2012-07-01] (RIN: 2120-AA64) received May 1, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6304. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; DG Flugzeugbau GmbH Sailplanes [Docket No.: FAA-2011-1342; Directorate Identifier 2011-CE-038-AD; Amendment 39-16996; AD 2012-06-15] (RIN: 2120-AA64) received May 1, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6305. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Pratt & Whitney Division Turbofan Engines [Docket No.: FAA-2011-1194; Directorate Identifier 2011-NE-36-AD; Amendment 39-16999; AD 2012-06-18] (RIN: 2120-AA64) received May 1, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6306. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Pratt & Whitney (PW) Turbofan Engines [Docket No.: FAA-2011-1176; Directorate Identifier 2011-NE-35-AD; Amendment 39-16995; AD 2012-06-14] (RIN: 2120-AA64) received May 1, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6307. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier, Inc. Airplanes [Docket No.: FAA-2011-1090; Directorate Identifier 2011-NM-138-AD; Amendment 39-16986; AD 2012-06-05] (RIN: 2120-AA64) received May 1, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6308. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Cessna Aircraft Company Airplanes [Docket No.: FAA-2011-1414; Directorate Identifier 2011-NM-227-AD; Amendment 39-16982; AD 2012-06-01] (RIN: 2120-AA64) received May 1, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6309. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Boeing Company Airplanes [Docket No.: FAA-2007-27223; Directorate Identifier 2006-NM-224-AD; Amendment 39-16976; AD 2012-05-04] (RIN: 2120-AA64) received May 1, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6310. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Airplanes; [Docket No.: FAA-2012-1324; Directorate Identifier 2011-NM-104-AD; Amendment 39-16983; AD 2012-06-02] (RIN: 2120-AA64) received May 1, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6311. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Cessna Aircraft Company Airplanes [Docket No.: FAA-2011-0913; Directorate Identifier 2011-NM-031-AD; Amendment 39-17010; AD 2012-07-04] (RIN: 2120-AA64) received May 1, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6312. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Sikorsky Aircraft Corporation Helicopters [Docket No.: FAA-2011-1113; Directorate Identifier 2009-SW-53-AD; Amendment 39-17005; AD 2012-06-24] (RIN: 2120-AA64) received May 1, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6313. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Boeing Company Airplanes [Docket No.: FAA-2011-0025; Directorate Identifier 2010-NM-208-AD; Amendment 39-17012; AD 2012-07-06] (RIN: 2120-AA64) received May 1, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6314. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Lockheed Martin Corporation/Lockheed Martin Aeronautics Company Airplanes [Docket No.: FAA-2007-0109; Directorate Identifier 2007-NM-235-AD; Amendment 39-16990; AD 2012-06-09] (RIN: 2120-AA64) received May 1, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6315. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier, Inc. Airplanes Model BD-100-1A10 (Challenger 300) Airplanes [Docket No.: FAA-2011-1064; Directorate Identifier 2011-NM-075-AD; Amendment 39-16984; AD 2012-06-03] (RIN: 2120-AA64) received May 1, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6316. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Boeing Company Airplanes [Docket No.: FAA-2009-0908; Directorate Identifier 2009-NM-067-AD; Amendment 39-16987; AD 2012-06-06] (RIN: 2120-AA64) received May 1, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6317. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting the Department's Memorandum of Understanding between the United States and the Government of the Hellenic Republic concerning the imposition of import restrictions on Archaeological and Byzantine Ecclesiastical Ethnological Material through the 15th Century A.D., pursuant to 19 U.S.C. 2602(g)(1); to the Committee on Ways and Means.

6318. A letter from the Acting Deputy Undersecretary, Department of Labor, transmitting the Department's second biennial report prepared in accordance with section 403(a) of the Dominican Republic-Central America-United States Free Trade Agreement (CAFTA-DR) Implementation Act; to the Committee on Ways and Means.

6319. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting certification to Congress regarding the Incidental Capture of Sea Turtles in Commercial Shrimping Operations, pursuant to Public Law 101-162, section 609(b); jointly to the Committees on Natural Resources and Appropriations.

6320. A letter from the Assistant Attorney General, Department of Justice, transmitting a report required by the Foreign Intelligence Surveillance Act of 1978, pursuant to 50 U.S.C. 1807; jointly to the Committees on the Judiciary and Intelligence (Permanent Select).

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. CAMP: Committee on Ways and Means. H.R. 436. A bill to amend the Internal Revenue Code of 1986 to repeal the excise tax on medical devices; with an amendment (Rept. 112–514). Referred to the Committee of the Whole House on the state of the Union.

Mr. CAMP: Committee on Ways and Means. H.R. 1004. A bill to amend the Internal Revenue Code of 1986 to increase participation in medical flexible spending arrangements; with an amendment (Rept. 112–515). Referred to the Committee of the Whole House on the state of the Union.

Mr. CAMP: Committee on Ways and Means. H.R. 5842. A bill to amend the Internal Revenue Code of 1986 to repeal the amendments made by the Patient Protection and Affordable Care Act which disqualify expenses for over-the-counter drugs under health savings accounts and health flexible spending arrangements; with an amendment (Rept. 112–516). Referred to the Committee of the Whole House on the state of the Union.

Mr. CAMP: Committee on Ways and Means. H.R. 5858. A bill to amend the Internal Revenue Code of 1986 to improve health

savings accounts, and for other purposes; with an amendment (Rept. 112–517). Referred to the Committee of the Whole House on the state of the Union.

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. SMITH of Texas (for himself, Mr. CONYERS, Mr. SENSENBRENNER, and Mr. SCOTT of Virginia):

H.R. 5889. A bill to amend title 18, United States Code, to provide for protection of maritime navigation and prevention of nuclear terrorism, and for other purposes; to the Committee on the Judiciary.

By Mr. DOLD:

H.R. 5890. A bill to correct a technical error in Public Law 112-122; to the Committee on Financial Services. considered and passed. considered and passed.

By Mr. CUMMINGS:

H.R. 5891. A bill to amend the Defense Base Act to require the provision of insurance under that Act under a Government self-insurance program, and to require an implementation strategy for such self-insurance program; to the Committee on Education and the Workforce, and in addition to the Committee on 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 Mrs. MCMORRIS RODGERS (for herself, Ms. DEGETTE, Mr. SMITH of Texas, Mr. MATHESON, Mr. DINGELL, Mr. LATTA, Mr. TERRY, and Mr. MARKEY):

H.R. 5892. A bill to improve hydropower, and for other purposes; to the Committee on Energy and Commerce.

By Mr. GRIMM (for himself, Ms. LORETTA SANCHEZ of California, Mr. YODER, Mr. DOLD, Mr. NUNES, Mr. CARNAHAN, and Mr. POLIS):

H.R. 5893. A bill to jump-start economic recovery through the formation and growth of new businesses, and for other purposes; to the Committee on the Judiciary, and in addition to the Committees on Ways and Means, Science, Space, and Technology, Appropriations, and Energy and Commerce, 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. FLAKE:

H.R. 5894. A bill to repeal section 4004 of the Patient Protection and Affordable Care Act (authorizing an education and outreach campaign); to the Committee on Energy and Commerce, and in addition to the Committee on Appropriations, 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 Ms. BASS of California (for herself, Mr. HINOJOSA, Mr. MCDERMOTT, Mr. TOWNS, Ms. DELAURO, Mr. THOMPSON of Mississippi, Mr. CICILLINE, Mr. CONYERS, Mr. CLARKE of Michigan, Mr. JACKSON of Illinois, Ms. BORDALLO, Mr. LEWIS of Georgia, Mr. KUCINICH, Mr. JOHNSON of Georgia, Mr. HINCHEY, Mr. CARSON of Indiana, Mr. DAVIS of Illinois, Mr. SABLAN, Mr. RANGEL, Mr. HONDA, Ms. RICHARDSON, Ms. SEWELL, Mr. OLVER, Ms. NORTON, Ms. HAHN, Mr. NADLER, Ms. LEE of California, Mr. REYES, and Mr. TONKO):

H.R. 5895. A bill to provide interest-free deferment on unsubsidized student loans during periods of unemployment, and for other purposes; to the Committee on Education and the Workforce.

By Mr. GIBSON (for himself and Mr. HANNA):

H.R. 5896. A bill to [amend the Rural Electrification Act of 1936, and for other purposes]; to the Committee on Agriculture, and in addition to the Committee on Energy and Commerce, 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. SABLAN (for himself, Mrs. CHRISTENSEN, Ms. BORDALLO, Mr. PIERLUISI, and Mr. FALEOMAVAEGA):

H.R. 5897. A bill to amend the National and Community Service Act of 1990 to make certain United States territories eligible for nonprofit capacity building grants under that Act; to the Committee on Education and the Workforce.

By Mr. YOUNG of Alaska:

H.R. 5898. A bill to amend the Whaling Convention Act to require the Secretary of Commerce to authorize aboriginal subsistence whaling as permitted by the regulations of the International Whaling Commission and to set aboriginal subsistence catch limits for bowhead whales in the event the Commission fails to adopt such limits, and for other purposes; to the Committee on Foreign Affairs.

By Mr. FRANKS of Arizona (for himself, Mr. OLSON, Mr. COFFMAN of Colorado, Mr. MANZULLO, Mr. BISHOP of Utah, Mr. JONES, Mr. HUNTER, Mr. MURPHY of Pennsylvania, Mr. WOLF, Mrs. MYRICK, Mr. HARRIS, Mr. FORTENBERRY, Mr. LANDRY, Mr. UPTON, Mr. TIBERI, Mr. LATHAM, Mr. HULTGREN, Mr. JORDAN, Mr. HUIZENGA of Michigan, Mr. PLATTS, Mr. NUGENT, Mr. MCCLINTOCK, Mr. CANSECO, Mr. DUNCAN of South Carolina, Mr. WESTMORELAND, Mr. BONNER, Mr. ROSS of Florida, Mr. PITTS, Mr. LAMBORN, Mr. HARPER, Mr. NUNNELEE, Mr. FLEMING, and Mr. PALAZZO):

H.J. Res. 110. A joint resolution proposing an amendment to the Constitution of the United States relating to parental rights; to the Committee on the Judiciary.

By Mr. MARKEY (for himself and Mr. GINGREY of Georgia):

H. Res. 674. A resolution expressing support for designation of June 2012 as ''National Aphasia Awareness Month'' and supporting efforts to increase awareness of aphasia; to the Committee on Energy and Commerce.

By Mr. RIGELL:

H. Res. 675. A resolution expressing the sense of the House of Representatives that, as part of any agreement on Medicare reform, Medicare should not be changed for any citizens of the United States over the age of 55 and any agreement should provide a detailed plan to end waste, fraud, and abuse in the program; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, 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. ENGEL (for himself and Mr. BILIRAKIS):

H. Res. 676. A resolution to expose and halt the Republic of Turkey's illegal colonization of the Republic of Cyprus with non-Cypriot populations, to support Cyprus in its efforts to control all of its territory, to end Turkey's illegal occupation of northern Cyprus, and to exploit its energy resources without illegal interference by Turkey; to the Committee on Foreign Affairs.

By Mr. LAMBORN:

H. Res. 677. A resolution expressing the sense of the Congress regarding the anniversary of the United States Supreme Court decision in the case of District of Columbia v. Heller; to the Committee on the Judiciary.

By Mr. DANIEL E. LUNGREN of California (for himself, Mr. GARY G. MILLER of California, Mr. BURTON of Indiana, Mr. HANNA, Mr. RIVERA, and Mr. BRADY of Texas):

H. Res. 678. A resolution congratulating the United States Chamber of Commerce on its 100th anniversary; to the Committee on Energy and Commerce.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Ms. BUERKLE introduced a bill (H.R. 5899) for the relief of Zenon Kolenda and Orysya Bilyanska Kolenda; which was referred to the Committee on the Judiciary.

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. SMITH of Texas:

H.R. 5889.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1, of the Constitution

Article I, Section 8, Clause 3, of the Constitution

Article II, Section 2, Clause 2, of the Constitution

By Mr. DOLD:

H.R. 5890.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 (relating to the general welfare of the United States); and Article I, Section 8, Clause 3 (relating to the power to regulate interstate commerce).

By Mr. CUMMINGS:

H.R. 5891.

Congress has the power to enact this legislation pursuant to the following:

Article I, section 8 of the Constitution of the United States and Article I, Section 9, giving Congress the authority to control the expenditures of the federal government.

By Mrs. MCMORRIS RODGERS:

H.R. 5892.

Congress has the power to enact this legislation pursuant to the following:

The Constitutional authority in which this bill rests is the power of the Congress to regulate Commerce as enumerated by Article I, Section 8, Clause 3 as applied to waterways for the development of hydroelectric power and flood control.

By Mr. GRIMM:

H.R. 5893.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 4

By Mr. FLAKE:

H.R. 5894.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 18 of the United States Constitution—To make all Laws

which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

Article 1, Section 9, Clause 7 of the United States Constitution, which states, ''No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law''.

By Ms. BASS of California:

H.R. 5895.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article 1, Section 1.

Article I. Section 8. All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

By Mr. GIBSON:

H.R. 5896.

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 I, section 8 of the United States Constitution. Specifically Clause 1 (which relates to the power of Congress to provide for the general welfare of the United States) and Clause 3 (which relates to the power to regulate interstate commerce).

By Mr. SABLAN:

H.R. 5897.

Congress has the power to enact this legislation pursuant to the following:

Under Article I, section 8, clause 3 and Article IV, section 3, clause 2 of the Constitution.

By Mr. YOUNG of Alaska:

H.R. 5898.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 3.

Ms. BUERKLE:

H.R. 5899.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 4 of the Constitution asserts that ''Congress shall have the Power . . . To establish an uniform Rule of Naturalization.'' In other words, Congress shall have the power to determine who has the right to enter and remain in the United States.

By Mr. FRANKS of Arizona:

H.J. Res. 110.

Congress has the power to enact this legislation pursuant to the following:

The Parental Rights Amendment is introduced pursuant to Article V: ''The Congress, whenever two thirds of both Houses shall deem it necessary, shall propose Amendments to this Constitution . . . .''

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 32: Mr. CLARKE of Michigan.

H.R. 85: Mr. HINOJOSA.

H.R. 139: Mr. KIND.

H.R. 459: Mr. FLEISCHMANN, Mrs. EMERSON, Mr. HARPER, Mrs. CAPITO and Mr. KING of Iowa.

H.R. 530: Mr. SERRANO.

H.R. 816: Mr. MCCAUL.

H.R. 860: Ms. HIRONO, Ms. WASSERMAN SCHULTZ and Mr. KLINE.

H.R. 905: Mr. PASCRELL.

H.R. 997: Mr. LABRADOR.

H.R. 1006: Mr. DENT.

H.R. 1041: Mr. CHANDLER.

H.R. 1063: Mr. THOMPSON of California.

H.R. 1327: Mr. PENCE and Mr. BRADY of Pennsylvania.

H.R. 1348: Mr. MCINTYRE.

H.R. 1370: Mr. CANSECO and Mr. BARTON of Texas.

H.R. 1426: Mr. GOODLATTE and Mrs. MCMORRIS RODGERS.

H.R. 1448: Mr. MILLER of North Carolina and Mrs. LOWEY.

H.R. 1489: Ms. CHU.

H.R. 1543: Mr. WELCH.

H.R. 1653: Mr. NUNNELEE.

H.R. 1675: Ms. JACKSON LEE of Texas.

H.R. 1681: Mr. VAN HOLLEN.

H.R. 1733: Mr. MEEHAN, Mr. GEORGE MILLER of California, Ms. LEE of California and Ms. HIRONO.

H.R. 1735: Mr. RANGEL.

H.R. 1878: Ms. LORETTA SANCHEZ of California.

H.R. 1912: Mr. YARMUTH.

H.R. 1940: Mrs. HARTZLER.

H.R. 1956: Mr. ROKITA.

H.R. 1964: Ms. HOCHUL.

H.R. 2077: Mr. BONNER and Mr. CONAWAY.

H.R. 2104: Mrs. CAPPS and Mr. TERRY.

H.R. 2315: Ms. EDDIE BERNICE JOHNSON of Texas and Mr. PERLMUTTER.

H.R. 2327: Mr. AMODEI.

H.R. 2382: Mr. KEATING, Mr. QUIGLEY, and Mr. POLIS.

H.R. 2524: Mr. CARNAHAN.

H.R. 2569: Mr. LUETKEMEYER and Mr. GRIFFITH of Virginia.

H.R. 2637: Ms. BASS of California.

H.R. 2705: Mr. MURPHY of Connecticut.

H.R. 2721: Mr. CLEAVER, Mr. CLAY, Mr. DAVID SCOTT of Georgia, Mr. BISHOP of Georgia, Mr. THOMPSON of Mississippi, Mr. BUTTERFIELD and Ms. BROWN of Florida.

H.R. 2866: Mr. TURNER of Ohio.

H.R. 2962: Mr. HOLDEN and Mr. WALBERG.

H.R. 2966: Mr. CHANDLER.

H.R. 2970: Mrs. LOWEY.

H.R. 2982: Mr. SCHOCK.

H.R. 3015: Mr. CLAY and Mr. NADLER.

H.R. 3032: Mr. REHBERG and Mr. JONES.

H.R. 3187: Mr. AUSTIN SCOTT of Georgia, Mr. RUPPERSBERGER, Ms. SCHWARTZ, Mr. NEAL, Mr. HARPER and Mr. HOLT.

H.R. 3242: Mr. CAPUANO and Ms. CHU.

H.R. 3275: Mr. MCINTYRE.

H.R. 3395: Mr. JOHNSON of Ohio.

H.R. 3444: Mrs. ELLMERS.

H.R. 3485: Mr. CLARKE of Michigan, Mr. CONNOLLY of Virginia and Mr. LOEBSACK.

H.R. 3513: Ms. CHU.

H.R. 3596: Ms. WASSERMAN SCHULTZ and Mrs. MCCARTHY of New York.

H.R. 3618: Mr. MORAN.

H.R. 3627: Mr. JACKSON of Illinois.

H.R. 3660: Mr. JOHNSON of Georgia.

H.R. 3662: Mr. DAVIS of Kentucky and Mr. FLORES.

H.R. 3668: Mr. COURTNEY and Mrs. DAVIS of California.

H.R. 3797: Mr. GARRETT.

H.R. 3798: Ms. LINDA T. SÁNCHEZ of California.

H.R. 3803: Mr. THORNBERRY.

H.R. 3809: Mr. GARRETT.

H.R. 3839: Mr. YODER and Ms. ZOE LOFGREN of California.

H.R. 3867: Mr. CAMPBELL.

H.R. 3903: Mr. BRALEY of Iowa.

H.R. 4017: Mr. MEEHAN and Mr. CARNEY.

H.R. 4018: Mr. CONYERS.

H.R. 4055: Mr. PETERS and Mr. ISRAEL.

H.R. 4057: Mr. RYAN of Ohio.

H.R. 4066: Mr. MCGOVERN.

H.R. 4078: Mr. DUNCAN of South Carolina.

H.R. 4103: Mrs. LOWEY and Mr. COBLE.

H.R. 4122: Ms. ESHOO, Mr. CLARKE of Michigan and Mr. CAMPBELL.

H.R. 4169: Mr. GRIJALVA.

H.R. 4170: Mr. NADLER and Mr. DAVIS of Illinois.

H.R. 4192: Mr. TIERNEY.

H.R. 4209: Mr. CICILLINE.

H.R. 4227: Mr. CICILLINE, Ms. FUDGE, Mr. FILNER, Ms. BASS of California, Mr. FATTAH, Mrs. MCCARTHY of New York, Mr. DINGELL and Mr. LYNCH.

H.R. 4235: Mr. PERLMUTTER.

H.R. 4277: Mr. SERRANO, Mr. MCGOVERN and Mr. THOMPSON of Mississippi.

H.R. 4282: Mr. TIBERI, Mr. BRADY of Texas and Ms. NORTON.

H.R. 4305: Mrs. EMERSON and Mr. BOREN.

H.R. 4323: Mr. LOEBSACK.

H.R. 4330: Mr. RIBBLE.

H.R. 4336: Mr. PRICE of Georgia and Mr. HUIZENGA of Michigan.

H.R. 4350: Mr. PRICE of North Carolina.

H.R. 4381: Mrs. BLACK, Mr. DUNCAN of South Carolina, Mr. LAMBORN, Mr. COFFMAN of Colorado, Ms. FOXX and Mr. NUNNELEE.

H.R. 4382: Mrs. BLACK, Mr. JOHNSON of Ohio, Mr. GRIFFIN of Arkansas, Mr. DUNCAN of South Carolina, Mr. TIPTON, Mr. LAMBORN, Mr. DENHAM and Ms. FOXX.

H.R. 4383: Mrs. BLACK, Mr. JOHNSON of Ohio, Mr. GRIFFIN of Arkansas, Mr. DUNCAN of South Carolina, Mr. COFFMAN of Colorado, Mr. TIPTON and Mr. DENHAM.

H.R. 4386: Mr. MCCLINTOCK.

H.R. 4402: Mr. GARDNER, Mr. REHBERG, Mrs. LUMMIS and Mr. PEARCE.

H.R. 4405: Mr. DEUTCH, Mr. HINCHEY, Mr. LEWIS of Georgia, Mr. TURNER of New York and Mr. KEATING.

H.R. 4471: Mr. REHBERG, Mr. JOHNSON of Ohio, Mr. BERG and Mr. GRIFFIN of Arkansas.

H.R. 4480: Mr. GRIFFIN of Arkansas, Mr. DUNCAN of South Carolina, Ms. FOXX, Mr. NUNNELEE and Mr. LATHAM.

H.R. 4481: Mr. AMODEI.

H.R. 4965: Mr. FINCHER, Mr. BRADY of Texas and Mr. ALTMIRE.

H.R. 4972: Mr. STARK.

H.R. 5381: Mrs. LUMMIS, Mr. COLE and Mr. MCCLINTOCK.

H.R. 5546: Mr. RANGEL.

H.R. 5707: Mr. BRADY of Pennsylvania and Mr. MCGOVERN.

H.R. 5738: Mr. LEVIN.

H.R. 5741: Mr. PETERS.

H.R. 5748: Ms. MOORE, Ms. ROYBAL-ALLARD and Ms. SPEIER.

H.R. 5749: Ms. PINGREE of Maine, Mr. HONDA, Mr. OLVER, Ms. SLAUGHTER and Mr. BLUMENAUER.

H.R. 5791: Mr. GOSAR, Mr. FRANKS of Arizona, Mr. SCHWEIKERT and Mr. MCCLINTOCK.

H.R. 5796: Mr. POE of Texas and Mr. CHABOT.

H.R. 5842: Mr. DAVIS of Kentucky and Mr. BILBRAY.

H.R. 5844: Mr. POE of Texas.

H.R. 5859: Mr. OLSON and Mr. SCHRADER.

H.R. 5870: Ms. CHU.

H.R. 5872: Mr. SCHILLING, Mr. HARRIS, Mr. COFFMAN of Colorado, Mrs. ROBY, Mr. LAMBORN and Mr. NUNNELEE.

H.J. Res. 47: Mr. CLARKE of Michigan and Mr. RUPPERSBERGER.

H. Con. Res. 21: Mr. HALL.

H. Con. Res. 127: Mr. OLSON, Mr. BUTTERFIELD, Mr. MCKINLEY, Mrs. MCMORRIS RODGERS, Mr. RUSH, Ms. SPEIER, Mr. GUTHRIE, Mr. TOWNS, Mr. SCALISE, Mr. POMPEO, Mrs. CAPPS, Mr. BARTON of Texas, Mr. WHITFIELD, Mr. ENGEL, Ms. DEGETTE, Mr. DOYLE, Mr. GINGREY of Georgia, Mr. JONES, Mr. PITTS, Mr. MURPHY of Pennsylvania, Mr. HARPER and Mr. GARDNER.

H. Res. 134: Mr. MURPHY of Connecticut.

H. Res. 282: Mr. JACKSON of Illinois and Mr. CLAY.

H. Res. 298: Mr. LYNCH and Mr. CASSIDY.

H. Res. 506: Mr. JONES and Mr. WEST.

H. Res. 532: Mr. Sam JOHNSON of Texas.

H. Res. 583: Mr. MCNERNEY.

H. Res. 618: Ms. HIRONO, Mr. WEST and Mr. LARSON of Connecticut.

H. Res. 652: Mr. MCGOVERN.

H. Res. 655: Mr. BRADY of Pennsylvania, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. RICHARDSON and Mr. GRIJALVA.

H. Res. 663: Mr. ROTHMAN of New Jersey, Mr. CHABOT, Mr. CARNAHAN, Mr. SIRES, Mr. CONNOLLY of Virginia, Mr. SCHIFF, Mr. CROWLEY, Mr. HOLT, Ms. WASSERMAN SCHULTZ, Mrs. MALONEY, Mr. SHERMAN, Mr. ACKERMAN, Mr. MEEKS, Ms. RICHARDSON, Mr. BURTON of Indiana, Mr. NADLER and Mr. GENE GREEN of Texas.

H. Res. 669: Mr. MURPHY of Pennsylvania and Mr. JOHNSON of Ohio.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

[Submitted June 1, 2012]

H.R. 5325

OFFERED BY: MR. HARRIS

AMENDMENT NO. 18: At the end of the bill (before the short title) insert the following:

SEC. ____. None of the funds made available under 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).

[Submitted June 5, 2012]

H.R. 5325

OFFERED BY: MRS. LUMMIS

AMENDMENT NO. 19: At the end of the bill (before the short title) insert the following:

SEC. ____. None of the funds made available under this Act may be used to plan or undertake sales, trades, barters, or transfers of uranium from the Department of Energy in total amounts that in fiscal year 2013 exceed 1,917 metric tons of uranium as uranium hexafluoride equivalent.

H.R. 5325

OFFERED BY: MR. GARDNER

AMENDMENT NO. 20: Page 29, line 10, insert before the period at the end the following:
: *Provided further*, That of the funds made available under this heading, such sums as may be necessary shall be available to the Secretary of Energy to comply with the Department's energy management requirements under section 543(f)(7) of the National Energy Conservation Policy Act (42 U.S.C. 8253(f)(7))

H.R. 5325

OFFERED BY: MR. MATHESON

AMENDMENT NO. 21: Page 25, line 5, after the dollar amount, insert ''(increased by $9,600,000)''.

Page 30, line 5, after the dollar amount, insert ''(reduced by $9,600,000)''.

H.R. 5325

OFFERED BY: MR. DENHAM

AMENDMENT NO. 22: 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 to implement section 10011(b) of Public Law 111–11.

H.R. 5325

OFFERED BY: MR. KUCINICH

AMENDMENT NO. 23: At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available under this Act may be used to provide new loan guarantees under section 1703 of the Energy Policy Act of 2005 (42 U.S.C. 16513), and the amount otherwise appropriated by this Act for ''Title 17 Innovative Technology Loan Guarantee Program'' is hereby reduced by $33,000,000.

H.R. 5855

OFFERED BY: MR. TERRY

AMENDMENT NO. 1: 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 for the designation of critical infrastructure in the banking, telecommunications, or energy sector for cybersecurity purposes.