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Campbell
Canseco
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Cole
Conaway
Costa
Costello
Cravaack
Crawford
Crenshaw
Critz
Cuellar
Culberson
Davis (KY)
Denham
Dent
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Duncan (SC)
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Ellmers
Emerson
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Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
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Griffin (AR)
Griffith (VA)
Grimm
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Hanna
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Jordan
Kelly
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Labrador
Lamborn
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Latham
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Miller (FL)
Miller (MI)
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Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
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Palazzo
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Paulsen
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Poe (TX)
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Reed
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Renacci
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Rivera
Roby
Roe (TN)
Rogers (AL)
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Rohrabacher
Rokita
Rooney
Ros-Lehtinen
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Ross (AR)
Ross (FL)
Royce
Runyan
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Scalise
Schilling
Schmidt
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Scott, Austin
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Smith (TX)
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Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner
Upton
Walberg
Walden
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Webster
West
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Whitfield
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Womack
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Bass (CA)
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Berkley
Berman
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Butterfield
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Clarke (MI)
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Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Courtney
Crowley
Cummings
Davis (CA)
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DeFazio
DeGette
DeLauro
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Dicks
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Dold
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Fattah
Filner
Fitzpatrick
Flake
Frank (MA)
Fudge
Garamendi
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hanabusa
Hastings (FL)
Hayworth
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Higgins
Hinojosa
Hirono
Hochul
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Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Kaptur
Keating
Kildee
Kind
Kissell
Kucinich
Lance
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Lee (CA)
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Perlmutter
Peters
Pingree (ME)
Polis
Price (NC)
Quigley
Rangel
Reichert
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Richardson
Richmond
Rigell
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
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Scott, David
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Slaughter
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Speier
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Sutton
Thompson (CA)
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Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Welch
Wilson (FL)
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Wolf
Woolsey
Wu
Yarmuth
Young (FL)

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Bishop (GA)
Diaz-Balart
Ellison
Giffords
Himes
Hinchey
McCotter
McMorris Rodgers

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There is 1 minute left in the vote.

□ 1856

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. DIAZ-BALART of Florida. Mr. Speaker, on rollcall No. 573 I was unavoidably detained. Had I been present, I would have voted "yea."

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H. RES. 306

Ms. ROS-LEHTINEN. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of House Resolution 306.

The SPEAKER pro tempore (Mr. LANKFORD). Is there objection to the request of the gentlewoman from Florida?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1380

Mr. CASSIDY. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 1380.

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

There was no objection.

GENERAL LEAVE

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

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

There was no objection.

ENERGY AND WATER DEVELOPMENT AND RELATED AGENCIES APPROPRIATIONS ACT, 2012

The SPEAKER pro tempore. Pursuant to House Resolution 337 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2354.

□ 1856

IN THE COMMITTEE OF THE WHOLE

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

The Clerk read the title of the bill.

The Acting CHAIR. When the Committee of the Whole rose on Tuesday, July 12, 2011, the bill had been read through page 24, line 23.

AMENDMENT NO. 57 OFFERED BY MR. REHBERG

Mr. REHBERG. 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 24, line 18, after the dollar amount insert "(reduced by $2,200,000) (increased by $2,200,000)".

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

Mr. REHBERG. Mr. Chairman, this amendment directs $2.2 million of the Department of Energy's Fossil Energy Research Development budget to the Risk Based Data Management System.

The Risk Based Data Management System is a State governmental agency-based information system initiative to help States collect and aggregate essential oil, gas, and environmental compliance information, local geology data, base of freshwater data, well construction specifics, area production historical data, and information provided by companies applying for permits.

This type of information system has resulted in better environmental protection; public disclosure of all chemicals; easier, cheaper, and faster environmental compliance for industry-enhanced State environmental enforcement. That's why my amendment is broadly supported by State environmental agencies, State regulators, the energy industry, and many in the environmental community.

Providing this funding will allow for enhanced environmental protection

and enhanced oil and gas production. It improves public disclosure of chemicals by providing funding for data systems where operators can disclose chemicals used on all procedures in any State.

The amendment also strengthens State environmental regulation of oil and gas by providing funding for reviews of State environmental programs, including initiatives like the highly successful STRONGER, which is an organization that has done comprehensive reviews of State oil and gas agencies' administrative and regulatory operations using a multi-stakeholder team of three regulators, three environmental NGOs, and three industry representatives.

I yield back the balance of my time.

□ 1900

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 support of the gentleman's amendment. The gentleman from Montana is a valued member of the Energy and Water subcommittee. His amendment will provide a reasonable amount of funding to continue work on the fossil energy Risk Based Data Management System. By more efficiently tracking and disseminating information, the system will help ensure that the environment is protected while reducing costs for industry, benefits for which I hope all sides can agree.

I support the gentleman's amendment and urge Members to do the same.

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 opposition to my good friend's amendment.

Since we have been debating this bill, we have heard time and again that we must make tough decisions on what we choose to fund. My colleagues across the aisle, in particular, have made a point repeatedly that we should not be funding activities where industry can and should.

This program deals with research and development to maximize the production capabilities of marginal wells and reservoirs. Certainly we can't argue about the merit of that; but it seems that as we talk about subsidies, particularly to a very profitable industry—oil and gas—we should be consistent. Compiling and maintaining a database on oil and gas wells at this level of detail I do not believe is the proper role of the Federal Government and is likely to be duplicative of what is currently being done in the industry.

Further, it is my understanding that States and private industry have had a great deal of success fostering the recovery of oil and natural gas from marginal wells with similar initiatives. These State and industry initiatives have been successfully driven by an economic need to have pertinent information on hand when evaluating the economic viability or filing permit applications.

Given that that process is working on a local and State level, I do not believe that we should rush for Federal Government involvement. It seems to me that we should be looking for smaller government wherever possible; and this gives us a chance today, in opposition to this amendment, to do it right.

The gentleman makes the assertion that this system has resulted in public disclosure of all chemicals in hydraulic fracturing fluids. Texas has arguably one of the strongest—if not the strongest—disclosure laws and is still far from a requirement to disclose ''all'' chemicals; and the database in question is also significantly weaker than Wyoming's regulation on public disclosure.

Mr. Chairman, I do reluctantly, because of my friendship with the gentleman, strongly oppose his amendment.

I yield back the balance of my time.

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

The amendment was agreed to.

Mrs. BIGGERT. Mr. Chairman, I move to strike the last word.

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

Mrs. BIGGERT. I rise to engage in a brief colloquy with my colleague from New Jersey (Mr. FRELINGHUYSEN) about the issue of energy efficiency in buildings as it relates to funding for the Energy Information Administration.

First let me say that I very much appreciate the committee's efforts with respect to the EIA and the overall bill. The EIA is an essential resource for the commercial building sector as they seek to improve energy efficiency and reduce energy costs.

I want to clarify the intent of the committee direction for the EIA funding of the Commercial Building Energy Consumption Survey, also known as CBECS. I recognize that the committee recommended an appropriation of $105 million for EIA in fiscal year 2012, roughly $9 million above fiscal year 2011 levels.

Unfortunately, the committee also included limiting language that I'm concerned about. Does the gentleman from New Jersey consider CBECS a priority for EIA?

Mr. FRELINGHUYSEN. Will the gentlewoman yield?

Mrs. BIGGERT. I yield to the gentleman from New Jersey.

Mr. FRELINGHUYSEN. I thank the gentlewoman from Illinois and agree that the Consumer Building Energy Consumption Survey is an important resource for the building sector. The bill provides an increase of $10 million for the Energy Information Administration; and if funding is available, I expect that an update of the consumer building survey would be funded.

Mrs. BIGGERT. Reclaiming my time, I thank the chairman. As you know, I serve as cochair of the High Performance Building Caucus with Representative RUSS CARNAHAN of Missouri. Many members of the High Performance Building Coalition have come to us to express their concern about an updated CBECS since the latest data is nearly a decade old.

Substantial investments in the commercial building sector have been made since the last CBECS was published in 2003. The updated data is not only valuable to building owners looking to make improvements, but also necessary to inform the Annual Energy Outlook that we, in Congress, rely on.

Finally, I would like to point out that the building renovation sector relies overwhelmingly on American-made goods for its work. In fact, over 90 percent of the manufacturing of furnaces, insulation and ductwork is here in the United States. So by making this data available to commercial buildings through CBECS, we are directly supporting American jobs.

I yield back the balance of my time.

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

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

Mr. CARNAHAN. I thank may colleague, Mrs. BIGGERT, for her remarks and also want to address the important issue of CBECS funding and to engage in a colloquy with my colleague, Mr. VISCLOSKY.

Mr. VISCLOSKY. Will the gentleman yield?

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

Mr. VISCLOSKY. I also appreciate my colleague raising this important issue. I agree that the committee understands the importance of this program. The CBECS data is essential not just for Federal programs to reduce energy use like EPA's Energy Star for buildings and DOE's building technologies program, but for private sector efforts like the U.S. Green Building Council's lead rating system as well.

Mr. CARNAHAN. Thank you.

As you know, the committee report language states that the Energy Department is directed to fund all data collection, releases and reports on oil, natural gas, electricity, renewables and coal, all previously funded international energy statistics and all ongoing energy analysis efforts before allocating funding to the energy consumption surveys. Unfortunately, this language effectively excludes funding for the Commercial Building Energy Consumption Survey, also known as CBECS.

This is one of the few tools we have that provides a comprehensive assessment of how commercial buildings as diverse as offices, supermarkets and senior centers use energy.

I want to thank the ranking member, I want to thank the chairman, and I want to thank my cochair of the High Performance Building Caucus, Mrs. BIGGERT, for their engagement on this issue. In fact, there was broad private sector support for continuing CBECS.

At this point I would like to submit for the RECORD two letters that were submitted by private sector stakeholders to the Appropriations Committee in support of CBECS. I just want to read one sentence from a letter that I will be submitting for the RECORD: ''If funding is not provided, work on the 2011 CBECS data will likely not continue, and the government and industry will be forced to rely on data that is nearly a decade old, resulting in potential missed opportunities to increase building efficiency.''

ASHRAE,
Atlanta, GA, May 5, 2011.

Rep. RODNEY P. FRELINGHUYSEN,
Subcommittee Chairman, House Appropriations Subcommittee on Energy and Water Development.

Rep. PETER J. ''PETE'' VISCLOSKY,
Subcommittee Ranking Democrat, House Appropriations Subcommittee on Energy and Water Development.

Re Fiscal Year 2012 Funding for the U.S. Energy Information Administration's Commercial Building Energy Consumption Survey.

DEAR CHAIRMAN FRELINGHUYSEN AND RANKING DEMOCRAT VISCLOSKY: the American Society of Heating, Refrigerating and Air-Conditioning Engineers Inc. (ASHRAE), founded in 1894, is an international organization of over 52,000 members. ASHRAE fulfills its mission of advancing heating, ventilation, air conditioning and refrigeration to serve humanity and promote a sustainable world through research, standards writing, publishing and continuing education.

Recently ASHRAE learned that, due to needed funding reductions for fiscal year 2011, work on the 2011 edition of the U.S. Energy Information Administration's Commercial Buildings Energy Consumption Survey (CBECS) has been halted.

ASHRAE strongly urges you to include funding for CBECS in the FY 2012 appropriations bills to allow work on the 2011 edition of the Survey to continue. This is especially important, because the most recent (2007) CBECS data are flawed and unusable. Currently, the latest version of CBECS data is from 2003. If funding is not provided, work on the 2011 CBECS data will likely not continue, and the government and industry will be forced to rely on data that is nearly a decade old, resulting in potential missed opportunities to increase building efficiency.

The Commercial Buildings Energy Consumption Survey is a national sample survey that collects information on the stock of U.S. commercial buildings, their energy-related building characteristics, and their energy consumption and expenditures. Commercial buildings include all buildings in which at least half of the floorspace is used for a purpose that is not residential, industrial, or agricultural, so they include building types that might not traditionally be considered ''commercial,'' such as schools, correctional institutions, and buildings used for religious worship.

Buildings consume 40 percent of energy in the United States. Increasing the efficiency of buildings can decrease the need for additional energy production, while expanding current capacity; positively impacting U.S. economic and national security.

Information from CBECS plays a critical role in building energy efficiency through the many federal and private sector programs that use the Survey's data in their efforts to establish benchmark levels and promote energy efficient practices. These programs include: The ENERGY STAR Buildings program; Leadership in Energy and Environmental Design (LEED) for Existing Buildings; Green Globes®; ASHRAE's Building Energy Quotient (BEQ) building energy labeling program; and many others.

For all of the reasons above, we respectfully request that you continue funding for CBECS in fiscal year 2012 and future years. Suspension of work on the 2011 Survey was done to help alleviate our nation's deficit and debt issues, but has serious adverse consequences for national building energy efficiency efforts. We look forward to working with you to remedy this matter for the benefit of all. Please feel free to contact Mark Ames, ASHRAE Manager of Government Affairs.

Personal regards,
LYNN G. BELLENGER,
ASHRAE President 2010–2011.

We are writing as representatives of the commercial real estate industry and other energy efficiency stakeholders to urge that the 2011 edition of the U.S. Energy Information Administration's Commercial Buildings Energy Consumption Survey (CBECS) be funded at $4 million for fiscal year 2012 (FY12) so that the on-going collection of energy data for the commercial buildings sector can be resumed.

CBECS provides critically important information to support programs that promote energy efficiency in our nation's commercial building stock. It is a national sample survey that collects data on energy-related building characteristics such as electricity consumption and expenditures. Information from CBECS is the basis for many federal and private sector energy efficiency and sustainability programs, including the ENERGY STAR Buildings program, Leadership in Energy and Environmental Design (LEED) for Existing Buildings, and other building energy labeling platforms.

For the real estate sector, these programs are the primary benchmarking and information mechanism for energy efficiency and sustainability. Business owners use them to compare their buildings and make capital expenditure decisions, while office tenants use ENERGY STAR and other programs to assess the energy efficiency of buildings where they lease space. In addition, there is growing pressure on the CBECS data set as major U.S. cities have started to require ENERGY STAR ratings (which are based on CBECS data) for government-owned and large private sector buildings. Lack of robust CBECS data will make the real estate sector's compliance with state and local laws increasingly difficult.

The market is currently using CBECS data from 2003, which is the most recent dataset the Energy Information Administration (EIA) has published. We understand that problems from the 2007 CBECS data collection effort, which caused it to be discarded, are being corrected by the EIA as it prepares to undertake survey work this year. If funding is not provided, work on the 2011 CBECS process will be suspended. This will force companies, consumers, and government stakeholders to rely on data that is nearly a decade old and does not reflect the significant strides that have been made in building technologies, operations, and efficiencies that have occurred in this rapidly evolving arena since the release of the 2003 data set. Opportunities to increase building efficiency and upgrade our building stock will be missed in the absence of more current and reliable CBECS data. Further delay in collecting and publishing new data will diminish the efficacy and reliability of energy benchmarking systems that depend on CBECS.

Increasing the efficiency of buildings can decrease the need for additional energy production, while expanding current capacity, positively impacting the U.S. economy and national security. We respectfully request that you continue funding for CBECS at $4 million in FY12 and future years. This is a small investment on a critically important piece of data infrastructure that will leverage significant impacts.

Sincerely,

Ankrom Moisan Architects; Beck Architecture LLC; Biositu, LLC; Building Owners and Managers Association International (BOMA); Brandywine; Campbell Coyle Holdings, LLC; Cannon Design; The City of New York; Cook+Fox Architects; e4, inc.; Earth Day New York; Energy Future Coalition; GGLO; Green Realty Trust, Inc; Grubb & Ellis; HOK; Insight Real Estate, LLC; Institute for Market Transformation; International Council of Shopping Centers; Jones Lang LaSalle; Johnson Controls, Inc.; Joseph Freed and Associates; Kirksey Architecture.

KMD Architects; Lake Flato Architects; Lord, Aeck & Sargent Architecture; Mahlum; MEI Hotels Incorporated; National Association of Home Builders (NAHB); Natural Resources Defense Council (NRDC); National Roofing Contractors Association (NRCA); Polyisocyanurate Insulation Manufacturers Association; Real Estate Board of New York (REBNY); Related; SERA Architects; Servidyne; Simon Property Group; SmithGroup; Terrapin Bright Green; The Durst Organization; The Real Estate Roundtable (RER); Tishman Speyer; Transwestern; U.S. Green Building Council (USGBC); Vornado Realty Trust; Wight & Company.

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

AMENDMENT NO. 25 OFFERED BY MR. MCKINLEY

Mr. MCKINLEY. 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 24, line 18, after the dollar amount, insert ''(increased by $39,000,000)''.

Page 28, line 13, after the dollar amount, insert ''(reduced by $39,000,000)''.

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

Mr. MCKINLEY. Mr. Chairman, I would like to commend Chairman FRELINGHUYSEN and the committee for their efforts in developing legislation that is intended to streamline processes and increase efficiency within the Department of Energy. Throughout this legislation, we can see intelligent savings that will result in less spending and more efficient use of tax dollars.

However, I'm concerned that this legislation as written and reported will have the unintended consequence of destroying the National Energy Technology Laboratory's ability to manage approximately $19 billion in contracts and conduct the necessary research and

development to advance safe natural gas drilling, clean coal technologies and energy independence.

□ 1910

I shared my concerns with Chairman FRELINGHUYSEN and Ranking Member VISCLOSKY in a bipartisan letter signed by my colleagues MIKE DOYLE, TIM MURPHY, and MARK CRITZ.

America depends on fossil resources for 85 percent of our energy requirements, and will continue to do so for the foreseeable future. Coal is mined in 26 States in our country and used to generate electricity in 48 of the 50 States. However, without NETL's research into clean coal technology, hundreds of thousands of jobs across America are in jeopardy.

The fossil fuel R&D program that is being cut in this bill is unique among the DOE programs because the program direction account includes funding for the operations, maintenance, and administration of the National Energy Technology Lab, along with salaries and benefits for all of the Federal researchers who work there. NETL is the only government owned, government operated national laboratory. OMB requires that all Federal costs be included in the program direction account.

This amendment would restore the funding cut within Fossil Energy Research and Development to program direction in an effort to recognize the outstanding work being done by NETL and the unique manner in which the laboratory is funded and maintained.

Mr. Chairman, these projects are in every State and almost every congressional district in the country. Virtually every one of my colleagues has a vested interest in this laboratory being funded sufficiently and effectively so we can complete these projects.

I yield to the gentleman from New Jersey.

Mr. FRELINGHUYSEN. I thank the gentleman for yielding.

Your amendment would shift an additional $39 million within Fossil Energy Research and Development to program direction. I recognize the important role that the Fossil Energy Research and Development program plays in securing our energy future, especially when 70 percent of our energy comes from fossil sources. And I certainly recognize your strong advocacy as a gentleman from West Virginia, and the important role in fossil fuel that your State plays, providing such for the Nation.

I also recognize the critical role scientists and their research at our national laboratories—including the one in your State, NETL—play in keeping our Nation in the lead in fossil energy technologies.

Our bill demonstrates this support by funding Fossil Energy Research and Development at $32 billion above the fiscal year 2011 level. The bill also, however, increases the transparency of these programs by moving research and development out of program direction and into research programs. With that change included in the bill, the Department of Energy still has the authority to fund laboratory personnel doing valuable work at the national labs. However, recognizing my colleague's concerns, we would be happy to work with the gentleman as we move toward conference to ensure that salaries and expenses for ongoing activities are fully funded while increasing the transparency of ongoing research.

Mr. MCKINLEY. Mr. Chairman, I appreciate the chairman's remarks, and I ask unanimous consent to withdraw my amendment.

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

There was no objection.

The Acting CHAIR. 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.

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.), $192,704,000, to remain available until expended.

SPR PETROLEUM ACCOUNT

Notwithstanding sections 161 and 167 of the Energy Policy and Conservation Act (42 U.S.C. 6241, 6247), the Secretary of Energy shall sell $500,000,000 in petroleum products from the Reserve not later than March 1, 2012, and shall deposit any proceeds from such sales in the General Fund of the Treasury: *Provided*, That during fiscal year 2012 and hereafter, the quantity of petroleum products sold from the Reserve under the authority of this Act may only be replaced using the authority provided in paragraph (a)(1) or (3) of section 160 of the Energy Policy and Conservation Act (42 U.S.C. 6240(a)(1) or (3)): *Provided further*, That unobligated balances in this account shall be available to cover the costs of any sale under this Act.

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 amounts net of the purchase of 1 million barrels of petroleum distillates in fiscal year 2011; costs related to transportation, delivery, and storage; and sales of petroleum distillate from the Reserve under section 182 of the Energy Policy and Conservation Act (42 U.S.C. 6250a) are hereby permanently rescinded: *Provided further*, That notwithstanding section 181 of the Energy Policy and Conservation Act (42 U.S.C. 6250), for fiscal year 2012 and hereafter, the Reserve shall contain no more than 1 million barrels of petroleum distillate.

ENERGY INFORMATION ADMINISTRATION

For necessary expenses in carrying out the activities of the Energy Information Administration, $105,000,000, 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, $213,121,000, to remain available until expended.

AMENDMENT OFFERED BY MR. MATHESON

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

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 27, line 10, after the dollar amount, insert ''(increased by $10,000,000)''.

Page 33, line 20, after the dollar amount, insert ''(reduced by $10,000,000)''.

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

Mr. MATHESON. Mr. Chairman, in the report language from the committee report for this bill, the Appropriations Committee included some language talking about concern about the lack of remediation activity taking place around the country at various Department-sponsored facilities and small sites under the responsibility of the Department, and this is in terms of environmental cleanup for non-defense sites.

I share that concern, and the committee report language talks about having the Department not later than November 15, 2011, give a detailed plan on remediating these small sites.

Here is the issue. When you have some smaller sites that need to be cleaned up, you have your management infrastructure in place. We are spending money each year to maintain the management structure, but if you don't spend the money to actually do the cleanup, you just extend the life cycle of this project out year after year after year. I think if we focus on these projects and get them done by investing the funds to clean them up quickly, it is actually from a life-cycle basis better off for taxpayers.

Now, this is a tough bill to find a pay-for because overall—and I applaud the fact that we looked at reducing spending in this bill—but my suggestion is a modest increase in the non-defense environmental cleanup account of $10 million, which will bring the funding level to what it was in the last fiscal year. That is paid for by reducing by $10 million the National Nuclear Security Administration's weapons activity account, which had been plussed up $185 million in this bill.

There are a few of these sites around the country. They are smaller. There are some sites that are larger. I am not directing where this money goes. I am just trying to put money into the non-defense environmental cleanup account, hoping that since the committee indicated in its report language that it

wants the smaller sites to move on a faster basis, that this funding could help assist in that effort. In my opinion, this is in the taxpayers' interest to do this.

Now, there are sites around the country. There happens to be one in my congressional district. It is in Moab, Utah. It is a facility where the Department of Energy has been cleaning up a radioactive tailings pile that is on the banks of the Colorado River. It is a pile where the environmental impact statement indicated that in the long term, it is a near certainty that this tailings pile would be flooded and flushed down the river. There are about 25 million users of this water downstream. There has been ongoing bipartisan agreement in the House of Representatives for years about the cleanup of this site.

And this is just one, and I think there are others that also are mandatory as well. Again, my amendment cannot direct it to one particular site, but I am suggesting that increasing funding by $10 million to bring the nondefense environmental cleanup account up to last year's level is a good thing to do. That's the purpose of the amendment.

I yield back the balance of my time.

□ 1920

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

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

Mr. FRELINGHUYSEN. Mr. Chairman, I rise in opposition to the gentleman from Utah's amendment, but I salute his advocacy and passion for his purpose for being here this evening.

This amendment seeks to funnel off defense funding that is needed for the modernization of our nuclear infrastructure. With a nearly $500 million reduction to the request for weapons activities, this bill already takes opportunities to find savings with the account. Right now this bill provides for our defense requirements and is well balanced. Further reductions would unacceptably impact the ability to meet the goals of modernization and to support the nuclear security strategy set forth in the 2010 Nuclear Posture Review.

This bill takes a consistent approach to funding for environmental cleanup, providing a slightly lower but sustainable and stable funding stream to continue work at all the cleanup sites.

It is not responsible to increase this account above what was requested for these activities, particularly at the expense of an important national defense program.

I urge my colleagues to make defense a priority and to vote ''no'' on this 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 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 Utah will be postponed.

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

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

Mr. KINGSTON. I want to ask my friend from New Jersey to engage in a colloquy. The purpose of it is to talk about the nuclear prototype.

As you know, and as the ranking member knows and the full committee ranking member, Mr. DICKS, knows, the Ohio class nuclear submarine is a critical component of our country's national security and is one-third of our nuclear deterrence, along with bombers and nuclear missiles.

These critical systems are aging and are close to the end of their lifecycle. As part of the Ohio replacement, or SSBN(X) program, we are looking at expanding the nuclear core so that the future nuclear ballistic submarines can have a core life expectancy of 40 years, over 20 years.

Mr. FRELINGHUYSEN. Will the gentleman yield?

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

Mr. FRELINGHUYSEN. I thank the gentleman from Georgia for engaging this opportunity to call attention to the strong support this bill provides for the Office of Naval Reactors, which I am proud to say reflects bipartisan priorities.

Mr. KINGSTON. I thank the gentleman.

And I want to point out that the Ohio replacement nuclear reactor development program was identified specifically by line item within the Naval Reactor Section and allocated a full $121.3 million specifically for the SSBN(X) reactor program. This was done to ensure that the program be fully funded to the requirement amount without delay for FY 2012.

I want to just get assurance of the support of the committee for this program, and I yield to the gentleman regarding the committee's position on it.

Mr. FRELINGHUYSEN. I would like to join with my friends in support of this program. In doing so, we will be providing 100 percent clarification to this body and all agencies. The SSBN(X) development programs within Naval Reactors and the Department of Energy, along with associated programs directly related to the Ohio replacement program, are indeed fully funded to their requirement within this legislation.

These funds have been allocated for a specified purpose: the development of a nuclear reactor prototype and all associated programs.

Mr. KINGSTON. Reclaiming my time, I thank the chairman for that.

Just to be abundantly sure, in order to ensure that there's no confusion within the Department of Energy and Naval Reactors, is it true that the prototype development for this new and complicated reactor system is fully funded to the required request?

Mr. FRELINGHUYSEN. Will the gentleman yield?

Mr. KINGSTON. I yield to the chairman.

Mr. FRELINGHUYSEN. Yes. The level for Naval Reactors includes $121.3 million to develop a new reactor design for the Ohio replacement and $99.5 million to refuel a prototype reactor in upstate New York that is associated with the development of the Ohio replacement.

Mr. KINGSTON. I thank the gentleman.

Then I am hearing that the subcommittee has fulfilled the body's intent to ensure all funding lines related to the SSBN(X) Ohio replacement nuclear program are allocated to the required amount.

I thank the gentleman for his support and for Mr. CULBERSON's support and Mr. DICKS' support.

Mr. FRELINGHUYSEN. And Mr. VISCLOSKY's as well.

Mr. KINGSTON. And Mr. VISCLOSKY's support as well.

I yield back the balance of my time.

AMENDMENT OFFERED BY MR. REED

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

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 27, line 10, after the dollar amount, insert ''(increased by $41,000,000)''.

Page 32, line 4, after the dollar amount, insert ''(reduced by $21,000,000)''

Page 35, line 15, after the second dollar amount, insert ''(reduced by $20,000,000)''.

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

Mr. REED. Mr. Chairman, I rise today in support of an amendment that I asked my colleagues on both sides of the aisle to support, and Mr. HIGGINS from the other side of the aisle has joined me on this amendment.

With all due respect to the subcommittee chairman of the Appropriations Committee, I believe this amendment is wise, that it is an appropriate amendment. And that is because what we are talking about here with my proposed amendment is taking $41 million in funding to Non-Defense Environmental Cleanup—to take that money from multiple administrative accounts and utilize the money for in-the-field cleanup activity for sites such as that which exist in my district known as the West Valley Nuclear Demonstration Project in western New York.

My hope is that by doing this amendment, we will stop money from being funneled more into the DC bureaucracy but rather be funneled and put out into the field and into the nuclear waste sites so that the sites can be remediated once and for all.

The Department of Energy estimates that by making the investment now in

nuclear site remediation, we will save our Nation hundreds of millions of dollars in the coming decades. If properly funded, the Department of Energy can complete phase one of the West Valley project in my congressional district by 2020. This alone is estimated to save taxpayers $120 million.

For all of these reasons, I would ask both sides of the aisle to join us in our amendment and support this amendment allocating administrative dollars that are targeted to go to enhance bureaucracy in Washington, DC, and have those dollars deployed into our districts that qualify for nuclear waste cleanup remediation projects under this line, so that those nuclear waste sites are cleaned up once and for all, and we can actually get a bigger bang for the buck in these nuclear waste sites that need to be cleaned up.

I ask that both parties on both sides of the aisle support our amendment.

I yield back the balance of my time.

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

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

Mr. HIGGINS. I thank my colleague and friend Mr. REED.

Mr. Chairman, I rise in strong support of this amendment, which would provide an adequate level of funding for the Non-Defense Environmental Cleanup program.

The Non-Defense Environmental Cleanup program addresses the environmental legacy of former civilian and non-defense nuclear programs at sites across the country. The large quantity of hazardous and radioactive waste generated at these sites and the contamination that remains is one of our Nation's largest environmental liabilities.

The Department of Energy has an obligation to clean up this nuclear waste and protect local communities against risk to human health, safety, and the environment. And Congress has an obligation to fund the program at a sufficient level to clean up these sites thoroughly and expeditiously. However, quite simply, the amount of money appropriated in this bill is insufficient to do so.

Mr. Chairman, continuing to underfund the cleanup of these nuclear sites will delay and extend project schedules, cause commitments to State governments and local communities to be missed, and increase the overall costs in the long run.

In my community of western New York, the West Valley site was established in the 1960s in response to a Federal call for efforts to commercialize the reprocessing of spent nuclear fuel from power reactors. The site ceased operations in 1972, and 600,000 gallons of high-level radioactive waste was left behind, posing a significant and enduring hazard.

The land is highly erodible and contains streams that drain into Lake Erie. We have already seen a leak on the site level into a migrating plume of radioactive groundwater. The consequences would be environmentally and economically dire if this radioactive waste makes its way into the Great Lakes, the largest source of freshwater in the world with 20 percent of all the freshwater supply on Earth.

□ 1930

For the past four decades, the progress in cleaning up the waste at West Valley has been stymied by perennial funding shortfalls. The insufficient funding in this bill will extend the first phase of the cleanup from 10 to 14 years. With maintenance costs at $30 million a year, an additional 4 years means $120 million in Federal funding will be wasted, which could be avoided if we properly fund this cleanup.

Mr. Chairman, we cannot jeopardize the irreplaceable natural resources of the Great Lakes or of the communities and resources near the other nuclear sites across the country by continuing to underfund this important cleanup program. Congress needs to maintain its commitment to clean up these sites, and it needs to take proper steps to ensure that our communities and our environment remain safe for future generations.

I am proud to work with my friend and colleague Mr. REED on this important issue, and I urge support for this bipartisan 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 amendment, but I would like to recognize the strong advocacy of the two gentlemen from New York who just spoke—the gentleman from Buffalo as well as the gentleman from Corning.

Our bill provides $213 million for non-defense environmental cleanup, only $6 million below the request, to provide for the environmental cleanup of a number of small sites, including the West Valley Demonstration Project in New York, Brookhaven and the gaseous diffusion plant sites.

The total funding requirements of this account have come down as cleanup milestones have been accelerated ahead of schedule because of a large infusion of funding from the Recovery Act. This amendment goes beyond the base funding needs and attempts to sustain the higher rate of cleanup under the Recovery Act. Understandably, they'd like to continue that. We know that the levels of spending in the Recovery Act cannot be sustained. We must transition these sites to a lower, stable and more sustainable level as the Recovery Act work is completed and those dollars are less. Further, this amendment seeks to decrease funding for our national security activities.

This bill provides strong support for the nuclear security activities at the NNSA. It will take a skilled and talented workforce to successfully carry out these challenging and absolutely vital activities. Last year's lower level for the Office of Administration assumed that NNSA would use $20 million in existing prior year balances to help pay its personnel costs for the year. These balances are now used up, and funding must return to the base level requirements of $420 million. This cut would result in layoffs, which would make it jeopardize NNSA's ability to carry out its nuclear security responsibilities.

I urge my colleagues to join me and vote ''no'' on this amendment.

Mr. VISCLOSKY. Will the gentleman yield?

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

Mr. VISCLOSKY. I appreciate the chairman's yielding, and would join in his opposition to the amendment, reluctantly, as the chairman indicated.

I certainly do understand the concern of the two gentlemen who have offered the amendment, the concern regarding cleanup in the State of New York and elsewhere; and do share their concerns that we are not adequately investing and cleaning up contaminated communities where we do as the Federal Government have an obligation.

I also do point out that, given the constraints faced by the subcommittee, I believe that the chairman has made wise choices, the best that he could, relative to the spreading of resources; and join in his opposition to the amendment. Obviously, we would like to continue to work together to see that adequate funding at some point is provided for these and other programs.

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 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. HASTINGS of Washington. I move to strike the last word.

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

Mr. HASTINGS of Washington. Mr. Chairman, I would like to enter into a colloquy with the distinguished chairman of the subcommittee.

Mr. Chairman, the Office of River Protection was created to put a focus on the 53 million gallons of wastes in the 177 underground tanks at Hanford in my district in Washington. These wastes are being retrieved from the tanks and are being prepared for the waste treatment plant where they will be vitrified and ultimately sent to Yucca Mountain.

For years, DOE was clear that a steady, stable annual funding level of

$690 million would allow for the successful completion and hot start of WTP. The department has, however, changed its mind and would prefer to front load funding. I have been clear that, even without increasing the total project cost, spending in excess of $690 million a year at the waste treatment plant now will have impacts on the funds available for other projects, including the work at the tank farms.

The waste treatment plant is dependent on two critical elements aside from its own budget: first, a robust program at the tank farms to get the waste ready to feed WTP on time and, second, Yucca Mountain.

I appreciate the provisions in this bill to help halt the administration's illegal shutdown of Yucca Mountain, and I ask that you work with me to ensure the correct balance of funding is provided when it comes to the waste treatment plant and the tank farms within the Office of River Protection.

Mr. FRELINGHUYSEN. First of all, it has been a pleasure to work with you and to have the opportunity firsthand to see some of the remarkable things that have been occurring in your congressional district in Washington State in terms of cleanup and the enormity of these problems that you're trying to address.

Overall, we've seen some considerably poor planning for the Department of Energy's cleanup activities, including the very politically motivated termination of the Yucca Mountain project.

My colleague understands his constituents well and how these issues impact the overall plan to clean up Hanford's tank waste, which is considerable. I support and salute his leadership. As we move into conference, I will work with you. I promise to do that to achieve the appropriate balance between the waste treatment plant and the tank farms so that these projects are properly coordinated.

Mr. HASTINGS of Washington. In reclaiming my time, I thank the chairman, and I appreciate his visiting Hanford.

I appreciate the distinguished ranking member of the subcommittee for visiting Hanford; and of course, I appreciate the ranking member of the full committee, who had had a great deal of interest on this issue prior to my even coming to Congress.

I appreciate the work that the committee has done in the past, because this is a project that has legal requirements. In these difficult times, I am very pleased with the work that you have done.

I yield back the balance of my time.

The Acting CHAIR. 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, $449,000,000, to be derived from the Uranium Enrichment Decontamination and Decommissioning Fund, and not more than $150,000,000, to be derived from the barter, transfer, or sale of uranium authorized under section 3112 of the USEC Privatization Act (42 U.S.C. 2297h–10) or section 314 of the Energy and Water Development Appropriations Act, 2006 (Public Law 109–103), to remain available until expended: *Provided*, That proceeds from such barter, transfer, or sale of uranium in excess of such amount shall not be available until appropriated.

SCIENCE

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 49 passenger motor vehicles for replacement only, including one ambulance and one bus, $4,800,000,000, to remain available until expended.

AMENDMENT NO. 65 OFFERED BY MR. HOLT

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

The Acting CHAIR (Mr. LUETKEMEYER). The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 28, line 13, after the dollar amount, insert ''(increased by $42,665,000)''.

Page 33, line 20, after the dollar amount, insert ''(reduced by $42,665,000)''.

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

Mr. HOLT. Mr. Chairman, this bill H.R. 2354 reduces the Department of Energy's Office of Science from about $43 million below this year's level. My amendment would restore that funding so that the Office of Science can sustain its current operations.

I know the subcommittee chair, my friend from New Jersey, and the ranking Democrat, my friend from Indiana, understand very well the importance of this office of the Department of Energy, and I know they've worked hard to fit their bill into the budget constraints; but I must ask them to join me in taking another look at this office.

Scientific research lies at the very heart of the national innovation system that keeps us competitive, that enhances our quality of life, that fuels our economy, and that improves our national security. The Office of Science is the Nation's primary sponsor of research in the physical sciences. Its funding helps maintain America's first-rate workforce of research scientists and engineers, who are working daily to address some of the greatest challenges and to push the boundaries of existing knowledge.

Thousands of graduate students and early career scientists at hundreds of U.S. institutions, the next generation of America's scientific talent, depend on the support of the Office of Science for their research and training. In addition, the office maintains excellent, unique user facilities that are relied on by more than 25,000 scientists from industry, academia and national laboratories to advance important research that creates jobs today and that could lead to entire industries tomorrow.

The success of the Office of Science clearly shows the quality and the importance of the work supported there: MRI machines, PET scanners, new composite materials for military hardware and civilian motor vehicles, the use of medical and industrial isotopes, biofuel technologies, DNA sequencing technologies, battery technology for electric vehicles, artificial retinas, safer nuclear reactor designs, three-dimensional models of pathogens for vaccine development, tools to manufacture nano materials, better sensors—on and on.

□ 1940

The Office of Science has been the source of hundreds and hundreds of innovative technologies. Some have become the underpinnings of modern scientific disciplines and have revolutionized medicine and energy and military technology.

The America COMPETES Act—passed in a very bipartisan vote here in Congress in 2007 and signed into law by President George Bush—recognized that we have underfunded our basic research agencies for far too long, and it laid out a vision for doubling the funding at our research agencies, including the Office of Science. This law was reauthorized last year. The bill we are considering today woefully underfunds the office by this national goal.

Matching last year's funding level with an additional $42.7 million, as my amendment would do, is the least we can do. Many dozens of organizations, universities, and companies have joined to advocate strongly for maintaining the current level of work for the Office of Science. My amendment is fully offset by transferring funding from the nuclear weapons account, which receives an additional $195 million in the underlying bill before us today.

So let's get our priorities straight. Investments in our Federal science agencies and our national innovation infrastructure are not Big Government spending programs that we cannot afford; they are the minimum downpayments for our Nation's national security, public health, and economic vitality. All this talk down the street now about how we're going to grow, this is it. We cannot afford to postpone this research.

I urge my colleagues to vote for this amendment.

I yield back the balance of my time.

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

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

Mr. FRELINGHUYSEN. I want to salute my colleague from New Jersey (Mr. HOLT) for not only his career in science but, obviously, his focus as a Member of Congress on science and science research and so many areas.

In order to increase funding for science research, his amendment decreases funding for weapons activities. Our Nation's defense relies on a reliable and effective nuclear deterrent, and these capabilities cannot be allowed to deteriorate.

There is now a strong bipartisan consensus for the modernization of our nuclear stockpile. It is a critical national security priority and must be funded. With a reduction of nearly $500 million from the request, this bill has already made use of all available savings. Additional reductions would unacceptably impact our ability to support our Nation's nuclear security strategy.

Further, the amendment would use these reductions to increase funding for science research. I am a strong supporter of the science program, he knows that. It leads to the breakthroughs in innovations that will make our Nation's energy sector self-sufficient and keep America competitive as a world leader of cutting-edge science. This is why we worked so hard, the ranking and I, to sustain funding for this program. But within the realities of today's fiscal constraints, which we all know, we cannot simply afford to add more funding to science research, especially when it means risking crucial national defense activities.

I strongly urge my colleagues to vote ''no'' on this amendment.

I yield back the balance of my time.

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

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

Mr. SCHIFF. I rise to speak in favor of the Holt-Bishop amendment to support funding for the Department of Energy Office of Science. This is a vital investment in the Nation's future.

We have tough decisions to make about where to make cuts. And certainly there is a lot of opportunity to cut things that aren't effective that we can't afford to continue with, but we don't want to cut things that are integral to our future. And an investment in science, in research and technology, that is the future of this country.

We're not going to compete with the rest of the world on wages. We're not going to compete with the Third World on wages. We have to compete in the area of productivity. And we can't be the most productive nation on Earth unless we invest in science and technology.

I have a letter here from the Energy Sciences Coalition in support of Mr. HOLT and Mr. BISHOP's efforts that talk about the need for scientific research, world-class user facilities, teams of skilled scientists and engineers that are funded by the Department of Energy Office of Science at universities and national labs around the country. Economic experts have asserted as much, crediting past investments in science and technology for up to half the growth in GDP in the 50 years following the end of World War II. At this time when we're being challenged by other nations for our leadership in science and technology, this is not the right time to disinvest from this vital research.

The amendment by Mr. HOLT and Mr. BISHOP is supported by countless associations of physics and chemistry, countless universities and institutions of higher learning—my own University of California campuses at Berkeley, Davis, Irvine, Merced, Riverside, San Diego, San Francisco, Santa Barbara, and Santa Cruz, but also around the country, from the University of Chicago to U.S.C. to the University of Tennessee and the University of Virginia, all over the Nation, not to mention Princeton University. And why? Because these institutions of higher learning have been leading the way in path-breaking developments that have just boosted our economy and our understanding of energy and the world around us.

So this is a vital investment in the future, and I urge support for my colleagues' amendment.

ENERGY SCIENCES COALITION,
TASK FORCE ON AMERICAN INNOVATION,
May 6, 2011.

HOUSE OF REPRESENTATIVES,
Washington, DC.

TO MEMBERS OF THE U.S. HOUSE OF REPRESENTATIVES: As members of the Energy Sciences Coalition and the Task Force on American Innovation, we write today to urge you to make robust and sustained funding for the Department of Energy (DOE) Office of Science a priority in the Fiscal Year 2012 Energy and Water Development Appropriations Act.

We recognize the difficult challenges and choices you face as you work to reduce the federal budget deficit, get the economy growing again, and create jobs for the American people. However, to achieve these goals, Congress must make strategic decisions and set priorities when it comes to federal funding.

We believe that the scientific research, unique world-class user facilities, and teams of skilled scientists and engineers funded by the Department of Energy Office of Science at universities and national laboratories are critical to long-term economic growth and job creation. Economic experts have asserted as much, crediting past investments in science and technology for up to half the growth in the Gross Domestic Product (GDP) in the 50 years following the end of World War II. Yet today, other nations such as China, India, and Europe are increasingly investing in their scientific infrastructure and are challenging U.S. leadership in areas such as supercomputing and energy research with the goal of capitalizing on the many technological advances and economic benefits that result from scientific research.

That is why we urge you to support the request of Representative Judy Biggert (R–IL) and Representative Rush Holt (D–NJ) to the House Energy and Water Development Appropriations Subcommittee to make strong and sustained funding for the DOE Office of Science a priority in fiscal year 2012. They articulate how important the DOE Office of Science is to American industry and universities, how it is unique from and complementary to the research efforts of other federal research agencies, how it serves to educate the next generation of scientists and engineers, and how research funded by the DOE Office of Science has made our nation more secure, healthy, competitive, and prosperous.

In light of current budget constraints, and with an eye toward creating jobs and strengthening the economy, we urge you to sign the Biggert-Holt letter and support making funding for the DOE Office of Science a priority in fiscal year 2012.

Sincerely,

Alliance for Science & Technology Research in America (ASTRA); American Association for the Advancement of Science; American Chemical Society; American Institute of Physics; American Mathematical Society; American Physical Society; American Society of Agronomy; American Society for Engineering Education; American Society of Plant Biologists; Americans for Energy Leadership; Arizona State University; ASME; Association of American Universities; Association of Public and Land-grant Universities; Battelle; Binghamton University, State University of New York; Biophysical Society; Business Roundtable; California Institute of Technology; Cornell University.

Council of Energy Research and Education Leaders; Council of Graduate Schools; Cray Inc.; Crop Science Society of America; Federation of American Societies for Experimental Biology (FASEB); Florida State University; General Atomics Corporation; Geological Society of America; Harvard University; Iowa State University; Jefferson Science Associates, LLC; Krell Institute; Massachusetts Institute of Technology; Materials Research Society; Michigan State University; NC State University; Oak Ridge Associated Universities; Ohio State University; Princeton University; Semiconductor Equipment and Materials International.

Semiconductor Research Corporation; Society for Industrial and Applied Mathematics (SIAM); Semiconductor Industry Association; Soil Science Society of America; South Dakota School of Mines and Technology; Southeastern Universities Research Association; SPIE, the International Society for Optics and Photonics; Stanford University; Stony Brook University, State University of New York; Tech-X; University at Buffalo; University of California System; University of California Berkeley; University of California Davis; University of California Irvine; UCLA.

University of California Merced; University of California Riverside; University of California San Diego; University of California San Francisco; University of California Santa Barbara; University of California Santa Cruz; University of Central Florida; University of Chicago; University of Cincinnati; University of Pittsburgh; University of Southern California; University of Tennessee; University of Texas at Austin; University of Virginia; University of Wisconsin-Madison; Vanderbilt University; Washington University in St. Louis.

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 support of the gentlemen's amendment.

While I have stated many times in committee as well as on floor debate that I applaud the chairman's bringing funding into the science account almost to where we were in fiscal year 2011 and have described it as a not insignificant achievement, adding these $43 million to bring it into parity with current year spending is not asking too much and, as the previous speakers have indicated, is very important to making an economic investment in knowledge and jobs that we so desperately need in the United States.

In the committee report we indicate that, relative to the Office of Science, understanding that harnessing a scientific and technological ingenuity has long been at the core of the Nation's prosperity. We talk about that national prosperity linkage to scientific research and curiosity. I also, relative to the concerns the chairman expressed about the weapons account, think that that important priority will not be adversely impacted by the shift of funding called for in the amendment.

I rise in strong support of the amendment.

I yield back the balance of my time.

Mr. BISHOP of New York. Mr. Chairman, I move to strike the last word.

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

Mr. BISHOP of New York. The Holt-Bishop amendment would increase the Office of Science budget by $42.7 million, reducing the National Nuclear Security Administration's weapons activities program by the same amount, putting the Office of Science in line with the FY 2011-enacted levels, protecting jobs and supporting American innovation through scientific discovery.

The Office of Science is crucial to scientific innovation, which is a key component of American job creation and a cornerstone of our Nation's long-term strategy for economic growth.

How many times have we heard Members of Congress from both sides of the aisle come to this floor and espouse the benefits of innovation on job creation? How many times have we heard from both the current President and past Presidents talk about moving our Nation forward into the 21st century where technology and scientific advancement will fortify our Nation's economic growth?

The Office of Science within the Department of Energy, including our national laboratories, is one of the most powerful tools the Federal Government has at its disposal to promote scientific innovation, to support private industry advancements, to foster medical breakthroughs, and to gain a better understanding of the world around us.

□ 1950

I am proud to represent Brookhaven National Laboratory, a Department of Energy lab and one of the largest employers in my district. BNL is also ground zero for many of the scientific discoveries and innovations that have expanded our understanding of physics and nature, many of which have a direct link to developing new materials for industry, more effective drugs, and better fuels, the intellectual capital that private industry thrives upon.

Mr. Chairman, earlier this year, the Republican policies embodied within H.R. 1 would have slashed $1.1 billion from the Office of Science, choking off Federal investment in basic research that is key to our Nation's long-term competitiveness. These draconian cuts would have impacted each DOE national lab with a 30 percent cut to every science facility and program from the FY 2011 request level. The number of jobs that would have been eliminated as a result of H.R. 1 is estimated to be close to 10,000 in the Office of Science. How can any reasonable person argue that laying off thousands of the most highly trained, highly skilled scientists the world has to offer moves this Nation forward?

The Holt-Bishop amendment would hold the Office of Science spending at FY 2011 levels. This is the minimum level of appropriation required for this Nation to remain at the cutting edge of scientific innovation, which is essential to our economic competitiveness which, in turn, is directly linked to what ought to be our number one priority in this Congress—job creation. I encourage my colleagues to support the Holt-Bishop amendment.

I will also be including in the RECORD a list of the 2010 Fortune 100 companies which delineates those companies relying upon Office of Science facilities to deliver their products.

I yield back the balance of my time.

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

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

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

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

AMENDMENT NO. 68 OFFERED BY MR. ROYCE

Mr. ROYCE. 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 28, line 13, after the dollar amount insert ''(reduced by $10,000,000)''.

Page 62, line 2, after the dollar amount insert ''(increased by $10,000,000)''.

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

Mr. ROYCE. Mr. Chairman, this amendment would decrease the allocation of the Department of Science and the Department of Energy budget by $10 million. And let me give you an example of what $10 million is used for, by way of example, in this department. There's $10 million for appropriating money to methane hydrate research and development.

Now, Mr. Chairman, I was once a capital projects manager and I understand the impulse to invest in technologies that are going to have a payback, that are going to provide a return. But to do that, not only do you have to be able to figure out whether or not it's possible to get that payback, but it has to be a viable alternative when compared against other competing alternatives. And that's what I want to speak to here.

The government here in the U.S. has already spent $155 million on research and development commercialization for this technology, for methane hydrate, over the last 5 years. Taxpayers do not need to subsidize the gas hydrate industry to find equivalent alternatives to replace oil. We are at $100-a-barrel oil. There is already enough financial incentive in the commercial market to research methane hydrate if it, in fact, were a viable energy option. I just have to tell you, no one has tried to extract methane hydrates in a commercial way because it is not economical.

Think about this for a moment: It is only found in the Arctic. It is only found offshore. It's essentially methane gas compressed under high-pressure conditions at great depths. And basically the point here would be, you'd liquify it.

The reality is there are real hazards of developing gas hydrates. And because it's such an incredibly hazardous substance, I can't foresee gas drilling and production operations adopting this scenario, especially when you consider all of the other fossil fuels that would be utilized first before such a technology would ever be deployed. You've got oil shale. You've got oil sands, tar sands. You've got the existing conventional deposits of oil under capped wells.

Now, with every one of these challenges, a solution could be found much more economically in terms of extracting energy than you would ever find by producing energy from natural gas in this particular methodology. So the government has spent 10 years researching and developing ways to extract methane hydrates. We are still at a very primitive phase.

As I have shared with you, it is very hazardous if we were ever to deploy such a technology. There is a long list of alternatives which we certainly would go through first before we ever got to this. So it is time to eliminate the funding that can be appropriated toward methane hydrate research and development and use that more productively.

And let me make one other observation about this. We are in a situation now where we're borrowing 40 cents of every dollar we spend. When we identify an area of the budget where we can make these types of savings, we should

be cognizant of the fact that this type of borrowing, this sheer amount of borrowing has an impact not only on job creation, on economic growth, but also basically on the long-term solvency of the government.

If we're running up debt at these levels and we find areas in the budget to slice off these sums, we can bring down that deficit. The impact on the market is such that the market sees us ratcheting down expenditures to come back into compliance with economic reality. And as a consequence of that, we avoid some of the adverse impacts that come with the overborrowing—as I indicated, 40 cents on every dollar—the overborrowing that is creating the kind of uncertainty in this economy today in which employers are reluctant to go out and hire, in which the impacts are not just felt in the jobless rates that we just saw climb up here in the United States but are also filled in the way in which we are perceived internationally in terms of our capacity to deal with our debt.

Now is the time to make some commonsense decisions here, and here is $10 million that can be saved.

I yield back the balance of my time.

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

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

Mr. FRELINGHUYSEN. I rise to oppose the amendment of the gentleman from California, but I do recognize and agree with his view in terms of the economy but not the purpose for which he rises.

My colleague's amendment would eliminate methane hydrates research at the Department of Energy. This is a good example of a program that would not be otherwise funded by the private sector and has the potential to make a significant contribution to our Nation's energy needs.

Vast quantities of methane gas are stuck in frozen deposits deep at the bottom of the ocean and in the Arctic permafrost. Some of these deposits may evaporate over time and escape into the atmosphere. If we can understand how to use these resources rather than letting the methane float away into the air, we could tap a vast new natural gas resource and prevent large quantities of methane from entering the atmosphere.

The research for this is too risky for industry to do. The science is too difficult for there to be an economic return. That is a proper role of government, research the private sector cannot do that can substantially reduce our dependence on foreign imports while inventing new science and technology that puts America in the lead.

I, therefore, respectfully rise to oppose the amendment and urge other Members to do so as well.

I will be happy to yield to the gentleman from Indiana.

□ 2000

Mr. VISCLOSKY. I appreciate the chairman yielding, and would join him in his opposition to the amendment.

I would make a general observation. The gentleman's amendment would cut $10 million from the Office of Science. When you look at a $4 billion budget, your first impression might be it is of little consequence as far as the overall scientific research in this country. But I would point out that in fiscal year 2010 the account was for $4.904 billion. In fiscal year 2011 it was reduced to $4.842 billion. For, prospectively, 2012 it's reduced another 43. The gentleman's amendment would increase that reduction by almost 25 percent for the coming fiscal year. And I do think it is time to say ''no,'' and let us apply ourselves to serious scientific research.

I oppose the gentleman's amendment, and appreciate the chairman yielding.

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

Mr. BROUN of Georgia. I move to strike the last word.

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

Mr. BROUN of Georgia. Mr. Chairman, when I was just listening to my colleague on the other side talking about this is a small amount of money, I just did a town hall meeting in Thomson, Georgia, just recently. A lady there got up and said to me, ''Dr. BROUN, a million dollars is a lot of money.'' And we here in Congress talk as if a million dollars, or even a billion dollars, is not a lot of money, and it is to the citizens of this country.

We cannot continue down this road of, as Mr. ROYCE was saying, of borrowing 40 cents on every dollar that the Federal Government spends. It's creating tremendous uncertainty out there in the economic world. And this debt is going to be crushing to us.

I believe we are in an economic emergency. So cutting $10 million for a project, though it might be interesting—I am a scientist, I am a physician, I have a science background—there are a lot of things that would be interesting to research and interesting things to do. But just like a business when it gets overextended, what's it do? It lowers its borrowing limit. Then it starts trying to work out that debt. Then it starts looking at every expense that it has, every corner of its expenses, and tries to cut expenses. Besides that, then they start looking at revenue.

Now, my Democratic colleagues and the President want to raise taxes to increase the revenue, but that actually is a tax that will drive away jobs. In fact, I have got a lot of businesses, small as well as large, in my district that tell me the tax burden today is so high that they are not hiring new people. And increasing taxes on small business is going to further drive away jobs from this country.

So cutting $10 million may not sound like a lot to Members of Congress, but I am going to support this amendment. I urge its adoption.

I yield to the gentleman from California.

Mr. ROYCE. Thank you, Mr. BROUN. I will only take a minute here to close.

You know, I am also for pure research in science. I am for scientific research where we can drive progress in the United States. But as I shared with you earlier, I am a former capital projects manager, and one of the things you learn is to identify those projects which have some ability conceptually to have a return on investment. All right? When you run into a project which is not only on the face of it uneconomical, but one which is hazardous, and on top of that you see a listing of all the ways in which you would extract energy at much less cost than you would ever get to this, and it would be the very last resort on the list, you would not keep that on your list of capital projects to entertain. And I can tell you this. If you were constricted in your budget, especially if you were going out and borrowing 40 percent on the dollar for your budget, you would certainly take this off the list of capital projects that you would commit to.

So I commit to you, it is only logical at this point that we pass this amendment and we incrementally at least make progress where we know we can on reducing the borrowing and send back a little vote of confidence to the market that all of us here, when we see an opportunity, are going to shave back Federal expenditures in areas where there cannot possibly be a return on that investment for the taxpayers of the United States.

Mr. BROUN of Georgia. Reclaiming my time, I again want to say that Members of Congress should do what I am doing, and I believe it's very critical for us to do so. I have supported over $5 billion worth of cuts in the appropriations bills that we've seen thus far.

We are in an economic emergency as a Nation. Creating jobs in the private sector and putting our country back on good economic course and creating a stronger economy and creating more taxpayers by creating those jobs out in the private sector is what is absolutely critical for the future of this Nation. So even though this may sound like a meager amount of money to some Members of Congress, $10 million is still a lot of money, and I support the amendment. I applaud Mr. ROYCE for bringing it.

I yield back the balance of my time.

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

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

Mr. ROYCE. 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 NO. 43 OFFERED BY MR. BROUN OF GEORGIA

Mr. BROUN of Georgia. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

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

Page 62, line 2, after the dollar amount insert ''(increased by $820,488,000)''.

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

(Mr. BROUN of Georgia asked and was given permission to revise and extend his remarks.)

Mr. BROUN of Georgia. Mr. Chairman, my amendment cuts funding within the Department of Energy's Office of Science, transferring more than $820 million to the spending reduction account. Contained within this $820 million reduction are some of the most egregious examples of government waste imaginable, such as $47 million for undetermined upgrades—undetermined upgrades—$20 million for the energy innovation hub for batteries, $4 million for energy efficient-enabling materials, and almost $9 million for the experimental program to stimulate competitive research.

In my extensions, I will list a whole lot of other egregious examples of government waste that this amendment will cut. These are just some of the many examples of duplicative, wasteful examples within the Department of Energy's Office of Science that are funded by taxpayer dollars that would be cut by this amendment.

While I believe the Federal Government does have a role in vital basic science research, I do not believe the Federal Government should be spending scarce taxpayers' dollars on every type of research imaginable or suggested here in Congress. Much of the research done in the agency should be done in the private sector.

Tough fiscal decisions have to be made, and they have to be made right now. We have put off bringing discipline to the budget and appropriations process far too long. Members of Congress need to look far and wide through every single nook, cranny, and corner of the Federal expenditures and cut wasteful, duplicative spending. And this is just an amendment that will cut over $820 million of those kinds of projects that we just cannot afford.

I urge my colleagues to support my amendment.

My amendment cuts funding within the Department of Energy's Office of Science, transferring $820,488,000 dollars to the spending reduction account.

Contained within this $820,488,000 reduction are some of the most egregious examples of government waste: $20 million for Energy Innovation Hub for Batteries; $24.3 million for Fuels from sunlight Energy Hub; $547,075,000 for Biological and Environmental Research; $8 million for Solar Electricity from Photovoltaics; $16 million for Carbon capture and sequestration; $8 million for Advanced solid-state lighting; $4 million for Energy Efficient—Enabling Materials; $10 million for Methane hydrates; $47 million for Undetermined upgrades; $15 million for Energy systems simulation—internal combustion engine; $8.52 million for Experimental Program to Stimulate Competitive Research; $4 million for Physical behaviors of materials—Photovoltaics; 52,741,000 for Chemical sciences, biosciences and geo sciences—Solar Photochemistry; $43,003,000.00 for Chemical sciences, biosciences and geo sciences—Geosciences; and $12,849,000 for Workforce development.

While I believe the federal government does have a role in vital basic science research, I do not believe the federal government should be spending scarce taxpayer dollars on all types of research. Much of the research done in the agency should be done in the private sector.

Tough fiscal decisions have to be made now! We have put off for too long bringing discipline to the budget and appropriations process.

I urge my colleagues to support my 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 to oppose the gentleman's amendment.

The Energy and Water bill makes available a very limited amount of funding for activities which are Federal responsibilities, activities such as basic science research and development. This is very early stage work which the private sector simply has no profit incentive to invest in. It funds cutting-edge research that will be the foundation of technology in future decades. This science research leads to the breakthroughs in innovation that will make our Nation's energy sector self-sufficient and keep America competitive as the world leader of science innovation.

□ 2010

This is why we work so hard to sustain funding for this program. Blindly cutting it will not only cut hundreds of more jobs around the country; it will put at risk our Nation's competitive edge in intellectual property and potentially set back our country's energy future.

I must oppose this amendment and ask other 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. The Department of Energy owns world-class facilities and researchers, and we should be taking full advantage of these facilities and not cut this account to where we are not able to use the capital fixed assets we have for this significant request in a reduction in funding.

I would point out to my colleagues, in 2006 President Bush made a commitment to double the budget for the Office of Science over a decade. The commitment to double funding for research and development by President Bush in science and technology was a response to stark warnings from a group of government experts and business leaders that warned in their report, known as ''Rising Above the Gathering Storm,'' that the scientific and technological building blocks critical to our economic leadership are eroding at a time when many other nations are gathering strength.

I would certainly share the gentleman's concern about some of the myriad programs and ensuring that they do communicate with one another. He had mentioned the hubs. I had been critical of hubs in my past comments.

He has talked about management. I have been very critical of the Department of Energy as far as their project management.

But I would also point out that in relative terms, I believe that the Office of Science, and particularly given the leadership under President Bush by Dr. Orbach, who is now at the University of Texas, has done a very good job in getting a handle on the Department, improving its management skills and trying to do their very best as far as the expenditure of these funds.

For those reasons I do, again, strongly oppose the gentleman's amendment.

I yield back the balance of my time.

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

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

Mr. BROUN of Georgia. Mr. Chairman, I demand a recorded vote.

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

The Clerk will read.

The Clerk read as follows:

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), $25,000,000, to remain available until expended, and to be derived from the Nuclear Waste Fund.

AMENDMENT OFFERED BY MR. HECK

Mr. HECK. 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, amend lines 16 through 19 to read as follows:

For nuclear waste disposal activities to carry out the purpose of the Nuclear Waste Policy Act of 1982 (Public Law 97–425), including the acquisition of real property or facility construction or expansion, $25,000,000 to remain available until expended and to be derived from the Nuclear Waste Fund: *Provided*, That $2,500,000 shall be provided to the State of Nevada to conduct appropriate activities pursuant to that Act: *Provided further*, That $2,500,000 shall be provided to the affected units of local government, as defined in Nuclear Waste Policy Act of 1982, to

conduct appropriate activities pursuant to the Act: *Provided further*, That the distribution of the funds shall follow the current formula used by the affected units of local government: *Provided further*, That $20,000,000 shall be provided for the purpose of research and development in the areas of fuel recycling and accelerator transmutation technology.

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

The Acting CHAIR. A point of order is reserved.

The gentleman from Nevada is recognized for 5 minutes.

Mr. HECK. Mr. Chairman, Thomas Jefferson said: ''Laws and institutions must go hand-in-hand with the progress of the human mind.''

As that becomes more developed, more enlightened, as new discoveries are made, new truths discovered and manners and opinions change, with the change of circumstances, institutions must advance also to keep pace with the times.

Almost 30 years have elapsed since this Congress passed the Nuclear Waste Policy Act; and over that time, technology and scientific knowledge have evolved and, indeed, new discoveries made, truths discovered, and opinions changed.

But for some reason, Congress still clings to technology from a bygone era to address today's nuclear waste issues.

The fact is, sticking our country's nuclear waste in a hole in the ground for long-term storage is a 20th-century solution. Instead, we should encourage the use of a 21st-century technology.

My amendment redirects money from the nuclear waste fund and designated from Yucca Mountain licensing and waste storage into the development of a 21st-century solution, a fuel recycling and accelerated transmutation program. This program would significantly reduce the toxicity of nuclear waste and retrieve additional energy from the material through radio chemistry and subcritical transmutation using accelerator technology.

Perhaps more important for Nevada, the site of Yucca Mountain and the State with the highest unemployment rate in the country, is the fact that this 21st-century solution has the potential to create in a single generation no less than 10,000 new direct research and development jobs utilizing existing regional technology capabilities.

My amendment also provides continued oversight funding for the State of Nevada and the affected units of local government as they have received resources to oversee the Yucca program since its inception. Even during the most recent continuing resolution passed by this body only a few short months ago, funding through the Department of Energy continued to provide these resources.

The U.S. continues falling behind developed and developing countries in fully funding and implementing these types of projects, 21st-century solutions that are critical to maintaining our Nation's economic and technological superiority.

I urge my colleagues to embrace the future of nuclear waste disposal and support this amendment so that this institution may go hand in hand with the progress of the human mind and with the change of circumstances this institution also advances to keep pace with the times.

I yield back the balance of my time.

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

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

Mr. FRELINGHUYSEN. I oppose the amendment, but certainly I recognize Dr. HECK's leadership on this issue, and I know of what he speaks and how proud he is of his State and how determined he is relative to the Yucca Mountain project.

I just want you to know, having been to that site at one point in time and seeing the substantial investment there, of course, from many other people's perspective, including mine, that substantial investment at some point ought to be realized.

So, understandably, we appreciate and understand where you are coming from, and we respect your dedication to your own State's welfare.

Mr. Chairman, I do rise to oppose the amendment. This amendment attempts to secure additional funding for the State of Nevada. It also attempts to stipulate policies for research and development for the back end of the fuel cycle, which should properly be authorized before they are funded from this account.

This committee and Members, and many Members, have taken a strong position against the administration's Yucca Mountain policy that's well known.

The future of our nuclear waste policy, of course, deserves more consideration than this amendment and perhaps this evening would afford.

I yield back the balance of my time.

□ 2020

POINT OF ORDER

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

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

Mr. FRELINGHUYSEN. I make a point of order against the amendment because it proposes to change existing law and constitutes legislation on an appropriations bill. Therefore, it violates clause 2 of rule XXI.

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

The amendment gives affirmative direction in effect.

I ask for a ruling from the Chair.

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

The gentleman from Nevada is recognized.

Mr. HECK. Mr. Chairman, I would respectfully request that during your deliberation on the point of order that you consider the fact that in the second session of the 111th Congress, a similar provision was passed by this body in H.R. 5866.

The Acting CHAIR. The Chair is prepared to rule.

The Chair finds that this amendment includes language imparting direction. The amendment therefore constitutes legislation in violation of clause 2 of rule XXI.

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

The Clerk will read.

The Clerk read as follows:

ADVANCED RESEARCH PROJECTS AGENCY—ENERGY

For necessary expenses in carrying out the activities authorized by section 5012 of the America COMPETES Act (42 U.S.C. 16538), $100,000,000, to remain available until expended.

AMENDMENT OFFERED BY MR. SCHIFF

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

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 28, line 23, after the dollar amount insert ''(increased by $79,640,000)''.

Page 32, line 4, after the dollar amount insert ''(reduced by $79,640,000)''.

Mr. SCHIFF (during the reading). Mr. Chairman, I request unanimous consent that the reading of the amendment be waived.

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

There was no objection.

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

Mr. SCHIFF. Mr. Chairman, my amendment as offered by my colleagues, Representative BASS and Representative FUDGE, would simply restore ARPA-E funding to the fiscal year 2011 level of $179.6 million.

ARPA-E was created in 2009 to bring the kind of innovative thinking that is well known at DARPA, the Defense Advanced Research Projects Agency, to the energy sector. That includes a focus on high-risk, high-reward R&D and a quick-moving culture made up of experts who stay for just a few years to ensure that new ideas are continually being brought forward. Unlike some government agencies, its philosophy, much like a tech start-up, is to hire the best technical staff and then hire the managers and leadership that can get the best out of them.

This reinvention of the way that government does business is something that we should be encouraging. A leaner approach adopted from the private sector, with a more agile leadership and the mandate to cut underperforming research avenues, is exactly what the Department of Energy needs. The American Energy Innovation

Council, made up of CEOs and chairmen of some of America's biggest companies, including Bill Gates, Norm Augustine and Jeff Immelt, have proposed spending $1 billion a year on ARPA-E, seeing it as a vital part of our energy future. This bill provides just $100 million, so they endorsed a version of this amendment in the Appropriations Committee.

I recognize that we have a serious deficit problem as a member of the Blue Dog Coalition, and we need to deal with it. But as we make the difficult choices to do that, I don't believe that as we emerge from a recession that we should cut the innovative research that makes America great and has fueled our economic growth for generations.

Energy is not just an economic issue, of course. It is also a national security issue. Some of our ARPA-E's research may help us cut down on fuel convoys in Afghanistan, and every bit of energy independence protects us from even higher energy prices driven by either instability in the Middle East or skyrocketing demand from China.

More than 50 universities, venture capital firms and professional societies—the Association of American Universities and the Association of Public and Land-grant Universities—have signed a letter in support of increasing ARPA-E funding. They and I hope that we will provide the funds that ARPA-E needs to continue to do the research that will change our world, not today, but tomorrow and for decades to come.

This amendment offsets the increase with a cut to the departmental administration account. As many people have noted, the Department of Energy has a serious management problem, and perhaps cutting this account will send a message that a new approach is needed.

But this invests in our future. Energy is a national security issue, it's an economic imperative, it's a health issue, and it's an environmental issue; and to invest in this kind of cutting-edge research in a reinvention-of-government kind of an agency is exactly the direction we should go. It's a proven approach that has been proven in the Defense Department with DARPA. It can work here in Energy. It's off to a very promising start, developing new battery technologies where we can lead the development of new batteries for electric vehicles for another generation.

I was very moved by a speech from a CEO of Google about a year ago, and he talked about how the revolution in energy that is just beginning will dwarf the revolution we have just come through in telecommunications because energy is a far bigger sector of our economy. We want to lead that energy revolution. If we do, the benefits to our economic development will be enormous, just as they were in terms of the telecommunications revolution. We don't want to see this leadership go to China, India or any other nation. But if we're serious about it, we need to invest in cutting-edge research. That's exactly what ARPA-E does.

I urge this Congress not to cut back on the Nation's future, but to support the innovative work being done by ARPA-E.

I yield back the balance of my time.

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

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

Mr. FRELINGHUYSEN. I rise to oppose the amendment.

My colleague's amendment would add funding to ARPA-E which receives $100 million in our bill. Our bill, which reduces funding to nearly the 2006 levels—may I repeat, 2006 levels—fulfills our top responsibility of reducing government spending while focusing funding on a small set of top priorities.

In addition to national defense and water infrastructure, our top priorities include research to keep Americans competitive in science, innovation and the development of intellectual property.

ARPA-E is a relatively new program—today we're discussing only its second regular fiscal year appropriation—that offers industry, university and laboratory grants for high-risk energy innovations. ARPA-E is getting positive early reviews for its strong management and ability to execute on its mission to drive innovation and keep American companies competitive.

However, I share many of my colleagues' concerns about this program. ARPA-E must not intervene where capital private markets are already acting, and it must not be redundant with other programs at the Department.

In fact, ARPA-E is still a young program, and it is prudent to provide a lower level of funding while it is still maturing as a program and demonstrating its ability to address congressional concerns, especially when the bill has so many important priorities competing for scarce funding. This prudent approach is especially warranted when the bill has so many important priorities competing.

While I support the goal of this new program, I cannot support any additional funding at this time. Further, this amendment makes an unrealistic cut to the Department's salaries and expenses. We cannot cut departmental oversight by 35 percent and expect the efficient use of taxpayer dollars and more oversight and more management responsibilities. For these reasons and many more, I must oppose the gentleman's amendment.

I yield back the balance of my time.

Mr. BASS of New Hampshire. Mr. Chairman, I rise in support of the amendment and move to strike the last word.

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

Mr. BASS of New Hampshire. A minute or two ago, I was in the Cloakroom and I drew up the Web site for ARPA-E, and it says at the top: ''Disruptive and innovative approaches to technology.'' What a wonderful thought, that a government agency can be disruptive and innovative at the same time.

Billions of dollars have been spent on coal, on oil research, on wind and solar, on biomass and conservation and the FreedomCAR. I got involved in the alternative energy business way back in the late seventies when I was a staffer when ERDA was created. We had a real energy crisis in this Nation as we do today. And yet we're really not anywhere nearly as far along this path as we need to be.

Now, someone in the Congress, in the Department of Energy, had the good idea of taking all these ideas for research and creating an entity that would be devoted to giving individuals and inventors, people with good ideas, that little spark that they need to turn those ideas into reality.

The first time they went out for solicitations, they got some 3,500 to 4,000 short, 7-page letters describing ideas. This is a program that leverages a relatively small amount of research dollars into an enormous potential benefit not only to America but to the world.

□ 2030

But within our boundaries here, we have the objective of lessening our dependence on foreign energy, of cleaning up our environment, of creating jobs and new economies for Americans. Given the fact that we have spent literally billions on the research and development in traditional energy resources, all we are asking to do in this amendment is to get the level up to last year, $71 million over the suggested appropriation of $100 million; $71 million. All that to support an agency that, using their own words, provides a fresh look, a flexible, efficient way to find new ideas to solve very serious problems in America.

I hope that the Congress will support Mr. SCHIFF's amendment to add this $71 million to keep this program strong, active, and moving forward because I think it has the potential to do more than any other research program in alternative energy can do today. I urge support of 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 rise in opposition to the amendment. I have spoken on a number of occasions this evening about the need to invest in research. In this instance, there is a school of thought that I would not argue, that ARPA-E has shown some promise as a new organizational model at the Department of Energy. But as I have stated, debating this point in the past, I am troubled that the vigor at the Department that has led to ARPA and this new idea, singular, has largely been absent when it

comes to addressing the systemic management and communication problems in other existing applied programs.

The Department had a great idea that I support in creating energy frontier research centers. That began in 2009, and we now have 46 energy frontier research centers doing good work. We now have energy innovation hubs. We have a hub for energy-efficient building systems. We have a hub for fuels; a sunlight hub. We have a hub for modeling and simulation. There is a request approved in this bill for a hub for batteries and storage. A hub for critical materials.

The Department of Energy in 2007 had an idea that we should have a bioenergy research center system, and we now have three. We have the Joint Bioenergy Institute in Berkeley, California. We have the Great Lakes Bioenergy Research Center in Madison, Wisconsin. We have the Bioenergy Science Center in Oak Ridge, Tennessee.

In 1997, the Department of Energy had an idea. We should have a Joint Genome Institute. It was established, and now we have one in Walnut Creek, California.

We have what has been described to me as the gems of the intellectual power of the United States of America in the various laboratories that I have not even enumerated in my remarks.

Again, given the allocation we have had, there have been cuts to the underlying accounts in science and EERE that provide funding for many of these research centers. I think before we proceed along the lines established in this amendment, we need to make sure that the Department understands what their allocation of resources are for what they have and what they historically have had to make sure that there is good communication, and to make sure that the promise of ARPA is met as we proceed down this road before again we start making additional significant investments.

So I do understand and appreciate what the gentleman wants to do here. I do support this research to create this knowledge, but it is time to ensure that the Department is managing properly and having proper communication between all of these other centers first. For that reason, I object 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. SCHIFF).

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

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

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

The Clerk will read.

The Clerk read as follows:

TITLE 17 INNOVATIVE TECHNOLOGY LOAN GUARANTEE PROGRAM

Subject to section 502 of the Congressional Budget Act of 1974, for the cost of loan guarantees for renewable energy or efficient end-use energy technologies under section 1703 of the Energy Policy Act of 2005, $160,000,000, to remain available until expended: *Provided*, That the amounts provided in this section are in addition to those provided in any other Act: *Provided further*, That, notwithstanding section 1703(a)(2) of the Energy Policy Act of 2005, funds appropriated for the cost of loan guarantees are also available for projects for which an application has been submitted to the Department of Energy prior to February 24, 2011, in whole or in part, for a loan guarantee under 1705 of the Energy Policy Act of 2005: *Provided further*, That an additional amount for necessary administrative expenses to carry out this Loan Guarantee program, $38,000,000 is appropriated, to remain available until expended: *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 2012 appropriations 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: *Provided further*, That for amounts collected pursuant to section 1702(b)(2) of the Energy Policy Act of 2005, the source of such payment received from borrowers is not a loan or other debt obligation that is guaranteed by the Federal Government: *Provided further*, That none of the loan guarantee authority made available in this paragraph shall be available for commitments to guarantee loans for any projects where funds, personnel, or property (tangible or intangible) of any Federal agency, instrumentality, personnel or affiliated entity are expected to be used (directly or indirectly) through acquisitions, contracts, demonstrations, exchanges, grants, incentives, leases, procurements, sales, other transaction authority, or other arrangements, to support the project or to obtain goods or services from the project: *Provided further*, That the previous proviso shall not be interpreted as precluding the use of the loan guarantee authority in this paragraph for commitments to guarantee loans for projects as a result of such projects benefiting from (1) otherwise allowable Federal income tax benefits; (2) being located on Federal land pursuant to a lease or right-of-way agreement for which all consideration for all uses is (A) paid exclusively in cash, (B) deposited in the Treasury as offsetting receipts, and (C) equal to the fair market value as determined by the head of the relevant Federal agency; (3) Federal insurance programs, including under section 170 of the Atomic Energy Act of 1954 (42 U.S.C. 2210; commonly known as the ''Price-Anderson Act''); or (4) for electric generation projects, use of transmission facilities owned or operated by a Federal Power Marketing Administration or the Tennessee Valley Authority that have been authorized, approved, and financed independent of the project receiving the guarantee: *Provided further*, That none of the loan guarantee authority made available in this paragraph shall be available for any project unless the Director of the Office of Management and Budget has certified in advance in writing that the loan guarantee and the project comply with the provisions under this paragraph.

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 expended.

AMENDMENT NO. 48 OFFERED BY MR. BROUN OF GEORGIA

Mr. BROUN of Georgia. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

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

Page 62, line 2, after the dollar amount insert ''(increased by $6,000,000)''.

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

Mr. BROUN of Georgia. Mr. Chairman, my amendment eliminates funding for the Advanced Technology Vehicles Manufacturing Loan Program, transferring $6 million to the spending reduction account.

Mr. Chairman, I am 100 percent supportive of the automobile industry producing more fuel-efficient automobiles. However, there is simply no good reason that the Federal Government should be subsidizing billion-dollar companies at a time when our Nation is broke.

Over the past few years, we have seen the automobile industry receive an unprecedented amount of government assistance. We have seen an industry bailout, the market distorting Cash for Clunkers program, and many more subsidies, all done with little regard for taxpayers' money. It is time that we begin to reverse this disturbing trend and let the automobile industry succeed or fail on its own merits. We have to stop these kinds of subsidies, particularly in these hard times when our Nation is in economic emergency. I urge support of 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 to oppose this amendment. I'm strongly in favor of a thriving domestic automotive industry, but I'm sure the gentleman knows I have also been critical of the slow pace with which the Department has implemented this program.

In the Homeland Security bill, we trimmed out $1.5 billion for this program, which has been sitting unused since 2009. We have put it toward flood assistance, where there was a true emergency purpose. But we left adequate funding to cover applications already in the pipeline. Cutting those off midstream would put at risk, I believe, thousands of jobs, and literally billions of dollars of private sector investment.

Understandably, I know where the gentleman is coming from, but I urge opposition to his 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 rise in opposition to the gentleman's amendment. The Advanced Technology Vehicles Manufacturing Loan Program supports the development of innovation and advanced technologies that create energy jobs and reduce our Nation's dependence on oil.

I believe that this is an energy issue in its truest form as far as reducing our dependency on foreign oil. Another observation I would make: If the amendment is adopted, it would ensure that we would have no oversight, no oversight of the loans that the Department has already issued, ensuring that both Congress and the administration would, therefore, abdicate their responsibility to protect and ensure that taxpayer dollars are used in the manner they were intended and that the recipients follow through on the conditions of those loans.

For these reasons and reasons espoused by my chairman, I again am opposed 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 Georgia (Mr. BROUN).

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

Mr. BROUN of Georgia. Mr. Chairman, I demand a recorded vote.

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

□ 2040

The Clerk will read.

The Clerk read as follows:

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, $221,514,000, to remain available until expended, 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 $111,883,000 in fiscal year 2012 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 2012, and any related appropriated receipt account balances remaining from prior years' miscellaneous revenues, so as to result in a final fiscal year 2012 appropriation from the general fund estimated at not more than $109,631,000.

AMENDMENT NO. 64 OFFERED BY MR. BROUN OF GEORGIA

Mr. BROUN of Georgia. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 32, line 4, after the dollar amount insert ''(reduced by $2,500,000)''.

Page 62, line 2, after the dollar amount insert ''(increased by $2,500,000)''.

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

Mr. BROUN of Georgia. Mr. Chairman, my amendment would reduce the operating budget of the Office of the Energy Secretary by 50 percent, transferring $2.5 million to the spending reduction account.

I've spent a considerable amount of time on the floor of the House during the FY 2012 appropriations process working to find spending cuts across every level of the Federal Government and across nearly every agency. I understand the challenges that the Secretary of Energy faces and the enormity of the Department that he is tasked with overseeing. But even the Department of Energy must do its part to reduce the deficit.

We've got to cut wherever we can. The future of our Nation depends upon it. Our children and grandchildren's future depends upon it. We're broke as a Nation. We have to look into every nook, cranny, and corner of the Federal expenditures and find wherever we can reduce expenditures, and this is my attempt to continue to do so.

I urge support of my 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. Mr. Chairman, if Dr. BROUN is insistent, I must say that I want to thank him for his amendment and I am willing to accept it.

I yield back the balance of my time.

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

The amendment was agreed to.

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 32, line 4, after the dollar amount, insert ''(reduced by $35,000,000)''.

Page 34, line 20, after the dollar amount, insert ''(increased by $35,000,000)''.

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

Mr. FORTENBERRY. Mr. Chairman, this amendment would reduce the Department of Energy administration account by $35 million and increase the Global Threat Reduction Initiative by a $35 million amount as well.

As cofounder of the House Nuclear Security Caucus, together with my colleague Mr. SCHIFF, I am deeply concerned about the potential nuclear security threats and vulnerabilities, and I am committed to strengthening momentum on efforts to secure fissile materials and prevent the proliferation and misuse of sensitive nuclear materials and technologies here and around the world.

I also want to thank Representative SANCHEZ for her longstanding commitment to this important issue as well.

Mr. Chairman, nuclear terrorism is a threat so serious in its consequences that we often shrink from even contemplating it. But ignoring the problem is not an option. There are some relatively straightforward steps that we can take to reduce our vulnerabilities, and one of these is to strengthen the Global Threat Reduction Initiative.

To date, this important program has converted or verified the shutdown of 76 out of 200 highly enriched uranium research reactors to be converted or verified as shut down by the year 2022. The program has removed 3,085 kilograms of highly enriched uranium and plutonium from 42 countries. The program has eliminated all highly enriched uranium from 19 countries and plans to eliminate all of it from an additional nine countries by December of 2013.

These countries—the 19 it was removed from—include Brazil, Colombia, Latvia, Portugal, South Korea, Bulgaria, Denmark, Spain, Thailand, Greece, the Philippines, Slovenia, Sweden, Romania, Libya, Turkey, Taiwan, Chile, and Serbia.

In addition, the program has also overseen the removal of 960 kilograms of highly enriched uranium. Mr. Chairman, that's enough for 38 nuclear weapons, and this is since 2009.

It is vital that we work together to transcend any differences in this body to prevent our world from sleepwalking to utter disaster. We are at a crossroads. The technical advances that have enabled transnational communication and cooperation for progress have also enabled and benefited individuals and groups bound by ideologies that threaten the very foundations of civil society and government. I consider it our collective mission to ensure that we succeed in controlling nuclear technology and materials to leave a stable global environment for generations.

Mr. Chairman, I urge my colleagues to join me and Representative SANCHEZ in supporting this important 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. Mr. Chairman, I rise in support of the amendment and salute the gentleman for his knowledge. He serves on the authorizing committee, and we can't argue

against the statistics that he has proposed.

I should say for the record that our bill strongly supports our nuclear security strategy. It fully funds the 4-year effort to lock down nuclear materials around the world and increases funding for our other international security efforts, such as enforcing export controls and promoting nuclear safeguards.

With that, I am happy to yield to the ranking member.

Mr. VISCLOSKY. I appreciate the chairman for yielding and supporting the amendment.

I certainly appreciate the gentleman offering this amendment. I think it's very, very important. Certainly I think the most serious threat confronting this Nation is that of nuclear terrorism.

Again, I appreciate the gentleman's work on the issue day in and day out, offering the amendment, as well as those who support it. I rise in support of it.

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

Ms. LORETTA SANCHEZ of California. Mr. Chair, I would like to thank Representative FORTENBERRY for working with me along with Representative LARSEN and GARAMENDI in order to offer this important amendment.

This amendment is a small restoration of funds in response to a $468 million cut to defense nonproliferation programs in this bill—equivalent to an 18% reduction in funding.

The $35 million would come from the Departmental Administrative account.

This transfer of funding will contribute to reducing the risk of nuclear terrorism.

The danger that nuclear materials or weapons might spread to countries hostile to the United States or to terrorists is one of the gravest dangers to the United States—nonproliferation programs are critical to U.S. national security and must be a top priority.

The funding for Global Threat Reduction Initiative (GTRI) 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 intent on doing us harm.

Nonproliferation programs are the most cost-effective way to achieve these urgent goals and objectives.

Last year at the Nuclear Security summit which brought together nearly 50 heads of state in Washington, President Obama secured significant commitments from countries willing to give up their nuclear weapons-usable material.

The United States must follow through on its international commitments to help remove and secure these materials.

Failing to do so will jeopardize the effort to secure these materials in 4 years, result in unacceptable delays and complicate further negotiations with countries who have vulnerable nuclear bomb-grade materials.

Specifically, a $35 million increase would prevent delays of at least 1 year to Highly Enriched Uranium reactor conversions in Poland, Kazakhstan, Uzbekistan, Ghana, and Nigeria.

Reactor conversions are directly linked to removal of bomb-grade material: removals of vulnerable material from these sites that cannot take place until the reactors are converted.

These countries are among the NNSA's highest priorities to secure material, convert research reactors and remove vulnerable HEU.

These funds would also expedite by 1 year the development of a new low enriched uranium fuel for the conversion of 6 U.S. High Performance Research reactors that currently use approximately 150 kilograms—6 nuclear weapons' worth—of highly enriched uranium annually.

The $35 million will help not only the U.S. fuel development program but also our R&D efforts with Russia for conversion of their high performance reactors that need this same new type of high density fuel.

Over 70 research reactors that should be shut down or converted are in Russia, and there has been recent progress on converting at least 6 reactors.

We are right at the cusp of success in addressing these dangerous Russian reactors.

Cuts to funds now would send a bad message and squander an important opportunity to move forward and pursue cost sharing on some of the remaining reactors.

The 9–11 Commission and of the Nuclear Posture Commission noted the urgency of addressing this 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 this modest increase of $35 million that will help address the risk of delays to the most urgent efforts for removing and securing vulnerable materials, stemming from FY11 appropriations cuts.

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

Page 54, line 20, after the second dollar amount insert "(increased by $10,000,000)".

Page 54, line 25, after the dollar amount insert "(increased by $10,000,000)".

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

Mr. SHIMKUS. Thank you, Mr. Chairman.

First of all, I want to thank my colleagues on the Appropriations Committee. I don't come down to the floor often. This is a special occasion and a special time to bring focus on Yucca Mountain.

As the investigation continues into the shutdown of Yucca Mountain, we have heard over and over again that the licensing application should move forward and let the science speak for itself.

The $10 million provided in the bill is a start but too low for the Nuclear Regulatory Commission to do anything functional toward reviewing the licensing application. In fact, just a few years ago, they were receiving nearly $60 million for these efforts.

In addition, the Shimkus-Inslee amendment—it didn't officially get recorded that way, but that was our intent, that JAY INSLEE, my friend from Washington State, would join me. The amendment adds $10 million to continue the Yucca Mountain license application. There is $10 million in the bill, and my amendment would take it to $20 million.

Our 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 less by making modest cuts to an account for salaries and expenses. And, again, I want to thank the Appropriations Committee for helping us find a way to move in this direction. Again I want to thank my colleague Mr. INSLEE for supporting this amendment.

I have had a lot of my colleagues on both sides of the aisle talk to me about when are we going to have a vote on the floor to show our support for what we have done? What we have done historically, in 1982 the Nuclear Waste Policy Act was passed, 30 years, countless different administrations on both sides of the aisle, different control of the Chamber here, both parties.

□ 2050

This has been our consistent policy for 30 years. Now, with Japan and Fukushima Daiichi and part of the problem being high-level nuclear waste stored in pools, we have to have a centralized location. This amendment says let us finish the science to get to the final permit, and let that science be the judge. It's providing the money.

But I will tell you that we have high-level nuclear waste all over this country, and we need it in one centralized location. It has been our policy that that would be Yucca Mountain—an isolated area in Nevada, in the desert, 90 miles from Las Vegas. It's underneath a mountain, in the desert, in one of the most arid places in this country. If we can't store it there, we really can't store it anywhere. As you've heard from my colleagues already this evening, it is stored in locations we should not have it.

Again, I really want to thank the Appropriations Committee for helping me through this process. We need a vote. I will call for a vote.

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

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

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

Mr. INSLEE. I want to thank the gentleman from Illinois and the committee for helping us find a solution to this problem.

There are really a couple of reasons for this amendment:

One, there really is a national interest here. We've got 75,000 metric tons of nuclear waste at 80 sites in 45 States. This is a national interest, a national

bill, and is an appropriation we need to get done.

Two, my State is particularly acute at the Hanford site, a place where we fought World War II and the Cold War, and now we are preparing nuclear waste to go to Yucca Mountain—nuclear waste that, essentially, will be all dressed up with no place to go if we don't finish this project.

This is a very small step forward, but I do think it's important, not just for the $10 million that will help us move forward on the scientific assessment of this, but the fact that it will be another statement by this House of why we need to move forward. We made that statement in 1987. We made that statement in 2002. We made it again in 2007. This is the way to do it in the appropriations system. It is an important statement to make. We've got to continue to push this ball uphill until this job gets done.

I yield back the balance of my time.

Mr. BROUN of Georgia. Mr. Chairman, I move to strike the last word.

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

Mr. BROUN of Georgia. Mr. Chairman, I rise in support of Mr. SHIMKUS' and Mr. INSLEE's amendment, and I congratulate them on bringing this very important amendment to the floor in this appropriations bill.

Just across the Savannah River from my district is the Savannah River site. I've been over there very many times, and I am very concerned about the storage of nuclear materials that are there on the site, and that's happening all over this country. We hear people talk about this as nuclear waste, but I don't view it that way. In fact, there is a tremendous amount of energy in the fuel rods and in the nuclear material that's being stored at facilities all over this country. We just don't know how to utilize it, and we're just beginning that process.

Some of these fast reactors, small modular reactors, would burn up a lot of this nuclear material and would provide energy that is drastically needed. Yet, Mr. Chairman, one man from Nevada—a staffer, who left from being on staff in the U.S. Senate and went to the administration—has, what I consider to be, illegally closed up Yucca Mountain. This administration has illegally closed up Yucca Mountain.

This facility has been studied at great lengths. I'm on the Science, Space, and Technology Committee, and am the Subcommittee chairman for Investigations and Oversight. We've looked at this. We've had hearings. In fact, I just recently had a group of people from our local area, the Augusta area—and North Augusta, in the South Carolina area of Aiken County, where SRS is—testify about what's going on and about Yucca Mountain.

It is critical that we as a Congress do what the law requires. We need a central repository. We need somewhere we can store this material, not as waste, but we need a repository so that this material can be set in a safe, scientifically studied area that won't harm anybody. Yucca fits all of those categories. It's the only place in this country that does. We can store this material until we can utilize it.

We need to be energy independent as a Nation. Nuclear energy is going to be one of the keys of an all-of-the-above energy policy. We, on our side, have been fighting for that, and I know some Democrats are very supportive of nuclear energy, as I am. I am an ardent supporter of nuclear energy, and I think it's absolutely critical in order for us to go forward. Yucca Mountain has to be a part of that formula, and we cannot close it up. We've spent billions of taxpayer dollars on this facility. One man, because he doesn't want it in his backyard, has prompted this administration to close it up. We've got to open it up.

So I congratulate Mr. INSLEE and particularly my dear friend JOHN SHIMKUS from Illinois for bringing this amendment to the floor. We need to support it. We need to have a vote on it so that we can show how important this is to Members of Congress. I congratulate them, and I wholeheartedly support it, and hope other Members of Congress will support it, too.

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 strongly support, Mr. Chairman, the Shimkus-Inslee amendment.

This administration's Yucca Mountain policy has been, at best, irresponsible with the taxpayers' time and treasure. Most Members in this room have voted many times in support of this project. For years, we supported it as the law of the land, and ensured that the scientific review process continued so we could understand how good the site was.

Despite more than the $15 billion already spent on the site or the more than $16 billion in potential fines that the taxpayer is facing because the administration has not fulfilled its responsibility to take spent fuel off the hands of so many utilities, this administration has persisted in a backroom political deal to shut down the project. Yet, despite the administration's best efforts to hide from the public the inconvenient facts, we now know that the science does support Yucca Mountain as a long-term geological repository. The NRC's review, which was virtually complete when the administration pulled the plug, apparently shows that the site can safely store the fuel for thousands and thousands of years if that is necessary.

Even in the face of this, the administration hasn't changed its position. We can only keep the pressure on and trust that good policy and good science will eventually overcome bad politics. We need to finish the Yucca Mountain license application so that we as a Nation can take into account all of the facts as we determine the future of nuclear energy in this country.

I want to thank the gentlemen, both Mr. INSLEE and Mr. SHIMKUS—members of the authorizing committee.

I had an opportunity, as an observer, to attend Mr. SHIMKUS' subcommittee. May I say I was impressed by how the gentleman from Illinois questioned the NRC commissioners, and particularly the chairman, on some of the very questions the gentleman from Illinois and other Members have raised.

I want to commend you for your vigor and for your astuteness and for coming to the floor with this very important amendment.

I would be happy to yield, unless he cares to have his own time, to the ranking member, the gentleman from Indiana.

Mr. VISCLOSKY. I appreciate the chairman's yielding. I would just add two brief comments in support of the amendment and of the chairman's remarks.

The administration's attempts to shut this activity down, I believe, are without scientific merit, and are contrary to existing law and congressional direction.

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

So, again, I will join in support of the amendment.

Mr. FRELINGHUYSEN. I thank the gentleman.

We're going to keep Yucca Mountain open, Mr. Chairman.

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.

□ 2100

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, $41,774,000, to remain available until expended.

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, the purchase of not to exceed one ambulance and one aircraft; $7,131,993,000, to remain available until expended: *Provided*, That of such amount not more than $139,281,000 may be made available for the B-61 Life Extension Program until the Administrator for Nuclear Security submits to the Committees on Appropriations of the House of Representatives and the Senate the outcome of its Phase 6.2a design definition and cost study: *Provided further*, That of the unobligated balances available under this heading, $40,332,000 are hereby 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.

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, $2,086,770,000, to remain available until expended: *Provided*, That of the unobligated balances available under this heading, $30,000,000 are hereby 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.

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, $1,030,600,000, to remain available until expended.

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, $420,000,000, to remain available until expended.

ENVIRONMENTAL AND OTHER DEFENSE ACTIVITIES

DEFENSE ENVIRONMENTAL CLEANUP

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, $4,937,619,000, to remain available until expended.

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, and the purchase of not to exceed 10 passenger motor vehicles for replacement only, $814,000,000, to remain available until expended.

POWER MARKETING ADMINISTRATIONS

BONNEVILLE POWER ADMINISTRATION FUND

Expenditures from the Bonneville Power Administration Fund, established pursuant to Public Law 93µ09454, are approved for the Kootenai River Native Fish Conservation Aquaculture Program, Lolo Creek Permanent Weir Facility, and Improving Anadromous Fish production on the Warm Springs Reservation, and, in addition, for official reception and representation expenses in an amount not to exceed $3,000. During fiscal year 2012, no new direct loan obligations may be made from such Fund.

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, $8,428,000, 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 $8,428,000 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 2012 appropriation estimated at not more than $0: *Provided further*, That notwithstanding 31 U.S.C. 3302, up to $100,162,000 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, $45,010,000, 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 $33,118,000 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 2012 appropriation estimated at not more than $11,892,000: *Provided further*, That, notwithstanding 31 U.S.C. 3302, up to $40,000,000 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; $285,900,000, to remain available until expended, of which $278,856,000 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 $189,932,000 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 2012 appropriation estimated at not more than $95,968,000, of which $88,924,000 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 $306,541,000 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, $4,169,000, 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 $3,949,000 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 2012 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 2012 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 2012 so as to result in a final fiscal year 2012 appropriation from the general fund estimated at not more than $0.

GENERAL PROVISIONS, DEPARTMENT OF ENERGY

(INCLUDING TRANSFERS OF FUNDS)

SEC. 301. (a) No appropriation, funds, or authority made available in 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)(1) Except as provided in paragraph (2), 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 contract, award a grant, or enter into a cooperative agreement that obligates the Government in excess of the budget authority available under such heading for such purpose, or that is properly chargeable to budget authority of a future fiscal year before such budget authority is available, regardless of whether the contract, grant, or cooperative agreement includes a clause conditioning the Government's obligation on the availability of such budget authority.

(2) Paragraph (1) shall not apply with respect to major capital projects.

(c) Except as provided in this section, the amounts made available by this Act for the Department of Energy shall be expended as authorized by law for the projects and activities specified in the text and the ''Bill'' column in the ''Comparative Statement of New Budget (Obligational) Authority for 2011 and Budget Requests and Amounts Recommended in the Bill for 2012'' included under the heading ''Title III—Department of Energy'' in the report of the Committee on Appropriations of the House of Representatives to accompany this Act.

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

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

(2) eliminates a program, project, or activity;

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

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

(5) increases funds for any program, project, or activity by more than $2,000,000 or 10 percent, whichever is less; or

(6) reduces funds for any program, project, or activity by more than $2,000,000 or 10 percent, whichever is less.

(e) The Secretary of Energy and the Administrator for Nuclear Security may jointly waive the restrictions under subsection (a) and subsection (d) on a case-by-case basis by certifying to the Committees on Appropriations of the House of Representatives and the Senate that it is in the national security interest to do so.

SEC. 302. None of the funds made available in this title may be used—

(1) to augment the funds made available for obligation by this Act for severance payments and other benefits and community assistance grants under section 4604 of the Atomic Energy Defense Act (50 U.S.C. 2704) unless the Department of Energy submits a reprogramming request to the appropriate congressional committees; or

(2) to provide enhanced severance payments or other benefits for employees of the Department of Energy under section 4604; or

(3) develop or implement a workforce restructuring plan that covers employees of the Department of Energy.

SEC. 303. 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. 304. None of the funds in this or any other Act for the Administrator of the Bonneville Power Administration may be used to enter into any agreement to perform energy efficiency services outside the legally defined Bonneville service territory, with the exception of services provided internationally, including services provided on a reimbursable basis, unless the Administrator certifies in advance that such services are not available from private sector businesses.

SEC. 305. When the Department of Energy makes a user facility available to universities or other potential users, or seeks input from universities or other potential users regarding significant characteristics or equipment in a user facility or a proposed user facility, the Department shall ensure broad public notice of such availability or such need for input to universities and other potential users. When the Department of Energy considers the participation of a university or other potential user as a formal partner in the establishment or operation of a user facility, the Department shall employ full and open competition in selecting such a partner. For purposes of this section, the term ''user facility'' includes, but is not limited to: (1) a user facility as described in section 2203(a)(2) of the Energy Policy Act of 1992 (42 U.S.C. 13503(a)(2)); (2) a National Nuclear Security Administration Defense Programs Technology Deployment Center/User Facility; and (3) any other Departmental facility designated by the Department as a user facility.

SEC. 306. 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 2012 until the enactment of the Intelligence Authorization Act for Fiscal Year 2012.

SEC. 307. (a) In any fiscal year in which the Secretary of Energy determines that additional funds are needed to reimburse the costs of defined benefit pension plans for contractor employees, the Secretary may transfer not more than 1 percent of an appropriation made available in this or any subsequent Energy and Water Development Appropriations Act to any other appropriation made available to the Secretary by such Act for such reimbursement.

(b) Where the Secretary recovers the costs of defined benefit pension plans for contractor employees through charges for the indirect costs of research and activities at facilities of the Department of Energy, if the indirect costs attributable to defined benefit pension plan costs in a fiscal year are more than charges in fiscal year 2008, the Secretary shall carry out a transfer of funds under this section.

(c) In carrying out a transfer under this section, the Secretary shall use each appropriation made available to the Department in that fiscal year as a source for the transfer, and shall reduce each appropriation by an equal percentage, except that appropriations for which the Secretary determines there exists a need for additional funds for pension plan costs in that fiscal year, as well as appropriations made available for the Power Marketing Administrations, the loan guarantee program under title XVII of the Energy Policy Act of 2005, and the Federal Energy Regulatory Commission, shall not be subject to this requirement.

(d) Each January, the Secretary shall report to the Committees on Appropriations of the House of Representatives and the Senate on the state of defined benefit pension plan liabilities in the Department for the preceding year.

(e) This transfer authority does not apply to supplemental appropriations, and is in addition to any other transfer authority provided in this or any other Act. The authority provided under this section shall expire on September 30, 2015.

(f) The Secretary shall notify the Committees on Appropriations of the House of Representatives and the Senate in writing not less than 30 days in advance of each transfer authorized by this section.

SEC. 308. 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. 309. Plant or construction projects for which amounts are made available under this and subsequent appropriation Acts with an estimated cost of less than $10,000,000 are considered for purposes of section 4703 of the Atomic Energy Defense Act (50 U.S.C. 2743) as a plant project for which the approved total estimated cost does not exceed the minor construction threshold and for purposes of section 4704(d) of such Act (50 U.S.C. 2744(d)) as a construction project with an estimated cost of less than a minor construction threshold.

SEC. 310. None of the funds made available in this title may be used to approve 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. 311. 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.

SEC. 312. None of the funds made available by this title may be used to make a final or conditional loan guarantee award unless the Secretary of Energy provides notification of the award, including the proposed subsidy cost, to the Committees on Appropriations of the Senate and the House of Representatives at least three full business days in advance of such award.

SEC. 313. None of the funds included in this title for the Department of Energy shall be made available to initiate, administer, promulgate, or enforce any ''significant regulatory action'' as defined by Executive Order 12866 unless the Committee on Appropriations has been notified not later than 30 days before the issuance of such action.

TITLE IV—INDEPENDENT AGENCIES

APPALACHIAN REGIONAL COMMISSION

For expenses necessary to carry out the programs authorized by the Appalachian Regional Development Act of 1965, 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, $68,400,000, to remain available until expended.

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 100µ09456, section 1441, $29,130,000, to remain available until expended.

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, $11,700,000, 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, $10,700,000, to remain available until expended, notwithstanding the limitations contained in section 306(g) of the Denali Commission Act of 1998 (title III of division C of Public Law 105-277): *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 in the subsection (c) added to section 307 of such Act by section 701 of Title VII of the provisions of H.R. 3424 (106th Congress) enacted into law in section 1000(a)(4) of Public Law 106µ09113 (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, $1,350,000, 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.

AMENDMENT NO. 47 OFFERED BY MR. BROUN OF GEORGIA

Mr. BROUN of Georgia. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

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

Page 62, line 2, after the dollar amount insert ''(increased by $250,000)''.

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

Mr. BROUN of Georgia. Mr. Chairman, the Southeast Crescent Regional Commission is a Federal-State partnership intended to address the economic needs of the southeastern United States, and the Lord really knows that we have some economic needs in that area. In fact, in my district, we have counties that unemployment approaches or exceeds 25 percent. But contained within the FY12 Energy and Water appropriations bill is $250,000 in funding for this commission. My amendment eliminates funding for the Southeast Crescent Regional Commission, transferring the $250,000 to the spending reduction account.

Some of you may ask: Why go after such a small amount as $250,000? Mr. Chairman, here we see a Federal commission conducting work that would be better managed by a State agency. This entity is so small that it's hard to even find information on how the commission spends hard-earned taxpayer dollars. In fact, we can't even find a Web site for this commission. We need to look for spending cuts across every level of the Federal Government, even if that means finding cuts in the smallest of Federal bureaucracies.

For generations, Americans have been told by Members across the aisle that more government, more bureaucracy, and more Federal spending are the answers to all of their problems. We're losing our liberty because of that kind of philosophy. This line of thinking has removed many of our liberties that our Founders intended for us to have. Congress must make every effort to roll back the Big Government mentality in Washington and allow States to manage their own affairs. Zeroing out funding for this commission would be a good step in sending government powers back to the States and the people.

I urge support of my 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 rise in strong opposition to the gentleman's amendment.

The Southeast Crescent Regional Commission includes all of the counties from Virginia, North Carolina, South Carolina, Georgia, Alabama, Mississippi, and Florida that are not already served by the ARC or the DRA. Though relatively new, this regional commission is intended to address planning and coordination on regional investments and targeting resources to those communities with the greatest needs.

Many of these areas covered by this commission suffer from high unemployment—10 percent in South Carolina, one of the highest in the Nation. Marion County in South Carolina has 19 percent unemployment. The county has seen both textile and manufacturing jobs disappear, and this economic predicament is similar in much of the area covered by the commission.

As we have seen with ARC investments, investment in regional commissions can go toward area development and technical assistance goals such as increasing job opportunities, improving employability, and strengthening basic infrastructure.

The conventional wisdom among economists has long been that regional approaches can be valuable in addressing developmental situations that cannot be addressed simply through local policies. For example, to help people in one jurisdiction to find jobs, one may have to create jobs for them in a neighboring growth center.

In recent years regional approaches have gained greater support, hence the relative newness of the Southeast Crescent Regional Commission, in part because of increased global competition that rural communities face.

□ 2110

When people think of the First Congressional District that I represent, because we produce more steel in one congressional district than any State in the United States of America, they also miss the fact that one of the counties I have the privilege of representing has 9,000 people in it, another has 14,000 people, another has 23,000. There are

very rural areas that are also economically stressed and do not have those centers of gravity and need that type of tension to try to generate some new economic opportunity and jobs, which is why, just from my practical experience with the rural counties I have, I do believe it is important to continue to work with the commission; and that is why I do rise in opposition to the gentleman's amendment.

Mr. BROUN of Georgia. Will the gentleman yield?

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

Mr. BROUN of Georgia. I thank the gentleman for yielding.

Please tell me what this commission does. We've looked and looked, and we can't find a Web site for them. We can't find anything for them. This is my district, what we are talking about. I represent the northeast corner of the State of Georgia. In fact, we worked very strongly, my staff and I, with the Appalachian Regional Commission, the ARC, that the gentleman just mentioned. But we can't find even a Web site for this commission. And just having a commission for the sake of a commission, even though this would be considered a small amount of money, $250,000, to me is a lot of money. And if we add little bits of money together, after a while, then we get into bigger and bigger funds.

So I think we need to start looking at getting rid of duplicative commissions, duplicative functions of the Federal Government. And this is just one—because my staff and I looked to try to find what this commission does, what this $250,000 is expended on. We couldn't find it.

I'm for economic development. In fact, in those counties in northeast Georgia that I represent, we do have a tremendous unemployment rate. In some of those counties, we have 20, 25 percent, maybe even higher, underemployment and unemployment rates. So I am extremely, extremely cognizant of the need for developing jobs for these areas. But I'm also very cognizant that we are in an economic emergency as a Nation; and wherever we can save money, I would like to do so.

I don't know what this commission does. I can't find anything about it. So if the gentleman would please tell me, I would be eager to know.

Mr. VISCLOSKY. Well, if I could reclaim my time, relative to the gentleman's congressional district, I can't speak specifically, except to note, again, the commission is relatively new; the dollar amounts, relative to the Federal budget, are modest; and we're talking about seven States. Perhaps the real value here is that they are spread a bit thin and obviously do not have at this point in time a program in the gentleman's district.

But I don't think that that was warranted, given the breadth of their responsibilities over seven States, to argue against their demise. So, again, I would respectfully 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 Georgia (Mr. BROUN).

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

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

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

The Clerk will read.

The Clerk read as follows:

NUCLEAR REGULATORY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Nuclear Regulatory Commission in carrying out the purposes of the Energy Reorganization Act of 1974 and the Atomic Energy Act of 1954, including official representation expenses (not to exceed $25,000), $1,027,240,000, to remain available until expended: *Provided*, That of the amount appropriated herein, not more than $7,500,000 may be made available for salaries and other support costs for the Office of the Commission: *Provided*, That of the amount appropriated herein, $10,000,000 shall be used to continue the Yucca Mountain license application, to be derived from the Nuclear Waste Fund: *Provided further*, That revenues from licensing fees, inspection services, and other services and collections estimated at $890,713,000 in fiscal year 2012 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 2012 so as to result in a final fiscal year 2012 appropriation estimated at not more than $136,527,000: *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, $10,860,000, to remain available until expended: *Provided*, That revenues from licensing fees, inspection services, and other services and collections estimated at $9,774,000 in fiscal year 2012 shall be retained and be available until expended, 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 2012 so as to result in a final fiscal year 2012 appropriation estimated at not more than $1,086,000.

NUCLEAR WASTE TECHNICAL REVIEW BOARD

SALARIES AND EXPENSES

For necessary expenses of the Nuclear Waste Technical Review Board, as authorized by section 5051 of Public Law 100–203, $3,400,000 to be derived from the Nuclear Waste Fund, 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, $4,032,000: *Provided*, That any fees, charges, or commissions received pursuant to section 802 of Public Law 110–140 in fiscal year 2012 in excess of $4,683,000 shall not be available for obligation until appropriated in a subsequent Act of Congress.

GENERAL PROVISION, INDEPENDENT AGENCIES

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

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

(2) eliminates a program, project, or activity;

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

(4) 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 project, program, 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.

(d) Except as provided in this section, the amounts made available for ''Nuclear Regulatory Commission—Salaries and Expenses'' shall be expended as authorized by law for the projects and activities specified in the text and table under that heading in the report of the Committee on Appropriations of the House of Representatives to accompany this Act.

TITLE V—EMERGENCY SUPPLEMENTAL FUNDING FOR DISASTER RELIEF

(INCLUDING RESCISSION AND TRANSFERS OF FUNDS)

SEC. 501. (a) Effective on the date of enactment of this Act, the unobligated balance of funds in excess of $1,028,684,400 made available for ''Department of Transportation—Federal Railroad Administration—Capital Assistance for High Speed Rail Corridors and Intercity Passenger Rail Service'' by title XII of Public Law 111–5 is hereby rescinded, and the remaining amount is hereby transferred to and merged with the following accounts of the Corps of Engineers—Civil in the following amounts for fiscal year 2011, to remain available until expended, for emergency expenses for repair of damage caused by the storm and flood events occurring in 2011:

(1) ''Construction'', $376,000.

(2) ''Mississippi River and Tributaries'', $589,505,000.

(3) ''Operation and Maintenance'', $204,927,000.

(4) ''Flood Control and Coastal Emergencies'', $233,876,400.

(b) With respect to each amount transferred in subsection (a), the Chief of Engineers, acting through the Assistant Secretary of the Army for Civil Works, shall provide, at a minimum, a weekly report to the Committees on Appropriations of the House of Representatives and the Senate detailing the allocation and obligation of such amount, beginning not later than one week after the date of the enactment of this Act.

(c) Each amount transferred in subsection (a) is designated as an emergency pursuant to section 3(c)(1) of H. Res. 5 (112th Congress).

TITLE VI—GENERAL PROVISIONS

SEC. 601. 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. 602. 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. 603. None of the funds appropriated or otherwise made available by this Act may be obligated by any covered executive agency in contravention of the certification requirement of section 6(b) of the Iran Sanctions Act of 1996, as included in the revisions to the Federal Acquisition Regulation pursuant to such section.

SEC. 604. 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 until the Nuclear Regulatory Commission reverses ASLB decision LBP-10-11, or for actions that irrevocably remove the possibility that Yucca Mountain may be a repository option in the future.

SEC. 605. 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 established under section 403(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note).

SEC. 606. 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.

SEC. 607. 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 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.

SPENDING REDUCTION ACCOUNT

SEC. 608. 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. BROUN of Georgia) having assumed the chair, Mr. LUETKEMEYER, Acting Chair of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2354) making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes, had come to no resolution thereon.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. ELLISON (at the request of Ms. PELOSI) for today.

ADJOURNMENT

Mr. LUETKEMEYER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 20 minutes p.m.), under its previous order, the House adjourned until tomorrow, Thursday, July 14, 2011, at 10 a.m. for morning-hour debate.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

2418. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Perishable Agricultural Commodities Act: Impact of Post-Default Agreements on Trust Protection Eligibility [Document Number: AMS-FV-09-0047] received June 13, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2419. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — 2-meghyl-2,4-pentanediol; Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2010-0330; FRL-8875-9] received June 20, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2420. A letter from the Assistant Secretary, Navy, Department of Defense, transmitting the Secretary's certification that the full-up, system level Live Fire Test of the Mobile Landing Platform (MLP), an ACAT II program, would be unreasonably expensive and impracticable, pursuant to 10 U.S.C. 2366(c)(1); to the Committee on Armed Services.

2421. A letter from the Chairman and President, Export-Import Bank, transmitting the Bank's report on export credit competition and the Export-Import Bank of the United States for the period January 1, 2010 through December 31, 2010; to the Committee on Financial Services.

2422. A letter from the Chairman, Federal Reserve System, transmitting the System's annual report to the Congress on the Presidential $1 Coin Program, pursuant to 31 U.S.C. 5112 Public Law 109-145, section 104(3)(B); to the Committee on Financial Services.

2423. A letter from the Acting Assistant General Counsel for Regulatory Services, Department of Education, transmitting the Department's final rule — Race to the Top Fund [Docket ID: ED-2010-OESE-0005] (RIN: 1810-AB10) received June 20, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

2424. A letter from the President, Independent Colleges and Universities of Florida, transmitting notice that the Independent Colleges and Universities of Florida are now in compliance with the Department of Educations's Rule on Program Integrity Issues; to the Committee on Education and the Workforce.

2425. A letter from the Administrator, Energy Information Administration, Department of Energy, transmitting the Administration's report entitled, ''Annual Energy Outlook 2011'', pursuant to 15 U.S.C. 790f(a)(1); to the Committee on Energy and Commerce.

2426. A letter from the Assistant General Counsel for Legislation, Regulation and Energy Efficiency, Department of Energy, transmitting the Department's ''Major'' final rule — Energy Priorities and Allocations System Regulations (RIN: 1901-AB28) received June 16, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2427. A letter from the Secretary, Department of Health and Human Services, transmitting a report to Congress on Imported Food, pursuant to Public Law 110-85, section 1009; to the Committee on Energy and Commerce.

2428. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans, State of Louisiana [EPA-R06-OAR-2007-0924; FRL-9323-7] received June 20, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2429. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Virginia; Adoption of the Revised Nitrogen Dioxide Standard [EPA-R03-OAR-2011-0411; FRL-9321-5] received June 20, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2430. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans and Designations of Areas for Air Quality Planning Purposes; Georgia: Atlanta; Determination of Attainment for the 1997 8-Hour Ozone Standards [EPA-R04-OAR-2010-1036-201138; FRL-9322-4] received June 20, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2431. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; South Carolina: Prevention of Significant Deterioration and Nonattainment New Source Review; Fine Particulate Matter and Nitrogen Oxides as a Precursor to Ozone [EPA-R04-OAR-2005-0004-2 1119; EPA-R04-OAR-2010-0958-201119; FRL-9322-6] received June 20, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2432. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; State of Idaho; Regional Haze State Implementation Plan and Interstate Transport Plan [EPA-R10-OAR-2010-1072; FRL-9321-4] received June 20, 2011,