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

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

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

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

HEALTH CARE TAX

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

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

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

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

□ 1410

PROVIDE TRANSPARENCY IN HEALTH CARE PRICES

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

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

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

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

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

MEDIA BIAS AGAINST FAITH REPORTING

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

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

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

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

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

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

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

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

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

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

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

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

Sincerely,

KARRIE PARDIECK,
Constituent Services Director,
Congressman Mike Pence.

ENERGY AND WATER DEVELOPMENT AND RELATED AGENCIES APPROPRIATIONS ACT, 2013

GENERAL LEAVE

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

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

There was no objection.

The SPEAKER pro tempore. Pursuant to House Resolution 667 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the further consideration of the bill, H.R. 5325.

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

□ 1413

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 5325) making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2013, and for other purposes, with Mr. SMITH of Nebraska (Acting Chair) in the chair.

The Clerk read the title of the bill.

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

AMENDMENT NO. 3 OFFERED BY MR. MCCLINTOCK

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

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

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

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

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

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

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

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

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

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

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

I yield back the balance of my time.

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

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

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

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

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

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

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

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

I yield back the balance of my time.

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

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

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

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

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

And, again, I would add my voice to that in opposition to the gentleman's amendment.

I yield back the balance of my time.

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

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

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

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

□ 1420

The Acting CHAIR. The Clerk will read.

The Clerk read as follows:

FOSSIL ENERGY RESEARCH AND DEVELOPMENT

For necessary expenses in carrying out fossil energy research and development activities, under the authority of the Department of Energy Organization Act (Public Law 95-91), including the acquisition of interest, including defeasible and equitable interests in any real property or any facility or for plant or facility acquisition or expansion, and for conducting inquiries, technological investigations and research concerning the extraction, processing, use, and disposal of mineral substances without objectionable social and environmental costs (30 U.S.C. 3, 1602, and 1603), $554,000,000, to remain available until expended: *Provided*, That of such amount, $115,753,000 shall be available until September 30, 2014, for program direction: *Provided further*, That for all programs funded under Fossil Energy appropriations in this Act or any other Act, the Secretary of Energy may vest fee title or other property interests acquired under projects in any entity, including the United States.

AMENDMENT OFFERED BY MS. HIRONO

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

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

I yield back the balance of my time.

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

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

Mr. FRELINGHUYSEN. I rise in opposition to the gentlewoman's amendment.

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

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

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

I yield back the balance of my time.

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

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

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

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

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

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

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

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

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

I yield back the balance of my time.

□ 1430

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

I strongly encourage my colleagues to support this amendment.

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

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

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

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

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

Ms. HIRONO. Mr. Chairman, I demand a recorded vote.

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

AMENDMENT NO. 5 OFFERED BY MR. MCCLINTOCK

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

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 22, line 23, after the dollar amount, insert "(reduced by $554,000,000)".

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

□ 1440

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

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

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

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

I yield back the balance of my time.

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

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

Mr. VISCLOSKY. I rise in opposition to the gentleman's amendment for the very reasons I espoused briefly before relative to the gentlewoman from Hawaii's amendment.

I yield back the balance of my time.

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

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

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

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

AMENDMENT OFFERED BY MR. CONNOLLY OF VIRGINIA

Mr. CONNOLLY of Virginia. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

I yield back the balance of my time.

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

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

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

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

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

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

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

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

I yield back the balance of my time.

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

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

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

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

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

□ 1450

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

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

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

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

I urge strong support of the Connolly-Polis amendment, and I yield back the balance of my time.

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

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

Mr. VISCLOSKY. I rise in strong support of the gentleman's amendment.

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

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

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

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

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

Again, I strongly support the amendment, and I yield back the balance of my time.

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

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

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

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

The Clerk will read.

The Clerk read as follows:

NAVAL PETROLEUM AND OIL SHALE RESERVES

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

ELK HILLS SCHOOL LANDS FUND

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

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

STRATEGIC PETROLEUM RESERVE

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

NORTHEAST HOME HEATING OIL RESERVE

(INCLUDING RESCISSION OF FUNDS)

For necessary expenses for Northeast Home Heating Oil Reserve storage, operation, and management activities pursuant to the Energy Policy and Conservation Act, $10,119,000, to remain available until expended: *Provided*, That of the unobligated balances from prior year appropriations available under this heading, $6,000,000 is hereby permanently rescinded: *Provided further*, That no amounts may be rescinded from amounts that were designated by the Congress as an emergency requirement pursuant to the Concurrent Resolution on the Budget or the Balanced Budget and Emergency Deficit Control Act of 1985.

ENERGY INFORMATION ADMINISTRATION

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

NON-DEFENSE ENVIRONMENTAL CLEANUP

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other expenses necessary for non-defense environmental cleanup activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, $198,506,000, to remain available until expended.

AMENDMENT OFFERED BY MR. MATHESON

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

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

□ 1500

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

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

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

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

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

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

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

This amendment increases funding over the request and over last year's level for Moab. While many sites like Moab are struggling to reduce cleanup work following the Recovery Act, we simply cannot maintain these highly elevated funding levels. As an offset, this amendment proposes to take resources from important national security activities. It unacceptably strikes funding for priority investments in our nuclear security enterprise which is both urgent and long overdue. Thus, I urge Members to vote ''no'' on his amendment, and I yield back the balance of my time.

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

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

Mr. VISCLOSKY. Mr. Chairman, I appreciate the recognition and rise in strong support of the gentleman's amendment. I certainly appreciate the concerns he has expressed about cleanup nationally, as well as the site illustrated in Utah, and share his concerns that we are not adequately investing in cleaning up contaminated communities where we have a national obligation.

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

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

I yield back the balance of my time.

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

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

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

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

The Clerk will read.

The Clerk read as follows:

URANIUM ENRICHMENT DECONTAMINATION AND DECOMMISSIONING FUND

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

SCIENCE

(INCLUDING RESCISSION OF FUNDS)

For Department of Energy expenses including the purchase, construction, and acquisition of plant and capital equipment, and other expenses necessary for science activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or facility or for plant or facility acquisition, construction, or expansion, and purchase of not more than 25 passenger motor vehicles for replacement only, including one ambulance and one bus, $4,824,931,000, to remain available until expended: *Provided*, That of such amount, $185,000,000 shall be available until September 30, 2014, for program direction: *Provided further*, That of the unobligated balances from appropriations available under this heading, $23,500,000 is hereby permanently rescinded: *Provided further*, That no amounts may be rescinded from amounts that were designated by the Congress as an emergency requirement pursuant to the Concurrent Resolution on the Budget or the Balanced Budget and Emergency Deficit Control Act of 1985.

ADVANCED RESEARCH PROJECTS AGENCY—ENERGY

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

NUCLEAR WASTE DISPOSAL

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

TITLE 17 INNOVATIVE TECHNOLOGY LOAN GUARANTEE PROGRAM

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

ADVANCED TECHNOLOGY VEHICLES MANUFACTURING LOAN PROGRAM

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

DEPARTMENTAL ADMINISTRATION

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

AMENDMENT OFFERED BY MR. SHIMKUS

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

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

□ 1710

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

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

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

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

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

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

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

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

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

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

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

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

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

Mr. DICKS. Will the gentleman yield?

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

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

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

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

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

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

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

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

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

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

I yield back the balance of my time.

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

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

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

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

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

We need to ensure that the administration does not unilaterally dictate policy for nuclear waste disposal, and I strongly urge my colleagues to join me in supporting the gentleman's amendment.

I yield back the balance of my time.

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

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

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

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

AMENDMENT OFFERED BY MS. LORETTA SANCHEZ OF CALIFORNIA

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

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

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

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

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

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

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

□ 1520

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

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

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

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

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

I yield back the balance of my time.

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

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

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

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

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

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

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

I yield back the balance of my time.

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

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

Mr. VISCLOSKY. I appreciate the recognition.

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

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

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

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

I yield back the balance of my time.

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

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

Ms. LORETTA SANCHEZ of California. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by

the gentlewoman from California will be postponed.

AMENDMENT NO. 7 OFFERED BY MR. WELCH

Mr. WELCH. Mr. Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 29, line 10, insert before the period at the end the following:

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

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

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

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

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

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

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

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

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

I yield back the balance of my time.

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

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

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

I yield back the balance of my time.

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

The amendment was agreed to.

The Acting CHAIR. The Clerk will read.

The Clerk read as follows:

OFFICE OF THE INSPECTOR GENERAL

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

ATOMIC ENERGY DEFENSE ACTIVITIES

NATIONAL NUCLEAR SECURITY ADMINISTRATION

WEAPONS ACTIVITIES

(INCLUDING RESCISSION OF FUNDS)

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other incidental expenses necessary for atomic energy defense weapons activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, and the purchase of not to exceed one ambulance, $7,577,341,000, to remain available until expended: *Provided*, That of the unobligated balances from prior year appropriations available under this heading, $65,000,000 is hereby permanently rescinded: *Provided further*, That no amounts may be rescinded from amounts that were designated by the Congress as an emergency requirement pursuant to the Concurrent Resolution on the Budget or the Balanced Budget and Emergency Deficit Control Act of 1985.

AMENDMENT OFFERED BY MR. POLIS

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

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

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

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

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

□ 1530

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

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

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

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

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

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

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

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

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

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

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

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

I yield back the balance of my time.

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

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

Mr. FRELINGHUYSEN. Mr. Chairman, I rise in strong opposition to this amendment.

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

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

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

I yield back the balance of my time.

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

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

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

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

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

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

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

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

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

I yield back the balance of my time.

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

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

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

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

□ 1540

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

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

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

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

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

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

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

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

The Clerk will read.

The Clerk read as follows:

DEFENSE NUCLEAR NONPROLIFERATION

(INCLUDING RESCISSION OF FUNDS)

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other incidental expenses necessary for defense nuclear nonproliferation activities, in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, and the purchase of not to exceed one passenger motor vehicle for replacement only, $2,283,024,000, to remain available until expended: *Provided*, That of the unobligated balances from prior year appropriations available under this heading, $7,000,000 is hereby permanently rescinded: *Provided further*, That no amounts may be rescinded from amounts that were designated by the Congress as an emergency requirement pursuant to the Concurrent Resolution on the Budget or the Balanced Budget and Emergency Deficit Control Act of 1985.

AMENDMENT NO. 9 OFFERED BY MR. BURGESS

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

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

□ 1550

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

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

I yield back the balance of my time.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

I yield back the balance of my time.

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

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

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

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

□ 1600

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

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

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

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

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

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

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

Just stop the games. Stop the bailout.

I yield back the balance of my time.

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

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

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

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

Mr. FRELINGHUYSEN. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. WOMACK) having assumed the chair, Mr. THORNBERRY, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 5325) making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2013, and for other purposes, had come to no resolution thereon.

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

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

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

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

Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The SPEAKER pro tempore. Pursuant to House Resolution 667 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the further consideration of the bill, H.R. 5325.

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

□ 1613

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 5325) making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2013, and for other purposes, with Mr. THORNBERRY (Acting Chair) in the chair.

The Clerk read the title of the bill.

The Acting CHAIR. When the Committee of the Whole rose earlier today, a request for a recorded vote on amendment No. 9 offered by the gentleman from Texas (Mr. BURGESS) had been postponed and the bill had been read through page 31, line 8.

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

AMENDMENT OFFERED BY MR. FORTENBERRY

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

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

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

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

The Chair recognizes the gentleman from Nebraska.

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

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

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

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

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

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

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

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

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

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

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

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

Mr. FRELINGHUYSEN. Will the gentleman yield?

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

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

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

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

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

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

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

□ 1620

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

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

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

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

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

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

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

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

The Clerk will read.

The Clerk read as follows:

NAVAL REACTORS

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

OFFICE OF THE ADMINISTRATOR

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

AMENDMENT OFFERED BY MR. PEARCE

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

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

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

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

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

The Chair recognizes the gentleman from New Mexico.

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

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

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

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

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

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

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

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

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

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

I reserve the balance of my time.

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

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

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

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

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

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

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

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

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

I urge my colleagues to vote ''no'' on this amendment, and yield back the balance of my time.

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

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

Mr. VISCLOSKY. Mr. Chairman, I rise reluctantly to oppose the amendment offered by the gentleman from New Mexico.

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

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

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

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

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

□ 1630

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

The amendment was rejected.

AMENDMENT OFFERED BY MR. LUJÁN

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

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

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

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

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

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

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

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

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

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

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

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

Mr. Chairman, I urge adoption of this amendment.

I yield back the balance of my time.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The Clerk will read.

The Clerk read as follows:

ENVIRONMENTAL AND OTHER DEFENSE ACTIVITIES

DEFENSE ENVIRONMENTAL CLEANUP

(INCLUDING RESCISSION OF FUNDS)

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other expenses necessary for atomic energy defense environmental cleanup activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, and the purchase of not to exceed one ambulance and one fire truck for replacement only, $4,930,078,000, to remain available until expended: *Provided*, That of such amount, $315,607,000 shall be available until September 30, 2014, for program direction: *Provided further*, That of the unobligated balances from prior year appropriations available under this heading, $10,000,000 is hereby permanently rescinded: *Provided further*, That no amounts may be rescinded from amounts that were designated

by the Congress as an emergency requirement pursuant to the Concurrent Resolution on the Budget or the Balanced Budget and Emergency Deficit Control Act of 1985.

OTHER DEFENSE ACTIVITIES

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment, and other expenses necessary for atomic energy defense, other defense activities, and classified activities, in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, $813,364,000, to remain available until expended: *Provided*, That of such amount, $114,858,000 shall be available until September 30, 2014, for program direction.

POWER MARKETING ADMINISTRATION

BONNEVILLE POWER ADMINISTRATION FUND

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

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

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

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

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

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

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

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

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

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

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

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

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

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

□ 1640

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

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

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

I yield back the balance of my time.

The Acting CHAIR. The Clerk will read.

The Clerk read as follows:

OPERATION AND MAINTENANCE, SOUTHEASTERN POWER ADMINISTRATION

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

OPERATION AND MAINTENANCE, SOUTHWESTERN POWER ADMINISTRATION

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

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

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

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

FALCON AND AMISTAD OPERATING AND MAINTENANCE FUND

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

FEDERAL ENERGY REGULATORY COMMISSION

SALARIES AND EXPENSES

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

GENERAL PROVISIONS, DEPARTMENT OF ENERGY

(INCLUDING TRANSFER OF FUNDS)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

There was no objection.

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

The Clerk will read.

The Clerk read as follows:

TITLE IV—INDEPENDENT AGENCIES

APPALACHIAN REGIONAL COMMISSION

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

AMENDMENT OFFERED BY MR. CHABOT

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

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

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

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

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

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

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

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

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

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

There was no objection.

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

The Chair recognizes the gentleman from Ohio.

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

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

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

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

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

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

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

I yield back the balance of my time.

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

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

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

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

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

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

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

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

I yield back the balance of my time.

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

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

Mr. CHABOT. I think I reserved.

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

Mr. CHABOT. I do.

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

There was no objection.

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

Mr. CHABOT. I will be brief.

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

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

□ 1650

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

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

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

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

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

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

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

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

AMENDMENT OFFERED BY MR. REED

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

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

Hearing none, the Clerk will report the amendment.

The Clerk read as follows:

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

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

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

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

The Chair recognizes the gentleman from New York.

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

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

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

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

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

With that, I reserve the balance of my time.

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

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

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

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

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

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

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

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

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

I yield back the balance of my time.

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

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

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

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

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

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

□ 1700

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

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

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

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

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

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

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

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

There was no objection.

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

DEFENSE NUCLEAR FACILITIES SAFETY BOARD

SALARIES AND EXPENSES

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

DELTA REGIONAL AUTHORITY

SALARIES AND EXPENSES

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

DENALI COMMISSION

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

NORTHERN BORDER REGIONAL COMMISSION

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

SOUTHEAST CRESCENT REGIONAL COMMISSION

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

NUCLEAR REGULATORY COMMISSION

SALARIES AND EXPENSES

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

OFFICE OF INSPECTOR GENERAL

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

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

NUCLEAR WASTE TECHNICAL REVIEW BOARD

SALARIES AND EXPENSES

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

OFFICE OF THE FEDERAL COORDINATOR FOR ALASKA NATURAL GAS TRANSPORTATION PROJECTS

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

GENERAL PROVISIONS, INDEPENDENT AGENCIES

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

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

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

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

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

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

TITLE V—GENERAL PROVISIONS

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

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

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

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

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

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

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

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

SPENDING REDUCTION ACCOUNT

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

Mr. FRELINGHUYSEN. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. LATOURETTE) having assumed the chair, Mr. FORTENBERRY, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 5325) making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2013, and for other purposes, had come to no resolution thereon.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

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

AUTHORIZATION OF CONVEYANCE OF CERTAIN LANDS IN LOS PADRES NATIONAL FOREST

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

The Clerk read the title of the bill.

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

The Chair recognizes the gentleman from Washington.

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

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

CENTRAL OREGON JOBS AND WATER SECURITY ACT

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

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2060

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Central Oregon Jobs and Water Security Act''.

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

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

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