12 and teenage expenses are kicking in. Regardless of the divorce requirements, he states Venezuela is unable to conduct business with the U.S., and he's unable to send money on his own.

Our bill would provide relief to her and many other families. Child support touches the lives of nearly one in four children across America, securing financial support for almost 18 million children—including a million and a half children in Texas—and it's played an important role in keeping children out of poverty. Without its support, roughly half a million children would have fallen into poverty in 2010.

This bill recognizes the general premise that both parents are responsible for their children.

It would respond to another Texas mother who wrote the same office:

My ex-husband has been working for an international company for nearly 6 years. His income the first year was $100,000. To date, after taxes, he's clearing over $8,000 monthly. Per our court order, I'm only receiving $260 a month, which is now currently on hold. So therefore I'm not receiving any funds from my child support at all. Please help me. I'm making less money since I switched from the night shift to days to be home with my two children. I keep making necessary sacrifices, but I have no one to help me.

That's the kind of individual, the kind of children that would be assisted by this legislation. Passing the act would access financial support from a noncustodial parent living abroad. As with other effective child support initiatives, taxpayers will benefit by not being saddled with the cost of supporting children whose parents should be doing so.

The Congressional Budget Office has estimated that this bill will result in some modest net savings to the child support program. Child support advocates, as Mr. BERG indicated, along with the American Bar Association, the Conference of State Court Administrators, the Conference of Chief Justices, and the National Center for State Courts have all endorsed this legislation. It is truly a bipartisan effort that improves the well-being of many children by ensuring that their parents abroad continue to fulfill their obligations here at home in the United States to their children.

I urge approval of this bill, and I yield back the balance of my time.

Mr. BERG. Again, this legislation will help families, and most importantly, children—help them receive the financial services they need, regardless of where they live or where their parents live. I appreciate the comments of our subcommittee ranking member who has joined me here today on the floor in support of this bill, and I look forward to continuing to work with him as we improve the child support enforcement program.

I yield back the balance of my time.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES, COMMITTEE ON THE JUDICIARY, WASHINGTON, DC, MAY 18, 2012.

Hon. DAVE CAMP,
Chairman, Committee on Ways and Means, 1102 Longworth House Office Building, Washington, DC.

DEAR CHAIRMAN CAMP, reference is made to H.R. 4282, the ''International Child Support Recovery Improvement Act of 2012,'' with respect to which the Committee on the Judiciary received a referral. I understand that the bill may soon proceed to consideration by the full House. As a result of your having consulted with the Judiciary Committee concerning provisions of the bill that fall within our Rule X jurisdiction, and your agreement to call up an amended version of the bill that is consistent with our mutual understanding with respect to those provisions, I to agree to discharge the Committee on the Judiciary from further consideration of the bill so that the bill may proceed expeditiously to the House Floor.

The Judiciary Committee takes this action with our mutual understanding that, by foregoing consideration of H.R. 4282 at this time, we do not waive any jurisdiction over the subject matter contained in this or similar legislation, and that our committee will be appropriately consulted and involved as the bill or similar legislation moves forward so that we may address any remaining issues that fall within our Rule X jurisdiction. Our committee also reserves the right to seek appointment of an appropriate number of conferees to any House-Senate conference involving this or similar legislation, and requests your support for any such request.

Finally, I would appreciate your response to this letter confirming this understanding with respect to H.R. 4282, and would ask that a copy of our exchange of letters on this matter be included in the Congressional Record during floor consideration thereof.

Sincerely,

LAMAR SMITH
Chairman.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES, COMMITTEE ON WAYS AND MEANS, WASHINGTON, DC, MAY 23, 2012.

Hon. LAMAR SMITH,
Chairman, Committee on the Judiciary, 2138 Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN SMITH, thank you for your letter regarding H.R. 4282, the ''International Child Support Recovery Improvement Act of 2012,'' which the Committee on Ways and Means anticipates may soon proceed to consideration by the full House.

As introduced, H.R. 4282 contained two provisions (sections 2 and 4) that formed the basis of an additional referral of the bill to your committee. I am most appreciative of your decision to discharge the Committee on the Judiciary from further consideration of H.R. 4282, as amended, so that it may proceed to the House floor. I acknowledge that, although you are waiving formal consideration of the bill, the Committee on the Judiciary is in no way waiving its jurisdiction over the subject matter contained in those provisions of the bill, including sections 2 and 4 of the bill as amended, which fall within your Rule X jurisdiction. In addition, if a conference is necessary on this legislation, I will support any request that your committee be represented therein.

Finally, I will be pleased to include a copy of this letter, as well as your letter dated May 18, 2012, in the Congressional Record during floor consideration of H.R. 4282.

DAVE CAMP,
Chairman.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Dakota (Mr. BERG) that the House suspend the rules and pass the bill, H.R. 4282, as amended.

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

A motion to reconsider was laid on the table.

ENERGY AND WATER DEVELOPMENT AND RELATED AGENCIES APPROPRIATIONS ACT, 2013

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

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

□ 1936

IN THE COMMITTEE OF THE WHOLE

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

The Clerk read the title of the bill.

The Acting CHAIR. When the Committee of the Whole rose earlier today, an amendment offered by the gentleman from Utah (Mr. MATHESON) had been disposed of and the bill had been read through page 56, line 24.

AMENDMENT OFFERED BY MS. KAPTUR

Ms. KAPTUR. Mr. Chairman, I rise to offer an amendment as the designee of Congressman MCINTYRE of North Carolina.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill, before the short title, insert the following:

SEC. _____. None of the funds made available under this Act may be used to plan for the termination of periodic nourishment for any water resource development project described in section 156 of the Water Resources Development Act of 1976 (Public Law 94–587), as amended by the Water Resources Development Act of 1986 (Public Law 99–662).

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

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

There was no objection.

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

The Chair recognizes the gentlewoman from Ohio.

Ms. KAPTUR. I rise today on behalf of the esteemed gentleman from North Carolina, Representative MIKE MCINTYRE, who represents a district inclusive of the southeastern coast of North Carolina. Congressman MCINTYRE is, unfortunately, unable to come to the floor tonight, so I rise on his behalf to offer the following amendment.

This amendment will prevent the Army Corps of Engineers from using funds to terminate or plan to terminate any 50-year coastal storm damage reduction project. The language in this amendment will give Congress and the Corps needed time to determine proper evaluation procedures.

Coastal storm damage reduction projects were created by Congress to keep coastal communities safe and, over time, to save taxpayer dollars from repeated damage costs. These projects involve Federal-State partnerships where the communities assume the Federal Government will meet the commitment we have established through the Army Corps of Engineers.

Obviously, coastal regions across our country have varying needs. The Seventh Congressional District of North Carolina is coastally different than Ohio's Ninth Congressional District along Lake Erie, which I represent. But the more than 100 miles of Ohio coastline that are in the Ninth District have seen important improvements for flood protection and shoreline improvement installations over the years that have proven themselves to be cost effective. In particular, two of these in Point Place and Maumee Bay have both performed better than even the Army Corps of Engineers analysis originally predicted. As a result of these completed projects, coastal communities in our region have been protected from costly and previously unmanageable storm water damage.

In today's energy and water legislation, I ask on behalf of Mr. MCINTYRE and myself that Congress give communities affected by this amendment the same chance. On behalf of Congressman MCINTYRE, I appreciate the respected chairman and ranking member of the Energy and Water Subcommittee, Mr. FRELINGHUYSEN and Mr. VISCLOSKY, for their willingness to work collaboratively on these issues. These projects are proven successes, and the demonstrated need warrants a continuation of these cost-conscious investments that improve the safety of our coastal communities.

I yield back the balance of my time.

□ 1940

The Acting CHAIR. Does any Member seek time in opposition?

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

The amendment was agreed to.

AMENDMENT OFFERED BY MR. YOUNG OF ALASKA

Mr. YOUNG of Alaska. Mr. Chairman, I offer an amendment on behalf of the gentleman from California (Mr. DENHAM).

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill, before the short title, insert the following:

SEC. ____. None of the funds made available by this Act may be used to implement section 10011(b) of Public Law 111–11.

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

The Chair recognizes the gentleman from Alaska.

Mr. YOUNG of Alaska. This amendment has been adopted by the House twice unanimously, and so I urge the passage of the amendment.

I yield back the balance of my time.

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

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

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

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

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

Mr. VISCLOSKY. Mr. Chair, I do rise today in opposition to the amendment offered by my colleague from Alaska on behalf of the gentleman from California.

In 2009, the Congress ratified the San Joaquin Settlement Act, which ended 18 years of litigation in the Central Valley of California over water. The agreement was supported by the Bush administration and California's then-Republican Governor Schwarzenegger. The Federal authorizing legislation was initially cosponsored by Congressman Pombo in the House and Senator FEINSTEIN in the Senate.

If the amendment that has been offered were adopted, I believe we would be undermining the San Joaquin River agreement, which, if it were to stand, would land this case back in court. If the court is forced to take over river restoration, the Friant water users would be at risk of losing the 20 years of water supply certainty provided by the settlement.

By blocking funding for efforts to restore salmon, the Denham amendment offered by Mr. YOUNG would potentially end the broadly supported and bipartisan effort to restore the San Joaquin River while also improving water supply management, flood protections, and water quality. Therefore, I do insist on objecting to the gentleman's amendment, and I yield back the balance of my time.

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

The amendment was agreed to.

AMENDMENT OFFERED BY MR. KUCINICH

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

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available under this Act may be used to provide new loan guarantees under section 1703 of the Energy Policy Act of 2005 (42 U.S.C. 16513), and the amount otherwise appropriated by this Act for ''Title 17 Innovative Technology Loan Guarantee Program'' is hereby reduced by $33,000,000.

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

The Chair recognizes the gentleman from Ohio.

Mr. KUCINICH. My amendment would put a moratorium for fiscal year 2013 on any new loan guarantees under what is now known as the section 1703 loan guarantee program. To offset the loss of administrative revenue that would no longer come to the Department of Energy if the amendment passes, the amendment cuts $33 million from administrative costs that will not be necessary if the program is suspended. This program, originated in the Energy Policy Act of 2005, offers a guarantee for the loans that finance an energy project. With that kind of guarantee, the risk for the loaning entity is considered lower, which means they can charge a lower interest rate to the people initiating the energy project. In other words, it saves the project money. But it also puts the taxpayers on the hook if the project defaults.

Section 1703 projects cover nuclear, coal, and even renewable energy. The closer we look at the guarantees, the less they seem like a worthwhile investment for the American taxpayer. Let me give you an example.

Some of the biggest guarantees are for nuclear power. One of the first and biggest loans the Department of Energy is considering is one that is not necessary. That's not my assessment; it's the assessment of Kevin Marsh, the president of South Carolina Electric & Gas Company, which is attempting to build a new nuclear power plant. He said on a call to analysts and investors:

We're confident in our ability to finance this project without a loan guarantee.

This program stands to give him and his project, which could be in the $8 billion to $11 billion range, a preemptive bailout that is not even needed.

Here's another example. A loan guarantee that is most likely to be awarded is for a new nuclear plant called Vogtle. That loan guarantee is for $8.3 billion. For those of you who displayed a great deal of concern about Solyndra's loan guarantee, this one is 15 times the size. With a project that big, it makes sense to look closely at the odds of this project going into default, leaving the taxpayers with the price tag. Well, Vogtle already has $913 million in cost overruns, and their SEC filings indicate more overruns can be expected. That, of course, is not at all unusual for a nuclear power plant

project. Construction cost overruns are the rule, not the exception.

Maybe that's why the CBO had this to say about nuclear loan guarantees:

CBO considers the risk of default on such a loan guarantee to be very high—well above 50 percent.

Or maybe they said that because there is another reason to expect nuclear power plants will continue to struggle financially: that reason is the low cost of natural gas that makes it far more attractive than taking multiple risks by going with nuclear power. Dale Klein, a former chairman of the NRC, cautioned that nuclear plants will not move off the blackboard and into construction, not as long as natural gas remains as cheap and plentiful as it is today.

Nuclear power is not the only recipient of government largess under the section 1703 loan guarantee. Even if you are a nuclear power plant supporter, there are plenty of other boondoggles that are covered by this program that I don't have time to go into. That's why Members of Congress on both sides of the aisle can get behind this amendment, which is supported by a bipartisan coalition of groups, including Taxpayers for Common Sense, Friends of the Earth, National Taxpayers Union, and Physicians for Social Responsibility. It is for those who are concerned about wasteful government spending. This program alone will cost the taxpayers over $500 million—not including any defaults the taxpayers may have to cover. This amendment is for those who have concerns about deficit spending. It's for those with free market concerns about an energy technology that is not financially viable even after tens of billions of dollars in subsidies and decades of opportunities to mature to the point where subsidies are not needed. It is for those who are concerned about the effects of these energy technologies on our drinking water, on clean air, on healthy soil, and on climate change. It is for those who have concerns as ratepayers that they'll get stuck holding the bill when an energy project fails and their electricity rates go up. It is for those who found the Solyndra default to be outrageous.

There's a little something for everyone with this amendment. I urge my colleagues to support it, and I yield back the balance of my time.

My amendment would put a moratorium for fiscal year 2013 on any new loan guarantees under what is known as the Section 1703 loan guarantee program. To offset the loss of administrative revenue that would no longer come to the Department of Energy if the amendment passes, the amendment cuts $33 million from administrative costs that will not be necessary if the program is suspended. This program, originated in the Energy Policy Act of 2005, offers a guarantee for the loans that finance an energy project. With that kind of guarantee, the risk for the loaning entity is considered lower, which means they can charge a lower interest rate to the people initiating the energy project. In other words, it saves the project money. But it also puts taxpayers on the hook if the project defaults.

Section 1703 projects cover nuclear, coal, and even renewable energy. The closer we look at the guarantees, the less they seem like a worthwhile investment for the American taxpayer. Let me give you an example.

Some of the biggest guarantees are for nuclear power. One of the first and biggest loans the Department of Energy is considering is one that is not necessary. That is not my assessment. That is the assessment of Kevin B. Marsh, the President of South Carolina Electric & Gas Company, which is attempting to build a new nuclear power plant. He said on a call to analysts and investors, "[W]e are confident in our ability to finance this project without loan guarantee . . ." This program stands to give him and his project, which could be in the 8–11 billion dollar range, a preemptive bailout that is not even needed.

Here's another example. A loan guarantee that is most likely to be awarded is for a new nuclear power plant called Vogtle. That loan guarantee is for 8.33 billion dollars. For those of you who displayed a great deal of concern about Solyndra's loan guarantee, this one is 15 times as big. With a project that big, it makes sense to look closely at the odds of this project going into default, leaving you and me with the price tag. Well, Vogtle already has $913 million in cost overruns and their SEC filings indicate more overruns can be expected. That, of course, is not at all unusual for a nuclear power plant project. Construction cost overruns are the rule, not the exception.

Maybe that is why the Congressional Budget Office had this to say about nuclear loan guarantees; "CBO considers the risk of default on such a loan guarantee to be very high—well above 50 percent." Or maybe they said that because there is another reason to expect nuclear power plants will continue to struggle financially; that reason is the low cost of natural gas that makes it far more attractive than taking multiple risks by going with nuclear power. Dale Klein, a former chairman of the Nuclear Regulatory Commission, cautioned that nuclear plants will not "move off the blackboard and into construction . . . . Not as long as natural gas remains as cheap and plentiful as it is today."

Nuclear power is not the only recipient of government largesse under the section 1703 loan guarantee program. Even if you are a nuclear power supporter, there are plenty of other boondoggles covered by this program that I don't have time to go into.

That is why Members of Congress on both sides of the aisle can get behind this amendment, which is supported by a bipartisan coalition of groups including Taxpayers for Common Sense, Friends of the Earth, National Taxpayers Union, and Physicians for Social Responsibility. It is for those who are concerned about wasteful government spending. This program alone will cost the taxpayers over 500 million dollars—not including any defaults the taxpayers may have to cover. This amendment is for those who have concerns about deficit spending. It is for those with free market concerns about an energy technology that is not financially viable even after tens of billions of dollars of subsidies and decades of opportunities to mature to the point where subsidies are not needed. It is for those who are concerned about the effects of these energy technologies on our drinking water, on clean air, on healthy soil, and on climate change. It is for those who have concerns as ratepayers that they will also get stuck holding the bill when an energy project fails and their electricity rates go up. It is for those who found the Solyndra default to be outrageous.

There is a little something for everyone here. I urge my colleagues to support the Kucinich amendment.

POTENTIAL QUESTIONS

You are targeting nuclear loan guarantees. This is an anti-nuclear amendment.

The Section 1703 loan guarantees will be awarded to a range of energy projects, including some which I wholeheartedly support like renewable energy. I firmly believe that renewables deserve to have aggressive subsidies to help them compete with the fuels of yesterday that have been so heavily subsidized for decades. But I am looking at the big picture here. This program, on balance, is bad policy.

It is bad for our energy portfolio, bad for taxpayers, bad for clean air and water, and bad fiscal policy. Many of my friends on the other side of the aisle have voiced concerns over government picking winners and losers. This qualifies. They have expressed concern about government spending. This is a half billion program at a minimum, probably many times that. They have expressed concern about deficit spending. This is it. They have expressed concern that the free market should reign. This program does the opposite.

This is an anti-renewable amendment,

This is a 32 billion dollar loan guarantee program, of which only between 1.2 billion and 4 billion dollars is dedicated to renewables. The rest goes to unsustainable energy. Still, I don't take the renewable money lightly. I am a major supporter of the solar industry. In fact, I think the rapid and full throated deployment of solar energy should be one of our top priorities in Congress. But I am looking at the big picture here. This program, on balance, is bad policy.

It is bad for our energy portfolio, bad for taxpayers, bad for clean air and water, and bad fiscal policy. Many of my friends on the other side of the aisle have voiced concerns over government picking winners and losers. This qualifies. They have expressed concern about government spending. This is a half billion program at a minimum, probably many times that. They have expressed concern about deficit spending. This is it. They have expressed concern that the free market should reign. This program does the opposite.

This is a limitation amendment so you will not save a half billion dollars.

We will not save the half billion all in one year. But if we hit the pause button on this program to consider it a little more carefully, we won't spend any of that money this year.

Nuclear is viable/a good investment/financially sustainable.

In reaction to Southern Company's investment in new nuclear reactors in 2010, Moody's downgraded its rating of Southern Company's.

The Economist magazine declared in its March 10th issue that nuclear power is "the dream that failed": the plants are too costly and uncompetitive with alternatives.

How will this amendment work?

The CBO determined that budget authority would be increased by this amendment because administrative revenue from the loan guarantee recipients to the Department of Energy would be foregone. CBO estimated that

amount to be $33 million. My amendment offsets that cost to the federal government buy cutting administrative expenses dedicated to running the program this amendment would suspend.

What kind of energy is covered in the loan guarantees?

$18.5 billion for nuclear power plants.

$4 billion for uranium enrichment plants.

$8 billion for non-nuclear technologies; probably coal.

$2 billion for unspecified projects.

$1.183—$3.0 billion for renewable energy and energy efficiency.

TAXPAYERS FOR COMMONSENSE, ACTION,
June 5, 2012.

DEAR REPRESENTATIVE: Together we urge you support the amendment offered by Reps. Kucinich (D–OH) and McClintock (R–CA) amendment to stop the Department of Energy (DOE) Loan Guarantee Program from issuing any new loan guarantees in FY 2013. Created in Title 17 of the 2005 Energy Policy Act, the DOE Loan Guarantee Program has received increased scrutiny with the recent default of a loan guarantee to the solar start-up company, Solyndra. Taxpayers stand to lose $500 million on the failed solar project and billions more could be lost if the program continues in its current form.

The Government Accountability Office (GAO), the DOE Inspector General, and many others have been critical of the existing loan guarantee effort. Recently the GAO found that DOE could not even provide comprehensive information on the current loan guarantee applicants and commitments, and a recent review commissioned by the White House found the program was not proactively protecting the taxpayer or providing for a reasonable prospect of repayment.

A recent audit of the Loan Guarantee Program by the Office of the Inspector General found that the program, ''could not always readily demonstrate . . . how it resolved or mitigated relevant risks prior to granting loan guarantees.'' This creates serious concern for taxpayers that the financial terms of the loans are not being judiciously decided. Furthermore, loan guarantees provided under Title 17 guarantee 100% of a loan for up to 80% of the project cost—leaving taxpayers to shoulder far too much of the project risk. Adding insult to injury, the little protection taxpayers did have in the event of project default was undermined in 2009 when DOE weakened the original statute.

With hundreds of billions in bailouts already on the shoulders of US taxpayers, the country cannot afford to continue a program that could easily become a black hole for tens of billions in new defaults. We urge you to support the Kucinich-McClintock amendment to stop new loan guarantees from the troubled DOE Loan Guarantee Program!

Sincerely,

TAXPAYERS FOR COMMON SENSE ACTION,
NATIONAL TAXPAYERS UNION,
AMERICANS FOR PROSPERITY,
FRIENDS OF THE EARTH,
NONPROLIFERATION POLICY EDUCATION CENTER,
COMPETITIVE ENTERPRISE INSTITUTE,
FREEDOM ACTION,
PHYSICIANS FOR SOCIAL RESPONSIBILITY.

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

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

□ 1950

Mr. FRELINGHUYSEN. Mr. Chairman, I strongly oppose this amendment. It would put in jeopardy thousands of jobs in our energy sector. The types of projects it would jeopardize are entirely different than Solyndra. If the Member wants to reduce the risk of losing taxpayers' dollars, he should look towards the 1705 program, which has already lost over half a billion dollars to risky loans.

This may be a convenient attempt to paint some of these potential loan guarantees with a Solyndra brush, but it just doesn't wash. The companies requesting these loan guarantees are not startups with shaky financial records, but neither are they large enough to have enough capital to fully pay for such massive projects. The loan guarantees help them leverage their capital in a reasonable manner to ensure that the benefits of these technologies can be shared by millions of Americans.

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

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

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

Mr. VISCLOSKY. Mr. Chairman, I would simply also state my objection to the gentleman's amendment.

I appreciate the concerns he expressed, especially for those projects that may not make economic sense. If in those cases the gentleman is correct, there should be no loan guarantee offered. Having said that, for those programs that are in the queue that are under consideration that make sense and move our energy policy forward, we ought not to prohibit them from doing so by passing this amendment this evening.

I yield back the balance of my time.

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

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

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

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

AMENDMENT OFFERED BY MRS. BLACKBURN

Mrs. BLACKBURN. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (before the short title) insert the following:

SEC. ____. None of the funds made available under this Act may be used to provide new loan guarantees or loan guarantee commitments under section 1705 of the Energy Policy Act of 2005 (42 U.S.C. 16515).

The Acting CHAIR. Pursuant to the order of the House of today, the gentlewoman from Tennessee (Mrs. BLACKBURN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Tennessee.

Mrs. BLACKBURN. Mr. Chairman, since 2009, the Department of Energy has used title 17, and specifically 1705—section 1705—to create a government-run venture capital firm using taxpayers' hard-earned funds. Unfortunately, in this zero-sum game being played and led by this administration, American taxpayers have continually ended up on the short end of the stick as we have watched companies like Solyndra, Beacon Power, and others lose hundreds of millions of taxpayer dollars.

Through section 1705, DOE has closed transactions that guarantee approximately $16.15 billion of loans for renewable-energy projects through a policy of acceleration implemented by Secretary Chu.

With 82 percent of all funding within section 1705 going to solar projects, it appears that even in the field of renewable energy this administration has a very aggressive policy of picking winners and losers.

Throughout the program, there have been countless red flags raised by career DOE staff about the financial viability of firms looking for taxpayer funding, as was the case with Solyndra. Many of us have been around solar power for years. We have watched it go through many stages of development; And while many of these companies have great ideas, they are just not ready for prime time.

The high level of frustration with the loan guarantee program is not only being felt by taxpayers, but by companies who have also tried to go through the loan guarantee process. This amendment should send a clear signal to the Senate, to DOE, and to the administration that we have truly grown ill and fatigued with the mismanagement of the loan guarantee program and that we do not want any funding put into section 1705 in fiscal year 2013 through the appropriations or through any other vehicle.

I ask my colleagues for their support as we close the door on the Solyndra debacle.

Mr. FRELINGHUYSEN. Will the gentlewoman yield?

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

Mr. FRELINGHUYSEN. We are prepared to accept her amendment.

Mrs. BLACKBURN. I thank the chairman for the acceptance, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Tennessee (Mrs. BLACKBURN).

The amendment was agreed to.

AMENDMENT OFFERED BY MRS. BLACKBURN

Mrs. BLACKBURN. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (before the short title), insert the following:

SEC. ____. Each amount made available by this Act (other than an amount required to be made available by a provision of law) is hereby reduced by 1 percent.

The Acting CHAIR. Pursuant to the order of the House of today, the gentlewoman from Tennessee (Mrs. BLACKBURN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Tennessee.

Mrs. BLACKBURN. I want to thank the committee for its hard work in identifying ways to cut spending in this appropriations. The fiscal year 2013 proposed funding level is $32.1 billion. Now, that is $965 million below the President's budget request. But, Mr. Chairman, there is a lot more that can be done; and thereby I again am making the request that we make an additional 1 percent across-the-board spending reduction which will save taxpayers an additional $321 million.

Now, I am fully aware that as I come with these amendments for each of our appropriations bills, I hear about how these cuts are too deep, they are going to have too far of a reach, they are damaging our national security, they are going to cut things that are important to our life and our property. And imagine that—we are asking the bureaucracy to go in and shave one penny out of a dollar—one additional penny out of a dollar—in order to help put our Nation back on a track to fiscal sanity.

As I've said before, across-the-board spending cuts effectively control the growth and the cost of the Federal Government. They not only give agencies flexibility to determine which expenses are necessary; but, more importantly, they do not pick winners and losers. Not only do I support the use of across-the-board spending cuts, but so does former Governor Mitt Romney, Governor Chris Christie, Governor Rick Perry, Governor Mitch Daniels, Governor Brian Schweitzer, and Governor Christine Gregoire, just to name a few of the Nation's chief executives of their States.

In the chairman's own State of New Jersey, I would like to point out Governor Christie's statement. Now, this was November 7, 2010 on ''Meet the Press.'' Governor Christie said:

In New Jersey what we did was we cut spending in every department, a 9 percent cut in real spending, not projected spending, real spending year over year.

That is because these work. And Indiana Governor Mitch Daniels took the State's 2-year budget. He enacted that budget in June, and he cut most agency spending by 10 percent from the previous budget.

□ 2000

And we hear about Indiana being on the road to fiscal health.

Then former Governor Mitt Romney has said, as President, Mitt Romney will send Congress a bill on day one that cuts nonsecurity discretionary spending by 5 percent across the board.

Governor Rick Perry, starting in January 2010, we asked them to identify 5 percent savings in the 2010–11 biennium, and 10 percent for the '12 and '13 biennium. The point, Mr. Chairman, it works. Across-the-board cuts work. We know that. The Governors know it.

The American people have really grown so tired of this wasteful Washington out-of-control spending. They want to see cuts made. Let's do this for our children and grandchildren. Let's cut one penny out of every dollar and have the bureaucracy do exactly what our small businesses are doing every single day—sitting down, making cuts, figuring out how they're going to handle very difficult economic times.

I ask for the support.

I yield back the balance of my time.

Mr. FRELINGHUYSEN. I rise to seek time in opposition, Mr. Chairman.

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

Mr. FRELINGHUYSEN. Mr. Chairman, I rise in strong opposition to this amendment. Our bill already cuts $1 billion from the President's request. We're below 2009 levels. While difficult trade-offs had to be made, the bill, in its current form, balances our needs. We prioritize funding for essential activities and cut out new spending on poorly performing programs. Yet the gentlelady's amendment proposes an across-the-board cut on every one of these programs.

With all due respect, and she's extremely knowledgeable, that's not the way that Governor Christie does it in New Jersey. He takes a look at each program, considers its merit, considers whether it's a proper investment in infrastructure, whether it will promote jobs.

And yet unlike, perhaps, the State budget, we're responsible for nuclear security, for our nuclear stockpile, national security needs.

This is not the way to approach budget cutting. I urge the committee and the House to reject this amendment.

I yield back the balance of my time.

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

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

Mr. VISCLOSKY. I want to add my voice to the chairman's in opposition.

The gentlewoman talked about a 1 percent cut. I would point out that several years ago this Nation spent more money on water projects in one city than we did on every water project in the United States of America. The city was New Orleans, because we didn't make the proper investment up front.

I don't think we should risk losing one life. And I would acknowledge that we have already reduced the Corps' budget from existing year level by $216 million.

We have at least a third of the harbors in this Nation that are not dredged to depth. Every time a ship comes in or leaves that is not fully loaded, there is a job that is lost, one job or more. There is $1 of profit for that shipper, for that company, or more that is lost. Those are the numbers I'm worried about.

I strongly oppose the gentlewoman's amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Tennessee (Mrs. BLACKBURN).

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

Mrs. BLACKBURN. Mr. Chairman, I demand a recorded vote.

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

AMENDMENT OFFERED BY MS. JACKSON LEE OF TEXAS

Ms. JACKSON LEE of Texas. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The Clerk read as follows:

Page 56, after line 24, insert the following new section:

SEC. 510. None of the funds made available by this Act for ''Department of Energy; Energy Programs; Science'' may be used in contravention of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.).

The Acting CHAIR. Pursuant to the order of the House of today, the gentlewoman from Texas (Ms. JACKSON LEE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Texas.

Ms. JACKSON LEE of Texas. Mr. Chairman, I hope that my appreciation to the ranking member and the chairman is evidenced by hoping to offer an amendment that is a reflection of the time that I served on the Science Committee for 12 years, and now almost a decade plus on Homeland Security.

When we speak about jobs, we understand that jobs are equated to education, and the education that is the key of today in the 21st century is science, technology, engineering, and math.

I had the privilege of participating in one of the largest robotic competitions among students from around the world, hosted in Houston, Texas, sponsored by the Harmony School. It was amazing, Mr. Chairman, to see the outstanding and talented young people, particularly from the United States, but hosting individuals from around the world. The camaraderie, the collegiality around not war but peace and how to use science, technology, engineering, and math to improve the quality of life of all who live in this world was amazing.

But more importantly, as we look to America and the creation of jobs, we must create a new generation of inventors knowledgeable about science,

technology, engineering, and math similar to what NASA did in inspiring young people to go into physics, biology, chemistry, and a variety of sciences, all desiring be to be astronauts, many of whom became medical doctors.

Now, as we begin to look at regaining our manufacturing prowess, science, technology, engineering, and math are key. The United States economic base has shifted from the manufacturing of durable goods to processing and analyzing information.

In this information-driven economy, the most valuable assets are human resources in science, technology, engineering, and math. But, in addition, manufacturing can be bolstered by science, technology, engineering, and math. It is so important, then, to ensure that we prepare the next generation.

This amendment is simply a restatement and an affirmation of the importance of the fact of the Department of Energy energy programs, science, and that we reinforce the value of these programs. I have seen it firsthand. I am promoting, and many Members as well, science, technology, engineering, and math in their particular communities.

The National Assessment of Educational Progress, the Nation's education report card, shows that fewer than 40 percent of students at every grade level tested are proficient in math and science. In 2006, only 4.5 percent of college graduates in the United States received a diploma in engineering.

So I ask my colleagues to just reinforce our commitment to job creation; to science, technology, engineering, and math; to inventiveness; to world peace; to the collaboration of young people in this generation moving forward to make a better quality of life for all who are in this world.

Mr. FRELINGHUYSEN. Will the gentlewoman yield?

Ms. JACKSON LEE of Texas. I would be happy to yield to the gentleman.

Mr. FRELINGHUYSEN. We are prepared to accept your amendment.

Ms. JACKSON LEE of Texas. I thank the gentleman very much, and I thank the committee for its work.

I ask my colleagues to support the amendment.

I yield back the balance of my time.

Mr. Chair, I rise today to offer an amendment to H.R. 5325, the "Energy and Water Appropriations Development Act, FY 2013." My amendment will protect funds provided for Science under Title III of the Department of Energy's Energy Programs. This amendment addresses the need to increase programs that educate minorities in science, technology, engineering and mathematics (STEM), as well as, the need to train teachers and scientists in advanced scientific and technical practices.

As a former Member of the Committee on Science, Space, and Technology, I recognize the importance of developing a highly skilled technical workforce. Over the last 50 years, there have been major changes in the United States in terms of both the economy and the population.

The economic base has shifted from the manufacturing of durable goods to processing and analyzing information. In this information-driven economy, the most valuable assets are human resources. Therefore, in order to compete successfully in the global economy, the U.S. needs citizens who are literate in terms of science and mathematics, and a STEM workforce that is well educated and well trained (Friedman 2005, National Academy of Sciences 2005, Pearson 2005). Consequently, we cannot—literally or figuratively—afford to squander its human resources; it is imperative that we develop and nurture the talent of all its citizens.

The jobs of tomorrow will require workers who possess strong advanced science, engineering and math backgrounds. Other countries are training and educating their citizens in these areas and we must do the same. By investing in the scientific advancement of our workforce and our youth, we are investing in our future . . . we are investing in job creation . . . we are investing in greater job opportunities for Americans. This investment is the only way to address the increasing knowledge gap between our nation's workforce and those of our international counterparts. We must invest in our citizens. My amendment will ensure the funds that have been made available will be utilized for that purpose.

PROGRAM 1: WORK FORCE AND DEVELOPMENT PROGRAMS FOR TEACHERS AND SCIENTISTS

The work force and development program for teachers and scientists is vital to ensure that we have an adequate amount of properly educated and trained teachers and scientists. Under H.R. 2354, workforce development for teachers and scientists is funded at $17,849,000, which is $4,751,000 below the fiscal year 2011 level, which is a devastating $17,751,000 below the President's requested amount. This is a draconian cut which will have drastic effects on an already struggling workforce. My amendment would ensure that the amount provided to this program would remain intact.

The workforce development program for teachers and scientists provides funding to graduate fellowship programs which train and develop our Nation's top scientists, engineers, and teachers. These individuals go on to become researchers and innovators—contributing to American business and, moreover, the U.S. economy. Fellowship programs like these are exactly what our country needs in order to develop a highly skilled technical workforce.

As we have heard time and time again in many different contexts, our country suffers from a shortage of scientists and engineers. Moreover, our country is dealing with a lack of qualified instructors, at all levels—elementary, secondary, and post-secondary—to teach STEM subjects—science, technology, engineering, and mathematics.

The United States faces a critical shortage of highly qualified mathematics and science teachers, we will need an additional 283,000 teachers in secondary school settings by 2015 to meet the needs of our Nation's students. This qualified teacher shortage is particularly pronounced in low-income, urban school districts. As BHEF reported in A Commitment to America's Future: Responding to the Crisis in Mathematics and Science Education, high teacher turnover in conjunction with increasing student enrollment and lower student-to-teacher ratios will cause annual increases in the mathematics and science teacher shortage culminating in a 283,000-person shortage by 2015.

Fewer American students than ever are graduating from college with math and science degrees. In 2006 only 4.5 percent of college graduates in the United States received a diploma in engineering, compared with 25.4 percent in South Korea, 33.3 percent in China, and 39.1 percent in Singapore.

The problem is systemic. According to the National Center for Education Statistics, about 30% of fourth graders and 20% of eighth graders cannot perform basic mathematical computations. Today, American students rank 21st out of 30 in science literacy among students from developed countries and 25th out of 30 in math literacy. If this trend continues, there will be dire consequence for our children and our economy.

To be sure, in order to train and develop the amount of scientists, educators, and teachers of STEM subjects that our country needs, we would really need more of these graduate fellowship programs. As reflected in the budgetary request, which H.R. 5325 fails to meet, an increased number of graduate fellowships would be ideal to invest in our future.

At the very least, we would want to keep the same amount of graduate fellowships available. Unfortunately, the proposed amount appropriated to these programs under H.R. 2354 ignores the current shortage of scientists and teachers, and irresponsibly ignores our future by providing for a lesser amount of graduate fellowships.

PROGRAM 2: SCIENCE, TECHNOLOGY, ENGINEERING, AND MATHEMATICS (STEM)

I have long recognized the need to improve the participation and performance of America's students in Science, Technology, and Engineering and Math (STEM) fields.

Traditionally, our Nation recruited its STEM workforce from a relatively homogenous talent pool consisting largely of non-Hispanic White males. However, this pool has decreased significantly due not only to comprising an increasingly smaller proportion of the total U.S. population but also to declining interest among this group in pursuing careers in STEM.

It is important to note that the need to improve the participation of underrepresented groups—especially underrepresented racial/ethnic groups—in STEM is not solely driven by demographics and supply-side considerations; an even more important driver is that STEM workers from a variety of backgrounds improve and enhance the quality of science insofar as they are likely to bring a variety of new perspectives to bear on the STEM enterprise—in terms of both research and application (Best 2004; Jackson 2003; Leggon and Malcom 1994).

The current state of STEM education is deplorable. In 2006 only 4.5 percent of college graduates in the United States received a diploma in engineering, compared with 25.4 percent in South Korea, 33.3 percent in China, and 39.1 percent in Singapore. Today, American students rank 21st out of 30 in science literacy among students from developed countries and 25th out of 30 in math literacy. If this trend continues, there will be dire consequence for our children and our economy.

These numbers are discouraging, but the statistics on minority students in the STEM fields are even more alarming. In 2004, African American and Hispanic students were

among the least likely groups to take advanced math and science courses in high school. Even as African Americans, Hispanics, and Native Americans comprise an increasingly large portion on the population, they continue to be underrepresented in the science and engineering disciplines. Together, these three groups account for over 25% of the population, but only earn 16.2% of bachelor's degrees, 10.7% of master's degrees, and 5.4% of doctorate degrees in the science, math and engineering fields. This fact directly contributes to the unacceptable underrepresentation of African American and Hispanics in the STEM workforce. If we choose to continue to ignore this problem, we are not only short-changing our students' success, we will be giving up on our nation's future.

Many school districts across the nation have begun to recognize this problem and work towards a strategic solution. In my home district for example, several public schools and charter schools have started to allocate funds towards programs aimed at increasing STEM performance.

For example the Harmony Science Academy in Houston devotes an impressive amount of time and resources towards educating the city's youth in the sciences. Small class sizes, high expectations for students, and well-qualified teachers helped this school make it to Newsweek magazine's list of best high schools in America. Harmony Science Academy is a success story we can all be proud of. Unfortunately, schools like this are the exception and not the rule.

In many school districts there simply are not enough resources available to make our children science and math literate. There is a shortage of qualified teachers, many classes are woefully overcrowded and some schools just cannot afford the materials and books that students need in order to master basic math and science concepts. I cannot stand idly by while we fail to give our children the educational tools they need to succeed in life and gain employment.

This amendment recognizes the importance of equipping young minds with the technological and scientific knowledge necessary to compete in a globalized economy. Further, within the context of globalization, I strongly believe that this country's ability to achieve and maintain a high standard of living is dependent on the extent to which it can harness science and technology. Thus, in order to enhance the international competitiveness of the country, it is critical for us to promote and support students pursuing careers in STEM fields.

Mr. Chair, it is essential that we invest in a workforce ready for global competition by creating a new generation of innovators and make a sustained commitment to federal research and development. We need to spur and expand affordable access to broadband, achieve energy independence, and provide small business with tools to encourage entrepreneurial innovation.

The establishment and maintenance of a capable scientific and technological workforce remains an important facet of U.S. efforts to maintain economic competitiveness. Pre-college instruction in mathematics and scientific fields is crucial to the development of U.S. scientific and technological personnel, as well as our overall scientific literacy as a nation. The value of education in science and mathematics is not limited to those students pursuing a degree in one of these fields, and even students pursuing nonscientific and nonmathematical fields are likely to require basic knowledge in these subjects.

Mr. Chair, the United States has a great history of scientific innovation. From Ben Franklin to NASA to Silicon Valley, the success and competitiveness of America has always depended on the knowledge and skills in the STEM fields. Funding my amendment today will help ensure that the American legacies of intelligence, innovation, and invention continue. Today I urge my colleagues to support this amendment and invest in America's future.

FAST FACTS ON STEM—LIMITATION AMENDMENT

The Importance of STEM fields to the U.S. economy:

The U.S. economic base has shifted from the manufacturing of durable goods to processing and analyzing information. In this information-driven economy, the most valuable assets are human resources in science, technology, engineering, and mathematics fields.

In 2005, the National Academy of Sciences published a report entitled "Rising Above the Gathering Storm," which estimated that in the United States innovations generated by the Science, Technology, Engineering, and Mathematics (STEM) fields account for nearly half of the growth in gross domestic product.

More than 3 million job openings in STEM related fields will be created by 2018 that will require a bachelor's degree or higher (Georgetown Center on Education and the Workforce).

The Bureau of Labor Statistics reports that science and engineering occupations are projected to grow by 21.4% from 2004 to 2014, which is significantly higher than the projected growth of 13% in all other occupations during the same time period.

The Crisis in STEM education:

The National Assessment of Educational Progress (NAEP)—the Nation's education report card—shows that fewer than forty percent of students, at every grade level tested, are proficient in math and science.

In 2006, only 4.5 percent of college graduates in the United States received a diploma in engineering, compared with 25.4 percent in South Korea, 33.3 percent in China, and 39.1 percent in Singapore.

Today, American students rank 21st out of 30 in science literacy among students from developed countries and 25th out of 30 in math literacy.

At our current rate, the United States falls short of project workforce needs in the STEM fields by more than a million workers (National Science Foundation).

Underrepresentation of Minorities and Women in STEM fields:

Recent statistics provided by the Engineering Workforce Commission indicate a large disparity in STEM education between men and women, and between minorities and Caucasians.

African American and Hispanic students were among the least likely groups to take advanced math and science courses in high school.

Together, these three groups account for over 25% of the total U.S. population, but only earn 16.2% of bachelor's degrees, 10.7% of master's degrees, and 5.4% of doctorate degrees in the science, math and engineering fields.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Texas (Ms. JACKSON LEE).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. LUETKEMEYER

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

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill, before the short title, insert the following:

SEC. ____. None of the funds made available in this Act may be used to continue the study conducted by the Army Corps of Engineers pursuant to section 5018(a)(1) of the Water Resources Development Act of 2007.

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

The Chair recognizes the gentleman from Missouri.

Mr. LUETKEMEYER. Mr. Chairman, last year the United States was pummeled by severe weather that destroyed land, homes, businesses, and even lives. Families living along the Missouri River endured another year of significant flooding that left them physically and economically underwater.

In the first half of 2012 alone, millions of American tax dollars have gone toward environmental restoration and recovery programs, while maintenance of our Nation's infrastructure has been neglected.

President Obama, in his fiscal year 2013 budget, requested more than $90 million for the Missouri River Recovery Program, which would primarily go toward the funding of environmental restoration studies and projects.

□ 2010

This figure should alarm all of my colleagues.

In fiscal year 2012, the President requested $70 million for this program. These are staggering increases from the $50 million request that was seen in fiscal year 2008, and the Corps has little to show for its increased spending. Moreover, the fiscal year 2013 request dwarfs the insufficient $7.8 million requested for the entire Bank Stabilization and Navigation Program from Sioux City to the mouth of the Missouri.

I do not take for granted the importance of river ecosystems. I grew up along the Missouri River, as did so many of the people I represent. Yet, we have reached a point in our Nation at which we value the welfare of fish and birds more than the welfare of our fellow human beings. Our priorities are backwards, Mr. Chairman.

This exact amendment passed by voice vote during the fiscal year 2012 appropriations consideration. It is supported by the American Waterways Operators, the Coalition to Protect the Missouri River, the Missouri and Illinois Farm Bureaus, and the Missouri and Iowa Corn Growers Associations, which propose a prohibition of funding

for the Missouri River Ecosystem Restoration Plan, or MRERP.

By the way, the end of the study will in no way jeopardize the Corps' ability to meet the requirements of the Endangered Species Act. MRERP is one of no fewer than 70 environmental and ecological studies focused on the Missouri River. The people who have had to foot the bill for these studies, many which take years to complete and are ultimately inconclusive, are the very people who last year lost their farms, their businesses, and their homes.

This amendment will eliminate a study that has become little more than a tool of the administration's and environmentalists for the promotion of the return of the river to its most natural state with little regard for flood control, navigation, trade, power generation, or the people who depend on the Missouri River for their livelihoods.

Our vote today will also show our constituents that this Congress is aware of the gross disparity between the funding for environmental efforts and the funding for the protection of our citizens. During the debate on fiscal year 2012 appropriations, the House passed by voice vote this exact language, which was ultimately signed into law by President Obama.

It is time for Congress to take a serious look at water development funding priorities, and it is time to send a message to the Federal entities that manage our waterways. I urge my colleagues to support this amendment and to support our Nation's river communities.

I yield back the balance of my time.

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

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

Mr. VISCLOSKY. Mr. Chairman, the WRDA bill 2007, which was passed with much bipartisan support, so much so that it overcame a Presidential veto, authorized the Corps to undertake the Missouri River Ecosystem Restoration Plan and to develop the Missouri River Recovery Implementation Committee to consult on the study. This authority provided a venue for collaboration between the 70 stakeholder groups of tribes, States, public interest groups, and Federal agencies to develop a shared vision and comprehensive plan for the restoration of the Missouri River ecosystem.

At this time, by prohibiting the Corps from expending any 2013 funds on the study and the committee, we would continue to delay that start. I believe this would be very shortsighted and would lead to a further erosion of trust in the delicate partnership in the basin. While the Corps will continue to comply with Endangered Species' requirements through other activities, I believe there is a role for a long-term plan for this basin. Again, I would urge my colleagues to oppose the amendment.

I yield back the balance of my time.

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

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

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

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

AMENDMENT OFFERED BY MS. JACKSON LEE OF TEXAS

Ms. JACKSON LEE of Texas. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (before the short title), insert the following:

SEC. ____. For an additional amount for ''Department of Energy—Energy Programs—Energy Efficiency and Renewable Energy'', as authorized by sections 131(c)(4), 131(d)(4), 135(j), 207(c), 229(d), 244(f), 246(d), 321(g)(2), 422(f), 439(e), 452(f)(1)(E), 495(d), 625(e), 641(p), 652(d), 655(k), 656(j), 703(b), 705(b)(4), 803(c), 805(e)(6), 807(c)(2), and 1303(c) of the Energy Independence and Security Act of 2007, sections 712(c) and 1008(f)(7)(A) of the Energy Policy Act of 2005, and section 399A(i) of the Energy Policy and Conservation Act, there is appropriated, and the amount otherwise made available for ''Atomic Energy Defense Activities—National Nuclear Security Administration—Weapons Activities'' is hereby reduced by, $10,000,000.

The Acting CHAIR. Pursuant to the order of the House of today, the gentlewoman from Texas (Ms. JACKSON LEE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Texas.

Ms. JACKSON LEE of Texas. For a number of years, Mr. Chairman—and to my colleagues, again, I thank the chairman and ranking member—I practiced energy law in the State of Texas.

For a number of years, I worked with advocacy groups that were crying out for an energy policy in this Nation, one that would respect the assets that we've been blessed with in this country. Texas is blessed with a number of assets, particularly wind and solar, as it has fossil fuel, shale—opportunities to ensure that America remains independent in the quest for energy independence.

My amendment recognizes the holistic approach to energy. In recognizing the various resources that our State has and many other States, it is a very, very small contribution, but an important contribution, for the Energy Efficiency and Renewable Energy program.

Whenever you speak to the multinationals, I will assure you that all of them have within their companies an emphasis or a section on the Energy Efficiency and Renewable Energy program. This is an essential office that invests in clean energy technologies, an office that is created to strengthen our economy and protect our environment. It works well simultaneously along with the other very important programs in the U.S. Department of Energy.

Under H.R. 5325, this development program fosters research, providing to innovators the funds and resources they need to develop energy-efficient equipment that can be used at home, by the construction industry, and in the transportation market. The main concept is that this can create jobs, that partnerships can create jobs. This program is designed to develop cost-efficient methods through the use of renewable energy practices for the home. Financial incentives are provided to builders that utilize methods that result in the reduction of energy use during construction, as well as to manufacturers within the transportation industry who research and design energy-efficient vehicles.

I have had the privilege of going through energy-constructed homes. What a unique difference. Builders across America are crying out for the opportunity to experiment with these very special, unique tools. I would ask my colleagues to consider the job creation aspect of renewable energy and the role that it plays in a holistic energy policy. I ask my colleagues to support this amendment.

Mr. VISCLOSKY. Will the gentlelady yield?

Ms. JACKSON LEE of Texas. I yield to the gentleman from Indiana.

Mr. VISCLOSKY. I simply would voice my support for her amendment.

Ms. JACKSON LEE of Texas. I thank the gentleman very much.

I reserve the balance of my time.

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

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

Mr. FRELINGHUYSEN. Mr. Chairman, this amendment would risk our nuclear security activities in order to add unnecessary funding to energy efficiency and renewable energy programs.

Our bill preserves the funding for that account's highest priorities and those accounts that help advance American manufacturing and that help our companies compete globally and address soaring gas prices. Additional funding for Energy Efficiency and Renewable Energy is unwarranted, especially when it comes at the expense of national security. So I strongly urge my colleagues to vote against the gentlewoman's amendment.

I yield back the balance of my time.

Ms. JACKSON LEE of Texas. Mr. Chairman, how much time do I have remaining?

The Acting CHAIR. The gentlewoman has 2½ minutes remaining.

Ms. JACKSON LEE of Texas. I respect and thank the gentleman from Indiana very much, the ranking member, for his support of the amendment, and I thank him for his leadership.

I appreciate the chairman's commentary, but that is why I attempted to be very responsible and balanced.

□ 2020

This is a mere—though I take that word seriously—$10 million. And let me tell you why it is enormously important. The U.S. Department of Energy report found that wind energy could supply 20 percent of the Nation's electricity by 2030. We're fast approaching that, which could entail 300,000 megawatts of new wind-generating capacity.

There are States throughout the United States that would have a great opportunity for increased job creation and businesses around wind capacity. Again, a holistic approach to energy. Nearly $20 billion will be saved if the energy efficiency of commercial and industrial buildings improved by 10 percent.

As a member of the Homeland Security Committee overseeing the Homeland Security Department, I know we look at all aspects to secure our Nation. Energy independence, in spite of the fact of our diversity in resources, is extremely important. That's why I believe a holistic approach is crucial. This helps the holistic approach. As we continue in States that deal with fossil fuel, this is equally important. Thirty percent of energy in buildings is used inefficiently or unnecessarily. Ethanol is a clean renewable energy. It is helping to reduce our Nation's dependence on oil and offers a variety of economic, environment benefits.

Again, I'm not too unappreciative, if you will, of the diversity of energy in this country not to look at all aspects of it. And I do hope that we can have a holistic approach. I think this contributes to that holistic approach, taking into account all aspects of energy in a unified energy policy.

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

Mr. Chair, I rise today to offer an amendment to H.R. 5325, the "Energy and Water Appropriations Development Act, FY 2013." My amendment provides to increase funds by $10,000,000 for the Energy Efficiency and Renewable Energy Program.

The Energy Efficiency and Renewable Energy Program is an essential office that invests in clean energy technologies created to strengthen our economy and protect our environment.

Under H.R. 5325, this development program fosters research providing funds to innovators with the resource they need to develop energy efficient equipment that can be used at home, by the construction industry and in the transportation market.

This program is designed to develop cost efficient methods through the use of renewable energy practices for the home. Financial incentives are provided to builders who utilize methods that results in the reduction of energy use during construction, as well as, manufactures within the transportation industry who research and design energy efficient vehicles.

Providing additional funding to this program today only advances research that may one day result in a significant decrease in our dependence on energy from foreign sources that are hostile to U.S. interest. In addition, this program will positively impact rising fuel prices affecting Americans across the country.

It is this research which will ultimately contribute to sustaining our economy by looking for domestic solutions to energy concerns thus reducing foreign dependency on highly consumed substances such as oil. Likewise it provides incentives to businesses taking initiatives to conserving energy by creating tools directly effecting solar, wind and water energy. Programs like these are vital to the Americans, in order to develop a highly skilled technical workforce to address current energy issues that have generational effects on our families and our land.

FAST FACTS

The U.S. Department of Energy's Building Technologies Program reduced energy costs for consumers and businesses by billions of dollars, as well as associated energy use and emissions, through setting minimum energy performance standards for appliances and commercial equipment.

To date, every Federal dollar spent has resulted in an average of $650 in net savings, and has also helped spur product innovation. As of 2010, consumers and businesses have saved $15 billion per year, and this annual amount is expected to nearly double by 2025.

Buildings use more energy than any other sector of the U.S. economy, consuming more than 70 percent of electricity and over 50 percent of natural gas.

A U.S. Department of Energy (DOE) report found that the wind energy could supply 20 percent of the Nation's electricity by 2030, which would entail 300,000 megawatts (MW) of new wind generating capacity.

Nearly $20 billion would be saved if the energy efficiency of commercial and industrial buildings improved by 10 percent.

Thirty percent of energy in buildings is used inefficiently or unnecessarily.

Ethanol is a clean, renewable fuel. It is helping to reduce our Nation's dependence on oil and offers a variety of economic and environmental benefits. Today, on a life cycle basis, ethanol produced from corn results in about a 20 percent reduction in GHG emissions relative to gasoline. With improved efficiency and use of renewable energy, this reduction could be as much as 52 percent.

One hundred ten (110) manufacturers joining the Better Buildings, Better Plants Program to gain recognition and technical support from the U.S. Department of Energy (DOE). Demonstrated their commitment to energy savings by signing a voluntary pledge to reduce energy intensity by 25 percent over 10 years. These companies are implementing cost-effective energy efficiency improvements that reduce their bottom lines while enhancing U.S. competitiveness.

Household vehicle ownership has changed over the last six decades. In 1960, over 20 percent of households did not own a vehicle, but by 2010, that number fell to less than 10 percent. The number of households with three or more vehicles grew from 2 percent in 1960 to nearly 20 percent in 2010. Before 1990, the most common number of vehicles per household was one, but since 1990, the most common number of vehicles is two.

Starting in 1980, more than 50 percent of American households owned two or more vehicles.

The typical U.S. family spends at least $2,000 a year on home utility bills. This amount can be lowered by up to 25 percent by engaging in more efficient methods to save energy within the home.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Texas (Ms. JACKSON LEE).

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

Ms. JACKSON LEE of Texas. Mr. Chairman, I demand a recorded vote.

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

AMENDMENT OFFERED BY MR. LUETKEMEYER

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

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (before the short title), insert the following:

SEC. ____. None the funds made available by this Act may be used for the study of the Missouri River Projects authorized in section 108 of the Energy and Water Development and Related Agencies Appropriations Act, 2009 (division C of Public Law 111–8).

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

The Chair recognizes the gentleman from Missouri.

Mr. LUETKEMEYER. Mr. Chairman, last year, parts of the Missouri River basin faced some of the worst flooding in history. This devastation, combined with our dire financial climate and the aging waterways infrastructure, means that now, more than ever, we must be deliberative, focused, and responsible with taxpayer-funded projects and studies.

My amendment would prohibit funding for the duplicative Missouri River Authorized Purposes Study, also known as MRAPS. This amendment was passed by the House during both fiscal year 2011 and 2012 debates. MRAPS is a $25 million earmark study that comes on the heels of a comprehensive $35 million 17-year study completed in 2004.

Some may say that we need MRAPS to examine the causes and impacts of the 2011 flooding. That simply isn't the case. First and foremost, every member of the Missouri River basin is on record as supporting flood control as the most important authorized purpose. It's something that we take very seriously. The last thing we need is another 17-year, highly litigious study to tell us that flood control is important.

Thousands of Missouri River basin residents who lost their homes and businesses deserve action, not distraction. What we need to do is take legitimate steps that focus on protecting life and property and improving the safety and soundness of our flood-control system. It is also important to note that there are many commercial advantages

provided by our inland waterway system. The Missouri River plays an integral part in both domestic and international trade. MRAPS puts the uses of the Missouri and Mississippi Rivers in jeopardy, which could result in devastating consequences for navigation along both. That's why the Missouri waterways operators, the Coalition to Protect the Missouri River, the Missouri and Iowa Corn Growers Associations, and the Missouri and Illinois Farm Bureaus support this amendment.

This study is duplicative and wasteful of taxpayer dollars. On this exact issue, we've already spent 17 years and $35 million on hundreds of public meetings and extensive litigation. Again, I offered identical language to the fiscal year 2011 continuing resolution. That amendment passed by a vote of 245 to 176. In the fiscal year 2012 debate, this exact amendment passed by a voice vote and was ultimately included in a package signed by the President. I appreciate my colleagues who offered their support and hope to have their support once again.

Mr. Chairman, there is no doubt in my mind that water resources receive too little funding. It is time for the Federal Government to refocus and reprioritize to create safer, more efficient infrastructure for our inland waterways and stop spending hard-earned taxpayer dollars unnecessarily.

I ask for my colleagues' support of this amendment, and I yield back the balance of my time.

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

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

Mr. VISCLOSKY. Mr. Chairman, my understanding is there is no money in the bill for this project, so I do not know why the gentleman is offering it. But I have no objection to it, and I yield back the balance of my time.

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

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

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

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

AMENDMENT NO. 17 OFFERED BY MR. CRAVAACK

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

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title) insert the following:

SEC. ____. None of the funds made available by this Act may be used by the Department of Energy to require grant recipients to replace any lighting that does not meet or exceed the energy efficiency standard set forth in section 325 of the Energy Policy and Conservation Act (42 U.S.C. 6295).

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

The Chair recognizes the gentleman from Minnesota.

Mr. CRAVAACK. Mr. Chairman, I rise to offer an amendment that would protect universities, nonprofits, and businesses who receive Federal grants from having to implement the light bulb ban. Even though the Department of Energy has been prohibited from carrying out the light bulb ban by last year's Energy and Water appropriations bill, and will in this bill as well in section 316 of FY12 omnibus appropriations bill, it however included a requirement that recipients of all Department of Energy grants in excess of $1 million certify that they will replace all light bulbs in their facilities that do not meet the energy-efficiency standards instituted by the 2007 energy bill.

This requirement was driven by the Senate. The House passed a DOE spending bill that did not include a similar provision or debate and vote on this significant requirement. This is a particularly burdensome provision that in some ways goes well beyond the actual light bulb ban that prohibits manufacture and sale of 100 watt bulbs, and beginning in July 2013, 75 watt bulbs.

Rather than allowing the DOE grantees to replace bulbs as they burn out, this requirement forces small businesses and universities across the country to immediately replace existing light bulbs. This makes absolutely no sense. This forces extra costs on grant recipients and effectively means funds otherwise intended for actual research activities must instead be dedicated to purchasing new light bulbs to replace perfectly functional ones. This amendment allows the House to explicitly go on record opposing this unnecessary and burdensome requirement.

I encourage my colleagues to support this commonsense amendment.

Mr. FRELINGHUYSEN. Will the gentleman yield?

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

□ 2030

Mr. FRELINGHUYSEN. I am pleased to support the gentleman's amendment.

Mr. CRAVAACK. I reserve the balance of my time.

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

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

Mr. VISCLOSKY. Mr. Chairman, I firmly believe that the issues that inspire Congress to enact energy efficiency standards in the Energy Policy and Conservation Act of 2007 have not changed and, if anything, they have gotten worse. Families continue to struggle every day to meet rising energy bills, and there are real savings to be had by moving to more efficient illumination.

However, if this bill is going to carry a provision prohibiting the Department of Energy from implementing and enforcing the light bulb efficiency standards, then it does not make much sense to hold DOE grant recipients to the standard.

I surmise that most recipients of DOE grants who tend to be pretty energy savvy have already made the transition to light bulbs and are enjoying their energy savings as we in the House rehash and debate the exaggerated doubt of the incandescent light bulb. However, I do not oppose the amendment of the gentleman from Minnesota.

I yield back the balance of my time

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

The Acting CHAIR (Mr. CHAFFETZ). The question is on the amendment offered by the gentleman from Minnesota (Mr. CRAVAACK).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. CRAVAACK

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

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available in this Act may be used to develop or submit a proposal to expand the authorized uses of the Harbor Maintenance Trust Fund described in section 9505(c) of the Internal Revenue Code of 1986 (26 U.S.C. 9505(c)).

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

The Chair recognizes the gentleman from Minnesota.

Mr. CRAVAACK. Mr. Chairman, in the Transportation and Infrastructure Committee last year, Jo-Ellen Darcy, Assistant Secretary of the Army for Civil Works, testified that the administration was preparing to expand the scope of projects eligible to receive Harbor Trust Fund monies. She alluded to the administration's interest in using the Harbor Trust Fund for port security, among other things.

While I support the funding of port security through appropriations, I oppose repurposing the Harbor Maintenance Trust Fund while our Nation's maritime infrastructure is in a state of disrepair. Eight out of 10 of the Nation's largest harbors are not dredged their authorized depths and widths.

Mr. Chairman, make no mistake: This has direct impact on American job creation and prosperity. When American ships have to light load to clear the shallowest channel, American economic productivity is lost.

For instance, every inch silted in the American Laker Fleet collectively, per voyage, leaves 8,000 tons of Minnesota

iron ore on the docks in Duluth. That's enough to produce over 6,000 cars.

Moreover, light loading causes increased transportation costs for our exports and decreases our national economic competitiveness. Every billion dollars in exports, Mr. Chairman, translates into 15,000 jobs.

We must, Mr. Chairman, ensure that the monies intended for dredging are not siphoned off for other programs. My amendment will prohibit monies from being used by the administration to develop a plan or draft legislation to expand the scope of projects eligible to receive Harbor Maintenance Trust Fund monies. American shippers are taxed specifically to maintain the channels they and our Nation depend on. It is imperative that we ensure that the Harbor Trust Fund monies be spent as they were intended, thereby ensuring American competitiveness and proliferation of American jobs.

I am thankful that the administration has dropped this misguided proposal in their budget proposal this year, but the only way to ensure that this doesn't return in a midnight rule is to prohibit the funding in this bill. I ask my colleagues to join me in supporting this amendment.

I reserve the balance of my time.

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

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

Mr. VISCLOSKY. Mr. Chairman, while I agree with the gentleman from Minnesota that the moneys from the Harbor Maintenance Trust Fund should not be diverted from their intended purpose of dredging, I do think it is an overreach for the legislative branch to prohibit the executive branch from even discussing the topic. I do think we are in a position where looking forward we ought to let other branches of government talk about ideas and concepts so that they can be debated by this body.

Additionally, though, we all know that any proposal put together by the executive branch to expand eligible activities under the Harbor Maintenance Trust Fund without first addressing the surplus and addressing backlog issues would not be considered in either House of Congress.

Again, I do not believe particularly that the amendment is necessary. That being said, I do not oppose its inclusion in the bill.

I yield back the balance of my time.

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

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

The amendment was agreed to.

AMENDMENT NO. 18 OFFERED BY MR. HARRIS

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

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title) insert the following:

SEC. ____. None of the funds made available under this Act may be used to fund any portion of the International program activities at the Office of Energy Efficiency and Renewable Energy of the Department of Energy with the exception of the activities authorized in section 917 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17337).

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

The Chair recognizes the gentleman from Maryland.

Mr. HARRIS. Mr. Chairman, this amendment would prohibit the use of funds for many of the international projects in the Office of Energy Efficiency and Renewable Energy—that's EERE—including the President's plan to spend $600,000 on ''sustainable cities'' projects in China and India. My amendment is identical to one I offered last year that was successfully adopted by this Chamber.

I would also like to congratulate the chairman of the committee for his own action regarding this issue. The chairman's bill reduces funding for EERE by $428 million from last year's level. He makes the hard choices required to address our country's deficit and spending problems.

This amendment supports language in the report that accompanied the FY 2012 appropriations bill. In that report, the chairman was able to retain much of last year's amendment by directing the DOE to only fund projects that directly benefit the United States, such as increasing American energy self-sufficiency, furthering United States research efforts or reducing domestic pollution.

Unfortunately, the Department of Energy is failing to follow these clear instructions. Instead, they are choosing to spend money in China and India on foreign sustainable cities projects, even as we borrow money from China to pay our national debt.

Mr. Chairman, we must take great care how we spend our constituents' paychecks. I don't believe these projects make the best use of hard-earned taxpayer money. There are greater needs that remain unmet and a massive Federal debt and annual deficit that continues to drag down our entire economy, as was demonstrated in today's Congressional Budget Office report. I urge adoption of the amendment.

I yield back the balance of my time.

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

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

Mr. VISCLOSKY. Mr. Chairman, I rise in opposition to the amendment offered by my colleague from Maryland. The amendment would essentially create an energy renewable program for the U.S.-Israel program by restricting the EERE international program from dealing with any other country.

I certainly am a supporter of the country of Israel, and Israel has a vibrant and cutting-edge clean energy industry, but I do not believe that we ought to limit this program to one country out of many, and think that it would be a mistake to put all of our international program eggs into a single basket.

This program, which directly supports the mission of the Department to advance the development and deployment of clean energy technologies, needs to be able to establish relationships with multiple partner countries in order to be effective.

□ 2040

The program's technical assistance activities help to prime markets for us for clean technologies in major emerging economies. The program can bring home lessons learned from others' experiences to share with national, State, and local authorities. The program can also promote U.S. national security and potentially reduce price volatility of fossil energy resources by decreasing the influence of oil-exporting countries and mitigating world demand for oil.

Again, this is an excellent program. I do not believe it ought to be simply limited to one country. I am opposed to the gentleman's amendment, and I yield back the balance of my time.

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

The amendment was agreed to.

AMENDMENT NO. 10 OFFERED BY MR. BURGESS

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

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill, before the short title, insert the following new section:

SEC. ____. None of the funds made available in this Act may be used—

(1) to implement or enforce section 430.32(x) of title 10, Code of Federal Regulations; or

(2) to implement or enforce the standards established by the tables contained in section 325(i)(1)(B) of the Energy Policy and Conservation Act (42 U.S.C. 6295(i)(1)(B)) with respect to BPAR incandescent reflector lamps, BR incandescent reflector lamps, and ER incandescent reflector lamps.

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

The Chair recognizes the gentleman from Texas.

Mr. BURGESS. The passage in this House back in 2007 of the Energy Independence and Security Act was something that has caused a great deal of difficulty across the country. I have heard from tens of thousands of my constituents on how that language will affect their lives and take away consumer choice for what kind of light bulbs they will use in their home. Mr. Chairman, they are exactly right.

When the government passed energy efficiency standards in other realms over the years, they never went as far as they did this time. They lowered standards drastically. It's now to a point where the technology is, honestly, years off in making light bulbs that are compliant with the law and actually affordable by the consumer.

Light bulb companies have talked about their new bulbs that are compliant with the existing law and that are available now, but at what price? A four-pack of 100-watt incandescent bulbs in my district cost $2.97 at a hardware store last December 31. Now a single bulb will cost $20, $30, $40—even $50.

Opponents to my amendment say that the 2007 language does not ban the incandescent bulb. Well, that's partly true, but it bans the sale of the 100-watt incandescent bulb, and soon the 60-watt and 45-watt bulbs will follow suit because they cannot meet the energy standards supplied in the underlying legislation. The replacement bulbs are far from economically efficient, if indeed they are energy efficient.

But here's the deal. We shouldn't be making these decisions for the American people. Let them decide how much energy they want to consume and how many dollars they want to spend on kilowatt hours every month, not the Federal Government. A family living paycheck-to-paycheck can't afford to replace every bulb in their house at $25 a pop, even if it will last them 20 years.

This exact amendment was passed last year on this appropriations bill by a voice vote. It was signed into law by President Obama. It allows consumers to continue to have a choice and a say as to what they put in their homes. It's common sense. Let's give some relief to American families, at least until replacement light bulbs can be marketed at a price that is reasonable.

I yield back the balance of my time.

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

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

Mr. VISCLOSKY. I would point out to my colleagues that this debate is not about choice—or energy efficiency, for that matter. It is about, from my perspective, endangering American jobs and, specifically, American manufacturing jobs.

We have a significant trade imbalance in this country. Given that American manufacturers have committed to following the law regardless of whether or not it is enforced, the only benefit to this amendment is to allow foreign manufacturers who may not feel a similar obligation to export noncompliant light bulbs that will not only harm the investments made by U.S. companies but place at risk U.S. manufacturing jobs associated with making compliant bulbs.

Further, I believe they represent a tax increase. It represents an equivalent of a $100 tax on every American family—$16 billion across the Nation—through increased energy costs.

The performance standards for light bulbs were established in the Energy Independence and Security Act of 2007. At that time, the bill, as I pointed out in an earlier portion of this debate, enjoyed such strong bipartisan support that we were able to override a Presidential veto of that act. As far as I'm aware, the issues that inspire this standard have not changed, and I would argue have gotten worse.

It is a common misunderstanding that the Energy Independence and Security Act bans the incandescent light bulb and requires people to have the limited choice of only a compact florescent bulb. This is not true. It simply requires that they be more efficient. And I do not see what the harm is in that.

Further, while claiming that the incandescent bulb is dead makes for a great sound bite, it does not reflect reality.

I am opposed to the gentleman's amendment, and I yield back the balance of my time.

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

The amendment was agreed to.

AMENDMENT OFFERED BY MR. TIPTON

Mr. TIPTON. I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available by this Act may be used to conduct a survey in which money is included or provided for the benefit of the responder.

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

The Chair recognizes the gentleman from Colorado.

Mr. TIPTON. Mr. Chairman, I rise today to offer an amendment aimed at ending an egregious practice of wasting taxpayer dollars in this time of mounting Federal debt. This amendment specifically aims to eliminate the Federal Government's recent practice of sending out cash to encourage survey responses favorable to agency goals. I wholeheartedly agree with the general need for public input in our government, but the practice of sending out American taxpayer dollars to encourage public participation, or worse, to buy public support where it might otherwise be lacking, is a symbol of the lack of accountability and how out of touch our Federal Government has become.

For generations, the Bureau of Reclamation has served the Western United States well. Its dams, reservoirs, canals, and hydro-powered turbines have formed the backbone of our communities and provided abundant water and emission-free energy. This was all based on ratepayers paying for almost every cent of these projects at no expense to the taxpayers. Yet that mission is changing, and this couldn't be a better example of just how out of touch the agency has become under this administration.

At issue here is the so-called survey aimed at soliciting local, regional, and national input on the societal need to remove four privately owned dams on the Klamath River. The survey was mailed to 1,000 households in California, Oregon, and selected households in the rest of the Nation. Each of these households received a postcard telling them that the survey was coming. Then a large packet with the survey arrived. In each packet a cover letter, a postage paid return envelope, a survey, and a $2 bill was included to entice the people to respond. That's $22,000 of American taxpayers' money being spent.

To those who did not respond but kept the $2 bill anyway, a Federal Express or priority mail package was sent out. This was sent to 1,245 people, out of which 286 responded.

□ 2050

Each of these 286 respondents was then given $20, which means that $5,720 of additional taxpayer dollars was spent, not including the cost of the FedEx or Priority Mail. Only the Federal Government would further reward people for not responding the first time.

Let's take a look at some of the responses that the Bureau of Reclamation published in a report earlier this year:

''Another waste of taxpayer money,'' one said.

''No wonder the U.S. is having money problems if the government has extra $2 bills to mail out randomly,'' said another.

''Wow, what a waste of time. I have neither the time or interest in something I have not a clue about happening clear across the country. Sorry. P.S. Thanks for the 2 bucks,'' yet another wrote.

In all fairness, there were some positive responses. But, I think this comment says it best:

''Send me no more. Thank you.''

And that's what this amendment does, Mr. Chairman. It simply prohibits the Bureau of Reclamation and other agencies covered under the legislation from funding a survey in which money is included or provided for the benefit of the responder. It doesn't say that the Federal Government can't have public input or send out surveys, which is necessary to the process. It simply says no more giving away taxpayer dollars.

The above amounts may not seem a lot in this day of trillion-dollar budgets, but it is symbolic of the waste and abuse going on here.

To make matters worse, the Bureau of Reclamation has yet to fully answer

and comply with a request made months ago by Natural Resources Chairman DOC HASTINGS and the Water and Power Subcommittee Chairman TOM MCCLINTOCK that is aimed at answering the rationale about the survey, the overall cost of this survey, and why taxpayer dollars were included. The American people deserve answers. They deserve transparency that apparently this administration will not give. In the interim, however, they deserve to know that their government will not be sending out their hard-earned tax dollars on a dam removal survey by an organization that was once dedicated to building dams.

I urge my colleagues to end this blatant waste of taxpayer fraud and abuse by supporting this amendment, and I yield back the balance of my time.

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

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

Mr. VISCLOSKY. I am happy to accept the gentleman's amendment, and I yield back the balance of my time.

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

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

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

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

AMENDMENT OFFERED BY MS. JACKSON LEE OF TEXAS

Ms. JACKSON LEE of Texas. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (before the short title), insert the following:

SEC. ____. The amounts otherwise provided by this Act are revised by reducing the amount made available for ''Atomic Energy Defense Activities—National Nuclear Security Administration—Weapons Activities'', and increasing the amount made available for ''Corps of Engineers-Civil—Department of the Army—Operation and Maintenance'', by $52,000,000.

Mr. FRELINGHUYSEN. Mr. Chairman, I reserve a point of order.

The Acting CHAIR. A point of order is reserved.

Pursuant to the order of the House of today, the gentlewoman from Texas (Ms. JACKSON LEE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Texas.

Ms. JACKSON LEE of Texas. Mr. Chairman, I again ask my colleagues to support this amendment because anyone who has lived near a port understands what the Army Corps of Engineers is going through. We spend our time working with the Corps on this issue of dredging. In every port in the United States, millions of dollars are lost because of the inability of access and the difficulty of making sure that our Nation's ports are ready for the increase in business.

The Transportation Institute Center for Ports and Waterways indicated, analyzing the direct economic effects of channel restrictions and the loss of 1 foot of draft from the Houston ship channel, as an example, and the data was collected from the years 2008 and 2009, the study determined that a direct economic impact of the loss of 1 foot over 2 years amounts to $373 million. This, in fact, is an account that has been authorized, as evidenced by the Army Corps, which deals in particular with the Department of Army Operations and Maintenance. This infusion is to assist in making sure that jobs are saved and jobs are created.

The study does not consider other effects that are very real but are extremely difficult to measure, but they can measure what the lack of dredging can bring about. I would make the argument that in ports that are competing with world ports, accessibility is crucial.

I ask my colleagues to be reminded that we are in the business of creating jobs. It seems ridiculous that we cannot add to an existing account to create jobs, to assist in one of the largest ports in the Nation, ports along the west coast, ports along the gulf, and ports along the east coast, all ports that are engaged in receiving large vessels that are bringing in goods and large vessels going out with manufactured and other goods from the United States of America.

I ask my colleagues to support this amendment, and I reserve the balance of my time.

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

The Acting CHAIR. Does the gentleman continue to reserve his point of order?

Mr. FRELINGHUYSEN. Yes, I do.

The Acting CHAIR. The gentleman reserves.

The gentleman from New Jersey is recognized for 5 minutes.

Mr. FRELINGHUYSEN. I rise to oppose the gentlewoman's amendment.

As I've said many times, I, too, am concerned about sufficiently maintaining our waterways. These waterways contribute significantly to our national economy by providing a means of cost-efficient cargo transportation. To this end, our bill funds the operations and maintenance account at $2.5 billion, an increase of $109 million above the President's budget request and $95 million above fiscal year 2012.

I would remind the gentlewoman that under the earmark ban, the final bill cannot include funding to a specific project in an amount above the President's budget request.

Instead of increasing funding for specific projects, our bill includes additional funding for categories of ongoing projects—including an additional $189 million for navigation dredging—with final project-specification allocations to be made by the administration. The project my colleague is interested in would be eligible to compete for this additional funding.

As an offset, this amendment strikes funding for the modernization of our nuclear weapons stockpile and its supporting infrastructure. Ensuring adequate funding to maintain our nuclear weapons is my highest priority for our bill. The increases provided in this bill for nuclear security have received strong bipartisan support.

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

POINT OF ORDER

Mr. FRELINGHUYSEN. Mr. Chairman, I raise a point of order against the amendment.

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

Mr. FRELINGHUYSEN. The amendment proposes to increase an appropriation not authorized by law, and therefore is in violation of clause 2(a) of rule XXI.

Although the original account funding for the Corps of Engineers—Civil—Department of Army—Operations and Maintenance is unauthorized, it was permitted to remain in the bill pursuant to the provisions of the rule that provided for the consideration of this bill. When an unauthorized appropriation is permitted to remain in a general appropriations bill, an amendment merely changing that amount is in order, but the rules of the House apply a ''merely perfecting standard'' to the items permitted to remain and do not allow the insertion of a new paragraph—not part of the original text permitted to remain—to increase a figure permitted to remain.

I would further say the account contains funding for projects not entirely authorized.

The amendment cannot be construed as merely perfecting, and therefore, Mr. Chairman, I ask that the Chair rule the amendment out of order.

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

Ms. JACKSON LEE of Texas. Mr. Chairman, I do.

The Acting CHAIR. The gentlewoman is recognized on the point of order.

Ms. JACKSON LEE of Texas. I thank the gentleman from New Jersey for his expression. What I would argue is: What are Members here to do?

I would vigorously disagree this is an earmark. I believe there is authorization, in particular under operation and maintenance. But the dilemma that the gentleman is making an argument on is whether or not you can increase it versus reducing it. And so what my argument is is that this is a general increase to operation and maintenance

with no specific tie to indicate that it is an earmark.

□ 2100

There is no monetary benefit to me as a Member of Congress, publicly stated on the floor of the House. Therefore, this is to increase millions of jobs in America, in ports around America, for an issue that is devastating to ports and that the Army Corps of Engineers is being overwhelmed, that is, the requirement of dredging. Dredging equals allowing the quality of vessel to increase by tonnage, to bring in and take out goods that Americans have manufactured and goods that Americans are seeking to import with our allies and trading partners.

It is to increase jobs. Therefore, I'd make the argument that we are bound by rules that have nothing to do with earmarks if you are, in essence, placing funding into existing accounts to help Americans—all of America—and to build our ports—all of our ports—making them more secure and making them more accessible so that the goods of Americans can go to and fro, and that jobs can multiply.

If one port alone, by one foot of inaccessibility, lack of dredging, loses $373 million, multiply that by the number of major ports in the United States from the East to the southern coastline to the west coast. I make the argument that this is an amendment that can stand on its own and should not be subject to a point of order.

I ask my colleagues to support the amendment.

The Acting CHAIR. Does any other Member wish to be heard on the point of order? If not, the Chair is prepared to rule.

The proponent of an item of appropriation carries the burden of persuasion on the question whether it is supported by an authorization in law. Having reviewed the amendment and entertained argument on the point of order, the Chair is unable to conclude that the item of appropriation in question is authorized in law. For example, the manager has stated that the account contains funding for unauthorized projects and the Chair would note that some items appropriated in the Operation and Maintenance account are not modified by the phrase ''as authorized by law.''

Under the precedents of July 12, 1995, and July 16, 1997, an amendment adding matter at the pending portion of the bill to effect an indirect increase in an unauthorized amount permitted to remain in a portion of the bill already passed in the reading is not ''merely perfecting'' for purposes of clause 2(a) of rule XXI. The Chair is therefore constrained to sustain the point of order under clause 2(a) of rule XXI.

AMENDMENT OFFERED BY MR. ROHRABACHER

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

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (before the short title) insert the following:

SEC. ____. None of the funds made available under this Act may be used for the U.S. China Clean Energy Research Center.

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

The Chair recognizes the gentleman from California.

Mr. ROHRABACHER. Mr. Chairman, my amendment would prevent any funds in this bill from being spent on the U.S.-China Clean Energy Research Center.

Our Department of Energy is using our taxpayer dollars to help China to develop their energy systems. This specific expenditure is $37.5 million over 5 years. China should be spending their own money for developing their own energy systems.

With the miserable shape of our budget and our economy, the last thing we should be doing is depleting our resources to help the Chinese become more efficient and thus more competitive. We are borrowing money from Communist China, paying interest on that money, and then turning around and subsidizing the development of a high-tech manufacturing sector in China that will take away more American jobs. This is as nutty as it gets.

The Department of Energy is helping the Communist Chinese to build electric vehicles. Over the next 20 years, the electric vehicle industry may well be creating 130,000 up to maybe 350,000 American jobs. As of 2010, 30,000 Americans are already working in the electric vehicle and advanced battery industries. Tesla Motors in my State is already doing it. Why are we spending our tax dollars to put these jobs in jeopardy by improving the Chinese ability to build such cars? Why does our government want to ship jobs to China and subsidize the effort?

The Clean Energy Research Center also shares American know-how with China in advanced coal technology. The global value of electricity generated using clean coal technologies was $63 billion in 2010 and by 2020 will reach $85 billion. U.S. companies have the potential to capture the global market and can sell American-designed and -built technology to China, but if we give the Chinese access to our research now, our lead in this area will be undercut. Why are we undercutting ourselves?

Last month, the U.S. Department of Commerce announced anti-dumping tariffs on Chinese companies for unfair trade practices regarding solar panels. Sixty-six Chinese producers were named, which suggests this is a concerted effort to undermine the United States market.

In 2011, the U.S. imported over $3 billion worth in Chinese panels, and since 2001 our share of the global market in these panels has shrunk from 27 percent to just 5 percent. Over 100,000 American jobs depend directly or indirectly on the success of the U.S. solar industry. Why are we subsidizing the Chinese development of this technology?

China is not playing by the same rules that we're playing by. The Office of the National Counterintelligence Executive released a report last year which states:

> Chinese actors are the world's most active and persistent perpetrators of economic espionage.

Among the technologies which they have the greatest interest in is stealing. And what they're interested in stealing is the cutting-edge energy technologies that we are developing with our expertise.

Let's stop paying the Chinese to give them access to our best scientists, research centers, and technology. They are already stealing enough intellectual property to enhance their own economic and military power. They are robbing us blind, but we are not blind. This is happening right in front of our face. America's high-tech industry—whether in energy, aerospace, or any other kind of manufacturing—should be way out in front of the competition. Why are we helping China close that gap?

This amendment would put a stop to over $7 million annually that is being used to bolster the efforts of our Chinese adversary. Transferring technology or funds to help develop that technology to a strategic rival makes no sense whatsoever. I urge my colleagues to support my amendment and put an end to it.

I reserve the balance of my time.

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

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

Mr. FRELINGHUYSEN. Mr. Chairman, I certainly share some of my colleague's concerns. We should not be sending Department of Energy funding overseas if it doesn't benefit our citizens or it undermines our own competitiveness. But we cannot assume that all international cooperation is objectionable. The research the gentleman's amendment would eliminate is both a proper role for Federal funds and directly benefits America.

Let me first point out these research centers are not a donation to China. They are funded in equal parts by China and the United States. They actually support three consortia centered at West Virginia University, the University of Michigan, and Lawrence Berkeley National Lab in his own home State. They fund research at seven American national laboratories, five American universities, and 40 American companies, institutes, and other organizations. There's nothing nutty about that, Mr. Chairman.

I certainly share the concerns that we keep intellectual property and manufacturing here at home. To address

these concerns, these research centers signed agreements to protect American intellectual property while allowing us to take advantage of new joint discoveries. Eliminating these centers altogether would harm American researchers, American scientists, American innovation, and American job creation.

I oppose his amendment, and I yield back the balance of my time.

Mr. ROHRABACHER. Mr. Chairman, how much time is remaining?

The Acting CHAIR. The gentleman from California has 30 seconds remaining.

Mr. ROHRABACHER. Well, I'll make this very quick.

We're not talking about all cooperation. I'm not opposed to all cooperation. I'm opposed to cooperation with the Adolf Hitlers of our day—the people who are murdering Christians and other religious people as we speak. No, we should not be cooperating with that government in developing their technologies, whether it's energy or otherwise.

□ 2110

All of these different groups that are cooperating with them, this is part of a group that also has research going on throughout our universities of the United States. That makes it even worse because you have Chinese nationals there who are taking as much of the information as they can and taking it back to China from our universities.

We should be opposed to this. Let's stand up for the American worker and what's right.

I yield back the balance of my time.

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

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

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

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

Mr. FRELINGHUYSEN. Mr. Chairman, I ask unanimous consent that the request for a recorded vote on the first amendment offered by the gentleman from Missouri (Mr. LUETKEMEYER) be withdrawn, to the end that the Chair put the question de novo.

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

There was no objection.

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

The amendment was agreed to.

AMENDMENT OFFERED BY MR. ENGEL

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

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available by this Act may be used by the Department of Energy or any other Federal agency to lease or purchase new light duty vehicles, for any executive fleet, or for an agency's fleet inventory, except in accordance with Presidential Memorandum-Federal Fleet Performance, dated May 24, 2011.

The Acting CHAIR. Pursuant to the order of the House of today, the gentleman from New York (Mr. ENGEL) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from New York.

Mr. ENGEL. Mr. Chairman, on May 24, 2011, President Obama issued a memorandum on Federal Fleet Performance that requires all new light duty vehicles in the Federal fleet to be alternate fuel vehicles, such as hybrid, electric, natural gas or biofuel, by December 31, 2015.

My amendment echoes the Presidential Memorandum by prohibiting funds in the Energy and Water Development and Related Agencies Appropriations Act from being used to lease or purchase new light duty vehicles except in accord with the President's Memorandum.

I've introduced a similar amendment to five different appropriations bills in the past, including last year's Energy and Water Appropriations Bill, and each time my amendment was accepted and passed by voice vote. My amendments have also been accepted to the Commerce, Justice and Science appropriations bill for FY 2013, and the Agriculture, Defense and Homeland Security appropriations bills for FY 2012.

Mr. FRELINGHUYSEN. Will the gentleman yield?

Mr. ENGEL. I yield to the gentleman.

Mr. FRELINGHUYSEN. We're prepared to accept your amendment again.

Mr. ENGEL. Thank you very, very much.

I just want to say, before I sit down, that this is truly a bipartisan effort. And I want to pay tribute to my good friend, the gentleman from Illinois (Mr. SHIMKUS) who has been working with me on this open fuel standard. We've introduced a bill, H.R. 1687, which requires 50 percent of new automobiles in 2014, 80 percent in 2016 and 95 percent in 2017, to be warranted to operate on nonpetroleum fuels in addition to or instead of petroleum-based fuels.

I want to just say that compliance possibilities include the full array of existing technologies, including flex fuel, natural gas, hydrogen, biodiesel, plug-in electric drive and fuel cell, and a catch-all for new technologies.

So I thank the gentleman from New Jersey for accepting this.

I yield back the balance of my time.

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

The amendment was agreed to.

AMENDMENT OFFERED BY MR. STEARNS

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

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available by this Act may be used by the Department of Energy to subordinate any loan obligation to other financing in violation of section 1702 of the Energy Policy Act of 2005 (42 U.S.C. 16512) or to subordinate any Guaranteed Obligation to any loan or other debt obligations in violation of section 609.10 of title 10 of the Code of Federal Regulations.

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

The Chair recognizes the gentleman from Florida.

Mr. STEARNS. I rise to offer an amendment on behalf of myself, Mr. SCALISE of Louisiana, Mrs. ADAMS of Florida and Mr. BROUN of Georgia.

My colleagues, this simple amendment will prohibit the Department of Energy from using any funds included in this bill to subordinate any loan obligation to other financing in violation of the Energy Policy Act of 2005. That was the original intent of Congress.

As chairman of the Energy and Commerce Committee's Subcommittee on Oversight and Investigation, I've led the investigation into the administration's rushed decision to loan Solyndra, a California-based solar panel manufacturing company, $535 million in taxpayers' money that was ultimately lost.

During this investigation, it was uncovered that, shockingly, the Department of Energy knew as early as August 2009 that Solyndra would go bankrupt in September of 2011, but simply proceeded to risk more taxpayers' funds throughout that time.

The investigation also discovered that following meetings with outside investors, DOE made the unprecedented decision on December 10, 2010, to subordinate $75 million of taxpayer money so more private capital could be injected into Solyndra.

Subordination gave private investors' money priority over taxpayers' money, meaning that, in the event of bankruptcy, private investors would be paid back before the taxpayers. But Secretary Chu wasn't allowed to subordinate the taxpayers' money.

As I mentioned earlier, the Energy Policy Act of 2005 states that DOE loan guarantees are not to be subordinated to other financing, and it was clear what the intent of Congress was.

In fact, DOE went out of its way to violate the will of Congress and sought the opinion of outside counsel on the legality of the subordination. And based upon this opinion, they made a decision to subordinate. And it all hinged on the word ''is,'' the meaning of the word ''is.''

In a 17-page draft memo obtained by the Energy and Commerce Committee,

DOE's private attorneys, they seem to acknowledge that the law prohibits the subordination of Department-guaranteed funds. However, this draft memo was never finalized. Instead, an email was sent by a lawyer at the law firm stating that DOE's rationale for subordination was, ''it makes the best possible case based on a reasonable interpretation supported by restructuring policy arguments.''

Now, Secretary Chu also ignored important parts of the law. The law required the Energy Secretary to notify the Attorney General in the event of a default on a loan guarantee. In a December 13, 2010 letter to Solyndra, Jonathan Silver, then-executive director of the DOE's loan program, notified Solyndra it was in default. However, Secretary Chu did not alert the Attorney General, as required by law.

In addition, Treasury and OMB officials' emails clearly indicate they believed DOE's legal justification for placing taxpayers at the back of the line was inconsistent with their interpretation of the law, and advised DOE to seek a legal opinion from the Justice Department.

□ 2120

In an August 17, 2011, email, Department of the Treasury Assistant Secretary for Financial Markets Mary Miller sent an email to Jeffery Zients, Deputy Director of OMB, in which she stated:

> Our legal counsel believes that the statute and the DOE regulations both require that the guaranteed loan should not be subordinate to any loan or other debt obligation.

It is clear, Mr. Chairman, that every step of the way the Department of Energy ignored the law and did whatever it wished in order to push through the subordination.

Our investigation continues. I and my colleagues on Energy and Commerce are working on a permanent legislation solution to ensure that taxpayers are never, ever again stuck paying hundreds of millions of dollars because of the Obama administration's risky bets and decisions to put taxpayers at the back of the line. I encourage all of my colleagues to support this amendment.

Mr. FRELINGHUYSEN. Will the gentleman yield?

Mr. STEARNS. How much time, Mr. Chairman, do I have left?

The Acting CHAIR. The gentleman has 30 seconds remaining.

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

Mr. FRELINGHUYSEN. Mr. Chairman, I am pleased to support the amendment. I commend the gentleman for his investigations and his conclusion.

Mr. STEARNS. I yield the balance of my time to my colleague from Florida (Mrs. ADAMS).

Mrs. ADAMS. Mr. Chairman, I rise this evening in support of the Adams-Stearns-Scalise-Broun amendment, which ensures the protection of taxpayer dollars at the Department of Energy. American taxpayers were left out in the cold when President Obama's administration went through with this loan when the now-defunct bankrupt Solyndra was restructured.

In the restructuring agreement, the Department of Energy ensured investors and special interests would recover their money first, before the American taxpayers. This is unacceptable.

Although the Department of Energy continues to argue that it has the power under Federal law to put the needs of the American taxpayer at the back of the line in a financial crisis, this amendment makes it absolutely clear the Department shall not do it again.

This amendment will ensure that if the taxpayers take a risk, they will be protected when the loan goes bad. I thank Chairman STEARNS, and Representatives SCALISE and BROUN for their leadership on this issue and I urge support of this amendment.

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

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

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

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

AMENDMENT OFFERED BY MS. JACKSON LEE OF TEXAS

Ms. JACKSON LEE of Texas. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

> At the end of the bill (before the short title), insert the following:
>
> SEC. ____. The amounts otherwise provided by this Act are revised by reducing the amount made available for ''Atomic Energy Defense Activities—National Nuclear Security Administration—Weapons Activities'', and increasing the amount made available for ''Corps of Engineers-Civil—Department of the Army—Construction'', by $10,000,000.

The Acting CHAIR. Pursuant to the order of the House of today, the gentlewoman from Texas (Ms. JACKSON LEE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Texas.

Ms. JACKSON LEE of Texas. Mr. Chairman, this is my ''can we all get along'' amendment. I thank, again, the chairman and ranking member for their work on this bill.

My amendment would be helpful to the Army Corps of Engineers and their work on our east coast, on our gulf, and on our west coast because it deals specifically with restoration. It sends a strong message to the importance of restoration and its issue of national importance. It talks about the economic well-being of the regions along the Nation's coastlines, and it provides an opportunity for restoration.

There is no doubt that over the years our coastlines have deteriorated and that wetlands have not been protected. We've experienced a devastating spill on the gulf coastline, and so many along that coastline, from Florida to Alabama to Louisiana to Texas and in between, have experienced a negative impact on their wetlands and their coastline. This takes a mere $10 million—again, I say it with respect—to assist the Nation in providing aid and improvement to the Nation's coastlines, which, again, produce opportunities of economic development, tourism, and various protections for a coastline that has suffered under neglect.

The United States Army Corps of Engineers estimates that 60 percent of the coastline along the gulf is eroding. The coast loses up to 10 feet of shoreline a year, with 225 acres of topsoil washing into the gulf coast. Funds are needed to preserve the gulf coast as well as other coasts. This will, in turn, protect the economic stability of that region.

Just a few months ago, I introduced H.R. 3710, which would provide for the added opportunity of protecting the coastline as well as for deficit reduction through an energy security fund. The legislation would provide funds for programs to help with the restoration as it establishes grants for States along our coastal areas—a coastal and disaster grant program and a national grant program—to address coastal and ocean disasters and the restoration, protection, and maintenance of the coastal areas and oceans, including research and programs in coordination with State and local agencies.

I look forward to the hearing and passage of that legislation, but today I rise to support the Nation's coastal region and to provide these resources. With that, I ask my colleagues to support this amendment.

I reserve the balance of my time.

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

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

Mr. FRELINGHUYSEN. I share the gentlewoman's support for smart investments in our Nation's water resources infrastructure. I well understand the economic benefits of spending money on these needs.

I would remind the gentlewoman, under the earmark ban, the final bill cannot include funding to a specific project in an amount above the President's budget request. Instead, the bill includes additional funds for categories of projects with final project-specific allocations to be made by the administration. As an offset, this amendment strikes the funding for the modernization of our nuclear weapons stockpile and its supporting infrastructure.

For that reason alone, I oppose the bill, and I urge my colleagues to do so as well.

I yield back the balance of my time.

Ms. JACKSON LEE of Texas. Mr. Chairman, I would make the point that this is included in this bill on page 3,

under ''Construction.'' I don't view this in particular as an earmark as much as I do as putting in resources necessary for the protection of our coastline. Again, it is not excessive. It does not undermine the atomic program. What it does is to help millions of Americans along the coastline and particularly those who have experienced deterioration going from the east coast to the west coast.

Certainly, I believe this is one on which we can join together and support. It is constructive; it is productive; it creates jobs; it creates an economic engine; and it protects one of our most valued resources, and that is the Nation's coastline, wetlands included. It is compatible with those who are fishing, with those who are exploring, and with those who are enjoying.

I think it is crucial that this amendment be passed by this House in a constructive way in order to create jobs, to move this Nation forward, and to preserve the bounty of the environment that we've been given to protect. I ask my colleagues to support the Jackson Lee amendment, which deals with the restoration of our coastline.

I yield back the balance of my time.

Mr. Chair, I rise today to offer an amendment to H.R. 5325, the ''Energy and Water Appropriations Development Act, FY 2013.'' My amendment would increase the Army Corps of Engineers Construction Account by $10 million for Texas Coastal Restoration and reduce the Atomic Energy Defense Account by the same amount.

My amendment sends a strong message that gulf restoration is of national importance. In addition to all the Gulf Coast States, Texas plays a crucial role in the Gulf Coast's economic well-being and deserves funds for its restoration as well.

THE IMPORTANCE OF THE TEXAS GULF COAST

Texas boasts a 370 mile long coastline that plays a major role in the state and the nation's economy.

The state hosts three of the country's top ten ports and is ranked number one in the nation in the total value of waterborne commerce, most of which is dependent on the Gulf ports.

The Texas Gulf Coast also plays a major role in the tourism industry. Texas gets over $445 million a year from cruise ships and earns a quarter of the coast's travel dollars. The state also accounts for 37 percent of the Gulf of Mexico's tourism and recreational employment.

In 2008, the Gulfs oil and gas development generated about $26 billion in wages.

Erosion is steadily threatening to destroy the Texas coast's success. The United States Army Corps of Engineers estimates that 60 percent of the Texas coastline is eroding.

The coast loses up to 10 feet of shoreline a year with 225 acres of topsoil washing into the Gulf Coast.

Funds are needed to help preserve the Texas Gulf Coast which will in turn protect the economic stability of the gulf coast region.

This Congress I introduced a bill which is also designed to help restore our Gulf Coast. H.R. 3710, ''The Deficit Reduction, Job Creation and Energy Security Act.''

My bill directs the Secretary of Interior to increase the 5-Year oil and gas leasing program of lease sales designed to best meet the Nation's energy needs by 10 percent of the total acreage contained in the OCS Lands Act.

This 10 percent added acreage shall be known as the Deficit Reduction Energy Security Fund. For 15 years after issuance of the first lease or receipt of the first payment coming from the Deficit Reduction Energy Security Fund, all proceeds shall be deposited into an interest bearing account for a period of 2 years.

Upon expiration of the 2 year period, these proceeds shall be distributed as follows: The interest gained during 2 year period shall be placed in the Coastal and Ocean Sustainability and Health Fund; and the principle from the Deficit Reduction Energy Security Fund shall be applied directly toward deficit reduction.

My bill, H.R. 3710, not only increases access to oil and gas leases it also funds programs to help with Gulf Restoration as it establishes grants for states (Coastal and Disaster Grant Program and a National Grant Program) for addressing coastal and ocean disasters, restoration, protection, and maintenance of coastal areas and oceans, including research and programs in coordination with state and local agencies.

I firmly believe that we must continue to support Gulf Restoration which is why I offered the bill H.R. 3710 and why I propose the amendment today. I urge my colleagues to support my amendment which is intended to restore our nation's Gulf Coast.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Texas (Ms. JACKSON LEE).

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

Ms. JACKSON LEE of Texas. Mr. Chairman, I demand a recorded vote.

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

AMENDMENT OFFERED BY MR. MULVANEY

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

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (before the short title), insert the following:

SEC. ____. (a) Each amount made available by this Act (other than an amount required to be made available by a provision of law) is hereby reduced by 24 percent.

(b) The reduction in subsection (a) shall not apply to the following accounts:

(1) ''Corps of Engineers—Civil—Department of the Army''.

(2) ''Department of Energy—Energy Programs—Nuclear Energy''.

(3) ''Department of Energy—Energy Programs—Non-Defense Environmental Cleanup''.

(4) ''Department of Energy—Energy Programs—Nuclear Waste Disposal''.

(5) ''Department of Energy—Atomic Energy Defense Activities—National Nuclear Security Administration—Weapons Activities''.

(6) ''Department of Energy—Atomic Energy Defense Activities—National Nuclear Security Administration—Defense Nuclear Nonproliferation''.

(7) ''Department of Energy—Atomic Energy Defense Activities—National Nuclear Security Administration—Naval Reactors''.

(8) ''Department of Energy—Atomic Energy Defense Activities—National Nuclear Security Administration—Office of the Administrator''.

(9) ''Department of Energy—Environmental and Other Defense Activities—Defense Environmental Cleanup''.

(10) ''Department of Energy—Environmental and Other Defense Activities—Other Defense Activities''.

(11) ''Independent Agencies—Defense Nuclear Facilities Safety Board''.

(12) ''Independent Agencies—Nuclear Regulatory Commission—Salaries and Expenses''.

(13) ''Independent Agencies—Nuclear Regulatory Commission—Office of the Inspector General''.

(14) ''Independent Agencies—Nuclear Waste Technical Review Board''.

Mr. MULVANEY (during the reading). Mr. Chairman, I ask unanimous consent to dispense with the reading.

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

There was no objection.

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

The Chair recognizes the gentleman from South Carolina.

Mr. MULVANEY. When I was campaigning for this job 2 years ago, one of the things that I told folks back home I would do if I ever got here was to try and roll back discretionary spending to 2008 levels. One of the things I've done since I've been here is work on the Republican Study Committee budgets—we've done two of them now—which try and make an effort to really get our spending addiction under control and lower our deficits and balance our budget in a reasonable amount of time.

□ 2130

As encouraging as this bill is and as much work as the Committee has done on this particular bill, it doesn't accomplish those things. That's why I'm here. I also draw attention to the fact that this bill, as much as an improvement as it has made over previous bills, still spends more money than we did last year.

The amendment, Mr. Chairman, is fairly simple. I seek to cut $3.1 billion from this expenditure. That represents 9½, roughly 10 percent of the overall bill. However, it only represents about one-half of 1 percent of all the discretionary spending. We're spending over a trillion dollars in the discretionary budget this year. More importantly—and what I think the folks back home would like to know—is that it's only one-sixth of 1 percent of the overall Federal expenditures. It's only one penny out of every $6 that we spend. It is our effort to try and bring some sanity to the spending side of the equation. It is not an across-the-board cut.

We have tried, Mr. Chairman, to be smart and sensible where we've cut these funds, and for that reason we do not cut the U.S. Army Corps of Engineer accounts. We do not cut the NNSA accounts. We do not cut the environmental and other defense activities,

non-defense, environmental, nuclear waste disposal, Nuclear Regulatory Commission. What we've cut, Mr. Chairman, are things that need to be cut.

We've cut Federal research on energy efficiency and renewable energy. We propose to cut fossil energy research and development. Yes, a Republican is actually here, Mr. Chairman, arguing that we should get rid of what my colleagues across the aisle would call subsidies for Big Oil. We're trying to get rid of all the subsidies. Imagine that, a world where the Federal Government doesn't actually subsidize energy production in any fashion, but the market takes care of the supply, the demand, and the prices for those products.

We also cut spending on the Appalachian Regional Commission, the Delta Regional Authority Commission, the Denali Commission, the Northern Border Regional Commission, and the Southeast Crescent Regional Commission. Yes, sir, some of those probably are in my district, but goodness gracious, we probably have enough commissions in this government already.

Mr. Chairman, this is a reasoned and a sensible approach to try and cut as much spending as we possibly can, especially in light of today's CBO report that says the debt situation, the debt difficulties that we face are even worse than we've been talking about for the last 18 months in this Congress. For that reason, Mr. Chairman, I ask for support for this amendment, and I ask that my colleagues vote ''yea.''

With that, I reserve the balance of my time.

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

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

Mr. FRELINGHUYSEN. Mr. Chairman, our bill already cuts nearly $1 billion from the President's request. We're below 2009 levels. We're actually pretty close to 2008 levels. And the last time I checked, we're in the year 2012.

Spending levels for non-security-related accounts are brought down by more than $800 million from last year's level. And while difficult trade-offs had to be made to get to that level, our bill did the hard work to balance our highest priorities and serve the Nation's most pressing needs. Unfortunately, the amendment proposes an across-the-board cut on many programs, not all programs as the gentleman from South Carolina states, but on many programs that actually serve pressing needs.

Our bill cuts energy efficiency and renewable energy by 24 percent but preserves programs that can address gas prices and help keep manufacturing jobs here at home. That's the focus of the bill: lower gas prices of the future; keep jobs here at home. This amendment would jeopardize those objectives.

Our bill funds fossil energy research that ensures a secure domestic supply of electric and lower gas prices in the future. The amendment indiscriminately cuts many of the activities, many programs.

Our bill funds science research, which is a key component of keeping America competitive. The amendment would do harm to that program. The amendment even cuts funds to the operation of our Strategic Petroleum Reserve, severely curtailing our government's ability to respond to real emergencies.

These are not acceptable cuts, and I strongly oppose the amendment.

I yield back the balance of my time.

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

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

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

The gentleman, during his debate, mentioned a penny of savings out of a significant sum of monies. I would point out in conjunction with the chairman's remark that the non-security programs in this bill for fiscal year 2013 are $188 million below current year level spending because the subcommittee and the full committee made discreet decisions account by account.

Dependent upon nomenclature—and I don't want to get into a semantic argument—there may be some of these cuts that the gentleman proposes that touch what nominally would be considered defense accounts, but he also makes a point that he is going after non-defense discretionary spending. I assume because he has left defense harmless that he has never read an inspector general's report relative to any defense program in the United States. And he mentioned a penny in his remarks, and I find it curious that he could not find 1 cent of savings out of 1 dollar spent in a defense account.

For that reason among many, I am strongly opposed to the gentleman's amendment. If we are going to, in fact, make an investment in this country and if we are, in fact, going to address our budgetary problems, everybody has got to be on the table with no exceptions.

The gentleman's amendment, from my perspective, is a mistake, and I yield back the balance of my time.

Mr. MULVANEY. Very briefly, Mr. Chairman, I appreciate the gentleman from Indiana's words. I would point out to him, Mr. Chairman, that there are those of us on this side of the aisle that have encouraged us to look at defense spending as ways to cut not just a penny, but to find significant savings.

I'd be curious to know, Mr. Chairman, how the gentleman from Indiana voted last year on my amendment to do exactly that, to freeze military spending at 2011 levels, but that is a discussion for another day.

So with that, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from South Carolina (Mr. MULVANEY).

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

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

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

AMENDMENT OFFERED BY MR. KING OF IOWA

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

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (before the short title), insert the following:

SEC. 519. None of the funds made available by this Act may be used to implement, administer, or enforce the requirements in subchapter IV of chapter 31 of title 40, United States Code (commonly referred to as the Davis-Bacon Act).

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

The Chair recognizes the gentleman from Iowa.

Mr. KING of Iowa. Mr. Chairman, this is the Davis-Bacon Act amendment. And for everyone's information, Mr. Chairman, it's this:

The Davis-Bacon Act was an act that was signed into law on or about 1932. It was generated in New York to lock the African Americans out of the construction trades in New York. It is the last remaining vestige of Jim Crow laws in America. It's a union protection law. What it says is that any Federal construction project with 2,000 or more dollars involved in it must meet these Federal prevailing wage standards.

We know—and I've spent 28-plus years as a founder and owner of a construction company and a number of years prior to that. I'm over 30 years in the construction business, Mr. Chairman. We know this amounts to a union-imposed wage scale and federally controlled wage prices. What it does is it increases the cost of our construction projects.

Our records over the years show that someplace between 8 percent and 35 percent is the increase with the Davis-Bacon wage scale as opposed to competition setting those wages. Some of the charts here that I'm looking at show between 9 percent and 37 percent. I just use the number 20 percent more. Our project costs us 20 percent more because of this federally imposed wage scale that's unnecessary, and it cuts out competition.

You can make the decision, then, on whether we want to build 4 miles of road or 5, whether we want to build, Mr. Chairman, four bridges or five, or whether we're going to create and have these construction jobs. Are there

going to be four jobs or are there going to be five?

□ 2140

In many cases if we repeal the Davis-Bacon wage scale, you would have minorities, in fact, you would have a majority of those that would fill those jobs would be minorities.

It takes the Department of Labor 2.3 years just to issue a ruling on whatever the wages might be. I have seen them vary 40, 50 or 60 percent just across the road. That's how far off it is.

What this bill does is it prohibits any funds from being used to enforce or implement the Davis-Bacon wage scale, and it gets us a lot more bang for our buck. It gets us the quality that we have always had, and it puts America back into competition. That's what's built this country.

I urge its adoption, and I reserve the balance of my time.

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

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

Mr. VISCLOSKY. Mr. Chairman, I would note at the beginning of my remarks that Davis-Bacon is a very simple concept and is a very fair one.

The law requires that workers on federally funded construction projects be paid no less than the wages in the community in which the work is being performed for similar work.

Large Federal projects can disrupt local markets if cheap imported labor is used. Davis-Bacon requirements ensure that local workers, citizens, Americans, have a fair chance at bidding for Federal contracts in their own individual communities.

Additionally, prevailing wage protections are not the reason we have deficits. Doing away with them will not result in savings to the Federal Government. Davis-Bacon does not add to a project's total cost. A 2011 study of highway construction projects in the State of Colorado proved this point as it found no statistical significance between the cost of highway projects in the States which were subject to Davis-Bacon and the cost of State highway projects which were not subject to Davis-Bacon.

Davis-Bacon has not led to extravagant wages for affected workers. I would point out at this date, 2012, from 2000 and 2008, the real hourly wage rate for construction workers, carpenters, electricians, iron workers, plumbers, steelworkers, declined—declined—despite a small increase in the hourly wage rate.

I would point out when my mentor, Congressman Adam Benjamin, Jr., walked into this room in 1977, the real hourly wage for 1 hour's worth of a human being's work in the United States of America—it could have been laying brick, it could be pushing papers in Congress, it could be waiting on tables at a diner in the middle of the night—was more for 1 hour's worth of a human being's labor in the United States of America than it was in 2010, and we're here trying to slam down that wage.

You want to save money on contracts, why don't we look at the executive compensation for these construction firms? Why don't we look there for some as opposed to going to the lowest common denominators.

Opponents claim that Davis-Bacon requirements are a union giveaway. However, more than 75 percent, three-quarters of Davis-Bacon wage determinations, are not based solely on union wages. There are issues about the quality of work. Get it done efficiently, get it done right, do not do it a second time. That is crucial to these communities depending upon them.

When local workers are hired, they are duly accountable to their employers and to the communities in which they reside. If the work is shoddy and therefore is delayed or needs to be redone, their families, their friends, their communities, have to live with the consequences. This is a throwback, and I am strongly opposed to the gentleman's amendment.

I reserve the balance of my time.

Mr. KING of Iowa. Mr. Chairman, may I inquire as to how much time I have remaining?

The Acting CHAIR. The gentleman from Iowa has 3 minutes remaining.

Mr. KING of Iowa. Mr. Chairman, I appreciate the gentleman's work in putting the statement together, but as someone who has lived this 30 years, I don't accept this statement on its face, and I can tell you that my hands-on experience tells me something entirely different. The statement that was made that says that three-quarters of these decisions are not based solely on union scale. It might be based on union scale in a union contract or sitting down in a room to make an agreement with the Department of Labor.

I don't know how these deals are made. It is union scale, and they sit there and decide we can drive up the costs of these public projects, and we can make sure that we can pay more in wages and benefits to anybody else and cut out the competition so that the entrepreneurs, the people that are founding businesses that are trying to get into this market, are locked out of the market. Davis-Bacon locks people out of the market. It locks minorities out of the market.

If you look around and you hear that expression, ''people doing work that Americans won't do''—well, if you look around, the unions have been locking minorities out ever since 1932. That was the purpose of this bill.

By the way it was a couple of misguided Republicans that passed the Davis-Bacon Act and got that started. I'm embarrassed about that. One day we will have to fix this because Davis-Bacon is the last vestige of the Jim Crow laws in the United States of America.

It does drive up the costs an average of 20 percent, somewhere between 9 and 37 percent for these costs. It cannot be said either that there's a reduction in quality when we put competition in. Competition increases the quality, it increases the efficiency. It brings about the skills in the workforce, and it allows contractors to bring people in at a scale where they can be trained. So we have more competition for the labor. We get better bang for our dollar. We build four bridges instead of five, 4 miles of road instead of 5 under Davis-Bacon. We can do it the other way around and reverse it.

I reserve the balance of my time.

Mr. VISCLOSKY. I would simply mention that if the gentleman from Iowa is suggesting that labor organizations in this country today are discriminating on a racial basis, he has not attended many union meetings lately.

I yield the remainder of my time to the gentlewoman from Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE of Texas. I thank the gentleman very much.

If my good friend from Iowa was joining and trying to make sure that Federally funded construction jobs went to companies that were based here in the United States, I would be celebrating with him to avoid the incident that happened with the bridge in California, where it was built by a Chinese company with Chinese nationals who had come over to the United States.

But in this instance, I would like to ask the gentleman where he finds this present-day discrimination.

In fact, as he well knows, opportunities for minority contractors have come about because of Members of this Congress who have fought for what we call—not set asides—but MWBE opportunities. We have seen the increase in construction companies. We need more. More importantly, unions have engaged in apprenticeship programs.

Prevailing wages are nothing but giving a hard day's work and a decent-paying wage. It is to construction what we were trying to do with paycheck fairness. I disagree with the gentleman that in this day and time we're not making extensive efforts to make sure that there are diverse populations working and being trained under the union label and umbrella, and that there are young men and women who are benefiting from these training programs. More importantly, MWBEs, and if the gentleman would want to work with me on ensuring that these small contractors can work on Federal projects, he would have me aligned with him today. But not to deny us the Davis-Bacon and prevailing wages.

I ask my colleagues to oppose the amendment in the name of fairness and in the name of the betterment of the working person.

Mr. KING of Iowa. Mr. Chairman, in response to that I would say again I have worked in this trade for a lifetime, I have been in the room. I know how this works. This is union scale imposed through the Department of Labor. It is not prevailing wage.

There is a study I have in front of me that shows that if we repeal Davis-Bacon there would be approximately 25,000 more minorities working in the construction business. In some trades there are many, some trades there are few. It's not something that's balanced across the countryside.

But what you don't have is competition coming into the marketplace. You do not have efficiency in your work. You don't get the bang for the buck because you have got a federally mandated wage scale, and it cuts down on the efficiency because you have people on the projects that are looking for the highest-paid scale that's there. And so they will climb on the finish motor grader and drive up and down the road rather than the rough bulldozer to get the production work done. They won't pick up the shovel because it pays less than it does holding the grade stake.

□ 2150

You cannot get willful efficiency out of people when you have the Federal Government deciding what they're going to pay. Additionally, we have some studies also that show when they audited the reports, 100 percent of those wage reports were wrong, Mr. Chairman.

So I would urge its adoption, and I yield back the balance of my time.

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

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

Mr. VISCLOSKY. At this time I yield to my colleague from Massachusetts (Mr. LYNCH).

Mr. LYNCH. I would like to refute the gentleman's last point, especially. I worked for 18 years as an ironworker. I've worked not only in the Massachusetts area, but New York, New Mexico, Louisiana. I worked in Indiana. I worked at a lot of the steel mills. I worked a lot of jobs where Davis-Bacon has been in effect.

What Davis-Bacon does—and the gentleman's amendment would provide—that none of the funds made available to this bill will be available to administer the wage rate requirements of chapter 31 of title 40, which is the Davis-Bacon Act. What Davis-Bacon was meant to do is to prevent the wages in any area of the country and every area of the country from being depressed by bringing in low-wage workers. This was the practice back before the prevailing wage, before Davis-Bacon was in effect. You would have large construction projects, but you'd have unscrupulous contractors who would pay very low wages to their employees, and they would move into an area where the cost of living required those workers to get a decent wage.

And what will happen now if we repeal Davis-Bacon, which is a very, very bad idea, not only for the gentleman's district but every State in the Union, is we will get one group of very low-paid workers, and they will be like locusts. They will go into areas, whether it be Houston, whether it be down in Texas or Louisiana or in the Northeast, we will have low-wage workers go in there and undercut the wages of the workers in those areas. This prevented that practice of undermining the wages of local workers.

The Davis-Bacon wage is established by a study in the gentleman's area. Specifically, they look at the wages for the construction trades. I was an ironworker. They look it at for plumbers, electricians—what is the area wage for that individual worker.

Now I'm sure we can find some workers over in Mexico that will come in and work for less money. That's supported by a lot of people in this body, unbelievably so. Davis-Bacon prevents that from happening. The contractor has to pay the wage for Houston, the wage for Tucson, the wage for New York, the wage for Boston. Those wages are different for each area because of the standard of living and the cost of living in those areas.

This protects workers, whether they're union workers or nonunion workers. And I've worked on Davis-Bacon jobs where there have been nonunion working across from me. I worked at the Shell Oil refinery down in Norco, Louisiana. Half the job was union, half the job was nonunion, because that was the deal. That's how they got enough workers to cover that job.

And I've worked 18 years. I strapped on the work boots every single day for 18 years. I've been a foreman. I've been a general foreman. I've worked on Davis-Bacon jobs. I've worked on many, many jobs. I've seen how this works, and I know the history here and why this law was put into place. This is a good law. It prevents piracy. It prevents undermining the workers in every State in this Union. If you strap on a pair of work boots, I don't care if you're union or nonunion, this is a good bill for you. This protects you.

They tried to repeal it after Katrina in the areas where Katrina affected Mississippi and Louisiana, and the President suspended it for a short while. You know what he had to do? He had to reinstate it because they couldn't get enough workers to come in because the wages were so low they could not get workers in there. So President George Bush repealed his own executive order suspending Davis-Bacon. And when they lifted that, the workers came in and worked. Workers from Louisiana, workers from Mississippi took those jobs.

This is another attack on the working people. This is just blue-collar jobs. If we don't support apprenticeship programs and decent wages and a set of skills in our workers, shame on us, shame on us, shame on us.

Mr. Chair, I rise in strong opposition to the King amendment.

The King amendment seeks to ensure that none of the funds made available through this bill may be made available to administer the wage-rate requirements of subchapter IV of Chapter 31 of title 40, United States Code, more commonly referred to as the Davis-Bacon Act.

The Davis-Bacon Act, enacted in 1931, requires Federal contractors to pay workers the local "prevailing wage" on construction projects. Its goal was to outlaw wage exploitation, since public contracts go to the lowest bidder.

We've come a long way since 1931 in terms of workers' rights and workplace safety. But, I believe, if general contractors on Federal jobs have an opportunity to pay a lower wage to their workers and increase their own profit margin, they're going to do it. It doesn't make them bad people, they're businessmen concerned primarily about the bottom line.

In these difficult economic times, when so many workers are unemployed or barely hanging on, it sets a dangerous precedent to waive these important worker protections.

Through the underlying bill the U.S. Army Corps of Engineers will build dams, shore up vulnerable coastlines and maintain our navigable waterways. And this range of efforts will create good jobs. It's hard work, but good work for a lot of men and women across the country.

But because more than 20 percent of our construction tradespeople are out of work, there will be opportunity for some of the less scrupulous contractors to exploit this workforce, so desperate to get back on the job.

And waiving Davis-Bacon removes critical worker protections, compromising the work quality on these projects.

American workers deserve the kind of fair wage rates that Davis-Bacon provides, a wage that will lift up their circumstances, provide hope, and get them and our economy back on track. To deprive our workforce of these protections, of these opportunities, is an egregious abrogation of our responsibility as elected leaders.

I urge my colleagues to join me in opposition to this amendment.

Mr. VISCLOSKY. I would simply say this is not a Davis-Bacon attempt to increase wages. It is protecting those who labor in this country from having their wages undercut.

I am adamantly opposed to the gentleman's amendment, and I yield back the balance of my time.

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

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

Mr. KING of Iowa. Mr. Chairman, I demand a recorded vote.

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

AMENDMENT OFFERED BY MR. JORDAN

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

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available by this Act for the Title 17 Innovative Technology Loan Guarantee Program may be

used by the Department of Energy to issue or administer new loan guarantees for renewable energy systems, electric power transmission systems, or leading edge biofuel projects as defined by section 1705 of the Energy Policy Act of 2005.

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

The Chair recognizes the gentleman from Ohio.

Mr. JORDAN. Mr. Chairman, let me just say this complements the amendment that was done earlier by Mrs. BLACKBURN from Tennessee. This is the no-more-Solyndras amendment. We're all familiar with that situation. As the Clerk read, this amendment would prohibit any new loan guarantees for renewable energy, electricity systems, and biofuels as defined in section 1705 of title 17 and, as I said before, complements what the House agreed to and passed earlier.

Let me just quickly tell you about this program. This is a $15 billion program. Twenty-six projects got your tax dollars. Of those 26 projects that got American tax money, 22 of those 26—three-fourths of those—were rated double B-minus junk status. In other words, no private capital would go there, but it was okay to put your tax dollars into these projects.

And what have we got for this? Everyone knows the story of Solyndra. They received $535 million, fired a thousands workers, and went bankrupt. But we also have Beacon Power, which received $43 million of your tax dollars and went bankrupt as well. First Solar got $3 billion in loan guarantees. It's now fired half of its workers. Its stock has plummeted. And Abound Solar—just to name four—$400 million loan guarantee and has fired 180 workers.

So here's what's going on with this program. The 1705 program was funded by the stimulus program. That is now expired. But in this continuing resolution that was passed last year, in that bill there was language to allow the 1703 program to continue to do what was previously done in 1705.

And so my amendment says, Enough of that. We've had enough taxpayer dollars wasted. We don't need any more. Our committee that I get the privilege of sitting on, the Oversight Committee, has had several hearings on this. We don't need the Department of Energy handing out more of your money to companies with double B-minus ratings and junk ratings and lower. We don't need that anymore. This says: enough is enough. We're in debt. This is at least one place we can start to save some taxpayer dollars.

I reserve the balance of my time.

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

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

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

The title 17 loan program has had its share of publicized problems, but I do believe that the Department of Energy has implemented changes to the program that will strengthen the management of it going forward. And while it is impossible to ensure the success of a loan guarantee, these reforms, I believe, will significantly reduce the risk borne by the Department.

This amendment is specifically targeted at renewable energy projects pending approval under the 1705 Innovative Loan Guarantee program. Some of these projects are eligible to have their credit subsidy costs covered by the Department. Generally, given the current capital markets and project structure, it is difficult for renewable projects to raise sufficient revenue to use loan authority. Because we have several promising projects that remain in the pipeline and the companies behind these applications have invested a significant amount of time and financial resources to advance them, I do not believe that this amendment is fruitful.

□ 2200

The amendment would make these efforts multiyear for naught and further exacerbate the uncertain business environment facing innovative energy companies at this time. Therefore, I would be opposed to the gentleman's amendment, and I yield back the balance of my time.

Mr. JORDAN. Mr. Chairman, I would just respond that the gentleman talked about—a ''couple of problems'' I think was the language he used referring to this program. It's hard to see when you have companies going bankrupt with taxpayer money, and 22 out of 26 of the projects that were funded were rated below investment grade credit quality—in other words junk status—it's hard to see how you can say ''a couple of problems'' when that's the history of this program. At some point, we're going to have to cut some spending.

One of my favorite movies, and some of you may have seen the movie ''1776.'' It's a musical. It's when they draft the Declaration of Independence, and there's a great scene, a great line—there are many great scenes, but one of the ones that I remember, where they're going through the declaration that Jefferson has just written. They're marking it up, they're editing it. And as they go through it, there are Members of that Congress who say, Well, we don't want to say this because that might really offend King George. And if we say this, Parliament may not like that. And what about deep sea fishing rights? They go through this whole thing. Finally, John Adams stands up and says: It's a revolution, dammit; we're going to have to offend somebody.

And at some point we've got to say we're so in debt we're going to have to cut something. Why not focus on a program that completely doesn't work? A program we all know has failed.

So if the other party can't even cut a program where 22 of the 26 projects are junk status, no one will give them money, they gave your taxpayer dollars to them and they went bankrupt—if we can't even stop that program, how in the heck are we ever going to deal with a $16 trillion debt larger than our entire economy?

So this is as simple as it gets. This is the low hanging fruit here, guys. And this party over here won't even go there. Unbelievable. The program speaks for itself. It's a failure. We should end it. We should save taxpayer dollars and take that initial first step in bringing some sanity back to our fiscal situation.

I yield back the balance of my time and urge a yes vote on the amendment.

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

The amendment was agreed to.

AMENDMENT NO. 1 OFFERED BY MR. GRAVES OF MISSOURI

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

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title), insert the following:

SEC. _____. Of the funds appropriated in title I of this Act, not more than $50,000,000 may be used for the Missouri River Recovery Program.

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

The Chair recognizes the gentleman from Missouri.

Mr. GRAVES of Missouri. Mr. Chairman, I rise today in support of my amendment, which modestly reduces funding for the Missouri River recovery program.

Since 2006, the Federal Government has spent more than $468 million on the Missouri River recovery program. This program is primarily intended to improve the ecosystem for the piping plover, the least tern, and the pallid sturgeon within the Missouri River basin.

Projects funded through this program include shallow water habitat creation, land acquisition, and emergent sandbar habitat. It also supports unknown numbers of positions and departments within the U.S. Army Corps of Engineers and the Fish and Wildlife Service, generates thousands of pages of documents, and pays for numerous conferences and conference calls.

Many of my constituents along the Missouri River have been flooded for the last several years due to mismanagement and misplaced priorities in the Federal Government. Congress practically writes a blank check for the Missouri River recovery program while providing far less than sufficient funds for levee maintenance and repair. This is unacceptable.

It is also important to note that many projects funded by the Missouri River recovery program increase the chance of flooding by weakening flood protection systems. Further, a recent independent review of major initiatives of the Missouri River recovery program concludes that the current mitigation strategy does not mitigate losses of the pallid sturgeon, the least tern, and the piping plover, or the degradation of their habitats. So Congress is essentially spending millions of dollars on projects that are unproven. And at the very least, these funds are diverted away from critically important and proven flood mitigation projects.

My amendment won't prevent future floods, but it will show those located in the Missouri River basin that Congress is serious about getting its priorities straight. My amendment does not gut the Missouri River recovery program—it's only a small reduction from the amount provided in the underlying bill. The underlying bill provides $71 million and my amendment reduces that to $50 million, which is consistent with the level of funding provided in 2008.

I believe conservation is important, but we should not overlook what it is we sometimes sacrifice to achieve conservation. In this case, it is the livelihood of businesses, farms, and families. I urge my colleagues to support my amendment, and I reserve the balance of my time.

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

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

Mr. VISCLOSKY. Mr. Chairman, I rise to express my opposition to the amendment offered by the gentleman from Missouri. I would certainly agree with him that we are not making sufficient investments in our infrastructure, but this amendment would do nothing to resolve that problem. But it would introduce a host of other detrimental impacts to the basin and will lead to a failure to comply with the requirements of the Endangered Species Act.

The $90 million which was in the President's budget is the Corps' best assessment of the minimum required to maintain long term biological opinion compliance. There is in the bill a $18.6 million cut already which reduces the Corps' ability to maintain required progress on emergent sandbar habitat construction, shallow water habitat, Yellowstone intake, and real estate acquisition.

While the gentleman indicates he does not want to gut the program, the fact is he would add another $21.4 million worth of cuts, essentially representing a 44 percent cut of the President's budget. If that's not gutting, it is certainly a significant hindrance.

Given the extent of existing cuts, the Corps would need to consult with the U.S. Fish and Wildlife Service on the potential for reduced progress on biological opinion compliance and on potential operational adjustments, opening the possibility of a jeopardy determination.

Further, reducing the amount would have a significant and negative impact with regards to maintaining biological opinion compliance for the Missouri River, and the Corps may not be in a position to serve all eight congressionally authorized purposes.

Additionally, operational changes may have to be made to avoid impacts to listed species that could result in a split navigation season, impacts on hydropower production, and impacts on water supply and recreation. A split navigation season will further erode the ability of farmers and manufacturers to get their products to market or to the consumer.

And given that the power produced by the Missouri River projects provides base power loads for the region, reduced production would further jeopardize peak power needs in the area.

The impacts to water supply also potentially could be great. Many communities are already having difficulty with the intake infrastructure to local water supplies. Without the regulation river flow provided by the projects, these communities will have a monumental task to extend the intakes for the low flow periods, increasing the burden on already cash-strapped local governments.

For these reasons, I urge my colleagues to oppose the amendment, and I yield back the balance of my time.

Mr. GRAVES of Missouri. Mr. Chairman, as I stated before, we are not gutting this program, we are just reducing the funding for it. For that matter, I might add that even if we zeroed this program out, it would have absolutely no effect on power intake systems, on power generation systems, on navigation whatsoever. But the fact of the matter is, and I've seen it, this money is spent to dump sand in the river so it can create more sandbars, to try to create more sandbars. It's used to buy more land, which takes land out of production. The fact of the matter is when we have trillions of dollars worth of deficits each year and trillions and trillions of dollars worth of debt, the last thing we need to be doing as the Federal Government is buying more land and dumping dirt in the Missouri River to create habitat. That's the bottom line: it's unacceptable, and this program needs to be reduced.

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

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

The amendment was agreed to.

□ 2210

AMENDMENT OFFERED BY MR. LANDRY

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

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (before the short title), insert the following:

SEC. _____. None of the funds made available in this Act may be used within the borders of the State of Louisiana by the Mississippi Valley Division or the Southwestern Division of the Army Corps of Engineers or any district of the Corps within such divisions to implement or enforce the mitigation methodology, referred to as the ''Modified Charleston Method''.

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

The Chair recognizes the gentleman from Louisiana.

Mr. LANDRY. Mr. Chairman, I have consistently championed the need for Louisiana to protect its fragile coast and wetlands. I have offered amendments and supported bills that all positively affect the creation of new wetlands and starts to turn the tide on the coastal land loss in Louisiana. But the New Orleans District Corps of Engineers office is going to cripple our ability for Louisiana to protect itself from dangerous hurricanes by introducing a standardized method of wetlands mitigation. This standardized method is called the Modified Charleston Method.

This method is driving up the State and local mitigation cost of hurricane protection in Louisiana by 300 percent. I said only the State and local cost because the Corps has exempted itself from its own method on Federal projects. This is why the American people are frustrated at the Federal Government; it creates a rule, enforces it on everybody else, but exempts itself.

The Corps' new wetland rules are actually halting the creation of wetlands. As such, my amendment prevents the enforcement of the Modified Charleston Method within the State of Louisiana for 1 year, forcing the Corps to take a breath and develop a mitigation system that provides for our wetlands without stifling needed hurricane protection measures and economic development.

My amendment impacts only Louisiana. If your Corps districts use the MCM and it works for your constituents, great, your Corps districts can continue to do so. But the MCM does not work for Louisiana. In fact, the State of Louisiana, the Police Jury Association of Louisiana—our association of counties—the Association of Levee Boards of Louisiana, Vermillion Parish and countless local communities all have severe concerns about the MCM.

Moreover, the MCM does not acknowledge that some construction projects actually preserve wetlands. For example, a flood protection levee that protects homes also protects wetlands from saltwater intrusion and erosion. However, these benefits are not calculated.

The Corps itself does not follow the MCM. And until it does, local parishes, communities, and builders should not be forced to follow it as well.

I urge passage of this amendment and reserve the balance of my time.

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

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

Mr. VISCLOSKY. I do rise in opposition to the gentleman's amendment. While I have some sympathy for the issue that the gentleman has raised, I believe that more consistency should be brought to the way we evaluate wetland impacts, not less, as this amendment would ensure.

The Charleston Method has been utilized for two decades in various Corps districts. The Charleston Method is a quick, inexpensive, and consistent methodology—I think that's very important to note, a consistent methodology—for use by the regulated public and the Corps.

The gentleman suggests that it doesn't work. If it doesn't work, I do not know why in 2006 and 2007 the New Orleans District worked with its Federal and State partners to modify the Charleston Method so that it better reflected the unique conditions found in southern Louisiana resulting in the Modified Charleston Method.

The use of the Modified Charleston Method is longstanding in many Corps districts. Many regulatory customers use the tool to assess their potential mitigation requirements for their impact site as well as credits required at mitigation banks. This transparency in Corps mitigation requirements has helped the applicant prepare a complete application package and determine mitigation costs up front.

Suspension of the use of the Modified Charleston Method in Corps districts would require that any pending permit applications—section 404 of the Clean Water Act—and pending mitigation banks would need to be reevaluated using a different assessment tool/methodology or, in the absence of such, use best professional judgment to determine appropriate mitigation requirements for impacts and for available credits in mitigation banks, obviously encompassing a great deal of delay.

All approved mitigation banks with available credits that were determined by the Charleston Method would be temporarily closed until a new methodology could be developed and the bank credits converted to the credit system of a new methodology. These banks were established utilizing the credit system of the Modified Charleston Method, and until a similar credit system can be determined for these projects, it would not be possible to correlate the new requirements with the old system. We would not have transparency; we would not have consistency. We would have delay.

For these reasons, I do oppose the gentleman's amendment.

I reserve the balance of my time.

Mr. LANDRY. Mr. Chairman, how much time do I have remaining?

The Acting CHAIR. The gentleman from Louisiana has 2½ minutes remaining.

Mr. LANDRY. Mr. Chairman, the only thing consistent about the method is that it doesn't work in Louisiana. In fact, the only thing that it increases is the amount of land that the mitigation banks can sell.

We have parishes in Louisiana who understand that the Federal Government doesn't have any more money. The residents and citizens of those parishes have taxed themselves to protect themselves from storms, and yet the formula that the Corps is using is driving the cost of these projects to a point where they can't build them anymore. But yet some in this body will argue that after hurricanes come in, after hurricanes affect Louisiana's coast, they don't want to pour the money in to rebuild those communities.

Those communities are trying to protect themselves at a time when the Federal Government has told them ''no'' as a source of funding, and yet now the Federal Government is going to change the rules. It just doesn't work in Louisiana. And for that, I urge my colleagues to help me pass this amendment.

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

PARISH OF JEFFERSON,
OFFICE OF THE PRESIDENT,
Jefferson, LA, June 5, 2012.

Hon. JEFF LANDRY,
Cannon House Office Building,
Washington, DC.

DEAR REPRESENTATIVE LANDRY: I strongly oppose use of the Modified Charleston Method (MCM) to assess wetland habitats and compute compensatory credits for wetland impacts from public safety and economic development projects. The MCM must be revised to provide adequate and defensible compensation calculations for required mitigation.

Jefferson Parish has serious concern that the MCM, in its current form and with its current factor value(s), may cause unnecessarily high and impractical compensatory mitigation values. Section 404 of the Clean Water Act requires that compensatory mitigation be practicable. The MCM offers the very real possibility of quantifying compensatory mitigation calculations that are unworkable and in direct violation of both the letter and the spirit of the Clean Water Act.

The Parish is also concerned that the MCM may have a negative influence on important public works projects that are tied directly to public safety. It is the Parish's belief that the MCM will have a direct negative impact on important public safety projects by requiring an inordinate amount of compensatory mitigation for wetland impacts associated with these projects. The communities of southeastern Louisiana have little choice, in most cases, than the construction of the necessary flood protection structures in areas which trigger wetland mitigation requirements, if they are to provide adequate safety for these communities. Ultimately, the utilization of the MCM for assessing the wetland impacts for these important projects may lead to loss of property, livelihood, life, and result in local, state and federal legal liabilities.

In addition, the Parish is concerned that the MCM may also have a negative influence on critical infrastructure projects such as roadways/hurricane evacuation routes, ports, hurricane protection features, etc. Most of this infrastructure also provides crucial access that is required for the maintenance and growth of the petroleum and chemical industry, which supports this state, the region and the rest of the nation.

Accordingly. I vehemently oppose use of the Modified Charleston Method and would like to offer my support of your proposed amendment to H.R. 5325,

Sincerely,

JOHN F. YOUNG, Jr.,
Jefferson Parish President.

ST. MARY PARISH GOVERNMENT,
Franklin, LA, June 4, 2012.

Hon. JEFF LANDRY,
House of Representatives, Cannon House Office Building, Washington, DC.

DEAR REPRESENTATIVE LANDRY: The St. Mary Parish government is supportive of your efforts to craft legislation in the form of an amendment to the FY 2013 House Energy and Water Appropriations bill. St. Mary Parish supports the Landry Amendment that would prohibit any funds be used within the borders of the State of Louisiana by the Mississippi Valley Division or the Southwestern Division of the Army Corps of Engineers (Corps) to implement or enforce the Modified Charleston Method (MCM).

We feel that this is an appropriate step that shows the Corps that a variation is needed from the current MCM. Our community cannot afford the every growing expense that this methodology has put on the backs of our locals.

St. Mary Parish has repeatedly asked the Corps to revisit the MCM as in current form it is unreasonably burdensome on our local economy. Our community is already experience negative impacts of the MCM. While we agree that wetland mitigation is necessary, our figures indicate that under the MCM projects cost three times more than they were before this methodology was implemented.

Your leadership on this issue is appreciated. I look forward to working with you on these and other issues important to St. Mary Parish.

Sincerely,

PAUL P. NAQUIN, Jr.,
Parish President.

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

The amendment was agreed to.

AMENDMENT OFFERED BY MR. LANDRY

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

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (before the short title) insert the following:

SEC. ____. None of the funds made available under this Act may be used to carry out section 801 of Energy Independence and Security Act of 2007 (42 U.S.C. 17281).

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

The Chair recognizes the gentleman from Louisiana.

Mr. LANDRY. Mr. Chairman, in 2007, Congress passed the Energy Independence and Security Act of 2007. Section 801 of this act authorizes the Department of Energy to create a national media campaign to promote alternative green technologies and wean Americans off of fossil fuels. My amendment defunds this media campaign.

Our government must get out of the business of picking winners and losers. The American public knows far better than any government bureaucrat what energy sources work best for them, their families, and their businesses. Instead, private green energy firms should use their own advertising campaign funds on behalf of the energy sources they sell. Why are government dollars needed?

I urge my colleagues to support this amendment and to defund this taxpayer media campaign.

I yield back the balance of my time.

□ 2220

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

The amendment was agreed to.

AMENDMENT OFFERED BY MR. BROOKS

Mr. BROOKS. Mr. Chairman, as the designee of the gentleman from Georgia (Mr. BROUN), I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (before the short title) insert the following:

SEC. ____. None of the funds made available under this Act for the Advanced Research Projects Agency—Energy may be used for unallowable costs related to advertising or promoting the sale of products or services in contravention of the requirements of section 31.205–1, or for unallowable expenditures related to raising capital in contravention of the requirements of 31.205–27, of title 48 of the Code of Federal Regulations.

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

The Chair recognizes the gentleman from Alabama.

Mr. BROOKS. Mr. Chairman, I offer this amendment to address a shortcoming in the manner in which ARPA-E, the Department of Energy's Advanced Research Projects Agency for Energy, spends taxpayer dollars.

In August 2011, the Department of Energy Inspector General released an audit report that disputed costs incurred by ARPA-E award recipients. For clarity, an ARPA-E award recipient is a private company or entity that seeks operational cost reimbursement from Federal taxpayers.

The Inspector General disputes that private company expenses for ''meetings with bankers to raise capital'' and ''a fee to appear on a local television program'' are reimbursable costs that Federal taxpayers should pay for. The Inspector General report found that such spending violates Federal acquisition regulation subpart 31.2.

ARPA-E disputed the Inspector General's finding and argued that such costs are allowable under ARPA-E's statutory authority to fund technology transfer and outreach activities.

In February 2011, ARPA-E finalized Technology Transfer and Outreach guidance for awardees that explicitly encourages ARPA-E private company awardees to engage in and seek taxpayer reimbursement for these questionable expenditures.

More specifically, the policy states that acceptable taxpayer reimbursement activities by private companies include:

Marketing and other expenditures related to promoting an ARPA-E funded technology;

Consulting and other expenditures related to developing ARPA-E-funded technologies, building business and identifying potential users, markets and customers, e.g., business plan development, market research, and

Presentation and other expenditures relating to seeking additional funding from the private sector and government agencies.

ARPA-E guidance suggests the inappropriate spending identified by the Inspector General may be significantly widespread. At a January 2012 hearing, the Science, Space and Technology Committee's Subcommittee on Investigations and Oversight examined ARPA-E guidance in spending.

One day prior to the hearing, ARPA-E delivered to the committee an updated policy that omits mention of these questionable spending activities. Hence, ARPA-E's revision adds confusion, not clarity, to the pending question. In the absence of more explicit guidance consistent with the Inspector General's spending concerns, there is a significant risk to American taxpayers that ARPA-E private company awardees will incur costs that violate Federal regulations, yet which ARPA-E reimburses out of taxpayer funds.

On February 10, Subcommittee on Investigation and Oversight Chairman PAUL BROUN asked ARPA-E Director Majumdar to clarify in writing whether ARPA-E considers the activities mentioned in the original ARPA-E policy as allowable spending. Responses to these questions were due on February 24, 2012, but the Department of Energy refused to provide a response, a response which is now well over 3 months past the deadline.

This amendment does what ARPA-E should have already done, make it explicitly clear that the spending concerns identified by the Inspector General using taxpayer funds to raise private capital and using tax dollars to market, advertise, and promote private company-funded technologies are not allowable.

ARPA-E tax dollars should not go to private company advertising, marketing and ''meetings with bankers to raise capital.''

Stated differently, in this era of deficits and accumulated debt that threaten America with insolvency and bankruptcy, American tax dollars should not be used to pay for the operational costs of private sector companies, particularly when the Inspector General has already determined they are improper.

Mr. FRELINGHUYSEN. Will the gentleman from Alabama yield?

Mr. BROOKS. I yield to the gentleman.

Mr. FRELINGHUYSEN. I think we're prepared to accept your amendment.

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

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

The amendment was agreed to.

AMENDMENT OFFERED BY MR. SCHWEIKERT

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

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available by this Act may be used to enforce part 429 or 430 of title 10, Code of Federal Regulations, with respect to showerheads (as that term is defined in section 430.2 of such title).

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

The Chair recognizes the gentleman from Arizona.

Mr. SCHWEIKERT. Mr. Chairman, this is one of those sort of occasions I'm going to refer to this almost as the law of unintended consequences.

About 6 months ago, I was visiting one of my favorite places in life, a Starbucks in Scottsdale, and a gentleman walks up to me, just bouncing off the walls, and apparently it wasn't from a bunch of espressos. He had just been given a $447,000 fine for his tiny little business that made custom shower heads, made specialty shower heads, because apparently the water restrictor ring inside was too easy to pry out.

Now, I need to disclose something here, in all honesty. I've actually changed the shower heads in my house. And guess what the first thing I've always done is. I take a screwdriver and stick it in there and pull that little water-restricting ring out of there because I have this bad habit; I actually like to get wet when I shower. I know it's a novel concept, but it's something I like to do.

But think of this: the Department of Energy is out there enforcing, and here's the standards they live by. If it takes more or less than 8 pounds of pressure to remove the water restrictor after they take apart the shower head, they come and fine you.

But the creepy part of this story is they demanded a list of everyone who had purchased one of these shower heads. So now the Department of Energy is putting together the database of the people that bought shower heads that the water-restricting O ring inside is too easy to remove.

Have we lost our minds?

I'm not thrilled coming to the floor and doing a limitation amendment on something like this, but this is the type of thing the American people are absolutely livid about. And this actually affects our daily lives.

With that, Madam Chairwoman, I reserve the balance of my time.

Mr. VISCLOSKY. I rise to claim time in opposition to the gentleman's amendment.

The Acting CHAIR (Ms. FOXX). The gentleman from Indiana is recognized for 5 minutes.

Mr. VISCLOSKY. I appreciate the recognition and do rise to oppose the gentleman's amendment.

The standards the gentleman is very exercised about were contained in the EPA Act of 1992 and have been in effect for more than a decade. And they, in fact, do save energy and they do save water. A number of States are starting to adopt tighter standards on these products, including the State of Georgia, because they do save energy.

There is no part of the country, including mine that borders the Great Lakes, the largest body of fresh water on the planet, that does not have water supply concerns. In California, there has been a tremendous public investment to encourage and incentivize homeowners to replace their utilities with models that require less water.

□ 2230

I really do not know why we are discussing this issue again. We talked about it in the nineties. We talked about it in the last decade, and here we are this evening talking about it again. Manufacturers have been complying with this provision for, again, a decade. The question is: Why are we talking about it today? I am aware of an enforcement action recently, but against plumbing manufacturers who have put multiple compliant showerheads onto one fixture, obviously trying to sidestep the law when you have three efficient showerheads attached to one.

With water shortages across the country, with an energy crisis in most of the Mountain and Western States, I would ask my colleagues to oppose the gentleman's amendment.

I reserve the balance of my time.

Mr. SCHWEIKERT. Madam Chairwoman, may I inquire as to my time?

The Acting CHAIR. The gentleman from Arizona has 3 minutes remaining.

Mr. SCHWEIKERT. This is actually an interesting debate from an economic standpoint.

Being from the desert, where we actually really, really care about our water supply, we've learned something. I'm one of those people who lives in a house with rock landscaping and low water this and low water landscaping, but I do like to get wet in my shower, as we've already stated. If you want to deal with water usage, basic economics says you do it through the pricing mechanism, not through trying to manage my life with a bunch of laws.

Madam Chairwoman, I stand in front of you and hope this amendment passes because, in many ways, I think this is a great example of what drives the American voters, the American people mad in that we try to micromanage every aspect of their lives, and we turn huge numbers of them functionally into criminals. I would love to do an honest survey through this body of how many people have done any remodeling or who have put up a new showerhead and who have not monkeyed with that flow restrictor that's inside that showerhead.

Ultimately, I appreciate that in 1992 this somehow passed through this body. Maybe it was meant to help, and maybe it was meant to have all sorts of good purposes, but this is not the rational methodology with which to promote that type of water conservation. Then when you turn the Department of Energy into a police force that actually now sets standards of—if I can exceed 8 pounds of force, then all of a sudden it's perfectly legal, but if it's under 8 pounds of force in removing the water restrictor, then I get a $447,000 fine, as my constituent received here.

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

Mr. VISCLOSKY. Madam Chairman, I do not live in a desert. I mentioned in my earlier remarks that my congressional district, in fact, borders the largest body of freshwater on the planet Earth. I find water very precious myself, and I try to explain to my constituents every day we should not take it for granted.

I find the debates that we have engaged in here very interesting tonight. A bit earlier today, we had an amendment to suppress the wage rates in this country. We have about 13 million people who don't work today, but the gentleman suggests the way that we solve our water crisis in this country is pricing. His solution is: Let's increase the price of water. Let's increase the price of water for those 13 million people who aren't working. Let's increase the price of water. Let's use pricing for water to conserve it for those people who may not be making a living wage because people want to destroy Davis-Bacon in this country.

Maybe we ought to think about the people who are just getting by, just grubbing to get the money to pay their water bills. Pricing means something to them. In this case, if regulation that had been in place for more than a decade will help those people of least means pay their water bills, I say that's a good thing and a very sound reason to oppose the gentleman's amendment.

I yield back the balance of my time.

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

The amendment was agreed to.

AMENDMENT OFFERED BY MRS. LUMMIS

Mrs. LUMMIS. Madam Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (before the short title) insert the following:

SEC. ____. None of the funds made available under this Act may be used to plan or undertake sales or any other transfers of natural or low enriched uranium from the Department of Energy that combined exceed 1,917 metric tons of uranium as uranium hexafluoride equivalent in fiscal year 2013.

The Acting CHAIR. Pursuant to the order of the House of today, the gentlewoman from Wyoming (Mrs. LUMMIS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Wyoming.

Mrs. LUMMIS. I first want to thank my colleague, Representative HINOJOSA from Texas, for joining me in this amendment.

Now here is an undisputed fact: Today, the United States imports more than 90 percent of our uranium from foreign countries. Some of them don't like us very much. We have an ample supply of uranium in the West and across this country. A lack of supply is not the problem.

We import that much uranium for two reasons: First, accidents that happened decades ago cooled interest in nuclear energy in our country, so companies slowed down their production. But here is the second reason: Just as our domestic energy began to recover from these disasters, our own government started dumping into the market excess uranium it has stockpiled.

DOE uses the stockpile to raise funds for itself for various purposes—a fact that this Appropriations subcommittee has been concerned about for quite some time. Every time the Federal Government dumps its excess stockpile into the market, it depresses the price of uranium. Depressed uranium prices halt private investment in domestic mining and conversion and hurt American jobs in the West and in the Midwest.

Being reasonable folks, the uranium miners have agreed to accept that the Department of Energy can dump into the market up to 10 percent of domestic demand for uranium. That has been the consensus approach since 2008. However, last month, the DOE departed from the consensus and announced that it would dump into the market a volume of uranium that is overwhelming in its scope—9,000 tons—an amount that is orders of magnitude greater than 10 percent of domestic demand.

That is what my amendment today seeks to end—the price-distorting dumping of uranium in the open market above what has been the consensus in the uranium industry for years and above a level that can be weathered by U.S. companies offering U.S. jobs in uranium mining.

Now here is where my amendment gets politically sticky. High-profile Members of Congress from the Midwest are trying to protect 1,200 jobs for 1 year at the United States Enrichment Corporation facility in Kentucky. Let me be clear. I don't want jobs lost in Paducah, Kentucky, but I also don't want jobs lost in Wyoming and in the West.

I want my colleagues to understand this. While the actions of the Department of Energy may help save 1,200 jobs for 1 year in Kentucky, it will also end 1,200 jobs in the West and Midwest for much longer than that. So the Department of Energy's dump onto the

open market of $815 million worth of uranium to further bail out a failing private company, USEC, will result in no net savings of jobs. Over $800 million to save no net jobs is a stunningly bad investment.

The good news is that we can protect jobs in Kentucky and in the West at the same time. We do not have to choose. Here is how. Vote for this bipartisan amendment. If my amendment passes, the DOE will still transfer 62 percent of the 9,000 tons of depleted uranium before my amendment even takes effect.

□ 2240

After that, DOE can still continue its transfers, just under a reasonable cap that doesn't destroy domestic uranium mining and conversion in the process.

Here are the facts: My amendment does not halt work at any of USEC's failing sites; it does not prevent transfers for national security purposes; it does not halt the cleanup of sites in Ohio. In fact, my amendment provides a way for all of these projects to move forward efficiently and fairly.

The bottom line is this: We do not need to sacrifice jobs in Wyoming or Illinois to support jobs in Kentucky. That is a false choice. We can do both, and that is exactly what my amendment does.

I implore my colleagues to give DOE's actions careful thought here. DOE's plan is a market distorting government intrusion into the private market. We cannot stop it in full, but we can rein it in next year in a way that is fair to every single stakeholder in this debate.

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

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

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

Mr. FRELINGHUYSEN. Madam Chair, I share the gentlelady's concern on the Department's continued off-budget use of its uranium transfer authority to circumvent the appropriations process and avoid congressional oversight. Congressional oversight is essential in order to make sure there are adequate protections in place to protect our domestic uranium mining and conversion industry. However, this amendment is too broad an approach for what is, by most estimates, a very complex issue.

There are several uses for the many uranium transfer authorities given to the Secretary of Energy that support ongoing national security activities, and there is still a great deal of ambiguity of whether this language in this amendment would prohibit funding for a depleted uranium tails transfer that will keep the Paducah plant in Kentucky operating for another year. That deal would sustain, and there may be a question in terms of how many jobs are here, but our estimates say it will sustain 2,000 jobs in fiscal year 2013 and provide the needed uranium fuel to produce tritium to supply our nuclear weapons stockpile.

I hope we can work together—the gentlelady and I, and members of the authorizing committee and the Appropriations Committee on Energy and Water—to find a solution that addresses all of these and other concerns.

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

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Wyoming (Mrs. LUMMIS).

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

Mrs. LUMMIS. Madam Chair, I demand a recorded vote.

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

AMENDMENT OFFERED BY MR. FORTENBERRY

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

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available by this Act may be used to finalize, implement, or enforce the proposed rule entitled ''Energy Conservation Program: Energy Conservation Standards for Battery Chargers and External Power Supplies'' (77 Fed. Reg. 18478 (March 27, 2012)) with respect to product class 7 (as described in such proposed rule).

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

The Chair recognizes the gentleman from Nebraska.

Mr. FORTENBERRY. Madam Chair, I appreciate the opportunity to offer this commonsense amendment to protect American jobs and reduce regulatory burdens. Quite simply, this amendment would block the Department of Energy from implementing unnecessary energy conservation standards for golf cart battery chargers.

Madam Chairman, I recognize that reasonable regulations are necessary to protect human health and the environment; however, we must guard against costly rules that provide no meaningful benefit to the United States but instead encourage this shift of American jobs overseas to lower-wage countries where environmental standards are minimal. The proposed golf cart battery charger rule is clearly such a regulation. The proposed standards would achieve minimal energy savings, and the Department of Energy itself acknowledges that they would result in U.S. manufacturing jobs being sent overseas.

While I support the overall goal of promoting energy efficiency, I am very concerned about this proposed regulation that directly affects more than 100 jobs right where I live.

Madam Chair, last week's unemployment figures highlight the economic challenges we face in our country. Job growth is slowing and unemployment is ticking up. In this kind of economic climate, why would we want to intentionally force American jobs overseas through increased and unnecessary regulation?

I would also like to emphasize that golf cart battery chargers should not even be included in this proposed rule, which is intended to cover consumer products. It is my understanding that about 90 percent of new golf carts are sold to businesses for fleets, while less than 10 percent of new golf carts are for personal use by individuals. This does not meet the significant standard necessary to be considered a consumer product.

It is clear that the proposed rule would make American manufacturers of battery chargers less competitive and it would cost American jobs, so we must ask what would we achieve by implementing this rule. According to the Department of Energy's calculations, making this change would result in energy savings of only about $6 per charger per year. That's because these chargers are already very highly efficient.

With that, Madam Chair, I urge my colleagues to support this amendment which will help protect American jobs, and I reserve the balance of my time.

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

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

Mr. VISCLOSKY. Madam Chair, I will not oppose the gentleman's amendment, but I do have some concerns.

First, I would like to say that I hope that we will not begin to legislate every rule coming out of the Department of Energy on this particular bill, though I understand the frustration that the Department of Energy is capable of causing from time to time. However, in this instance, I do understand that the Department is responding to the concerns expressed by the gentleman from Nebraska, and it is anticipated that a resolution is expected soon.

On that basis, I do not oppose the amendment as a gentle reminder for the Department to address this issue expeditiously.

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

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

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

The amendment was agreed to.

AMENDMENT OFFERED BY MR. FLORES

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

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (before the short title), add the following new section:

SEC. ____. None of the funds made available by this Act may be used to enforce section 526 of the Energy Independence and Security Act of 2007 (Public Law 110–140; 42 U.S.C. 17142).

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

The Chair recognizes the gentleman from Texas.

Mr. FLORES. Madam Chair, I rise to offer an amendment which addresses another misguided and restrictive Federal regulation.

Section 526 of the Energy Independence and Security Act prevents Federal agencies from entering into contracts for the procurement of a fuel unless its life-cycle greenhouse gas emissions are less than or equal to emissions from an equivalent conventional fuel produced from conventional petroleum sources.

In summary, my amendment would stop the government from enforcing this ban on all Federal agencies funded by the Energy and Water Development appropriations bill.

□ 2250

The initial purpose of section 526 was to stop the Defense Department's plans to buy and develop coal-based or coal-to-liquids jet fuel. This restriction was based on the opinion of some environmentalists that coal-based jet fuel might produce more greenhouse gas emissions than traditional petroleum. We must ensure that our military has adequate fuel resources and that it can rely on domestic and more stable sources of fuel. Unfortunately, section 526's ban on fuel choice now affects all Federal agencies, not just the Defense Department.

This is why I'm offering this amendment again today to the Energy and Water appropriations bill. Federal agencies should not be burdened with wasting their time studying fuel restrictions when there is a simple fix, and that fix is to not restrict our fuel choices based on extreme environmental views, policies, and misguided regulations like those in section 526.

With increasing competition for energy and fuel resources and with the continued volatility and instability in the Middle East, it is now more important than ever for our country to become more energy independent and to further develop and produce all of our domestic energy resources.

Placing limits on Federal agencies' fuel choices is an unacceptable precedent to set in regard to America's policy independence and our national security. Madam Chair, section 526 makes our Nation more dependent on Middle Eastern oil. Stopping the impact of section 526 will help us to promote American energy, improve the American economy, and create American jobs.

In some circles, there is a misconception that my amendment somehow prevents the Federal Government and our military from being able to produce and use alternative fuels. Madam Chair, this viewpoint is categorically false. All my amendment does is to allow the Federal purchasers of these fuels to acquire the fuels that best and most efficiently meet their needs. I offered a similar amendment to the CJS appropriations bill, and it passed with strong bipartisan support.

My similar amendment to the MilCon-VA appropriations bill also passed by a voice vote. My friend, Mr. CONAWAY, also had language added to the Defense authorization bill to exempt the Defense Department from this burdensome regulation.

Let's remember the following facts about section 526: it increases our reliance on Middle Eastern oil; it hurts our military readiness, our national security and our energy security. It also prevents a potential increased use of some sources of safe, clean, and efficient American oil and gas.

It also increases the cost of American food and energy. It hurts American jobs and the American economy. Last, but certainly not least, it costs our taxpayers more of their hard-earned dollars. I urge my colleagues to support the passage of this commonsense amendment.

I reserve the balance of my time.

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

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

Mr. FRELINGHUYSEN. Madam Chair, I rise in support of the amendment by the gentleman from Texas. The gentleman's amendment enhances our national security by giving the Federal Government alternatives to imported petroleum fuels. Gas prices this year are at record highs, and the Nation imports nearly half of its oil. Our bill takes a comprehensive approach to once and for all reduce gas prices and our reliance on imported oil.

Unfortunately, by declaring some fuel options to be off-limits, off-limits to Federal fleets, section 526 of the Energy Independence and Security Act of 2007 limits our ability to reduce our Nation's dependence on oil imports.

By undoing that law, the amendment puts all the alternatives back on the table so the Nation can begin developing and using fuels that are made with resources right here in the United States. Energy self-sufficiency is a national security issue, and this amendment takes a step in the right direction by adding to the comprehensive approach in our bill. I support the gentleman's amendment, and I am prepared to accept it.

I yield back the balance of my time.

Mr. VISCLOSKY. Madam Chair, I rise in opposition to the gentleman's amendment.

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

Mr. VISCLOSKY. Section 526 is, I believe, a commonsense provision that stops Federal agencies from wasting taxpayer dollars on new alternative fuels that are dirtier and more polluting than fuels we use today.

Section 526 simply bars agencies from entering into contracts to purchase alternative and unconventional fuels that emit more carbon pollution than conventional fuels on a life-cycle basis. Section 526 doesn't prevent the sale of dirty fuels, nor does it prevent the Federal agencies from buying these fuels if they need to.

Instead, it simply prevents the Federal Government from propping up the makers of dirty fuels with long-term contracts. Government policy, given the problems we face as far as our energy policy, should help drive the development of alternative fuels that cut pollution in carbon emission, not increase it.

The effect of this provision has been that it has spurred development of advanced biofuels. These fuels are being successfully tested and proven today on U.S. Navy planes at supersonic speeds. It is a testament to this country's ingenuity.

Opponents of this section claim that it creates problems for Federal agencies, and that is simply not the case. For example, the Department of Defense supports section 526, recognizing that tomorrow's soldiers, sailors, air personnel, and marines are going to need a greater range of energy sources.

Last July, the Department of Defense stated very clearly, and I quote:

> The provision has not hindered the Department from purchasing the fuel we need today, worldwide, to support military missions. But it also sets an important baseline in developing the fuels we need for the future.

DOD has also said that repealing section 526 could ''complicate the Department's efforts to provide better energy options to our warfighters and take advantage of the promising developments in home-grown biofuels.''

If DOD, the government's largest fuel purchaser, believes that section 526 is workable and helpful, that should be true for other agencies as well. In fact, the agencies we're addressing today have not expressed any concerns that I am aware of about section 526 nor have they asked for this provision.

I believe this amendment could also damage the developing biofuels sector at the worst possible time for our economy. It can send a very negative signal to America's advanced biofuel industry and could result in adverse impacts to U.S. job creation, world development efforts, and the export of world-leading technology.

Developing and bringing advanced low-carbon biofuels to scale is a critical step in reducing the Nation's dependence on oil. In this section, section 526, is a key part of this process. For these reasons, I would certainly be opposed to the gentleman's amendment.

I reserve the balance of my time.

Mr. FLORES. Madam Chair, may I ask how much time I have remaining.

The Acting CHAIR. The gentleman from Texas has 1½ minutes remaining.

Mr. FLORES. I want to make sure that we clear up any misconceptions about this bill. This bill does not tell the military that they cannot pursue alternative sources of fuel. What it does is it removes all restrictions that have been placed on the military and on the Federal Government to procure any type of fuel, whether it's based on coal technology, whether it's based on the oil sands from a friendly country next door in Canada. It contains no restrictions. It takes away the restrictions that have manipulated the market and have forced up the cost of energy for the Defense Department.

For instance, the Navy was buying vegetable oil to burn in its ships and aircraft in 2010 at a cost of $424 per gallon. Last year, this cost was reduced to $27 a gallon, yet it's still six times higher than what the cost of normal Navy fuel would be.

What this hurts is our personnel readiness; it hurts the ability to buy more tanks, to buy more airplanes, to buy more protective gear for our men and women in the military.

□ 2300

It also hurts our taxpayers. As I said earlier, it keeps the military from being able to even buy fuel from Canadian oil sands next door, which, hopefully, some day, will be transported through the Keystone XL pipeline down to United States refineries.

I want to also talk about what the Defense Department has said.

The Acting CHAIR. The time of the gentleman from Texas has expired.

Mr. FRELINGHUYSEN. Madam Chair, I would like to move to strike the last word and yield some additional time to the gentleman, another 5 minutes, if he is so inclined.

The Acting CHAIR. The gentleman from New Jersey has already used the time available to him by striking the last word.

Mr. VISCLOSKY. Madam Chair, I would be happy to yield the gentleman some time, if he needs it, to close.

Mr. FRELINGHUYSEN. I thank the gentleman for yielding, and I in turn yield to the gentleman from Texas.

Mr. FLORES. Thank you. I should be able to do this in a minute.

A letter from the General Counsel of the Department of Defense to Senator INHOFE says:

> The Department of Defense supports Senate 2827, a bill to repeal the requirement with respect to the procurement and acquisition of alternative fuels. The bill would repeal section 526 of the Energy Independence and Security Act of 2007. Section 526 has the potential to generate significant problems for the DOD and its procurement of fuels for the national defense. It creates uncertainty about what fuels the DOD can procure and discourage the development of new sources, particularly reliable domestic sources of energy supplies for the Armed Forces.

Mr. VISCLOSKY. I would simply reiterate my objection to the gentleman's amendment so that is clear for the record, and I yield back the balance of my time.

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

The amendment was agreed to.

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

The motion was agreed to.

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

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BACA (at the request of Ms. PELOSI) for today on account of personal reasons.

Mr. BERMAN (at the request of Ms. PELOSI) for today on account of in district.

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

Mrs. NAPOLITANO (at the request of Ms. PELOSI) for today and June 6 on account of family medical reasons.

ADJOURNMENT

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

The motion was agreed to; accordingly (at 11 o'clock and 4 minutes p.m.), under its previous order, the House adjourned until tomorrow, Wednesday, June 6, 2012, at 10 a.m. for morning-hour debate.

EXECUTIVE COMMUNICATIONS, ETC.

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

6281. A letter from the Secretary, Commodity Futures Trading Commission, transmitting the Commission's ''Major'' final rule — Further Definition of ''Swap Dealer'', ''Security-Based Swap Dealer'', ''Major Swap Participant'', ''Major Security-Based Swap Participant'' and ''Eligible Contract Participant'' [Release No.: 34-66868; File No. S7-39-10] (RIN: 3235-AK65) received May 23, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6282. A letter from the Secretary, Department of Defense, transmitting Annual Report on the Activities of the Western Hemisphere Institute for Security Cooperation (WHINSEC) for 2011; to the Committee on Armed Services.

6283. A letter from the Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to Mexico pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

6284. A letter from the Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to Mexico pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

6285. A letter from the Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to Singapore pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

6286. A letter from the Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to the Philippines pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

6287. A letter from the Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to United Arab Emirates pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

6288. A letter from the Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to the Republic of Korea pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

6289. A letter from the Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to South Africa pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

6290. A letter from the Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to Ireland pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

6291. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's report entitled, ''Report to Congress on the Head Start Fiscal Monitoring Assessment''; to the Committee on Education and the Workforce.

6292. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting biweekly Iraq Status Reports for the December 26, 2011 to February 25, 2012 period; to the Committee on Foreign Affairs.

6293. A letter from the Secretary, Department of the Treasury, transmitting as required by section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), and pursuant to Executive Order 13313 of July 31, 2003, a six-month periodic report on the national emergency with respect to Iran that was declared in Executive Order 12170 of November 14, 1979; to the Committee on Foreign Affairs.

6294. A letter from the Attorney-Advisor, Department of Transportation, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

6295. A letter from the First Vice President, Controller and Chief Accounting Officer, Federal Home Loan Bank of Boston, transmitting the 2011 management report and statement of internal controls of the Federal Home Loan Bank of Boston, pursuant to 31 U.S.C. 9106; to the Committee on Oversight and Government Reform.

6296. A letter from the National Chairman, Naval Sea Cadet Corps, transmitting the 2011 Annual Audit and the 2011 Annual Report of the Naval Sea Cadet Corps (NSCC), pursuant to 36 U.S.C. 1101(39) and 1103; to the Committee on the Judiciary.