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House of Representatives

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

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
July 11, 2011.

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

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

MORNING-HOUR DEBATE

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

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

BALANCED BUDGET AMENDMENT

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

RECESS

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

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

□ 1400

AFTER RECESS

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

PRAYER

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

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

Encourage the Members of this House, O God, to use their abilities and talents in ways that bring righteousness to this Nation and to all people. Ever remind them of the needs of the poor, the homeless or forgotten, and those who live without freedom or liberty. May they be instruments of justice for all citizens. May Your spirit live with them, and with each of us, and may Your grace surround us and those we love that in all things we may be the people You would have us be in service to this great Nation.

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

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

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

Mr. VISCLOSKY led the Pledge of Allegiance as follows:

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

HIGHER TAXES KILL JOBS

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

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

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

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

SUPPORTING ENERGY AND WATER APPROPRIATIONS BILL

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

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

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

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

ENOUGH OF THE BACKROOM DEALS

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

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

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

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

DON'T TAX JOB CREATORS

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

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

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

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

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

GAINESVILLE, GEORGIA—BEST CITY

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

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

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

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

GENERAL LEAVE

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

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

There was no objection.

ENERGY AND WATER DEVELOPMENT AND RELATED AGENCIES APPROPRIATIONS ACT, 2012

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

□ 1410

IN THE COMMITTEE OF THE WHOLE

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

The Clerk read the title of the bill.

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

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

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

The Clerk will read.

The Clerk read as follows:

H.R. 2354

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

TITLE I—CORPS OF ENGINEERS—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

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

INVESTIGATIONS

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

AMENDMENT OFFERED BY MR. KING OF IOWA

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

The CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

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

The CHAIR. The gentleman is recognized for 5 minutes.

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

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

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

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

Mr. DICKS. Will the gentleman yield?

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

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

Mr. DICKS. We would like to have it.

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

The CHAIR. The gentleman from Iowa controls the time.

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

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

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

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

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

I yield back the balance of my time.

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

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

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

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

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

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

Mr. FRELINGHUYSEN. Yes.

Mr. KING of Iowa. I think the chairman has made a significant point here. Sometimes we are playing catch-up. I would like to have had the lead work done so that this information was out in front of the majority and the minority. I think you've seen the water coming down the river. But I would ask this, that if we are willing to work on this, Democrats and Republicans, to bring about a review of the master manual management, then I would ask unanimous consent to withdraw the amendment.

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

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

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

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

Mr. FRELINGHUYSEN. I thank the gentlemen.

I yield back the balance of my time.

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

The CHAIR. Without objection, the amendment is withdrawn.

There was no objection.

The CHAIR. The Clerk will read.

The Clerk read as follows:

CONSTRUCTION

(INCLUDING RESCISSION OF FUNDS)

For expenses necessary for the construction of river and harbor, flood and storm damage reduction, shore protection, aquatic ecosystem restoration, and related projects authorized by law; for conducting detailed studies and plans and specifications of such projects (including those involving participation by States, local governments, or private groups) authorized or made eligible for selection by law (but such detailed studies and plans and specifications shall not constitute a commitment of the Government to construction), $1,615,941,000, to remain available until expended; of which such sums as are necessary to cover the Federal share of construction costs for facilities under the Dredged Material Disposal Facilities program shall be derived from the Harbor Maintenance Trust Fund as authorized by the Water Resources Development Act of 1996 (Public Law 104–303); and of which such sums as are necessary to cover one-half of the costs of construction, replacement, rehabilitation, and expansion of inland waterways projects (including only Olmsted Lock and Dam, Ohio River, Illinois and Kentucky; Emsworth Locks and Dam, Ohio River, Pennsylvania; Lock and Dams 2, 3, and 4, Monongahela River, Pennsylvania; and Lock and Dam 27, Mississippi River, Illinois) shall be derived from the Inland Waterways Trust Fund: *Provided*, That of the unobligated balances from prior year appropriations available under this heading, $50,000,000 is rescinded: *Provided further*, That no amounts may be rescinded from amounts that were designated by the Congress as an emergency requirement pursuant to the Concurrent Resolution on the Budget or the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That except as provided in section 101, the amounts made available under this paragraph shall be expended as authorized by law for the programs, projects, and activities specified in the text and table under this heading in the report of the Committee on Appropriations of the House of Representatives to accompany this Act.

AMENDMENT OFFERED BY MR. TIERNEY

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

The CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

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

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

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

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

□ 1420

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

The CHAIR. A point of order is reserved.

The gentleman from Massachusetts is recognized for 5 minutes.

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

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

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

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

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

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

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

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

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

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

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

I continue to reserve my point of order.

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

The gentleman from New Jersey is recognized for 5 minutes.

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

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

The underlying bill balances these important goals, in part, by reducing the construction account from the fiscal year 2011 enacted level but not by nearly as much as that account was reduced in the President's own fiscal year 2012 budget request. With this level of funding, we are working to reduce the deficit, funding our national defense needs, supporting scientific innovation, and at the same time allowing the Corps to continue progress on the most critical water resources investments.

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

I yield back the balance of my time.

POINT OF ORDER

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

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

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

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

I ask for a ruling from the Chair.

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

The Chair is prepared to rule.

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

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

AMENDMENT OFFERED BY MR. TURNER

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

The CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

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

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

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

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

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

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

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

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

The amendment would restore $241 million to NNSA defense activities, our nuclear weapons activities, with an offset from two water project catch-all funding lines, in the Corps of Engineers' account that were not requested by the President. This restoration is critically important to revitalize and modernize our nuclear security enterprise.

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

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

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

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

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

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

□ 1430

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

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

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

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

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

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

I strongly urge support of this amendment.

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

I ask unanimous consent to withdraw the amendment.

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

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

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

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

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

The CHAIR. Without objection, the amendment is withdrawn.

There was no objection.

AMENDMENT OFFERED BY MR. TIERNEY

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

The CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

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

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

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

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

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

The CHAIR. A point of order is reserved.

The gentleman from Massachusetts is recognized for 5 minutes.

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

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

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

I yield back the balance of my time.

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

The CHAIR. The point of order is reserved.

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

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

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

I continue to reserve my point of order.

The CHAIR. The gentleman continues to reserve.

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

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

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

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

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

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

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

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

I yield back the balance of my time.

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

The CHAIR. The point of order is withdrawn.

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

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

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

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

AMENDMENT OFFERED BY MR. RIVERA

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

The CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

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

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

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

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

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

□ 1440

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

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

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

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

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

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

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

Mr. DICKS. Will the gentleman yield?

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

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

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

I ask unanimous consent to withdraw my amendment.

The CHAIR. Without objection, the amendment is withdrawn.

There was no objection.

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

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

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

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

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

To be sure, Everglades restoration is a priority the Florida congressional delegation takes very seriously, and we have fought for adequate funding every year. Continued investment in Everglades restoration protects our water supply, benefits key job-creating industries, and enhances our quality of life.

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

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

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

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

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

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

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

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

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

In 2001, George W. Bush said:

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

Again, I couldn't agree more.

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

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

I yield back the balance of my time.

AMENDMENT OFFERED BY MR. GRAVES OF MISSOURI

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

The CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

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

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

The CHAIR. The gentleman is recognized for 5 minutes.

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

I live along the Missouri River in Missouri, and we've had families that have been inundated by the flooding that has taken place this year with no real end in sight, to be quite honest with you. This underlying bill provides $73 million for the Missouri River Recovery Program which is used to fund habitat creation projects. Unfortunately, the underlying bill only provides slightly more than $6 million for the maintenance of the levees all the way from Sioux City, Iowa, to the mouth of the Missouri, where it meets up with the Mississippi. So essentially we are spending nearly 12 times more to buy land for the betterment of fish and birds than we are to protect farmers, businesses, and homes that are being flooded right now.

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

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

□ 1450

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

I yield back the balance of my time.

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

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

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

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

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

I yield back the balance of my time.

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

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

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

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

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

I yield back the balance of my time.

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

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

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

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

The Clerk will read.

The Clerk read as follows:

MISSISSIPPI RIVER AND TRIBUTARIES

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

OPERATION AND MAINTENANCE

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

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

AMENDMENT OFFERED BY MR. SCALISE

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

The CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

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

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

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

The CHAIR. A point of order is reserved.

The gentleman from Louisiana is recognized for 5 minutes.

Mr. SCALISE. Mr. Chairman, this is a bipartisan amendment, worked on with Mr. RICHMOND and others, and it deals with dredging. You know, we've seen over the last few months a shift in the Corps of Engineers' policy. In years past, they've always reprogrammed millions of dollars, in many cases tens of millions of dollars, from other areas within their agency because they inadequately had initially funded dredging of our waterways. And of course, this is the lifeblood to moving commerce throughout not only much of our country, but as we export to other countries throughout the world.

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

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

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

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

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

I yield back the balance of my time.

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

The CHAIR. The point of order is reserved.

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

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

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

□ 1500

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

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

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

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

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

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

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

I withdraw my point of order.

The CHAIR. The gentleman withdraws his point of order.

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

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

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

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

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

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

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

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

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

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

And for all of my colleagues in those 30 States that depend upon the Mississippi River, I would just say think about your farmers, think about all of your industrial employees because they need these goods to come up the river so that they can continue to compete. I will just tell that you if you look at a Panamax vessel, the 5 feet of draft—of the difference it would make if we don't dredge the Mississippi River would cost us $3.2 million per voyage.

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

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

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

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

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

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

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

AMENDMENT OFFERED BY MR. BISHOP OF NEW YORK

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

The CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

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

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

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

The CHAIR. A point of order is reserved.

The gentleman from New York is recognized for 5 minutes.

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

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

Over the past few years, my subcommittee has held hearing after hearing on the declining condition of our Nation's water transportation corridors, our levees and flood walls, and our Nation's wastewater infrastructure.

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

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

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

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

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

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

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

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

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

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

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

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

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

□ 1510

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

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

I encourage my colleagues to support this amendment.

I yield back the balance of my time.

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

The CHAIR. The gentleman continues to reserve.

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

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

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

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

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

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

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

Mr. VISCLOSKY. Will the gentleman yield?

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

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

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

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

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

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

POINT OF ORDER

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

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

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

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

I ask for a ruling from the Chair.

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

If not, the Chair is prepared to rule.

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

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

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

AMENDMENT OFFERED BY MR. WOODALL

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

The CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

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

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

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

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

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

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

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

Mr. WOODALL. Thank you, Mr. Chairman.

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

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

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

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

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

I yield back the balance of my time.

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

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

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

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

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

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

□ 1520

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

I urge a ''no'' vote.

I yield to the gentleman from Indiana.

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

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

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

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

Mr. DICKS. Will the gentleman yield?

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

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

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

Mr. MARKEY. I thank the gentleman.

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

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

I yield back the balance of my time.

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

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

Mr. DICKS. There also is another aspect of this that some people don't recognize, and that is ocean acidification, which is upon us. A significant amount of carbon dioxide goes into the oceans. And that's why getting a handle on this and trying to control CO_2 emissions is so very important. And when it goes into the ocean, it has a negative effect on coral and it has a negative effect on oysters. It has a negative effect on anything in a shell. In fact, there is the phytoplankton which is one of the crucial elements for salmon, 60 percent of the food for salmon. If the acidity rate gets as high, the pH rate drops and the acidity goes up, those fish will be adversely affected.

Mr. WOODALL. Will the gentleman yield?

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

Mr. MARKEY. I thank the gentleman.

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

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

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

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

I yield to the gentleman from Georgia.

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

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

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

I thank the gentleman for yielding.

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

Mr. MARKEY. I thank the gentleman.

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

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

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

Mr. MARKEY. Will the gentleman yield?

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

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

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

I yield back the balance of my time.

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

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

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

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

AMENDMENT OFFERED BY MR. COURTNEY

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

The CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

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

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

The CHAIR. The point of order is reserved.

The gentleman from Connecticut is recognized for 5 minutes.

□ 1530

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

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

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

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

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

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

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

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

Now there is legislation pending before the Congress. I am a cosponsor with the gentleman from Louisiana (Mr. BOUSTANY). It is called the RAMP Act. It is an acronym for Restore America's Maritime Promise Act, which is a grandiose title, but it is true. We need to make sure that these harbor maintenance taxes are being directed to their intended purpose when that tax was created in 1986. What the RAMP Act will do is basically cordon off this tax revenue so that it is used for the intended purpose that Congress meant when it was passed in 1986.

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

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

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

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

The CHAIR. The time of the gentleman has expired.

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

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

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

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

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

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

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

Mr. VISCLOSKY. Will the gentleman yield?

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

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

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

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

POINT OF ORDER

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

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

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

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

I ask for a ruling from the Chair.

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

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

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

The Clerk will read.

The Clerk read as follows:

REGULATORY PROGRAM

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

FORMERLY UTILIZED SITES REMEDIAL ACTION PROGRAM

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

FLOOD CONTROL AND COASTAL EMERGENCIES

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

EXPENSES

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

OFFICE OF THE ASSISTANT SECRETARY OF THE ARMY FOR CIVIL WORKS

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

ADMINISTRATIVE PROVISION

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

GENERAL PROVISIONS, CORPS OF ENGINEERS—CIVIL

(INCLUDING TRANSFERS OF FUNDS)

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

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

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

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

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

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

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

(b) Subsection (a)(1) shall not apply to any project or activity authorized under section 205 of the Flood Control Act of 1948, section 14 of the Flood Control Act of 1946, section 208 of the Flood Control Act of 1954, section 107 of the River and Harbor Act of 1960, section 103 of the River and Harbor Act of 1962, section 111 of the River and Harbor Act of 1968, section 1135 of the Water Resources Development Act of 1986, section 206 of the Water Resources Development Act of 1996, or section 204 of the Water Resources Development Act of 1992.

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

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

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

AMENDMENT OFFERED BY MR. SESSIONS

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

The CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Strike section 102.

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

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

□ 1540

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

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

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

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

I urge all of my colleagues to support this commonsense, taxpayer-first amendment and to ensure cost-saving competition is available.

I yield back the balance of my time.

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

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

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

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

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

In general, the circular is profoundly flawed. Both the Government Accountability Office and the Department of Defense Inspector General have reported that agencies are constantly unable to demonstrate that A–76 studies result in savings and that agencies fail to consider the significant costs of conducting such studies. There is nothing wrong with attempts to look for efficiencies in the Federal workforce—that certainly is clear—but when describing A–76 processes, I think of a phrase often uttered by other colleagues: ''That dog won't hunt.''

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

I yield back the balance of my time.

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

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

There was no objection.

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

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

I yield back the balance of my time.

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

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

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

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

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

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

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

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

Over the past decade, Mr. Chairman, two Supreme Court rulings have caused confusion about which waters and wetlands should receive protection under the Clean Water Act. As a result, important fish, wildlife, flood protection, and filtering waters now lack clear protection under the law, and businesses and regulators face uncertainty and delay as to which waters should fall under Federal protection.

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

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

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

□ 1550

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

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

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

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

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

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

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

The CHAIR. The time of the gentleman has expired.

The Clerk will read.

The Clerk read as follows:

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

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

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

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

SEC. 107. The Secretary is authorized to transfer to ''Corps of Engineers-Civil—Construction'' up to $100,000,000 of the funds provided for reinforcing or replacing flood walls under the heading ''Corps of Engineers-Civil—Flood Control and Coastal Emergencies'' in Public Law 109–234 and Public Law 110–252 and up to $75,000,000 of the funds provided for projects and measures for the West Bank and Vicinity and Lake Ponchartrain and Vicinity projects under the heading ''Corps of Engineers-Civil—Flood Control and Coastal Emergencies'' in Public Law 110–28, to be used with funds provided for the West Bank and Vicinity project under the heading ''Corps of Engineers-Civil—Construction'' in Public Law 110–252 and Public Law 110–329, consistent with 65 percent Federal and 35 percent non-Federal cost share and the financing of, and payment terms for, the non-Federal cash contribution associated with the West Bank and Vicinity project.

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

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

AMENDMENT OFFERED BY MR. MORAN

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

The CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

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

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

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

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

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

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

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

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

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

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

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

The CHAIR. The time of the gentleman has expired.

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

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

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

□ 1600

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

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

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

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

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

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

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

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

Work with the western colleagues to clearly understand how to manage natural resources for the betterment of the natural resources, for clean water. Let the people that have allowed us the opportunity to have the clean water have it in the future. That's private property. That's a clear understanding of State regulations.

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

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

I yield back the balance of my time.

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

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

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

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

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

State government has been regulating water for over a century in a very comprehensive, clear, boots-on-the-ground, understand the systems way of managing. Now if you take that and allow the EPA and the Army Corps of Engineers to expand their jurisdiction in a way that includes nonnavigable waters, it will take that regulatory scheme that is working so well, and it will bring it to Washington, 2,000 miles away from where the regulators are currently doing their jobs well every day, and put it right here in Washington, D.C., where people don't understand the scarcity of water, where people don't understand our regulatory schemes, where they don't understand our case law, where they don't understand our ditch riders, where they don't understand our superintendents, where they don't understand our boards of control, they don't understand our State engineers.

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

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

I yield back the balance of my time.

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

The CHAIR. The gentleman is recognized for 5 minutes.

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

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

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

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

□ 1610

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

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

I yield back the balance of my time.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Mr. DICKS. Will the gentleman yield?

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

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

Mr. REHBERG. No.

Mr. DICKS. What time are you talking about?

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

Mr. DICKS. This was more recent?

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

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

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

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

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

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

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

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

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

Mr. MORAN. I thank the gentleman from Washington.

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

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

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

I yield to the gentleman from Virginia.

□ 1620

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

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

Mr. MORAN. They did that.

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

Mr. MORAN. Bill Ruckelshaus.

Mr. DICKS. Bill Ruckelshaus, Bill Agee.

Mr. MORAN. Yes.

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

Mr. HASTINGS of Washington. Will the gentleman yield?

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

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

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

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

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

Mr. HASTINGS of Washington. This is Transportation.

Mr. DICKS. Which one?

Mr. HASTINGS of Washington. Transportation.

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

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

Mr. HASTINGS of Washington. Will the gentleman yield?

Mr. DICKS. I yield to the gentleman.

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

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

Mr. MORAN. Will the gentleman yield?

Mr. DICKS. I yield to the gentleman.

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

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

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

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

Mr. HASTINGS of Washington. Will the gentleman yield?

Mr. DICKS. I yield to the gentleman.

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

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

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

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

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

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

The Clerk will read.

The Clerk read as follows:

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

SEC. 111. (a) Section 5 of the Act entitled ''An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes,'' approved June 22, 1936, (33 U.S.C. 701h), is amended by—

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

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

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

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

AMENDMENT OFFERED BY MR. TERRY

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

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of title I, insert the following:

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

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

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

The gentleman from Nebraska is recognized for 5 minutes.

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

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

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

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

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

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

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

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

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

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

I yield back the balance of my time.

□ 1630

POINT OF ORDER

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

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

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

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

I ask for a ruling from the Chair.

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

Mr. TERRY. I would like to speak.

The Acting CHAIR. The gentleman from Nebraska is recognized.

Mr. TERRY. I tried to make the case that this is basically reiterating already current duties and responsibilities of the Corps but stressing that they need to look specifically at what caused this devastating flood.

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

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

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

If not, the Chair is prepared to rule.

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

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

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

AMENDMENT OFFERED BY MR. MCINTYRE

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

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 15, after line 11, insert the following:

SECTION 112. Section 156 of the Water Resources Development Act of 1976 (42 U.S.C. 1962d-5f) is amended—

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

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

(3) by adding at the end the following:

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

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

The Acting CHAIR. A point of order is reserved.

The gentleman from North Carolina is recognized for 5 minutes.

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

Several of these projects are rapidly approaching the end of that first 50-year period of Federal participation. Currently, there is no language in place to provide a process for the reauthorization of these projects.

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

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

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

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

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

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

POINT OF ORDER

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

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

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

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

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

If not, the Chair is prepared to rule.

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

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

The point of order is sustained.

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

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

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

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

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

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

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

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

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

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

□ 1640

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

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

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

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

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

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

I yield back the balance of my time.

The Acting CHAIR. The Clerk will read.

The Clerk read as follows:

TITLE II—DEPARTMENT OF THE INTERIOR

CENTRAL UTAH PROJECT

CENTRAL UTAH PROJECT COMPLETION ACCOUNT

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

BUREAU OF RECLAMATION

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

WATER AND RELATED RESOURCES

(INCLUDING TRANSFERS OF FUNDS)

For management, development, and restoration of water and related natural resources and for related activities, including the operation, maintenance, and rehabilitation of reclamation and other facilities, participation in fulfilling related Federal responsibilities to Native Americans, and related grants to, and cooperative and other agreements with, State and local governments, federally recognized Indian tribes, and others, $822,300,000, to remain available until expended, of which $10,698,000 shall be available for transfer to the Upper Colorado River Basin Fund and $6,136,000 shall be available for transfer to the Lower Colorado River Basin Development Fund; of which such amounts as may be necessary may be advanced to the Colorado River Dam Fund; of which not more than $500,000 is for high priority projects which shall be carried out by the Youth Conservation Corps, as authorized by 16 U.S.C. 1706: *Provided*, That such transfers may be increased or decreased within the overall appropriation under this heading: *Provided further*, That of the total appropriated, the amount for program activities that can be financed by the Reclamation Fund or the Bureau of Reclamation special fee account established by 16 U.S.C. 460l-6a(i) shall be derived from that Fund or account: *Provided further*, That funds contributed under 43 U.S.C. 395 are available until expended for the purposes for which contributed: *Provided further*, That funds advanced under 43 U.S.C. 397a shall be credited to this account and are available until expended for the same purposes as the sums appropriated under this heading: *Provided further*, That except as provided in section 201, the amounts made available under this paragraph shall be expended as authorized by law for the programs, projects, and activities specified in the text and table under this heading in the report of the Committee on Appropriations of the House of Representatives to accompany this Act.

CENTRAL VALLEY PROJECT RESTORATION FUND

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

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

CALIFORNIA BAY-DELTA RESTORATION

(INCLUDING TRANSFERS OF FUNDS)

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

POLICY AND ADMINISTRATION

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

ADMINISTRATIVE PROVISION

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

GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

(INCLUDING RESCISSION OF FUNDS)

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

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

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

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

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

(5) transfers funds in excess of the following limits:

(A) 15 percent for any program, project, or activity for which $2,000,000 or more is available at the beginning of the fiscal year; or

(B) $300,000 for any program, project, or activity for which less than $2,000,000 is available at the beginning of the fiscal year;

(6) transfers more than $500,000 from either the Facilities Operation, Maintenance, and Rehabilitation category or the Resources Management and Development category to any program, project, or activity in the other category; or

(7) transfers, when necessary to discharge legal obligations of the Bureau of Reclamation, more than $5,000,000 to provide adequate funds for settled contractor claims, increased contractor earnings due to accelerated rates of operations, and real estate deficiency judgments.

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

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

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

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

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

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

TITLE III—DEPARTMENT OF ENERGY

ENERGY PROGRAMS

ENERGY EFFICIENCY AND RENEWABLE ENERGY

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

AMENDMENT OFFERED BY MS. KAPTUR

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

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

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

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

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

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

The Acting CHAIR. The point of order is reserved.

The gentlewoman from Ohio is recognized for 5 minutes.

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

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

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

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

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

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

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

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

□ 1650

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

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

I yield back the balance of my time.

POINT OF ORDER

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

I ask for a ruling from the Chair.

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

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

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

There was no objection.

AMENDMENT OFFERED BY MS. KAPTUR

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

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Ms. KAPTUR. I thank the gentleman very much. I know that the choices are difficult. I guess I would put my marbles on getting the Department to be more efficient in its administrative operations on its nuclear side and on its civil side, and put more of those dollars into research and development for the future of new energy systems, including solar.

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

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

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

The amendment was rejected.

AMENDMENT OFFERED BY MR. MCCLINTOCK

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

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

□ 1700

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

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

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

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

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

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

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

Let me give you another example:

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

These amendments move the government out of all sectors of subsidizing research—biomass, nuclear, solar, wind, fossil fuels—all across the board. Does that mean that research and development will stop on all of these technologies? On the contrary. It means that all of the distortions that government intervention has made in the energy sector can be corrected and that private capital can, once again, flow freely to those technologies that offer the greatest return at the lowest cost.

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

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

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

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

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

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

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

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

I yield to the gentleman from Massachusetts.

Mr. MARKEY. I thank the gentleman for yielding.

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

So here we are. It's 2 months after Fukushima. The capital markets are saying we're not going to touch new nuclear power plants, but this amendment says we're leaving in $476 million for research done by the Federal Government for nuclear power. Yet, for wind and for solar and for all the new technologies coming down the line that don't melt down, no, that money is going to be zeroed out—zero, zero—zero for the future.

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

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

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

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

Mr. McCLINTOCK. Will the gentleman yield?

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

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

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

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

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

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

taking out the funding for the wind and solar industry?

I urge a ''no'' vote.

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

□ 1710

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

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

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

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

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

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

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

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

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

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

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

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

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

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

I urge a ''no'' vote.

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

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

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

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

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

AMENDMENT OFFERED BY MR. MARKEY

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

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

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

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

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

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

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

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

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

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

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

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

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

□ 1720

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

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

I yield back the balance of my time.

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

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

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

The gentleman's amendment would increase funding for Energy Efficiency and Renewable Energy accounts and reduce funding for Fossil Energy Research and Development and nuclear energy research. This would increase money for a program that already receives sufficient funds and hamper efforts to further technologies that produce most of our electricity.

Madam Chair, the gentleman asserted that fossil and nuclear energy are yesterday's sources of energy and that we're shortchanging tomorrow's energy sources. Well, in fact, nuclear energy produces 20 percent of our Nation's electricity, and even the State of Massachusetts depends on nuclear energy for about 10 percent of its energy. Fossil fuels, such as coal and natural gas, generate 70 percent of our Nation's electricity, and we will use these valuable energy sources for many generations. In fact, the Commonwealth of Massachusetts gets 80 percent of its electricity from fossil fuels.

I understand his desire to move us forward, but realistically, we'll be using fossil fuels for decades and nuclear energy perhaps for centuries. And we must ensure that we use those resources as efficiently and clearly as possible. Further, the amendment increases funding for that Energy Efficiency and Renewable Energy account, a program that has seen a record increase since 2007 and still has nearly $9 billion of unspent stimulus funds from 2009. Imagine that.

There's a proper role for core Energy Efficiency and Renewable Energy programs, and our bill preserves funding for those activities while cutting out activities that are redundant with the private sector or that interfere improperly in market innovation.

But his amendment would add back unnecessary funding for administration proposals that are poorly planned and lack justification. For example, the administration proposes more than $200 million to deploy electric vehicle infrastructure. But after repeated requests, the department provided less than one page of explanation for this program. At best, this funding would be poorly used, and at worst, it will interfere with entrepreneurial innovations in infrastructure underway in the private sector.

The administration also proposes a new Race to the Green program, a State and city grant program. Again, after repeated requests for justification to the Department of Energy, this new $100 million proposal is accompanied by barely more than a paragraph of explanation.

When every tax dollar must be spent well, we can't throw money at poorly planned programs while cutting fossil energy and nuclear programs. I, therefore, oppose the amendment and urge all Members to do likewise.

I yield back the balance of my time.

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

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

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

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

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

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. WOODALL) having assumed the chair, Mrs. MILLER of Michigan, Acting Chair of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2354) making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes, had come to no resolution thereon.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Any record vote on the postponed question will be taken after 6:30 p.m. today.

□ 1730

BETTER USE OF LIGHT BULBS ACT

Mr. BARTON of Texas. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2417) to repeal certain amendments to the Energy Policy and Conservation Act with respect to lighting energy efficiency, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2417

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Better Use of Light Bulbs Act''.

SEC. 2. LIGHTING ENERGY EFFICIENCY.

(a) IN GENERAL.—Sections 321 and 322 of the Energy Independence and Security Act of 2007 (Public Law 110–140) are repealed.

(b) APPLICATION.—The Energy Policy and Conservation Act (42 U.S.C. 6201 et seq.) shall be applied and administered as if sections 321 and 322 of the Energy Independence and Security Act of 2007 (and the amendments made by those sections) had not been enacted.

SEC. 3. MERCURY-CONTAINING LIGHTING.

No Federal, State, or local requirement or standard regarding energy efficient lighting shall be effective to the extent that the requirement or standard can be satisfied only by installing or using lamps containing mercury.

SEC. 4. STATE REGULATION.

No State or local regulation, or revision thereof, concerning the energy efficiency or energy use of medium screw base general service incandescent lamps shall be effective.

SEC. 5. DEFINITIONS.

In this Act, the terms ''general service incandescent lamp'', ''lamp'', and ''medium screw base'' have the meanings given those terms pursuant to the Energy Policy and Conservation Act (42 U.S.C. 6201 et seq.), as applied and administered pursuant to section 2.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. BARTON) and the gentleman from Pennsylvania (Mr. DOYLE) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. BARTON of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this legislation, and to insert extraneous material on the bill.

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

There was no objection.

Mr. BARTON of Texas. Mr. Speaker, I yield myself such time as I may consume.

I want to start off by introducing to the body my special assistant this week, Mr. Speaker, young Jack Kevin Barton, my 5-year-old son. He is with me to help with the congressional baseball game that we are going to play on Thursday evening. And he loves coming to the floor, and he loves voting. So we

are glad to have Jack Kevin on the floor with us.

Mr. Speaker, we are here today because of something that happened back in 2007, when this body passed a bill that later became a law that effectively, beginning next year, if not changed, would ban the traditional incandescent light bulb, the 100-watt bulbs, the 60-watt bulbs that we have all grown up with. The bill doesn't truly ban them. It just sets an efficiency standard that the current light bulbs cannot meet.

The problem with the de facto ban, Madam Speaker, is that it has the effect of taking off the market one of the least expensive options for lighting in our constituents' homes. I went to a local grocery store last week and purchased one CFL 60-watt bulb for $5.99. I purchased four 60-watt incandescent light bulbs in a four-pack for $1.50, or 37.5 cents a piece. Now, obviously, a $6 light bulb is a much bigger expense to a moderate- or low-income family than a 37.5-cent light bulb.

The 60-watt CFL does claim it will last 10,000 hours, and it does claim over its life it will save money. That's probably a true statement, Madam Speaker. But what is not so apparent is that that $6 cost up front is real, and the savings may or may not occur, depending upon how long that bulb lasts, how often it's used, and under what conditions it's used.

If you assume that the average bulb is used 4 hours a day, which is what the American Lighting Association assumes, then it is quite possible, Madam Speaker, that that $6 CFL bulb won't last 10,000 hours if it's turned on and off 2,500 times. It might last half that long. So I am not opposed to the squiggly tailed CFLs. I think they have their place in the market. But to take off the market something that's cheap, effective, and in average use costs maybe two or three cents a week to use seems to me to be overkill by the Federal Government.

When I have talked about the light bulb bill in my town hall meetings and in my meetings in my district, I have had very few people, Madam Speaker, say that they think that's a good piece of legislation, that they think the Federal Government should be telling us what kind of light bulbs we should and should not use. They think we should let the marketplace operate. We should repeal this de facto ban, then let people decide whether they want to pay $6 per light bulb or 37.5 cents. Some people may decide that the life expectancy cost savings are worth it. But I bet the majority, the overwhelming majority, would choose the less expensive upfront costs of the traditional incandescent light bulbs.

With that, Madam Speaker, I reserve the balance of my time.

Mr. DOYLE. Madam Speaker, I yield myself 5 minutes.

I rise in opposition to this bill. I was on the committee back in 2007 when we first wrote the efficiency standards that Republicans are trying to repeal here today. The way I remember it, our current chairman, Mr. UPTON, introduced the bill to set the standards. Our former House Speaker, Dennis Hastert, supported it, along with many Republicans. And, finally, President George W. Bush signed these standards into law.

In fact, if you look at the history behind consensus efficiency standard, you will see that this used to be something that we all agreed upon. Beginning with President Reagan in 1987, Congress and the White House have enacted Federal energy efficiency standards five times, each time with bipartisan support. These standards were developed as consensus agreements with manufacturers, energy efficiency advocates, and States.

There's more than 50 products on the market today that are covered by a variety of these Federal standards. Everything from dishwashers and refrigerators to traffic signals have become more efficient as a result of these Federal standards, saving the country energy and saving consumers money.

These standards have been in effect since 1987, have saved Americans about 3.6 quads of energy. If we continue with enacting Federal efficiency standards, we can save up to 6.1 quads of energy by 2030. That is more energy than was used in my State of Pennsylvania in 2008. The light bulb efficiency standards alone will save Pennsylvania 3.64 billion kilowatt hours of energy in a year. That means we'll save $465 million in Pennsylvania in just 1 year from these standards.

In Congress we don't always agree on much; but for the last 25 years, we have been able to agree on energy efficiency. And it's been good for the country and for American families and for the environment. So why would we wish to reverse this policy today? But you know, energy and cost savings aren't the only benefits from these standards.

Having lived in Pittsburgh, Pennsylvania, my whole life, I have seen how efficiency can revolutionize an industry and revitalize a city. In the seventies, I worked two summers at J & L steel mill on Pittsburgh's south side. The industry was doing well, and Pittsburgh was a company town. But in a few years, that industry came to a screeching halt as international competitors were making steel using new technologies and more efficient processes, allowing them to undercut the price of U.S. steel. But the steel industry didn't leave the United States, and it didn't leave Pittsburgh. It reinvented itself. It got smarter and leaner and more energy efficient.

U.S. steelmakers started using blast oxygen furnaces rather than old open hearth furnaces that used more energy. They started doing continuous casting rather than ingots and molds that required reheating. They started using waste heat recovery and energy monitoring and management technologies. As a result, the U.S. steel industry has reduced the amount of energy needed to produce a ton of steel by 33 percent since 1990.

The lighting industry has already begun to revolutionize, much like the industrial steel industry did back in the nineties. When the industry agreed to these efficiency standards in 2007, it was because they knew they could innovate and still be profitable by making the incandescent bulb, yes, colleagues, the incandescent bulb more efficient and developing new technologies like compact fluorescents and LED light bulbs. And even better, the lighting industry began making those bulbs right here in the United States of America. Even in Pennsylvania, Sylvania retooled a plant in St. Mary's, Pennsylvania, to make these incandescent light bulbs that meet the energy efficiency standards that we passed in 2007.

□ 1740

They are being made in the United States by United States steelworkers in Pennsylvania, and you can find them on your shelf at the grocery store or the hardware store. Or you can get these Philips bulbs, also incandescent light bulbs, colleagues. They meet the energy standards that were set in 2007.

Steelworkers are making the filaments in these bulbs in Bath, New York. In fact, United Steelworkers is opposing this bill and telling us at a time when Americans continue to experience downward financial pressures, energy-efficient light bulbs present an everyday solution to a much-needed cost savings.

But it's not just steelworkers that are benefiting. Light bulbs that meet these standards are being made all over the United States of America. In 2011, TCP, one of the world's largest makers of CFLs, is opening a new factory in Ohio.

The SPEAKER pro tempore (Mrs. MILLER of Michigan). The time of the gentleman has expired.

Mr. DOYLE. I yield myself 30 additional seconds.

CFL is making a new factory in Ohio to meet the demand. Seven thousand U.S. jobs have been created by companies like Cree in North Carolina, Lighting Science Group in Florida, and Lighting Philips Company, the world's biggest lighting company, to produce the next generation of efficient LED light bulbs. GE recently invested $60 million to create a Global Center of Excellence for linear fluorescent lamp manufacturing in Bucyrus, Ohio, an action that will double the number of jobs there.

New innovation and energy efficiency has brought jobs to this country. This is not the time to repeal these standards.

UNITED STEELWORKERS,
Washington, DC, July 11, 2011.

HOUSE OF REPRESENTATIVES,
Washington, DC.

DEAR REPRESENTATIVE: Today, Congress is expected to vote on the Better Use of Light Bulbs (BULB) Act (HR 2417). On behalf of the

850,000 members of the United Steelworkers (USW) union, I urge you to vote ''No'' on this bill that would repeal the energy efficiency standards for light bulbs that were enacted under the Energy Independence and Security Act (EISA) of 2007.

The BULB Act would only serve to reverse the spirit of ingenuity that has taken place among light bulb manufactures since the passage of EISA. Rather than viewing the new efficiency laws as a reason to halt production and close their doors, domestic manufacturers, such as Osram Sylvania, decided to retrofit their existing facilities in Wellsboro and St. Mary's, Pennsylvania to produce energy efficient Sylvania Super Saver halogen bulbs. USW members manufacture the outer glass portion of the light bulbs at the Wellsboro facility and assemble the bulbs at the St. Mary's facility.

Osram Sylvania's decision to change their business model and use new technology to produce more energy efficient bulbs works towards our nation's overall goal of reducing our green house gas emissions, but also provides a tangible example of family-sustaining clean energy manufacturing jobs in the U.S.

Additionally, these U.S.-made bulbs have been able to successfully compete against foreign-made compact fluorescent light (CFL) bulbs, which have dominated the market and rely heavily on the use of mercury, which the Sylvania Super Saver halogen bulbs do not contain.

Lastly, at a time when American's continue to experience downward financial pressures, energy efficient light bulbs present an every-day solution to much needed cost-savings. A recent study conducted by the Appliance Standards Awareness Project for the Natural Resources Defense Council (NRDC), found that repealing the energy efficiency standards would cause a seven percent or $85 increase in energy costs for the average household.

Again, we urge you to vote ''No'' on the Bulb Act, and instead to support the spirit of ingenuity, job creation and preservation and energy-savings that have resulted from the improved energy efficiency standards enacted in 2007.

Sincerely,

HOLLY R. HART,
Assistant to the President,
Legislative Director.

I reserve the balance of my time.

Mr. BARTON of Texas. Before I yield to the gentlewoman from Tennessee, I would point out that the light bulbs that my good friend, Mr. DOYLE, just alluded to, are five times to six times as expensive as the traditional incandescent light bulb, and they are not manufactured—I think there is one facility in the United States, a Sylvania facility, that still makes light bulbs. The rest have moved overseas.

I yield 3 minutes to a cosponsor of the legislation, a member of the committee, Mrs. BLACKBURN of Tennessee.

Mrs. BLACKBURN. Madam Speaker, the chairman spoke to the cost of these bulbs and how incredibly expensive they are; and, indeed, our constituents have talked about that.

And to my colleagues who are going to try to support this standard and this de facto ban on the incandescent light bulb, I would simply say two wrongs do not make a right. I know you heard that as you grew up, and I would ask you to think about that in this Chamber today.

Putting this ban, putting these higher efficiency standards in place, many people thought it was the right decision. I didn't think it was the right decision. I voted against it in committee. I voted against all of this on the floor.

But I would ask you just to remember the American people are telling us this doesn't work. They don't like the restrictions that are there in the marketplace. They don't like the fact that the bulbs cost too much money.

And I would also remind my colleagues that all of the CFLs, the compact fluorescent light bulbs, they are made in China. They are not made here. The CFLs don't work as well. It requires more bulbs to get the same amount of light in a given area. These things have proven to be very vulnerable to power surges. We hear that from our constituents in the rural areas.

In essence, Madam Speaker, they don't save any energy, and we know that they are also dangerous because they are filled with mercury. I know that Congressman BURGESS, who has also worked on this with Chairman BARTON and me, is going to speak to that. There is a provision in this that does address the mercury levels.

Also, our legislation says, and I think this is very important, that D.C. cannot mandate the standards on these bulbs, that your State government cannot mandate the standards on these bulbs, that we are going to leave that to the consumer to choose. And consumers want to have that choice.

I think so many groups have come out in favor of our legislation and opposed to these light bulbs, even the AFL–CIO has an interesting little bit on their labor union Web site about that light bulb, making the point that there are many ways to save electricity without shifting all these jobs to China for a mercury-filled light bulb.

We know that the President thought this was going to help create 800,000 U.S. jobs. The only jobs we have found is that the Winchester, Virginia, plant shut down and those 200 jobs, employees that lost their jobs on September 24, 2010, they saw their jobs go to China.

There have been unanticipated consequences of the 2007 act, and it is time for us to say it was bad policy, it was a bad idea, and we need to get it off the books.

Mr. WAXMAN. Madam Speaker, I rise to manage the time on this bill on behalf of the Energy and Commerce Committee Democrats.

The SPEAKER pro tempore. Without objection, the gentleman from California will control the time.

There was no objection.

Mr. WAXMAN. I yield 5 minutes to the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. I thank the gentleman.

First, let's start with how much electricity this saves for our country. It saves the need to construct 30 coal-fired plants over the next 20 years in the United States.

Now, if you are a coal executive, you are a nuclear executive, you are going, Oh, no, kill those more efficient light bulbs. People in America are going to consume less electricity. It will cut into our profits. People will buy these light bulbs.

And, by the way, here's a Sylvania, which, by the way, looks just like those old bulbs too, because it is an old bulb. They just made it more efficient. And so people who are nostalgic for the way bulbs looked for the last hundred years, it is the same look, and it cost a buck 69 for this bulb. But it will save you, over the next 5 years, over the next 10 years, a lot of money. But it won't cost the coal industry and the nuclear industry, who generate electricity, a lot of money because they won't have to build 30 new coal-fired plants.

So let's just think about other things.

And, by the way, every living descendant of Thomas Alva Edison opposes this amendment; by the way, as would every living descendant of Alexander Graham Bell oppose moving from black rotary phones to BlackBerries. I think that Alexander Graham Bell and his descendants would say, I think he would be happy that you made the transition. But, of course, we had to pass legislation here on the House floor to move that technology.

I think that people probably would think twice if a Xerox machine had to come with carbon paper at the same time, just in case people were still nostalgic for carbon paper rather than Xerox paper, because that's really what this debate is all about. It's really a debate about whether or not we are going to continue to see an increase in the efficiency of technologies in our society, especially those that consume energy.

In other words, there is a point to this, and the point is it reduces the amount of greenhouse gases that we have to send up into the atmosphere. It reduces the amount of energy that we have to think about importing from other countries. And it gives to the consumers something that, over the life of the light bulb—and we are talking here about Philips and Sylvania and other companies who have already figured out in the last 4 years how to comply with the law—you don't have to buy one of those funny-looking new light bulbs. You can just buy one of those old light bulbs that look just like the one that your mother and father used to go down to the store and buy. Why? Because finally they had to make them more efficient.

And, by the way, what is the analogy? Well, back in 1987, I was able to author the Appliance Efficiency Act of 1987. And what has happened since then? Well, believe it or not, refrigerators are now three or four times more efficient. Air conditioning systems are now three to four times more

efficient. And because of that, there are hundreds of coal-fired plants that did not have to get built in this country.

Because all of these lights in this room, all of the air conditioning in this room, well, for every building across the country, piled up, that's why we need coal-fired and nuclear-fired plants.

□ 1750

The fewer of them that there are is directly related to how efficient we make the things that we plug into the wall. So light bulbs are at the very top of the list because they're on in every single room in the United States every day. So if you can double the efficiency, then you reduce dramatically the number of nuclear power plants and of coal-fired plants that have to get built.

That's really what we should be all about. We have to learn how to think smarter and not harder. We have to think how we use technology to improve our society and not bring out legislation on the floor that prohibits the advance of technology, prohibits the advance of science, prohibits the advance of efficiency in our society. And just like the Blackberry has transformed our society in the last 15 years and no one would want to go back to that old era of 1996 before the broadband revolution began, the same thing is true for these more, modern, efficient light bulbs. They save people money. They give them just the same kind of light. They reduce the amount of pollution that we send up into the atmosphere, and they make America the leader technologically on these technologies that are ultimately going to be sold in every country in the world.

I urge a ''no'' vote.

Mr. BARTON of Texas. Briefly, to reply to my good friend from Massachusetts, the light bulbs that he just showed, the least expensive one of those I think he said was about $1.60, $1.70. Your traditional incandescent light bulb you can buy, if you can find them, for anywhere from 25 cents to 40 cents apiece. So that light bulb is still five to six times more expensive than the classic incandescent bulb.

With that I yield 3 minutes to another original sponsor of the legislation, a member of the committee of jurisdiction, the good doctor from Denton County, Texas, Dr. MICHAEL BURGESS.

Mr. BURGESS. I thank the gentleman for yielding.

Four years ago, the summer of 2007, the then-new Democratic majority brought legislation to our committee that included a provision that I frankly did not understand what in the world they were trying to do, a provision that would regulate the type of light bulb that every American would have to use in their home.

During the markup of this bill, I was outspoken in my opposition to the language. I introduced amendment after amendment to try to modify or prevent this from happening, and over and over again I was struck down along party lines. I tried to amend the bill so that we would not have to require the use of a mercury-containing light bulb in areas where there were vulnerable populations—nurseries in hospitals, nursing homes—where it would be difficult to move the people out of the way in order to comply with the EPA's guidelines for how you would deal with accidental breakage of one of these bulbs.

The bottom line is that I and every other American should be permitted, should be allowed to determine what type of light bulb we use at home. It seems so simple. Whatever happened to government with the consent of the governed?

But now the government wants to tell consumers what type of light bulb they use to read, cook, watch television, or light their garage. In fact, consumers should make that decision, and they should make that based upon what is available in the marketplace. However, we have distorted what's available in the marketplace.

Proponents claim that this bill does not ban incandescent bulbs. Well, that's correct. What it does ban is the 100-watt light bulb. Let me repeat. The 2007 Energy Security Act bans the 100-watt light bulb. That's just flat wrong. Consumers should be making the decision as to whether or not they use a 100-watt bulb in their home, not bureaucrats in Washington.

The new bulbs cost more. American families are already tightening their budgets. They need to be able to make the decision: Do I save on the electric bill, or do I save on the purchase of a light bulb? We should not be picking winners and losers in the United States Congress.

Now, I'm a strong supporter of energy efficiency. I do an energy efficiency summit every summer in my district. I did one last weekend. I invite speakers to talking about what businesses and constituents can do to conserve energy. I drive a hybrid. I have taken steps to make my home more efficient. But I've done all of this because it was the right thing to do, and I purchased those things on the open market because they made sense to me and my family, not because the Federal Government or even the gentleman from Massachusetts told me that this was what I should be doing. The American people should be able to choose what type of light bulb they use in their home. They should not be constrained to all of the romance of a Soviet stairwell when they go home in the evening.

Look, I work in a Federal building. I understand that in a Federal building I'm going to work under fluorescent light. I get that. But when I go home at night, I should be able to read my paper by the light of an incandescent bulb if that is my choice. I purchase other things, and I'm able to make an adult choice about that. I should be able to make the choice about what wavelength of light to use.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. BARTON of Texas. I yield the gentleman an additional 30 seconds.

Mr. BURGESS. Here's the bottom line: Those of us of a certain age under a compact fluorescent bulb, we don't look as good as we do under an incandescent bulb. Even the former chairman of my Committee of Energy and Commerce suffers from what might be called ''spectrum fatigue'' under a compact fluorescent bulb. We need to be able to have the type of bulb that Americans choose, not that Congress chooses.

Mr. WAXMAN. Madam Speaker, I am pleased to yield 3 minutes to the gentleman from New Jersey (Mr. HOLT).

Mr. HOLT. I thank the gentleman.

Madam Speaker, I rise in opposition.

Many have claimed that Washington will ban the sale of conventional incandescent light bulbs. My colleague from Texas just said he regrets that he would lose this soft glow of the incandescent light. In fact, he can use an incandescent light. It looks like this. It looks familiar. It's what in comic strips you put above somebody's head to say, ''I've got a good idea.'' Not that I'm going to keep doing things the old way and stick in a rut, no. I've got a good, new idea.

That's what happened a few years ago when it became apparent that technology had come so far that we didn't have to throw away 90 percent of the energy of an incandescent light bulb. Scientists had shown us how you can make light bulbs that would produce, as these do, 100 watts worth of light for 72 watts of electricity charge, and you could do it for $1.49 for each of them here.

Well, in a bipartisan effort, this legislation that has driven the country forward in lighting was passed, and now the majority on a partisan tear is coming and trying to repeal it just when it shows that it is working. About 15 percent of residential electricity goes into lighting. Wouldn't you, wouldn't anyone, like to save 30 percent of that, which is just being thrown away?

Now, my colleagues say Congress shouldn't be doing this. Why are they not also issuing calls for turn-of-the-century Model Ts or iceboxes? They have sort of a yearning for the good old days, technologies that are roughly as old as the incandescent light bulb.

We're proud in New Jersey of Thomas Edison. But we've improved the talking machines. We've done a little bit better with the moving pictures. Now, Model Ts and iceboxes are technologies that actually happen to have been improved through Federal standards. The companies are moving rapidly to make more efficient lighting that will give you all the advantages you want that you're used to of the incandescent bulb and save you bundles. Yes, this costs a few

dimes more, but let me tell you, you start saving dimes the moment you screw these into the socket.

This is a bad idea to repeal it.

Mr. BARTON of Texas. Madam Speaker, I yield 3 minutes to the gentleman from Houston, Texas, Judge TED POE.

Mr. POE of Texas. I thank the gentleman for yielding.

Madam Speaker, energy efficiency is a good idea. Mandated by the Federal Government under this legislation that we're currently serving under, it is preventing competition. The Federal Government is creating a monopoly.

□ 1800

The Model T Ford is not outlawed. You can still buy one if you can find one. But the Federal Government hadn't banned it just because it's inefficient. Iceboxes—some of us actually know what an icebox looks like—are not banned by the Federal Government. You can still find one and use one if you want to because it's competition, even though they are inefficient. But the issue is should the Federal Government come in and mandate a monopoly? And that is what has occurred.

Second, these new light bulbs, these CFL light bulbs, are dangerous to our health. Dr. BURGESS has already pointed out they contain mercury. I thought for years we were trying to get rid of the mercury in our environment, but it is in these light bulbs. Plus, now French scientists have discovered that these new CFL light bulbs may cause blindness in children. German scientists have found out it's reported that these light bulbs may cause cancer. Now, isn't that lovely? The Federal Government is mandating something that is hazardous to our health because you have no choice.

And the whole issue is about choice, Madam Speaker, that we can let the consumer decide. What's wrong with letting the consumer decide? Why are you opposed to the consumer making this choice? You want the Federal Government to mandate it. Now the Federal Government is in the business of forcing us to do something that is harmful.

And, finally, the EPA even warns in their 1,000-word, three-page, single-spaced document about these CFL light bulbs how dangerous they are, and they tell us how to dispose of one of these light bulbs.

I will insert into the RECORD this three-page, single-spaced report by the EPA on how to dispose of one of these light bulbs.

So we are, after the passage of this legislation years ago, finding out that these aren't the greatest things in the world, and we have found and shed a little light on this new CFL light bulb. The CFL light bulb is not a brighter idea. It is too expensive, it is unhealthy for Americans, and it doesn't allow for competition. So if we don't pass this bill, we might as well turn out the lights; the party is over for the traditional incandescent light bulb.

And that's just the way it is.

Mr. WAXMAN. Madam Speaker, I yield 1 minute to the gentleman from Pennsylvania (Mr. ALTMIRE).

Mr. ALTMIRE. I continue to hear my colleagues promote the fantasy that government has banned the incandescent light bulb. They think if they say it over and over again that it will be true. But it's not true. The incandescent light bulb is not banned. Manufacturers are not told which technology to use to produce light bulbs, and consumers will still be able to buy the incandescent light bulb for years to come.

Incandescent bulbs that meet the new standards are already on the market. Three American-made brands are here before me. They have the same look and emit the same light as traditional incandescent bulbs. But there is a difference: They last much longer and offer substantial energy efficiency savings for consumers.

Hopefully, a symbolic light bulb will soon go on above the heads of my colleagues to enlighten them to let them know that their rhetoric bears no fact to reality, and the incandescent bulb is here to stay whether they like it or not.

Mr. BARTON of Texas. I yield 1 minute to one of our vigorous new Members from the great State of Illinois, Congressman HULTGREN.

Mr. HULTGREN. Madam Speaker, I rise in strong support of the BULB Act because, simply put, the government has no business telling my constituents what kind of light bulbs they can use in their homes. Here's a novel idea: Let's let the free market work. This valuable bill would restore consumer choice and remove the danger posed by mandated mercury-filled compact fluorescent bulbs in our homes. As a constituent of mine said recently: Like we need a light bulb that requires a hazmat suit to clean up if you break it.

I urge my colleagues from both parties to support this bill and restore consumer choice to their constituents.

Mr. WAXMAN. Mr. Speaker, how much time remains on both sides?

The SPEAKER pro tempore (Mr. LANKFORD). The gentleman from California has 5½ minutes remaining. The gentleman from Texas has 6 minutes remaining.

Mr. WAXMAN. I yield myself the balance of my time.

Mr. Speaker, you have to ask: How do they come up with this great idea to put this bill on the House floor today under the suspension of the rules? This calendar is usually put in place for noncontroversial bills. But this is a controversial bill. In fact, it's a bill that never had a single hearing in the Energy and Commerce Committee, which has jurisdiction. Not only would it eliminate national standards, it would bar any State standards, taking away longstanding State authority to improve efficiency in the absence of Federal action. And we should have cleaned up the drafting of this bill that eliminates all efficiency standards for fluorescent lighting.

I oppose this bill, first of all, on procedural grounds. We shouldn't adopt legislation with significant impacts without a single hearing or markup to understand what it does. But I strongly oppose this BULB Act on substance. It would undermine job growth, strand investments that have been made to make sure that we meet these new standards, waste $12 billion a year on unnecessary electricity bills, and increase pollution.

I don't think my colleagues on the other side of the aisle would come to the floor and say: Why are we requiring new cars to meet tighter emissions standards or tighter pollution standards? Let the public be able to choose the old ones that polluted more.

I would be amazed if the colleagues on the other side of the aisle came here and said: Why should we have more efficient dryers, washers, and refrigerators? We like the old ones that were less efficient.

This bill is absolutely unnecessary. In 2007, the lighting industry and the efficiency advocates reached a consensus on national standards to make light bulbs more efficient and avoid a patchwork of conflicting State standards, and, effective January 1 of next year, these national standards will go into effect.

So what we have is an attempt to repeal a proposal that was offered by our current chairman of the Energy and Commerce Committee, the gentleman from Michigan (Mr. UPTON), and former Congresswoman Jane Harman. It passed on a bipartisan voice vote with Members of both sides of the aisle speaking in favor. This bill, which they want to repeal, was signed into law by President George W. Bush as part of the 2007 Energy Independence and Security Act.

Since it was signed into law, manufacturers have made millions of dollars in investments to produce more efficient incandescent bulbs. Not one manufacturer but a number of manufacturers can compete, and are competing, once they can figure out how to meet these standards, and they're doing it very well.

The new incandescent bulb looks and works just like the old incandescent bulb. In fact, we know this to be the case. The only difference between this bulb and the old one is that it will last longer, cost less over the life of the bulb. American families will save an average of $100 a year with the new standards. This is particularly welcome in today's tough economy and adds up to a nationwide savings of $12 billion a year.

These investments are creating new jobs in the United States. While most manufacturers moved their production of the old incandescent bulbs overseas years ago, research and development

and high-technology manufacturing is now happening here. For example, there are LED facilities now in North Carolina, California, and Florida. This is a growth industry. Phillips hired 100 more people at its LED facility last year.

If we repeal this law and enact the so-called BULB Act, we will repeal standards that are driving this competition, and we'll switch back to a time when U.S. jobs would return to China and Mexico.

On January 1, 2012, we will be able to buy a better incandescent light bulb that looks and feels the same as the old ones. You don't have to buy compact fluorescents now. You don't have to buy them on January 1, 2012. You can buy the better incandescent bulbs or LEDs, neither of which contain mercury. That's more choice, not less.

Well, if this bill had moved under regular order, they might have heard at a hearing that the following groups are now opposing this legislation to repeal the law: The National Electrical Manufacturers Association, the Consumers Union, the Consumer Federation of America, the American Lighting Association, the National Association of State Energy Officials, the National Association of Energy Service Companies, Pacific Gas and Electric Company, Seattle City Light, Johnson Controls, Philips Electronics, United Technologies Corporation, United Steelworkers, Alliance to Save Energy, National Wildlife Federation, and the Environmental Defense Fund.

I urge my colleagues to oppose this bill and not repeal a law that's working as we intended it to.

NEMA,
Rosslyn, VA, July 11, 2011.

The National Electrical Manufacturers Association, representing over 95% of the U.S. lighting manufacturing industry, opposes HR 2417. A repeal of the standards established in EISA 2007 would strand millions of dollars in investments, provide a marketplace advantage to companies who have not made similar investments, create regulatory uncertainty, and increase energy consumption in the United States. Lighting manufacturers have invested heavily to comply with the federal incandescent lighting energy conservation standards as well as the standards for fluorescent and metal halide lighting described below.

Section 321 of EISA 2007 established for the first-time federal efficiency standards on the manufacturing of common light bulbs. It requires bulbs to be about 30% more efficient than today's bulbs.

The standards do not ban incandescent light bulbs.

The standards apply to production starting January 1, 2012 for the 100 watt bulb; January 1, 2013 for the 75 watt bulb; and January 1, 2014 for the 60 and 40 watt bulbs. EISA permitted California to adopt the federal standards one year earlier.

Consumers will have expanded lighting options that include:

advanced incandescent,

compact fluorescent lights (CFLs), and

new lighting technologies like light-emitting diodes (LEDs).

The standards are implemented over several years. This will permit an orderly process for the transition both in terms of product manufacturing but also in terms of the consumer education and awareness of the transition and what products they need for their lighting needs. Just like today, no one bulb fits every lighting application or meets every consumer need.

Lighting accounts for about 12% of energy use in homes. While individual home usage varies, it is estimated that the average household savings associated with this transition is over $100 per year, every year going forward. Overall national energy savings is estimated at $10–15 billion per year, every year going forward, depending on assumptions of usage and what type of technology is selected to replace traditional incandescent.

Section 3 of HR 2417 would repeal all current energy conservation standards for a variety of energy efficient lighting:

1. General Service Fluorescent Lamps (tubes). Section 3 would repeal the standards that DOE promulgated in 2009 that are effective a year from now. It would also repeal the current standards that went into effect in 1996 that Congress enacted in the Energy Policy Act of 1992.

2. Compact Fluorescent Lamp (medium screw base). Section 3 would repeal the standards that Congress adopted in the Energy Policy Act of 2005.

3. Metal halide lighting. It would repeal the standards that Congress adopted in Energy Policy Act of 2005.

When combined with the EISA repeal language in Section 2 for incandescent lighting (EISA section 321) and certain incandescent reflector bulbs (EISA section 322), HR 2417 would erase all energy conservation standards for lighting products, except the standards for fluorescent lamp ballasts and other types of incandescent reflector lamps.

NEMA encourages you to vote ''no'' on HR 2417 or any other provision that would repeal the incandescent light bulb standards.

JULY 10, 2011.

DEAR REPRESENTATIVE: The House is expected to vote early next week on the BULB Act (H.R. 2417), which would repeal energy efficiency standards for light bulbs that were enacted in 2007. We urge you to oppose this legislation. There is no ban on incandescent bulbs—they are just getting better.

As a result of the 2007 law, manufacturers are already making a variety of new energy saving bulbs for homes, including more efficient incandescent bulbs. These bulbs look, light, and turn on like the bulbs we have been using for decades, but are 28–33 percent more efficient.

Energy efficient lighting saves consumers money, creates jobs, and benefits the environment. At a time when families are struggling with high energy costs, efficient lighting will save the average American family around $100 every year (about $12 billion nationwide) and save enough energy annually to power all the homes in Pennsylvania and Tennessee.

Phasing-in energy efficient light bulbs means more choices and savings . . . that's good for families, the country, and the environment. We urge you to oppose repeal of the light bulb efficiency standards.

Sincerely,

AEC Science & Technology; Alliance to Save Energy; American Council for an Energy Efficient Economy; American Lighting Association; Appliance Standards Awareness Project; Association for Facilities Engineering; Association of State Energy Research Institutions; Beneficial Results LLC; BlueGreen Alliance; Business Council for Sustainable Energy; Businesses for an Energy Efficient Texas Coalition; Ceres; Citizens for Pennsylvania's Future (PennFuture); Clean Energy Associates; Conservation Law Foundation; Conservation Services Group; Consumer Federation of America; Consumers Union; CREE; Earthjustice; Ecobuild America; Efficiency First; Energy Future Coalition; Environment America; Environment California; Environment Colorado.

Environment Illinois; Environment Maryland; Environment Minnesota; Environment New Mexico; Environment New York; Environment Ohio; Environment Texas; Environmental and Energy Study Institute; Environmental Defense Fund; Fresh Energy; Illuminating Engineering Society of North America; Institute for Energy and Environmental Research; Interfaith Power & Light; Izaak Walton League of America; Johnson Controls Inc.; kWhOURS, Inc.; LED Waves; Lighting Science Group Corporation; McKinstry; National Association of Energy Service Companies; National Association of State Energy Officials; National Association for State Community Services Programs; National Electrical Manufacturers Association; National Grid; Natural Resources Defense Council; Northeast Energy Efficiency Partnerships.

Northwest Energy Coalition; Northwest Energy Efficiency Alliance; Office of the Ohio Consumers' Counsel; Pacific Gas & Electric Company; PennEnvironment; Philips Electronics North America Corporation; Polyisocyanurate Insulation Manufacturers Association; Public Citizen; Republicans for Environmental Protection; Sacramento Municipal Utility District; Seattle City Light; Southern Alliance for Clean Energy; Southwest Energy Efficiency Project; Texas Impact; The California Energy Efficiency Industry Council; The Center for the Celebration of Creation; The Stella Group, Ltd.; United States Green Building Council; United Technologies Corporation; Urban Green Council; Utah Clean Energy; William C. Velasquez Institute; Windustry; Wisconsin Environment.

JULY 6, 2011.

House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE: We write to urge you to vote against H.R. 91, (the ''BULB Act''), or any other legislation that would repeal efficiency standards for lighting which were adopted by the Congress in 2007. Repealing these standards would increase consumer energy costs, waste energy, and diminish consumers' lighting choices.

The new lighting standards do NOT ban incandescent bulbs. Rather, these standards are technology-neutral, and manufacturers have already developed more efficient incandescent bulbs that are available and on the market today. Efficient options that meet the new standard include a wide variety of technologies and high quality bulbs, many of which are dimmable, can withstand cold, are long-lasting, and come in a range of intensity and colors. Efficiency standards have enhanced the numerous lighting options for consumers to choose from, as inefficient models have been scheduled to phase out of the market and new options to replace them have been developed.

Lighting accounts for 10–15% of household electricity use, and is one of the cheapest efficiency upgrades available to consumers. Repealing lighting standards would undermine consumer savings, drive up costs for efficient lighting, and increase demand on the

power grid, which increases the cost of electricity.

Consumers Union, Consumer Federation of America, National Consumer Law Center, Public Citizen, and National Consumers League strongly believe that Congress should continue to move efficiency standards forward, not backward. We thank you for your attention to this important consumer matter and urge you to vote against any legislation that would repeal lighting efficiency standards.

Sincerely,

SHANNON BAKER-BRANSTETTER,
Consumers Union.
SALLY GREENBERG,
National Consumers League
MEL HALL-CRAWFORD,
Consumer Federation of America.
TYSON SLOCUM,
Public Citizen.
CHARLIE HARAK,
National Consumer Law Center, on behalf of its low-income clients.

JULY 8, 2011.

DEAR REPRESENTATIVE: The House is scheduled to vote this Monday on the BULB Act (H.R. 2417), which would repeal energy efficiency standards for light bulbs. On behalf of our millions of members and supporters, we urge you to oppose this bill. The standards were enacted in 2007 with strong bipartisan support and signed into law by President Bush.

Many proponents of legislation to repeal the standards claim that they ban the incandescent light bulb, which is simply not true. The standards just require the bulbs to be more efficient. Manufacturers are already making a variety of bulbs that meet the new standards, including incandescent bulbs that are 28–33 percent more efficient than the traditional incandescent bulb that has changed little over the past 125 years. These new incandescent bulbs look, light, and turn on like the old bulbs. Consumers also have the option to buy compact fluorescent lamps (CFLs) and light emitting diodes (LEDs), which provide even greater cost and energy savings.

Repealing the standards would jeopardize their benefits, which include:

Annual energy bill savings of about $100 for the average American family and approximately $12 billion nationwide.

Decreased energy demand, which would avoid the need for 30 large power plants, decreasing levels of harmful air pollution.

American jobs making better, more efficient light bulbs that meet the new standards. More than 2,000 jobs have already been created at lighting facilities in the U.S., and the standards are key factor in this development.

The light bulb energy efficiency standards will help bring light bulb technology from the days of the horse and buggy to the 21st Century, which will save consumers money, create jobs, and reduce pollution. We urge you to oppose legislation that would repeal these standards.

Sincerely,

Carol Andress, Legislative Director, Climate and Air Program, Environmental Defense Fund.

Anna Aurilio, Washington, D.C. Office Director, Environment America.

Dan Becker, Director, Safe Climate Campaign.

Melanie Beller, Vice President, Public Policy, The Wilderness Society.

Joy Bergey, Federal Policy Manager, Citizens for Pennsylvania's Future (Penn Future).

Joy Bergey, Executive Director, The Center for the Celebration of Creation.

Marty Hayden, Vice President, Policy and Legislation, Earthjustice.

Bryan Howard, Legislative Director, U.S. Green Building Council.

Seth Kaplan, Vice President for Policy and Climate Advocacy, Conservation Law Foundation.

Scott Kovarovics, Conservation Director, Izaak Walton League of America.

Nat Mund, Legislative Director, Southern Environmental Law Center.

Sandy Newman, President, Voices for Progress.

Elsa Ramirez, Board Member, Voces Verdes.

Kathleen Rogers, President, Earth Day Network.

Lexi Shultz, Legislative Director, Climate and Energy Program, Union of Concerned Scientists.

Debbie Sease, Director, National Campaigns, Sierra Club.

Scott Slesinger, Legislative Director, Natural Resources Defense Council.

Tyson Slocum, Director, Energy Program, Public Citizen.

Stephen A. Smith, DVM, Executive Director, Southern Alliance for Clean Energy.

Bill Snape, Senior Counsel, Center for Biological Diversity.

Lynn Thorp, National Campaigns Coordinator, Clean Water Action.

Karen E. Torrent, Federal Legislative Director, Environmental Law and Policy Center.

Brooks Yeager, Executive Vice President, Clean Air–Cool Planet.

LEAGUE OF CONSERVATION VOTERS,
Washington, DC, July 8, 2011.

Re Oppose H.R. 2417, the BULB Act of 2011.

House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE: The League of Conservation Voters (LCV) works to turn environmental values into national priorities. Each year, LCV publishes the National Environmental Scorecard, which details the voting records of members of Congress on environmental legislation. The Scorecard is distributed to LCV members, concerned voters nationwide, and the media.

LCV urges you to vote NO on H.R. 2417, the so-called Better Use of Light Bulbs Act of 2011. This bill would eliminate the common-sense energy efficiency standards for light bulbs that passed with strong bipartisan and industry support and were signed into law by President Bush in 2007. It would roll back the financial and public health benefits of these standards that will contribute to billions of dollars in savings for American families, thousands of new jobs in the manufacturing sector, and energy savings equivalent to 30 large power plants. This legislation also preempts the rights of states to issue their own energy efficiency standards for light bulbs.

Supporters of H.R. 2417 have falsely claimed that new standards would ban conventional incandescent light bulbs and require consumers to purchase compact fluorescent lamps (CFLs). The standards simply require that light bulbs be more energy efficient. In fact, manufacturers, including GE, Philips, and Osram Sylvania, are already making a number of bulbs, including incandescent bulbs that meet this new standard. These common-sense standards will continue to provide American families with a choice for their lighting needs, but with lower energy bills and estimated savings of about $100 per year for the average family.

The economic and public health benefits of these standards are already being demonstrated. Manufacturers are expanding or opening lighting plants, creating thousands of new, quality jobs here in the U.S. Once fully implemented, the standards will significantly decrease both energy demand and harmful pollution.

We urge you to REJECT H.R. 2417: this assault on common-sense efficiency standards will only increase American families' energy bills, cost jobs, and increase pollution. We will strongly consider including votes on this bill in the 2011 Scorecard. If you need more information, please call Tiernan Sittenfeld, Sara Chieffo, or Alex Taurel in my office at (202) 785–8683.

Sincerely,

GENE KARPINSKI,
President.

NATIONAL WILDLIFE FEDERATION,
NATIONAL ADVOCACY CENTER,
Washington, DC, July 11, 2011.

DEAR REPRESENTATIVE: On behalf of the National Wildlife Federation and our over 4 million members and supporters nationwide, I urge you to oppose the ''Better Use of Light Bulbs (BULB) Act'' (H.R. 2417), or any similar legislation that would repeal energy efficiency standards for light bulbs that were enacted in 2007 with strong bipartisan support and signed into law by President Bush.

Despite claims by critics of the provision, the standard is not a ban on the incandescent light bulb. U.S. lighting manufacturers are already producing advanced incandescent light bulbs that meet the EISA energy efficiency standards. These fully dimmable, instant-on bulbs look like and provide the same quality of bright, white light consumers are use to—while consuming nearly 30 percent less energy. The difference between the newer high-tech bulbs and the venerable 135-year-old Incandescent is $15.8 billion annually—saving each U.S. family of four more than $200 a year.

Energy efficiency measures are one of the cheapest and quickest ways to reduce carbon pollution that contributes to climate change. The light bulb efficiency standards will reduce pollution that harms our public health, including emissions of mercury and carbon pollution. The standards will prevent more than 100 million tons of carbon pollution per year—the equivalent of taking 17 million cars off the road. Coal-fired power plants are the number 1 man-made source of mercury emissions in the US and put public health and wildlife at risk. When fully implemented, the new lighting standards would eliminate 60 percent of the mercury emissions caused by common household lighting. New energy-efficient incandescent bulbs and LEDs contain no mercury and while CFLs do contain a very small amount of mercury—equivalent in size to the tip of a ballpoint pen and one-fifth the amount of mercury in a watch battery on your wrist—they result in less than half the overall mercury emissions as traditional incandescent bulbs.

The light bulb energy efficiency standards are backed by the lighting industry! The industry has already made very significant investments to develop and produce more efficient bulbs. Repealing this standard will create uncertainty for manufacturers and threaten jobs. Now is the time to implement common-sense measures, like efficiency standards, to save consumers money, create jobs, and reduce pollution. The National Wildlife Federation urges you to oppose legislation that would repeal these standards.

Sincerely,

LARRY SCHWEIGER,
President & CEO.

REPUBLICANS FOR ENVIRONMENTAL PROTECTION, GOVERNMENT AFFAIRS OFFICE,
Oakton, VA, July 11, 2011.

DEAR REPRESENTATIVE: Republicans for Environmental Protection (REP), a national

grassroots organization of Republican voters and elected officials, respectfully urges you to vote against the ''BULB Act'' (H.R. 91) or any other legislation that scuttles the common-sense efficiency standards for light bulbs that were enacted in the 2007 energy bill.

This irresponsible and embarrassing legislation is entirely based on the false premise that the new standards phase out or ban incandescent screw-base light bulbs. A simple trip to Home Depot would reveal just how false that premise is.

All major lighting manufacturers, including Philips, Sylvania and GE, currently produce and sell incandescent light bulbs that meet or exceed the new standards. In fact, the lighting industry helped craft the 2007 legislation with the full understanding that they could produce incandescent bulbs that meet the new standards.

Also, contrary to the claims made by sponsors of the ''BULB Act,'' these new incandescent bulbs are not expensive. A Philips bulb that meets the new standards sells for $1.49, lasts about 50 percent longer that older incandescent bulbs, and saves consumers roughly $10 in energy cost.

If passed this legislation would not only waste energy and cost consumers money, it would also threaten the millions of dollars lighting manufacturers have invested in retooling their factories to produce bulbs that meet the new standards.

There is nothing new or unusual about federal legislation setting efficiency standards for energy-using equipment. The first such legislation was signed into law 25 years ago by President Ronald Reagan. Thanks to the standards in the Reagan legislation and similar laws signed by his successors, Americans are saving billions of dollars on their utility bills.

Anyone who has been misled by the irresponsible untruths being spread about the new standards will find their concerns to be totally unfounded once January of 2012 rolls around.

The only thing this legislation will accomplish is the waste of energy and money. Waste is not conservative, and passing legislation that is based on a totally fictitious premise is not prudent.

How does peddling inefficient lighting that throws off more heat than light help our nation's energy security? How does it help consumers save money? It doesn't.

The iconic conservative author and theorist Russell Kirk correctly pointed out: ''Nothing is more conservative than conservation.''

Please stand up for energy efficiency and saving money. Please oppose this bizarre legislation to repeal industry-supported lighting efficiency standards. It is an embarrassment to Congress and to our party.

Thank you for your time and attention to this matter.

Sincerely,

DAVID JENKINS,
Vice President for Government and Political Affairs.

CALIFORNIA LEGISLATURE,
STATE CAPITOL,
Sacramento, CA, July 11, 2011.

Hon. JOHN BOEHNER,
The Capitol,
Washington, DC.
Hon. NANCY PELOSI,
Cannon House Office Building,
Washington, DC.

DEAR SPEAKER BOEHNER AND MINORITY LEADER PELOSI: The undersigned leaders of the California State Legislature strongly oppose federal efforts to invalidate California energy efficiency standards and urge you to vote ''no'' on H.R. 2417 or any other measure that strips states of their authority to pursue clean energy policies that benefit their citizens.

Effective January 1, 2011—a year earlier than the rest of the nation—California began implementing state standards that require light bulbs to be 30 percent more efficient. H.R. 2417 expressly invalidates these California standards and repeals similar federal standards set to take effect on January 1, 2012.

For decades, California has led the nation in energy efficiency standards for buildings and appliances, and now light bulbs, as part of an overall strategy to reduce energy use, lower consumers' utility bills, and create good jobs for a clean energy economy. California's standards have resulted in tens of billions of dollars in utility bill savings for its citizens. It is estimated that California's early implementation of the light bulb standards will avoid the sale of 10.5 million inefficient bulbs that would cost consumers $35.6 million in unnecessarily higher electricity bills. Studies indicate that using more efficient bulbs would save the average California household about $125 per year.

In addition, California's light bulb standards have spurred innovation and economic growth, providing consumers new, more efficient lighting options, including advanced incandescent bulbs, light-emitting diode bulbs, and compact fluorescent bulbs. The standards are technology-neutral and do not ban incandescent bulbs.

H.R. 2417 is a direct attack on California's energy efficiency strategy and would harm our citizens. We urge you, the California delegation, and all Members of Congress to protect states' rights to pursue clean energy policies and vote ''no'' on H.R. 2417.

Sincerely,

SENATOR DARRELL STEINBERG,
President pro Tempore.
SENATOR ALEX PADILLA
Chair, Senate Committee on Energy, Utilities and Communications.
SENATOR FRAN PAVLEY,
Chair, Senate Committee on Natural Resources and Water.

JULY 8, 2011.

Support a Constitutional Repeal of the Incandescent Light Bulb Ban—Strike Section 4 from H.R. 2417.

DEAR COLLEAGUE: The federal ban on incandescent light bulbs is the perfect example of government overreach and intrusion into our daily lives. That is why we applauded the introduction of H.R. 91, the Better Use of Light Bulbs Act. This legislation would have simply repealed the ban on incandescent light bulbs and returned freedom of choice to consumers throughout the United States.

However, the bill has been reintroduced (H.R. 2417) and will likely be considered under suspension on Monday, July 11. H.R. 2417 contains a new provision that violates the 10th Amendment and the spirit of federalism. Section 4 of H.R. 2417 would prohibit states from re-imposing the ban on incandescent light bulbs. It reads:

''No State or local regulation, or revision thereof, concerning the energy efficiency or energy use of medium screw base general service incandescent lamps shall be effective.''

While it is arguably unwise for a state to restrict consumers' choice for a product such as a light bulb, such a federal prohibition infringes upon states' rights and the principles of federalism. Most importantly, it is a violation of the Constitution that we have sworn an oath to uphold.

Congress should repeal the federal ban on the incandescent light bulb and should do so in a manner that is consistent with the Constitution.

If you would like to sign onto the letter urging Chairman Upton and Representative Barton to strike Section 4 of H.R. 2417 (on reverse), please contact John Maniscalco at 5–4465 or john.maniscalco@mail.house.gov.

Sincerely,

SCOTT GARRETT,
Member of Congress.
ROB BISHOP,
Member of Congress.
MARLIN STUTZMAN,
Member of Congress.

JULY 8, 2011.

Hon. FRED UPTON,
Chairman, House Energy and Commerce Committee, House of Representatives, Washington, DC.
Hon. JOE BARTON,
House of Representatives, Washington, DC.

DEAR CHAIRMAN UPTON AND REPRESENTATIVE BARTON: The 2010 elections demonstrated that Americans are fed up with government intrusion. The federal government has crept so deep into our lives that federal agencies now determine what kind of light bulbs the American people are allowed to purchase.

That is why we applauded the introduction of H.R. 91, the Better Use of Light Bulbs Act. This legislation would simply repeal the ban on incandescent light bulbs and would have returned freedom of choice to consumers throughout the United States. However; the bill has been reintroduced (H.R. 2417) and contains a new provision that violates the 10th Amendment and the spirit of federalism that was so important to our nation's founding.

Section 4 of H.R. 2417 would prohibit states from re-imposing the ban on incandescent light bulbs. While it is arguably unwise for a state to restrict consumers' choice for a product such as a light bulb, such a federal prohibition infringes upon states' rights and the principles of federalism. Most importantly, it is a violation of the Constitution that we have sworn an oath to uphold.

If Congress is to repeal the ban on incandescent light bulbs, it should do so in a manner that is consistent with the Constitution and the founding principles of the United States. We strongly urge you to strike Section 4 of H.R. 2417.

Sincerely,

SCOTT GARRETT,
Member of Congress.
ROB BISHOP,
Member of Congress
MARLIN STUTZMAN,
Member of Congress.

I yield back the balance of my time.

□ 1810

Mr. BARTON of Texas. I yield myself the balance of my time.

I have listened, Mr. Speaker, with interest to what my friends on the Democrat side have said about this bill. And I think in the interest of fairness, we ought to call a spade a spade. It is true that the law that they are defending does not automatically ban incandescent light bulbs. That is a true statement. What it does is set efficiency standards that the existing 100-watt and 60-watt and 75-watt bulbs can't meet. So they are effectively banned

because they cannot meet the standard.

As has been pointed out by Mr. DOYLE and several of the other speakers, it is also true that industry has developed new incandescent light bulbs that do meet the standard. What they haven't done is develop a new incandescent light bulb that meets the standard at existing cost. What gets left out of the equation by my friends on the Democratic side of the aisle is the cost to purchase these new bulbs, whether they are the squiggly tailed CFLs or the new, more energy-efficient incandescents.

We're not opposed, I'm not opposed to CFL lighting. I'm not opposed to the new incandescents. But I am opposed to telling my constituents that they have no choice at all, that they have to go and fork over $1.50 or $2.50 or $6. Or in the case of the LEDs that Mr. WAXMAN just referred to, a minimum of $12, and the average price of the new LED lighting at Home Depot or Lowe's is $40 a bulb.

Now, I'm young enough to remember when I was a renter and I would move into an apartment, and when I went into the apartment, there were no light bulbs. The people who left took the light bulbs with them. So I would have to go out and buy 20 or 30 or 40 light bulbs. Well, if light bulbs are 20 cents apiece, or 25 or 30 or even 40 cents apiece, that is an expense but it's not exorbitant. You go out and replace 40 light bulbs at $6 a pop, you're spending some money that, to our constituency, to our voters, Mr. Speaker, that's real money.

Again, we're not opposed to new technology. We're not opposed to more energy-efficient incandescents. But why take the low end of the market off the market? Why not give our constituents, i.e., our consumers, our voters, the choice? If you're Al Gore and you want to spend $10 a light bulb, more power to you. More power to you. But if you're a young family that's just getting started, give us the option to go out and spend for a package of four or a package of six the equivalent of 25 cents apiece, or 30 cents apiece, or as I purchased last week at a food store here in Virginia, 37.5 cents apiece for four 60-watt light bulbs.

We're saying let the market work. We're saying let people make their own choices. Why in the world does the Federal Government have to tell people what kind of lights to use in their home? That's not anywhere in the constitutional requirement of the Federal Government.

And this bill that was passed in 2007 had a lot of preemptions of State and local. It preempted State and local building codes. It required historical buildings to meet certain standards by the year 2050. It had so many bad things in it that this one, while offensive, was kind of the least of the evils.

But it is also, Mr. Speaker, what the average voter, the average consumer understands. When I go to the grocery store or to Wal-Mart or to Home Depot, let me decide what kind of lighting, let me decide what kind of energy efficiency I want.

Now, it is a true statement that these new bulbs are more energy efficient; but if it takes you 10 years to realize the efficiency and the only way you do it is by leaving it on all of the time, it is spending money to save money that some people don't have. Again, purchase a classic 100-watt or 60-watt incandescent light bulb for less than 50 cents, you might use it, you might not. But if you use it all week, it is going to cost you less than a nickel. And if you use it like the average consumer, it is going to cost you a penny to 2 cents a week to use.

So do you save money? The CFL that I bought last week for $6 or $5.99 is guaranteed for 10 years and says it will save over $40, but you've got to use it for 10 years. You know, I don't think that's a very good deal, with all due respect to my friends on the other side.

What we're saying is let's get the Federal Government out of something that they shouldn't have gotten into in the first place. Let's go back and let the market operate. If these new CFLs and these new incandescents are as good as they claim to be, people are going to want to buy them. But if they are not or if they can't afford the upfront cost, don't force them to. Don't take off the market the very thing that provides price competition in the market. Even the new incandescents cost on average $1.50 to $2 a pop. And I haven't seen a CFL—I've seen them for $10 or $12, the average price is around $6 or $7—I haven't seen them even in the most energy-efficient package for less than about $2.50 or $3 apiece. And, again, if you're buying a lot of light bulbs at one time, that's real money, Mr. Speaker.

What we say is let's repeal this part of the bill. Let's also say with regards to mercury that you cannot mandate mercury. That's the section that Mr. WAXMAN was apparently referring to. We're not banning fluorescents. We are simply saying you cannot require mercury to be used in the CFLs.

So I would urge an ''aye'' vote on the pending legislation, Mr. Speaker.

Mr. HONDA. Mr. Speaker, I am appalled that the Republican majority in the House would even craft a bill such as the BULB Act, much less actually bring it to the floor for a vote. This bill is based on inaccurate and downright false claims like the one made by the Wall Street Journal when it outrageously tried to say that by setting energy efficiency standards for light bulbs, "Washington will effectively ban the sale of conventional incandescent light bulbs." Nothing could be further from the truth.

The lighting efficiency standards enacted by Congress in 2007 do not ban incandescent light bulbs, they simply make those bulbs 25 to 30 percent more efficient and help incentivize the development of even more efficient lighting using alternative technologies, such as compact fluorescent lighting or light emitting diodes.

Major light bulb manufacturers such as Philips, Osram Sylvania, and General Electric have already developed more efficient incandescent bulbs that consumers can purchase in the store today that meet the new standards. Clearly, statements like the one made by the Wall Street Journal are incorrect, because incandescent bulbs to meet the standard already exist developed solely because the standard is in place.

The standard is also spurring manufacturers to develop even more efficient lighting options than just these new incandescent bulbs, creating R&D and high-tech manufacturing jobs in the U.S. In Silicon Valley alone, Philips employs over 700 people and hired more than 100 people at its LED facility in San Jose, California in 2010. We need to encourage this kind of work, not roll back standards that led to the shipping of bulb manufacturing overseas.

The standard is good for the environment, too—it will save the amount of electricity generated by more than 30 large power plants, and prevent the emission of global warming pollution equivalent to the amount released by 14 million cars and light trucks each year. Critics may argue that by promoting the use of compact fluorescent bulbs, the standard would increase exposure to mercury, but on this they are also wrong—the reduction in mercury emissions from coal power plants that would be achieved because less electricity is needed for lighting is ten times greater than the mercury that could escape from a compact fluorescent bulb in a landfill.

Repealing the lighting efficiency standard would cost the typical consumer around $100 per year in additional energy costs. In essence, Republicans want to institute an energy tax on consumers in order to cling to some antiquated vision of the past.

As a representative of Silicon Valley, I know that we must look to the future and do everything that we can to promote the development and domestic manufacture of new technologies that will help us use less energy and grow our economy. That is why I support the new lighting efficiency standards and vehemently oppose H.R. 2147, the BULB Act.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. BARTON) that the House suspend the rules and pass the bill, H.R. 2417.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. WAXMAN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess for a period of less than 15 minutes until approximately 6:30 p.m.

Accordingly (at 6 o'clock and 18 minutes p.m.), the House stood in recess until approximately 6:30 p.m.

□ 1831

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. CRAVAACK) at 6 o'clock and 31 minutes p.m.

ENERGY AND WATER DEVELOPMENT AND RELATED AGENCIES APPROPRIATIONS ACT, 2012

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

□ 1832

IN THE COMMITTEE OF THE WHOLE

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

The Clerk read the title of the bill.

The Acting CHAIR. When the Committee of the Whole rose earlier today, the bill had been read through page 23, line 10.

Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed, in the following order:

An amendment by Mr. TIERNEY of Massachusetts.

An amendment by Mr. GRAVES of Missouri.

An amendment by Mr. SCALISE of Louisiana.

An amendment by Mr. WOODALL of Georgia.

An amendment by Mr. MCCLINTOCK of California.

The Chair will reduce to 2 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT OFFERED BY MR. TIERNEY

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Massachusetts (Mr. TIERNEY) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 162, noes 246, not voting 23, as follows:

[Roll No. 534]

AYES—162

Ackerman
Alexander
Amash
Andrews
Baca
Baldwin
Barletta
Bass (CA)
Becerra
Berkley
Berman
Bishop (NY)
Blumenauer
Boswell
Boustany
Brady (PA)
Brady (TX)
Buchanan
Butterfield
Capps
Capuano
Cardoza
Carney
Carson (IN)
Cassidy
Castor (FL)
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Cohen
Connolly (VA)
Conyers
Costa
Costello
Courtney
Crowley
Davis (CA)
DeFazio
DeGette
DeLauro
Dicks
Doggett
Duncan (TN)
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Fortenberry
Frank (MA)
Fudge
Garamendi
Green, Al
Green, Gene
Grijalva
Hanabusa
Harris
Hastings (FL)
Herrera Beutler
Higgins
Himes
Hinojosa
Hirono
Hochul
Holt
Honda
Hoyer
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Jones
Kaptur
Keating
Kildee
Kind
Kissell
Kucinich
Landry
Langevin
Larsen (WA)
Lee (CA)
Levin
Lewis (GA)
LoBiondo
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Markey
Matsui
McClintock
McCollum
McDermott
McGovern
McIntyre
Meeks
Michaud
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Olver
Pallone
Pascrell
Paul
Payne
Pelosi
Peters
Pingree (ME)
Poe (TX)
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Richmond
Rooney
Rothman (NJ)
Roybal-Allard
Sánchez, Linda T.
Sarbanes
Scalise
Schakowsky
Schiff
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sherman
Shuler
Sires
Slaughter
Speier
Stark
Stearns
Sutton
Thompson (CA)
Tierney
Tonko
Tsongas
Van Hollen
Velázquez
Walz (MN)
Wasserman Schultz
Watt
Waxman
Welch
Wilson (FL)
Woolsey
Wu
Yarmuth

NOES—246

Adams
Aderholt
Akin
Altmire
Austria
Bachus
Barrow
Barton (TX)
Bass (NH)
Benishek
Berg
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Brooks
Broun (GA)
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Carnahan
Carter
Chabot
Chaffetz
Chandler
Clyburn
Coble
Coffman (CO)
Cole
Conaway
Cooper
Cravaack
Crawford
Crenshaw
Critz
Cuellar
Culberson
Cummings
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Dingell
Dold
Donnelly (IN)
Doyle
Dreier
Duffy
Duncan (SC)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Hartzler
Hastings (WA)
Hayworth
Heck
Heinrich
Hensarling
Herger
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Inslee
Issa
Jenkins
Johnson (OH)
Johnson, Sam
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Labrador
Lamborn
Lance
Lankford
Larson (CT)
Latham
LaTourette
Latta
Lewis (CA)
Lipinski
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McCaul
McCotter
McHenry
McKeon
McKinley
McMorris Rodgers
McNerney
Meehan
Mica
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Noem
Nugent
Nunes
Nunnelee
Olson
Owens
Palazzo
Pastor (AZ)
Paulsen
Pearce
Pence
Perlmutter
Peterson
Petri
Pitts
Platts
Polis
Pompeo
Posey
Price (GA)
Quayle
Reed
Rehberg
Reichert
Renacci
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Royce
Runyan
Ruppersberger
Ryan (OH)
Ryan (WI)
Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Sewell
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Southerland
Stivers
Sullivan
Terry
Thompson (MS)
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner
Upton
Visclosky
Walberg
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (IN)

NOT VOTING—23

Bachmann
Bartlett
Braley (IA)
Brown (FL)
Davis (IL)
Deutch
Giffords
Gutierrez
Hinchey
Holden
Johnson (IL)
Loebsack
McCarthy (NY)
Miller, George
Moore
Neugebauer
Rush
Sanchez, Loretta
Stutzman
Towns
Walden
Waters
Young (FL)

□ 1857

Messrs. RUPPERSBERGER and ROYCE changed their vote from ''aye'' to ''no.''

Messrs. BRADY of Texas, BISHOP of New York, SCALISE, POE of Texas, CARSON of Indiana, CLARKE of Michigan, Ms. HOCHUL, Ms. WILSON of Florida, and Messrs. STEARNS and AMASH changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. GRAVES OF MISSOURI

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Missouri (Mr. GRAVES) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 216, noes 190, not voting 25, as follows:

[Roll No. 535]

AYES—216

Adams
Akin
Alexander
Altmire
Amash
Andrews
Austria
Barletta
Barton (TX)
Benishek
Berg
Biggert
Bilbray
Bishop (UT)
Black
Bonner
Bono Mack
Boren
Boustany
Brady (TX)
Brooks
Broun (GA)
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Cassidy
Chabot
Chaffetz
Clarke (NY)
Clay
Cleaver
Coble
Coffman (CO)
Cravaack
Crawford
Culberson
Davis (KY)
Denham
DesJarlais
Diaz-Balart
Dold
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Franks (AZ)
Gallegly
Gardner
Garrett
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gowdy
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Hensarling
Herger
Herrera Beutler
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (OH)
Johnson, Sam
Jones
Jordan
Kaptur
Kelly
King (IA)
King (NY)
Kinzinger (IL)
Kissell
Kline
Labrador
Lamborn
Landry
Lankford
Latham
LaTourette
Latta
Lewis (CA)
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marino
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McKinley
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Paul
Paulsen
Pearce
Pence
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Reed
Rehberg
Renacci
Ribble
Richmond
Rigell
Rivera
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stearns
Stivers
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Upton
Walberg
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Wu
Yoder
Young (AK)
Young (IN)

NOES—190

Ackerman
Aderholt
Baca
Baldwin
Barrow
Bass (CA)
Bass (NH)
Becerra
Berkley
Berman
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Boswell
Brady (PA)
Buchanan
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clyburn
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Critz
Crowley
Cuellar
Cummings
Davis (CA)
DeFazio
DeGette
DeLauro
Dent
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Fitzpatrick
Foxx
Frank (MA)
Frelinghuysen
Fudge
Garamendi
Gerlach
Gonzalez
Gosar
Granger
Green, Al
Green, Gene
Grijalva
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinojosa
Hirono
Hochul
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Keating
Kildee
Kind
Kingston
Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Long
Lowey
Luján
Lynch
Maloney
Marchant
Markey
Matsui
McCollum
McDermott
McGovern
McIntyre
McNerney
Meehan
Meeks
Michaud
Miller (NC)
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Olver
Owens
Pallone
Pastor (AZ)
Payne
Pelosi
Perlmutter
Peters
Peterson
Pingree (ME)
Polis
Price (NC)
Quigley
Rahall
Rangel
Reichert
Reyes
Richardson
Roby
Rooney
Rothman (NJ)
Roybal-Allard
Ruppersberger
Ryan (OH)
Sánchez, Linda T.
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Shuler
Simpson
Sires
Slaughter
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Tsongas
Turner
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Watt
Waxman
Welch
Wilson (FL)
Woolsey
Yarmuth

NOT VOTING—25

Bachmann
Bachus
Bartlett
Braley (IA)
Brown (FL)
Davis (IL)
Deutch
Giffords
Guinta
Gutierrez
Hinchey
Holden
Johnson (IL)
Loebsack
McCarthy (NY)
Miller, George
Neugebauer
Pascrell
Rush
Sanchez, Loretta
Stutzman
Towns
Walden
Waters
Young (FL)

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining in this vote.

□ 1901

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Mrs. ELLMERS. Mr. Chair, on rollcall No. 535, I inadvertently voted "no" when I intended to vote "yes."

AMENDMENT OFFERED BY MR. SCALISE

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Louisiana (Mr. SCALISE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 241, noes 168, not voting 22, as follows:

[Roll No. 536]

AYES—241

Adams
Akin
Alexander
Altmire
Amash
Andrews
Austria
Barletta
Barton (TX)
Bass (CA)
Benishek
Bilirakis
Bishop (NY)
Bishop (UT)
Black
Blackburn
Bono Mack
Boren
Boswell
Boustany
Brady (TX)
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Cantor
Capito
Carney
Carter
Cassidy
Castor (FL)
Chabot
Clarke (MI)
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cooper
Costello
Courtney
Cravaack
Crawford
Cuellar
Culberson
Davis (KY)
DeFazio
Denham
Dent
DesJarlais
Donnelly (IN)
Doyle
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Franks (AZ)
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gowdy
Graves (GA)
Graves (MO)
Green, Al
Green, Gene
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hanabusa
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hensarling
Herrera Beutler
Higgins
Himes
Hinojosa
Hochul
Huizenga (MI)
Hultgren
Hurt
Israel
Issa
Jackson Lee (TX)
Jenkins
Johnson (OH)
Johnson, E. B.
Johnson, Sam
Jones
Jordan
Kelly
King (IA)
King (NY)
Kinzinger (IL)
Kissell
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Larson (CT)
Latta
Lewis (CA)
LoBiondo
Lowey
Lucas
Luetkemeyer
Lungren, Daniel E.
Mack
Marchant
Marino
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McGovern
McHenry
McIntyre
McKeon
McKinley
McMorris Rodgers
Meehan
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (CT)
Murphy (PA)
Myrick
Nadler
Nugent
Nunes
Nunnelee
Olson
Owens
Palazzo
Pallone
Pastor (AZ)
Paul
Paulsen
Payne
Pearce
Pence
Perlmutter
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quigley
Rahall
Reed
Ribble
Richardson
Richmond
Rigell
Rivera
Roe (TN)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Ross (AR)
Ross (FL)
Royce
Runyan
Scalise
Schilling
Schmidt
Schock
Schrader
Schweikert
Scott (SC)
Scott, Austin
Sessions
Sewell
Shimkus
Shuler
Shuster
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stearns
Stivers
Sullivan
Sutton
Terry
Thompson (CA)
Thornberry
Tiberi
Upton
Velázquez
Walberg
Walsh (IL)
Walz (MN)
Webster
West
Westmoreland
Wilson (FL)
Wilson (SC)
Wittman
Womack
Woodall
Wu
Young (AK)
Young (IN)

NOES—168

Ackerman
Aderholt
Baca
Bachus
Baldwin
Barrow
Bass (NH)
Becerra
Berg
Berkley
Berman
Biggert
Bilbray
Bishop (GA)
Blumenauer
Bonner
Brady (PA)
Brooks
Butterfield
Canseco
Capps
Capuano
Cardoza
Carnahan
Carson (IN)
Chaffetz
Chandler
Chu
Cicilline
Clarke (NY)
Clay
Cole
Conaway
Connolly (VA)
Conyers
Costa

Crenshaw
Critz
Crowley
Cummings
Davis (CA)
DeGette
DeLauro
Diaz-Balart
Dicks
Dingell
Doggett
Dold
Dreier
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Foxx
Frank (MA)
Frelinghuysen
Fudge
Garamendi
Gonzalez
Gosar
Granger
Grijalva
Hall
Hastings (FL)
Hayworth
Heck
Heinrich
Herger
Hirono
Holt
Honda
Hoyer
Huelskamp
Hunter
Inslee
Jackson (IL)
Johnson (GA)
Kaptur
Keating
Kildee
Kind
Kingston
Kucinich
Langevin
Larsen (WA)
Latham
LaTourette
Lee (CA)
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Long
Luján
Lummis
Lynch
Maloney
Manzullo
Markey
Matsui
McCollum
McDermott
McNerney
Meeks
Miller (NC)
Moore
Moran
Napolitano
Neal
Noem
Olver
Pascrell
Pelosi
Peters
Polis
Price (NC)
Quayle
Rangel
Rehberg
Reichert
Renacci
Reyes
Roby
Rogers (AL)
Rogers (KY)
Roskam
Rothman (NJ)
Roybal-Allard
Ruppersberger
Ryan (OH)
Ryan (WI)
Sánchez, Linda T.
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (VA)
Scott, David
Sensenbrenner
Serrano
Sherman
Simpson
Sires
Slaughter
Smith (WA)
Speier
Stark
Thompson (MS)
Thompson (PA)
Tierney
Tipton
Tonko
Tsongas
Turner
Van Hollen
Visclosky
Wasserman Schultz
Watt
Waxman
Welch
Whitfield
Wolf
Woolsey
Yarmuth
Yoder

NOT VOTING—22

Bachmann
Bartlett
Braley (IA)
Brown (FL)
Davis (IL)
Deutch
Giffords
Gutierrez
Hinchey
Holden
Johnson (IL)
Loebsack
McCarthy (NY)
Miller, George
Neugebauer
Rush
Sanchez, Loretta
Stutzman
Towns
Walden
Waters
Young (FL)

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining in this vote.

□ 1905

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. WOODALL

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Georgia (Mr. WOODALL) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 218, noes 191, not voting 22, as follows:

[Roll No. 537]

AYES—218

Adams
Aderholt
Akin
Alexander
Altmire
Amash
Austria
Bachus
Barton (TX)
Benishek
Berg
Bilirakis
Bishop (UT)
Black
Blackburn
Bono Mack
Boustany
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Carter
Chabot
Chaffetz
Coble
Coffman (CO)
Cohen
Cole
Conaway
Cravaack
Crawford
Crenshaw
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Hensarling
Herger
Herrera Beutler
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (OH)
Johnson, Sam
Jones
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Labrador
Lamborn
Landry
Lankford
Latham
LaTourette
Latta
Lewis (CA)
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marino
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McKinley
McMorris Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Paul
Paulsen
Pearce
Pence
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Reed
Rehberg
Renacci
Ribble
Rigell
Rivera
Roe (TN)
Rogers (AL)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stearns
Stivers
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner
Upton
Walberg
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Womack
Woodall
Yoder
Young (AK)
Young (IN)

NOES—191

Ackerman
Andrews
Baca
Baldwin
Barletta
Barrow
Bass (CA)
Bass (NH)
Becerra
Berkley
Berman
Biggert
Bilbray
Bishop (GA)
Bishop (NY)
Blumenauer
Bonner
Boren
Boswell
Brady (PA)
Brady (TX)
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Cassidy
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Critz
Crowley
Cuellar
Cummings
Davis (CA)
DeFazio
DeGette
DeLauro
Dicks
Dingell
Doggett
Dold
Donnelly (IN)
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Frank (MA)
Frelinghuysen
Fudge
Garamendi
Gonzalez
Green, Al
Green, Gene
Grijalva
Hanabusa
Hanna
Hastings (FL)
Heinrich
Higgins
Himes
Hinojosa
Hirono
Hochul
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kildee
Kind
Kissell
Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Markey
Matheson
Matsui
McCollum
McDermott
McGovern
McIntyre
McNerney
Meeks
Michaud
Miller (NC)
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Olver
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Pelosi
Perlmutter
Peters
Peterson
Pingree (ME)
Polis
Price (NC)
Quigley
Rahall
Rangel
Reichert
Reyes
Richardson
Richmond
Roby
Rogers (KY)
Ross (AR)
Rothman (NJ)
Roybal-Allard
Ruppersberger
Ryan (OH)
Sánchez, Linda T.
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Shuler
Simpson
Sires
Slaughter
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Watt
Waxman
Welch
Wilson (FL)
Wolf
Woolsey
Wu
Yarmuth

NOT VOTING—22

Bachmann
Bartlett
Braley (IA)
Brown (FL)
Davis (IL)
Deutch
Giffords
Gutierrez
Hinchey
Holden
Johnson (IL)
Loebsack
McCarthy (NY)
Miller, George
Neugebauer
Rush
Sanchez, Loretta
Stutzman
Towns
Walden
Waters
Young (FL)

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining in this vote.

□ 1908

So the amendment was agreed to.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. LOEBSACK. Mr. Chair, on July 11, 2011, I was not present for recorded votes because my flight from Iowa to Washington, DC was significantly delayed. I had returned to Iowa to meet with constituents and regret that I was not present to cast my vote on rollcall numbers 534, 535, 536, and 537.

AMENDMENT OFFERED BY MR. MCCLINTOCK

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. MCCLINTOCK) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 96, noes 313, not voting 22, as follows:

[Roll No. 538]

AYES—96

Adams
Akin
Amash
Berg
Bishop (UT)
Blackburn
Brady (TX)
Broun (GA)
Bucshon
Burgess
Burton (IN)
Campbell
Canseco
Carter
Chabot
Chaffetz
Conaway
Duncan (SC)
Duncan (TN)
Ellmers
Farenthold
Flake
Fleming
Flores
Foxx
Franks (AZ)
Garrett
Gingrey (GA)
Gohmert
Gowdy
Graves (GA)
Harris
Hartzler
Hensarling
Herger
Huelskamp
Huizenga (MI)
Hunter
Jenkins
Johnson, Sam
Jones
Jordan
Kingston
Kline
Labrador
Landry
Lankford
Latta
LoBiondo
Long
Mack
Manzullo
Marchant
McCaul
McClintock
McHenry
Miller (FL)
Miller, Gary
Mulvaney
Nugent
Nunes
Paul
Paulsen
Petri
Pitts
Pompeo
Posey
Price (GA)
Quayle
Ribble
Rigell
Rohrabacher
Rokita
Rooney
Ross (FL)
Royce
Ryan (WI)
Scalise
Schmidt
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Southerland
Stearns
Terry
Thornberry
Walberg
Walsh (IL)
West
Westmoreland
Wilson (SC)
Woodall
Yoder
Young (IN)

NOES—313

Ackerman
Aderholt
Alexander
Altmire
Andrews
Austria
Baca
Bachus
Baldwin
Barletta
Barrow
Barton (TX)
Bass (CA)
Bass (NH)
Becerra
Benishek
Berkley
Berman
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Black
Blumenauer
Bonner
Bono Mack
Boren
Boswell
Boustany
Brady (PA)
Brooks
Buchanan
Buerkle
Butterfield
Calvert
Camp
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Cassidy
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Cravaack
Crawford
Crenshaw
Critz
Crowley
Cuellar
Culberson
Cummings
Davis (CA)
Davis (KY)
DeFazio
DeGette
DeLauro
Denham
Dent
DesJarlais
Diaz-Balart
Dicks
Dingell
Doggett
Dold
Donnelly (IN)
Doyle
Dreier
Duffy
Edwards
Ellison
Emerson
Engel
Eshoo
Farr
Fattah
Filner
Fincher
Fitzpatrick
Fleischmann
Forbes
Fortenberry
Frank (MA)
Frelinghuysen
Fudge
Gallegly
Garamendi
Gardner
Gerlach
Gibbs
Gibson
Gonzalez
Goodlatte
Gosar
Granger
Graves (MO)
Green, Al
Green, Gene
Griffin (AR)
Griffith (VA)
Grijalva
Grimm
Guinta
Guthrie
Hall
Hanabusa
Hanna
Harper
Hastings (FL)
Hastings (WA)
Hayworth
Heck
Heinrich
Herrera Beutler
Higgins
Himes
Hinojosa
Hirono
Hochul
Holt
Honda
Hoyer
Hultgren
Hurt
Inslee
Israel
Issa
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson (OH)
Johnson, E. B.
Kaptur
Keating
Kelly
Kildee
Kind
King (IA)
King (NY)
Kinzinger (IL)
Kissell
Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee (CA)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Maloney
Marino
Markey
Matheson
Matsui
McCarthy (CA)
McCollum
McCotter
McDermott
McGovern
McIntyre
McKeon
McKinley
McMorris Rodgers
McNerney
Meehan
Meeks
Mica
Michaud
Miller (MI)
Miller (NC)
Moore
Moran
Murphy (CT)
Murphy (PA)
Myrick
Nadler
Napolitano
Neal
Noem
Nunnelee
Olson
Olver
Owens
Palazzo
Pallone
Pascrell
Pastor (AZ)
Payne
Pearce
Pelosi
Pence
Perlmutter
Peters
Peterson
Pingree (ME)
Platts
Poe (TX)
Polis
Price (NC)
Quigley
Rahall
Rangel
Reed
Rehberg
Reichert
Renacci
Reyes
Richardson
Richmond
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Roskam
Ross (AR)
Rothman (NJ)
Roybal-Allard
Runyan
Ruppersberger
Ryan (OH)
Sánchez, Linda T.
Sarbanes
Schakowsky
Schiff
Schilling
Schock
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Speier
Stark
Stivers
Sullivan
Sutton
Thompson (CA)
Thompson (MS)
Thompson (PA)
Tiberi
Tierney
Tipton
Tonko
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Watt
Waxman
Webster
Welch
Whitfield
Wilson (FL)
Wittman
Wolf
Womack
Woolsey
Wu
Yarmuth
Young (AK)

NOT VOTING—22

Bachmann
Bartlett
Braley (IA)
Brown (FL)
Davis (IL)
Deutch
Giffords
Gutierrez
Hinchey
Holden
Johnson (IL)
Lamborn
McCarthy (NY)
Miller, George
Neugebauer
Rush
Sanchez, Loretta
Stutzman
Towns
Walden
Waters
Young (FL)

□ 1912

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. GUTIERREZ. Mr. Chair, I was unavoidably absent for votes in the House Chamber today. I would like the RECORD to show that, had I been present, I would have voted "yea" on rollcall vote 534 and "no" on rollcall votes 535, 536, 537, and 538.

AMENDMENT NO. 5 OFFERED BY MR. LAMBORN

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

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 23, line 4, strike ''expended:'' and all that follows through ''6864(a)).'', and insert ''expended.''

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

Mr. LAMBORN. Mr. Chairman, my constituents in Colorado, like all Americans, are demanding that Congress cut spending. We must look for every opportunity, large and small, to cut wasteful government programs. This amendment does just that.

The Weatherization Assistance Program, otherwise known as ''Cash for Caulkers,'' and part of the failed stimulus package, has been plagued by bureaucratic mismanagement. This $5 billion program was supposed to create jobs, but we all know that didn't work out so well. In fact, with unemployment ticking up for 2 months in a row, we must reverse course and cut all unspent stimulus dollars.

In the stimulus, $5 billion was injected into ''Cash for Caulkers'' through the Department of Energy in an attempt to help lower the cost of energy and increase efficiency for people who qualified. The goal was to make 593,000 homes more energy efficient by March 2012.

This program, however, has been marked by mismanagement, fraud, waste, and abuse. Most notably is the case of Delaware, where Federal auditors found mismanagement issues and potential fraudulent activities. Reportedly, subsequent repairs and other inspections will cost the State a sizable amount of their remaining funds. Issues have arisen in other States as well.

When large sums of money are spent too quickly, the opportunities for waste and abuse are rampant. The Obama administration, in its haste to create government jobs, failed to thoughtfully and prudently assess how money was spent. In these tough fiscal times, we must have accountability for every dollar spent by the Federal Government.

□ 1920

States have until March of 2012 to use Cash for Clunkers funds or risk having them returned to the Treasury. I am concerned that this could leave a large slush fund of $1.5 billion in the hands of federal bureaucrats. They could spend that money with very little Congressional oversight.

My amendment is simple. It will prevent the Secretary of Energy from reallocating funds remaining from the American Recovery and Reinvestment Act from one State to another. This will leave up to $1.5 billion that can be returned to the Treasury next March, thus reducing our massive deficit.

I urge support for this amendment.

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

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

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

Mr. McCLINTOCK. Mr. Chairman, this amendment strikes language in the bill that allows the Secretary of Energy to redirect unspent stimulus funds from one State to another. What they're really saying is this: $1.5 billion is going to be taken from the States that decided not to use the money and give it to States that not only have spent their allocations but want to

spend even more. If Aesop were writing this tale, I think it would include an ant and a grasshopper.

The principle stinks, and so does the program. These funds are ostensibly to finance weatherization and building design programs to increase energy efficiency. But the potential savings—if anywhere near as great as the administration claims—should be more than enough motivation for individuals to pursue this activity on their own without a government giveaway. After all, why should taxpayers pay to develop and subsidize building materials and technologies to be sold in the private sector to private consumers?

In all matters of energy and energy conservation, we've got to get back to the simple doctrine that the beneficiary should pay. If a product saves consumers money—in this case through energy savings—that's a benefit, and it is incorporated into the price structure of that product. This elegant and simple process allows consumers to decide for themselves if the added energy savings are worth the added financial cost. If the answer is yes, the world will beat a path to the door of those who manufacture and sell those products. And if the answer is no, taxpayers shouldn't be subsidizing it.

I yield back the balance of my time.

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

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

Mr. FRELINGHUYSEN. I rise to oppose the amendment.

The weatherization program was provided $5 billion by the stimulus bill in 2009. But the program has been slow to act, and approximately $1.4 billion will be unspent and available for use in fiscal year 2012.

Some States have spent all of their stimulus money, while others will have plenty left for fiscal year 2012. But the Department of Energy, by law, must spread any new funding evenly across all States.

The bill cuts this program by $141 million below the President's request. The language in the underlying bill gives the Secretary of Energy the flexibility to use limited appropriations provided in fiscal year 2012 to supplement States that have no stimulus funding. The bill does not allow—I would like to add that emphasis—the bill does not allow the Secretary to reallocate stimulus funds. All it does is allow the Secretary some flexibility in where he allocates it. There is $33 million left in the bill.

Let me say, we can't afford, in the Department of Energy, with this program, or any other program, to have business as usual in terms of weatherizations. And I would agree with the gentleman from Colorado that in many cases, the money hasn't been spent, and in some cases there have been questions as to how well it's been spent.

This waiver in our bill provides a solution allowing all States to continue this program under a tight federal budget and with direct oversight of our committee. The amendment that is suggested by the gentleman from Colorado would undo the solution by striking language providing this flexibility, causing job losses and program stoppages in many States where, in fact, in those States, these funds are obligated.

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

I yield back the balance of my time.

Mr. VISCLOSKY. Mr. Chairman, I move to strike the last word and rise in opposition to the amendment as well.

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

Mr. VISCLOSKY. I would point out to my colleagues that while the pending legislation is $141 million below fiscal year 2011 levels, the fact is we do have approximately $1.5 billion that essentially has been forwarded to the States. And the chairman just mentioned the issue of jobs. Those moneys are available as they are allocated and distributed for weatherization programs to put people to work. We have had complaints in this Chamber over the last week about the last unemployment report.

These moneys have already been budgeted. These moneys have been obligated to the States, and these moneys can put people to work doing useful things such as helping those who need to weatherize their house and reduce their utility bills so they can have enough money to buy gasoline and put it in their cars, as well as to begin to reduce the use of energy in this country. These are very necessary moneys to create jobs, to help those in need, and to reduce our energy dependence. I strongly oppose the gentleman's amendment.

I yield back the balance of my time.

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

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

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

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

AMENDMENT OFFERED BY MR. CONNOLLY OF VIRGINIA

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

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 23, line 4, after the dollar amount, insert ''(increased by $46,000,000)''.

Page 24, line 18, after the dollar amount, insert ''(reduced by $99,000,000)''.

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

Mr. CONNOLLY of Virginia. Mr. Chairman, the fiscal year 2012 Energy and Water Appropriations Act is an assault on any rational, scientific basis for public policy. It would decimate American manufacturing, impoverish American consumers, and allow polluters to sully our water with impunity. At a time when the American economy is stuck in neutral, while China and Germany are accelerating their production of clean energy and advanced vehicles, this bill would take America back to the 19th century standards of unbridled industrial predation without public oversight or regulation.

Mr. PETERS of Michigan and I drafted a simple amendment to fix one, among many, problems in this bill. Mr. PETERS has been a leader of efforts to restore our auto industry, and I appreciate his cosponsorship of this amendment. It would simply restore some of the funding cut from the Vehicle Technologies program with a funding offset providing by eliminating an increase in corporate welfare for the fossil fuel industry. This amendment would maintain the same level of funding as was provided in this fiscal year's Energy and Water appropriations bill.

The Vehicle Technologies program is a critical part of our efforts to revive American manufacturing and the automobile industry. It is a job generator. Five years ago, our auto industry was on its deathbed, with two major manufacturers facing bankruptcy. Fortunately, President Obama intervened and provided temporary assistance both to General Motors and Chrysler, most of which has already been repaid. Today, these domestic manufacturers are growing again, with positive domestic economic benefits for auto dealers and parts suppliers all across America. Unfortunately, this Energy and Water appropriations bill would reverse this progress by gutting important vehicle research funding.

The Vehicle Technologies program is a success story in boosting domestic manufacturing of cleaner cars that save consumers money at the pump. It is reducing the cost of advanced lithium ion batteries, which are in all hybrid vehicles on the road in America. This program has helped deploy 48 battery manufacturing projects all across the United States with the goal of reducing hybrid vehicle engine costs by 35 percent. Hybrid vehicles are an important part of our domestic manufacturing base and provide direct quality of life benefits in suburban regions with high levels of smog pollution, such as here in the Nation's capital. The Advanced Vehicle Technologies program also is helping to deploy electric vehicles, including the new Chevy Volt.

Finally, Mr. Chairman, this program has accelerated deployment of hybrid-electric diesel buses, improving transit service and air quality in communities throughout the country like my own in Fairfax County, Virginia.

□ 1930

We cannot allow a hemorrhaging of technology and manufacturing jobs to foreign competition while unemployment grows in America. The Republicans seem to believe that corporate welfare for oil companies will help the economy, but we tried that during the previous administration and it did not work. We need to focus on rebuilding the technologies of the future right here in America, and the Vehicle Technologies Program is a part of that effort.

I ask for favorable consideration of this amendment.

I yield back the balance of my time.

Mr. FRELINGHUYSEN. Mr. Chairman, I rise to oppose the amendment.

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

Mr. FRELINGHUYSEN. The gentleman from Virginia's amendment would increase funding for the Energy Efficiency and Renewable Energy and reduce funding for Fossil Energy Research and Development. This would result in an increase in a program that already receives sufficient funds and hamper efforts to further technologies that produce most of our electricity.

Let's be frank. Fossil fuels, such as coal and natural gas, generate 70 percent of our Nation's electricity, and we will use these valuable energy sources for many generations.

We must ensure that we use those resources, of course, as efficiently and cleanly as possible. Further, the amendment increases funding for Energy Efficiency and Renewable Energy, a program that has seen record increases since 2007, and still has nearly, if you can believe it, $9 billion of unspent stimulus funds from 2009.

There is a proper role for the core Energy Efficiency and Renewable programs, and the bill preserves funding for those activities while cutting out activities that are redundant with the private sector or that intervene improperly in market innovation.

The amendment would also add back unnecessary funding for administration proposals that are poorly planned and lack justification. That in and of itself is bad enough, and I oppose the amendment and urge others to do so as well.

I yield back the balance of my time.

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

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

Mr. PETERS. I rise to support the Connolly-Peters amendment because times of fiscal restraint force us to prioritize. However, I am disappointed that the Republican bill prioritizes the needs of extremely profitable private companies over the manufacturing and innovative jobs of the future.

ExxonMobil Corp. earned nearly $11 billion in the first 3 months of the year, Shell earned $6.3 billion in the first quarter, and BP made $7.1 billion. Yet the Republican bill includes $476 million for fossil energy R&D. Clearly, the private sector has the initiative and the resources to conduct this research on their own, and they are doing so. Private sector R&D currently dwarfs activities at the Department of Energy, yet this program is actually seeing an increase in funds.

This amendment strikes a better balance by decreasing funding in the fossil energy account and restoring the Vehicle Technologies Program to fiscal year 2011 levels. The Vehicle Technologies Program supports private sector growth and the development of innovative technologies to meet mileage and emission standards for both cars and trucks.

Consider how much fuel is used in the transport of consumer goods across our Nation on medium and heavy-duty trucks. Small gains in efficiency can have huge gains in fuel and cost savings. The Vehicle Technologies Program is investing heavily in new truck technologies, which have some of the greatest potential to reduce our Nation's petroleum use and dependence on foreign oil.

There is a global competition right now to determine which countries will produce the cars and trucks of the future. There is no doubt in the years ahead more Americans will be driving hybrids, plug-in hybrids, battery electric vehicles, and cars and trucks powered by hydrogen fuel cells or natural gas. The only question is whether these new technologies will be researched, developed, and manufactured here in the United States or overseas.

The Vehicle Technologies Program is critical to ensure that the American automobile industry and manufacturing base will continue to be globally competitive, and that we as a Nation will not trade our dependence on foreign oil for dependence on foreign batteries and other emerging technology.

I would like to thank my colleague, Mr. CONNOLLY, for offering this amendment, and I urge my colleagues to support American innovation and manufacturing and support this amendment.

I yield back the balance of my time.

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

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

Mr. CONNOLLY of Virginia. Mr. Chairman, I demand a recorded vote.

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

AMENDMENT NO. 4 OFFERED BY MR. HARRIS

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

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 23, line 4, after the dollar amount insert ''(reduced by $6,000,000)''.

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

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

Mr. HARRIS. Mr. Chairman, my amendment will reduce funding for the international programs of the Office of Energy Efficiency and Renewable Energy by cutting $6 million out of their $8 million budget and transferring it to the spending reduction account to reduce our deficit.

Now, first, Mr. Chairman, I want to commend the committee for doing excellent work in cutting the EERE budget by an overall total of 27 percent, but this program was cut less than that. It was cut by 20 percent. Mr. Chairman, as I go through the district, the number one area that I hear people say let's cut that to attack our deficit is foreign aid; and basically, this program is foreign aid. It takes scarce American jobs and sends them overseas.

Now, Mr. Chairman, as you know, our unemployment rate here jumped to 9.2 percent last week. We created 18,000 jobs, and here in front of us we have a program, this international program, that creates jobs. It sure does. The problem is they're all in foreign countries. So it takes those scarce American jobs and sends them overseas.

And I agree with the ranking member: Our actions today should have jobs as our focus, American jobs. That is why this amendment is essential.

The United States Government now has a $1.5 trillion debt. We borrow 40 cents out of every dollar spent. We borrow money from China to finance our Federal spending and our national debt. And through this program, we spend that money in China to make Chinese manufacturers more energy efficient. Yes, that is hard to believe, but we do that. We take a million dollars and spend it in China to make their factories more efficient so they can compete with us so we can lose jobs, lose our revenues, and then borrow more money from China to do it all over again. We have got to end this vicious cycle, and we have to end it with this amendment.

As chairman of the Energy and Environment Subcommittee in the Science, Space and Technology Committee, we held hearings on this specific subject. Let me tell you about some of the programs this international program funds. It assists manufacturing facilities in China and India to reduce their energy use. Well, that's great, but why are we helping our economic competitors with hard-earned dollars that we borrow from them and then use to make their industries more efficient.

It gets even better. Then we improve energy efficiency in the Chinese building sector. Great. Let's strengthen our economic opponents with money we actually borrowed from them. In fact, the DOE just announced a $25 million project over the next 5 years to support the U.S.-India Joint Clean Energy Research and Development Center. Now, why isn't it a U.S. energy research and

development center? Why are we spending hard-earned, hard-borrowed dollars overseas?

Even more programs:

One to promote energy efficiency in Indian software companies; unbelievable. Why aren't we promoting energy efficiencies in American software companies.

Partnering with the Kazakhstan Government to provide training on industrial efficiency. Now, I like those auto jobs in the United States. Maybe we should, in fact, train our own industry to be more efficient and not go to Kazakhstan and spend our money to do it.

A renewable energy center and solar power project in Chile; energy efficiency centers in Peru and Costa Rica; windmills in Mexico. Yeah, we are taking this money and we are actually building windmills in Mexico. Renewable energy strategy development in the Caribbean, and windmills in the Dominican Republic.

Ladies and gentlemen, I have gone throughout my district. They are begging for us to cut the deficit. The President said, he promised he would go line by line through that budget and find some items to cut. Ladies and gentlemen, this program is ripe for that cutting. We shouldn't be sending this money overseas. This doesn't eliminate the program; it cuts 75 percent of the funding. It goes a little further than the committee.

□ 1940

We clearly have to allocate America's hard-earned resources to higher priorities. Again, I commend the committee for making a start in cutting here, but we've got to go further. When we're spending money on making Chinese factories more efficient to compete with us and when we're building windmills in Mexico with our money, we've gone too far. That's why the Citizens Against Government Waste has endorsed this amendment. It hardly gets more wasteful than taking hard-earned dollars, borrowing from overseas, sending it back over there, and creating jobs overseas when we have a 9.2 percent unemployment rate here.

I urge my colleagues to support this amendment.

I yield back the balance of my time.

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

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

Mr. VISCLOSKY. I will be brief.

The gentleman from Maryland (Mr. HARRIS) and I are pretty close, but I will respectfully oppose his amendment for a couple of reasons.

One is that the program that is subject to his amendment is coordinating programs with other countries. We're not, by definition, sending jobs overseas to other countries. The theory of the program is to provide technical assistance for activities to help prime markets for clean technologies in major emerging economies, and the theory of the program is also that it can bring home lessons learned from other experiences and share them at the national, State and local levels.

I say I reluctantly oppose his amendment and that we are very close because I have great concerns over any number of these types of programs at the Department of Energy. I have expressed my displeasure to the Secretary, among others, that if we are going to invest our taxpayers' money—our money—in these endeavors, we ought to be very discreet as to how those moneys are spent to develop markets in the United States of America and, God bless, the rest of the world.

So I will in this instance take the Department of Energy at its word, and that's why I would respectfully oppose the amendment. I would be happy to stay in close communication with the gentleman, and I would be happy to stay in very close touch with the Department of Energy relative to the management of this program and, assuming the moneys are in the fiscal year 2012 budget, to pursue this program to make sure that your point is heard and that their expenditures are not violative of what you want to do today.

Mr. FRELINGHUYSEN. Will the gentleman yield?

Mr. VISCLOSKY. I yield to the chairman, the gentleman from New Jersey.

Mr. FRELINGHUYSEN. I have mixed views as well.

Obviously, Israel is a strong ally, and were it not for Kazakhstan, we perhaps wouldn't be able to do some things militarily to support our troops that are both in Afghanistan and Iraq. I think that it bears close watching, but there is a perception that somehow we're giving China, India, Brazil, and other countries sort of an advantage. I view this program as a two-way street. It does provide a degree of access to American companies.

So I reluctantly oppose your amendment, but I can assure you that both of us feel very strongly that it bears watching. It has borne some fruit, so it's not money wasted, and it's not money given away to our competitors. At least that's my view of it.

Mr. VISCLOSKY. But I think, again, it draws attention to the fact that we should be very closely monitoring the department as far as the expenditures of these funds.

I yield back the balance of my time.

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

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

Mr. BROUN of Georgia. I yield to the gentleman from Maryland.

Mr. HARRIS. I thank the gentleman for yielding.

Let me just briefly address this so that we can move on.

We only cut $6 million out of the $8 million. There is actually budget language further on that protects a cooperative agreement between the U.S. and Israeli Governments, so it does not eliminate all the funding; it protects that program, and there will be another amendment offered later that will make that quite specific.

I understand that there is some possibility of actually getting a benefit for partnering—and I thank the ranking member for offering assistance—but honestly, I'm not sure what we're going to learn from Kazakhstan by sending money over there to provide training on industrial efficiency. I thought that we were the powerhouse of the world in industry. I thought we were the leader of the world. It's fine when we have a lot of money, but the fact of the matter is we borrow 40 cents out of every dollar, and the largest program expenditure outside of the joint program with Israel is that expenditure in China.

Now, I want everyone to understand there is still money available. It's in the Department of State budget. This doesn't eliminate these programs. This just removes the Department of Energy's contribution. I will remind the body why the Department of Energy was formed years and years ago. It was to reduce our dependency on foreign oil, and it has failed to do so. It has existed for decades, failing to do the mission for which it was established. In my district, people in private industry tell me, if they had a division or a department that failed to do its job for decades, they wouldn't be cutting it back—they'd be eliminating it.

So, again, I thank the chairman and I thank the ranking member, and I urge the body to support the amendment.

Mr. BROUN of Georgia. In reclaiming my time, I am going to support Dr. HARRIS' amendment.

As we face this huge budget deficit as a Nation, we've got to look at every source of cuts that we can possibly accomplish. It's time not only to cut spending, but we've got to start paying back our debts, and we're not doing that here in this country. I think it is absolutely critical. The American people, the people who are looking for jobs today, want us to do the right thing. Programs like this and many others are killing our economy, and they're killing jobs in America.

So I'm going to support Dr. HARRIS' amendment. I hope at least enough of our colleagues here in the House will understand the financial crisis that we're in as a Nation and will support it also.

I yield back the balance of my time.

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

The amendment was agreed to.

AMENDMENT OFFERED BY MR. MILLER OF NORTH CAROLINA

Mr. MILLER of North Carolina. I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 23, line 4, after the dollar amount insert ''(increased by $24,018,000)''.

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

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

Mr. MILLER of North Carolina. Mr. Chairman, this amendment is similar to others that we have heard today.

This amendment would reduce the Fossil Energy Research and Development account by $24.018 million, and will put as much of that money as our rules will allow into the Energy Efficiency and Renewable Energy Research, Development, Demonstration, and Deployment.

The bill now is $5.9 billion less than the administration's request and is more than $1 billion less than last year's funding. Fossil energy is a glaring exception to the austerity visited upon every other kind of energy research, but the Fossil Energy program gets an increase of $24 million above what the administration requested and $32 million more than last year's levels.

This amendment would reduce that account, Fossil Energy, to the level of the administration's request, and will put as much money as possible back into energy efficiency and renewable energy research, which now gets a $331 million cut, or more than 25 percent, more than a quarter.

Mr. Chairman, I agree that we need to be doing fossil energy research. It is more than 70 percent of our energy now, and it will be the bulk of our energy supply for the foreseeable future. We do need an abundant and clean supply of fossil energy, but it's hard to look at the spending levels in this bill and not see some hypocrisy at work.

I am the ranking Democrat on the Energy and Environment Subcommittee, and I have heard again and again in committee hearing after committee hearing and in subcommittee hearing after subcommittee hearing the same stale talking point that it is not the place of the Federal Government to pick energy winners and losers and that taxpayers shouldn't have to subsidize the development of alternative fuels.

□ 1950

Just last week, in a hearing in the committee, one of my Republican colleagues on the committee said we should promote an all-of-the-above approach—oil, nuclear, coal, natural gas. Heck, I'm okay with wind, solar, water, biofuels and everything else you can think of as long as it isn't subsidized by the American taxpayer. And we've heard that same talking point again and again today.

The subsidy, the help with funding for research that the alternative energy now gets, is tiny in comparison to what traditional energy sources—fossil fuel and nuclear—have gotten for a long time. And if Republicans are now pushing alternative energy and energy efficiency technologies away from the public trough, it is so they can make more room for fossil fuels and nuclear.

Of course those traditional industries have been subsidized right along, and they continue to be subsidized in this bill today. Taxpayers subsidize it, in addition to this little bit of research funding, with very significant tax incentives—the subject of discussions over at Blair House the last few weeks, and we've heard there is no budging on that. And we know that those industries fully expect, if disaster strikes, if there is a massive oil spill or, God forbid, a nuclear accident, they won't really have to pay the cost. They will get help with that; they will get bailed out.

We are not talking about basic early-stage research here; that's somewhere else in the bill. This is all late-stage applied research. But in the case of alternative energies, we have fledgling industries, economically vulnerable industries that have some ways to go to get to the marketplace before they can turn a profit. And on the other hand, we've got an industry that is 70 percent of our current energy supply. They're up and running, they're in good shape, they're fabulously profitable.

The top five oil and gas companies made $32 billion in profits in the first quarter—the first quarter, $32 billion, 3 months. To that industry Republicans say, belly on up to the public trough, boys; we'll make room for you.

The energy research that we're talking about in the EER&E is wind, solar, biomass, water—on and on. You know what they are. We need to make some of those technologies work, or we are not going to have enough energy in the future. And in the shorter term, they promised healthy competition for the fossil fuel industry to bring down the cost of energy for Americans.

It's hard, in fact, to look at the hostility of Republicans to those industries, to those emerging energy technologies and think a big part of their hostility is not at the bidding of the fossil fuel industry to smother that competition in the crib.

I urge adoption of this amendment.

I yield back the balance of my time.

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

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

Mr. FRELINGHUYSEN. The gentleman from North Carolina's amendment increases funding for the Energy Efficiency and Renewable account, a program that I said earlier has seen record increases since 2007 and still has $9 billion in unspent stimulus funds in its account from 2009 to spend. On that alone, I oppose this amendment and urge my colleagues to do so as well.

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

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

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

Mr. MILLER of North Carolina. Mr. Chairman, I demand a recorded vote.

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

AMENDMENT OFFERED BY MR. BROUN OF GEORGIA

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

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 23, line 4, after the dollar amount insert ''(reduced by $26,510,000)''.

Page 62, line 2, after the dollar amount insert ''(increased by $26,510,000)''.

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

Mr. BROUN of Georgia. Mr. Chairman, my amendment cuts $26.51 million from the Vehicle Technologies Deployment Subprogram in the Energy Efficiency and Renewable Energy's Clean Cities program and transfers those funds to the spending reduction account.

The House Committee on Science, Space, and Technology has identified many concerns with this program which it has shared with the Department of Energy. This program filters over $25 million to about 90 coalitions to buy electric charging stations, E85 pumps, alternative fuel vehicles, and other infrastructure.

Beyond concerns with how this program is run and how the dollars are being spent, this program should not be funded or run by the Federal Government. This type of program is best served by the private sector or local and State governments.

Despite the management concerns, the Department of Energy has recently announced its intention to broaden the scope of the Vehicle Technologies Deployment Subprogram to also include the National Clean Fleets program. One mission of this program is to assist Fortune 100 companies to upgrade their commercial fleet. Is this really an appropriate use of Federal dollars when we are facing a $1.6 trillion deficit? Is it really appropriate to be helping companies such as Enterprise, GE, and Ryder upgrade their fleets to electric or alternative fuel vehicles? The answer to these questions, in my opinion, is no. In fact, I think most of the American people believe the answer to those questions is no.

I urge my colleagues to support my amendment.

I yield back the balance of my time.

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

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

Mr. HARRIS. The doctor from Georgia is absolutely right. We held a hearing in my subcommittee on this very topic, and it was very instructive because for the last several weeks we have heard a lot about, oh, my gosh, these giveaways to corporations and

how we have to look at them critically. Well, here is a program where we can put $25.5 million back into our deficit reduction by reducing corporate subsidies.

The doctor is right, GE doesn't need a subsidy, but they get it through this program. UPS doesn't need a subsidy; they get it through this program. They all make money, millions and billions of dollars, but this program gives them another subsidy. Verizon doesn't need a subsidy, but they get it through this program. They make a lot of money. They make a lot of money. This program subsidizes it.

And the gentleman is right, E85 is probably a bad choice. Why are we spending money—money that we have to borrow from the Chinese every day—in order to put E85 pumps around or to convert vehicles to E85 as part of this program? Mr. Chairman, it makes no sense.

This is another little contribution we can make. Our constituents have sent us here to deal with the Federal deficit. The doctor makes a contribution, $25.5 million. We held a hearing on this. You know, their press release on one of these was ''green beer for St. Patrick's Day'' because they actually spent money for a beer distributing company to upgrade their trucks.

□ 2000

Last I looked, that business made money. We shouldn't be subsidizing it.

This is a good amendment. The body should adopt the amendment, help cut our deficit, and stop sending money to corporations that simply don't need our help.

I yield back the balance of my time.

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

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

Mr. VISCLOSKY. Mr. Chair, I rise in opposition to the gentleman's amendment, and it would appear there will be others differing in amounts but very similar in intent. And I think that they do not represent a wise energy policy for this country.

The first point I would make is that the bill includes a reduction of $491 million for the overall renewable program from fiscal year 2011, an even more significant reduction compared to fiscal year 2010. So the committee, I believe, fully recognizes their responsibilities to be careful fiscally.

But I also must indicate that someone who I have a great deal of respect for, my senior Senator in the State of Indiana, Senator LUGAR, has always characterized our energy problem as a national security problem. I think we all recognize it is an economic problem. We can debate the environmental aspects. I happen to think it is an environmental problem myself. But I don't think anyone can dispute the fact that it is a national security issue, relative to where we are buying so many of our petroleum products. And to gain energy independence, we are going to need a different and more diverse matrix of energy sources.

Seventy percent of our energy today is created through coal and natural gas, and that cannot continue. That is not healthy for our Nation. It is not healthy for our economy. It is not healthy for our national security. We need to diversify. In this instance, the committee has recognized our fiscal responsibility but continues to make an investment in our economic, our job, and our energy futures. And I do oppose the gentleman's amendment.

I yield back the balance of my time.

Mr. FRELINGHUYSEN. I move to strike the last word.

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. FRELINGHUYSEN. I would like to associate my remarks with those of the ranking member.

This amendment would slash even more than we did in our committee, the Vehicle Technologies Program and this Energy Efficiency and Renewable Energy account. There is almost nothing left in the account now. Maybe the desire is to put this whole account out of business; but personally, I think that is unwise. We have made the tough choices. We have held our hearings. We have had the input. And I would ask Members to oppose the amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Georgia (Mr. BROUN).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. FRELINGHUYSEN. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Georgia will be postponed.

AMENDMENT OFFERED BY MR. WELCH

Mr. WELCH. Mr. Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 23, line 4, after the dollar amount, insert ''(increased by $491,000,000)''.

Page 33, line 20, after the dollar amount, insert ''(reduced by $491,000,000)''.

The Acting CHAIR. The gentleman from Vermont is recognized for 5 minutes.

Mr. WELCH. Mr. Chair, I have been sitting here listening to what, in fact, I think is a very interesting debate: what's the role that the taxpayer, through this body, should play in trying to steer an energy policy towards efficiency. There were a lot of contentious debates that we've had about energy policy, about climate change.

One of the areas where I have found that we have frequently had some common ground is the notion that less is more. Whatever the source of energy that you use or favor, if a consumer is able to use less oil—that's what we rely on in Vermont to heat our homes—or less electricity that's generated by nuclear, you can save money. And the efficiency title is one that gives us an opportunity to try to promote efficiency, where doing so has significant benefits.

Last year, Mr. Chair, we passed in this House—it failed in the Senate—an energy efficiency bill that would have given homeowners an incentive to put some of their money into home retrofits, and the government would have matched that. So you would have had an all-in situation.

And when you're retrofitting your home, you are using local contractors who have been hammered by the collapse in housing. They need work. It's work that is done locally in your district and mine. Ninety-five percent of the materials that are used in any kind of efficiency work in a commercial building or in home building are manufactured in America. So even without a debate about Make It in America, we would be getting the benefit of manufacturing in America. And obviously, it would then have an impact of saving the homeowner money. That particular bill would have saved about $10 million in energy bills over 10 years. So that's real savings for homeowners.

The bill that is brought before the floor makes a decision to dramatically cut the efficiency title by about 27 percent, or $491 million. What my amendment would do is propose to restore that money and take that from the Nuclear Security Weapons Activities account which has $7.1 billion. So diverting the amount of money this amendment proposes would not wipe out that account in any way.

I think all of us would like to find some places we can work together despite the very significant differences between us; and efficiency, I found in the last Congress, was one of those areas where we had some potential to do it. Then-Ranking Member BARTON was supportive of some of these efforts.

And the money in this title actually does end up promoting projects back in your district and mine. I will just give some examples. And these are small things. They are small things but important. In Burlington, Vermont, we had a program through this title that helped a community market install 136 solar panels on the roof of the city market that generated 31 kilowatts of power. I mean, that's not going to save the world, but it created jobs. It reduced their costs. And it was local, local people doing it.

In Waterbury, a home for seniors was retrofitted and improved with insulation, better boiler controls and efficient lighting. Again, it's not rocket science, but it's real. It was real Vermonters doing the installation work. It was insulation that was manufactured in America. And it made those seniors warmer. It made their bill lower. That kind of thing can happen all around.

In Lunenburg, Vermont, way up by the Canadian border, the 430-cow Auburn Star Farm got some loans and grants through a State energy program that was funded from this title. It allowed them to build a biodigester, and that digester will dispose of the waste from the dairy cows, produce biogas to generate electricity, and help the bottom line of that farm that is struggling with low milk prices and high costs.

So the real question that is before us is: Do we want to promote energy efficiency at the local level in all the various ways people can come up with to save money when we know that in your district or mine, Republican, Democrat, or independent, we've got out-of-work contractors, we've got homeowners who want to save money, and we've got manufacturers who want to sell their goods? So I urge the body to consider favorably the amendment that is before you.

I yield back the balance of my time.

Mr. FRELINGHUYSEN. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. FRELINGHUYSEN. Certainly let me salute the gentleman from Vermont. Certainly Vermonters are often characterized as being independent and self-sufficient and self-reliant. Of course I would have to note for the record that you are 72 percent relying on nuclear power in Vermont. There may be other forms of power, so you might just want to check on that, just for the record.

□ 2010

Mr. Chairman, I rise in opposition to the amendment because this amendment decreases funding for weapons activities by $491 million in order to increase, as we heard, the Energy Efficiency and Renewable account. Modernization of the nuclear complex is a critical national priority and must be funded, and that doesn't matter whether it's the Obama administration or the Bush administration. All of our administrations are working to make sure that we have a nuclear stockpile that is safe, reliable, and verifiable.

With years of stagnant funding, we have put off long enough the investments that are needed to sustain our nuclear capabilities into the future. The funding in our bill for weapons activities is both now, as a result, timely and urgent. When every tax dollar must be spent well, we cannot enact cuts that will risk our national security while throwing money at poorly planned programs that have large balances, which I mentioned earlier—$9 billion in the EERE account that's unspent of stimulus money.

So not so reluctantly, I rise in opposition to the amendment and urge my colleagues to vote accordingly.

I yield back the balance of my time.

Mr. VISCLOSKY. I move to strike the last word.

The Acting CHAIR (Mr. CONAWAY). The gentleman from Indiana is recognized for 5 minutes.

Mr. VISCLOSKY. Mr. Chairman, I also have to rise, with great respect to my colleague, in opposition to the amendment.

I certainly appreciate, having just talked about needing to invest in a mix of energy sources in the future, what the intent of the amendment is. He obviously wants to return us to where we are in fiscal year 2011. I would certainly point out for the record that at that level, $1.795 billion, we would still be significantly below where we were last year, fiscal year 2010, when our level of spending in this account was $2.24 billion.

The problem I have here is particularly where the money has come from, and that is the weapons account. Too often, and we saw it again last week, we do tend, I think unnecessarily, to hold the defense accounts harmless. In this case the committee has recommended, and it was very carefully considered, an increase in the weapons account. If the amendment was adopted, the fact is we would be $269 million below current year level, for a cut of 4.3 percent.

I have on numerous occasions in my district, in conversations with colleagues on the floor and elsewhere, suggested it is time, if we are going to solve our budget crisis in the United States of America, for everybody to belly up on both sides of the equation. And I don't care where you're getting you're paycheck or how you're earning your contract money; I cannot believe if you are a defense function of the Government of the United States you can't find one penny, one cent of savings out of every dollar we spend. Having said that, that comes out to 1 percent. I think at this point the 4.3 percent in the weapons programs, that is very important as far as their safety, their security and surety, is a step beyond that 1 percent I have so often talked about the last months. So with great respect to my colleague, I would also oppose this amendment.

I yield back the balance of my time.

Mr. WELCH. I move to strike the last word.

The Acting CHAIR. Is there objection?

Without objection, the gentleman from Vermont is recognized for 5 minutes.

There was no objection.

Mr. WELCH. Just in clarification, Member from New Jersey, Vermont has about one-third nuclear power. That was misreported I am not sure by whom, but it's one-third nuclear, one-third hydro, and one-third other.

Thank you.

Mr. FRELINGHUYSEN. This is from the EIA.

Mr. WELCH. And it is incorrect.

Mr. FRELINGHUYSEN. I assume it is verifiable. Twenty-two percent is hydro and 72 percent is nuclear. Nothing to be ashamed of.

Mr. WELCH. All right. I will just say it's news to most of us in Vermont. And, in fact, there is a big dispute about the relicensing of the current nuclear reactor we have.

But I appreciate the gentleman. Thank you.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Vermont (Mr. WELCH).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. WELCH. Mr. Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Vermont will be postponed.

AMENDMENT OFFERED BY MR. POMPEO

Mr. POMPEO. I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 23, line 4, after the dollar amount insert ''(reduced by $45,641,000)''.

Page 62, line 2, after the dollar amount insert ''(increased by $45,641,000)''.

The Acting CHAIR. The gentleman from Kansas is recognized for 5 minutes.

Mr. POMPEO. Mr. Chairman, the amendment that I presented would decrease the Department of Energy's Office of Energy Efficiency and Renewable Energy program by $45.6 million and the funding for DOE's Vehicle Technologies Program.

While I am certainly 100 percent behind innovation and the development of domestic sources of energy and new vehicle technologies, this program is simply not the way to do it. We shouldn't take money from one set of citizens to subsidize companies that, frankly, have had subsidies for too long in the development of new energy vehicle technologies.

Look, it's a subsidy program, plain and simple. The program is part of this present administration's liberal agenda to replace the free market with government bureaucrats in determining which energy sources we ought to use to propel our vehicles and for transportation.

You know, we are already seeing tremendous advances in hybrid technology and electric vehicle technology. In the State of Kansas, we have got folks coming up with wonderful, great, innovative ideas. They are seeking private capital markets to make that innovation happen. We have enormous venture capital firms that have made significant investment in these technologies. Why would the government use taxpayer money to compete with those ventures? They don't need the subsidies. They'll make these things work.

This is a quarter billion dollars in an R&D subsidy in a sector that has received subsidies for decades, and they no longer need that. They are far

along. They can make the progress. They can make these vehicles work. And the market will also choose them when they provide a technology that provides a cost-effective solution for folks who want to drive their vehicles and for companies that want to move their products and goods all across our Nation.

You know, these subsidies come in lots of forms, and I have opposed them in every form. They come in our Tax Code. They come in the form of grants. They come in the form of other programs. Both the House and the Senate have recently rejected tax subsidies for specific fuel purposes already this year. This Vehicle Technologies Program should be no different.

The President today said that we need to eat our peas. I suggest that he was suggesting that we need to do some difficult things. I happen to like peas. But he said we should do some difficult things. This is an easy thing. I would just as soon see this entire technology subsidy go away, but my suggestion here in this amendment is only this: that we return to spending levels from 2008, just 2 short years ago. I, for one, certainly don't believe, and I don't think the folks in Kansas and across this country believe, that we spent too little money on vehicle technology subsidies in 2008.

So I would urge my colleagues to support this amendment.

With that, I yield back the balance of my time.

Mr. 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 that we have a vote pending in the House for a reduction of about $26.5 million from this account. This would be an additional reduction of another $45 million from this account.

The gentleman noted that what his intent is is to get the Vehicle Technologies Program, if I understand him correctly, back to where we were in 2008. If I did understand him correctly, I would suggest that that is why we are where we are today, because the levels for vehicle technology research were inadequate, totally inadequate in 2008.

You drive by a gas station today and gas is $4 a gallon. All of us repeatedly are asked what are we going to do about gas prices. If we are not going to act as far as price fixing, collusion, cartels, monopolies, speculation, and we can't do anything about the laws of supply and demand, I have indicated to my constituents the thing that Congress can do most effectively for the price of gasoline is help our constituents buy less of it.

□ 2020

If we can, through vehicle technology research, help everyone in this country get an extra mile per gallon, we have helped them with the price of gasoline. If we begin to cut back to prior year levels as far as the investment in making sure people can move in this country as efficiently as possible and reduce our dependency on imported oil, we are not going to make economic progress in this country and are going to continue to be held hostage to those overseas who send that oil to us for our dollars that they then use for other nefarious purposes.

Again, I think this is an ill-advised amendment. I think it takes us in the wrong direction. We should be looking for ways to ensure that we do good research to get more miles per gallon and to make sure that the Department of Energy also, as they do this research, ensures that it is applied not for more power in cars but for more miles per gallon, because, again, these are our taxpayers dollars.

So for those reasons, again, I would be opposed to the gentleman's amendment.

I yield back the balance of my time.

Mr. FRELINGHUYSEN. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. FRELINGHUYSEN. Let me just say to the gentleman from Kansas, he said he would like us at least to go back to, in this particular account, to the 2008 level. Maybe there is some consolation: In our bill, we actually go back to 2007 in this account, and the bill is just, just beneath the overall allocation, in terms of the final product, is just beneath the 2006 level. You won't find too many bills on the appropriations docket that go back to that level, recognizing this is 2011. Our committee goes back to just below 2006 levels. So give us a little bit of credit.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Kansas (Mr. POMPEO).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. VISCLOSKY. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Kansas will be postponed.

AMENDMENT OFFERED BY MR. TONKO

Mr. TONKO. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 23, line 4, after the dollar amount insert the following: ''(increased by $226,800,000)''.

Page 33, line 20, after the dollar amount insert the following: ''(reduced by $226,800,000)''.

The Acting CHAIR. The gentleman from New York is recognized for 5 minutes.

Mr. TONKO. Mr. Chair, first I want to thank my colleague, the gentleman from New Hampshire (Mr. BASS) for offering this bipartisan amendment with me. He is a leader on energy issues, and I thank him for his support.

Mr. Chair, the Tonko-Bass amendment is simple. It will restore three specific, results-driven energy efficiency programs within the fiscal year 2012 Energy and Water Development appropriations bill to last year's levels. It is neither a stretch nor an overreach. It is a balanced approach, and it is fully offset.

First, this amendment will restore funding to the Weatherization Assistance Program, or WAP. WAP is the largest residential efficiency program in our Nation. It reduces the energy burden on low-income families and the elderly and disabled, and creates jobs, invests in local businesses, and advances technology, state-of-the-art technology. The 35 percent savings as a result of weatherizing homes under this program saves $437 in annual utility bills for the average homeowner.

Second, the amendment restores funding to the State Energy Program or SEP. SEP is the only cost-shared program administered by the United States Department of Energy that provides resources directly to the States for allocation by the Governor for use in energy efficiency. This includes 56 State and territory energy offices. And according to a study by the Oak Ridge National Laboratory, for every $1 in federal SEP funds, annual savings of 1.03 million source Btu's are saved, along with the cost savings of $7.22 and a leveraging of $10.71 on that same $1.

Finally, the Tonko-Bass amendment restores funding to the Building Technologies Programs. Buildings in the United States use about 40 percent of our total energy and two-thirds of our electricity. As such, this program seeks to promote American innovation and technologies to reduce operating costs to building owners, which is vital in today's market.

Finally, Mr. Chair, this amendment has a net impact of zero dollars on budget authority and reduces 2012 outlays by $58 million, according to the Congressional Budget Office. It does so by offsetting the increase of spending with cuts to the Weapons Activities Account, specifically to the Readiness in Technical Base Facilities account. The Appropriations Committee report suggests they are seriously concerned with the recent cost growth reported for construction of two major projects in the account. The committee report claims modernization will take several years and the considerable number of variables still at play argues against an excessively aggressive funding curve.

Therefore, Mr. Chairman, I wish to close by saying I do not believe we can afford to slip any further behind our global competitors in energy investments. A vote for this amendment is a vote in favor of decreasing our dependence on foreign oil, creating local, private sector contracting jobs, and providing State control on energy projects.

Again, I would like to commend the gentleman from New Hampshire for his leadership on this issue and thank him for his support.

I urge adoption of this amendment.

To: Southern States Members of the U.S. House of Representatives
From: Kenneth J. Nemeth, Secretary and Executive Director
Date: July 7, 2011
Re FY12 SEP, WAP and BTP Appropriations under H.R. 2354—Tonko Amendment

As an interstate compact organization representing 16 southern states and two U.S. territories, we are disappointed with the budget cuts to the U.S. State Energy Program (SEP), Weatherization Assistance Program (WAP), and the Department of Energy's (DOE) Building Technologies Program (BTP) under the House Energy and Water Development FY 12 appropriations measure that was approved on June 15, 2011. The Southern States Energy Board (SSEB) has a long and direct relationship with the state energy offices and fully supports their role as a key component of implementing our country's energy policies.

I am writing to you to ask for your support of Representative Tonko's amendment to H.R. 2354 to restore funds to the State Energy Program, Weatherization Assistance Program and the Building Technologies Program. Representative Tonko will be circulating a ''Dear Colleague'' letter seeking your support for the amendment and we are urging you to sign in support of the amendment. Mr. Tonko's amendment would add funding for these three key programs to bring them up to FY11 levels as follows:

State Energy Program—add $25 million for a total of $50 million

Weatherization Assistance Program—add $141 million for a total of $174 million

DOE Building Technologies Program—add $62 million for a total of $212 million

This Nation's future is reliant on reducing our energy dependence. As a policy maker, it is important to understand the role of State Energy Offices and the importance of the State Energy Program, Weatherization Program and the Building Technologies Program to achieve these national goals. The SEP allows states to support a variety of energy efficiency and renewable energy projects including improvements to schools and hospitals, establishing partnerships with utilities, businesses and industry and facilitating the economic development opportunities for states while maximizing the development of states' renewable energy resources.

In keeping with protecting our economy while increasing the efficient use of energy, the U.S. DOE Buildings Technologies Program is essential and requires full FY11 funding levels to continue deploying technologies that will reduce pressure on tight energy supplies and help to restrain prices while protecting the environment. This program encourages innovation for emerging technologies and contributes to our global leadership while creating jobs and strengthening our economy.

Also, the Weatherization Program is essential to helping low-income families, the elderly and disabled by improving the energy efficiency of their homes and lowering their energy bills. During the economic strain that we are experiencing all across the country, cutting funding to this program would create even a larger burden on our citizens forcing them into more difficult choices on basic needs.

I strongly urge you to vote in favor of the Tonko Amendment so that these critical programs can continue contributing toward our Nation's energy goals.

U.S. GREEN BUILDING COUNCIL,
Washington, DC, July 7, 2011.

Hon. PAUL TONKO,
House of Representatives, Cannon House Office Building, Washington, DC.

Hon. CHARLES F. BASS,
House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR CONGRESSMEN TONKO AND BASS: On behalf of the U.S. Green Building Council and our nearly 16,000 organizational members and 80 local chapters, I would like to thank you for introducing an amendment to the FY'12 Energy and Water Appropriations Bill that will restore funding for the U.S. Department of Energy's Weatherization Assistance Program, U.S. State Energy Program, and Building Technologies Program to FY'11 levels. Each of these programs has an established record of successfully returning significant value to the American people. Continued funding for these programs is a crucial investment that reaches beyond short-term energy efficiency: they create jobs and savings opportunities for low-income families; support and spur building industry activity; and contribute to long-term national energy security goals.

Over the past thirty years, the Weatherization Assistance Program has served as the nation's largest residential energy conservation program. According to the Energy Information Administration (EIA)'s Short Term Energy Report, homes weatherized through WAP saved low-income residents $2.1 billion dollars in 2010. Weatherization returns $2.51 for every $1 invested and annually decreases national energy consumption by the equivalent of 24.1 million barrels of oil. WAP is an essential part of both present and future national energy saving strategies.

The U.S. State Energy Program is a thirty-year-old cost-shared program that provides direct support and funding to State Energy Offices to develop and implement state allocated energy efficiency and innovation projects. The Oak Ridge National Laboratory (ORNL) found that, in a single year, the program enabled states to collectively perform 15,264 energy audits, 12,896 building upgrades, provide $12,345,608 in grants, and loan $30,403,388 towards energy efficiency projects. ORNL also found that $1 of federal funding leveraged $10.71 in state and private funding.

The Building Technologies Program works with organizations across sectors to help develop technologies that make commercial and residential buildings more efficient and affordable. Over the life of the program, $14 billion of direct savings to the consumer has been reinvested in local economies. Additionally, since its founding 20 years ago, the Building Technologies Programs has saved the equivalent of over 12 billion gallons of gasoline.

This suite of programs provides both measurable and immeasurable value to tax-payers across the country. The U.S. Green Building Council commends your leadership by supporting these programs as they have proven to be a sound investment for this country's ability to thrive. We urge all other members to support this amendment to restore funding for each of these programs to FY'll levels to maintain this country's commitment to energy security and economic stability.

Sincerely,

JASON HARTKE,
Vice President, National Policy,
U.S. Green Building Council.

SUPPORT THE TONKO/BASS AMENDMENT TO THE FY'12 ENERGY AND WATER DEVELOPMENT APPROPRIATIONS BILL

JULY 11, 2011.

DEAR REPRESENTATIVE: The undersigned companies, organizations and associations all strongly urge you to support the bi-partisan Tonko/Bass amendment to restore funding for energy efficiency programs within the FY'12 Energy and Water Development Appropriations Bill. If the country is serious about addressing our energy security concerns, reducing energy costs, promoting economic growth and domestic jobs and cutting oil imports, then we should not give up on energy efficiency programs. Energy efficiency is a cornerstone of a balanced energy policy.

The Tonko/Bass amendment would restore funding to the FY'11 levels for the Weatherization Assistance Program, the State Energy Program (SEP) and the Buildings Technology Program.

The Weatherization Assistance Program is the largest residential energy efficiency program in the nation. It reduces the energy burden on low-income families, the elderly and disabled, and creates jobs, invests in local businesses and advances technology. The 35% energy savings as a result of weatherizing homes under this program saves $437 in annual utility bills for the average homeowner.

SEP delivers extraordinary economic benefits to all sectors of the economy by working with the private sector in delivering key energy services. A study by Oak Ridge National Laboratory found that for every federal dollar invested in this program, $7 in energy savings are achieved and almost $11 in non-federal funds are leveraged.

Buildings consume approximately 40% of our energy in this country. The Buildings Technology Program conducts critical R&D that permits the private sector to incorporate new technologies into their construction. This allows businesses to maintain their competitive edge by reducing their costs of doing business and expanding against fierce global competition. These new products and technologies also help consumers every day.

These three programs that would be restored to FY'11 funding levels as a result of this amendment are critical to our future. The proposed amendment will increase Weatherization funding by $141.3 million, SEP funding by $25 million and the Buildings Technology Program by $60.5 million, for a total of $226.8 million. The amendment is fully offset.

Sincerely,

Adirondack Community Action Programs, Inc. (NY)
Alexandria Economic Opportunity Commission (VA)
Alliance to Save Energy
American Council for an Energy Efficient Economy
Association of State Energy Research and Technology Transfer Institutions
Baltimore County Community Action Agency
Boston Community Development, Inc.
Business Council for Sustainable Energy
California/Nevada Community Action Partnership
Central Florida Community Action Agency (CFAA), Inc.
Chesapeake Climate Action Network
Citizens Utility Board of Wisconsin
Community Action Partnership
Community Action Partnership of Idaho
Community Action Partnership of Lake County (IL)
Community Action Partnership of Northwest Montana
Community Action Partnership of San Luis Obispo Co., Inc. (CA)
Conservation Law Foundation
Conservation Services Group
Corporation for Ohio Appalachian Development
Direct Energy

Earth Advantage Institute
Eastern Idaho Community Action Partnership
Efficiency First
ENE (Environment Northeast)
Energy Future Coalition
Energy Platforms, LLC
Environmental and Energy Study Institute
Environment America
Illuminating Engineering Society
Izaak Walton League of America
Jefferson County Committee for Economic Opportunity (AL)
Johnson Controls, Inc.
Knauf Insulation
LACAP (LA)
League of Conservation Voters
Mid-Willamette Valley Community Action Agency (OR)
National Association for State Community Services Programs
National Association of Energy Service Companies
National Association of State Energy Officials (NASEO)
National Community Action Foundation
National Insulation Association
National Wildlife Federation
Natural Resources Defense Council
Newburgh Community Action Committee, Inc. (NY)
Nicholas Community Action (WV)
North American Insulation Manufacturing Association
North Carolina Community Action Association
Northeast Missouri Community Action Agency
NYS Community Action Association (NY)
Ohio Association of Community Action Agencies
Ohio Heartland Community Action Commission
Ohio Partners for Affordable Energy
People Incorporated of Virginia
Polyisocyanurate Insulation Manufacturers Association
Pro Action of Steuben and Yates, Inc. (NY)
Safe Climate Campaign
Schenectady Community Action Program (NY)
S.E. Idaho Community Action Agency, Inc.
Sierra Club
Southeastern Association of Community Action Agencies (NC)
Supportive Housing Network of New York
The Sheet Metal and Air Conditioning Contractors National Association, Inc. (SMACNA)
Tompkins Community Action, Inc. (NY)
The Dow Chemical Company
The Mechanical Contractors Association of America (MCAA)
The Weidt Group
Union of Concerned Scientists
U.S. Green Buildings Council
West CAP (WI)
West Virginia Community Action Partnership, Inc.
Wider Opportunities for Women
WSOS Community Action Commission, Inc. (OH)

I yield back the balance of my time.

Mr. FRELINGHUYSEN. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. FRELINGHUYSEN. In order to increase funding for this energy efficiency and renewable account, the gentleman's amendment again suggests we decrease funding for weapons activities.

As I said earlier the modernization of the nuclear complex is a critical national security priority and must be refunded. Reductions of this magnitude would be unacceptable and impact our ability and our nuclear security strategy.

These reductions in the nuclear account would be to increase funding for Energy Efficiency and Renewable Energy programs primarily in the area of weatherization in the State Energy Program. For your information, these two programs have $3.4 billion in unspent funds from the 2009 stimulus and a full $2.7 billion is expected to be available for use in fiscal year 2012.

They don't need any more money. The Department of Energy needs to get the money out of the door, and if they aren't capable, they need to make sure States that have received money get money out of the door. So I therefore oppose the amendment.

I yield back the balance of my time.

Mr. BASS of New Hampshire. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. BASS of New Hampshire. As much as it pains me to oppose the position of my good friend from the State of New Jersey, I rise in support of this very worthy amendment and want to thank my friend from New York for his sponsorship of it.

As he said, it raises the Weatherization Assistance Program by about $141.3 million, the State Energy Program by $25 million, and the Buildings Technologies Program by $60.5 million, basically to the level funded at the 2011 level. It is offset, as was mentioned, by a reduction of an increase in the Nuclear Security Administration's Weapons Activities, which would make that line item level funded as well.

And I believe, as has been said by my friend from Indiana, as well as my friend from New Jersey, that the Weapons Activities Programs are laudable, especially as they relate to the safety and security of our weapons stockpile. But I think level funding the 2011 levels is adequate.

□ 2030

When you look at the weatherization programs and what they do, you can't dispute it. Low-income individuals cannot afford to spend money on efficiency. It's just not possible. Yet when they do, it has a positive impact on all sorts of other programs, one of which is LIHEAP.

As was mentioned by my friend from New York, these programs pay back on the order of $7, $8, $9, $10, $11 to $1 spent, not only in savings to low-income individuals but also to the Federal Government. This is good for the economy. It puts people to work. It's good for energy efficiency and lessening our dependence on foreign sources of oil, and it does contribute to the long-term national energy goals for this country as I see them.

So all that Mr. TONKO and I are looking for is level funding for fiscal year 2011 for both the nuclear weapons program as well as the weatherization program, the State Energy Program, and the Building Technologies Program, which benefit so many people in so many different parts of America.

So I urge adoption of this amendment.

I yield back the balance of my time.

Mr. TONKO. Mr. Chairman, I ask unanimous consent to strike the last word.

The Acting CHAIR. Without objection, the gentleman from New York is recognized for 5 minutes.

There was no objection.

Mr. TONKO. For a point of clarification, I would just point out the statutory deadline for the weatherization program and the State Energy Program is on March 31 of any given year, in this case 2012. So, of course, it's not all spent yet. There is expected to be an accelerated spending on these investments that are made. The drawdown on those moneys will come in an accelerated way. But also the intent was a 3-year spend-out. And I think if we pull the rug out from these job creators at this stage, we stand to reduce employment among our private sector contractors, our builders and renovators. What I had seen in New York, especially with the State Energy Programs, they had a 3-year waiting list.

There is a great deal of good that comes from this program, and I think everyone in this Chamber is well served by investment in this program.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from New York (Mr. TONKO).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. TONKO. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New York will be postponed.

AMENDMENT OFFERED BY MR. GARRETT

Mr. GARRETT. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 23, line 4, after the dollar amount, insert ''(reduced by $300,000,000)''.

Page 24, line 18, after the dollar amount, insert ''(reduced by $32,000,000)''.

Page 28, line 13, after the dollar amount, insert ''(reduced by $167,500,000)''.

Page 32, line 4, after the dollar amount, insert ''(reduced by $500,000)''.

Page 62, line 2, after the dollar amount, insert ''(increased by $500,000,000)''.

Mr. GARRETT (during the reading). Mr. Chairman, I ask unanimous consent to consider the amendment read.

The Acting CHAIR. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. GARRETT. Mr. Chairman, I ask my colleagues to rise with me in support for my amendment, which will save Americans over $500 million.

My amendment before us today makes reasonable and targeted spending reductions in order to do what? Achieve significant savings that will contribute to our Nation's fiscal health.

Mr. Chairman, we must really now step forward and take bold steps to reduce spending. And I do commend my colleague from the State of New Jersey for the hard work that he has put in, and I appreciate so many of the comments that he has already made on the floor, pointing out to the other side that in so many cases there is money in these accounts, the money hasn't been spent, and they have taken a serious look to try to rein in spending throughout the committee process. For they realize that our Nation is on a path to bankruptcy and we have maxed out our Nation's credit card.

So while the committee did an admirable job and made significant cuts in the underlying bill, I stand here myself, and I and the Republican Study Committee believe that we can go further than this. So this amendment is a very reasonable attempt at showing that this body is serious about cutting spending.

Mr. Chairman, for too long the Federal Government's energy programs have been sold to the American public as basically wise investments that will yield vast new technologies whose costs would basically pale in comparison to the benefits later on. But when you think about it, when you think about the billions and billions of dollars that we have spent year after year, our energy infrastructure remains largely the same in many respects, and we are still here today dependent upon foreign sources of oil. And energy prices? Well, they just continue to spiral upward.

The other side talked wise energy policy. Well, time and time again, Federal energy programs have failed to live up to their potential. These Federal programs have allowed the government to basically play venture capitalists, if you will, and they do so not with their own money. Not at all. They do it with taxpayer moneys. And despite the little return on their investment, they have little choice in making these investments. American taxpayers basically are commanded to increase this investment every year.

For example—I will just give out one since we have been here for a long time this evening—the American people are being asked by their government to invest literally millions to promote something called ''advanced solid-state lighting.'' What is that? It's a technology that even its supporters can see is far too expensive to compete in today's marketplace. So does this sound like something that an intelligent investor would do? I think not. But only Members of Congress who are spending other people's money would do so.

Mr. Chairman, the United States is home to the most vibrant marketplace of ideas and investors. So the very best way for government to encourage energy innovation and revolutionary technology is to do what? It is to use that marketplace and get out of the way and allow private capital to make those investments. It is in the marketplace where private individuals will assess the risks and rewards, and they will invest responsibly with their own money on projects that will merit further development.

So to conclude, considering the precarious state of our economy and the fiscal condition of this country, the government can no longer invest in some of these extremely risky and unproven projects without regard to loss and expense. Government can no longer play the role of that reckless investor. We must eliminate the waste where it exists and encourage the Federal Government to spend the American public's money in a wise and prudent manner.

For that reason I urge my colleagues on both sides of the aisle to vote in favor of this amendment and fiscal responsibility.

I yield back the balance of my time.

Mr. FRELINGHUYSEN. Mr. Chairman I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. FRELINGHUYSEN. First of all, let me compliment my colleague and good friend from New Jersey (Mr. GARRETT). And, of course, I'm reluctant because he's done his homework and he's worked hard, and I believe, with him, that we need to reduce Federal spending. We've been going over a financial precipice.

But we on the Energy and Water Committee made a commitment. Of course, we were given a very low allocation, so we had to meet that. But we have cut Energy and Water back to approximately the 2006 level after multiple hearings. We have put into the bill more oversight. I believe we have made the tough choices. We've reviewed all accounts. We've put at the pinnacle, of course, our responsibility for national security, national defense, and the weapons program and the nuclear navy, the next class of Ohio ballistic submarines, and also made substantial investments in the Army Corps of Engineers.

I am reluctant to oppose this amendment, but I think we've made the tough choices. I urge Members to oppose the amendment.

I yield back the balance of my time.

Mr. VISCLOSKY. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from Indiana is recognized for 5 minutes.

Mr. VISCLOSKY. I rise also to join my chairman in opposition to the gentleman's amendment relative to, again, cutting back on what I think are very necessary investments in our economy as far as research, both as far as renewables, as far as fossil energy, as far as the science account.

The gentleman mentioned advanced solid-state lighting. It is my understanding that Philips has indicated that a small investment in manufacturing technology to improve the mechanisms as far as the construction and manufacturing of these lightbulbs would allow them to bring back jobs that are currently outsourced overseas. If we make that investment, and I hope we do, I certainly would want to join with other colleagues to see if, in fact, Philips Electronics is good to their word. But at this point I would state my objection.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from New Jersey (Mr. GARRETT).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. GARRETT. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New Jersey will be postponed.

□ 2040

AMENDMENT OFFERED BY MR. WU

Mr. WU. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 23, line 4, after the dollar amount insert ''(increased by $60,500,000)''.

Page 32, line 4, after the dollar amount insert ''(reduced by $60,500,000)''.

The Acting CHAIR. The gentleman from Oregon is recognized for 5 minutes.

Mr. WU. Mr. Chairman, I rise today to urge my colleagues to support my commonsense amendment to save consumers significant costs in heating and cooling their homes and businesses. I am joined by my colleagues Don YOUNG of Alaska, CHARLES BASS of New Hampshire, and PAUL TONKO of New York in this bipartisan, commonsense amendment.

Now, it's important because buildings use more energy than either transportation or industry. Fully 40 percent of our energy is consumed by building systems and in homes. My friend PAUL TONKO cited the figure that 70 percent of electricity in America is used in buildings.

At a time of both record energy costs and record unemployment, we need to protect Americans from crushing energy costs by improving the efficiency of existing and new buildings and homes. It's not just an issue for cold weather regions like the State of one of my cosponsors, Representative YOUNG of Alaska. It's also an issue for hot climates like what we have here in Washington, DC. Even at this late hour, at

8:30 p.m., you can just about hear the air conditioning straining to keep it cool in this Chamber. The cost for air conditioning the U.S. Capitol is a fortune. It is also very costly at my 13-foot-wide townhouse near the Capitol, and, of course, heating cost is a big issue in my home in Oregon.

The Building Technologies Program reduces the cost of operating homes and buildings by fostering public-private partnerships and developing technologies, techniques, and tools for making homes and businesses more affordable, productive, and efficient.

According to the Department of Energy, the Building Technologies Program has resulted in fully $14 billion of direct savings to the consumer, savings that have been reinvested in local economies. Additionally, since its founding 20 years ago, the Building Technologies Program has saved the equivalent of over 12 billion gallons of gasoline.

This amendment would return the Building Technologies Program to just its current fiscal year 2011 funding level. This amendment will cost nothing extra because it is fully offset by taking funds from the Office of the Secretary.

According to the Energy and Water Appropriations Subcommittee report, ''a significant fraction of the funding directed in prior appropriations reports to specified energy efficiency and renewable energy activities has been diverted by department management to other purposes in recent years. In some cases, as much as 12 percent of the funding directed by the Congress for this activity has been diverted.''

The offset for this amendment will simply return the funds to the Building Technologies Program as intended by this Congress. This, my colleagues, is low-hanging fruit, and we should pick it.

I want to thank my colleagues DON YOUNG, CHARLES BASS, and PAUL TONKO for their joint sponsorship.

I urge passage of this amendment, and I yield back the balance of my time.

Mr. FRELINGHUYSEN. I move to strike the last word.

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. FRELINGHUYSEN. Mr. Chairman, I rise to oppose the gentleman's amendment, but I give him credit for pursuing it. I have already noted that the bill reduces funds for Energy Efficiency and Renewable Energy activities from that account because the government needs to live within its means and really because they don't need any additional funding.

This amendment increases that account despite, as I said earlier, $9 billion in unspent stimulus money. But perhaps the amendment illustrates how there is simply no room to increase funding for this provision, as the amendment makes an unrealistic cut to departmental administration to do so.

It's not responsible to cut administration and oversight, the very thing that both the ranking and I would suggest the Department of Energy needs more than anything. They need people to review their programs, provide accountability, meet the benchmarks we've set and the timetables we've set and report back to our committee.

So I oppose the amendment and urge others to do so as well.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Oregon (Mr. WU).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. WU. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Oregon will be postponed.

AMENDMENT OFFERED BY MR. WOODALL

Mr. WOODALL. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 23, line 4, after the dollar amount, insert ''(reduced by $200,000)''.

Page 62, line 2, after the dollar amount, insert ''(increased by $200,000)''.

The Acting CHAIR. The gentleman from Georgia is recognized for 5 minutes.

Mr. WOODALL. Mr. Chairman, I realize $200,000 doesn't seem like a lot of money as we talk about millions and billions and then on to trillions. But, Mr. Chairman, when I got this press release from the Department of Energy dated May 24, 2011, it read this:

The U.S. Department of Energy, together with the U.S. Department of Education, today announces the launch of a new energy education initiative, America's Home Energy Education Challenge, to educate America's youth about the benefits of energy efficiency.

Now, Mr. Chairman, you know as I do, this committee has been asked to make tough, tough decisions about how to allocate money in this appropriations bill and has done an amazing job in doing that. And yet what we continue to see out of agencies from downtown is the creation of new programs.

Now you know as I know that we could go through and eliminate, we could zero out this entire appropriations bill and we wouldn't be anywhere close to balance. We could zero out all the discretionary spending and wouldn't be close to balance. And I wonder if folks downtown are getting that same message. Now more than ever is not the right time to start a new program for which there is no demand and bring that to the American people.

Now, Mr. Chairman, I grew up before there was a Department of Energy. And believe it or not—and this program is targeted at folks in grades 3 to 8—when I was in elementary school, we had an energy efficiency program. There was a sign on the wall that said, Please turn out the lights when you leave. There was another room in my younger days that had a bird, and the light switch came right out through the beak that said, Tweet the beak when you leave.

Lots of those things were going on in America's classrooms, Mr. Chairman. They don't need to originate from Washington, D.C. They don't need the U.S. Department of Education and the U.S. Department of Energy to get involved training children to turn out the lights.

We've heard from speaker after speaker after speaker who is trying to move dollars around to make sure that we are targeting our few dollars that we have at those critical, cutting-edge technology programs, those critical research programs, those critical infrastructure programs, and yet here we have a brand new program, Mr. Chairman, going to teach children to turn out the lights when they leave.

I think that is a wonderful goal, and I hope parents across America who are watching this tonight, Mr. Chairman, will take this as their push to go and begin that program at home if they haven't already. Knowing how tight dollars are in my community, I'm sure families are already doing that.

But this is a serious issue that requires folks across this board to come together to make the kinds of spending decisions that we have to make to dig ourselves out of this hole. Creating new programs to do something that are State responsibilities, local responsibilities, family responsibilities, this is not the time nor the bill for it, Mr. Chairman. And I urge my colleagues to support this amendment, to cut this $200,000 and eliminate this new program and put these dollars in the spending reduction account before the new school year begins.

I yield back the balance of my time.

□ 2050

Mr. FRELINGHUYSEN. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. FRELINGHUYSEN. I rise to speak in support of the gentleman from Georgia's amendment. He is so articulate and so convincing, we are willing to accept his amendment.

Mr. VISCLOSKY. Will the gentleman yield?

Mr. FRELINGHUYSEN. I yield to the gentleman from Indiana.

Mr. VISCLOSKY. I would like to thank the gentleman from Georgia for providing us with a copy of the amendment ahead of time and join with the chairman in accepting the amendment.

Mr. FRELINGHUYSEN. One of the convincing arguments you made, you made reference to the Department of Energy newsletter, a new program where maybe personal responsibility should be perhaps ahead of what they may suggest.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Georgia (Mr. WOODALL).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. MCCLINTOCK

Mr. MCCLINTOCK. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 23, line 4, after the dollar amount, insert ''(reduced by $166,143,000)''.

Page 62, line 2, after the dollar amount, insert ''(increased by $166,143,000)''.

The Acting CHAIR. The gentleman from California is recognized for 5 minutes.

Mr. MCCLINTOCK. Mr. Chairman, this amendment saves $166 million by relieving taxpayers of having to subsidize yet another year of handouts to the solar industry.

Solar power is not some fragile, new technology. Photovoltaic electricity generation was invented by Edmund Becquerel in 1839, more than 170 years ago. And in more than 170 years of continuing research and development and technological advancement, not to mention untold billions of taxpayer subsidies, we have not yet invented a more expensive way to generate electricity.

Yet we're perfectly comfortable telling our constituents that we are taking another $166 million from their families this year to throw at this 19th-century technology for no particular reason other than it makes us feel good.

Not only is this the most expensive way we have ever invented to generate electricity; it also adds nothing to our baseline power. Our electricity systems operate on an integrated grid, meaning we constantly have to match the power going onto the grid with the power coming off the grid. And since there's no way to predict when a cloud passing over a solar array will immediately drop the output to zero, we have to construct an equal amount of reliable conventional power to back it up at a moment's notice.

In other words, for every kilowatt of solar power we add to the grid, we also have to add an additional kilowatt of backup power. If this technology was truly on the verge of a breakthrough, it would be the hottest thing in the stock market right now, and investors would be tripping over themselves to get a piece of the action. They are not.

We have no right to take our constituents' money and put it into yet another losing proposition. We're told the solar industry is making great strides in the marketplace. Lots of new jobs. That's true, but it is making those strides not on its own merit, but solely because we are hiding its true cost from consumers through massive tax subsidies that in turn we are borrowing from the Chinese.

It is true that if you hand over $166 million of taxpayer money to certain solar corporations, those corporations are going to do very well financially. But their government-funded windfall comes at the expense of not only the hardworking Americans who are the source of this largess; it comes at the expense of our ability to generate the most energy for the lowest price.

Perhaps it is just human nature that the more we invest in our mistakes, the less willing we are to admit them. But with the mistakes of the last 30 years now contributing to the bankruptcy of our country and the impoverishment of our people, perhaps it is time to tell not only the solar industry but every part of the energy sector, get off the public dole, compete on your own merit, and restore to consumers the accurate and unadulterated price signals that they need to make rational decisions in the marketplace.

I yield back the balance of my time.

Mr. VISCLOSKY. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from Indiana is recognized for 5 minutes.

Mr. VISCLOSKY. I rise in opposition to the gentleman's amendment for reasons I have stated on other very similar amendments relative to energy research into renewable accounts.

I would point out there has been reference about the care that the subcommittee has taken as far as drafting this legislation. Stated in the committee report is language relative to solar, that the committee encourages the Department to include in its efforts disruptive solar energy utilization technologies, fabrication methods that yield ultra-low-cost solar cells, technology for ultrahigh efficiency solar cells, and technologies designed to simulate the operation of solar cells and other methods to yield advance sciences.

The committee also recommended no funding for solar demonstration zone projects, as the Department has adequate facilities at its existing laboratories. So they certainly recognized that they did not want money expended in that area.

The committee also indicated in its report that it is aware of the significant cost and efficiency advantages that solar films can provide to thin film and crystalline silicon modules, and we encouraged the Department to expand the funding of solar film research and development.

So, again, the moneys that are provided, which are very tight, are also very thoughtfully put forth with very directive language by the committee.

For that reason, I do oppose the gentleman's amendment.

I yield back the balance of my time.

Mr. GARAMENDI. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from California is recognized for 5 minutes.

Mr. GARAMENDI. We clearly have to move away from fossil fuels. In order to do so, we need to understand the other opportunities that are available to us. Indeed, solar has been around for a long time. But also in the last decade, 15 years, there have been extraordinary increases in the efficiencies in the solar systems, and they continue to increase.

This is not the time for us to back away from the future. It is time for us to move aggressively forward, providing the research, providing the incentives to move to a new source of energy.

If you want to continue to pollute the atmosphere, then stay with coal. If you want to continue to be indebted to the petro dictators of the world, then stay with oil. But we need to move away from that. And this money in this particular part of the bill provides us with the opportunity to seize the next generation of power, and that is the sun. Yes, the sun has been around a long time, warming us and providing us with what we need to survive. We need to use it more effectively and efficiently, and that is what this money allows us to do. Removing the $154 million is exactly the wrong thing to do. I oppose the amendment.

I yield back the balance of my time.

Mr. FRELINGHUYSEN. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. FRELINGHUYSEN. I oppose this amendment, but agree with the gentleman's concern about the use of the taxpayers' dollars. In this account, which we have been debating for perhaps an hour and a half, I don't think any program has probably had a larger cut than the solar program, perhaps for the very reasons that the gentleman raises. Solar technologies have been around for a long time. We have a fairly viable public sector, but I still think we do need within the Department of Energy people in the Department of Energy who can put together and provide some degree of expertise and advice to a variety of different entrepreneurs.

So I reluctantly oppose the amendment, but certainly know his heart is in the right place.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from California (Mr. MCCLINTOCK).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. MCCLINTOCK. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from California will be postponed.

The Clerk will read.

The Clerk read as follows:

ELECTRICITY DELIVERY AND ENERGY RELIABILITY

For Department of Energy expenses including the purchase, construction, and acquisition of plant and capital equipment, and other expenses necessary for electricity delivery and energy reliability activities in

carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, $139,496,000, to remain available until expended.

NUCLEAR ENERGY

For Department of Energy expenses including the purchase, construction, and acquisition of plant and capital equipment, and other expenses necessary for nuclear energy activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, and the purchase of not more than 10 buses, all for replacement only, $733,633,000, to remain available until expended.

AMENDMENT OFFERED BY MR. SCHIFF

Mr. SCHIFF. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 24, line 6, after the dollar amount insert ''(reduced by $10,000,000) (increased by $10,000,000)''.

The Acting CHAIR. The gentleman from California is recognized for 5 minutes.

□ 2100

Mr. SCHIFF. Mr. Chairman, my amendment is very simple. Of the $733 million appropriated in this bill for nuclear energy research at the Department of Energy, it separates out $10 million to spend on a cooperative effort with NASA to restart the production of plutonium-238.

Advancing the state of nuclear energy technology was the initial mission of the DOE, and it was hugely successful, developing technologies now used in power plants, submarines and deep space missions. This last focus is now one of the smallest: DOE spends about $40 million a year building plutonium-238 radioisotope thermal generators, RTGs, for NASA and for national security purposes. This program began in the fifties. RTGs flew on all of the Apollo missions and many times since. In deep space, RTGs are often the only possible source of power.

Unfortunately, in the early nineties, the U.S. shut down plutonium-238 production, and since then, the Department of Energy has been using stockpiled material and material purchased from Russia to build these devices. Recently, though, Russia refused to continue that relationship, and our supply of plutonium-238 is almost exhausted. There are no other viable ways to provide this power, so the U.S. must restart production to allow any deep space or national security uses to continue.

This project has been requested in the last three budget requests, under the Bush and Obama administrations. Over the course of 5 years, the total cost of the project is estimated at $75-$90 million. By agreement between the agencies, the project would be equally funded by NASA and the DOE as NASA has the largest need for the power and the DOE has the expertise and would build and maintain the facility. The $10 million requested this year in the NASA budget was included in the CJS billing making its way through the Appropriations Committee. This 50/50 cost share is consistent with the decades-long history of the RTG program in which NASA has paid for each RTG produced for its purposes and the DOE has paid for the infrastructure required.

In the context of the nuclear energy research budget, which, in fact, receives a modest increase in this bill, this is a very small project, but it would have an outsized influence on our ability to do the kind of space exploration that no one else in the world can. It may also provide an opportunity for national security agencies to pursue important projects that would otherwise not be available.

I hope that every Member can support this amendment so that we can continue the long history of space exploration for which this Nation is known around the world.

With that, Mr. Chairman, I yield back the balance of my time.

Mr. FRELINGHUYSEN. I move to strike the last word.

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. FRELINGHUYSEN. Mr. Chairman, I rise in opposition to the gentleman's amendment, but let me thank him for his historical perspective of the department and of its initial responsibility and for his own deep knowledge, which he shared with many of us in the House, of its necessity in terms of space exploration.

The gentleman's amendment increases funding for the plutonium-238 production restart project, as it's called. To do so, funding for other valuable nuclear energy activities would have to be cut, including the advanced reactor concept research, fuel cycle development, and promising avenues like small modular reactors licensing and research.

The administration has proposed this new project for several years in order to increase domestic supplies of plutonium-238. The vast majority of this material, as Mr. SCHIFF has said, would be used by NASA for in-space power supplies, and only a small fraction would be used by the Department of Energy. Unfortunately, after the committee repeatedly expressed concerns since fiscal year 2010, the administration once again proposed in the 2012 budget request for the Department of Energy to share a full half of the project's financial cost. The administration has neither altered its stance nor addressed or even acknowledged the committee's concerns about this disproportionate sharing.

The funding plans in the budget request and the amendment simply don't make sense, particularly given the other critical priorities in this bill. As we have expressed for 2 years, the administration must develop a more sensible plan. Therefore, I oppose the amendment, and urge Members to do likewise.

I yield back the balance of my time.

Mr. HOLT. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. HOLT. I would like to make a brief comment in support of the gentleman's amendment.

As he said and as I would like to reiterate, there is a class of space exploration that cannot be carried out without these RTGs. Our domestic supply is unreliable at best, essentially nonexistent, and it takes a while to regenerate that.

I strongly support the gentleman's move to restart that program so that we could have a reliable domestic program for deep space exploration that cannot be conducted in any way with other energy sources. I think it is a reasonable amendment and is not overstated, and I would urge its adoption.

I yield back the balance of my time.

Mr. VISCLOSKY. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from Indiana is recognized for 5 minutes.

Mr. VISCLOSKY. I rise in opposition to the gentleman's amendment.

I certainly appreciate, again, the gentleman's seriousness in offering it. I appreciate what he wants to accomplish, but the history of this issue has been discussed by a number of speakers.

The fact is there have been Presidents of both parties who have made this recommendation over the last 3 years, and there has been directive language by this committee under the direction of both political parties over the last 3 years. The point is there is a benefit to another agency in the government outside the Department of Energy picking up a reasonable cost, and there ought to be an agreement. Until that is done, I would, with all due respect, rise to oppose the gentleman's amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from California (Mr. SCHIFF).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. SCHIFF. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from California will be postponed.

AMENDMENT OFFERED BY MR. GARAMENDI

Mr. GARAMENDI. I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 24, line 6, after the dollar amount, insert ''(increased by $20,000,000)''.

Page 24, line 18. after the dollar amount, insert ''(reduced by $20,000,000)''.

Mr. FRELINGHUYSEN. Mr. Chairman, I reserve a point of order on the gentleman's amendment.

The Acting CHAIR. The gentleman reserves a point of order.

The gentleman from California is recognized for 5 minutes.

Mr. GARAMENDI. This particular section provides $700 million-plus for nuclear power research, various kinds. The chairman spoke to this issue a few moments ago.

The purpose of my amendment is to carve out of that $700 million-plus a sum of $20 million to restart America's program on recycling spent nuclear fuel. We currently call this spent nuclear fuel a ''waste'' when, in fact, it still possesses about 97 percent of the energy that was originally in the uranium and then processed once through the light water reactors. The purpose of the amendment is to restart.

In the 1960s, 1970s and 1980s, America undertook a program to close the nuclear fuel cycle. That was abandoned in 1994 after a successful effort to recycle and to use that energy that is found in the nuclear fuel. Unfortunately, now this spent nuclear fuel, which we call a ''waste product,'' is sitting at every reactor in the United States and mostly around the world, creating a significant hazard. We only need to think about Fukushima's little swimming pool that went dry and of the meltdown that occurred at that point.

We need to recycle and completely use, or as much as possible completely use, the energy in these spent nuclear fuel pools. If we do so, we can do it in a way that significantly reduces the hazards and that significantly reduces the longevity of the problem from some 200,000 to some 300 years and create an enormous energy opportunity.

This is a beginning. There is a long path ahead of us, and we have to start on this immediately. That is the purpose of this. Unfortunately, it is going to be ruled out of order. However, in the future, as we move forward, I would hope that the committee and this House and the Senate deem fit to put this kind of program back into action.

With that, I yield back the balance of my time.

□ 2110

Mr. FRELINGHUYSEN. Mr. Chairman, I continue to reserve my point of order.

The Acting CHAIR. The point of order is reserved.

Mr. FRELINGHUYSEN. I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. FRELINGHUYSEN. Mr. Chairman, I will insist on my point of order but would first make a few comments.

The gentleman's amendment prescribes a path forward for the back end of the nuclear energy fuel cycle by directing the Department of Energy to develop a specific type of reprocessing plan and facility, the integral fast reactor.

Let me say I appreciate our colleague from California's passion for moving forward our Nation's strategy for handling spent nuclear fuel, and I want to thank him for the many times he approached me on this issue. I and many of my colleagues share the gentleman's concerns, and I have repeatedly pushed the administration to move forward at least one piece of the solution, which is the Yucca Mountain repository. There is, however, ongoing debate about the future of the back end of our Nation's fuel cycle.

There are many approaches, including open, closed and modified fuel cycles. Each of these approaches—some of which utilize reprocessing facilities—are far from straightforward and can be accomplished using a variety of competing technologies. While I appreciate my colleague's desire to move the Nation forward, we must carefully evaluate these highly technical issues to address the economic safety and nonproliferation impacts that accompany any fuel cycle option. The gentleman's amendment chooses one winning technology, and I believe it deserves more careful evaluation before moving forward.

POINT OF ORDER

Mr. FRELINGHUYSEN. Mr. Chairman, I insist on my point of order.

The Acting CHAIR. The gentleman will state his point of order.

Mr. FRELINGHUYSEN. Mr. Chairman, the amendment proposes to amend portions of the bill not yet read. The amendment may not be considered en bloc under clause 2(f) of rule XXI because of outlays in the bill.

I ask for a ruling from the Chair.

The Acting CHAIR. Does any Member wish to speak on the point of order?

Mr. GARAMENDI. I do wish to speak on the point of order.

The Acting CHAIR. The gentleman from California is recognized.

Mr. GARAMENDI. I think the point of order is out of order. In fact, the issue before us is of utmost importance to this Nation—and indeed to the world—as more and more light water reactors are built.

The problem of spent fuel continues to mount and creates hazards. The United States did, in fact, figure out how to close the nuclear gap.

The Acting CHAIR. The gentleman needs to speak to the point of order.

Mr. GARAMENDI. I'm working towards that.

The Acting CHAIR. Well, the gentleman needs to speak to the point of order.

Mr. GARAMENDI. The point of order that I would have wished to speak to, I will yield back my time and take up the subject later.

The Acting CHAIR. The Chair is prepared to rule.

To be considered en bloc pursuant to clause 2(f) of rule XXI, an amendment must not propose to increase the levels of budget authority or outlays in the bill.

Because the amendment offered by the gentleman from California proposes a net increase in the level of outlays in the bill, as argued by the chairman of the Subcommittee on Appropriations, it may not avail itself of clause 2(f) to address portions of the bill not yet read.

The point of order is sustained. The amendment is not in order.

The Clerk will read.

The Clerk read as follows:

FOSSIL ENERGY RESEARCH AND DEVELOPMENT

For necessary expenses in carrying out fossil energy research and development activities, under the authority of the Department of Energy Organization Act (Public Law 95–91), including the acquisition of interest, including defeasible and equitable interests in any real property or any facility or for plant or facility acquisition or expansion, and for conducting inquiries, technological investigations and research concerning the extraction, processing, use, and disposal of mineral substances without objectionable social and environmental costs (30 U.S.C. 3, 1602, and 1603), $476,993,000, to remain available until expended: *Provided*, That for all programs funded under Fossil Energy appropriations in this Act or any other Act, the Secretary may vest fee title or other property interests acquired under projects in any entity, including the United States.

AMENDMENT OFFERED BY MR. GARAMENDI

Mr. GARAMENDI. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 24, line 18, after the dollar amount insert ''(reduced by $450,000,000)''.

Page 28, line 23, after the dollar amount insert ''(increased by $450,000,000)''.

The Acting CHAIR. The gentleman from California is recognized for 5 minutes.

Mr. GARAMENDI. This amendment would transfer $450 million from the Fossil Fuel Research Account to ARPA-E. The reason for the amendment is that we have to move off the 19th-century fuel, that is, coal and oil, and move to future energy sources, one of which I talked about a few moments ago, that is, the nuclear. The other energy sources are out there. We discussed on this floor here over the last hour the issue of solar. There are fuels, advanced biofuels. There are also wind, solar, wave, geothermal. All of these are being advanced at this time by the ARPA-E program within the Department of Energy. That's where the future is.

Now, we can make a choice here about staying with the past and trying to figure out how to create clean coal, which is probably the oxymoron of the century, or we can simply shift our resources to look at other energy sources, and that's what we have to do. The purpose of this amendment is to do that, to shift $450 million into ARPA-E so that we can look for the energy systems of the future, providing the support that they need both in the research and in the early development of those resources.

There has been much success in this area. There have been numerous research programs that have been done not only at the Department of Energy facilities, but at universities around this country that have taken advantage of the ARPA-E program. It is modeled after the very successful and very long-lasting Department of Defense ARPA program, and it works. We've actually seen major scientific breakthroughs that have occurred as a result of the funding from the ARPA-E program.

Modest as it was, if this amendment were to be adopted, it would be a very big program, one that has the potential of advancing this Nation's future and freeing us—in the case of oil—from the petro dictators of the world and also, in the case of coal, from the extraordinary problems that coal brings to the environment and to communities throughout this Nation. I understand the coal industry and their desire to continue to dig for coal, but we know that at some point we're going to have to move away into the future, and that is what this amendment would attempt to accomplish.

Mr. Chairman, I yield back the balance of my time.

Mr. VISCLOSKY. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from Indiana is recognized for 5 minutes.

Mr. VISCLOSKY. With all respect, I do rise in opposition to the gentleman's amendment. I appreciate his comments about ARPA-E. I appreciate the purpose behind its creation. And I will certainly acknowledge that it would appear at ARPA-E there is a new culture, if you would, at that element of the Department of Energy to move projects along and to have a conclusion to research.

As I indicated in my opening remarks in general debate on this bill, I wish the Department of Energy had brought the same vigor and that same commitment that they had to ARPA-E to existing programs at the Department of Energy because my concern is that at some point in time we have too many programs that are going to solve the problem and we're tripping over each other.

At this point, we have 46 Energy Frontier Research Centers, and there is a request to add three to eight more. We have a new administration, and it is not unique to the Obama administration that at the Department of Energy we need, as I would characterize it, a new silver ball to chase around. We need new hubs so that people can talk to each other about critical research. At this point in time, there are three hubs in place, as I understand, for about 18 months. There are two more called for in this bill, totaling five.

We need a bioenergy research center. There are now three in the United States: one in Berkeley, California; one in Madison, Wisconsin; and one in Oak Ridge, Tennessee. We also need defined research being done at the Joint Genome Institute that was established in 1997 under President Clinton.

I, at this point in time, would like to make sure that ARPA-E works over a longer term, as advertised, and that as advertised the Department takes that culture that is being developed at ARPA-E and to infuse it into these other programs and to show the Congress of the United States there is communication between these numerous programs before we provide any additional monies over and above those called for in the bill.

So again, very respectfully, I would oppose the gentleman's amendment.

Mr. Chairman, I yield back the balance of my time.

□ 2120

Mr. FRELINGHUYSEN. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. FRELINGHUYSEN. I rise to oppose the amendment but also to associate myself with the ranking member's comments on ARPA-E, which I'm supportive of. Of course our colleague's amendment would add funding to ARPA-E, which receives some $100 million in our bill; but the way he would do it would be virtually to eliminate funding for the Fossil Energy Research and Development program, I think causing excessive job losses. And I think the program makes major contributions.

Of course we can't forget that fossil fuels, coal, and natural gas generate about 70 percent of our Nation's electricity. ARPA-E may someday generate a much greater percentage than perhaps it potentially does today, but we're a long way from there. So I oppose the gentleman's amendment and certainly the source, using the Fossil Fuels account for this additional money, that he suggests.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from California (Mr. GARAMENDI).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. GARAMENDI. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from California will be postponed.

Mr. FRELINGHUYSEN. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. BROUN of Georgia) having assumed the chair, Mr. CONAWAY, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 2354) making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes, had come to no resolution thereon.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. DAVIS of Illinois (at the request of Ms. PELOSI) for today.

Ms. BROWN of Florida (at the request of Ms. PELOSI) for today on account of official business in the district.

ADJOURNMENT

Mr. FRELINGHUYSEN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 24 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, July 12, 2011, at 10 a.m. for morning-hour debate.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

2367. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Pears Grown in Oregon and Washington; Amendment To Allow Additional Exemptions [Doc. No.: AMS-FV-10-0072; FV10-927-1 FIR] received June 13, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2368. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — User Fees for 2011 Crop Cotton Classification Services to Growers [AMS-CN-10-0111; CN-11-001] (RIN: 0581-AD11) received June 13, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2369. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Nectarines and Peaches Grown in California; Suspension of Handling Requirements [Doc. No.: AMS-FV-11-0019; FV11-916/917-5 IR] received June 13, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2370. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Grapes Grown in Designated Area of Southeastern California; Increases Assessment Rate [Doc. No.: AMS-FV-10-0104; FV11-925-1 FR] received June 13, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2371. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Olives Grown in California; Decreased Assessment Rate [Doc. No.: AMS-FV-10-0115; FV11-932-1 IR] received June 13, 201, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2372. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Raisins Produced From Grapes Grown in California; Increased Assessment Rate [Doc. No.: AMS-FV-10-0090; FV10-989-3 FR] received June 13, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2373. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Federal Seed Act Regulations [Doc. No.: AMS-LS-08-0002] (RIN: 0581-AC74) received June 13, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2374. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Regulations Issued Under the Export Grape and Plum Act; Revision to the Minimum Requirements [Doc. No.: AMS-FV-10-0091; FV11-35-1 FR] received June 13, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2375. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Irish Potatoes Grown in Washington; Decreased Assessment Rate [Doc. No.: AMS-FV-11-0012; FV11-946-2 IR] received June 13, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2376. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Blueberry Promotion, Research, and Information Order; Section 610 Review [Document Number: AMS-FV-10-0006] received June 13, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2377. A letter from the Deputy Director, Food and Community Resources, Department of Agriculture, transmitting the Department's final rule — Competitive and Noncompetitive Non-Formula Federal Assistance Programs—Specific Administrative Provisions for the Beginning Farmer and Rancher Development Program (RIN: 0524-AA59) received June 20, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2378. A letter from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting the Administration's final rule — Federal Agricultural Mortgage Corporation Funding and Fiscal Affairs; Farmer Mac Risk-Based Capital Stress Test, Version 5.0 (RIN: 3052-AC70) received June 24, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2379. A letter from the Under Secretary, Department of Defense, transmitting a letter on the approved retirement of General David H. Petraeus, United States Army, and his advancement to the grade of general on the retired list; to the Committee on Armed Services.

2380. A letter from the Under Secretary, Department of Defense, transmitting a letter of correction concerning the RQ-4A/B Unmanned Aircraft System (UAS) Global Hawk Block 30 Program of Record; to the Committee on Armed Services.

2381. A letter from the Chairman, The Appraisal Subcommittee, Federal Financial Institutions Examination Council, transmitting the 2010 Annual Report of the Appraisal Subcommittee, pursuant to 12 U.S.C. 3332; to the Committee on Financial Services.

2382. A letter from the Secretary, Securities and Exchange Commission, transmitting the Commission's final rule — Beneficial Ownership Reporting Requirements and Security-Based Swaps [Release No.: 34-64628; File No. S7-10-11] (RIN: 3235-AK98) received June 13, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

2383. A letter from the Secretary, Securities and Exchange Commission, transmitting the Commission's final rule — Exemptions for Advisers to Venture Capital Funds, Private Fund Advisers With Less Than $150 Million in Assets Under Management, and Foreign Private Advisers [Release No.: IA-3222; File No. S7-37-10] (RIN: 3235-AK81) received June 24, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

2384. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting report prepared by the Department of State concerning international agreements other than treaties entered into by the United States to be transmitted to the Congress within the sixty-day period specified in the Case-Zablocki Act; to the Committee on Foreign Affairs.

2385. A letter from the Chief Human Capital Officer, Corporation for National and Community Service, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

2386. A letter from the Secretary, Department of Education, transmitting the sixty-second Semiannual Report to Congress of the Office of the Inspector General for the period October 1, 2010, through March 31, 2011; to the Committee on Oversight and Government Reform.

2387. A letter from the Chair, Equal Employment Opportunity Commission, transmitting the Inspector General's Semiannual Report to Congress for the period ending March 31, 2011; to the Committee on Oversight and Government Reform.

2388. A letter from the Branch of Recovery and Delisting, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Reinstatement of Listing Protections for the Virginia Northern Flying Squirrel in Compliance With a Court Order [Docket No.: FWS-R5-ES-2011-0035] (RIN: 1018-AX80) June 24, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

2389. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's determination on a petition on behalf of workers from the Linde Ceramics Plant in Tonawanda, New York, to be added to the Special Exposure Cohort (SEC), pursuant to the Energy Employees Occupational Illness Compensation Program Act of 2000 (EEOICPA); to the Committee on the Judiciary.

2390. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's determination on a petition on behalf of workers from the Dow Chemical Company in Madison, Illinois, to be added to the Special Exposure Cohort (SEC), pursuant to the Energy Employees Occupational Illness Compensation Program Act of 2000 (EEOICPA); to the Committee on the Judiciary.

2391. A letter from the Board Members, Railroad Retirement Board, transmitting the Board's 2011 annual report on the financial status of the railroad unemployment insurance system, pursuant to 45 U.S.C. 369; jointly to the Committees on Transportation and Infrastructure and Ways and Means.

2392. A letter from the Board Members, Railroad Retirement Board, transmitting a report on the actuarial status of the railroad retirement system, including any recommendations for financing changes, pursuant to 45 U.S.C. 231f-1; jointly to the Committees on Ways and Means and Transportation and Infrastructure.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. DINGELL (for himself and Mr. GENE GREEN of Texas):

H.R. 2482. A bill to establish the sense of Congress that Congress should enact, and the President should sign, bipartisan legislation to strengthen public safety and to enhance wireless communications, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Science, Space, and Technology, and Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GRIMM (for himself, Mr. GARRETT, Mr. STIVERS, and Mr. CAMPBELL):

H.R. 2483. A bill to amend the Securities Exchange Act of 1934 and the Commodity Exchange Act to modify certain provisions relating to whistleblower incentives and protection; to the Committee on Financial Services, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HARRIS (for himself, Mrs. CHRISTENSEN, Mr. MICHAUD, Mr. GRIJALVA, Ms. PINGREE of Maine, and Mr. MACK):

H.R. 2484. A bill to reauthorize the Harmful Algal Bloom and Hypoxia Research and Control Act of 1998 to include a comprehensive and integrated strategy to address harmful algal blooms and hypoxia, to provide for the development and implementation of a comprehensive research plan and action strategy to reduce harmful algal blooms and hypoxia, and for other purposes; to the Committee on Science, Space, and Technology, and in addition to the Committee on Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. THOMPSON of Pennsylvania (for himself, Mr. BUTTERFIELD, Mr. BARLETTA, Mr. PETRI, Mr. PLATTS, Mr. HANNA, Ms. SLAUGHTER, Mr. HINOJOSA, Mr. ROSS of Arkansas, Mr. KELLY, and Mr. BOREN):

H.R. 2485. A bill to amend, for certain fiscal years, the weighted child count used to determine targeted grant amounts and education finance incentive grant amounts for local educational agencies under title I of the Elementary and Secondary Education Act of 1965; to the Committee on Education and the Workforce.

By Ms. BORDALLO (for herself, Mr. FALEOMAVAEGA, Mr. SABLAN, Mrs. CHRISTENSEN, Mr. HONDA, Ms. HANABUSA, Ms. HIRONO, Ms. LEE of California, and Ms. CHU):

H.R. 2486. A bill to amend the Public Health Service Act to provide for health data regarding Native Hawaiians and other Pacific Islanders; to the Committee on Energy and Commerce.

By Mr. FLAKE:

H.R. 2487. A bill to amend the Food, Conservation, and Energy Act of 2008 to terminate direct payments for the 2012 crop year; to the Committee on Agriculture.

By Mr. HINCHEY (for himself, Mr. CRITZ, Mrs. LOWEY, Mr. PETERSON, Mr. GALLEGLY, Mr. HANNA, Mr. WU, Mr. FILNER, and Mr. GRIJALVA):

H.R. 2488. A bill to amend the Internal Revenue Code of 1986 to allow a $1,000 refundable credit for individuals who are bona fide volunteer members of volunteer firefighting and emergency medical service organizations; to the Committee on Ways and Means.

By Mr. HOLT (for himself, Mr. HINCHEY, Mr. FORTENBERRY, Mr. ROTHMAN of New Jersey, and Mr. WELCH):

H.R. 2489. A bill to authorize the acquisition and protection of nationally significant battlefields and associated sites of the Revolutionary War and the War of 1812 under the American Battlefield Protection Program; to the Committee on Natural Resources.

By Mr. INSLEE (for himself, Mr. DICKS, Mr. LARSEN of Washington, Mr. SMITH of Washington, Mr. MCDERMOTT, and Mr. BASS of New Hampshire):

H.R. 2490. A bill to amend the National Trails System Act to provide for a study of the Cascadia Marine Trail; to the Committee on Natural Resources.

By Mr. LUETKEMEYER (for himself and Mrs. MYRICK):

H.R. 2491. A bill to amend the Internal Revenue Code of 1986 to allow refunds of Federal motor fuel excise taxes on fuels used in mobile mammography vehicles; to the Committee on Ways and Means.

By Mr. MARINO (for himself and Ms. SUTTON):

H.R. 2492. A bill to prohibit attendance of an animal fighting venture, and for other purposes; to the Committee on Agriculture, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MCDERMOTT (for himself, Mr. RANGEL, Mr. LEWIS of Georgia, and Mr. JOHNSON of Georgia):

H.R. 2493. A bill to amend the African Growth and Opportunity Act to extend the third country fabric program, and for other purposes; to the Committee on Ways and Means.

By Mr. NADLER:

H.R. 2494. A bill to authorize and direct the Secretary of State and the Commissioner of Social Security to continue to work with the governments of the states of the former Soviet Union to encourage such states to adopt policies that would allow receipt of pensions for individuals who worked in any such state and earned a pension and currently reside in the United States, and for other purposes; to the Committee on Foreign Affairs.

By Mr. TIERNEY (for himself, Mr. ELLISON, Mr. GRIJALVA, Mr. JACKSON of Illinois, and Ms. MCCOLLUM):

H.R. 2495. A bill to amend the Internal Revenue Code of 1986 to eliminate certain tax expenditures; to the Committee on Ways and Means.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

85. The SPEAKER presented a memorial of the House of Representatives of the State of Texas, relative to House Resolution No. 1955 urging the United States Fish and Wildlife Service to withdraw its proposal to list the dunes sagebrush lizard under the Endangered Species Act of 1973; to the Committee on Natural Resources.

86. Also, a memorial of the General Assembly of the State of Rhode Island, relative to Senate Resolution S. 976 urging the swift adoption of the Main Street Fairness Act; to the Committee on the Judiciary.

87. Also, a memorial of the House of Representatives of the State of Texas, relative to House Resolution No. 1483 endorsing the inclusion of Taiwan in the United States Visa Waiver Program; to the Committee on the Judiciary.

88. Also, a memorial of the House of Representatives of the State of Louisiana, relative to House Concurrent Resolution No. 94 memorializing the Congress to review the Government Pension Offset and the Windfall Elimination Provision Social Security benefit reductions and enacting the Social Security Fairness Act; to the Committee on Ways and Means.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. DINGELL:

H.R. 2482.

Congress has the power to enact this legislation pursuant to the following:

Article I, section 8, clause 3, and Article I, section 8, clause 18 of the Constitution of the United States.

By Mr. GRIMM:

H.R. 2483.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3.

By Mr. HARRIS:

H.R. 2484.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 3 & 18 of the United States Constitution.

Clause 3: To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes.

Clause 18: To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by the Constitution in the Government of the United States, or in any Department or Officer thereof.

By Mr. THOMPSON of Pennsylvania:

H.R. 2485.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 18; and including, but not solely limited to the 14th Amendment.

By Ms. BORDALLO:

H.R. 2486.

Congress has the power to enact this legislation pursuant to the following:

Clause 3 of Section 8 of Article I.

By Mr. FLAKE:

H.R. 2487.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority of Congress provided by Article I, section 8 of the United States Constitution, specifically clause 1 (relating to the power of Congress to provide for the general welfare of the United States), clause 3 (relating to the power to regulate interstate commerce), and clause 18 (relating to the power to make all laws necessary and proper for carrying out the powers vested in Congress).

By Mr. HINCHEY:

H.R. 2488.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8

The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States;

By Mr. HOLT:

H.R. 2489.

Congress has the power to enact this legislation pursuant to the following:

Article I of the Constitution of the United States.

By Mr. INSLEE:

H.R. 2490.

Congress has the power to enact this legislation pursuant to the following:

The Constitutional authority of Congress to enact this legislation is provided by Article 1, Section 8, Clause 18, which provides that Congress shall have the power to make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by the Constitution in the Government of the United States, or in any Department or Officer thereof.

By Mr. LUETKEMEYER:

H.R. 2491.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority on which this bill rests is the explicit power of Congress to regulate commerce in and among the states, as enumerated in Article 1, Section 8, Clause 3, the Commerce Clause, of the United States Constitution.

Additionally, the constitutional authority on which the tax provisions of this bill rest is the power of Congress to explicitly lay and collect taxes, duties, imposts and excises, to pay the Debts and provide for the common defense and general welfare of the United States and, therefore, implicitly allows Congress to reduce taxes, as enumerated in Article 1, Section 8, Clause 1 of the United States Constitution.

By Mr. MARINO:

H.R. 2492.

Congress has the power to enact this legislation pursuant to the following:

1) Article I, Section 8, Clause 1

The Congress shall have Power to lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States.

2) Article I, Section 9, Clause 3

To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes.

By Mr. MCDERMOTT:

H.R. 2493.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3 of the Constitution

By Mr. NADLER:

H.R. 2494.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clauses 1 and 18.

By Mr. TIERNEY:

H.R. 2495.

Congress has the power to enact this legislation pursuant to the following:

Article I, section 8 of the United States Constitution.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 23: Mr. CONNOLLY of Virginia, Mr. CALVERT, Mr. WEST, and Mr. BOSWELL.

H.R. 27: Mr. SMITH of Texas, Mr. BONNER, and Mr. KISSELL.

H.R. 329: Mr. BOSWELL.

H.R. 333: Mr. GINGREY of Georgia, Mr. HONDA, Mr. HINOJOSA, and Mr. SCHOCK.

H.R. 376: Mr. MICHAUD.

H.R. 389: Mr. FORBES.

H.R. 402: Ms. EDDIE BERNICE JOHNSON of Texas and Ms. NORTON.

H.R. 436: Mrs. HARTZLER, Mr. KING of Iowa, and Mr. MATHESON.
H.R. 452: Mrs. HARTZLER, Mr. DANIEL E. LUNGREN of California, Mr. STUTZMAN, and Mrs. CHRISTENSEN.
H.R. 466: Mr. BURGESS.
H.R. 495: Mr. RIGELL.
H.R. 607: Mr. GARAMENDI and Mr. BARLETTA.
H.R. 687: Mr. FRANKS of Arizona and Mr. REHBERG.
H.R. 692: Mr. DUNCAN of South Carolina.
H.R. 704: Mr. DUNCAN of South Carolina.
H.R. 719: Mrs. ELLMERS and Mr. SCHIFF.
H.R. 721: Mr. WATT and Mr. THORNBERRY.
H.R. 733: Mr. AL GREEN of Texas, Mr. RUNYAN, and Mr. BOSWELL.
H.R. 743: Mr. COBLE.
H.R. 756: Mr. FILNER.
H.R. 795: Mr. WALDEN and Mr. DENHAM.
H.R. 805: Mr. BOSWELL.
H.R. 812: Mr. LARSON of Connecticut.
H.R. 860: Mr. MILLER of North Carolina, Ms. NORTON, Mr. AUSTRIA, Mr. MCCOTTER, Mr. NADLER, Mr. MCKINLEY, Ms. BALDWIN, Mr. NEAL, Mr. MICHAUD, Mrs. CAPPS, Mr. DEUTCH, Mr. ROE of Tennessee, Mr. CONAWAY, Mr. LATOURETTE, Mr. HANNA, Mr. CONYERS, and Mr. WATT.
H.R. 865: Mr. CARNAHAN and Mr. SCHIFF.
H.R. 886: Mrs. MYRICK.
H.R. 931: Mr. MILLER of Florida.
H.R. 965: Mr. FARR and Mr. TIERNEY.
H.R. 992: Mr. SCHIFF.
H.R. 998: Mr. SCHIFF.
H.R. 1001: Mr. JONES, Mr. YOUNG of Alaska, and Mr. COSTELLO.
H.R. 1006: Mr. DUNCAN of South Carolina and Mr. MCCLINTOCK.
H.R. 1031: Mr. MICA.
H.R. 1041: Mrs. BIGGERT, Mr. YOUNG of Indiana, and Mr. AKIN.
H.R. 1044: Mr. ROE of Tennessee and Mr. HEINRICH.
H.R. 1063: Mr. SIRES.
H.R. 1127: Mrs. NAPOLITANO and Mr. RUSH.
H.R. 1170: Mr. CARTER.
H.R. 1175: Mr. BLUMENAUER.
H.R. 1187: Mr. HANNA.
H.R. 1188: Mr. TIERNEY.
H.R. 1234: Mr. PALLONE.
H.R. 1236: Mr. POE of Texas and Mr. MCINTYRE.
H.R. 1240: Mr. COHEN.
H.R. 1256: Mr. QUIGLEY.
H.R. 1284: Mr. PAYNE.
H.R. 1288: Mr. WATT and Mr. MCCAUL.
H.R. 1297: Mr. AUSTIN SCOTT of Georgia.
H.R. 1300: Ms. DELAURO.
H.R. 1327: Mr. MCDERMOTT.
H.R. 1351: Mr. STARK, Ms. MCCOLLUM, Mr. SCOTT of Virginia, and Mr. LANCE.
H.R. 1358: Mr. GOWDY.
H.R. 1370: Mr. WALSH of Illinois, Mr. GUTHRIE, and Mr. CONAWAY.
H.R. 1381: Ms. SCHAKOWSKY.
H.R. 1404: Mr. PETERS.
H.R. 1416: Mr. GARAMENDI.
H.R. 1417: Mr. RUSH and Mr. GRIMM.
H.R. 1418: Mr. POE of Texas.
H.R. 1439: Mr. DANIEL E. LUNGREN of California.
H.R. 1465: Mr. MORAN and Mr. GUTIERREZ.
H.R. 1477: Mr. HONDA and Ms. BASS of California.
H.R. 1515: Mr. CROWLEY.
H.R. 1533: Mr. MICA.
H.R. 1556: Mr. YOUNG of Alaska.
H.R. 1558: Mr. LANKFORD, Mr. BISHOP of Utah, Mr. PLATTS, Mr. JORDAN, and Mr. DENHAM.
H.R. 1575: Mr. RANGEL.
H.R. 1583: Mr. CROWLEY.
H.R. 1591: Mr. FRANKS of Arizona.
H.R. 1639: Mr. BOUSTANY, Mr. DENHAM, and Mr. LONG.
H.R. 1707: Mr. LIPINSKI.
H.R. 1715: Mr. DUNCAN of South Carolina.
H.R. 1723: Mr. LONG, Mr. GIBBS, and Mr. GARDNER.
H.R. 1741: Mr. DUNCAN of South Carolina.
H.R. 1744: Mr. PLATTS, Mr. YOUNG of Indiana, Mr. KINGSTON, and Mr. LATTA.
H.R. 1756: Mr. NADLER, Mr. ENGEL, and Mr. PASCRELL.
H.R. 1775: Mr. FRANKS of Arizona, Mrs. CHRISTENSEN, and Mr. FORTENBERRY.
H.R. 1792: Mr. LATHAM and Mr. MILLER of Florida.
H.R. 1817: Mr. QUIGLEY.
H.R. 1832: Mr. DUNCAN of South Carolina.
H.R. 1848: Mr. MULVANEY.
H.R. 1856: Mr. DUNCAN of South Carolina and Mr. SIRES.
H.R. 1901: Mr. COHEN.
H.R. 1932: Mr. MANZULLO and Mr. HERGER.
H.R. 1941: Ms. EDDIE BERNICE JOHNSON of Texas.
H.R. 1964: Mr. FORBES.
H.R. 1980: Mr. FRANKS of Arizona, Mr. POE of Texas, and Mr. FRANK of Massachusetts.
H.R. 1981: Mr. COBLE, Mr. FRANKS of Arizona, Mr. GALLEGLY, Mr. GOWDY, Mr. CHABOT, Mr. DEUTCH, Mr. SHULER, Mr. DANIEL E. LUNGREN of California, and Mr. CRITZ.
H.R. 2010: Mrs. BLACKBURN.
H.R. 2033: Mr. PETERS.
H.R. 2054: Mr. CHANDLER.
H.R. 2068: Mr. HULTGREN.
H.R. 2085: Mr. BRADY of Pennsylvania.
H.R. 2088: Mr. RYAN of Ohio.
H.R. 2104: Mr. TIBERI, Mr. GIBBS, Ms. KAPTUR, and Mr. NEUGEBAUER.
H.R. 2108: Mrs. BLACKBURN and Mr. MCNERNEY.
H.R. 2111: Mr. ROTHMAN of New Jersey, Mrs. MALONEY, and Ms. ZOE LOFGREN of California.
H.R. 2139: Mr. YOUNG of Indiana, Mr. LOEBSACK, Mr. PEARCE, Mr. GOSAR, and Mr. VISCLOSKY.
H.R. 2190: Ms. SCHAKOWSKY.
H.R. 2198: Mr. BURTON of Indiana.
H.R. 2206: Mrs. ELLMERS.
H.R. 2214: Mr. RIGELL.
H.R. 2228: Mr. LIPINSKI.
H.R. 2238: Mr. LOEBSACK and Ms. HIRONO.
H.R. 2247: Ms. RICHARDSON.
H.R. 2250: Mr. ROKITA, Mrs. HARTZLER, Mr. JONES, Mr. THOMPSON of Mississippi, Mr. CRAVAACK, and Mr. HULTGREN.
H.R. 2280: Mr. CONYERS.
H.R. 2281: Mr. RUSH.
H.R. 2288: Mr. COURTNEY.
H.R. 2304: Mr. GRIMM and Mr. SCOTT of South Carolina.
H.R. 2315: Mr. STARK and Mr. COHEN.
H.R. 2333: Mr. HONDA.
H.R. 2355: Mr. SCHOCK.
H.R. 2357: Mr. YOUNG of Alaska and Mr. COBLE.
H.R. 2360: Mrs. MILLER of Michigan, Mr. HUNTER, Mr. NUNNELEE, Mr. SOUTHERLAND, Mr. ROKITA, Mr. GOWDY, Mr. DUNCAN of South Carolina, Mr. WITTMAN, Mr. YOUNG of Alaska, Mr. ALEXANDER, and Mr. BONNER.
H.R. 2402: Mr. BISHOP of Utah, Mrs. ADAMS, Mr. WEST, Mr. PEARCE, Mr. SESSIONS, Mr. AUSTIN SCOTT of Georgia, Mr. ROE of Tennessee, and Mr. ROONEY.
H.R. 2407: Mr. FILNER.
H.R. 2412: Mr. SCHIFF.
H.R. 2417: Mr. FITZPATRICK and Mr. WOMACK.
H.R. 2432: Mr. ROSKAM.
H.R. 2436: Mr. CANSECO.
H.R. 2445: Mrs. ROBY and Mr. ROSS of Florida.
H.R. 2446: Mr. WESTMORELAND.
H.R. 2457: Mr. HULTGREN.
H.R. 2458: Mr. MCCLINTOCK, Mrs. MCMORRIS RODGERS, Mr. HULTGREN, and Mr. LATTA.
H.R. 2472: Mr. GINGREY of Georgia.
H.J. Res. 10: Mr. COOPER.
H.J. Res. 13: Mr. LANCE.
H.J. Res. 47: Ms. CHU and Mr. PETERS.
H. Con. Res. 39: Mr. HULTGREN and Mr. OLSON.
H. Res. 25: Mr. PEARCE.
H. Res. 111: Mr. COURTNEY.
H. Res. 137: Ms. HERRERA BEUTLER.
H. Res. 262: Mr. YOUNG of Florida.
H. Res. 298: Mr. DIAZ-BALART and Mr. ROE of Tennessee.
H. Res. 332: Mr. CLAY.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 1309

OFFERED BY: MR. GOSAR

AMENDMENT NO. 1: Page 19, after line 8, insert the following new subsection:

(f) EFFECTIVE DATE OF POLICIES FOR CERTAIN PROPERTIES AFFECTED BY WILDFIRE.—Paragraph (2) of section 1306(c) of the National Flood Insurance Act of 1968 (42 U.S.C. 4013(c)(2)) is amended—

(1) in subparagraph (A), by striking ''or'' at the end;

(2) in subparagraph (B), by striking the period at the end and inserting ''; or''; and

(3) by adding at the end the following new subparagraph:

''(C) the initial purchase of flood insurance coverage pursuant to a determination by the Administrator that the waiting period under paragraph (1) shall be waived for private property that is affected by flooding on Federal land affected by wildfire.''.

H.R. 2434

OFFERED BY: MR. WESTMORELAND

AMENDMENT NO. 1: Page 3, line 20, strike ''$200,000,000'' and insert ''$100,000,000''.

Page 4, line 3, strike ''$200,000,000'' and insert ''$100,000,000''.

H.R. 2434

OFFERED BY: MR. WESTMORELAND

AMENDMENT NO. 2: Page 75, line 19, after the dollar amount, insert ''(reduced by $342,000,000)''.

Page 76, line 12, after the dollar amount, insert ''(reduced by $342,000,000)''.

Page 130, line 11, after the dollar amount, insert ''(increased by $342,000,000)''.

H.R. 2354

OFFERED BY: MR. FLORES

AMENDMENT NO. 27: At the end of the bill (before the short title), add the following new section:

SEC. ____. None of the funds made available by this Act may be used to enforce section 526 of the Energy Independence and Security Act of 2007 (Public Law 110–140; 42 U.S.C. 17142).

H.R. 2354

OFFERED BY: MS. KAPTUR

AMENDMENT NO. 28: Page 23, line 4, after the dollar amount insert ''(increased by $10,000,000)''.

Page 32, line 4, after the dollar amount insert ''(reduced by $10,000,000)''.

H.R. 2354

OFFERED BY: MR. TURNER

AMENDMENT NO. 29: Page 3, line 24, after the dollar amount, insert ''(reduced by $118,400,000)''.

Page 6, line 6, after the dollar amount, insert ''(reduced by $123,313,000)''.

Page 33, line 20, after the dollar amount, insert ''(increased by $129,353,000)''.

Page 34, line 20, after the dollar amount, insert ''(increased by $71,475,000)''.

Page 35, line 10, after the dollar amount, insert ''(increased by $40,885,000)''.

H.R. 2354

OFFERED BY: MR. COURTNEY

AMENDMENT NO. 30: Page 7, line 15, insert before the period at the end '': *Provided further*, That in addition, there is appropriated

$808,000,000, which shall be derived from the Harbor Maintenance Trust Fund''.

H.R. 2354

OFFERED BY: MR. MCCLINTOCK

AMENDMENT NO. 31: Page 23, line 4, after the dollar amount, insert ''(reduced by $1,304,636,000)''.

Page 24, line 6, after the dollar amount, insert ''(reduced by $289,420,000)''.

Page 24, line 18, after the dollar amount, insert ''(reduced by $476,993,000)''.

Page 28, line 13, after the dollar amount, insert ''(reduced by $820,488,000)''.

Page 28, line 23, after the dollar amount, insert ''(reduced by $100,000,000)''.

Page 29, line 7, after the dollar amount, insert ''(reduced by $160,000,000)''.

Page 31, line 21, after the dollar amount, insert ''(reduced by $6,000,000)''.

Page 32, line 4, after the dollar amount, insert ''(reduced by $500,000)''.

Page 52, line 15, after the dollar amount, insert ''(reduced by $68,400,000)''.

Page 53, line 7, after the dollar amount, insert ''(reduced by $11,700,000)''.

Page 53, line 13, after the dollar amount, insert ''(reduced by $10,700,000)''.

Page 54, line 4, after the dollar amount, insert ''(reduced by $1,350,000)''.

Page 54, line 12, after the dollar amount, insert ''(reduced by $250,000)''.

Page 62, line 2, after the dollar amount, insert ''(increased by $3,250,437,000)''.

H.R. 2354

OFFERED BY: MR. WELCH

AMENDMENT NO. 32: Page 23, line 4, after the dollar amount, insert ''(increased by $491,000,000)''.

Page 33, line 20, after the dollar amount, insert ''(reduced by $491,000,000)''.

H.R. 2354

OFFERED BY: MR. MORAN

AMENDMENT NO. 33: Page 14, strike lines 3 through 11 (and redesignate the subsequent sections accordingly).

H.R. 2354

OFFERED BY: MR. TONKO

AMENDMENT NO. 34: Page 23, line 4, after the dollar amount insert the following: ''(increased by $226,800,000)''.

Page 33, line 20, after the dollar amount insert the following: ''(reduced by $226,800,000)''.

H.R. 2354

OFFERED BY: MR. BISHOP OF NEW YORK

AMENDMENT NO. 35: Page 6, line 6, after the dollar amount insert ''(increased by $33,535,000)''.

Page 24, line 18, after the dollar amount insert ''(reduced by $33,535,000)''.

H.R. 2354

OFFERED BY: MR. TERRY

AMENDMENT NO. 36: At the end of title I, insert the following:

SEC. **XX**. Not later than 1 year after the date of enactment of this Act, the Army Corps of Engineers shall conduct and publish the results of a study regarding the reasons and contributing factors that led to the abnormal flooding of the Missouri River during the spring and summer of 2011, with specific focus on whether the water management activities of the Corps, conducted for any purpose other than flood prevention and control, contributed to the 2011 flooding and in what ways.

H.R. 2354

OFFERED BY: MR. CHAFFETZ

AMENDMENT NO. 37: Page 52, line 15, after the dollar amount, insert ''(reduced by $68,400,000)''.

Page 62, line 2, after the dollar amount, insert ''(increased by $68,400,000)''.

H.R. 2354

OFFERED BY: MR. CHAFFETZ

AMENDMENT NO. 38: Page 53, line 7, after the dollar amount, insert ''(reduced by $11,700,000)''.

Page 62, line 2, after the dollar amount, insert ''(increased by $11,700,000)''.

H.R. 2354

OFFERED BY: MR. CHAFFETZ

AMENDMENT NO. 39: Page 53, line 13, after the dollar amount, insert ''(reduced by $10,700,000)''.

Page 62, line 2, after the dollar amount, insert ''(increased by $10,700,000)''.

H.R. 2354

OFFERED BY: MR. CHAFFETZ

AMENDMENT NO. 40: Page 24, line 18, after the dollar amount insert ''(reduced by $32,464,000)''.

Page 62, line 2, after the dollar amount insert ''(increased by $32,464,000)''.

H.R. 2354

OFFERED BY: MS. KAPTUR

AMENDMENT NO. 41: Page 23, line 4, after the dollar amount insert ''(increased by $10,000,000)''.

Page 32, line 4, after the dollar amount insert ''(reduced by $10,000,000)''.

Page 32, line 23, after the dollar amount insert ''(reduced by $10,000,000)''.

H.R. 2354

OFFERED BY: MR. POMPEO

AMENDMENT NO. 42: Page 23, line 4, after the dollar amount insert ''(reduced by $45,641,000)''.

Page 62, line 2, after the dollar amount insert ''(increased by $45,641,000)''.

H.R. 2354

OFFERED BY: MR. BROUN OF GEORGIA

AMENDMENT NO. 43: Page 28, line 13, after the dollar amount insert ''(reduced by $820,488,000)''.

Page 62, line 2, after the dollar amount insert ''(increased by $820,488,000)''.

H.R. 2354

OFFERED BY: MR. BROUN OF GEORGIA

AMENDMENT NO. 44: Page 32, line 4, after the dollar amount insert ''(reduced by $2,500,000)''.

Page 32, line 23, after the dollar amount insert ''(reduced by $2,500,000)''.

Page 62, line 2, after the dollar amount insert ''(increased by $2,500,000)''.

H.R. 2354

OFFERED BY: MR. BROUN OF GEORGIA

AMENDMENT NO. 45: Page 23, line 4, after the dollar amount insert ''(reduced by $1,304,636,000)''.

Page 62, line 2, after the dollar amount insert ''(increased by $1,304,636,000)''.

H.R. 2354

OFFERED BY: MR. BROUN OF GEORGIA

AMENDMENT NO. 46: Page 53, line 13, after the dollar amount insert ''(reduced by $10,700,000)''.

Page 62, line 2, after the dollar amount insert ''(increased by $10,700,000)''.

H.R. 2354

OFFERED BY: MR. BROUN OF GEORGIA

AMENDMENT NO. 47: Page 54, line 12, after the dollar amount insert ''(reduced by $250,000)''.

Page 62, line 2, after the dollar amount insert ''(increased by $250,000)''.

H.R. 2354

OFFERED BY: MR. BROUN OF GEORGIA

AMENDMENT NO. 48: Page 31, line 21, after the dollar amount insert ''(reduced by $6,000,000)''.

Page 62, line 2, after the dollar amount insert ''(increased by $6,000,000)''.

H.R. 2354

OFFERED BY: MR. BROUN OF GEORGIA

AMENDMENT NO. 49: Page 62, after line 2, insert the following new section:

SEC. 609. None of the funds made available in this Act may be used to prohibit or limit, based on material content, the types of traditional hunting and fishing implements used for hunting and fishing to the extent a specific law or regulation is in effect on the date of enactment of this Act.

H.R. 2354

OFFERED BY: MR. CONNOLLY OF VIRGINIA

AMENDMENT NO. 50: Page 24, line 18, after the dollar amount, insert ''(reduced by $92,000,000)''.

Page 23, line 4, after the dollar amount, insert ''(increased by $46,000,000)''.

H.R. 2354

OFFERED BY: MR. GARRETT

AMENDMENT NO. 51: Page 23, line 4, after the dollar amount, insert ''(reduced by $300,000,000)''.

Page 24, line 18, after the dollar amount, insert ''(reduced by $32,000,000)''.

Page 28, line 13, after the dollar amount, insert ''(reduced by $167,500,000)''.

Page 32, line 4, after the dollar amount, insert ''(reduced by $500,000)''.

Page 32, line 23, after the dollar amount, insert ''(reduced by $500,000)''.

Page 62, line 2, after the dollar amount, insert ''(increased by $500,000,000)''.

H.R. 2354

OFFERED BY: MR. GOSAR

AMENDMENT NO. 52: Insert after section 607 the following new section:

SEC. 608. None of the funds made available under this Act may be expended to administer or enforce the requirements of subchapter IV of chapter 31 or title 40, United States Code (commonly referred to as the Davis-Bacon Act), except with respect to a contract that exceeds $20,000,000.

Page 61, line 22, strike ''**SEC**. 608'' and insert ''**SEC.** 609''.

H.R. 2354

OFFERED BY: MR. HARRIS

AMENDMENT NO. 53: Page 62, after line 2, insert the following new section:

SEC. 609. None of the funds made available by this Act may be used to fund any portion of the International program activities at the Office of Energy Efficiency and Renewable Energy of the Department of Energy with the exception of the activities authorized in section 917 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17337).

H.R. 2354

OFFERED BY: MR. WU

AMENDMENT NO. 54: Page 23, line 4, after the dollar amount insert ''(increased by $60,500,000)''.

Page 32, line 4, after the dollar amount insert ''(reduced by $60,500,000)''.

Page 32, line 23, after the dollar amount insert ''(reduced by $60,500,000)''.

H.R. 2354

OFFERED BY: MR. WU

AMENDMENT NO. 55: Page 52, after line 5, insert the following new section:

SEC. 314. It is the sense of Congress that demonstrating advanced technologies developed in the Energy Efficiency and Renewable Energy Building Technologies Program is critical to fostering broader market adoption and spurring the creation of new industries.

H.R. 2354

OFFERED BY: MR. HASTINGS OF FLORIDA

AMENDMENT NO. 56: At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available by this Act may be used in contravention of, or to delay the implementation of, Executive Order No. 12898 of February 11, 1994 (''Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations'').

H.R. 2354

OFFERED BY: MR. REHBERG

AMENDMENT NO. 57: Page 24, line 18, after the dollar amount insert ''(reduced by $2,200,000) (increased by $2,200,000)''.

H.R. 2354

OFFERED BY: MR. REED

AMENDMENT NO. 58: Page 27, line 10, after the dollar amount, insert ''(increased by $41,000,000)''.

Page 32, line 4, after the dollar amount, insert ''(reduced by $21,000,000)''.

Page 32, line 23, after the dollar amount, insert ''(reduced by $21,000,000)''.

Page 35, line 15, after the second dollar amount, insert ''(reduced by $20,000,000)''.

H.R. 2354

OFFERED BY: MR. SCHIFF

AMENDMENT NO. 59: Page 28, line 23, after the dollar amount insert ''(increased by $79,640,000)''.

Page 32, line 4, after the dollar amount insert ''(reduced by $79,640,000)''.

Page 32, line 23, after the dollar amount insert ''(reduced by $79,640,000)''.

H.R. 2354

OFFERED BY: MR. SCHIFF

AMENDMENT NO. 60: Page 24, line 6, after the dollar amount insert ''(reduced by $10,000,000) (increased by $10,000,000)''.

H.R. 2354

OFFERED BY: MS. JACKSON LEE OF TEXAS

AMENDMENT NO. 61: None of the funds made available in this Act may be used to contravene the comprehensive plan authorized in section 4091 of the Water Resources Development Act of 2007.

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PROCEEDINGS AND DEBATES OF THE 112th CONGRESS, FIRST SESSION

Vol. 157 WASHINGTON, MONDAY, JULY 11, 2011 No. 102

Senate

The Senate met at 2 p.m. and was called to order by the Honorable CHRISTOPHER A. COONS, a Senator from the State of Delaware.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Lord God Almighty, unto whom in all ages people have lifted up their hearts, as we begin this week we are aware that Americans are watching on television the daily business of this Chamber. Grant our Senators wisdom to solve the complex issues of our time. Lord, inspire them to see the wisdom of cooperation, strengthen their minds and bodies to endure long hours of labor and to build alliances across the aisle that will lead us and our Nation to a better tomorrow. Let the struggles they experience help them develop a more robust and meaningful relationship with You and those around them. May Your spirit be above and among them, that in these days of destiny they may make Your ways their ways.

We pray in Your everlasting Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable CHRISTOPHER A. COONS led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUYE).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, July 11, 2011.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable CHRISTOPHER A. COONS, a Senator from the State of Delaware, to perform the duties of the Chair.

DANIEL K. INOUYE,
President pro tempore.

Mr. COONS thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

SHARED SACRIFICE IN RESOLVING THE BUDGET DEFICIT—MOTION TO PROCEED

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of the motion to proceed to S. 1323, which the clerk will report.

The legislative clerk read as follows:

Motion to proceed to the consideration of S. 1323, a bill to express the sense of the Senate on shared sacrifice in resolving the budget deficit.

The ACTING PRESIDENT pro tempore. Under the previous order, the time until 5:30 p.m. will be equally divided and controlled between the two leaders or their designees.

Who yields time?

The Senator from North Dakota.

SCHEDULE

Mr. CONRAD. Mr. President, the Senate has resumed the motion to proceed to S. 1323, a bill to express the sense of the Senate on shared sacrifice in resolving the budget deficit. The time until 5:30 will be equally divided between the two leaders or their designees. At 5:30, there will be a rollcall vote on the motion to proceed to S. 1323.

MEASURE PLACED ON THE CALENDAR—S. 1340

Mr. CONRAD. Mr. President, I understand S. 1340 is at the desk and due for a second reading.

The ACTING PRESIDENT pro tempore. The clerk will read the bill by title for the second time.

The legislative clerk read as follows:

A bill (S. 1340) to cut, cap, and balance the Federal budget.

Mr. CONRAD. Mr. President, I object to any further proceedings with respect to the bill.

The ACTING PRESIDENT pro tempore. Objection is heard. The bill will be placed on the calendar under the provisions of rule XIV.

Mr. CONRAD. I thank the Chair.

Mr. President, we are in the midst of a defining debate on the budget of the United States. All of us understand we have a debt threat looming over this country that is as significant as anything we have faced in many years. Democratic members of the Senate Budget Committee have worked for weeks to devise a blueprint we think has merit and that deserves to be a part of the debate. Today, I am here to outline the key elements of that budget blueprint.

First of all, I think it is critically important we all understand we are as a Nation borrowing 40 cents of every $1 we spend. That is not a sustainable circumstance. Admiral Mullen, the Chairman of the Joint Chiefs of Staff, has indicated that our national debt is our biggest national security threat. This is the top military man in our country saying the debt threat is the most serious national security threat.

Why does he say that? Here are the facts: The debt of the United States—the gross debt—all the debt we owe is now approaching 100 percent of our gross domestic product, which is the highest level it has been since after World War II. This chart shows a threshold of 90 percent and a gross debt of 90 percent. Why did we draw that line on this chart? Because the best

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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evidence we have tells us when we cross the 90-percent threshold on the gross debt of any nation, we are in the danger zone, we are in the red zone.

The distinguished economists Carmen Reinhart and Kenneth Rogoff wrote a book called ''Growth in a Time of Debt.'' Here is their conclusion:

> We examined the experience of 44 countries spanning up to two centuries of data on central government debt, inflation and growth. Our main finding is that across both advanced countries and emerging markets, high debt to GDP levels (90 percent and above) are associated with notably lower growth outcomes.

This is a key fact all our colleagues need to know. When our gross debt goes over 90 percent of our gross domestic product, our future economic prospects are diminished. That means fewer jobs created, less economic opportunity—a nation that is at risk. That is where we are.

Look at what the Congressional Budget Office says is where we are headed. On the current trajectory, we are headed for a debt that will go to 200 percent of the gross domestic product of the country. This is not the gross debt; this is the publicly held debt, which is smaller than the gross debt. So this chart now looks at the publicly held debt and says it is headed for 200 percent of GDP. We cannot stay on this course. It is critically important we change direction.

For every 1 percentage point increase in interest we pay, $1.3 trillion is added to the debt. For those who say don't worry about the debt limit, let's remind them what will occur if the United States refuses to pay the bills it has already incurred, which is the interest rates will go up. Those who have loaned us money, if we renege on our commitments to pay them, will then insist on higher interest rates—all borrowers will insist on higher interest rates—and for every 1-percent increase in the interest rate, we will pay $1.3 trillion more on our debt. So those who think that somehow, by not extending the debt limit, we are going to help on the debt—no. The opposite is true. The debt will increase and increase dramatically.

Here are the hard facts with respect to the relationship between spending and revenue over the last 60 years in this country. The red line is the spending line. The green line is the revenue line. What this shows very clearly is that spending is the highest it has been as a share of GDP in 60 years. Yes, we have a spending problem. But it is not exclusively a spending problem, as some assert on this floor, because revenue as a share of GDP is the lowest it has been in 60 years. To deny that essential fact is to deny the significant elements of a compromise that are required to solve this problem.

Spending is the highest it has been in 60 years as a share of our national income. Revenue is the lowest it has been in 60 years as a share of our national income. Both have to be addressed if we are going to solve this problem.

For those who say: Well, it is not a revenue problem, oh, yes, it is.

This is an article that appeared Sunday, May 1, in the Washington Post: ''On the way to a surplus, a $12 trillion U.S. detour.''

Remember, in 2001, we were told we were on the way to paying off the debt of the United States. This article by Lori Montgomery in the Washington Post on May 1 indicated the fundamental reasons that instead of paying off the debt, we have a debt that is mushrooming. This one paragraph says it all:

> The biggest culprit, by far, has been an erosion of tax revenue triggered largely by two recessions and multiple rounds of tax cuts. Together, the economy and the tax bills enacted under former President George W. Bush, and to a lesser extent by President Obama, wiped out $6.3 trillion in anticipated revenue. That's nearly half of the $12.7 trillion swing from projected surpluses to real debt. Federal tax collections now stand at their lowest level as a percentage of the economy in 60 years.

That is the point I just made.

So when Democrats on the Senate Budget Committee approached this problem, we looked at it in historical perspective. How did we get into this problem? Half of it is on the revenue side. So we chose to deal with a solution that deals on both sides of the ledger. Yes, we need to cut spending; absolutely, that must be done. But we also cut so-called tax expenditures that are just spending by another name—loopholes, exclusions, deductions, tax preferences, abusive tax shelters, and tax havens that are hemorrhaging revenue that rightfully belongs in the Treasury—people avoiding what they legitimately owe to the United States by engaging in abusive tax shelters and tax havens that is costing us substantial revenue. We will get into the specifics of that.

The House Republicans chose a different path. They only want to focus on half the problem. They only want to focus on the spending side of the equation. They don't want to touch the revenue side of the equation. I believe that denies reality. That runs away from the hard reality of how we got into this situation. Again, we got here by, yes, spending that is higher than it has been in 60 years as a share of national income but also revenue that is lower than it has been at any time in 60 years. If we are truthful with ourselves, we are going to have to deal with both sides of this equation.

The plan Senate Democrats on the Budget Committee have agreed on looks at a budget framework that includes roughly the same amount of deficit reduction as the House Republican plan. In fact, we have somewhat more deficit reduction than did they. They have a plan that was $3.9 trillion of deficit reduction. Our plan is $4 trillion. The actual difference is about $50 billion, but because of rounding, it turns out they are at $3.9 trillion, we are at $4 trillion. The actual difference is about $50 billion more in deficit reduction in the plan worked by Senate Democrats on the Budget Committee.

So this is what happens to deficits as a share of GDP under the framework we are offering. As you can see, this year the deficit is 9.3 percent of gross domestic product. We bring it down very steadily until we get down to 1.3 percent in the 10th year—a lower deficit in dollar terms, a lower deficit as a share of GDP than the House Republican plan. Let me repeat that. The Senate Democrats on the Budget Committee—our plan reduces the deficit by the 10th year by more than the Republicans in total, and in the 10th year we have a lower deficit in dollar terms and a lower deficit as a share of GDP.

As shown on this chart, this is what happens to the debt itself. The gross debt, as you can see, peaks out at 100 percent in 2011, and then we bring it down gradually but steadily to about 98 percent by 2021. The key is, instead of having the debt line going up, up, and away, burying this country under a mountain of debt, we stabilize the debt and begin to bring it down—something that every serious economist has said is absolutely essential.

In terms of spending, I indicated that current spending is the highest it has been as a share of GDP in 60 years. Our plan takes that down from 24 percent of GDP to 23 percent and then freezes it at 22 percent of GDP for the rest of this decade.

Now, some will say: There go the Democrats again. They are spending too much money. I would say to them: If we could get the spending down to the levels that were obtained during the Reagan administration, would that be acceptable? Because that is exactly what we do. Under the plan of Senate Budget Committee Democrats, we get spending to the exact same level that pertained during the administration of Ronald Reagan. During Ronald Reagan's 8 years, spending averaged 22.1 percent of GDP. That is precisely what our spending equals in the budget framework I have outlined here today. We include every part of the Federal budget, including the defense budget. Just as the fiscal commission did, just as every other bipartisan deficit reduction plan has included, we looked to defense spending for savings because no part of the budget can be off the table in terms of a deficit reduction plan.

I would say separately, Social Security we deal with separately because Social Security need not be, should not be part of a deficit reduction plan. Savings on Social Security ought to be for the purpose of extending the solvency of Social Security. But in terms of those parts of spending that are considered on budget, defense has to be included in any savings. Why do I say that? Well, look what has happened since 1997. Spending on defense and war has gone from $254 billion a year to $688 billion a year. It is a key reason spending has exploded.

Before the fiscal commission, some of the best defense analysts in the country came before us and told us that 51

percent of all Federal employees are at the Department of Defense—51 percent of all Federal employees are at the Department of Defense—and that does not count the contractors.

I asked these analysts: Well, how many contractors are there?

Their response was: Senator, we can't tell you.

I said: Is that a matter of security? Is that a matter of clearances?

They said: No, Senator. We don't know.

I said: Well, what is the range? About how many contractors are there working at the Department of Defense?

The answer was: Senator, 1 million to 9 million. Between 1 million and 9 million. We can't tell you which is right.

We have a serious problem of contractors working for the Department of Defense and the Department of Defense cannot even tell you how many contractors they have working for them. We have a problem.

The previous Secretary of Defense, Secretary Gates, said this:

> . . . the budget of the Pentagon almost doubled during the last decade.

And he is right about that. Our chart shows that.

> But our capabilities didn't particularly expand. A lot of that money went into infrastructure and overhead and, frankly, I think a culture that had an open checkbook.

''A lot of that money went into infrastructure and overhead''—overhead—''and, frankly . . . a culture that had an open checkbook.'' We cannot afford an open checkbook anywhere. We have to go after waste, fraud, and abuse in every department. We have to go after infrastructure spending that really does not contribute to improving our defense. We have to go after overhead, overhead costs that have really run amok.

Chairman RYAN of the House said this about defense:

> There are a lot of savings you can get in defense. There's a lot of waste over there, for sure.

Yet, when they came with their plan, they continued the path of increasing defense spending year over year without any discipline. This is the plan they outlined—from $529 billion a year headed for $667 billion a year, and that does not count the war funding.

In our plan, we have done what the fiscal commission called for. We have achieved the same savings out of security as the fiscal commission did—$886 billion out of the security category. Now, that includes defense. Obviously, defense is most of security, but in the ''security'' category also falls homeland security, and also included is veteran spending. Veteran spending, by the way, is one place we do not cut a nickel. The veterans deserve to have the promise we have made to them kept, and under our budget, every dollar that has been promised to veterans will go to them. That does not mean we cannot save money out of the security side. The fiscal commission—which, by the way, is the only bipartisan plan that has come from anywhere: five Democrats, five Republicans, one Independent—endorsed a plan with $886 billion of savings over 10 years out of the security category. The budget by Senate Budget Committee Democrats adopts that finding.

The budget that Senate Budget Committee Democrats are advancing also has governmentwide savings. We freeze the pay of Members of Congress for 3 years. We freeze the legislative branch and White House budgets for 3 years. We freeze civilian pay for 2 years. That has already been adopted, but we include that in our budget. We reduce the Federal vehicle fleet by 20 percent because, frankly, in our investigations we find in this area there has been an explosion of vehicles in the Federal fleet, and I think all of us have seen it with our own eyes. This is something that has to be taken on. We reduce travel costs of Federal agencies by 20 percent. We reduce Federal printing costs by $1 billion by 2015. We reduce the number of contractors, which we have previously described.

The House Republican plan on revenue is really almost impossible to believe. In a circumstance in which we have record debt, in a circumstance in which the revenue of this country is the lowest it has been in 60 years, what is part of their answer? Cut taxes some more, and cut them for the very wealthiest among us, cut them another $1 trillion for those who are the most fortunate among us. I am not making this up. This is the House Republican plan: Take a circumstance in which we have record debt, the lowest revenue we have had in 60 years, and cut taxes for the very wealthiest among us by another $1 trillion by extending the top rate cuts, by a $5 million estate tax exemption. They actually cut revenues $4.2 trillion below the CBO baseline. Let me repeat that. They actually cut revenue in their plan $4.2 trillion below the Congressional Budget Office baseline. That is inexplicable.

Maybe we can start to understand it when we look at what a former Reagan economic adviser said about the House Republican plan. Mr. Bartlett said this:

> Distributionally, the Ryan plan——

The House Republican plan——

> is a monstrosity. The rich would receive huge tax cuts while the social safety net would be shredded to pay for them. Even as an opening bid to begin budget negotiations with the Democrats, the Ryan plan cannot be taken seriously. It is less of a wish list than a fairy tale utterly disconnected from the real world, backed up by make-believe numbers and unreasonable assumptions. Ryan's plan isn't even an act of courage; it's just pandering to the Tea Party. A real act of courage would have been for him to admit, as all serious budget analysts know, that revenues will have to rise well above 19 percent of [gross domestic product] to stabilize the debt.

Revenue today is 14.8 percent of GDP—again, the lowest it has been in 60 years. If we look at the last five times the budget has been balanced in the last 50 years, here is what we see: Revenues had to be close to 20 percent of GDP. They were 19.7 percent in 1969, 19.9 percent in 1998, 19.8 percent in 1999, 20.6 percent in the year 2000, and 19.5 percent in 2001. That is the last five times the budget has been balanced. Each of those times, revenue was close to 20 percent of GDP. Now it is 14.8 percent of GDP. Anyone who seriously argues that you can solve this problem just on the spending side of the equation is not being serious.

The budget framework we offer today has revenues at 19.5 percent of GDP—almost equivalent to what it was during the Clinton years, when we had balanced budgets and, in fact, stopped using Social Security money to pay other bills. During the Clinton years, revenue averaged 19.4 percent of GDP. Under our plan, it averages 19.5 percent. So revenue is clearly not out of line compared to the other times we balanced the budget and, in fact, during the Clinton years when we had the longest economic expansion in this Nation's history.

For our colleagues who say, oh, you can't touch revenue or you will kill the economy, you will kill job creation—really? How about the historic record? The historic record shows very clearly that during the Clinton years, when you had revenue at the same level as we have in this plan, you had the longest economic expansion in this Nation's history—39 quarters; 32 of those quarters during the Clinton years—the longest uninterrupted period of economic growth in this Nation's history, and you had revenue at the same level we are talking about in this plan. Facts are stubborn things. A previous President said that. He was right. The fact is, we had the longest period of uninterrupted growth in our economy during a period in which revenue was at the level we are proposing in this budget. That is a fact.

Mr. President, the proposals in the budget framework also seek to bring us transparency. We have tax reform that simplifies the Tax Code, scales back tax loopholes, protects the middle class, improves progressivity and fairness of the code, promotes economic growth and U.S. competitiveness—because we lower the corporate rate from 35 percent to 29 percent to make America more competitive, and we pay for it by closing corporate loopholes. We also address the tax gap, offshore tax havens, and abusive tax shelters, and ensure that corporations pay their fair share.

The specifics of our revenue proposal are as follows: The tax cuts—the so-called Bush-era tax cuts—are extended for singles earning up to $500,000 a year and for couples earning up to $1 million a year. So 99 percent of the American people will see no rate increase—none; 99 percent of the American people will see no rate increase. One percent will, and it will be those who are sufficiently fortunate to be earning over $1

million a year—the top 1 percent in this country. We ask them to go back to rates of the Clinton era, when the top rate was 39.6 percent, capital gains were 20 percent. Those are the rates that pertain—when we had the longest economic expansion in our Nation's history.

For those who say it is a job killer, they have to explain how that can be since history shows something quite different from their claim.

We also provide for alternative minimum tax relief. That costs $1.5 trillion. That is not a tax increase. We are lowering taxes that would be imposed by the alternative minimum tax, which is increasingly gobbling up middle-class taxpayers. We are preventing that from happening. It costs $1.5 trillion to fix. So we are replacing that revenue with other revenue. I don't consider that a tax increase. That is merely substituting revenue for revenue that we are subtracting to prevent middle-class people from being caught up in the alternative minimum tax.

We also reform the estate tax, going back to the 2009 levels which are $3.5 million a person and $7 million a couple. That means well over 99.5 percent of estates would be completely exempt. That is a fair plan.

We also assume net $2 trillion of additional funds from closing tax loopholes, cutting tax subsidies, promoting tax fairness. That is over 10 years.

We assume tax preferences for individuals are reduced 9 to 17 percent, depending on the amount of offshore tax havens and abusive tax shelters that are closed.

We assume, as I indicated earlier, that the corporate rate is lowered to 29 percent, offset by reducing corporate tax expenditures and closing corporate tax loopholes—specific policies to be determined by the Finance Committee, as they always are.

Mr. President, when I indicate there is a range for reducing tax expenditures from 9 to 17 percent, depending on how much savings we get out of offshore tax havens, here is the math. Over the next 10 years, the tax preferences—or expenditures, as they are sometimes called—will cost the Treasury $14 trillion. Let me repeat that. The loopholes, the exclusions, the preferences in the Tax Code will cost the Treasury $14 trillion over the next 10 years.

On top of that, offshore tax havens and abusive tax shelters will cost the Treasury another $1.4 trillion. That is according to estimates based on data from the Permanent Subcommittee on Investigations. So if we recover nothing from tax havens, to reach our revenue numbers we would have to reduce tax expenditures 17 percent. On the other hand, if we recover 80 percent of tax haven losses and tax shelter losses, the reduction in tax expenditures would only have to be 9 percent—17 percent reduction in tax expenditures if we get no savings from tax havens and tax shelters, and a 9-percent reduction in tax expenditures if we recover 80 percent of the losses from tax havens and tax shelters.

Probably, the realistic expectation ought to be somewhere in between those extremes.

If the CBO scored the proposal by Senate Budget Committee Democrats, they would not say there is any tax increase here at all. Let me repeat that. If the Congressional Budget Office scored this proposal by Senate Budget Committee Democrats, they would say there is a $765 billion tax cut over 10 years. How can that be? How can I be saying there is $2 trillion of additional revenue over 10 years, and the Congressional Budget Office would say—if they evaluated this plan by Budget Committee Democrats—they would say it is a $765 billion tax cut? The reason is simple.

In our plan we extend all of the middle-class tax cuts. In addition, we actually broaden the middle-class tax cuts so that nobody is affected by a rate increase unless they are a couple earning over $1 million a year. We also provide the alternative minimum tax relief to prevent millions of middle-class people from being affected by that law.

As I indicated earlier, that costs $1.5 trillion over the next 10 years to shield middle-class taxpayers from that.

Third, we provide estate tax reform at the 2009 levels so that well over 99 percent of estates are completely shielded or exempt.

Again, when our Republican colleagues say—and some of them do—you can't have a higher tax rate, even on those earning over $1 million, it will kill the economy—really? How about looking at the facts. How about looking at the historic record. How about being informed by what has actually happened before because when we look at history, we find quite a different answer than our friends on the other side are providing.

What we find is that the last time the top rate for those earning $1 million was 39.6 percent, we experienced the longest period of uninterrupted economic growth in U.S. history. That is a fact. We had 39 quarters of economic growth from 1991 to 2000. For 32 of those quarters, Bill Clinton was President, and we had a top rate of 39.6 percent on those couples earning over $1 million a year.

Our friends on the other side say: You will kill jobs. Do you know what is fascinating? I remember this debate back when we passed deficit reduction under President Clinton. Our friends on the other side said the same thing then. I remember, I was seated here listening to the then-Republican leader claim that if we passed the Clinton plan to get the deficit down and balance the budget, we would crater the economy. Those were the exact words our friends on the other side used at that time—that if we raised rates on the wealthiest among us, it would crater the economy.

What happened? Not only did we not crater the economy, we had the longest period of economic expansion in our Nation's history, and 24 million jobs were created—the best record ever. That is the fact. That is what really happened—not some fairy tale about what happens if we get the country back on track, if we move toward balancing the budget, toward getting the debt down, because that is in fact what happened during the Clinton years.

Yes, we had the highest rate of 39.6 percent on those earning over $1 million. But it didn't crater the economy—no. The economy grew. We had the longest economic expansion in this Nation's history, and 24 million jobs were created during that period, the best record ever.

Let's look again at history. The last five times economic growth was above 4 percent in this country, the top tax rate was 39.6 percent on those earning over $1 million. Facts. Facts are stubborn things. In 1994, the top rate was 39.6 percent and the growth rate was 4.1 percent. In 1997, the top rate was 39.6 percent and economic growth was 4.5 percent. In 1998, we had 4.4 percent economic growth. In 1999, it was 4.8 percent. In 2000, we had 4.1 percent economic growth—the strongest economic growth, going back decades, in every year. The top rate on people earning over $1 million was 39.6 percent, which is precisely what we are proposing in this plan.

Mr. President, I think it is undisputed by serious economists, of whatever philosophical stripe, that these tax expenditures have to be reined in. We are spending $1.1 trillion a year on tax expenditures. Some of the most conservative economists in the country have said that is just spending by a different name. Here is Martin Feldstein, professor of economics at Harvard, Chairman of the Council of Economic Advisers under President Reagan. He has written a column called ''The Tax Expenditure Solution for Our National Debt.'' He said this:

> Cutting tax expenditures is really the best way to reduce government spending. . . .

It is called revenue, but it is really spending.

> Eliminating tax expenditures does not increase marginal tax rates or reduce the reward for saving, investment or risk-taking. It would also increase overall economic efficiency by removing incentives that distort private spending decisions. And eliminating or consolidating the large number of overlapping tax-based subsidies would also greatly simplify tax filing. In short, cutting tax expenditures is not at all like other ways of raising revenue.

This is from the head of the economic advisers under President Reagan, saying we ought to cut tax expenditures. That is exactly what the Senate Democratic budget plan does. We cut tax expenditures 9 to 17 percent, depending on how much we are able to save from closing off these offshore tax havens and the abusive tax shelters.

If we get no savings from tax havens and tax shelters, then we would have to reduce tax expenditures 17 percent. If we are able to reduce tax havens and

the other loopholes, offshore loopholes—the abusive tax shelters—by 80 percent, then we would be able to reduce tax expenditures by 9 percent.

Just like Martin Feldstein who said we ought to have after tax expenditures, also Alan Greenspan, former Chairman of the Federal Reserve, said this:

> I think that Republicans are out to identify a very significant amount of so-called tax expenditures, which in fact are misclassified. They are expenditures, they are outlays, and many are subsidies, and subsidies are not the type of thing that you want for an efficient market system. There are a lot of them.

Mr. President, that is what we are proposing. Let's go after these subsidies, these preferences, these exclusions. While we are at it, let's go after offshore tax havens, abusive tax shelters. Let's shut them down.

If there is any doubt about where this money is going, here it is: 26.5 percent of tax expenditures go to the top 1 percent in this country; 26.5 percent of all tax expenditures go to the top 1 percent. So when we are saying we may have to reduce tax expenditures 17 percent, we could do it all just with the top 1 percent. That is where the benefit is going.

Let me show you in another way. The top 1 percent, in dollar terms—the value, on average, of tax expenditures for those who are in the top 1 percent in this country, earning an average of $1.1 million a year, they get, on average, a benefit every year from tax expenditures of over $205,000. For those who are in the middle quintile, those earning $39,000 a year, their average benefit is $3,000. You can see that the top 1 percent have a benefit from tax expenditures that is 66 times what people in the middle get. It is not unfair to go to those who have had the greatest benefit from the national economy over the last two decades and say to them: We need you to help a little bit more to get out of this debt rut we are in. And you know what, that is not unfair because they have had the greatest benefit over the last 15 years.

Here is something that I think shows it conclusively. This is the effective tax rate for the 400 wealthiest taxpayers in America. In 1992, it was about 27 percent. In 1995, the tax rate for the wealthiest 400 was 30 percent—29.9, to be exact. Look what has happened since 1995. The effective tax rate for the wealthiest 400 taxpayers in America has gone down to 16.6 percent. They have had their tax rates cut almost in half. Has anybody else had their taxes cut in half? I don't think so. The people who have had their taxes cut in half are the wealthiest among us. So it is not unreasonable to go back to them and say: Hey, wait a minute. We have to go back to what the tax rates were here—not back to an effective rate of 30 percent but a top rate that we had in the Clinton years when we had the largest economic and longest economic expansion in our Nation's history. That seems reasonable.

We also know it is not just on the individual side but on the corporate side as well. This is a little five-story building in the Cayman Islands. Now, 18,857 companies say they are doing business out of this little building. Anybody believe that? Anybody believe 18,857 companies are doing business out of this little 5-story building down in the Cayman Islands? I would say that is the most efficient building in the world. Imagine, a little 5-story building, and 18,857 companies say they are doing business out of there. They have maybe 100 employees in that building. Those are the most efficient people in the entire world. Unbelievable what they are doing.

You know what, they are not doing business; they are doing monkey business because what they are doing is cheating all the rest of us who pay what we owe. Why are they down in the Cayman Islands, those 18,857 companies, calling that little building home? Because there are no taxes down in the Cayman Islands, and they are showing their profits in subsidiaries they say are operating out of that little building so they can avoid paying the taxes the vast majority of us pay right here in the United States. That is outrageous. That is unfair. Our Republican friends say: Oh, you can't touch that; it is a tax increase if you do. Really? That is a tax increase? I don't think so.

Offshore tax haven abuse is proliferating. If anybody doubts it, go Google offshore tax havens and see what happens. See what happens if you Google offshore tax havens. The experts here on the Permanent Subcommittee on Investigations have said this:

> Experts have estimated that the total loss to the Treasury from offshore tax evasion alone approaches $100 billion per year, including $40 billion to $70 billion from individuals and another $30 billion from corporations engaging in offshore tax evasion. Abusive tax shelters add tens of billions of dollars more.

The Democrats on the Budget Committee said: We have had it. We are going after those people. We are going to insist they pay their fair share just as the vast majority of Americans already do. So we are saying: We are coming after you. If you have a tax haven down in the Cayman Islands, we are coming after you. If you have an abusive tax shelter, we are coming after you because it is not fair to all the rest of us who are paying what we owe.

There are critical priorities that shouldn't be cut. One is education. Education is the foundation for future economic strength.

> An educated population is a key source of economic growth. . . . Broad access to education was, by and large, a major factor in the United States' economic dominance in the 20th Century and in the creation of a broad middle class. Indeed, the American Dream of upward mobility both within and across generations has been tied to access to education.

This is a quote from Harvard economists Claudia Goldin and Lawrence Katz in ''The Future of Inequality: The Other Reason Education Matters So Much.''

When we see what our friends on the other side are doing, they are cutting education 15 percent. We don't believe that is the right priority for the country. Yes, overall spending has to be cut. We do cut spending—almost $2 trillion in the Democratic blueprint, almost $2 trillion—but not education.

Another key priority is energy. We all know what has happened to gas prices. They have soared from $1.81 in December of 2008 to over $3.50 a gallon by July 4. I just paid $3.77. We all know what is happening to gas prices. Many of us believe a key priority is to reduce our dependence on foreign energy. House Republicans have a different idea. They cut the programs to reduce our dependence on foreign energy by 57 percent. We reject that proposal. We don't think it is in the national interest.

Infrastructure—roads, bridges, airports, rail. Here is what the U.S. Chamber of Commerce has said about infrastructure spending:

> If we don't change course over the next five years, the economy could forgo as much as $336 billion in lost economic growth as transportation networks continue to deteriorate. I am well aware of the fiscal constraints facing this Congress and the nation. But we must avoid cutting off our nose to spite our face. Without proper investment and attention to our infrastructure, the United States' economic stability, potential for job growth, global competitiveness, and quality of life are all at risk.

That is a quote from Thomas Donohue, the president and CEO of the U.S. Chamber of Commerce.

Republicans in the House weren't listening because they propose cutting transportation funding in their budget by 30 percent. We reject that cut as well. It does not make sense to cut education, to cut infrastructure. It does not make sense. It will only weaken our position.

On health care, the House Republican plan ends Medicare as we know it. It replaces it with a voucher system, block grants Medicaid, and shifts costs on seniors, children, the disabled, and individual States. It ends the countercyclical nature of Medicaid, and it defunds health care reform, increasing the number of uninsured by at least 34 million people in this country. The House Republicans have said their plan saves Medicare. I don't think so. I think it kills Medicare. Why do I say that? Because under traditional Medicare now, the beneficiary pays 25 percent. Someone who is eligible for Medicare pays 25 percent of the bill. Under the House Republican plan, they would pay 68 percent of the bill. That just stands things on their head. Instead of people having Medicare as a social safety net when they get to their senior years, they would have it pulled out from under them.

We have rejected the House GOP approach and would remind our colleagues that we have had large health

care savings that were already enacted last year in health care reform. The Congressional Budget Office says that will save in the second 10 years $1.3 trillion. So, yes, everything has to be on the table, but we just took a big run at getting our health care costs back in line—$1.3 trillion in deficit savings, according to CBO.

In conclusion, the overview of the budget framework we are offering our colleagues for their consideration provides $4 trillion in deficit reduction over 10 years. It is actually $5 trillion if measured on the same basis as the fiscal commission. We have adopted what we think is a more plausible baseline in light of things that have happened over this year. It stabilizes the debt by 2014 and cuts the deficit to 2½ percent of GDP by 2015 and 1.3 percent by 2021. We have tax reform that simplifies the code. This closes loopholes and goes after offshore tax havens and abusive tax shelters and restores fairness. We reject the House GOP plan to end Medicare as we know it. We protect education, energy, and infrastructure investments. And we have a balanced deficit and debt reduction plan, cutting spending by about $2 trillion and providing additional revenue by about $2 trillion.

Let me conclude as I began by saying that our revenue plan would be scored by the Congressional Budget Office as being a $765 billion tax cut because we are replacing revenue lost by extending other tax cuts. We are extending all the middle-class tax cuts and expanding middle-class tax cuts up to those earning $1 million a year. And we are fixing the alternative minimum tax. That costs $1.5 trillion over 10 years. I don't consider that a tax increase at all because you are reducing revenue that would otherwise come into the Treasury under the alternative minimum tax—which I think almost all of us think is unfair—and replacing it with revenue by reducing tax expenditures. Even the most conservative economists in the country say that needs to be done.

That is the blueprint the Senate Budget Committee Democrats are laying before our colleagues. We are under no illusions. We know this is a year in which the normal process is not being followed. We understand there are leadership negotiations at the highest level, so we understand this is not going to be dealt with in the normal course of doing business. We understand there is leadership negotiation, but we believe there are some ideas in this package that deserve consideration as those negotiations go forward.

Mr. President, I thank my colleagues for their courtesy and their patience, and I look forward to this continuing debate as we take on the debt threat that looms over our Nation.

I thank the Chair, and I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Georgia.

PASSAGE OF DODD-FRANK

Mr. ISAKSON. Mr. President, I commend the Budget Committee chairman on his contribution to this debate and his contribution to our country. I enjoy listening to his remarks and appreciate many of the ideas he has offered today.

I rise to talk about an anniversary today—no, it is not my anniversary or his but the anniversary of Dodd-Frank, which passed a year ago today.

This morning at a press conference, BARNEY FRANK, then-chairman of the House Banking Committee and the Frank portion of the Dodd-Frank legislation, gave a speech before the National Press Club. In it he made some comments that are very important, and I wanted to share my agreement and support for some of the things Chairman FRANK said.

I did not vote for Dodd-Frank when it passed 1 year ago, but I did, along with Senator HAGAN and Senator LANDRIEU, offer an amendment which was adopted by the Senate and ultimately agreed to by the House in the conference committee. It was an amendment known as QRM, qualifying residential mortgage, an amendment to carve out an exemption from risk retention for a well-underwritten mortgage loan.

The Dodd-Frank bill, as many in this room will remember, originally called for a total 5-percent risk retention on every residential mortgage made, which would have eliminated many people from making any residential mortgages at all. Ranking Member FRANK today in his comments said: Well, we had a 100-risk retention prior to 1994.

He is right. That is when savings and loans made loans, and that is when the Federal Government insured the others, and savings and loans had preferential interest rate treatment so they could make preferential payments to people to save in their institution versus the bank. But the Federal Government took away the one-quarter percent differential that savings and loans had and the banks became competitive with savings and loans for short-term and long-term deposits of savings and all the savings money flowed to the banks that offered other products. So savings and loans went out of business. When they did, there was no residential mortgage money, at least no conventional money, available in America.

So what happened? The securitized market began. Freddie and Fannie began to play a significant role in providing conventional residential mortgage money. Until the collapse, which began in 2006 and culminated in 2009 and we still are suffering from today—until that collapse, securitization was a very reasonable and safe way of raising capital for mortgages.

What happened in the mortgage collapse was not a failure of equity or skin in the game by the borrower; it was the collapse of underwriting. Mortgage lenders got into loosey-goosey underwriting—subprime credit. They made loans to people who were higher risk in order to price it at a higher rate, and they blurred qualifying requirements to where, all of a sudden, if you walked in and fogged up a mirror with your breath, you could probably get a mortgage loan and they could probably securitize it.

Dodd-Frank was designed to see to it that didn't happen again, and I commend them for it. But as government often does, sometimes it goes too far when the pendulum swings back the other way.

Thus is the dilemma we are in today, as the rule being proposed by the FDIC, the Federal Reserve, Comptroller of the Currency on the QRM rule is going to require, in addition to quality underwriting, a minimum 20-percent downpayment.

For years in this country we have had 90 percent and 95 percent conventional financing or, in terms of FHA, 3.5 percent downpayment and VA none at all. There have been various varieties of downpayments that have been allowed based on the loan and its insurance. But with this rule of requiring risk retention on any loan with a downpayment of less than 20 percent, except for an FHA or VA loan, it is going to literally destroy what is left of the residential housing market because it will extract what is probably 40 to 45, maybe 50 percent, of the current market today.

Senator LANDRIEU, Senator HAGAN, and myself in QRM proposed that people have a qualifying ratio of debt to income that is sufficient to amortize the debt, a third-party verification they have a job, a credit score that indicates they are willing to pay their payments, an appraisal that indicates the house is worth what they are paying for, and a downpayment with mortgage insurance required if the downpayment was less than 20 percent.

Today, I wish to quote Ranking Member FRANK. When talking about risk retention, he said: I am troubled because there is an assault now on risk retention—BARNEY FRANK—adding that even though he believes the 20 percent requirement in the QRM rule being circulated is too high. When asked further what would be a good downpayment, he said at least 4 or 5, something above FHA.

I wish to commend the ranking member because he is precisely right. Although he in his original intent with Dodd-Frank did not want to bifurcate residential qualifying mortgages by some having risk retention and some not, he recognized the importance of doing some of that bifurcation and having some exception to risk retention. They would have realized that anyway, if you recognize they exempted Freddie Mac, Fannie Mae, and FHA from the requirements of Dodd-Frank and left them solely on the conventional market.

So I wish to thank Congressman FRANK today for his comments as they

related to QRM and his identifying the downpayment requirement currently being circulated is entirely too high. It is entirely too high, and it is very important that we get the final rule, which will be published on August 1, to have a reasonable downpayment of 5 percent or more, rather than 20 percent or more. Five percent or more will ensure there is skin in the game; and with the other qualifying and underwriting provisions in QRM, it will ensure that quality residential mortgages are being made.

I am not one to offer advice often to the President. He is the President. He can do as he wishes. But today in Politico there is an article about the President is now returning to revisit the residential housing market because he understands employment is not coming back until housing comes back; he understands the American dream is, for some people, now the American nightmare; and he understands what has been done so far has not been working.

I wish to suggest to the President that if he thinks what is happening now is a nightmare, you just wait until this QRM rule that is being circulated now actually goes into effect. Without it being changed and a continued requirement of a 20-percent downpayment, you will have a further lack of demand in the housing market, which already is almost at least anemic, if not feeble, because most Americans who want to buy a home can afford 5 percent or maybe 10 percent down, but they can't afford 20, and that is middle America. If you pull them out of what is already an anemic housing market, you would have no housing market at all.

So as this Dodd-Frank rule is being circulated in the next 2½ to 3 weeks before it is finalized, I hope we can all keep up the drumbeat for the regulators to be reasonable in their approach—understand risk retention is important but also understand home ownership is important and understand we had a collapse that was not downpayment related. We had a collapse that was underwriting related.

So if you have strong underwriting and minimal skin in the game of at least 5 percent, you have a qualified residential mortgage that does not have to have risk retention; therefore, you will have enough capital raised in the mortgage markets to fund a housing demand which hopefully is going to continue to grow.

In the absence of securitization, in the absence of an exemption of risk retention for a qualified residential mortgage, there will be no housing market in the United States of America.

FHA is already under so much stress and duress, it is awful and it is frightful. The Veterans' Administration is a privileged loan for those who have served and made the ultimate sacrifice for our country, and they deserve it. Freddie and Fannie are exempted because we have them in conservatorship. But they are not going to be a source of money for long. Something will have to replace them, a new entity, probably something with securitization. But if the QRM rule being circulated now does, in fact, go into place as it is written, with a minimum 20-percent downpayment, it will be the last nail in the coffin of the American housing market. The unintended consequence of reaching too far to react to the terrible crisis which we had will put the death knell of the housing market squarely on the shoulders of this Congress, this administration, and these regulators who are currently carrying out those rules.

I wish to commend Ranking Member FRANK on his comments today, his recognition that the QRM rule being circulated asks too much, recognizing that a 5-percent or greater downpayment is a reasonable approach and recognizing that underwriting is the important key to see to it that we have a housing market.

I commend the gentleman from Massachusetts. I thank him for adding that comment today to the National Press Club. I hope the regulators, the FDIC, the Federal Reserve, the Comptroller of the Currency, and the Treasury heard it too. If they didn't hear it and they remain silent and continue with 20 percent, they will be doing exactly the opposite of what the President of the United States stated he wants to do; that is, bring the housing market back in America.

I yield back.

The ACTING PRESIDENT pro tempore. The Senator from Alaska is recognized.

Mr. BEGICH. Mr. President, before I talk about the budget, I wish to commend the Senator from Georgia.

As someone who has been in the real estate business for many years, such as the Senator from Georgia, he is absolutely right. If homeowners are stuck with a 20-percent minimum, the odds are it will crush the housing market. I can tell you this personally because I am helping my mother do the paperwork now for her home. If she was required to put 20 percent down, she would not be buying that home today. We hope to close on the home in the next 45 days. We are fortunate she is able to do that, but 20 percent would take her right out of the market, unable to buy the home she wants to retire in.

So I say to the Senator from Georgia, I hope more people hear it in the administration, because if they don't hear that, as we know with the housing market, it is a critical component of our ability to pull ourselves out of the recession. I thank the Senator for making those comments and noting that.

I know Senator CONRAD was down here earlier, the chair of the Budget Committee, to talk about the budget framework. I first wish to say thanks to Chairman CONRAD. Here is someone who has been on the Budget Committee for 25 years, since 1986, and has been chairman for many of those years, an unbelievable capacity and understanding of the budget and what needs to be done. He understands it. He clearly recognizes we have to have a balanced approach.

For months, yourself, Mr. President, and myself, sitting on the Budget Committee, along with the chairman on the Democratic side, have been working to try to figure out how do we craft a balanced approach. How do we ensure that at the end of the day, we recognize we have to have a budget that continues to help grow our economy, creates fairness in the system, and makes sure we take the responsibility of creating a more accountable and financially responsible budget, not only for this year but for the years out, and dealing with a comprehensive approach to dealing with the deficit?

This is not an easy task, to say the least. I can say, standing here, and I know, Mr. President, as a member of the Budget Committee also, none of those meetings were easy in the discussion, if I could say that—robust debates, robust controversy in some of the issues we talked about but also a lot of ideas. But what is in front of us?

No one can match the chairman's approach of how to address an issue such as this as he lays out slide after slide the impacts, from the macro to the micro, of this budget and what it will mean. But it is clear the budget proposal he has laid out, the framework, as he calls it, by the Democratic majority of the Budget Committee is $4 trillion in cuts for deficit reduction and is achieved in a very fair and balanced way, without putting the burden on the backs of seniors, working families, and small business. This is a balanced approach. The deficit-cutting mechanisms are drawn half from savings and half from revenues. Revenues mean closing loopholes.

His photo there, which as we sit here and present to the President our positions is hard for people in the balconies to see, but it is of an amazing five-story building. It is not a very attractive building, just a small five-story building in a tax haven that grants thousands and thousands of businesses a shelter from their fair share of paying their taxes.

The idea of this revenue component of the proposal we put forth is closing loopholes, closing down tax avoidance schemes that rely on abusive tax shelters, and, yes, cutting tax subsidies, ending the practice of giving the wealthiest of the wealthy tax subsidies they simply do not need. It is about promoting fairness.

As we dealt with this budget, a $4 trillion reduction—a number that the bipartisan commission hit as their target, one we hear out there now in the press a lot but one we felt was a reasonable approach. It is more than the House budget that was proposed. The House budget included savings only on the spending side and actually worsened the outlook on the revenue side

that we simply do not believe is good enough.

The budget is about fairness, about ensuring that we have a system that is balanced but also investing in the right areas so we have long-term and continued growth. We do not give more tax breaks to corporations and the rich and then put the burden on the backs of seniors, poor kids, working families, disabled. It is unacceptable to put the burden on our most vulnerable population. The budget is truly a moral document. It defines where we are going to go, what we are going to do, and how we are going to look in the next 10 years or 20 years as a country.

When I was mayor of Anchorage in 2003, when I got elected, I had a budget around $215 million, with about a $33 million hole in it—pretty significant in the sense of proportions. We had to deal with spending and reducing it. We had to create a fairness in the revenue, but we also had to invest. But we also knew the document and the work we were doing in the budget would define where our community went, not just in the year we were doing it but in the next several years down the road.

I was very pleased. When I got elected to the Senate, it was, I think, Business Week and others that rated the city that I was mayor of, Anchorage, as probably the most likely city in the country to recover from the recession the fastest. As a matter of fact, Forbes has listed it, not only last year but this year, I think, No. 3 this year as the city of job growth because there was a foundation laid. We had to make some tough decisions, and I remember as mayor they were no fun. I remember the role of the Presiding Officer in the community he represented. There are tough decisions we have to make, but you have to make them.

I can still remember one headline that as we were trying to figure out what do with our library system that wasn't run as well as it could be, I still remember this headline to this day: ''Begich Lays Off 21 Librarians,'' which is not a very good headline, to say the least.

But what did we do? We reexamined it, reinvested, increased our partnerships with the private sector today, and the library system is more robust than ever before, with new branch libraries serving more kids than ever before, better facilities, new equipment, new technology. It is more robust than it has been in decades because we had to make some tough decisions for the long term.

That is where we are today, especially after the disappointing news we had this last week with regard to the job market, when the economists thought we were going to have 120,000 new jobs and we ended up with just 18,000, unemployment rising to 9.2 percent.

As I said, this plan protects critical investment that will help us build the future of our economy here. It invests, as mentioned by the chairman of the Budget Committee, Chairman CONRAD, in education, energy—which is, of course, for my State critical—and infrastructure, core infrastructure.

I use my experience as a mayor. In my short term as mayor of Anchorage, we built more roads than all the mayors combined in the previous 20 years. We built more vertical construction—fire stations, convention center, museums, and other facilities that helped water, sewer, power, new generation of gas turbines—all that because when you build that infrastructure, the private sector will attach to it, will be attracted to it and will build off of that.

This budget that is being presented by the majority on the Budget Committee keeps our investments in education, energy, infrastructure, which in turn will ensure that we continue to move back into the realm of being more competitive on the worldwide market.

We have all heard the budget proposal lays out some ideas on tax reform—not just a little bit here and a little bit there, but fairly significant. When we talk about our corporate rate in this budget proposal by the majority in the Budget Committee, it brings it down to about 29 percent. It is not where I would like it, but it is better than where it is today. It gets us more competitive on the world market.

A group of us also have introduced legislation in advance of this budget proposal, the Wyden-Coats-Begich Bipartisan Tax Fairness and Simplification Act. The legislation provides real tax reform for our very outdated system. It plays off of exactly what the majority laid out, a budget proposal that talks about tax reform to create certainty for our business community for long-term investments, and we take it one more step. Not only do we look at the corporate component, we look at the individuals.

Can you imagine, as an individual right now we deal with six different rate structures. If we can reduce it to three, which our bill does, and you could do your tax return on one page—can you imagine the amount of time, effort, and money individuals will save? We take the budget proposal that the committee I sit on and the Presiding Officer sits on one step further. Not only do we focus on stability and certainty for the business community, which is critical for long-term investments they need to make to ensure all those trillions they have literally locked up in their cash accounts because they are not sure where we are headed as a country, we create the certainty, but we also ensure the individual has a compressed rate, a more fair system, and simplified, which we think is important.

Tax reform is an integral part of the conversation on deficit reduction. I am pleased Senator CONRAD's proposal also provides some of the same tax reform principles I mentioned. As I mentioned, it not only deals with the rate structure but, as he detailed, very aggressively closing shelters and loopholes, and not just for one industry over another industry, which has been some of the debate, it is for fairness of all. We look at it all because we want everyone to be treated fairly.

Let me talk about a couple of more pieces in the majority's budget from the Budget Committee. Chairman CONRAD went through it in great detail but I want to emphasize this point. The AMT, the middle-class tax cuts—what does this mean? What does this mean for the average person here?

Right now, 4.3 million taxpayers are affected by the AMT, which is a small tax provision that many years ago was set in place to get the richest of the richest. But it was never indexed, never inflation adjusted, so it has grown. There are 4.3 million taxpayers we have affected today. If we do not fix this tax problem, it will increase to 31 million people who will have additional taxes to pay.

What are we doing? We are putting on the AMT patch to fix this problem so 30-plus million people will not have this additional tax burden. We think it is right. We think it is the right approach. It goes to the people who need it the most.

In addition, this framework that was laid out today, for singles earning $500,000 and couples earning $1 million or more, they will not receive the same tax relief as everyone below them will receive. The tax relief will be focused on families who earn $1 million or less. Why is that important? Because not only are they families, but almost 98 percent of all small business earn $1 million or less pretax. So we protect the backbone of my State. I can tell you as a small businessperson, the Presiding Officer knows that as someone who worked in a small business and it grew to a larger business, it is the backbone. It is what makes the difference in hiring people. Every day when people see their revenue stream start to increase, small businesses start hiring people. They need those employees.

But this proposal is not only for the individual, and then also the larger corporation bringing in that corporate rate, but it protects almost all the small businesses in this country—and, of course, being very biased—and in my State.

What does that mean? That means when you calculate it all in real dollars, and you heard the numbers, when you think about the tax reductions, the tax savings for middle-class Americans and small business, it is well over $1 trillion between the AMT and preserving the tax relief for families earning under $1 million. It is significant. That is money that small businesses will reinvest into their businesses, employing other small businesses to do the work. It is families who will have more disposable income to put into the economy which means more purchases from businesses which means more hiring and this has a constant ripple effect.

When you talk to business owners, and I have—I spent a lot of time with them as a small businessperson and a Senator now, meeting with business folks on a regular basis—over and over again they tell me put the money in the hands of the consumer. Then the consumers will spend that money and improve the economy because, as they spend money, we will hire more employees and buy more product. It goes on and on.

There is a difference between what we are trying to do in the sense of the value, who receives the benefit of a comprehensive budget proposal, a budget proposal that the majority in the Budget Committee has worked on for the last 2 or 3 months, at least, and before that trying to figure out the right approach. It is a balanced approach. It focuses, as I said, on dealing with budget reductions, accountability, ensuring that where there is waste we go after it aggressively. Where people are taking advantage of the system at the cost of the everyday person, we go after that. But we don't forget that we have to invest in the core issues of education, energy, and infrastructure, so we continue to grow this economy.

We must have a balanced approach in this process. I know on the other side they will argue over and over, first let's do spending and then we will deal with other things. You have to do it all together. I am telling you this as a person who ran a city for almost six years, ran businesses for many years: you cannot do it on one piece of the equation. It is a three-pronged attack. Some of the folks I know around here after years of service have gotten a little amnesia as to how it will occur. We can blame individuals, blame certain Presidents, certain majorities, but we are where we are and we have to deal with this.

It is not going to be fun. It will be uncomfortable. It will make us have to dig deep into what is right for the long-term health of this country and what we need to do to ensure America becomes what it used to be—a stronger country economically than it is today where we are in the lead when comes to innovation and we are in the lead when it comes to developing new technologies to lead this world in its economic growth.

We cannot do it in this process of I am only going to do one thing and one thing only. That does not work. It has to be a broad, sweeping approach.

We are not going to forget in this process that we are not going to throw people overboard who have helped build this country. When you think of our seniors, the generation that built our country to where it is, ensuring that people such as myself, the Presiding Officer, and others have an incredible opportunity, thinking about where they need to be, this budget plan keeps Social Security off the table.

We recognize there are issues and we have to deal with it in its sustainability and we recognize that, but it is not a driver. It has not contributed 1 penny to this deficit. We need to treat Social Security in a way that ensures sustainability in the long term and there are simple solutions to that that I know we can get to.

We also ensure that Medicare is taken care of, that benefits are not reduced. Also, as the chairman said so eloquently earlier, we have to ensure that our veterans are protected, those who serve now in Iraq and Afghanistan and all around the world, and served before. We owe a great deal to veterans. In some cases before I got here I know there was a lot of debate in the Veterans' Committee on which I sit. We have been working to be very sure they get the benefits they deserve. We need to make sure we fund them. When we send them to war and they become veterans after their service, we have an obligation, an obligation that should not be sliced and diced because we want to make political statements on the budget cutting process. They need to be protected.

As I said, this budget does good things. It is a fair approach. It may not be perfect in all senses. I can tell you there are things I don't like in it that are going to impact groups that are concerned about how we approach this, but we are all in this together. We need to make the approach the right way. But those who are so hardened now who say it is only going to be about spending cuts—which, let me make it very clear, I think the Budget Committee, the majority on the Budget Committee, is not afraid of dealing with the budget cuts. We have done that—$2 trillion of budget cuts. We have to get used to it when we are here in the Senate, not Bs or Ms, they are Ts, $2 trillion of budget cuts. We also balance it getting rid of loopholes and tax shelters in a fair and balanced way so everyone pays their fair share, but we also make sure we invest in the future.

If we are shortsighted around this place, we will pay for it next year and the year after that and the year after that. This is truly I think the right approach that goes after ensuring the middle class are not the people carrying the burden as they have been doing for the last several years—especially in the last 2 years, clearly—and that everyone participates. But we also make sure investment is done the right way.

The chairman laid out in great detail all that is in the framework. We think it is an important piece to lay down, that Democrats have been working on. We have been working every hour, every day. Even when we are back in our home States, trying to talk to constituents, we are talking about the budget. The Presiding Officer tells me stories. Every night he heads home and he meets with constituents to try to find out what the right approach is here. We bring all that information right here in this body. We did it in the majority in the Budget Committee. I know I put up a Web site request asking Alaskans what it is they want to cut. What do they want to save or have as revenues? Like good Alaskans, they were not bashful. They were very adamant about what they wanted and what they did not want and where we should cut and where we should not cut. I have taken all that in, and I have used that as part of my debate and discussion with the majority of the Budget Committee to figure out what the right approach is. I think this is the right approach. I think some might call it a big deal. In the Senate, this is the big deal. We are in the big place. This is where big deals happen. This is where it all has to happen. It is where we drive the economy in the sense of our certainty and our policies. If we cannot have a strong deficit reduction budget, we are not going to create the certainty the business community needs to invest, which will, in turn, employ more people and create a better economy for us here and obviously will have an impact around the world.

I want to say thank you for an opportunity to say a few words, again, commending the chairman, who was here earlier, for all of his work. It is a tough call. I will end on this comment, the story I told you about the librarians and the headline I had to have. That was in my first 6 months in office when I was mayor. Mr. President, 2½ years later, I won reelection with one of the largest margins in the city's history. So I would say this to anybody who is trying to figure out if they are going to win their primary, win their general election: Put that all aside. That is what I did when I was mayor. I had to make some tough calls. Did I know if I would win reelection? No. I didn't know. I knew I did the right thing because it was the city I lived in. It was the State I grew up in. It was important for us to make the right decision, which at the end of the day is usually the right political decision. That is what this body has to do. It is not fun because people face primaries. They face general elections. Some will win, some will lose. But if we are true public servants, truly it doesn't matter if we are sitting in this room or outside there; we are always public servants. We have to do what is right in this critical time for this country and in the global perspective. If we don't do the right deficit plan, it will ripple through this country and it will ripple through this world in the wrong direction.

Thank you for the opportunity. Thank you for the chance to say a few words, but also I implore my colleagues on the other side to think about today's opportunities for the generations in the future and not about today's elections. And I mean on both sides of the aisle. It is about the moment of what people do for this country.

I yield the floor.

Mr. HATCH. Mr. President, I ask unanimous consent that I be permitted to speak until I finish my remarks.

The ACTING PRESIDENT pro tempore. The Senator from Utah.

Mr. HATCH. Mr. President, in recent days I have spoken several times on the matter of tax expenditures. I am going to address this subject again today. It is a timely topic. Everyone is talking about our out-of-control deficits and debt. There are divergent opinions on how best to deal with our Nation's increasingly perilous fiscal situation, but there is one thing everyone seems to agree on: Both the deficit and the debt are unsustainable. If we keep going down this fiscal path, the United States will face a crisis similar to that in Greece and sooner rather than later. The numbers could not be clearer. Federal spending as a share of our economy is trending at a pace 15 percent to 20 percent greater than its historical average of 20.6 percent of GDP. If we leave in place this year's level of taxation, including the marginal rate of relief between the 2001 and 2003 tax cuts, and patch the alternative minimum tax, or AMT, the Federal tax take will equal or exceed its historic share of the economy.

Liberals suggest the deficit and debt can only be resolved with a significant tax increase. This is either deliberately misleading or sadly delusional. They are either selling snake oil to the American people or they refuse to come to grips with reality. Sticking their heads in the sand is not an option. As you can see, here are Federal taxes and spending as a percentage of GDP. The red line happens to be the spending line. And as you can see, we are way up here in the Obama 2012 budget. The blue line happens to be the average between 1960 and 2009. As you can see, it is way down here. Our spending is out of control. The markets and the American people understand the nature of our crisis. Nondefense discretionary spending is at historic levels and our entitlement programs are headed for bankruptcy.

When former Speaker of the House NANCY PELOSI responded to the utter failure of President Obama and congressional Democrats to come up with a Medicare reform plan, she responded, ''We have a plan. It's called Medicare.'' That attitude is the recipe for bankrupting the Nation, a bankruptcy that will take our seniors down with it. The left might prefer to ignore reality, but here is the undeniable truth: Our Nation faces a spending crisis that tax increases cannot fix. I wish the media would get this. They are so enamored with the idea of a grand bargain on deficit reduction, a little spending reduction here, a little tax increase there, that they miss the fundamental point. The problem is spending, as you can easily see by this red line. It is way out of whack, and going back to the dry well of raising taxes on the rich is not going to work.

The fact that Democrats in the Senate have not put forward a budget in over 800 days is neglecting one of the core constitutional responsibilities, and it is all the evidence we need that they are afraid of the bill coming due on all of their spending. They understand their hard left base will not accept structural changes to our biggest spending programs under any circumstances. But they also understand that the American people will not stomach for a minute the tax increases that will be necessary in the absence of such reforms. This is a difficult position to be in, so rather than deal with the facts, they traffic in obfuscation. This morning I heard the ranking Democratic member on the House Budget Committee following the President's lead and suggesting that removing some tax breaks for energy companies would fix our deficit crisis. Getting rid of those tax breaks would raise $21 billion over the next 10 years. Yet this fiscal year alone, in 2011, we will have a projected budget deficit of $1.5 trillion to $1.6 trillion. So where is the rest of our money going to come from?

Last week I came under fire for stating what I thought to be a relatively noncontroversial fact. Here is what I said:

> In 2009, 51 percent of Americans had zero or negative income tax liability.

Here is what that means. In 2009 only 49 percent—a minority of all households in this country—49 percent of tax units shouldered 100 percent of the Nation's tax burden. And 51 percent of the tax units—a majority of all tax units in this country—either owed nothing to the IRS or, better yet, got money back from the IRS in excess of their tax liability. Mr. President, 23 million of them got refundable tax credits, much more than they pay in employment taxes, which are Social Security. By the way, as they pay into Social Security, they only pay a third of what they will ultimately draw out according to the actuaries, but they are not paying income taxes. This should be no less controversial than saying the Sun rises in the east. This is not conjecture. It is a demonstrable fact, yet apparently touched a nerve. Because last week after raising this issue on the Senate floor, MSNBC and the liberal blogosphere, presumably armed with the talking points from the Senate Democratic war room, went ballistic, suggesting that I wanted to balance the budget by raising taxes on the poor. I am not surprised, but this completely misses my point, and the point is this: No matter what these Democrats tell you, the wealthy and middle class are already shouldering around 100 percent of the Nation's tax burden and 51 percent pay absolutely nothing in income taxes. Furthermore, because of this perverse distribution of Federal income taxes, there is no way to fix our deficit hole and pay down the debt by increasing taxes on the so-called rich.

Here is the bottom line. All of the ''let's talk about taxes on the rich'' and closing loopholes and going after corporate tax breaks is meant to divert attention from the sad fact that the President's out-of-control spending puts Democrats in a position of having to raise taxes big time on the middle class since they are going to balance the budget without structural reforms to our largest spending programs. Tax increases on the wealthy will not get our Nation to fiscal balance. Even if we let the Bush tax breaks expire from the top income bracket, the total amount raised over 10 years would be $615 billion. That is over 10 years. Yet our deficit this year alone is $1.5 trillion to $1.6 trillion. This is why the issue of tax expenditures is critical. So everybody knows, I made it clear, I thought, in my last remarks that I don't want to tax the truly poor, those who would help themselves if they could. I do not want to tax them. But you can't tell me that 51 percent of all households are the truly poor. I don't want to tax them either, to be honest with you, but it is apparent we are going to have to find a better way of broadening the base of the tax system. Democrats talk about tax expenditures as though they were the holy grail of deficit reduction. Just close these loopholes and happy days are here again. The public is being misled in this type of debate, but don't take my word for it. Today the Associated Press had a story with the following lines:

> SPIN METER: Obama, Dems skirt issue on tax hikes.

This is what the body of the article has to say:

> Proposals under consideration include raising taxes on small business owners and potentially low- and middle-income families.

You won't hear about that from President Obama. Instead, the President focuses on the very rich and speaks euphemistically. Here are a few of the phrases the President has used of late of what amounts to raising taxes for some:

> What we need to do is to have a balanced approach where everything is on the table.

He goes on to say:

> We need to take on spending in the tax code. The tax cuts I am proposing we get rid of are tax breaks for millionaires and billionaires, tax breaks for oil companies, hedge fund managers and corporate jet owners. You can't reduce the deficit to the levels it needs to be reduced without having some revenue in the mix.

All those are quotes by the President. They are doing their best to hide their intentions, but the writing is on the wall. Democrats are angling for historic tax increases on the middle class, and the way they want to accomplish this is by reducing or eliminating tax expenditures. Cutting back tax expenditures is a convenient way for Democrats to tax middle-class tax-paying families without having to say they are raising their tax rates. As I noted last week, this is what we were talking about when Democrats discussed tax expenditures. They are talking about your pension. They are talking about your Medicare. They are talking about your ability to purchase a home or save for retirement or give to your church or put away money for your

children's education. This is exactly what we are talking about. That is where the money is. It is not in bonus depreciation for corporate jets, and it is not in tax benefits for energy companies.

When Democrats talk about tax expenditures and tax loopholes as a way to bring down the deficit and debt, they are putting a bull's-eye on the backs of middle-class American families. We heard a lot this morning about Republicans walking away from the President's grand bargain on deficit reduction. Well, I know that the people of Utah applaud Speaker BOEHNER for not signing on to this bogus deal. This morning the President's allies in the media were asking why Republicans walked away from this deal. With the President willing to put entitlement spending on the table, why aren't Republicans willing to put taxes on the table? It is worth noting that the President and his Democratic allies steadfastly refuse any structural changes to entitlement spending.

Second, for Democrats, putting taxes on the table and tax expenditures means tax increases on the middle class, and that is a nonstarter. This issue of tax expenditures is confusing and demands greater clarity. As ranking member of the Finance Committee, it is my responsibility to correct the record on what the curtailment or elimination of tax expenditures would mean for taxpayers and families.

If you listen to my friends on the other side of the aisle, you would think tax expenditures are ''spending through the Tax Code.'' You would think they are mostly loopholes in the tax law designed by and for special interests such as ethanol blenders. Another mantra you will hear too often uncritically reviewed by many in the media is that tax expenditures disproportionately benefit wealthy taxpayers.

A few days ago I talked about what tax expenditures are and what tax expenditures are not. They are not spending. You can find the text of that speech from July 6 on the Finance Committee Web site. They are not, in the main, loopholes for special interests. The other day, I talked about the major features of family financial planning that would be upended if tax expenditures were curtailed. I referred to employee pension plans such as 401(k) accounts. I also mentioned charitable gifts and home ownership. If my friends on the other side are successful in cutting back tax expenditures, American families, workers, and investors can expect the cost of all of these activities to rise. If the cost rises, as a nation, we will be poorer because we will have less retirement savings, fewer charitable contributions and more expensive homeowners. You can find the text of that speech last Thursday on the committee Web site as well.

Today I am going to consider the oft-repeated line that tax expenditures disproportionally benefit the wealthy taxpayers.

For purposes of this discussion only, I will adopt the President's definition of rich; that is, singles with adjusted gross incomes over $200,000 per year and married couples with incomes over $250,000 per year. I wish to be clear that I do not lump all of these folks in with Bill Gates, Jr., LeBron James, Warren Buffett, or Gilligan's Island resident millionaire Thurston Howell, III. Here is good old Thurston who was the millionaire on Gilligan's Island. I am using the President's definition of rich because most of my friends on the other side use it. They also claim tax expenditures reside disproportionately with rich taxpayers.

The Democrats' rhetoric on expenditures does not jibe with the reality of our Tax Code. The data is clear. Tax expenditures tend to skew toward taxpayers below the President's definition of the rich. If my friends on the other side examine the data, they will find their assertion about who benefits from tax expenditures does not square with the facts. They will find their assertion that tax expenditures disproportionately benefit the wealthy falls flat on its face.

In much of the coverage of tax expenditures, it has been taken as an article of faith that they disproportionately benefit wealthy taxpayers. Similar assertions have come from the White House and congressional Democrats. The one exception is my friend, the ranking Democrat on the Ways and Means Committee, SANDER LEVIN. Congressman LEVIN has cautioned against treating tax expenditures as rich persons' tax benefits. His position is well founded. The source for this assertion, that tax expenditures are tax benefits for the rich, is a Tax Notes article dated May 3, 2011.

I ask unanimous consent to have it printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Tax Policy Center, May 5, 2011]

WHO BENEFITS FROM TAX EXPENDITURES?

(By Roberton Williams)

The federal income tax is replete with tax expenditures, provisions that grant special benefits to selected taxpayers or for selected activities. Exclusions and deductions reduce taxable income, preferential rates cut the tax on specific types of income, and tax credits are subtracted directly from tax liability.

The various kinds of tax expenditures reduce taxpayers' individual income tax liability differently throughout the income distribution (see graph). More than 90 percent of the tax savings from preferential tax rates on long-term capital gains and qualified dividends go to taxpayers in the top quintile (or fifth) of the income distribution, and nearly half the benefits go to people in the top one-tenth of 1 percent. The top quintile gets about three-fourths of the savings from itemized deductions and more than 60 percent of the benefits of exclusions of selected sources of income such as employer health insurance contributions. High-income households receive relatively larger benefits from special rates, deductions, and exclusions, because they have relatively more income from certain tax-favored sources (capital gains, dividends, tax-exempt interest) and because under our graduated income tax, exclusions and deductions are worth more to taxpayers in higher rate brackets.

In sharp contrast, most of the value of tax credits goes to households in the bottom four quintiles. Nearly 80 percent of nonrefundable credits and more than 95 percent of refundable credits benefit those households. Many credits phase out for high-income taxpayers, limiting their value, but they are a major reason why nearly half of all tax units pay no federal income tax. Nearly one-third of all refundable credits go to the poorest one-fifth of all households and often result in net payments from the government.

Overall, tax expenditures give more benefits to high-income households relative to income but are roughly proportional to tax liabilities. The top quintile collects 55 percent of all income, pays 67 percent of all taxes, and gets nearly 65 percent of the value of tax expenditures. Middle-income households earn slightly more than 40 percent of all income, pay one-third of taxes, and get one-third of tax benefits. The poorest quintile of households receives slightly less than 4 percent of both income and benefits from tax expenditures but pays only 0.5 percent of federal taxes, largely because refundable credits offset almost all their tax liabilities.

Mr. HATCH. The article is written by Roberton Williams of the Tax Policy Center or TPC. TPC is a tax policy think tank that is the product of two center-left think tanks. The article presents conclusions from a TPC distribution analysis of tax expenditures.

The analysis concludes that about two-thirds of tax expenditures benefit the top quintile of households in the study. Viewers on C–SPAN may wonder what a quintile is. It refers to one-fifth of the given population. The TPC analysis is, therefore, measuring the top one-fifth of the population.

According to that study, where does that top one-fifth of the population begin? It begins at $123,000 of household income. It should be noted that household income is a bit broader than the adjusted gross income which is the basis of the President's definition. According to TPC, that top quintile earns 55 percent of income and shoulders a huge amount of the Federal tax burden. They say it is 67 percent.

Now, perhaps not too surprisingly, TPC finds that tax expenditures for the top quintile approximate that top one-fifth's share of the tax burden. With the exception of the refundable credit tax expenditures, a taxpayer has to pay income tax to benefit from the tax deduction credit or exclusion.

Those asserting that tax expenditures are mainly wealthy taxpayer benefits are principally relying on TPC's distribution analysis. If confronted with the TPC data, it seems to me they have four choices. Their first choice would be to revise downward the income basis of their definition of ''rich.'' They could say we really did not mean families at $250,000 of income; we meant families of $123,000 of income. That would be similar to the adjustment made for ObamaCare. Joint tax distribution tables for ObamaCare showed that for every family below $200,000 who received an exchange credit, four families paid higher taxes. For

every middle-class family who receives a premium subsidy, five pay higher taxes. That is just a fact. I guess I said five. It really would be four who would pay higher taxes.

A second choice would be to revise the proportion of tax expenditures so that the tax expenditure dollar amount reflects the benefits attributable to taxpayers defined by the President as rich. The President's rich taxpayer definition is the top 3 to 5 percent of taxpayers. It means the group of taxpayers who are roughly 25 to 33 percent of the size of the group in the TPC analysis.

Put another way, the TPC population of rich taxpayers is three to four times the size of the group the President and my friends on the other side define as rich. If a consistent definition of the rich were used, the dollar amounts of tax expenditures in play would be considerably lower. Since the goal of the group pushing the cutback of tax expenditures is to relieve spending constituencies of the pressure of curtailing spending, my guess is they will not choose to reduce the tax expenditure kitty.

Their third choice would be to simply curtail or eliminate tax expenditures for higher income taxpayers. This, of course, could largely eliminate the preferential rates for capital gains and dividends.

Let's take another look at this chart because it shows a big share of the capital gains tax expenditure goes to the top one-fifth. It looks as though about 95 percent of tax expenditures accrues in the top one-fifth. We see that about 50 percent of it accrues to the top one-tenth of 1 percent. Do we think it would make sense in the current economic climate to double or triple the tax hit on investment?

At one point, at least, the President's answer was no. In August 2009 the President was asked by a resident of Indiana:

> [e]xplain how raising taxes on anyone during a deep recession is going to help with the economy.

Here was the President's response:

> Normally, you don't raise taxes in a recession, which is why we haven't and why we've instead cut taxes. . . . You don't raise taxes in a recession. We haven't raised taxes in a recession.

So what is their fourth choice? Their fourth choice would be coming clean with the American people. Under this option they would admit that tax expenditures disproportionately go to families who are not rich under the President's own definition. They would acknowledge that cutting back tax expenditures as part of a deficit-reduction exercise would hit the middle class and betray the President's promise not to raise taxes on middle-class families.

As we can see, the proponents of these tax increases are in political quicksand, and there is additional evidence that they are sinking as they struggle against the facts. I would ask my friends on the other side to take a look at the Joint Tax distribution tables on many of the major tax expenditure categories. Joint Tax publishes these tables every year. They are available on the Joint Tax Web site.

I have a chart that summarizes the percentages of tax expenditures that go to taxpayers under $200,000. I will have to bring that with me the next time. That is the break point that Joint Tax uses—the percentage of tax expenditures that go to taxpayers under $200,000. It closely squares with the definition of ''rich'' used by the President and his liberal allies.

Anybody above $200,000 is rich under my Democratic friends' definition. Anybody under $200,000 is not rich. You can find this data in the tax expenditures pamphlet published annually by the nonpartisan Joint Tax staff.

Now I wish to talk about the tax expenditures that Joint Tax distributes by income. I have listed them in order, from the largest in dollar volume down to the lowest in dollar volume. The first one is well known to tens of millions of our constituents. It is the mortgage interest deduction.

If a taxpayer saves up a downpayment and borrows for a home, they can take the interest paid on the mortgage as an itemized deduction. That means 30 percent of the benefit of the mortgage interest tax expenditure goes to taxpayers over $200,000. Taxpayers with incomes below $200,000 receive 70 percent of the benefit of the mortgage interest deduction.

Now, how do we measure whether the mortgage interest deduction disproportionately benefits taxpayers over $200,000? There is a line in bold letters that reads: ''Compare Total Federal Tax Burden.'' That is the baseline of how much tax is shouldered by the group of taxpayers above and below $200,000. We have a very progressive tax system. Taxpayers earning more than $200,000 shoulder 64 percent of the tax burden. Taxpayers earning less than $200,000 shoulder 36 percent of the tax burden.

Taxpayers earning less than $200,000 receive 70 percent of the mortgage interest deduction while shouldering 36 percent of the tax burden. Who benefits from these tax expenditures? We are going to get into that. That means by a ratio of almost 2 to 1, taxpayers under $200,000 benefit from the mortgage interest deduction; and since $200,000 basically fits the definition of ''rich'' used by my friends on the other side of the aisle, we can see that other taxpayers who are nonrich, or the middle-income group, disproportionately benefit from the mortgage interest rate deduction.

Now, let me talk about another tax expenditure. I am referring to the earned-income credit, or EIC. It is a refundable credit. That means taxpayers receive it whether they pay income tax or not. That is why the credit is basically scored as spending by the Congressional Budget Office—the CBO—and Joint Tax.

There is a bit of irony about this tax expenditure because it is refundable. It is more popular with my friends on the other side than other tax expenditures. That is because those other tax expenditures go to taxpayers who actually pay income tax. The refundable credit is popular with my friends on the other side because it is a robust income-reducing mechanism.

President Obama, in his famous exchange with Joe the Plumber, captured the economic theory supporting this policy when he said we need to ''spread the wealth around.''

Here is the irony. My friends on the other side derisively describe all tax expenditures as ''spending through the Tax Code.'' Yet the tax expenditures they most support are the refundable ones, such as the earned-income credit. It should come as little surprise that the left's favorite tax expenditure is the one that is scored as spending by congressional spending scorekeepers.

Because the earned-income credit tax expenditure is refundable, we shouldn't be surprised to find that so-called rich taxpayers do not benefit from it. The chart confirms this point.

The third tax expenditure is right here: the current $1,000-per-child tax credit. It is, by definition, limited to lower and middle-income taxpayers. We should not be surprised to find that none of it goes to higher income taxpayers, and the chart confirms this point: zero to taxpayers over $200,000; 100 percent to taxpayers under $200,000.

Let's take a look at State and local taxes. It is the fourth one on here. The chart shows that 50 percent of this broad-based deduction goes to middle-income families.

No. 5 on this list is a tax benefit near and dear to many of my fellow Utah families. It is the itemized deduction for charitable contributions or donations. Of all the tax expenditures listed on this chart—this big chart right here—this one, charitable itemized deductions—distributes in the highest proportion to taxpayers above $200,000 in income. The chart says 55 percent, right here; 45 percent for those under $200,000. Keep in mind, overall, taxpayers with income over $200,000 bear 64 percent of the tax burden.

Now, this means proportionately, the charitable deduction benefits taxpayers under the $200,000 level more than taxpayers above the $200,000 level.

Now let's take a look at No. 6 on this chart. It is the tax-free portion of Social Security benefits, right there. Anyone advocating a cutback on tax expenditures is advocating a cutback on the aftertax Social Security benefits for a big chunk of the senior population. Guess what. We are not talking about wealthy seniors. According to this chart, 2 percent of that favorable tax treatment of Social Security goes to seniors with incomes over $200,000. My guess is that few of the seniors benefitting from this policy own yachts or regularly fly corporate jets.

No. 7 is the itemized deduction for real property taxes. Right now, their

constituents take the edge off that heavy local tax hit with the itemized deduction. If many of my friends on the other side have their way and hack away or eliminate tax expenditures without also cutting their constituents' Federal tax rate, guess what happens. In the case of local property taxes, the net effect will be to raise the property tax rate by as much as 35 percent.

Some of my friends may suggest that only those with villas are taking the property tax deduction. This chart says otherwise. It says 80 percent of the real property tax benefits go to taxpayers under $200,000.

How about No. 9 on the list? No. 9 on the list is the itemized deduction for medical expenses. ObamaCare cut back on that one. But if my friends on the other side reduce or eliminate side tax expenditures to avoid dealing with out-of-control government spending, this deduction will be cut back even more. The chart shows on these medical itemized deductions that 89 percent of this tax benefit goes to taxpayers earning less than $200,000.

No. 10 is the dependent childcare credit. This is a modest tax credit that working moms and dads can tap. Like the child tax credit, it mainly is used by middle-income families. The chart confirms it. It indicates that 96 percent of the benefits of this credit go to families earning less than $200,000.

The final item on the list is the student loan interest deduction, as shown right here on this chart. This tax benefit is income limited. Not surprisingly, all of the benefit goes to taxpayers earnings learning less than $200,000—100 percent of the benefit. I do not think a lot of the recent college graduates using this deduction are in the market for a yacht. But if you listen to my friends on the other side, you would think because this benefit is labeled a tax expenditure, those who benefit from it have a schooner docked in the local harbor.

I am not saying that only middle-income families benefit from tax expenditures. Wealthy taxpayers benefit from the lower capital gains and dividends rates.

Let me refer to this chart of the 10 largest tax expenditures for the period 2010 to 2014. But the lion's share of tax expenditures goes to that part of the middle class that is already shouldering much of the Nation's tax burden. Most of the tax expenditures are either income limited or of limited value to wealthy taxpayers. Likewise, low-income families do not pay income taxes. They receive tax expenditures that are designed for the nontaxpaying population.

So who is left? The answer is the taxpayers who are not rich by the President's own definition. The answer is middle-class families.

On our side, the reaction to all these choices would be simple. Many on our side, including Ways and Means Committee Chairman CAMP, have put it this way. Keep your hands off tax increases, including cutbacks in tax expenditures, for deficit reduction. Reserve those tax expenditures for tax reform. In that way, taxpayers receive a benefit—lower rates in exchange for a broader base. That broader base would include reform of tax expenditures, if Chairman CAMP and I have our way. Any other approach is just another tax increase. And they on the other side will spend every dime of it.

The President this morning gave another press conference. He asked what the holdup was in arriving at a deficit reduction compromise. The answer seems pretty obvious. Contrary to the President's vague assertions, the left-wing base he is depending on for his reelection refuses any meaningful structural reforms to the spending programs that are currently bankrupting our country. That means the only serious deficit reduction option available to Democrats is massive tax increases on the middle class. Democrats will not acknowledge the inevitable tax increases their agenda assumes, and Republicans will not give the President any cover in his drive to ''spread the wealth around.'' That is what is holding up this process.

So let me offer a suggestion. Instead of berating Republicans for not signing on to historic and economy-crushing tax increases, when unemployment is at 9.2 percent, maybe the President should take his own party to the woodshed. Maybe he should ask the liberals in his party who refuse any meaningful structural reforms to entitlements to get serious. Maybe he could go on television and explain to the American people that we have over $60 trillion in liabilities and that tax increases are not going to bring that into balance.

Instead, the President and his party sit around and spread the myth that simply getting rid of tax expenditures and loopholes—and they certainly are not loopholes, the ones I have been talking about—will fix our deficits and debt. We have two reasons to worry about that wrongheaded approach. One, to the extent deficit reduction energies are diverted to cutting back tax expenditures, pressure is taken off the root cause of the deficit and debt problem. That is, pressure that should be brought to bear on out-of-control spending programs is released. Two, the productive sectors of the economy—workers, small business owners, and investors—are burdened with yet more Federal taxes.

For many reasons, cutbacks in tax expenditures are a deficit reduction dog that will not hunt.

If you look at all individual tax expenditures, you can see these are the 10 highest tax expenditures by percentage.

Let me go back to the preceding chart. If you look at all these tax expenditures, for the mortgage interest itemized deduction, 70 percent are people earning under $200,000; for the earned income tax credit, 100 percent; for the child tax credit, 100 percent; for the State and local taxes, other than real property, 50 percent; for charitable itemized deductions, 45 percent—yes, the rich had 55 percent by their definition—for Social Security benefits, 98 percent; for the real property tax itemized deduction, 80 percent; for the education credit, 100 percent; for medical itemized deductions, 89 percent; for the dependent childcare credit, 96 percent; for student loan interest, 100 percent.

Look, my point is, we have to come up with a better Tax Code. I am dedicated to changing this awful Tax Code we have that is too complicated, too large, too expensive, does not do the job, and is a bunch of muttering around and puttering around by Members of Congress, and simplifying that Code so everybody knows which end is up.

On tax expenditures, I am going to be happy to look at tax expenditures, but they should be reserved until we do real tax reform. If you have to give up some of these expenditures, then there better be appropriate reductions to account for that, and we have to do it by flattening out that tax system that we all know is completely out of control and completely difficult to comply with. As a matter of fact, I do not know of anybody on the Senate Finance Committee who fills out their own tax forms. I do not think most of us could do it because if you had 10 different tax preparers on a semicomplicated tax return, you would probably have 10 different approaches to it. That shows the pathetic system that is wrecking our country.

To make it clear, when the President took over, the bottom 40 percent of all households did not pay income taxes. Yes, they paid payroll taxes, but 23 million of them got refundable tax credits, much more than they paid in payroll taxes. Keep in mind, I do not believe we should tax the truly poor. But now that is up to 51 percent in a little over 2 years under this administration of people who do not pay any income taxes. Are they all truly poor? I do not know. All I know is, it does not sound right that the majority of people, the majority of tax units in this country, do not pay income taxes, and the minority has to carry the whole burden.

If they are truly poor, I understand and I would be the last one to tax them, and I think I have a 35-year record here of being fair to the poor and fair to families and, above all, fair to children. My name is on an awful lot of important bills around here, and I have led the fight on a lot of bills that help people in distress. So you can imagine how aggrieved I felt when one of our great television stations was distorting one sentence—it seemed to me one sentence—out of a 30-minute set of remarks on the floor that made it very clear that I do not want to tax the truly poor. But surely we have to have everybody participate. I actually think everybody ought to participate, even if

it is only $1. We ought to all have some skin in the game. We ought to all help save this country, and we cannot do it without the middle class. And the middle class is not just the top 49 percent of all wage earners.

This is an important issue, and it is one we have to resolve, and we have to resolve it fairly, we have to resolve it in a way that is meaningful and in a way that will help save our country too. I think I have more than made the case that you cannot pile it all on the so-called 3 to 5 percent, the so-called rich, which includes 800,000 small businesses, where 70 percent of all jobs are created. And everybody knows that is true. Every time you tax them and take moneys away from them like that, when they are paying pretty hefty taxes as it is, they hire less, they do less, they quit their businesses, some move offshore, some move their businesses to other countries, and some just plain give up.

We cannot let that happen. We have to have a fair tax situation. We have to have Democrats and Republicans work on it together. We have to quit playing this card that basically pits one group of people against another.

All I can say is this. I am concerned. I am pointing out difficulties in our Tax Code. I am pointing out difficulties in some of the arguments the President is making. And I have to say that anybody who reads my remarks fairly will know these points I am making are real points. These charts are important. As you can see, taxpayers earning under $200,000 will be bereft without these benefits unless we can revamp the whole Tax Code in a way that you do not have to have tax expenditures. Tax expenditures are certainly not spending—at least these ones we are talking about right here and now.

So if you compare the total Federal tax burden, those earning over $200,000 pay 64 percent; those earning under $200,000 pay 36 percent. All of that is important for us to understand.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. MERKLEY). The Senator from Wyoming.

Mr. ENZI. Mr. President, I rise today to talk about some missed opportunities. Last week, I talked a little bit about how I thought the President had missed the opportunity with his deficit commission, he had missed the opportunity with his State of the Union speech, and he had missed the opportunity with his budget.

Well, almost 2 weeks ago, President Obama scolded Congress for not making enough progress on debt ceiling and budget negotiations. He said we needed to stay in Washington last week and get things done. I took him at his word. I thought the administration and the majority were serious about staying in Washington to push forward and get some results. We were all in Washington last week, but we did not get anything done. The debt and the deficit and the lack of a budget are not the only issues facing America. When are we going to have real issues processed through committees that provide real solutions?

Despite reports suggesting that Democrats have reached an agreement on a budget deal among themselves, the majority did not present us with that budget. Despite the President's comments that Congress needed to be in session to reach an agreement, he refused to meet with our caucus. We have gone more than 800 days without passing any sort of budget in the Senate. When we stayed in Washington last week to work on a budget deal, Democrats refused to bring up that budget for a vote.

Last week, we had an opportunity to make headway on the debt ceiling issue. I spoke on the floor last Wednesday and implored my colleagues on both sides of the aisle to join me in rolling up our sleeves and figuring out a way to solve the fiscal mess this country is in. I laid down the facts and figures—frightening numbers that should have galvanized us all into action. Instead, we are still pushing for a comprehensive solution to the problem or none at all. This isn't ''deal or no deal'' time.

Now, here we are, and what was supposed to have been an important workweek has come and gone. What do we have to show for it? We had one vote canceled on the Libya resolution, a substitute vote on whether the Sergeant at Arms should compel attendance, which was a nonbudget-related matter, and we had one legislative vote on Senator REID's resolution about tax increases. This resolution is a sense of the Senate, which is not something that could become law. At this juncture more than ever, we don't need publicity pieces.

What we could have done was moved forward with the balanced budget amendment that all 47 Republicans have cosponsored or we could have voted on my legislation to reduce spending by 1 percent each year until we achieve a balanced budget or we could have voted on legislation other Republicans have offered that would cap spending or we could have voted on legislation offered by Republicans to ensure we pay our creditors in the event we cannot reach an agreement on the debt ceiling. Unfortunately, we didn't do any of that. Instead, we spent a week holding one legislative vote on a sense of the Senate about raising taxes that even if passed would not have the force of law.

Republicans have proposed a variety of ideas that will help us get out of this fiscal mess we are in. Some are baby steps; some are giant steps. Every bill doesn't have to be comprehensive.

Members of the majority have said Republicans were using every tactic to delay. What was last week? A vote on a sense of the Senate? The House passed a budget in April. The Senate Republicans proposed two additional budget measures. The only plan presented by the majority—President Obama's budget for fiscal year 2012—was unanimously opposed, 0 to 97. Not even a single Democrat voted for the President's budget. It sounds like a different course is needed.

I thought we were here to take care of business. Is one legislative vote on an opinion piece considered taking care of business? Not in my mind. I am willing to bet the American people don't think so either. This is exactly the kind of behavior that is frustrating the people in Wyoming and all across the country. They have asked us to come do a job. They have put their faith in us to take care of business and put this country back on solid fiscal footing. The American people want us to thoughtfully and seriously work to address the debt ceiling and reduce spending. Taking one legislative vote in a week doesn't pass the smell test for getting the job done. The work product we gave the American people last week is appalling.

We are staring the most predictable crisis in American history in the face, and, with only one legislative vote last week, we essentially said it is not dire enough for us to get something done; it is not important enough to stop playing political games and stop running the clock. I am hopeful that this week will be different. I am hopeful that we will actually make progress on budget negotiations.

I am encouraged that the President has finally taken it upon himself to engage leaders on the matter. His direct engagement should have been happening for months, and his refusal to get directly involved has put us in the situation we are in today, with 3 weeks until the Treasury Department is left without options for the debt ceiling. We have lost time. We have lost opportunities. We have lost the focus started by the deficit commission. Every day that passes that we don't get anything done is one more option lost and more money spent on borrowed time and borrowed money.

Businesses all across the country can't afford to waste a day, much less a week, without productivity, and if they did, I guarantee they would pay a heavy price. If that unproductive behavior continued, they would have to close their doors. People going to work every day cannot afford to sit around and not do their jobs. If Americans and businesses in this country have to work hard and stay productive to provide for their families and keep their businesses running, so should we. The standards should not be any different in the Senate.

As for a solution that relies on increased taxes, when Congress fails by spending too much, the easy answer is always to raise taxes. There are many Republican proposals for raising revenue without raising taxes. But we cannot get in a situation where, when we fail, we charge the people more. It usually results in less revenue anyway.

The motion we are voting on tonight is a sham. When it passes, we have permission to add amendments to the

sense-of-the-Senate resolution—maybe. In other words, we can amend the opinion of the Senate that cannot become law. How long will we amend and debate an opinion?

I am disappointed we didn't get anything done last week. I hope we all learned a lesson from the week we just lost. The issues facing the country today are too important and too dire for us to waste time the way we did. I know right now committees are not having real markups, so there is nothing in the drawer to vote on. Even the few times a bill has been brought up, the majority didn't want to vote on amendments and shut the process down. That isn't getting us anywhere. We need to change course. The time for action is now, and I hope we can use last week's failure to get things done as an incentive to roll up our sleeves and get to work.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. KYL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KYL. Mr. President, I ask unanimous consent to speak for up to 5 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Arizona is recognized.

(The remarks of Mr. KYL pertaining to the introduction of S. 1344 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. KYL. Mr. President, I ask unanimous consent that the time during the quorum call be equally divided, and I suggest the absence of a quorum.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WYDEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WYDEN. Mr. President, last week, the House Speaker—Speaker BOEHNER—and President Obama and his administration were both calling for comprehensive tax reform as part of a large budget deal. Obviously, today, that seems to have lost some momentum, and I wanted to start this afternoon by saying tax reform is too important to abandon after 48 hours' worth of discussion.

To his credit, Chairman CONRAD recognizes that, and certainly that is what I heard this weekend when, similar to the distinguished Presiding Officer, I was home and had the chance to travel across eastern Oregon, stopping in small towns. I think there is a keen awareness that it is not possible to cut our way out of this economic challenge; that we also have to grow. We have to grow. We have to make growth-oriented changes in tax law.

That is what the Conrad budget clearly offers a wide berth to do. In fact, I am of the view that progrowth tax reform, for example, is one of the few ways to generate revenue that both Democrats and Republicans will support. When you put people to work—and we have millions and millions of our fellow citizens out of work today—those are folks who can, in the private sector, start paying taxes again. That is what happened after the last major tax reform bill in 1986. In those 2 years—the 2 years after major tax reform—6.3 million new jobs were created in the private sector. We have an opportunity to do that again, and the Conrad budget offers a wide berth in which to do it.

So you generate revenue—revenue that both Democrats and Republicans can support—and create jobs in the private sector the way Democrats and Republicans have said they want to do. Certainly, it is pretty clear, as of today, there isn't anything as promising in the economic toolshed for long-term growth as tax reform. The fact is, a lot of other alternatives have been tried. Certainly, the Federal Reserve has done its share. We have the Recovery Act. There have been a variety of steps that have been taken.

My colleague from Oregon, in my view, has done yeomen's work on the effort to make sure homeowners—which is an enormous economic problem—have additional time to work through the very challenging situations millions are facing in the housing market. So we have thrown a lot of economic tools at this huge challenge, but we obviously have a lot more to do. I don't see any more promising path—no more promising path—than tax reform for the long-term economic growth this country needs. The Conrad budget offers a wide berth in order to tap that opportunity.

The fact is, we understand what needs to be done in terms of tax reform. The fundamental language—the principles of that kind of reform—are laid out in the Conrad budget. We ought to go in there, clean out a score of these special interest tax loopholes, use that money to hold down rates for everybody, and keep progressivity. Those are the three key principles.

A number of my colleagues have spoken. I know my friend from Arizona, with whom I serve on the Finance Committee, Senator KYL, in a very fine op-ed piece he wrote in the Wall Street Journal not too long ago, talked about tax reform built around exactly those principles—cleaning out the loopholes, holding down the rates, and, to his credit, Senator KYL specifically talked about the need to ensure progressivity in the Tax Code.

Senator COATS and I have introduced legislation that picks up on those key principles of the 1986 tax reform legislation. In fact, we modernize the code in line with that kind of thinking—certainly important to do because there have been thousands and thousands of tax changes made since 1986. So it is certainly time to go in there and trim out all those unnecessary special interest tax breaks, and we can do it in a way that will create jobs.

For example, right now, in the Federal Tax Code, there are actually incentives to export jobs out of the United States. Say that to yourself—export jobs out of the United States. What we want to do is export goods out of the United States. In rural Oregon this weekend, the farmers were telling me about how they want to get their agricultural products into Asia and other markets around the world. So we can grow things here, make things here, add value to them here and ship them somewhere. That is what we would like to be exporting. Instead, under the tax law, there is actually an incentive to export jobs.

When you set up shop overseas and you are doing business overseas, you get to defer your American taxes. So what Senator COATS and I seek to do—and this is something I think is even more important today than it was a quarter century ago because of the global economic challenge—is to take that incentive that now goes for exporting jobs out of the United States and we would use those very same dollars to dramatically slash rates for companies that offer what I call red, white, and blue jobs—jobs in this country. The Conrad budget offers a very substantial berth for taking that kind of approach in tax reform, where he specifically calls for lowering tax rates for American businesses. I particularly wish to see that done because of the message I heard this last weekend, where folks specifically, without my even mentioning tax reform, talked about the need to keep jobs here at home.

We are going to, over the next few days, see, of course, the negotiations with the President and the Congressional leadership go forward. Chairman CONRAD and other members of the Budget Committee will be out discussing these issues as well. But I just hope, No. 1, the cause of tax reform is seen as far too important to give up on after only a 48-hour flurry of interest and everybody then saying: Well, I guess we will have to do it another time. The time to make sure it is done is now.

Senator COATS and I said earlier this month that what we ought to do—recognizing that you can't write a complete tax reform bill between now and August 2—is to get a commitment, lock in a strategy, to do comprehensive tax reform in the fall and early next year. That alone would send, in my view, a positive and bipartisan message to the financial markets of this country that there are going to be some changes. So what we need is a roadmap for economic growth.

There are other features of the Conrad budget I think make a lot of sense. I am particularly pleased about the opportunities for investment in infrastructure—roads and bridges. Certainly, that would provide an opportunity for something that has worked in the past—the Build America Bonds program, which has been so successful in our State. I think Senator KERRY's ideas for an infrastructure bank are excellent ones. I support those as well. The best thing about that approach is we know we have to find a way in our consumer-driven society to start stimulating demand—demand for goods and services.

There are few economic multipliers in our country for the short term, such as transportation. So the Conrad budget that puts a premium on those kinds of approaches in the short-term makes a lot of sense for me as we look to the longer term, which I would define as the opportunity to set this country on a progrowth economic strategy, with tax reform in the forefront in a way that helps our economy to be both fairer and more efficient. We will also see a lot of other benefits.

It was brought up to me over the weekend at home, in eastern Oregon, matters we have talked about before, such as the alternative minimum tax. Talk about something that just defies common sense: the idea that the alternative minimum tax would force middle-class people, people making $60,000, $70,000, $80,000 a year, to fill out their taxes twice using two separate systems just defies any semblance of sanity.

So referring, again, to what happened this weekend, are we really going to tell American taxpayers getting clobbered by the alternative minimum tax that after 2 days' worth of discussion about tax reform we are just going to walk away and pursue some other topic? That doesn't make any sense to me. Certainly, Chairman CONRAD's budget, which does, as I have indicated, provide a broad berth for tax reform, makes it clear that he shares our view.

So, finally, if we have in front of us, as we will with progrowth tax reform, the opportunity to create jobs in the private sector, generate revenue in a way that Democrats and Republicans can agree on, make ourselves more competitive in tough global markets, and do it in a way that brings the political parties together, I think it is clear that has the fundamentals of what can take this country's economy in a better and healthier direction.

I want it understood that in spite of what happened this weekend, in spite of the sense that maybe tax reform is going to be put off yet again, I am not going to give up for a minute. We are going to have another hearing that is going to be very important this week—Chairman BAUCUS, Chairman CAMP, the Finance Committee, the Ways and Means Committee getting together to talk about tax reform. So we know what needs to be done. Now it is a question of having the political will to go forward.

I simply want to say to the President, and I think I can say to the Senate today—Senator COATS and I—despite the idea that this is too hard to do, that it can't be done now, let's put it off for another time, we are going to come back to this floor and say again and again: It has been done. We need to do it now when there are so few other tools in the economic toolshed. It would be wrong to walk away after this brief flurry of interest in something that is so fundamental to the economic well-being of millions of our people.

I yield the floor and note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. PORTMAN. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PORTMAN. Mr. President, I rise to discuss an amendment to the underlying bill. This amendment is designed to give American employers some relief from the regulatory burdens that continue to hold back our economy and hinder job creation. This amendment is actually identical to the bill I introduced in April, S. 817, which has been endorsed by both the Chamber of Commerce and the National Federation of Independent Businesses. It is the same amendment I also introduced on the small business bill, the Economic Development Administration bills, and also part of the larger regulatory relief bill I introduced in June, which currently has 22 cosponsors.

Last week, as we know, we heard more troubling economic news. This time it was the June jobs report, which unfortunately showed the unemployment rate had actually risen to 9.2 percent and hiring slowed to just 18,000 new jobs.

These are, of course, very disappointing numbers, but much more important are the families who are affected by it, families in my home State of Ohio and across the Nation who are struggling to find a job and to get the paycheck they need to make ends meet. The real discussion in Washington, this month in particular, has been focused on the fiscal reforms we need to get our fiscal house in order, to get the economy back on track. But there are other things we can do as well and one, of course, is to reduce the regulatory burden, particularly on small businesses. I hear from them all the time. I am sure my colleagues do as well.

This burden is increasing. One recent study commissioned by the Small Business Administration put that burden at $1.75 trillion annually. By the way, that is more than the IRS collects in income taxes. I have been encouraged by what the current administration has been saying about improving our regulatory system, but I continue to be deeply concerned about the new regulatory costs this administration is imposing on the private sector as we meet here today.

We have seen a sharp uptick over the past 2 years in what are called major or economically significant rules. These are regulations that have an economic effect of $100 million or more. According to OMB and GAO data, the current administration has been regulating at an average pace of 84 of these major rules per year—which, by the way, is a 50-percent increase over the average regulatory output during the Clinton administration, which had 56 major rules per year. These figures include both the executive branch agencies and the so-called independent agencies. Today, I was pleased to see that President Obama issued a new executive order that specifically addressed independent agencies. These are the regulatory bodies that are not within the executive agencies but are considered independent. They would include the Commodity Futures Trading Commission, the Securities and Exchange Commission, and the newly created Financial Protection Bureau, which has been subject to a lot of debate on the floor. These are all independent agencies which are designed by law to be insulated from Presidential control. This new order the President issued today and the accompanying Presidential memorandum endorsed two goals. First, it asks independent agencies to participate in ongoing regulatory lookbacks. That means looking back retrospectively at rules that are already on the books to see if they make sense. Every administration since President Ronald Reagan has done this, undertaken some kind of look-back, and it is important this work continue. Second, and more importantly in my view, it calls on independent agencies to evaluate the costs and the benefits of new regulations, as executive agencies are already required to do under executive orders, including an executive order by President Clinton and an executive order by President Obama in January. I am encouraged by the words of this new executive order and Presidential memorandum on independent agencies. It endorses a very commonsense principle; that independent agencies, no less than executive agencies, should evaluate the costs of new regulations before imposing a new burden on the economy. It is common sense. It is also consistent with these amendments I have been offering on legislation this year and the independent agency part of the regulatory relief bill that was introduced in June.

The problem is the President's order today is entirely nonbinding because independent agencies don't answer to the President, so it has no force of law. The amendment I will offer would effectively write the President's new request into law. The President has now agreed with this principle. We need to expand this cost-benefit analysis to

independent agencies, but we need legislation to do it because these independent agencies are not answerable to the President.

Specifically, this amendment would extend the Unfunded Mandates Reform Act of 1995, which was a bipartisan piece of legislation, where I was the Republican cosponsor in the House. It expands the two independent agencies. Major rules issued by what is sometimes called the headless fourth branch of government are today exempt not only from the Unfunded Mandate Reform Act but also from the cost-benefit review overseen by the Office of Information and Regulatory Affairs, OIARA, at the Office of Management and Budget.

This amendment would change that, effectively making the President's order he issued today binding on these independent agencies. They would be required, under the Unfunded Mandates Reform Act, to evaluate regulatory costs, benefits, and less costly alternatives before issuing any rule that would impose a cost of $100 million or more on the private sector or on State, local, and tribal governments. Based on the GAO data, it appears there are nearly 200 independent agency regulations that have been issued between 1996 and 2011 that would be considered major; in other words, have over a $100 million impact on the economy. They were excluded from review under this cost-benefit analysis we have been talking about. In 2009 and 2010 alone, the last couple years, independent agencies issued 56 economically significant regulations, representing billions of dollars in regulatory costs exempt from the standard cost-benefit analysis rules. But this affects our economy in a big way. It affects jobs and our ability to get this economy back on track.

Closing this independent agency loophole is a reform those of us on both sides of the aisle should join the President in supporting. This is the right vehicle to be able to achieve that. No major regulation, whatever its source, should be imposed on American employers or on State or local governments without a serious consideration of what the costs are, what the benefits are, and whether there is available a less burdensome alternative to achieve the same objective. This amendment moves us closer toward that goal. It is a commonsense amendment, again, taking the President's executive order and memorandum of today and actually putting it into force through the force of law.

I yield the floor, and I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WHITEHOUSE. I ask unanimous consent to speak for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. WHITEHOUSE pertaining to the submission of S. Res. 230 are located in today's RECORD under ''Submission of Concurrent and Senate Resolutions.'')

Mr. WHITEHOUSE. Mr. President, on the pending motion, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Ohio (Mr. BROWN) is necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Alaska (Ms. MURKOWSKI), the Senator from Florida (Mr. RUBIO), and the Senator from Louisiana (Mr. VITTER).

The PRESIDING OFFICER (Mr. MANCHIN). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 69, nays 27, as follows:

[Rollcall Vote No. 107 Leg.]

YEAS—69

Akaka	Gillibrand	Menendez
Alexander	Graham	Merkley
Baucus	Hagan	Mikulski
Begich	Harkin	Murray
Bennet	Hoeven	Nelson (FL)
Bingaman	Hutchison	Pryor
Blumenthal	Inouye	Reed
Boxer	Johanns	Reid
Brown (MA)	Johnson (SD)	Rockefeller
Burr	Kerry	Sanders
Cantwell	Kirk	Schumer
Cardin	Klobuchar	Sessions
Carper	Kohl	Shaheen
Casey	Kyl	Snowe
Coats	Landrieu	Stabenow
Collins	Lautenberg	Tester
Conrad	Leahy	Thune
Coons	Levin	Udall (CO)
Corker	Lieberman	Udall (NM)
Cornyn	Manchin	Warner
Durbin	McCain	Webb
Feinstein	McCaskill	Whitehouse
Franken	McConnell	Wyden

NAYS—27

Ayotte	Enzi	Moran
Barrasso	Grassley	Nelson (NE)
Blunt	Hatch	Paul
Boozman	Heller	Portman
Chambliss	Inhofe	Risch
Coburn	Isakson	Roberts
Cochran	Johnson (WI)	Shelby
Crapo	Lee	Toomey
DeMint	Lugar	Wicker

NOT VOTING—4

Brown (OH)	Rubio
Murkowski	Vitter

The motion was agreed to.

Mr. REID. Mr. President, the Senate has just adopted a motion to proceed to a bill, S. 1323, to express the sense of the Senate on shared sacrifice in resolving the budget deficit we have been so concerned about.

It is my understanding the minority has amendments they wish to have considered. I am happy to work with the Republican leader to figure out a way for this to happen. In the meantime, however, we need to push forward. We all need to do that. I am going to fill the tree and file cloture on this bill. I am happy to continue to talk with the Republican leader and anybody else who is interested in having specific amendments to this legislation we are now on.

I will not allow this legislation to be bogged down by an endless list of unrelated amendments. It is too important for the Senate to reaffirm its commitment to ensuring all Americans—including millionaires and billionaires and profitable corporations—contribute to the collective effort to reduce this deficit. This is a commonsense statement that we believe in simple fairness. Middle-class families and seniors have already been asked to sacrifice too much.

Democrats have gone on record saying that the wealthiest of the wealthy should be asked to contribute to this effort and make similar sacrifices. We hope our Republican colleagues will finally join us in this effort.

Over the past several weeks, I have had good conversations with the Republican leader and the chairman and ranking member of the Appropriations Committee about trying to work through appropriations bills under the regular order.

As a result of these conversations, in an effort to move forward, I am going to file cloture on a motion to proceed to the Military Construction–VA Appropriations bill tonight. I hope we can show the country that the Senate can work through an important appropriations bill without getting bogged down.

Remember, there are different rules on these matters. You can't deal with legislative matters on appropriations bills. I hope we can have some amendments on our sense-of-the-Senate resolution dealing with having the wealthiest of the wealthy contribute to the problems we have with the deficit in this country, and following that I hope we can move to Military Construction–VA. Our servicemen and veterans who have served our country so well need this.

AMENDMENT NO. 529

Mr. REID. Mr. President, I have an amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 529.

At the end, add the following new section:

SEC. 2. EFFECTIVE DATE.

The provisions of this Act shall become effective 3 days after enactment.

Mr. REID. Mr. President, on this amendment I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 530 TO AMENDMENT NO. 529

Mr. REID. Mr. President, I have a second-degree amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 530 to amendment No. 529.

In the amendment, strike ''3'', insert ''2''.

MOTION TO COMMIT WITH AMENDMENT NO. 531

Mr. REID. Mr. President, I have a motion to commit the bill with instructions, which is also at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] moves to commit the bill (S. 1323) to the Committee on Finance, with instructions to report back forthwith with an amendment numbered 531.

The amendment is as follows:

On page 2, line 10, after ''deficit'' strike all that follows and insert the following:

''(1) should require that those earning $1,000,000 or more per year make a more meaningful contribution to the deficit reduction effort; and

(2) should not end Medicare as we know it.''

Mr. REID. Mr. President, I ask for the yeas and nays on that amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 532

Mr. REID. Mr. President, I have an amendment to the instructions at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 532 to the instructions of the motion to commit.

After ''Medicare'', strike all that follows and insert ''and Medicaid as we know it.''.

Mr. REID. I ask for the yeas and nays on this amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 533 TO AMENDMENT NO. 532

Mr. REID. I have a second-degree amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 533 to amendment No. 532.

Strike ''we'' and insert ''all Americans''

CLOTURE MOTION

Mr. REID. Mr. President, I have a cloture motion at the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the clerk will report the cloture motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on S. 1323, a bill to express the sense of the Senate on shared sacrifice in resolving the budget deficit.

Harry Reid, Richard J. Durbin, Patty Murray, Daniel K. Inouye, Christopher A. Coons, Sheldon Whitehouse, Barbara Boxer, Robert P. Casey, Jr., Bernard Sanders, Frank R. Lautenberg, Sherrod Brown, Jack Reed, Dianne Feinstein, Jeff Merkley, Benjamin L. Cardin, Carl Levin, Charles E. Schumer.

MAKING APPROPRIATIONS FOR MILITARY CONSTRUCTION, THE DEPARTMENT OF VETERANS AFFAIRS, AND RELATED AGENCIES FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2012—MOTION TO PROCEED

Mr. REID. Mr. President, I move to proceed to Calendar No. 91, H.R. 2055.

The PRESIDING OFFICER. The clerk will report the motion to proceed.

The assistant legislative clerk read as follows:

Motion to proceed to Calendar No. 91, H.R. 2055, an act making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2012, and for other purposes.

CLOTURE MOTION

Mr. REID. I have a cloture motion at the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the clerk will report the cloture motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to Calendar No. 91, H.R. 2055, an act making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2012, and for other purposes.

Harry Reid, Richard J. Durbin, Patty Murray, Daniel K. Inouye, Christopher A. Coons, Sheldon Whitehouse, Barbara Boxer, Robert P. Casey, Jr., Tim Johnson, Frank R. Lautenberg, Sherrod Brown, Jack Reed, Dianne Feinstein, Jeff Merkley, Benjamin L. Cardin, Mark L. Pryor, Carl Levin, Charles E. Schumer.

Mr. REID. Mr. President, I ask unanimous consent that the mandatory quorum required under rule XXII be waived with respect to both cloture motions.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I now withdraw my motion to proceed.

The PRESIDING OFFICER. The motion is withdrawn.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. UDALL of Colorado. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

REMEMBERING DAVID GETCHES

Mr. UDALL of Colorado. Mr. President, I rise today to honor one of Colorado's great educators and community leaders, David Getches, who passed away on Tuesday, July 5, 2011, at the too-young age of 68.

This is more than a poignant moment for me. I had planned to come to the floor to discuss David Getches' career and character because he was stepping down after 8 very productive years as the dean of the University of Colorado Law School.

We all have had this terrible experience in our lives when somebody whom we love and respect suddenly finds they have a cancer that is aggressive—beyond aggressive. Literally a month ago, David was diagnosed with pancreatic cancer. In the 4 weeks since that time, that cancer stole him from us. But he was always upbeat. He was always someone who we looked to for enthusiasm and inspiration. I will be inspired in my remarks today by what he did. I will attempt not to dwell on his loss.

As I said, Dean Getches served as dean of the Colorado Law School for the last 8 years. With him at the helm, CU Law became one of the most forward-looking institutions of legal training in the country. I want to share a few examples of his vision and leadership. I could not cover all of them if I had a full hour. I want to share some of them with the Senate and with his friends and admirers in Colorado.

He steered this school through the construction of the new LEED Certified Wolf Law Building, which put CU and its law school at the cutting edge of environmental sustainability and energy efficiency—two ideas that were connected to the values that Getches was committed to fostering throughout his career. Getches previously served as executive director of the Colorado Department of Natural Resources and as an adviser to the Interior Secretary in the Clinton administration. He had an extensive background in water, environmental, and public lands law. Through his work, Getches impressed upon all Coloradans the importance of good stewardship of our State's precious natural resources.

Mr. President, I am not a lawyer, but I do know Dean Getches' efforts to

teach and share the legal framework that protects our resources could not have been more critical to preserving our Western way of life.

David Getches left a lasting impression on the demographic composition of CU Law School. He was committed to a student body composed of people from many different backgrounds and cultures, and that commitment made an indelible impact on the school and on Colorado's legal community. In 2008, the Hispanic Bar Association awarded him their Community Service Award for increasing Hispanic enrollment, and he also assembled one of the most diverse administrative teams of any law school in the country. He didn't stop there, however. He then created a commission to produce a groundbreaking report on diversity in the legal profession and how to increase diversity in law firm recruitment. The highly skilled and diverse alumni of the CU Law School reflects his efforts and successes.

David Getches also built a legacy of legal access to legal education for all. He worked to expand scholarships and financial aid awarded by the law school to worthy students regardless of their financial background, increasing scholarship awards from $600,000 in 2004 to a hefty $2.1 million in 3 short years by 2007.

In 2008, he worked with the Colorado State Legislature to pass a law allowing public universities to offer loan repayment assistance grants to graduates practicing public interest law and more recently founded an endowment to award grants to CU Law School graduates in the public sector.

What Dean Getches did by reducing the cost of law school was make public service a viable alternative to private practice for bright, idealistic graduates of the law school. Without question, those students, CU Law School, the State of Colorado, and I would venture to say the country will reap the benefits in the future from David Getches' foresight and thoughtful investments.

At the heart of why I wanted to come to the floor today was that I think we know we can all learn from Dean David Getches' passion for giving back to whatever community in which he found himself. He led a life of service, and he also compiled an impressive academic record as well as serving as the dean of CU Law School. He was, at his core, committed to the future of his children, our children, our grandchildren, and his grandchildren, and he had a deep love for the Rocky Mountain Western way of life. He was an avid outdoorsman, he was fit, and he faced any and all physical challenges just like he faced intellectual and emotional challenges. As I said in the beginning of my remarks, he was a mentor to all of us, and he always had his eye on the future. I know, as painful as it is for all of us who knew him to lose him so suddenly, he would want us to be focused on the future.

Dean Getches did this and much more for Colorado and our country, and I just want to close with this, Mr. President. We have lost a unique man and a towering Colorado figure.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

BUDGET NEGOTIATIONS

Mr. SESSIONS. Mr. President, the situation involving the need for a budget and the situation involving the need to raise the debt limit for the United States is getting more and more crucial, it seems, by the hour. I have been a firm and consistent critic of this idea that has been developing the last several years in the Congress that a few people meet in closed, secret meetings and somehow reach a decision that I am supposed to assume is good and decent and ought to be confirmed by a vote here in the Senate.

I feel that there are 100 Senators—and some a lot smarter and more capable than I—but I feel a personal sense of obligation and duty to ensure that when I vote on an important piece of legislation my constituents care about, that I know what is in it and that I understand what is in it, and it is hard to know. When you have a bill that comes out that proposes to have changes in the trillions of dollars, involving Federal spending for a decade, in a budget or some other fashion, it requires us to be careful about that.

So I would express again my dissatisfaction and belief that this Senate—not the House—has failed in its duty to participate in an open process concerning our budget. The House of Representatives did. The Republican House promised to have open hearings. They had a bill on the floor—a budget. They passed it within the time required—by April 15. It completely changed the debt trajectory of America and put us on sound footing. It reduced spending by $6 trillion—not $2 trillion but $6 trillion—and it didn't raise taxes on the American people. In fact, it reduced taxes in a way they felt would engender better economic growth, which is the best way to engender more tax revenue—having more people make more money and pay more taxes. So I really believe the House fulfilled their constitutional duty.

In the Senate, we have now gone well over 800 days without a budget. We didn't have a budget when our Democratic colleagues had 60 Senators—the highest number one party has had in probably 70, 80 years, maybe longer. They didn't pass a budget. You can pass a budget with 51 votes—with the Vice President, 50 votes. It is a simple majority. It is an expedited procedure. Budgets have been passed when parties have only had one-vote majorities in the Senate.

So I would say it is odd that we have gone 2 years without a budget, but it is not odd—in part because of having no budget—that we have seen the largest surges of debt the Nation has ever seen. President Bush was criticized for running up debt. He had, in 1 year—his last year—a $450 billion deficit, and he was roundly criticized for that. Some of that was TARP money, which they scored as monies spent, and it was properly and accurately scored. So it came out to $450 billion. The year before, it was a $160 billion deficit. President Obama's first budget deficit was $1,200 billion. His next budget was $1,300 billion. This year's budget, by September 30, is projected to be around $1,500 billion. We haven't had a budget. Is anything connected there?

So I want to say, first of all, one of the ways you act responsibly is when you do it out in front of the people.

I noticed at the press conference today that President Obama, when asked about some of these matters, pushed back and said: Well, we want to have an agreement right now. We don't want to wait any later, close to the election.

He was basically saying—it is pretty clear, really, and I am not exaggerating anything—when you get close to the election, Senators and Congressmen don't like to vote for more debt and they do not like to vote for more taxes. What is wrong with that? The American people don't want debt. They do not want taxes. They want us to bring this government under control. But what is being suggested is, oh, it is politics. There is something corrupt politically if you believe you shouldn't bail out the big spenders in Washington by taking more money from hard-working Americans and taking it out of the private sector to give to the public sector that has mismanaged the money they have.

Some might say: Well, JEFF, we have these big deficits because you all cut taxes.

We haven't cut taxes in years. President Bush cut taxes with revenues much higher today than when those taxes were cut. We have gone into an economic decline, and this recession has reduced our income. That is true. It is not so much the rate of taxes. It is the rate of profit. It is the rate of income. It is the rate of money people are being paid, so they do not have as much money and they are not paying as much in taxes. Now, we can run around and find everybody who is left with money and try to tax them, but at some point that begins to be self-defeating.

So I guess I am trying to raise the point, How did we get here? Well, there is another way we got here with these huge deficits we have. In the Keynesian philosophy of economics, we had a big spending bill called a stimulus bill. I opposed it. I remember reading a piece by the Nobel laureate, Professor Becker, from the University of Chicago, not long before the vote saying it was not going to create jobs; that it was not sufficiently stimulative to be a good stimulus bill, in fact, in his mind, as a Nobel Prize-winning economist. And that is exactly what happened. It didn't create jobs. It went to social

programs, it went to State aid, and it went to things other than the infrastructure that we were told it was going for. Only 4 percent of that money went to roads and bridges—4 percent out of $850 billion. Every penny borrowed will be to create or to stimulate jobs, they said. We are going to redo our infrastructure, they said. It was not done that way. It was social spending overwhelmingly, and it didn't create growth in the economy.

Another reason we have the debt is because the baseline spending has surged under the Democratic leadership and President Obama. Defense Department has gone up 3 or so percent the last couple of years in spending. Nondefense discretionary spending—the things we do such as energy programs and road programs and aid and grants and things we like to spend around here—went up 24 percent in 2 years. We were having a drop off in income, a drop off in tax revenue, and we increased spending dramatically.

We never had 10, 12 percent increases in spending per year. But hold your hat. The budget the President submitted to us in February of this year—several months ago—proposed increases for the Education Department of 10.5 percent, proposed increases for the State Department of 10.5 percent, with 9.5 percent for the Energy Department and a 60-percent increase for transportation—the high-speed rail projects. But we don't have the money. All of that would have been borrowed. We couldn't sustain flat spending without borrowing money, we are so far in debt. Forty cents of every dollar we spend today is borrowed.

So I have been a big critic of this scheme to meet behind closed doors and not tell the rest of the Congress or the American people what we are doing and to plop down on the floor of the Senate some proposed deal that we have to sign at the eleventh hour or the government is going to shut down. Why haven't we been talking about this? They talked about it in the House. They voted on it. They reduced spending $6 trillion. In the phantom budget that has been talked about by our Democratic colleagues, one they never produced so it could actually be accounted for, they are claiming it would reduce spending $2 trillion and are patting themselves on the back about how great they are. But when you take out the interest savings that occur, it is only $1.4 trillion in actual reduction of spending and it is a 2.7-percent, we estimate, increase in taxes.

Senator CONRAD, the chairman of the Budget Committee, does a good job. He is a smart man. I think he understands the threat America faces. I thought he did, although this phantom secret budget that they just leak out descriptions of whenever it is convenient has not impressed me. Really, it just hasn't been impressive. Is it a vision? Is it a specter of some kind of a budget that nobody can ever grasp their hands around, and it is only what the people who are holding it close to their vest say it is and all the rest of us have to accept that? I don't think so. I have become very uneasy about what we hear in this city of Washington about plans and policy.

When President Obama announced his budget, it was the most irresponsible budget this country has ever been presented with by a President. I don't think anybody can dispute that. I am prepared to defend that against anybody who says so. It increased spending, it increased taxes. Over a decade, it increased taxes and increased spending and made the deficit worse than if we hadn't done anything, at a time when the Nation should have been working from January until today figuring out how to bring this government under control and contain the growth in spending and contain the debt. This is what he said, and his budget director in our committee said—Mr. Lew—that: Our budget calls on us to live within our means and pay down the debt.

The Congressional Budget Office scored the budget. They analyzed it over 10 years. The lowest single annual deficit that was occurring during that time was $750 billion, the lowest deficit, almost half again higher than President Bush's highest deficit. And it starts going up in the outyears 8, 9, and 10—to over $1 trillion in the 10th year annual deficit. Interest on that debt that would be accrued by such an irresponsible budget would go from around $200 billion last year, $240-some-odd billion this year, to $930 billion in 2021. That would be larger than Medicare, larger than Social Security, larger than the defense budget including the war—much larger than those. So interest is a danger.

Senator CONRAD talked this afternoon about his phantom budget, and he told us a lot of things he wanted us to know about it, and he articulated it in a way that made you think that it is not such a bad idea. But we have real numbers people. Just like President Obama said his budget was going to pay down the debt and cause us to live within our means when it had no deficit lower than $740 billion—he said it is a blueprint. He said it is a framework. But he didn't say it was a budget because it is not a budget. A budget is a document that can be read, ascertained, evaluated, and scored.

So they leak it to the Washington Post—not to Members or colleagues of the Senate here—they leak to the Washington Post some of the good things he wanted to get out, and then they talk about some of the good things here today. Forgive me if I am not impressed. If it is such a good budget, why don't you print it out and propose it to us? That is what the House of Representatives did. They are prepared to defend their budget.

Senator CONRAD said this: that he thought it could play a part in this big deal the President is talking about to change our debt trajectory in a positive way. Well, those words are good words, just like the President's statement that he had a budget that was going to cause us to live within our means and pay down our debt. That is what he said. That is what his budget director said. Well, you can say things, but it doesn't make them true. I can say I don't have a desk in my hand, but I have a desk in my hand, reality being what it is. So that was not a good budget he submitted, and I am worried about this phantom budget we are hearing about today.

The way we calculate this phantom budget and the things that have been released about it, it would raise taxes as much as $2.8 trillion and cut spending about 4 percent over the 10 years—this is a 10-year budget—at a time when we are projected to add, under the President's plan, $13 trillion to our national debt. So we are going to reduce the debt by 4 percent from $13 trillion—an utterly unsustainable figure. The House budget would cut discretionary spending $6 trillion. The Toomey plan would have cut spending $8 trillion.

Senator CONRAD actually said on the Senate floor that his budget—which raises taxes, as I indicated—would reduce taxes by $700 billion. He said it would reduce taxes by $700 billion. Now, how is this accounting—this trick, I will suggest—accomplished? Well, to get to that number, he is obviously comparing it to a CBO baseline which assumes that every single tax rate from the 2001 and 2003 tax cuts that has been in place now almost a decade is going to expire and all those rates go up. So he is saying that if he keeps a few of them from going up, he has cut taxes. Only in Washington can you raise taxes dramatically, change the tax rates that have been in place for a decade, see taxes go up dramatically, and call that a tax cut.

By the way, baseline is very important. We don't know what baseline the chairman of the Budget Committee is using. He understands it very well. He is one of the most knowledgeable, capable Members of our body, and he understands these well. I believe the phrase he used was that it is a plausible baseline—a plausible baseline.

Well, let me tell you the baseline we should use. The baseline, when you talk about whether spending increases or whether spending decreases, should be what you are spending today. If you are spending $100 billion today and if you spend $102 billion, you have spent $2 billion more. If you spend $98 billion, you are spending $2 billion less, right? Well, what they do in Washington and the reason this country is so close to bankruptcy is they assume growth rates, baseline growth rates. Then when you reduce the baseline growth rate, and it is going up $10 billion next year and you reduce that increase to $9 billion, you claim you cut spending by $1 billion and it went up $9 billion. Now, that is the kind of logic that has put us in the difficult position we are in.

So I have decided and told my staff on the Budget Committee that when we get numbers, we are going to compare them to the only thing that is solid, and that is a level baseline—does it go up or does it go down? In fact, the Ryan House budget that cut $6 trillion still increases spending. It is not a real cut.

So you do have to figure out how much you are talking about and what baseline you are using to know what the numbers are. The best way to do that and the most objective way to do that is to use a flatline number and see whether we are up or down, and then we can communicate. But if you get to choose your baseline—and CBO has one, the President has another one, and it looks as though the Senate Democrats have chosen another one they call a plausible baseline. I don't know what that means. The debt commission that had their recommendation for reducing debt chose another baseline. It makes it confusing, and it makes it harder to understand.

So when you talk about a budget that is supposed to really make a difference in our economy and you propose $2 in tax increases for every $1 in spending cuts and suggest this is the kind of thing you are working with the President on in their negotiations, maybe we can begin to understand why the Members of the House and the Members of the Senate who have been in these meetings have been walking out of these meetings and saying: All they want to do is raise taxes.

The President himself said several months ago that he thought $3 of spending cuts and $1 of tax increases would be a good mix. But what we are hearing today is $2 of tax increases to $1 of spending cuts. That is not acceptable and has no chance of passage. And if the American people have time to read that kind of legislation and find out that is what is in it, they are not going to be happy with anybody that supports it, in my view. So perhaps that is the reason they want to wait until the eleventh hour, claim the country is about to shut down, and try to force it through. As the President suggested, you don't want to get it too close to the election when people might remember what you did to them.

Goodness gracious, they talk about a $900 billion cut in the Defense Department. That is part of their plan too. Well, let me just tell you how that gimmick works. You propose a $900 billion cut in the Defense Department and you know that almost 20 percent cut is not going to become law, but you go out and tell the public you saved $900 billion and you plan to cut it from the Defense Department, and you can't cut that much money from the Defense Department. So no wonder our retiring fine Senator JOE LIEBERMAN, after the Democratic discussion of this, was moved to say he was worried about what such a budget would do to our national security. Well, he should be.

I have been on the Armed Services Committee. I don't deny that the military has to tighten its belt. Just like every other department in this government, it may even have to take a real reduction in spending. But we are not going to have an 18-percent, 20-percent reduction. Are we going to have our men and women who place their lives on the line for us have to pay for profligacy in Washington? I don't think so.

Mr. President, I would ask Majority Leader REID, who I believe is the strategist in the Senate who told our chairman, Senator CONRAD, that he should not bring up a budget—I think Senator CONRAD and I were prepared to bring up a budget. He was working on one. His staff was working on one. We were within days of a markup. He was going to produce a budget, and those of us on the Republican side had amendments to offer, and we were preparing for a debate, and they decided all of a sudden not to have a markup. Later, Senator REID said it would be foolish to produce a budget.

I would say it would be foolish for the Congress of the United States to take a paycheck to operate the way we are operating when 40 cents of every dollar we spend is borrowed. That is unthinkable. How did we get in this position where we are spending $3,700 billion and taking in only $2,200 billion and all the difference is borrowed?

Finally—this is important—a lot of us have heard these numbers but it has not resonated with us about how important they are. Professors Rogoff and Reinhart have written a book called ''This Time It's Different,'' studying eight centuries of sovereign governmental default on their debts, the kind of thing Greece is going through today. They have analyzed how it happens and the consequences. They chose the name because they said that every time politicians ran up debt in their country to high levels and caused a crisis, they said: It will not happen to us. This time it is different. We are different from those other countries that went belly up. Then it happens just like that, savagely, immediately, like the financial crisis that hit us in 2007–2008. What they concluded in further study was something else. Not only when you get your debt too high do you run the risk of a financial crisis, but your debt slows your economic growth and the countries that have debts that equal 90 percent of the economy—I see my good friend, Senator REID. He has the toughest job in Washington and I am not making it any easier for him. It will be good for him to hear this. I think he knows it.

But they have concluded when your total American debt reaches 90 percent of our economy, our GDP, and goes above that, it pulls down your economic growth by 1 percent. CBO now is scoring our growth to come in at .9 percent below what it otherwise would be because of our debt.

The first quarter we had 2 percent economic growth. If we had 3 percent economic growth that would be a 50-percent increase in growth. If we had 1 percent greater increase in growth that would amount to, according to the White House economic team some time ago, an increase of 1 million jobs in America.

What I am saying is we erroneously state too often, I think, that the question is about our children and grandchildren. I truly believe the sluggish growth and the very weak job numbers we have been having are the result of carrying too much debt. We have to start reducing that debt even if it is painful for us to do so. I hope our colleagues will produce a budget that will actually change the numbers. I am not confident that will happen.

Failing that I do hope, Mr. Leader, and I say this to my leader, too, that if a bill is brought forth in the Senate we have at least 7 days to consider it before we are asked to vote on it. I believe it will take that long to properly evaluate it.

I see the majority leader here. It is always a pleasure to work with him.

I yield the floor.

Mr. REID. Mr. President, I would say before my friend leaves the floor, his leader, my friend, the senior Senator from Kentucky and I are representing the Senate along with Senator KYL and Senator DURBIN at the White House. We have been there many days now. We understand, all of us there, Democrats and Republicans, the significant adverse effect this huge debt has on our country. Everyone there is trying to arrive at a point where we do something about that. We are not there yet. It is difficult to do. We understand it is going to take, we believe, a mix of spending cuts and some way to generate some more revenue. We are working our best to get this done.

My friend is right, the debt is a drag on the economy. There is no question about that. Once we are able to raise the debt limit, I think we are going to see some energy in this economy we have not seen in some time. But we are not there yet. I wish I could report to my friend from Alabama and the rest of the Senate and the country that we have completed our negotiations, but we have not. We are going to go back again tomorrow. The President said 3:45, and I said a.m. or p.m.? It will be 3:45 p.m. tomorrow that we will be back, trying to move forward.

My friend from Alabama has an important responsibility as the person who is the ranking member now of that most important Budget Committee. I am sure he has learned a lot, having taken this assignment, that he did not know before. That is the way it is with everyone in the Senate. I have learned a great deal working through the CR, different iterations of that, and now on this work we are doing trying to arrive at a debt reduction package along with raising the debt ceiling. I have learned a lot. I have a lot more to learn.

I appreciate the intensity of my friend in that in which he believes, whether it is this or as the person running the Judiciary Committee for the

Republicans. He is always very intense. He and I don't always agree but we agree more than people think. But one thing no one can ever take away from the junior Senator from Alabama is the seriousness of his being in the Senate.

LAS VEGAS NATURAL HISTORY MUSEUM

Mr. REID. Mr. President, I rise today to recognize the 20th anniversary of the Las Vegas Natural History Museum. For two decades the Las Vegas Natural History Museum has provided children and families from all across southern Nevada with the opportunity to learn about science and history in an educational setting outside of the classroom. It is my great pleasure to honor this fine institution, its employees, and the museum's board members before the U.S. Senate today.

The museum started in 1989 when a group of dedicated citizens petitioned the Las Vegas City Council to find a permanent home for a collection of wildlife and prehistoric exhibits. In July 1991, the museum opened its doors to the people of Las Vegas with a collection of loaned wildlife and prehistoric exhibits. Today, the museum has acquired a world-class collection of artifacts for their multimillion dollar collection. Even the Smithsonian Institution has taken notice of our museum. In 2002, the Las Vegas Natural History Museum became an affiliate with the Smithsonian Institution, granting them access to the Smithsonian's vast collection of exhibits.

While many museums across the country have struggled with the economic downturn, the Las Vegas Natural History Museum continues to thrive and grow. Last year, the Las Vegas Natural History Museum provided educational tours to 30,000 students in Clark County. All of their programs are designed by grade level to meet State educational requirements. The museum also provides opportunities for at-risk schools to visit the museum free of charge. Their Open Doors Program provided scholarships that allowed nearly 20,000 visitors from at-risk or economically disadvantaged schools to experience the museum.

I am proud to join with my fellow Nevadans in recognizing the Las Vegas Natural History Museum on reaching this important milestone. For 20 years, this institution has provided the children of southern Nevada with an interactive learning experience, and I have no doubt that the museum will continue to be an important part of our community for years to come.

RESPECT FOR MARRIAGE ACT

Mr. BINGAMAN. Mr. President, today I have added my name as a cosponsor of S. 598, the Respect for Marriage Act. This legislation would repeal the Defense of Marriage Act, DOMA, which I voted for in 1996.

I now believe it was a mistake for the Federal Government to legislate in this area in a way that overrides the effect of State laws. Prior to the enactment of DOMA, the Federal Government had deferred to the States to determine what constitutes marriage. I believe we should return to that position.

I also believe it is wrong, and probably unconstitutional, for the Federal Government to treat married couples differently solely on the basis of their sexual orientation.

Enactment of the Respect for Marriage Act will help ensure that the full protections of our Constitution apply to all of our citizens.

COLUMBIA RIVER TREATY

Mr. WYDEN. Mr. President, I ask the Senate to join me in acknowledging the 15 Columbia River Basin tribes' involvement in the Columbia River Treaty negotiation and review process. As some of you may know, the Columbia River Treaty is an agreement between Canada and the United States on the development and operation of the major hydroelectric dams in the Columbia River Basin. It addresses power and flood control benefits in both countries. The treaty has been in effect since 1964. Under the provisions of the existing treaty, if either country wishes to modify or cancel the treaty, it must notify the other country by the year 2014.

With 2014 approaching, the United States and Canadian treaty ''entities'' have already begun talks regarding a possible extension and modification of the treaty. The Columbia River Treaty review team has designated representatives from 15 Columbia River tribes, also known as the Sovereign Review Team, SRT. The Columbia Basin tribes have vital cultural and natural resources at stake since their homelands are located in the area affected by the treaty and, as sovereign units of government and members of the Sovereign Review Team, SRT—they have a right to play an important role in those negotiations. It is important to recognize the unique fishing rights for salmon that will have to be taken into account during any negotiations of this treaty with our neighbors to the north. The outcome of these negotiations could have a profound impact on the Northwestern United States.

I really appreciate one of the designated tribal representatives from Oregon, the Columbia River Inter-Tribal Fish Commission, for their continuous involvement. I also appreciate the other members of the Sovereign Review Team. The tribes and folks from the Pacific Northwest all share a common desire for proactive approaches in salmon restoration and recovery, and it is important to come together with shared strengths, joint efforts and coordinated education strategies.

Unfortunately, the Columbia River Treaty was enacted during a time in our history when consideration was not given to the treaty's effects on the natural and cultural resources of tribes/first nations whose homelands are located within the Columbia River Basin. Lack of previous dialogue and inclusion of tribal perspectives has disrupted regional and tribal interests by leading to the degradation of rivers, the salmon population, traditional food sources, natural resources, and tribal customs and identities.

The Columbia River Treaty Review provides an opportunity for the United States to include Columbia Basin tribes in the treaty review process. I want to emphasize the importance of tribal consultation and incorporation of traditional knowledge in this process—to ensure protection and conservation of the numerous natural resources that tribal people's way of life are dependent on.

The treaty review provides an opportunity to discuss and learn ways to strengthen both the government-to-government relationship that exists between the United States and the individual Indian nations as well as the U.S.'s position relative to Canada. This can lead the U.S. to advance its relationship with 15 additional sovereigns. I have enjoyed working with tribes on a number of important issues; I value our continued friendship and look forward to working together in the future. I am proud to support the 15 Columbia River Basin tribes in their efforts to stand alongside the United States in negotiations of the Columbia River Treaty and stand ready to assist in any way I can.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Pate, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 2:03 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 2219. An act making appropriations for the Department of Defense for the fiscal year ending September 30, 2012, and for other purposes.

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 2219. An act making appropriations for the Department of Defense for the fiscal year ending September 30, 2012, and for other purposes; to the Committee on Appropriations.

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

S. 1340. A bill to cut, cap, and balance the Federal budget.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–2437. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Maneb; Tolerance Actions'' (FRL No. 8878–6) received in the Office of the President of the Senate on July 7, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2438. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''2-Propenoic acid, 2-methyl-, phenylmethyl ester, polymer with 2-propenoic acid and sodium 2-methyl-2-[(1-oxo-2-propen-1-yl)amino]-1-propanesulfonate (1:1), peroxydisulfuric acid ([HO)S(O)2]202) sodium salt (1:2)-initiated; Tolerance Exemption'' (FRL No. 8878–4) received in the Office of the President of the Senate on July 7, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2439. A communication from the Secretary, Division of Corporation Finance, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled ''Extension of Temporary Exemptions for Eligible Credit Default Swaps to Facilitate Operation of Central Counterparties to Clear and Settle Credit Default Swaps'' (RIN3235–AK26) received in the Office of the President of the Senate on July 7, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC–2440. A communication from the Deputy Chief, Wireline Competition Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''In the Matter of Rural Health Care Support Mechanism'' ((RIN3060–AF85)(FCC 11–101)) received in the Office of the President of the Senate on July 6, 2011; to the Committee on Commerce, Science, and Transportation.

EC–2441. A communication from the Acting Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Paperwork Reduction Act: Updated List of Approved Information Collections and Removal of a Redundant Reporting Requirement'' (RIN0694–AF08) received in the Office of the President of the Senate on July 7, 2011; to the Committee on Commerce, Science, and Transportation.

EC–2442. A communication from the Deputy Secretary, Office of Natural Resources Revenue, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Reorganization of Title 30, Code of Federal Regulations'' received in the Office of the President of the Senate on July 7, 2011; to the Committee on Energy and Natural Resources.

EC–2443. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Notice of Approval of Outer Continental Shelf (OCS) Permit Issued to Cape Wind Associates, LLC'' (FRL No. 9431–8) received in the Office of the President of the Senate on July 7, 2011; to the Committee on Environment and Public Works.

EC–2444. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Indiana; Modifications to Indiana Prevention of Significant Deterioration and Non-attainment New Source Review Rules'' (FRL No. 9430–7) received in the Office of the President of the Senate on July 7, 2011; to the Committee on Environment and Public Works.

EC–2445. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Ohio; Control of Gasoline Volatility; Correction'' (FRL No. 9430–5) received in the Office of the President of the Senate on July 7, 2011; to the Committee on Environment and Public Works.

EC–2446. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plan; New Jersey and New York; Final Disapproval of Interstate Transport State Implementation Plan Revision for the 2006 24-hour PM2.5 NAAQS'' (FRL No. 9436–2) received in the Office of the President of the Senate on July 7, 2011; to the Committee on Environment and Public Works.

EC–2447. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plan; Missouri; Final Disapproval of Interstate Transport State Implementation Plan Revision for the 2006 24-hour PM2.5 NAAQS'' (FRL No. 9435–9) received in the Office of the President of the Senate on July 7, 2011; to the Committee on Environment and Public Works.

EC–2448. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plan; Kansas; Final Disapproval of Interstate Transport State Implementation Plan Revision for the 2004 24-hour PM2.5 NAAQS'' (FRL No. 9436–1) received in the Office of the President of the Senate on July 7, 2011; to the Committee on Environment and Public Works.

EC–2449. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval of Air Quality Implementation Plans; Indiana and Ohio; Disapproval of Interstate Transport State Implementation Plan Revision for the 2006 24-hour PM2.5 NAAQS'' (FRL No. 9435–8) received in the Office of the President of the Senate on July 7, 2011; to the Committee on Environment and Public Works.

EC–2450. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Finding Failure to Submit Section 110 State Implementation Plans for Interstate Transport for the 2006 National Ambient Air Quality Standards for Fine Particulate Matter'' (FRL No. 9435–7) received in the Office of the President of the Senate on July 7, 2011; to the Committee on Environment and Public Works.

EC–2451. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Finding of Substantial Inadequacy of Implementation Plan; Call for Iowa State Implementation Plan Revision'' (FRL No. 9434–7) received in the Office of the President of the Senate on July 7, 2011; to the Committee on Environment and Public Works.

EC–2452. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; State of Missouri'' (FRL No. 9429–1) received in the Office of the President of the Senate on July 7, 2011; to the Committee on Environment and Public Works.

EC–2453. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; State of Nebraska'' (FRL No. 9434–4) received in the Office of the President of the Senate on July 7, 2011; to the Committee on Environment and Public Works.

EC–2454. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; State of Kansas'' (FRL No. 9434–3) received in the Office of the President of the Senate on July 7, 2011; to the Committee on Environment and Public Works.

EC–2455. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Deferral for CO_2 Emissions from Bioenergy and Other Biogenic Sources Under the Prevention of Significant Deterioration (PSD) and Title V Programs: Final Rule'' (FRL No. 9431–6) received in the Office of the President of the Senate on July 7, 2011; to the Committee on Environment and Public Works.

EC–2456. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; Connecticut, Maine, New Hampshire and Rhode Island; Infrastructure SIPs for the 1997 8-hour Ozone National Ambient Air Quality Standards'' (FRL No. 9431–2) received in the Office of the President of the Senate on July 7, 2011; to the Committee on Environment and Public Works.

EC–2457. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Determination of Attainment, Approval and Promulgation of Air Quality Implementation Plans; Indiana; Correction'' (FRL No. 9430–6) received in the Office of the President of the Senate on July 7, 2011; to the Committee on Environment and Public Works.

EC–2458. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; Ohio; Volatile Organic Compound Reinforced Plastic Composites Production Operations Rule'' (FRL No. 9430–9) received in the Office of the President of the Senate on July 7, 2011; to the Committee on Environment and Public Works.

EC–2459. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; South Carolina; 110(a)(1) and (2) Infrastructure Requirements for the 1997 8-hour Ozone National Ambient Air Quality Standards'' (FRL No. 9436–4) received in the Office of the President of the Senate on July 11, 2011; to the Committee on Environment and Public Works.

EC–2460. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Louisiana; Section 110(a)(2) Infrastructure Requirements for 1997 8-hour Ozone and Fine Particulate Matter National Ambient Air Quality Standards'' (FRL No. 9437–8) received in the Office of the President of the Senate on July 11, 2011; to the Committee on Environment and Public Works.

EC–2461. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Illinois; Indiana; Michigan; Minnesota; Ohio; Wisconsin; Infrastructure SIP Requirements for the 1997 8-hour Ozone and $PM_{2.5}$ National Ambient Air Quality Standards'' (FRL No. 9436–7) received in the Office of the President of the Senate on July 11, 2011; to the Committee on Environment and Public Works.

EC–2462. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; Mississippi; 110(a)(1) and (2) Infrastructure Requirements for the 1997 8-hour Ozone National Ambient Air Quality Standards'' (FRL No. 9436–6) received in the Office of the President of the Senate on July 11, 2011; to the Committee on Environment and Public Works.

EC–2463. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; Alabama; 110(a)(1) and (2) Infrastructure Requirements for the 1997 8-hour Ozone National Ambient Air Quality Standards'' (FRL No. 9436–3) received in the Office of the President of the Senate on July 11, 2011; to the Committee on Environment and Public Works.

EC–2464. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; Kentucky; 110(a)(1) and (2) Infrastructure Requirements for the 1997 8-hour Ozone National Ambient Air Quality Standards'' (FRL No. 9436–5) received in the Office of the President of the Senate on July 11, 2011; to the Committee on Environment and Public Works.

EC–2465. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Federal Implementation Plans to Reduce Interstate Transport of Fine Particulate Matter and Ozone in 27 States; Correction of SIP Approvals for 22 States'' (FRL No. 9436–8) received in the Office of the President of the Senate on July 11, 2011; to the Committee on Environment and Public Works.

EC–2466. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Modification of Treasury Regulations Pursuant to Section 939A of the Dodd-Frank Wall Street Reform and Consumer Protection Act'' (RIN1545–BK28) received in the Office of the President of the Senate on July 7, 2011; to the Committee on Finance.

EC–2467. A communication from the Surgeon General, Department of Health and Human Services, transmitting the National Prevention, Health Promotion and Public Health Council's 2011 annual status report; to the Committee on Health, Education, Labor, and Pensions.

EC–2468. A communication from the Senior Procurement Executive, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled ''Federal Acquisition Regulation; Federal Acquisition Circular 2005–53; Small Entity Compliance Guide'' (FAC 2005–53) received in the Office of the President of the Senate on July 6, 2011; to the Committee on Homeland Security and Governmental Affairs.

EC–2469. A communication from the Senior Procurement Executive, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled ''Federal Acquisition Regulation; TINA Interest Calculations'' (FAC 2005–53) received in the Office of the President of the Senate on July 6, 2011; to the Committee on Homeland Security and Governmental Affairs.

EC–2470. A communication from the Senior Procurement Executive, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled ''Federal Acquisition Regulation; Extension of Sunset Date for Protests of Task and Delivery Orders'' (FAC 2005–53) received in the Office of the President of the Senate on July 6, 2011; to the Committee on Homeland Security and Governmental Affairs.

EC–2471. A communication from the Senior Procurement Executive, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled ''Federal Acquisition Regulation; Encouraging Contractor Policies to Ban Text Messaging While Driving'' (FAC 2005–53) received in the Office of the President of the Senate on July 6, 2011; to the Committee on Homeland Security and Governmental Affairs.

EC–2472. A communication from the Senior Procurement Executive, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled ''Federal Acquisition Regulation; Uniform Suspension and Debarment Requirement'' (FAC 2005–53) received in the Office of the President of the Senate on July 6, 2011; to the Committee on Homeland Security and Governmental Affairs.

EC–2473. A communication from the Senior Procurement Executive, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled ''Federal Acquisition Regulation; Unique Procurement Instrument Identifier'' (FAC 2005–53) received in the Office of the President of the Senate on July 6, 2011; to the Committee on Homeland Security and Governmental Affairs.

PETITIONS AND MEMORIALS

The following petition or memorial was laid before the Senate and was referred or ordered to lie on the table as indicated:

POM–56. A concurrent resolution adopted by the Senate of the State of Louisiana memorializing Congress to review and consider eliminating provisions of federal law, which reduce Social Security benefits for those receiving pension benefits from federal, state, or local government retirement or pension systems, plans, or funds; to the Committee on Finance.

SENATE CONCURRENT RESOLUTION NO. 57

Whereas, the Congress of the United States has enacted both the Government Pension Offset (GPO), reducing the spousal and survivor Social Security benefit, and the Windfall Elimination Provision (WEP), reducing the earned Social Security benefit for any person who also receives a public pension benefit; and

Whereas, the intent of Congress in enacting the GPO and the WEP provisions was to address concerns that a public employee who had worked primarily in federal, state, or local government employment might receive a public pension in addition to the same Social Security benefit as a person who had worked only in employment covered by Social Security throughout his career; and

Whereas, the purpose of Congress in enacting these reduction provisions was to provide a disincentive for public employees to receive two pensions; and

Whereas, the GPO negatively affects a spouse or survivor receiving a federal, state, or local government retirement or pension benefit who would also be entitled to a Social Security benefit earned by a spouse; and

Whereas, the GPO formula reduces the spousal or survivor Social Security benefit by two-thirds of the amount of the federal, state, or local government retirement or pension benefit received by the spouse or survivor, in many cases completely eliminating the Social Security benefit; and

Whereas, nine out of ten public employees affected by the GPO lose the entire spousal benefit, even though their spouses paid Social Security taxes for many years; and

Whereas, the GPO often reduces spousal benefits so significantly it can make the difference between self-sufficiency and poverty; and

Whereas, the GPO has a harsh effect on thousands of citizens and undermines the original purpose of Social Security survivors benefits; and

Whereas, the GPO negatively impacts approximately 27,144 Louisianians; and

Whereas, the WEP applies to those persons who have earned federal, state, or local government retirement or pension benefits, in addition to working in employment covered under Social Security and paying into the Social Security system; and

Whereas, the WEP reduces the earned Social Security benefit using an averaged indexed monthly earnings formula and may reduce Social Security benefits for affected persons by as much as one-half of the retirement benefit earned as a public servant in employment not covered under Social Security; and

Whereas, the WEP causes hard-working individuals to lose a significant portion of the Social Security benefits that they earn themselves; and

Whereas, the WEP negatively impacts approximately 25,322 Louisianians; and

Whereas, because of these calculation characteristics, the GPO and the WEP have a disproportionately negative effect on employees working in lower-wage government jobs, like policemen, firefighters, teachers, and state employees; and

Whereas, these provisions also have a greater adverse effect on women than on men because of the gender differences in salary that continue to plague our nation and because of the longer life expectancy of women; and

Whereas, Louisiana is making every effort to improve the quality of life of its citizens and to encourage them to live here lifelong, yet the current GPO and WEP provisions compromise that quality of life; and

Whereas, retired individuals negatively affected by GPO and WEP have significantly less money to support their basic needs and sometimes have to turn to government assistance programs; and

Whereas, the GPO and the WEP penalize individuals who have dedicated their lives to public service by eliminating benefits they have earned; and

Whereas, our nation should respect, not penalize, public servants; and

Whereas, the number of people affected by GPO and WEP is growing every day as more and more people reach retirement age; and

Whereas, the GPO and WEP are established in federal law, and repeal of the GPO and the WEP can be enacted only by the United States Congress. Therefore be it

Resolved, That the Legislature of Louisiana does hereby memorialize the Congress of the United States to review the Government Pension Offset and the Windfall Elimination Provision Social Security benefit reductions and to consider eliminating or reducing them by enacting the Social Security Fairness Act of 2011 (H.R. 1332), the Public Servant Retirement Protection Act of 2011 (S. 113), or a similar instrument. Be it further

Resolved, That a copy of this Resolution shall be transmitted to the secretary of the United States Senate and the clerk of the United States House of Representatives and to each member of the Louisiana delegation to the United States Congress.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with amendments:

S. 630. A bill to promote marine and hydrokinetic renewable energy research and development, and for other purposes (Rept. No. 112–31).

S. 699. A bill to authorize the Secretary of Energy to carry out a program to demonstrate the commercial application of integrated systems for long-term geological storage of carbon dioxide, and for other purposes (Rept. No. 112–32).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 757. A bill to provide incentives to encourage the development and implementation of technology to capture carbon dioxide from dilute sources on a significant scale using direct air capture technologies (Rept. No. 112–33).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, without amendment:

S. 1342. An original bill to amend the Federal Power Act to protect the bulk-power system and electric infrastructure critical to the defense of the United States against cybersecurity and other threats and vulnerabilities (Rept. No. 112–34).

S. 1343. An original bill to provide for the conduct of an analysis of the impact of energy development and production on the water resources of the United States, and for other purposes (Rept. No. 112–35).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. SESSIONS (for himself, Mr. VITTER, Ms. AYOTTE, and Mr. LEE):

S. 1341. A bill to provide a point of order against consideration of any measure that would increase the statutory limit on the public debt above $14.294 trillion unless that measure has been publicly available for a full 7 calendar days before consideration on the floor of the Senate; to the Committee on Rules and Administration.

By Mr. BINGAMAN:

S. 1342. An original bill to amend the Federal Power Act to protect the bulk-power system and electric infrastructure critical to the defense of the United States against cybersecurity and other threats and vulnerabilities; from the Committee on Energy and Natural Resources; placed on the calendar.

By Mr. BINGAMAN:

S. 1343. An original bill to provide for the conduct of an analysis of the impact of energy development and production on the water resources of the United States, and for other purposes; from the Committee on Energy and Natural Resources; placed on the calendar.

By Mr. KYL (for himself and Mr. MCCAIN):

S. 1344. A bill to direct the Secretary of Agriculture to take immediate action to recover ecologically and economically from a catastrophic wildfire in the State of Arizona, and for other purposes; to the Committee on Energy and Natural Resources.

By Ms. CANTWELL (for herself and Mrs. MURRAY):

S. 1345. A bill to provide for equitable compensation to the Spokane Tribe of Indians of the Spokane Reservation for the use of tribal land for the production of hydropower by the Grand Coulee Dam, and for other purposes; to the Committee on Indian Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. WHITEHOUSE (for himself, Mr. BLUMENTHAL, Mr. SANDERS, Mr. BROWN of Ohio, Mr. MERKLEY, and Mr. FRANKEN):

S. Res. 230. A resolution expressing the sense of the Senate that any agreement to reduce the budget deficit should not include cuts to Social Security benefits or Medicare benefits; to the Committee on Finance.

By Mr. BURR (for himself, Mrs. FEINSTEIN, Mr. BROWN of Ohio, Mr. BEGICH, Mr. LAUTENBERG, and Mr. ALEXANDER):

S. Res. 231. A resolution designating September 2011 as ''National Child Awareness Month'' to promote awareness of charities benefitting children and youth-serving organizations throughout the United States and recognizing efforts made by those charities and organizations on behalf of children and youth as critical contributions to the future of the United States; considered and agreed to.

ADDITIONAL COSPONSORS

S. 17

At the request of Mr. HATCH, the name of the Senator from North Dakota (Mr. HOEVEN) was added as a cosponsor of S. 17, a bill to repeal the job-killing tax on medical devices to ensure continued access to life-saving medical devices for patients and maintain the standing of United States as the world leader in medical device innovation.

S. 20

At the request of Mr. HATCH, the name of the Senator from North Dakota (Mr. HOEVEN) was added as a cosponsor of S. 20, a bill to protect American job creation by striking the job-killing Federal employer mandate.

S. 185

At the request of Ms. MIKULSKI, her name was added as a cosponsor of S. 185, a bill to provide United States assistance for the purpose of eradicating severe forms of trafficking in children in eligible countries through the implementation of Child Protection Compacts, and for other purposes.

S. 195

At the request of Mr. ROCKEFELLER, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 195, a bill to reinstate Federal matching of State spending of child support incentive payments.

S. 201

At the request of Mr. BROWN of Massachusetts, the names of the Senator from Delaware (Mr. CARPER) and the Senator from Delaware (Mr. COONS) were withdrawn as cosponsors of S. 201, a bill to clarify the jurisdiction of the Secretary of the Interior with respect to the C.C. Cragin Dam and Reservoir, and for other purposes.

S. 227

At the request of Ms. COLLINS, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 227, a bill to amend title XVIII of the Social Security Act to ensure more timely access to home health services for Medicare beneficiaries under the Medicare program.

S. 387

At the request of Mrs. BOXER, the name of the Senator from Missouri (Mr. BLUNT) was added as a cosponsor of S. 387, a bill to amend title 37, United States Code, to provide flexible spending arrangements for members of uniformed services, and for other purposes.

S. 543

At the request of Mr. WYDEN, the names of the Senator from Washington (Mrs. MURRAY), the Senator from Arkansas (Mr. BOOZMAN) and the Senator

from Virginia (Mr. WEBB) were added as cosponsors of S. 543, a bill to restrict any State or local jurisdiction from imposing a new discriminatory tax on cell phone services, providers, or property.

S. 570

At the request of Mr. TESTER, the name of the Senator from Wisconsin (Mr. JOHNSON) was added as a cosponsor of S. 570, a bill to prohibit the Department of Justice from tracking and cataloguing the purchases of multiple rifles and shotguns.

S. 584

At the request of Ms. MIKULSKI, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 584, a bill to establish the Social Work Reinvestment Commission to provide independent counsel to Congress and the Secretary of Health and Human Services on policy issues associated with recruitment, retention, research, and reinvestment in the profession of social work, and for other purposes.

S. 598

At the request of Mrs. FEINSTEIN, the names of the Senator from New Mexico (Mr. BINGAMAN) and the Senator from Vermont (Mr. SANDERS) were added as cosponsors of S. 598, a bill to repeal the Defense of Marriage Act and ensure respect for State regulation of marriage.

S. 707

At the request of Mr. DURBIN, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 707, a bill to amend the Animal Welfare Act to provide further protection for puppies.

S. 778

At the request of Mr. MORAN, the name of the Senator from North Dakota (Mr. HOEVEN) was added as a cosponsor of S. 778, a bill to amend title XVIII of the Social Security Act with respect to physician supervision of therapeutic hospital outpatient services.

S. 798

At the request of Mr. TESTER, the names of the Senator from West Virginia (Mr. MANCHIN), the Senator from Georgia (Mr. CHAMBLISS) and the Senator from Kansas (Mr. MORAN) were added as cosponsors of S. 798, a bill to provide an amnesty period during which veterans and their family members can register certain firearms in the National Firearms Registration and Transfer Record, and for other purposes.

S. 807

At the request of Mr. ENZI, the names of the Senator from Indiana (Mr. LUGAR) and the Senator from Idaho (Mr. RISCH) were added as cosponsors of S. 807, a bill to authorize the Department of Labor's voluntary protection program and to expand the program to include more small businesses.

S. 951

At the request of Mrs. MURRAY, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 951, a bill to improve the provision of Federal transition, rehabilitation, vocational, and unemployment benefits to members of the Armed Forces and veterans, and for other purposes.

S. 987

At the request of Mr. FRANKEN, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 987, a bill to amend title 9 of the United States Code with respect to arbitration.

S. 1025

At the request of Mr. LEAHY, the names of the Senator from Washington (Mrs. MURRAY) and the Senator from Hawaii (Mr. AKAKA) were added as cosponsors of S. 1025, a bill to amend title 10, United States Code, to enhance the national defense through empowerment of the National Guard, enhancement of the functions of the National Guard Bureau, and improvement of Federal-State military coordination in domestic emergency response, and for other purposes.

S. 1048

At the request of Mr. MENENDEZ, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 1048, a bill to expand sanctions imposed with respect to the Islamic Republic of Iran, North Korea, and Syria, and for other purposes.

S. 1058

At the request of Mr. PRYOR, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1058, a bill to amend the Public Health Service Act to ensure transparency and proper operation of pharmacy benefit managers.

S. 1171

At the request of Mr. SCHUMER, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1171, a bill to amend the Internal Revenue Code of 1986 to extend the exclusion from gross income for employer-provided health coverage for employees' spouses and dependent children to coverage provided to other eligible dependent beneficiaries of employees.

S. 1223

At the request of Mr. FRANKEN, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of S. 1223, a bill to address voluntary location tracking of electronic communications devices, and for other purposes.

S. 1280

At the request of Mr. BARRASSO, his name was added as a cosponsor of S. 1280, a bill to amend the Peace Corps Act to require sexual assault risk-reduction and response training, and the development of sexual assault protocol and guidelines, the establishment of victims advocates, the establishment of a Sexual Assault Advisory Council, and for other purposes.

S. 1308

At the request of Mr. HATCH, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 1308, a bill to amend title 18, United States Code, with respect to child pornography and child exploitation offenses.

S.J. RES. 17

At the request of Mr. MCCONNELL, the name of the Senator from Missouri (Mr. BLUNT) was added as a cosponsor of S.J. Res. 17, a joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003.

At the request of Mrs. FEINSTEIN, the names of the Senator from Hawaii (Mr. AKAKA) and the Senator from Washington (Mrs. MURRAY) were added as cosponsors of S.J. Res. 17, supra.

S. RES. 175

At the request of Mr. BARRASSO, his name was added as a cosponsor of S. Res. 175, a resolution expressing the sense of the Senate with respect to ongoing violations of the territorial integrity and sovereignty of Georgia and the importance of a peaceful and just resolution to the conflict within Georgia's internationally recognized borders.

S. RES. 201

At the request of Mr. BROWN of Massachusetts, the names of the Senator from Delaware (Mr. CARPER) and the Senator from Delaware (Mr. COONS) were added as cosponsors of S. Res. 201, a resolution expressing the regret of the Senate for the passage of discriminatory laws against the Chinese in America, including the Chinese Exclusion Act.

S. RES. 226

At the request of Mr. GRAHAM, the names of the Senator from Utah (Mr. LEE) and the Senator from Utah (Mr. HATCH) were added as cosponsors of S. Res. 226, a resolution expressing the sense of the Senate that the President does not have the authority to ignore the statutory debt limit by ordering the Secretary of the Treasury to continue issuing debt on the full faith and credit of the United States.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. KYL (for himself and Mr. MCCAIN):

S. 1344. A bill to direct the Secretary of Agriculture to take immediate action to recover ecologically and economically from a catastrophic wildfire in the State of Arizona, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. KYL. Mr. President, today I am introducing, with Senator JOHN MCCAIN, S. 1344, which is a response to Arizona's largest wildfire, called the Wallow Fire. This act is the Wallow Fire Recovery and Monitoring Act.

The Wallow Fire in Arizona burned, over about 40 days, 538,000 acres of Arizona land, making it the largest fire in the history of our State. Just to put it into perspective, that is nearly 841 square miles or almost four times the

size of the city of Chicago. The fire destroyed 32 homes and 4 rental cabins. Nearly 10,000 people were evacuated at one point, and the fire cost the taxpayers over $100 million before it was finally extinguished. Unfortunately, it will likely cost double that amount for the necessary rehabilitation of the forests that needs to occur now. After a fire such as this, there is only a short opportunity to hasten forest rehabilitation, reduce risks of flooding, insect epidemics, and future fires, and capture at least some of the economic benefit from the dead and dying trees to help offset and pay for those restoration costs.

Given the urgent need for action, as I said, I am introducing today the Arizona Wallow Fire Recovery and Monitoring Act, joined by my colleague, JOHN MCCAIN, as an original cosponsor. This legislation would expedite the removal of hazard, dead, and dying trees in community protection management areas within the Wallow Fire area. The removal projects carried out under the act will be completed within 18 months of enactment. The reason for this timeline is that when it comes to timber harvesting of the fire-killed trees, the costs of delay are extreme. Fire-killed trees will lose more than 40 percent of their value in less than 2 years.

Due to the intensity, the size, and the magnitude of the fire, there is a tremendous amount of dead and dying trees within the Wallow Fire area. Portions of the forest that have burned pose a risk to forest users, to communities, and to private property and the remaining resources. These risks include the hazards of falling trees, erosion, flooding, reburns due to excess fuel loads, and insect infestation risk to the remaining live trees. Under these postfire conditions, timber salvage is a management tool to mitigate these risks, generate revenue and jobs, and put the forest on the road to recovery.

We saw the negative consequences of delay firsthand in Arizona after the Rodeo-Chediski Fire in 2002, which at that point had been our State's largest fire. Bureaucratic regulations and lawsuits so severely delayed salvage efforts that by the time the projects were cleared to proceed, the trees had lost most of their economic value. Congress should not stand by and allow this situation to be repeated.

That said, we are not looking to eliminate environmental safeguards or exempt timber harvests from Federal environmental laws. This bill is narrowly tailored, limiting the removal of hazard, dead, and dying trees to those trees located within community protection management areas. One of these areas includes the wildland urban interface and other areas critical to communities. In addition, a comprehensive hazard tree and commercial timber evaluation and an environmental assessment under the National Environmental Policy Act, or NEPA, are required. All appeals and judicial review would follow the processes in the bipartisan Healthy Forest Restoration Act.

The practice of postfire timber salvage may be controversial in part because there is limited scientific information on its ecological effects. Most of the scientific literature that does exist is based on forests in the Pacific Northwest. The forests in that part of the country are very different from the dry ponderosa pine-dominated forests that burned in the Wallow Fire. Thus, the bill would require monitoring for all timber removal projects implemented under the act.

Finally, from a fiscal perspective, there is never going to be enough Federal funding for the forest restoration work that needs to be done to save the forest that remains. Acknowledging this reality, this bill takes the proceeds from the timber removal project sales and keeps them on this forest to help pay for future forest restoration treatments.

This bill strikes a responsible balance between environmental concerns and economics after a catastrophic wildfire. I urge my colleagues to support its swift passage.

The Arizona Wallow Fire Recovery and Monitoring Act requires a comprehensive evaluation of the forest conditions and hazard tree and fire-damaged timber resources across the Wallow Fire Area; limits the areas where dead and dying trees can be removed to Community Protection Management Areas; limits tree removal to hazard trees and trees that are already down, dead, broken or severely root sprung trees where mortality is highly expected; prohibits the construction of new, permanent roads; provides for an expedited, but thorough, environmental review of tree removal projects proposed in the Wallow Fire Area, including full public participation in the development of such projects; uses the processes for appeals and judical review established in the bipartisan Healthy Forest Restoration Act; requires monitoring of the ecological and economic effects of timber removal projects; and authorizes the use of timber receipts to offset the costs of forest restoration.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 230—EXPRESSING THE SENSE OF THE SENATE THAT ANY AGREEMENT TO REDUCE THE BUDGET DEFICIT SHOULD NOT INCLUDE CUTS TO SOCIAL SECURITY BENEFITS OR MEDICARE BENEFITS

Mr. WHITEHOUSE (for himself, Mr. BLUMENTHAL, Mr. SANDERS, Mr. BROWN of Ohio, Mr. MERKLEY, and Mr. FRANKEN) submitted the following resolution; which was referred to the Committee on Finance:

S. RES. 230

Whereas over 34,000,000 retired workers currently receive Social Security benefits in amounts that average a modest $14,100 a year;

Whereas, in 2008, 23 percent of retired workers receiving Social Security benefits depended on those benefits for all or almost all of their income;

Whereas according to AARP, Social Security benefits kept 36 percent of seniors out of poverty in 2008;

Whereas reducing Social Security benefits would cause many seniors to have to choose between food, drugs, rent, and heat;

Whereas 95 percent of seniors in the United States, who numbered almost 37,000,000 in 2008, got their health care coverage through the Medicare program;

Whereas without Medicare benefits, seniors, many of whom live off of Social Security benefits, would have to turn to the costly and uncertain private market for health care coverage;

Whereas the Social Security program and the Medicare program are extremely successful social insurance programs that permit seniors in America to retire with dignity and security after a lifetime of hard work; and

Whereas the Social Security program and the Medicare program help relieve young American families from worry about their own futures, allowing freedom of opportunity in America: Now, therefore, be it

Resolved, That it is the sense of the Senate that any agreement to reduce the budget deficit should not include cuts to Social Security benefits or Medicare benefits.

SENATE RESOLUTION 231—DESIGNATING SEPTEMBER 2011 AS ''NATIONAL CHILD AWARENESS MONTH'' TO PROMOTE AWARENESS OF CHARITIES BENEFITTING CHILDREN AND YOUTH-SERVING ORGANIZATIONS THROUGHOUT THE UNITED STATES AND RECOGNIZING EFFORTS MADE BY THOSE CHARITIES AND ORGANIZATIONS ON BEHALF OF CHILDREN AND YOUTH AS CRITICAL CONTRIBUTIONS TO THE FUTURE OF THE UNITED STATES

Mr. BURR (for himself, Mrs. FEINSTEIN, Mr. BROWN of Ohio, Mr. BEGICH, Mr. LAUTENBERG, and Mr. ALEXANDER) submitted the following resolution; which was considered and agreed to:

S. RES. 231

Whereas millions of children and youth in the United States represent the hopes and future of the United States;

Whereas numerous individuals, charities benefitting children, and youth-serving organizations that work with children and youth collaborate to provide invaluable services to enrich and better the lives of children and youth throughout the United States;

Whereas raising awareness of, and increasing support for, organizations that provide access to healthcare, social services, education, the arts, sports, and other services will result in the development of character and the future success of the children and youth of the United States;

Whereas the month of September, as the school year begins, is a time when parents, families, teachers, school administrators, and communities increase their focus on children and youth throughout the United States;

Whereas the month of September is a time for the people of the United States to highlight and be mindful of the needs of children and youth;

Whereas private corporations and businesses have joined with hundreds of national and local charitable organizations throughout the United States in support of a month-long focus on children and youth; and

Whereas designating September 2011 as ''National Child Awareness Month'' would recognize that a long-term commitment to children and youth is in the public interest, and will encourage widespread support for charities and organizations that seek to provide a better future for the children and youth of the United States: Now, therefore, be it

Resolved, That the Senate designates September 2011 as ''National Child Awareness Month''—

(1) to promote awareness of charities benefitting children and youth-serving organizations throughout the United States; and

(2) to recognize efforts made by those charities and organizations on behalf of children and youth as critical contributions to the future of the United States.

Mr. WHITEHOUSE. Mr. President, I rise to discuss the ongoing negotiations on the Federal budget and our rapidly approaching debt ceiling. I think we all agree the situation we face is increasingly grave. I believe every responsible person agrees that a failure to act on the debt limit would have awful repercussions and set back our fragile and tentative economic recovery. Surpassing the debt limit could inflict a triple economic harm on our struggling economy: the economic harm of all at once pulling 40 cents of every Federal dollar out of the economy, the economic harm of shutting down every work project that depends on Federal permits, contracts or regulatory approvals, and the economic harm of driving up interest rates for our constituents and for our country. We must, therefore, act and act quickly to ensure that we avoid that outcome.

I also believe the debt limit presents an opportunity to make some tough decisions on our unsustainable deficits. The longer we wait to make these choices, the harder they will be. It is my strong belief that any agreement we reach to reduce the deficits must be based on real savings and must not be made at the expense of our most vulnerable citizens. That is why I am so concerned about reports that Social Security and Medicare benefits have been raised as possible sources of deficit reduction. Cuts to Social Security and to Medicare benefits are unnecessary, are wrong, and should not be on the table. Social Security is not the cause of the deficit, and beneficiaries of Social Security should not be made to shoulder the burden of deficit reduction.

A balanced deficit reduction package is certainly within our grasp. I wish to commend our chairman, Senator CONRAD, chairman of the Budget Committee, for his proposal which would cut the deficit by $4 trillion over the next decade. His plan would cut the deficit by more than the House Republican budget and would do so without cutting Social Security or Medicare benefits. Chairman CONRAD's blueprint would balance $2 trillion in spending cuts with an equal amount of tax loophole closers for wealthy individuals and corporations. His budget would call for shared sacrifice, not just go after the elderly and other vulnerable Americans. We should not, as Americans, balance the budget on the backs of those who can least afford it. That is why I rise to offer a resolution expressing the sense of the Senate that any budget agreement should not include cuts to Social Security or Medicare benefits. Social Security is funded through the contributions of our Nation's workers and businesses. It currently has a trust fund balance over $2.5 trillion, and it is projected to be fully solvent for another quarter century. So while I agree with steps to strengthen Social Security, it is a vital program, any changes should be considered independent of this effort to reduce the deficit, and under no circumstances should we cut Social Security benefits. Indeed, the solvency of the program could be extended significantly just by applying payroll taxes to a greater portion of the earnings of millionaires and billionaires. What we should never do is to put elderly Americans' security at risk in the stock market or increase the retirement age or cut benefits through backdoor methods such as lowering the cost-of-living adjustment.

As has the Presiding Officer, I have heard from hundreds of folks from my home State—Rhode Islanders who agree with me—and, particularly, I rely on seniors to whom I have listened at community dinners and senior centers throughout the State who are concerned that they have already gone 2 years without a cost-of-living adjustment when prices are going up all around them.

Audrey from Middletown told me that after her husband died, she had many expenses but ''no income except for his Social Security check which enabled me to go on living—simply but adequately—without being a burden on my sons and losing my dignity as well.''

Ronald from Cumberland, RI, has been on Social Security for a number of years. He wrote me to say:

It . . . seems that it's always the people who need the help the most who get cut from the Federal Government. Why is this? No Social Security COLA for two years, yet prices for the basic needs still rise. . . . In a country like the United States of America, this should not happen.

The threat to Medicare is just as real. Earlier this year, House Republicans passed a budget that in 10 years would put an end to the Medicare Program as we know it. Estimates suggest their proposal would end up forcing a typical 65-year-old senior to pay, on average, $12,500 each year in out-of-pocket expenses, starting in 2022—more than double what a senior is estimated to pay under the current system. In Rhode Island, where the average senior only gets about $14,200 per year from Social Security, charging an average $12,500 for seniors would be an exercise in poverty creation.

The Republican budget would also throw seniors right away—in the next year—back into the Medicare prescription drug doughnut hole we have just begun closing through the affordable care act, and it would eliminate the lifesaving preventive services that were added by the health care reform law. Cutting Medicare benefits is the wrong approach to balancing our budget, especially while Republicans continue fighting to protect every single tax break, every single loophole, every single earmark in the Tax Code enjoyed by millionaires and billionaires and by corporations, many of whom pay no taxes at all.

Medicare and Social Security are cornerstones of our Nation's prosperity, and they benefit all of us. These programs allow Americans to live their lives free from worry about their retirement security or the welfare and health treatment of their parents. This American freedom is a value we should fight to protect.

While we should always be open to improving these vital programs, we must not cut the benefits our seniors and disabled Americans have earned and rely upon. I wish to thank Senators BLUMENTHAL and SANDERS; Senator SHERROD BROWN; the Presiding Officer, Senator MERKLEY; and Senator FRANKEN for their support in cosponsoring this resolution. I hope my colleagues will join us in protecting the promise we have made to our Nation's seniors through Social Security and Medicare.

In closing, the challenge before us is a formidable one, but I truly believe we can reach an agreement on the deficit and debt ceiling without compromising the security and well-being of our seniors.

I thank the Chair.

AMENDMENTS SUBMITTED AND PROPOSED

SA 527. Mr. HELLER submitted an amendment intended to be proposed by him to the bill S. 1323, to express the sense of the Senate on shared sacrifice in resolving the budget deficit; which was ordered to lie on the table.

SA 528. Mr. PORTMAN submitted an amendment intended to be proposed by him to the bill S. 1323, supra; which was ordered to lie on the table.

SA 529. Mr. REID proposed an amendment to the bill S. 1323, supra.

SA 530. Mr. REID proposed an amendment to amendment SA 529 proposed by Mr. REID to the bill S. 1323, supra.

SA 531. Mr. REID proposed an amendment to the bill S. 1323, supra.

SA 532. Mr. REID proposed an amendment to amendment SA 531 proposed by Mr. REID to the bill S. 1323, supra.

SA 533. Mr. REID proposed an amendment to amendment SA 532 proposed by Mr. REID to the amendment SA 531 proposed by Mr. REID to the bill S. 1323, supra.

TEXT OF AMENDMENTS

SA 527. Mr. HELLER submitted an amendment intended to be proposed by him to the bill S. 1323, to express the sense of the Senate on shared sacrifice in resolving the budget deficit; which was ordered to lie on the table; as follows:

At the end of the bill, add the following:

SEC. 2. CONGRESSIONAL BUDGET RESPONSIBILITY.

(a) SHORT TITLE.—This section may be cited as the ''Congressional Budget Responsibility Act of 2011''.

(b) DEFINITION.—In this section, the term ''Member of Congress''—

(1) has the meaning given under section 2106 of title 5, United States Code; and

(2) does not include the Vice President.

(c) TIMELY APPROVAL OF CONCURRENT RESOLUTION ON THE BUDGET.—If both Houses of Congress have not approved a concurrent resolution on the budget as described under section 301 of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 632) for a fiscal year before October 1 of that fiscal year, the pay of each Member of Congress may not be paid for each day following that October 1 until the date on which both Houses of Congress approve a concurrent resolution on the budget for that fiscal year.

(d) NO PAY WITHOUT CONCURRENT RESOLUTION ON THE BUDGET.—

(1) IN GENERAL.—Notwithstanding any other provision of law, no funds may be appropriated or otherwise be made available from the United States Treasury for the pay of any Member of Congress during any period determined by the Chairperson of the Committee on the Budget of the Senate or the Chairperson of the Committee on the Budget of the House of Representatives under subsection (e).

(2) NO RETROACTIVE PAY.—A Member of Congress may not receive pay for any period determined by the Chairperson of the Committee on the Budget of the Senate or the Chairperson of the Committee on the Budget of the House of Representatives under subsection (e), at any time after the end of that period.

(e) DETERMINATIONS.—

(1) SENATE.—

(A) REQUEST FOR CERTIFICATIONS.—On October 1 of each year, the Secretary of the Senate shall submit a request to the Chairperson of the Committee on the Budget of the Senate for certification of determinations made under subparagraph (B)(i) and (ii).

(B) DETERMINATIONS.—The Chairperson of the Committee on the Budget of the Senate shall—

(i) on October 1 of each year, make a determination of whether Congress is in compliance with subsection (d) and whether Senators may not be paid under that subsection; and

(ii) determine the period of days following each October 1 that Senators may not be paid under subsection (d); and

(iii) provide timely certification of the determinations under clauses (i) and (ii) upon the request of the Secretary of the Senate.

(2) HOUSE OF REPRESENTATIVES.—

(A) REQUEST FOR CERTIFICATIONS.—On October 1 of each year, the Chief Administrative Officer of the House of Representatives shall submit a request to the Chairperson of the Committee on the Budget of the House of Representatives for certification of determinations made under subparagraph (B)(i) and (ii).

(B) DETERMINATIONS.—The Chairperson of the Committee on the Budget of the House of Representatives shall—

(i) on October 1 of each year, make a determination of whether Congress is in compliance with subsection (d) and whether Senators may not be paid under that subsection; and

(ii) determine the period of days following each October 1 that Senators may not be paid under subsection (d); and

(iii) provide timely certification of the determinations under clauses (i) and (ii) upon the request of the Chief Administrative Officer of the House of Representatives.

(f) EFFECTIVE DATE.—This section shall take effect on February 1, 2013.

SA 528. Mr. PORTMAN submitted an amendment intended to be proposed by him to the bill S. 1323, to express the sense of the Senate on shared sacrifice in resolving the budget deficit; which was ordered to lie on the table; as follows:

At the end of the bill, add the following:

SEC. 2. INCLUSION OF APPLICATION TO INDEPENDENT REGULATORY AGENCIES.

(a) IN GENERAL.—Section 421(1) of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 658(1)) is amended by striking '', but does not include independent regulatory agencies''.

(b) EXEMPTION FOR MONETARY POLICY.—The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1501 et seq.) is amended by inserting after section 5 the following:

''SEC. 6. EXEMPTION FOR MONETARY POLICY.

''Nothing in title II, III, or IV shall apply to rules that concern monetary policy proposed or implemented by the Board of Governors of the Federal Reserve System or the Federal Open Market Committee.''.

SA 529. Mr. REID proposed an amendment to the bill S. 1323, to express the sense of the Senate on shared sacrifice in resolving the budget deficit; as follows:

At the end, add the following new section:

SEC 2. EFFECTIVE DATE.

The provisions of this Act shall become effective 3 days after enactment.

SA 530. Mr. REID proposed an amendment to amendment SA 529 proposed by Mr. REID to the bill S. 1323, to express the sense of the Senate on shared sacrifice in resolving the budget deficit; as follows:

In the amendment, strike ''3'', insert ''2''.

SA 531. Mr. REID proposed an amendment to the bill S. 1323, to express the sense of the Senate on shared sacrifice in resolving the budget deficit; as follows:

On page 2, line 10, after ''deficit'' strike all that follows and insert the following:

''(1) should require that those earning $1,000,000 or more per year make a more meaningful contribution to the deficit reduction effort; and

(2) should not end Medicare as we know it.''

SA 532. Mr. REID proposed an amendment to amendment SA 531 proposed by Mr. REID to the bill S. 1323, to express the sense of the Senate on shared sacrifice in resolving the budget deficit; as follows:

After ''Medicare'', strike all that follows and insert ''and Medicaid as we know it.''.

SA 533. Mr. REID proposed an amendment to amendment SA 532 proposed by Mr. REID to the amendment SA 531 proposed by Mr. REID to the bill S. 1323, to express the sense of the Senate on shared sacrifice in resolving the budget deficit; as follows:

Strike ''we'' and insert ''all Americans''.

NOTICE OF HEARING

COMMITTEE ON INDIAN AFFAIRS

Mr. AKAKA. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Thursday, July 14, 2011, at 2:15 p.m. in room 628 of the Dirksen Senate Office Building to conduct a business meeting to consider the nominations of Cynthia Chavez Lamar, Barbara Jean Ells and Debra Downing Goodman to serve as Members, Board of Trustees, Institute of American Indian and Alaska Native Culture and Arts Development; to be followed immediately by an oversight hearing entitled ''Native Women: Protecting, Shielding, and Safeguarding Our Sisters, Mothers, and Daughters.''

Those wishing additional information may contact the Indian Affairs Committee at (202) 224–2251.

NATIONAL CHILD AWARENESS MONTH

Mr. REID. Mr. President, I ask unanimous consent we now proceed to the consideration of S. Res. 231.

The PRESIDING OFFICER (Mr. BLUMENTHAL). The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 231) designating September 2011 as ''National Child Awareness Month'' to promote awareness of charities benefiting children and youth-serving organizations throughout the United States and recognizing efforts made by those charities and organizations on behalf of children and youth as critical contributions to the future of the United States.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I ask unanimous consent the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 231) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 231

Whereas millions of children and youth in the United States represent the hopes and future of the United States;

Whereas numerous individuals, charities benefitting children, and youth-serving organizations that work with children and youth collaborate to provide invaluable services to enrich and better the lives of children and youth throughout the United States;

Whereas raising awareness of, and increasing support for, organizations that provide access to healthcare, social services, education, the arts, sports, and other services will result in the development of character and the future success of the children and youth of the United States;

Whereas the month of September, as the school year begins, is a time when parents, families, teachers, school administrators, and communities increase their focus on children and youth throughout the United States;

Whereas the month of September is a time for the people of the United States to highlight and be mindful of the needs of children and youth;

Whereas private corporations and businesses have joined with hundreds of national and local charitable organizations throughout the United States in support of a month-long focus on children and youth; and

Whereas designating September 2011 as ''National Child Awareness Month'' would

recognize that a long-term commitment to children and youth is in the public interest, and will encourage widespread support for charities and organizations that seek to provide a better future for the children and youth of the United States: Now, therefore, be it

Resolved, That the Senate designates September 2011 as ''National Child Awareness Month''—

(1) to promote awareness of charities benefitting children and youth-serving organizations throughout the United States; and

(2) to recognize efforts made by those charities and organizations on behalf of children and youth as critical contributions to the future of the United States.

ORDERS FOR TUESDAY, JULY 12, 2011

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m., Tuesday, July 12; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day; that following any leader remarks, the Senate proceed to a period of morning business for 1 hour, with Senators permitted to speak for up to 10 minutes, with the time to be equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and the Republicans controlling the final half; that following morning business, the Senate resume consideration of S. 1323, which is a bill to express the sense of the Senate on shared sacrifice in resolving the budget issue; further, I ask that the filing deadline for all first-degree amendments to S. 1323 be 12 noon; and finally, that the Senate recess from 12:30 p.m. until 2:15 p.m. to allow for the weekly caucus meetings.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. REID. Mr. President, I filed cloture on S. 1323, which is on the sense-of-the-Senate bill regarding shared sacrifice, and on the motion to proceed to H.R. 2055, the Military Construction-VA bill. It is an appropriations bill. It is an important bill. Unless an agreement is reached, there will be up to two rollcall votes Wednesday morning on these issues.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 6:54 p.m. adjourned until Tuesday, July 12, 2011, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF ENERGY

CHARLES DEWITT MCCONNELL, OF OHIO, TO BE AN ASSISTANT SECRETARY OF ENERGY (FOSSIL ENERGY), VICE JAMES J. MARKOWSKY, RESIGNED.

THE JUDICIARY

JOHN FRANCIS MCCABE, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE JUDGE OF THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA FOR THE TERM OF FIFTEEN YEARS, VICE JAMES E. BOASBERG, RESIGNED.

PETER ARNO KRAUTHAMER, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE JUDGE OF THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA FOR THE TERM OF FIFTEEN YEARS, VICE JOHN HENRY BAYLY, JR., RETIRED.

DANYA ARIEL DAYSON, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE JUDGE OF THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA FOR THE TERM OF FIFTEEN YEARS, VICE STEPHANIE DUNCAN-PETERS, RETIRED.

UNITED STATES TAX COURT

JOSEPH H. GALE, OF VIRGINIA, TO BE A JUDGE OF THE UNITED STATES TAX COURT FOR A TERM OF FIFTEEN YEARS. (REAPPOINTMENT)

DEPARTMENT OF STATE

MICHAEL A. HAMMER, OF THE DISTRICT OF COLUMBIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AN ASSISTANT SECRETARY OF STATE (PUBLIC AFFAIRS), VICE PHILIP J. CROWLEY, RESIGNED.

FOREIGN SERVICE

THE FOLLOWING-NAMED PERSONS OF THE AGENCIES INDICATED FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF THE CLASSES STATED.

THE FOLLOWING-NAMED MEMBERS OF THE FOREIGN SERVICE TO BE CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF COMMERCE

TIMOTHY C. CANNON, OF NORTH DAKOTA
SARAH J. COOK, OF FLORIDA

DEPARTMENT OF STATE

NISHA ABRAHAM, OF THE DISTRICT OF COLUMBIA
MARC S. ABRAMSON, OF THE DISTRICT OF COLUMBIA
STARYNEE ADAMS, OF THE DISTRICT OF COLUMBIA
NADIA SHAIRZAY AHMED, OF VIRGINIA
THOMAS W. ALBRECHT, OF VIRGINIA
CHRISTINA N. ATKINS, OF VIRGINIA
ROBERT A. BAL, OF VIRGINIA
NICOLE C. BAYER, OF CALIFORNIA
SHAILAJA BISTA, OF GEORGIA
SEAN BODA, OF OHIO
TIMO BRANDSTETTER, OF VIRGINIA
COURTNEY JEAN BRASIER, OF MARYLAND
JANE C. BRITTING, OF VIRGINIA
HECTOR R. BROWN, OF TEXAS
JASON BROWN, OF VIRGINIA
ANDREW D. BURCHFIELD, OF VIRGINIA
KEVIN J. BURGWINKLE, OF VIRGINIA
ANDREW G. BURY III, OF VIRGINIA
BRYAN A. CARTER, OF VIRGINIA
RYAN B. CHAVEZ, OF VIRGINIA
GRACE WOORI CHOI, OF THE DISTRICT OF COLUMBIA
ROGER VINCENT CHUANG, OF CALIFORNIA
D. MARKO CIMBALJEVICH, OF INDIANA
SHOSHAUNA A. CLARK, OF COLORADO
JULIA HARTT KENTNOR CORBY, OF VIRGINIA
ELISE S. CRANE, OF COLORADO
ANDREW A. DAEHNE, OF TEXAS
ANNETTE DELANEY, OF VIRGINIA
PHILLIP S. DEMSKE, OF VIRGINIA
JENNIFER L. DENHARD, OF FLORIDA
KRIKOR DEURDULIAN, OF VIRGINIA
KIRK EDWARD DONAHOE, OF PENNSYLVANIA
RICHARD L. DUBOIS III, OF KANSAS
LAURA S. EDDY, OF VIRGINIA
CHRISTOPHER CHARLES ELLIS, OF OREGON
SHANNON ESKOW, OF THE DISTRICT OF COLUMBIA
JESSICA T. FARMER, OF MAINE
ROXANA W. FELDMAN, OF VIRGINIA
SHARYN C. FITZGERALD, OF VIRGINIA
ROBERT WILLIAM FOLLEY, OF WISCONSIN
AMIRA A. FOUAD, OF VIRGINIA
EVAN M. FRITZ, OF TEXAS
ISAAC N. GIBBONS, OF VIRGINIA
BRIAN A. GILLESPIE, OF TENNESSEE
DARROW S. GODESKI MERTON, OF NEW YORK
BRIAN O. GORMAN, OF THE DISTRICT OF COLUMBIA
MATHEW L. HAGENGRUBER, OF MONTANA
AMY K. HANSEN, OF VIRGINIA
MICHAEL J. HARKER, OF NEW YORK
EVAN J. HICKEY, OF VIRGINIA
KATHERINE LAN HO, OF TEXAS
YULIANA VLADIMIROVNA HOLMES, OF VIRGINIA
JOHN MATTHEW HOPPER, OF VIRGINIA
RICHARD DANIEL HUGHES, OF NEW YORK
JOSANDA E. JINNETTE, OF COLORADO
DOUGLAS MAYES JOHNSON, OF HAWAII
NADINE FARID JOHNSON, OF WASHINGTON
NICHOLAS DANIEL JOYCE, OF VIRGINIA
PHILIP R. KERN, OF WYOMING
JEFF KHURGEL, OF CALIFORNIA
MARK R. LAFEIR, OF MARYLAND
ADRIAN J. LANSPEARY, OF NEW JERSEY
YALE HUGHES LAYTON, OF WYOMING
BENJAMIN LAZARUS, OF THE DISTRICT OF COLUMBIA
JUDITH K. LEPUSCHITZ, OF CALIFORNIA
STEVE D. LEU, OF CALIFORNIA
NANNETTE N. LEWIS, OF MARYLAND
OLIVIER F. LINDEMANN, OF VIRGINIA
AMY E. LONG, OF VIRGINIA
BRADFORD R. LOVELACE, OF MARYLAND
JESSICA A. LUNDBERG, OF NEW YORK
SCOTT T. MACIEJEWSKI, OF VIRGINIA
CHRISTOPH ALEXIS MARK, OF CALIFORNIA
DOREEN VAILLANCOURT MARONEY, OF MARYLAND
KEVIN MICHAEL MARTINDALE, OF VIRGINIA
PLESAH L. MAYO, OF VIRGINIA
EDISON S. MCBAYNE, OF MARYLAND
SAUL MERCADO, OF NEW YORK
SHANNON R. MILES, OF THE DISTRICT OF COLUMBIA
ROGER MILLER, OF VIRGINIA
MICHAEL JOHN MITCHELL, OF MINNESOTA
MICHAEL A. MOHR, OF VIRGINIA
TAUVA A. MONTAS COLON, OF VIRGINIA
AMAL MOUSSAOUI HAYNES, OF NEW YORK
JOSEPH J. NARUS, OF OREGON
CHARLES I. OKONKWO, OF VIRGINIA
JOO WEON PARK, OF PENNSYLVANIA
CORNELIUS A. PARKER, OF MARYLAND
TYLER PARTRIDGE, OF ARIZONA
CASSANDRA J. PAYTON, OF KANSAS
GREGORY M. PEARMAN, OF CALIFORNIA
ANNA G. PEARSON, OF VIRGINIA
KIMBERLY A. PEASE, OF WISCONSIN
MIGAEL SHAROD PENIX, OF NORTH CAROLINA
THAI PHAM, OF VIRGINIA
ROBERT MATTHEW PICKETT, OF OREGON
BRANDON N. PIERCE, OF VIRGINIA
LISA N. PODOLNY, OF FLORIDA
JACOB M. PORTNOY, OF MASSACHUSETTS
CAMERON E. POWELL, OF VIRGINIA
RENEE N. POWELL, OF VIRGINIA
CHRISTOPHER A. PULLELLA, OF VIRGINIA
JUDITH A. PUZIO, OF VIRGINIA
AMANJIT RAMESH, OF VIRGINIA
JAMES PATRICK REIDY, OF TEXAS
ELLIOT M. REPKO, OF THE DISTRICT OF COLUMBIA
CLIFFORD K. ROBERTSON, OF MARYLAND
GREGORY L. ROBINSON, OF VIRGINIA
THAD W. ROSS, OF IDAHO
MARK ANTHONY SAAVEDRA, OF CALIFORNIA
SCOTT SANFORD, OF WYOMING
JOHN DAVID SARRAF, OF PENNSYLVANIA
JOANNA SCHENKE, OF TEXAS
EHREN SCOTT SCHIMMEL, OF RHODE ISLAND
STEPHANIE LAURA SCHMID, OF PENNSYLVANIA
CURTIS L. SCHMUCKER, OF FLORIDA
SAOWANEE K. SHANAHAN, OF VIRGINIA
DIVIYA SHARMA, OF MARYLAND
JENNIFER LYNN SIHRER, OF VIRGINIA
JOAN L. SIMON BARTHOLOMAUS, OF WASHINGTON
CHRISTOPHER FREDERIC SMITH, OF TEXAS
JENNIFER A. SMITH, OF VIRGINIA
RACHEL E. SMITH, OF CALIFORNIA
SEAN ROBERT SMITH, OF CONNECTICUT
NICHOLAS A. STALICK, OF THE DISTRICT OF COLUMBIA
JOIA ASHLEE STARKS, OF DELAWARE
ADAM T. STEVENS, OF CONNECTICUT
JAMES R. STEWART, OF VIRGINIA
LUCIJA BAJZER STRALEY, OF MINNESOTA
TRACY M. STRAUCH, OF VIRGINIA
ROBERT S. STREATOR, OF VIRGINIA
MARY MARIE STREETZEL, OF TENNESSEE
ALEXANDER LANDE SUDEROW, OF MASSACHUSETTS
SARAH H. SWATZBURG, OF NEVADA
CODY WELLES SWYER, OF CALIFORNIA
GEOFFREY BRUCE TERRIL, OF VIRGINIA
JEFFERSON E. THOMPSON, OF VIRGINIA
VICKI SHIHING TING, OF CALIFORNIA
LESLIE M. TOKIWA, OF THE DISTRICT OF COLUMBIA
DANIEL R. TRIPP, OF INDIANA
THOMAS T. TSOUPELIS, OF VIRGINIA
WILLIAM J. TUTTLE, OF VIRGINIA
JACQUELINE A. VAVRA, OF VIRGINIA
REBECCA L. WEIDNER, OF VIRGINIA
CHRISTOPHER A. WELCH, OF VIRGINIA
NELSON H. WEN, OF NEW YORK
ELIZABETH ANNE WEWERKA, OF FLORIDA
EMILY BUTLER WHITE, OF COLORADO
TRAVIS I. WILLIAMS, OF VIRGINIA
T. IAN WILSON, OF NEW YORK
ANDREW G. WINKELMAN, OF NORTH CAROLINA
DENNIS D. WONG, OF VIRGINIA
THOMAS WORTH, OF MARYLAND
NICOLE WYKOFF, OF THE DISTRICT OF COLUMBIA
BRIAN SCOTT ZABIN, OF VIRGINIA
JOERG ZEPPENFELD, OF NORTH CAROLINA
MICHELLE RENEE ZIA, OF THE DISTRICT OF COLUMBIA

THE FOLLOWING-NAMED CAREER MEMBER OF THE FOREIGN SERVICE OF THE DEPARTMENT OF STATE FOR PROMOTION INTO THE SENIOR FOREIGN SERVICE TO THE CLASS INDICATED:

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF MINISTER-COUNSELOR, EFFECTIVE OCTOBER 12, 2008:

MARK JEFFREY HIPP, OF VIRGINIA

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. CLYDE D. MOORE II

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C. SECTION 601:

To be lieutenant general

LT. GEN. JANET C. WOLFENBARGER

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be major general

BRIG. GEN. LEONARD A. PATRICK

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. KEITH C. WALKER

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. CHARLES T. CLEVELAND

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be brigadier general

COL. WENDUL G. HAGLER II

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

VICE ADM. MICHAEL A. LEFEVER

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral (lower half)

CAPT. LUKE M. MCCOLLUM

IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY NURSE CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be major

NICHOLAS M. CRUZGARCIA
JOSEPH P. LYNN

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES ARMY JUDGE ADVOCATE GENERAL'S CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be lieutenant colonel

LUISA G. SANTIAGO

THE FOLLOWING NAMED INDIVIDUALS FOR REGULAR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES ARMY MEDICAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be lieutenant colonel

TROY W. ROSS
JONATHAN R. STABILE

To be major

DAVID A. CORTESE
CARLOS E. QUEZADA

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE GRADE INDICATED IN THE REGULAR ARMY UNDER TITLE 10, U.S.C., SECTION 531:

To be major

JAMES L. ADAMS, JR.
JON M. BRYAN
GORDON E. GRANT
CHARLES J. HUDSON
JASON J. MAIN
ROBERT M. THELEN

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY AS CHAPLAINS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be lieutenant colonel

MATTHEW B. AHN
CLAUDE W. BRITTIAN
ADDISON BURGESS
MITCHELL A. BUTTERWORTH
JOEY T. BYRD
BRIAN P. CRANE
LOUIS A. DELTUFO
DAVID J. DEPPMEIER
KEVIN M. DOLL
WIESLAW A. DYNEK
ROBERT B. GILLETTE
DAVID V. GREEN
JAMES R. GRIFFIN
ROBERT H. HART, JR.
THOMAS S. HELMS III
JOSE G. HERRERA
CHUL W. KIM
MICHAEL J. KING
DAVID W. LILE
TIMOTHY S. MEADOR
MARK A. MITERA
ROY M. MYERS
LEE W. NELSON
DARIN A. NIELSEN
GARY G. PAYNE
CLARK E. RABE
PAUL D. RAMSEY
CARL W. ROSENBERG
JULIE M. ROWAN
JAMES E. SCHAEFER
OLEN Z. SELLERS
DAVID L. SHOFFNER
JAMES E. SMITH, JR.
DAVID L. SPEARS
JACK J. STUMME
GREGORY S. THOGMARTIN

IN THE NAVY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

JAMES S. BROWN
ANTONIO C. TING
HEATHER J. WALTON

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

CHRISTOPHER A. ALFONZO
JAY E. ALLARD
NATHANIEL B. ALMOND
MICHELLE G. ARNOLD
SCOTT ASHBY
ALEX L. AUBIN
KATHERINE C. AUSTIN
ERIN K. BALOG
MICHAEL R. BAYDARIAN
GERARD M. BENECKI
ROBERT M. BETTIS
JOHN C. BIERY
MATTHEW T. BRIGGER
JORGE L. BRITO
RICHARD C. CAMPIN
WILLIAM K. CARSON
JOHN B. CASON
MICHAEL R. CATHEY
SUSAN C. CLARK
MICHAEL G. CLARKE
EMILY E. COLE
HUGH M. DAINER
JUAN C. DAPENA
KONRAD L. DAVIS
GRAY N. DAWSON
JOHN J. DEVLIN
CHRISTOPHER B. DEWING
LAURA N. DINNEEN
BRENDON G. DREW
MARK E. EATON
DAVID K. EPSTEIN
JACQUELINE EUBANY
ALEXANDER N. EVANS
NATHANIAL FERNANDEZ
JONATHAN A. FORSBERG
DAVID M. FURLONG
CURTIS W. GABALL
ROBERT J. GAINES, JR.
CATHERINE E. HAGAN
ERIC B. HARRIS
CHADLEY R. HUEBNER
BRIAN S. KING
DAVID J. KRAUSE
ELAINE B. KREJCI
KARL C. KRONMANN
KEVIN M. KUHN
MARK E. LAMBERT
ERIN A. LARKINS
MARGUERITE S. LENGKEEK
VICTOR S. LIN
ROBIN W. LINDSAY
RICHARD O. LYNCH
JAMES J. LYONS
CARTER J. MAURER
MICHAEL P. MCDOWELL
JOEL T. MCFARLAND
PETER C. MCGOWAN
TIMOTHY P. MCGRATH
JOEL R. METZGER
EDMUND A. MILDER
JOHN R. MINARCIK
ARASH MOHTASHAMIAN
JOHN MOREE
MICHELE P. MORRISON
MARK M. MORTON
DAVID L. MOULTON
JAMES J. MUCCIARONE
FRANK E. MULLENS
MATTHEW W. NEWMAN
TODD J. OCHSNER
MARK D. PAYSON
GIRARD L. POIRIER
TIMOTHY M. POWELL
PETER PRESSMAN
ROBERT L. RICCA
JOHN D. RICHARD
ADAM K. SAPERSTEIN
BETTINA M. SAUTER
ROLF K. SCHMIDT
PATRICK J. SCHUETTE
ANDREA N. SNITCHLER
KRISTEN M. A. STEWART
VALERIE S. STRANG
JASON D. SWEET
SEAN A. SWIATKOWSKI
ROBERT K. TAKESUYE
HATTIE M. TAPPS
DANIELLE A. TAYSOM
CHRISTOPHER M. TEPERA
VALERIE A. TOKARZ
NATHAN S. UEBELHOER
TRICIA E. VANWAGNER
JOHN W. VINCENT
MATTHEW J. WAUSON
NATALIE Y. WELLS
DOUGLAS A. WINSTANLEY
CHAD T. ZEHMS
SARA B. ZIMMER

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

RAUL L. BARRIENTOS
JEFF A. BLEILE
TONI A. BOWDEN
THOMAS P. CARROLL
CAMERON H. CONKIN
CHRISTOPHER E. CRECELIUS
TUANH C. HALQUIST
CHRISTOPHER M. HARRIS
THOMAS B. HINES, JR.
MOLLY A. JENKINS
DAVID W. JONES
REBECCA O. LEE
NANCY OSBORNE
JORGE H. PARRABETANCOURT
ANTON PETRICH
MICHAEL E. RUDMANN
RODNEY V. SCOTT
STEVE L. STALLINGS
STEPHEN J. STERLITZ
KAREN M. STOKES
PETER A. VELLIS
WILLIAM O. WILSON, JR.
HAROLD S. ZALD

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

DAVID L. AGEY
JEFFREY D. ALTON
MARIA D. ALVAREZ
GARLAND H. ANDREWS
DARRYL P. ARFSTEN
JAMES A. BALCIUS
ERIC H. BARNES
AMBER D. BILES
RANDY K. BILLS, JR.
AMY L. BIRTELSMITH
KATHLEEN M. BLAKEY
BRIAN L. BOHRER
GARY T. BRICE
ROGER L. BUNCH
JAMES P. BURRILL
BONNIE R. CHAVEZ
KAREN S. CORSON
JAMES E. COWAN
PHILIP J. DAUERNHEIM
NICK A. DIMASO
DOUGLAS L. FAISON
MICHAEL E. FEESER
BONNIE S. S. GARBUTT
GLORIA L. GARNER
ELLIS C. GAYLES, JR.
PETER J. GUNTHER
KAREN R. HALL
BRANDON W. HARDIN
JEFFREY A. HAYWORTH
ROBERT P. HIGGINS
ROBERT J. HINES
ANDREW C. HOBURG
KRISTIN R. HODAPP
BRIAN D. IVESON
MICHAEL S. KAVANAUGH
JEFFREY J. KLINGER
BRADLEY C. KLUEGEL
SEAN M. LANDO
CHRISTOPHER G. LYNCH
CHAD E. MCKENZIE
AARON R. MOORE
KEITH B. NEWTON
SCOTT W. NORTON
DAVID D. PETERSON
JOSEPH E. PIANSAY
GUILLERMO PIMENTEL
THOMAS J. PINER
RANDY G. REESE
ROSE E. RICE
CHERYL C. RINGER
JAMES L. RUEFF III
ARLENE R. SAITZYK
PAUL S. SCHIERMEIER
DAVID L. SCHOO
BENJAMIN J. SCHWARTZ
KATHARINE K. SHOBE
KARLA M. SLATER
DONNA M. SPORRER
JEFFREY D. STANCIL
MICHAEL E. STEVENS, JR.
MICHAEL G. STOCKELMAN
MICHAEL L. SUNMAN
GODFREY W. TABB
TODD J. TETREAULT

CAYETANO S. THORNTON
ROMEO T. TIZON, JR.
LAURA L. V. WEGEMANN

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

ROBERT P. ANSELM
VANESSA C. HOPGOOD
AMY K. LARSON
MICHAEL D. LAWRENCE
JOHN A. MILLS
DAVID A. NORKIN
DAVID L. ODOWD
MARC S. ROSEN
KENNETH R. SHOOK
VALERIE L. SMALL
JONATHAN T. STEPHENS
PAUL A. WALKER

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

RANDY E. ASHMAN
JOHANNES M. BAILEY
ARNEL J. BARBA
HARRIETT S. BATES
JESSICA D. BEARD
MARK J. BROWNFIELD
CHARLES L. CATHER
WILLIAM D. COVILL
CHRISTOPHER R. CRERAR
LAURA D. DEATON
DAVID DESANTOS
VICTOR M. DIAZ
BARBARA F. DITTRICH
BRADLEE E. GOECKNER
MARSHA A. HANLY
KENNETH L. HOPKINS
JASON D. LAYTON
JASON M. MCGUIRE
LAURA L. MCMULLEN
MICHAEL P. MURRAY
RYAN L. NATIONS
ERIC H. PALMER
LARA A. RHODES
ANDREW SANDERS
SONDRA M. SANTANA
APRIL SCHEUNEMANN
ANGELA Y. STANLEY
ELIZABETH G. VOGELROGERS
TAMMY L. WEINZATL

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

DEANGELO ASHBY
ROGER L. BILLINGS
WILLIAM E. BOUCEK
SYLVESTER BROWN, JR.
TIMOTHY A. BROWN
NOEL J. CABRAL III
STUART M. DAY
SHANE C. DIETRICH
RICHARD J. DIXON, JR.
KRISTIAN M. DORAN
ROY M. GARRISON
JONATHAN GRAY
TIMOTHY R. GRIFFIN
ALBERT L. HORNYAK
BRIAN T. JETER
MICHAEL C. JOHNSON
WESLEY P. JOHNSON
BRUCE KONG
SCOTT D. LOGAN
ALEXANDER S. MAITRE
ROBERT S. MAZZARELLA
MICHAEL C. MCCORMACK
JOSHUA H. MCKAY
DAVID A. MCNUTT
JOAQUIN J. MOLINA
JASON T. MORRIS
TROY C. MORSE
JAMES H. MURPHY
MARK J. PEACE
LYNN J. PRIMEAUX
DAVID L. RODDY
CORY D. SCHEMM
MARK SHEFFIELD
PAIGE A. SHERMAN
KADIATOU F. SIDIBE
TISHA D. SMITH
JAMES C. STATLER
SHANE P. STROHL
SHIKINA M. TELLIS
JOHNETTA C. THOMAS
RONNIE D. TRAHAN, JR.
CHRISTOPHER A. WALDRON
JAMES J. WALLS
JASON C. WARNER
LAGENA K. G. YARBROUGH

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

DENNIS K. ANDREWS
MAURICE A. BUFORD
CAREY H. CASH
ROBERT R. CHRISTIAN
JON W. CONROE
STEPHEN S. DUESENBERRY
WAYNE M. HADDAD
WILLIAM N. HAMILTON
PHILIP D. KING
CHARLES L. LUFF
WILLIAM E. MIDDLETON
TIMOTHY R. MOORE
DANIEL C. OWENS
JEFFREY S. PLUMMER
CHARLES M. PUMPHREY
SAMUEL E. RAVELO
ABUHENA M. SAIFULISLAM
ROBERT A. SPENCER
ROBERT J. VANCE
BRIAN K. WAITE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

ROBERTO M. ALVARADO
JEFFREY D. BRANCHEAU
JAMES E. BROWN
LENN E. CARON
JAY M. CAVNAR
PAUL C. CHAN
JAMES J. H. CHO
MICHAEL D. CRAFTS
SEAN P. DALTON
LANCE M. FLOOD
MARIO M. FORTE
ALEXANDER K. HUTCHISON
MICHAEL P. LEONARD
CHAD O. LORENZANA
JOSHUA B. MALKIN
THOMAS B. MCLEMORE
RAFAEL A. MIRANDA
MICHAEL P. ODONNELL
STEPHEN H. PITMAN
RUSSELL C. RANG
MATTHEW C. RIETHMILLER
LAURIE SCOTT
FRANCIS J. STAVISH
JOEL W. VANESSEN
TIMOTHY A. WALLACE
JOSEPH W. YATES

EXTENSIONS OF REMARKS

ENERGY AND WATER DEVELOPMENT AND RELATED AGENCIES APPROPRIATIONS ACT, 2012

SPEECH OF

HON. MICHAEL M. HONDA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 8, 2011

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2354) making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes:

Mr. HONDA. Mr. Chair, the Energy and Water Development Appropriations bill is yet another glaring example of the flawed nature of the Republican budget. To try to meet their unrealistic goal of reducing the deficit solely through domestic non-defense discretionary spending cuts, Republicans are proposing to make crippling cuts to our national investment in improving energy efficiency and the development of renewable energy sources.

These cuts will only serve to make our Nation more dependent on the coal, oil, and gas interests that own the Republican Party and more dependent on importing our energy from insecure foreign sources. Meanwhile, our global competitors recognize that this is an area in which there are many gains to be made and they are investing heavily to develop their own renewable resources and promote domestic economic and job growth.

Investment in clean energy is much more cost effective than continued giveaways to the oil and gas industry—the Commerce Department has found that clean energy generates 17 jobs for every $1 million spent on it, compared to just 5 jobs for every $1 million we throw at an oil and gas industry that doesn't need subsidies but continues to fight for subsidies and tax breaks.

As a representative from Silicon Valley, I hear every day from the companies in and around my district about how renewable energy sources like solar, wind, fuel cells, and hydrokinetic are the wave of the future. To reach their full potential, these sources must be enabled by basic science underlying new energy technologies, by the development of advanced batteries for electricity storage and through improved energy efficiency across the board, through solid state lighting technologies, building technologies, and smarter electronic devices that know when to reduce their energy consumption.

These fields are where the jobs are—WIRED magazine asked the professional networking service LinkedIn to survey its members who have switched industries in the last 5 years, and what it found was that the growth in Renewables and the Environment was 56.8 percent, far more than any other. The Silicon Valley Leadership Group, an organization of influential high-tech CEOs, includes "greater deployment of clean energy and clean technology coupled with investments in energy efficiency" in its federal policy agenda, because they know it "will contribute to this objective [energy independence] while generating hundreds of thousands of new, sustainable jobs here in the United States."

Sadly, this Energy and Water Development Appropriations bill does not reflect these important priorities. Instead, it provides only $1.3 billion for Energy Efficiency and Renewable Energy programs, 27 percent below the current funding level and 59 percent below the President's Budget Request. Funding is slashed for many activities: solar energy, 64 percent below the President's request; fuel efficient vehicle technologies, 57 percent below the President's request; building technologies, 68 percent below the President's request; biomass and bio-refinery research and development, 56 percent below the President's request; home weatherization assistance, nearly 90 percent below the President's request; and the Advanced Research Projects Agency—Energy, 82 percent below the President's request.

The unrealistic Republican budget has left us with an allocation for this bill that is too small for our Nation's needs, and too small to offer meaningful amendments to improve these woefully inadequate funding levels. To make matters worse, Republicans have been so driven by ideology that they required the chairman to include an offset in this bill for emergency spending to deal with recovery from the storms and flooding along the Mississippi River, an offset that would gut our national investment in High Speed Rail. This requirement marks yet another way in which this Energy and Water Development bill would take our Nation backwards, away from achieving a sustainable future.

We need to do better than this bill. We need to aggressively pursue clean energy while we still have control of the game, before it is too late and our climate has changed forever, we are running out of oil, and we are running out of time. Silicon Valley is ready to lead, we just need the rest of the Nation to join us. I oppose this bill because it fails our Nation.

HONORING LUPUS AND COMMUNITY EMPOWERING SUPPORT ORGANIZATION

HON. HENRY C. "HANK" JOHNSON, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 11, 2011

Mr. JOHNSON of Georgia. Mr. Speaker, I submit the following proclamation.

Whereas, In 2003, Ms. Kim Schofield founded the Lupus And Community Empowering Support organization better known as "LACES"; and

Whereas, LACES is an organization that continues to serve those who live with or are affected by the chronic autoimmune disorder lupus, by empowering patients, bringing attention to the disease, and leading the way to find a cure through research; and

Whereas, today LACES sponsors its 3rd Annual Ride 4 Lupus Motorcycle ride to raise awareness and funds to assist individuals living with lupus; and

Whereas, this unique organization has given of themselves tirelessly and unconditionally to advocate for our citizens and their families who battle lupus; and

Whereas, LACES continues to serve our county, state and country by being the sword and shield for those who live with lupus, encouraging better treatments, funding research and educating people about the disease to help heal families and strengthen our resolve to find a cure; and

Whereas, the U.S. Representative of the Fourth District of Georgia has set aside this day to honor and recognize LACES for their outstanding service to our District;

Now therefore, I, HENRY C. "HANK" JOHNSON, JR. do hereby proclaim July 9, 2011 as Lupus And Community Empowering Support Day in the 4th Congressional District.

Proclaimed, this 9th day of July, 2011.

HONORING EVA LYNN GANS

HON. STEVEN R. ROTHMAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, July 11, 2011

Mr. ROTHMAN of New Jersey. Mr. Speaker, I rise today to honor my dear friend, Eva Lynn Gans, outgoing president of the Jewish Center of Teaneck and a dedicated leader of the Jewish community in northern New Jersey.

Throughout her tenure as president, Eva's inspired leadership and unwavering devotion has been instrumental in strengthening the Jewish Center of Teaneck and moving the synagogue toward a bright future. She has guided the center's transition from what was an independent traditional/conservative Jewish congregation to a fully Orthodox congregation, which puts the center in a great position to benefit from exciting new growth in the Teaneck community. With nearly 80 years of serving the community, the Center is Teaneck's first and oldest Jewish house of worship, and Eva is its first-ever female president. She is no stranger to this particular accomplishment, having also been the first woman to serve as president of the Endowment Foundation of the United Jewish Appeal (UJA) Federation of Bergen County and its successor organization, UJA Federation of Northern New Jersey; as well as the first female Campaign Chairman for the Bergen County Federation. Additionally, Ms. Gans has served as the Women's Division President of the United Jewish Communities (UJC) of Bergen County.

Eva Lynn Gans is a proven local leader, yet she also works to strengthen the Jewish community on the national level and abroad. She is a member of the Board of Trustees for the Jewish Federation of North America, as well as several national committees. She has traveled to Israel an impressive 26 times since

1970, including 14 UJA Israel missions during which she has worked to continue the strong and vibrant relationship between Israeli and American Jews. Her deep personal connection to and involvement with the State of Israel is one of the many reasons Ms. Gans has been a successful leader in the Jewish community.

Eva has received numerous accolades and distinctions from the grateful organizations which have been privileged to have her involved in their causes. These include the Gates of Jerusalem Award from Boys Town Jerusalem, the Woman of Valor Award and the Award of Honor from Bergen County Israel Bonds Women's Division, the Woman of Vision Tribute from Women's American Organization for Rehabilitation through Training (ORT) Northeastern New Jersey Region, the Lion of Judah Award from Israel Bonds, and selection as an Honoree at the United Jewish Community Women's Division Spring Luncheon. Additionally, Ms. Gans was the first woman in Bergen County to receive the Shofar Award from the Boy Scouts of America's Jewish Community on Scouting, Bergen Council.

A resident of Teaneck, New Jersey, Eva Lynn Gans and her loving husband Leo have raised three wonderful sons, who have enriched her life with five amazing grandchildren.

Mr. Speaker, today I rise to congratulate my constituent and dear friend, Eva Lynn Gans, on her successful tenure as president of the Jewish Center of Teaneck. I join with the grateful members of her synagogue in thanking her for innumerable contributions to the northern Jersey Jewish community and American Jewry at large. I am confident that her involvement in Jewish life and leadership will continue to strengthen this special community.

INTRODUCTION OF NATIVE HAWAIIAN AND OTHER PACIFIC ISLANDER HEALTH DATA ACT OF 2011

HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Monday, July 11, 2011

Ms. BORDALLO. Mr. Speaker, today I have reintroduced legislation to amend the Public Health Service Act for the purposes of providing the resources necessary for the Department of Health and Human Services to survey the health of Native Hawaiians and other Pacific Islanders, NHOPI. Specifically, the bill directs the Secretary of Health and Human Services to develop and implement an ongoing national strategy for evaluating the health status and needs of NHOPI populations living in the continental U.S., Hawaii, American Samoa, the CNMI, Guam, and the Freely Associated States. The Secretary would conduct a health survey to determine the major regions in which NHOPI people reside and include data helpful in determining the health care needs of the respective NHOPI communities. In developing both the national strategy and survey, the Secretary would work in consultation with community groups and non-governmental organizations to develop the best methods and practices. Additionally, the legislation would update the work of the 1998 Institutes of Medicine report: ''Pacific Partnerships for the Health: Charting a New Course for the 21st Century.'' The report would include the data regarding the status and performance of health care systems in the insular areas, and determine the effectiveness of donor aid in addressing the insular areas' needs.

In 1997, the Office of Management and Budget (OMB) revised federal data collection standards to recognize the significant demographic, historical, cultural, and ethnic differences that exist between Native Hawaiians and other Pacific Islanders and Asian Americans. These important distinctions are not simply cultural or historical, but also encompass unique health and socio-economic challenges among the different populations. The standard requires that Native Hawaiian and other Pacific Islander data be collected, disaggregated and reported separately from Asian American data by all federal agencies no later than January 1, 2003.

However, not all federal agencies are in full compliance with OMB Revised Directive 15. In the places where limited agency data do exist, they are not made publicly available or it takes years to release. On a national level, the sample size of the NHOPI population in studies and reports is not represented because of a lack of data—resulting in meaningful information and statistics being unavailable to health organizations, federal, state, territorial and local agencies and policymakers.

Native Hawaiians and other Pacific Islanders are ready to move forward with efforts to improve public health in their communities. This scientific survey would establish baseline health information to inform health policy and interventions so that individual and community health can be properly tracked and evaluated. Additionally, it would provide critical information for both NHOPI communities' health care providers and organizations that work with these communities to develop appropriate health care strategies for public health education and resources.

I look forward to working with my colleagues in addressing this need and the larger cause of eliminating health disparities. I would like to thank Chairman DANIEL INOUYE for his leadership introducing companion legislation in the Senate. I would also like to thank my fellow cosponsors in the House for their support: Congresswoman JUDY CHU, Congressman MIKE HONDA, Congresswoman BARBARA LEE, Congresswoman MAZIE HIRONO, Congresswoman COLLEEN HANABUSA, Congresswoman DONNA CHRISTENSEN, Congressman ENI FALEOMAVAEGA, and Congressman GREGORIO KILILI CAMACHO SABLAN.

IN HONOR OF GREG BALDWIN

HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Monday, July 11, 2011

Mr. BLUMENAUER. Mr. Speaker, I am proud that my hometown is often held out as an example of a community where livability is a primary goal. For the last forty years, people have been pioneering efforts to make cities work better through creative land use planning, zoning, transportation initiatives, public art and public spaces.

There have been many who have helped shape this way of thinking and prove its effectiveness with results on the ground. Politicians, civic and business leaders have all played important roles, but none has been more influential but less publicly known than Greg Baldwin.

Greg was a prominent Portland architect and designer who grew up in the city and went on to earn three Harvard degrees and study abroad. He came by his vision and commitment honestly; his father was a dedicated public servant and a key administrator in Portland for years with schools, the Port Commission, and later in life as the first real Commissioner of Transportation for the state of Oregon.

Greg played a leadership role, striving for excellence in design in our community with revitalization of our schools, creating our light rail system, and the Portland Transit Mall. Greg Baldwin was sought after for projects around the country that benefited from his keen eye and grand sense of aesthetics—the things that one would expect from a leading architect.

Yet, his most enduring gift was an insight into how planning and civic engagement can coax more out of these opportunities to shape our built environment, which in turn shapes us. Greg was patient, thoughtful, and a good listener, as well as being fair and smart. He excelled in bringing various groups together. He seemed able to help anyone who shared the ultimate goal of a signature project to help understand the contributions that everyone could make to achieve the desired objective.

With all his intellect and professional accomplishments, he was foremost a great friend and accomplished artist. Committed to family, friends, and coworkers he was an outstanding human being. While he will be deeply missed, those who mourn his passing will take comfort knowing his many contributions will influence communities across America for generations to come.

CONGRATULATING VERSAILLES RESTAURANT ON ITS 40TH ANNIVERSARY

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 11, 2011

Ms. ROS-LEHTINEN. Mr. Speaker, this week a true Miami landmark celebrates its 40th anniversary.

Versailles restaurant has been a beloved institution in my South Florida community for decades.

Felipe Valls, Sr., opened Versailles in 1971.

From the very beginning, Versailles has been a family affair.

Early on, his son, Felipe Valls, Jr., bussed tables and worked with maintenance crews after school.

From these humble beginnings, Versailles has become a franchise with restaurants throughout Miami, Doral and even Pembroke Pines.

The secret to Versailles' success has been its family-oriented atmosphere and its simplicity.

Its menu of traditional Cuban cuisine has enriched the cultural palate of South Florida.

From ropa vieja to its house-made fried plantains and yes, even its famed ''cafecito,'' Versailles has become a culinary delight for its patrons.

Versailles allowed many Cuban-Americans to reconnect with their heritage.

For countless Cuban exiles, Versailles is much more than a restaurant.

It is a tangible piece of what they left behind when they fled Castro's gulag.

As a Cuban-American, I know the cultural and emotional link Versailles has with so many members of our community.

Versailles is a place where the Cuban community can come together and discuss topics as far ranging as politics, sports or the latest gossip or "chisme."

But Versailles has also become a destination for individuals from all backgrounds.

Its status as a cultural landmark has brought politicians, artists and celebrities of all stripes to its doors.

Today the Valls family is celebrating 40 years of Versailles.

Despite all their success, family is still the most important component in their lives.

It is also the reason why Versailles resonates with so many members of my community.

It reflects the love and devotion the Valls family has for one another and their community.

I congratulate Felipe Valls and the entire Valls family on this milestone.

REAFFIRMING COMMITMENT TO NEGOTIATED SETTLEMENT OF ISRAELI-PALESTINIAN CONFLICT

SPEECH OF

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 6, 2011

Ms. LEE. Madam Speaker, I have always strongly supported Israel's security and rights as a nation, and I continue to support a two-state solution that would lead to the establishment of a Palestinian state, which is essential to achieving peaceful reconciliation among Israel, the Palestinians and their neighbors in the region. Consistent with those principles, yesterday I voted "present" on House Resolution 268 because it did not move the parties forward on negotiations or toward these goals. My concern has always been to bring the parties to the table so they can resolve their differences.

PROCLAMATION FOR CHIEF MICHAEL MOYER FOR TWENTY-SEVEN YEARS OF SERVICE IN THE LACONIA POLICE DEPARTMENT

HON. FRANK C. GUINTA

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Monday, July 11, 2011

Mr. GUINTA. Mr. Speaker, on May 31, 2011, Chief Michael Moyer retired from the Laconia Police Department after twenty-seven years of faithful service. The Chief began his career as a Special Officer on January 3, 1984 and became a full time Police Officer the following February 11. After rising through the ranks, he was appointed the Chief of Police in Laconia on November 1, 2007 and served in that position for the next three and one-half years.

Chief Moyer is a native of Laconia, New Hampshire and has dedicated his professional life toward the safety and wellbeing of his home town. Chief Moyer is a graduate of the Federal Bureau of Investigation's National Academy and is a recipient of the Congressional Law Enforcement Award for his actions involving the Hells Angels during the 1998 Motorcycle Week Rally. Among many noteworthy achievements, Chief Moyer is to be commended for starting Laconia's first Citizens Police Academy.

I congratulate Chief Moyer on his well earned retirement and thank him for his outstanding support of the community. I wish both Chief Moyer and his wife Robin continued success in their life together.

HONORING THE LIFE OF NADINE McCAW

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 11, 2011

Mr. MILLER of Florida. Mr. Speaker, I rise today to honor the extraordinary life of Mrs. Nadine Driskell McCaw of Century, Florida who passed away on July 7, 2011. Nadine was a tremendous public servant committed to helping others, and I am humbled to commemorate her life.

Born 57 years ago, Nadine is a lifelong Century resident and graduated from Century High School in 1972. She worked at the Century Branch Library, and her life's passion was service to others. As a Century Town Council Member, Nadine worked to better the lives of those in her community. She was an avid supporter of the American Cancer Society's Relay for Life and numerous other causes. Nadine and her husband Eddie were married for more than 39 years.

Four years ago, Nadine was diagnosed with invasive cancer and given six months to live by doctors. She survived and went on to continue her service as Councilwoman and active community member. Her smile touched all of those who had the pleasure of her company, and her service to the Town of Century will not be forgotten. Nadine was a dedicated, courageous, and loving person, and it is with a heavy heart that we acknowledge her passing to be in God's hands.

Mr. Speaker, on behalf of the United States Congress, I am privileged to honor the life of Nadine McCaw. My wife Vicki and I offer our prayers for her husband, Eddie, her children, Juanita Watson and Felicia Jones, eight grandchildren, and entire extended family. She will be missed by all of us.

PERSONAL EXPLANATION

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, July 11, 2011

Ms. DELAURO. Mr. Speaker, I was unavoidably detained and so I missed rollcall vote No. 502 on Representative BARBARA LEE's amendment to the 2012 Defense Appropriations Act to "strike $33,000,124,000 from title IX and increase the Spending Reduction Account by the same amount" in order to redeploy U.S. armed forces out of Afghanistan by the end of 2012. Had I been present, I would have voted "Yes."

HONORING KERA–TV (CHANNEL 13)

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 11, 2011

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today to honor KERA–TV and Radio, a broadcasting station in Dallas, Texas, for 50 years of quality programming on the air.

In the late 1950's, in my home of North Texas, community leaders, educators and owners of commercial television stations had a vision to build a television station centered around educational issues. KERA Channel 13 went on the air in late 1960 with only a few programs intended for teachers and students. Since then, KERA–TV has grown and has evolved to carry a full slate of public television programs and independent productions, including an extensive lineup of weekday programs committed to the intellectual and social development of children.

KERA expanded its outreach and founded its public radio station 90.1 (KERA FM) which went on the air in 1974, serving Dallas, Fort Worth and Denton. KERA FM has a news and information format. The station's own productions include reports and specials from the KERA news staff, Think with Krys Boyd and Anything You Ever Wanted to Know with Jeff Whittington.

A second radio station, KKXT 91.7 FM, with a music format, began broadcasting in late 2009 to the greater Dallas, Fort Worth and Denton metropolitan area. This station's programming is also streamed online at kxt.org. To celebrate its 50th anniversary, KERA–TV will be airing vintage episodes of shows, documentaries and concerts from its archives on select Friday and Sunday nights through the end of 2011.

Mr. Speaker, my community has benefitted immensely from the quality programming of KERA–TV and radio. I congratulate them on 50 years of excellence in public broadcasting.

INTRODUCTION OF THE PUBLIC SAFETY SPECTRUM AND WIRELESS INNOVATION ACT

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, July 11, 2011

Mr. DINGELL. Mr. Speaker, along with my good friend and colleague, Congressman GENE GREEN of Texas, I am introducing the Public Safety Spectrum and Wireless Innovation Act today to address the sensible and long neglected needs of public safety. This legislation builds on S. 911, Senators ROCKEFELLER and HUTCHISON's outstanding bipartisan bill, which was recently reported favorably by the Senate Committee on Commerce, Science, and Transportation.

Congressman GREEN's and my bill do all the same things as S. 911. It allocates the D–Block free of charge to public safety and establishes a framework for the deployment of a nationwide, interoperable, wireless broadband network for public safety. The bill also establishes a funding mechanism to ensure the construction, maintenance, and upgrade of this network. It has been nearly 10 years since 9/11, and Congressman GREEN and I find it disgraceful that public safety has neither sufficient spectrum nor a national interoperable network to use. Our bill will remedy that and help public safety better protect American lives.

The one important difference between our bill and its Senate companion is that ours builds in stricter conditions and requirements for a voluntary incentive auction of broadcaster spectrum. Our bill, like S. 911, seeks to tackle the Nation's growing need for wireless spectrum, but ours makes explicit that the Commission may conduct only one incentive auction, that broadcasters not be coerced into relinquishing spectrum, and that broadcasters be fully compensated for costs associated with repacking. Congressman GREEN and I have sought answers from the Federal Communications Commission about the effects of broad incentive auction authority on broadcasters and consumers. The Commission has provided us little assurance that these effects will not be far-reaching and negative, so Congressman GREEN and I feel compelled to include more rigid protections in our bill.

Mr. Speaker, this is a strong bill and one worthy of the entire House's support. I would note that this bill has been endorsed by many stakeholders, including the Communications Workers of America (CWA), the Public Safety Alliance (PSA), APCO, the National Association of Sheriffs (NSA), and the National Association of Broadcasters (NAB). I urge my colleagues to join with Congressman GREEN and me in supporting public safety and addressing our country's critical spectrum needs by cosponsoring the Public Safety Spectrum and Wireless Innovation Act.

A TRIBUTE TO PATROLMAN WILL PHILLIPS

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 11, 2011

Mr. BURTON of Indiana. Mr. Speaker, I rise today to salute the life of Patrolman William Edward (Will) Phillips III of Greenfield, Indiana who died on September 20, 2010 while serving the city of Greenfield.

Will's life was one dedicated to duty. After graduating from Elwood Community High School in 1996, he promptly joined the United States Marine Corps, where he served from 1996–2000. Upon his return, he entered the Indiana Law Enforcement Academy, graduating 5th out of 163 students. Will served with the McCordsville Police Department before joining the Greenfield Police Department, where he served on both the Bike Patrol and SWAT Team, dedicating himself to the force for the past 4½ years. Will's commitment for this community is something we can all be proud of.

On September 30, 2010 Officer Phillips and two other members of the bike patrol team had just finished their shift and were conducting a training ride on department-issued bicycles. While riding westbound on U.S. 40, at approximately 12:45 am, Will was struck from behind by a vehicle, which then fled the scene. Although all of the officers took the proper safety measures, Will sadly lost his life.

This past weekend, during the 6th Annual Indiana Fallen Heroes Memorial Ride in Indianapolis, Hoosiers came out to honor our fallen Police, Firefighters, Military and emergency first responders. Fellow Officers were in attendance to honor Will and keep his memory alive. He will be deeply missed, but the strength of his character and the courage he demonstrated through his service will live on.

Patrolman Will Phillips, husband of 7 years, father of two, and U.S. Marine Corps Veteran was and forever will be an All-American hero whose dedication to the force, determination and selflessness continue to serve our country and inspire our hearts. Today, we salute you.

ENERGY AND WATER DEVELOPMENT AND RELATED AGENCIES APPROPRIATIONS ACT, 2012

SPEECH OF

HON. MICHAEL K. SIMPSON

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Friday, July 8, 2011

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2354) making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes:

Mr. SIMPSON. Mr. Chair, I would like to express my appreciation to the Chair and Ranking Member of the Energy and Water Development Subcommittee for the work they and the subcommittee staff have done in developing the FY12 Energy and Water Appropriations bill.

It is impossible to make everyone happy when the fiscal reality requires reductions, but at a time when we borrow 40 cents for every dollar we spend we need to be willing to set priorities and make difficult decisions.

The bill before us makes responsible investments in energy research and development and it funds critical waterway infrastructure improvements, but it does it in a responsible and sustainable manner. One of the lessons that we all should have learned over the past several years is that it is in nobody's interest to expand budgets at an unsustainable rate. We are now faced with the unpleasant task of trimming back the budget to remove the excesses of the past several years so that we can get back to a responsible baseline.

The Energy and Water Development Appropriations Subcommittee has always worked in a bipartisan basis to address the energy and infrastructure challenges facing our nation, and I believe that this product is better for the cooperative and problem-solving approach of both the staff and subcommittee members. It is an honor for me to be able to serve on this subcommittee, and I am pleased to be able to support this bill.

I would also like to speak directly to the Administration and NRC Chairman Gregory Jaczko. I'm deeply concerned that Chairman Jaczko has allowed politics to influence the NRC's decisions, and in my opinion, in order to restore public confidence in the NRC, the Chairman should step aside. Absent that, the President and Chairman Jaczko should take note that the bill we are passing contains funding to continue with the Yucca Mountain repository and the associated licensing activities in the NRC.

Congress is making a statement here: continuing funding of Yucca is the fiscally responsible thing to do to prevent billions of dollars in future liability and to ensure that the $15 billion already invested has not been wasted.

Again, I want to express my appreciation for Chairman FRELINGHUYSEN, Ranking Member VISCLOSKY, and the subcommittee staff for the fine work they have done this year.

HONORING DR. ELLEN C. WEAVER

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 11, 2011

Ms. WOOLSEY. Mr. Speaker, I rise today to honor Dr. Ellen C. Weaver who passed away May 14, 2011. Dr. Weaver was a modern-day Renaissance woman who was a world-class scientist as well as an artist, musician, environmentalist, skier, cook, and beloved wife and mother.

Dr. Weaver received her BA in Chemistry from Flora Stone Mather College at Western Reserve University in 1945 and worked as an analytical chemist for the Manhattan Project where she joined her physicist husband, Harry Weaver after their marriage in 1946. After World War II, the couple moved west to attend Stanford University, where she earned her MS in Chemistry followed by a Ph.D. in genetics from U.C. Berkeley. She had a life-long career as a research plant physiologist, including a collaboration with Jacques Cousteau at NASA Ames Research Center helping to map the photosynthetic productivity of fishing areas off the South American coast.

Joining the faculty of San Jose State University, Dr. Weaver taught plant physiology, served as Director of the San Jose State University Foundation and as Interim Executive Vice President. Retiring from teaching in 1991, she held the position for two years of Associate Dean for Development for the University. She also served on the boards of many professional societies and tirelessly promoted the advancement of women in science.

As a political liberal and dedicated environmentalist with a passion for preservation of redwoods, Dr. Weaver was active as Chairman of the Board for Sempervirens Fund and was a member of the science advisory committee for the Save the Redwoods League.

With her husband Harry and their three children—Lynne, Mark, and Tom—Dr. Weaver lived in Portola Valley, CA, for most of her life before retiring to San Rafael in 2000.

Mr. Speaker, please join me in celebrating Dr. Ellen Weaver's full and rich life which touched countless people.

HONORING THE GULLETT FAMILY

HON. HENRY C. "HANK" JOHNSON, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 11, 2011

Mr. JOHNSON of Georgia. Mr. Speaker, I submit the following proclamation.

Whereas, Jim Gullett, Sr., was born in Camden, Alabama between 1850 and 1852 in slavery, his life has blessed us with descendants that have helped to shape our nation; and

Whereas, the Gullett Family has produced many well respected citizens and their matriarchs and patriarchs of the family are pillars of strength not only for their families, but for our nation as well; and

Whereas, in our beloved Fourth Congressional District of Georgia, we are honored to have many members of the Gullett family, including Mrs. Adrienne Clark one of our most beloved citizens in our District who resides in Lithonia, Georgia; and

Whereas, family is one of the most honored and cherished institutions in the world, we take pride in knowing that families such as the Gullett family have set aside this time to fellowship with each other, honor one another and to pass along history to each other by meeting at this year's family reunion in Lithonia, Georgia; and

Whereas, the U.S. Representative of the Fourth District of Georgia has set aside this day to honor and recognize the Gullett family in our District;

Now therefore, I, HENRY C. "HANK" JOHNSON, JR. do hereby proclaim Friday, July 15, 2011 as Gullett Family Reunion Day in the 4th Congressional District.

Proclaimed, this15th day of July, 2011.

HONORING JAVIER COLON, WINNER OF THE FIRST SEASON OF ''THE VOICE''

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, July 11, 2011

Ms. DELAURO. Mr. Speaker, it is with the greatest pride that I rise today to extend my heartfelt congratulations to Stratford, Connecticut's native son, Javier Colon, the winner of the first season of television's "The Voice." Javier has an extraordinary talent and I am honored to join his hometown community of Stratford in congratulating him on his success.

Those who knew Javier as he was growing up in Stratford knew that he was destined for success. As a student at Bunnell High School, he was known as a performer—acting in many school plays and standing out in the choir. He pursued his dream as a singer-songwriter, attending the Hart Music School in West Hartford, Connecticut and playing locally—solo at Starbucks in Bishop's Corner and fronting EmcQ at the Arch Street Tavern. He even self-produced an album last year. Javier took a risk when he auditioned for "The Voice"—taking time off from the job he was holding to support his family—but it was a risk he had to take to realize his dream.

In its first season "The Voice," the NBC vocal competition, invited talent from across the country to compete on live television for a chance at a cash prize and recording contract. Javier was one of thousands who chose to audition and he battled his way through three additional stages of competition and in the end, his unique style and renditions of Cyndi Lauper's "Time After Time," Ben E. King's "Stand by Me," and Coldplay's "Fix You" won the hearts of the shows judges and the American public to become "America's Voice."

Throughout the competition, Javier said that his inspiration was his two girls—that he was doing it for them, so that they could have a better life. As they grow older, they will certainly be proud of all that he has achieved. Javier has made us all proud. In fact, in Connecticut, week after week, hundreds would gather in bars, restaurants, and living rooms to cheer him on. His dedication to his singing and his commitment to the hard work it takes to succeed has inspired countless people, not only in Connecticut, but across the country to pursue their own dreams. Today, the Stratford community will gather to welcome him home and wish him well as he enjoys this remarkable achievement.

I am honored to stand today to extend my sincere congratulations to Javier Colon, his parents, Migdalea and Pablo, as well as his wife, Maureen, and two daughters, Solana and Amaia. I can only imagine what a special time this must be for them and I wish them all the best for many more years of health, happiness, and success.

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2012

SPEECH OF

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 2011

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2219) making appropriations for the Department of Defense for the fiscal year ending September 30, 2012, and for other purposes:

Mr. HOLT. Mr. Chair, I rise in opposition to this bill.

I thank the majority for allowing the House to work its will in a completely open fashion on this bill. It was a refreshing change. I only wish the outcome had been a bill that reflected better the international security and economic realities we are facing today.

To be sure, there are many things in this bill that I strongly support. The 1.6 percent pay increase for our troops is important and necessary. The additional $1.5 billion for Guard and Reserve equipment modernization is badly needed. The $2.3 billion for family support and advocacy programs will help military families cope while their loved ones are away and help our troops reintegrate when they come home. And the bill also includes a critical suicide prevention amendment I offered.

My amendment would give the Defense Department $20 million to initiate suicide prevention and counseling calls to help prevent these reservists from taking their own lives, as Coleman Bean, my constituent, tragically did in September 2008. For reservists like Coleman Bean of East Brunswick, New Jersey—those in the IRR, Individual Mobilization Augmentees, and Inactive National Guard members—there remains no dedicated suicide prevention programs to help them cope with the war-time experiences. These reservists need our help, and I'm pleased my amendment was accepted.

Unfortunately, the good provisions in this bill are vastly outweighed by the absolute failure of the majority to make the Pentagon subject to the same kind of budget reductions they are so eagerly imposing on every other federal agency.

Since the year began, we've heard constantly from the majority that our debt is the greatest threat to our national security. If they really believed that, they would have supported the $70 billion in cuts to the budget that I voted for during the debate on this bill. Instead, the only true cut they supported to this bloated, $650 billion defense budget is a $125 million reduction in funding for military bands.

The majority's message is clear: we will continue down the path of trying to balance the budget on the backs of the poor, the disabled, school children, and seniors. The Pentagon budget—which now funds a weakly justified war in Libya, a continued occupation of Iraq, and a military quagmire in Afghanistan—remains as the great sacred cow in the federal budget. There is no greater example today of our upside-down priorities than this budget.

This bill will provide nearly $13 billion for an Afghan security force that is riddled with corruption, Taliban sympathizers, and drug traffickers. The bill continues to fund our presence in Iraq—tens of thousands of American troops remain in that country, and as we've seen they remain targets, with still more killed and wounded this year.

So much of this bill continues to be devoted to spending tens of billions of dollars on weapons systems that were designed to meet a Soviet threat that vanished 20 years ago. This week, a colleague from Vermont, Mr. WELCH, offered an amendment to this bill that would have eliminated funding for a next-generation nuclear bomber, a bomber to replace the B–2. Why in the world do we need such a platform in the first place? It was not a B–2 bomber that killed Osama bin Laden, but a U.S. Special Operations Forces team working with our intelligence community that eliminated the al Qaeda leader. Buying new nuclear bombers would simply be a form of defense-sector corporate welfare to protect against a threat that does not exist. Yet Mr. WELCH's amendment was defeated, and so we will continue to fund the development of an airplane we don't need.

I offered an amendment with several of my colleagues that would have simply cut the rate of increase in Pentagon spending. Instead of allowing a $17 billion increase over last year's Pentagon budget, it would cap the increase at $8.5 billion without impacting military pay or benefits. That amendment was also defeated—and its defeat only proved what I suspected: the majority is not serious about reigning in government spending.

Most of the attention this week was directed toward spending more for the military than we even have, spending more that the rest of the world—all together—and more than we can afford, even as so many people are calling for austerity measures to cut college aid, bridges and trains, environmental protection, and even Medicare. Yet the majority did not hesitate to deny training to military chaplains for implementing the repeal of "Don't Ask, Don't Tell", or to prevent the Defense Department from

buying more fuel efficient vehicles, or to prevent taxpayers from finding out about political contributions by defense contractors. For all of these reasons, I am voting against this bill.

ENERGY AND WATER DEVELOPMENT AND RELATED AGENCIES APPROPRIATIONS ACT, 2012

SPEECH OF

HON. DENNIS A. CARDOZA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 8, 2011

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2354) making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes:

Mr. CARDOZA. Mr. Chair, I rise to strike the last word.

Mr. Chair, I rise today to object to the offset in the Energy and Water Development Appropriations Bill that rescinds all unobligated funds for the High Speed and Intercity Passenger Rail program. This is funding that has been appropriated by Congress and awarded to worthy projects. Pulling it back now would break our commitment to our state partners, and cause costly delays for these job-creating infrastructure projects.

In opposing this bait-and-switch to high speed rail funding for our states, I am in no way discounting the need for emergency disaster relief for our friends in the South and Midwest who have survived catastrophic flooding and tornadoes this spring. Additionally, I've consistently been a champion of deficit reduction, believing firmly that we need to pay for what we spend.

However, I rise today to call attention to the absolute charade the majority is engaged in of requiring cuts to vital infrastructure investments to offset the cost of emergency spending. When this body appropriated funds for the victims of Hurricane Katrina, no other community was made to suffer. When this body appropriated funds for the victims of the California wildfires, no other community was made to suffer. When this body appropriated funds for the victims of the wildfires in Arizona, no other community was made to suffer. Yet, today, on the floor of this House, we are being asked to make a choice between one suffering community and another, for no reason at all.

Mr. Chair, I've come to the floor of this House numerous times explaining the dire economic situation facing my constituents. The foreclosure rate in my district is almost double the national average; three of the top ten cities in the country with the highest foreclosure rates are in my district. My district is home to three of the top ten communities with the highest unemployment in the nation. We have some of the highest poverty rates and lowest per capita income and educational levels in the nation. As if that weren't enough, the San Joaquin Valley also has some of the worst air quality in the nation. In a nutshell, there is no area in the United States that cries out for job-creating infrastructure investments more than my district.

Yet despite this incredible need, this bill proposes to eliminate $386 million dollars of funding for two rail infrastructure projects in my district, resulting in the elimination of over 10,000 direct jobs and an untold number that could be created by private economic development around the train stations. Further, recalling this funding would hobble a project that will ease traffic congestion and help to improve the air quality of my district. And this bill, for the first time, cuts funding for a regional and national priority in order to provide emergency relief. It is simply unconscionable to subjectively and maliciously force one community to suffer due to natural disaster somewhere else. It is simply unconscionable to make disaster relief for one region of the country come at the expense of a region that has been struggling for years due to the economic downturn. It is unconscionable and because of that, I urge my Colleagues to vote no on this bill.

THE WORLD WILL MISS KIP TIERNAN

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 11, 2011

Mr. FRANK of Massachusetts. Mr. Speaker, an extraordinary woman died earlier this month and she is mourned by a vast number of her closest relatives—the poor, the people down on their luck, and the homeless. Kip Tiernan had a passion for helping those most in need of help that was coupled with an extraordinary understanding of how to get things done, even in the bleakest situations. She was inspired both by her own passion for battling the pain of her fellow human beings, and by Dorothy Day, another extraordinary woman who, like Kip Tiernan, translated her Catholic faith into a daily routine of charity to the best sense. Among those who worked closely with Kip on behalf of the homeless was my mother, Elsie, and I take great pride that these two women, both now passed away, admired each other strongly, and each often told of their great respect for each other.

Mr. Speaker, on the Fourth of July the Boston Globe ran an article by Bryan Marquard that did a first-rate job of telling those who did not know Kip Tiernan about her, and giving those of us who did know her and benefitted from the warmth that she radiated for humanity, a chance to remember the best of times.

Mr. Speaker, in the hopes that Kip Tiernan's life will inspire others the way she herself was inspired by Dorothy Day, I ask that Mr. Marquard's eloquent obituary of this great woman be printed here.

[From the Boston Globe, July 4, 2011]

(By Bryan Marquard)

Kip Tiernan, who founded Rosie's Place, the nation's first shelter for homeless women, and whose persistent, raspy voice echoed from the streets to the State House as she advocated for the poor, died of cancer Saturday in her South End apartment.

She was 85.

Usually clad in a canvas hat and work pants, a cross and a skate key dangling from a leather strap around her neck, Ms. Tiernan helped create an A-to-Z of agencies that assist the disadvantaged in Massachusetts. By example, she also inspired so many people to try to ease suffering that, directly or indirectly, she may have touched more lives of the poor in the Commonwealth than anyone else in the past four decades.

''Every day of her life she lived for social justice, and the lives she saved were untold,'' Mayor Thomas M. Menino said. ''She always said that someday we will stamp out homelessness, but until that day we have to make sure everyone understands that a homeless person could be one of us. She was a very special person, and there's a big hole in our lives today because Kip's not here. This nation is going to miss Kip Tiernan because of her fight for social justice.''

Along with Fran Froehlich, her partner in advocacy for more than 35 years, Ms. Tiernan founded, helped found, or was a founding member of a number of agencies and panels, including Boston Health Care for the Homeless, Boston Food Bank, Community Works, Aid to Incarcerated Mothers, Finex House, Food for Free, John Leary House, My Sister's Place, Transition House, the Greater Boston Union of the Homeless, and Boston's Emergency Shelter Commission.

The range of suffering was such that ''sometimes you think there aren't any tears left,'' Ms. Tiernan told the Globe in 1988, ''and you find yourself sobbing.''

Strong words were her response more often than tears, however. Drawn by faith to her calling, she brought unconditional love to each encounter with the homeless, and she didn't hesitate to criticize the powerful if they backed what she believed were unfair policies or tried to slide by with words of pity.

The cross she wore was more than a symbol.

''A rooted woman, Kip always wears that cross,'' Globe op-ed columnist James Carroll wrote in 1996, ''which marks her not for piety or for a religion of easy answers, but for being, in her words, 'an angry daughter of Christ. . . . I find that the cross of Jesus is the radical condemnation of an unjust world. You have to stay with the one crucified or stand with the crucifiers.' ''

Sue Marsh, executive director of Rosie's Place, said in a statement the she was ''so sorry to be saying goodbye to a good friend of mine. . . . She has been the fiery, feisty, and beloved touchstone for the mission and vision of Rosie's Place, a compassionate friend to every woman in need.''

On behalf of housing, health care, and an array of social justice issues, Ms. Tiernan lobbied, fasted, marched in protest, and was arrested during sit-ins at government offices. In November 1990, she began a fast in Arlington Street Church and explained why in an op-ed essay for the Globe.

''We should atone for what we have allowed to happen to all poor people in this state, in the name of fiscal austerity or plain mean-spiritedness. . . . We have, as citizens, much to repent for, for what we have and have not done, to ease the suffering of our sisters and brothers who have no lobby to protect them.''

Before founding Rosie's Place in 1974, Ms. Tiernan traveled to meet with legendary Catholic activist Dorothy Day, from whose life she drew inspiration and spiritual sustenance for the decades that lay ahead.

Beth Healy, a Globe reporter who is writing a biography of Ms. Tiernan, said: ''She had this soft spot in her heart for broken people, whether they were sick or mentally ill or struggling with addiction. Kip would hug a person dying of AIDS back in the 1980s when everyone else was running away. She would talk to someone living on the streets that no one else would talk to.''

Ms. Tiernan, Froehlich said, combined compassion with ''a pragmatic approach to solving issues, like: Hungry? Food. Homeless? Housing. And she challenged people with that clarity.''

Though Ms. Tiernan asked ''hard questions, at the same time, I was always impressed that she embraced people of all persuasions because she wanted them to see what she saw,'' Froehlich said. ''And I mean really embraced them. She would hold somebody's hand while they were disagreeing with her. She really wanted you to join her in this pursuit of justice for people who have nothing.''

Born in West Haven, Conn., Ms. Tiernan was 6 months old when her father died and 11 when her mother died. Raised by her maternal grandmother, she learned during the Great Depression to help others.

''Her grandmother always had soup or stew on the stove,'' Froehlich said, ''and when people came to the house who were down on their luck, she always had bowls of soup or stew ready for them.''

By her teens, she was learning to fly a plane and play jazz piano. She also was expelled from a Catholic boarding school, telling the Globe she had failed math and asked too many difficult moral questions.

She worked as a newspaper reporter and moved to Boston in 1947 to attend the Boston Conservatory on a scholarship, only to be expelled for drinking. ''I was raped once,'' she told the Globe in 1988. ''I was 19. Drunk.''

Speaking of the women she served at Rosie's Place, she added: ''I'll tell you one thing. It helps me identify with what some of these women have been through.''

Ms. Tiernan joined Alcoholics Anonymous, learned from recovering street drunks how to stay sober, and became a successful advertising copywriter with her own agency. In 1968, she did some free work for priests who had invited activist Daniel Berrigan to speak at a church.

Listening to him, she later recalled, it was as if a voice inside her head said, ''I have just passed through a door, and there is no going back.''

Leaving the affluence of her advertising life, she moved into Warwick House, an urban ministry center in Roxbury. Using her copywriter's facility. with language, she became one of Boston's most quotable advocates for the poor, coining phrases such as ''from the Great Society to the Grate Society.''

A service will be announced for Ms. Tiernan, whose longtime companion of decades, Edith Nicholson, died in the 1990s.

Ms. Tiernan helped raise Nicholson's three children and leaves one of those children, Peg Wright of Saugerties, N.Y.; seven grandchildren; and three great-grandchildren. For the past 15 years, Ms. Tiernan and Donna Pomponio have been a couple. They married in 2004.

''The tragedies in the world continued to propel her to fix things and make them better,'' Pomponio said of Ms. Tiernan. ''She knew that as human beings, we could do better for each other. There was a support and strength that came from that woman, and having her by your side and in your life, you knew that you could do it, too.''

HONORING THE LIFE AND MEMORY OF BARBARA DONNELLY

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, July 11, 2011

Mr. KILDEE. Mr Speaker, I rise today to honor the life and memory of my longtime friend and staff member, Barbara Donnelly.

Mr. Speaker, the first person I hired for my office when I was elected back in 1976 was Barbara, which was one of the best decisions I have made during my 35 years in Congress. From the moment I took the oath of office, Barbara served the people of my district with a level of selflessness, loyalty and dedication to helping others that is unrivaled. You will never meet a more reliable or meticulous staffer, or a more caring person than Barbara Donnelly was. She was a perfectionist with a heart.

Throughout her career, Barbara touched the lives of thousands of residents in my district. From helping constituents with Social Security or veterans benefits, to assisting with immigration difficulties or the adoption of a child, Barbara did it all with compassion, discretion and determination. With Barbara at the helm of my constituent service program, I knew that she would not rest until our office had done everything possible to help people in need.

Barbara was the definition of a public servant, giving everything to her job and never asking for any credit. People like Barbara are the unsung heroes of public service, who work day and night to help others and almost never see their names in the newspapers or on TV. Barbara did not seek glory or recognition for her work, she only sought to improve the lives of others.

Mr. Speaker, there are few people like Barbara in this world. I feel blessed to have had the honor of knowing her and calling her my colleague. Over the years, I learned a lot from Barbara's example and it is my hope that she will inspire others to lives of public service and good works.

Mr. Speaker, Barbara was an irreplaceable friend, staffer and human being. My condolences go out to her family, friends and all the people who had the privilege of knowing her and working with her. At this time of great sorrow, I ask the House of Representatives to join me in honoring the life and memory of Barbara Donnelly.

A BILL TO AMEND THE AFRICAN GROWTH AND OPPORTUNITY ACT

HON. JIM McDERMOTT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Monday, July 11, 2011

Mr. McDERMOTT. Mr. Speaker, today I am introducing legislation that would update one of our most important preference programs—the African Growth and Opportunity Act (AGOA). This bill addresses two important issues.

First, it extends the ''third-country fabric'' provision of AGOA for three years, which is due to expire in September 2012. This will align the third-country fabric provision with the rest of the AGOA program which expires in 2015. Of course we are working on an improvement and extension of the AGOA program beyond 2015 right now.

The ''third-country fabric'' provision is one of AGOA's most important elements. It allows apparel producers in lesser-developed sub-Saharan African countries to use third-country fabric in making apparel that gets duty-free treatment under AGOA (subject to a quantity limit).

In 2010, textiles and apparel were one of the leading AGOA import categories—$730 million in trade last year alone. Much of these imports require fabric that is not commercially available in sub-Saharan Africa. They depend, in other words, on use of the third-country fabric benefits.

Textiles and apparel are key exports for a number of AGOA countries including Lesotho, Kenya, Mauritius, and Swaziland who last year exported $692 million of goods to us, mostly in apparel.

As U.S. Trade Representative Kirk recognized at last month's ''AGOA Forum'' held in Lusaka, Zambia, ''AGOA textiles and apparel have created new opportunities for investment and trade that benefit businesses and consumers in both the United States and Africa. This sector remains an important foundation for Africa's growing industrial base.''

It is critical that the AGOA third-country fabric provision be extended now. It's critical for businesses here in the U.S. and for jobs.

Buyers and retailers work on substantial lead times and need stable terms and conditions into the future. If there is uncertainty about whether AGOA apparel products will be there next year, they will begin to turn away from Africa. We cannot allow that to happen.

The second part of my bill takes another step in welcoming the new Republic of South Sudan to the community of nations.

On July 9—the South Sudanese took their future into their own hands and created the Republic of South Sudan.

The democratic process that resulted in the birth of this new country is an astonishing achievement—honoring the results of a referendum in which more than 4 million people, or 97 percent of registered voters, participated with 98 percent voting for secession.

The fact that this comes at the end of the longest and bloodiest civil wars in Africa makes it all the more incredible.

President Obama and Secretary Clinton have already signaled U.S. support for the new Republic of South Sudan.

We need to make sure we do all we can to help South Sudan be successful. We should act expeditiously, which is why I am introducing this bill on the first legislative day after the creation of this new nation.

I strongly urge all of my colleagues to support it.

ENERGY AND WATER DEVELOPMENT AND RELATED AGENCIES APPROPRIATIONS ACT, 2012

SPEECH OF

HON. JUDY BIGGERT

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, July 8, 2011

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2354) making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes:

Mrs. BIGGERT. Mr. Chair, I submit the following letter in support of funding for the Department of Energy's Office of Science in H.R. 2354, Energy and Water Development Appropriations Act of 2012.

CONGRESS OF THE UNITED STATES,
Washington, DC, May 13, 2011.

Hon. RODNEY FRELINGHUYSEN,
Chairman, Energy and Water Development Appropriations Subcommittee, House Appropriations Committee, Washington, DC.

Hon. PETER VISCLOSKY,
Ranking Member, Energy and Water Development Appropriations Subcommittee, House Appropriations Committee, Washington, DC.

DEAR CHAIRMAN FRELINGHUYSEN AND RANKING MEMBER VISCLOSKY: As you begin work on the Fiscal Year 2012 Energy and Water Appropriations bill, we write to express our strong support for robust and sustained funding for the Department of Energy (DOE) Office of Science, and the critical research, unique scientific facilities, and expert personnel that it supports.

We recognize the fragile state of the nation's economy, and support efforts to reduce the deficit and create jobs. But to do so, we must set priorities and make smart, strategic decisions about federal funding. We believe that scientific research is the foundation for the innovative solutions that will enable us to overcome many of our greatest challenges—from economic stagnation and dependence on foreign energy to curing diseases and addressing threats to our national security. That is why we believe funding for the DOE Office of Science must be a priority in fiscal year 2012.

As the nation's primary sponsor of research in the physical sciences, the DOE Office of Science has built—and maintains—a unique collection of large-scale, cutting-edge, one-of-a-kind user facilities relied upon by approximately 25,000 researchers annually. Nearly half of these users are university faculty and students. Others come from U.S. industry and many are conducting research for other key federal science agencies, such as the National Institutes of Health (NIH) and the National Science Foundation (NSF). Without these critical facilities, thousands of users would be forced to move their job-creating research activities overseas, or terminate their research altogether.

The DOE Office of Science also supports a first-rate workforce of research scientists, engineers, and support personnel who work as teams on long-term solutions to some of the nation's greatest challenges and who are ready to tackle pressing problems at a moment's notice. Moreover, it plays a unique and critical role in the education of the next generation of American scientific talent, including thousands of graduate students and postdoctoral researchers at hundreds of U.S. institutions who depend upon DOE Office of Science support and facilities for their research and training.

This collection of research, facilities and scientific talent has enabled the DOE Office of Science to contribute greatly to our quality of life, our health, and our security. The DOE Office of Science has been integral to the development of several innovative technologies, including MRI machines and PET scans, new composite materials for military hardware and motor vehicles, medical and industrial isotopes, drop-in biofuel technologies, DNA sequencing technologies, more aerodynamic and fuel efficient long-haul trucks, electric vehicle battery technology, an artificial retina, newer and safer nuclear reactor designs, 3–D models of pathogens for vaccine development, tools to manufacture nanomaterials, and better sensors and detectors for biological, chemical, and radioactive materials.

By prioritizing funding for DOE scientific research—thereby supporting both the human and physical capital—Congress will preserve our capacity to innovate, reduce our dependence on foreign sources of energy, enhance our competitive edge in the global economy, improve our quality of life, ensure our national security, and create good American jobs well into the future. For these reasons, we urge you to make strong and sustained funding for the DOE Office of Science one of your highest priorities in fiscal year 2012.

Sincerely,

Judy Biggert, Rush Holt, Randy Hultgren, Anna Eshoo, Daniel Lipinski, John C. Carney, Jr., Barney Frank (MA), Michael Capuano, Russ Carnahan, John Garamendi, Grace Napolitano, Alcee Hastings, Barbara Lee, Ron Kind, Donna Christensen, Lloyd Doggett, Tim Bishop, George Miller, Tammy Baldwin, Steve Israel, Bob Filner, David Wu, Jerry McNerney, Chris Van Hollen, John Dingell, Stephen Lynch, Hansen Clarke, Zoe Lofgren, Jason Altmire, Sander Levin, Laura Richardson, Marcia Fudge, Henry Waxman, Robert Dold, Doc Hastings, Theodore Deutch, David Price, Jared Polis, Louise McIntosh Slaughter, Roscoe Bartlett, Silvestre Reyes, Danny Davis, Paul Tonko, John Yarmuth, Mike Quigley, John J. Duncan, Jr. (TN), Judy Chu.

HONORING THE CITY OF TACOMA

HON. NORMAN D. DICKS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Monday, July 11, 2011

Mr. DICKS. Mr. Speaker, I rise to commend the City of Tacoma for ensuring that sustainable policies and business practices are considered in utility operations and all departmental decisions. I was gratified to see that the City of Tacoma has partnered with the Institute for Environmental Research and Education and local businesses to become a "Life-Cycle City"—making a formal commitment to evaluate the life cycle environmental impacts of goods and services. Those environmental costs added up over time are significant to our constituents and I commend Tacoma's efforts to ensure that we are making the best possible investments with taxpayer dollars while being responsible stewards of our environment.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, July 12, 2011 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JULY 13

9 a.m.

Finance

To hold joint hearings with the House Committee on Ways and Means to examine tax reform and the tax treatment of debt and equity.

HVC–210

10 a.m.

Commerce, Science, and Transportation

To hold hearings to examine unauthorized charges on telephone bills, focusing on why crammers win and consumers lose.

SR–253

Environment and Public Works

Business meeting to consider S. 538, to amend the Neotropical Migratory Bird Conservation Act to reauthorize the Act, S. 899, to provide fo the eradication and control of nutria, S. 861, to restore the natural resources, ecosystems, fisheries, marine habitats, and coastal wetland of Gulf Coast States, to create jobs and revive the economic health of communities adversely affected by the explosion on, and sinking of, the mobile offshore drilling unit Deepwater Horizon, S. 846, to designate the United States courthouse located at 80 Lafayette Street in Jefferson City, Missouri, as the Christopher S. Bond United States Courthouse, S. 1302, to authorize the Administrator of General Services to convey a parcel of real property in Tracy, California, to the City of Tracy, S. 1313, to amend the Federal Water Pollution Control Act to reauthorize the National Estuary Program, a proposed resolution in the Corps Study, and a proposed resolution relating to the General Services Administration.

SD–406

Homeland Security and Governmental Affairs

To hold hearings to examine ten years after 9/11, focusing on preventing terrorist travel.

SD–342

Judiciary

To hold hearings to examine the ''Violence Against Women Act'', focusing on building on seventeen years of accomplishments.

SD–226

2:30 p.m.

Judiciary

To hold hearings to examine the nominations of Morgan Christen, of Alaska, to be United States Circuit Judge for the Ninth Circuit, Scott Wesley Skavdahl, to be United States District Judge for the District of Wyoming, Sharon L. Gleason, to be United States District Judge for the District of Alaska, Yvonne Gonzalez Rogers, to be United States District Judge for the Northern District of California, and Richard G. Andrews, to be United States District Judge for the District of Delaware.

SD–226

Armed Services

SeaPower Subcommittee

To hold hearings to examine the required force level of strategic airlift aircraft mandated by title 10, United States Code, and the administration's request to eliminate that requirement in review of the Defense Authorization Request and the Future Years Defense Program.

SR–232A

3 p.m.

Foreign Relations

To hold hearings to examine the nominations of Paul D. Wohlers, of Washington, to be Ambassador to the Republic of Macedonia, William H. Moser, of North Carolina, to be Ambassador to the Republic of Moldova, John A. Heffern, of Missouri, to be Ambassador to the Republic of Armenia, Thomas M. Countryman, of Washington, to be Assistant Secretary for International Security and Non-Proliferation, Jeffrey DeLaurentis, of New York, to be Alternate Representative for Special Political Affairs in the United Nations, with the rank of Ambassador, and to be an Alternate Representative to the Sessions of the General Assembly of the United Nations, during his tenure of service as Alternate Representative for Special Political Affairs in the United Nations, all of the Department of State.

SD–419

JULY 14

10 a.m.

Agriculture, Nutrition, and Forestry

To hold hearings to examine growing jobs in rural America.

SD–G50

Banking, Housing, and Urban Affairs

To hold hearings to examine the semi-annual Monetary Policy Report to Congress.

SD–538

Energy and Natural Resources

Business meeting to consider pending calendar business.

SD–366

Appropriations

Energy and Water Development Subcommittee

To hold hearings to examine the safety and economics of light water small modular reactors.

SD–192

Health, Education, Labor, and Pensions

To hold hearings to examine learning from what works for employment for persons with disabilities.

SD–430

Judiciary

Business meeting to consider S. 1231, to reauthorize the Second Chance Act of 2007, S. 27, to prohibit brand name drug companies from compensating generic drug companies to delay the entry of a generic drug into the market, S. 1228, to prohibit trafficking in counterfeit military goods or services, and the nominations of Steve Six, of Kansas, to be United States Circuit Judge for the Tenth Circuit, Stephen A. Higginson, of Louisiana, to be United States Circuit Judge for the Fifth Circuit, Jane Margaret Triche-Milazzo, to be United States District Judge for the Eastern District of Louisiana, Alison J. Nathan, and Katherine B. Forrest, both to be United States District Judge for the Southern District of New York, Susan Owens Hickey, to be United States District Judge for the Western District of Arkansas, Christopher Droney, of Connecticut, to be United States Circuit Judge for the Second Circuit, Robert David Mariani, to be United States District Judge for the Middle District of Pennsylvania, Cathy Bissoon, and Mark Raymond Hornak, both to be United States District Judge for the Western District of Pennsylvania, Robert N. Scola, Jr., to be United States District Judge for the Southern District of Florida, and David V. Brewer, of Oregon, to be a Member of the Board of Directors of the State Justice Institute.

SD–226

Commerce, Science, and Transportation

Science and Space Subcommittee

To hold hearings to examine the National Nanotechnology Investment, focusing on manufacturing, commercialization, and job creation.

SR–253

Veterans' Affairs

To hold hearings to examine Veterans' Affairs mental health care, focusing on closing the gaps.

SR–418

2:15 p.m.

Indian Affairs

Business meeting to consider the nominations of Cynthia Chavez Lamar, of New Mexico, Barbara Jeanne Ells, of Colorado, and Deborah Downing Goodman, of Oklahoma, all to be a Member of the Board of Trustees of the Institute of American Indian and Alaska Native Culture and Arts Development; to be immediately followed by an oversight hearing to examine native women.

SD–628

2:30 p.m.

Foreign Relations

To hold hearings to examine Sudan, focusing on a roadmap forward.

SD–419

Intelligence

To hold closed hearings to examine certain intelligence matters.

SH–219

JULY 15

10 a.m.

Commission on Security and Cooperation in Europe

To hold hearings to examine internet freedom in the Organization for Security and Co-operation in Europe (OSCE) region, focusing on current trends in internet governance.

210, Cannon Building

JULY 19

2:30 p.m.

Homeland Security and Governmental Affairs

Disaster Recovery and Intergovernmental Affairs Subcommittee

To hold hearings to examine 2011 spring storms, focusing on picking up the pieces and building back stronger.

SD–342

JULY 20

10 a.m.

Foreign Relations

To hold hearings to examine the nominations of Earl Anthony Wayne, of Maryland, to be Ambassador to Mexico, and Arnold A. Chacon, of Virginia, to be Ambassador to the Republic of Guatemala, both of the Department of State.

SD–419

Health, Education, Labor, and Pensions

Business meeting to consider S. 958, to amend the Public Health Service Act to reauthorize the program of payments to children's hospitals that operate graduate medical education programs, S. 1094, to reauthorize the Combating Autism Act of 2006 (Public Law 109–416), an original bill entitled, ''Workforce Investment Act Reauthorization of 2011'', and any pending nominations.

SD–430

JULY 21

2:15 p.m.

Indian Affairs

To hold an oversight hearing to examine floods and fires, focusing on emergency preparedness for natural disasters in the native communities.

SD–628

JULY 27

2 p.m.

Armed Services

Readiness and Management Support Subcommittee

To hold hearings to examine financial management and business transformation at the Department of Defense.

SR–232A

JULY 28

2:15 p.m.

Indian Affairs

To hold an oversight hearing to examine enforcing the ''Indian Gaming Regulatory Act'', focusing on the role of the National Indian Gaming Commission and tribes as regulators.

SD–628

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S4461–S4492

Measures Introduced: Five bills and two resolutions were introduced, as follows: S. 1341–1345, and S. Res. 230–231. **Page S4485**

Measures Reported:

S. 630, to promote marine and hydrokinetic renewable energy research and development, with amendments. (S. Rept. No. 112–31)

S. 699, to authorize the Secretary of Energy to carry out a program to demonstrate the commercial application of integrated systems for long-term geological storage of carbon dioxide, with amendments. (S. Rept. No. 112–32)

S. 757, to provide incentives to encourage the development and implementation of technology to capture carbon dioxide from dilute sources on a significant scale using direct air capture technologies, with an amendment in the nature of a substitute. (S. Rept. No. 112–33)

S. 1342, to amend the Federal Power Act to protect the bulk-power system and electric infrastructure critical to the defense of the United States against cybersecurity and other threats and vulnerabilities. (S. Rept. No. 112–34)

S. 1343, to provide for the conduct of an analysis of the impact of energy development and production on the water resources of the United States. (S. Rept. No. 112–35) **Page S4485**

Measures Passed:

National Child Awareness Month: Senate agreed to S. Res. 231, designating September 2011 as ''National Child Awareness Month'' to promote awareness of charities benefitting children and youth-serving organizations throughout the United States and recognizing efforts made by those charities and organizations on behalf of children and youth as critical contributions to the future of the United States. **Pages S4489–90**

Measures Considered:

Sense of the Senate Regarding the Budget Deficit—Cloture: Senate began consideration of S. 1323, to express the sense of the Senate on shared sacrifice in resolving the budget deficit, taking action on the following amendments proposed thereto: **Pages S4461–78**

Pending:

Reid Amendment No. 529, to change the enactment date. **Page S4477**

Reid Amendment No. 530 (to Amendment No. 529), of a perfecting nature. **Pages S4477–78**

Reid motion to commit the bill to the Committee on Finance, with instructions, Reid Amendment No. 531, of a perfecting nature. **Page S4478**

Reid Amendment No. 532 (to the instructions (Amendment No. 531) of the motion to commit), of a perfecting nature. **Page S4478**

Reid Amendment No. 533 (to Amendment No. 532), of a perfecting nature. **Page S4478**

A motion was entered to close further debate on the bill, and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, a vote on cloture will occur on Wednesday, July 13, 2011. **Page S4478**

During consideration of this measure today, Senate also took the following action:

By 69 yeas to 27 nays (Vote No. 107), Senate agreed to the motion to proceed to consideration of the bill. **Page S4477**

A unanimous-consent agreement was reached providing for further consideration of the bill at approximately 11 a.m., on Tuesday, July 12, 2011; provided further, that the filing deadline for all first-degree amendments to the bill be at 12 p.m., on Tuesday, July 12, 2011. **Page S4490**

Military Construction and Veterans Affairs, and Related Agencies Appropriations Act—Cloture: Senate began consideration of the motion to proceed to consideration of H.R. 2055, making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2012. **Page S4478**

A motion was entered to close further debate on the motion to proceed to consideration of the bill, and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, a vote on cloture will occur upon disposition of S. 1323, Sense of the Senate Regarding the Budget Deficit. **Page S4478**

Subsequently, the motion to proceed was withdrawn. **Page S4478**

Nominations Received: Senate received the following nominations:

Charles DeWitt McConnell, of Ohio, to be an Assistant Secretary of Energy (Fossil Energy).

John Francis McCabe, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia for the term of fifteen years.

Peter Arno Krauthamer, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia for the term of fifteen years.

Danya Ariel Dayson, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia for the term of fifteen years.

Joseph H. Gale, of Virginia, to be a Judge of the United States Tax Court for a term of fifteen years.

Michael A. Hammer, of the District of Columbia, to be an Assistant Secretary of State (Public Affairs).

3 Air Force nominations in the rank of general.

3 Army nominations in the rank of general.

2 Navy nominations in the rank of admiral.

Routine lists in the Army, Foreign Service, and Navy. **Pages S4490–92**

Messages from the House: **Page S4482**

Measures Referred: **Pages S4482–83**

Measures Placed on the Calendar: **Pages S4461, S4483**

Executive Communications: **Pages S4483–84**

Petitions and Memorials: **Pages S4484–85**

Additional Cosponsors: **Pages S4485–86**

Statements on Introduced Bills/Resolutions: **Pages S4486–88**

Amendments Submitted: **Pages S4488–89**

Notices of Hearings/Meetings: **Page S4489**

Record Votes: One record vote was taken today. (Total—107) **Page S4477**

Adjournment: Senate convened at 2 p.m. and adjourned at 6:54 p.m., until 10 a.m. on Tuesday, July 12, 2011. (For Senate's program, see the remarks of the Majority Leader in today's Record on page S4490.)

Committee Meetings

(Committees not listed did not meet)

No committee meetings were held.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 14 public bills, H.R. 2482–2495 were introduced. **Pages H4850–51**

Additional Cosponsors: **Pages H4851–52**

Reports Filed: There were no reports filed today.

Speaker: Read a letter from the Speaker wherein he appointed Representative Harris to act as Speaker pro tempore for today. **Page H4797**

Recess: The House recessed at 12:07 p.m. and reconvened at 2 p.m. **Page H4798**

Energy and Water Development and Related Agencies Appropriations Act, 2012: The House resumed consideration of H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012. Consideration of the measure began on Friday, July 8th. **Pages H4799–H4822, H4831–49**

Agreed to:

Graves (MO) amendment that reduces the Army Corps of Engineers Construction account by $1,750,000 and increases the Army Corps of Engineers Operation and Maintenance account by $1 million (by a recorded vote of 216 ayes to 190 noes, Roll No. 535); **Pages H4804–05, H4831–32**

Scalise amendment that increases funding, by offset, for the Department of the Army, Corps of Engineers, Operation and Maintenance by $6,360,000 (by a recorded vote of 241 ayes to 168 noes, Roll No. 536); **Pages H4805–06, H4832–33**

Woodall amendment that reduces funding for the Department of the Army, Corps of Engineers, Operation and Maintenance by $4,900,000 and applies the savings to the spending reduction account (by a recorded vote of 218 ayes to 191 noes, Roll No. 537); **Page H4833**

Harris amendment (No. 4 printed in the Congressional Record of July 6, 2011) that reduces funding for Energy Efficiency and Renewable Energy by $6

million and applies the savings to the spending reduction account; and **Pages H4836–37**

Woodall amendment that reduces funding for Energy Efficiency and Renewable Energy by $200,000 and applies the savings to the spending reduction account. **Pages H4807–09, H4845–46**

Rejected:

Kaptur amendment that sought to increase funding, by offset, for Energy Efficiency and Renewable Energy activities by $10 million; **Page H4819**

Tierney amendment that sought to increase funding, by offset, for the Department of the Army, Corps of Engineers, Construction and the Department of the Army, Corps of Engineers, Operation and Maintenance (by a recorded vote of 162 ayes to 246 noes, Roll No. 534); and **Pages H4800–01, H4802–03, H4831**

McClintock amendment that sought to reduce various accounts by a total of $3,250,437,000 and apply the savings to the spending reduction account (by a recorded vote of 96 ayes to 313 noes, Roll No. 538). **Pages H4819–21, H4833–34**

Withdrawn:

King (IA) amendment that was offered and subsequently withdrawn that sought to redirect $1 million in funding with respect to the Department of the Army, Corps of Engineers, Investigations; **Pages H4799–H4800**

Turner amendment (No. 29 that was printed in the Congressional Record of July 11, 2011) that was offered and subsequently withdrawn that sought to increase funding, by offset, for the National Nuclear Security Administration; **Pages H4801–02**

Rivera amendment that was offered and subsequently withdrawn that sought to increase funding, by offset, for the Department of the Army, Corps of Engineers, Construction by $32,724,000; and **Pages H4803–04**

Kaptur amendment that was offered and subsequently withdrawn that sought to increase funding, by offset, for Energy Efficiency and Renewable Energy activities by $10 million. **Pages H4818–19**

Point of Order sustained against:

Tierney amendment that sought to increase funding, by offset, for the Department of the Army, Corps of Engineers, Construction and the Department of the Army, Corps of Engineers, Operation and Maintenance; **Page H4801**

Bishop (NY) amendment that sought to increase funding, by offset, for the Department of the Army, Corps of Engineers, Operation and Maintenance by $33,535,000; **Pages H4806–07**

Courtney amendment that sought to increase funding, by offset, the Department of the Army, Corps of Engineers, Operation and Maintenance by $808,000,000; **Pages H4809–10**

Terry amendment that sought to require the Army Corps of Engineers to conduct and publish the results of a study regarding the reasons and contributing factors that led to the abnormal flooding of the Missouri River during the spring and summer of 2011; **Pages H4815–16**

McIntyre amendment that sought to include a new section to the bill amending section 156 of the Water Resources Development Act of 1976; and **Pages H4816–17**

Garamendi amendment that sought to increase funding, by offset, for Nuclear Energy by $20 million. **Pages H4847–48**

Proceedings Postponed:

Sessions amendment that seeks to strike section 102; **Pages H4810–12**

Moran amendment that seeks to strike section 109; **Pages H4812–15**

Markey amendment that seeks to increase funding, by offset, for Energy Efficiency and Renewable Energy by $100 million; **Pages H4821–22**

Lamborn amendment (No. 5 printed in the Congressional Record of July 7, 2011) that seeks to strike language with respect to the allocation of weatherization assistance funds; **Pages H4834–35**

Connolly amendment that seeks to increase funding, by offset, for Energy Efficiency and Renewable Energy by $46 million; **Pages H4835–36**

Miller (NC) amendment that seeks to increase funding, by offset, for Energy Efficiency and Renewable Energy by $24,018,000; **Pages H4837–38**

Broun (GA) amendment that seeks to reduce funding for Energy Efficiency and Renewable Energy by $26,510,000 and apply the savings to the spending reduction account; **Pages H4838–39**

Welch amendment that seeks to increase funding, by offset, for Energy Efficiency and Renewable Energy by $491 million; **Pages H4839–40**

Pompeo amendment that seeks to reduce funding for Energy Efficiency and Renewable Energy by $45,641,000 and apply the savings to the spending reduction account; **Pages H4840–41**

Tonko amendment that seeks to increase funding, by offset, for Energy Efficiency and Renewable Energy by $226,800,000; **Pages H4841–43**

Garrett amendment that seeks to reduce various accounts by a total of $500 million and apply the savings to the deficit reduction account; **Pages H4843–44**

Wu amendment that seeks to increase funding, by offset, for Energy Efficiency and Renewable Energy by $60,500,000; **Pages H4844–45**

McClintock amendment that seeks to reduce funding for Energy Efficiency and Renewable Energy by $166,143,000 and apply the savings to the spending reduction account; **Pages H4846–47**

Schiff amendment that seeks to redirect $10 million in funding with respect to Nuclear Energy; and **Page H4847**

Garamendi amendment that seeks to increase funding, by offset, for the Advanced Research Projects Agency by $450 million. **Pages H4848–49**

H. Res. 337, the rule providing for consideration of the bill, was agreed to on Friday, July 8th.

Suspension—Proceedings Postponed: The House debated the following measure under suspension of the rules. Further proceedings were postponed:

Better Use of Light Bulbs Act: H.R. 2417, to repeal certain amendments to the Energy Policy and Conservation Act with respect to lighting energy efficiency. **Pages H4822–30**

Recess: The House recessed at 6:18 p.m. and reconvened at 6:31 p.m. **Page H4830**

Amendments: Amendments ordered printed pursuant to the rule appear on pages H4852–54.

Quorum Calls—Votes: Five recorded votes developed during the proceedings of today and appear on pages H4831, H4832, H4832–33, H4833, H4834. There were no quorum calls.

Adjournment: The House met at 12 noon and adjourned at 9:24 p.m.

Committee Meetings

LEGISLATIVE MEASURES

Committee on Energy and Commerce: Subcommittee on Health held a hearing on the following: H.R. 1852, the ''Children's Hospital GME Support Reauthorization Act of 2011''; and H.R. 2005, the ''Combating Autism Reauthorization Act of 2011.'' Testimony was heard from Janet Heinrich, Associate Administrator, Bureau of Health Professions, Health Resources and Services Administration, Department of Health and Human Services; and Thomas R. Insel, M.D., Director, National Institute of Mental Health, National Institutes of Health.

MISCELLANEOUS MEASURES

Committee on Energy and Commerce: Full Committee began markup of the following: H.R. 2273, the ''Coal Residuals Reuse and Management Act of 2011''; and H.R. 2401, the ''Transparency in Regulatory Analysis of Impacts on the Nation Act of 2011.'' The markup will continue on 10 a.m., 2123 Rayburn.

SOCIAL SECURITY ADMINISTRATIVE LAW JUDGES

Committee on the Judiciary: Subcommittee on Courts, Commercial and Administrative Law, and Committee on Ways and Means, Subcommittee on Social Security held a joint hearing entitled ''The Role of Social Security Administrative Law Judges.'' Testimony was heard from Michael J. Astrue, Commissioner, Social Security Administration; and Christine Griffin, Deputy Director, OPM.

IMPLEMENTATION OF CAREGIVER ASSISTANCE

Committee on Veterans' Affairs: Subcommittee on Health held a hearing on Implementation of Caregiver Assistance: Moving Forward. Testimony was heard from Cheryl Cox, LCSW, Caregiver Support Coordinator, Syracuse Department of Veterans Affairs Medical Center, Department of Veterans Affairs; Mary Fullerton, LCSW, Caregiver Support Coordinator, North Florida/South Georgia Veterans Healthcare System, Department of Veterans Affairs; Deborah Amdur, LCSW, Chief Consultant, Care Management and Social Work, Veterans Health Administration, Department of Veterans Affairs.

Joint Meetings

No joint committee meetings were held.

COMMITTEE MEETINGS FOR TUESDAY, JULY 12, 2011

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Banking, Housing, and Urban Affairs: To hold hearings to examine enhanced investor protection after the financial crisis, 10 a.m., SD–538.

Committee on Energy and Natural Resources: To hold hearings to examine S. 1160, to improve the administration of the Department of Energy, S. 1108, to provide local communities with tools to make solar permitting more efficient, and S. 1142, to promote the mapping and development of the United States geothermal resources by establishing a direct loan program for high risk geothermal exploration wells, to amend the Energy Independence and Security Act of 2007 to improve geothermal energy technology and demonstrate the use of geothermal energy in large scale thermal applications, 10 a.m., SD–366.

Committee on Environment and Public Works: To hold an oversight hearing to examine the Environmental Protection Agency's implementation of the Safe Drinking Water Act's Unregulated Drinking Water Contaminants Program, 10 a.m., SD–406.

Committee on Health, Education, Labor, and Pensions: To hold hearings to examine pensions, focusing on building a strong middle class and strong economy, 2:30 p.m., SD–430.

Committee on Homeland Security and Governmental Affairs: Subcommittee on Federal Financial Management, Government Information, Federal Services, and International Security, to hold hearings to examine if new technology and

private sector business practices can cut waste and fraud in Medicare and Medicaid, 2:30 p.m., SD–342.

Select Committee on Intelligence: To hold closed hearings to examine certain intelligence matters, 2:30 p.m., SH–219.

House

Committee on Appropriations, Full Committee, markup of the Semiannual Activities Report of the Committee on Appropriations; and the Interior, Environment, and Related Agencies Appropriations Bill, FY 2012, 10:30 p.m., 2359 Rayburn.

Committee on Armed Services, Subcommittee on Emerging Threats and Capabilities, hearing entitled ''Ten Years On: The Evolution of Strategic Communication and Information Operations Since 9/11,'' 1:30 p.m., 2118 Rayburn.

Subcommittee on Readiness, hearing entitled ''How Does the Navy Get Ready, and Where Are We Today?'' 3 p.m., 2212 Rayburn.

Committee on the Budget, Full Committee, hearing entitled ''Medicare's Future: An Examination of the Independent Payment Advisory Board,'' 10 a.m., 210 Cannon.

Committee on Energy and Commerce, Full Committee, continue markup of the following: H.R. 2273, the ''Coal Residuals Reuse and Management Act of 2011''; and H.R. 2401, the ''Transparency in Regulatory Analysis of Impacts on the Nation Act of 2011,'' 10 a.m., 2123 Rayburn.

Committee on Financial Services, Subcommittee on Capital Markets and Government Sponsored Enterprises, hearing on H.R. 463, the ''Fannie Mae and Freddie Mac Transparency Act of 2011;'' and legislation regarding the Fannie Mae and Freddie Mac Taxpayer Payback Act of 2011; the Housing Trust Fund Elimination Act; the Market Transparency and Taxpayer Protection Act; Cap the GSE Bailout Act; Eliminate the GSE Charter During Receivership; and the GSE Legal Fee Reduction Act, 10 a.m., 2128 Rayburn.

Committee on Foreign Affairs, Subcommittee on the Middle East and South Asia, hearing entitled ''Promoting Peace? Reexamining U.S. Aid to the Palestinian Authority,'' 10 a.m., 2172 Rayburn.

Committee on Homeland Security, Subcommittee on Border and Maritime Security, hearing entitled ''Protecting the Maritime Borders—Leveraging Law Enforcement Cooperation to Enhance Security Along America's Coasts,'' 10 a.m., 311 Cannon.

Subcommittee on Transportation Security, hearing entitled ''Industry Perspectives: Authorizing the Transportation Security Administration for FY 2012 and 2013.'' 2 p.m., 311 Cannon.

Committee on the Judiciary, Subcommittee on Crime, Terrorism and Homeland Security, hearing on H.R. 1981, the ''Protecting Children from Internet Pornographers Act of 2011,'' 10 a.m., 2141 Rayburn.

Committee on Natural Resources, Subcommittee on Indian and Alaska Native Affairs, hearing on the following: H.R. 1291, to amend the Act of June 18, 1934, to reaffirm the authority of the Secretary of the Interior to take land into trust for Indian tribes, and for other purposes; H.R. 1234, to amend the Act of June 18, 1934, to reaffirm the authority of the Secretary of the Interior to take land into trust for Indian tribes; and H.R. 1421, to amend the Water Resources Development Act of 1986 to clarify the role of the Cherokee Nation of Oklahoma with regard to the maintenance of the W.D. Mayo Lock and Dam in Oklahoma, 11 a.m., 1324 Longworth.

Committee on Oversight and Government Reform, Subcommittee on Health Care, District of Columbia, Census and the National Archives, hearing entitled ''Fulfilling a Legal Duty: Triggering a Medicare Plan from the Administration,'' 1 p.m., 2154 Rayburn.

Committee on Rules, Full Committee, hearing on H.R. 2018, the ''Clean Water Cooperative Federalism Act of 2011,'' 3 p.m., H–313 Capitol.

Committee on Science, Space, and Technology, Full Committee, hearing entitled ''A Review of NASA's Space Launch System,'' 10 a.m., 2318 Rayburn.

Committee on Ways and Means, Subcommittee on Human Resources, hearing on child deaths due to maltreatment, 10 a.m., B–318 Rayburn.

Joint Meetings

Joint Economic Committee: To hold hearings to examine manufacturing in the United States of America, focusing on training America's workforce, 10:15 a.m., SH–216.

Next Meeting of the SENATE

10 a.m., Tuesday, July 12

Senate Chamber

Program for Tuesday: After the transaction of any morning business (not to extend beyond one hour), Senate will continue consideration of S. 1323, Sense of the Senate Regarding the Budget Deficit, with the filing deadline for all first-degree amendments to the bill at 12 noon.

(Senate will recess from 12:30 p.m. until 2:15 p.m. for their respective party conferences.)

Next Meeting of the HOUSE OF REPRESENTATIVES

10 a.m., Tuesday, July 12

House Chamber

Program for Tuesday: Resume consideration of H.R. 2354—Energy and Water Development and Related Agencies Appropriations Act, 2012.

Extensions of Remarks, as inserted in this issue

HOUSE

Biggert, Judy, Ill., E1287
Blumenauer, Earl, Ore., E1282
Bordallo, Madeleine Z., Guam, E1282
Burton, Dan, Ind., E1284
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DeLauro, Rosa L., Conn., E1283, E1285
Dicks, Norman D., Wash., E1288
Dingell, John D., Mich., E1283
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