

Olson	Ruppersberger	Sutton
Olver	Rush	Tanner
Ortiz	Ryan (OH)	Taylor
Pallone	Ryan (WI)	Teague
Pascarella	Salazar	Terry
Pastor (AZ)	Sánchez, Linda	Thompson (CA)
Paul	T.	Thompson (MS)
Paulsen	Sanchez, Loretta	Thompson (PA)
Payne	Sarbanes	Thornberry
Pence	Scalise	Tiahrt
Perlmutter	Schakowsky	Tiberi
Perriello	Schauer	Tierney
Peters	Schiff	Titus
Peterson	Schmidt	Tonko
Petri	Schock	Towns
Pingree (ME)	Schwartz	Tsongas
Platts	Scott (GA)	Turner
Poe (TX)	Scott (VA)	Upton
Polis (CO)	Sensenbrenner	Van Hollen
Pomeroy	Serrano	Velázquez
Posey	Sessions	Vislosky
Price (GA)	Shadegg	Walden
Price (NC)	Shea-Porter	Walz
Putnam	Sherman	Wamp
Quigley	Shimkus	Wasserman
Radanovich	Shuler	Schultz
Rahall	Shuster	Watson
Rangel	Simpson	Watt
Rehberg	Sires	Waxman
Reichert	Skelton	Weiner
Reyes	Slaughter	Welch
Richardson	Smith (NE)	Westmoreland
Rodriguez	Smith (NJ)	Wexler
Roe (TN)	Smith (TX)	Whitfield
Rogers (AL)	Smith (WA)	Wilson (OH)
Rogers (KY)	Snyder	Wilson (SC)
Rogers (MI)	Souder	Wittman
Rohrabacher	Space	Wolf
Rooney	Speier	Woolsey
Ros-Lehtinen	Spratt	Wu
Roskam	Stark	Yarmuth
Ross	Stearns	Young (AK)
Rothman (NJ)	Stupak	
Royce	Sullivan	

NOT VOTING—19

Brown-Waite,	Engel	Pitts
Ginny	Gordon (TN)	Royal-Ballard
Capps	Johnson, E. B.	Schrader
Conyers	Levin	Sestak
Crenshaw	McCarthy (NY)	Waters
Davis (IL)	McCaul	Young (FL)
Delahunt	Miller, George	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining.

□ 1248

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mrs. CAPPS. Mr. Speaker, I was not able to be present for the following rollcall votes on July 15, 2009, and would like the RECORD to reflect that I would have voted as follows: Rollcall No. 540: “yea”; rollcall No. 541: “yea”; rollcall No. 542: “yea.”

PERSONAL EXPLANATION

Mr. LEVIN. Mr. Speaker, I was unavoidably absent earlier today attending a meeting at the White House and was therefore not present during rollcall votes 538 to 542. Had I been present, I would have voted “yea” on rollcall vote 538 to order the previous question on H. Res. 645, “yea” on rollcall vote 539 on agreeing to H. Res. 645, “yea” on rollcall vote 540 to approve H.R. 1044, “yea” on rollcall vote 541 to approve H.R. 934, and “yea” on rollcall vote 542 to pass H.R. 762.

GENERAL LEAVE

Mr. PASTOR of Arizona. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on H.R. 3183.

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

There was no objection.

ENERGY AND WATER DEVELOPMENT AND RELATED AGENCIES APPROPRIATIONS ACT, 2010

The SPEAKER pro tempore. Pursuant to House Resolution 645 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 3183.

□ 1248

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 consideration of the bill (H.R. 3183) making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes, with Mr. TIERNEY in the chair.

The Clerk read the title of the bill.

The CHAIR. Pursuant to the rule, the bill is considered read the first time. The gentleman from Arizona (Mr. PASTOR) and the gentleman from New Jersey (Mr. FRELINGHUYSEN) each will control 30 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. PASTOR of Arizona. I yield myself such time as I may consume.

Mr. Chairman, it is, indeed, a privilege to submit to the House for its consideration H.R. 3183, the Energy and Water Development Appropriations bill for fiscal year 2010. The Appropriations Committee approved this bill unanimously by a voice vote on July 8. This is a good bill that merits the support of the entire House.

I thank all of the members of the Energy and Water Development Subcommittee for their help in bringing this bill to the floor today. This has been a challenging year with our extremely compressed schedule, and I appreciate our Members’ attention and participation in this accelerated process.

I particularly want to thank the ranking member—my dear friend, the gentleman from New Jersey (Mr. FRELINGHUYSEN)—for his extraordinary cooperation, insight and friendship.

Mr. Chairman, this is a bipartisan bill that represents the fair and balanced treatment of competing priorities. This is the way our constituents expect their Representatives to work together, and I am proud of this bipartisan process.

I also would like to thank the chairman of the Appropriations Committee,

Mr. OBEY, and the ranking member, Mr. LEWIS, for their support.

I was given this assignment 3 weeks ago, and without the great work of the subcommittee staff, we would not be here today. So, today, this afternoon, I want to thank the staff of the subcommittee: the Clerk, Taunja Berquam; Robert Sherman; Joseph Levin; James Windle; Casey Pearce; Rob Blair; and Kevin Jones. They worked many hours and through the weekends to get this bill today on the floor.

I would also like to thank Richard Patrick, from my office, and Ms. Nancy Fox and Ms. Katie Hazlett of Mr. FRELINGHUYSEN’s office.

I want to acknowledge our agency detailee, Lauren Minto from the Corps of Engineers, for her assistance, talent and knowledge in putting this bill and report together.

These people have formed a great team, and without their work, we would not be here today. I have to thank them again because their support has been invaluable.

Mr. Chairman, this bill provides funding to address critical issues that affect our Nation’s security and prosperity—from Addressing high gas prices, our energy crisis and climate change to advancing science and innovation, to preventing nuclear proliferation, to encouraging effective project management, and to investing in our Nation’s flood control and water infrastructure projects.

The total funding for energy and water development in fiscal year 2010 is \$33.3 billion. This funding amount is a decrease of \$1.1 billion from the budget request, and it is roughly equal to the current fiscal year. While the bill is below the budget request, the primary reason for this difference is a Congressional Budget Office score of \$1.5 billion for the Department of Energy’s budget request for the Innovative Loan Guarantee Program. The bill provides \$406 million above the budget request in program scope.

This bill made a concerted effort to cut lower priority programs and to apply the cuts to higher priority efforts. These spending cuts include 18 activities, totaling \$2.5 billion below the President’s request.

Given the wide-ranging scope of issues in this legislation that are critical to our Nation’s well-being, I set forth the following priorities to ensure that our tax dollars will be spent wisely and effectively. These priorities include:

addressing high gas prices, reducing our dependence on foreign oil, and confronting the energy crisis through increased investment in alternative, domestic transportation fuels and new vehicle technologies;

addressing climate change with sound investments in carbon sequestration, low-emission energy technologies, and science research;

modernizing the energy sector through the research and development

of renewable energy sources, efficient energy technologies, and novel electric grid technologies;

Confronting the terrorist nuclear threat by increasing the protection of nuclear materials and accelerating the deployment of systems to detect such materials at border crossing points and ports;

Improving the security of our weapons by upgrading the protection of our facilities as well as improving the training and equipment of the Protective Force;

Insisting that the President submit to Congress a nuclear weapons strategy and a nuclear complex transformation plan before Congress will consider funding a new nuclear warhead;

investing in dam safety, flood protection, hydropower modernization and infrastructure that is essential to waterborne commerce on our coasts, rivers and inland lakes, which is essential to the safety of our citizens and our economy; and

Saving taxpayer dollars by improving management of agency programs, especially at the Department of Energy.

This bill provides adequate funds to meet the priority needs of the House. It funds the most worthwhile projects and programs near requested levels, and it reduces some programs that are less valuable or less urgent. I urge my colleagues of the House to support it.

Mr. Chairman, I reserve the balance of my time.

Mr. FRELINGHUYSEN. I yield myself as much time as I may consume.

Mr. Chairman, I rise in support of the Energy and Water Development Appropriations bill for fiscal year 2010. This is a good bill because it is a significant improvement over the administration's budget request, and it was put together in a very bipartisan manner.

Before I turn to the contents of the legislation before us, like Mr. PASTOR, I would like to thank the fantastic staff—Tanjia Berquam, the Clerk; Bob Sherman; Joe Levin; Jim Windle; Casey Pearce; and Lauren Minto. On the minority side, I would like to thank Rob Blair and Kevin Jones. In my personal office, I would like to thank Katie Hazlett and Nancy Fox. In Mr. PASTOR's personal office, I would like to thank Rick Patrick. All of these individuals have worked tirelessly to put together the product before us.

No one has worked harder than Mr. PASTOR, and I want to thank Mr. PASTOR for his friendship and for his leadership and guidance on this bill. The gentleman from Arizona is a pleasure to work with. I thank him for his leadership and for his assistance.

Mr. Chairman, the subcommittee's recommendation totals \$33.82 billion, which is \$1.1 billion below the President's request and \$200 million over the fiscal year 2000 enacted level. While the dollar amounts are significant, the issues contained in this bill are at the core of our Nation's economic prosperity and national security, especially

the energy portfolio, and our historic responsibility for the reliability and the protection of our nuclear stockpile. Thus, it is worthy of debate and amendment on the House floor.

□ 1300

The bill was preceded by the American Recovery and Reinvestment Act, which gave more than \$44 billion to the agencies under our jurisdiction. In fact, nearly \$39 billion alone went to the Department of Energy. The Department has nearly one-and-a-half times more money to manage even before we consider this annual appropriations bill, so our bill cannot be viewed simply through the traditional lens of annual appropriations. With the passage of the stimulus bill, Secretary Chu and his new team assumed new roles as major grant managers and accountants for billions of dollars for new Federal and State programs and hundreds of new employees.

Mr. Chairman, I am pleased that we were able to improve upon the administration's request in several ways. For example, the legislation before us increases the budget request by over \$400 million for the Army Corps of Engineers, enabling us to address more water needs across our country. The Army Corps projects touch virtually every congressional district; and I know Mr. PASTOR and I highly respect the interests of all Members who, knowing their district needs, have sought some assistance; and we've done our best to accommodate them. Our recommendation increases research and development for both renewable energy and nuclear power while supporting clean coal initiatives and other technologies, such as geothermal, solar, fusion and wind power. I am exceptionally pleased that our bill keeps the Department on track for the Next Generation Nuclear Plant program.

There are some areas that I would have done a bit differently, of course. Not surprisingly, I would have preferred to have done more to reverse the administration's decision to terminate the Yucca Mountain repository in Nevada, where we have spent over \$11 billion of taxpayer and rate payer moneys—in fact, \$7 billion of rate payer moneys—with little apparent return. We still have tons of waste to dispose of and to protect. The bill before us does contain the administration's significant cut to the program, and I am deeply concerned that this basically political decision will be followed by others trumping future scientific recommendations and judgments. However, our bill directs \$70 million to ensure that the questions raised during the Yucca license application process can be answered; and it requires that funding for the President's suggested Blue Ribbon Panel is only available for a review, which includes all alternatives, including Yucca Mountain. I think this is the only way future review could be credible.

I would also have preferred much more support for nuclear power here in

the United States and the greater availability of nuclear loan guarantees. Given what China and other nations are doing to build new nuclear power plants, we could produce much more electricity ourselves while adding American jobs, which we need if the administration as well as House and Senate majority leadership were more supportive. American companies are working abroad building nuclear power plants while we dither here. The President and congressional leadership appear to have a strong bias against nuclear power as well as oil and gas production, which will leave our Nation severely disadvantaged. Energy-intensive industries, like what is left of our American manufacturing base, will no longer be able to compete with nations who are making nuclear and other types of capital investments a priority, and they're not subjecting themselves to self-imposed cap-and-trade emissions reductions. Our lack of investing in nuclear power, so well illustrated in the recent passage of the so-called American Clean Energy and Security Act, is a gift that keeps on giving to our economic competitors China and India, whose economies are already sucking away U.S. jobs at an alarming rate.

We also improved that portion of the committee's jurisdiction that involves nuclear weapons activities, not to promote more nuclear weapons, but to provide more funds to reduce the weapons stockpile. The President's recent trip to Russia and his call for major changes in what is called our nuclear "posture" must be matched by the administration's funding requests that will pay for our country's nuclear dismantlements and for the science to certify the reliability of what's left. And we must provide adequate funding to retain our highly specialized nuclear scientists and technicians and to maintain the facilities and laboratories where they do their work. The only way to support our national security is by increasing this account, not by holding it flat. Talk about a delicate balance between nuclear and renewables is only talk, for investments in renewables received \$60 billion in the \$800 billion stimulus—all of that borrowed money, I should add—and nuclear received nothing. I do hope that we can address this disproportionality in conference.

One of my biggest disappointments, however, is not with the bill but the way it was brought to the floor. With all the debate about climate change, global warming, conservation, carbon footprints and green jobs, Members of Congress in both parties should have the right to propose amendments to address their concerns and support sources of power that they specifically favor and know about, whether that be nuclear, hydroelectric, solar, wind, oil or gas-based, fuel cell or fusion. That traditional right to amend our appropriations has been severely curtailed by the House leadership. Our appropriations bill affects virtually every

part of our economy, the household budgets of every American family and job prospects for thousands, and the thought that renewables alone are going to give us energy independence is, of course, on its face, absurd.

Before I close though, I'd like, on a positive note, to thank the Army Corps of Engineers, both military and civilian who, as we gather here today, continue to do their remarkable work in dangerous territory in Iraq and Afghanistan. We thank them for their courage, their work and their professionalism. Mr. Chairman, again I'd like to thank Vice Chairman PASTOR for his leadership. Despite my unhappiness about the energy policy issues I have discussed, I intend to support the bill.

I reserve the balance of my time.

Mr. PASTOR of Arizona. Mr. Chairman, I yield 2 minutes to the chairman of the Appropriations Committee, the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Chairman, I want to congratulate both Mr. PASTOR and Mr. FRELINGHUYSEN for an excellent bill. They are both first-rate legislators, and I think this bill is a very effective and reasonable response to the problems with which it deals. I think it's, most clearly, a bipartisan product as well, and I appreciate that.

I also appreciate the fact that this bill will continue providing significant assistance to Lake Superior communities who need help with sewer and water in order to be able to provide decent opportunities for economic growth in the future. Communities cannot grow without adequate infrastructure.

I also want to suggest that the non-proliferation efforts contained in this bill are important, indeed.

I would also note that when combined with the actions taken in the Recovery Act, this bill will begin the long process of trying to make up for the fact that for almost 30 years, this country has had no effective energy policy. That has to change, and this is part of the effort to change that.

I also appreciate the fact that, as is the case with previous bills approved by the committee, when this bill is finished on the floor, we will have accepted 24 Republican amendments to appropriation bills in the full committee. We will have accepted another 24 on the floor itself. I think that is testimony to the bipartisan approach taken by the subcommittees on bill after bill. I appreciate the cooperation of all of the Members and the hard work of the staff.

Mr. FRELINGHUYSEN. Mr. Chairman, I am pleased to yield 3 minutes to the gentleman from Washington (Mr. HASTINGS).

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

Mr. Chairman, Hanford is the world's largest nuclear cleanup site. The wastes at Hanford are a result of our Nation's nuclear weapons production program that secured our victories in

World War II and the Cold War. Hanford cleanup cannot sustain continued reductions without jeopardizing progress, breaking existing legally binding commitments to the State and increasing long-term costs to taxpayers. Achieving cleanup progress requires steady, stable, adequate funding each year for all projects at Hanford, including the tank farms, the waste treatment plant, groundwater protection, and the River Corridor project, which is responsible for stopping contaminants from reaching the Columbia River, shrinking the site by 95 percent, and represents the highest priority work for Hanford's Richland Operations office. I appreciate Mr. PASTOR's attention to this issue and assistance in making adjustments as this bill went through the committee process. These adjustments are a step in the right direction and will have a meaningful impact at Hanford, with full funding provided for the Office of River Protection.

I would like to ask Mr. PASTOR for a commitment to continue to work with me as the final Energy and Water bill is developed.

Mr. PASTOR of Arizona. As we talked earlier this morning, we said that we understand the importance of Hanford as well as all the other sites, and I told you of the possibility that some of us would need to go see the site and look at it firsthand. So you well know that I recognize the importance of cleaning up Hanford and also all of the EM sites. I will work with you on this issue and review the needs of Hanford's Richland Operations office, including the River Corridor Closure project, as we make our way through conference and write a final bill.

Mr. HASTINGS of Washington. Thank you for your commitment on this and for your commitment to nuclear waste cleanup at all the sites. I look forward to continuing to work with you. Obviously the invitation is open for you. Mr. FRELINGHUYSEN has been at Hanford, but I certainly invite you. It is something to see firsthand. I thank you for your commitment.

Mr. PASTOR of Arizona. Mr. Chairman, I yield 2 minutes to another gentleman from Washington (Mr. INSLEE).

Mr. INSLEE. I will join my colleague from the State of Washington's invitation to talk about Hanford issues at some point. I appreciate the Chair's interest in that.

I want to thank, specifically, the committee for including \$1.78 billion for energy efficiency and renewable energy research, development and deployment. But I do rise with some concern that the report proposes to decrease water power R&D from \$40 million in 2009 to just \$30 million. While I understand that the ocean and tidal-based marine renewable energy industry is certainly nascent at this time, estimates suggest that ocean resources in the U.S. could supply more than 6 percent of our electricity generation if

ocean renewable energy enjoyed the same Federal investment as other forms of renewable energy. Many countries already operate projects that generate power from both the waves and tidal and currents; and we should lead in this regard, not follow.

In Washington State these efforts are currently underway. The U.S. Navy and Verdant Power will install a demonstration project in Puget Sound in 2010, and Snohomish County PUD will install a project in Admiralty Inlet just north of Seattle in 2011. Federally backed research is underway at the Northwest National Marine Renewable Energy Center, a partnership between the University of Washington and Oregon State University. In Sequim the DOE's Marine Science Lab is researching ocean energy potential and environmental issues. Hawaii, Oregon, Maine, New York, California, Massachusetts and Alaska are also working to develop this industry. Our colleagues in the Senate have recommended \$60 million for water power R&D, and I hope to work with Mr. PASTOR through conference to work toward those Senate levels for this important, very promising program.

With that, I thank Mr. PASTOR for his efforts.

Mr. PASTOR of Arizona. I can assure the gentleman from Washington that the committee is aware of this sustainable domestic energy source and its potential. We will continue to work with the gentleman from Washington through conference to highlight renewable marine and hydrokinetic energy development as a priority for the agency.

Mr. FRELINGHUYSEN. Mr. Chairman, I am pleased to yield 3 minutes to the gentleman from Idaho (Mr. SIMPSON).

Mr. SIMPSON. I thank the gentleman for yielding.

Mr. Chairman, I am pleased to rise today in support of the fiscal year 2010 Energy and Water Appropriations bill. I would like to thank Vice Chairman PASTOR and Ranking Member FRELINGHUYSEN for their work on this important bill. They have done a great job putting this bill together.

□ 1315

I also want to thank the staff on both sides of the aisle for their hard work and dedication on this piece of legislation.

I would like to focus my remarks today on the Department of Energy's loan guarantee program. The loan guarantee program is one of the few policy tools we have that delivers immediately available, market-ready, innovative, clean energy technologies that will have a positive impact on our economy.

Congress has authorized \$2 billion in loan guarantee authority for front-end nuclear facilities. DOE should be recognized for their work creating a loan guarantee program that has sound criteria to ensure the protection of taxpayers and award guarantees to the most creditworthy projects.

I support the efforts of my colleagues in the House to encourage DOE to administer the loan guarantee program, particularly for front-end facilities, efficiently and in the earliest possible time frame. I also support efforts to ensure that these decisions are based on merit and that all loan guarantees are issued to the most qualified and not necessarily the most politically connected applicants.

This program is not a bailout. It is designed to allow creditworthy companies to invest in large, multibillion dollar "investment grade" projects that will create thousands of jobs and inject several billion dollars in the local economy without jeopardizing taxpayers' interest.

For the loan guarantee program to succeed, it must demonstrate integrity and credibility through a fair, objective and timely process. It must also meet the reasonable business needs of the applicants and protect the Treasury and the U.S. taxpayer from undue exposure.

The Department of Energy has personally assured me that all decisions regarding loan guarantees will be made based on the merit of the recommended projects rather than on politics.

I look forward to working with my colleagues, the Department of Energy and Secretary Chu to issue loan guarantees in the earliest time frame possible by applying the program criteria in a fair and unbiased manner.

Mr. PASTOR of Arizona. Mr. Chairman, I would like to yield 2 minutes to the gentleman from Virginia, my good friend, BOBBY SCOTT.

Mr. SCOTT of Virginia. I thank the gentleman for yielding.

Mr. Chairman, I, along with my colleague from Virginia (Mr. WITTMAN), would like to briefly discuss the importance of fully funding the Thomas Jefferson Lab's 12 GeV Upgrade.

This important project received accelerated funding in the Recovery Act. It is vital that this project receive the administration's full request of \$22 million in this bill. If full funding is not in place for the upcoming fiscal year due to stringent controls in how Recovery Act funds are spent, there is little flexibility for the lab to meet their construction project without costly scheduling delays or potential elimination of physics-related work.

I would hope that the gentleman from Arizona will work with me and Mr. WITTMAN to ensure that this project is funded at the administration's request for fiscal year 2010.

And I yield to the gentleman from Virginia, my colleague, Mr. WITTMAN.

Mr. WITTMAN. Thank you, Mr. SCOTT.

I rise in support and to echo the remarks of my colleague from Virginia (Mr. SCOTT). The Thomas Jefferson Lab is a world leader in nuclear physics research and education. The lab is currently in the midst of a major upgrade to their accelerator facility. Fully funding the accelerator upgrade will

significantly expand the facility's research potential and will lead to a greater understanding of atomic particles, the building blocks of all matter. Research at Jefferson Lab will continue to expand our knowledge of nuclear physics that lead to many exciting scientific advances.

I respectfully request that the gentleman from Arizona would work to fully fund this important project at Jefferson Lab.

Mr. SCOTT of Virginia. I yield to the gentleman from Arizona (Mr. PASTOR).

Mr. PASTOR of Arizona. I thank the gentleman for bringing this important issue to us.

You have made a case that the administration request for \$22 million for the continuous electron beam accelerator facility is merited.

You have my personal commitment to work with you and Mr. WITTMAN going forward to see that this project receives the funding it needs and deserves.

Mr. SCOTT of Virginia. I thank you for your commitment and thank you for your willingness to work on this important issue and thank my colleague from Virginia for his support and look forward to working with you in conference.

Mr. FRELINGHUYSEN. Mr. Chairman, I'm pleased to yield 3 minutes to the gentlewoman from Ohio (Mrs. SCHMIDT) for purpose of a colloquy.

Mrs. SCHMIDT. I rise to bring attention to the lack of progress by the Department of Energy in processing loan guarantee applications, particularly with respect to USEC's long-pending loan guarantee application for its American Centrifuge Plant project.

USEC filed its application with the Department of Energy for the loan guarantee nearly 1 year ago, yet its application still languishes. USEC has informed the Department of Energy that it needs, at minimum, a conditional commitment from the Department of Energy for a request for a loan guarantee by early August of 2009 or else USEC will begin to demobilize its project.

I would like to now turn this over to my good colleague from Ohio (Mr. RYAN).

Mr. RYAN of Ohio. I thank the gentlelady.

Mr. Chairman, as my colleague said, this loan application is critical for thousands of jobs in Ohio and throughout the country.

I would hope that the Secretary of Energy and other departmental leadership will provide the loan guarantee office staff with the necessary guidance and leadership to address this issue in the immediate future so that a conditional commitment can be issued on reasonable terms.

Mrs. SCHMIDT. I would like to now yield to Mr. WAMP from Tennessee.

Mr. WAMP. I thank the gentlelady. I'm proud that the United States Enrichment Corporation has been developing the highly advanced uranium en-

richment technology for the American Centrifuge Plant in my district, the Oak Ridge National Laboratory facility.

USEC's enrichment technology is very well established, the risks have been mitigated, and the technology is fundamentally sound. We should not allow a seemingly risk-averse loan staff at the Department to continually delay a decision on the loan application which will have the effect of terminating this incredible state-of-the-art facility.

Would the chairman work with us to ensure that the program is run efficiently and effectively?

Mr. PASTOR of Arizona. First of all, I thank the gentleman for yielding time and congratulate him on his amendments.

To you and Mrs. SCHMIDT, I appreciate the comments made by all my colleagues. I will be happy to work with everyone to ensure the program is run efficiently and effectively. The management and effectiveness of this program is a priority of the subcommittee. We must ensure that it is fair to all applicants. And, yes, I will work with my colleagues.

Mrs. SCHMIDT. I just want to add that USEC also plays a critical role in our national defense and energy security. USEC's ACP project uses U.S.-owned and developed technology. Under U.S. law and international agreements, only uranium fuel that is of U.S. origin and produced using U.S. technology can be used to meet our defense needs. Our Nation's national security alone is enough of a reason for the Department of Energy to issue USEC a loan guarantee at reasonable terms and conditions.

I just want to appreciate everyone's comments here. We are also talking about 8,000 good-paying jobs in Ohio, Tennessee, and other States. If we are serious about stimulating the economy, this is a great place, because these projects are truly "shovel ready."

The Department of Energy must finish its review and issue a conditional commitment with reasonable terms and conditions by the end of this month. If it doesn't, we can expect to see layoffs beginning in early August.

The CHAIR. The time of the gentlewoman has expired.

Mr. FRELINGHUYSEN. I yield the gentlewoman 1 additional minute.

Mrs. SCHMIDT. I just wish to say that I would hope that we can get this resolved quickly, and ask if the gentleman from New Jersey has anything to add?

Mr. FRELINGHUYSEN. Yes. Mrs. SCHMIDT, I agree that 11 months is more than enough for the Department of Energy to act upon the loan guarantee submission for the front-end of the nuclear fuel cycle. It is a personal priority of mine to ensure that this program is run efficiently and in the best interest of U.S. taxpayers. While it needs to move quickly, the loan

guarantee application process should be open and fair to all applicants.

Mrs. SCHMIDT. I thank the gentleman for his comments.

Mr. PASTOR of Arizona. I yield 2 minutes to the gentleman from New York (Mr. ISRAEL).

Mr. ISRAEL. I thank the gentleman and appreciate your yielding me the time and commend your leadership on the bill. I'm proud of the subcommittee's decision to double the International Renewable Energy Program from \$5 million to \$10 million this year.

Last year, the committee provided \$2 million to promote cooperation between the United States and the Government of Israel for renewable and alternative energy programs. The Government of Israel matched that funding, which is now being directed towards cooperation in the fields of advanced battery technology, solar, wind, biomass, geothermal and energy efficiency.

Moving forward, I urge the House to support continued cooperation between the United States and Israel in the field of alternative energy.

And with that, I yield to my distinguished colleague from New York, Chairwoman NITA LOWEY.

Mrs. LOWEY. I strongly believe that we must continue to show support to the United States-Israel Energy Cooperation. Last year, President Obama told the American people, "It is time for the U.S. to take real steps to end our addiction to oil, and we can join Israel building on last year's U.S.-Israel Energy Cooperation Act to deepen our partnership in developing alternative sources of energy." I agree with President Obama and believe we must work with our global partners and allies to diversify our energy portfolio.

Will the distinguished Mr. PASTOR work with us to ensure that U.S.-Israel Energy Cooperation receives substantial funding and support as you proceed to conference with the Senate?

Mr. PASTOR of Arizona. First of all, thank you for the compliment, and I will tell you that I have ELIOT ENGEL and BRAD SHERMAN, as well as you, Madam Chairman and Mr. ISRAEL, who have brought this matter to my attention, and I want to thank you for raising it on the floor.

I, too, am a supporter of the U.S.-Israel Energy Cooperation. This bill, as you have told us, doubles the account which funds such programs, and I look forward to working to ensure that the U.S.-Israel Energy Cooperation continues to receive strong support in order to accelerate the development of alternative energy programs.

Mr. ISRAEL. I thank the gentleman and the gentlewoman.

Mr. FRELINGHUYSEN. Mr. Chairman, I'm pleased to yield 2 minutes to my colleague from New Jersey, Congressman CHRIS SMITH.

Mr. SMITH of New Jersey. Mr. Chairman, I rise today in strong support of H.R. 3183. The bill includes funding to allow the U.S. Army Corps of Engi-

neers to take a greater role in ongoing efforts to fix significant recurring environmental hazards posed by Wreck Pond, located in my district.

On an average summer day, Wreck Pond is a picture-perfect postcard. However, just below the surface lie dangerous concentrations of high levels of fecal coliforms as well as other nasty contaminants. When it rains, this poison goes onto the beaches, and it has caused, on average, about 80 percent of all beach closings in New Jersey in the past few years.

When Wreck Pond floods, this poison pours into the basements and first floors of nearby homes, which I have seen myself on several occasions. Immediate action is necessary to improve the water quality conditions and mitigate the serious health and environmental hazards caused by its pollution to local residents.

The Corps' work at Wreck Pond will be greatly enhanced and proceed to construction earlier than normally anticipated because of extensive analysis already completed by other agencies at the Federal, State and local level, including work of a \$400,000 EPA study, surveillance work by the New Jersey Department of Environmental Protection, as well as the State's installation of provisional storm water outflow pipes and the upstream watershed management programs.

These actions have been effective. However, they are not the best long-term solution, and a permanent fix can be achieved only after the Corps begins its work.

I want to especially thank my good friend and colleague, Mr. FRELINGHUYSEN, for his work, and Chairman OBERSTAR, of the Transportation and Infrastructure Committee, who actually made a trip to Wreck Pond in 2007 to view this himself. I thank them both. RODNEY, thank you for your great work on this.

Mr. PASTOR of Arizona. Mr. Chairman, I yield 2 minutes to the gentleman from Washington (Mr. SMITH) for the purpose of a colloquy.

Mr. SMITH of Washington. Mr. Chairman, I rise in support of the fiscal year 2010 Energy and Water Appropriations bill, and I am appreciative of the work done by the chairman and ranking member on this bill.

I would like to briefly engage the gentleman from Arizona (Mr. PASTOR) in a colloquy regarding an issue related to the Seattle District of the Army Corps of Engineers and the Howard Hanson Dam.

The Green and Puyallup Rivers located in part in the Ninth District of Washington were flooded by record levels of water in January 2009, causing cities along these rivers to sustain major damage. Levees along those rivers are now in need of repair and rehabilitation, and when added to the other levees that were already priorities for the Seattle district, the need for resources and action is imperative.

Following the record high level of water behind the Howard Hanson Dam

on the Green River, significant structural weaknesses were discovered. Because of this damage, water levels at the Howard Hanson Dam are being held at lower-than-normal levels, drastically increasing the possibility of flooding along the banks below.

This is extremely troubling as we are rapidly approaching the upcoming rain and flood season. If the dam were to fail, or if a strong storm brings a heavy level of rain, then the levees below are at serious risk of being breached, causing significant property damage and driving large numbers of people from their homes and businesses.

I respectfully ask to work with the gentleman to ensure that the Seattle district of the Army Corps of Engineers is responsive to the flood prevention needs of those along the lower Green and Puyallup Rivers and will make the repairs of their levees a top priority.

I also ask to work with the subcommittee to make the resources needed to fix the Howard Hanson Dam available in a timely manner as they are identified.

And with that I yield to the gentleman from Arizona (Mr. PASTOR).

Mr. PASTOR of Arizona. I would like to thank the gentleman from Washington for drawing the subcommittee's attention to this very serious issue. He has been a dedicated advocate for the people of the Ninth District of Washington and the surrounding areas. We will work with the gentleman to ensure that the Seattle district of the Corps is responsive to the needs of the cities and people along the lower Green and Puyallup Rivers and that adequate resources are available to repair the Howard Hanson Dam. So we look forward to working with you.

Mr. SMITH of Washington. Thank you. I appreciate that support.

Mr. FRELINGHUYSEN. Mr. Chairman, I am pleased to yield 2 minutes to the gentlewoman from Illinois (Mrs. BIGGERT).

Mrs. BIGGERT. I thank the gentleman for yielding.

I rise today in support of the fiscal year 2010 Energy and Water Appropriations bill. I want to commend Chairman PASTOR and Ranking Member FRELINGHUYSEN and their subcommittee for putting together a balanced bill that clearly recognizes the importance of scientific research and energy security to our Nation's competitiveness.

□ 1330

There are several provisions of this bill I'm proud to support. Chief among those is the increase for the Department of Energy's Office of Science. I, along with 70 of my colleagues, asked appropriators for an increase consistent with the President's request to double the investment in the basic sciences within the next decade. The committee provided for \$170 million more than the fiscal year 2009. This funding is critical to our basic research infrastructure and national laboratory

work, like that of Argonne in my district.

The innovations and solutions that will enable us to overcome many of our greatest challenges from our economic crisis, environmental concerns, dependence on foreign energy, and escalating health care costs all start with basic research investments.

Economic experts have concluded that science-driven technology has accounted for more than 50 percent of the growth of the U.S. economy during the last half century.

In recent years, Congress has come to recognize that science will be the foundation to address those needs and keep America globally competitive. As evidenced by the American COMPETES Act in 2007, both Democrats and Republicans support efforts to increase basic research in the physical sciences to meet the needs of our growing population. I will insert a copy of our letter in the RECORD.

I support the underlying bill and appreciate the committee's efforts to carefully balance the needs of our energy future and scientific investments. However, I am particularly disappointed that the committee followed the President's budget request to slash Yucca Mountain funding and the failure to increase important loan guarantees to support a revitalized nuclear energy sector.

Illinois receives almost half of its electricity generation from nuclear power, followed by coal. If we are to work towards a low carbon economy, we cannot pick energy winners and losers to meet the growing energy needs of our population.

CONGRESS OF THE UNITED STATES,
Washington, DC, April 3, 2009

Hon. PETER VISCSLOSKY

Chairman, Energy and Water Development, Appropriations Subcommittee, House Appropriations Committee, Washington, DC.

Hon. RODNEY FRELINGHUYSEN,

Ranking Member, Energy and Water Development, Appropriations Subcommittee, House Appropriations Committee, Washington, DC.

DEAR CHAIRMAN VISCSLOSKY AND RANKING MEMBER FRELINGHUYSEN: As you begin your work on the Fiscal Year 2010 Energy and Water Appropriations bill, we write to express our strong support for the Department of Energy's (DOE) Office of Science. In particular, we urge you to increase Fiscal Year 2010 funding for its research and facilities by 8 percent over Fiscal Year 2009 to \$5.2 billion, which is consistent with President Obama's plan to double the Federal investment in the basic sciences within the next decade.

In recent years, Congress has come to recognize that science will be the foundation for the innovation and solutions that will enable us to overcome many of our greatest challenges—from our economic crises and environmental concerns to our dependence on foreign energy and escalating health care costs—and to remain globally competitive as a nation. As evidenced by the overwhelming bipartisan vote for enactment of the America COMPETES Act in 2007 (P.L. 110-69), both Democrats and Republicans support efforts to double federal funding for basic research in the physical sciences within the next decade. Congress built on this commitment by funding the programs and activities authorized by the America COMPETES Act in the

American Recovery and Reinvestment Act and in the Fiscal Year 2009 Omnibus Appropriations bill.

Congress must build on and provide the resources to sustain this investment in Fiscal Year 2010. Report after report—from the National Academy of Sciences and the President's Council of Advisors on Science and Technology to the Task Force on the Future of American Innovation and the Council on Competitiveness—has called on Congress and the President to invest in U.S. research capabilities. The benefits of such an investment to the U.S. economy and U.S. competitiveness are well known. Economic experts have concluded that science-driven technology has accounted for more than 50 percent of the growth of the U.S. economy during the last half-century.

This kind of technology-based economic growth cannot be sustained without additional investment in the kind of basic research supported by the DOE Office of Science. We face a world in which our economic competitors in Asia and Europe are making significant new investments in their own research capabilities. These investments are beginning to pay off, as Asian and European countries challenge U.S. leadership in the sciences no matter how it is measured—by number of patents won, articles submitted to scientific journals, degrees awarded, Nobel prizes won, or the percentage of Gross Domestic Product (GDP) dedicated to research and development.

Even as we face greater international competition, these are exciting times for science in the United States. There are many great opportunities for scientific discovery, and with adequate funding, the DOE Office of Science will ensure the U.S. retains its dominance in such key scientific fields as nanotechnology, materials science, biotechnology, and supercomputing well into the next century. Through critical new investments in biofuels research and basic energy science, the DOE Office of Science will continue to play a vital role in developing the knowledge and the technologies essential to ensuring the nation's future energy security. Finally, increased funding for the DOE Office of Science will give the economy a boost in the near-term by creating good-paying, American jobs in construction, manufacturing, and research. And in the long-term, such an investment in the nation's scientific and research enterprise—both human and physical capital—will increase our capacity to innovate, reduce our dependence on foreign sources of energy, enhance our competitive edge in the global economy, and thus create the jobs of the future.

U.S. scientists are as bright as any in the world, but they traditionally have had better tools than everyone else. The DOE Office of Science has led the way in creating a unique system of large-scale, specialized user facilities for scientific discovery. This collection of cutting-edge—often one-of-a-kind—tools makes the DOE Office of Science an exceptional and critical component of the federal science portfolio. Other federal science agencies, such as the National Institutes of Health (NIH) and the National Science Foundation (NSF), greatly depend upon these DOE Office of Science facilities in carrying out their own research activities. In Fiscal Year 2009 alone, over 21,500 researchers have access to these special DOE facilities. Nearly half of those users will be university faculty and students—many whose research is being supported by other federal agencies—and a significant number will be from U.S. industry.

For these many reasons, we urge you to increase funding for the DOE Office of Science in Fiscal Year 2010 by 8 percent over Fiscal Year 2009, consistent with President Obama's

plan to double the Federal investment in the basic sciences within the next decade. Furthermore, we urge you to focus this funding on mission-related activities and facilities, and to avoid using core DOE research program budgets to fund extraneous projects. With this funding, the DOE Office of Science will attract the best minds, educate the next generation of scientists and engineers, support the construction and operation of modern facilities, and conduct even more of the quality scientific research that will create jobs and ensure the U.S. retains its competitive edge for many years to come.

Thanks for your consideration. We are cognizant of the difficult budget situation under which your subcommittee is working, and we urge you to contact us if we may be of assistance in any way.

Sincerely,

Judy Biggert, Rush Holt, Howard Berman, John Dingell, Barney Frank, Zoe Lofgren, Ron Kind, David Wu, Michael Capuano, Tammy Baldwin, Bill Pascrell, Joe Sestak, Jerry McNerney, Sheila Jackson-Lee, John Shimkus, Mike Rogers (MI), Adam Schiff, Ron Klein.

Jay Inslee, Daniel Lipinski, James Oberstar, Michael Michaud, Gary Peters, Bill Foster, Anna Eshoo, Zach Wamp, David Loebsack, Eddie Bernice Johnson, Brad Miller, Carolyn Maloney, Doris Matsui, Mary Jo Kilroy, Solomon Ortiz, Lynn Woolsey, Maurice Hinchey, Ellen Tauscher.

Neil Abercrombie, Rosa DeLauro, Bob Etheridge, Stephanie Herseth Sandlin, Henry Waxman, Paul Hodes, Jerrold Nadler, Vernon Ehlers, Earl Blumenauer, Dennis Moore, Chris Van Hollen, Lois Capps, Jan Schakowsky, John Duncan (TN), Tim Bishop, Adam Smith, Jim McGovern, Steve Kagen.

Peter Roskam, Christopher Carney, Carol Shea-Porter, Susan Davis, Raúl Grijalva, Russ Carnahan, Eliot Engel, Bob Inglis, Donna Edwards, Stephen Lynch, Allyson Schwartz, Marcia Fudge, Eleanor Holmes Norton, Jim Costa, Doc Hastings, Roscoe Bartlett.

Mr. PASTOR of Arizona. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania (Mr. ALTMIRE) for the purpose of a colloquy.

Mr. ALTMIRE. Mr. Chairman, I rise to commend Mr. PASTOR for his excellent work on this legislation and to thank him for his continued support of the Nuclear Power 2010 program, which is now in its final year.

This program is a success story. It has reestablished the U.S. leadership in standardized, state-of-the-art nuclear power plants and created a licensing process that allows electric utilities the business certainty to make capital investments while also preserving public participation.

I yield to the gentleman from Arizona.

Mr. PASTOR of Arizona. I thank the gentleman for yielding.

I agree, and the committee was pleased to recommend that the Nuclear Power 2010 program receives \$71 million in this legislation, an increase of \$51 million above the President's request.

Mr. ALTMIRE. I thank Mr. PASTOR. And as he may know, the Nuclear Power 2010 program is of particular importance to my district, home to the Westinghouse Electric Company headquarters and the thousands of my constituents who work for Westinghouse.

Westinghouse helped establish the civilian nuclear energy industry, building the first emission-free electricity generating plant in 1957. Today, more than 40 percent of the world's operating plants are Westinghouse designs, and 62 of the 104 plants in the U.S. are Westinghouse designs.

NP2010 has helped Westinghouse meet today's regulatory requirements for standardizing, siting and licensing the latest nuclear power plant designs.

Mr. PASTOR of Arizona. I want to thank the gentleman for pointing out the vital role this program plays in his district. I am glad that NP2010 funding is included in the bill for all participants who are moving forward with licensing and building to bring the next generation of nuclear plants to the market.

Mr. ALTMIRE. I appreciate Mr. PASTOR for his support of this project and am proud of my constituents who helped bring the AP1000 reactor design to market and make the NP2010 program the success that it is.

Mr. FRELINGHUYSEN. Mr. Chairman, I am pleased to yield 1½ minutes to Mr. CALVERT of California, a member of our committee.

Mr. CALVERT. Mr. Chairman, I rise today to bring your attention to the ongoing water crisis in my home State which has exacerbated the economic downturn throughout California.

Statewide, the unemployment rate has risen to more than 11 percent. In the Central Valley, regional unemployment has reached 20 percent with some communities' unemployment now up to over 40 percent. California's water crisis is the result of severe drought conditions on top of the federally imposed pumping restrictions that have been placed on our State's critical water infrastructure.

The appropriations bill before us provides some funding for a number of California's mid- and long-term water resource management projects. Unfortunately, many of the projects that are receiving funding are years away from completion and will not provide any assistance to Californians suffering today.

Even the most promising short-term projects in the Delta, like the Two Gates project, will only provide relief if regulatory permitting and anticipated court challenges are resolved in quick fashion. Many of the most affected communities have made it clear that they aren't looking for a handout. They want their water and they want their jobs back.

During the markup of this bill in the committee, I offered an amendment to do just that by ending the federally imposed pumping restrictions. Sadly, most of my colleagues on the other side of the aisle rejected the amendment and voted to protect a 3-inch fish instead of protecting jobs and the people of my State of California. I'm disappointed the Rules Committee denied a similar amendment offered by my colleague, Mr. NUNES.

Mr. Chairman, the federally imposed pumping restrictions are harming California families up and down the State. If this Congress and this administration fail to take the bold steps necessary to address the crisis in the next 6–12 months, the people of California will know exactly who's responsible for the job losses.

Mr. PASTOR of Arizona. Mr. Chairman, I would yield 2 minutes to the gentleman from New Mexico (Mr. LUJÁN).

Mr. LUJÁN. Mr. Chairman, I would first like to commend my good friend from Arizona (Mr. PASTOR) for the strong commitment this bill shows toward shoring up both science and the national security of this country. The strong support for the Office of Science will be well received in my home State of New Mexico.

I'm seeking the commitment of the gentleman from Arizona to work with me on refurbishing LANSCE, the Los Alamos Neutron Science Center. This facility plays a crucial role in providing one-of-a-kind experimental capabilities to further the lab's science mission. In addition, it's a key draw for new scientific talent in Los Alamos National Laboratory and high-tech research into northern New Mexico. The capabilities resident within the LANSCE facility cannot be duplicated in a cost-effective manner anywhere else in the country. The investment in the capabilities the refurbishment will sustain will pay for itself many times over.

I yield to Mr. PASTOR.

Mr. PASTOR of Arizona. First of all, I want to thank you for raising this important issue, and you have my personal commitment to work with you as we go forward to find a solution that best serves the national security.

We're well aware of the capabilities and the value of Los Alamos National Laboratories.

Mr. LUJÁN. Mr. Chairman, again, I would like to commend my friend, the gentleman from Arizona for this legislation, and I thank him for his willingness to work with me on this important issue.

Mr. FRELINGHUYSEN. Mr. Chairman, I reserve the balance of my time and ask how much time is available on both sides.

The CHAIR. The gentleman from New Jersey has 8 minutes remaining. The gentleman from Arizona has 9½ minutes remaining.

Mr. PASTOR of Arizona. Mr. Chairman, I yield 2 minutes to the gentleman from Colorado, my good friend, Mr. POLIS.

Mr. POLIS. Mr. Chairman, I, along with my colleague Mr. CARNAHAN, rise to enter into a colloquy.

Mr. PASTOR, several weeks ago the House Sustainable Energy and Environment Coalition met with the Secretary of Energy, Steven Chu. He shared his vision of eight energy innovation hubs that would deliver transformational energy technologies. This

bill only funds one of those important hubs.

When these hubs were first discussed with the committee, DOE's action plan was not fully developed. Since that time, they have made necessary revisions to develop the concept. While we support funding only proposals that are fully developed, we hope that you will work with the members of the Sustainable Energy and Environment Coalition and the Department of Energy to continue working to fund this initiative as this process continues.

Mr. Chairman, I would like to yield to my colleague and fellow SEEC member, Mr. CARNAHAN of Missouri.

Mr. CARNAHAN. As co-chair of the Congressional High Performance Building Caucus, I know firsthand that improvements to our built environment are some of the lowest hanging fruit in terms of energy efficiency gains.

In the long term, we would work with you, Mr. Chairman, to see that all eight energy innovation hubs are fully funded. In the short term, as we enter into conference with the Senate, we would like to work with you to ensure that the Fuels from Sunlight Hub and the Energy Efficient Building Systems Hub are fully funded.

I submit for the RECORD letters from Members and organizations who also support funding of the energy efficient building systems.

I thank you, Mr. PASTOR, for your willingness to address this issue, and I look forward to working with you.

CONGRESS OF THE UNITED STATES,
HIGH-PERFORMANCE BUILDINGS CAUCUS,
Washington, DC, July 15, 2009.

Hon. DAVID R. OBEY,
Chairman, Committee on Appropriations,
Washington, DC.

Hon. ED PASTOR,
Acting Chairman, Subcommittee on Energy and
Water Development, Washington, DC.

Hon. JERRY LEWIS,
Ranking Member, Committee on Appropriations,
Washington, DC.

Hon. RODNEY FRELINGHUYSEN,
Ranking Member, Subcommittee on Energy and
Water Development, Washington, DC.

DEAR CHAIRMEN AND RANKING MEMBERS: As members of the High-Performance Buildings Caucus, we commend your work on the Energy and Water Appropriations Act of 2010. This Act makes investments in all areas of energy and makes critical investments in our nation's infrastructure. Of those investments, we hope you will give priority consideration to the Energy Efficient Buildings Systems Hub.

As a Caucus, we have consistently advocated for investments in a particular element of our nation's infrastructure—our built environment. Each year our nation's homes, offices, schools, and other buildings consume 70 percent of the electricity in the U.S., emit 39 percent of the nation's carbon dioxide emissions, and our citizens spend approximately 90 percent of their time indoors. Investing in the research and development of high-performance building technologies can have a direct impact on decreasing our nation's carbon footprint, reducing costs and improving building energy efficiency.

In light of these facts, the Department of Energy fiscal year 2010 budget introduced a request for eight Energy Innovation Hubs, each focused on a specific national energy related topic. These Energy Innovation Hubs

would function in a new structure modeled after the research laboratories involved in the Manhattan Project Labs, Lincoln Labs at MIT that developed radar and AT&T Bell Laboratories that developed the transistor.

According to the Department of Energy, the proposed Energy Efficient Building Systems Hub would:

Develop systems-based approaches to designing commercial and residential buildings that integrate windows and lighting, natural ventilation and HVAC, thermal inertia, on-site energy generation and other factors. Develop building design software with imbedded energy analysis to assist architects and engineers in adopting new technologies for conserving energy. Develop automated operating platforms for real-time optimization of the building control systems, analogous to computer optimization of automobile engine performance.

We understand that during difficult economic and budgetary times, we must be especially careful with federal research investments. It is because of our strong belief in the benefits of energy efficiency gains that we believe that this Energy Innovation Hub will offer the best return for our investment.

While we understand the concerns of the Appropriations Committee regarding possible redundancies within existing initiatives, we hope to work with the Committee and the Department of Energy to address these specific concerns before moving forward. It is our hope that as this legislation moves forward, we will be able to work with you to address this important issue.

Sincerely,

RUSS CARNAHAN,
Co-Chair.
JUDY BIGGERT,
Co-Chair.

CONGRESS OF THE UNITED STATES,
SUSTAINABLE ENERGY AND ENVIRONMENT COALITION,

Washington, DC, July 15, 2009.

Hon. DAVID R. OBEY,
Chairman, Committee on Appropriations,
Washington, DC.

Hon. ED PASTOR,
Acting Chairman, Subcommittee on Energy and Water Development, Washington, DC.

DEAR CHAIRMAN OBEY AND ACTING CHAIRMAN PASTOR: As members of the Sustainable Energy and Environment Coalition (SEEC), we thank and commend you for your continuing leadership in making the investments in clean energy and energy efficiency technologies that are essential for a transition to a cleaner, more prosperous and independent American energy future.

As a Coalition we believe firmly in the advancement of the technologies that will provide cleaner, more economically and environmentally sustainable energy to every segment of our economy. Further, as members of SEEC we have fought continuously for investments in research and development of renewable energy and energy efficiency technologies that will spawn a new American clean energy economy that will create jobs, reduce our dependence on foreign oil, and arrest the progression of global climate change.

In a meeting on June 16, 2009, Secretary of Energy Steven Chu expressed to our members his desire for a new American energy future. As a part of his visionary plan to bring this future to reality, the Secretary called for the creation of eight "Energy Innovation Hubs" for the advanced research and development of the energy technologies that will allow America to lead the world in a twenty-first century energy economy.

Under the Energy and Water Appropriations, Fiscal Year 2010 legislation, funding has been allocated for the Department of En-

ergy to establish one Energy Innovation Hub. According to the Department of Energy, this Hub would be chartered for the research and development of "Fuels from Sunlight" technologies. While we stand with the Secretary of Energy in supporting the research and development of game-changing, twenty-first century fuel technologies, we would like to express support for the establishment of a second Energy Innovation Hub—using existing funding appropriated to the Office of Energy Efficiency and Renewable Energy—for the research and development of "Energy Efficient Building Systems".

The creation of an Energy Innovation Hub to research and develop advancements in increasing the energy efficiency of buildings is a high priority for the Secretary and the Department of Energy. As a nation, our built environment accounts for 40 percent of our carbon dioxide emissions, and consumes 70 percent of the electricity from our electric grid. A lack of energy efficiency contributes to higher energy prices and greater greenhouse gas emissions for homes and for businesses in every state. Greater and more widespread energy efficiency in buildings would result in lower energy prices, less greenhouse gas emissions, and less wasted use of our energy resources. Therefore, we would like to work with the Committee on Appropriations, the Subcommittee on Energy and Water Development, and the Department of Energy to realize the creation of an Energy Innovation Hub to research and develop Energy Efficient Building Systems.

Sincerely,

RUSS CARNAHAN,
JAY INSLEE,
PAUL TONKO,
MARTIN HEINRICH,
DONNA CHRISTENSEN,
BRUCE BRALEY,
JARED POLIS,
PAUL HODES,
TAMMY BALDWIN,
BETSY MARKEY,
PETER WELCH.

The Members of the Sustainable Energy and Environment Coalition.

HIGH-PERFORMANCE BUILDING CONGRESSIONAL CAUCUS COALITION,

Washington, DC, July 15, 2009.

Chairman DAVID OBEY,
Committee on Appropriations,
Washington, DC.
Ranking Member JERRY LEWIS,
Committee on Appropriations,
Washington, DC.

Re DOE Energy Efficient Building Systems Hub.

DEAR CHAIRMAN OBEY AND RANKING MEMBER LEWIS: As you consider appropriations for the Department of Energy that will impact the energy use associated with buildings, the members of the High-Performance Building Congressional Caucus Coalition (HPBCCC) indicated below, strongly encourage providing funding for the implementation of an innovation hub for energy efficient building systems.

High-performance buildings, which address human, environmental, economic and total societal impact, are the result of the application of the highest level design, construction, operation and maintenance principles—a paradigm change for the built environment. The U.S. should continue to improve the features of new buildings, and adapt and maintain existing buildings, to changing balances in our needs and responsibilities for health, safety, energy efficiency and usability by all segments of society.

Within the private sector, we have made considerable gains toward the design and

construction of energy efficient buildings and equipment. In further pursuit of the nation's energy goals and to fully realize the results of private sector innovation, we look forward to working with you and the Department of Energy to establish public-private partnership programs (including the Energy Efficient Building Systems Hub) to effectively develop and implement energy savings technologies and practices.

The High-Performance Building Congressional Caucus Coalition (HPBCCC) is a private sector coalition of leading organizations from the building community formed to provide guidance and support to the High-Performance Building Caucus of the U.S. Congress. The High-Performance Building Caucus of the U.S. Congress was formed to heighten awareness and inform policymakers about the major impact buildings have on our health, safety and welfare and the opportunities to design, construct and operate high-performance buildings that reflect our concern for these impacts. Fundamental to these concerns include protecting life and property, developing novel building technologies, facilitating and enhancing U.S. economic competitiveness, increasing energy efficiency in the built-environment, assuring buildings have minimal climate change impacts and are able to respond to changes in the environment, and supporting the development of private sector standards, codes and guidelines that address these concerns.

Sincerely,

American Society of Heating, Refrigerating and Air-conditioning Engineers (ASHRAE); Glass Association of North America (GANA); AEC Science & Technology; National Electrical Manufacturers Association (NEMA); National Institute of Building Sciences (NIBS); The Carpet and Rug Institute; American Society of Civil Engineers (ASCE); International Association of Plumbing and Mechanical Officials (IAPMO); Plumbing-Heating-Cooling Contractors-National Association (PHCC); U.S. Green Building Council (USGBC); and International Council of Shopping Centers (ICSC).

National Fenestration Rating Council (NFRC); Green Building Initiative (GBI); American Institute of Architects (AIA); Environmental and Energy Study Institute (EESI); Portland Cement Association (PCA); International Code Council (ICC); Architecture 2030; Center for Environmental Innovation in Roofing; Mechanical Contractors Association of America (MCAA); Green Builder Media; International Association of Lighting Designers (IALD); and Air Conditioning Contractors of America (ACCT).

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

Mr. PASTOR of Arizona. First of all, you are both correct in that when the Secretary appeared before the subcommittee, this is and was presented as a work in progress. And knowing that we are going to proceed forward with the administration and with the Secretary, we thought that it was in the best interest to fund one hub. And as the Secretary and the administration goes forward in developing these hubs, we look forward to working with you, Mr. POLIS.

The CHAIR. The time of the gentleman has expired.

Mr. PASTOR of Arizona. I yield another minute to Mr. POLIS.

Mr. POLIS. I yield to Mr. PASTOR.

Mr. PASTOR of Arizona. So we look forward to working with you and Mr. CARNAHAN because it's an idea that obviously will expand, will grow, and we

want to make sure that the committee, the subcommittee has the opportunity to work with the Secretary to see its development. So we look forward to working with you.

Mr. POLIS. I would like to thank the gentleman from Arizona.

Mr. FRELINGHUYSEN. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from Georgia (Mr. KINGSTON).

Mr. KINGSTON. I thank the gentleman and wanted to rise today for a colloquy. And what this has to do with is some poor language that's in the bill, some on the House side and some on the Senate side. But the gentleman from Florida (Mr. BOYD) had put language in the bill that directs the Corps to report back to Congress an outline of the study based on the findings of the National Research Council workshop on water issues in Apalachicola-Chattahoochee-Flint and Alabama-Coosa-Tallapoosa River basins, and we in the Georgia and Alabama and Florida delegations are in support of that language.

However, there was also some language that was put in by Mr. SHELBY on the Senate side that directs the Corps to report the critical yield of Federal reservoirs on the ACF-ACT, and the majority of Members from the Georgia delegation are opposed to that, and it's a bipartisan opposition. It's something that we are very concerned about. We feel strongly that the Corps of Engineers' water manuals need to be updated and that what the Senator from Alabama has put on the bill on the Senate side will hurt that.

So what I would like to do, if possible, is ask the ranking member and the chairman to keep an eye on this issue and hopefully, as this thing develops, oppose the language that's been put in the bill on the Senate side and support the language that Mr. BOYD put in on the House side. Those two bits of language are not in opposition of each other. You can support one without the other.

But the one that we have the most heartburn about in terms of the bipartisan Georgia delegation is the Shelby language on the Senate side.

I would like to yield to anybody who would like to speak.

Mr. FRELINGHUYSEN. Let me say I would be happy to work, like Mr. PASTOR would, to see what we could do to be helpful to all involved.

Mr. KINGSTON, as you know, we have yet to go to conference, but this is an interest that you and other Members have in terms of its effects on your particular States. You have my commitment, as well as the ranking member as you heard, to work with you and work it out.

Mr. PASTOR of Arizona. Mr. Chairman, I yield 4 minutes to the gentleman from New York, a member of the Energy and Water Appropriations Subcommittee, Mr. ISRAEL.

Mr. ISRAEL. I thank the distinguished gentleman from Arizona. I ap-

preciate his leadership on so many issues. In particular, I want to thank him for including my bipartisan amendment with our colleagues, Mr. LARSON from Connecticut, Mr. MASSA, Mr. DENT, Mr. DOYLE, and Mr. INGLIS to restore \$45 million to the hydrogen and fuel cell program at DOE. This bill brings the total to \$153 million, which I believe can be used to establish a public-private partnership with industry partners who have already displayed a significant investment in the United States.

Currently, Mr. Chairman, the United States is in a neck-and-neck competition with the global market on hydrogen fuel cells. We've got to support these technologies for commercialization within 5 years as a matter of national security, energy independence, and to remain competitive in the energy sector. This investment keeps us ahead.

And I want to again thank the gentleman from Arizona for his leadership and his cooperation, and my colleagues for their bipartisanship in drafting this legislation which the gentleman has accepted.

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Mr. PASTOR of Arizona. Mr. Chairman, I yield 2 minutes to the gentleman from Connecticut (Mr. LARSON).

Mr. LARSON of Connecticut. Mr. Chairman, I want to associate myself with the remarks of STEVE ISRAEL, as the aforementioned also members of the Hydrogen Caucus who have been so critical to promoting this legislation. But I especially want to thank Chairman PASTOR and especially his staff, Taunja Berquam, and also Joe Levin, who played an instrumental role in making sure that we got this important funding included in the bill.

Now, in Connecticut we pride ourselves as being the fuel-cell center. We have more than eight companies, three in my home district. But as STEVE ISRAEL pointed out—and I know Mr. PASTOR knows this—the importance of being energy independent cuts to the core of what we need to do.

This is a technology that has been around for some time. We use it very successfully in NASA. We're able to power our space vehicles. We're able to use the water and be able to heat and cool and power our spacecraft. With that, can we get people back and forth to work and heat and cool our buildings? I think so.

The whole goal here is to make sure that we're able to embrace the most abundant element in the universe, which is hydrogen. If we expect to wean ourselves off of foreign dependency then we have to go with cutting edge technology.

Another young President in 1960 said we could put a man on the moon in 10 years. We did it in nine. Part of the technology in getting us there was hydrogen fuel cells.

It's long overdue for us to make the kind of investments in the public-private

partnerships that Mr. ISRAEL alluded to that are so essential to us moving this economy forward and making sure that we're no longer dependent upon OPEC countries, on Libya, on Venezuela or Russia for our source of fuel, but we make it here in America with American innovation and technology.

And with that, again, I thank Mr. PASTOR for your leadership and your outstanding staff for providing us this opportunity, what I know is a bipartisan effort to move this Nation forward.

Mr. FRELINGHUYSEN. We reserve our time, Mr. Chairman.

Mr. PASTOR of Arizona. We don't have any other speakers. So I reserve my time.

Mr. FRELINGHUYSEN. I yield back my time.

Mr. PASTOR of Arizona. Mr. Chairman, as you heard, this is a bipartisan bill. We've tried to balance the different priorities and needs of this country.

Again, I want to thank my ranking member for his cooperation, his support, and his insight in preparing this bill. It is a good bill, and we would not have been able to do it without the staff that was involved in bringing this bill to us.

Mr. VAN HOLLEN. Mr. Chair, I rise in support of the FY 10 Energy and Water Appropriations bill. Under the leadership of President Obama, the United States is committing itself to a new national clean energy policy for the 21st century, and this legislation advances that critical objective. Additionally, I am pleased with the important investments this bill makes in our nation's water infrastructure.

The Department of Energy will receive \$26.9 billion to fund five primary mission areas: science, energy, the environment, nuclear non-proliferation and national security. Specifically, DoE's Office of Science will receive \$4.9 billion—an amount exceeding the goals of the America COMPETES Act—for its basic and applied research in support of our nation's future energy needs. The Office of Energy Efficiency and Renewable Energy will receive \$2.25 billion for research, grants and demonstration projects in areas ranging from solar power to industrial energy efficiency. This legislation also provides \$5.4 billion for environmental clean-up related to contamination from nuclear weapons manufacturing, and \$592 million is dedicated to safeguarding Russian nuclear materials and combating international nuclear trafficking.

To support our nation's water infrastructure, the Army Corps of Engineers receives \$5.5 billion for operations, maintenance and construction of vital water projects across the country, and the Department of the Interior is provided \$1.1 billion for the Bureau of Reclamation's important work on the nation's dams, canals, water conservation and rural water projects. Finally, I am heartened by the wide-ranging support for Chesapeake Bay restoration initiatives included in this legislation.

Mr. Chair, this bipartisan bill reflects the clean energy and water infrastructure priorities of the American people. I urge my colleagues' support.

Mr. PASTOR of Arizona. Mr. Chairman, I yield back my time.

The CHAIR. All time for general debate has expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule, and the bill shall be considered read through page 63, line 12.

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

H.R. 3183

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, 2010, 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, \$142,000,000, 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 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.

CONSTRUCTION

(INCLUDING TRANSFERS 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), \$2,122,679,000, 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 shall be derived from the Inland Waterways Trust Fund: *Provided*, That \$1,500,000 of the funds appropriated under this heading in title I of division C of the Omnibus Appropria-

tions Act, 2009 (Pub. L. 111-8; 123 Stat. 601-609) is transferred to the Investigations account and, in addition to funds appropriated by this Act, applied toward the cost of carrying out the Seven Oaks Water Conservation Study, California: *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 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.

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, \$251,375,000, 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 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, 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, \$2,510,971,000, 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 established by the Land and Water Conservation 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, except as provided in section 101, the amounts made available under this paragraph shall be expended as authorized by law for the 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.

REGULATORY PROGRAM

For expenses necessary for administration of laws pertaining to regulation of navigable waters and wetlands, \$190,000,000, 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, \$134,000,000, 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 and the offices of the Division Engineers; and for the management and operation of the Humphreys Engineer Center Support Activity, the Institute for Water Resources, the Engineer Research and Development Center, and the Corps Finance Center, \$184,000,000, to remain available until expended, of which not more than \$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 above activities: *Provided further*, That any unobligated balances from prior appropriation Acts for "Flood Control and Coastal Emergencies" 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: *Provided further*, That upon submission to the Congress of the fiscal year 2011 President's budget, the Chief of Engineers shall transmit to Congress the annual congressional budget justifications for fiscal year 2011: *Provided further*, That the amount herein appropriated shall be reduced by \$100,000 per day for each day after initial submission of the President's budget that the report has not been submitted to the Congress.

OFFICE OF ASSISTANT SECRETARY OF THE ARMY
(CIVIL WORKS)

For the Office of Assistant Secretary of the Army (Civil Works) as authorized by 10 U.S.C. 3016(b)(3), \$6,000,000, 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

SEC. 101. REPROGRAMMING RESTRICTION.—(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 Act of 1996, or section 204 of the Water Resources Act of 1992.

(c) The Army 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. COMPETITIVE SOURCING.—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.

SEC. 103. CONTRACT MODIFICATION.—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. INLAND WATERWAYS TRUST FUND.—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 the Fund sufficient to meet the cost-sharing authorized in the Water Resources Development Act of 1986 (Public Law 99-662) is enacted.

SEC. 105. TWO HARBORS, MINNESOTA.—The project for navigation, Two Harbors, Minnesota, being carried out under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577), and modified by section 3101 of the Water Resources Development Act of 2007 (121 Stat. 1133), is further modified to direct the Secretary to credit, in accordance with section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d-5b), toward the non-Federal share of the project the cost of planning, design, and construction work carried out by the non-Federal interest for the project before the date of execution of a partnership agreement for the project.

SEC. 106. NORTHERN WISCONSIN.—Section 154(h) of title I of division B of the Miscellaneous Appropriations Act, 2001 (114 Stat. 2763A-254) (as enacted into law by Public Law 106-554) is amended by striking “\$40,000,000” and inserting “\$60,000,000”.

SEC. 107. MARTIN, KENTUCKY.—The Secretary is directed to use such funds as are necessary, from amounts made available in this Act under the heading “Construction”, to expedite acquisition of those properties located in the vicinity of Martin, Kentucky, that were damaged by the floodwaters in the May 2009 flood event and that fall within Phases 3 and 4 of the mandatory and voluntary acquisition elements identified in Plan A of the Chief of Engineers, Town of Martin Nonstructural Project Detailed Project Report, Appendix T, Section 202 General Plan, dated March 2000.

SEC. 108. WHITE RIVER MINIMUM FLOW, ARKANSAS.—Section 132 of the Energy and Water Development Appropriations Act of 2006 (119 Stat 2261) is amended—

(1) in subsection (a)(3), by striking “Corps of Engineers” and inserting “Southwestern Power Administration”;

(2) by adding at the end of subsection (a) the following new paragraph:

“(5) PAYMENT TO NON-FEDERAL LICENSEE.—Southwestern Power Administration shall compensate the licensee of Federal Energy Regulatory Commission Project No. 2221 pursuant to paragraph (3) using receipts collected from the sale of Federal power and en-

ergy related services. Pursuant to paragraph (6), Southwestern Power Administration will begin collecting receipts in the Special Receipts and Disbursement account upon the date of enactment of this paragraph. Payment to the licensee of Federal Energy Regulatory Commission Project No. 2221 shall be paid as soon as adequate receipts are collected in the Special Receipts and Disbursement Account to fully compensate the licensee, and in accordance with paragraph (2), such payment shall be considered non-reimbursable.”;

(3) by adding at the end of subsection (a) the following new paragraph:

“(6) The Southwestern Power Administration shall compensate the licensee of Federal Energy Regulatory Commission Project No. 2221 in annual payments of not less than \$5,000,000, until the licensee of Federal Energy Regulatory Commission Project No. 2221 is fully compensated pursuant to paragraph (3). At the end of each fiscal year subsequent to implementation, any remaining balance to be paid to the licensee of Project No. 2221 shall accrue interest at the 30-year U.S. Treasury bond rate in effect at the time of implementation of the White River Minimum Flows project.”;

(4) by adding at the end of subsection (a) the following new paragraph:

“(7) ESTABLISHMENT OF SPECIAL RECEIPT AND DISBURSEMENT ACCOUNTS.—There is established in the Treasury of the United States a special receipt account and corresponding disbursement account to be made available to the Administrator of the Southwestern Power Administration to disburse pre-collected receipts from the sale of federal power and energy and related services. The accounts are authorized for the following uses:

“(A) Collect and disburse receipts for purchase power and wheeling expenses incurred by Southwestern Power Administration to purchase replacement power and energy as a result of implementation of the White River Minimum Flows project.

“(B) Collect and disburse receipts related to compensation of the licensee of Federal Energy Regulatory Commission Project No. 2221.

“(C) Said special receipt and disbursement account shall remain available for not more than 12 months after the date of full compensation of the licensee of Federal Energy Regulatory Commission Project No. 2221.”;

(5) by adding at the end of subsection (a) the following new paragraph:

“(8) TIME OF IMPLEMENTATION.—For purposes of paragraphs (3) and (4), ‘time of implementation’ shall mean the authorization of the special receipt account and corresponding disbursement account described in paragraph (7).”.

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, \$40,300,000, to remain available until expended, of which \$1,500,000 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, \$1,704,000, to remain available until expended. For fiscal year 2010, 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, \$910,247,000, to remain available until expended, of which \$53,240,000 shall be available for transfer to the Upper Colorado River Basin Fund and \$17,936,000 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 section 106 of Public Law 91-378 (16 U.S.C. 1706; popularly known as the Youth Conservation Corps Act of 1970): *Provided*, That such transfers may be increased or decreased within the overall appropriation under this heading: *Provided further*, That of the total amount appropriated, the amount for program activities that can be financed by the Reclamation Fund or the Bureau of Reclamation special fee account established by section 4(i) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-6a(i)) shall be derived from that Fund or account: *Provided further*, That funds contributed under the Act of March 4, 1921 (43 U.S.C. 395) are available until expended for the purposes for which contributed: *Provided further*, That funds advanced under the Act of January 12, 1927 (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 funds available for expenditure for the Departmental Irrigation Drainage Program may be expended by the Bureau of Reclamation for site remediation on a non-reimbursable basis: *Provided further*, That \$4,000,000 of the funds appropriated under this heading shall be deposited in the San Gabriel Basin Restoration Fund established by section 110 of title I of appendix D of Public Law 106-554: *Provided further*, That, except as provided in section 201 of this Act, the amounts made available under this paragraph shall be expended as authorized by law for the 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, \$35,358,000, 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, \$31,000,000, 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, \$61,200,000, to be derived from the Reclamation Fund and be nonreimbursable as provided in section 4(o) of the Act of December 5, 1924 (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 the purchase of not more than seven passenger motor vehicles, which are for replacement only.

GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

SEC. 201. REPROGRAMMING RESTRICTION.—(a) None of the funds provided in title II for Water and Related Resources 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. SAN LUIS UNIT.—(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.

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, \$2,250,000,000, to remain available until expended: *Provided*, That, of the amount appropriated in this paragraph, \$500,000 shall be for research and development of novel hydrogen energy carriers that are liquid at standard temperature and pressure and store hydrogen in bound chemical states rather than as free molecules, to be awarded under full and open competition: *Provided further*, That, of the amount appropriated in this paragraph, \$500,000 shall be for development of a demonstration plant for the production of biodiesel fuels from crops that, to the greatest extent possible, are cultivated on existing cropland during off-season rotations and minimize land use per unit of fuel energy produced, to be awarded under full and open competition: *Provided further*, That, of the amount appropriated in this paragraph, \$3,000,000 shall be for development of a parking canopy facility with solar photovoltaic roof panels for electricity generation to measure the viability of using photovoltaic technologies in locations where environmental and space limitations render conventional power generation costly, to be awarded under full and open competition: *Provided further*, That, of the amount appropriated in this paragraph, \$153,560,000 shall be used for the projects specified in the table

that appears under the heading “Congressionally Directed Energy Efficiency and Renewable Energy Projects” in the report of the Committee on Appropriations of the House of Representatives to accompany this Act.

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, \$208,008,000, to remain available until expended: *Provided*, That, of the amount appropriated in this paragraph, \$7,600,000 shall be used for the projects specified in the table that appears under the heading “Congressionally Directed Electricity Delivery and Energy Reliability Projects” in the report of the Committee on Appropriations of the House of Representatives to accompany this Act.

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 36 passenger motor vehicles, including one ambulance, all for replacement only, \$812,000,000, to remain available until expended: *Provided*, That, of the amount appropriated in this paragraph, \$500,000 shall be used for the projects specified in the table that appears under the heading “Congressionally Directed Nuclear Energy Projects” in the report of the Committee on Appropriations of the House of Representatives to accompany this Act.

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 (42 U.S.C. 7101 et seq.), 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), \$617,565,000, to remain available until expended: *Provided*, That funds appropriated for prior solicitations under the Clean Coal Technology Program, Power Plant Improvement Initiative, Clean Coal Power Initiative, and FutureGen, but not required by the Department to meet its obligations on projects selected under such solicitations, may be utilized for the Clean Coal Power Initiative, pursuant to title IV of Public Law 109-58, in accordance with the requirements of this Act rather than the Acts under which the funds were appropriated: *Provided further*, That no Clean Coal Power Initiative project may be selected for which full funding is not available to provide for the total project: *Provided further*, That if a Clean Coal Power Initiative project, selected after enactment of this Act for negotiation under this or any other Act in any fiscal year, is not awarded within 2 years from the date the application was selected, negotiations shall cease and the Federal funds committed to the application shall be retained

by the Department for future coal-related research, development, and demonstration projects, except that the time limit may be extended at the Secretary's discretion for matters outside the control of the applicant, or if the Secretary determines that extension of the time limit is in the public interest: *Provided further*, That the Secretary may not delegate this responsibility for applications greater than \$10,000,000: *Provided further*, That financial assistance for costs in excess of those estimated as of the date of award of original Clean Coal Power Initiative financial assistance may not be provided in excess of the proportion of costs borne by the Government in the original agreement and shall be limited to 25 percent of the original financial assistance: *Provided further*, That funds shall be expended in accordance with the provisions governing the use of funds contained under the heading "Clean Coal Technology" in Public Law 99-190 (42 U.S.C. 5903d): *Provided further*, That any technology selected under these programs shall be considered a Clean Coal Technology, and any project selected under these programs shall be considered a Clean Coal Technology Project, for the purposes of 42 U.S.C. 7651n, and chapters 51, 52, and 60 of title 40 of the Code of Federal Regulations: *Provided further*, That funds available for the Clean Coal Power Initiative may be used to support any technology relating to carbon capture and storage or beneficial uses of carbon dioxide, without regard to the 70 and 30 percent funding allocations specified in section 402(b)(1)(A) and (2)(A) of the Energy Policy Act of 2005 (42 U.S.C. 15962(b)(1)(A) and (2)(A)): *Provided further*, That, of the amount appropriated in this paragraph, \$750,000 shall be for development of technologies for integration into gasification systems for the low-cost production of synthesis gas, to be awarded under full and open competition: *Provided further*, That, of the amount appropriated in this paragraph, \$500,000 shall be for development of fuel cell technologies for conversion of commercially available fuels and biofuels into electricity, to be awarded under full and open competition: *Provided further*, That, of the amount appropriated in this paragraph, \$300,000 shall be for development of control technologies for increased performance in synthesis gas combustion applications, to be awarded under full and open competition: *Provided further*, That, of the amount appropriated in this paragraph, \$8,000,000 shall be used for the projects specified in the table that appears under the heading "Congressionally Directed Fossil Energy Research and Development Projects" in the report of the Committee on Appropriations of the House of Representatives to accompany this Act.

NAVAL PETROLEUM AND OIL SHALE RESERVES

For expenses necessary to carry out naval petroleum and oil shale reserve activities, including the hire of passenger motor vehicles, \$23,627,000, to remain available until expended: *Provided*, That, notwithstanding any other provision of law, unobligated funds remaining from prior years shall be available for all naval petroleum and oil shale reserve activities.

STRATEGIC PETROLEUM RESERVE

For necessary expenses for Strategic Petroleum Reserve facility development and operations and program management activities pursuant to the Energy Policy and Conservation Act (42 U.S.C. 6201 et seq.), \$228,573,000, to remain available until expended.

NORTHEAST HOME HEATING OIL RESERVE

For necessary expenses for Northeast Home Heating Oil Reserve storage, operation, and management activities pursuant

to the Energy Policy and Conservation Act (42 U.S.C. 6201 et seq.), \$11,300,000, to remain available until expended.

ENERGY INFORMATION ADMINISTRATION

For necessary expenses in carrying out the activities of the Energy Information Administration, \$121,858,000, to remain available until expended.

NON-DEFENSE ENVIRONMENTAL CLEANUP

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other expenses necessary for non-defense environmental cleanup activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, \$237,517,000, to remain available until expended.

URANIUM ENRICHMENT DECONTAMINATION AND DECOMMISSIONING FUND

For necessary expenses in carrying out uranium enrichment facility decontamination and decommissioning, remedial actions, and other activities under title II of the Atomic Energy Act of 1954, and title X, subtitle A, of the Energy Policy Act of 1992, \$559,377,000, to be derived from the Uranium Enrichment Decontamination and Decommissioning Fund, to remain available until expended.

SCIENCE

(INCLUDING TRANSFER OF FUNDS)

For Department of Energy expenses including the purchase, construction, and acquisition of plant and capital equipment, and other expenses necessary for science activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or facility or for plant or facility acquisition, construction, or expansion, and purchase of not more than 50 passenger motor vehicles for replacement only, including one law enforcement vehicle, two ambulances, and three buses, \$4,943,587,000, to remain available until expended: *Provided*, That \$15,000,000 appropriated under this heading under prior appropriation Acts for the Advanced Research Projects Agency—Energy is hereby transferred to the "Advanced Research Projects Agency—Energy" account: *Provided further*, That, of the amount appropriated in this paragraph, \$37,740,000 shall be used for the projects specified in the table that appears under the heading "Congressionally Directed Science Projects" in the report of the Committee on Appropriations of the House of Representatives to accompany this Act.

NUCLEAR WASTE DISPOSAL

For nuclear waste disposal activities to carry out the purposes of the Nuclear Waste Policy Act of 1982 (Public Law 97-425) ("NWPAA"), including the acquisition of real property or facility construction or expansion, \$98,400,000, to remain available until expended, and to be derived from the Nuclear Waste Fund: *Provided*, That of the funds made available in this Act for Nuclear Waste Disposal, \$5,000,000 shall be provided to the Office of the Attorney General of the State of Nevada solely for expenditures, other than salaries and expenses of State employees, to conduct scientific oversight responsibilities and participate in licensing activities pursuant to the NWPAA: *Provided further*, That notwithstanding the lack of a written agreement with the State of Nevada under section 117(c) of the NWPAA, \$1,000,000 shall be provided to Nye County, Nevada, for on-site oversight activities under section 117(d) of

such Act: *Provided further*, That \$9,000,000 shall be provided to affected units of local government, as defined in the NWPAA, to conduct appropriate activities and participate in licensing activities: *Provided further*, That, of the \$9,000,000 provided, 7.5 percent of the funds shall be made available to affected units of local government in California with the balance made available to affected units of local government in Nevada for distribution as determined by the Nevada units of local government: *Provided further*, That this funding shall be provided to affected units of local government, as defined in the NWPAA: *Provided further*, That \$500,000 shall be provided to the Timbisha-Shoshone Tribe solely for expenditures, other than salaries and expenses of tribal employees, to conduct appropriate activities and participate in licensing activities under section 118(b) of the NWPAA: *Provided further*, That notwithstanding the provisions of chapters 65 and 75 of title 31, United States Code, the Department shall have no monitoring, auditing, or other oversight rights or responsibilities over amounts provided to affected units of local government: *Provided further*, That the funds for the State of Nevada shall be made available solely to the Office of the Attorney General by direct payment and to units of local government by direct payment: *Provided further*, That within 90 days of the completion of each Federal fiscal year, the Office of the Attorney General of the State of Nevada and each of the affected units of local government shall provide certification to the Department of Energy that all funds expended from such payments have been expended for activities authorized by the NWPAA and this Act: *Provided further*, That failure to provide such certification shall cause such entity to be prohibited from any further funding provided for similar activities: *Provided further*, That none of the funds herein appropriated may be: (1) used directly or indirectly to influence legislative action, except for normal and recognized executive-legislative communications, on any matter pending before Congress or a State legislature or for lobbying activity as provided in 18 U.S.C. 1913; (2) used for litigation expenses; or (3) used to support multi-State efforts or other coalition building activities inconsistent with the restrictions contained in this Act: *Provided further*, That all proceeds and recoveries realized by the Secretary in carrying out activities authorized by the NWPAA, including any proceeds from the sale of assets, shall be available without further appropriation and shall remain available until expended: *Provided further*, That no funds provided in this Act or any previous Act may be used to pursue repayment or collection of funds provided in any fiscal year to affected units of local government for oversight activities that had been previously approved by the Department of Energy or to withhold payment of any such funds: *Provided further*, That of the funds made available in this Act for Nuclear Waste Disposal, \$5,000,000 shall be provided to create a Blue Ribbon Commission to consider all alternatives for nuclear waste disposal.

TITLE 17 INNOVATIVE TECHNOLOGY LOAN GUARANTEE PROGRAM

Such sums as are derived from amounts received from borrowers pursuant to section 1702(b)(2) of the Energy Policy Act of 2005 under this heading in prior Acts shall be collected in accordance with section 502(7) of the Congressional Budget Act of 1974: *Provided*, That for necessary administrative expenses to carry out this Loan Guarantee program, \$43,000,000 is appropriated, to remain available until expended: *Provided further*, That \$43,000,000 of the fees collected pursuant to section 1702(h) of the Energy Policy Act of

2005 shall be credited as offsetting collections to this account to cover administrative expenses and shall remain available until expended, so as to result in a final fiscal year 2010 appropriations from the general fund estimated at not more than \$0: *Provided further*, That fees collected under section 1702(h) in excess of the amount appropriated for administrative expenses shall not be available until appropriated.

**ADVANCED TECHNOLOGY VEHICLES
MANUFACTURING LOANS PROGRAM**

For administrative expenses in carrying out the Advanced Technology Vehicles Manufacturing Loans Program, \$20,000,000, to remain available until expended.

DEPARTMENTAL ADMINISTRATION

For salaries and expenses of the Department of Energy necessary for departmental administration in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the hire of passenger motor vehicles and official reception and representation expenses not to exceed \$30,000, \$289,684,000, to remain available until expended, plus such additional amounts as necessary to cover increases in the estimated amount of cost of work for others notwithstanding the provisions of the Anti-Deficiency Act (31 U.S.C. 1511 et seq.): *Provided*, That such increases in cost of work are offset by revenue increases of the same or greater amount, to remain available until expended: *Provided further*, That moneys received by the Department for miscellaneous revenues estimated to total \$119,740,000 in fiscal year 2010 may be retained and used for operating expenses within this account, and may remain available until expended, as authorized by section 201 of Public Law 95-238, notwithstanding the provisions of 31 U.S.C. 3302: *Provided further*, That the sum herein appropriated shall be reduced by the amount of miscellaneous revenues received during 2010, and any related appropriated receipt account balances remaining from prior years' miscellaneous revenues, so as to result in a final fiscal year 2010 appropriation from the general fund estimated at not more than \$169,944,000.

OFFICE OF THE INSPECTOR GENERAL

For necessary expenses of the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, \$51,927,000, to remain available until expended.

**ATOMIC ENERGY DEFENSE ACTIVITIES
NATIONAL NUCLEAR SECURITY
ADMINISTRATION
WEAPONS ACTIVITIES**

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other incidental expenses necessary for atomic energy defense weapons activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, and the purchase of not more than one ambulance; \$6,320,000, to remain available until expended: *Provided*, That, of the amount appropriated in this paragraph, \$3,000,000 shall be used for the projects specified under the heading "Congressionally Directed Weapons Activities Projects" in the report of the Committee on Appropriations of the House of Representatives to accompany this Act.

DEFENSE NUCLEAR NONPROLIFERATION

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other incidental expenses necessary for de-

fense nuclear nonproliferation activities, in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, and the purchase of not more than one passenger motor vehicle for replacement only, \$1,471,175,000, to remain available until expended: *Provided*, That, of the amount appropriated in this paragraph, \$250,000 shall be used for the projects specified under the heading "Congressionally Directed Defense Nuclear Nonproliferation Projects" in the report of the Committee on Appropriations of the House of Representatives to accompany this Act.

NAVAL REACTORS

For Department of Energy expenses necessary for naval reactors activities to carry out the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition (by purchase, condemnation, construction, or otherwise) of real property, plant, and capital equipment, facilities, and facility expansion, \$1,003,133,000, to remain available until expended.

**OFFICE OF THE ADMINISTRATOR
(INCLUDING TRANSFER OF FUNDS)**

For necessary expenses of the Office of the Administrator in the National Nuclear Security Administration, including official reception and representation expenses not to exceed \$12,000, \$420,754,000, to remain available until expended: *Provided*, That \$10,000,000 previously appropriated for cleanup efforts at Argonne National Lab shall be transferred to "Non-Defense Environmental Cleanup": *Provided further*, That, of the amount appropriated in this paragraph, \$13,000,000 shall be used for the projects specified in the table that appears under the heading "Congressionally Directed Office of the Administrator (NNSA) Projects" in the report of the Committee on Appropriations of the House of Representatives to accompany this Act.

**ENVIRONMENTAL AND OTHER DEFENSE
ACTIVITIES**

**DEFENSE ENVIRONMENTAL CLEANUP
(INCLUDING TRANSFER OF FUNDS)**

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other expenses necessary for atomic energy defense environmental cleanup activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, and the purchase of not more than four ambulances and three passenger motor vehicles for replacement only, \$5,381,842,000, to remain available until expended, of which \$463,000,000 shall be transferred to the "Uranium Enrichment Decommissionation and Decommissioning Fund".

OTHER DEFENSE ACTIVITIES

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other expenses, necessary for atomic energy defense, other defense activities, and classified activities, in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, and the purchase of not more than 12 passenger motor vehicles for replacement only, \$1,518,002,000, to remain available until expended: *Provided*, That, of the funds provided herein, \$504,238,000 is for project 99-D-143 Mixed Oxide Fuel Fabrication Facility, Sa-

vannah River Site, South Carolina; \$70,000,000 is for project 99-D-141-02 Waste Solidification Building, Savannah River Site, South Carolina; \$84,296,000 for MOX operations; and \$7,000,000 for WSB operation: *Provided further*, That the Department of Energy shall adhere strictly to Department of Energy Order 413.3A for Project 99-D-143: *Provided further*, That, of the amount appropriated in this paragraph, \$2,000,000 shall be used for the projects specified in the table that appears under the heading "Congressionally Directed Other Defense Activities Projects" in the report of the Committee on Appropriations of the House of Representatives to accompany this Act.

DEFENSE NUCLEAR WASTE DISPOSAL

For nuclear waste disposal activities to carry out the purposes of the Nuclear Waste Policy Act of 1982 (Public Law 97-425), including the acquisition of real property or facility construction or expansion, \$98,400,000, to remain available until expended.

POWER MARKETING ADMINISTRATIONS

BONNEVILLE POWER ADMINISTRATION FUND

Expenditures from the Bonneville Power Administration Fund, established pursuant to the Federal Columbia River Transmission System Act (Public Law 93-454), are approved for the Leaburg Fish Sorter, the Okanogan Basin Locally Adapted Steelhead Supplementation Program, and the Crystal Springs Hatchery Facilities, and, in addition, for official reception and representation expenses in an amount not to exceed \$1,500. During fiscal year 2010, no new direct loan obligations may be made from such Fund.

**OPERATION AND MAINTENANCE, SOUTHEASTERN
POWER ADMINISTRATION**

For necessary expenses of operation and maintenance of power transmission facilities and of marketing electric power and energy, including transmission wheeling and ancillary services pursuant to section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the southeastern power area, \$7,638,000, to remain available until expended: *Provided*, That notwithstanding 31 U.S.C. 3302 and section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), up to \$7,638,000 collected by the Southeastern Power Administration from the sale of power and related services shall be credited to this account as discretionary offsetting collections, to remain available until expended for the sole purpose of funding the annual expenses of the Southeastern Power Administration: *Provided further*, That the sum herein appropriated for annual expenses shall be reduced as collections are received during the fiscal year so as to result in a final fiscal year 2010 appropriation estimated at not more than \$0: *Provided further*, That, notwithstanding 31 U.S.C. 3302, up to \$70,806,000 collected by the Southeastern Power Administration pursuant to the Flood Control Act of 1944 to recover purchase power and wheeling expenses shall be credited to this account as offsetting collections, to remain available until expended for the sole purpose of making purchase power and wheeling expenditures: *Provided further*, That notwithstanding the provisions of 31 U.S.C. 3302 and section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), all funds collected by the Southeastern Power Administration that are applicable to the repayment of the annual expenses of this account in this and subsequent fiscal years shall be credited to this account as discretionary offsetting collections for the sole purpose of funding such expenses, with such funds remaining available until expended: *Provided further*, That for purposes of this appropriation, annual expenses means expenditures that are generally recovered in the

same year that they are incurred (excluding purchase power and wheeling expenses).

OPERATION AND MAINTENANCE,

SOUTHWESTERN POWER ADMINISTRATION

For necessary expenses of operation and maintenance of power transmission facilities and of marketing electric power and energy, for construction and acquisition of transmission lines, substations and appurtenant facilities, and for administrative expenses, including official reception and representation expenses in an amount not to exceed \$1,500 in carrying out section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the Southwestern Power Administration, \$44,944,000, to remain available until expended: *Provided*, That notwithstanding 31 U.S.C. 3302 and section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), up to \$31,868,000 collected by the Southwestern Power Administration from the sale of power and related services shall be credited to this account as discretionary offsetting collections, to remain available until expended, for the sole purpose of funding the annual expenses of the Southwestern Power Administration: *Provided further*, That the sum herein appropriated for annual expenses shall be reduced as collections are received during the fiscal year so as to result in a final fiscal year 2010 appropriation estimated at not more than \$13,076,000: *Provided further*, That, notwithstanding 31 U.S.C. 3302, up to \$38,000,000 collected by the Southwestern Power Administration pursuant to the Flood Control Act of 1944 to recover purchase power and wheeling expenses shall be credited to this account as offsetting collections, to remain available until expended for the sole purpose of making purchase power and wheeling expenditures: *Provided further*, That notwithstanding 31 U.S.C. 3302 and section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), all funds collected by the Southwestern Power Administration that are applicable to the repayment of the annual expenses of this account in this and subsequent fiscal years shall be credited to this account as discretionary offsetting collections for the sole purpose of funding such expenses, with such funds remaining available until expended: *Provided further*, That for purposes of this appropriation, annual expenses means expenditures that are generally recovered in the same year that they are incurred (excluding purchase power and wheeling expenses).

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

For carrying out the functions authorized by title III, section 302(a)(1)(E) of the Act of August 4, 1977 (42 U.S.C. 7152), and other related activities including conservation and renewable resources programs as authorized, including official reception and representation expenses in an amount not to exceed \$1,500; \$256,711,000, to remain available until expended, of which \$245,216,000 shall be derived from the Department of the Interior Reclamation Fund: *Provided*, That notwithstanding 31 U.S.C. 3302, section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), and section 1 of the Interior Department Appropriation Act, 1939 (43 U.S.C. 392a), up to \$147,530,000 collected by the Western Area Power Administration from the sale of power and related services shall be credited to this account as discretionary offsetting collections, to remain available until expended, for the sole purpose of funding the annual expenses of the Western Area Power Administration: *Provided further*, That the sum herein appropriated for annual expenses shall be reduced as collections are received during the fiscal year so as to result in a final fiscal year 2010 appropriation estimated at not more than \$109,181,000, of which \$97,686,000 is

derived from the Reclamation Fund: *Provided further*, That of the amount herein appropriated, \$7,584,000 is for deposit into the Utah Reclamation Mitigation and Conservation Account pursuant to title IV of the Reclamation Projects Authorization and Adjustment Act of 1992: *Provided further*, That notwithstanding 31 U.S.C. 3302, up to \$349,807,000 collected by the Western Area Power Administration pursuant to the Flood Control Act of 1944 and the Reclamation Project Act of 1939 (43 U.S.C. 485 et seq.) to recover purchase power and wheeling expenses shall be credited to this account as offsetting collections, to remain available until expended for the sole purpose of making purchase power and wheeling expenditures: *Provided further*, That of the amount herein appropriated, up to \$18,612,000 is provided on a nonreimbursable basis for environmental remediation at the Basic Substation site in Henderson, Nevada: *Provided further*, That notwithstanding 31 U.S.C. 3302, section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), and section 1 of the Interior Department Appropriation Act, 1939 (43 U.S.C. 392a), funds collected by the Western Area Power Administration from the sale of power and related services that are applicable to the repayment of the annual expenses of this account in this and subsequent fiscal years shall be credited to this account as discretionary offsetting collections for the sole purpose of funding such expenses, with such funds remaining available until expended: *Provided further*, That for purposes of this appropriation, annual expenses means expenditures that are generally recovered in the same year that they are incurred (excluding purchase power and wheeling expenses).

FALCON AND AMISTAD OPERATING AND MAINTENANCE FUND

For operation, maintenance, and emergency costs for the hydroelectric facilities at the Falcon and Amistad Dams, \$2,568,000, to remain available until expended, and to be derived from the Falcon and Amistad Operating and Maintenance Fund of the Western Area Power Administration, as provided in section 2 of the Act of June 18, 1954 (43 U.S.C. 485g): *Provided*, That notwithstanding the provisions of such Act and of 31 U.S.C. 3302, up to \$2,348,000 collected by the Western Area Power Administration from the sale of power and related services from the Falcon and Amistad Dams shall be credited to this account as discretionary offsetting collections, to remain available until expended for the sole purpose of funding the annual expenses of the hydroelectric facilities of these Dams and associated Western Area Power Administration activities: *Provided further*, That the sum herein appropriated for annual expenses shall be reduced as collections are received during the fiscal year so as to result in a final fiscal year 2010 appropriation estimated at not more than \$220,000: *Provided further*, That notwithstanding the provisions of section 2 of the Act of June 18, 1954 (43 U.S.C. 485g) and 31 U.S.C. 3302, all funds collected by the Western Area Power Administration from the sale of power and related services from the Falcon and Amistad Dams that are applicable to the repayment of the annual expenses of the hydroelectric facilities of these Dams and associated Western Area Power Administration activities in this and subsequent fiscal years shall be credited to this account as discretionary offsetting collections for the sole purpose of funding such expenses, with such funds remaining available until expended: *Provided further*, That for purposes of this appropriation, annual expenses means expenditures that are generally recovered in the same year that they are incurred.

FEDERAL ENERGY REGULATORY COMMISSION SALARIES AND EXPENSES

For necessary expenses of the Federal Energy Regulatory Commission to carry out the provisions of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including services as authorized by 5 U.S.C. 3109, the hire of passenger motor vehicles, and official reception and representation expenses not to exceed \$3,000, \$298,000,000, to remain available until expended: *Provided*, That notwithstanding any other provision of law, not to exceed \$298,000,000 of revenues from fees and annual charges and other services and collections in fiscal year 2010 shall be retained and used for necessary expenses in this account and shall remain available until expended: *Provided further*, That the sum herein appropriated from the general fund shall be reduced as revenues are received during fiscal year 2010 so as to result in a final fiscal year 2010 appropriation from the general fund estimated at not more than \$0.

GENERAL PROVISIONS, DEPARTMENT OF ENERGY

SEC. 301. UNFUNDED REQUESTS FOR PROPOSALS.—None of the funds appropriated by this Act may be used to prepare or initiate Requests For Proposals (RFPs) for a program if the program has not been funded by Congress.

SEC. 302. DEPARTMENT OF ENERGY DEFENSE NUCLEAR FACILITIES WORKFORCE RESTRUCTURING.—None of the funds appropriated by this Act may be used—

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

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

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

SEC. 303. UNEXPENDED BALANCES.—The unexpended balances of prior appropriations provided for activities in this Act may be available to the same appropriation accounts for such activities established pursuant to this title. Available balances may be merged with funds in the applicable established accounts and thereafter may be accounted for as one fund for the same time period as originally enacted.

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

SEC. 305. USER FACILITIES.—(a) When the Department of Energy makes a user facility available to universities or other potential users, or seeks input from universities or other potential users regarding significant characteristics or equipment in a user facility or a proposed user facility, the Department shall ensure broad public notice of such availability or such need for input to universities and other potential users.

(b) When the Department of Energy considers the participation of a university or other potential user as a formal partner in the establishment or operation of a user facility, the Department shall employ full and open competition in selecting such a partner.

(c) For purposes of this section, the term “user facility” includes—

(1) a user facility as described in section 2203(a)(2) of the Energy Policy Act of 1992 (42 U.S.C. 13503(a)(2));

(2) a National Nuclear Security Administration Defense Programs Technology Development Center/User Facility; and

(3) any other Departmental facility designated by the Department as a user facility.

SEC. 306. INTELLIGENCE ACTIVITIES.—Funds appropriated by this or any other Act, or made available by the transfer of funds in this Act, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2010 until the enactment of the Intelligence Authorization Act for fiscal year 2010.

SEC. 307. LABORATORY DIRECTED RESEARCH AND DEVELOPMENT.—Of the funds made available by the Department of Energy for activities at government-owned, contractor-operated laboratories funded in this Act, the Secretary may authorize a specific amount, not to exceed 6 percent of such funds, to be used by such laboratories for laboratory directed research and development: *Provided*, That the Secretary may also authorize a specific amount, not to exceed 4 percent of such funds, to be used by the plant manager of a covered nuclear weapons production plant or the manager of the Nevada Site Office for plant or site directed research and development.

SEC. 308. LIMITED TRANSFER AUTHORITY TO ADDRESS PENSION REQUIREMENTS.—(a) If the Secretary of Energy determines that additional funds are needed to reimburse the costs of defined benefit pension plans for contractor employees, the Secretary may transfer not more than one percent from each appropriation made available in this Act to any other appropriation available to the Secretary in the same Act for such reimbursements.

(b) In carrying out a transfer under this section, the Secretary shall use each appropriation made available to the Department in that fiscal year as a source for the transfer and shall reduce each appropriation by an equal percentage, except that appropriations for which the Secretary determines there exists a need for additional funds for pension plan costs in that fiscal year, as well as appropriations made available for Naval Petroleum and Oil Shale Reserves, Strategic Petroleum Reserve, Northeast Home Heating Oil Reserve, the Power Marketing Administrations, the Energy Information Administration, Uranium Enrichment Decontamination and Decommissioning Fund, Nuclear Waste Disposal, Defense Nuclear Waste Disposal, and Office of the Inspector General, shall not be subject to this requirement.

(c) This transfer authority is in addition to any other transfer authority provided in this or any other Act.

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

SEC. 309. CONGRESSIONAL NOTIFICATION REQUIREMENT.—None of the funds made available by this Act may be used to make a grant allocation, discretionary grant award, discretionary contract award, or other transaction agreement or to issue a letter of intent totaling in excess of \$1,000,000, or to announce publicly the intention to make such an allocation, award, or agreement or to issue such a letter, including a contract covered by the Federal Acquisition Regulation, unless the Secretary of Energy notifies the Committees on Appropriations of the House of Representatives and the Senate at least 3

full business days in advance of making such an allocation, award, or agreement or issuing such a letter: *Provided*, That if the Secretary of Energy determines that compliance with this section would pose a substantial risk to human life, health, or safety, an award may be made without such notification, and the Committees on Appropriations of the House of Representatives and the Senate shall be notified not later than 5 full business days after such an allocation, award, or agreement is made or letter issued.

SEC. 310. WAGE RATE REQUIREMENTS.—Section 1702 of the Energy Policy Act of 2005 (42 U.S.C. 16512) is amended by adding at the end the following new subsection:

“(k) WAGE RATE REQUIREMENTS.—All laborers and mechanics employed by contractors and subcontractors in the performance of construction work financed in whole or in part by a loan guaranteed under this title shall be paid wages at rates not less than those prevailing on projects of a character similar in the locality as determined by the Secretary of Labor in accordance with subchapter IV of chapter 31 of title 40, United States Code. With respect to the labor standards in this subsection, the Secretary of Labor shall have the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (64 Stat. 1267; 5 U.S.C. App.) and section 3145 of title 40, United States Code.”

SEC. 311. BONNEVILLE POWER ADMINISTRATION FUND.—(a) Subject to subsection (b), no funds appropriated or otherwise made available by this Act or any other Act may be used to record transactions relating to the increase in borrowing authority or bonds outstanding at any time under the Federal Columbia River Transmission System Act (16 U.S.C. 838 et seq.) referred to in section 401 of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 140) under a funding account, sub-account, or fund symbol other than the Bonneville Power Administration Fund Treasury account fund symbol.

(b) Funds appropriated or otherwise made available by this Act or any other Act may be used to ensure, for purposes of meeting applicable reporting provisions of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 115), that the Bonneville Power Administration uses a fund symbol other than the Bonneville Power Administration Fund Treasury account fund symbol solely to report accrued expenditures of projects attributed by the Administrator of the Bonneville Power Administration to the increased borrowing authority.

(c) This section is effective for fiscal year 2010 and subsequent fiscal years.

SEC. 312. ADVANCED TECHNOLOGY VEHICLES MANUFACTURING LOANS PROGRAM.—(a) ULTRA EFFICIENT VEHICLES.—Section 136 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17013) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by inserting “an ultra efficient vehicle or” after “means”; and

(B) by adding at the end the following new paragraph:

“(5) ULTRA EFFICIENT VEHICLE.—The term ‘ultra efficient vehicle’ means a fully closed compartment vehicle designed to carry at least 2 adult passengers that achieves—

“(A) at least 75 miles per gallon while operating on gasoline or diesel fuel;

“(B) at least 75 miles per gallon equivalent while operating as a hybrid electric-gasoline or electric-diesel vehicle; or

“(C) at least 75 miles per gallon equivalent while operating as a fully electric vehicle.”;

(2) in subsection (b)—

(A) by inserting “, ultra efficient vehicle manufacturers,” after “automobile manufacturers”;

(B) in paragraph (1)—

(i) by striking “or” at the end of subparagraph (A);

(ii) by striking “and” at the end of subparagraph (B) and inserting “or”; and

(iii) by adding at the end the following new subparagraph:

“(C) ultra efficient vehicles; and”; and

(C) in paragraph (2), by inserting “, ultra efficient vehicles,” after “qualifying vehicles”;

(3) in subsection (g), by inserting “or are utilized primarily for the manufacture of ultra efficient vehicles” after “20 years”; and

(4) in subsection (h)(1)(B), by striking “automobiles” the first place it appears and inserting “ultra efficient vehicles, automobiles.”.

(b) RECONSIDERATION OF PRIOR APPLICATIONS.—The Secretary of Energy shall reconsider applications for assistance under section 136 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17013) that were—

(1) timely filed under that section before January 1, 2009;

(2) rejected on the basis that the vehicles to which the proposal related were not advanced technology vehicles; and

(3) related to ultra efficient vehicles.

TITLE IV—INDEPENDENT AGENCIES

APPALACHIAN REGIONAL COMMISSION

For expenses necessary to carry out the programs authorized by the Appalachian Regional Development Act of 1965, for necessary expenses for the Federal Co-Chairman and the Alternate on the Appalachian Regional Commission, for payment of the Federal share of the administrative expenses of the Commission, including services as authorized by 5 U.S.C. 3109, and hire of passenger motor vehicles, \$76,000,000, to remain available until expended: *Provided*, That any congressionally directed spending shall be taken from within that State’s allocation in the fiscal year in which it is provided.

DEFENSE NUCLEAR FACILITIES SAFETY BOARD

SALARIES AND EXPENSES

For necessary expenses of the Defense Nuclear Facilities Safety Board in carrying out activities authorized by the Atomic Energy Act of 1954, as amended by section 1441 of Public Law 100–456, \$26,086,000, to remain available until expended.

DELTA REGIONAL AUTHORITY

SALARIES AND EXPENSES

For necessary expenses of the Delta Regional Authority and to carry out its activities, as authorized by the Delta Regional Authority Act of 2000, notwithstanding sections 382C(b)(2), 382F(d), 382M, and 382N of such Act, \$13,000,000, to remain available until expended.

DENALI COMMISSION

For expenses of the Denali Commission, including the purchase, construction, and acquisition of plant and capital equipment, as necessary, and other expenses, \$11,965,000, to remain available until expended, notwithstanding the limitations contained in section 306(g) of the Denali Commission Act of 1998.

NORTHERN BORDER REGIONAL COMMISSION

For necessary expenses of the Northern Border Regional Commission in carrying out activities authorized by 40 U.S.C. 15303(1), \$500,000, to remain available until expended.

SOUTHEAST CRESCENT REGIONAL COMMISSION

For necessary expenses of the Southeast Crescent Regional Commission in carrying out activities authorized by 40 U.S.C. 15303(1), \$500,000, to remain available until expended.

NUCLEAR REGULATORY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Commission in carrying out the purposes of the Energy

Reorganization Act of 1974 and the Atomic Energy Act of 1954, including official representation expenses (not to exceed \$25,000), \$1,061,000,000, to remain available until expended: *Provided*, That of the amount appropriated herein, \$56,000,000 shall be derived from the Nuclear Waste Fund: *Provided further*, That revenues from licensing fees, inspection services, and other services and collections estimated at \$878,102,000 in fiscal year 2010 shall be retained and used for necessary salaries and expenses in this account, notwithstanding 31 U.S.C. 3302, and shall remain available until expended: *Provided further*, That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 2010 so as to result in a final fiscal year 2010 appropriation estimated at not more than \$182,898,000.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, \$10,102,000, to remain available until September 30, 2011: *Provided*, That revenues from licensing fees, inspection services, and other services and collections estimated at \$9,092,000 in fiscal year 2010 shall be retained and be available until expended, for necessary salaries and expenses in this account, notwithstanding 31 U.S.C. 3302: *Provided further*, That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 2010 so as to result in a final fiscal year 2010 appropriation estimated at not more than \$1,010,000.

NUCLEAR WASTE TECHNICAL REVIEW BOARD SALARIES AND EXPENSES

For necessary expenses of the Nuclear Waste Technical Review Board, as authorized by section 5051 of Public Law 100-203, \$3,891,000, to be derived from the Nuclear Waste Fund, and to remain available until expended.

OFFICE OF THE FEDERAL COORDINATOR FOR ALASKA NATURAL GAS TRANSPORTATION PROJECTS

For necessary expenses for the Office of the Federal Coordinator for Alaska Natural Gas Transportation Projects pursuant to the Alaska Natural Gas Pipeline Act of 2004, \$4,466,000: *Provided*, That any fees, charges, or commissions received pursuant to section 802 of Public Law 110-140 in fiscal year 2010 in excess of \$4,683,000 shall not be available for obligation until appropriated in a subsequent Act of Congress.

GENERAL PROVISIONS, INDEPENDENT AGENCIES

SEC. 401. NUCLEAR REGULATORY COMMISSION REPORTING REQUIREMENT.—The Nuclear Regulatory Commission shall, not later than 90 days after the date of enactment of this Act, provide a report to the Committees on Appropriations of the House of Representatives and the Senate identifying barriers to and its recommendations for streamlining the issuance of a Combined Construction and Operating License for qualified new nuclear reactors.

TITLE V—GENERAL PROVISIONS

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

SEC. 502. DELTA REGIONAL AUTHORITY.—Section 382B(c)(1) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009aa-1) is amended to read as follows:

“(1) IN GENERAL.—A decision by the Authority shall require the affirmative vote of

the Federal co-chairperson and a majority of the State members (not including any member representing a State that is delinquent under subsection (g)(2)(C)) to be effective.”.

The CHAIR. No amendment shall be in order except the amendments printed in part A of House Report 111-209, not to exceed one of the amendments printed in part B of the report if offered by the gentleman from California (Mr. CAMPBELL) or his designee; not to exceed six of the amendments printed in part C of the report if offered by the gentleman from Arizona (Mr. FLAKE) or his designee; and not to exceed three of the amendments printed in part D of the report if offered by the gentleman from Texas (Mr. HENSARLING) or his designee. Each amendment may be offered only in the order printed in the report, shall be considered as read, shall be debatable for 10 minutes equally divided and controlled by the proponent and an opponent, and shall not be subject to a demand for division of the question.

After disposition of the amendments specified in the first section of House Resolution 645, the Chair and ranking minority member of the Committee on Appropriations or their designees each may offer one pro forma amendment to the bill for the purpose of debate, which shall be controlled by the proponent.

PART A AMENDMENT NO. 1 OFFERED BY MR. PASTOR OF ARIZONA

The CHAIR. It is now in order to consider amendment No. 1 printed in part A of House Report 111-209.

Mr. PASTOR of Arizona. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A amendment No. 1 offered by Mr. PASTOR of Arizona:

Page 6, line 25, after the dollar amount, insert “(increased by \$1,800,000)”.

Page 7, line 14, after the dollar amount, insert “(reduced by \$10,800,000)”.

Page 23, line 2, after the dollar amount, insert “(increased by \$45,000,000)”.

Page 24, line 13, after the dollar amount, insert “(reduced by \$15,000,000)”.

Page 35, line 15, after the dollar amount, insert “(reduced by \$30,000,000)”.

Page 36, line 9, after the dollar amount, insert “(reduced by \$30,000,000)”.

Page 40, line 7, after the dollar amount, insert “(reduced by \$2,500,000)”.

Page 60, line 4, after the dollar amount, insert “(increased by \$2,500,000)”.

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

SEC. 503. LIGHT BULB RESTRICTION.—None of the funds made available in this Act may be used to purchase light bulbs unless the light bulbs are “Energy Star” qualified or have the “Federal Energy Management Program” designation.

SEC. 504. PASSENGER MOTOR VEHICLES.—None of the funds made available in this Act may be used to purchase passenger motor vehicles other than those manufactured by Ford, General Motors, or Chrysler.

The CHAIR. Pursuant to House Resolution 645, the gentleman from Arizona (Mr. PASTOR) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. PASTOR of Arizona. Mr. Chairman, I yield myself such time as I may consume.

This amendment provides funding for several important programs within the bill. On behalf of Messrs. ARCURI, MICHAUD, HODES, WELCH and Ms. PINGREE, \$2.5 million for the Northern Border Regional Commission to address economic challenges in border counties from Maine to New York.

On behalf of Mr. KLEIN of Florida, \$1.8 million for the Corps of Engineers to help address the chronic backlog of regulatory permit applications.

And on behalf of Mr. ISRAEL, Mr. LARSON of Connecticut, Mr. DENT, Mr. MASSA, Mr. INGLIS, \$45 million for energy efficiency, renewable energy.

On behalf of Mr. CUELLAR of Texas, the amendment prohibits funds in this bill from being used to purchase lightbulbs unless they the energy star or Federal energy management program designation.

Also, this manager’s amendment has an amendment for Mr. KISSELL which does not create any new programs or it follows the current language, and the amendment prohibits funds in the bill from being used to purchase passenger vehicles unless they’re purchased from Ford, GM or Chrysler.

The amendment decreases funding for Corps of Engineers’ programs and expenses by \$10.8 million; the Department of Energy departmental administration by \$30 million; the office of electricity by \$15 million; and other defense activities by \$.25 million.

I reserve my time, Mr. Chairman.

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

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

Mr. FRELINGHUYSEN. Mr. Chairman, I don’t have any real problem with the content of my chairman’s amendment. I do, however, have a problem with carrying the idea of a manager’s amendment, which was once only for our full committee’s consideration, right on to the House floor.

In committee, this sort of amendment is used for noncontroversial items. Many of these are. They’re generally accepted by unanimous consent. But now it’s largely used, in many instances, for partisan purposes on the House floor.

None of the content of this chairman’s amendment was discussed with the minority, and none of the changes were made or suggested by the minority. If the changes are important, then I think we should be able to discuss them. Otherwise, I fear it is only a matter of time before the majority will include everything they can in this sort of en masse amendment. This will be bad for the institution and I think bad for the American people.

I reserve the balance of my time.

Mr. PASTOR of Arizona. First of all, I apologize to the ranking member in

that it was my understanding that the manager's amendment had been shown to him and had sought his approval, but if they had not, my deepest apologies because I think it's important that this bill, along with the manager's amendment, continue to be bipartisan.

I yield 30 seconds to Mr. MASSA.

Mr. MASSA. I would like to commend the efforts of my colleagues on the Energy and Water Subcommittee for recognizing the importance of hydrogen fuel-cell technologies and what those technologies will play in the future of the American energy portfolio.

Funding for this important research through this bill and through Mr. PASTOR's amendment will help America continue to lead in this critical field necessary for our Nation's energy security.

I believe that using these funds to support important breakthroughs in automotive fuel cells through a public-private partnership with an experienced industrial leader will put America on track to commercialize this revolutionary technology within 5 years.

Significant domestic investments have already been made in this technology, and I have personally experienced the successes of these efforts by riding from my hometown of Corning, NY to Washington, DC in a Hydrogen Fuel Cell vehicle.

We must ensure the continuation of this industry here in the US by partnering with those who have demonstrated the capacity to innovate and produce tangible results in efforts to commercialize Automotive Fuel Cells.

We must not fall behind our foreign competitors in this field. By making this a priority in Washington and providing the necessary funding for this technology, we can ensure America continues to be the leader in Hydrogen Fuel Cells.

Mr. FRELINGHUYSEN. I yield 2 minutes to the gentleman from Georgia (Mr. DEAL).

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

I rise to comment about language that is in the report that is attached to this legislation. My good friend and colleague from Florida, Mr. BOYD, has asked that a study be done. The study relates to the ongoing dispute about water between the States of Alabama, Florida and Georgia, and I have no real problem with the study being done.

I simply would hope that we could get assurances from the subcommittee chairman that with regard to the scope of that study that it would be broad enough to include all of the issues that are involved and that it would also allow all three States who have an interest in this to have equal participation.

There has been a perception I think that is a wrong perception that my State of Georgia doesn't have a water conservation program in place. In fact, we have had one in place since 2003, and we believe that all of these issues should be encompassed within the study that is set forth in the report to this particular bill.

And we would hope that we could get assurances, not only from the sub-

committee chairman but also from Mr. BOYD, that in determining the scope of that study, that all three States would have equal opportunity to participate.

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

Mr. PASTOR of Arizona. Mr. Chairman, this is a good amendment and I would ask the House Members to support it. I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Arizona (Mr. PASTOR).

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

Mr. FRELINGHUYSEN. 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 Arizona will be postponed.

PART A AMENDMENT NO. 2 OFFERED BY MR. CONNOLLY OF VIRGINIA

The CHAIR. It is now in order to consider amendment No. 2 printed in part A of House Report 111-209.

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

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A amendment No. 2 offered by Mr. CONNOLLY of Virginia:

Page 3, line 24, after the dollar amount, insert "(increased by \$7,000,000)".

Page 7, line 14, after the dollar amount, insert "(reduced by \$7,000,000)".

The CHAIR. Pursuant to House Resolution 645, the gentleman from Virginia (Mr. CONNOLLY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Virginia.

Mr. CONNOLLY of Virginia. Mr. Chairman, I rise to address an amendment to augment the Army Corps of Engineers oyster restoration program by \$7 million. This is a critical investment in the health of America's largest estuary.

The Chesapeake Bay is a national treasure. It was the port of entry for Jamestown's European settlers. Many of America's founding fathers, from George Washington to George Mason, settled on the banks of the Bay and tidal reaches of her tributaries. When the colonists arrived, the Bay was extraordinarily fecund. John Smith wrote that one could walk across the backs of swimming rockfish and that a single turtle could feed 40 men. He also wrote that oysters "lay thick as stones" covering the Bay's floor. This productivity fueled economic growth in our region. In the early 20th century, H.L. Mencken wrote that oysters, as the most common fare in Baltimore, were the standard meal of every work-ingman.

Today, we are attempting to restore an ecosystem and oyster population that has been devastated by pollution, to the extent that some have proposed

replacing it with nonnative oysters. The Bay's economic productivity, whose fisheries are still worth over \$100 million a year, relies on the health of its oyster population, not only for their own value but also because they are a keystone species for the Bay and the major filtration for pollutants in the Bay.

This amendment is an important part of our broader efforts to restore the health of the Bay. I thank Mr. PASTOR and Mr. FRELINGHUYSEN for the committee's support for this amendment and the subcommittee's staff for their assistance.

Mr. Chairman, I yield to Mr. PASTOR.

Mr. PASTOR of Arizona. I just want to inform the gentleman that we support his amendment.

Mr. CONNOLLY of Virginia. I thank the gentleman, and I reserve my time.

Mr. FRELINGHUYSEN. Mr. Chairman, I rise to claim time in opposition, although I'm not in opposition to the gentleman's amendment.

The CHAIR. Without objection, the gentleman from New Jersey is recognized for 5 minutes.

There was no objection.

Mr. FRELINGHUYSEN. The gentleman's amendment would transfer \$7 million to restore and protect a nationally and regionally important resource. These fisheries provide hundreds of jobs, if not thousands, to local oyster-men.

I would only say that this is a huge project and must be balanced against other national priorities and ask the gentleman to work closely, as I'm sure he will, with the Corps to ensure that their budget request reflects the needs for the program against the background of other demands the Corps is facing.

With that, I'd be pleased to accept the gentleman's amendment.

I yield such time as he may consume to the gentleman from Virginia (Mr. WITTMAN).

□ 1400

Mr. WITTMAN. I rise in support of the gentleman's amendment, and I want to commend the gentleman from Virginia for his efforts to restore oyster populations in the Chesapeake Bay. Just as he pointed out, they're extraordinarily important both economically and culturally to the State of Virginia.

Historically, the Chesapeake Bay has been one of the most productive fisheries in the world. However, native oyster populations are currently at less than 1 percent of historic levels. Pollution and diseases have taken a substantial toll on oyster populations.

Oysters play a critical role in the Bay. And we all know that oysters are a commercially important resource. The Virginia seafood industry is one of the largest in the Nation and provides a positive economic impact to Virginia of over a half a billion dollars a year.

Oysters also filter and clean the Bay's waters. The oyster is a natural filter. Oysters filter water by removing

algae and nutrients, thereby improving water clarity and quality. Oyster reefs provide habitat for fish, crabs, and many other forms of marine life.

We'll probably never be able to restore the Bay to how it was when Captain John Smith landed in Jamestown in 1607. However, by improving water quality and increasing oyster populations, we will go a long way to restoring the Bay's health. The challenges to oyster restoration are daunting and complex.

The Army Corps of Engineers, along with Federal, State, and private partners, have been working to restore oyster populations. And while relatively limited in scope, the Army Corps oyster restoration efforts have shown oyster restoration successes on several watersheds.

The Army Corps is nearing completion of a Programmatic Environmental Impact Statement to identify an oyster restoration strategy. This major undertaking will guide bay-wide oyster restoration for years to come.

It is clear that the oyster is a critical species to the Chesapeake Bay, and this amendment is an important step to support oyster restoration activities in the Bay.

I urge my colleagues' support.

Mr. CONNOLLY of Virginia. Mr. Chairman, I just want to thank the managers of this bill for their bipartisan support and for their respective staffs, particularly my colleague from Virginia for his support as well.

I yield back the balance of my time.

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

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

Mr. FRELINGHUYSEN. 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 Virginia will be postponed.

PART A AMENDMENT NO. 3 OFFERED BY MR. WAMP

The CHAIR. It is now in order to consider amendment No. 3 printed in part A of House Report 111-209.

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

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A amendment No. 3 offered by Mr. WAMP:

Page 3, line 24, after the dollar amount, insert "(increased by \$14,000,000)".

Page 7, line 14, after the dollar amount, insert "(reduced by \$14,000,000)".

The CHAIR. Pursuant to House Resolution 645, the gentleman from Tennessee (Mr. WAMP) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Tennessee.

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

I thank the chairman and I thank the committee for an extraordinary prod-

uct. I think this bill is worthy of our support. The staff has done an excellent job supporting the Members.

I want to thank the Rules Committee for ruling this amendment in order because Mr. DAVIS of Tennessee and myself come to the floor today to offer the amendment to transfer \$14 million from the Corps of Engineers regular account, their operating account, over to the construction account. And the reason is that we have on the Tennessee River the Chickamauga Lock, an aging lock with a real problem of concrete growth.

We have known now for 15 years that this lock must be replaced. We are under construction. We're in the middle of construction. The cofferdam is virtually finished now, so the center of the river will be dried out in just the next few months.

The stimulus funding allowed the purchase of the equipment—the steel, the gates—to go ahead and do the construction; but, unfortunately, only \$1 million was requested for this project, which will not allow us to go forward. We must go forward.

There are many priorities within the Corps of Engineers Inland Waterway System and they should all be supported as much as possible, but this one can't go forward.

This amendment is really to transfer \$14 million from the Corps expense account to the Corps construction account to be used for the purpose of awarding a lock construction contract for the Chickamauga Lock on the Tennessee River.

The reason we have just taken the money from this expense account is to try to get this amendment adopted on the floor so when we go to conference—and I'm a longstanding member of this subcommittee, as is Mr. DAVIS of Tennessee, now a new member of this subcommittee—when we go to conference we can try to work this out, something that the chairman and the ranking member have expressed a desire to do at both the subcommittee level and the full committee level.

We don't want to hold up the trains or cause any problems, but the \$1 million would literally freeze us for a year with a lot of equipment, a lot of progress; and we're running out of time. This lock has to be completed and finished by 2014. We spent millions of dollars repairing the lock to keep the current lock open.

We can't allow the Tennessee River to close to navigation and commerce. It would be the largest lock closure in the history of our country if we allowed this to happen. So it's of critical importance to continue to work with us, and I can't thank the chairman and the ranking member enough for their willingness to work with us.

I want to yield the balance of my time to the gentleman from Tennessee (Mr. DAVIS).

Mr. DAVIS of Tennessee. My colleague from Tennessee, I appreciate his work that he's been doing to be sure

that the Chickamauga Lock is continuing in the process of being sure that we keep that river open.

I want to make further comments. And I deeply appreciate the ranking member and our vice chairman and chairman for at least allowing an opportunity to speak today on this amendment.

When you look at inland water systems and the impact they have on America's economy, if you go to the tributaries of the Ohio, Mississippi, the Cumberland, and the Tennessee Rivers and look at commerce and agriculture that travels those, that becomes the road, basically, for exports for America's production—at least much of it does.

So it's important that we keep our infrastructure along our inland waterways open. It is some of the least expensive methods of transportation. But one of the bright spots in America's economy as far as export is concerned is agriculture. That is the only area where we have a surplus in trade.

So my support of the legislation obviously is to keep all of our rivers open, all of our waterways open for our commerce. It is my hope—and I concur in everything that my friend Congressman WAMP from Tennessee has said—it is my hope that we will be able to pass the legislation, and recommend Members on both sides of the aisle to support this amendment.

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

Mr. PASTOR of Arizona. Mr. Chairman, I claim the time in opposition, even though I do support the amendment.

The CHAIR. Without objection, the gentleman from Arizona is recognized for 5 minutes.

There was no objection.

Mr. PASTOR of Arizona. As I told you, I support this amendment since it simply adds money to the Corps construction account. However, I wish to point out that additional funds for Chickamauga Lock cannot be made available until the solvency of the Inland Waterway Trust Fund is addressed.

The project requires 50 percent of its funding from the Inland Waterways Trust Fund, and that trust fund isn't solvent. Before any new multiyear obligations are initiated, the revenue stream or alternative funding solutions for these projects must be addressed.

We have been working with the Transportation and Infrastructure Committee for a comprehensive solution to the issue for some time. I have sympathy for the project. I think I know more about this project because of Mr. DAVIS and Mr. WAMP. I congratulate both of them for bringing the amendment.

Again, the issue at hand is a lot larger than the \$180 million project. I support the project.

Mr. FRELINGHUYSEN. Would the gentleman yield?

Mr. PASTOR of Arizona. I will yield to my ranking member.

Mr. FRELINGHUYSEN. Let me associate my remarks with your statement and commend both Mr. WAMP and Mr. DAVIS for being articulate, ardent supporters of this move forward.

I have been to the Chickamauga Lock. I can certainly attest to Mr. WAMP's boundless energy and determination to make this thing happen. He's made me aware of the dangers of what happens if we have inaction. I want to commend you. Obviously this issue is moving ahead, but there's some complex issues that need to be addressed that Mr. PASTOR has appropriately commented on.

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

The CHAIR. The question is on the amendment offered by the gentleman from Tennessee (Mr. WAMP).

The amendment was agreed to.

PART A AMENDMENT NO. 4 OFFERED BY MR. HASTINGS OF WASHINGTON

The CHAIR. It is now in order to consider amendment No. 4 printed in part A of House Report 111-209.

Mr. HASTINGS of Washington. Mr. Chairman, I have an amendment made in order under the rule.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A amendment No. 4 offered by Mr. HASTINGS of Washington:

Page 17, line 17, strike the period and insert the following: “; *Provided further*, That \$5,000,000 of the funds appropriated under this heading shall be available for the ‘Power Program Services’ to implement the Bureau of Reclamation’s hydropower facilities installations identified under section 1834 of the Energy Policy Act of 2005.”.

The CHAIR. Pursuant to House Resolution 645, the gentleman from Washington (Mr. HASTINGS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Washington.

Mr. HASTINGS of Washington. Mr. Chairman, I yield myself 4 minutes.

Mr. Chairman, I rise to offer an amendment that seeks to expand hydropower in the western United States. For almost a century, Western communities have benefited from this low-cost, renewable and emissions-free resource.

In today’s environment, where talk centers around the need to provide clean and environmentally friendly power, there is a clear need to promote the original renewable energy, which is moving water. This amendment is a clear opportunity and first step to do just that.

My amendment seeks to follow up on the progress made in the report authorized by the Energy Policy Act of 2005. This report will require the Bureau of Reclamation to determine where new hydropower projects can be added to the agency’s existing water supply facilities.

The Bureau of Reclamation is already the second leading hydropower producer in the Nation so it’s only nat-

ural to require that agency to reassess its hydropower potential.

While the agency failed to look at potential projects on small canals and laterals, it did find six larger opportunities to generate almost 300 megawatts from new hydropower facilities. To date, the Bureau of Reclamation has not implemented one aspect of this report.

If this amendment is adopted, there will no longer be bureaucratic excuses about the necessary resources to begin the installation of new emissions-free resources.

While I’m pleased this amendment was made in order, Mr. Chairman, it only covers part of the hydropower equation. Regrettably, the Democrat leadership did not make my other amendments in order.

One of my other amendments would have decreased carbon emissions by keeping more hydropower resources online. Currently, the Army Corps of Engineers and the Bureau of Reclamation are forced to divert water from hydropower production at some of their dams. This results in a loss of generation that has to be found from some other energy source.

The vast majority of this replacement power is carbon based in the form of coal and natural gas and is much more expensive than hydropower. My amendment, which the Democrat majority chose not to debate on, would have reduced these carbon emissions to help the environment and keep energy affordable by allowing for more hydropower production.

Another amendment would have prohibited the reduction of Federal hydropower if that hydropower backs up other renewable energies, like wind and solar. As almost everybody knows, the sun doesn’t shine 24 hours a day and the wind doesn’t blow all the time.

Because of these indisputable facts, wind and solar energy need a backup, or a firmed-up, in energy speak, as a base resource. In my home region of the Pacific Northwest, the Federal dams are the models of the backup electricity generation when it comes to wind generation.

In fact, in December of last year, some of the turbines didn’t produce electricity, wind turbines, for 11 straight days. Yet the only reason that the lights stayed on was because of the backup electricity provided by hydropower.

My amendment, which was also rejected by the Democrat majority, would have prohibited the loss of hydropower needed to back up these renewable energy sources.

So, in conclusion, the Democrat majority is sending a mixed message by not allowing amendments to protect our existing Federal hydropower, yet allowing an amendment to increase a limited amount of hydropower resources. I appreciate that. The American people deserve to see a full debate about hydropower, the original emissions-free and renewable energy. Never-

theless, I urge my colleagues to support this amendment.

With that, I reserve the balance of my time.

Mr. PASTOR of Arizona. Mr. Chairman, I claim the time in opposition, even though I am not opposed to the amendment.

The CHAIR. Without objection, the gentleman from Arizona is recognized for 5 minutes.

There was no objection.

Mr. PASTOR of Arizona. I’m very happy to tell the author of the amendment that this will be a bipartisan amendment, since we are accepting his amendment.

We understand how important hydropower is, and we need improvements at existing facilities so we can provide the reliable, efficient domestic emissions-free source of renewable energy. Investment in modern turbines has been a benefit of improving existing water quality and fish passage issues, in addition to increasing generation efficiency and capability.

As energy security and issues of global climate change are becoming increasingly important to the decision-making regarding infrastructure investment, improving existing hydropower facilities, we must add some priority.

I urge the Bureau of Reclamation to work with local groups and public power entities as it looks to use its water resources most efficiently. I also urge the Bureau of Reclamation to continue to focus on its core water and related resource projects and not sacrifice that valuable work while engaging in this effort. I support the amendment.

I will yield time to the ranking member, Mr. FRELINGHUYSEN.

Mr. FRELINGHUYSEN. I thank the gentleman for yielding. Let me, Mr. Chairman, associate myself again with Chairman PASTOR’s remarks. I’ve been to Congressman HASTINGS’ district. When he talks about hydropower, he knows what he’s talking about. He’s obviously been a strong proponent of nuclear power.

So we’re pleased to accept the amendment. Thank you for recognizing me.

Mr. PASTOR of Arizona. We support the amendment, and yield back the balance of our time.

□ 1415

Mr. HASTINGS of Washington. I yield myself the balance of my time.

I thank the gentleman, the distinguished subcommittee chairman and the distinguished ranking member for accepting this amendment.

I just simply wanted to point out that had we been under regular order, we could have probably enhanced hydropower with the two other amendments that were not made in order.

But nevertheless, this is an important step. It is something that we need to recognize, because I firmly believe that an energy plan that includes all of

the above is what the American people understand and what they accept.

And with that, I appreciate the gentleman for accepting my amendment.

I yield back my time.

The CHAIR. The question is on the amendment offered by the gentleman from Washington (Mr. HASTINGS).

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

Mr. FRELINGHUYSEN. 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 Washington will be postponed.

PART A AMENDMENT NO. 5 OFFERED BY MR. COSTA

The CHAIR. It is now in order to consider amendment No. 5 printed in part A of House Report 111-209.

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

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A amendment No. 5 offered by Mr. COSTA:

Page 18, line 14, after the dollar amount, insert "(increased by \$10,000,000)".

Page 19, line 9, after the dollar amount, insert "(reduced by \$10,000,000)".

The CHAIR. Pursuant to House Resolution 645, the gentleman from California (Mr. COSTA) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. COSTA. I yield to the gentleman from Arizona (Mr. PASTOR), the chairman of the subcommittee, to speak on behalf of the amendment.

Mr. PASTOR of Arizona. I would just like to inform the gentleman that we are supportive of his amendment.

Mr. COSTA. I want to thank the subcommittee chair and those Members who have worked very hard on our behalf. This amendment, along with the next amendment offered by my colleague and friend, Congressman CARDOZA, should be taken as two amendments because they are both part of an overall effort that many of us from the Valley delegation have been working on for over the last year on a bipartisan basis to deal with the third year of the drought in California, which, unfortunately, could last a fourth and a fifth year.

Water in California has traditionally not been a partisan issue. My colleagues, Congressmen RADANOVICH, NUNES, MCCARTHY, and CARDOZA and I have worked together on many of these issues. I hope that that tradition will continue.

The drought has been devastating. These two pictures reflect ground zero, which is in my district, in which we have farm communities that have 30 to 40 percent unemployment, food lines in Mendota that I have helped provide food for for those farmworkers, who are some of the hardest working people you will ever meet in your life.

The picture next to that shows fallow fields, over 300,000 acres this year, on which family farmers, in second and third generation, are in fear and frustration of losing their farms.

These two amendments, taken together, are important. Congressman CARDOZA deserves a great deal of credit and effort for working very hard. These two amendments are not a silver bullet, but they are part of an overall effort to provide incremental additional water to our valley.

Amendment 93 provides \$10 million for drought relief to the San Joaquin Valley to fund two important projects that we have identified on our list of things to do. The Two Gates project that we have strong support throughout the State on that, if implemented this November, we believe, could act as real relief to allow the Federal and State operating—Federal projects and the pumps to operate as they were intended to. The pumps have operated intermittently and sometimes have been shut down this year. Today, thank God, they are operating at near full capacity. But that will not continue on next year if a biological opinion is implemented that I think is flawed, as does my colleague.

The Two Gates project and the Delta-Mendota Canal Aqueduct Intertie funding will provide, in this amendment, money for the Secretary of the Interior, within the Central Valley Project, to be used to implement both a Two Gates and the Intertie project.

In addition to that, this amendment provides a resolution to the giant garter snake issue which has long been an impediment to water transfers. It gives the Bureau of Reclamation flexibility needed to facilitate water transfers throughout counties in the Central Valley Project area.

Lastly, I want to commend my colleague and thank Congressman CARDOZA, my colleague, for his hard work on this issue. As a result of our efforts beginning in January working with the Westlands Water Agency, with the San Luis unit and others, we have provided, together, with the State of California and the Bureau of Reclamation, over 560,000 acre-feet of water to the west side that otherwise would not be there in these drought conditions, on top of, sadly, what has been a 10 percent allocation of water. Together, that has provided nearly 700,000 acre-feet to the very dry west side.

I want to thank all of those who have been a part of it: Leadership, STENY HOYER; the Secretary of the Interior, who visited at our request last month to the Valley; Secretary Salazar and his Deputy Secretary Hayes and Commissioner Connor, all of whom have been designated as a part of a drought task force team with Secretary Vilsack, the Secretary of Agriculture, because God forbid this drought could last a fourth or a fifth year, in which all of California would be rationing water.

Today, my district is ground zero, along with Congressman CARDOZA's dis-

trict, but next year it could be far worse. So we will continue to work with Chairman OBEY and other members of the Appropriations Committee.

I want you to know that the San Luis-Delta Water Authority supports these amendments, along with the Friant Water Authority and most of the water agencies in California, because they understand that this amendment, along with the next amendment, is part of that incremental effort to bring water to a drought-stricken area in California that could be, next year, the rest of the State.

I reserve the balance of my time.

Mr. FRELINGHUYSEN. Mr. Chairman, I claim time in opposition, though I am not in opposition to the gentleman's amendment.

The CHAIR. Without objection, the gentleman from New Jersey is recognized for 5 minutes.

There was no objection.

Mr. FRELINGHUYSEN. Let me say that while I am supportive of this amendment, it is Congressman DEVIN NUNES who's been on this floor repeatedly calling Members' attention to the catastrophic situation in California, and I'm admiring of both Representatives COSTA and CARDOZA's effort. But it's been DEVIN NUNES who's been really carrying this issue in a very visible way. He went to try to get three amendments in order before the Rules Committee yesterday afternoon and evening, and he was denied that opportunity.

But I'm no expert on California water, but let's give credit all around to Members of Congress that have stood up on this issue to articulate their position, indeed, their passionate position.

I support the amendment, but I certainly want to recognize all members of the California delegation, and since Mr. NUNES' name was not mentioned in earlier comments, I would certainly like to highlight his role making this a priority for our attention.

I yield back.

Mr. COSTA. For the record, I indicated that, traditionally, water has been a bipartisan issue, and I said for over a year now, Congressmen RADANOVICH, NUNES, MCCARTHY, CARDOZA and myself, the five of us, have been working on a bipartisan basis. And I said I hope it continues to work on a bipartisan basis.

I yield back the balance of my time.

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

The amendment was agreed to.

PART A AMENDMENT NO. 6 OFFERED BY MR. CARDOZA.

The CHAIR. It is now in order to consider amendment No. 6 printed in part A of House Report 111-209.

Mr. CARDOZA. Mr. Chairman, I have an amendment at the desk made in order under the rule.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A amendment No. 6 offered by Mr. CARDOZA:

Page 22, after line 15, insert the following:
SEC. 203. CENTRAL VALLEY PROJECT.— Section 3405(a)(1)(M) of Public Law 102-575 is amended—

(1) by striking “countries” and inserting “counties”; and

(2) by inserting “a transfer between a San Joaquin River Exchange Contractor and a Friant Division contractor, a transfer between a San Joaquin River Exchange Contractor and a south-of-Delta CVP agricultural water service contractor, and a transfer between a Friant Division contractor and a south-of-Delta CVP agricultural water service contractor,” after “under California law.”.

SEC. 204. DRAFT RECOVERY PLAN.— The Secretary of the Interior, acting through the Director of the Fish & Wildlife Service, is directed to expeditiously revise, finalize, and implement the Draft Recovery Plan for the Giant Garter Snake (*Thamnophis gigas*).

The CHAIR. Pursuant to House Resolution 645, the gentleman from California (Mr. CARDOZA) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. CARDOZA. Mr. Chairman, I rise today in strong support of the amendment, an amendment that makes technical changes to allow water transfers in the Central Valley of California. This amendment takes a significant step towards addressing the impacts of the water supply crisis in the San Joaquin Valley.

This is a companion amendment to the one that Mr. COSTA and I just introduced. Mr. COSTA is my coauthor of this amendment. And together, these two amendments, in fact, do work to help us deal with the incredibly significant crisis that we have in the Central Valley. People are suffering greatly.

Currently, the Bureau of Reclamation restricts certain water transfers to intracounty transfers. The inability to transfer water beyond county lines has created incredible impediments to efficient and practical water use in our State. This amendment will allow those transfers to occur beyond these county lines so that water users who have enough supply in one county will be able to use it in another county to help their fellow farmers.

As Mr. COSTA indicated, the amendments also direct the Secretary to implement recovery plans for the giant garter snake, an endangered species. The recovery plan will remove the bureaucratic red tape that prevents water projects from moving forward, while also protecting this important species.

We could not be here today working on these problems if it wasn't for the work of the chairman, Mr. PASTOR, for Mr. OBEY, for the cooperation that the entire Valley delegation has shown on this issue. Mr. COSTA has indicated that because of the efforts that we have employed, we have provided our farmers with 500,000 acre-feet that they wouldn't have had otherwise under the current rules.

I want to specifically also indicate my sincere appreciation to Majority Leader HOYER, who has been steadfast in his support of Mr. COSTA and me trying to move this effort forward.

At this time, Mr. Chairman, I would like to yield 2 minutes to the gentleman from Colorado (Mr. SALAZAR), who has also been a diligent supporter of our efforts and has been concerned, has actually visited our district, and I greatly appreciate his help and support.

Mr. SALAZAR. First of all, I want to thank you for your diligence in trying to help the agricultural community in California.

On June 28 of 2009, Mr. Chairman, at the request of Congressman COSTA and Congressman CARDOZA, the Secretary of the Interior, Secretary Salazar and Deputy Secretary Hayes, Reclamation Commissioner Connor held a public meeting to address the issues of the drought in California.

But previous to that, I want to also thank the administration for previously working on issues, because they understood that the drought was of deep concern to this country.

In April of 2009, the Department announced the allocation of \$220 million of ARRA funding from the Bureau of Reclamation for water and environmental infrastructure projects in California. Of this amount, \$160 million was directed to projects to address needs of the Central Valley. Allocation of \$40 million will be made for drought relief actions, most of which will go to California, with final awards coming very, very soon.

Reclamation has released \$134 million in water recycling and water reuse grants, of which \$120 million was allocated to communities of California. Reclamation has also processed over 100 transfers, totaling 263,000 acre-feet of water to address shortages in the San Joaquin Valley.

Reclamation has also accommodated a rescheduling request by Westside and other Central Valley Water Project contractors to allow them to preserve and use prior year allocations in the sum of 250,000 acre-feet in San Luis Reservoir and 57,000 acre-feet in Millerton Lake. Secretary Salazar has also asked Deputy Secretary Hayes to coordinate Federal efforts related to California water issues.

So I just want to commend the administration for their diligence in trying to address the issues in California.

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

The CHAIR. The gentleman from California has 1 minute remaining.

Mr. CARDOZA. Mr. Chairman, I would like to yield 15 seconds to the chairman of the committee.

Mr. PASTOR of Arizona. I just want to indicate to my friend, DENNIS CARDOZA, that we will be supportive of his amendment.

Mr. CARDOZA. Mr. Chairman, I would like to thank the chairman. As I said before, without his help, we could

not have made these amendments in order and brought them to the floor. I think these amendments offer significant opportunities to the Central Valley. They are not a panacea. They are not going to cure every problem. We have more work to do.

But, in closing, I want to thank Secretary Salazar for taking time out, coming and visiting our valley, understanding the problem. We have a lot of work to do with the Department of the Interior, the Bureau of Reclamation, but with continued work and cooperation, I think we will make significant progress on the significant challenges that we face in the Central Valley.

With that, Mr. Chairman, I would ask for an “aye” vote of my colleagues.

□ 1430

Mr. FRELINGHUYSEN. Mr. Chairman, I rise in opposition, though I am not in opposition to the gentleman's amendment.

The CHAIR. Without objection, the gentleman from New Jersey is recognized for 5 minutes.

There was no objection.

Mr. FRELINGHUYSEN. Mr. Chairman, I served on the Energy and Water Committee when I was first elected to Congress in 1994. I took a 2-year hiatus when I chaired the D.C. Committee, working with Mr. FATTAH as ranking member.

There is a water crisis out in your neck of the woods, and we are respectful that Republicans and Democrats didn't work together on these issues. I have to say I'm hugely disappointed at your lack of inclusiveness. You may be spitting mad at Congressman DEVIN NUNES. Yet, for many Members of Congress, he put a human face on the water crisis out there. I'm not going to get into the issues of biological studies and things of that nature, but you at least ought to give your congressional colleague from California credit for raising this issue.

He tried to raise the issue, but quite honestly, he was voted down on the floor a number of times. When he went to the Rules Committee, his amendments were not put in order. Yours were. Basic courtesy would have called for his name to at least be mentioned as he rose to the floor today.

I yield back the balance of my time.

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

The amendment was agreed to.

PART A AMENDMENT NO. 7 OFFERED BY MR. BOREN

The CHAIR. It is now in order to consider amendment No. 7 printed in part A of House Report 111-209.

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

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A amendment No. 7 offered by Mr. BOREN:

Page 23, line 2, after the dollar amount insert “(increased by \$5,000,000)”.

Page 35, line 15, after the dollar amount insert "(reduced by \$5,000,000)".

Page 36, line 9, after the dollar amount insert "(reduced by \$5,000,000)".

The CHAIR. Pursuant to House Resolution 645, the gentleman from Oklahoma (Mr. BOREN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Oklahoma.

Mr. BOREN. I yield myself as much time as I may consume.

Mr. Chairman, my colleagues may be familiar with an initiative I have been working on, the NAT GAS Act, to promote the use of natural gas fueled vehicles, particularly to replace traditionally fueled heavy- and light-duty trucks. I am a strong proponent of natural gas as an alternative fuel source because it is clean, abundant, cheap and readily available, and best of all, as T. Boone Pickens says, it's ours. According to a study by the Department of Energy, it is feasible to produce biomethane from landfills, sewage and animal waste, so one could even argue that it is renewable.

As we continue efforts to drive our country towards a cleaner transportation sector, natural gas vehicles are a natural fit. There is no single silver bullet solution to our transportation energy dilemma. All available alternatives to petroleum must be used in the marketplace and in an application where they make the most sense. For many of these applications, that means natural gas.

In 2008, NGVs displaced 250 million gallons of petroleum in the United States. With adequate support, by 2020, that could grow to 10 billion gallons, but the NGV industry is made up of mostly small companies. In order for the industry to achieve that growth potential in the time frame we need, more research is needed for vehicle integration, deployment, engine development, and cost reductions.

In 1992, Congress authorized a Vehicle Technologies Program to fund a wide range of research activities on passenger vehicles and heavy-duty trucks. The program's mission is to develop leapfrog technologies that will provide Americans with greater freedom of mobility and energy security while lowering costs and reducing impacts on the environment. Though natural gas vehicle research was funded through this program until fiscal year 2005, since then, there have been no DOE activities in this area.

My amendment would add \$5 million in funding to this account for natural gas vehicle research. This is a relatively small investment for something that could easily move America towards a cleaner and independent energy future. I hope my colleagues will join me in launching a new direction in transportation fuel by supporting this amendment.

I would like to yield to my friend from Arizona (Mr. PASTOR).

Mr. PASTOR of Arizona. First of all, I would like to thank the gentleman

for yielding, and I would also like to thank him for bringing this amendment.

This amendment funds research and development for one of the small handful of technologies that may reduce the Nation's dependence on foreign oil. This increase in funding is consistent with the committee's efforts in this bill to address rising gasoline prices.

So I tell my dear friend from Oklahoma that we rise in support of his amendment.

Mr. BOREN. Thank you so much. I reserve the balance of my time.

Mr. FRELINGHUYSEN. Mr. Chairman, I rise to claim time in opposition, but I am not in opposition to the gentleman's amendment.

The CHAIR. Without objection, the gentleman from New Jersey is recognized for 5 minutes.

There was no objection.

Mr. FRELINGHUYSEN. I yield 1 minute to the gentleman from Indiana (Mr. BURTON).

Mr. BURTON of Indiana. Mr. Chairman, I rise in very strong support of the amendment.

We really need to move toward using natural gas. It is a clean-burning fuel, and we have a huge supply of it in this country. In fact, down in Louisiana just recently, they discovered probably one of the biggest finds of natural gas in the whole world.

As I said, it is a clean-burning fuel, and we need to transition from our dependency on foreign oil. If we continue at the pace we're heading right now, over the next 10 years, we will see a transfer of \$10 trillion of our money to countries like Saudi Arabia and Venezuela, and many of those are not friends of ours. So this is a great step in the right direction.

I want to congratulate Mr. BOREN on the amendment. You're doing good work.

Mr. BOREN. Mr. Chairman, I am going to reserve the balance of my time.

Mr. FRELINGHUYSEN. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. RADANOVICH).

Mr. RADANOVICH. Mr. Chairman, I am using this opportunity to speak for the amendment that was previous because I was not able to get out of committee to come down for the debate.

I want to rise in support of the Cardoza amendment. As you are well aware, California is in the midst of a devastating manmade drought. Any action to alleviate the drought faced by the San Joaquin Valley is needed. Facilitating transfers of water from areas of California that have water to spare and sending it to the wetlands in the San Joaquin Valley is a good start, but we must have increased pumping out of the Delta.

I would like to commend my colleagues Mr. CARDOZA, Mr. COSTA and Mr. NUNES for their hard work and for their efforts in offering solutions to the drought in California.

In the meantime, temporary solutions such as the Two Gates and the

Canal Intertie projects are necessary to keep farmers in the San Joaquin Valley farming. These projects must be constructed and online by this fall in order to provide any relief to this terrible drought.

The only way to keep the State of California strong is to change the water infrastructure. The California water system cannot continue as it is. If there are no changes, we will continue to see escalating unemployment rates of over 40 percent and the depletion of the agriculture industry.

Mr. BOREN. Mr. Chairman, I continue to reserve the balance of my time.

Mr. FRELINGHUYSEN. Mr. Chairman, I am pleased to recognize for 1 minute the gentleman from Oklahoma (Mr. SULLIVAN).

Mr. SULLIVAN. Mr. Chairman, I rise in support of the Boren amendment. This amendment would provide \$5 million to fund natural gas vehicle research and development at the Department of Energy.

Natural gas is the bridge fuel toward decreasing our dependence on foreign sources of oil and for putting our Nation on a path to energy independence. We have a proven reserve of natural gas right here in the United States. We have enough known natural gas reserves to last us more than a century. As a matter of fact, 98 percent of the natural gas we consume is produced right here in North America. In addition to our vast supply, we already have a way to get natural gas to the consumer with over 1.5 million miles of natural gas pipeline distribution across the country.

Natural gas vehicle technology is readily available in Europe, South America and Asia, with nearly 10 million natural gas vehicles in circulation worldwide. General Motors and Ford currently make 18 different models for purchase overseas, yet have fewer than 150,000 natural gas vehicles here in the United States. We must increase our research and development funding in this amendment, which it seeks to do.

Mr. BOREN. Mr. Chairman, I want to thank my colleague from Oklahoma (Mr. SULLIVAN), who has been a real leader in this effort for natural gas vehicles.

We have got one more speaker on our side, I think, so I am going to continue to reserve the balance of my time.

Mr. FRELINGHUYSEN. Mr. Chairman, I am pleased to recognize for 1 minute the gentlewoman from Tennessee (Mrs. BLACKBURN).

Mrs. BLACKBURN. Mr. Chairman, while I support the Boren amendment, I do rise in opposition to the manager's amendment and to some provisions that are there.

It strikes me that the manager's amendment results in an earmark for the Big Three automakers. What it does is to stipulate that the alternative fuel cars have to be bought from them. What it does is to ignore the many other American citizens and taxpayers

who produce American-made passenger vehicles in this Nation, but they are manufacturers that are not the Big Three.

I view this as being something that is bad policy. It is bad environmental policy. It is bad appropriations policy. It is bad economic policy. There are 209 vehicles, Alternative Fuel Vehicles, that are going to be purchased to go into these different agencies as stipulated in this bill. The way this manager's amendment is written, it is an earmark for the Big Three, which have already received billions of bailout money.

Mr. BOREN. Mr. Chairman, I firmly believe that these changes will greatly help the integration of cleaner natural gas vehicles in the marketplace. I think that we have a real opportunity today to invest in a cleaner independent energy future for America and to move away from our dependence on foreign oil.

I want to thank my colleagues on the other side, especially my friend JOHN SULLIVAN from Oklahoma. I want to thank the chairman for accepting our amendment.

Ms. MARKEY of Colorado. Mr. Chair, I rise today in support of Congressman BOREN's amendment for natural gas vehicle research. Natural gas has an important role to play in United States energy policy because it is more domestically abundant and cleaner-burning than traditional transportation fuel. We cannot afford to continue sending billions of dollars overseas while neglecting the vast energy resources right here in America. It is critical to our long-term economic prosperity that we invest in our own domestic sources of energy. By increasing research and development funding for natural gas vehicles we can ensure American innovation moves us toward greater energy security while decreasing our carbon emissions. I urge all my colleagues to support Congressman BOREN's amendment to increase funding for the DOE's Energy Efficiency and Renewable Energy Vehicle Technologies program for natural gas vehicle research.

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

The CHAIR. The question is on the amendment offered by the gentleman from Oklahoma (Mr. BOREN).

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

Mr. FRELINGHUYSEN. 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 Oklahoma will be postponed.

PART A AMENDMENT NO. 8 OFFERED BY MRS. MILLER OF MICHIGAN

The CHAIR. It is now in order to consider amendment No. 8 printed in Part A of House Report 111-209.

Mrs. MILLER of Michigan. Mr. Chairman, I have an amendment at the desk made in order under the rule.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A amendment No. 8 offered by Mrs. MILLER of Michigan:

Page 23, line 2, after the dollar amount, insert "(increased by \$10,000,000)".

Page 35, line 15, after the dollar amount, insert "(reduced by \$10,000,000)".

Page 36, line 9, after the dollar amount, insert "(reduced by \$10,000,000)".

The CHAIR. Pursuant to House Resolution 645, the gentlewoman from Michigan (Mrs. MILLER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Michigan.

Mrs. MILLER of Michigan. Mr. Chairman, you know there has been a great deal of discussion for decades, really, about the issue of energy, specifically the need for our Nation to generate and to utilize renewable and clean energy.

I have lived my entire life on the shores of the magnificent Great Lakes, and I have spent an awful lot of time boating as well on those magnificent waterways. I have always been awed by the power of that water, flowing from Lake Superior all the way to the Atlantic Ocean, actually. I have watched the St. Clair River under the Blue Water Bridge in Port Huron, Michigan, and I have been amazed at the swiftness and the consistency with which that water moves.

I believe that the energy created by that water-flow is a source of energy that we must do more to harness for the use of our people and for industry. To that end, Mr. Chairman, my amendment would increase by \$10 million the Water Power Energy Program within the Department of Energy. Increasing this vitally important program by \$10 million will restore that program back to FY 2009 funding levels.

The Water Power Energy Program within the Department of Energy is such an important program to our overall goal of reducing our dependence on fossil fuels and of becoming a Nation more reliant on renewable and green sources of energy. The Water Power Energy Program is a program designed to develop, test and evaluate new water technologies and to address barriers to the development of hydrokinetics and hydropower. The program conducts important research and development, and it deploys new innovative water technologies in order to get those products out on the market in an expedient, cost-efficient and environmentally responsible manner.

Additionally, this program allows for the testing and modeling of existing technologies. Hydropower technology has literally been around for hundreds of years, beginning with the earliest waterwheels and then water mills, which helped produce flour from grains, sawing timber and powering textile plants, to today's more advanced technologies, from hydroelectricity to harnessing wave and tidal power.

□ 1445

Hydropower currently accounts for approximately 19 percent of the world's

electrical needs and produces no harmful emissions, but it accounts for less than 6 percent of the total United States' electricity needs. Compare that to our neighbor to the north, Canada, who uses hydropower to meet 61 percent of its energy needs. While hydropower only accounts for less than 6 percent, as I said, here in the United States, it makes up 71 percent of our total renewable electricity and produces enough electrical power to power 28 million households.

There are two examples from the great State of Michigan where this technology is being examined and needs to be looked at further, I think, Mr. Chairman. I already mentioned the St. Clair River, but I should also mention the Detroit River. These rivers are known for their very strong currents, moving along at approximately 6-plus knots. Water from Lake Huron funnels down into the St. Clair River through Lake St. Clair and then quickens again through the Detroit River before entering Lake Erie, where that energy is currently just dissipating. This technology can be put to work in rivers, harbors and other coastal areas to capture energy from currents and tides. The best part is that this can be achieved with minimal impact on our environment or the flow of the river. Harnessing this energy will create a truly renewable and green source of clean energy.

Mr. Chairman, again, there has been a lot of interest, a lot of talk about alternative energy sources in the past week. I have heard many express strong support for wind power, and I certainly share their enthusiasm for that energy source. But I will remind my colleagues that sometimes the wind doesn't blow, but the water always flows. With that, I would ask all of my colleagues to support this amendment.

I yield back the balance of my time.

Mr. PASTOR of Arizona. Mr. Chairman, I rise to claim the time in opposition, though I am not in opposition and staying with the flow.

The CHAIR. Without objection, the gentleman is recognized for 5 minutes.

There was no objection.

Mr. PASTOR of Arizona. First of all, to the manager's amendment and the issue about the purchasing of cars, I have been told that the current GSA policy that has jurisdiction in the purchasing of cars over the agencies in which this committee has jurisdiction thereof, that we have just restated that policy. It was not intended to be an earmark. It was not intended to do anything different. It is not authorizing on an appropriation bill. It's a restatement of GSA policy. If there is a reason to be against it, it would be because it was redundant. But we did not create any new legislation. We are just restating GSA policy as it concerns purchase of cars under the agencies.

I rise in support of this amendment from the gentlelady from Michigan. In this bill the committee supports strong

investment in renewable energy technologies, such as solar, wind and geothermal power. Water power is an important piece of this renewable portfolio. Refining conventional hydropower technologies can increase the efficiency of our Nation's hydropower dams and cost effectively increase clean power generation without the need for new dams. Research and development of technologies that use waves, tides and streams for power can deliver a new source of virtually untapped renewable energy. So we continue to be with the flow and support the young lady's amendment.

I yield to the gentleman from New Jersey.

Mr. FRELINGHUYSEN. I want to commend Mrs. MILLER for being a strong and articulate advocate, and I support her amendment. I thank the gentleman for yielding.

Mr. PASTOR of Arizona. I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Michigan (Mrs. MILLER).

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

Mr. FRELINGHUYSEN. 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 Michigan will be postponed.

PART A AMENDMENT NO. 9 OFFERED BY MR.
HEINRICH

The CHAIR. It is now in order to consider amendment No. 9 printed in part A of House Report 111-209.

Mr. HEINRICH. Mr. Chair, I have an amendment at the desk made in order under the rule.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A amendment No. 9 offered by Mr. HEINRICH:

In section 307, strike "6 percent" and insert "7 percent".

The CHAIR. Pursuant to House Resolution 645, the gentleman from New Mexico (Mr. HEINRICH) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New Mexico.

Mr. HEINRICH. Mr. Chairman, I offer this amendment in strong support of research and development at our national laboratories. Specifically, my amendment provides a 1 percent increase in the Laboratory Directed Research and Development, which is commonly referred to as LDRD. LDRD increases the ability of laboratories to retain expertise and pursue innovative projects by providing additional discretion for Department of Energy laboratories to select research activities. These high-risk, high-reward projects yield cutting-edge advancements in science and technology and produce some of our most successful research and development initiatives. These are

projects with an immediate relevance and a direct impact on national security and our goal of energy independence. Many LDRD projects have formed the basis of some of the national labs' most successful research initiatives. For example, at Sandia National Laboratories in my district, an LDRD researcher developed the chemistry for a decontamination foam that is used by our military to protect us against chemical and biological attacks. In fact, this was the foam that was used to decontaminate the Senate Hart Office Building after the anthrax attacks of 2001. We know all too well that those who wish our country harm are constantly adapting their methods, making these LDRD projects vitally important to our national security.

LDRD is equally relevant to our goal of energy independence. An LDRD project developed a manufacturing process that will substantially reduce the cost of highly efficient LED lightbulbs. These LED lightbulbs have the potential to decrease electricity consumed in lighting by a full 50 percent by 2025. This will translate into meaningful cuts in utility bills for our working families and real savings for our small businesses. Energy independence is a critical element of our national security, and LED efficiency will significantly reduce our demand for energy. These advancements represent just two examples of the multiple innovative science and technology achievements made through LDRD initiatives.

Under the 2009 Omnibus Appropriations bill, our labs were granted authority to use up to 8 percent of their budgets for LDRD initiatives, yet the bill before us today would reduce that amount for 2010 to only 6 percent. My amendment would allow our labs to dedicate up to 7 percent of their budgets to LDRD. It is important to note that my amendment does not require any additional spending, as the LDRD funding percentage is derived from the labs' overall funding level, nor does my amendment cut any other program. Simply put, my amendment encourages innovative research and development that will promote our national security and help us to reach our goal of energy independence. I urge my colleagues to support this amendment.

I yield to the gentleman from Arizona.

Mr. PASTOR of Arizona. Mr. Chair, may I inquire how much time I have.

The CHAIR. The gentleman from New Mexico has 2½ minutes remaining on his time.

Mr. PASTOR of Arizona. Mr. Chairman, first of all, I'd like to thank the gentleman from New Mexico for yielding to me and to inform him that we will support the amendment as offered. However, I have some concerns about increasing the percentage of laboratory directed research at this time. I hope that this increase in lab directed research and development will, in this tight budget environment, produce a

net increase in the national security output of the laboratories. I look forward to working with you to ensure this increase is tightly mission-oriented and will be compatible with meeting other challenges of the laboratories. With that, I will inform you that we are supporting this amendment.

Mr. HEINRICH. I thank the gentleman from Arizona.

I reserve the balance of my time.

Mr. FRELINGHUYSEN. Mr. Chairman, I rise to claim time in opposition, though I am not in opposition to the amendment.

The CHAIR. Without objection, the gentleman from New Jersey is recognized for 5 minutes.

There was no objection.

Mr. FRELINGHUYSEN. Mr. Chairman, I would like to associate my comments with Chairman PASTOR. These are tight budget times, and I think we worked hard to provide the right balance for priorities on our Energy and Water bill. Many of us would have liked much more, shall we say, money spent on the safety and security of our nuclear weapons stockpile; but quite honestly, that was not to be. We all had to compromise, and this package is a fair, balanced one.

A few comments about the LDRD, the Lab Directed R&D programs. These programs often allow our laboratories to skirt congressional priorities laid out in our legislation. Historically these funds have been used by labs to perform research and development on issues that at times are not at all germane to the Department of Energy. I have seen it firsthand. At the same time, these programs can be most innovative and give our researchers creative opportunities for work. So I don't oppose the amendment. But I want to make it clear that all members of the committee, I am sure, will be watching very carefully to ensure that these funds are used to support the mission of the department.

I yield back the balance of my time.

Mr. HEINRICH. I want to add real quickly that the gentleman mentioned our nuclear stockpile. One of the other LDRD programs that I think was particularly important was the creation and assembly of safety devices for our stockpile, like the gel mylar capacitors that are used in the W76-1. I think the bottom line is that these programs represent some of the most cutting-edge research that we do. They are critical to our national security. They are critical to our energy independence, and I would urge the support of my colleagues.

I yield back the balance of my time.

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

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

Mr. FRELINGHUYSEN. 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 New Mexico will be postponed.

PART A AMENDMENT NO. 10 OFFERED BY MR. CAO

The CHAIR. It is now in order to consider amendment No. 10 printed in part A of House Report 111-209.

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

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A amendment No. 10 offered by Mr. CAO:

Page 62, line 15, strike "90" and insert "60".

The CHAIR. Pursuant to House Resolution 645, the gentleman from Louisiana (Mr. CAO) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Louisiana.

Mr. CAO. Thank you.

Mr. Chair, I submitted an amendment to H.R. 3183, the Energy and Water Appropriations bill, to reduce the amount the time the Nuclear Regulatory Commission has to report to Congress. The purpose of this amendment is to encourage agencies to be good partners in the regulatory process by completing their requirements to report to Congress for oversight in a timely manner.

What is the motivation for this amendment? During the last administration the agency was charged with identifying ways to streamline its licensing and review process. Though the Commission stated in a *Legal Times* article that it would shorten its review time to 30 months, recently a number of companies have complained of the process taking anywhere from 36 to 42 months. Also in June of 2008 the agency was the subject of a *New York Times* article on lengthy delays in its processing at Yucca. It cited a lack of funds to complete the process.

In this appropriations bill, the NRC is to provide a report to Congress regarding streamlined issuance of construction for new nuclear reactors. As written, the agency was given 90 days to do so. My amendment would reduce it to 60. The reporting which must be done by the commission requires it to report to the Committee on Appropriations of the House of Representatives and the Senate, identifying barriers to and its recommendations for streamlining the issuance of a combined construction and operating license for qualified new nuclear reactors.

In order for Congress to conduct proper oversight of this agency and help it improve its function, the NRC must report its findings to Congress in an expeditious manner. As we go through the process of reviewing our energy needs in this country, it is important that we have the information needed to make decisions as quickly as possible. Therefore, I ask the Members of the House to support this amendment.

I yield back the balance of my time.

Mr. PASTOR of Arizona. Mr. Chairman, I rise to claim the time in opposi-

tion, even though I'm not opposed to the amendment.

The CHAIR. Without objection, the gentleman from Arizona is recognized for 5 minutes.

There was no objection.

Mr. PASTOR of Arizona. I support Mr. CAO's amendment because the provision the gentleman is amending requires the Nuclear Regulatory Commission to provide a report on improving its licensing procedure by reducing the time for submission of the report to Congress from 90 days to 60 days. This should improve the NRC's responsiveness to Congress and provide more timely information to the Congress on measures that can be taken to improve the regulatory process.

I yield to the gentleman from New Jersey.

Mr. FRELINGHUYSEN. We support the gentleman from Louisiana's amendment and commend him. It's actually a perfecting amendment of what Mr. KINGSTON had in the full committee. So we commend you for your efforts and support it. Thank you for yielding.

Mr. PASTOR of Arizona. We are in support of the amendment.

□ 1500

I yield back the balance of my time.

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

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

Mr. FRELINGHUYSEN. 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.

PART A AMENDMENT NO. 11 OFFERED BY MRS. BLACKBURN

The CHAIR. It is now in order to consider amendment No. 11 printed in part A of House Report 111-209.

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

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A amendment No. 11 offered by Mrs. BLACKBURN:

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

SEC. ____ . PERCENTAGE REDUCTION OF TOTAL FUNDS.—Each amount appropriated or otherwise made available by this Act that is not required to be appropriated or otherwise made available by a provision of law is hereby reduced by 5 percent.

The CHAIR. Pursuant to House Resolution 645, the gentlewoman from Tennessee (Mrs. BLACKBURN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Tennessee.

Mrs. BLACKBURN. Mr. Chairman, I rise today on behalf of the American taxpayer to continue my push to rein in Federal spending by just 5 percent.

As with the other appropriations bills that my colleagues and I have at-

tempted to amend this year, this proposal would enforce a 5 percent across-the-board cut to the Energy and Water appropriations bill. My amendment would save the taxpayer \$1.7 billion and reset Energy and Water spending levels for the next budget.

Spending on Energy and Water programs has increased by, get this, 183 percent over the past 3 years. Under the majority's control, spending has increased 183 percent. The very programs being funded on the House floor this afternoon have already received \$51 billion in stimulus funding and \$7 billion in supplemental funding this year, this one year.

This Congress has already spent more than \$1 trillion than we have taken in. This trillion-dollar deficit is the largest in American history. In my opinion, this deficit represents the height of fiscal irresponsibility and is absolutely unconscionable. On top of it, many of my colleagues are proposing another \$1 trillion in government-run health care spending.

Every day we are laying more and more debt on the backs of our children and grandchildren. I ask my colleagues: How do we expect these children and grandchildren, how do I expect my grandsons to pay for college or a first home or start a business when they already owe \$70,000 to the Federal Government?

Mr. Chairman, we have to realize debt incurred is opportunity denied. My constituents keep telling me, We are tired of the government spending money we have not made yet on programs we don't want.

Through this appropriations cycle, I have intended to rein in this deficit by cutting spending. And today, again, I will ask the bureaucrats in Washington and their patrons in Congress to trim a nickel from every dollar that they are going to spend.

As our deficit and our debt grow to historic and dangerous proportions, it is more urgent than ever that we take action and bring spending under control.

I reserve the balance of my time.

Mr. PASTOR of Arizona. I rise in opposition to the amendment of the gentlelady from Tennessee.

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

Mr. PASTOR of Arizona. The amendment proposes a 5 percent reduction to every account in this bill. If you exclude the recovery money, as I mentioned in my opening statement, this bill that is before you is \$1 billion below the President's request and is slightly above last year's 2009 funding.

This Energy and Water appropriations bill is a key part of ongoing efforts to meet the infrastructure needs of the country; and after years of neglect, addressing the inadequacies of our national energy policies, we are trying to do it with this bill.

The Energy and Water bill is only slightly above last year's enacted level and is \$1.1 billion below the budget request, as I mentioned. Balancing priorities with this allocation require a concerted bipartisan effort. We ended up with a bill that meets the priorities and supports fiscal responsibility.

A reduction of 5 percent would cut \$1.7 billion from the bill and undercut a number of priorities at a time when we can ill afford to reduce them further.

I do not support the amendment and urge Members to vote "no."

I will yield to the ranking member.

Mr. FRELINGHUYSEN. I also rise in opposition to the amendment. Certainly, I commend the gentlewoman for her hard and repeated attempts to cut the Federal budget. But I agree with the chairman that we have a good bill. It is well balanced. It has been done in a bipartisan way.

I worry about indiscriminate cuts to a bill that affects the protection and reliability of our nuclear stockpile. That is important. We crafted some good things out of the energy portfolio which I think are worthy and defensible. This bill also includes funding that only begins to address a \$1 billion-plus retirement pension shortfall through the individual accounts. That is something which I commend the chairman for his and staff leadership on.

This across-the-board cut would take a \$1.6 billion bite across each of these initiatives. And I think that would be pretty devastating.

As a result, I rise with him to oppose this amendment.

Mr. PASTOR of Arizona. I would request that Members vote against this amendment, and I yield back my time.

Mrs. BLACKBURN. Mr. Chairman, I would remind my good colleagues that this is not Federal Government money. This is taxpayer money. And every year on April 15, the taxpayers send their portion to the Federal Government, and they charge us with looking out after that money. Many times they set aside hopes, dreams and college educations. They don't get to pursue their priorities because they have to send the money to Washington.

I find it absolutely incomprehensible that this body is not willing to turn to the bureaucrats that line all of these streets and these granite buildings and say, save a nickel out of the dollar. Allow our children and grandchildren to have opportunities. We have to realize, as I said, debt incurred today is opportunity denied for these children and grandchildren. I have heard all those arguments before.

When I was in the State senate in Tennessee, they had this grandiose health care plan called TennCare. Oh, it was going to save all this money. It was a public option. It was the test case for public option. It nearly bankrupted the State. When I offered an amendment to make across-the-board cuts, oh, those are draconian, those are indiscriminate. It is going to shut government down.

Well, guess what? They never took the cuts that we had. But when a Democrat Governor came in and he was faced with seemingly insurmountable odds on balancing a budget because we have an amendment, he made 9 percent across-the-board cuts.

We need to do this. We need to make the hard choices of where we are going to spend this money. You can't say, well, when you exclude this from the stimulus, and when you exclude this amount of money, when you exclude this \$51 billion from stimulus and this \$7 billion from supplemental, then it is only this. Well, guess what? That money is already spent. You spent the money. So unless they pay it all back, you can't exclude it. So your fuzzy math doesn't add up. It doesn't add up. You have already spent that money.

The person that is being undercut is the American taxpayer. And it is being done by the selfishness and by the greed of those who refuse to say "no" to a growing, out-of-control Federal bureaucracy.

I think it is time that we get some backbone on this spending issue. Stop the out-of-control deficit. Stop the out-of-control debt. Vote for the amendment and "no" on the debt.

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

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

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

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

ANNOUNCEMENT BY THE CHAIR

The CHAIR. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments printed in House Report 111-209 on which further proceedings were postponed, in the following order:

Amendment No. 1 by Mr. PASTOR of Arizona.

Amendment No. 2 by Mr. CONNOLLY of Virginia.

Amendment No. 4 by Mr. HASTINGS of Washington.

Amendment No. 7 by Mr. BOREN of Oklahoma.

Amendment No. 8 by Mrs. MILLER of Michigan.

The Chair will reduce to 2 minutes the time for any electronic vote after the first vote in this series.

PART A AMENDMENT NO. 1 OFFERED BY MR.

PASTOR OF ARIZONA

The CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Arizona (Mr. PASTOR) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 261, noes 172, not voting 5, as follows:

[Roll No. 543]

AYES—261

Abercrombie	Green, Al	Nadler (NY)
Ackerman	Green, Gene	Napolitano
Adler (NJ)	Grijalva	Neal (MA)
Altmire	Gutierrez	Norton
Andrews	Hall (NY)	Nye
Arcuri	Halvorson	Oberstar
Baca	Hare	Obey
Baird	Hastings (FL)	Oliver
Baldwin	Heinrich	Pallone
Barrow	Heller	Pascarell
Barton (TX)	Herseth Sandlin	Pastor (AZ)
Bean	Higgins	Payne
Becerra	Himes	Perlmutter
Berkley	Hinchee	Perriello
Berman	Hinojosa	Peters
Berry	Hirono	Peterson
Bilbray	Hodes	Pierluisi
Bishop (GA)	Holden	Pingree (ME)
Bishop (NY)	Holt	Platts
Bocchieri	Hoyer	Polis (CO)
Boren	Inglis	Pomeroy
Boswell	Inslee	Price (NC)
Boucher	Israel	Quigley
Boyd	Jackson (IL)	Rahall
Brady (PA)	Jackson-Lee	Rangel
Braley (IA)	(TX)	Reyes
Brown, Corrine	Johnson (GA)	Ros-Lehtinen
Butterfield	Johnson, E. B.	Ross
Camp	Kagen	Rothman (NJ)
Cao	Kanjorski	Roybal-Allard
Capps	Kaptur	Ruppersberger
Capuano	Kennedy	Rush
Cardoza	Kildee	Ryan (OH)
Carnahan	Kilpatrick (MI)	Sablan
Carney	Kilroy	Salazar
Carson (IN)	Kind	Sanchez, Linda
Castle	Kirkpatrick (AZ)	T.
Castor (FL)	Kissell	Sanchez, Loretta
Childers	Klein (FL)	Sarbanes
Christensen	Kosmas	Schakowsky
Clarke	Kucinich	Schauer
Clay	Langevin	Schiff
Cleaver	Larsen (WA)	Schwartz
Clyburn	Larson (CT)	Scott (GA)
Cohen	Lee (CA)	Scott (VA)
Connolly (VA)	Levin	Serrano
Conyers	Lewis (GA)	Shea-Porter
Cooper	Lipinski	Sherman
Costa	LoBiondo	Shuler
Costello	Loeb sack	Sires
Courtney	Lowey	Skelton
Crowley	Lucas	Slaughter
Cummings	Lujan	Smith (NJ)
Dahlkemper	Lynch	Smith (WA)
Davis (AL)	Maffei	Space
Davis (CA)	Maloney	Speier
Davis (IL)	Markey (CO)	Spratt
Davis (TN)	Markey (MA)	Stark
DeFazio	Marshall	Stupak
DeGette	Massa	Sutton
Delahunt	Matheson	Tanner
DeLauro	Matsui	Taylor
Dent	McCarthy (NY)	Teague
Diaz-Balart, L.	McCollum	Thompson (CA)
Diaz-Balart, M.	McCotter	Thompson (MS)
Dicks	McDermott	Tierney
Dingell	McGovern	Titus
Doggett	McHugh	Tonko
Donnelly (IN)	McIntyre	Towns
Doyle	McMahon	Tsongas
Driehaus	Meek (FL)	Turner
Duncan	Meeks (NY)	Upton
Edwards (MD)	Michaud	Van Hollen
Edwards (TX)	Miller (MI)	Velázquez
Ehlers	Miller (NC)	Visclosky
Ellison	Miller, George	Walz
Engel	Minnick	Wasserman
Etheridge	Mitchell	Schultz
Farr	Mollohan	Waters
Fattah	Moore (KS)	Watson
Filner	Moore (WI)	Watt
Foster	Moran (VA)	Waxman
Frank (MA)	Murphy (CT)	Weiner
Fudge	Murphy (NY)	Welch
Gerlach	Murphy, Patrick	
Giffords	Murphy, Tim	
Grayson	Murtha	

Wexler
Wilson (OH)

Woolsey
Wu

Yarmuth
Young (AK)

RECORDED VOTE

The CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 362, noes 69, not voting 7, as follows:

[Roll No. 544]

AYES—362

NOES—172
Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Barrett (SC)
Bartlett
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown-Waite,
Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Campbell
Cantor
Chaffetz
Chandler
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Cuellar
Culberson
Davis (KY)
Deal (GA)
Dreier
Ellsworth
Emerson
Eshoo
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly

Miller, Gary
Moran (KS)
Myrick
Neugebauer
Nunes
Olson
Ortiz
Paul
Paulsen
Pence
Petri
Pitts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Snyder
Souder
Stearns
Sullivan
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
McHenry
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf

Abercrombie
Ackerman
Aderholt
Baca
Adler (NJ)
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Blunt
Bocciari
Boehner
Bono Mack
Bordallo
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Braley (IA)
Bright
Brown (SC)
Brown, Corrine
Brown-Waite,
Ginny
Buchanan
Butterfield
Buyer
Calvert
Camp
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Hare
Carson (IN)
Carter
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Christensen
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole
Connolly (VA)
Conyers
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)

Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Fleming
Forbes
Fortenberry
Poster
Frank (MA)
Frelinghuysen
Fudge
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Heinrich
Herger
Higgins
Hill
Himes
Hinchev
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee
(TX)
Johnson (GA)
Johnson, E. B.
Jones
Kagen

Ortiz
Pallone
Pascarell
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pierluisi
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rooney
Ros-Lehtinen

Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sablan
Salazar
Sánchez, Linda
T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schiff
Schmidt
Schock
Schwartz
Scott (GA)
Scott (VA)
Serrano
Shea-Porter
Sherman
Shimkus
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Speier
Spratt
Stark

Stupak
Sutton
Tanner
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walz
Wamp
Wasserman
Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Wittman
Wolf
Woolsey
Wu
Yarmuth

NOES—69

Akin
Bachmann
Barrett (SC)
Bishop (UT)
Bonner
Boozman
Brady (TX)
Broun (GA)
Burgess
Burton (IN)
Campbell
Cassidy
Coffman (CO)
Conaway
Cooper
Deal (GA)
Duncan
Flake
Fleming
Franks (AZ)
Gangert
Hastings (WA)
Heller
Hensarling

Inglis
Jenkins
Johnson (IL)
Johnson, Sam
Jordan (OH)
King (IA)
Kline (MN)
Lamborn
Latta
Lee (NY)
Linder
Luetkemeyer
Lungren, Daniel
E.
McClintock
McKeon
Melancon
Miller (FL)
Minnick
Moran (KS)
Myrick
Neugebauer
Olson
Price (GA)

Rohrabacher
Roskam
Royce
Ryan (WI)
Schauer
Sensenbrenner
Sessions
Shuler
Souder
Space
Stearns
Sullivan
Teague
Thornberry
Tiahrt
Tiberi
Walden
Westmoreland
Whitfield
Wilson (SC)
Young (AK)

NOT VOTING—7

Faleomavaega
Herseth Sandlin
Meek (FL)

Pastor (AZ)
Schrader
Sestak

ANNOUNCEMENT BY THE CHAIR

The CHAIR (during the vote). There is 1 minute remaining.

□ 1541

So the amendment was agreed to. The result of the vote was announced as above recorded.

PART A AMENDMENT NO. 4 OFFERED BY MR. HASTINGS OF WASHINGTON

The CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Washington (Mr. HASTINGS) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIR. A recorded vote has been demanded.

NOT VOTING—5

Bordallo
Faleomavaega

Schrader
Sestak

Young (FL)

□ 1536

Mr. BRIGHT, Ms. HARMAN, Mr. CULBERSON, Ms. ESHOO, Messrs. WITTMAN, ORTIZ, and HONDA changed their vote from “aye” to “no.” Messrs. MITCHELL and TEAGUE changed their vote from “no” to “aye.”

So the amendment was agreed to.

The result of the vote was announced as above recorded.

PART A AMENDMENT NO. 2 OFFERED BY MR. CONNOLLY OF VIRGINIA

The CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Virginia (Mr. CONNOLLY) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

A recorded vote was ordered.

The CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 432, noes 0, not voting 6, as follows:

[Roll No. 545]

AYES—432

Abercrombie	Conyers	Himes
Ackerman	Cooper	Hinchey
Aderholt	Costa	Hinojosa
Adler (NJ)	Costello	Hirono
Akin	Courtney	Hodes
Alexander	Crenshaw	Hoekstra
Altmire	Crowley	Holden
Andrews	Cuellar	Holt
Arcuri	Culberson	Honda
Austria	Cummings	Hoyer
Baca	Dahlkemper	Hunter
Bachmann	Davis (AL)	Inglis
Bachus	Davis (CA)	Inslee
Baird	Davis (IL)	Israel
Baldwin	Davis (KY)	Issa
Barrett (SC)	Davis (TN)	Jackson (IL)
Barrow	Deal (GA)	Jackson-Lee
Bartlett	DeFazio	(TX)
Barton (TX)	DeGette	Jenkins
Bean	Delahunt	Johnson (GA)
Becerra	DeLauro	Johnson (IL)
Berkley	Dent	Johnson, E. B.
Berman	Diaz-Balart, L.	Johnson, Sam
Berry	Diaz-Balart, M.	Jones
Biggert	Dicks	Jordan (OH)
Bilbray	Dingell	Kagen
Bilirakis	Doggett	Kanjorski
Bishop (GA)	Donnelly (IN)	Kaptur
Bishop (NY)	Doyle	Kennedy
Bishop (UT)	Dreier	Kildee
Blackburn	Driehaus	Kilpatrick (MI)
Blumenauer	Duncan	Kilroy
Blunt	Edwards (MD)	Kind
Boccheri	Edwards (TX)	King (IA)
Boehner	Ehlers	King (NY)
Bonner	Ellison	Kingston
Bono Mack	Ellsworth	Kirk
Boozman	Emerson	Kirkpatrick (AZ)
Bordallo	Engel	Kissell
Boren	Eshoo	Klein (FL)
Boswell	Etheridge	Kline (MN)
Boucher	Fallin	Kosmas
Boustany	Farr	Kratovil
Boyd	Fattah	Kucinich
Brady (PA)	Filner	Lamborn
Brady (TX)	Flake	Lance
Bralley (IA)	Fleming	Langevin
Bright	Forbes	Larsen (WA)
Broun (GA)	Fortenberry	Larson (CT)
Brown (SC)	Foster	Latham
Brown, Corrine	Fox	LaTourette
Brown-Waite,	Frank (MA)	Latta
Ginny	Franks (AZ)	Lee (CA)
Buchanan	Frelinghuysen	Lee (NY)
Burgess	Fudge	Levin
Burton (IN)	Galleghy	Lewis (CA)
Butterfield	Garrett (NJ)	Lewis (GA)
Buyer	Gerlach	Linder
Calvert	Giffords	Lipinski
Camp	Gingrey (GA)	LoBiondo
Campbell	Gohmert	Loebsack
Cantor	Gonzalez	Loftgren, Zoe
Cao	Goodlatte	Lowe
Capito	Gordon (TN)	Lucas
Capps	Granger	Luetkemeyer
Capuano	Graves	Luján
Cardoza	Grayson	Lummis
Carnahan	Green, Al	Lungren, Daniel
Carney	Green, Gene	E.
Carson (IN)	Griffith	Lynch
Carter	Grijalva	Mack
Cassidy	Guthrie	Maffei
Castle	Gutierrez	Maloney
Castor (FL)	Hall (NY)	Manzullo
Chaffetz	Hall (TX)	Marchant
Chandler	Halvorson	Markey (CO)
Childers	Hare	Markey (MA)
Christensen	Harman	Marshall
Clarke	Harper	Massa
Clay	Hastings (FL)	Matheson
Cleaver	Hastings (WA)	Matsui
Clyburn	Heinrich	McCarthy (CA)
Coble	Heller	McCarthy (NY)
Coffman (CO)	Hensarling	McCaul
Cohen	Herger	McClintock
Cole	Herseth Sandlin	McCollum
Conaway	Higgins	McCotter
Connolly (VA)	Hill	McDermott

McGovern	Poe (TX)	Skelton
McHenry	Polis (CO)	Slaughter
McHugh	Pomeroy	Smith (NE)
McIntyre	Posey	Smith (NJ)
McKeon	Price (GA)	Smith (TX)
McMahon	Price (NC)	Smith (WA)
McMorris	Putnam	Snyder
Rodgers	Quigley	Souder
McNerney	Radanovich	Space
Meek (FL)	Rahall	Speier
Meeks (NY)	Rangel	Spratt
Melancon	Rehberg	Stark
Mica	Reichert	Stearns
Michaud	Reyes	Stupak
Miller (FL)	Richardson	Sullivan
Miller (MI)	Rodriguez	Sutton
Miller (NC)	Roe (TN)	Tanner
Miller, Gary	Rogers (AL)	Taylor
Miller, George	Rogers (KY)	Teague
Minnick	Rogers (MI)	Terry
Mitchell	Rohrabacher	Thompson (CA)
Mollohan	Rooney	Thompson (MS)
Moore (KS)	Ros-Lehtinen	Thompson (PA)
Moran (KS)	Roskauer	Thornberry
Moran (VA)	Ross	Tiahrt
Murphy (CT)	Rothman (NJ)	Tiberi
Murphy (NY)	Roybal-Allard	Tierney
Murphy, Patrick	Royce	Titus
Murphy, Tim	Ruppersberger	Tonko
Murtha	Rush	Towns
Myrick	Ryan (OH)	Tsongas
Nadler (NY)	Ryan (WI)	Turner
Napolitano	Sablan	Upton
Neal (MA)	Salazar	Van Hollen
Neugebauer	Sánchez, Linda	Velázquez
Norton	T.	Visclosky
Nunes	Sanchez, Loretta	Walden
Nye	Sarbanes	Walz
Oberstar	Scalise	Wamp
Obey	Schakowsky	Wasserman
Doyle	Schauer	Schultz
Oliver	Schiff	Waters
Ortiz	Schmidt	Watson
Pallone	Schock	Watt
Pascarella	Schwartz	Waxman
Pastor (AZ)	Scott (GA)	Weiner
Paul	Scott (VA)	Welch
Paulsen	Sensenbrenner	Westmoreland
Payne	Serrano	Wexler
Pence	Sessions	Whitfield
Perlmutter	Shadegg	Wilson (OH)
Perriello	Shea-Porter	Wilson (SC)
Peters	Sherman	Wittman
Peterson	Shimkus	Wolf
Petri	Shuler	Woolsey
Pierluisi	Shuster	Wu
Pingree (ME)	Simpson	Yarmuth
Pitts	Sires	Young (AK)

NOT VOTING—6

Faleomavaega	Platts	Sestak
Moore (WI)	Schrader	Young (FL)

ANNOUNCEMENT BY THE CHAIR

The CHAIR (during the vote). There is 1 minute remaining on this vote.

□ 1546

So the amendment was agreed to.

The result of the vote was announced as above recorded.

(By unanimous consent, Ms. RICHARDSON was allowed to speak out of order.)

CONGRATULATING THE HOUSE WOMEN'S

SOFTBALL TEAM

Ms. RICHARDSON. Colleagues, it's with great pleasure that we come before you to announce the incredible success that we had last night at the First Annual Congressional—may I say—Bipartisan Women's Softball Game.

We want to recognize our two captains, Republican JOANN EMERSON and, of course, our fearless leader who did it all, DEBBIE WASSERMAN SCHULTZ. We want to thank all of you, our teammates.

Mrs. EMERSON. You all, thank you very, very much from the bottom of my heart.

Ms. RICHARDSON. And from mine. Ms. WASSERMAN SCHULTZ. From the bottom of my foot.

Mrs. EMERSON. We have been told that this was a triumph for women and a triumph of bipartisanship. And I think that says it all. We have proven, I think, that we will rise above any kind of partisanship, work together, come together as a team, and really work hard for something. And I think we're a good example for the whole House.

Ms. WASSERMAN SCHULTZ. In addition to that, we became even closer friends than we were when we started and raised awareness about the fact that young women can and do get breast cancer. We raised \$50,000 for the Young Survival Coalition.

So, thank you to all the Members who came out, and all the staff. We especially want to thank the ladies of the Republican National Committee, Democratic National Committee, DCCC, NRCC, and the DSCC for participating and doing a great job. We're going to get you next year.

ANNOUNCEMENT BY THE CHAIR

The CHAIR. Without objection, 2-minute voting will continue.

There was no objection.

PART A AMENDMENT NO. 7 OFFERED BY MR.

BOREN

The CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Oklahoma (Mr. BOREN) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 429, noes 4, not voting 5, as follows:

[Roll No. 546]

AYES—429

Abercrombie	Bishop (GA)	Burgess
Ackerman	Bishop (NY)	Burton (IN)
Aderholt	Bishop (UT)	Butterfield
Adler (NJ)	Blackburn	Buyer
Akin	Blumenauer	Calvert
Alexander	Blunt	Camp
Altmire	Boccheri	Cantor
Andrews	Boehner	Cao
Arcuri	Bonner	Capito
Austria	Bono Mack	Capps
Baca	Boozman	Capuano
Bachmann	Bordallo	Cardoza
Bachus	Boren	Carnahan
Baird	Boswell	Carney
Baldwin	Boucher	Carson (IN)
Barrett (SC)	Boustany	Carter
Barrow	Boyd	Cassidy
Bartlett	Brady (PA)	Castle
Barton (TX)	Brady (TX)	Castor (FL)
Bean	Bralley (IA)	Chaffetz
Becerra	Bright	Chandler
Berkley	Broun (GA)	Childers
Berman	Brown (SC)	Christensen
Berry	Brown, Corrine	Clarke
Biggert	Brown-Waite,	Clay
Bilbray	Ginny	Cleaver
Bilirakis	Buchanan	Clyburn

Coble	Holt	Minnick	Slaughter	Thompson (CA)	Wasserman	Crowley	Jenkins	Murtha
Coffman (CO)	Honda	Mitchell	Smith (NE)	Thompson (MS)	Schultz	Cuellar	Johnson (IL)	Myrick
Cohen	Hoyer	Mollohan	Smith (NJ)	Thompson (PA)	Waters	Culberson	Johnson, E. B.	Nadler (NY)
Cole	Hunter	Moore (KS)	Smith (TX)	Thornberry	Watson	Cummings	Johnson, Sam	Napolitano
Conaway	Inglis	Moore (WI)	Smith (WA)	Tiahrt	Watt	Dahlkemper	Jones	Neal (MA)
Connolly (VA)	Inslee	Moran (KS)	Snyder	Tiberi	Waxman	Davis (AL)	Jordan (OH)	Neugebauer
Conyers	Israel	Moran (VA)	Souder	Tierney	Weiner	Davis (CA)	Kagen	Norton
Cooper	Issa	Murphy (CT)	Space	Titus	Welch	Davis (IL)	Kanjorski	Nunes
Costa	Jackson (IL)	Murphy (NY)	Speier	Tonko	Westmoreland	Davis (KY)	Kaptur	Nye
Costello	Jackson-Lee	Murphy, Patrick	Spratt	Towns	Wexler	Davis (TN)	Kennedy	Oberstar
Courtney	(TX)	Murphy, Tim	Stark	Tsongas	Whitfield	Deal (GA)	Kildee	Obey
Crenshaw	Jenkins	Murtha	Stearns	Turner	Wilson (OH)	DeFazio	Kilpatrick (MI)	Olson
Crowley	Johnson (GA)	Myrick	Stupak	Upton	Wilson (SC)	DeGette	Kilroy	Oliver
Cuellar	Johnson (IL)	Nadler (NY)	Sullivan	Van Hollen	Wittman	Delahunt	Kind	Ortiz
Culberson	Johnson, E. B.	Napolitano	Sutton	Velázquez	Wolf	DeLauro	King (IA)	Pallone
Cummings	Johnson, Sam	Neal (MA)	Tanner	Visclosky	Woolsey	Dent	King (NY)	Pascarell
Dahlkemper	Jones	Neugebauer	Taylor	Walden	Wu	Diaz-Balart, L.	Kingston	Pastor (AZ)
Davis (AL)	Jordan (OH)	Norton	Teague	Walz	Yarmuth	Diaz-Balart, M.	Kirk	Paul
Davis (CA)	Kagen	Nunes	Terry	Wamp	Young (AK)	Dicks	Kirkpatrick (AZ)	Paulsen
Davis (IL)	Kanjorski	Nye				Dingell	Kissell	Payne
Davis (KY)	Kaptur	Oberstar				Doggett	Klein (FL)	Pence
Davis (TN)	Kennedy	Obey	Campbell	Flake		Donnelly (IN)	Kline (MN)	Perlmutter
Deal (GA)	Kildee	Olson	Ehlers	McClintock		Doyle	Kosmas	Perriello
DeFazio	Kilpatrick (MI)	Oliver				Dreier	Kratovil	Peters
DeGette	Kilroy	Ortiz				Driehaus	Kucinich	Peterson
Delahunt	Kind	Pallone	Faleomavaega	Schrader	Young (FL)	Duncan	Lamborn	Petri
DeLauro	King (IA)	Pascarell	Sablan	Sestak		Edwards (MD)	Lance	Pierluisi
Dent	King (NY)	Pastor (AZ)				Edwards (TX)	Langevin	Pingree (ME)
Diaz-Balart, L.	Kingston	Paul				Ehlers	Larsen (WA)	Pitts
Diaz-Balart, M.	Kirk	Paulsen				Ellison	Larson (CT)	Platts
Dicks	Kirkpatrick (AZ)	Payne				Ellsworth	Latham	Poe (TX)
Dingell	Kissell	Pence				Emerson	LaTourette	Polis (CO)
Doggett	Klein (FL)	Perlmutter				Engel	Latta	Pomeroy
Donnelly (IN)	Kline (MN)	Perriello				Eshoo	Lee (CA)	Posey
Doyle	Kosmas	Peters				Etheridge	Lee (NY)	Price (GA)
Dreier	Kratovil	Peterson				Fallin	Levin	Price (NC)
Driehaus	Kucinich	Petri				Fattah	Lewis (CA)	Putnam
Duncan	Lamborn	Pierluisi				Filner	Lewis (GA)	Quigley
Edwards (MD)	Lance	Pingree (ME)				Flake	Linder	Radanovich
Edwards (TX)	Langevin	Pitts				Fleming	Lipinski	Rahall
Ellison	Larsen (WA)	Platts				Forbes	LoBiondo	Rangel
Ellsworth	Larson (CT)	Poe (TX)				Fortenberry	Loeback	Rehberg
Emerson	Latham	Polis (CO)				Foster	Lofgren, Zoe	Reichert
Engel	LaTourette	Pomeroy				Fox	Lowey	Reyes
Eshoo	Latta	Posey				Frank (MA)	Lucas	Richardson
Etheridge	Lee (CA)	Price (GA)				Franks (AZ)	Luetkemeyer	Rodriguez
Fallin	Lee (NY)	Price (NC)				Frelinghuysen	Lujan	Roe (TN)
Farr	Levin	Putnam				Fudge	Lummis	Rogers (AL)
Fattah	Lewis (CA)	Quigley				Gallegly	Lungren, Daniel	Rogers (KY)
Filner	Lewis (GA)	Radanovich				Garrett (NJ)	E.	Rogers (MI)
Fleming	Linder	Rahall				Gerlach	Lynch	Rohrabacher
Forbes	Lipinski	Rangel				Giffords	Mack	Rooney
Fortenberry	LoBiondo	Rehberg				Gingrey (GA)	Maffei	Ros-Lehtinen
Foster	Loeback	Reichert				Gohmert	Maloney	Roskam
Fox	Lofgren, Zoe	Reyes				Gonzalez	Manzullo	Ross
Frank (MA)	Lowey	Richardson				Goodlatte	Marchant	Rothman (NJ)
Franks (AZ)	Lucas	Rodriguez				Gordon (TN)	Markey (CO)	Roybal-Allard
Frelinghuysen	Luetkemeyer	Roe (TN)				Granger	Markey (MA)	Royce
Fudge	Lujan	Rogers (AL)				Graves	Marshall	Ruppersberger
Gallegly	Lummis	Rogers (KY)				Grayson	Massa	Rush
Garrett (NJ)	Lungren, Daniel	Rogers (MI)				Green, Al	Matheson	Ryan (OH)
Gerlach	E.	Rohrabacher				Green, Gene	Matsui	Ryan (WI)
Giffords	Lynch	Rooney				Griffith	McCarthy (CA)	Sablan
Gingrey (GA)	Mack	Ros-Lehtinen				Grijalva	McCarthy (NY)	Salazar
Gohmert	Maffei	Roskam				Guthrie	McCaul	Sanchez, Linda
Gonzalez	Maloney	Ross				Gutierrez	McClintock	T.
Goodlatte	Manzullo	Rothman (NJ)				Hall (NY)	McColum	Sanchez, Loretta
Gordon (TN)	Marchant	Roybal-Allard				Hall (TX)	McCotter	Sarbanes
Granger	Markey (CO)	Royce	Abercrombie	Blunt	Capito	Halvorson	McDermott	Scalise
Graves	Markey (MA)	Ruppersberger	Ackerman	Boocieri	Capps	Hare	McGovern	Schakowsky
Grayson	Marshall	Rush	Aderholt	Boehner	Capuano	Harman	McHenry	Schauer
Green, Al	Massa	Ryan (OH)	Adler (NJ)	Bonner	Cardoza	Harper	McHugh	Schiff
Green, Gene	Matheson	Ryan (WI)	Akin	Bono Mack	Carnahan	Hastings (FL)	McIntyre	Schmidt
Griffith	Matsui	Salazar	Alexander	Boozman	Carney	Hastings (WA)	McKeon	Schock
Grijalva	McCarthy (CA)	Sanchez, Linda	Altmire	Bordallo	Carson (IN)	Heinrich	McMahon	Schwartz
Guthrie	McCarthy (NY)	T.	Andrews	Boren	Carter	Heller	McMorris	Scott (GA)
Gutierrez	McCaul	Sanchez, Loretta	Arcuri	Boswell	Cassidy	Hensarling	Rodgers	Scott (VA)
Hall (NY)	McColum	Sarbanes	Austria	Boucher	Castle	Herger	McNerney	Sensenbrenner
Hall (TX)	McCotter	Scalise	Baca	Boustany	Castor (FL)	Herseth Sandlin	Meek (FL)	Serrano
Halvorson	McDermott	Schakowsky	Bachmann	Boyd	Chaffetz	Higgins	Meeks (NY)	Sessions
Hare	McGovern	Schauer	Bachus	Brady (PA)	Chandler	Hill	Melancon	Shadegg
Harman	McHenry	Schiff	Baldwin	Brady (TX)	Childers	Himes	Mica	Shea-Porter
Harper	McHugh	Schmidt	Barrett (SC)	Brayley (IA)	Christensen	Hinchee	Michaud	Sherman
Hastings (FL)	McIntyre	Schock	Barrow	Bright	Clarke	Hinojosa	Miller (FL)	Shimkus
Hastings (WA)	McKeon	Schwartz	Bartlett	Brown (GA)	Hirono	Miller (MI)	Miller (MI)	Shuler
Heinrich	McMahon	Scott (GA)	Barton (TX)	Brown (SC)	Cleaver	Hodes	Miller (NC)	Shuster
Heller	McMorris	Scott (VA)	Bean	Brown, Corrine	Clyburn	Hoekstra	Miller, Gary	Simpson
Hensarling	Rodgers	Sensenbrenner	Becerra	Brown-Waite,	Coble	Holden	Miller, George	Sires
Herger	McNerney	Serrano	Berkley	Ginny	Coffman (CO)	Holt	Minnick	Skelton
Herseth Sandlin	Meek (FL)	Sessions	Berman	Buchanan	Cohen	Honda	Mitchell	Slaughter
Higgins	Meeks (NY)	Shadegg	Berry	Burgess	Cole	Hoyer	Mollohan	Smith (NE)
Hill	Melancon	Shea-Porter	Biggart	Burton (IN)	Conaway	Hunter	Moore (KS)	Smith (NJ)
Himes	Mica	Sherman	Bilbray	Butterfield	Connolly (VA)	Inglis	Moore (WI)	Smith (TX)
Hinchee	Michaud	Shimkus	Bilirakis	Buyer	Conyers	Inslee	Moran (KS)	Smith (WA)
Hinojosa	Miller (FL)	Shuler	Bishop (GA)	Calvert	Cooper	Issa	Moran (VA)	Snyder
Hirono	Miller (MI)	Shuster	Bishop (NY)	Camp	Costa	Issa	Murphy (CT)	Souder
Hodes	Miller (NC)	Simpson	Bishop (UT)	Campbell	Costello	Jackson (IL)	Murphy (NY)	Space
Hoekstra	Miller, Gary	Sires	Blackburn	Cantor	Courtney	Jackson-Lee	Murphy, Patrick	Speier
Holden	Miller, George	Skelton	Blumenauer	Cao	Crenshaw	(TX)	Murphy, Tim	Spratt

NOES—4

Campbell
EhlersFlake
McClintock

NOT VOTING—5

Faleomavaega
SablanSchrader
Sestak

Young (FL)

ANNOUNCEMENT BY THE CHAIR

The CHAIR (during the vote). There is 1 minute remaining in this vote.

□ 1553

So the amendment was agreed to.

The result of the vote was announced as above recorded.

PART A AMENDMENT NO. 8 OFFERED BY MRS.

MILLER OF MICHIGAN

The CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from Michigan (Mrs. MILLER) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 431, noes 1, not voting 6, as follows:

[Roll No. 547]

AYES—431

Abercrombie	Blunt	Capito
Ackerman	Boocieri	Capps
Aderholt	Boehner	Capuano
Adler (NJ)	Bonner	Cardoza
Akin	Bono Mack	Carnahan
Alexander	Boozman	Carney
Altmire	Bordallo	Carson (IN)
Andrews	Boren	Carter
Arcuri	Boswell	Cassidy
Austria	Boucher	Castle
Baca	Boustany	Castor (FL)
Bachmann	Boyd	Chaffetz
Bachus	Brady (PA)	Chandler
Baldwin	Brady (TX)	Childers
Barrett (SC)	Brayley (IA)	Christensen
Barrow	Bright	Clarke
Bartlett	Brown (GA)	Hirono
Barton (TX)	Brown (SC)	Cleaver
Bean	Brown, Corrine	Clyburn
Becerra	Brown-Waite,	Coble
Berkley	Ginny	Coffman (CO)
Berman	Buchanan	Cohen
Berry	Burgess	Cole
Biggart	Burton (IN)	Conaway
Bilbray	Butterfield	Connolly (VA)
Bilirakis	Buyer	Conyers
Bishop (GA)	Calvert	Cooper
Bishop (NY)	Camp	Costa
Bishop (UT)	Campbell	Costello
Blackburn	Cantor	Courtney
Blumenauer	Cao	Crenshaw

Stark	Titus	Watt
Stearns	Tonko	Waxman
Stupak	Towns	Weiner
Sullivan	Tsongas	Welch
Sutton	Turner	Westmoreland
Tanner	Upton	Wexler
Taylor	Van Hollen	Whitfield
Teague	Velázquez	Wilson (OH)
Terry	Visclosky	Wilson (SC)
Thompson (CA)	Walden	Wittman
Thompson (MS)	Walz	Wolf
Thompson (PA)	Wamp	Woolsey
Thornberry	Wasserman	Wu
Tiaht	Schultz	Yarmuth
Tiberi	Waters	Young (AK)
Tierney	Watson	

NOES—1

Baird

NOT VOTING—6

Faleomavaega	Johnson (GA)	Sestak
Farr	Schrader	Young (FL)

ANNOUNCEMENT BY THE CHAIR

The CHAIR (during the vote). There is 1 minute remaining in this vote.

□ 1558

So the amendment was agreed to.

The result of the vote was announced as above recorded.

□ 1600

The Acting CHAIR (Mr. CUELLAR). It is now in order to consider one of the amendments printed in part B of House Report 111–209.

PART B AMENDMENT NO. 2 OFFERED BY MR. CAMPBELL

Mr. CAMPBELL. 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:

Part B amendment No. 2 offered by Mr. CAMPBELL:

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

SEC. ____ CONGRESSIONALLY DIRECTED PROJECT ELIMINATED.—None of the funds provided in this Act under the heading “Department of Energy—Energy Programs—Energy Efficiency and Renewable Energy” shall be available for the Housatonic River Net-Zero Energy Building project, and the aggregate amount otherwise provided under such heading (and the portion of such amount specified for Congressionally Directed Energy Efficiency and Renewable Energy Projects) are each hereby reduced by \$1,000,000.

The Acting CHAIR. Pursuant to House Resolution 645, the gentleman from California (Mr. CAMPBELL) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. CAMPBELL. Mr. Chairman, this amendment would strike a \$1 million earmark that is for—and being from California, I will apologize in advance to the gentleman from Massachusetts if I butcher the name of the river, the pronunciation of the name of the river, but is it Housatonic? You can correct me when it’s your time, but the Housatonic River Museum in Pittsfield, Massachusetts, and it reduces funding in the overall bill by that amendment.

Mr. Chairman, it is not unusual lately to see amendments for funding of museums in local communities and

around the country, but this one’s particularly unusual, I believe, because, as far as I can determine from the Web site, this museum doesn’t currently exist. And if I am reading the Web site for this museum correctly, they’re still in the design and development phase of this building, and it would appear that this is a \$1 million earmark to go to a museum in Massachusetts which does not currently exist and which, according to their own Web site, would not even have construction completed until 2012. And of course, this is the appropriations funding for 2010, so this funding would be available for the museum 2 years before even their Web site indicates they might be completed. So this appears to be an amendment for a museum, \$1 million for the museum that doesn’t exist.

And I will reserve the balance of my time.

Mr. OLVER. Mr. Chairman, I claim time in opposition to the gentleman’s amendment.

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

Mr. OLVER. Mr. Chairman, I urge rejection of the amendment before us. In 2006, Congress created the Upper Housatonic National Heritage Area in southwestern Massachusetts and in northwestern Connecticut based on legislation that was cosponsored by our distinguished former colleague Representative Nancy Johnson of Connecticut and myself in the House and by all the Senators from Massachusetts and Connecticut in the other body.

The Housatonic River Museum is being created by a group of local citizens and environmentalists, all residents of that national heritage area, as a venue to highlight the rich cultural history and explore the hopes for the future of that area. The 13,000-square-foot museum is being designed to achieve two sustainable goals: zero carbon footprint and zero net energy usage.

Ninety percent of the money for this project is being raised privately, but the money provided in this bill will allow the museum to maximize energy conservation and efficiency using passive strategies such as natural lighting, natural ventilation, water conservation, high-performance building materials, and, in addition, to generate enough power for its own needs, all from renewable sources utilizing photovoltaic panels, recycled wood pellet boilers and a geothermal well system. The museum will return excess power to the public electricity grid when available and possible.

All of these techniques and processes for energy conservation and efficiency will be made available for explanation and demonstration to thousands of visitors of all ages, but especially to school-age children from near and far.

The museum itself will be lead certified, and will serve as a flagship demonstration project and an example of sustainable construction. It will be the

first public building on the East Coast to be listed by the Department of Energy as a zero energy, and will join only seven others of similar designation in the Nation.

This is a good project with high goals and deserves to be funded, and I urge a “no” vote on the gentleman’s amendment.

I reserve the balance of my time.

Mr. CAMPBELL. Mr. Chairman, I have no doubt that it sounds like the museum is going to be a very neat, cool, useful museum in the local area, but I guess I would ask the gentleman a question. Does this museum currently exist?

And I would yield to the gentleman. Does it currently exist?

Mr. OLVER. It is under design.

Mr. CAMPBELL. So it is under construction.

Mr. OLVER. It is under design, and the money is being raised as we speak.

Mr. CAMPBELL. Reclaiming my time, but I would ask the gentleman, have all the funds for this, the construction of this museum been raised?

And I would yield.

Mr. OLVER. I am not familiar with the day-to-day progress of the collection of those construction funds.

Mr. CAMPBELL. Mr. Chairman, reclaiming my time, this is \$1 million of the public’s money going to a museum that doesn’t currently exist, that is not currently under construction, and the gentleman from Massachusetts can’t tell me if it’s even fully funded. I mean, if you don’t have enough, if there isn’t enough money to build it, it may never be built. It may never be funded.

So where is this million dollars going to go and what is it going to go for?

The gentleman pointed out that most of this museum, or so far they’ve been doing this raised on private funds. That’s great. That’s very admirable. That’s outstanding. That’s the way local museums and stuff should be done. I support them. I’m sure he does as well, and that’s the way that funding should be.

And so, should the taxpayers from California and Texas and Louisiana and every place else put their tax money towards subsidizing a privately funded museum in Massachusetts no matter how admirable the message that that museum may be?

And I would reserve the balance of my time.

Mr. OLVER. I continue to reserve.

I think I have the right to close, do I not?

The Acting CHAIR. The gentleman is correct.

Mr. CAMPBELL. May I ask how much time I have remaining, Mr. Chairman?

The Acting CHAIR. The gentleman from California has 1½ minutes.

Mr. CAMPBELL. Mr. Chairman, you know, the fiscal and financial status of this country is at an unprecedented low. We will have a deficit this year of probably over \$2 trillion. President

Obama's budget projects a deficit of \$1 trillion a year as far as the eye can see.

Of the million dollars that will go to this museum that doesn't exist and may never exist, \$460,000 of that will be borrowed. Much of that money will be borrowed from people in China and India and other places.

And I guess I would ask, Mr. Chairman, in this time of great fiscal strain, in this time when people are losing their jobs, in this time when we have a gigantic deficit, gigantic debt, borrowing money from all around the world, and a Congress and a President who seem to be unwilling or unable to stop spending and spending and spending, isn't at least this, can't we at least not spend \$1 million on something that doesn't even exist and hasn't been fully funded? Can't we at least stop here?

I tell you, Mr. Chairman, if this sort of spending, this sort of \$1 million on a local project subsidizing a privately funded museum that doesn't even exist, if this isn't a million dollars we can save, then the message I think, Mr. Chairman, to the American people is that this Congress is absolutely unwilling to save any of their money and to reduce these deficits in the future, which is not just a problem for our children and grandchildren; the problem's going to come on us much sooner than that. It's a problem for us.

I yield back the balance of my time.

Mr. OLVER. Mr. Chairman, I yield 30 seconds to the gentleman from Arizona (Mr. PASTOR).

Mr. PASTOR of Arizona. I thank the gentleman for yielding and to inform him and our Members that the committee supports the construction of this museum and is against the amendment, so we are urging Members to vote "no" on the amendment.

Mr. OLVER. I would just reiterate in this instance that all of this money goes to achieve those specific goals for providing zero carbon footprint and net zero energy usage in this to-be-constructed museum. All of the techniques, an array of techniques, I mentioned five or six, but the array of techniques, all of those will be available as demonstrations for all of the visitors all of the years of the future of this museum.

And he worries that it may never be constructed. Well, if they don't raise the money, which I expect them to do, and to be able to be in construction quite as fast as a good many of our recovery projects might get into construction, but certainly within this and the next fiscal year, that none of that money gets expended. So there is no harm at all in that. And otherwise, we have a very fine museum and a very fine demonstration project which hundreds of thousands of people will see over the next decade.

So I would hope that the amendment will be rejected. I urge a "no" vote on the amendment.

I yield back.

The Acting CHAIR. The question is on the amendment offered by the gen-

tleman from California (Mr. CAMPBELL).

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

Mr. CAMPBELL. 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.

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR. It is now in order to consider the amendments printed in part C of House Report 111-209.

PART C AMENDMENT NO. 1 OFFERED BY MR.

FLAKE

Mr. FLAKE. 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:

Part C amendment No. 1 offered by Mr. FLAKE:

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

SEC. ____ . CONGRESSIONALLY DIRECTED PROJECT ELIMINATED.—None of the funds provided in this Act under the heading "Department of Energy—Energy Programs—Energy Efficiency and Renewable Energy" shall be available for the Maret Center project, and the aggregate amount otherwise provided under such heading (and the portion of such amount specified for Congressionally Directed Energy Efficiency and Renewable Energy Projects) are each hereby reduced by \$1,500,000.

The Acting CHAIR. Pursuant to House Resolution 645, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. Mr. Chairman, before proceeding with the time constraints here, I would ask unanimous consent that my amendment be modified to the form I have placed at the desk.

The Acting CHAIR. The Clerk will report the modification.

The Clerk read as follows:

Modification to part C amendment No. 1 offered by Mr. FLAKE:

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

SEC. ____ . PROCUREMENT AND ACQUISITION OF ALTERNATIVE FUELS.—None of the funds appropriated or otherwise made available by this Act may be used to carry out, or pay the salaries and expenses of personnel who carry out, section 526 of the Energy Independence and Security Act of 2007 (Public Law 110-140; 42 U.S.C. 17142).

□ 1615

The Acting CHAIR. Is there objection to the modification?

Mr. PASTOR of Arizona. Mr. Chairman, I object to the modification.

The Acting CHAIR. Objection is heard.

Mr. FLAKE. May I inquire of the gentleman from Arizona why he objects? We were told that this appropriations process, particularly today's bill, was under a modified structured rule

simply because of time constraints. I am simply offering to modify my amendment to reflect an amendment that was offered but not accepted by the committee so that no more time would be consumed. This is an amendment that is in order, and it is germane.

I would just ask the gentleman why the objection is being heard.

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR. Members' remarks will be directed to the Chair.

Mr. FLAKE. I would ask the Chair to ask the gentleman.

I would yield to the gentleman for a response if the gentleman from Arizona would respond to why he is objecting to this unanimous consent request.

Mr. PASTOR of Arizona. This amendment was taken up by the Rules Committee, and I don't have the authority to change or to modify it. So, rather than get into the debate, I thought it was in proper form to object.

Mr. FLAKE. I will have to go back to my original amendment. Let me just make a point, and I will be making it frequently coming up, so the gentleman or others may want to consult with the Rules Committee.

We were told at the beginning of this process that we were going to be restricted in terms of what we could offer simply because of time, that we could not have so many amendments that would take so much time. There were 108 amendments offered. We would never be able to get them done, we were told. So here we have a bill. The time constraints are set. We are told that some 20 amendments are going to be offered. We are simply asking to swap out amendments.

The Appropriations chairman said, We have an obligation to get our work done, so what Mr. HOYER and I did was offer the minority leader an opportunity from a compressed number of amendments to select their own amendments, any amendments they wanted, but they did not want to limit the number of time.

Here we are saying we will agree to the time, and we are simply asking for unanimous consent to allow us to offer the amendments we would like to offer, and they're objecting. So, Mr. Chairman, all you can conclude, again, is that the majority simply doesn't want to take votes on these amendments. For the first time in years, in decades, we are shutting down an appropriations process, and saying, You can't offer the amendments you want. You only offer the amendments we want. Now, that is simply wrong. I just want to make that point, and I'll be making it again and again.

So I don't blame the gentleman from Arizona. He is not authorized here, but his party has told us that we are only compressing and having, basically, martial law in terms of appropriations bills because of compressed time. We are agreeing to the compressed time. We are simply saying allow us to offer the amendments that are germane that

we want to offer. We are being told, no, you only offer the amendments we want to hear.

That's what we're being told here, and I just want to register an objection to that because we ought to have the freedom to offer the amendments that we have offered like we've been able to do for decades in this House.

With that, let me get to the substance of the amendment.

This amendment would simply strike \$1.5 million for the MARET Center at Crowder College in Missouri.

May I ask as to the time remaining?

The Acting CHAIR. The gentleman has 1 minute and 15 seconds remaining.

Mr. FLAKE. I thank the Chair.

According to the Web site, the MARET Center is also known as the Missouri Alternative Renewable Energy Technology Center. It has been around since 1992. It has been funded several times, I believe, with earmarks. It has received, I think, \$3 million in earmarks. When we have a deficit nearing \$2 trillion this year, I think it behooves us to find areas where we can save. This is an earmark that goes to a college to study renewable energy when we are doing that all over in the budget—in this bill and in others. I think it behooves us to save the money where we can. This amendment would strike that funding, and would save it in the bill.

I reserve the balance of my time.

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

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

Mr. FRELINGHUYSEN. Mr. Chairman, I would yield such time as he may consume to the gentleman from Missouri (Mr. BLUNT).

Mr. BLUNT. I thank the gentleman for yielding.

Mr. Chairman, first, I want to thank Chairman PASTOR and Ranking Member FRELINGHUYSEN for recognizing the importance of this center, the Missouri Alternative Renewable Energy Technology Center, located at Crowder College in southwest Missouri. I am even glad that Congressman FLAKE created an opportunity to speak about this project.

I really don't object to this process at all. I think the more we determine how we are deciding how to spend money, the better off the country is. I also think that it's good to understand that not every decision on where to spend our research and development money should be made by the current administration or by the current Department of Energy. In fact, I am proud of the research that we are doing in southwest Missouri, and it has already had and will continue to have an impact regionally and nationally on renewable energy technology.

This center will serve as a living laboratory. It already serves as a living laboratory, modeling the best practices for solar and thermodynamic energy

systems and striving to go even beyond zero energy consumption. Through these efforts, it has served as a regional center.

The project we are talking about today integrates a variety of green construction practices, such as Earth shelter design, a green roof, rainwater harvesting, and low-volatile organic compounds, interiors and furnishings. This is designed to be one of the very first working examples of a net positive energy structure. In other words, this won't be a structure that just produces its own energy. It actually will be a structure that produces all of the energy it uses. It goes beyond the net zero building to put energy back into the grid, and it will provide distributed power to the electric utility company that serves the college.

Crowder College has long been a pioneer in renewable energy. In 1984, Crowder College, a junior college—a 2-year college—designed and built the first solar-powered vehicle to cross the United States. These are southwest Missouri kids out of high school and who are in their first or second year of post-high school training. They built the first solar car that did that.

This same group, this same school, finished second behind General Motors in the first world solar challenge in Australia in 1982. In 2001, they won the fuel-efficiency category of the second ethanol vehicle challenge. That's a vehicle, by the way, that is still used on the campus as a maintenance vehicle. This school won the People's Choice Awards in 2002 in Washington, D.C., for the solar house competition.

So they don't come to this, competing for Federal funds, without having had successes. They don't come without having done things that others have copied, shared and looked at. They come asking for this funding not only to help design, engineer and construct a center that is about to go out for bid but also to use that funding to help people learn how to use these building techniques. They are right there on the campus, learning how to create jobs. We talk a lot here about green energy jobs. This is a center that will actually be used as a laboratory in the building process to teach others how to do this green energy job creation and green energy building.

As we know, buildings consume 48 percent of the Nation's energy. The MARET Center will consume zero percent of the Nation's energy. In fact, it will put energy back into the system. Programs like this are crucial to the efforts we have for our economy and for our national security. Our Nation needs to have a new energy policy, an all-of-the-above strategy, and this is definitely part of that all-of-the-above strategy.

So I urge my colleagues to look at this issue and to look at it carefully, to look at a program that has already had national impact and to help this small 2-year college continue to do the things that they have been doing for over 20

years now to help establish green-collar jobs and green technology.

I would love to see our colleagues come to southwest Missouri and look at what is happening at the MARET Center, because people from all over America will be following their efforts and will benefit from this investment in the future.

Mr. FRELINGHUYSEN. Mr. Chairman, I yield to the chairman, the gentleman from Arizona (Mr. PASTOR).

Mr. PASTOR of Arizona. Mr. Chairman, I will inform our colleagues that the committee is opposed to the amendment.

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

Mr. FLAKE. May I inquire as to the time remaining?

The Acting CHAIR. The gentleman has 30 seconds remaining.

Mr. FLAKE. I thank the gentleman.

Mr. Chairman, this sounds like a great program. There are many great programs all over the country. Why do we need to earmark money for this one? There are a lot of other universities that would love to compete for these dollars and for this kind of funding.

That is the problem with the earmarking process that we have. Members of Congress are able to pick and choose. We typically take from those accounts where we have money set aside for competition, where people can, based on merit rather than on political designation, compete for these funds. So, with that, I would ask for support for the amendment.

I yield back the balance of my time.

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

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

Mr. FLAKE. 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 Arizona will be postponed.

Mr. FLAKE. Before proceeding with my amendment, Mr. Chairman, and so I won't gobble up my time, I would move that the Committee rise so that the whole House may entertain the unanimous consent request to modify my amendment.

The Acting CHAIR. The gentleman's motion is not in order according to the rule (House Resolution 645).

PART C AMENDMENT NO. 3 OFFERED BY MR. FLAKE

Mr. FLAKE. 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:

Part C amendment No. 3 offered by Mr. FLAKE:

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

SEC. ____ . CONGRESSIONALLY DIRECTED PROJECT ELIMINATED.—None of the funds provided in this Act under the heading “Department of Energy—Energy Programs—Energy Efficiency and Renewable Energy” shall be available for the Consortium for Plant Biotechnology Research, and the aggregate amount otherwise provided under such heading (and the portion of such amount specified for Congressionally Directed Energy Efficiency and Renewable Energy Projects) are each hereby reduced by \$3,000,000.

The Acting CHAIR. Pursuant to House Resolution 645, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. Mr. Chairman, I ask unanimous consent that my amendment be modified to the form I have placed at the desk.

Mr. PASTOR of Arizona. Mr. Chairman, I object.

The Acting CHAIR. The Clerk will report the modification.

The Clerk read as follows:

Modification to part C amendment No. 3 Offered by Mr. FLAKE:

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

SEC. ____ . PROCUREMENT AND ACQUISITION OF ALTERNATIVE FUELS.—None of the funds appropriated or otherwise made available by this Act may be used to carry out, or pay the salaries and expenses of personnel who carry out, section 526 of the Energy Independence and Security Act of 2007 (Public Law 110-140; 42 U.S.C. 17142).

Mr. FLAKE (during the reading). Mr. Chairman, I withdraw my unanimous consent request. It has been rejected already.

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

Mr. FLAKE. I want to make the point again here. I offered a unanimous consent request to stick within the time frames that we've been given by the majority party. The majority party said to us, Mr. OBEY, said, We have an obligation to get our work done, so what Mr. HOYER and I did was to offer the minority leader the opportunity, from a compressed number of amendments, to select their own amendments, any amendments they wanted, but they don't want to be limited by number of time. I don't fault them for that. I'm simply stating the facts.

Well, here we are with the facts. We're willing to be limited by time. We have the constraints. All we want to do is have the ability to offer our own amendments, and we're not being given that ability. The majority party has objected to a unanimous consent request, not to offer an amendment that is not germane or that would not be made in order. It's just an amendment that they don't want to vote on.

So this is the second time. It will probably happen again and again and again. I don't fault the gentleman from Arizona. He is carrying out the wishes of the leadership.

I want people to recognize what is happening here. We have what amounts

to martial law on appropriations bills this year for no reason other than the majority party wants to select the amendments that they want to vote on, not because of time constraints. We are living within the time constraints. We are okay with the time constraints. We are simply being objected to here, and are not allowed to offer the amendments that we want to offer.

□ 1630

With regard to this amendment, this amendment would remove \$3 million for the Consortium for Plant Biotechnology Research and would reduce the overall cost of the bill by a commensurate amount.

I reserve the balance of my time.

Mr. ROTHMAN of New Jersey. Mr. Chairman, I rise in opposition to this amendment.

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

Mr. ROTHMAN of New Jersey. Mr. Chairman, I rise today in strong opposition to this amendment. First I would like to thank Chairman VIS-CLOSKEY, Chairman PASTOR, Ranking Member FRELINGHUYSEN and all the Energy and Water Subcommittee members for their leadership on this important legislation and their support for this project. This is a good bill, and this is a good project. It will protect America's waterways and reduce our dependence on foreign oil. I urge my colleagues to support the bill.

This amendment that the gentleman from Arizona offers would remove funding for a project that would speed the transition of biotechnology from the laboratory to the marketplace.

Since 1989, Mr. Chairman, the Consortium for Plant Biotechnology Research has steered more than \$122 million towards energy research projects that are chosen on the basis of scientific merit and their importance for building a renewable energy economy, especially from biomass. The consortium works with more than 50 research universities in the United States of America and matches those universities with private entities, which transform their lab work into technology that can be introduced into the economy, creating jobs in the rapidly growing alternative energy sector. This is a picture of a wonderful public-private partnership that so many on both sides of the aisle talk about.

Through the Consortium for Plant Biotechnology Research, the Federal dollars made available by this earmark are matched 130 percent with non-Federal funds so that for every \$1 the government puts in, the private sector puts in \$1.30, for a total of \$2.30 worth of research.

Recently, Mr. Chairman, Rutgers University in my home State of New Jersey partnered with the Consortium for Plant Biotechnology Research. Rutgers' work is focused on creating plants that require less fertilizer to grow, the result being less energy used in the manufacture of fertilizer, cheaper

crops and easily produced biomass that can be converted into clean energy. The result is tremendously efficient research that is cheaper, that will give us better crops and the next generation of clean, renewable biofuels.

Mr. Chairman, if we're going to combat global warming and break America's dependence on foreign oil, investing in research into the next generation of locally generated, renewable biofuels is crucial. The Consortium for Plant Biotechnology Research facilitates exactly that, and I am proud to support this earmark.

I urge my colleagues to vote “no” on the amendment.

I reserve the balance of my time.

Mr. FLAKE. Mr. Chairman, may I ask the time remaining?

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

Mr. FLAKE. I thank the Chair.

One of the 11 sponsors of this earmark describe this organization to receive it as a “nonprofit organization.” A quick glance at its membership roster shows that in addition to 45 well-endowed university members, 46 for-profit corporations also partner in this consortium. Among them are Procter & Gamble and MeadWestvaco. There is a lot of private money for this institution as well. Here again we have a deficit of nearly \$2 trillion, and yet we're spending \$3 million on an earmark for a Consortium for Plant Biotechnology Research that already receives funding from a lot of private sector organizations, and we're simply adding on with another earmark. Again, it's the case here that when you earmark dollars, in this case you are removing dollars from the account that universities and other organizations can compete for. Over at the Federal agencies, we have a mandate that they compete out these kinds of projects. People compete on the basis of merit, yet here when we skim money off the top and earmark it for certain organizations, there is less money for other colleges, organizations and universities to compete for; and that's simply not right. As we've said over and over again, it amounts to quite a spoils system because just a relatively few people in the House get the bulk of the dollars that actually go toward earmarks. So, Mr. Chairman, I would ask for a favorable vote on this amendment. We simply need to save money where we can when we're running nearly a \$2 trillion deficit by the time we get to the end of the fiscal year.

When I came to Congress just 8 years ago, I think our total Federal budget was just north of \$2 trillion. Our deficit this year will reach nearly that amount. And still we're earmarking dollars right and left to universities or other organizations that have big endowments already or have private sector partners who already contribute money, and still we're saying they need more. Where does it end? When do we say enough is enough? I would submit that we should say it right here on this

earmark, and I urge support for the amendment.

I yield back the balance of my time. Mr. ROTHMAN of New Jersey. May I ask the Chair how much time is remaining.

The Acting CHAIR. The gentleman has 2 minutes.

Mr. ROTHMAN of New Jersey. I yield 2 minutes to our distinguished chairman, the gentleman from Arizona (Mr. PASTOR).

Mr. PASTOR of Arizona. I thank the gentleman for yielding. I will just inform Mr. ROTHMAN that we are against the amendment and support the gentleman's earmark.

Mr. ROTHMAN of New Jersey. I thank the chairman. There are good investments, and there are bad investments. I think one would find it difficult and unreasonable to say that in the present world economic climate, as well as energy climate, that the United States doesn't need to do more to become energy independent. We do need to do more. This is a public-private partnership involving 50 research universities in the United States, where for every dollar of Federal money, the private sector invests \$1.30 to come up with ways to provide renewable energy in a clean fashion and clean, green American jobs. I urge opposition to this amendment.

Mr. ABERCROMBIE. Mr. Chair, I rise today to oppose an amendment offered by Representative FLAKE to H.R. 3183, the Energy and Water Development Appropriations bill for fiscal year 2010. This amendment would strike \$3 million in funding from the Consortium for Plant Biotechnology Research located in Georgia.

I support this funding because of the amazing progress CPBR funded projects have been able to make. CPBR receives a small amount of funding annually and in turn has a competitive selection process to fund projects that further plant biotechnology that impacts the seed, agrochemical, forestry, food, energy, electric power, and other nonfood agriculture-based industries.

On average, federal funds to CPBR are matched 130 percent with non-federal funds. Industry must provide at least 50 percent cash matching, this requirement is not required by federal grants and goes to prove the worthiness of these CPBR projects and expedites their path to the marketplace. It is noteworthy that 372 CPBR-funded research projects have resulted in 129 patents, 67 patent applications pending, 274 licenses, and 5 start-up companies. In fact, CPBR-funded projects average 2.5 patents/\$1 million of federal funding. This is significantly higher than the university rate of 0.13 patents/one million federal dollars, that's 1900 percent higher.

In Hawaii, CPBR funded a professor at the University of Hawaii who developed a process called "flash carbonization" which is now patented and has been licensed to several companies including Kingsford. This process uses a large cylindrical reactor to pressurize and heat tires, green waste and municipal solid waste to make a "biochar" or charcoal that can be used to enhance soil or burn as a fuel. This technology has spawned two energy companies that are building new environ-

mentally friendly industries and creating high paying jobs in Hawaii. This progress started with a small research grant from CPBR.

CPBR supports higher-risk, longer-term environmental research that is essential to innovation, research that companies cannot afford to do on their own. With these federal funds, innovative advancements in environmental and energy research are hastened to the marketplace where they can be implemented. I urge my colleagues to oppose this amendment offered by Representative FLAKE and vote against its passage.

Mr. CONYERS. Mr. Chair, today, I rise in opposition to Representative FLAKE's amendment, which would reduce funding for the Consortium for Plant Biotechnology Research by \$1 million. This project, which provides grants to universities for plant-based biotechnology research to promote a cleaner environment, has bipartisan and multiregional support.

Funding for the Consortium for Plant Biotechnology Research helps promote goals set out by this Congress: higher education, job training and environmental protection. A non-profit corporation based in Georgia, CPBR has partnered with researchers and students in universities located in 32 states across the country to develop biotechnology and renewable energy, biofuels and "green" chemicals that can be used in place of ones that are harmful to the environment. CPBR has been a pioneer in using plants and plant-based materials as affordable and environmentally safer alternatives to fossil fuels.

CPBR is an example of what a public-private partnership should look like. Federal funding is matched, on average, with 130% of non-federal funds, allowing for \$2.30 worth of research to be done for every dollar appropriated by Congress. The vast majority of the project funding, 92%, will go to research projects.

In my own District, the University of Michigan at Dearborn received funding from CPBR and the Ford Motor Company which allowed Professor John Thomas and his students to research safer methods of cleaning up toxic waste. They were examining whether plants could be used to extract harmful contaminants from the soil.

Important research like this is being done in universities all across the country because of collaboration between CPBR, the federal government, and private companies. In addition to invaluable information gained from this research, a new generation of environmental students and engineers is being exposed to cutting edge technology. CPBR also has a history of working with predominately African American institutions like Tuskegee University and Albany State. These partnerships provide exciting opportunities for minority students who are traditionally underrepresented in the environmental science and research fields.

Innovation from these projects can lead to new, high-paying jobs. As of September, CPBR research had led to 129 patents granted and 5 start-up companies. Additionally, students that have participated in this research have gained experience that makes them more competitive applicants when they seek high tech jobs after they graduate.

I am pleased to support the Consortium for Plant Biotechnology Research and its vital mission of providing universities and private industry the tools to collaborate to allow for

vital environmental research. I encourage my colleagues to oppose Mr. FLAKE's amendment.

Mr. ROTHMAN of New Jersey. I yield back the balance of my time.

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

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

Mr. FLAKE. 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 Arizona will be postponed.

PART C AMENDMENT NO. 4 OFFERED BY MR. FLAKE

Mr. FLAKE. Mr. Chairman, I have an amendment at the desk designated as No. 4, part C.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part C amendment No. 4 offered by Mr. FLAKE:

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

SEC. ____ CONGRESSIONALLY DIRECTED PROJECT ELIMINATED.—None of the funds provided in this Act under the heading "Department of Energy—Energy Programs—Energy Efficiency and Renewable Energy" shall be available for the Ethanol from Agriculture project, and the aggregate amount otherwise provided under such heading (and the portion of such amount specified for Congressionally Directed Energy Efficiency and Renewable Energy Projects) are each hereby reduced by \$500,000.

The Acting CHAIR. Pursuant to House Resolution 645, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. Mr. Chairman, I ask unanimous consent that my amendment be modified in the form that I have placed at the desk.

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

Mr. PASTOR of Arizona. Mr. Chairman, I object.

The Acting CHAIR. Objection is heard.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. You know, I thought the third time might be the charm, but apparently not. Let me just make the case again. The reason that we have martial law this year on appropriations bills is because we were told we needed to stay within the time structure. Now that excuse, I have to say, Mr. Chairman, was a bit suspect to start with. We are finished with voting today. We finished I think just before 4 o'clock. We'll be finished with these amendments and be out of here by 5 p.m. That's 2 o'clock on the west coast. Done for the night. And we don't have time to make in order a few other amendments? But here if that were the

case, okay. We're accepting the time constraints. We accept that the majority party believes we should be done at 3 o'clock or 4 o'clock today. So we'll just say, Let's just substitute one of the amendments that we would like to offer for one of the ones that we had made in order under the rule. Yet the majority party says, No, we only want to vote on the amendments that we want to vote on, not the ones you want to offer.

So let's get rid of, once and for all, the excuse that this is a matter of time, that the minority party simply won't agree to live within the time strictures. That is simply untrue. We are agreeing here to live within the time constraints, unreasonable though they may be, from the majority party as long as we can offer the amendments that we would like to offer, but we're not being allowed that. We've asked for three unanimous consent requests, each have been objected to.

Mr. Chairman, this amendment would strike \$500,000 in funding for ethanol from agriculture at Arkansas State University, and it would reduce the overall cost of the bill by a commensurate amount.

Mr. Chairman, again, we see what we know is probably best referred to as a spoils system. One appropriator approached me the other day and said, "I wish you wouldn't use that term. It's pejorative." I don't know if there's a less pejorative term that can be used. But here's the case: So far the earmark dollars that have flown out with the appropriations bills thus far, powerful Members of Congress—these are the appropriators and those who are chairmen or ranking minority members—they represent about 24 percent of this body. Yet when you look at the earmark dollars in CJS, 58 percent went to just 24 percent of the body; Homeland Security, 68 percent; Interior, 64 percent; Agriculture, 67 percent; MILCON-VA, 52 percent; Energy and Water—this bill that we're discussing today—58 percent of the earmark dollars go to just 24 percent of this body. It's a spoils system. I don't know of any less pejorative term to use. To the victors go the spoils, I guess. But that's another problem with earmarking. It's not just that dollars are wasted or that dollars in defense bills are basically given out as no-bid contracts. It's that just a small number of people in this body control too many of the dollars, and we're told that we shouldn't let some faceless bureaucrat over in some agency decide where to spend the money because it's our role under the Constitution here in Congress. But if you accept that, you have to accept the fact that every Member of Congress knows their district better than some faceless bureaucrat, as it's always said. But if that's the case, why do appropriators and other Members in leadership know their districts so much better than everybody else around here?

So it seems to be a bit of a spoils system, Mr. Chairman. I have to say, on

this earmark with ethanol, we're spending a lot of money on ethanol. When you take the farm bill into account, when you take just about everything else we are doing into account with the energy bills that have been passed, it's not as if we are starving this beast. There is a lot of money going in here. Again, we're sending \$500,000 more when we have a deficit nearing \$2 trillion.

With that, I reserve the balance of my time.

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

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

Mr. BERRY. Thank you, Mr. Chairman. I thank our chairman Mr. VISCLOSKEY, Mr. PASTOR and ranking member Mr. FRELINGHUYSEN for putting together a really good bill, and the staff has done an outstanding job with all of this, and we certainly appreciate all the hard work that they've done and continue to do. It would be the most foolish thing we could possibly do in this country. We have economically succeeded and lived off of the great research—most of it that was begun during World War II, continued after World War II and made us the technology leaders of the world. It has tremendous economic benefits. For us to now pursue a course to say that we don't need to do research, that it doesn't serve a good purpose.

The research that is being done at Arkansas State University, by the Arkansas Biosciences Institute that was created and funded by the State of Arkansas, and tremendous investments have gone into that institute and great work is being done there, some of it, a very small part of it, is being funded by the Federal Government. That is most appropriate. What this does is to make it possible to take the straw that is left after you harvest an acre of rice, and convert it to 270 gallons of ethanol. That's after you take the grain off of it.

□ 1645

It makes all the sense in the world to do this, and this would also be applicable to other crops.

So we are talking about using something right now that just lays there and rots and turning it into fuel that is environmentally friendly. And it makes absolutely no sense not to continue this research, bring it to fruition and put it on the ground and make it work for the American people and reduce our need for foreign oil.

So I rise in strenuous opposition to this amendment. I would ask the House to join me in being opposed to this amendment.

I reserve the balance of my time.

Mr. FLAKE. May I inquire as to the time remaining.

The Acting CHAIR. One minute remains.

Mr. FLAKE. We spend upwards, in cumulative subsidies, of about \$420 bil-

lion at an average of \$28 billion annually and climbing on ethanol. We keep hearing year after year after year, we just need to seed corn here, if you will, we just need it to prime the pump, and it will take care of itself later. And 30 years later, we are still subsidizing at about \$28 billion annually. And then we have to mandate use for it.

The truth is, we all know you can turn ethanol out of an old boot if you expend enough energy doing it. At some point, you have to question are we doing the right thing here with our dollars. When we are already spending \$28 billion annually, does it make sense to throw in another \$500,000 to Arkansas State University? Are they going to discover something that \$28 billion annually for about 30 years has not discovered?

At some point, we have to say we have a \$2 trillion deficit and we have priorities here. So, Mr. Chairman, I would suggest we have to start somewhere. Please, with this program, let's save some money.

I yield back the balance of my time.

Mr. BERRY. I continue to be opposed to this amendment.

I'm very proud of the work that has been done at the Arkansas Biosciences Institute. I think it is the kind of investment that this government needs to make in research and development to make sure that we continue to be the leader in the world in these areas.

With that, I ask my fellow Members to vote against this amendment.

I yield back the balance of my time.

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

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

Mr. FLAKE. 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 Arizona will be postponed.

PART C AMENDMENT NO. 5 OFFERED BY MR. FLAKE

Mr. FLAKE. Mr. Chairman, I have an amendment at the desk designated as No. 5 in part C.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part C amendment No. 5 offered by Mr. FLAKE:

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

SEC. ____ CONGRESSIONALLY DIRECTED PROJECT ELIMINATED.—None of the funds provided in this Act under the heading "Department of Energy—Energy Programs—Energy Efficiency and Renewable Energy" shall be available for the Fort Mason Center Pier 2 project, and the aggregate amount otherwise provided under such heading (and the portion of such amount specified for Congressionally Directed Energy Efficiency and Renewable Energy Projects) are each hereby reduced by \$2,000,000.

The Acting CHAIR. Pursuant to House Resolution 645, the gentleman

from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. Mr. Chairman, I ask unanimous consent that my amendment be modified in the form I placed at the desk.

Mr. PASTOR of Arizona. Mr. Chairman, I object.

The Acting CHAIR. An objection is heard.

The gentleman from Arizona is recognized.

Mr. FLAKE. Let the record state, four times now, four times asking unanimous consent to simply swap for an amendment that we would like to offer rather than one that the majority party would like to hear. But again, it has been rejected. So I will go on.

This amendment would prohibit \$2 million for funding for the Fort Mason Center Pier 2 earmark and reduce overall cost of the bill a commensurate amount.

According to the sponsor, and I don't see the sponsor here today, the Fort Mason Center operates the retired U.S. Army West Coast Port of Embarkation as a "national standard for historic preservation, urban planning, sustainable business practices, nonprofit support and incubation" and on and on.

According to a 2001 press release, this is not the first earmark for the Fort Mason Center by the same sponsor. That year, the sponsor directed a \$13 million earmark to the center for seismic upgrades. According to the sponsor, this year's earmark was requested for costs associated with "repairs related to sustainability and energy efficiency, as well as seismic safety and patron access."

According to its Web site, the center "embodies the essence of San Francisco, nearness to nature, combined with novel architecture, a nod to the past, and a dose of the different" and boasts 300,000 square feet of space for 17 venues and on and on. This center hosts a lot of events annually. I suspect that more than a few of the attendees made their way also to the center's Cowell Theater last year, which is on the same premises, I believe.

Now, I don't know why in the world we keep earmarking dollars for centers like this. They clearly are in areas, in this case, San Francisco, where there is other funding or other funding is already used. But in this case we have a particularly powerful individual who requested the earmark who is able to get it time and time again, and so we are seeing this earmark funded.

At what point do we say we have to make priorities here? When you have a deficit that may hit \$2 trillion this year, at what point do we say we can't spend another \$2 million for the Fort Mason Center Pier 2 earmark?

With that, I reserve the balance of my time.

Mr. PASTOR of Arizona. I claim the time in opposition.

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

Mr. PASTOR of Arizona. Before I get into the substance of Fort Mason Center, what I would like to announce is there was concern expressed regarding the manager's amendment, especially as it related to the vehicle purchase as outlined in that manager's amendment. I am committing to work with all Members to address that their concerns will be addressed in conference.

The gentleman from Arizona is right: we have a congressionally directed mark in this bill that will assist the Fort Mason Center to continue its best practices in its development. He is correct: since this base was basically closed down, this area has been developing to assist the people of San Francisco and the surrounding areas as a center for culture, education and recreation. It is located on the northwest side of San Francisco and includes a number of buildings and piers, and it leases space to 24 nonprofit organizations.

The gentleman from Arizona is correct: this is an earmark that continues the development of the center. The attempt of this earmark is to specifically incorporate sustainable design and construction strategies consistent with LEED silver certification in the likelihood it will be better than that certification.

The continued development of the center will now include more and extensive use of solar and wind energy and will serve as a model for sustainable practices within a historically sensitive context.

And so with that, I would request a "no" to the amendment.

I reserve the balance of my time.

Mr. FLAKE. I inquire as to the time remaining.

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

Mr. FLAKE. I would yield to the gentleman from Arizona if he would indicate whose earmark this is.

Mr. PASTOR of Arizona. This earmark, its sponsor is the Congresswoman from San Francisco.

Mr. FLAKE. I believe that is the Speaker of the House.

Now, I mentioned before that the center contains a theater called the Cowell Theater. Last year the earmark sponsor went on a 12-city tour with her new book, "Know Your Power: A Message to America's Daughters." I think that the Member who requested this earmark certainly knows her power. That is part of the problem with this earmark process.

Again, let me point out, in this piece of legislation, the Energy and Water bill, 58 percent of the funding is going to just 24 percent of the body, people who know their power and know that they can get earmarks. And we hear a lot of high-minded rhetoric about earmarks, that we are doing it because we know our districts better than those

bureaucrats, and these bureaucrats shouldn't be able to choose because I know my district better. But apparently just a quarter of the Members of this body seem to know their district better than everybody else because they keep getting all of the earmark dollars.

So, when you strip it all away, we are earmarking dollars because we can here and sometimes to the same organizations or institutions that get it year after year after year. And when we are running a deficit that may hit \$2 trillion, I would think that we ought to say enough is enough. The sponsor of this earmark appears to be associated with, either is a lone sponsor or in collaboration with other Members, more than \$87 million worth of earmarks last year and more than \$94 million the year before. So knowing your power certainly helps around here.

At some point, this body has to stand up and say we can't continue to do this. We have to be stewards of the taxpayer money. And I would submit that when we are running a \$2 trillion deficit this year, we may hit that coming up, then now is the time to say we can't continue to fund earmarks like this.

I would ask for support of the amendment.

I yield back the balance of my time.

Mr. PASTOR of Arizona. Well, I would tell my dear friend from Arizona, and he is a dear friend, that this year we, our colleagues, at least those from Arizona, that requested congressional direct earmarks in this bill are part of that 24 percent and are very happy to belong to it. So, we will continue to work with Mr. FLAKE and other Members of Congress.

I yield back my time.

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

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

Mr. FLAKE. 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 Arizona will be postponed.

PART C AMENDMENT NO. 10 OFFERED BY MR. FLAKE

Mr. FLAKE. I have an amendment at the desk, designated as No. 10 in part C.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part C amendment No. 10 offered by Mr. FLAKE:

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

SEC. ____ CONGRESSIONALLY DIRECTED PROJECT ELIMINATED.—None of the funds provided in this Act under the heading "Department of Energy—Energy Programs—Energy Efficiency and Renewable Energy" shall be available for the Whitworth University Stem Equipment project, and the aggregate

amount otherwise provided under such heading (and the portion of such amount specified for Congressionally Directed Energy Efficiency and Renewable Energy Projects) are each hereby reduced by \$300,000.

The Acting CHAIR. Pursuant to House Resolution 645, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. Mr. Chairman, I ask unanimous consent that my amendment be modified in the manner designated at desk.

Mr. PASTOR of Arizona. Mr. Chairman, for the fifth time I will object.

The Acting CHAIR. An objection is heard.

Mr. FLAKE. I can't say that I'm shocked by now. This is the fifth time, I guess, but be it noted it is the fifth time we have asked for unanimous consent to offer the amendments that we would like to offer on this side of the aisle. But, again, this request has been rejected, not because of time constraints. We are living within the time constraints. It is because the majority party seems to only want to entertain amendments that they know they can defeat. They don't want anything controversial on the floor, and so we are breaking with tradition that has held for decades and decades, if not a century in this House, that we have open appropriations bills. Instead, we have a sort of a martial law with appropriations bills where they come under a modified rule that only allows the amendment that the majority chooses to hear, not the ones that Members want to offer.

That simply disenfranchises most of the Members of this body, I should say on both sides of the aisle. Many amendments that were bipartisan amendments or amendments offered by Democrats were rejected as well, because the leadership of this body and the majority party simply didn't want to hear those amendments.

This amendment would prevent \$300,000 in funding for the Wentworth University for STEM equipment and to reduce the cost of the bill by a commensurate amount. STEM in this case stands for Science, Technology, Engineering and Math. Wentworth University is a private residential liberal arts institution. The STEM equipment provided by this earmark would be located in Wentworth's University Center for Applied Health Sciences.

Now I can't imagine that any university in the United States would not want Federal funding to increase student capacity at their institution. In fact, I doubt these universities would even be picky about the field to which the money was designated.

□ 1700

But simply wanting Federal money does not equate or merit getting the money. You simply ought to have—to the extent that we provide Federal dol-

lars for institutions of higher learning, they ought to be distributed on a competitive basis, not on a spoils system, not because one Member can designate here or there.

We tell the agencies you have to set up a program by which people can compete for grants like this, but then we tell them, All right, but not for this pot of money. We're just going to designate it, and for the rest of the money in the account, then let people compete for that. But I'm going to get mine for my university, or she's going to get hers for her university, or they're going to get theirs for their university. That's simply not right.

If we don't like the way the Federal agencies are distributing the money, then, by golly, we ought to change the way it is set up. And, by the way, they distribute that money, but we shouldn't run a parallel system where we say, We don't like the way you are distributing money so you simply will have to wait and watch while we distribute off the top.

With that, I reserve the balance of my time.

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

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

Mr. FRELINGHUYSEN. I am pleased to yield to the gentlewoman from Washington State, Mrs. MCMORRIS RODGERS.

Mrs. MCMORRIS RODGERS. Thank you for yielding, and I appreciate the time.

I am in opposition to this amendment. To the gentleman from Arizona's point, if there was a way for us to set up a system whereby universities and colleges could compete for this funding, I would like to look at it. Bottom line, I believe that we do need to be investing more in this type of education.

As a Member of Congress, I have become very concerned about America's competitiveness, and I look at what's happened in this country, and we talk a lot about our taxes and our tax code and the fact that we have the second highest corporate tax in the world and the impact that that has on our competitiveness and our ability for small businesses to compete.

We talk about our regulatory climate, our litigious system, but I also think we ought to be looking at our education system. And we know that around the world other countries are investing in the STEM areas especially, the science, technology, engineering, and mathematics, and it's important to our future. As you think about America's ability to continue to be a leader in innovation and technology, a leader in research, I do believe that we need to be investing more in these areas.

I'm one who is shocked to know that a third of our kids will drop out of high school. Fifty percent who go to college need some kind of remedial math or English. We need to be raising the bar

and we need to be giving them more opportunities.

As it relates to natural science and engineering majors, it's estimated by the National Science Foundation that we will acknowledge a shortage of 675,000 natural science and engineering majors in the next few years. We need to give our students the critical skills necessary to compete in the new global economy. Utilizing the advanced technology and state-of-the-art equipment in our colleges, such as what the funding allows in this bill, will help accomplish that goal.

Whitworth University has seen a 57 percent rise in the number of students majoring in science. The STEM Project, which is also matched by private funds, will give Whitworth the ability to install the necessary technology and equipment to allow an additional 2,500 students to pursue science majors. Moreover, inclusion of this advanced technology and state-of-the-art equipment in required research-intensive courses will enable students to be better prepared to contribute to our Nation's workforce immediately upon graduation. This project is supported by a bipartisan group of State legislators, the Greater Spokane Incorporated, and many others that are focused on this issue, Mr. Chairman.

There is no doubt that we must be concerned about out-of-control spending; yet I do believe there are worthy projects out there such as this one which will enable the United States to remain a global leader in the 21st century. And I urge opposition to this amendment.

Mr. FRELINGHUYSEN. I yield to the chairman of the subcommittee.

Mr. PASTOR of Arizona. I rise just to inform the gentlelady that the committee is opposed to the amendment and supports her congressional-directed earmark.

Mr. FRELINGHUYSEN. I yield back.

Mr. FLAKE. May I inquire as to the time remaining?

The Acting CHAIR. The gentleman has 2 minutes.

Mr. FLAKE. Let me just say again, here we have a private university. I'm sure that it's a great university. I'm sure this is a great program that it has, but we have private and public universities all over the country that are hurting badly and would like to receive funding like this and would like to be able to compete for funding like this under a program where they're on equal footing, where the money is not earmarked or cut off the top and just awarded to individual organizations or institutions. That's the problem with this process. It's one of the problems of this process. And so I would urge adoption of the resolution.

And, again, let me just go back to the request for unanimous consent to modify the amendment.

Again, going back to what the appropriations chairman said the other day to the majority leader or said with the majority leader, We did offer the minority leader the opportunity in the

compressed number of amendments to select their own amendment, any amendments they wanted, but they did not want to be limited in number or time.

Here we're saying we will be limited to number and time. We simply would like to select the amendments that we would like to offer, but we're being denied that opportunity. Five times. Five requests for unanimous consent. Five denials to simply offer the amendments that we would like to offer.

I yield back the balance of my time.

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

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

Mr. FLAKE. 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 Arizona will be postponed.

PART C AMENDMENT NO. 11 OFFERED BY MR. FLAKE

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

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part C amendment No. 11 offered by Mr. FLAKE:

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

SEC. ____ CONGRESSIONALLY DIRECTED PROJECT ELIMINATED.—None of the funds provided in this Act under the heading "Department of Energy—Energy Projects—Energy Efficiency and Renewable Energy" shall be available for the Boston Architectural College's Urban Sustainability Initiative, and the aggregate amount otherwise provided under such heading (and the portion of such amount specified for Congressionally Directed Energy Efficiency and Renewable Energy Projects) are each hereby reduced by \$1,600,000.

The Acting CHAIR. Pursuant to House Resolution 645, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The gentleman from Arizona is recognized.

Mr. FLAKE. Mr. Chairman, this amendment would prohibit \$1.6 million from funding the Boston Architectural College Urban Sustainability Project.

I appreciate the fact that Boston Architectural College is interested in urban sustainability and green innovation. According to the college, they're hopeful that that project will serve as a model for densely built areas, such as Boston's Back Bay historic district. In fact, the Green Alley funding for this earmark would be constructed in one of Back Bay's public alleys. For those unfamiliar with Boston, Back Bay is a residential, retail, and commercial office district. It's considered to be one of Boston's most—in one of Boston's most high-rent neighborhoods.

While the construction of the project may be carried out by the Boston Ar-

chitectural College, it will benefit an apparently affluent neighborhood.

With that, I reserve the balance of my time.

Mr. CAPUANO. Mr. Chairman, I would like to claim time in opposition.

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

Mr. CAPUANO. The gentleman is right. It is an affluent neighborhood, but the school is not affluent. The neighborhood is not doing the work; the school is going to do it. The neighborhood will benefit from it in some indirect way because they all live near the Charles River. The storm water currently runs into the Charles River and pollutes it.

I want to make it clear. This is like many other things, my presumption is—I don't know yet—but it doesn't sound like this objection is with this particular earmark. It's with earmarks as a whole.

I want to make it clear. Based on things I have read in the papers, this college does not have a lobbyist, either a Federal or State lobbyist. No one from the school has ever donated to my campaign. Nothing at the school is named after me or is proposed to be named after me, and to my knowledge, the school has never received an earmark of any sort from the Federal Government prior to this. So unless there is an objection with this specific earmark, I don't know if it fits into all of the categories that I've heard in the past.

Just for the record, I would like to point out that not every Member of the majority wanted this amendment to be offered today, but I don't mind.

With that, I reserve the balance of my time.

Mr. FLAKE. The gentleman is correct. This goes to the Boston Architectural College. The Sustainable Design Program is an online program. It allows students from all over the country to enroll in classes and complete a certificate without even stepping onto the campus. Who then will be carrying out the project?

I just wonder how the residents of Chicago, for example, whose alleyways have to outnumber just about every city in the world, feel about this earmark. In 2006, Chicago created its own Green Alley Initiative, one of the most ambitious public street makeover plans in the U.S. However, instead of relying on Federal funds, Chicago used its own resources and relied on the Chicago Department of Transportation to implement the program.

If the Boston Architectural College is trying to be an example in urban sustainability, maybe they should be, and we all should be, looking to Chicago for that. Not only has Chicago implemented several green initiatives on a much wider scale, but it does not appear to rely on an earmark to do it.

We simply can't afford to continue to earmark dollars for this program or others when we're running a deficit

that could approach \$2 trillion this year. I don't know how many times we have to say it or how many times we have to be voted down on the floor on these before we recognize we have to change things here.

We are on a path, fiscally, that is unsustainable. And when we continue to have bills like this that earmark hundreds of millions of dollars not on a competitive basis—remember, earmarks aren't competitive. Earmarks mean that you forego the competitive process. You circumvent it. You tell those that are competing for moneys like this, You will have to take a backseat because we're going to take that money that you could have competed for and we are going to give it to somebody else.

So perhaps this program is worthy of Federal money. Perhaps it isn't. It should have to compete for it. If we don't like the way the Federal agencies have set up the programs for competition, we should change them. We should instruct them to change it. That's part of the process of authorizing, appropriating, and then exercising appropriate oversight.

But instead, here we're saying we don't like the way you do it over there so we're going to create a parallel system and we are going to do it ourselves, and that's simply not right. It's done. It amounts to a spoils system, as I mentioned here in Congress, where few powerful Members tend to get the bulk of the dollars and amounts to something, in the Defense bill, where you are giving a no-bid contract to private companies. And that's simply not right.

We tell the Federal agencies you have to set up a program for competition, but then we do something else, and it's not right, Mr. Chairman.

And I would urge support for the amendment and yield back the balance of my time.

Mr. CAPUANO. I will make the offer right here, right now. I will trade every earmark that will be designated for Boston for all of those designated for Chicago any day of the week. And if this gentleman can make it happen, count me in.

As far as where the money comes from, let me point out that the Commonwealth of Massachusetts is a donor State across the board. We pay more in taxes than we get back. I dare say that the gentleman's State is not in that category, and I don't mind that. I don't mind that because I see myself as an American, not just a citizen of Boston or a citizen of Massachusetts. I think that's the way we built this great country. So I don't have a problem with that. On occasion, do I think we have some good ideas in Boston? Yes, I do.

As far as the gentleman is concerned about our deficit, I think he's 1 million percent right; actually, 1 trillion percent right. And I would join him in anything he would like to do to actually deal with the deficit. One earmark at a time doesn't do it. It makes good

PR. It gets the gentleman up and talking, and it gets other Members—I would really rather be reading the health bill right now, but that's okay.

But I ask the gentleman where was he on November 14, 2002, when this House was voting on roll call No. 482, which was the roll call to maintain the PAYGO rules that were the only things that kept the entire Federal Government constrained?

□ 1715

Only 19 of us voted to keep the PAYGO rules. I was one of them because I share the gentleman's concern about deficits. You don't deal with deficits one nickel or one dime or \$1 million at a time. You deal with them across the board, if that's the concern.

If the concern is this particular earmark, I didn't hear too many things that designated this. If the concern is the concept of earmarks, well, I didn't run for office to do nothing. I did not run for office to allow the President or the Governor of the State—and I was a mayor. I don't believe in imperial executives. So we disagree on that issue.

If it is deficit, I will join the gentleman anytime to truly address the deficit problem we have in this country because I think he has a good point on that issue, not on this earmark, which is exactly why I hope this particular amendment is defeated.

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

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

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

Mr. FLAKE. 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 Arizona will be postponed.

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR. It is now in order to consider amendments printed in part D of House Report 111-209.

PART D AMENDMENT NO. 1 OFFERED BY MR. HENSARLING

Mr. HENSARLING. Mr. Chairman, I have an amendment at the desk designated No. 1.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part D amendment No. 1 offered by Mr. HENSARLING:

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

SEC. ____ CONGRESSIONALLY DIRECTED PROJECT ELIMINATED.—None of the funds provided in this Act under the heading "Department of Energy—Energy Programs—Energy Efficiency and Renewable Energy" shall be available for the Energy Conservation and Efficiency Upgrade of HVAC Controls project, and the aggregate amount otherwise provided under such heading (and the portion of such amount specified for Congressionally Directed Energy Efficiency and Renewable

Energy Projects) are each hereby reduced by \$500,000.

The Acting CHAIR. Pursuant to House Resolution 645, the gentleman from Texas (Mr. HENSARLING) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. HENSARLING. Mr. Chairman, this is an amendment which would strike an earmark for a half a million dollars to the New York Metropolitan Museum of Art. According to the sponsor's Web site, the money would be used, for needed conversion of various HVAC systems for obsolete and high energy consuming systems to direct digital control systems which will vastly reduce energy costs while allowing for greater conservation and use of existing energy within the building.

Mr. Chairman, I want to stipulate that I have no doubt that this would be a very valuable improvement for the Met. I have no doubt this is a good use of somebody's money, but Mr. Chairman, I have several questions about this.

And listen, let me also stipulate that the Metropolitan Museum of Art is one of the great art museums in the world. When I have the occasion to go to New York City, I love to go to the Met. I particularly love to go to the galleries that have the art of the various impressionists. I can spend hours, if not days, there.

So let me stipulate again, I have no doubt that this is a good use of somebody's money, but let me give you a little background, Mr. Chairman.

The spending that has been taking place in Washington, D.C., is at an unsustainable pace. Already this body has passed a \$1.1 trillion government stimulus plan costing every American family \$9,810, including \$100 million for an after-school snack program, \$1 billion for the census; an omnibus costing \$400 billion, costing every American family \$3,534, including \$150,000 for lobster research in Maine, \$1.9 million for a pleasure beach water taxi service in Connecticut; a \$700 billion bailout program so that folks like Chrysler, GM, AIG and a host of others can get taxpayer dollars costing every American family \$6,034.

Only 2 weeks ago, a new national energy tax passed by the House, where every American family that will deign to turn on a light switch, it will cost them between \$1,500 and 3,000, and just yesterday, a new proposal by House Democrats for a government-controlled health care plan that will cost a minimum of \$1 trillion, and the spending goes on and on and on.

And so given that backdrop, I ask several questions. Number one, is the money for the Met, is this really a Federal responsibility? I mean, according to the chief financial officer of the Met, 31 percent of their money comes from endowment, 28 percent from gifts, 14 percent from admissions. Is it really the responsibility of the Federal tax-

payer to pay for this improvement in a heating, ventilation and air conditioning system?

And if it's a Federal responsibility, Mr. Chairman, is it really a Federal priority? Given that we just had reports that the national deficit exceeded \$1 trillion for the first time in our Nation's history, I just ask the question, if it is a Federal responsibility, is it a Federal priority?

And if it's a Federal priority, is it equal to other Federal priorities? Is it as important for spending money for the National Institutes of Health to find the cure for cancer? Is it as important as spending money on our veterans health care system? And particularly in this economy, Mr. Chairman, is it as important as giving tax relief to small business, the job engine in America?

And if it raises to that level of importance, I ask one more question, and that is, is it worth borrowing money from the Chinese to send a bill to our children and grandchildren in order to give this improvement for the HVAC at the New York Met? And as great as the museum is, as great as this HVAC system is, Mr. Chairman, I do not think it rises to that level.

I reserve the balance of my time.

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

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

Mrs. MALONEY. Thank you for offering me the opportunity to talk about the merits of the energy conservation and efficiency upgrade of the HVAC controls project.

This has been vetted by my office, the Energy and Water Appropriations Subcommittee, and the Department of Energy, and they have decided that it will not only directly and positively impact my district but the Nation at large.

Included in the energy efficiency and energy renewable account, this project will use solid-state sensors and controllers in direct digital control systems which have considerable energy-efficiency advantages over conventional systems. These features will yield energy savings of up to 15 percent when compared to conventional systems, thus a significant savings to the environment and a substantial reduction in energy use by a major museum.

One of the goals of the Metropolitan Museum of Art is to reduce the energy consumption of its buildings while improving cost-effectiveness. To achieve these goals, the museum is seeking to use energy efficiency and renewable energy technologies, recycled and sustainable materials, and site-sensitive design to minimize the burden on the environment. And one major piece of this energy-efficiency effort is the upgrade of the various systems to boost energy output, while allowing greater control per building in the complex.

And this will reduce energy waste. This conversion project will also help generate 20 employment positions, which is needed in this time of job loss.

Finally, I would say that the Metropolitan Museum of Art is a national treasure. It is a cultural and artistic center in our country, and even if the gentleman or others do not recognize the value of funding art in our society, which I certainly support, it is part of the economic lifeblood of New York and this country. It pays considerable taxes, and it also generates revenues in our city from the over 5 million annual visitors to the museum. It is one of the top tourist attractions in the country, and by supporting this funding request, you support the thousands of small businesses in the community that will benefit from the many who visit it.

I might also say that the museum is considered one of the finest in the world, and it includes not only the art history of America but the historical art from around the world, and it is also a center that helps other museums, including Texas.

The museum recently volunteered its help to the Kimbell Art Museum in Fort Worth, which draws attendees from Congressman HENSARLING's district, and exhibited the first known painting by Michelangelo. This painting was cleaned, transported, restored and hung by the Metropolitan Museum of Art. Without the contribution of the Met, the Kimbell museum in Texas would not have been able to support the exhibition of this invaluable work.

I am confident this project is a valuable use of taxpayers dollars, investing in creating jobs and helping other museums, and helping the economic development of the district that I am proud to represent.

In response to the gentleman's other points, our economic problems were not created in the 5 months that President Obama has been in office, and they're not going to be resolved in 5 months either. We are facing the most severe recession since the Great Depression, and it will take time for the Recovery Act to take hold.

Likewise, the Recovery Act was not designed to work in 5 months. It was designed to work over 2 years, and the Recovery Act was designed to provide a boost necessary to stop the free-fall and lay the foundation for recovery.

We are working as quickly as possible in my district and across New York State to move the stimulus money into the economy as quickly as possible. Economist Zandi estimates that in the last 3 months alone over 500,000 jobs were saved as a result of the stimulus spending. So far, \$43 billion of the recovery spending has come in the form of tax relief to America's working families and businesses. Let's imagine the situation we would have been in if we had not had the TARP money to stabilize our financial institutions and let them fail. The failure of our financial and credit systems would have followed the failure of institu-

tions, crippling our economy with millions of losses of jobs in so many directions and unemployment to millions of Americans.

So I strongly support this. I believe it's a good investment in energy efficiency and job creation and the economic development of our country.

The Acting CHAIR. The gentleman's time has expired.

Mr. HENSARLING. Mr. Chairman, may I inquire how much time I have left?

The Acting CHAIR. Thirty seconds.

Mr. HENSARLING. Mr. Chairman, I would say to my friend, the gentlelady, I don't have the honor of representing Fort Worth in the Congress. My constituents appreciate the Kimbell museum. They appreciate the Met. More importantly, they appreciate the fact that they don't want to borrow a half a million dollars from the Chinese and send the bill to their children and grandchildren and future generations. Those are the taxpayers and the citizens of the Fifth District of Texas that I have the honor of representing.

Spending is out of control. Let's start somewhere. Let's say "no" to somebody today so we can say "yes" to our children's future tomorrow. I urge adoption of the amendment.

I yield back the balance of my time.

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

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

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

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

PART D AMENDMENT NO. 2 OFFERED BY MR. HENSARLING

Mr. HENSARLING. Mr. Chairman, I have an amendment at the desk designated No. 2.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part D amendment No. 2 offered by Mr. HENSARLING:

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

SEC. . CONGRESSIONALLY DIRECTED PROJECT ELIMINATED.—None of the funds provided in this Act under the heading "Corps of Engineers-Civil-Construction" shall be available for the Pier 36 Removal project in California, and the aggregate amount otherwise provided under such heading is hereby reduced by \$6,220,000.

The Acting CHAIR. Pursuant to House Resolution 645, the gentleman from Texas (Mr. HENSARLING) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. HENSARLING. Mr. Chairman, this is an amendment that would strike an earmark, also known as pork barrel spending, for Pier 36 removal in

San Francisco California, reduce the overall account by \$6.22 million. Apparently, Pier 36 is located along the Embarcadero in San Francisco Bay. Apparently, according to San Francisco's Port Authority, which owns the pier, removal of the pier is necessary to begin a new wharf project.

□ 1730

Again, Mr. Chairman, I would just ask several different questions about this particular earmark. Although I have no doubt that removal of this pier must be a good thing, I'm kind of curious why the San Francisco Port Authority doesn't pay for it itself. I don't think the Federal Government owns this particular pier.

Again, I'm not going to debate that it's not a good use of money. I, again, question whether or not it is a good use of the Federal taxpayer money at this time.

Again, Mr. Chairman, this amendment has to be put in context of the spending that goes on around here. Mr. Chairman, sometimes I just think: When will we stop the madness? When will it stop?

My Democratic colleagues from across the aisle have now brought us a budget which will triple—triple—the national debt in 10 years. Triple it, Mr. Chairman. We will run up under their budget more debt—more debt in the next 10 years than in the previous 220 years of our Republic combined. This is shocking, absolutely shocking.

Mr. Chairman, as you well know, for the first time in our Nation's history the Federal deficit has exceeded \$1 trillion, and in just 2 years the Federal deficit has increased tenfold. We are borrowing forty-six cents on every dollar—borrowing it from the Chinese, from the Japanese, from the Russians—tin cup in hand, running around the world saying, Please, please, lend me money, because I can't stop spending.

I heard one of my colleagues earlier say, Well, you know, this is just nickel and dime kind of stuff. Number one, Mr. Chairman, I hope I'm never in Washington so long that I conclude that \$6.22 million of the taxpayer money is not a lot.

Now, I know relative to the entirety of the spending explosion that's going on around this place, maybe it's not a huge amount. But, Mr. Chairman, you know, if you don't start saving the pennies and nickels, how will you ever save the dollars?

I have seen no attempt around this place to reform Medicare, reform Medicaid, reform Social Security. I mean, I'm told that somehow if we nationalize, federalize health care, that if we have a Federal bureaucrat somehow stand between people's families and their doctors, that somehow that's going to save money, when the Congressional Budget Office says it will cost at least a trillion dollars. And that's just a down payment.

I have never known the Federal Government to take something over and somehow it's going to cost less money.

Mr. Chairman, this goes to the culture of spending. Unless you change the culture of spending, you're never going to change spending.

And so, according to the Web site, this is a request of the Speaker of the House. She can lead by example. More so than any individual in this institution, she can lead by example. In November of 2006, she said, "You can't have bridges to nowhere for America's children to pay for." Well, Mr. Chairman, apparently you can't have piers to nowhere for America's children to pay for.

The Speaker of the House once said, "It's just absolutely immoral—immoral for us to heap those deficits on our children," yet the Speaker of the House will heap an additional \$6.22 million of deficit on our children. She, more than anybody else, can lead by example. And I'm disappointed this earmark was brought to us today.

I reserve the balance of my time.

Mr. PASTOR of Arizona. I rise in opposition to the amendment and claim the time in opposition.

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

Mr. PASTOR of Arizona. Actually, this pier is somewhere. It's in San Francisco. Pier 36.

I bring to the gentleman that this removal—in the 2007 WRDA bill, the funds were authorized so that the Corps would begin removing the deteriorated Pier 36, which is located in the San Francisco waterfront.

This pier was built in 1908–1909, and it was built of reinforced concrete for the use as a freight ferry facility. The pier was originally 721 feet long and 201 feet wide. The outer wood portions of the pier, after 70 years of being in the elements, have deteriorated.

Recently, further deterioration has caused the pier to be closed and it has been secured with fencing to prevent entry. The deteriorating sections of decking and wooden support pieces continue to rot, break, and float into the bay, which represents a potential hazard to navigation in the adjacent Federal Channel.

In addition, Pier 36 was constructed using creosote-soaked pilings, which contain a class of chemical compounds known to affect the viability of fish spawning. Use of creosote-treated wood is now prohibited in new construction in the San Francisco Bay.

So, the removal of Pier 36, which was authorized in the WRDA bill 2007, is needed to ensure that the continued deterioration, the piles that would fall into the water, would not cause a threat to navigation and the chemicals that they were treated with would be eliminated as an environmental hazard.

With that, I reserve the balance of my time.

Mr. HENSARLING. Mr. Chairman. May I inquire how much time I have remaining.

The Acting CHAIR. The gentleman has 30 seconds.

Mr. HENSARLING. Mr. Chairman, again, the Speaker of the House has said previously, in November of 2006, "I'd just soon do away with all earmarks," which begs the question: Why is she bringing at least two of them today?

She has also said, "It is absolutely immoral—immoral for us to heap those deficits on our children." Why is she asking us to heap another immoral \$6.22 million of debt on our children?

It is time to lead by example. I urge adoption of the amendment.

I yield back the balance of my time.

Mr. PASTOR of Arizona. Mr. Chairman, the committee finds merit in this authorized Pier 36 removal and we ask our colleagues to object to and refuse the amendment as offered.

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

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

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

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

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

PART D AMENDMENT NO. 4 OFFERED BY MR. HENSARLING

Mr. HENSARLING. Mr. Chairman, I have an amendment designated No. 4.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part D amendment No. 4 offered by Mr. HENSARLING:

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

SEC. ____ CONGRESSIONALLY DIRECTED PROJECT ELIMINATED.—None of the funds provided in this Act under the heading "Department of Energy—Energy Programs—Electricity Delivery and Energy Reliability" shall be available for the Automated Remote Electric and Water Meters in South River project, and the aggregate amount otherwise provided under such heading (and the portion of such amount specified for Congressionally Directed Electricity Delivery and Energy Reliability Projects) are each hereby reduced by \$500,000.

The Acting CHAIR. Pursuant to House Resolution 645, the gentleman from Texas (Mr. HENSARLING) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. HENSARLING. Mr. Chairman, this is an amendment that would strike another earmark. This one is for \$500,000. According to the sponsor's Web site, funding would be used by the Borough of South River, New Jersey, to purchase and install automated remote electric and water meters for both of the utilities owned by the borough. These meters would provide bi-directional real-time information to both the utilities and the consumer.

Again, not unlike my previous amendments, Mr. Chairman, I will stipulate I assume this is very interesting, useful, cutting-edge kind of stuff for the Borough of South River, New Jersey. I'm sure that this would help the gentleman's constituents. Maybe it will help make them more energy efficient. I will just assume that this is good technology. Again, I assume it's a good use of somebody's money.

But I again question, is it a Federal responsibility, number one. Why the citizens of the Borough of South River, New Jersey? Why not the citizens of Provo, Utah; Missoula, Montana, Bangor, Maine; not to mention Mineola, Texas, which happens to be in my district. Should we buy these for every single borough, city, town, village in the Nation?

Again, Mr. Chairman, this has to be put in a backdrop of what is going on in our economy today. Since the President took office, what we know, Mr. Chairman, is that unemployment has gone up to 9.5 percent, an increase of just 25 percent since the President has been in office.

Since he's been in office, the economy has shed 2.6 million jobs. The public debt has increased 13.66 percent. The Federal deficit now exceeds \$1 trillion, \$1 trillion for the first time in our entire Nation's history.

And so I would again ask my colleagues: Where do you draw the line? Where do you finally say "no" to someone's project today so you can say "yes" to our children and grandchildren's future tomorrow? I would hope it would be here. I would hope it would be now.

Again, like another of my colleagues said, I wish we were talking about savings trillions of dollars today. Frankly, I, as other Members of the Republican side, have offered amendments that would save substantial amounts of money, but a funny thing happened on the way to the Rules Committee. Somehow those—those weren't found in order. And so we don't have the opportunity to debate those amendments on the House floor.

So I guess we're left to debate half a million dollar amendments instead of half a trillion dollar amendments like we would like.

You know, we've got to remember that dollars have alternative uses, Mr. Chairman. Every dollar that is spent on an automated remote electric water meter for the Borough of South River by the Federal taxpayer is \$1—\$1 that cannot be spent on cancer research at the National Institutes of Health; cannot be spent for a rural veterans health care clinic; cannot be spent for tax relief for small businesses—the job engine of America. That's the national priority now, is to get the economy moving again.

And I just ask, number one, is that a Federal priority? Is it a Federal responsibility? Why not other cities? Again, the critical question at a time where we're tripling the national debt

over the next 10 years, is it worth borrowing money from the Chinese and sending the bill to our children and grandchildren?

Mr. Chairman, I say “no.” I say “no” so that I can say “yes” to my 5-year-old son’s future, my 7-year-old daughter’s future, and the future of all the children and great grandchildren of our country.

I reserve the balance of my time.

Mr. HOLT. I rise in opposition to the amendment, Mr. Chair.

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

Mr. HOLT. I understand the hope of my colleague from Texas to rein in excessive government spending, but he is really misguided on this one.

This is a project that would provide real benefit to the residents of the Borough of South River, and as a demonstration project it would serve as an example for the rest of New Jersey and the Northeast and indeed the whole Nation of how to use technology to conserve energy, to use it more wisely. In fact, every dollar spent, to paraphrase my friend here, on smart metering, is indeed a dollar well spent.

My constituents in New Jersey pay some of the highest utility rates in the Nation. In the Borough of South River, they are seeking assistance to help decrease the electric bills of the borough residents, and they’re seeking to demonstrate that this works. Funding for the automated remote electric project will provide relief to the constituents in this municipal energy system, and it will serve as a wonderful example.

South River owns and operates its own utilities. It’s moving toward implementing a borough-wide smart grid. This metering that the borough intends to purchase is the first step toward this eventual goal. They would provide real-time consumption information. It would allow the users to make wise decisions based on the real cost of service in real time.

It’s just exactly what we have been discussing here in the House of Representatives in recent weeks. It’s well established in the scientific community that climate change of recent decades can be attributed to the way we produce and use energy and that climate change is altering our planet in ways that are expensive and deadly.

I spoke to the mayor of South River yesterday, who assured me that he is ready to go ahead with the project. It’s one of their top priorities. They have been working on it for years, one in which they have already made considerable investment in preparing an efficient municipal utility.

□ 1745

This will serve, as I say, as an example.

I might add that the gentleman’s home State of Texas ranks 32nd in the Nation in tax dollars returned from Washington. My home State of New Jersey ranks considerably lower than that. As a so-called donor State, I don’t

apologize to my constituents for working to return their tax dollars. I really only regret that all municipal utilities in the country are not funded to convert to smart metering. This is certainly a good investment.

I reserve the balance of my time.

Mr. HENSARLING. Mr. Chairman, I saw that the gentleman from New Jersey was lamenting the high energy rates of his constituents. And although I don’t have the House RECORD in front of me, I’m under the impression he recently voted for the national energy tax, which would cost his constituents anywhere from \$1,500 to \$3,000 a year.

Second of all, I believe in the value of demonstration projects as well. My constituents would like a demonstration project of fiscal sanity in the United States Congress. They have yet to see one. Here is a small demonstration project of fiscal sanity on behalf of our children and grandchildren by adopting this amendment.

I yield back the balance of my time.

Mr. HOLT. May I ask the Chair the remaining time?

The Acting CHAIR. The gentleman has 2 minutes.

Mr. HOLT. Let me try to figure out why it is that the gentleman from Texas (Mr. HENSARLING) is proposing to do this. I can assure, I think it is unlikely that he knows as much about this project as I do, but I must say energy has been my professional field for most of my life.

This is, I would argue, a good investment. To refer to the comments of my colleague from Massachusetts a while ago, this approach of trying to deal with the deficit and excess spending one project at a time is sort of a waste. If the gentleman is really concerned about this, I presume that we will find his vote in the “aye” column next week when we consider pay-as-you-go legislation.

If he’s concerned about earmarks, as a concept, then I would say, yes, the OMB, the Office of Management and Budget, speaking on behalf of the White House, should have included this project in their request to Congress and many more like it. But they didn’t.

And so, is the gentleman saying that the House of Representatives should just be an up-or-down vote on what the President sends to us? The President will decide what the budget should be. We take it or leave it.

Well, no, that’s not the way it should work. This is something that I offer. It provides no partisan political advantage. In fact, the mayor of this town is from the other party. No one from the borough, to my knowledge, has made any campaign contribution to any Member of Congress, any member of the borough government. No lobbyist is involved in this.

This is just good policy. It should have been in the budget sent over by the President, but it wasn’t. Lots of things should be in the budget sent over by the President, but they’re not. That’s why we scrub the budget and de-

cide what should be added and what should be subtracted. Call it earmarking if you want, but I don’t. I would hope that the gentleman would not think that we should abdicate our responsibilities here as Members.

I yield back my time.

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

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

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

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

Mr. PASTOR of Arizona. 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. NYE) having assumed the chair, Mr. CUELLAR, 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. 3183) making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes, had come to no resolution thereon.

JUMP-STARTING OUR ECONOMY

(Ms. JENKINS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JENKINS. Mr. Speaker, the number of empty storefronts across Kansas is growing, and the folks who call our towns home continue to ask, Where are the jobs?

They hear about bailouts and the \$1 trillion so-called economic stimulus, but Kansans are still struggling.

The Nation’s deficit has topped \$1 trillion for the first time, and some say it could grow to \$2 trillion by this fall. We should be ashamed. But rather than putting the brakes on this out of control spending spree, some think Washington needs to spend more.

Mr. Speaker, when does it stop?

Instead of taxing small businesses out of existence, we should provide tax relief so they can hire more employees and create jobs. Instead of throwing money at programs that aren’t working, we should find responsible ways to cut spending.

Small businesses and innovative Americans hold the key to jump-starting our economy. It’s their job for Washington to let them do their job.

MEDICAL RIGHTS ACT

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