An amendment by Mr. BROWN of Ohio regarding funding limitation for contracts relating to port security;

An amendment by Mr. TIAHRT regarding funding limitation on competitiveness;

An amendment by Mr. GORDON regarding funding limitation on energy efficiency in Federal buildings;

An amendment by Mr. BISHOP of New York regarding funding limitation on FERC reviews of LNG floating storage applications;

An amendment by Ms. BERKLEY regarding funding limitation on Yucca Mountain Youth Zone Web site;

An amendment by Mr. MARKEY regarding funding limitation on subtitle J of title IX of Energy Policy Act of 2005;

An amendment by Mr. ENGEL regarding funding limitation on alternative fuel vehicles;

An amendment by Mr. LYNCH regarding a Secretary of Energy plan for oil and gas supply disruptions;

An amendment by Mr. BARTON of Texas regarding funding limitation on GNEP;

An amendment by Mr. HEFLEY regarding across-the-board cut;

An amendment by Mr. HINCHEY regarding funding limitation on electric transmission in the Upper Delaware Scenic River;

An amendment by Mr. STUPAK regarding funding limitation on Corps of Engineers harbor dredging policy;

An amendment by Mr. KING of Iowa regarding funding limitation on bimodal spring pulse releases on Missouri River;

An amendment by Mr. INSLEE regarding funding limitation on termination payments by certain regulated entities;

An amendment or amendments by Mr. HOBSON regarding funding levels;

An amendment by Mr. FLAKE regarding funding limitation on the Center for End-of-Life Electronics in West Virginia;

An amendment by Mr. FLAKE regarding funding limitation on the Southwest Gas Corporation GEDAC heat pump development in Nevada;

An amendment by Mr. FLAKE regarding funding limitation on Virginia Science Museum;

An amendment by Mr. FLAKE regarding funding limitation on the Missouri Forest Foundation;

An amendment by Mr. FLAKE regarding funding limitation on the Juniata Ultra Low-Emission locomotive demonstration in Pennsylvania;

An amendment by Mr. FLAKE regarding funding limitation on the research and environment center at Mystic Aquarium in Connecticut.

Each such amendment may be offered only by the Member named in this request or a designee, shall be considered as read, shall not be subject to amendment except that the chairman and ranking minority member of the Committee on Appropriations and the Subcommittee on Energy and Water Development, and Related Agencies each may offer one pro forma amendment for the purpose of debate; and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole.

Except as otherwise specified, each amendment shall be debatable for 10 minutes, equally divided and controlled by the proponent and an opponent. An amendment shall be considered to fit the description stated in this request if it addresses in whole or in part the object described.

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

Mr. OBEY. Madam Speaker, reserving the right to object, I would simply like to point out that if this unanimous consent agreement is accepted by the House, we are looking at at least 7 hours of time, not counting the votes that will be cast on these amendments, and if every single one of these amendments were pushed to a vote, you would be adding another 3 hours to the debate time.

So I would ask Members to recognize that perhaps it isn't crucial to have the House learn as much as it will learn in a 5-minute discussion on some of these amendments, and I would hope that Members would withhold on some of them so that we can focus on the major matters before the House and not deal with this at some time around midnight.

Madam Speaker, I withdraw my reservation of objection.

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

There was no objection.

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 2007

The SPEAKER pro tempore. Pursuant to House Resolution 832 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 5427.

□ 1539

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 5427) making appropriations for energy and water development for the fiscal year ending September 30, 2007, and for other purposes, with Mr. GUTKNECHT in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose earlier today, all time for general debate had expired.

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

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

The Clerk will read.

The Clerk read as follows:

H.R. 5427

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 the fiscal year ending September 30, 2007, for energy and water development 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 control, shore protection and storm damage reduction, aquatic ecosystem restoration, and related purposes.

AMENDMENT OFFERED BY MR. VISCLOSKY

Mr. VISCLOSKY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. VISCLOSKY:

Page 2, line 20, strike ''$128,000,000'' and insert ''$132,000,000''.

Page 3, line 12, strike ''$1,947,171,000'' and insert ''$2,175,171,000''.

Page 6, line 10, strike ''$2,195,471,000'' and insert ''$2,213,471,000''.

Page 6, line 14, strike ''$297,043,000'' and insert ''$306,043,000''.

Page 7, line 3, strike ''$141,113,000'' and insert ''$150,113,000''.

Page 21, line 5, strike ''$2,025,527,000'' and insert ''$2,525,527,000''.

Page 21, line 6, before the period, insert the following: '', of which not less than $150,000,000 shall be for funding new advanced energy research''.

Page 22, line 1, strike ''$558,204,000'' and insert ''$808,204,000''.

Page 22, line 2, strike ''$54,000,000'' and insert ''$80,000,000''.

Page 22, line 13, strike ''$36,400,000'' and insert ''$200,400,000''.

At the end of title V, insert the following:

SEC. ____. In the case of taxpayers with income in excess of $1,000,000, for the calendar year beginning in 2007, the amount of tax reduction resulting from enactment of Public Law 107–16, Public Law 108–27 and Public Law 108–311 shall be reduced by 2.42 percent.

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

The CHAIRMAN. The point of order is reserved.

Pursuant to the order of the House of today, the gentleman from Indiana (Mr. VISCLOSKY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Indiana.

Mr. VISCLOSKY. Mr. Chairman, I appreciate the recognition and would explain the amendment to the membership. As I indicated in my opening remarks, I fully support the committee's bill. The chairman and members of the committee have done an excellent job. But we do not have the sufficient resources represented in the legislation.

My amendment would provide $1 billion additional, $750 million of which

would be dedicated to programs at the Department of Energy, $250 million of which would be dedicated to water projects throughout the United States of America.

As I mentioned in my statement to the full committee when this legislation was being considered, when John Kennedy was President of the United States, almost 70 cents out of every $1 spent by the Federal Government was appropriated by the Appropriations Committee, and we made an investment in our economic infrastructure. We made an investment in our society. We made an investment in our future.

Today, less than 30 cents out of every $1 spent by the Federal Government is appropriated dollars, and we are failing in that investment responsibility.

The amendment I would offer would enhance the quality of the bill before us by doubling funding for biofuels and biorefineries. It would provide for clean coal programs. It would restore funding for petroleum, natural gas, geothermal technology programs, increase support for developing a full range of conservation technologies and help weatherize an additional 30,000 homes next year to provide immediate energy savings. We would also again provide $250 million to accelerate needed programs for flood control measures and also operation and maintenance.

I also believe that, unfairly, we have borrowed too much too long in this country and have burdened the next generation with the cost of that borrowing, and therefore, the amendment would be paid for by reducing the tax cut provided to the wealthiest in society in 2001, so that the amendment is also paid for.

I do think we need to make an investment in this society, and my amendment would do so. I would hope that the point of order is not sustained.

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

POINT OF ORDER

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

The rule states in pertinent part: An amendment to a general appropriations bill shall not be in order if changing existing law. The amendment does change the existing law.

Therefore, I ask for a ruling from the Chair.

The CHAIRMAN. Does any Member care to be heard on the point of order?

If not, the Chair finds that the amendment changes the application of existing law by varying a rate of taxation. The amendment therefore constitutes legislation in violation of clause 2 of rule XXI.

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

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

Mr. Chairman, yesterday, we spent an inordinate amount of time focusing on a few relatively tiny earmarks on the agriculture appropriations bill and spent almost no time discussing whether or not that bill was adequate in responding to the needs of rural America. Today, we are going to be debating the shape and nature of some of these individual programs, but we are likely, except for the Visclosky amendment, never likely to really discuss the adequacy of this bill in terms of the challenges that lie before the Nation. So I want to take just a moment to express my regret that the majority felt it necessary to strike the Visclosky amendment on a point of order.

We have been drifting aimlessly on energy policy ever since President Carter left office, as Mr. VISCLOSKY pointed out last night. In a variety of program categories, when we are discussing (energy and conservation research, renewable research, fossil fuel research and energy conservation) we are funding these efforts at levels that range from one-quarter to one-half in real-dollar terms of what we were funding those same efforts when Jimmy Carter was President.

□ 1545

As a result of that two decade or more drift, we as a society today are extremely vulnerable to higher energy prices, and especially higher gas prices. The Visclosky Amendment was an attempt to, at least for a few moments on the debate on this bill, focus on the adequacy of our effort.

No one faults the gentleman from Ohio for the job he has done in allocating what resources are available. But the fact is, if we are really serious, if we were really serious about meeting the flood control needs of the country, if we were really serious about meeting the energy conservation and energy development needs of this country, we would be putting those items first.

We would be putting an extra billion dollars into those items, rather than providing super-sized tax cuts to people who make $1 million or more a year. The Visclosky Amendment would have simply asked that we cut back by $2,000 per taxpayer the size of the tax cuts going to people who make $1 million or more a year.

The tax bill that this House passed 2 weeks ago provided over $40 billion in additional tax cuts to people who make over $1 million a year. We would have simply taken $1 billion of that $40 billion and transferred it from tax cuts for the most privileged among us to investments in flood control, to investments in the kind of energy promises that Mr. VISCLOSKY was talking about today.

It is regrettable that this House does not see fit to put first things first by passing an amendment such as the Visclosky Amendment. I simply wanted to take the time to express that thought.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

INVESTIGATIONS

For expenses necessary for the collection and study of basic information pertaining to river and harbor, flood control, shore protection and storm damage reduction, aquatic ecosystem restoration, and related projects, restudy of authorized projects, miscellaneous investigations, and, when authorized by law, surveys and detailed studies and plans and specifications of projects prior to construction, $128,000,000, to remain available until expended: *Provided,* That, except as provided in section 101 of this Act, the amounts made available under this paragraph shall be expended in accordance with the terms and conditions specified in the report accompanying this Act.

CONSTRUCTION

(INCLUDING RESCISSION)

For expenses necessary for the construction of river and harbor, flood control, shore protection and storm damage reduction, aquatic ecosystem restoration, and related projects authorized by law; for conducting detailed studies, and plans and specifications, of such projects (including those involving participation by States, local governments, or private groups) authorized or made eligible for selection by law (but such detailed studies, and plans and specifications, shall not constitute a commitment of the Government to construction); $1,947,171,000, to remain available until expended; of which such sums as are necessary pursuant to Public Law 99–662 shall be derived from the Inland Waterways Trust Fund, to cover one-half of the costs of construction and rehabilitation of inland waterways projects; and of which $8,000,000 shall be exclusively for projects and activities authorized under section 107 of the River and Harbor Act of 1960; and of which $2,000,000 shall be exclusively for projects and activities authorized under section 103 of the River and Harbor Act of 1962; and of which $29,933,000 shall be exclusively available for projects and activities authorized under section 205 of the Flood Control Act of 1948; and of which $15,000,000 shall be exclusively for projects and activities authorized under section 14 of the Flood Control Act of 1946; and of which $25,000,000 shall be exclusively for projects and activities authorized under section 1135 of the Water Resources Development Act of 1986; and of which $25,000,000 shall be exclusively for projects and activities authorized under section 206 of the Water Resources Development Act of 1996; and of which $2,500,000 shall be for projects and activities authorized under section 111 of the River and Harbor Act of 1968; and of which $5,000,000 shall be for projects and activities authorized under section 204 of the Water Resources Act of 1992: *Provided,* That $35,000,000 shall be available for projects and activities authorized under 16 U.S.C. 410–r–8: *Provided further*, That, of the funds provided under the heading ''Construction'' in title I of Public Law 109–103, $56,046,000 is rescinded, to be derived from the unobligated balances of the amounts made available for the following projects in Louisiana: Grand Isle and Vicinity, Lake Pontchartrain and Vicinity, Larose to Golden Meadow, New Orleans to Venice, Southeast Louisiana, and West Bank and Vicinity: *Provided further,* That, except as provided in section 101 of this Act, the amounts made available under this paragraph shall be expended in accordance with the terms and conditions specified in the report accompanying this Act.

MISSISSIPPI RIVER AND TRIBUTARIES

For expenses necessary for the program for the Mississippi River alluvial valley below Cape Girardeau, Missouri, as authorized by law, $290,607,000, to remain available until expended, of which such sums as are necessary to cover the Federal share of operation and maintenance costs for inland harbors shall be derived from the Harbor Maintenance Trust Fund: *Provided,* That, except

as provided in section 101 of this Act, the amounts made available under this paragraph shall be expended in accordance with the terms and conditions specified in the report accompanying 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, including the construction of facilities, projects, or features (including islands and wetlands) to use materials dredged during Federal navigation maintenance activities; the mitigation of impacts on shorelines resulting from Federal navigation operation and maintenance activities; the benefit of federally listed species to address the effects of any civil works project under the jurisdiction of the Corps on any such species on project land within the watershed or operational reach of the project; providing security for infrastructure owned and operated by, or on behalf of, the Corps, including administrative buildings and facilities, and laboratories; the maintenance of harbor channels provided by a State, municipality, or other public agency that serve essential navigation needs of general commerce, where authorized by law; and surveys and charting of northern and northwestern lakes and connecting waters, clearing and straightening channels, and removal of obstructions to navigation, $2,195,471,000, to remain available until expended, of which $45,078,000 shall be for projects and activities in Region 1 New England; of which $143,250,000 shall be for projects and activities in Region 2 Mid Atlantic; of which $297,043,000 shall be for projects and activities in Region 3 South Atlantic Gulf; of which $101,407,000 shall be for projects and activities in Region 4 Great Lakes; of which $252,886,000 shall be for projects and activities in Region 5 Ohio; of which $21,301,000 shall be for projects and activities in Region 6 Tennessee; of which $233,803,000 shall be for projects and activities in Region 7 Upper Mississippi; of which $147,021,000 shall be for projects and activities in Region 8 Lower Mississippi; of which $2,999,000 shall be for projects and activities in Region 9 Souris-Red-Rainy; of which $151,180,000 shall be for projects and activities in Region 10 Missouri; of which $178,084,000 shall be for projects and activities in Region 11 Arkansas-White-Red; of which $141,113,000 shall be for projects and activities in Region 12 Texas-Gulf; of which $10,209,000 shall be for projects and activities in Region 13 Rio Grande; of which $722,000 shall be for projects and activities in Region 14 Upper Colorado; of which $3,327,000 shall be for projects and activities in Region 15 Lower Colorado; of which $761,000 shall be for projects and activities in Region 16 Great Basin; of which $242,593,000 shall be for projects and activities in Region 17 Pacific Northwest; of which $102,461,000 shall be for projects and activities in Region 18 California; of which $22,204,000 shall be for projects and activities in Region 19 Alaska; of which $1,995,000 shall be for projects and activities in Region 20 Hawaii; of which $4,000,000 shall be for projects and activities in Region 21 Caribbean; of which such sums as are necessary to cover the Federal share of eligible operations and maintenance 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, as amended (16 U.S.C. 4601–6a(i)), shall be used for resource protection, research, interpretation, and maintenance activities related to resource protection in areas operated by the Corps at which outdoor recreation is available; and of which such sums as become available 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 fees have been collected: *Provided,* That, except as provided in section 101 of this Act, the amounts made available under this paragraph shall be expended in accordance with the terms and conditions specified in the report accompanying this Act.

REGULATORY PROGRAM

For expenses necessary for administration of laws pertaining to regulation of navigable waters and wetlands, $173,000,000, 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, $130,000,000, to remain available until expended.

FLOOD CONTROL AND COASTAL EMERGENCIES

For expenses necessary to prepare for flood, hurricane, and other natural disasters and support emergency operations, repairs, and other activities in response to flood and hurricane emergencies, as authorized by law, $32,000,000, to remain available until expended.

GENERAL EXPENSES

For expenses necessary for general administration and related civil works functions in the headquarters of the United States Army Corps of Engineers, the offices of the Division Engineers, the Humphreys Engineer Center Support Activity, the Institute for Water Resources, the United States Army Engineer Research and Development Center, and the United States Army Corps of Engineers Finance Center, $142,100,000, to remain available until expended: *Provided,* That no part of any other appropriation provided in title I of this Act shall be available to fund the civil works activities of the Office of the Chief of Engineers or the civil works executive direction and management activities of the offices of the Division Engineers: *Provided further*, That, of the funds provided under this heading, $10,000,000 shall be transferred to ''Operation and Maintenance'' upon the expiration of the 30-day period following the date of enactment of this Act if, during such period, the Secretary of the Army has not submitted to the Committees on Appropriations of the House of Representatives and the Senate a report summarizing outstanding reprogramming commitments of the Corps of Engineers for fiscal years 2000 through 2006 on a project by project basis.

OFFICE OF ASSISTANT SECRETARY OF THE ARMY (CIVIL WORKS)

For expenses necessary for the Office of Assistant Secretary of the Army (Civil Works), as authorized by 10 U.S.C. 3016(b)(3), $1,500,000: *Provided*, That, of the funds provided under this heading, $1,000,000 shall be transferred to ''Operation and Maintenance'' upon the expiration of the 30-day period following the date of enactment of this Act if, during such period, the Secretary of the Army has not submitted to the Committees on Appropriations of the House of Representatives and the Senate a report summarizing outstanding reprogramming commitments of the Corps of Engineers for fiscal years 2000 through 2006 on a project by project basis.

ADMINISTRATIVE PROVISION

Appropriations in this title shall be available for official reception and representation expenses not to exceed $5,000; and during the current fiscal year the Revolving Fund, Corps of Engineers, shall be available for purchase not to exceed 100 for replacement only and hire of passenger motor vehicles.

GENERAL PROVISIONS

CORPS OF ENGINEERS—CIVIL

SEC. 101. (a) None of the funds provided in title I of this Act 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) increases funds for any program, project, or activity by more than $2,000,000 or 25 percent, whichever is less; or

(6) reduces funds for any program, project, or activity by more than $2,000,000 or 25 percent, whichever is less.

(b) Subsection (a)(1) shall not apply to any project or activity authorized under section 205 of the Flood Control Act of 1948; section 14 of the Flood Control Act of 1946; section 208 of the Flood Control Act of 1954; section 107 of the River and Harbor Act of 1960; section 103 of the River and Harbor Act of 1962; section 111 of the River and Harbor Act of 1968; section 1135 of the Water Resources Development Act of 1986; section 206 of the Water Resources Development Act of 1996; sections 204 and 207 of the Water Resources Development Act of 1992 or section 933 of the Water Resources Development Act of 1986.

Mr. VISCLOSKY. Mr. Chairman, I move to strike the last word, and I yield such time as he may consume to the gentleman from New Mexico (Mr. UDALL).

Mr. UDALL of New Mexico. Mr. Chairman, I thank the ranking member and thank the chairman, Mr. HOBSON, for providing me this opportunity to speak on a matter of great importance to my district.

The budget recommended by the committee provides for only $90.6 million for the Defense Environmental Cleanup at Los Alamos National Laboratories. While it is important to note that this amount is equal to the President's budget request, it is more than $50 million less than the amount enacted for this purpose in fiscal year 2006.

Mr. Chairman, I am gravely concerned that this funding level will seriously impede cleanup efforts at the Los Alamos National Laboratory. Less than a year ago, the State of New Mexico, the Department of Energy and the University of California signed an historic fence-to-fence cleanup order. This year's cut reduces funding to only 30 percent of what is called for in this order.

Not only must this cleanup be undertaken to protect the health of New Mexicans, but the order of consent is a legally enforceable document. It is my understanding that the DOE will face significant penalties for noncompliance to this agreement.

Mr. Chairman, in 1 week, the Los Alamos National Laboratories will enter a new era when the new management team comes into place. I feel that we

should take advantage of this positive momentum and keep LANL moving in the right direction by showing that it is a responsible and conscientious neighbor to the residents of New Mexico.

Mr. Chairman, the order of consent was the result of years of negotiations; and it provides clear guidance for how to proceed with the cleanup. Lack of funding leaves New Mexicans, LANL and potentially the DOE in jeopardy.

I hope that an adequate funding level for the Defense Environmental Cleanup account for the Los Alamos National Laboratories is restored in conference.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 102. Notwithstanding any other provision of law, the requirements regarding the use of continuing contracts under the authority of section 206 of the Water Resources Development Act of 1999 (33 U.S.C. 2331) shall apply only to projects funded under the Operation and Maintenance account and the Operation and Maintenance subaccount of the Flood Control, Mississippi River and Tributaries account.

POINT OF ORDER

Mr. BOUSTANY. Mr. Chairman, I raise a point of order against section 102.

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

Mr. BOUSTANY. Mr. Chairman, this provision violates clause 2 of rule XXI. It changes existing law and therefore constitutes legislating on an appropriation bill in violation of House rules.

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

Mr. HOBSON. Mr. Chairman, section 202 of WRDA 1999 requires the use of continuing contracts. When the corps decides to move forward on a project, it must use a continuing contract.

You need multi-year contracting authority. Without it, the corps would be in anti-deficiency. This permits the corps to obligate the Federal Government in future fiscal years priority appropriations. The out-year costs of continuing contracts are not fully budgeted.

This is an irresponsible use of continuing contracts; and, frankly, something has got to be done. If the authorizers will not do it, then the Appropriations Committee will.

There are instances where continuing contracts make sense, but the corps, not the contractor, needs to control the spending rate. It must be no more than is available to the project.

We requested the GAO review the corps' use of this mechanism, and early findings are similar to the reprogramming report of last year. The corps has made the use of this contract provision the rule rather than the exception.

The corps cannot reliably account for the contracts currently in place. As a result, the House report directs the corps to secure the services of a national accounting firm to audit and account for all existing contracts and contain this clause and the out-year commitments required to meet these obligations.

The problem you have here is that the corps enters into these contracts, they don't control what the funding level is, and then they take money from another project and put it over there. Then they can't fund that one, all because of this provision.

We have tried to get the committee of authorization to handle this matter. They haven't. So what we have to do, and I know you will sustain his point of order, but it is not the proper thing to do, then we are going to have to go and put it back in the bill, do it for another year, because we can't get the authorizers to get into the reprogramming, which is affecting the corps and causes increased costs to the corps.

So while I disagree with the gentleman, I understand the technicalities of this. But sometimes we are able to work these things out with committees so for the good of the country we move forward. Apparently, they want to continue this. I have no other way of dealing with this than to argue about it. And then I will have to stick it back in until we get some responsible response from the corps on this matter and save money, I might add.

The CHAIRMAN. Does anyone other Member wish to be heard on the point of order? Then the Chair is prepared to rule.

The Chair finds that this section explicitly supersedes existing law. The section therefore constitutes legislation in violation of clause 2 of rule XXI.

The point of order is sustained and this section is stricken from the bill.

Mr. HOBSON. Mr. Chairman, I move to strike the last word to enter into a colloquy with Mrs. BIGGERT.

Mr. Chairman, I yield to the gentlewoman from Illinois.

Mrs. BIGGERT. Mr. Chairman, I thank the chairman for yielding to me.

I know that the chairman shares my interest in protecting the Great Lakes from aquatic invasive species like the Asian carp. I appreciate his past support for efforts by the Army Corps of Engineers to construct, operate and maintain a system of dispersal barriers.

Located on the Chicago Ship and Sanitary Canal, the only link between the Great Lakes and the Mississippi River ecosystems, these barriers are underwater, invisible electric fences that repulse fish.

As the chairman knows, the corps has encountered some obstacles, both in terms of funding and authority, to completing construction of the permanent barrier. At the same time, funding for the corps to operate the original demonstration barrier is limited.

It is up to Congress to provide the funding for the corps to complete construction and testing of the permanent barrier and to operate and maintain the original demonstration barrier while the corps completes the construction and testing. If we fail to do so, we will leave the corps without any tools to protect the Great Lakes from the Asian carp and other invasive species.

This is why I would ask the chairman to do any and everything possible in conference to ensure that the corps has the resources it needs to maintain some barrier to the threat of the fast-approaching Asian carp and other invasive species.

Mr. HOBSON. Mr. Chairman, I share the concerns of my colleague from Illinois, especially since I am from Ohio and we have the Great Lakes. That is why I commit to revisiting in conference the issue of funding for the demonstration barrier in fiscal year 2007.

If Congress were to appropriate the necessary funds, I believe the corps has the authority to operate and maintain the demonstration barrier. Continued operation of this demonstration barrier may very well be necessary if some outstanding authorization issues are not resolved and the corps is unable to complete construction of the permanent barrier next year.

Should those authorization issues be addressed before the conference on this bill is complete, I am open to providing the corps with the additional resources it needs to complete construction and testing of the permanent barrier.

Mr Chairman, I agree that we need permanent, redundant protection against the spread of the aquatic invasive species between the Great Lakes and Mississippi River basins. I commit to the gentlewoman from Illinois and the rest of our Great Lake colleagues, including my ranking member from Indiana, and we will both, I believe, work in conference to address the issue of protecting the Great Lakes from invasive species like the Asian carp.

Mrs. BIGGERT. Mr. Chairman, I thank the chairman for his commitment. I look forward to working with him and the ranking member to ensure that every precaution is taken to protect the Great Lakes from such a harmful species as the Asian carp.

Mr. HOBSON. Mr. Chairman, I would yield any remaining time I have to my ranking member.

Mr. VISCLOSKY. I appreciate the Chair rising, and I appreciate his concern which he has continually expressed to me on this issue, and also I would want to be heard because I absolutely agree with the position the gentlewoman has taken.

Asian carp have been found in the Illinois River, which connects the Mississippi River to Lake Michigan. To prevent the carp from entering the Great Lakes, the U.S. Army Corps of Engineers, the EPA and State of Illinois, the International Joint Commission and others are working together and have installed a permanent electric barrier between the fish and Lake Michigan.

Unfortunately, the first barrier or nonpermanent barrier has been shut down. I believe we should keep both open and running. However, the fix

would be legislating on an appropriations bill and would not be appropriate at this point.

Mr. Chairman, I do join the chairman and fully support the gentlewoman's intent to solve this problem. I appreciate your bringing it again to our attention.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 103. None of the funds made available in title I of this Act may be used to award any continuing contract or to make modifications to any existing continuing contract that commits an amount for a project in excess of the amount appropriated for such project pursuant to this Act: *Provided,* That the amounts appropriated in this Act may be modified pursuant to the authorities provided in section 101 of this Act or through the application of unobligated balances for such project.

SEC 104. None of the funds provided in this Act may be expended by the Secretary of the Army to construct the Port Jersey element of the New York and New Jersey Harbor or to reimburse the local sponsor for the construction of the Port Jersey element until commitments for construction of container handling facilities are obtained from the non-Federal sponsor for a second user along the Port Jersey element.

SEC. 105. (a) None of the funds provided in this Act shall be available for operation and maritime maintenance of the hopper dredge McFarland.

(b) Subsection (a) shall not apply to funds required for the decommissioning of the vessel.

SEC. 106. None of the funds provided in this Act may be expended to prevent or limit any reprogramming of funds for a project to be carried out by the Corps of Engineers, based on whether the project was included by the President in the budget transmitted under section 1105(a) of title 31, United States Code, or is otherwise proposed by the President or considered part of the budget by the Office of Management and Budget.

SEC. 107. None of the funds provided in this Act may be used to repay the Department of Treasury's Judgment Fund for past judgments against the United States on Civil Works contracts and real estate acquisitions that have been financed by the Judgment Fund.

SEC. 108. None of the funds provided in this Act may be used to implement an A–76 study or similar privatization process for Corps personnel employed to operate or maintain locks and dams.

SEC. 109. None of the funds in this Act may be used to further work on the Corps of Engineers proposal to remove a section of the dam for fish passage or to study other alternatives to the trap and haul facility at Elk Creek Dam, Oregon.

SEC. 110. None of the funds made available under this Act may be used to revise the master control plans and master manuals of the Corps of Engineers for the Alabama, Coosa, Tallapoosa River basin in Alabama and Georgia or the Apalachicola, Chattahoochee, Flint River Basin in Alabama, Georgia, and Florida.

□ 1600

AMENDMENT NO. 1 OFFERED BY MR. DEAL OF GEORGIA

Mr. DEAL of Georgia. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. DEAL of Georgia:

Page 14, strike lines 12 through 17.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Georgia (Mr. DEAL) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Georgia.

Mr. DEAL of Georgia. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, it is with reluctance that I come today because this is a matter that we would rather not have to deal with on this floor. It relates to the limiting language that was placed in the bill by way of a manager's amendment that was not debated in the subcommittee but was inserted prior to the full committee and taken by voice vote.

It relates to the restrictive language that does not allow the Corps of Engineers to upgrade its master plans and water control plans. The bottom line of this is that this is involved in litigation that has been going on at least since 1990 in the Federal courts. Most recently, the Federal courts have ordered by virtue of a decree in the District of Columbia District Court that the Corps of Engineers is to proceed with its NEPA studies. This relates to the water usage along two major river corridors that originate in the State of Georgia and also, of course, supply water into Alabama and Florida.

We believe that we should not as a Congress interfere with the actions between States that are in litigation. The courts have actually spoken on the issue. We think they should be allowed to proceed with the actions they have directed the corps to take and that Congress should not inject itself into this matter.

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

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

The Acting CHAIRMAN (Mr. MCHUGH). The gentleman from Alabama is recognized for 10 minutes.

Mr. EVERETT. Mr. Chairman, I yield 5 minutes to Mr. BOYD of Florida for purposes of control.

The Acting CHAIRMAN. Without objection, the gentleman from Florida will be recognized for 5 minutes.

There was no objection.

Mr. EVERETT. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Georgia. The amendment would strike a much needed provision that would prohibit the Army Corps of Engineers from revising the manuals which govern the water distribution rights of Alabama, Florida and Georgia regarding the Alabama, Coosa, Tallapoosa, Apalachicola, Chattahoochee and Flint River Basin. This matter is still in Federal court, and the court's decision to revise the manuals is opposed by both the Governors of Alabama and Florida.

In addition, such an action would create severe distress in Alabama's waterways, harming both navigation and power production. In light of the ongoing Federal litigation, it is inappropriate for the courts to proceed with such revision of the manuals at this time.

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

Mr. DEAL of Georgia. Mr. Chairman, I yield 2 minutes to the gentleman from Georgia (Mr. SCOTT).

Mr. SCOTT of Georgia. Mr. Chairman, I rise to support the Deal amendment. It is very important to our State of Georgia. Georgia is one of the fastest growing States in this region, and because of this growth, we certainly need to make sure that we have this detrimental language, that would be very detrimental to Georgia, out of this bill.

The manuals have not been updated for 50 years. Common sense would say that the corps is not operating based on the current situation in the area but on outdated population and outdated environmental information that was generated back in the 1950s. It is most important for my people that we have updated information, and that is why it is important for Mr. DEAL's amendment to pass.

These old, out-of-date manuals will result in a greatly increased cost of growth, inefficient and unpredictable operation of the river system, and will result in unstable water supplies for the municipalities, for the households and the businesses throughout our State of Georgia.

Moreover, Mr. Chairman, for the last 15 years, the States of Georgia, Florida and Alabama have been engaged in litigation and mediation on this issue and much progress has indeed been made. But by placing this provision in the bill, Congress is now inserting itself into a situation that is best left for the State and the local entities to resolve.

Therefore, I respectfully ask my colleagues to support the Deal amendment and let us move this offensive language out of the bill and move forward in the best interests of the entire region and certainly for the people of Georgia.

Mr. BOYD. Mr. Chairman, I yield myself 1½ minutes.

Mr. Chairman, I want to thank my friend, Mr. EVERETT, and also Chairman HOBSON and Ranking Member VISCLOSKY for including this language in there.

Just to try to give the Members a brief history: In the 1990s, this Congress set up a compact that existed between Alabama, Georgia and Florida to try to resolve this water usage issue, and those negotiations were guided by the Army Corps of Engineers. Those States were unable to come together with their leadership to resolve this issue, and so matters reverted back into the courts.

It would be completely inappropriate, Mr. Chairman, for the Army Corps of Engineers to take this step,

and it would disadvantage Florida and Alabama significantly in this litigation.

Now, the bottom of that system, that ACF system, is Apalachicola Bay, and our interests are purely the life and health of that bay and the life and health of the environmental system up in that Apalachicola Basin. If these rulings come out wrong and are disadvantaged by the Army Corps of Engineers' intervention, then you would have a situation where there would be some extremely harmful environmental damage done. So I would respectfully submit to the Members of this body that we reject the Deal amendment.

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

Mr. DEAL of Georgia. Mr. Chairman, I yield 1½ minutes to the gentleman from Georgia (Mr. GINGREY).

Mr. GINGREY. Mr. Chairman, I would like to express my support for the striking amendment offered by my fellow Georgian and friend, Congressman DEAL.

Section 110 would prevent the Corps of Engineers from moving forward with their revision of the master control plans and master manuals for the Alabama, Coosa, Tallapoosa River Basin in Alabama and Georgia or the Apalachicola, Chattahoochee, Flint River Basin in Alabama, Georgia and Florida.

These control plans are essential to the corps' management of water resources in our region, not only to ensure equitable distribution of water resources but also to prevent flooding and preserve critical water infrastructure for the people of our region.

Mr. Chairman, these master control plans have not been updated since the 1950s. In the 50-plus years since the last update, our region and its water needs have fundamentally changed, and these changes must be accounted for, not only as a matter of equity but as a matter of safety. Specifically, FEMA is investing heavily in revising the flood plain maps. This is necessary due to the overwhelming growth, not just in my State of Georgia but also in Alabama.

The population explosion in the Southeast requires that the flood characteristics of the watersheds be updated as soon as possible. And delaying the update of the master control plan would delay the court-ordered implementation of the D.C. settlement agreement. Any further delay is bad policy for the regional economy, and it is a safety risk for our residents.

Section 110 is ill-conceived. I urge my colleagues to support the amendment to strike this language from the bill.

Mr. EVERETT. Mr. Chairman, I yield 1 minute to the gentleman from Alabama (Mr. BACHUS).

Mr. BACHUS. Mr. Chairman, I thank the gentleman. I think Members back in their offices ought to know this, and this is a longstanding dispute between the States of Florida, Alabama and Georgia. What this amendment does is authorize $15 million or as much as $15 million to be spent by the Corps of Engineers to revise their manuals to try to interject their decisions into what is in court today.

The court proceedings are still going on. They are on appeal. And they are not only going to affect our three States, they are going to affect everybody who eats oysters because, as Mr. BOYD said, 90 percent of the oysters come out of the basin at the bottom of the Apalachicola River. These things do not need to be decided; the purity of that water in that basin or in those seven rivers does not need to be decided on the floor of the House by people who do not know what the right decision is that ought to be made.

It ought to be made in the courts in the deliberative process and not by some bureaucrat or not by Congressmen or -women who do not understand the issues involved. I urge a ''no'' vote.

Mr. BOYD. Mr. Chairman, I yield 1 minute to the gentleman from Alabama (Mr. DAVIS).

Mr. DAVIS of Alabama. Mr. Chairman, this is a very simple issue. We have ongoing litigation in the courts. There are hearings being held. There is discovery being conducted. And most of us who have conservative impulses on both sides of the aisle think the Constitution means something and the separation of powers means something, and the courts ought to finish their process.

For the executive branch to come in and take a side in this dispute is disrespectful to the balance of power in the Constitution. There is a dispute that is going on that may have merit on both sides, but let the litigation play itself out. If this can happen in this instance, there is no possible controversy involving the Army Corps of Engineers where there is not a possibility of the executive branch inserting itself in the judicial. That is why I stand in strong opposition to the Deal amendment today, and I urge my colleagues to follow course.

Mr. DEAL of Georgia. Mr. Chairman, I yield 1 minute to the gentleman from Georgia (Mr. MARSHALL).

Mr. MARSHALL. Mr. Chairman, this is really pretty simple, and I am kind of amazed to hear Mr. BACHUS and my good friend from Alabama, Mr. DAVIS, say that Congress ought not to be intervening, that this is a judicial matter, because that is exactly what it is. And that is exactly what Congress is proposing to do right now, and it is very inappropriate.

The question whether or not the corps should conduct this study was submitted to the court. The court ruled against Alabama. Alabama and Florida do not like that decision. All three parties had their day in court on whether or not the corps should proceed with the study. Now Alabama and Florida are running to Congress trying to get Congress to intervene in a way that, frankly, Mr. BACHUS and Mr. DAVIS both say would be inappropriate.

I agree with that. It is inappropriate for Congress to intervene in a court proceeding where the court has specifically approved something. And the court has approved the corps moving forward with its study. For the Congress not to approve the Deal amendment is for Congress to intervene inappropriately in an ongoing court proceeding. Congress should not do that. It has not done it in the past.

Mr. EVERETT. Mr. Chairman, I yield 1 minute to the gentleman from Alabama (Mr. ADERHOLT).

Mr. ADERHOLT. Mr. Chairman, I rise today in opposition to this proposed amendment by the gentleman from Georgia.

We all sympathize with the needs of the water resources that each State has, but we feel the language in the bill is necessary as it is written to prevent the Corps of Engineers from interfering in litigation which is meant to allocate those resources in a fair way among the States of Alabama, Georgia and Florida.

Mr. Chairman, let me say, if the manuals are revised and are allowed to go forward, it is our belief that it will cause great harm to the State of Alabama. We will have real concerns over inadequate water for drinking, power generation, navigation, recreation and wildlife. For this reason, it is essential that all three States come to a mutual, equitable water-sharing agreement.

We do not believe it is appropriate for the Corps of Engineers to unilaterally step in and to create water distribution without the approval of all three States. With all due respect to Mr. DEAL's concern, I must ask for a ''no'' vote on this amendment.

□ 1615

The Acting CHAIRMAN. For the information of the Committee, the gentleman from Georgia (Mr. DEAL) has 5 minutes remaining, the gentleman from Alabama (Mr. EVERETT) has 2 minutes remaining, and the gentleman from Florida (Mr. BOYD) has 2½ minutes remaining.

Mr. DEAL of Georgia. Mr. Chairman, I yield 1 minute to the gentleman from Georgia (Mr. BISHOP), my colleague.

Mr. BISHOP of Georgia. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I rise in support of the Deal amendment. I think it is appropriate that the Congress not interfere, and what this bill will do without the Deal amendment is allow the Congress to interfere with ongoing litigation.

This case has been litigated in the district courts in Alabama, the United States District Court in the District of Columbia, and the 11th Circuit Court of Appeals has rejected the claims of Florida and Alabama and has ruled in favor of Georgia. We would like very much for this Congress not to intercede and to interfere with the implementation of that court's order by violating the separation of powers and trying to hold back the Corps of Engineers

through the appropriations process and preventing them from executing their duties under law.

So I think that the Deal amendment is highly appropriate. It keeps this Congress on track in its constitutional duties, and it preserves the separation of powers. I urge the adoption of the Deal amendment.

Mr. BOYD. Mr. Chairman, I yield 1½ minutes to the gentleman from Alabama (Mr. CRAMER).

Mr. CRAMER. Mr. Chairman, I thank my friend from Florida; and I want to say to my colleagues, while this sounds like a complicated issue, this really is not a complicated issue.

I rise in strong opposition of the Deal amendment; and, first, I want to congratulate the chairman and the ranking member of this subcommittee and say that the language that you have put in this bill is fair. What we are after here today in Alabama and in Florida and in those other States as well is fairness.

What we want is the opportunity to settle this dispute. We are in court. The court knows that we have been in court. The corps comes in with a last-minute attempt to revise their manual, asking for money to do that at the same time that the court is taking this very issue up.

That is not the way to do it right now. The President's budget did not include money for this. The chairman and the ranking member saw fit, in fairness to both sides, to keep this language in here.

So what we are asking today is defeat the Deal amendment and support the base bill itself.

If current conditions are used by the corps, if this amendment were to be allowed and current conditions are used to revise this manual, then that is being done at a time that would be of great disadvantage to the parties involved here.

So this issue is very critical to Alabama and to Florida. We must defeat the Deal amendment.

Mr. BOYD. Mr. Chairman, I yield my time back to the gentleman from Alabama (Mr. EVERETT).

The Acting CHAIRMAN. Without objection, the gentleman from Florida yields back his time to the gentleman from Alabama.

There was no objection.

Mr. EVERETT. Mr. Chairman, how much time does that give me?

The Acting CHAIRMAN. The gentleman from Alabama now has 3 minutes remaining. The gentleman from Georgia has 4 minutes remaining.

Mr. DEAL of Georgia. Mr. Chairman, that also includes the right to conclude; is that correct?

The Acting CHAIRMAN. That is correct.

Mr. DEAL of Georgia. Mr. Chairman, I yield 1 minute to the gentleman from Georgia (Mr. NORWOOD), my colleague.

Mr. NORWOOD. Mr. Chairman, we need to pass the Deal amendment. We need to strike section 110 of this bill that has been put in the bill at the last minute. That section is very, very simple that needs to be stricken. It prohibits the Corps of Engineers from updating the amount of water that counties in Georgia, Alabama and Florida can draw from the Corps of Engineers' lakes.

Now, the Corps of Engineers is simply doing what the Federal courts have told them. Someone says this is in court now. No, this is not in court now.

It is very clear. The corps will have to complete this NEPA process and was ordered to do so by the U.S. District Court of the District of Columbia as late as January 6, 2006, and it says do this as quickly as possible. The problem is we have not been able to work this out in the three States.

The second part of the problem is Alabama and Florida do not want the Corps of Engineers to work this out. Well, maybe they will be and maybe they will not, but we have to have a master plan. So says the law.

So support the Deal amendment.

Mr. DEAL of Georgia. Mr. Chairman, I yield 1 minute to the gentleman from Georgia (Mr. PRICE), my colleague.

Mr. PRICE of Georgia. Mr. Chairman, there are some agreements here. One is that this is a long-standing discussion and battle and it is in ongoing litigation in the court. It is a battle between some States, but I do not know that there is not a whole lot of agreement.

Everybody says that we ought to let the courts decide, but those who are opposed to this amendment begin the double talk at that point.

If this amendment fails, the Corps of Engineers will not be able to follow the court order. On January 6 of this year, the D.C. court ordered the corps to undertake the NEPA process ''as expeditiously as practicable.'' Section 110 that was put in the bill would not allow them to do so.

Curiously, Alabama informally requested that the judge stay the corps from proceeding with the NEPA analysis or updating the water control plans, but she refused to do so.

Alabama itself says let the courts decide, and we agree. Let the courts decide, not an amendment which was inserted into this bill without discussion.

By accepting the language in the Energy and Water Appropriations bill, Congress is inserting itself both into the three-State negotiation on State water rights and a legal issue which has been ongoing.

Support the Deal amendment.

Mr. DEAL of Georgia. Mr. Chairman, I yield 1 minute to the gentleman from Georgia (Mr. KINGSTON), my colleague.

Mr. KINGSTON. Mr. Chairman, I thank the gentleman; and I just want to say that the Corps of Engineers has had water control plans in place for 50 years. The plans are guidelines so that everybody can kind of have some input and some feedback on what is working and what is not.

This is an area that is one of the fastest-growing parts of the United States of America, and their own regulations that the corps has, they know they need to update them.

So what we are saying is let the system that is in place stay in place without Congress inserting language that pulls the rug out from under it. If this needs to be done on a congressional level, then let us do so with all the States' delegations together. Let us not have two States against one State. Let us all sit down and work out a legislative solution if a legislative solution is necessary. I do not think that it is right now.

I think that the best thing for us to do is to let the Corps of Engineers continue to work the process as it has been set up and as it is intended to do so.

Mr. EVERETT. Mr. Chairman, I yield the remainder of the time to the gentleman from Alabama (Mr. BONNER) to close our arguments.

Mr. BONNER. Mr. Chairman, I thank the gentleman from Alabama (Mr. EVERETT).

First of all, I would like to say that those of us from Alabama and Florida find ourselves in a strange position today. Because, normally, we speak with a similar accent when we talk with our fellow brothers and sisters from the great State of Georgia. But, like my other friends from the Alabama and Florida who have already spoken, I, too, rise today in opposition to the gentleman from Georgia's amendment and to support the underlying bill.

At the outset, I want to, first of all, join my other friends in thanking Chairman HOBSON, and the ranking member as well, for including this report language in the Energy and Water Appropriations bill.

Let the record note that the chairman took this action after Members from both the Alabama and Florida delegations made him aware of the fact that it appears that our friends from Georgia are trying to get the Army Corps of Engineers to update this master manual, which on the surface sounds like a very reasonable request. It probably does need to be updated, except for the fact that it would come at a time where it would be detrimental to the people of Alabama and the people of Florida, and it would occur at the very time that this decades-long dispute is being litigated in the Federal court.

Mr. Chairman, if the Army Corps of Engineers goes forward with their plans to update this manual before the court makes a final decision, then, in essence, the corps is picking a winner even before the court has had the chance to make a determination. That would be the same thing as a judge finding someone either innocent or guilty before all of the facts have been presented.

The process can and should work, but it cannot work if one Federal agency is going to choose sides and choose a winner over another.

Vote ''no'' on the Deal amendment and allow the taxpayers of Alabama and Florida to have their day in court.

The Acting CHAIRMAN. The gentleman's time has expired.

Mr. DEAL of Georgia. Mr. Chairman, I yield myself the remaining time.

I would share the respect that I have for my colleagues from Georgia and Florida. This is just one of those issues we have a disagreement on.

Let us set the record straight. Yes, there is ongoing litigation. It all started in modern times in 1990 when Alabama sued the Corps of Engineers in the Northern District of Alabama, certainly a favorable venue, and has proven to be favorable for them over the years.

At a later point in time, about 13 years later, a suit was instituted in the District of Columbia court. It is that court that has now resolved some of the issues and that court has issued an order, even though Florida and Alabama attempted to intervene to prevent that court order from going in effect.

On January 20, 2006, Judge James Robertson of the U.S. District Court of the District of Columbia ordered the corps to perform its obligations under the settlement agreement ''as expeditiously as practicable.''

They then went back to the Alabama court where they filed suit in 1990. They asked that judge to intervene and to enjoin the operation of the District Court of Columbia. That judge did temporarily until she was overturned by a ruling of the 11th Circuit Court of Appeals, but they also asked that same judge if she would order the Corps of Engineers not to do the NEPA and the water plan update, and even that judge who has been a favorable venue refused to do so.

The reality is the court has ordered this to go forward. Congress should not inject itself into this issue.

And, yes, I compliment my friends from Alabama for outnumbering us on the Appropriations Committee and being able to put this in the bill, but I urge you to support the Deal amendment.

Mr. ROGERS of Alabama. Mr. Chairman, I rise today in opposition to the gentleman from Georgia's Amendment.

This provision, if enacted, would permit the Army Corps of Engineers to make an end-run around an ongoing Federal lawsuit.

It would reprogram already appropriated funds away important existing river projects.

It would also cause severe distress to Alabama's waterways, harming both navigation and power production.

The Corps of Engineers' manual on the A-C-T River Basin hasn't been revised since 1951.

This revision hasn't occurred even though nine dams, including four structures built by the Corps, have since been constructed in the A-C-T Basin.

Furthermore, the President's Fiscal Year 2007 budget request did not include a request for this action.

It is important to note that the entire Alabama delegation—along with members of the Florida delegation—have been working with the Corps to resolve this issue.

The language included in this bill, if left intact, would simply allow the current litigation process to be completed.

And it would not allow funds appropriated for Fiscal Years 2006 or 2007 to be used to revise the A-C-T Basin manual.

I would like to associate myself with the remarks made by my colleague Congressman ADERHOLT, as well as the other members of the Alabama and Florida delegations in opposition to this amendment.

Mr. Chairman, I urge a "no" vote on this amendment.

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

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

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

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

Mr. HOBSON. Mr. Chairman, I move to strike the last word, and I yield to the gentleman from Virginia (Mr. GOODE).

Mr. GOODE. Mr. Chairman, I rise for the purpose of engaging in a brief colloquy with the chairman regarding funding for several recreation areas at two Virginia lakes managed by the U.S. Army Corps of Engineers. I commend the chairman and his staff for their hard work on this bill. Considering the budget constraints, they have crafted excellent legislation.

In response to what the Corps of Engineers has identified as low funding for Operations and Maintenance, the corps has announced plans to evaluate seven recreation sites for possible closure in 2007 at John H. Kerr Lake and Philpott Lake in Virginia. These recreation sites are of great importance to citizens in these areas, and their closure would net only a savings of $97,000. There must be other ways for the corps to reform its procedures in order to reduce spending while keeping these recreation sites open to the public as camp grounds and picnic areas.

I hope that we can continue to work together to identify ways in which funding can be provided for these recreation areas either through additional funds that may become available in conference or through more appropriate reforms by the Corps of Engineers.

□ 1630

Mr. HOBSON. I understand the gentleman's concern and realize the importance of the Corps of Engineers' recreation sites to local communities. In a time of static budgets and aging infrastructure, we must work together to make our limited funding go further.

I commit to working with the gentleman from Virginia to review existing corps policies and funding to address this issue.

Mr. GOODE. Thank you, Mr. Chairman.

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

Mr. Chairman, I yield such time as he may consume to the gentleman from Louisiana.

Mr. MELANCON. Mr. Chairman, what I have here today is a map of the gulf coast. It is not all-inclusive. JO BONNER knows that. But from Galveston Bay to Mobile Bay has been a total disaster, and I am from a district that concerns me about New Orleans, but we keep talking only about Katrina, and we keep talking only about New Orleans. I am not saying we shouldn't. I am here today to say that with these natural disasters that we have had and the help that you in the Congress have given us, it is tremendously appreciated; however, immediately following those storms, coming to Congress and asking for help and, in recent weeks, bringing amendments and asking for additional moneys to build levees, and we have not even gotten to the coastal restoration issue. We were told that maybe we needed to have the authorization first. We were told to put it in the regular appropriations bill.

We are here, and it didn't get into the regular appropriations bill. So I guess these projects in Cameron, LaFourche, Terrebonne, St. Charles and other parishes, inclusive of Plaquemines Parish, it was felt they should be excluded because there wasn't enough people to justify the cost. A place on the Gulf of Mexico that services the offshore oil industry and brings in 80 percent of the offshore oil through pipelines through that parish and provides another important aspect to its presence there, it is the levee or the breakwater or whatever you might want to call it, barrier island, that protects Mississippi under many circumstances from the storm surge.

So I am here today after asking for, I think the number was $430 million, and having several of my friends say that is a lot of money, and then a week later, Mr. Powell came and asked for in excess of $4 billion and then readjusted it down when they took Plaquemines Parish out, because there are lots of projects throughout south Louisiana that are necessary if we are going to protect the residents of that State. There are many projects in the southwest part of Louisiana where Rita has gone, the storm that is forgotten, the storm you hear no one talking about in Port Arthur, and in Texas, it was devastating also.

I want to say that I do appreciate this body and everything that it has done for New Orleans, but please remember that the rest of the gulf coast has been tremendously affected, and these people that keep the oil and gas industry in operation and produce the seafood for this country as well as run

the ports and export the goods and commodities from this Nation need additional help.

I thank the gentleman for allowing me the time.

Mr. VISCLOSKY. Mr. Chairman, I appreciate the gentleman's concern and very good work.

The Acting CHAIRMAN. The Clerk will read.

The Clerk read as follows:

TITLE II

DEPARTMENT OF THE INTERIOR

CENTRAL UTAH PROJECT

CENTRAL UTAH PROJECT COMPLETION ACCOUNT

For carrying out activities authorized by the Central Utah Project Completion Act, $38,552,000, to remain available until expended, of which $965,000 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, $1,603,000, to remain available until expended.

BUREAU OF RECLAMATION

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

WATER AND RELATED RESOURCES

(INCLUDING TRANSFER OF FUNDS AND RESCISSION)

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, Indian tribes, and others, $849,122,000, to remain available until expended, of which $57,298,000 shall be available for transfer to the Upper Colorado River Basin Fund and $26,952,000 shall be available for transfer to the Lower Colorado River Basin Development Fund; of which such amounts as may be necessary may be advanced to the Colorado River Dam Fund; of which not more than $500,000 is for high priority projects which shall be carried out by the Youth Conservation Corps, as authorized by 16 U.S.C. 1706: *Provided*, That such transfers may be increased or decreased within the overall appropriation under this heading: *Provided further*, That of the total appropriated, the amount for program activities that can be financed by the Reclamation Fund or the Bureau of Reclamation special fee account established by 16 U.S.C. 460l–6a(i) shall be derived from that Fund or account: *Provided further*, That funds contributed under 43 U.S.C. 395 are available until expended for the purposes for which contributed: *Provided further*, That funds advanced under 43 U.S.C. 397a shall be credited to this account and are available until expended for the same purposes as the sums appropriated under this heading: *Provided further*, That 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 from unobligated balances made available under section 2507 of the Farm Security and Rural Investment Act of 2002 for the Bureau of Reclamation's At Risk Terminal Lakes Program, $88,000,000 are rescinded: *Provided further*, That $10,000,000 of the funds provided herein shall be deposited in the San Gabriel Restoration Fund established by section 1110 of division B, title I of Public Law 106–554 as amended: *Provided further*, That of the sums provided herein, $1,000,000 shall be used for assessing the feasibility of relocating the Highway 49 bridge, Auburn-Folsom South Unit of the Central Valley Project.

CENTRAL VALLEY PROJECT RESTORATION FUND

For carrying out the programs, projects, plans, and habitat restoration, improvement, and acquisition provisions of the Central Valley Project Improvement Act, $41,478,000, 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), 3405(f), and 3406(c)(1) 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 TRANSFER OF FUNDS)

For carrying out activities authorized by the Water Supply, Reliability, and Environmental Improvement Act, Public Law 108–361, consistent with plans to be approved by the Secretary of the Interior, $40,110,000, 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: *Provided further*, That $6,000,000 shall be transferred to the Army Corps of Engineers to carry out further study and analysis of the stability of the levee projects authorized under section 103(f)(3) of Public Law 108–361.

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, $58,069,000, to be derived from the Reclamation Fund and be nonreimbursable as provided in 43 U.S.C. 377: *Provided*, That no part of any other appropriation in this Act shall be available for activities or functions budgeted as policy and administration expenses.

ADMINISTRATIVE PROVISION

Appropriations for the Bureau of Reclamation shall be available for purchase of not to exceed 14 passenger motor vehicles, of which 11 are for replacement only.

GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

SEC. 201. (a) None of the funds appropriated or otherwise made available by this Act may be used to determine the final point of discharge for the interceptor drain for the San Luis Unit until development by the Secretary of the Interior and the State of California of a plan, which shall conform to the water quality standards of the State of California as approved by the Administrator of the Environmental Protection Agency, to minimize any detrimental effect of the San Luis drainage waters.

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

SEC. 202. None of the funds appropriated or otherwise made available by this Act may be used to pay the salaries and expenses of personnel to purchase or lease water in the Middle Rio Grande or the Carlsbad Projects in New Mexico unless said purchase or lease is in compliance with the purchase requirements of section 202 of Public Law 106–60.

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

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

There was no objection.

The Acting CHAIRMAN. The Clerk will read.

The Clerk read as follows:

TITLE III

DEPARTMENT OF ENERGY

ENERGY PROGRAMS

ENERGY SUPPLY AND CONSERVATION

For Department of Energy expenses including the purchase, construction, and acquisition of plant and capital equipment, and other expenses necessary for energy supply and energy conservation 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, $2,025,527,000, to remain available until September 30, 2009.

AMENDMENT OFFERED BY MR. MARKEY

Mr. MARKEY. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. MARKEY:

Page 21, line 5, after the dollar amount insert: "(reduced by $40,000,000)".

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Massachusetts (Mr. MARKEY) and the gentleman from Ohio (Mr. HOBSON) each will control 5 minutes.

The Chair recognizes the gentleman from Massachusetts.

Mr. MARKEY. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, I rise in opposition to the Global Nuclear Energy Partnership receiving an additional $40 million in this budget over what it received last year. It received $80 million worth of taxpayers' dollars last year, and here we are seeing a 50 percent increase in the taxpayers' contribution to something that should be paid for by the private sector.

This is now one of the wealthiest, most successful, most profitable industries in the United States, the domestic nuclear energy industry. If there is any industry, apart from the oil and gas industry, that has no business being out here on the floor asking for handouts from the taxpayer at this time, then you have to put the nuclear industry at the top of the list.

And what is the essence of this Global Nuclear Energy Partnership? Well, sad to say, it is that we will cut deals with countries like Bulgaria, Egypt, Kazakhstan, Korea, on and on, where our private sector companies will be building nuclear power plants in those countries and returning the nuclear waste to the United States for reprocessing in our country. So on the one hand, the Congress is saying, well, we don't want any more immigrants from any of these countries, but send us your nuclear waste if an American company has been able to build nuclear power plants there and make a profit from it.

Well, ladies and gentlemen, it should not be the business of the House, of the people who represent hardworking taxpayers, to be handing over all this money to very wealthy industries. They are doing quite well, thank you. This is, once again, an example of an industry now 50 years old; this industry is like someone who is 50 years old still living at home with mom and dad and expecting mom and dad to continue to subsidize them; to give them a hand out.

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

Mr. HOBSON. Mr. Chairman, I yield 2 minutes to the gentleman from Idaho (Mr. SIMPSON).

Mr. SIMPSON. Mr. Chairman, I appreciate the gentleman for yielding.

Boy, there is more rhetoric on this floor about GNEP and what is going on there than I have heard in quite some time. The fact is the Federal Government has the responsibility under the Nuclear Policy Act to take care of the byproduct of this stuff. Those people who use energy that is partly produced by nuclear energy have been paying a tax in order that the Federal Government would build a repository and finally take control of this. If you want the byproduct, the waste product of nuclear waste to be handled by private companies and have them in control of it, then I think you are asking for big problems.

For years, I have been asking the Federal Government, the Department of Energy, to give us a vision of what they see as the future of energy development in this country and how we are going to supply the baseload needs in this country. GNEP is the first comprehensive forward-looking plan for nuclear energy development that I have seen come out of this or any administration in decades. It takes into consideration the entire fuel cycle, from the mining uranium to final disposition of spent fuel.

It will render civilian nuclear material unusable in nuclear weapons. I will repeat that: It will render civilian nuclear materials unusable in nuclear weapons. It will use much of the energy in the fuel rods that is left behind now. And GNEP promises to make Yucca Mountain the only repository our Nation will need for the final disposition of spent nuclear fuel.

If you believe that global warming is a problem, if you believe that we can't afford to shut down nuclear power plants today that contribute over 20 percent of our electricity, and I suspect much of it in Massachusetts, the gentleman's home State; if you believe that we can't shut that down and that it makes sense to provide our baseload with an emission-free type of energy, such as nuclear power, and if we don't pursue GNEP, then we better start looking and debating on this floor where we are going to put Yucca II, Yucca III, Yucca IV, and Yucca V, because that is what is going to happen.

The simple fact is, most Americans now support nuclear energy, and most Americans know that we can't meet our growing energy needs without it. I urge you to defeat this amendment.

Mr. MARKEY. Mr. Chairman, I yield myself 1 minute.

The problem with this program is that the Department of Energy is only guessing about how much it is ultimately going to cost. Their range is from $3 billion to $6 billion just for a demonstration project, because it doesn't know the answers to the ultimate questions about cost, about feasibility, about the nuclear proliferation consequences. It doesn't know the answers to any of these questions.

But if, again, the nuclear industry wants to get back out on the road and start selling nuclear power plants around the globe, they should do it. Adam Smith is spinning in his grave so fast listening to this debate that he would qualify for a subsidy under this bill as a new electrical generating source. That is how bad this is.

This is a total violation of free market principles. There are no answers at all that you are providing, except that you want to stick your hand into the pockets of the American taxpayers, and it is just wrong.

Mr. HOBSON. Mr. Chairman, I yield 1 minute to the gentlewoman from Illinois (Mrs. BIGGERT).

Mrs. BIGGERT. Mr. Chairman, I thank the chairman for yielding, and let me just say to the sponsor, who asserts that the reprocessing is too expensive and will add to the cost, that we don't know what the cost is.

My Subcommittee on Energy for the Science Committee has spent an entire hearing on the economics of reprocessing, and today it might be cheaper to mine and use enriched uranium, but the enrichment technology has had 30 years to develop. We stopped the process. President Carter stopped the process that is needed to treat and use all of the nuclear energy.

So, if anything, this concern only reinforces the need to increase the R&D on technologies for the back end of the fuel cycle in order to bring down the cost. We have got to have this process if we are going to have the energy needed for our children and grandchildren to live in this country. But we also have to look at taking the nuclear energy and using all of it by reprocessing and reestablishing that program.

Mr. MARKEY. Mr. Chairman, I yield myself 1 minute.

You know, the problem with this whole debate is that, within the same bill, there is funding for Yucca Mountain in order to store all of the spent fuel that the nuclear industry has created here domestically. Yet they are coming in here saying, well, we need another solution to the same problem. We also need the taxpayers to subsidize ultimately $3 billion, $6 billion, which is just a demonstration project, and ultimately, $20 billion, $30 billion, $40 billion or $50 billion for reprocessing technology; two paid-for-by-the-taxpayer solutions to the same problem, even though Yucca Mountain is supposed to solve the problem.

Why is that? Because this program does what President Bush wants to do, which is to offer cradle-to-grave services for countries around the world. American companies will build nuclear power plants around the world, and then they will ship the nuclear waste to the United States. And by the way, this waste, when it is reprocessed, is the worst of all materials because it can be used for nuclear weapons but it is not too dangerous for terrorists to handle as a dirty bomb at the same time.

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

□ 1645

Mr. HOBSON. Mr. Chairman, I yield 1 minute to my ranking member, the gentleman from Indiana (Mr. VISCLOSKY).

Mr. VISCLOSKY. Mr. Chairman, I rise in strong opposition to the amendment that has been offered by the gentleman from Massachusetts. He mentioned multiple solutions. The fact is we have a waste problem.

As I pointed out in my general remarks, last year the Congress voted again to move ahead to provide funds to pursue a competitive process for choosing sites for integrative reprocessing of spent nuclear fuel as well as interim storage. The fact is the chairman and I and the subcommittee are

committed to pursuing Yucca Mountain. That is not enough. If we are to have a nuclear industry and to have an investment in our energy future, we also have to examine options to reduce waste. That is what we are about.

I also believe that the subcommittee has taken a very thoughtful approach, and people have only to look at pages of committee report language that is very explicit in detail relative to the concerns and observations we have made relative to the GNEP proposal that the administration has put forth.

So we are trying to solve an energy problem dealing with our energy future. I would oppose the gentleman's amendment.

Mr. MARKEY. Mr. Chairman, I yield the balance of my time to the gentleman from South Carolina (Mr. SPRATT).

Mr. SPRATT. Mr. Chairman, I commend the chairman and the ranking member for the work they have done here, and I take small exception here because you have cut back the $250 million the President requested. I think that is a good move, but this would simply level out the funding so that next year will have as much funding as this year.

If you go to the Savannah River Site in my State, you will see the K Reactor, on which we have spent close to $2 billion, it never was operated again; the NPR, on which we spent $40 million on the environmental impact statement; the MOX fuel facility, which is being abandoned today after millions were spent; and Agnes, where we trod down this road once before toward nuclear reprocessing and realized it was not the way to go.

And today more than ever, when we do not want to open up new nuclear processes which give rise to more fissile material, there are really legitimate doubts about this path.

I respect the course that the committee has taken, but slow it down. Let us take a closer look at this before we plunge headlong into something that could cost $20 billion, $30 billion, maybe $40 billion before it comes to full fruition.

Mr. HOBSON. Mr. Chairman, I yield the balance of my time to the gentleman from Tennessee (Mr. WAMP), a member of the committee.

Mr. WAMP. Mr. Chairman, to review, the President of the United States rightly asked for $250 million for GNEP to help us stand the nuclear industry back up in this country. Decades after Three Mile Island, we need energy independence. The committee did not have enough money, so we appropriated $150 million at the subcommittee level. At the full committee, we accepted an amendment to reduce it to $120 million, and now they are wanting to cut it further.

France understands, as an environmentally sensitive country, that in order to reduce greenhouse gas emissions, you have to use nuclear. Seventy percent of their electricity is generated from nuclear power in France.

They do not get it in Massachusetts, apparently. The gentleman from Massachusetts has fought nuclear in every capacity, every time it has come to the floor the entire 12 years that I have been here. That is what this is really about.

If his amendment stands, it would leave spent nuclear fuel at reactor sites in Massachusetts at five places: at Pilgrim 1; Yankee-Rowe; research reactors at MIT; the University of Massachusetts; and Worcester Polytechnic Institute.

Defeat the Markey amendment.

Mr. SPRATT. Mr. Chairman, I rise in support of the Markey amendment, which would cut $40 million from the so-called GNEP, the Global Nuclear Energy Partnership.

GNEP is an exceedingly ambitious set of proposals. It runs the gamut, from expanding the use of nuclear power, to closing the loophole in the nuclear fuel cycle, to developing a new generation of advanced "fast" nuclear reactors. Among other things, it calls for restarting nuclear reprocessing, a risky venture abandoned by the Carter Administration in the 1970s out of cost and proliferation concerns. It moves us ahead before we know the long term costs or international implications. On issues of this consequence, we should tread lightly.

I have concerns over GNEP on several fronts. First, I am concerned about reprocessing of nuclear spent fuel, because it lends itself to the production of fissile material. On its face, the idea of reusing spent nuclear fuel sounds appealing. Proponents point out that we only use 3–5 percent of nuclear fuel in the first reaction. They claim that reprocessing will allow us to recycle spent fuel and captured the untapped tap energy potential. But recycling nuclear fuel is not so easy, and there is a limit to the number of times you can put a fuel rod through reprocessing before fission by-products make additional recycling impractical. So, the amount of reusable energy that the process yields is questionable. As explained to me by DoE, reprocessing is really more about reducing the heat from spent nuclear fuel, to facilitate storage, than it is about generating more usable fuel.

Questionable energy yields are only one problem with reprocessing. The other problem is that re-running nuclear fuel multiple times is one means of converting commercial nuclear fuel rods into weapons-grade plutonium. The Department of Energy has told us that the new reprocessing technology they hope to use (UREX+) is "proliferation resistant" since the radioactive emissions will still be lethal to unprotected handlers. But there is no such thing as being completely proliferation-resistance. A suicidal terrorist could find a way to steal, handle, and transport any nuclear material, and increasing the neutron flux simply brings them one step closer to using this material for a nuclear weapon.

On another front, I am greatly concerned about the potential cost of the GNEP proposal. Though the President's budget request called for only $250 million this year, estimates have ranged up to $40 billion over the next 10 years. This is huge price-tag for an amorphous program.

As an example, the Department of Energy has indicated that, as part of GNEP, they would like to build a scaled-down facility to demonstrate UREX+ reprocessing technology. But when pressed for details, DoE has said that this facility could range in scale from 1 ton throughput per year to 200 tons and on up to 500 tons per year. This is almost as large as commercial scale reprocessing operations overseas, and is hardly a demonstration project. Moreover, the Department of Energy does not know where the demonstration facility will be sited, what the environmental or engineering costs will be for the facility, or what the ultimate cost will be to construct it. Even further, they do not know how many of these facilities will be needed if we ever move to a commercial scale.

We are running a budget deficit of $300–350 billion this year alone. The Department of Energy itself is has more major acquisition projects on its plate than it can carry to fruition. I am wary of adding another $40 billion liability with GNEP before we know fully what we are getting ourselves into.

The Markey amendment before us today takes a pragmatic approach to this problem. It does not eliminate funding for the program; rather, it reduces the $120 million remaining for the program by $40 million, effectively freezing GNEP funding at this year's funding level.

Before we rush headlong toward the latest acronym, GNEP, we should make the Department come to us with concrete proposals, more definitive costs and benefits, so that this far-reaching project can be measured against other priorities.

I urge my colleagues to support the Markey amendment.

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

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

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

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

AMENDMENT OFFERED BY MS. DELAURO

Ms. DELAURO. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Ms. DELAURO:

Page 21, line 5, after the dollar amount insert "(increased by $25,000,000)".

Page 29, line 11, after the dollar amount insert "(reduced by $25,000,000)".

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

The Chair recognizes the gentlewoman from Connecticut.

Ms. DELAURO. Mr. Chairman, my amendment is simple. It would restore funding to the State Energy Program which the underlying bill eliminates, and it would happen by reducing the administrative funding for the Department of Energy to last year's levels. That means that the Department's administrative funds would amount to about $278 million.

The administration thought this program worthy enough to propose an increase to $49.5 million from approximately $35 million last year. Essentially I am saying this amendment would simply fund this program at $25 million.

The State Energy Program, it provides grants to States and directs funding to State energy offices. The States use these grants to address their energy priorities, program funding to adopt emerging renewable energy and energy-efficient technologies.

States have implemented countless initiatives funded by this program that have reduced energy costs and have increased efficiency.

Let me give you two or three examples. The Texas Energy Office's Loan Star Program has reduced building energy consumption and taxpayers' energy costs through the efficient operation of public buildings, saving taxpayers more than $172 million through energy efficiency projects.

New Mexico, the State energy office is supporting an expandable renewable energy usage, tax incentives for hybrid vehicles, school energy-efficiency programs, technical assistance to the wind industry and expansion of geothermal resources. With the funding, New Mexico has been able to meet approximately 40 energy performance goals with an annual energy savings in millions, including an expansion in the use of ethanol and biofuels.

My own State of Connecticut, the program supports 31 municipalities to help them make their schools and public buildings more energy efficient.

The value of this program speaks for itself. It enables energy offices to design and implement programs according to the needs of their economies, the potential of their natural resources and the participation of their local industries. For every dollar we spend on this public-private partnership, we save $7.23, while almost $11 is leveraged in the State, local and private funds.

That means by funding the program at $25 million this year, we could help save as much as $180 million just in fiscal year 2007.

Mr. Chairman, helping States to carry out their own energy efficiency and renewable energy programs is an effort in which the Federal Government not only has a stake, it has an obligation. This is something we should be encouraging, not eliminating. I am asking my colleagues to support this amendment.

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

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

The Acting CHAIRMAN. The gentleman from Ohio is recognized for 5 minutes.

Mr. HOBSON. Mr. Chairman, I yield 2 minutes to the gentleman from Idaho (Mr. SIMPSON).

Mr. SIMPSON. Mr. Chairman, I rise in opposition to this amendment. This bill does in fact cut $49.7 million to State grants.

This cut was done for several reasons: to fund the higher congressional priorities that were cut by the administration; in reaction to a DOE IG report regarding the implementation of the program; and an assessment of what the grant program is adding to energy research and development, the mainstay of the DOE portfolio.

The IG report did say DOE does not know if the program is working. The IG report did say that States aren't sure what energy savings are coming from these State grants. The IG report did say that the States have large uncosted balances, and aren't spending the money that they do get in the grant and award process. The IG report did say energy savings proclaimed by proponents can't be tracked to State grants solely. They may be from other programs that we do support, like weatherization.

But I want you to know that the IG report did say that given the broad goals of the program, funds were being spent consistently. However, I would contend we ought to look at what the States can spend this money on and do: State employee salaries, travel and administrative supplies. In fact, of the States examined by the IG, 66 percent had administrative costs in excess of 29 percent to as high as 57 percent, but these are allowable under the grant statute.

Finally, I would contend that these grants may have served a useful purpose 20 years ago to raise the consciousness of energy efficiency and conservation. But, frankly, these services are not now in demand by the public, and our dollars are better suited for making the technologies available that are in demand, rather than feel-good ''coordination'' activities of this program.

Ms. DELAURO. Mr. Chairman, I yield myself 30 seconds.

On the IG report, and I quote: ''Nothing came to our attention during our visits to six States to indicate that they were not spending the funds for their intended purpose.''

If anyone wants to know, I have a list of all of the States and the amount of money they receive in grants every year from this program, and they will get nothing next year if we do not restore some funding.

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

Mr. MARKEY. Mr. Chairman, this is a crazy budget. It really is. It authorizes $50 million to help the oil companies to drill in deep water even though they reported $113 billion in profits. It allows for drilling in the Arctic National Wildlife Refuge. That is where they are going to be heading tomorrow on the House floor.

And this shows you the hypocrisy coefficient on energy policy. Last year, they trumpeted on the House floor and the President with a flourish signed the bill that put in $100 million for State energy plans for conservation at the State level, $100 million.

Then, in January, the President sends up his budget, $49.5 million.

And today, out on the House floor, the true agenda of the Republican Party once again reveals itself: zero. Zero for conservation. Nothing. Meaning that the $100 million last August that the President signed, the $49.5 million that he asked this year, all dismissed while we are going to tip the taxpayer upside down and subsidize the nuclear, oil, gas and coal industries.

But the American taxpayer knows we have to learn to work smarter, not harder; how to conserve, how to use technologies that will reduce our consumption. We only have 3 percent of the oil reserves in the world. We import 70 percent of the oil we consume. That is why we need the DeLauro amendment in order to make sure that we put conservation number one, to back out this imported oil from around the world.

Vote ''aye'' on the DeLauro amendment.

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

Mr. Chairman, let me talk about hypocrisy. Let me talk about extraneous matter out here. I mean, this is outrageous.

First of all, if we want to save money, you do not go back and do these itty-bitty State grants. My State gets a million dollars out of this, $1.6 million. Big deal.

Under your deal, it is going to get $250,000 or less the way you have drafted this amendment. It is absolutely ridiculous to send money up here. We take administration off the top, and then we send it back to the States, and they start it all over again and take a bunch of salaries.

The group that is out here now advocating this thing on behalf of all of the States is funded by this program. This is just another pork-barrel program for Governors of States. We ought to get rid of it. The State grant does absolutely nothing. This amendment will make it even less effective. And what it does to the Department of Energy is outrageous.

Under this, this mandates reduction of 100 employees. Those employees are responsible for the financial integrity of the Department. The next thing they will be saying is, we are not doing it right, and that is because we have cut 100 people out of it. These employees are responsible for the Department's cyber security. Then we hear it is all gone.

Programs like Minority Economic Impact, General Counsel and the Office of Economic Impact and Diversity would be severely impacted.

This amendment is outrageous. You want to get rid of pork-barrel stuff around here, these kinds of programs are a waste of money.

There are a couple of others in this bill that I would take out totally, too,

but this one is particularly egregious because it doesn't do the job.

Vote ''no'' on the DeLauro amendment.

□ 1700

The Acting CHAIRMAN. The question is on the amendment offered by the gentlewoman from Connecticut (Ms. DELAURO).

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

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

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

AMENDMENT OFFERED BY MS. MILLENDER-MCDONALD

Ms. MILLENDER-MCDONALD. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Ms. MILLENDER-MCDONALD:

Page 21, line 5, after the dollar amount insert ''(increased by $5,000,000) (reduced by $5,000,000)''.

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentlewoman from California (Ms. MILLENDER-MCDONALD) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from California.

Ms. MILLENDER-MCDONALD. Mr. Chairman, I yield myself such time as I may consume.

My amendment addresses a critical energy source of our national renewable energy portfolio that needs to be a priority in the energy debate. As we know, the affordable energy situation is far from resolved in our Nation. My amendment provides for the necessary funds to continue the Geothermal Technology Program and to continue our Federal support of cleaner alternative power. This energy is cost-effective and cleaner.

Recently, an Associated Press article stated that the Federal Government has a backlog of 230 lease applications to prospect for geothermal energy. This AP article also states that the average age of an application to prospect geothermal sites is 9 years.

Recent supply projections from the American Gas Association show that natural gas suppliers will continue to lag behind the demand in the foreseeable future, resulting in continued high prices. The high cost of natural gas affects electricity and home heating costs across the United States. This is why we need to continue to support Federal investment in geothermal energy and to support the Geothermal Technology Program.

Now we do know that most of the geothermal power plants were built in the mid-1980s and early 1990s when energy markets were receptive to alternative energy investment. Since then, there has been a significant decline in this investment.

The Bush administration has repeatedly championed the need to expand our renewable energy resources and to develop our country's geothermal energy resources. The Department of the Interior and the Department of Energy have jointly stated that commitment to increase our energy security would be by expending the use of indigenous resources on Federal lands, while accelerating protection of the environment.

A recent report from the Department of Energy found that California, Nevada, New Mexico, Oregon, Utah and Washington State have the greatest potential for quick development of geothermal resources. In fact, the study, Mr. Chairman, listed nine ''top pick'' sites in California and ten in Nevada.

As we work on improving our affordable energy options, we must support the Geothermal Technology Program. It is also a job creation program. It will ultimately mean about 150 to 200 jobs in a community.

The minimal $5 million that I am asking for will be taken from the Hydrogen Technology Program to be placed in the Geothermal Technology Program, and all of this can be attainable.

We must not turn our backs on this important source of environmentally friendly energy. I ask my colleagues to support this amendment and to support geothermal technology and, more importantly, to support lower prices for energy.

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

The Acting CHAIRMAN. Does the gentleman from Ohio rise in opposition to the amendment?

Mr. HOBSON. Mr. Chairman, I am going to rise to strike the required number of words, I guess, because I am going to accept her amendment.

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

There was no objection.

Mr. HOBSON. I think this is a very responsible amendment. I happen to agree on geothermal, and I want to thank the Member for working with us to find the appropriate funding source on this, and I look forward to holding this as we move forward into conference.

Ms. MILLENDER-MCDONALD. Mr. Chairman, I do appreciate the chairman's working with me on this amendment, along with our ranking member. I thank him for accepting the amendment.

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

The Acting CHAIRMAN. The question is on the amendment offered by the gentlewoman from California (Ms. MILLENDER-MCDONALD.)

The amendment was agreed to.

The Acting CHAIRMAN. The Clerk will read.

The Clerk read as follows:

CLEAN COAL TECHNOLOGY

(RESCISSION)

Of the funds made available under this heading for obligation in prior years, $257,000,000 are rescinded.

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, the hire of passenger motor vehicles, the hire, maintenance, and operation of aircraft, the purchase, repair, and cleaning of uniforms, the reimbursement to the General Services Administration for security guard services, 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), $558,204,000, to remain available until expended, of which $54,000,000 is available to continue a multi-year project coordinated with the private sector for FutureGen, without regard to the terms and conditions applicable to clean coal technology projects: *Provided*, That the initial planning and research stages of the FutureGen project shall include a matching requirement from non-Federal sources of at least 20 percent of the costs: *Provided further*, That any demonstration component of such project shall require a matching requirement from non-Federal sources of at least 50 percent of the costs of the component: *Provided further*, That of the amounts provided, $36,400,000 is available, after coordination with the private sector, for a request for proposals for the Clean Coal Power Initiative providing for competitively-awarded research, development, and demonstration projects to reduce the barriers to continued and expanded coal use: *Provided further*, That no project may be selected for which sufficient funding is not available to provide for the total project: *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 42 U.S.C. 5903d as well as those contained under the heading ''Clean Coal Technology'' in prior appropriations: *Provided further*, That the Department may include provisions for repayment of Government contributions to individual projects in an amount up to the Government contribution to the project on terms and conditions that are acceptable to the Department including repayments from sale and licensing of technologies from both domestic and foreign transactions: *Provided further*, That such repayments shall be retained by the Department for future coal-related research, development and demonstration projects: *Provided further*, That any technology selected under this program shall be considered a Clean Coal Technology, and any project selected under this program 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 no part of the sum herein made available shall be used for the field testing of nuclear explosives in the recovery of oil and gas: *Provided further*, That the Secretary of Energy is authorized to accept fees and contributions from public and private sources, to be deposited in a contributed funds account, and prosecute projects using such fees and contributions in cooperation with other Federal,

State, or private agencies or concerns: *Provided further*, That revenues and other moneys received by or for the account of the Department of Energy or otherwise generated by sale of products in connection with projects of the Department appropriated under the Fossil Energy Research and Development account may be retained by the Secretary of Energy, to be available until expended, and used only for plant construction, operation, costs, and payments to cost-sharing entities as provided in appropriate cost-sharing contracts or agreements.

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, $18,810,000, to remain available until expended: *Provided*, That, notwithstanding any other provision of law, unobligated funds remaining from prior years shall be available for all naval petroleum and oil shale reserve activities.

STRATEGIC PETROLEUM RESERVE

For necessary expenses for Strategic Petroleum Reserve facility development and operations and program management activities pursuant to the Energy Policy and Conservation Act of 1975, as amended (42 U.S.C. 6201 et seq.), including the hire of passenger motor vehicles, the hire, maintenance, and operation of aircraft, the purchase, repair, and cleaning of uniforms, the reimbursement to the General Services Administration for security guard services, $155,430,000, 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, $4,950,000, to remain available until expended.

ENERGY INFORMATION ADMINISTRATION

For necessary expenses in carrying out the activities of the Energy Information Administration, $89,769,000, 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, and the purchase of not to exceed six passenger motor vehicles, of which five shall be for replacement only, $309,946,000, 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 of title II of the Atomic Energy Act of 1954, as amended, and title X, subtitle A, of the Energy Policy Act of 1992, $579,368,000, to be derived from the Fund, to remain available until expended, of which $20,000,000 shall be available in accordance with title X, subtitle A, of the Energy Policy Act of 1992.

SCIENCE

For Department of Energy expenses including the purchase, construction, and acquisition of plant and capital equipment, and other expenses necessary for science activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or facility or for plant or facility acquisition, construction, or expansion, and purchase of not to exceed twenty-five passenger motor vehicles for replacement only, $4,131,710,000, to remain available until expended.

NUCLEAR WASTE DISPOSAL

For nuclear waste disposal activities to carry out the purposes of the Nuclear Waste Policy Act of 1982, Public Law 97–425, as amended (the ''Act''), including the acquisition of real property or facility construction or expansion, $186,420,000, to remain available until expended, of which $156,420,000 shall be derived from the Nuclear Waste Fund: *Provided*, That of the funds made available in this Act for Nuclear Waste Disposal, $2,000,000 shall be provided to 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 Act: *Provided further*, That $4,000,000 shall be provided to affected units of local government, as defined in the Act, to conduct appropriate activities and participate in licensing activities: *Provided further*, That 7.5 percent of the funds provided 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 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 under this heading: *Provided further*, That the funds for the State of Nevada shall be made available solely to the Nevada Division of Emergency Management by direct payment and units of local government by direct payment: *Provided further*, That within 90 days of the completion of each Federal fiscal year, the Nevada Division of Emergency Management and the Governor of the State of Nevada shall provide certification to the Department of Energy that all funds expended from such payments have been expended for activities authorized by the Act 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 Act, including but not limited to, 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 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.

DEPARTMENTAL ADMINISTRATION

(INCLUDING TRANSFER OF FUNDS)

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 $35,000, $278,382,000, 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 $123,000,000 in fiscal year 2007 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 2007, and any related appropriated receipt account balances remaining from prior years' miscellaneous revenues, so as to result in a final fiscal year 2007 appropriation from the general fund estimated at not more than $155,382,000.

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, as amended, $45,507,000, to remain available until expended.

ATOMIC ENERGY DEFENSE ACTIVITIES

NATIONAL NUCLEAR SECURITY ADMINISTRATION

WEAPONS ACTIVITIES

(INCLUDING TRANSFER OF FUNDS)

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other incidental expenses necessary for atomic energy defense weapons activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion; and the purchase of not to exceed 14 passenger motor vehicles, for replacement only, including not to exceed two buses; $6,412,001,000, to remain available until expended: *Provided*, That $40,000,000 of that amount is for the Material Consolidation and Upgrade Construction Project, Buildings 651 and 691, at the Idaho National Laboratory.

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 atomic energy defense, defense nuclear nonproliferation activities, in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, $1,593,101,000, to remain available until expended.

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, $795,133,000, to remain available until expended.

OFFICE OF THE ADMINISTRATOR

For necessary expenses of the Office of the Administrator in the National Nuclear Security Administration, including official reception and representation expenses not to exceed $12,000, $399,576,000, to remain available until expended.

ENVIRONMENTAL AND OTHER DEFENSE ACTIVITIES

DEFENSE ENVIRONMENTAL CLEANUP

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other expenses necessary for atomic energy defense environmental cleanup activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, $4,951,812,000, to remain available until expended, and $600,000,000 for the Waste Treatment and Immobilization Plant at Hanford, Washington, to remain available until September 30, 2007.

OTHER DEFENSE ACTIVITIES

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other expenses, necessary for atomic energy defense, other defense activities, and classified activities, in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, and the purchase of not to exceed ten passenger motor vehicles for replacement only, $720,788,000, to remain available until expended.

DEFENSE NUCLEAR WASTE DISPOSAL

For nuclear waste disposal activities to carry out the purposes of Public Law 97–425, as amended, including the acquisition of real property or facility construction or expansion, $388,080,000, to remain available until expended.

POWER MARKETING ADMINISTRATIONS

BONNEVILLE POWER ADMINISTRATION FUND

Expenditures from the Bonneville Power Administration Fund, established pursuant to Public Law 93–454, are approved for official reception and representation expenses in an amount not to exceed $1,500. During fiscal year 2007, no new direct loan obligations may be made.

OPERATION AND MAINTENANCE, SOUTHEASTERN POWER ADMINISTRATION

For necessary expenses of operation and maintenance of power transmission facilities and of 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, $5,723,000, to remain available until expended: *Provided*, That, notwithstanding 31 U.S.C. 3302, up to $48,003,000 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.

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, $31,539,000, to remain available until expended: *Provided*, That, notwithstanding 31 U.S.C. 3302, up to $13,600,000 collected by the Southwestern Power Administration pursuant to the Flood Control Act 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.

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; $212,213,000, to remain available until expended, of which $208,776,000 shall be derived from the Department of the Interior Reclamation Fund: *Provided*, That of the amount herein appropriated, $6,893,000 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 of the amount herein appropriated, $6,000,000 shall be available until expended on a nonreimbursable basis to the Western Area Power Administration for Topock-Davis-Mead Transmission Line Upgrades: *Provided further*, That of the amount herin appropriated, $500,000 shall be available until expended on a nonreimbursable basis to the Dynamic Engineering Studies on the TOT–3 and Wyoming West Transmission projects: *Provided further*, That notwithstanding the provision of 31 U.S.C. 3302, up to $472,593,000 collected by the Western Area Power Administration pursuant to the Flood Control Act of 1944 and the Reclamation Project Act of 1939 to recover purchase power and wheeling expenses shall be credited to this account as offsetting collections, to remain available until expended for the sole purpose of making purchase power and wheeling expenditures.

FALCON AND AMISTAD OPERATING AND MAINTENANCE FUND

For operation, maintenance, and emergency costs for the hydroelectric facilities at the Falcon and Amistad Dams, $2,500,000, 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 423 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995.

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, $230,800,000, to remain available until expended: *Provided*, That notwithstanding any other provision of law, not to exceed $230,800,000 of revenues from fees and annual charges, and other services and collections in fiscal year 2007 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 2007 so as to result in a final fiscal year 2007 appropriation from the general fund estimated at not more than $0.

GENERAL PROVISIONS

DEPARTMENT OF ENERGY

SEC. 301. CONTRACT COMPETITION.—(a)(1) None of the funds in this or any other appropriations Act for fiscal year 2007 or any previous fiscal year may be used to make payments for a noncompetitive management and operating contract unless the Secretary of Energy has published in the Federal Register and submitted to the Committees on Appropriations of the House of Representatives and the Senate a written notification, with respect to each such contract, of the Secretary's decision to use competitive procedures for the award of the contract, or to not renew the contract, when the term of the contract expires.

(2) Paragraph (1) does not apply to an extension for up to 2 years of a noncompetitive management and operating contract, if the extension is for purposes of allowing time to award competitively a new contract, to provide continuity of service between contracts, or to complete a contract that will not be renewed.

(b) In this section:

(1) The term ''noncompetitive management and operating contract'' means a contract that was awarded more than 50 years ago without competition for the management and operation of Ames Laboratory, Argonne National Laboratory, and Lawrence Livermore National Laboratory.

(2) The term ''competitive procedures'' has the meaning provided in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403) and includes procedures described in section 303 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253) other than a procedure that solicits a proposal from only one source.

(c) For all management and operating contracts other than those listed in subsection (b)(1), none of the funds appropriated by this Act may be used to award a management and operating contract, or award a significant extension or expansion to an existing management and operating contract, unless such contract is awarded using competitive procedures or the Secretary of Energy grants, on a case-by-case basis, a waiver to allow for such a deviation. The Secretary may not delegate the authority to grant such a waiver. At least 60 days before a contract award for which the Secretary intends to grant such a waiver, the Secretary shall submit to the Committees on Appropriations of the House of Representatives and the Senate a report notifying the Committees of the waiver and setting forth, in specificity, the substantive reasons why the Secretary believes the requirement for competition should be waived for this particular award.

SEC. 302. WORKFORCE RESTRUCTURING.—None of the funds appropriated by this Act may be used to—

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

(2) provide enhanced severance payments or other benefits for employees of the Department of Energy, under section 3161 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 42 U.S.C. 7274h).

SEC. 303. SECTION 3161 ASSISTANCE.—None of the funds appropriated by this Act may be used to augment the funds made available for obligation by this Act for severance payments and other benefits and community assistance grants under section 3161 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 42 U.S.C.

7274h) unless the Department of Energy submits a reprogramming request to the appropriate congressional committees.

SEC. 304. UNFUNDED REQUESTS FOR PROPOSALS.—None of the funds appropriated by this Act may be used to prepare or initiate Requests For Proposals (RFPs) or other solicitations for a program if the program has not been funded by Congress.

SEC. 305. 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. 306. BONNEVILLE POWER ADMINISTRATION 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. 307. USER FACILITIES.—When the Department of Energy makes a user facility available to universities or other potential users, or seeks input from universities or other potential users regarding significant characteristics or equipment in a user facility or a proposed user facility, the Department shall ensure broad public notice of such availability or such need for input to universities and other potential users. When the Department of Energy considers the participation of a university or other potential user as a formal partner in the establishment or operation of a user facility, the Department shall employ full and open competition in selecting such a partner. For purposes of this section, the term ''user facility'' includes, but is not limited to: (1) a user facility as described in section 2203(a)(2) of the Energy Policy Act of 1992 (42 U.S.C. 13503(a)(2)); (2) a National Nuclear Security Administration Defense Programs Technology Deployment Center/User Facility; and (3) any other Departmental facility designated by the Department as a user facility.

SEC. 308. 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 2007 until the enactment of the Intelligence Authorization Act for fiscal year 2007.

SEC. 309. LABORATORY DIRECTED RESEARCH AND DEVELOPMENT.—Of the funds made available by the Department of Energy for activities at government-owned, contractor-operator operated laboratories funded in this Act, the Secretary may authorize a specific amount, not to exceed 8 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 3 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. 310. TECHNOLOGY COMMERCIALIZATION FUND.—None of the funds made available by this Act may be used for technology commercialization activities funded via a tax on applied energy research, development, demonstration, and commercial application activities by the Department of Energy as authorized by section 1001(e) of title X of the Energy Policy Act of 2005.

SEC. 311. CONTRACTOR PENSION BENEFITS.—None of the funds made available in title III of this Act shall be used for implementation of the Department of Energy Order N 351.1 modifying contractor employee pension and medical benefits policy.

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

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

There was no objection.

AMENDMENT OFFERED BY MR. ANDREWS

Mr. ANDREWS. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. ANDREWS:

Page 29, line 11, after the dollar amount, insert the following: ''(reduced by $27,800,000)''.

Page 31, line 15, after the dollar amount, insert the following: ''(increased by $27,800,000)''.

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

The Chair recognizes the gentleman from New Jersey.

Mr. ANDREWS. Mr. Chairman, I yield myself 2½ minutes.

I am pleased to offer this amendment with my friend from Iowa (Mr. LEACH).

On page 380 of this report, the 9/11 Commission says, ''A trained nuclear engineer with an amount of highly enriched uranium or plutonium, about the size of a grapefruit or an orange, together with commercially available material, could fashion a nuclear device that would fit into a van like the one Ramzi Yousef parked in the garage of the World Trade Center in 1993. Such a bomb would level lower Manhattan.''

Where would people find such highly enriched uranium? Over the last 15 years, the Department of Energy and the military have been looking at 106 reactors throughout the world. In those 15 years, they have dealt with some of them, but there are 64 of these reactors left that use highly enriched uranium.

At this pace, we will have converted those reactors to less low-enriched uranium, which cannot make a bomb, by the year 2019. We need to speed that up. The purpose of this amendment is to more than double the amount of money that is dedicated to the conversion of these reactors from highly enriched uranium to low-enriched uranium.

Last year, the President provided about $24.7 million. Our amendment adds $27 million for that purpose this year. Where do we find the money?

Well, this year's bill, which is a great bill, which I am going to support, adds about $27 million to the administrative accounts of the Department of Energy. So we take that $27 million increase in administrative costs, and we shift it towards this program of converting these potential nuclear bomb factories into low-enriched uranium.

This does not cut the administrative expenses of the Department of Energy. It simply gives the Department about the same amount that it has, actually a tiny bit more, than it has in the present fiscal year.

We need to prevent a nuclear 9/11. We will be able to convert about twice as many of these reactors from highly enriched uranium to low-enriched uranium if we adopt the amendment.

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

Mr. HOBSON. Mr. Chairman, I rise in opposition to the Andrews-Leach amendment.

The Acting CHAIRMAN. The gentleman from Ohio is recognized for 5 minutes.

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

The gentleman's amendment proposes to increase funding for nuclear nonproliferation activities that were already significantly increased in this bill.

The Nonproliferation and Verification Research and Development program budget was increased by $39 million, an increase of 15 percent over the request. This program develops better technologies for satellite detection of nuclear activities.

The MPC&A program was increased by $170 million, an increase of 41 percent over the request. This program secures nuclear weapons and nuclear material in Russia and installs radiation detection monitors at border crossings around the former Soviet Union and at foreign seaports.

The MegaPorts program was increased by $65 million, an increase of 162 percent over the request. The committee recognized the need to protect the country's seaports against nuclear smuggling and increased the funding to scan cargo containers.

The Global Threat Reduction Initiative, or GTRI, which the gentleman's amendment would increase funding for, was already increased by the committee for a total of $13 million, or 12 percent over the budget request. The increase was targeted to accelerate recovery of domestic and radiological sealed sources, Russian-origin nuclear material, and U.S.-origin orphaned nuclear materials still overseas.

I urge a ''no'' vote on the gentleman's amendment. We have already added $222 million to this account. I do not think we need to add any more money into this account at this time.

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

Mr. ANDREWS. Mr. Chairman, one of the reasons I am going to vote for the chairman's bill is because it has those increases, but I think we need to do more.

Mr. Chairman, I am pleased to yield 2½ minutes to my co-author, my friend from Iowa (Mr. LEACH).

Mr. LEACH. Mr. Chairman, I rise in deep respect for the subcommittee chairman, Mr. HOBSON; and I recognize how difficult it is to establish budget priorities within the limits provided. Nevertheless, I think it is important to note that there are many lessons of 9/11; and the one that stands out is it is relatively easy to destroy. A few can inflict havoc on the many with advanced economies being more vulnerable than less advanced ones to terrorist acts.

Significantly, what distinguishes this generation of citizens of the world from all others is that we are the first generation able not only to cause war or inflict anarchy but to destroy civilization itself. Weapons of mass destruction have been invented, refined, and access provided to a wider and wider group of nation states and potentially to terrorist organizations.

In the most profound observation of the last century, Einstein noted that splitting the atom had changed everything except our way of thinking. In this context I think there has never been a more important time to give threat reduction assistance and arms control a chance.

The goals of this Global Threat Reduction Initiative includes securing and/or removing vulnerable, high-risk nuclear and radiological materials throughout the world and minimizing or eliminating the use of highly enriched uranium. This amendment would add $27 million to the program and provide for acceleration of efforts to secure highly enriched uranium and other radiological materials. Further, it is our hope that this funding approach will give impetus to the effort to increase the number of HEU reactors being converted to low-enriched uranium.

What is needed is increased priority to this program. If Congress can lead, we would, as President Eisenhower once suggested in another context, be dedicating some of our country's strength ''to serve the needs rather than the fears of mankind.''

Mr. Chairman, I honor the subcommittee chairman. There is a great deal that is worthy in this bill, and I fully intend to support it. But I would hope this modest change in priorities could be looked at sympathetically by this body.

Mr. HOBSON. I understand the gentleman's concern. Let me tell you this. If funds become available along the way, we will take a look at it. I am interested in the program, but I just think we have done an awful lot, probably more than this committee has done in years. Mr. VISCLOSKY has been around longer than I, and Mr. OBEY has always been interested in nonproliferation, Mr. EDWARDS has been interested in nonproliferation, and we have tried to meet those needs by the amounts of moneys we have put in here.

I am sorry this does not meet the gentlemen's needs at this point, but if funds become available along the way and we can find them, we will do that.

But at this point I would have to oppose the gentlemen's amendment but tell them along the way we will try to take a look at it as best we can.

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

Mr. ANDREWS. I simply would like to thank the chairman and the ranking member for the debate and again commend them for the increases they have in these accounts. I just respectfully believe we should do more, and I would ask my colleagues to vote ''yes'' on this bipartisan amendment.

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

□ 1715

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

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

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

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

The Acting CHAIRMAN. The Clerk will read.

The Clerk read as follows:

TITLE IV

INDEPENDENT AGENCIES

APPALACHIAN REGIONAL COMMISSION

For expenses necessary to carry out the programs authorized by the Appalachian Regional Development Act of 1965, as amended, not withstanding 40 U.S.C. 14704, and, for necessary expenses for the Federal Co-Chairman and the alternate on the Appalachian Regional Commission, for payment of the Federal share of the administrative expenses of the Commission, including services as authorized by 5 U.S.C. 3109, and hire of passenger motor vehicles, $35,472,000, to remain available until expended.

DEFENSE NUCLEAR FACILITIES SAFETY BOARD

SALARIES AND EXPENSES

For necessary expenses of the Defense Nuclear Facilities Safety Board in carrying out activities authorized by the Atomic Energy Act of 1954, as amended by Public Law 100–456, section 1441, $22,260,000, to remain available until expended.

DELTA REGIONAL AUTHORITY

SALARIES AND EXPENSES

For necessary expenses of the Delta Regional Authority and to carry out its activities, as authorized by the Delta Regional Authority Act of 2000, as amended, notwithstanding sections 382C(b)(2), 382F(d), and 382M(b) of said Act, $5,940,000, 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, $7,536,000, to remain available until expended, nothwithstanding the limitations contained in section 306(g) of the Denali Commission Act of 1998.

NUCLEAR REGULATORY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Commission in carrying out the purposes of the Energy Reorganization Act of 1974, as amended, and the Atomic Energy Act of 1954, as amended, including official representation expenses not to exceed $19,000, $808,410,000, to remain available until expended: *Provided*, That of the amount appropriated herein, $40,981,840 shall be derived from the Nuclear Waste Fund: *Provided further*, That revenues from licensing fees, inspection services, and other services and collections estimated at $656,328,000 in fiscal year 2007 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 2007 so as to result in a final fiscal year 2007 appropriation estimated at not more than $152,082,000.

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, as amended, $8,144,000, to remain available until expended: *Provided*, That revenues from licensing fees, inspection services, and other services and collections estimated at $7,330,000 in fiscal year 2007 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 2007 so as to result in a final fiscal year 2007 appropriation estimated at not more than $814,000.

NUCLEAR WASTE TECHNICAL REVIEW BOARD

SALARIES AND EXPENSES

For necessary expenses of the Nuclear Waste Technical Review Board, as authorized by Public Law 100–203, section 5051, $3,670,000, to be derived from the Nuclear Waste Fund, and to remain available until expended.

TITLE V

GENERAL PROVISIONS

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

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

Mr. HOBSON (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of the bill through page 47, line 2, be considered as read, printed in the RECORD and open to amendment at any point.

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

There was no objection.

AMENDMENT NO. 4 OFFERED BY MR. BARTON OF TEXAS

Mr. BARTON of Texas. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. BARTON of Texas:

Page 47, after line 2, insert the following new section:

SEC. 503. None of the funds made available by this Act from the Nuclear Waste Fund may be used to carry out the Global Nuclear Energy Partnership program.

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

The Chair recognizes the gentleman from Texas.

Mr. BARTON of Texas. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, $26 billion has been collected from our Nation's electricity consumers to pay for the disposal of spent nuclear fuel in a repository. $8 billion of that $26 billion already has been spent, leaving a balance of $18 billion in Nuclear Waste Fund.

The Department of Energy has not yet proposed to use this fund for the Global Nuclear Energy Partnership, but they do believe that they have the authority under the Nuclear Waste Policy Act subject to appropriations. I strongly disagree with that interpretation.

Consumers have paid for nuclear waste to be disposed of in a repository that should have been opened in 1998, 8 years ago. What they have not paid for is a program to encourage the development of nuclear energy in other countries, and they have not paid for a program to dispose of those other countries' spent fuel.

My amendment would simply prohibit the Department of Energy from looting the Nuclear Waste Fund for the Global Nuclear Energy Partnership, a program that is overly broad, premature and poorly defined. This money should be reserved for its designated purpose.

If DOE wants to encourage the development of nuclear energy, then it is time to focus here at home. It is time to get Yucca Mountain open, so new nuclear plants can be built in our own country.

I would urge my colleagues to support this amendment. It is my understanding that Mr. DINGELL supports the amendment. It is also my understanding that the chairman of the Appropriations subcommittee before us, Mr. HOBSON, supports the amendment.

Mr. Chairman, I yield such time as he may consume to the gentleman from Ohio (Mr. HOBSON).

Mr. HOBSON. Mr. Chairman, I support the amendment from the chairman of the Energy and Commerce Committee. As you know, our bill does not use the Nuclear Waste Fund for any activities under the Global Nuclear Energy Partnership. Your amendment is entirely consistent with the views of our committee and its uses of the waste fund, and I encourage Members to support this amendment.

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

The Acting CHAIRMAN. All time having expired, the question is on the amendment offered by the gentleman from Texas (Mr. BARTON).

The amendment was agreed to.

AMENDMENT OFFERED BY MS. BERKLEY

Ms. BERKLEY. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Ms. BERKLEY:

Page 47, after line 2, insert the following new section:

SEC. 503. None of the funds made available by this Act may be used by the Office of Civilian Radioactive Waste Management to administer the ''Yucca Mountain Youth Zone'' website.

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

The Chair recognizes the gentlewoman from Nevada.

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

Mr. Chairman, I would like to introduce my colleagues and the American people to the newest member of the Bush administration's energy policy team. His name is Yucca Mountain Johnny. He is the star of the Energy Department's Yucca Mountain Youth Zone Web site devoted to brainwashing school children into believing that burying the Nation's nuclear garbage 90 miles from Los Vegas is safe. The Web site features helpful facts on nuclear waste, as well as games and activities to make high level nuclear waste fun.

High level nuclear waste is not fun. It is dangerous, and the Department of Energy should not be using taxpayer money to politicize this issue or to use the DOE Web site designed to attract children as a propaganda tool.

Yucca Mountain Johnny is full of advice for America's youth. Among his witty sayings, he says, ''The worst mistake is never making one.''

Well, Yucca Mountain is a mistake. This Web site is a mistake. Yucca Mountain Johnny, with all due respect, is a mistake, and to promote the proposed Yucca Mountain nuclear waste repository to our Nation's children under the guise of education is a big mistake.

What is next, I ask my colleagues? Will the Department of Health and Human Services recruit Joe Camel to teach our children that smoking and tobacco is good for them? This is no less egregious.

Whether you are pro-Yucca or anti-Yucca, I hope that we are all pro-children. As a parent, I am imploring my colleagues to let us not allow the DOE to use a cartoon character to persuade our children that nuclear waste is safe and good for you. It is not. This is wrong. This Web site is wrong. Yucca Mountain Johnny is very wrong.

My amendment would prohibit the Department of Energy from maintaining a Web site whose purpose is the indoctrination of our children by the nuclear industry, the Department of Energy and other proponents of Yucca Mountain.

I urge my colleagues to support this amendment. I cannot imagine how anybody could think Yucca Mountain Johnny is good for our school children.

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

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

The Acting CHAIRMAN. The gentleman from Ohio is recognized for 5 minutes.

Mr. HOBSON. I yield 2 minutes to the gentleman from Texas (Mr. BARTON).

Mr. BARTON of Texas. Mr. Chairman, I thank the gentleman.

Mr. Chairman, I rise in opposition to this amendment also. It is obvious that people can have different opinions about projects, and the gentlelady from Nevada certainly has the right to have a difference of opinion about whether there should be a Yucca Mountain repository at all. I respect her opinion.

Having said that, I don't think there is any question that we should allow the Department of Energy to educate on just what that repository would be if it were in operation. They have put up a Web site for children, and they have got some diagrams and some information on it that is of a very simple nature, but to my knowledge, nobody has questioned the accuracy or truth of what is on the Web site.

So to say we are just not going to allow the Department of Energy to have an educational Web site for the children in Nevada, or any other area that wishes to find out, my guess is that most of the children that access this use it for term papers and papers in their classrooms that they have to do on nuclear power.

So I would hope we would oppose the gentlewoman's amendment and let the Department of Energy continue its educational program. Whether you oppose or support the repository, we should at least want the facts out to our children and adults who wish to use that same Web site about just what exactly it is.

So I oppose the amendment.

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

Mr. Chairman, I would probably not be as upset with Joe Camel, excuse me, Yucca Mountain Johnny, if there was a more balanced approach on this Web site. It doesn't talk about the risks of transporting nuclear waste through 43 States. It doesn't talk about the potential of accidents or being an inviting target for terrorists. It doesn't talk about the fact that Yucca Mountain is in a volcanic and seismic zone area. It doesn't talk about the chronic mismanagement of the project by the DOE. It doesn't talk about what was contained in the e-mails that said they were ''making up the science,'' ''making up the stuff.'' It doesn't say anything about the existence of safer and cheaper alternatives.

What it does do, some of the pithy sayings, and I can't imagine anybody doing a term paper on this one, ''Think safe, be safe.'' ''Change your attitude and you change the world.'' ''Any idea is worth having.'' ''The best sense for safety is common sense.''

Now, quite candidly, I don't know what the schools are like in your State, but in the State of Nevada, that is not term paper material.

So this is just used for the sole purpose, and this cartoon character was created with taxpayer money, taxpayer money, to convince elementary school children that nuclear waste is a good thing. Why would we want to do this? Why would we use one penny of taxpayer money on Yucca Mountain Johnny? Have we nothing better to do with our resources in this Nation?

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

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

Mr. Chairman, I rise in opposition to the amendment. We talked about it, and we are on very different sides of this issue.

One of the reasons I am upset about some other things out here is I don't want to build seven or eight Yucca Mountains, and we differ on that, and I don't want to put perfectly good rods into Yucca Mountain. I want to go through GNEP and some other things. And maybe someday, if we were really lucky, we wouldn't have to put anything there. But I assume that we will probably have to do some things, certainly with the Naval reactor stuff.

But I think education is one of the most important things we can do. I think one of the things we ought to work on is maybe we need to look at this Web site and have some other types of things and some more balance to it. I happen to think that the best cure for fear is knowledge, and I don't happen to agree with some of the things that you are causing fear about what is going on at Yucca Mountain, and we may disagree about that.

But if we could have a more balanced approach, I still think Yucca Mountain Johnny may have a place in teaching kids. We may differ on where that place is. But I think, in the long run, education, good education is a way to go. So I would encourage the gentlelady to try to work with us and maybe with the Department to get a better and less cutesy sort of thing going and educating people, especially young people, about Yucca Mountain and the responsible use of green fuel in this country.

Ms. BERKLEY. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I don't believe I said anything about fear. This is not about fear or creating fear. This is about using taxpayer dollars for a cartoon character when we have better things to do with our money.

It doesn't matter to me if you are pro-Yucca or anti-Yucca, this is not a good expenditure of our taxpayers' dollars, and we shouldn't be using our children as propaganda tools. This is not Communist Russia. The last time I looked, this is the United States of America.

If you will let me redesign this Web site, I might be a little bit more interested in Yucca Mountain Johnny. Right now, just his name is an offense to the people of the State of Nevada.

The Acting CHAIRMAN. The time of the gentlelady has expired.

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

□ 1730

The Acting CHAIRMAN. The question is on the amendment offered by the gentlewoman from Nevada (Ms. BERKLEY).

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

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

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

AMENDMENT OFFERED BY MR. MARKEY

Mr. MARKEY. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. MARKEY:

Page 47, after line 2, insert the following new section:

SEC. 503. None of the funds made available by this Act may be used to carry out subtitle J of title IX of the Energy Policy Act of 2005 (42 U.S.C. 16371 et seq.).

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

The Chair recognizes the gentleman from Massachusetts.

Mr. MARKEY. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, believe it or not, in this budget there is $50 million to help the oil industry figure out how to do ultra-deep drilling for oil.

Now, the Republicans here in Congress do this despite the fact that President Bush says this on the program, ''I will tell you, with $55-a-barrel oil, we do not need incentives to oil and gas companies to explore.''

It is now $70 a barrel. The President has asked us to take out the money. It is ultimately a $500 million 10-year project. The only ultra-deep drilling that is going on here is in the pockets of American taxpayers by oil companies which have reported $110 billion worth of profit in the last year.

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

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

The Acting CHAIRMAN. The gentleman from Ohio is recognized for 5 minutes.

Mr. HOBSON. Mr. Chairman, I yield 1 minute to the gentleman from Texas (Mr. BARTON).

Mr. BARTON of Texas. Mr. Chairman, I rise in opposition to the Markey amendment.

This Ultra-Deep Program was authorized by the Energy Policy Act last summer, had bipartisan support. The Ultra-Deep is a research program that universities and independents and various national laboratories would participate in. This is to try to find the technology to allow us to go into waters primarily in the Gulf of Mexico, very deep waters, to develop the technology so that we can go in and drill in an environmentally safe fashion and recover what are estimated to be almost 4 trillion cubic feet of natural gas and almost 1 billion barrels of oil.

It is primarily a research program. It is authorized at $50 million for 10 years, or a total of $500 million. This money would go to universities like the University of Texas, Texas A&M, in my great State, Massachusetts Institute of Technology in Massachusetts, in consortium with our national laboratories and the smaller independent oil and gas companies to develop technology in an environmentally safe fashion to develop those necessary resources for our energy future.

Mr. Chairman, I oppose the Markey amendment.

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

Mr. MARKEY. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I would like to read to the Members who are paying attention what President Bush has said to us this year, just a couple of months ago. Here is what he says. He says, ''In the 2007 budget, we recommend repealing provisions of the Energy Policy Act for a new mandatory $50 million per year oil and gas R&D program funded with Federal revenues from oil and gas leases which would be similar to the discretionary programs proposed for termination. Industry has the incentives and the resources to do such research and development on its own.''

That is from President Bush and Dick Cheney to us on the floor.

We do not need this $500 million program. Mom and pop companies do not go out into deep water. The companies that are going out there are ExxonMobil, BP, Chevron, Conoco, Marathon. We do not have to subsidize these oil companies. They are already tipping the American consumer upside down and shaking money out of their pockets at the pump every single day.

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

Mr. HOBSON. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. HALL).

Mr. HALL. Mr. Chairman, I rise in opposition, of course, to the Markey amendment that would repeal funding for DOE's administration of the Ultra-Deep Water and Unconventional Natural Gas Program.

Mr. MARKEY is just absolutely dead wrong when he describes this ultra-deep is a program for big energy, big energy companies, ExxonMobil and all of those. Actually, ExxonMobil is not even a member of the consortium that was selected to oversee the Ultra-Deep Program.

To call a Federal R&D program a subsidy is like calling public education a social giveaway. The Ultra-Deep Program is about American energy for the American people, for the American young people, young people that will have to fight a war if we do not have energy for them. Countries will fight for energy. This country will fight for energy.

We do not have to, because 55 years of natural gas awaits us in the gulf. But we have to have this amendment to get it. The Ultra-Deep Program is about American energy. Nineteen of the 84 members of the consortium are universities, not Big Oil.

If Mr. MARKEY looks closely enough, he will find that one of those universities is his own Massachusetts Institute of Technology. Even more than the universities, the American people are beneficiaries of the Ultra-Deep Program.

First, the American people benefit because the intellectual property developed from the Ultra-Deep Program will belong to all of the American people, not any one company and not Big Oil.

Second, the American people will benefit because it helps get the country off foreign sources of oil and gas. The Energy Information Administration estimates that the Ultra-Deep Program will increase our domestic oil production by 50 million barrels of oil and 3.8 million cubic feet of natural gas.

Big Oil left us and went to produce in countries like Venezuela and Nigeria. The businesses that will be able to use the ultra-deep technologies are the little independent oil and gas companies that do not have the funds for huge R&D programs, not Big Oil.

It seems to be a little-known fact to Mr. MARKEY that these little independents are the companies that produce 68 percent of the net domestic oil and 82 percent of the domestic natural gas, not Big Oil. We need to help these producers get more.

Lastly, I want to emphasize that the Ultra-Deep Program is one of the few R&D programs that pays for itself. The money for the Ultra-Deep Program comes from royalty revenue that the oil and gas companies have to pay for it.

The energy is there. We know that. We have studies that show it is there. With this program, we can get it up.

Mr. MARKEY. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, you know, I am like a referee at an intramural Republican fight here. And so I am just trying to ref it so that you can understand what is going on.

The President and the Vice President have asked for this huge subsidy to huge oil companies to be taken out. He is kind of being a free marketeer here. Well, the Republican leadership here is saying, no, we want to give another half a billion dollars to companies that are now charging $3 a gallon for gasoline, made $114 billion last year and, in the President's own words, do not need this subsidy.

So it is free marketeers versus subsidizers, but it is an intramural slaughter inside the Republican Party. And which of the companies are going to be the beneficiaries in this partnership to secure energy for America? The names are Chevron, Halliburton, BP, Marathon Oil, Kerr-McGee and others.

And this is DICK CHENEY and George Bush saying take the money out. But yet they continue to commit to these subsidies from the taxpayer even as the companies report huge profits.

Mrs. EMERSON. How much time do we have remaining on our side?

The Acting CHAIRMAN. Without objection, the gentlewoman from Missouri will control the time originally claimed by the gentleman from Ohio.

There was no objection.

The Acting CHAIRMAN. The gentlewoman from Missouri has 2 minutes remaining.

Mrs. EMERSON. Mr. Chairman, I yield such time as he may consume to the gentleman from New Mexico (Mr. PEARCE).

Mr. PEARCE. Mr. Chairman, it is interesting to listen to the discussion by the gentleman from Massachusetts describing himself as a referee.

Now he was showing the American taxpayer held by their feet shaking the money out of their pockets. The truth is that this program is actually funded by revenue from taxes on oil and gas production, and that is it.

So, first of all, the money for the program comes directly from oil and gas companies. But then the big beneficiary is, the money that is being poured into the pockets of the taxpayers, $15 million was used previously by universities to study coal bed methane gas. This last year, 2005, $327 million came into the budget from that $15 million dollar budget, and every year we are increasing the production of coal bed methane gas.

The beneficiaries are not Texaco, Chevron. They are not ExxonMobil. The beneficiaries are MIT, Stanford, Penn State, and a whole plethora of other research institutions.

This makes sense to lower the costs of energy to our American consumers. One party is in favor of that. The referee stands here trying to block the American people from having lower energy prices. That is a very simple fight to referee, my friend.

Mr. Chairman, I oppose the amendment.

Mr. MARKEY. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I am so sorry that President Bush cannot be here on the House floor, but under separation of power, he just cannot be here.

I would just like to reference for the Republicans on this side what the President has said on this issue. ''I will tell you, with $55-a-barrel oil, we do not need incentives for oil and gas companies to explore.''

That is President Bush talking to the Republicans in Congress.

You do not have to tell me that. I already believed that. But he is on my side of the debate now.

So the point that we are making is quite clear that, yes, the money comes from the oil companies, but the money comes from oil companies because they have to pay the public for the leases on public land. So the public gets the money.

But then what this bill does is then it takes the money back out of the taxpayers' pockets and it hands it back over to the oil companies who have already been in the other pocket of the consumer, tipping them upside down and taking it out of $3 a gallon.

So this is basically the bonus for one oil executive for a couple of years. I mean, that is where they can get the money from if this is such a valuable project.

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

Mr. HOBSON. Mr. Chairman, I have no additional speakers at this time and yield back the balance of my time.

Mr. MARKEY. Mr. Chairman, in conclusion, this amendment is nothing more nor less than an attempt to be fair to the American taxpayer. They are howling at the pumps. They feel like they are getting stuck up at the gas stations. They are paying too much. They are being ripped off.

And this just adds insult to energy by having the oil companies then come to Congress and saying, now you do the research for us. You pay us to go out and drill for more oil. We will then charge you $3.50, $4 a gallon for it. It just makes no sense.

President Bush and DICK CHENEY want this amendment to pass. Vote ''aye'' on the Markey amendment.

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

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

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

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

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

AMENDMENT OFFERED BY MR. VISCLOSKY

Mr. VISCLOSKY. Mr. Chairman, as the designee of the gentleman from Tennessee (Mr. GORDON) I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. VISCLOSKY:

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

SEC. 503. None of the funds made available by this Act shall be used in contravention of the Federal buildings performance and reporting requirements of Executive Order 13123, part 3 of title V of the National Energy Conservation Policy Act (42 U.S.C. 8251 et seq.), or subtitle A of title I of the Energy Policy Act of 2005 (including the amendments made thereby).

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

The Chair recognizes the gentleman from Indiana.

□ 1745

Mr. VISCLOSKY. Mr. Chairman, I would ask unanimous consent that Mr. GORDON's entire statement be entered into the CONGRESSIONAL RECORD.

The Acting CHAIRMAN. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. VISCLOSKY. I would yield a portion of my time to the chairman of the committee.

Mr. HOBSON. Mr. Chairman, I support the amendment that is being offered by Mr. GORDON.

Mr. VISCLOSKY. I appreciate the chairman's observation.

Mr. GORDON. Mr. Chairman, despite the high cost of energy and existing laws enforcing conservation, Federal agencies still do not give energy efficiency a priority and continually fall short of meeting their requirements.

Our estimates are that the Federal Government wasted almost half a billion dollars in the last 2 years by not meeting its requirements—or roughly equivalent to 8,200 barrels of oil every day—a total of 6 million barrels over the last 2 years.

This happens because the laws already on the books are not taken seriously enough. The National Energy Conservation Policy Act—NECPA, last year's Energy Bill—EPACT, and a related Executive order all clearly state that agencies shall meet aggressive but reasonable energy efficiency goals and standards and to prepare reports to the Department of Energy, the Office of Management and Budget, and the Congress and on the agencies' performance. Yet the Federal regulations that govern new building construction are 17 years out of date and the reports reach the Congress months or years after the data is available.

The amendment I am offering today would increase the incentive for agencies receiving appropriations under the Agriculture appropriations bill to comply with the law by tying Federal buildings performance to appropriations.

This amendment simply states that none of the funds made available by this act shall be used in contravention of Federal buildings performance requirements. Therefore, agencies must adhere to existing law when constructing, leasing or refurbishing any building with money appropriated under this act.

These relatively simple steps in designing new buildings in conformance with current law, measuring building performance, and procurement of energy efficient products will contribute to substantial energy savings in the Federal sector—lessons that have already been learned outside the Federal Government.

Increased energy conservation in the Federal sector means cleaner air, cleaner water, and in a time of soaring energy costs, keeping money in taxpayers' pockets.

How can we expect consumers and industry to make sacrifices and commit to energy conservation when the Federal Government fails to make it a priority for itself?

Mr. Chairman, I urge adoption of the amendment.

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

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana (Mr. VISCLOSKY).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. KING OF IOWA

Mr. KING of Iowa. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. KING of Iowa:

Page 47, after line 2, insert the following:

SEC. 503. None of the funds made available in this Act may be used for the Corps of Engineers to implement the Spring Rise, also known as the bimodal spring pulse releases, on the Missouri River.

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

The Chair recognizes the gentleman from Iowa.

Mr. KING of Iowa. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment that I bring before the House today deals with the Missouri River and the flows on the Missouri River that are controlled by the Corps of Engineers in a series of dams that start at Gavins Point Dam in southeast South Dakota and move clear on up into Montana.

It has been a struggle along this river for the last several years because there has been a drought upstream for the last 7 to 8 years. And the struggle over the water is something that many people, at least west of Mississippi, are familiar with.

This is centered upon an endangered species, an endangered species called the pallid sturgeon. Fish and Wildlife and a number of environmental groups working in conjunction with the Corps of Engineers have come up with this grand experiment. It is this experiment that the idea that the natural spawning of the pallid sturgeon could be enhanced if they created a manmade flood, a ''spring rise'' as they call it.

Now, there is not a basis in science for this that we identify, and we have had some hearings on it. It is the belief that if you have the water come up in the spring, that it somehow triggers a spawning cue, but in fact, rather than emptying the dams out upstream and starving the reservoirs up there of water and flushing out the river and flooding our farmers in especially southwest Iowa and down into Missouri, we have also had those similar circumstances that have taken place repeatedly naturally because of the tributaries that produce this spring rise.

So there is not a basis in science for it, and my amendment removes any funding to be used to create a spring rise until such time as there would be a sound science to establish that.

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

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

The Acting CHAIRMAN. The gentleman from Ohio is recognized for 5 minutes.

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

This amendment reduces the funding for the O and M account. This account is already a backlog of critical activities to ensure the safety and operation of existing programs. The amendment places our water resources infrastructure at further risk, and I oppose the amendment and encourage my colleagues to vote ''no'' on this amendment.

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

Mr. KING of Iowa. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I make the point that this is of critical economic interest to the Missouri River bottoms all the way from Sioux City, Iowa, clear on down to St. Louis, particularly the people on the Missouri side. When we have a manmade flood, there is not crop insurance that will protect for a manmade flood. And yet we have a government-induced manmade flood that is being created as an environmental experiment, and that environmental experiment is just that, an experiment. And so I seek to protect our producers.

The reason that the project was put in place is so that we could have flood protection, navigation and open up the economy.

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

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

I misspoke a little earlier on this amendment. And I will issue a statement correcting the first part that I misspoke before.

This activity is part of a biological opinion under the Endangered Species Act. It is not appropriate to legislate this activity on the energy and water development bill.

I would really prefer that my colleague would withdraw the amendment. Failing that, I would oppose the amendment and ask my colleagues to vote ''no.''

This is not the appropriate forum for this piece of legislation. I understand the gentleman's concern.

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

Mr. KING of Iowa. Mr. Chairman, how much time do I have remaining?

The Acting CHAIRMAN. The gentleman from Iowa has 2 minutes remaining.

Mr. KING of Iowa. Mr. Chairman, I yield myself the balance of my time.

I want to thank the chairman for his work on this overall bill and his interest on a broad variety of issues all across this country and his cooperation that I have enjoyed and appreciated the years I have served in this Congress.

I am sensitive to the chairman's judgment on this issue because he has to look at the Nation as a whole, and I have to represent my district. And that is our issue that is here. It is not really even a philosophical disagreement. I take the opportunity to present this species. I happen to have probably the only one in Washington, D.C., a pallid sturgeon in captivity. Actually, it is legal in my possession. I want to pass this down to the chairman for his observation at a convenient point if I could.

I want to make a closing point that when we let ideas that are not sound science dictate the economy in this country, especially when we have the billions of dollars invested for those reasons in the Missouri drainage area as I said, that is for flood control and also for barge freight and then for the economy on up the river. And the last reason is the one that they are using to date, the belief that we can flood the river and flood the backwaters, and that is the spawning areas. And then we can have another flood and go out and round them back up again, even though those circumstances have been established there in nature, and it does not pay for us then to make a false flood to try to emulate what has already happened in nature, believing that something different is going to happen, the spawning has not taken place.

I would point out that we do have hatcheries up and down the river. I visited one of those hatcheries, which is where this sample species came from, and in those hatcheries, we were able to take 250,000 eggs and fertilize those eggs and have a 95 percent success rate of releasing live and healthy pallid sturgeons into the river. And we are very close to producing the second generation. We have made a lot of progress. And I think we are going to be able to save this species, and we can save the endangered species which is the river bottom farmer if we use good judgment.

Mr. GRAVES. Mr. Chairman, I rise in strong support of Mr. KING's amendment.

As many of you know, earlier this month the Army Corps of Engineers decided to move forward with a spring rise on the Missouri River. I continue to remain strongly opposed to this policy because it significantly raises the chances of something adverse happening to the over 1 million Missourians that live along the river's flood plain.

Mr. Chairman, the spring rise is a huge gamble. We are gambling with the livelihoods of all the farmers, landowners, homeowners, and merchants along the river. All for what? To maybe trigger the spawning patterns of the pallid sturgeon. This is a risky science experiment to me, and I will continue to fight against this and future spring rises.

It's the farmer that we need to protect. I wish to remind this body how important farmers are to us three times a day when we eat. A spring rise substantially increases the chances of down river flooding and we cannot risk that potential damage to our agricultural community. Farmers play a critical role in America and to the countless countries that rely on them to feed their populations. We must protect our farmers and their livelihoods before we consider this unfounded experiment.

Mr. Chairman, I rise in support of this amendment and encourage its passage.

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

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

The amendment was rejected.

AMENDMENT OFFERED BY MR. STUPAK

Mr. STUPAK. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. STUPAK:

Page 47, after line 2, insert the following:

SEC. 503. None of the funds made available in this Act may be used to implement a policy, proposed on pages V–5 and V–6 of the US Army Corps of Engineers Civil Works Direct Program: Program Development Guidance for Fiscal Year 2007 (Circular No. 11–2–187), to use or consider the amount of tonnage of goods that pass through a harbor to determine if a harbor is high-use.

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

The Chair recognizes the gentleman from Michigan.

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

Mr. Chairman, beginning in fiscal year 2005, the United States Army Corps of Engineers and the Office of Management and Budget began implementing new guidelines for including in their budget for operation and maintenance dredging of commercial harbors. Unfortunately, this new policy significantly limits dredging of harbors in rural communities including several communities in my northern Michigan district.

In fiscal year 2006, the corps excluded harbors that moved less than a million tons of cargo each year. For fiscal year 2007, the corps is using a similar tonnage base standard, requiring that dredging projects cost less than $2 per ton of product moved annually.

By using a standard based on tonnage, harbors that do not move a large amount of tonnage but are still important to the economic success of rural areas are excluded from the President's budget. As a result, a number of routine Army Corps harbor dredging projects across the country will not be carried out.

In fiscal year 2006, there were 293 harbors in the United States classified as low use. These harbors were not included in the corps budget, even though they have been in previous years, simply because of this unfair budget standard; 293 communities are impacted by this devastating new policy. An example of how this policy affects communities in my district, Ontonagan, Michigan, residents were taken by surprise when last year, for the first time in many years, the harbor was not included in the President's budget. Not dredging this harbor will have significant effect on the future of our paper company, Smurfit-Stone Container Corporation, which relies on the harbor for coal and limestone deliveries. White pine power, a revitalized coal plant that depends on the harbor for coal deliveries for power generation in an area that is underserved with electricity will also be jeopardized.

In addition, annual dredging helps prevent flooding in Ontonagon, helping to prevent the devastating private property loss and damage.

While this port does not meet the corps' new standard, dredging plays an essential role in preserving the economy, electric generation and protecting this community; 293 communities in the United States have similar concerns.

This policy is not just detrimental to these rural communities. In setting this policy, the corps also disregards the fact that approximately two-thirds of all shipping in the United States either starts or finishes at small ports. By ignoring the needs of these communities, the corps is also significantly harming the Nation's economy.

The House is on record that the corps' neglect of our rural harbors is unwise and unreasonable. During consideration of the Water Resources Development Act last July, my amendment to require the corps to fund harbor dredging projects based on standards used in fiscal year 2004 was included in the WRDA bill. While the WRDA bill is unfortunately being held up in the Senate, this policy continues to threaten the economies of those cities that depend on these ports.

Therefore, if I may enter into a brief colloquy with the chairman, does the chairman of the subcommittee share my concerns that the corps' new dredging policy is misguided and harms our rural economies?

Mr. Chairman, I yield to the gentleman from Ohio.

Mr. HOBSON. Yes, generally, I do.

Mr. STUPAK. Reclaiming my time, with that regard I will be withdrawing my amendment. I would also thank both the chairman, Mr. HOBSON, and the ranking member, Mr. VISCLOSKY, for their support on this issue. Hopefully, we will be able to pass a WRDA bill and go to conference and have it pass this year so the language that we are looking for will be included. I look

forward to working with the committee and these gentlemen on this issue.

Mr. Chairman, I yield to the gentleman from Indiana (Mr. VISCLOSKY).

Mr. VISCLOSKY. Mr. Chairman, I appreciate the gentleman yielding. The gentleman from Michigan is correct to bring this issue up. The regulations that determine dredging in the Great Lakes need to be updated and reflect the true economic value that they produce.

The Great Lakes are the fourth sea coast of this Nation and home to the U.S. Flag fleet and the Canadian Flag fleet. In addition, dozens of international vessels regularly travel through the Great Lakes, visiting port communities along the way. These vessels team up to haul upwards of 125 million tons of cargo during a typical 10-month shipping season. That is almost a half of ton for every person in the United States of America. I truly thank the gentleman for highlighting this inequity and certainly assure him that we will continue to work closely with the chairman to rectify this problem.

Mr. STUPAK. Mr. Chairman, I ask unanimous consent to withdraw my amendment based upon the colloquy and comments here today.

The Acting CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

AMENDMENT OFFERED BY MR. BISHOP OF NEW YORK

Mr. BISHOP of New York. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. BISHOP of New York:

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

SEC. 503. None of the funds made available by this Act may be used by the Federal Energy Regulatory Commission to review the application for the Broadwater Energy proposal, dockets CP06–54–000, CP06–55–000, and CP06–56–000.

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

The Chair recognizes the gentleman from New York.

Mr. BISHOP of New York. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, first, let me start by thanking my colleague and friend from Connecticut, Ms. DELAURO, for co-sponsoring this amendment and for her leadership in the effort to protect the splendor of Long Island Sound.

Our amendment limits the use of any funds appropriated in this bill for use by the Federal Energy Regulatory Commission to review the pending application for the placement of a floating storage and regasification unit known as Broadwater in the middle of Long Island Sound, an area that was designated by the Environmental Protection Agency as an estuary of national significance.

□ 1800

To be clear, the amendment does not block any other pending application before the FERC relating to the placement of onshore and offshore liquefied natural gas projects around the country. Rather, it is intended to protect the splendor of Long Island Sound as we expand our energy independence.

Like my colleagues on both sides of the aisle, I believe that it is in the best interest of our Nation to develop new and innovative technologies, expand refining capacity and increase the supply of natural gas. However, we must strike a responsible balance between expanding the supply of energy and protecting the environment.

Long Island Sound has benefited from hundreds of millions of dollars invested by the Federal Government, the States of New York and Connecticut, as well as local towns and municipalities fighting to curb hypoxia, brown tide and other destructive pollutants which decimated our fishing and shell fishing industries and set back the regional economies.

Today, Long Island Sound generates $5 billion annually for the regional economy from commercial and pleasure boating, commercial and sport fishing and other forms of tourism. It should be easy to understand why it is imperative to preserve this flourishing economy and the splendor of its environment for the benefit of over 10 million people who live within the Long Island Sound watershed alone.

Placing a floating terminal in this location threatens to jeopardize its precious ecosystem, the regional economy and the delicate balance between environmental preservation and energy independence that we have worked so hard to achieve.

Mr. Chairman, my amendment is not intended to weaken the case for expanding our supply of natural gas. My amendment is about making sure that we don't lose sight of our environmental goals or allow preservation and conservation to take a back seat in the rush to formulate a more effective and less expensive energy policy.

I ask my colleagues on both sides of the aisle to support this amendment and work with me to make sure that we satisfy our energy needs while preserving the integrity of our natural resources.

Let me close by thanking Chairman HOBSON for his continued support for Brookhaven National Laboratory, which is in my district. Thanks to his continued support and leadership, along with the ranking member, the scientific research funded in this bill will go a long way to advance our Nation's technological edge and competitiveness.

I reserve the balance of my time.

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

The Acting CHAIRMAN (Mr. MCHUGH). The gentleman from Ohio is recognized for 5 minutes.

Mr. HOBSON. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. BARTON).

Mr. BARTON of Texas. I thank the gentleman.

Mr. Chairman, I rise in the strongest possible opposition to this amendment. The Energy Policy Act that we voted on in a bipartisan fashion last summer on this very floor changed the way that we have to permit our liquefied natural gas facilities and has given the Federal Energy Regulatory Commission the authority, working with the States, to have the say in where to put these LNG facilities.

This particular facility is a facility that would be located in the Northeast, offshore, in a remote area. It is the only proposal of its type that is currently before the Federal Energy Regulatory Commission. If we adopt this amendment, it would preclude the FERC from even reviewing the application.

Now, the Northeast part of the United States needs energy. This particular facility, if permitted and if operated and if operated to maximum capacity, could supply up to 25 percent of the entire needs of the Northeastern United States in terms of their natural gas usage.

To adopt this amendment right now simply says to that part of the country, We don't want any more energy.

Mr. MARKEY of Massachusetts offered an amendment in committee to the bill, the energy bill that is now the law that says LNG facilities have to be located in remote areas. This facility would be located offshore in a remote area. If we are going to say no to this, we just might as well say we don't want any more facilities in the Northeast. I don't know how they are going to get energy, but if they can't get it from LNG and they can't get it from pipelines and they can't it from drilling and they can't get it from any other area, how are they going to get it?

I strongly oppose this amendment. Let's at least let the FERC review the application. If they decide that it shouldn't be permitted, so be it. But let's at least let them look at the application.

Mr. BISHOP of New York. May I inquire as to how much time I have left?

The Acting CHAIRMAN. The gentleman from New York has 2 minutes remaining.

Mr. BISHOP of New York. If I may quickly respond to my friend from Texas. He characterizes the Long Island Sound as a remote area. That is incorrect. There are approximately 10 million people who live within a 50-mile radius of the Long Island Sound. I don't think that would fall within any reasonable description of a remote area.

Secondly, the Energy Policy Act which my friend from Texas cites

strips local government of the right to have a say in whether or not we site facilities of this type within areas. This is an effort on our part to assert some local control. Every elected official on both sides of the aisle that has responsibility for this region opposes this facility, as does the vast majority of the population.

With that, I would like to yield the balance of my time to my friend from Connecticut, Congresswoman DELAURO.

The Acting CHAIRMAN. The gentlewoman from Connecticut is recognized for 1 minute.

Ms. DELAURO. I thank the gentleman and applaud his leadership.

Remote areas, 11 miles off the coast of Connecticut, 9 miles off the coast of New York. The LNG Broadwater facility, actually, the proposal, is a vessel roughly the size of the Queen Mary. One week after passing the interior bill which dedicated $1.8 million to cleaning up the Long Island Sound, we are now going to place this vessel in the Long Island Sound. Also, a 25-mile pipeline through the middle of what is prime ground for lobstering and for fishing. Further, the entrance to the sound might need to be temporarily closed when the LNG shipments arrive every few days, disrupting all other commerce that uses that passage.

We are going to ask the Coast Guard to enforce the zone. They are already stretched thin, but they are going to have to patrol the LNG site, which will pose a new security risk.

I will conclude by saying to you that we voted to protect the Long Island Sound and, without this amendment, who knows what other estuaries of national significance will be at risk of becoming our next industrial zone.

Support the Bishop amendment.

The Acting CHAIRMAN. The time of the gentleman from New York has expired.

Mr. HOBSON. May I inquire how much time I have remaining?

The Acting CHAIRMAN. The gentleman from Ohio has 3 minutes remaining.

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

I want to thank the gentleman from New York (Mr. BISHOP) for his nice comments, but, unfortunately, I have to oppose his amendment at this time.

This amendment, the problem that I have, and I understand your concern, but this would preclude FERC from going forward with its review of the Broadwater Liquefied Natural Gas project on Long Island. This proposed project is the only floating storage and regasification unit that is pending before the commission. This amendment undos the Natural Gas Act for orderly review and decision-making process for energy infrastructure and limits energy development efforts. Further, the amendment restricts the ability of any company to use a fairly novel technological approach to siting LNG away from populated areas.

I understand that 9 miles to you is not very far and 11 miles is not far to you. But I think that is what we have this system for, is to allow the system to be fairly looked at and make a determination if they agree. Frankly, all FERC authorizations are still subject to judicial review.

I understand the concerns that people have here. There is always the NIMB effect in everything as we look around, and I understand that. But I think the best course of action is allow FERC to consider the application and consider public comments, issue the orders that are best in the public interest, and if people disagree with that, there are still courses open to them. But to start this sort of process in this bill, I think, is inappropriate.

I would have to oppose the amendment at this time.

I yield back the balance of my time.

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

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

Mr. BISHOP of New York. Mr. Chairman, I demand a recorded vote.

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

Mr. HOBSON. 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. LATHAM) having assumed the chair, Mr. MCHUGH, Acting Chairman 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. 5427) making appropriations for energy and water development for the fiscal year ending September 30, 2007, and for other purposes, had come to no resolution thereon.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 5037. An act to amend title's 38 and 18, United States Code, to prohibit certain demonstrations at cemeteries under the control of the National Cemetery Administration and at Arlington National Cemetery, and for other purposes.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 5429, AMERICAN-MADE ENERGY AND GOOD JOBS ACT

Mr. BISHOP of Utah, from the Committee on Rules, submitted a privileged report (Rept. No. 109–480) on the resolution (H. Res. 835) providing for consideration of the bill (H.R. 5429) to direct the Secretary of the Interior to establish and implement a competitive oil and gas leasing program that will result in an environmentally sound program for the exploration, development, and production of the oil and gas resources of the Coastal Plain of Alaska, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 5441, DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2007

Mr. BISHOP of Utah, from the Committee on Rules, submitted a privileged report (Rept. No. 109–481) on the resolution (H. Res. 836) providing for consideration of the bill (H.R. 5441) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes, which was referred to the House Calendar and ordered to be printed.

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 2007

The SPEAKER pro tempore. Pursuant to House Resolution 832 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 5427.

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IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 5427) making appropriations for energy and water development for the fiscal year ending September 30, 2007, and for other purposes, with Mr. MCHUGH (Acting Chairman) in the chair.

The Clerk read the title of the bill.

The Acting CHAIRMAN. When the Committee of the Whole rose earlier today, a request for a recorded vote on the amendment by the gentleman from New York (Mr. BISHOP) had been postponed and the bill had been read through page 47, line 2.

AMENDMENT OFFERED BY MR. LYNCH

Mr. LYNCH. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. LYNCH:

Page 47, after line 2, insert the following:

SEC. 503. (a) The Secretary of Energy, in cooperation with appropriate public and private entities, shall develop a plan to respond to potential disruptions in worldwide oil and natural gas production. Such plan shall include—

(1) identifying and assessing all threats to current oil and natural gas supplies that would result in a disruption of greater than 5 percent of the current oil and gas supply;