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

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

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

GAINESVILLE, GEORGIA—BEST CITY

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

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

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

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

GENERAL LEAVE

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

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

There was no objection.

ENERGY AND WATER DEVELOPMENT AND RELATED AGENCIES APPROPRIATIONS ACT, 2012

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

□ 1410

IN THE COMMITTEE OF THE WHOLE

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

The Clerk read the title of the bill.

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

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

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

The Clerk will read.

The Clerk read as follows:

H.R. 2354

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

TITLE I—CORPS OF ENGINEERS—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

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

INVESTIGATIONS

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

AMENDMENT OFFERED BY MR. KING OF IOWA

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

The CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

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

The CHAIR. The gentleman is recognized for 5 minutes.

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

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

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

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

Mr. DICKS. Will the gentleman yield?

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

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

Mr. DICKS. We would like to have it.

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

The CHAIR. The gentleman from Iowa controls the time.

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

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

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

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

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

I yield back the balance of my time.

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

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

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

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

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

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

Mr. FRELINGHUYSEN. Yes.

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

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

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

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

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

Mr. FRELINGHUYSEN. I thank the gentlemen.

I yield back the balance of my time.

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

The CHAIR. Without objection, the amendment is withdrawn.

There was no objection.

The CHAIR. The Clerk will read.

The Clerk read as follows:

CONSTRUCTION

(INCLUDING RESCISSION OF FUNDS)

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

AMENDMENT OFFERED BY MR. TIERNEY

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

The CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

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

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

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

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

□ 1420

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

The CHAIR. A point of order is reserved.

The gentleman from Massachusetts is recognized for 5 minutes.

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

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

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

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

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

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

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

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

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

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

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

I continue to reserve my point of order.

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

The gentleman from New Jersey is recognized for 5 minutes.

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

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

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

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

I yield back the balance of my time.

POINT OF ORDER

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

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

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

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

I ask for a ruling from the Chair.

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

The Chair is prepared to rule.

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

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

AMENDMENT OFFERED BY MR. TURNER

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

The CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

□ 1430

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

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

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

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

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

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

I strongly urge support of this amendment.

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

I ask unanimous consent to withdraw the amendment.

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

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

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

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

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

The CHAIR. Without objection, the amendment is withdrawn.

There was no objection.

AMENDMENT OFFERED BY MR. TIERNEY

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

The CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

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

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

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

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

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

The CHAIR. A point of order is reserved.

The gentleman from Massachusetts is recognized for 5 minutes.

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

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

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

I yield back the balance of my time.

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

The CHAIR. The point of order is reserved.

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

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

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

I continue to reserve my point of order.

The CHAIR. The gentleman continues to reserve.

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

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

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

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

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

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

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

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

I yield back the balance of my time.

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

The CHAIR. The point of order is withdrawn.

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

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

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

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

AMENDMENT OFFERED BY MR. RIVERA

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

The CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

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

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

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

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

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

□ 1440

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

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

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

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

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

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

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

Mr. DICKS. Will the gentleman yield?

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

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

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

I ask unanimous consent to withdraw my amendment.

The CHAIR. Without objection, the amendment is withdrawn.

There was no objection.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

In 2001, George W. Bush said:

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

Again, I couldn't agree more.

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

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

I yield back the balance of my time.

AMENDMENT OFFERED BY MR. GRAVES OF MISSOURI

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

The CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

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

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

The CHAIR. The gentleman is recognized for 5 minutes.

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

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

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

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

□ 1450

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

I yield back the balance of my time.

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

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

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

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

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

I yield back the balance of my time.

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

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

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

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

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

I yield back the balance of my time.

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

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

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

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

The Clerk will read.

The Clerk read as follows:

MISSISSIPPI RIVER AND TRIBUTARIES

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

OPERATION AND MAINTENANCE

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

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

AMENDMENT OFFERED BY MR. SCALISE

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

The CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

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

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

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

The CHAIR. A point of order is reserved.

The gentleman from Louisiana is recognized for 5 minutes.

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

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

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

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

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

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

I yield back the balance of my time.

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

The CHAIR. The point of order is reserved.

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

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

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

□ 1500

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

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

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

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

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

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

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

I withdraw my point of order.

The CHAIR. The gentleman withdraws his point of order.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

AMENDMENT OFFERED BY MR. BISHOP OF NEW YORK

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

The CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

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

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

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

The CHAIR. A point of order is reserved.

The gentleman from New York is recognized for 5 minutes.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

□ 1510

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

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

I encourage my colleagues to support this amendment.

I yield back the balance of my time.

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

The CHAIR. The gentleman continues to reserve.

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

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

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

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

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

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

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

Mr. VISCLOSKY. Will the gentleman yield?

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

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

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

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

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

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

POINT OF ORDER

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

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

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

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

I ask for a ruling from the Chair.

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

If not, the Chair is prepared to rule.

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

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

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

AMENDMENT OFFERED BY MR. WOODALL

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

The CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

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

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

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

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

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

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

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

Mr. WOODALL. Thank you, Mr. Chairman.

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

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

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

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

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

I yield back the balance of my time.

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

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

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

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

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

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

□ 1520

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

I urge a ''no'' vote.

I yield to the gentleman from Indiana.

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

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

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

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

Mr. DICKS. Will the gentleman yield?

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

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

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

Mr. MARKEY. I thank the gentleman.

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

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

I yield back the balance of my time.

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

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

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

Mr. WOODALL. Will the gentleman yield?

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

Mr. MARKEY. I thank the gentleman.

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

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

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

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

I yield to the gentleman from Georgia.

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

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

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

I thank the gentleman for yielding.

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

Mr. MARKEY. I thank the gentleman.

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

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

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

Mr. MARKEY. Will the gentleman yield?

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

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

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

I yield back the balance of my time.

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

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

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

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

AMENDMENT OFFERED BY MR. COURTNEY

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

The CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

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

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

The CHAIR. The point of order is reserved.

The gentleman from Connecticut is recognized for 5 minutes.

□ 1530

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

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

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

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

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

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

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

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

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

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

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

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

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

The CHAIR. The time of the gentleman has expired.

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

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

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

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

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

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

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

Mr. VISCLOSKY. Will the gentleman yield?

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

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

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

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

POINT OF ORDER

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

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

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

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

I ask for a ruling from the Chair.

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

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

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

The Clerk will read.

The Clerk read as follows:

REGULATORY PROGRAM

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

FORMERLY UTILIZED SITES REMEDIAL ACTION PROGRAM

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

FLOOD CONTROL AND COASTAL EMERGENCIES

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

EXPENSES

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

OFFICE OF THE ASSISTANT SECRETARY OF THE ARMY FOR CIVIL WORKS

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

ADMINISTRATIVE PROVISION

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

GENERAL PROVISIONS, CORPS OF ENGINEERS—CIVIL

(INCLUDING TRANSFERS OF FUNDS)

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

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

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

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

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

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

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

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

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

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

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

AMENDMENT OFFERED BY MR. SESSIONS

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

The CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Strike section 102.

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

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

□ 1540

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

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

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

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

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

I yield back the balance of my time.

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

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

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

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

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

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

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

I yield back the balance of my time.

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

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

There was no objection.

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

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

I yield back the balance of my time.

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

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

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

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

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

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

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

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

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

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

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

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

□ 1550

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

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

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

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

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

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

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

The CHAIR. The time of the gentleman has expired.

The Clerk will read.

The Clerk read as follows:

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

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

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

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

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

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

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

AMENDMENT OFFERED BY MR. MORAN

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

The CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

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

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

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

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

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

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

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

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

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

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

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

The CHAIR. The time of the gentleman has expired.

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

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

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

□ 1600

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

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

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

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

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

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

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

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

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

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

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

I yield back the balance of my time.

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

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

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

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

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

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

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

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

I yield back the balance of my time.

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

The CHAIR. The gentleman is recognized for 5 minutes.

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

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

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

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

□ 1610

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

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

I yield back the balance of my time.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Mr. DICKS. Will the gentleman yield?

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

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

Mr. REHBERG. No.

Mr. DICKS. What time are you talking about?

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

Mr. DICKS. This was more recent?

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

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

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

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

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

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

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

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

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

Mr. MORAN. I thank the gentleman from Washington.

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

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

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

I yield to the gentleman from Virginia.

□ 1620

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

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

Mr. MORAN. They did that.

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

Mr. MORAN. Bill Ruckelshaus.

Mr. DICKS. Bill Ruckelshaus, Bill Agee.

Mr. MORAN. Yes.

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

Mr. HASTINGS of Washington. Will the gentleman yield?

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

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

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

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

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

Mr. HASTINGS of Washington. This is Transportation.

Mr. DICKS. Which one?

Mr. HASTINGS of Washington. Transportation.

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

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

Mr. HASTINGS of Washington. Will the gentleman yield?

Mr. DICKS. I yield to the gentleman.

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

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

Mr. MORAN. Will the gentleman yield?

Mr. DICKS. I yield to the gentleman.

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

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

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

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

Mr. HASTINGS of Washington. Will the gentleman yield?

Mr. DICKS. I yield to the gentleman.

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

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

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

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

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

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

The Clerk will read.

The Clerk read as follows:

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

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

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

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

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

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

AMENDMENT OFFERED BY MR. TERRY

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

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of title I, insert the following:

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

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

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

The gentleman from Nebraska is recognized for 5 minutes.

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

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

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

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

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

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

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

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

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

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

I yield back the balance of my time.

□ 1630

POINT OF ORDER

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

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

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

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

I ask for a ruling from the Chair.

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

Mr. TERRY. I would like to speak.

The Acting CHAIR. The gentleman from Nebraska is recognized.

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

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

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

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

If not, the Chair is prepared to rule.

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

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

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

AMENDMENT OFFERED BY MR. MCINTYRE

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

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 15, after line 11, insert the following:

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

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

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

(3) by adding at the end the following:

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

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

The Acting CHAIR. A point of order is reserved.

The gentleman from North Carolina is recognized for 5 minutes.

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

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

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

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

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

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

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

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

POINT OF ORDER

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

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

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

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

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

If not, the Chair is prepared to rule.

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

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

The point of order is sustained.

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

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

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

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

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

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

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

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

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

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

□ 1640

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

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

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

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

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

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

I yield back the balance of my time.

The Acting CHAIR. The Clerk will read.

The Clerk read as follows:

TITLE II—DEPARTMENT OF THE INTERIOR

CENTRAL UTAH PROJECT

CENTRAL UTAH PROJECT COMPLETION ACCOUNT

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

BUREAU OF RECLAMATION

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

WATER AND RELATED RESOURCES

(INCLUDING TRANSFERS OF FUNDS)

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

CENTRAL VALLEY PROJECT RESTORATION FUND

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

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

CALIFORNIA BAY-DELTA RESTORATION

(INCLUDING TRANSFERS OF FUNDS)

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

POLICY AND ADMINISTRATION

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

ADMINISTRATIVE PROVISION

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

GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

(INCLUDING RESCISSION OF FUNDS)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

TITLE III—DEPARTMENT OF ENERGY

ENERGY PROGRAMS

ENERGY EFFICIENCY AND RENEWABLE ENERGY

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

AMENDMENT OFFERED BY MS. KAPTUR

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

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

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

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

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

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

The Acting CHAIR. The point of order is reserved.

The gentlewoman from Ohio is recognized for 5 minutes.

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

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

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

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

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

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

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

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

□ 1650

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

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

I yield back the balance of my time.

POINT OF ORDER

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

I ask for a ruling from the Chair.

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

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

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

There was no objection.

AMENDMENT OFFERED BY MS. KAPTUR

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

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The amendment was rejected.

AMENDMENT OFFERED BY MR. MCCLINTOCK

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

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

□ 1700

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

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

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

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

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

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

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

Let me give you another example:

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

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

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

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

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

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

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

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

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

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

I yield to the gentleman from Massachusetts.

Mr. MARKEY. I thank the gentleman for yielding.

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

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

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

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

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

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

Mr. McCLINTOCK. Will the gentleman yield?

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

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

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

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

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

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

taking out the funding for the wind and solar industry?

I urge a ''no'' vote.

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

□ 1710

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

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

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

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

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

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

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

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

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

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

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

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

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

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

I urge a ''no'' vote.

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

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

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

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

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

AMENDMENT OFFERED BY MR. MARKEY

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

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

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

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

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

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

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

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

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

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

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

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

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

□ 1720

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

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

I yield back the balance of my time.

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

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

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

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

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

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

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

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

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

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

I yield back the balance of my time.

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

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

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

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

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

The motion was agreed to.

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

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

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

□ 1730

BETTER USE OF LIGHT BULBS ACT

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

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2417

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

SECTION 1. SHORT TITLE.

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

SEC. 2. LIGHTING ENERGY EFFICIENCY.

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

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

SEC. 3. MERCURY-CONTAINING LIGHTING.

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

SEC. 4. STATE REGULATION.

No State or local regulation, or revision thereof, concerning the energy efficiency or energy use of medium screw base general service incandescent lamps shall be effective.

SEC. 5. DEFINITIONS.

In this Act, the terms ''general service incandescent lamp'', ''lamp'', and ''medium screw base'' have the meanings given those terms pursuant to the Energy Policy and Conservation Act (42 U.S.C. 6201 et seq.), as applied and administered pursuant to section 2.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. BARTON) and the gentleman from Pennsylvania (Mr. DOYLE) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. BARTON of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this legislation, and to insert extraneous material on the bill.

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

There was no objection.

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

I want to start off by introducing to the body my special assistant this week, Mr. Speaker, young Jack Kevin Barton, my 5-year-old son. He is with me to help with the congressional baseball game that we are going to play on Thursday evening. And he loves coming to the floor, and he loves voting. So we