

and enhanced oil and gas production. It improves public disclosure of chemicals by providing funding for data systems where operators can disclose chemicals used on all procedures in any State.

The amendment also strengthens State environmental regulation of oil and gas by providing funding for reviews of State environmental programs, including initiatives like the highly successful STRONGER, which is an organization that has done comprehensive reviews of State oil and gas agencies' administrative and regulatory operations using a multi-stakeholder team of three regulators, three environmental NGOs, and three industry representatives.

I yield back the balance of my time.

□ 1900

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

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

Mr. FRELINGHUYSEN. Mr. Chairman, I rise in support of the gentleman's amendment. The gentleman from Montana is a valued member of the Energy and Water subcommittee. His amendment will provide a reasonable amount of funding to continue work on the fossil energy Risk Based Data Management System. By more efficiently tracking and disseminating information, the system will help ensure that the environment is protected while reducing costs for industry, benefits for which I hope all sides can agree.

I support the gentleman's amendment and urge Members to do the same.

I yield back the balance of my time.

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

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

Mr. VISCLOSKY. Mr. Chairman, I rise in opposition to my good friend's amendment.

Since we have been debating this bill, we have heard time and again that we must make tough decisions on what we choose to fund. My colleagues across the aisle, in particular, have made a point repeatedly that we should not be funding activities where industry can and should.

This program deals with research and development to maximize the production capabilities of marginal wells and reservoirs. Certainly we can't argue about the merit of that; but it seems that as we talk about subsidies, particularly to a very profitable industry—oil and gas—we should be consistent. Compiling and maintaining a database on oil and gas wells at this level of detail I do not believe is the proper role of the Federal Government and is likely to be duplicative of what is currently being done in the industry.

Further, it is my understanding that States and private industry have had a great deal of success fostering the recovery of oil and natural gas from mar-

ginal wells with similar initiatives. These State and industry initiatives have been successfully driven by an economic need to have pertinent information on hand when evaluating the economic viability or filing permit applications.

Given that that process is working on a local and State level, I do not believe that we should rush for Federal Government involvement. It seems to me that we should be looking for smaller government wherever possible; and this gives us a chance today, in opposition to this amendment, to do it right.

The gentleman makes the assertion that this system has resulted in public disclosure of all chemicals in hydraulic fracturing fluids. Texas has arguably one of the strongest—if not the strongest—disclosure laws and is still far from a requirement to disclose "all" chemicals; and the database in question is also significantly weaker than Wyoming's regulation on public disclosure.

Mr. Chairman, I do reluctantly, because of my friendship with the gentleman, strongly oppose his amendment.

I yield back the balance of my time.

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

The amendment was agreed to.

Mrs. BIGGERT. Mr. Chairman, I move to strike the last word.

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

Mrs. BIGGERT. I rise to engage in a brief colloquy with my colleague from New Jersey (Mr. FRELINGHUYSEN) about the issue of energy efficiency in buildings as it relates to funding for the Energy Information Administration.

First let me say that I very much appreciate the committee's efforts with respect to the EIA and the overall bill. The EIA is an essential resource for the commercial building sector as they seek to improve energy efficiency and reduce energy costs.

I want to clarify the intent of the committee direction for the EIA funding of the Commercial Building Energy Consumption Survey, also known as CBECS. I recognize that the committee recommended an appropriation of \$105 million for EIA in fiscal year 2012, roughly \$9 million above fiscal year 2011 levels.

Unfortunately, the committee also included limiting language that I'm concerned about. Does the gentleman from New Jersey consider CBECS a priority for EIA?

Mr. FRELINGHUYSEN. Will the gentlewoman yield?

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

Mr. FRELINGHUYSEN. I thank the gentlewoman from Illinois and agree that the Consumer Building Energy Consumption Survey is an important resource for the building sector. The bill provides an increase of \$10 million for the Energy Information Adminis-

tration; and if funding is available, I expect that an update of the consumer building survey would be funded.

Mrs. BIGGERT. Reclaiming my time, I thank the chairman. As you know, I serve as cochair of the High Performance Building Caucus with Representative RUSS CARNAHAN of Missouri. Many members of the High Performance Building Coalition have come to us to express their concern about an updated CBECS since the latest data is nearly a decade old.

Substantial investments in the commercial building sector have been made since the last CBECS was published in 2003. The updated data is not only valuable to building owners looking to make improvements, but also necessary to inform the Annual Energy Outlook that we, in Congress, rely on.

Finally, I would like to point out that the building renovation sector relies overwhelmingly on American-made goods for its work. In fact, over 90 percent of the manufacturing of furnaces, insulation and ductwork is here in the United States. So by making this data available to commercial buildings through CBECS, we are directly supporting American jobs.

I yield back the balance of my time.

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

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

Mr. CARNAHAN. I thank my colleague, Mrs. BIGGERT, for her remarks and also want to address the important issue of CBECS funding and to engage in a colloquy with my colleague, Mr. VISCLOSKY.

Mr. VISCLOSKY. Will the gentleman yield?

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

Mr. VISCLOSKY. I also appreciate my colleague raising this important issue. I agree that the committee understands the importance of this program. The CBECS data is essential not just for Federal programs to reduce energy use like EPA's Energy Star for buildings and DOE's building technologies program, but for private sector efforts like the U.S. Green Building Council's lead rating system as well.

Mr. CARNAHAN. Thank you.

As you know, the committee report language states that the Energy Department is directed to fund all data collection, releases and reports on oil, natural gas, electricity, renewables and coal, all previously funded international energy statistics and all ongoing energy analysis efforts before allocating funding to the energy consumption surveys. Unfortunately, this language effectively excludes funding for the Commercial Building Energy Consumption Survey, also known as CBECS.

This is one of the few tools we have that provides a comprehensive assessment of how commercial buildings as diverse as offices, supermarkets and senior centers use energy.

I want to thank the ranking member, I want to thank the chairman, and I want to thank my cochair of the High Performance Building Caucus, Mrs. BIGGERT, for their engagement on this issue. In fact, there was broad private sector support for continuing CBECS.

At this point I would like to submit for the RECORD two letters that were submitted by private sector stakeholders to the Appropriations Committee in support of CBECS. I just want to read one sentence from a letter that I will be submitting for the RECORD: "If funding is not provided, work on the 2011 CBECS data will likely not continue, and the government and industry will be forced to rely on data that is nearly a decade old, resulting in potential missed opportunities to increase building efficiency."

ASHRAE,

Atlanta, GA, May 5, 2011.

Rep. RODNEY P. FRELINGHUYSEN,
Subcommittee Chairman, House Appropriations
Subcommittee on Energy and Water Development.

Rep. PETER J. "PETE" VISCLOSKEY,
Subcommittee Ranking Democrat, House Appropriations Subcommittee on Energy and Water Development.

Re Fiscal Year 2012 Funding for the U.S. Energy Information Administration's Commercial Building Energy Consumption Survey.

DEAR CHAIRMAN FRELINGHUYSEN AND RANKING DEMOCRAT VISCLOSKEY: the American Society of Heating, Refrigerating and Air-Conditioning Engineers Inc. (ASHRAE), founded in 1894, is an international organization of over 52,000 members. ASHRAE fulfills its mission of advancing heating, ventilation, air conditioning and refrigeration to serve humanity and promote a sustainable world through research, standards writing, publishing and continuing education.

Recently ASHRAE learned that, due to needed funding reductions for fiscal year 2011, work on the 2011 edition of the U.S. Energy Information Administration's Commercial Buildings Energy Consumption Survey (CBECS) has been halted.

ASHRAE strongly urges you to include funding for CBECS in the FY 2012 appropriations bills to allow work on the 2011 edition of the Survey to continue. This is especially important, because the most recent (2007) CBECS data are flawed and unusable. Currently, the latest version of CBECS data is from 2003. If funding is not provided, work on the 2011 CBECS data will likely not continue, and the government and industry will be forced to rely on data that is nearly a decade old, resulting in potential missed opportunities to increase building efficiency.

The Commercial Buildings Energy Consumption Survey is a national sample survey that collects information on the stock of U.S. commercial buildings, their energy-related building characteristics, and their energy consumption and expenditures. Commercial buildings include all buildings in which at least half of the floorspace is used for a purpose that is not residential, industrial, or agricultural, so they include building types that might not traditionally be considered "commercial," such as schools, correctional institutions, and buildings used for religious worship.

Buildings consume 40 percent of energy in the United States. Increasing the efficiency of buildings can decrease the need for additional energy production, while expanding current capacity; positively impacting U.S. economic and national security.

Information from CBECS plays a critical role in building energy efficiency through the many federal and private sector programs that use the Survey's data in their efforts to establish benchmark levels and promote energy efficient practices. These programs include: The ENERGY STAR Buildings program; Leadership in Energy and Environmental Design (LEED) for Existing Buildings; Green Globes®; ASHRAE's Building Energy Quotient (BEQ) building energy labeling program; and many others.

For all of the reasons above, we respectfully request that you continue funding for CBECS in fiscal year 2012 and future years. Suspension of work on the 2011 Survey was done to help alleviate our nation's deficit and debt issues, but has serious adverse consequences for national building energy efficiency efforts. We look forward to working with you to remedy this matter for the benefit of all. Please feel free to contact Mark Ames, ASHRAE Manager of Government Affairs.

Personal regards,

LYNN G. BELLENGER,
ASHRAE President 2010–2011.

We are writing as representatives of the commercial real estate industry and other energy efficiency stakeholders to urge that the 2011 edition of the U.S. Energy Information Administration's Commercial Buildings Energy Consumption Survey (CBECS) be funded at \$4 million for fiscal year 2012 (FY12) so that the on-going collection of energy data for the commercial buildings sector can be resumed.

CBECS provides critically important information to support programs that promote energy efficiency in our nation's commercial building stock. It is a national sample survey that collects data on energy-related building characteristics such as electricity consumption and expenditures. Information from CBECS is the basis for many federal and private sector energy efficiency and sustainability programs, including the ENERGY STAR Buildings program, Leadership in Energy and Environmental Design (LEED) for Existing Buildings, and other building energy labeling platforms.

For the real estate sector, these programs are the primary benchmarking and information mechanism for energy efficiency and sustainability. Business owners use them to compare their buildings and make capital expenditure decisions, while office tenants use ENERGY STAR and other programs to assess the energy efficiency of buildings where they lease space. In addition, there is growing pressure on the CBECS data set as major U.S. cities have started to require ENERGY STAR ratings (which are based on CBECS data) for government-owned and large private sector buildings. Lack of robust CBECS data will make the real estate sector's compliance with state and local laws increasingly difficult.

The market is currently using CBECS data from 2003, which is the most recent dataset the Energy Information Administration (EIA) has published. We understand that problems from the 2007 CBECS data collection effort, which caused it to be discarded, are being corrected by the EIA as it prepares to undertake survey work this year. If funding is not provided, work on the 2011 CBECS process will be suspended. This will force companies, consumers, and government stakeholders to rely on data that is nearly a decade old and does not reflect the significant strides that have been made in building technologies, operations, and efficiencies that have occurred in this rapidly evolving arena since the release of the 2003 data set. Opportunities to increase building efficiency and upgrade our building stock will be

missed in the absence of more current and reliable CBECS data. Further delay in collecting and publishing new data will diminish the efficacy and reliability of energy benchmarking systems that depend on CBECS.

Increasing the efficiency of buildings can decrease the need for additional energy production, while expanding current capacity, positively impacting the U.S. economy and national security. We respectfully request that you continue funding for CBECS at \$4 million in FY12 and future years. This is a small investment on a critically important piece of data infrastructure that will leverage significant impacts.

Sincerely,

Ankrom Moisan Architects; Beck Architecture LLC; Biositu, LLC; Building Owners and Managers Association International (BOMA); Brandywine; Campbell Coyle Holdings, LLC; Cannon Design; The City of New York; Cook+Fox Architects; e4, inc.; Earth Day New York; Energy Future Coalition; GGLQ; Green Realty Trust, Inc; Grubb & Ellis; HOK; Insight Real Estate, LLC; Institute for Market Transformation; International Council of Shopping Centers; Jones Lang LaSalle; Johnson Controls, Inc.; Joseph Freed and Associates; Kirksey Architecture; KMD Architects; Lake Flato Architects; Lord, Aeck & Sargent Architecture; Mahlum; MEI Hotels Incorporated; National Association of Home Builders (NAHB); Natural Resources Defense Council (NRDC); National Roofing Contractors Association (NRCA); Polyisocyanurate Insulation Manufacturers Association; Real Estate Board of New York (REBNY); Related; SERA Architects; Servidyne; Simon Property Group; SmithGroup; Terrapin Bright Green; The Durst Organization; The Real Estate Roundtable (RER); Tishman Speyer; Transwestern; U.S. Green Building Council (USGBC); Vornado Realty Trust; Wight & Company.

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

AMENDMENT NO. 25 OFFERED BY MR. MCKINLEY

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

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 24, line 18, after the dollar amount, insert "(increased by \$39,000,000)".

Page 28, line 13, after the dollar amount, insert "(reduced by \$39,000,000)".

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

Mr. MCKINLEY. Mr. Chairman, I would like to commend Chairman FRELINGHUYSEN and the committee for their efforts in developing legislation that is intended to streamline processes and increase efficiency within the Department of Energy. Throughout this legislation, we can see intelligent savings that will result in less spending and more efficient use of tax dollars.

However, I'm concerned that this legislation as written and reported will have the unintended consequence of destroying the National Energy Technology Laboratory's ability to manage approximately \$19 billion in contracts and conduct the necessary research and