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Possible Amendments to H.R. 5427, the Energy and Water Appropriations Act, 2007

Part II

The following contains information on the amendments made in order under the UC agreement.

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Amendments Made in Order Under the UC Agreement

Visclosky (D-IN). This amendment was subject to a point of order, which was sustained by the chair.

King (R-IA). According to the sponsor's office, this amendment will not be offered.

Deal (R-GA). Strikes Section 110 from the underlying bill.

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

The sponsor's office did not provide additional talking points for this amendment. **A roll call vote was requested for this amendment.**

Pickering (R-MS). Prohibits funds from being used for new, continuing, or existing disaster relief contracts, except in accordance with Section 307 of the Stafford Act (42 U.S.C. 5150), which instructs federal agencies to give preference (where practicable and feasible) to local firms in disaster areas when awarding such contracts. The sponsor states that this amendment "simple prohibits the Army Corps of Engineers from using funds for contracts" contrary to the Stafford Act.

The bill seeks to enforce the law as recently amended by H.R. 4979. (to see the RSC write up on that bill see http://www.house.gov/pence/rsc/doc/LB_032806_Suspensions.doc) The sponsor had reported when passing H.R. 4979 that certain Katrina/Rita-related contracts in Mississippi were under dispute and in pending judicial proceedings because FEMA gave the contracts to out-of-state, non-local contractors. This amendment appears to affirm the law and possibly expand it by ensuring that no funds may go to existing contractors in contravention of this new law.

DeLauro (D-CT): The UC reports the amendment is regarding funding for the state energy grant program. According to the amendment sponsor, the amendment (text of which is unavailable) will **increase funding to the State Energy Grants program from \$0 to \$25 million**, and reduce DOE's administrative funds by \$25 million. In FY06 this grants program was funded at \$35.6 million and the underlying bill zeroes out the funding for FY07. According to the Committee, this cut was done in reaction to an April 26, 2006 DOE Inspector General report. According to the IG report, of the states examined by IG, 66 percent had administrative costs in excess of 29 percent and some had costs as high as 57 percent for such thing as state employee salaries, travel, and administrative supplies.

The SEP provides grants to help states implement various energy conservation programs and to promote emerging renewable energy sources. The IG report found that DOE does not know if the program is working or is spending dollars appropriately; states are not spending the money they do get in the grant award process — several States were found to have accumulated large unused balances in grant awards, many had accumulated balances representing over two years of grant funds made available to them. **A roll call vote was requested for this amendment.**

Markey (D-MA). Reduces funds for the Energy Department's \$2.3 billion energy supply and conservation account by \$40 million. The amendment sponsor has indicated that this reduction is intended for the Global Nuclear Energy Partnership (GNEP)—a controversial program for reprocessing spent nuclear fuel. The amendment sponsor's office notes that the U.S. Department of Energy estimates that it will cost taxpayers over \$100 billion to clean-up the reprocessing waste from the nuclear weapons sites at Hanford (WA), Savannah River (SC), and Idaho National Laboratory (ID). A similar amendment last year (H.Amdt 197) failed by a vote of 110-312: <http://clerk.house.gov/evs/2005/roll207.xml>. **A roll call vote was requested for this amendment.**

Millender-McDonald (D-CA). According to the sponsor, this amendment transfers \$5 million from the Naval Petroleum and Oil and Shale Reserves to an Energy Efficiency and Renewable Energy Program. Specifically, the funding is intended to be directed to the Geothermal Program, which would be a new federal program. However, the office did not provide the text of the amendment. **This amendment was agreed to by voice vote.**

Davis (D-CA). According to the sponsor's office, this amendment will not be offered.

Andrews (D-NJ)/ Leach (R-IA). Increases funds for Defense Nuclear Nonproliferation by \$27.8 million (from \$1.59 billion to \$1.62 billion) and decreases funds for the administrative expenses for the Energy Department by \$27.8 million (from \$278.4 million to \$250.6 million). **A roll call vote was requested for this amendment.**

Wilson (R-SC). According to the sponsor's office, there was a mistake in the U.C. and there is not an amendment being offered.

Brown (D-OH). Provides that none of the funds made available may be used to enter into a no-bid contract with a company based outside the United States for the purpose of nuclear weapons screening of cargo shipping containers. *The sponsor has indicated the amendment will be offered and withdrawn.*

Tiahrt (R-KS). Prohibits funds from being used to promulgate regulations without consideration of the effect of such regulations on the competitiveness of American businesses. *This amendment is subject to a point of order. The amendment sponsor will offer the amendment, discuss the issue, and withdraw the amendment.*

Gordon (D-TN). Prohibits funds from being used in violation of the federal buildings performance and reporting requirements of 1) Executive Order 13123, 2) part 3 of title V of the National Energy Policy Act (42 USC 8251), or 3) title A of Title 1 of the Energy Policy Act of 2005. This executive order and the two federal laws require certain energy efficiencies within federal buildings. The sponsor states the purpose of this amendment is "to bring attention to the failure of the federal government to meet its responsibilities to significantly reduce energy use in federal buildings."

Bishop (D-NY). Prohibits funds from being used by the Federal Energy Regulatory Commission to review applications for floating storage and regasification units in areas designated under section 320 of the Federal Water Pollution Control Act (33 U.S.C. 1330) as an estuary of national significance.

According to the sponsor's office, the amendment affects a project in Bishop's district. The sponsor is in opposition to the permanent placement of a barge that's a ¼ mile long Liquefied Natural Gas terminal in an estuary that has a lot of barge traffic. The amendment is an attempt to delay the project for one year in an effort to change the type of terminal it is to possibly a turret style or a buoy style. The sponsor also claims the barge will destroy tourism and fishing in the area.

Berkley (D-NV). Prohibits funds from being used for the Yucca Mountain Youth Zone website: http://www.ocrwm.doe.gov/youth/index_shtml. **A roll call vote was requested for this amendment.**

Markey (D-MA). Prohibits funds from being used to administer the Ultra-Deep Water and Unconventional Research and Development Program (Subtitle J of Title IX of the Energy Policy Act of 2005—Public Law 109-58), which is currently authorized at \$100 million a year through FY2016. Funding for this program from oil and gas lease revenues would NOT be affected by this amendment (since such funding is direct

spending). The program, proposed for elimination by the Bush Administration, provides incentives for oil and gas exploration.

Engel (D-NY). Prohibits funds in this bill from being used to acquire a motor vehicle (as defined in section 301 of the Energy Policy Act of 1992 (42 U.S.C. 13211) other than an alternative fueled vehicle (as defined in such section). 42 U.S.C. 13211 states that, beginning in 1999 and thereafter, the federal government must acquire at least 75 % of their vehicle fleet in alternative-fueled vehicles. **This amendment is identical to an Engel amendment that was adopted by voice vote yesterday on the Agriculture Appropriations bill.**

An alternative fueled vehicle would be a vehicle powered at least in part by “methanol, denatured ethanol, and other alcohols; mixtures containing 85 percent or more (or such other percentage, but not less than 70 percent, as determined by the Secretary, by rule, to provide for requirements relating to cold start, safety, or vehicle functions) by volume of methanol, denatured ethanol, and other alcohols with gasoline or other fuels; natural gas, including liquid fuels domestically produced from natural gas; liquefied petroleum gas; hydrogen; coal-derived liquid fuels; fuels (other than alcohol) derived from biological materials; electricity (including electricity from solar energy); and any other fuel the Secretary determines, by rule, is substantially not petroleum and would yield substantial energy security benefits and substantial environmental benefits.”

Lynch (D-MA). **Text Unavailable, Coming Soon.**

Barton (R-TX). Prohibits funds from being used the Nuclear Waste Fund may be used to carry out the Global Nuclear Energy Partnership program.

According to the sponsor, “\$26 billion dollars have been collected from our nation’s electricity consumers to pay for disposal of spent nuclear fuel in a repository. \$8 billion has been spent, leaving a balance of \$18 billion in the Nuclear Waste Fund. ... While DOE has not yet proposed to use this Fund for the Global Nuclear Energy Partnership, they believe they have the authority under the Nuclear Waste Policy Act subject to appropriations. ... [This] amendment simply prohibits DOE from looting the Nuclear Waste Fund for the Global Nuclear Energy Partnership, a program that is overly broad, premature, and poorly defined.” **This amendment was agreed to by voice vote.**

Hefley (R-CO). Reduces funding in the Act by \$300,170,000. This amount is equal to one percent of the total amount of discretionary funding in the bill.

Hinchey (D-NY). According to the sponsor’s office, this amendment will not be offered.

Stupak (D-MI). Prohibits funds from being used to implement a recent U.S. Army Corps of Engineers policy (Circular No. 11-2-187), regarding determining a high-use harbor. This amendment would prohibit the Army Corp of Engineers from implementing a new policy that considers the amount of tonnage of goods that pass through a harbor to determine if the harbor is high-use. According to the sponsor, “by using this [new Army

Corp of Engineers] standard based on the tonnage handled, harbors that do not move a large tonnage but are still important to the economic success of rural areas are excluded from the President's budget." The Army Corp of Engineers and the Office of Management and Budget began implementing these new guidelines in FY06 for including operation and maintenance dredging of commercial harbors in their budget.

King (R-IA). Provides that none of the funds may be used for the Corps of Engineers to implement the Spring Pulse releases from the Gavins Point Dam on the Missouri River. According to this sponsor, this is to ensure that the Army Corps of Engineers better understands the scientific basis for policies governing the flow of the Missouri River.

Inslee (D-WA). **Text Unavailable, Coming Soon.**

Hobson (R-OH). The sponsor's office could not provided text of the amendment. This amendment was struck on a point of order.

The following Flake amendments deal with provisions found in the Committee Report, commonly called earmarks.

Flake (R-AZ). Regarding funding for the Center for End-of-Life Electronics in West Virginia.

Flake (R-AZ). Regarding funding for the Southwest Gas Corporation GEDAC heat pump developed in Nevada.

Flake (R-AZ). Regarding funding for the Virginia Science Museum.

Flake (R-AZ). Regarding funding for the Missouri Forest Foundation.

Flake (R-AZ). Regarding funding for the Juniata Ultra Low-Emission locomotive demonstration in Pennsylvania.

Flake (R-AZ). Regarding funding for the research and environment center at Mystic Aquarium in Connecticut.