

AMENDMENTS ADOPTED TO THE
ENERGY AND WATER APPROPRIATIONS BILL
FOR FY 2019

Full Committee Markup
House Appropriations Committee
May 16, 2018

EW

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Adopted v.v.

**SIMPSON #1
ENERGY AND WATER**

HOUSE APPROPRIATIONS COMMITTEE
Full Committee Markup
FY19 Energy and Water Development Appropriations Bill

Manager's Amendment
Offered by Mr. Simpson of Idaho

In the bill:

On page 13, after line 8, insert the following new section: "SEC. ____ . For fiscal year 2019, none of the funds provided in this Act or available in the revolving fund established by the Civil Functions Appropriations Act of 1954 (33 U.S.C. 576(a)) may be obligated or expended on a new hopper dredge."

On page 13, line 14, strike "\$13,000,000" and insert "\$15,000,000". Amend the report accordingly.

On page 14, line 16, strike "\$1,383,992,000" and insert "\$1,381,992,000". Amend the report accordingly.

On page 21, after line 6, insert the following new section: "SEC. ____ . Section 9(c)(1) of the Reclamation Project Act of 1939 (43 U.S.C. 485h(c)(1)) is amended by inserting "and pumped storage hydropower development exclusively using Bureau of Reclamation reservoirs" after "including small conduit hydropower development"."

On page 51, after line 12, insert the following new section:

"SEC. ____ . (a) REPORT.—The Secretary of Energy shall submit to Congress and the State of Nevada a report on the potential of locating a reprocessing or recycling facility for spent nuclear fuel near the Yucca Mountain site.

(b) CONTENTS.—The Secretary shall include in the report required under subsection (a) a description of—

- (1) the energy technology benefits associated with a reprocessing or recycling facility for spent nuclear fuel;

(2) the potential economic benefits for the host community associated with such a facility, including employment, infrastructure development, and workforce development benefits;

(3) the energy and national security implications for the supply and availability of nuclear fuel associated with such a facility; and

(4) the potential for locating other nuclear fuel cycle facilities near the Yucca Mountain site, such as an enrichment facility for national defense purposes.

(c) CONSULTATION.—In preparing the report required under subsection (a), the Secretary shall consult with institutions in the Nevada System of Higher Education, as defined by the State of Nevada, with prior reprocessing research experience.

(d) YUCCA MOUNTAIN SITE DEFINED.—In this section, the term “Yucca Mountain site” has the meaning given that term in section 2(30) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101(30)).”

On page 56, line 24, strike “information.” and insert “information, consistent with Department of Justice guidance for all federal agencies.”

In the report:

On page 22, in the paragraph titled “Research and Development”, strike “ecosystems” and insert “ecosystems, to identify effective oyster reef restoration strategies,”.

On page 29, amend the third bullet to read as follows: “number of jobs created directly and supported in the supply chain by the funded activity;”.

On page 29, at the appropriate place, add the following new bullet: “significance to national security, including the strategic significance of commodities;”.

On page 56, in the paragraph titled “Additional Funding for Ongoing Work”, at the appropriate place, insert the following new bullet: “addressing hazardous barriers to navigation due to shallow channels;”.

On page 58, after the first paragraph, insert the following new paragraph:
“*Nonoperational locks.*—The Committee has heard concerns about the status of the Walter F. George and George W. Andrews locks. The Corps is directed to brief the Committee not later than 60 days after the enactment of this Act on the

operating status of these locks and what requirements are necessary to return these locks to fully operational status.”

On page 60, after the second paragraph, insert the following new paragraph: “The Water Infrastructure Finance and Innovation Act (WIFIA) is another alternative financing tool that has received strong support from many Members of Congress. The EPA’s WIFIA program was initiated in fiscal year 2015, but to date, the Corps has not requested funding nor provided requested information on how a corresponding program for the Civil Works program would be implemented. Without such a plan, it is premature for the Committee to provide funding. Therefore, the Corps again is directed to provide to the Committees on Appropriations of both Houses of Congress a detailed plan for how WIFIA would be implemented, including an estimated schedule for when funding could be used to provide loans.”

On page 61, at the appropriate place, insert the following: “The bill includes a provision prohibiting the obligation or expenditure of funds on a new hopper dredge.” Amend the report accordingly, including the table on page 8.

On page 62, in the first full paragraph, strike “\$13,000,000” and insert “\$15,000,000” and strike “\$10,703,325” and insert “\$12,703,325”. Amend the report accordingly.

On page 70, change House Recommended amount from “37,507” to “35,507” in the table under “Additional Funding for Ongoing Work: Facilities Operation, Maintenance, and Rehabilitation” and amend amounts in the table under “Subtotal, Regional Programs” and under “Total, Water and Related Resources” accordingly. Amend the report accordingly.

On page 76, at the appropriate place, insert the following: “The bill includes a provision regarding pumped storage hydropower development.” Amend the report accordingly.

On page 87, amend the second paragraph to read as follows: “The Committee urges the Department to examine how on-site renewable generation and energy efficiency measures can combine to meet state energy code objectives.”

On page 89, at the appropriate place, insert the following new paragraph: “The Department is directed to provide to the Committees on Appropriations of both Houses of Congress not later than 180 days after the enactment of this Act a report

on the potential of dynamic line rating systems to address transmission congestion management and improve grid reliability and resiliency. The report should contain an analysis of the technologies needed to support dynamic line rating and any generation technologies that may benefit or be disadvantaged by implementing a dynamic line rating scheme.”

On page 101, at the appropriate place, insert the following new paragraph:
“*Educational Institutions.*—The Department is reminded that, to the extent that funding or other assistance is made available to educational institutions pursuant to the Nuclear Waste Policy Act of 1982, institutions in the Nevada System of Higher Education, as defined by the State of Nevada, with experience in nuclear waste research and environmental monitoring are eligible for such assistance.”

On page 104, strike the third paragraph.

On page 104, after the second paragraph, insert the following new paragraph:
“*Nuclear Power Plant Closings.*—Prior to the opening of a permanent repository or monitored retrievable storage for spent nuclear fuel, power plant sites serve as de facto storage facilities for this nuclear waste. When a plant closes, onsite storage of spent nuclear fuel can be a factor affecting redevelopment of the location. The Committee directs the Department to submit to the Committees on Appropriations of both Houses of Congress not later than 180 days after the enactment of this Act a study on existing public and private resources and funding for which municipalities where a nuclear power plant is decommissioned, in the process of decommissioning, or plans to shut down within 3 years of enactment of this Act and contains nuclear waste within its boundaries may be eligible.”

On page 104, after the second paragraph, insert the following new paragraph:
“*Radium Contamination.*—The Department shall review the details of any facility of the Nevada System of Higher Education, as defined by the State of Nevada, that is contaminated with radium to determine whether the Department has a legal liability or authorization for remediation of such facility.”

On page 106, before the paragraph titled “W78 Life Extension Program”, insert the following paragraph: “*W76-2 Modification Program.*—Not later than 30 days after the enactment of this Act, the NNSA shall provide to the Committees on Appropriations of both Houses of Congress a report detailing the plan, rationale, costs, and implications of producing a low-yield variant of the W76 warhead. The report shall include the cost and schedule estimates for the engineering phase, and any subsequent phase, of the W76-2 modification program; detailed discussion of

the military requirements associated with the W76-2, including Nuclear Weapons Council decisions and U.S. Strategic Command requirements; estimated long-term maintenance costs; impacts on other current or planned warhead programs; impacts on the planned cost and schedule in the event of a time delay in the engineering phase, or any subsequent phase, of the W76-2; and impacts on other current or planned warhead programs in the event of a time delay in the W76-2 modification program.”

On page 118, after the second full paragraph, insert the following new paragraph: “*Organizational Reporting.*—The Department recently announced a change in organizational structure moving the point of reporting for the PMAs to the Assistant Secretary for Electricity from the Deputy Secretary. The Committee has heard concerns that the realignment may indicate an intention to change the substantive relationship between the Department and each PMA, including actions related to PMA leadership decisions, use of the PMAs and their resources, and ratemaking; the Committee does not support such a change. The PMAs have unique statutory requirements, and the Committee expects the Department to adhere to and not expand upon those requirements.”

On page 156, at the appropriate place, insert the following: “The bill includes a provision regarding a report on the potential of locating a reprocessing or recycling facility for spent nuclear fuel near the Yucca Mountain site.” Amend the report accordingly.