



Legislative Bulletin.....May 24, 2005

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H.R. 2419—Amendments to the Energy and Water Appropriations Act

H.R. 2419, the Energy and Water Appropriations Act, is scheduled to be considered on the House floor today, Tuesday, May 24th, subject to an open rule (H.Res. 291). Below are the summaries of the 8 known amendments, 5 of which were pre-printed in the Congressional Record. Note: summaries are based on RSC staff's review of actual amendment text. For a summary of the underlying bill, see a separate RSC document released earlier in the week.

Rep. Filner (D-CA) (#1): Limits funds from being used to “issue, approve, or grant any permit or other authorization for the transmission of electric energy into the United States from a foreign country if all or any portion of such electric energy is generated at a power plant located within 25 miles of the United States that does not comply with all air quality requirements that would be applicable to such plant if it were located in the air quality region in the United States that is nearest to such power plant.”

Rep. Hefley (R-CO) (#2): Reduces by \$297,460,000 (1%), the total appropriations made available in the bill (other than appropriations required to be made by a provision of law).

Rep. Spratt (D-SC) (#3): States, “None of the funds made available by this Act shall be obligated or expended in contravention of the Nuclear Waste Policy Act of 1982.” This amendment would assure that DOE couldn't move forward with interim storage of spent nuclear fuel and radioactive waste until Yucca Mountain is licensed.

According to the amendment sponsor, a provision in the report language of H.R. 2419 calls for interim storage of spent nuclear fuel and radioactive waste while construction at the Yucca Mountain Nuclear Waste Repository is being completed. It states that this storage should take place at “Hanford (Washington), Idaho, or Savannah River (South Carolina),...[or] should these or other DOE sites prove impractical, the Department should investigate **other alternatives for centralized interim storage, including other federally-owned sites, closed military bases, and non-federal fuel storage facilities.**”

The sponsor reports that, “The Nuclear Waste Policy Act (NWPA) abandoned the idea of an interim storage facility in 1990 by sunseting the law that authorized it. In its place, the NWPA authorized construction of a Monitored Retrievable Storage Facility **only**

after the completion of the license for construction of Yucca Mountain. This basically means that no interim storage facility is allowed under the Nuclear Waste Policy Act for the time being” (emphasis in original).

The sponsor has indicated he is likely to offer and withdraw the amendment after a colloquy.

Rep. Stupak (D-MI) (#4): Limits funds from being used to “accept deliveries of petroleum products to the Strategic Petroleum Reserve.” According to the amendment sponsor, “we cannot continue filling the SPR when our economy is suffering due to high gas and oil prices without providing some remedy. The suspension of oil delivery to the SPR would put additional barrels of oil out into the market to stabilize the world’s oil supply and provide some relief at the pump for consumers.” In addition, the sponsor argues, “It does not make sense to keep filling the SPR when oil and gas prices are sky-high...The reserve is already filled to 95 percent capacity, and there are approximately 692 million barrels now in storage - the highest level that it's ever been.

Rep. Stupak (D-MI) (#5): Limits funds from being used to “implement a policy, proposed in the Annex V Navigation Programs by the Corps of Engineers, to use or consider the amount of tonnage of goods that pass through a harbor to determine if a harbor is high-use.”

According to the amendment sponsor, the Army Corps has a new internal policy it has implemented for FY06 and FY07 for Operations & Maintenance (O & M) dredging of harbors. This policy says that in order for projects to receive their annual dredging, the harbor must move one million tons of goods or greater and one billion system ton-miles or greater through the harbor annually or else they will not qualify for funding in President Bush’s dredging budget. According to the sponsor, as a result of this tonnage requirement, projects previously included in past budgets were excluded.

Reps Markey/Holt (D-MA/D-NJ): “Page 19, line 5, insert “(reduced by \$5,500,000) (increased by \$8,500,000) (increased by \$3,500,000) (increased by \$3,500,000)” after “\$1,762,888,000”. Page 25, line 12, insert “(reduced by \$10,000,000)”

According to the sponsor, the amendment transfers \$15.5 million from “reprocessing of nuclear waste and construction of an “interim” nuclear waste dump” to “energy programs to improve energy efficiency, fund state weatherization grants, promote distributed energy and develop a more reliable electricity grid.” More specifically, the sponsor states, “\$8.5 million would be added to Industrial Technologies, \$3.5 million would be added to State Energy Program Grants, and \$3.5 million would be added to the Distributed Energy and Electricity Reliability Program.”

Rep. Tiahrt (R-KS): Prohibits agencies from using funds in the bill to develop or implement regulations without taking into consideration the effect such regulations would have on the competitiveness of U.S. businesses. According to the sponsor, this amendment will likely be offered and withdrawn.

Rep. Sanders (I-VT); “Page 19, line 5, after the dollar amount, insert the following: “(increased by \$1,000,000)”. Page 27, line 9, after the dollar amount, insert the following: “(reduced by \$1,000,000)”.

Reduces by \$1 million funds available for administration of the Department of Energy and increases by the same amount funds under the title, “Department of Energy, Energy Programs.” According the amendment sponsor, the funds are transferred in order to support the EnergySmart Schools Program, which “provides information on energy efficient solutions for school bus transportation, conducting successful building projects and teaching about energy, energy efficiency, and renewable energy.”

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