

REQUESTING THE PRESIDENT AND DIRECTING THE SECRETARY OF ENERGY TO PROVIDE CERTAIN DOCUMENTS TO THE HOUSE OF REPRESENTATIVES RELATING TO THE DEPARTMENT OF ENERGY'S APPLICATION TO FORECLOSE USE OF YUCCA MOUNTAIN AS A HIGH-LEVEL NUCLEAR WASTE REPOSITORY

JULY 19, 2010.—Referred to the House Calendar and ordered to be printed

Mr. WAXMAN, from the Committee on Energy and Commerce, submitted the following

R E P O R T

[To accompany H. Res. 1466]

The Committee on Energy and Commerce, to whom was referred the resolution (H. Res. 1466) of inquiry requesting the President and directing the Secretary of Energy to provide certain documents to the House of Representatives relating to the Department of Energy's application to foreclose use of Yucca Mountain as a high-level nuclear waste repository, having considered the same, report thereon without amendment and without recommendation.

CONTENTS

	Page
Purpose and Summary	1
Background and Need for Legislation	2
Committee Consideration	2
Committee Votes	3
Committee Oversight Findings and Recommendations	3
Statement of General Performance Goals and Objectives	3
Constitutional Authority Statement	3
Committee Cost Estimate	3
New Budget Authority, Entitlement Authority, and Tax Expenditures	3
Federal Mandates Statement	3
Advisory Committee Statement	3
Applicability of Law to Legislative Branch	3
Earmarks and Tax and Tariff Benefits	4
Section-by-Section Analysis of the Legislation	4
Changes in Existing Law Made by the Bill, as Reported	4

PURPOSE AND SUMMARY

Last May, in its fiscal year 2010 budget request, the Department of Energy (DOE) announced the Obama Administration's intent to terminate the Yucca Mountain repository in Nevada. After evaluating options for bringing the project to an orderly close, DOE filed

a motion with the Nuclear Regulatory Commission in March 2010 to withdraw its application for a license for Yucca Mountain, which had been pending before the Commission. H. Res. 1466 requests the President and directs the Secretary of Energy to provide certain documents to the House of Representatives relating to the DOE decision that the proposed Yucca Mountain waste repository is not a workable option for nuclear waste disposal.

Specifically, H. Res. 1466 requests all documents related to any of the following:

- the motion to withdraw the licensing application;
- elimination of future funding for Yucca Mountain;
- reprogramming of FY2010 funds to bring the project to an orderly close;
- discontinuation of monitoring and data collection at the site; and
- efforts to preserve documents supporting the license application.

BACKGROUND AND NEED FOR LEGISLATION

H. Res. 1466 is a resolution of inquiry. Under clause 7 of rule XIII of the Rules of the House of Representatives, the Committee must act on such a resolution within 14 legislative days or a privileged motion to discharge the Committee is in order.

Under the rules and precedents of the House, a resolution of inquiry is one of the methods used by the House to obtain information from the executive branch. According to volume 7, chapter 24, section 8 of Deschler's Procedure, it is a "simple resolution making a direct request or demand of the President or the head of an executive department to furnish the House of Representatives with specific factual information in the possession of the executive branch."

A resolution of inquiry is a significant oversight tool that should be used only after other attempts to obtain information from the executive branch have been attempted and failed. It is the Committee's understanding that this resolution of inquiry was introduced before its author had attempted to obtain from the Administration directly the information sought by the resolution. However, a number of members of the Committee on Energy and Commerce have also expressed interest in obtaining information regarding the Yucca Mountain decision, some of which overlaps with the subjects described in H. Res. 1466. On July 15, 2010, Committee Chairman Waxman, Ranking Member Barton, Subcommittee on Oversight and Investigations Chairman Stupak, and Subcommittee on Oversight and Investigations Ranking Member Burgess agreed to work together in a timely fashion to obtain information from the Administration relating to its decision-making concerning a national nuclear waste repository at Yucca Mountain. Given these facts, the Committee approved forwarding this report on H. Res. 1466 to the House without recommendation.

COMMITTEE CONSIDERATION

The Committee on Energy and Commerce held no hearings on H. Res. 1466. The full Committee met in open markup session on July 15, 2010. No amendments were offered to the resolution during its consideration and subsequently the Committee agreed by a voice

vote to a motion ordering H. Res. 1466 reported to the House without recommendation.

COMMITTEE VOTES

Clause 3(b) of rule XIII of the Rules of the House of Representatives requires the Committee to list each record vote on the motion to report legislation and amendments thereto. There were no record votes on the resolution. The Committee approved by a voice vote a motion by Mr. Waxman ordering H. Res. 1466 reported to the House without recommendation.

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

In compliance with clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the findings and recommendations of the Committee are reflected in the descriptive portions of this report.

STATEMENT OF GENERAL PERFORMANCE GOALS AND OBJECTIVES

H. Res. 1466 is intended to request the President and direct the Secretary of Energy to furnish certain documents relating to the DOE decision that the proposed Yucca Mountain waste repository is not a workable option for nuclear waste disposal.

CONSTITUTIONAL AUTHORITY STATEMENT

The Committee finds that clause 3(d)(1) of rule XIII of the Rules of the House of Representatives, requiring a statement of constitutional authority for laws proposed by bills or joint resolutions, does not apply because H. Res. 1466 is not a bill or joint resolution that may be enacted into law.

COMMITTEE COST ESTIMATE

Pursuant to clause 3(d) of rule XIII of the Rules of the House of Representatives, the Committee estimates the costs of implementing the resolution would be minimal. The Congressional Budget Office did not provide a cost estimate for the resolution.

NEW BUDGET AUTHORITY, ENTITLEMENT AUTHORITY, AND TAX EXPENDITURES

Pursuant to clause 3(c)(2) of rule XIII of the Rules of the House of Representatives, the Committee finds that H. Res. 1466 would result in no new budget authority, entitlement authority, or tax expenditures or revenues.

FEDERAL MANDATES STATEMENT

H. Res. 1466 contains no unfunded mandates.

ADVISORY COMMITTEE STATEMENT

No advisory committees within the meaning of section 5(b) of the Federal Advisory Committee Act are created by H. Res. 1466.

APPLICABILITY OF LAW TO THE LEGISLATIVE BRANCH

The Committee finds that H. Res. 1466 does not relate to the terms and conditions of employment or access to public services or

accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act.

EARMARKS AND TAX AND TARIFF BENEFITS

H. Res. 1466 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI of the Rules of the House of Representatives.

SECTION-BY-SECTION ANALYSIS OF THE LEGISLATION

H. Res. 1466 requests the President and directs the Secretary of Energy to furnish to the House of Representatives, not later than 14 days after the adoption of this resolution, all documents relating to the following:

“(1) The Department of Energy’s Motion to Withdraw its pending licensing application with prejudice for a permanent geologic repository at Yucca Mountain, Nevada.

“(2) The President’s elimination of future funding for Yucca Mountain.

“(3) The Department of Energy’s reprogramming of fiscal year 2010 funds ‘to bring the Yucca Mountain Project to an orderly close.’

“(4) The Department of Energy’s discontinuation of standard monitoring and data collection at the site.

“(5) The Department of Energy’s efforts to preserve documents supporting its Yucca Mountain Repository License Application.”

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

This resolution does not change any existing federal statute.