



Legislative Bulletin.....July 8, 2011

H.R. 2354 — FY 2012 Energy and Water Appropriations Act

BY THE NUMBERS:

In Millions of Dollars

	FY11	FY12 Request	FY12 Committee	Cmte v. Request	Cmte v. FY11
Appropriations	31,682	36,540	30,639	-5,041	-1,043
<i>Emergency Approps</i>	0	0	0	0	0
Total	31,682	36,540	30,639	-5,041	-1,043

Excluding Emergency Appropriations, the Committee Bill is:

- **\$5.041 billion or 13.8% less than the request**
- **\$1.043 billion or 3.3% less than last year**

Spending Discussion: The bill provides a spending level of \$30.6 billion, \$1.0 billion (3.3%) *less* than last year. Last month, the House Appropriations Committee approved the 302(b) allocations for the twelve appropriations bills. Under this plan, total appropriations spending will amount to \$1.019 trillion—a **reduction of \$30.4 billion or 2.9% compared to last year**. The RSC budget resolution (see [here](#) for more information), would lead to a discretionary spending total of \$978 billion.

Order of Business: H.R. 2354 is scheduled to be considered under an open rule that provides for one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Appropriations. The bill will be considered for amendment under the five-minute rule.

Funding Summaries:

In Thousands

	FY 11 Enacted	FY 12 Request	H.R. 2354	H. R. 2354 v. FY 11	H.R. 2354 v. Request	% v. FY 11	% v. Request
Corps of Engineers							
General Investigations.....	126,746	104,000	104,000	-22,746	----	-17.9%	----
Construction.....	1,789,822	1,480,000	1,615,941	-173,881	135,941	-9.7%	9.2%
Flood Control - MS River & Tributaries.	----	27,000	27,000	27,000	----	NA	----
Operations & Maintenance.....	2,365,759	2,314,000	2,366,465	706	52,465	0.0%	2.3%
Regulatory Programs.....	189,620	196,000	196,000	6,380	----	3.4%	----
FUSRAP.....	129,740	109,000	109,000	-20,740	----	-16.0%	----
General Expenses.....	184,630	185,000	185,000	370	----	0.2%	----
Office of the Assistant Secretary of the Army.....	4,990	6,000	5,000	10	-1,000	0.2%	-16.7%
Total, Defense-Civil.....	4,857,213	4,573,000	4,768,406	-88,807	195,406	-1.8%	3.5%
Dept of Interior							
Central Utah Project.....	31,940	32,991	28,704	-3,236	-4,287	-10.1%	-13.0%
Water and Related Resources.....	911,673	805,187	822,300	-89,373	17,113	-9.8%	2.1%
Central Valley Project.....	49,914	53,068	53,068	3,154	----	-6.3%	----
California Bay-Delta Restoration.....	39,920	39,651	35,928	-3,992	-3,723	-10.0%	-9.4%
Policy & Administration.....	61,078	60,000	60,000	-1,078	----	-1.8%	----
Total, Dept of Interior.....	1,094,525	1,051,380	934,000	-160,525	-117,380	-14.7%	-11.2%
Dept of Energy							
Fossil Energy Research.....	444,529	452,975	476,993	32,464	24,018	7.3%	5.3%
Weatherization.....	174,300	320,000	33,000	-141,300	-287,000	-81.1%	-89.7%
Energy Efficiency and Renewable.....	1,795,641	3,200,053	1,304,636	-491,005	-1,895,417	-27.3%	-59.2%
Electricity Delivery and Energy Reliability.....	141,010	237,717	139,496	-1,514	-98,221	-1.1%	-41.3%
Nuclear Energy.....	725,824	754,028	733,633	7,809	-20,395	1.1%	-2.7%
Naval Petroleum and Oil Shale Reserves.	20,854	14,909	14,909	-5,945	----	-28.5%	----
Strategic Petroleum Reserve.....	123,141	121,704	192,704	69,563	71,000	56.5%	58.3%
Northeast Home Heating Oil Reserve.....	10,978	-89,881	-89,881	-100,859	----	-918.7%	----
Energy Information Administration.....	95,009	123,957	105,000	9,991	-18,957	10.5%	-15.3%
Uranium Enrichment Decontam	497,084	504,169	449,000	-48,084	-55,169	-9.7%	-10.9%
Non-Defense Environmental Services....	223,450	219,121	213,121	-10,329	-6,000	-4.6%	-2.7%
Science.....	4,842,665	5,416,114	4,800,000	-42,665	-616,114	-0.9%	-11.4%
Nuclear Energy.....	725,824	754,028	733,633	7,809	-20,395	1.1%	-2.7%
Innovative Technology Loan Guarantee Program.....	-340	1,060,000	160,000	160,340	-900,000	NA	-84.9%
Inspector General.....	42,764	41,774	41,774	-990	----	-2.3%	----
Advanced Technology Vehicles Loans...	9,978	6,000	6,000	-3,978	----	-39.9%	----
Advanced Research Projects Agency.....	179,640	550,011	100,000	-79,640	-450,011	-44.3%	-81.8%
Departmental Administration	250,139	240,623	221,514	-28,625	-19,109	-11.4%	-7.9%
Weapons Activities.....	6,896,398	7,589,384	7,091,661	195,263	-497,723	2.8%	-6.6%
Naval Reactors.....	959,176	1,153,662	1,030,600	71,424	-123,062	7.4%	-10.7%
Office of the Administrator.....	393,293	450,060	420,000	26,707	-30,060	6.8%	-6.7%
Defense Environmental Cleanup.....	4,979,738	5,406,781	4,937,619	-42,119	-469,000	-0.8%	-8.7%
Defense Nuclear Nonproliferation.....	2,273,653	2,519,492	2,056,770	-216,883	-462,722	-9.5%	-18.4%
Other Defense Activities.....	785,020	859,952	814,000	28,980	-45,952	3.7%	-5.3%

Power Marketing Administrations.....	122,233	108,080	108,080	-14,153	----	-11.6%	----
Federal Energy Regulatory Commission..	298,000	304,600	304,600	6,600	----	2.2%	----
Total, Dept of Energy.....	25,591,176	30,683,802	24,740,746	-850,430	-5,943,056	-3.3%	-19.4%
Independent Agencies							
Appalachian Regional Commission.....	68,263	76,000	68,400	137	-7,600	0.2%	-10.0%
Def Nuclear Facilities Safety Board.....	23,203	29,130	29,130	5,927	----	25.5%	----
Nuclear Regulatory Commission.....	138,072	128,600	137,613	-459	9,013	-0.3%	7.0%
Nuclear Waste Technical Review Board..	3,883	3,400	3,400	-483	----	-12.4%	----
Federal Coordinator AK Natural Gas.....	4,457	4,032	4,032	-425	----	-9.5%	----
Delta Regional Authority.....	11,677	13,000	11,700	23	-1,300	0.2%	-10.0%
Denali Commission.....	10,679	11,965	10,700	21	-1,265	0.2%	-10.6%
Northern Border Regional Commission...	1,497	1,500	1,350	-147	-150	-9.8%	-10.0%
Southeast Crescent Regional Commission.....	250	----	250	----	250	0.0%	NA
Total, Independent Agencies.....	246,981	267,627	266,575	19,594	-1,052	7.9%	-0.4%

Items of Note:

Army Corps of Engineers: \$4.8 billion—\$88.8 million or 1.8% below last year, and \$195.4 million or 4.3% above the request.

Nuclear Energy: \$733.6 million—\$7.8 million or 1.1% above last year, and \$20.4 million or 2.7% below the request.

Strategic Petroleum Reserve: \$192.7 million—\$69.6 million or 56.5% above last year, and \$71.0 million or 58.3% above the President’s request.

Department of Energy, Office of Science: \$4.8 billion—\$42.7 million or 0.9% below last year, and \$616.1 million or 11.4% less than the request.

Advanced Technology Vehicles Manufacturing Loans: \$20 million—same as the President’s request, and \$20 million above last year. \$7.51 billion of emergency-designated spending was appropriated for this program in the 110th Congress.

Power Marketing Administration: \$122.2 million—\$108.0 million or 11.6% above last year, and the same as the President’s request.

Appalachian Regional Commission: \$68.4 million—\$137,000 above last year, and \$7.6 million below the President’s request. Many conservatives have expressed concerns that the program is unnecessary and duplicative and have sought to defund this program. Dozens of other federal, state, and local programs exist to encourage development and provide funding for local highway and infrastructure projects.

Denali Commission: \$10.7 million—\$15.0 million above last year (when the committee says it received -\$4.3 million in new budget authority), and \$1.3 million below the President’s request. Created by Congress in 1998, the program is intended to provide job training and other economic development assistance to distressed rural areas in Alaska.

Some conservatives have expressed concern this commission is unnecessary and duplicative. Dozens of other federal, state, and local programs exist to provide job training and economic development advice and assistance.

Emergency Supplemental Funding for Disaster Relief: The legislation provides \$1.028 billion for disaster relief as follows:

- Construction, \$376,000.
- Mississippi River and Tributaries, \$589.5 million.
- Operation and Maintenance, \$204.9 million.
- Flood Control and Coastal Emergencies, \$233.9 million.

The legislation rescinds \$1.029 billion of “stimulus”-provided high speed rail money as an offset. Of note, previous efforts to repeal this spending would have dedicated it to deficit reduction.

Outsourcing/A-76 Activities: Prohibits funds from being used under OMB Circular A-76 (governing the federal government’s outsourcing policies) to implement any pending or future competitive sourcing for work performed by the Army Corps of Engineers. In other words, this provision would prohibit federal employees from having to compete with private-sector entities for certain non-inherently governmental functions of the agencies (like food service and lawn-mowing).

Earmarks: According to the [Committee Report](#), “Neither the bill nor the report contains any Congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.”

Committee Action: H.R. 2354 was reported out of the House Appropriations Committee as an original measure on June 24, 2011.

Cost to Taxpayers: The bill appropriates a total of \$30.639 billion in FY 2012, which is \$1.043 billion less than last year.

Does the Bill Expand the Size and Scope of the Federal Government?: No. The bill reduces spending by \$1.043 billion compared to last year.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: No CBO score is available listing any possible mandates.

Constitutional Authority: The [Committee Report](#) states:

“Pursuant to Section 6(e) of the rules of the Committee on Appropriations of the House of Representatives, the following statement is submitted regarding the specific powers granted to the Congress in the Constitution to enact the accompanying bill or joint resolution. The principal constitutional authority for this legislation is clause 7 of section 9 of article I of the Constitution of the United States (the appropriation power), which

states: No Money shall be drawn from the Treasury, but in Consequence of appropriations made by Law’ In addition, clause 1 of section 8 of article I of the Constitution (the spending power) provides: ‘The Congress shall have the Power . . . to pay the Debts and provide for the common Defense and general Welfare of the United States’ Together, these specific constitutional provisions establish the congressional power of the purse, granting the Congress the authority to appropriate funds, to determine their purpose, amount, and period of availability, and to set forth terms and conditions governing their use.”

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