



H.R. 5055: Fiscal Year 2017 Energy and Water Appropriations (Rep. Simpson, R-ID)

CONTACT: [Matt Dickerson](mailto:Matt.Dickerson@rsc.house.gov), 202-226-9718

FLOOR SCHEDULE:

H.R. 5055 is expected to be considered beginning on May 24, 2016, under a [modified open rule](#), permitting all germane amendments to be offered. The rule provides for one hour of general debate. Members who have pre-printed their amendments in the congressional record will be given priority in recognition. As a reminder, amendments must be offered at the appropriate time during the reading of the bill. Pro-forma amendments to “strike the last word” are prohibited, except for 10 each for the Chair and Ranking Member of the Committee on Appropriations.

Amendments will be summarized in additional Legislative Bulletins as they become available.

TOPLINE SUMMARY:

H.R. 5055 would provide appropriations for the Department of Energy, the Army Corps of Engineers, and the Bureau of Reclamation.

A [consolidated summary of major non-spending policy provisions \(riders\)](#) is available at the end of the detailed summary below.

The Committee Report can be found [here](#), and the text of the legislation can be found [here](#).

COST:

The bill provides a net total of \$37.444 billion in Fiscal Year 2017 base discretionary budget authority that is subject to the Budget Control Act (BCA) discretionary spending caps (as increased by the Bipartisan Budget Act of 2015 (BBA15)). Of this total, \$19.044 billion is for defense purposes and \$18.4 billion is for non-defense purposes.

The bill is written at a level that would comply with the higher \$1.070 trillion in discretionary spending allowed by BBA15.

In thousands of Dollars

	FY16 House Level	FY16 Enacted	FY17 President Request	FY17 House Level
Net Total Base Discretionary	35,402,978	37,184,990	37,276,185	37,444,000

Net Total Base Discretionary Budget Authority is:

- \$168 million above the President's budget request.
- \$259 million above the enacted FY 2016 level.
- \$2.041 billion above the level proposed by the Appropriations Committee for FY 2016.

CONSERVATIVE CONCERNS:

Some conservatives may be concerned this appropriations bill is [written to the \\$1.070 trillion level](#), which is the maximum amount permitted under the [Bipartisan Budget Act of 2015](#). This spending ceiling increase from the \$1.040 trillion level was opposed by [167 House Republicans](#) when it was enacted last fall. The \$1.070 trillion level for Fiscal Year 2017 base discretionary spending is \$30 billion more than the maximum amount that would have been permitted under the Budget Control Act of 2011.

Some conservatives may be concerned that this appropriations bill is being considered by the House despite the fact that House has yet to consider a budget resolution.

Some conservatives may be concerned that the bill includes over \$11 billion in energy subsidy programs that pick winners and losers instead of embracing a market-driven, all-of-the-above strategy.

Some conservatives may be concerned that the bill includes \$9 billion in appropriations for 22 non-defense programs that are not authorized by law, and that nine of these programs receive a total of \$185 million more than their enacted FY 2016 level.

- **Expand the Size and Scope of the Federal Government?** Yes.
- **Encroach into State or Local Authority?** Some conservatives may believe that many of the projects funded by the bill would be more appropriately funded by state or local governments instead of the federal government.
- **Delegate Any Legislative Authority to the Executive Branch?** No.
- **Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits?** No, according to the [Committee Report](#).

DETAILED SUMMARY AND ANALYSIS:

Title I: Corps of Engineers - Civil

Net Total Discretionary in Thousands of Dollars

FY16 House Level	FY16 Enacted	FY17 President Request	FY17 House Level	FY17 vs 16 House	FY17 vs 16 Enacted	FY17 vs President
5,596,750	5,989,000	4,620,000	6,089,330	+ 492,580	+ 100,330	+ 1,469,330

The Army Corps of Engineers is appropriated \$6.089 billion, a level that is \$1.469 billion above the president's budget request, \$100 million above the FY 2016 enacted level, and \$493 million above the level proposed by the House Appropriations Committee for FY 2016.

New Starts: The bill provides funding for six new study starts and four new construction starts.

Additional Funding for Ongoing Work: The bill provides a total of \$1.433 billion in additional funding for authorized projects not specifically included in the president’s budget request in the accounts that fund ongoing Corps work.

The administration is given authority to allocate these funds to a project if: (1) it has received funding, other than through a reprogramming, in at least one of the previous three fiscal years; (2) it was previously funded and could reach a significant milestone or produce significant outputs in FY 2017; or, (3) it is selected as one of the new starts allowed by the bill. The Corps is required to submit a work plan within 60 days of enactment. These allocations allow the Congress to fund projects in addition to just those included in the president’s budget, while staying compliant with the earmark ban, because the bill does not specify which projects should be supported with these funds.

Investigations: The Investigations Account is appropriated \$121 million, a level that is \$35 million above the president’s budget request, \$1 million below the FY 2016 enacted level, and \$11 million above the level proposed by the House Appropriations Committee for FY 2016. This account funds studies to determine the need for and feasibility of Corps projects as well as preconstruction engineering and design. The specific projects that are funded can be found in the [Committee Report](#).

Construction: The Construction Account is appropriated \$1.946 billion, a level that is \$856 million above the president’s budget request, \$83 million above the FY 2016 enacted level, and \$315 million above the level proposed by the House Appropriations Committee for FY 2016. This account funds the construction and major rehabilitation of water infrastructure projects. The specific projects that are funded can be found in the [Committee Report](#).

Mississippi River and Tributaries: The Mississippi River and Tributaries Account is appropriated \$345 million, a level that is \$123 million above the president’s budget request, equal to the FY 2016 enacted level, and \$70 million above the level proposed by the House Appropriations Committee for FY 2016. This account funds planning, construction, and operations and maintenance of flood control projects in the lower Mississippi River Valley. The specific projects that are funded can be found in the [Committee Report](#).

Operation and Maintenance: The Operation and Maintenance Account is appropriated \$3.157 billion, a level that is \$452 million above the president’s budget request, \$20 million above the FY 2016 enacted level, and \$99 million above the level proposed by the House Appropriations Committee for FY 2016. This account funds activities such as dredging, repair, aquatic plant control, monitoring of completed projects, removal of sunken vessels, and the collection of waterborne commerce statistics. The specific projects that are funded can be found in the [Committee Report](#).

Regulatory Program: The Regulatory Program account is appropriated \$200 million, a level that is equal to the president’s budget request, the FY 2016 enacted level, and the level proposed by the House Appropriations Committee for FY 2016. This account funds the administration of laws that regulate activities affecting U.S. Waters.

Fill Material Regulations: Section 108 of the bill permanently prohibits the Army Corps of Engineers from implementing regulations to change the definition of fill material under the Clean Water Act. [CRS](#) has additional information on this issue.

Navigable Waters (WOTUS): Section 110 of the bill permanently prohibits the Army Corps of Engineers from changing the definition of “navigable waters” under the Clean Water Act. In 2014, the EPA and the Corps proposed regulations that would reverse the long-standing definition of what waters would be regulated by the Clean Water Act. These regulations would place significant permitting and regulatory costs on many property owners. [CRS](#) has additional information on this issue.

Firearms on Army Corps Property: Section 111 of the bill permanently prohibits the Army Corps from adopting regulations that ban individuals not otherwise prohibited from possessing a firearm. In 2009, legislation was enacted that allowed the possession of firearms on property controlled by the National Park Service and National Wildlife Refuge System. The NRA [supports](#) standalone legislation that would allow possession on Corps property.

Title II: Department of the Interior

Net Total Discretionary in Thousands of Dollars

FY16 House Level	FY16 Enacted	FY17 President Request	FY17 House Level	FY17 vs 16 House	FY17 vs 16 Enacted	FY17 vs President
1,104,542	1,275,000	1,111,759	1,144,578	+ 40,036	- 130,422	+ 32,819

The agencies within the Department of the Interior funded by the bill are appropriated \$1.145 billion, a level that is \$33 million above the president’s budget request, \$130 million below the FY 2016 enacted level, and \$40 million above the level proposed by the House Appropriations Committee for FY 2016.

Bureau of Reclamation: The Bureau of Reclamation is appropriated \$1.134 billion, a level that is \$27 million above the president’s budget request, \$131 million below the FY 2016 enacted level, and \$39 million above the level proposed by the House Appropriations Committee for FY 2016. The Bureau of Reclamation is charged with managing water resources in 17 western states. The specific projects that are funded can be found in the [Committee Report](#).

California Water Authorizing Provisions: The bill includes provisions from [H.R. 2898, the Western Water and American Food Security Act of 2015](#), related to flow requirements for the Old and Middle Rivers, state water project offset and water rights, prohibiting funds to implement the Stipulation of Settlement (*Natural Resources Defense Council, et al. v. Kirk Rodgers, et al.*) and for additional storage at the New Melones Reservoir. H.R. 2898 passed the House on July 16, 2015, by a [245 – 176](#) vote.

The bill also includes a provision that would prohibit the use of funds for the purchase of water in the State of California to supplement instream flow within a river basin that has suffered a drought within the last two years.

Title III: Department of Energy

Net Total Discretionary in Thousands of Dollars

FY16 House Level	FY16 Enacted	FY17 President Request	FY17 House Level	FY17 vs 16 House	FY17 vs 16 Enacted	FY17 vs President
29,012,069	29,717,278	31,503,903	29,962,889	+ 950,820	+ 245,611	- 1,541,014

The Department of Energy (DOE) is appropriated \$29.963 billion, a level that is \$1.541 billion below the president’s budget request, \$246 million above the FY 2016 enacted level, and \$951 million above the level proposed by the House Appropriations Committee for FY 2016.

Yucca Mountain: Under the Nuclear Waste Policy Act of 1982, the federal government has a legal responsibility to assume responsibility for spent civilian nuclear fuel. Because the administration has halted the Yucca Mountain project, the taxpayers face a liability of \$22.6 billion in penalties. In 2013, the D.C. Circuit Court of Appeals ruled that the administration’s refusal to complete the Yucca project was in

contravention of the Nuclear Waste Policy Act. The bill provides \$150 million for Yucca Mountain and \$20 million for the adjudication of the Yucca Mountain license application. Section 505 of the bill prohibits any funds to be used to close Yucca Mountain. [CRS](#) has additional background on nuclear waste management. [The Heritage Foundation](#) has said that “finishing the review of Yucca Mountain is a critical part of any plan moving forward”, and [Cato](#) says that a “new report confirms that the current proposed site, Yucca Mountain in Nevada, is safe for use.”

Energy Efficiency and Renewable Energy (EERE): EERE is appropriated \$1.825 billion, a level that is \$1.073 billion below the president’s budget request, \$248 million below the FY 2016 enacted level, and \$167 million above the level proposed by the House Appropriations Committee for FY 2016. This program subsidizes “green energy” projects, research, and development.

The [RSC Budget](#) proposed eliminating this account, stating: “Not only does this allow the federal government to pick winners and losers, but also it limits research to a small sector of the energy economy—renewables. The U.S. should pursue a market-based, all-of-the-above energy policy.”

Many conservative groups oppose all or portions of this program, including: [American Energy Alliance](#), [Americans for Prosperity](#), [Cato](#), [Citizens Against Government Waste](#), [Heritage Foundation](#), and [National Taxpayers Union](#).

The major EERE lines are shown in the table below:

(Dollar figures in millions)	FY17 House Level	Vs. FY16 Enacted	Vs. President Request
Bioenergy	168.5	- 56.5	- 110.4
Hydrogen and Fuel Cells	97	- 3.95	8.5
Vehicle Technologies	268	- 42	- 200.5
Advanced Manufacturing	214	- 14.5	- 47
Building Technologies	143	- 57.5	- 146
Geothermal	56	- 15	- 43.5
Solar	197	- 44.6	- 88.1
Water	55	- 15	- 25
Wind	90	- 5.45	- 66
Weatherization	215	0	- 15

Electricity Delivery and Energy Reliability: Electricity Delivery and Energy Reliability is appropriated \$225 million, a level that is \$37 million below the president’s budget request, \$19 million above the FY 2016 enacted level, and \$38 million above the level proposed by the House Appropriations Committee for FY 2016. This program is meant to “increase the efficiency, resilience, and security” of our electricity system. The [American Energy Alliance](#) and the [Heritage Foundation](#) recommend eliminating this program.

Nuclear Energy: The Nuclear Energy program is appropriated \$1.012 billion, a level that is \$18 million above the president’s budget request, \$25 million above the FY 2016 enacted level, and \$75 million above the level proposed by the House Appropriations Committee for FY 2016. Of this amount, \$137 million is classified as for defense purposes and \$875 million is for non-defense. This program conducts research to develop new nuclear reactors. Several outside groups have opposed this funding, including [American Energy Alliance](#), [Cato](#), [Citizens Against Government Waste](#), [Heritage Foundation](#), [National Taxpayers Union](#), and [Taxpayers for Common Sense](#).

Fossil Energy Research and Development: Fossil Energy Research and Development is appropriated \$645 million, a level that is \$285 million above the president’s budget request, \$13 million above the FY 2016 enacted level, and \$40 million above the level proposed by the House Appropriations Committee for FY 2016. This program conducts research on fossil fuels, such as coal, oil, and natural gas.

The [RSC Budget](#) proposed eliminating this account, stating: “Just as this budget calls for the elimination of “green” energy subsidies, it also calls for the elimination of subsidies for conventional energy sources ... Instead of government-directed subsidies, the U.S. should pursue a market-oriented “all of the above” energy strategy.” Of the total amount, \$442 million is for coal. Several conservative groups have opposed this program, including [American Energy Alliance](#), [Cato](#), [Citizens Against Government Waste](#), [Heritage Foundation](#), and [National Taxpayers Union](#).

Strategic Petroleum Reserve (SPR): The SPR is provided \$257 million, a level that is equal to the president’s budget request, \$45 million above the FY 2016 enacted level, and \$45 million above the level proposed by the House Appropriations Committee for FY 2016. According to the [Committee Report](#), the SPR’s current available inventory is equal to about 149 days of net import protection. [Cato](#) and [Citizens Against Government Waste](#) have proposed eliminating the SPR.

Non-Defense Environmental Cleanup: Non-Defense Environmental Cleanup is appropriated \$227 million, a level that is \$8 million above the president’s budget request, \$28 million below the FY 2016 enacted level, and \$2 million below the level proposed by the House Appropriations Committee for FY 2016. This program restores radioactive and hazardous sites that were used for civilian energy research activities.

Uranium Enrichment Decontamination and Decommissioning Fund: The fund is appropriated \$699 million, a level that is \$699 million above the president’s budget request, \$25 million above the FY 2016 enacted level, and \$74 million above the level proposed by the House Appropriations Committee for FY 2016. This Fund is meant to pay for cleanup activities at plants in Portsmouth, Ohio; Paducah, Kentucky; and the East Tennessee Technology Park in Oak Ridge, Tennessee. The president’s budget proposed zeroing out the discretionary funding for this account and funding these activities through a different mandatory funding stream.

DOE Office of Science: The DOE Office of Science is appropriated \$5.4 billion, a level that is \$172 million below the president’s budget request, \$50 million above the FY 2016 enacted level, and \$300 million above the level proposed by the House Appropriations Committee for FY 2016. The Office of Science funds physics, biology, and chemistry science research at national laboratories and universities.

Within the total amount, \$621 million is for Advanced Scientific Computing Research, \$1.86 billion is for Basic Energy Sciences, \$595 million is for Biological and Environmental Research, \$450 million is for Fusion Energy Sciences, \$823 million is for High Energy Physics, and \$620 million is for Nuclear Physics. [Cato](#) and [Heritage](#) have supported spending cuts to the Office of Science.

Advanced Research Projects Agency - Energy (ARPA-E): ARPA-E is appropriated \$306 million, a level that is \$44 million below the president’s budget request, \$15 million above the FY 2016 enacted level, and \$26 million above the level proposed by the House Appropriations Committee for FY 2016. This agency was established by the 2009 stimulus law and is meant to fund high-risk green-energy projects. [The Heritage Foundation](#) and [Taxpayers for Common Sense](#) have supported eliminating this program.

Title 17 Innovative Technology Loan Guarantee Program Administrative Expenses: Administrative expenses for the Title 17 Loan Guarantee Program are provided a net appropriation of \$7 million, a level that is equal the president’s budget request, \$10 million below the FY 2016 enacted level, and \$10 million below the level proposed by the House Appropriations Committee for FY 2016. The president’s budget also

proposed increasing the available subsidies for new loans under the program by \$1.02 billion; however, this proposal is rejected by the bill.

The [RSC Budget](#) proposed eliminating the appropriations to this program, stating: “This is the program that gave us the Solyndra scandal that resulted in the taxpayers losing more than \$500 million after the administration gambled on a politically favored company.” Several conservative groups have supported eliminating this program, including [American Energy Alliance](#), [Americans for Prosperity](#), [Cato](#), [Heritage](#), [Mercatus](#), and [Taxpayers for Common Sense](#).

Advanced Technology Vehicles Manufacturing Loan Program: The Advanced Technology Vehicles Manufacturing Loan Program is appropriated \$5 million for administrative expenses, a level that is equal to the president’s budget request, \$1 million below the FY 2016 enacted level, and \$1 million below the level proposed by the House Appropriations Committee for FY 2016. This program provides guaranteed loans to automotive companies to support the development of “greener” cars. [Cato](#) support eliminating this program.

National Nuclear Security Administration (NNSA): The NNSA is appropriated a total of \$12.854 billion, a level that is \$22 million below the president’s budget request, \$327 million above the FY 2016 enacted level, and \$525 million above the level proposed by the House Appropriations Committee for FY 2016. The [NNSA](#) is a semi-autonomous agency within the U.S. Department of Energy that is charged with sustaining our nuclear weapons, maintaining naval nuclear reactors, and promoting nonproliferation efforts.

Weapons Activities: Within the NNSA, the Weapons Activities account is appropriated \$9.243 billion, a level that is \$8 million above the president’s budget request, \$396 million above the FY 2015 enacted level, and \$530 million above the level proposed by the House Appropriations Committee for FY 2016. This account provides for the security, safety, and reliability of the U.S. nuclear weapons stockpile, including life extension programs for current warheads.

Defense Nuclear Nonproliferation: Within the NNSA, Defense Nuclear Nonproliferation is appropriated \$1.808 billion, a level that is equal to the president’s budget request, \$132 million below the FY 2016 enacted level, and \$100 million below the level proposed by the House Appropriations Committee for FY 2016. This account supports efforts to prevent the spread of nuclear weapons. The bill includes \$340 million for the construction of the Mixed Oxide (MOX) Fuel Fabrication Facility project, and prohibits the use of funds to place the project in cold standby.

Naval Reactors: Within the NNSA, Naval Reactors is appropriated \$1.42 billion, a level that is equal to the president’s budget request, \$45 million above the FY 2016 enacted level, and \$100 million above the level proposed by the House Appropriations Committee for FY 2016. This account supports the development, operations and maintenance, and disposal of nuclear propulsion systems for the Navy. The bill provides \$214 million for the *Ohio*-class submarine replacement reactor development.

Defense Environmental Cleanup: The Defense Environmental Cleanup program is appropriated \$5.227 billion, a level that is \$8 million below the president’s budget request, \$63 million below the FY 2016 enacted level, and \$171 million above the level proposed by the House Appropriations Committee for FY 2016. This program is responsible for the cleanup of contamination at sites where defense related nuclear research and production were carried out.

Power Marketing Administrations: The bill provides a total net appropriation of \$107 million for the four power marketing administrations ([Bonneville](#), [Southeastern](#), [Southwestern](#), and [Western Area](#)), a level that is equal to the president’s budget request, \$2 million above the FY 2016 enacted level, and \$2 million above the level proposed by the House Appropriations Committee for FY 2016. These power marketing administrations produce and sell hydroelectric power. The Southwestern and Western Area power administrations receive appropriated subsidies, while the Bonneville and Southeastern power

administrations utilize offsetting collections and do not receive a net appropriation. Conservative groups have supported eliminating the power marketing administrations, including [American Energy Alliance](#), [Cato](#), [Citizens Against Government Waste](#), [Heritage](#) and [National Taxpayers Union](#).

Federal Energy Regulatory Commission (FERC): FERC is funded at \$347 million, a level that is equal to the president’s budget request, \$27 million above the FY 2016 enacted level, and \$27 million above the level proposed by the House Appropriations Committee for FY 2016. FERC revenues are established at a rate equal to funding, resulting in no net appropriation. FERC regulates the interstate commerce of energy, including electricity, natural gas, and oil.

Workplace Diversity: The bill requires a report on the DOE’s plans for “recruitment and retention of diverse talent that includes outreach and recruitment programs at Historically Black Colleges and Universities, Hispanic-Serving Institutions, Asian and Pacific Islander Serving Institutions, Predominantly Black Institutions, and other Minority Serving Institutions.”

Prohibition on Assistance to Russia: The bill includes a provision that would prohibit the use of nonproliferation funds to enter into new contracts with, or new agreements for Federal assistance to, the Russian Federation.

Title IV: Independent Agencies

Net Total Discretionary in Thousands of Dollars

FY16 House Level	FY16 Enacted	FY17 President Request	FY17 House Level	FY17 vs 16 House	FY17 vs 16 Enacted	FY17 vs President
297,785	341,712	311,623	363,203	+ 65,418	+ 21,491	+ 51,580

The Independent Agencies funded by the bill are appropriated \$363 million, a level that is \$52 million above the president’s budget request, \$21 million above the FY 2016 enacted level, and \$65 million above the level proposed by the House Appropriations Committee for FY 2016.

Regional Commissions: The bill provides a net total of \$177 million in appropriations to five regional commissions, a level that is \$21 million above the president’s budget request, \$13 million below the FY 2016 enacted level, and \$57 million above the level proposed by the House Appropriations Committee for FY 2016.

A table showing the funding levels for the five regional commissions is below:

(Dollar figures in thousands)	FY17 House Level	Vs. FY16 Enacted	Vs. President Request
Appalachian Regional Commission (ARC)	146,000	0	+ 26,000
Delta Regional Authority (DRA)	15,000	- 10,000	- 936
Denali Commission	11,000	0	- 4,000
Northern Border Regional Commission (NBRC)	5,000	- 2,500	0
Southeast Crescent Regional Commission	250	0	+ 250

The [RSC Budget](#) proposed eliminating the regional commissions, stating: “The economic development programs are duplicative of other programs in the federal government and provide federal funding for local projects. Not only is the federal government out of money, but also it is ill-equipped to prioritize local infrastructure and development projects. These activities are also more appropriately carried out by state and local governments.” Several conservative organizations have supported eliminating these commissions, including [Americans for Prosperity](#), [Citizens Against Government Waste](#), [Heritage Action](#) and [National Taxpayers Union](#).

Nuclear Regulatory Commission (NRC): The NRC receives a net appropriation of \$149 million, a level that is \$30 million above the president’s budget request, \$32 million above the FY 2016 enacted level, and \$8 million below the level proposed by the House Appropriations Committee for FY 2016. The bill provides an appropriation of \$936 million which is offset by \$787 million in revenues. The NRC’s appropriation has grown from \$669 million since 2005. The bill directs \$20 million to continue adjudication of the Yucca Mountain license application.

Environmental Justice: The bill includes a provision that prohibits the use of funds in contravention of an [Executive Order](#) related to “Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations”.

National Ocean Policy: Section 506 of the bill prohibits any funds to be used to implement the [National Ocean Policy](#) under Executive Order 13547.

Unauthorized Appropriations: The bill includes \$9.035 billion in appropriations for 22 non-defense programs that are not authorized by law. Nine of these programs receive a total of \$185 million more than their enacted FY 2016 level. Several of these programs have not been authorized since the 1980’s and one has never been authorized by Congress.

The inclusion of appropriations for these programs in the reported bill is in violation of [clause 2\(a\)\(1\) of rule XXI of the Rules of the House](#).

The bill also includes \$18.944 billion for 7 defense programs for which the authorization will expire at the end of FY 2016, which would be authorized by the FY 2017 NDAA.

	Unauthorized Programs funded by the bill	Total Unauthorized Appropriations		Programs that Receive more than FY14 Enacted	Total Increases in Programs that Receive more than Enacted
Defense Programs	7	18,943,945		3	484,673
Non-Defense	22	9,035,030		9	185,285
Total	29	27,978,975		12	669,958

MAJOR POLICY PROVISIONS:

Fill Material Regulations: Section 108 of the bill permanently prohibits the Army Corps of Engineers from implementing regulations to change the definition of fill material under the Clean Water Act. [CRS](#) has additional information on this issue.

Navigable Waters (WOTUS): Section 110 of the bill permanently prohibits the Army Corps of Engineers from changing the definition of “navigable waters” under the Clean Water Act. In 2014, the EPA and the Corps proposed regulations that would reverse the long-standing definition of what waters would be regulated by the Clean Water Act. These regulations would place significant permitting and regulatory costs on many property owners. [CRS](#) has additional information on this issue.

Firearms on Army Corps Property: Section 111 of the bill permanently prohibits the Army Corps from adopting regulations that ban individuals not otherwise prohibited from possessing a firearm. In 2009, legislation was enacted that allowed the possession of firearms on property controlled by the National Park Service and National Wildlife Refuge System. The NRA [supports](#) standalone legislation that would allow possession on Corps property.

California Water Authorizing Provisions: The bill includes provisions from [H.R. 2898, the Western Water and American Food Security Act of 2015](#), related to flow requirements for the Old and Middle Rivers, state water project offset and water rights, prohibiting funds to implement the Stipulation of Settlement (*Natural Resources Defense Council, et al. v. Kirk Rodgers, et al.*) and for additional storage at the New Melones Reservoir. H.R. 2898 passed the House on July 16, 2015, by a [245 – 176](#) vote.

The bill also includes a provision that would prohibit the use of funds for the purchase of water in the State of California to supplement instream flow within a river basin that has suffered a drought within the last two years.

Yucca Mountain: Section 505 of the bill prohibits any funds to be used to close Yucca Mountain. [CRS](#) has additional background on nuclear waste management. [The Heritage Foundation](#) has said that “finishing the review of Yucca Mountain is a critical part of any plan moving forward”, and [Cato](#) says that a “new report confirms that the current proposed site, Yucca Mountain in Nevada, is safe for use.”

Workplace Diversity: The bill requires a report on the DOE’s plans for “recruitment and retention of diverse talent that includes outreach and recruitment programs at Historically Black Colleges and Universities, Hispanic-Serving Institutions, Asian and Pacific Islander Serving Institutions, Predominantly Black Institutions, and other Minority Serving Institutions.”

Prohibition on Assistance to Russia: The bill includes a provision that would prohibit the use of nonproliferation funds to enter into new contracts with, or new agreements for Federal assistance to, the Russian Federation.

Environmental Justice: The bill includes a provision that prohibits the use of funds in contravention of an [Executive Order](#) related to “Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations”.

National Ocean Policy: Section 506 of the bill prohibits any funds to be used to implement the [National Ocean Policy](#) under Executive Order 13547.

OUTSIDE GROUPS:

- **American Energy Alliance** has posted the [Top 8 Ways to Rein in DOE Spending](#).
- **Cato Institute** recommends closing the [Advanced Technology Vehicles Manufacturing Program](#), [prohibiting new loan guarantees](#), funding [Yucca Mountain](#), and ending a [number of other subsidies](#).
- **Citizens Against Government Waste** criticizes funding for the [Appalachian Regional Commission and the Denali Regional Commission](#) and [supports Yucca Mountain](#).
- **Heritage Action**: [Largest Energy & Water Bill In The History Of The House](#)
- **Heritage Foundation**: [The Blueprint for Balance: A Federal Budget for 2017](#) includes several recommended cuts for the energy and Water Appropriations bill.
- **Taxpayers for Common Sense** [criticizes](#) risky loan subsidies, ARPA-E, subsidies for small modular nuclear reactors, and the Advanced Technology Vehicles Manufacturing (ATVM) Program, [clean coal funding](#); has [analysis](#) of the president's budget, including MOX, biofuels, clean coal, and nuclear; and has more on energy subsidies [here](#).

COMMITTEE ACTION:

The Appropriations Committee marked up H.R. 5055 on [April 19, 2016](#), and reported the bill by a voice vote. The Committee also held a number of [oversight hearings](#) on the agencies funded by the bill.

ADMINISTRATION POSITION:

According to the [Statement of Administration Policy](#), "the Administration strongly objects to the inclusion of problematic ideological provisions that are beyond the scope of funding legislation. If the President were presented with H.R. 5055, his senior advisors would recommend that he veto the bill."

CONSTITUTIONAL AUTHORITY:

"Congress has the power to enact this legislation pursuant to the following: Pursuant to clause 7(c) of rule XII of the Rules of the House of Representatives, the following statement is submitted regarding the specific powers granted to 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 Defence and general Welfare of the United States . . ." Together, these specific constitutional provisions establish the congressional power of the purse, granting 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."

NOTE: *RSC Legislative Bulletins are for informational purposes only and should not be taken as statements of support or opposition from the Republican Study Committee.*

###