



Legislative Bulletin.....July 10, 2014

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Amendments to H.R. 4923 – Energy and Water Appropriations Act, 2015 (Simpson, R-ID) – Part IV

Further updates on amendments will be sent as they become available.

**Amendments to H.R. 4923 – Energy and Water Appropriations Act, 2015
(Simpson, R-ID) – Part IV**

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

1. **[McClintock \(R-CA\)](#)**: This amendment would reduce unauthorized non-defense programs in the bill to no higher than enacted FY14 levels. Specifically this amendment reduces the EERE Weatherization Activities / State Energy Programs, Nuclear Energy, Fossil Energy, Departmental Administration, and the Nuclear Regulatory Commission by a combined total of \$121 million. The statutory authorization for each of these programs has expired - some as long ago as the 1980’s – yet the underlying legislation increases spending on them.

Clause 2(a)(1) of Rule XXI of the [Rules of the House](#) states, in pertinent part, “An appropriation may not be reported in a general appropriation bill, and may not be in order as an amendment thereto, for an expenditure not previously authorized by law, except to continue appropriations for public works and objects that are already in progress.” [The rule](#) providing for consideration of H.R. 4923 waived this rule.

Heritage Action and [National Taxpayers Union](#) supports the amendment.

2. **[Bonamici \(D-OR\)](#)**: Increase funding for hydropower within Energy Efficiency and Renewable Energy (EERE) by \$9 million and reduces DOE Departmental Administration by the same amount. The underlying legislation funds hydropower research at \$38.5 million.
3. **[Speier \(D-CA\)](#)**: Cuts Fossil Energy Research and Development by \$31 million. Fossil Energy Research and Development is appropriated \$593 million in the underlying bill, a level that is \$118 million above the President’s budget request, \$31 million above the FY14 enacted level, and \$143 million above the level proposed by the House Appropriations Committee for FY14. This program conducts research on fossil fuels,

such as coal, oil, and natural gas. Of the total amount, \$412 million is for coal. Several conservative groups have opposed this program, including [Cato](#), [Citizens Against Government Waste](#), [Heritage](#), and [National Taxpayers Union](#).

4. [Titus \(D-NV\)](#): Would eliminate funding for the Yucca Mountain nuclear waste repository. The bill provides \$150 million for 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 \$25.1 billion in penalties, according to the [Committee Report](#). In August, 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. [CRS](#) has additional background on nuclear waste management. [Heritage](#) has said that "finishing the review of Yucca Mountain is a critical part of any plan moving forward."
5. [Schiff \(D-CA\)](#): increases funding for the Advanced Research Projects Agency - Energy (ARPA-E) by \$20 million and reduces funding for DOE Administration by the same amount. ARPA-E is appropriated \$280 million in the underlying legislation, a level that is \$45 million below the President's budget request, equal to the FY14 enacted level, and \$230 million above the level proposed by the House Appropriations Committee for FY14.

The RSC Budget proposed eliminating ARPA-E, stating: "This agency was started by the failed 2009 stimulus law and is meant to fund high-risk green energy projects. Taxpayers should not bear the burden for research projects that the energy industry will not even take on for itself." [Heritage](#) has supported eliminating this program. In 2012, ARPA-E was criticized in a GAO report, which was the [subject of a hearing](#) in the House Science Committee.

6. [Quigley \(D-IL\)](#): Reduces funding for Weapons Activities in the National Nuclear Security Administration (NNSA) by \$7.6 million to eliminate funding for the Long-Range Stand Off (LRSO) nuclear warhead currently under development by the NNSA and the Air Force. The Commander of U.S. Strategic Command (STRATCOM), Admiral Cecil Haney [has stated](#) that the LRSO is "an important facet of our deterrent, to have that capability, to have that standoff capability now and well into the future." The [Department of Defense](#) has established a military requirement for a nuclear capable stand-off cruise missile for the bomber leg of the U.S. triad. An amendment to cut funding for the LRSO to the FY15 Defense Appropriations bill was defeated by a [179 – 242](#) vote.

[National Taxpayers Union](#) supports the amendment.

7. [Chabot \(R-OH\)](#): Eliminates the [Denali Commission](#). The underlying bill provides \$10 million for the Commission, an agency which is charged with providing economic development and other local services in Alaska. The Inspector General of the Commission was [featured in the Washington Post](#) for advocating that the Commission be

eliminated, stating that the Commission “is a congressional experiment that hasn’t worked out in practice.”

The RSC Budget proposed eliminating all of the five regional commissions, including the Denali Commission, stating “The economic development programs are duplicative of other programs in the federal government and provide federal funding for local projects... These activities are more appropriately carried out by state and local governments.” [American Conservative Union](#), Heritage Action, and [National Taxpayers Union](#) support the amendment.

8. [Titus \(D-NV\)](#): Strikes the general provision in the bill which prohibits funds made available under this act from being used to close the Yucca Mountain nuclear waste repository. A similar amendment to the FY14 Energy and Water Appropriations bill was defeated by a [87 – 337](#) vote.
9. [DeLauro \(D-CT\)](#): Prohibits federal contracts by the agencies funded under this bill for businesses that incorporated in the United States, but then reincorporated in Bermuda and the Cayman Islands. The amendment sponsor calls these [tax havens](#).
10. [King \(R-IA\)](#): Prohibits funds under this act from enforcing the prevailing wage requirements under the Davis-Bacon Act. According to the [Heritage Foundation](#), the Davis-Bacon Act “increases the cost of federally funded construction projects by 9.9 percent.” Repealing Davis-Bacon was included in the RSC budget and the [RSC’s JOBS Act](#). This amendment is supported by the [Associated Builders and Contractors](#), the [Independent Electrical Contractors](#), the [National Federation of Independent Business](#), [National Taxpayers Union](#), and the [Small Business & Entrepreneurship Council](#).
11. [Lankford \(R-OK\)](#): Prohibits funds to implement regulations that rely on analysis from the Administration on the “[Social Cost of Carbon](#).” This analysis requires regulators to assign a dollar value to carbon emissions. According to the amendment sponsor, the Administration recently moved to increase the dollar value without following the Administrative Procedures Act.
12. [Cassidy \(R-LA\)](#): Prohibits funds for the DOE to apply the findings from [a report](#) on the lifecycle greenhouse gas for Liquefied Natural Gas (LNG) to determining whether a LNG export application is in the public interest. The Administration’s [report claims](#) that LNG exports are bad for climate change.

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