



Legislative Bulletin.....July 9, 2013

H.R. 2609 – Energy and Water Development, and Related Agencies Appropriations Act, 2014 (Rep. Frelinghuysen, R-NJ)

Order of Business: Consideration of the bill will begin on Tuesday, July 9, under an open rule ([H. Res. 288](#)).

BY THE NUMBERS:

In Millions of Dollars

	FY13 House 302(b)	FY13 Enacted Pre Sequester	FY13 Enacted Post Sequester	FY14 House Committee
Base Appropriations*	32,098	33,283	31,126	30,426

The Committee Bill is:

- **\$700 million less than the FY13 enacted post-sequester level.**
- **\$2.9 billion less than the FY13 enacted pre-sequester level.**
- **\$1.7 billion less than the FY13 House 302(b) levels.**

Spending Discussion: The bill (bill text [here](#), bill report [here](#)) provides a base spending level of \$30.4 billion. This spending level is consistent with the House Appropriations Committee’s [302\(b\) allocation](#) for Energy and Water Appropriations, which is consistent with the House-passed FY14 budget’s overall 302(a) spending level of \$967 billion. This topline spending number is consistent with the post-sequester discretionary spending level required for FY14 in the Budget Control Act. The House-passed budget is the only budget to pass that complies with the overall spending level called for by law. Further, this bill’s spending level of \$30.4 billion is between FY07 (\$29.4 billion) and FY08 (\$30.9 billion).

The Senate-passed budget calls for FY14 discretionary spending at \$1,058 billion, which is \$91 billion higher than the House. The Senate’s Energy and Water Appropriations bill scores at \$34.8 billion, which is \$4.4 billion higher than the House reported level.

*Figures do not include non-disaster, non-emergency Hurricane Sandy (H.R. 152) spending.

Provisions of Note:

Title I: Corps of Engineers

Investigations: The legislation authorizes \$90,000,000 to be available for the Army Corps of Engineers until expended for various investigations and studies.

- **Basic Investigations:** The legislation authorizes the Army Corps of Engineers to collect and study basic information pertaining to aquatic ecosystem restoration, shore protection, storm and flood damage protection, and harbors and rivers.
- **Detailed Studies and Surveys:** The legislation authorizes the Army Corps of Engineers to conduct detailed studies and surveys pertaining to plans and specifications of proposed aquatic ecosystem restoration, shore protection, storm and flood damage protection, and harbors and rivers projects prior to construction.
- **Restudy of Authorized Projects:** The legislation authorizes the Corps to restudy projects prior to completion.

Construction: The legislation authorizes \$1,343,000,000 to remain available until expended for the Federal share of water related construction projects. Construction projects include aquatic ecosystem restoration projects, shore protection projects, storm and flood damage projects, and river and harbor projects. More information on Army Corps construction can be viewed [here](#).

Regulatory Program: The legislation authorizes \$193,000,000 to remain available until September 30, 2015 for the administration of laws related to wetlands and navigable waterways. According to the [Army Corps of Engineers](#), the “Regulatory Program is one of the oldest in the Federal Government.” The Regulatory Program evaluates permit applications for “essentially all construction activities that occur in the Nation’s waters, including wetlands.”

Mississippi River and Tributaries: The bill appropriates \$249,000,000 for projects related to flood damage reduction in the Mississippi River alluvial valley below Cape Girardeau, Missouri. Information about the Mississippi River and Tributaries Project can be found on the Army Corps of Engineers website [here](#). According the Army Corps of Engineers, the Mississippi River and Tributaries Project is the “largest flood control project in the world, providing protection to the 36,000 square-mile lower Mississippi valley.”

Operation and Maintenance: The legislation authorizes \$2,682,000,000 to be available until expended for water related projects. Included in the operations and maintenance account is money to care for existing harbor and river, storm and flood damage reduction, and aquatic ecosystem restoration projects. In addition, money is included to provide for security for infrastructure owned or operated by the Corps. Clearing and straightening channels and removing obstruction to navigation is also included under the operation and maintenance account.

Formerly Utilized Sites Remedial Action Program (FUSRAP): The bill appropriates \$104,000,000 to clean up contamination at sites that were used as part of the early atomic

energy program. The FUSRAP program began in 1974 and includes 24 active sites in 10 states. Through this program “the Corps addresses the environmental remediation or control of sites where the Manhattan Engineer District or Atomic Energy Commission activities were performed during the 1940s, 1950s, and 1960s.” When the remediation is complete, the sites are transferred back to the Department of Energy. More information on the program can be found on Army Corps of Engineers [website](#). In addition, a fact sheet on the program can be viewed [here](#).

Flood Control and Coastal Emergencies: The bill authorizes \$28,000,000 to remain available until expended. The Army Corps of Engineers has authority to conduct activities related to disaster preparedness, emergency operations, rehabilitation of flood control works threatened or damaged by coastal storm, and other emergency measures. This authority is granted under PL 84-00, Flood Control and Coastal Emergencies (33 U.S.C. 701n). More information can be found on the Corps website [here](#).

Chief of Engineers Report: The legislation requires a report to be submitted to Congress by the Assistant Secretary of the Army (Civil Works) no later than 120 days after the Chief of Engineers Report is issued. A list of signed Chief’s Reports can be viewed [here](#).

Aquatic Nuisance Species: The Secretary of the Army is authorized to take appropriate measures to prevent aquatic nuisance species from dispersing into the Great Lakes by way of any hydrologic connection between the Great Lakes and the Mississippi River Basin. The Asian Carp is considered an aquatic nuisance species and is one of the species that the Corps is attempting to prevent the spread of between the Great Lakes and the Mississippi River Basin. More information about the program can be found [here](#).

Miami Harbor, Miami-Dade County, Florida: The legislation increases total funding for the navigation project from \$125,270,000 to \$152,510,000. The Federal share of the cost is increased from \$75,000,000 to \$92,007,000. The non-Federal cost is increased from \$50,130,000 to \$60,503,000.

Little Calumet River Basin (Cady Marsh Ditch), Indiana: The legislation authorizes completion of the project for a total cost of \$269,800,000 with an estimated Federal cost of \$202,800,000 and an estimated non-Federal cost of \$67,188,000. General information about the Little Calumet River Basin can be viewed [here](#).

Firearms: The legislation prohibits the Secretary of the Army from creating or enforcing any regulations that prohibit individuals from possessing firearms at a water resources development project if the individual is not otherwise prohibited by law from possessing a firearm and the possession of the firearm is in compliance with the laws of the State in which the water resources development project is located.

Title II: Department of the Interior

Central Valley Project Restoration Fund: The legislation provides \$53,288,000, which is \$220,000 above the fiscal year 2013 level. This account provides funding for habitat restoration, improvement and acquisition, and fish and wildlife restoration activities.

California Bay-Delta Restoration: The legislation provides \$30,000,000, which is \$9,651,000 below the fiscal year 2013 level. This account provides funding for the federal share of water supply improvements, ecosystem improvements and other activities that are developed by the Sacramento-San Joaquin Delta.

Department of the Interior: The legislation contains language that prohibits funding for a number of activities within the Department of Interior, including creating or initiating new programs, projects or activities, or eliminating a project, program or activity.

Title III: Department of Energy

Advanced Technology Vehicles Manufacturing Loan Program: The legislation provides \$6,000,000, to remain available until September 30, 2015. This program was intended to provide debt capital to domestic auto manufacturers in order to fund projects that help domestically produced vehicles meet higher-mileage requirements. However, the funds have largely been unused as production has not met current demand. Loan beneficiaries have included manufacturers shifting jobs overseas, such as Fisker, which provided over \$500 million and ended up assembling cars in Finland.¹

Basic Energy Sciences: The legislation provides \$1,583,099,000 for Basic Energy Sciences, \$106,396,000 below fiscal year 2013 and \$279,312,000 below the budget request. This program supports research to “understand, predict, and ultimately control matter and energy at the electronic, atomic, and molecular levels in order to provide the foundations for new energy technologies.” The program provides funding for research institutions, and approximately 40 percent of funding is provided to academic institutions.²

Biological and Environmental Research: The legislation provides \$494,106,000 for Biological and Environmental Research, \$116,090,000 below fiscal year 2013 and \$131,241,000 below the budget request. This includes \$75,000,000 for the second year of the second five-year term of the three BioEnergy Research Centers. The program provides support for “fundamental research and scientific user facilities to address diverse and critical global challenges.” Their goal is to provide research that advances the understanding of “the roles of Earth’s biogeochemical systems (the atmosphere, land, oceans, sea ice, and subsurface) in determining climate” so they can predict climate decades or centuries into the future.³

Carbon Capture and Sequestration and Power Systems: The legislation provides \$315,856,000. This is \$52,753,000 below fiscal year 2013 and \$39,225,000 above the

¹ <http://www.congress.gov/cgi-lis/cpquery/T?&report=hr017&dbname=113&>

² <http://science.energy.gov/bes/about/>

³ <http://science.energy.gov/ber/>

President's request. Carbon Capture and Sequestration is a process by which carbon dioxide is removed from the smokestack at power plants and is then forced into underground storage. Some analysts have estimated that capturing the carbon dioxide cuts the output of a typical plant by as much as 28 percent.⁴

Fossil Energy Research and Development: The legislation provides \$450,000,000 for Fossil Energy Research and Development. This is \$84,000,000 below fiscal year 2013, and \$29,425,000 above the President's request. The Department of Energy's Office of Fossil Energy manages approximately 300 research projects, ranging from carbon sequestration, to hydrogen, coal, etc.⁵

Nuclear Energy: the legislation provides \$656,389,000 for Nuclear Energy. This is \$102,611,000 below fiscal year 2013 and \$79,071,000 below the President's request. Within this, the legislation includes \$387,329,000 for Nuclear Energy Research and Development. This is \$59,754,000 below fiscal year 2013, and \$14,929,000 above the President's request.

Renewable Energy, Energy Reliability, and Efficiency: The legislation appropriates \$982,637,000 to remain available until expended. The program invests in high-risk research and development in the fields of energy efficiency and renewable energy technologies. Not only does this program allow the federal government to pick winners and losers, but it also limits research to a small sector of the energy economy – renewables. Instead of wasting taxpayer dollars on risky renewable energy schemes, the United States should be pursuing a market-based, all-of-the-above energy policy. The [RSC FY 2014 budget](#) called for the elimination of the predecessor to this program (EERE).

Solar Energy: The legislation provides \$65,300,000 for the Solar Energy program. This is \$222,967,000 below fiscal year 2013 and \$291,200,000 below the President's request. The legislation directs the Department to prioritize solar manufacturing initiatives within this program and, to the extent possible within available funding, to explore cross-cutting advanced solar films aimed at improving the cost-effectiveness of solar technologies.

Strategic Petroleum Reserve: The legislation provides \$189,400,000. This is \$3,304,000 below fiscal year 2013, and in line with the President's request. The Strategic Petroleum Reserve (SPR) is the largest stockpile of government-owned emergency crude oil in the world. The President is allowed to release oil from the SPR should a disruption in supply threaten the U.S. economy.⁶

Uranium Enrichment Decontamination and Decommissioning Fund: The legislation provides \$545,000,000. This is \$72,070,000 above fiscal year 2013, and \$9,823,000 below the President's request. The primary purpose of this fund is to provide decontamination and decommissioning and cleanup of the three gaseous diffusion plants, which are in Tennessee, Kentucky, and Ohio.

⁴ http://www.nytimes.com/2010/05/13/opinion/13bryce.html?_r=0

⁵ <http://www.fossil.energy.gov/programs/projectdatabase/>

⁶ <http://energy.gov/fe/services/petroleum-reserves>

Wind Energy: The legislation provides \$24,000,000 for the Wind Energy program. This is \$69,034,000 below fiscal year 2013, and \$120,000,000 below the President's request.

Title IV: Independent Agencies

Regional Commissions: The legislation provides \$70,317,000 to remain available until expended for the Appalachian Regional Commission (\$5.7 million *above* President Obama's request). The legislation provides \$11,319,000 to remain available until expended for the Delta Regional Authority. The legislation provides \$7,396,000 to remain available until expended for the Denali Commission. The economic development programs are duplicative of other programs in the federal government and provide federal funding for local projects. The federal government is not only out of money, but it is also ill-equipped to prioritize local infrastructure and development projects. These activities are more appropriately carried out by state and local governments. The [RSC FY 2014 budget](#) called for the elimination of these programs. These commissions were also singled out by President Obama's Fiscal Commission (item #20 on the Fiscal Commission's [list](#) of illustrative cuts)

Title IV: General Provisions

E-Verify: Section 507 prohibits funding to hire any federal employee that is not verified through the E-Verify Program. This is a free, internet-based system that allows businesses to determine the employment eligibility of their employees.⁷

Loan Guarantees: Section 503 prohibits funds for loans or loan guarantees to any corporation that was convicted of a felony criminal violation under any Federal law within the preceding 24 months. Section 504 prohibits funds for loans or loan guarantees to any corporation that has any unpaid federal tax liability.

Poverty: Section 511 contains a sense of Congress stating that "Congress should not pass any legislation that authorizes spending cuts that would increase poverty in the United States."

Yucca Mountain: Section 509 prohibits funds to be used to conduct the closure of adjudicatory functions, technical review, or support activities associated with the Yucca Mountain geologic repository license application. Yucca Mountain is a proposed nuclear waste repository in Nevada's remote desert.⁸

Administration Position: The White House has issued a "[veto threat](#)" for the bill.

RSC Staff Contact:

Will Dunham, Will.Dunham@mail.house.gov, Ex. 6-0718

Curtis Rhyne, Curtis.Rhyne@mail.house.gov, Ex. 6-8576

Scott Herndon, Scott.Herndon@mail.house.gov, Ex. 6-2076

⁷<http://www.uscis.gov/portal/site/uscis/menuitem.eb1d4c2a3e5b9ac89243c6a7543f6d1a/?vgnextoid=75bce2e261405110VgnVCM1000004718190aRCRD&vgnnextchannel=75bce2e261405110VgnVCM1000004718190aRCRD>

⁸<http://www.nei.org/Key-Issues/Nuclear-Waste-Disposal/yuccamountain>

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.