

House Appropriations Committee

Chairman Hal Rogers

Website address: <http://appropriations.house.gov/>

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Summary – The FY 2012 Energy and Water Appropriations Bill

The fiscal year 2012 Energy and Water and Related Agencies Appropriations bill provides the annual funding for the various agencies and programs under the Department of Energy, including the National Nuclear Security Administration, as well as the Army Corps of Engineers, the Bureau of Reclamation, the Nuclear Regulatory Commission, and various regional water and power authorities.

The bill includes \$30.6 billion in funding – a cut of \$5.9 billion below the President’s request and \$1 billion below last year – which brings the total cost of the bill to nearly the 2006 funding level. The bill also includes \$1.028 billion in emergency funding to repair damage from recent devastating storms and floods, offset by unobligated (leftover) high-speed rail “stimulus” funding. There are no earmarks in this legislation.

House Appropriations Chairman Hal Rogers has made the following statement on the legislation:

“The programs and projects funded in the Energy and Water Appropriations bill affect every community in our nation, and many are essential to our safety and quality of life. The Committee has taken a hard look at each and every line in this bill to make sure that we are prioritizing taxpayer dollars in programs that have the most benefit to the American people, while cutting back funding for programs that we simply cannot afford or that are not performing up to snuff. In this time of budget crisis, we have to make tough, sometimes unpopular decisions to rein in budgets in order to get our economy back on track.”

Subcommittee Chairman Rodney Frelinghuysen also has commented on the bill:

“This is a fair bill that recognizes the stark fiscal reality that faces our country. The Committee has worked hard to ensure that our highest priorities – defense of our country and support for American innovation and competitiveness – receive critical funding. At the same time, the bill cuts back on programs with large unspent balances, ensuring that every hard-earned taxpayer dollar will be well spent. This bill improves oversight of the agencies under the jurisdiction and rightly so to protect taxpayer money.”

A summary of the subcommittee of the fiscal year 2012 Energy and Water Appropriations bill follows:

Department of Energy (DOE) - The funding for DOE within the legislation totals \$24.7 billion – \$850 million below last year’s level and \$5.9 billion below the President’s request. Within these funds, priority was given to programs that support the nation’s security and economic competitiveness.

- **Nuclear Security** – The bill provides a total of \$10.6 billion for DOE’s nuclear security programs, including Weapons Activities, Nuclear Nonproliferation, and Naval Reactors. Counting additional

funds reallocated to this account from unused prior year funds, funding for nuclear security will increase by \$147 million over last year.

Within this total, the legislation includes \$7.1 billion to sustain the nation's nuclear weapons stockpile – an increase of \$195 million over last year's level. The funding will promote critical investments to modernize the nation's nuclear weapons stockpile and its supporting infrastructure in order to maintain our military readiness and ensure safe operations. Also, the bill trims spending by eliminating unnecessary activities and overhead costs – resulting in \$498 million in savings in various accounts compared to the President's request.

- **Yucca Mountain** – The bill rejects the Administration's wasteful, partisan attempts to shutter the Yucca Mountain nuclear waste repository program and provides \$35 million to support Yucca Mountain activities, including \$10 million for the Nuclear Regulatory Commission to continue their review of the license application. The bill also includes provisions to forbid the use of funds to close down the program.
- **Science Research** – The bill includes \$4.8 billion for science research, a slight reduction of \$43 million below last year's level. This funding will help strengthen the nation's science and technology innovation by supporting basic energy research, development of high performance computing systems, and research into the next generation of clean energy sources.
- **Energy Programs** – The bill provides funding to help create U.S. jobs and promote the nation's energy independence, including \$1.3 billion – \$491 million below last year's level – for programs to help lower the cost of renewable energy technologies and to develop new technology. The bill also includes \$734 million for nuclear energy research, development, and demonstration activities to further the next generation of safe, secure, and economically beneficial nuclear power options while ensuring the safety and resiliency of our nuclear power plants. In addition, the legislation provides \$477 million – \$32 million above last year's level – for research and development to advanced coal, natural gas, and other fossil energy power generation technologies that produce more than 70% of the nation's current electricity. Finally, the bill includes \$100 million to support the activities of the Advanced Research Projects Agency—Energy, and \$160 million to support loan guarantees for innovative projects.
- **Environmental Management** – Included in the legislation is \$5.6 billion for environmental management activities – a reduction of \$101 million below last year. This includes \$4.9 billion for Defense Environmental Cleanup to remediate safely sites contaminated by previous nuclear weapons production.

Army Corps of Engineers – The Army Corps of Engineers is funded at \$4.8 billion, a decrease of \$89 million below last year's level and \$195 million above the budget request. There are no congressionally earmarked projects within this bill.

The legislation advances American competitiveness and export ability by providing more than \$1.75 billion for navigation projects and studies. The bill also supports public health and safety by funding flood and coastal storm damage reduction activities at \$1.54 billion – including \$474 million for critical dam safety improvements.

The bill does not fund all of the presidentially requested projects for the Army Corps – redirecting \$59 million to navigation and flood control activities that will have a more immediate impact on job creation

and the economy. Due to the large number of ongoing projects, the bill provides a limited amount of discretionary funding to continue essential flood control and navigation projects to be prioritized by the Corps.

The Corps will have 45 days to report back to the Committee on its plan to spend this funding, along with a specific justification for each recommendation. This additional flexibility will help address critical navigation and flood control needs across this country, while improving Administration transparency and maintaining Congressional authority over budget decisions.

Bureau of Reclamation – The legislation contains \$934 million – \$161 million below last year’s level and \$117 million below the President’s request – for the Department of the Interior and the Bureau of Reclamation. This funding is intended to help manage, develop and protect the water resources of the western states.

Oversight – The recommendation includes new provisions enforcing stronger oversight of the Department of Energy and the Nuclear Regulatory Commission.

Regulatory provisions –

- The bill prohibits the Army Corps of Engineers from administratively expanding the definition of waters subject to federal jurisdiction under the Clean Water Act.
- The bill also prohibits the Department of Energy from executing any “significant regulatory action” without notification of Congress.

Amendments in Committee – The full Appropriations Committee adopted the following amendments to the legislation:

- **Frelinghuysen (R-NJ)** The amendment provides \$1.028 billion in emergency funding to the Army Corps of Engineers to repair damage caused by recent storms and floods, and to prepare for future disaster events. The funding is offset by a rescission of the remaining emergency High Speed Rail funding originally approved in the failed “stimulus” bill. The amendment was adopted on a voice vote.
- **LaTourette (R-OH)** The amendment strikes language in the bill that prohibits certain Davis-Bacon wage requirements. The amendment passed on a vote of 26-22.
- **Nunnelee (R-MS)** The amendment requires agencies funded in the bill to use “E-Verify” to confirm the eligibility of new hires to work in the U.S. The amendment was adopted on a voice vote.
- **Roybal-Allard (D-CA)** The amendment allows the Corps of Engineers to receive and use non-federal contributed funds to continue or complete ongoing federal studies. The Corps already has this ability for the design, construction, and operations and maintenance on projects that have received federal funding. The amendment was adopted on a voice vote.
- **McCollum (D-MN)** The amendment prohibits the government from entering into contracts or agreements with any corporation that was convicted of a felony criminal violation under any Federal law within the preceding 24 months. The amendment was adopted on a voice vote.

- **McCollum (D-MN)** The amendment prohibits funds for contracts or agreements with entities with unpaid Federal tax liabilities that have not entered into payment agreements to remedy the liability. The amendment was adopted on a voice vote.

For text of the FY 2012 Energy and Water Appropriations bill, please visit:

<http://www.gpo.gov/fdsys/pkg/BILLS-112hr2354rh/pdf/BILLS-112hr2354rh.pdf> and

For the Committee Report for the FY 2012 Energy and Water Appropriations bill, please visit:

http://appropriations.house.gov/UploadedFiles/FY_2012_ENERGY_AND_WATER_FULL_COMMITTEE_REPORT.pdf

The following table compares the FY 2012 Energy and Water Appropriations bill with last year's level and the President's request:

(Numbers in \$000)

	FY11 enacted	FY12 request	Mark	Compared to FY11	Compared to request
Title I: Corps of Engineers - Civil	4,857,213	4,573,000	4,768,406	-88,807	195,406
Investigations	126,746	104,000	104,000	-22,746	----
Construction	1,613,822	1,480,000	1,565,941	-47,881	85,941
Mississippi River and Tributaries	241,906	152,000	210,000	-31,906	58,000
Operations and Maintenance	2,365,759	2,314,000	2,366,465	706	52,465
Flood control and coastal emergencies	----	27,000	27,000	27,000	----
Title II: Department of the Interior	1,094,525	1,051,380	934,000	-160,525	-117,380
Water and Related Resources	911,673	805,187	822,300	-89,373	17,113
<i>Subtotal, Bureau of Reclamation</i>	<i>1,062,585</i>	<i>1,018,389</i>	<i>905,296</i>	<i>-157,289</i>	<i>-113,093</i>
Title III: Department of Energy	25,591,176	30,683,802	24,740,746	-850,430	-5,943,056
Energy efficiency and renewable energy	1,795,641	3,200,053	1,304,636	-491,005	-1,895,417
Nuclear energy	725,824	754,028	733,633	7,809	-20,395
Fossil Energy R&D	444,529	452,975	476,993	32,464	24,018
Uranium Enrichment D&D Program	497,084	504,169	449,000	-48,084	-55,169
Science	4,842,665	5,416,114	4,800,000	-42,665	-616,114
Nuclear waste disposal	-2,800	----	25,000	27,800	25,000
ARPA-E	179,640	550,011	100,000	-79,640	-450,011
Loan Guarantee Program	-340	1,060,000	160,000	160,340	-900,000
<i>Subtotal, Energy programs</i>	<i>9,181,665</i>	<i>12,596,391</i>	<i>8,282,016</i>	<i>-899,649</i>	<i>-4,314,375</i>
Weapons Activities	6,896,398	7,589,384	7,091,661	195,263	-497,723
Defense nuclear nonproliferation	2,273,653	2,519,492	2,056,770	-216,883	-462,722
Naval Reactors	959,176	1,153,662	1,030,600	71,424	-123,062
<i>Subtotal, Defense Activities</i>	<i>10,522,520</i>	<i>11,712,598</i>	<i>10,599,031</i>	<i>76,511</i>	<i>-1,113,567</i>

Defense environmental cleanup	4,979,738	5,406,781	4,937,619	-42,119	-469,162
Other defense activities	785,020	859,952	814,000	28,980	-45,952
Power Marketing Administrations	122,233	108,080	108,080	-14,153	----
Title IV: Independent Agencies	246,981	267,627	266,575	19,594	-1,052
Appalachian Regional Commission	68,263	76,000	68,400	137	-7,600
Delta Regional Authority	11,677	13,000	11,700	23	-1,300
Denali Commission	-4,321	11,965	10,700	15,021	-1,265
Nuclear Regulatory Commission	138,072	128,600	137,613	-459	9,013
Grand total	31,682,000	36,539,809	30,638,727	1,043,273	-5,901,082

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