



**Legislative Bulletin.....July 13, 2011**

**Contents:**

**Amendments to H.R. 2354 (PART IV)**—FY 2012 Energy and Water Appropriations Act

The following Legislative Bulletin contains information on the 68 amendments pre-printed in the Congressional Record through Tuesday, July 12, 2011, and other potential amendments not pre-printed that may be offered.

**Order of Business:** The amendments to H.R. 2354, the FY 2012, Energy and Water Appropriations Act are scheduled to be considered on Monday, July 11, and throughout the remainder of the week under an open rule. The rule ([H.Res.337](#)) waives all points of order against consideration of the bill and provisions in the bill for failure to comply with clause 2 of rule XXI. The rule also provides for the bill to be read for amendment by paragraph and under the five minute rule. The rule ***provides priority for recognition to Members who have pre-printed their amendments in the Congressional Record*** and provides for one motion to recommit with or without instructions.

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**SUMMARY OF AMENDMENTS PREPRINTED IN THE CONGRESSIONAL RECORD**

- 1. Pompeo (R-KS).** The amendment prohibits funds from being used for the Vehicle Technologies Program of the Department of Energy.
- 2. Pompeo (R-KS).** The amendment reduces funding for Energy Efficiency and Renewable Energy programs by \$254,000,000 (from \$1,304,636,000) and transfers the funds into the Spending Reduction Account. According to the sponsor, the intent of this amendment is to eliminate funding for the Vehicle Technologies program.
- 3. Harris (R-MD).** The amendment prohibits the use of funds to be designated for any portion of the International program at the Office of Energy Efficiency and Renewable Energy of the Department of Energy other than the U.S.-Israel energy cooperative.
- 4. Harris (R-MD).** The amendment reduces funding Energy Efficiency and Renewable Energy programs by \$6,000,000 and transfers the funds into the Spending Reduction Account,
- 5. Lamborn (R-CO).** The amendment strips language on page 23 lines 4 through line 10 that allows the Secretary of Energy to waive allocation formulas to allocate

weatherization grants to states. According to the sponsor, this provision allows the Secretary of Energy to redirect unspent stimulus weatherization funding from one state to another. Stopping the reallocation prevents the Secretary from sending leftover money from states that have declined to spend their allocated money to states that want to spend it, thus leaving the funds where they are. If the remaining funds are not spent by March 2012, the leftover funds will be returned to the U.S. Treasury. According to the sponsor, this could potentially save up to \$1.5 billion.

6. **McClintock (R-CA).** The amendment would cut spending and eliminate numerous programs that would save \$3.25 billion (a little more savings than the RSC target). The savings would be transferred to the Spending Reduction Account. The cuts are:
  - **Energy Efficiency and Renewable Energy Subsidies:** Eliminate this spending, savings of \$1.304 billion.
  - **Nuclear Energy Subsidies:** Reduce by \$289.4 million.
  - **Fossil Fuels Research Subsidies:** Eliminates and saves \$477 million.
  - **Office of Science, Department of Energy:** Reduce by \$820 million.
  - **Advanced Research Projects Agency:** Eliminate and save \$100 million. (Program created by COMPETES Act).
  - **Innovative Technology Loan Guarantee Program:** Eliminate and save \$160 million.
  - **Advanced Technology Vehicles Manufacturing Loan Program:** Eliminate and save \$6 million.
  - **Office of Indian Energy Policy and Programs:** Fund at President's request and save \$500,000.
  - **Eliminate the Regional Commissions—Appalachian, Delta, Denali, Northern Border, and Southern Crescent:** saves \$90 million.
7. **McClintock (R-CA).** The amendment eliminates all funding (\$1,304,636,000) for Energy Efficiency and Renewable Energy programs and would transfer those funds into the Spending Reduction Account.
8. **McClintock (R-CA).** The amendment strikes language on page 25; lines 18 through 20 that requires sales from the Strategic Petroleum Reserve to deposit proceeds from sales into the General Fund of the Treasury.
9. **McClintock (R-CA).** The amendment would reduce funding for Nuclear Energy programs by \$289,420,000 (from \$733,633,000) and transfer those funds to the Spending Reduction Account.
10. **McClintock (R-CA).** The amendment eliminates all funding (\$476,993,000) for Fossil Energy Research and Development programs and would transfer those funds into the Spending Reduction Account.
11. **McClintock (R-CA).** The amendment would reduce funding for the Department of Energy Science programs by \$820,488,000 (from 4,800,000,000) and would transfer those funds to the Spending Reduction Account.
12. **McClintock (R-CA).** The amendment would eliminate funding (\$100,000,000) from the Department of Energy Advanced Research Projects Agency to carry out the activities authorized by section 5012 of the [America COMPETES](#) Act.

13. **McClintock (R-CA).** The amendment eliminates all funding (\$160,000,000) for the Innovative Technology Loan program and would transfer those funds into the Spending Reduction Account.
14. **McClintock (R-CA).** The amendment eliminates all funding (\$6,000,000) for the Advanced Technology Vehicle Manufacturing Loan program and transfers the funding into the Spending Reduction Account.
15. **McClintock (R-CA).** The amendment reduces funding from the Departmental Administration Account of the Department of Energy by \$500,000 and transfers the funding in the Spending Reduction Account.
16. **McClintock (R-CA).** The bill eliminates funding for the Appalachian Regional Commission of \$68,400,000 and transfers the funds into the Spending Reduction Account.
17. **McClintock (R-CA).** The bill eliminates funding for the Delta Regional Commission of \$11,700,000 and transfers the funds into the Spending Reduction Account.
18. **McClintock (R-CA).** The bill eliminates funding for the Denali Commission of \$10,700,000 and transfers the funds into the Spending Reduction Account.
19. **McClintock (R-CA).** The bill eliminates funding for the Northern Border Regional Commission of \$1,350,000 and transfers the funds into the Spending Reduction Account.
20. **McClintock (R-CA).** The bill eliminates funding for the Southeast Crescent Regional Commission of \$250,000 and transfers the funds into the Spending Reduction Account.
21. **Luetkemeyer (R-MO).** The amendment prohibits the use funds for the study of Missouri River Projects authorized in section 108 of the Energy and Water Development and Related Agencies Appropriations Act, 2009 (division C of Public Law 111-8).
22. **Luetkemeyer (R-MO).** The amendment prohibits the use of funds to continue the study conducted by the Army Corps of Engineers pursuant to section 5018(a)(1) of the Water Resources Development Act of 2007 or to implement activities proposed by such study.
23. **Fleming (R-04).** The amendment eliminates all funding (\$160,000,000) for the Innovative Technology Loan program and would transfer those funds into the Spending Reduction Account.
24. **Pompeo (R-KS).** The amendment prohibits the use of funds to be used to carry out the Vehicle Technologies Program of the Department of Energy.
25. **McKinley (R-WV).** The amendment increases funding for the Fossil Energy Research and Development program by \$39,000,000 (from \$476,993,000) and decreases funding for Department of Energy Science programs by \$39,000,000 (from \$4,800,000,000).
26. **Cole (R-OK).** The bill prohibits the use of funds to be used to implement any rule, regulation, or executive order regarding the disclosure of political contributions that takes effect on or after the date of enactment of this Act.

- 27. Flores (R-TX).** The amendment would prohibit the use of funds to enforce section 526 of the Energy Independence and Security Act of 2007. The RSC’s [plan](#) to reduce gas prices repeals section 526 of the 2007 energy bill, which bars federal agencies from buying alternative or synthetic fuels if they have higher lifecycle greenhouse gas emissions than conventional petroleum fuels. These resources are abundant in North America and should be utilized rather than sending taxpayer dollars overseas to pay for foreign petroleum fuels. The federal government should embrace and not prohibit the use of advanced alternate fuels.
- 28. Kaptur (D-OH).** The amendment would increase funding for the Energy Efficiency and Renewable Energy program by \$10,000,000 and decrease funding to the Department of Energy Administration Account by \$10,000,000.
- 29. Turner (R-OH).** The amendment would reduce funding for the Army Corps of Engineers Construction Account by \$118,400,000 and Operations and Maintenance Account by \$123,313,000. The amendment would increase funding for National Nuclear Security Weapons Activities by \$129,353,000, increases funding for Defense Nuclear Proliferation by \$71,475,000, and increases funding for Naval Reactors by \$40,885,000.
- 30. Courtney (D-CT).** The amendment adds language on page 7, line 15 that states “\$808,000,000, which shall be derived from the Harbor Maintenance Trust Fund” in the Army Corps of Engineers Operations and Maintenance Account.
- 31. McClintock (R-CA).** The amendment would cut spending and eliminate numerous programs that would save \$3.25 billion (a little more savings than the RSC target). The savings would be transferred to the Spending Reduction Account. The cuts are:
- **Energy Efficiency and Renewable Energy Subsidies:** Eliminate this spending, savings of \$1.304 billion.
  - **Nuclear Energy Subsidies:** Reduce by \$289.4 million.
  - **Fossil Fuels Research Subsidies:** Eliminates and saves \$477 million.
  - **Office of Science, Department of Energy:** Reduce by \$820 million.
  - **Advanced Research Projects Agency:** Eliminate and save \$100 million. (Program created by COMPETES Act).
  - **Innovative Technology Loan Guarantee Program:** Eliminate and save \$160 million.
  - **Advanced Technology Vehicles Manufacturing Loan Program:** Eliminate and save \$6 million.
  - **Office of Indian Energy Policy and Programs:** Fund at President’s request and save \$500,000.
  - **Eliminate the Regional Commissions—Appalachian, Delta, Denali, Northern Border, and Southern Crescent:** saves \$90 million.
- 32. Welch (D-VT).** The amendment would increase funding for the Energy Efficiency and Renewable Energy Program by \$491,000,000 (from \$1,304,636,000) and reduces funding for the Department of Energy National Nuclear Security Weapons Activities by \$491,000,000 (from \$7,131,993,000).
- 33. Moran (D-VA).** The amendment would strike Section 109 of the bill. Section 109 prohibits the Corps of Engineers from developing, adopting, implementing,

administering, or enforcing a change or supplement to the rule dated November 13, 1986, or guidance documents dated January 15, 2003, and December 2, 2008, pertaining to the definition of waters under the jurisdiction of the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.). This provision has to deal with defining what constitute the definition of “navigable waters.”

- 34. *Tonko (D-NY)*.** The amendment would increase funding for the Energy Efficiency and Renewable Energy Program by \$226,800,000 (from \$1,304,636,000) and reduces funding for the Department of Energy National Nuclear Security Weapons Activities by \$226,800,000 (from \$7,131,993,000). According the sponsor, the intent of the amendment is to restore funding levels to FY 2011 levels for the Weatherization Assistance Program (WAP), the State Energy Program (SEP), and the Buildings Technology Program at the Department of Energy.
- 35. *Bishop (D-NY)*.** The amendment increases funding for the Army Corps of Engineers Operations and Maintenance by \$33,535,000 and reduces funding for Fossil Energy Research and Development by \$33,535,000.
- 36. *Terry (R-NE)*.** The amendment requires that within one year of enactment, the Army Corps of Engineers conduct and publish the results of a study regarding the reasons and contributing factors that led to the abnormal flooding of the Missouri River during the spring and summer of 2011, with specific focus on whether the water management activities of the Corps, conducted for any purpose other than flood prevention and control, contributed to the 2011 flooding and in what ways.
- 37. *Chaffetz (R-UT)*.** The amendment would eliminate funding for the Appalachian Regional Commission (\$68.4 million) and transfer the reduction to the spending reduction account.
- 38. *Chaffetz (R-UT)*.** The amendment would eliminate funding for Delta Regional Authority (\$11.7 million) and transfer the reduction to the spending reduction account.
- 39. *Chaffetz (R-UT)*.** The amendment would eliminate funding for Denali Commission (\$10.7 million) and transfer the reduction to the spending reduction account.
- 40. *Chaffetz (R-UT)*.** The amendment would reduce funding for Fossil Energy Research by \$32.464 million and transfer to spending reduction account.
- 41. *Kaptur (D-OH)*.** The amendment would increase funding for the Energy Efficiency and Renewable Energy program by \$10,000,000 and decrease funding to the Department of Energy Administration Account by \$10,000,000.
- 42. *Pompeo (R-KS)*.** The amendment reduces funding for Energy Efficiency and Renewable Energy programs by \$45,641,000 (from \$1,304,636,000) and transfers the funds into the Spending Reduction Account. According to the sponsor, this reduction would fund the Vehicle Technologies Program at 2008 levels.
- 43. *Broun (R-GA)*.** This amendment would reduce funding available to the Energy Science programs by \$820,488,000 (from 4,800,000,000) and this amount would be placed in the spending reduction account.

- 44. Broun (R-GA).** This amendment would reduce funding available to the Energy Department Administration by \$2,500,000 and this amount would be transferred to the spending reduction account.
- 45. Broun (R-GA).** This amendment would eliminate funding available to the Energy Efficiency and Renewable Energy program by \$1,304,636,000, and this amount would be placed in the spending reduction account.
- 46. Broun (R-GA).** This amendment would eliminate funding available to the Denali Commission. This funding is currently set at \$10,700,000, and these funds would be placed in the spending reduction account.
- 47. Broun (R-GA).** This amendment would eliminate funding available to the Southeast Crescent Regional Commission. This funding is currently set at \$250,000, and these funds would be placed in the spending reduction account.
- 48. Broun (R-GA).** This amendment would eliminate funding available to the Advanced Technology Vehicles Manufacturing Loan Program. This funding is currently set at \$6,000,000, and these funds would be placed in the spending reduction account.
- 49. Broun (R-GA).** This amendment would prohibit funding in the legislation to be used to prohibit or limit, based on material content, the types of traditional hunting and fishing implements used for hunting and fished to the extent a specific law or regulation is in effect on the date of enactment of this Act.
- 50. Connolly (D-VA).** This amendment would reduce funding for Fossil Energy Research and Development (FERD) activities (currently set at \$476,993,000) by \$92,000,000. This amendment would increase funding for Energy Efficiency and Renewable Energy (EERE) programs (currently set at \$1,304,636,000) by \$46,000,000. According to the sponsor, this would increase funding for the Vehicle Technologies Research and Development program. According to the sponsor: The FERD account spends out at 17% in the first year compared to 39% for EERE. In order to avoid increasing first year budgetary outlays this amendment had to have a substantially larger reduction in FERD compared to EERE.
- 51. Garrett (R-NJ).** The amendment would cut \$500 million in various unnecessary research and development accounts and transfer the funds into the Spending Reduction Account.
- Energy Efficiency and Renewable Energy (EERE) (reduce \$300 million)  
EERE programs include research, development, demonstration and deployment activities advancing energy efficiency and renewable energy technologies, as well as federal energy assistance programs.
  - Fossil Fuels Research (reduce \$32 million)  
Fossil Fuels research promotes research, development, and demonstration activities to improve existing technologies and develop next-generation fossil fuel systems.
  - Energy Innovation Hub for Batteries (reduce \$20 million)  
This program funds research on batteries and energy storage for vehicles and other products.

- Fuels from sunlight Energy Hub reduce (reduce \$12 million)  
This program works to develop an integrated solar energy-to-chemical fuel conversion system that can be commercialized.
- Biological and Environmental Research (reduce \$25.5 million)  
This program supports advances in energy technologies research into complex biological and environmental systems. Such activities include plant and microbe biology research for use in energy technologies.
- Solar Energy from Photovoltaics (reduce \$4 million)  
This program invests in the development of solar energy technology with the ultimate goal of rapid and significant growth in solar electricity use.
- Carbon Capture from Sequestration reduce (reduce \$8 million)  
The program funds improvements in existing CO<sub>2</sub> capture systems and capture and sequestration concepts.
- Advanced solid-state lighting reduce (reduce \$4 million)  
This program funds research into advanced solid state lighting.
- Energy Efficient Enabling Materials reduce (reduce \$4 million)  
This program focuses on fundamental research in the three key areas of photovoltaics, thermoelectric, and solid-state lighting.
- Methane hydrates reduce (reduce \$10 million)  
This program promotes research and development of detecting and producing methane hydrate, a source of natural gas.
- Undetermined upgrades reduce (reduce \$47 million)  
This funding is dedicated to the upgrade, enhancement, and procurement of clean energy technology research centers.
- Energy systems simulation-internal combustion engine reduce (reduce \$7 million)  
This program provides research for the development of simulation tools for advanced internal combustion engine design.
- Physical Behaviors of materials of photovoltaics (reduce \$2 million)  
This program conducts on materials reliability in chemical, electrical, and electrochemical applications.
- Chemical Sciences, Biosciences, and Geosciences – Solar Photochemistry (reduce \$20 million)  
The Department of Energy, Office of Science, Chemical Sciences, Geosciences, & Biosciences (CSGB) Division, supports molecular-level research on solar energy capture and conversion in the condensed phase and at interfaces.
- Chemical Sciences, Biosciences, and Geosciences – Geosciences (reduce \$4 million)  
The Department of Energy, Office of Science, Chemical Sciences, Geosciences, & Biosciences (CSGB) Division, supports basic experimental and theoretical research in geochemistry and geophysics.

- **Office of Indian Energy Policy and Programs – (reduce \$500,000)**  
This office directs energy planning, education, management, and programs that assist tribes with energy development, capacity building, energy infrastructure, energy costs, and electrification of Indian lands and homes.
- 52. Gosar (R-AZ).** This amendment would prohibit funding in the legislation to enforce the requirements of subchapter IV of chapter 31 or title 40, United States Code (otherwise known as the Davis-Bacon Act), except with respect to a contract that exceeds \$20,000,000. Many conservatives have long argued that the Davis-Bacon Act should be repealed. It inflates construction cost, hurts small businesses, reduces the overall quality or construction projects, and it continues to hurt minority workers. The Government Accountability Office also states that it's extremely difficult to administer, and they have advocated for its repeal as far back as 1979 ([linked here](#)). This Congress, the RSC Repeal Task Force argued for the full repeal of Davis-Bacon, which can be [viewed here](#). In the 111<sup>th</sup> Congress, the RSC Sunset Caucus advocated for the full repeal of Davis-Bacon, which can be [viewed here](#).
  - 53. Harris (R-MD).** This amendment would prohibit funding in the legislation to fund any portion of the International program activities at the Office of Energy Efficiency and Renewable Energy of the Department of Energy, with the exception of the activities authorized in section 917 of the Energy Independence and Security Act of 2007.
  - 54. Wu (D-OR).** This amendment would increase funding for Energy Efficiency and Renewable Energy programs (currently set at \$1,304,636,000) by \$60,500,000. The amendment would reduce funding available to salaries and expenses of the Department of Energy (currently set at \$221,514,000).
  - 55. Wu (D-OR).** This amendment would state that it is the sense of Congress that demonstrating advanced technologies developed in the Energy Efficiency and Renewable Energy Building Technologies Program is critical to fostering broader market adoption and spurring the creation of new industries.
  - 56. Hastings (D-FL).** This amendment would prohibit funding in the legislation to be used in contravention of, or to delay the implementation of, Executive Order No. 12898 of February 11, 1994 ("Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations").
  - 57. Rehberg (R-MT).** This legislation would decrease funding available to Fossil Energy Research and Development (currently set at \$476,993,000) by \$2,200,000, and then would increase the funding by \$2,200,000. According to the sponsor, the intent of the amendment is to allow DOE to fund a risk based data management system.
  - 58. Reed (R-NY).** This amendment would increase funding available to the Non-Defense Environmental Cleanup account (currently set at \$213,121,000) by \$41,000,000. It would reduce funding for salaries and expenses of the Department of Energy (currently set at \$221,514,000) by \$21,000,000. It would also reduce funding available to the Office of the Administrator in the National Nuclear Security Administration (currently set at \$420,000,000) by \$20,000,000.
  - 59. Schiff (D-CA).** This amendment would increase funding for the Advanced Research Projects Agency – Energy account (currently set at \$100,000,000) by \$79,640,000. It

would reduce funding for salaries and expenses of the Department of Energy (currently set at \$221,514,000) by \$79,640,000.

60. **Schiff (D-CA).** This amendment would reduce funding for Department of Energy expenses associated with the purchase and construction of nuclear energy activities (currently set at \$733,633,000) by \$10,000,000, and then would increase that amount by \$10,000,000.
61. **Jackson Lee (D-TX).** This amendment would prohibit funding in the legislation from being used to contravene the plan authorized in section 4091 of the Water Resources Development Act of 2007.
62. **Broun (R-GA).** The amendment would reduce funding for Department of Energy Administration by \$2,500,000 (from \$221,514,000).
63. **Broun (R-GA).** The amendment prohibits the use of funds to carry out the activities specified in section 505 of the Energy Policy Act of 1992 (42 U.S.C. 13255). Section 505 of the Energy Policy Act of 1992 requires the Department of Energy to attempt to obtain voluntary commitments to produce, acquire, and use alternative fuels and alternative fuel vehicles. These commitments are sought from fuel suppliers, vehicle suppliers, and owners of 10 or more vehicles, and the DoE is required to report publically to Congress periodically on the results of their efforts.
64. **Broun (R-GA).** The amendment would reduce funding for Department of Energy Administration by \$2,500,000 (from \$221,514,000) and transfer the funds to the Spending Reduction Account.
65. **Holt (D-NJ).** The amendment would increase funding for Department of Energy Science programs by \$42,665,000 and decrease funding for National Nuclear Security Administration Weapons programs by \$42,665,000.
66. **Gosar (R-AZ).** The amendment would prohibit funding to implement or enforce section 327.13(a) of title 36, Code of Federal Regulations. The 111<sup>th</sup> Congress passed a law that authorized the possession of firearms for self-defense on National Park Service and National Wildlife Refuge System lands. However, the bill language omitted land owned and operated by the Army Corps of Engineers.

According to the sponsor, the amendment would require the Secretary of the Army not use any Fiscal Year 2012 funding to enforce a regulation that prohibits firearm possession in compliance with state law on Corps projects and lands. The amendment would not, however, allow firearms in federal facilities such as Army Corps headquarters, Corps research facilities or lock and dam buildings. *A yes vote in favor of this amendment will be Key voted by the N.R.A. and the amendment is also supported by the Gun Owners of America.*

67. **Royce (R-CA).** The amendment would state that none of the funds may be used by the Department of Energy for a methane hydrates program. According to the sponsor, the government has allocated over \$155 million on research and development commercialization for methane hydrate over the last five years. The government has spent over 10 years researching and developing ways to extract methane hydrates, which

government research remains at a primitive phase and is difficult to access because it's only found in the arctic and offshore.

**68. Royce (R-CA).** This amendment would reduce funding available to the Energy Science programs by \$10,000,000 (from 4,800,000,000) and this amount would be placed in the spending reduction account.

**SUMMARY OF POTENTIAL AMENDMENTS NOT PRE-PRINTED IN THE CONGRESSIONAL RECORD**

**Reed (R-NY)/ Higgins (D-NY).** The amendment would increase funding from Department of Energy Non-defense Environmental Clean Up fund by \$41,000,000 (from \$213,121,000) and reduce funding for the Departmental Administration for the Department of Energy by \$21,000,000 (from \$221,000,000) and reduce funding for the Office of the Administration in the National Nuclear Security Administration by \$20,000,000 (from \$420,000,000).

**Chaffetz (R-UT).** The amendment would reduce funding for Fossil Energy Research by \$32,464,000 and transfer to spending reduction account.

**Blackburn (R-TN).** The amendment would cut total funding in the bill by 1%.

**Blackburn (R-TN).** The amendment would cut total funding in the bill by 5%.

**Young (R-IN).** The amendment would prohibit the use of funds to implement Section 407 of the so-called stimulus bill (P.L. 111-5) related to eligibility criteria to receive Weatherization Assistance Program grants. This provision expanded the eligibility requirements for being eligible for weatherization grants from 150% of poverty level, to 200% (approx: \$45,000 for a family of four).