



Legislative Bulletin.....July 13, 2011

Contents:

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

The following Legislative Bulletin contains information on the amendments included in the Unanimous Consent Agreement containing approved amendments scheduled to be considered tonight and tomorrow.

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.

RSC Staff Contact: Bruce F. Miller, bruce.miller@mail.house.gov, (202) 226-0717.

AMENDMENTS TO BE CONSIDERED APPROVED BY UNANIMOUS CONSENT AGREEMENT

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.

Cohen (D-TN). The amendment would reduce funding for the Fossil Energy Research and Development (currently set at \$476,993,000) by \$32,000,000 and increase funding for Energy Efficiency and Renewable Energy program for solar energy research and development by \$16,000,000.

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 Many conservatives have long argued that the Davis-Bacon Act should be repealed.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 of 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 111th Congress, the RSC Sunset Caucus advocated for the full repeal of Davis-Bacon, which can be [viewed here](#).

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.

Flake (R-AZ). The amendment would prohibit funds from going to the Advanced Research Projects Agency-Energy (ARPA-E) at the Department of Energy. If passed, the amendment would prohibit the \$100 million that is in the bill from going to this program.

Capps (D-CA). According to the bill's sponsor, the amendment would prohibit the use of funds for the Nuclear Regulatory Commission (NRC) from issuing a draft supplemental environmental impact statement for the license renewal of the Diablo Canyon Nuclear Power Plant. The sponsor does not want the facility to move forward with the relicensing effort currently underway at Diablo Canyon until "advanced, peer-reviewed seismic studies of the area are completed and the findings are shared with the NRC."

Flake (R-AZ). The amendment would prohibit funds from going to the Fossil Energy Research & Development Program. If passed, the amendment would prohibit the \$476,993,000 that is in bill from going to this program.

Scalise (R-LA). The amendment transfers \$1 million from Corps of Engineers Expenses to Corps of Engineers Construction. According to the bill's sponsor, the intent is draw attention to unfunded levy projects that are authorized but not funded.

Broun (R-GA). The amendment eliminates funding for Energy Efficiency and Renewable Energy programs. The funding amount in the bill is \$1,304,636,000.

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.

Landry (R-LA). The amendment prohibits the use of funds to pay the salary of individuals appointed to their current position through, or otherwise carry out, paragraphs (1), (2), and (3) of section 5503(a) of title 5, United States Code. Under the amendment, the President would only be able to make a recess appointment to fill a vacancy which arose during the same recess the appointment was made by prohibiting the payment of salaries. The basis of the amendment is from an appropriations rider added to the FY1864 Army Appropriations Act that remained in effect until 1940. At the time, Senator William Fessenden, a Republican from Maine said, "it may not be in our power to prevent the appointment, but it is in our power to prevent the payment; and when the payment is prevented, I think that will probably put an end to the habit of making such appointments." The Obama Administration has clearly established a track record of waiting until Senate recesses to appoint individuals that cannot be confirmed by the Senate.

Blackburn (R-TN). The amendment would cut total funding in the bill by 5% (\$1.5 billion).

Blackburn (R-TN). The amendment would cut total funding in the bill by 1% (\$306 million).

The National Tax Payers Union is key voting a yes on the amendments. Other Conservative groups that support the Blackburn Amendments: Americans for Limited Government, Americans for Tax Reform, Christian Coalition of America, Council for Citizens Against Government Waste, Citizens United, Competitive Enterprise Institute, Freedom Action, Let Freedom Ring, Liberty Counsel Action, and One Cent Solution.

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. Provided by the sponsor's office, the following are descriptions of projects funded by this program. (Information from the DOE website)

- Assisting manufacturing facilities in China and India to reduce their energy use.
- Improving energy efficiency in the Chinese building sector.
- Spending \$25 million over the next five years to support the U.S.-India Joint Clean Energy Research and Development Center.
- Promoting energy efficiency in Indian software companies.
- Partnering with the Kazakhstan Government to provide training on industrial efficiency.
- Fund a renewable energy center and solar power project in Chile, energy efficiency centers in Peru and Costa Rica, wind energy in Mexico, renewable energy strategy development in the Caribbean, and wind power in Dominic

Burgess (R-TX). The amendment prohibits the use of funds to implement or enforce section 430.32(x) of title 10, Code of Federal Regulations or implement or enforce the standards established by the tables contained in section 325(i)(1)(B) of the Energy Policy and Conservation Act (42 U.S.C. 6295(i)(1)(B)) with respect to BPAR incandescent reflector lamps, BR incandescent reflector lamps, and ER incandescent reflector lamps

Rohrabacher (R-CA). The amendment prohibits the use of funds to carry out projects described in section 1703(b) (5) of the Energy Policy Act of 2005 (42 U.S.C.16513(b)(5)). According to the sponsor, the amendment would have the effect of prohibiting funds from being used to provide loan guarantees to projects that are aimed at carbon capture and sequestration practices and technologies, including agricultural and forestry practices that store and sequester carbon.

Adams (R-FL). The amendment would prohibit the use of funds for the Department of Energy for maintaining, developing, or creating any Web site which disseminates information regarding energy efficiency and educational programs on energy efficiency specifically to children or adolescents, including the current Web site operated by the Office of Energy Efficiency and Renewable Energy titled Kids Saving Energy and the current web site operated by the Energy Information Administration titled Energy Kids. According to the sponsor, each website uses cartoon characters such as Tinker Bell and Sudoku games and crossword puzzles to "educate" our children on energy efficiency.