

Legislative Bulletin.....October 1, 2009

H.R. 3183 — FY 2010 Energy and Water Appropriations Act

BY THE NUMBERS:

In Millions of Dollars

	FY09	FY10 Request	FY10 Conf	Conf v. Request	Conf v. FY09
Appropriations	33,261	34,393	33,465	-928	204
<i>Emergency Approps</i>	58,728	0	0	0	-58,728
Total	91,989	34,393	33,465	-928	-58,524

Excluding Emergency Appropriations, the Committee Bill is:

- **\$930 million or 2.7% less than the request**
- **\$204 million or 0.6% more than last year**
- **\$2.6 billion or 8.3% more than FY 2008**

Spending Discussion: The bill provides a total funding level in FY 2010 of \$33.5 billion, which is \$204 million or 0.6% more than last year. The funding for programs under this bill comes on top of **\$58.7 billion** of emergency-designated spending in FY 2009. Compared to FY 2008 (the spending authority the federal government was operating under a year ago), the bill is a **\$2.6 billion or 8.3% increase**. Under the Democrats' 302(b) allocation (which sets the spending plan for the FY 2010 appropriations process), all twelve bills will receive spending increases, with a total spending level of \$1.09 trillion—an increase of \$77 billion or 7.6% compared to last year.

Funding Summaries:

In Thousands

	FY 09 Enacted	FY 10 Request	FY 10 Conf	Conf Over FY09	Conf Over Request	% Over FY09	% Over Request
Corps of Engineers							
General Investigations.....	168,100	100,000	160,000	-8,100	60,000	-4.8%	60.0%
Construction.....	2,141,677	1,718,000	2,031,000	-110,677	313,000	-5.2%	18.2%
Flood Control - MS River & Tributaries.	383,823	248,000	340,000	-43,823	92,000	-11.4%	37.1%
Operations & Maintenance.....	2,201,900	2,504,000	2,400,000	198,000	-104,000	9.0%	-4.2%
Regulatory Programs.....	183,000	190,000	190,000	7,000	----	3.8%	----
FUSRAP.....	140,000	134,000	134,000	-6,000	----	-4.3%	----
General Expenses.....	179,365	184,000	185,000	5,635	1,000	3.1%	0.5%
Office of the Assistant Secretary of the Army.....	4,500	6,000	5,000	500	-1,000	11.1%	-16.7%
Total, Defense-Civil.....	5,402,365	5,125,000	5,445,000	42,635	361,000	0.8%	7.0%
Dept of Interior							
Central Utah Project.....	42,000	42,004	42,004	4	----	0.0%	----
Water and Related Resources.....	920,259	893,125	951,158	30,899	58,033	3.3%	6.5%
Central Valley Project.....	56,079	35,358	35,358	-20,721	----	-36.9%	----
California Bay-Delta Restoration.....	40,000	31,000	40,000	----	9,000	----	29.0%
Policy & Administration.....	59,400	61,200	61,200	1,800	----	3.0%	----
Total, Dept of Interior.....	1,117,738	1,062,687	1,129,720	11,982	67,033	1.1%	6.3%
Dept of Energy							
Fossil Energy Research.....	727,320	617,565	672,383	-54,937	54,818	-7.6%	8.9%
Energy Efficiency and Renewable.....	1,928,540	2,318,602	2,242,500	313,960	-76,102	16.3%	-3.3%
Electricity Delivery and Energy Reliability.....	137,000	208,008	171,982	34,982	-36,026	25.5%	-17.3%
Nuclear Energy.....	792,000	761,634	786,637	-5,363	25,003	-0.7%	3.3%
Naval Petroleum and Oil Shale Reserves.	19,099	23,627	23,627	4,528	----	23.7%	----
Strategic Petroleum Reserve.....	205,000	228,573	243,823	38,823	15,250	18.9%	6.7%
Northeast Home Heating Oil Reserve.....	9,800	11,300	11,300	1,500	----	15.3%	----
Energy Information Administration.....	110,595	133,058	110,595	----	-22,463	----	-16.9%
Uranium Enrichment Decontam	535,503	559,377	573,850	38,347	14,473	7.2%	2.6%
Non-Defense Environmental Services....	261,819	237,517	244,673	-17,146	7,156	-6.5%	3.0%
Science.....	4,772,636	4,941,682	4,903,710	131,074	-37,972	2.7%	-0.8%
Nuclear Waste Disposal.....	145,390	98,400	98,400	-46,990	----	-32.3%	----
Innovative Technology Loan Guarantee Program.....	19,880	43,000	43,000	23,120	----	116.3%	----
Inspector General.....	51,927	51,445	51,927	----	482	----	0.9%
Advanced Technology Vehicles Loans...	----	20,000	20,000	20,000	----	NA	----
Departmental Administration	272,643	302,071	288,684	16,041	-13,387	5.9%	-4.4%
National Nuclear Security Admin.....	6,380,000	6,384,431	6,384,431	4,431	----	0.0%	----
Naval Recators.....	828,054	1,003,133	945,133	117,079	-58,000	14.1%	-5.8%
Office of the Administrator.....	439,190	420,754	420,754	-18,436	----	-4.2%	----
Defense Environmental Cleanup.....	5,657,250	5,495,831	5,642,331	-14,919	146,500	-0.3%	2.7%
Defense Nuclear Nonproliferation.....	1,482,350	2,136,709	2,136,709	654,359	----	44.1%	----
Other Defense Activities.....	1,314,063	852,468	847,468	-466,595	-5,000	-35.5%	-0.6%

Defense Nuclear Waste Disposal.....	143,000	98,400	98,400	-44,600	----	-31.2%	----
Power Marketing Administrations.....	267,139	311,861	311,861	44,722	----	16.7%	----
Total, Dept of Energy.....	26,793,001	28,406,706	27,111,438	318,437	-1,295,268	1.2%	-4.6%
Independent Agencies							
Appalachian Regional Commission.....	75,000	76,000	76,000	1,000	----	1.3%	----
Def Nuclear Facilities Safety Board.....	25,000	26,086	26,086	1,086	----	4.3%	----
Delta Regional Authority.....	13,000	13,000	13,000	----	----	----	----
Denali Commission.....	11,800	11,965	11,965	165	----	1.4%	----
Northern Border Regional Commission...	----	----	1,500	1,500	NA	NA	NA
Southeast Crescent Regional Commission.....	----	----	250	250	NA	NA	NA
Total, Independent Agencies.....	124,800	127,051	128,801	4,001	----	3.2%	----

Items of Note:

Army Corps of Engineers: \$5.5 billion—\$42.7 million or 0.8% above last year, and \$361.0 million or 7.0% above the request.

Yucca Mountain: The bill provides the President’s request of \$197 million for the Yucca Mountain nuclear waste repository in Nevada. This level essentially cancels the project and only allows a federal license application to continue. In order to comply with the Nuclear Waste Policy Act of 1982, Yucca Mountain was designated as a national site for spent nuclear fuel and high-level radioactive waste storage. As of FY 2008, taxpayers have spent approximately \$8 billion to create the facility. Some conservatives have expressed concern that the cancellation of the project seriously threatens our ability to sustain and expand upon nuclear power, which current produces approximately 18% of the power supplied on the nation’s electrical grid. In addition, some conservatives fear abandoning Yucca would lead to increased litigation from the industry since the DOE has collected more than \$28 billion in fees and interest payments to help build the facility. Since the DOE would default on these contracts, they could be ordered to refund all the nuclear waste fees that had been collected.

Nuclear Energy: \$786.7 million—\$5.3 million or 0.7% less than last year, and \$25.0 million or 3.3% above the request. Additionally, the bill reduces the fund for Nuclear Waste Recycling by 32% compared to last year.

Strategic Petroleum Reserve: \$243.8 million—\$38.8 million or 18.9% above last year, and \$15.3 million or 6.7% above the President’s request.

Department of Energy, Office of Science: \$4.9 billion—\$131.1 million or 2.7% above last year, and \$39 million or 0.8% less than the request.

Advanced Technology Vehicles Manufacturing Loans: \$20 million—same as the President’s request, and \$20 million above last year. \$7.51 billion of emergency-designated spending was appropriated for this program in the 110th Congress.

Departmental Administration at Energy Department: \$288.7 million—\$16.0 million or 5.9% above last year, and \$13.4 million or 4.4% below the President’s request.

Power Marketing Administration: \$311.9 million—\$44.7 million or 16.7% above last year, and the same as the President’s request.

Appalachian Regional Commission: \$76 million—\$1 million or 1.3% above last year, and the same as the President’s request. Many conservatives have expressed concerns that the program is unnecessary and duplicative and have sought to defund this program. Dozens of other federal, state, and local programs exist to encourage development and provide funding for local highway and infrastructure projects.

Denali Commission: \$12.0 million—\$165,000 or 1.4% above last year, and the same as the President’s request. Created by Congress in 1998, the program is intended to provide job training and other economic development assistance to distressed rural areas in Alaska. Some conservatives have expressed concern this commission is unnecessary and duplicative. Dozens of other federal, state, and local programs exist to provide job training and economic development advice and assistance.

Earmarks: The bill includes a list of 700 earmarks beginning on page 231 of the [Joint Explanatory Statement](#).

Potential Conservative Concerns: Some conservatives may be concerned with various aspects of this legislation, including, but not limited to:

Excess Spending. H.R. 3183 provides a total spending level of \$33.5 billion—\$204 million or 0.6% more than last year. Although similar to last year’s funding level, this spending comes on top of **\$58.7 billion** of emergency-designated spending in FY 2009. And compared to FY 2008—the spending authority under which programs in this bill were operating under a year ago—this legislation represents a **\$2.6 billion** or **8.3%** increase.

Questionable Spending Priorities. The bill provides funding for two notable programs that conservatives have often criticized for being wasteful: \$76 million for the **Appalachian Regional Commission** (a \$1 million or 1.3% increase), and \$12 million for the **Denali Commission** which only serves the state of Alaska (a \$165,000 or 1.3% increase above last year).

Committee Action: H.R. 3183 was reported out of the House Appropriations Committee as an original measure on July 13, 2009, and passed the House on July 17, 2009 by a vote of 320-97. The Senate passed its version of the legislation on July 29, 2009 by a vote of 85-9.

Cost to Taxpayers: The bill appropriates a total of \$33.5 billion in FY 2010.

Does the Bill Expand the Size and Scope of the Federal Government?: Yes, the bill increases spending for programs in the FY 2010 Energy and Water bill by \$204 million or 0.6% over last year.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: No CBO score is available listing any possible mandates.

Constitutional Authority: No statement of constitutional authority is available. For the House-passed version of the legislation, the The House Appropriations Committee, in [House Report 111-203](#), cites Clause 7 of Section 9 of Article I of the Constitution (the power of Congress to appropriate money). However, the committee report did not cite constitutional authority for the various spending items.

RSC Staff Contact: Brad Watson, brad.watson@mail.house.gov, (202) 226-9719