

AMENDMENTS ADOPTED TO THE
ENERGY AND WATER APPROPRIATIONS BILL
FOR FY 2013

Full Committee Markup
House Appropriations Committee
Wednesday, April 25, 2012

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HOUSE APPROPRIATIONS COMMITTEE
Full Committee Markup
FY13 Energy and Water Development Appropriations Bill

Mr. Frelinghuysen's Amendment

OFFERED By MR. Frelinghuysen

In the Bill:

Page 3, line 25:

- Insert before the period: "Provided, That the limitation concerning total project costs in section 902 of the Water Resources Development Act of 1986, as amended (33 U.S.C. 2280), shall not apply during fiscal year 2013 to any project that receives funds provided in this title"

Page 11, after line 21:

- Insert the following new section and renumber accordingly: "SEC. ____ . Amounts made available by this Act for the "Investigations", "Construction", and "Operation and Maintenance" accounts of the Corps of Engineers may not be used as provided under the heading "Additional Funding for Ongoing Work" in the matter relating to each such account in the report of the Committee on Appropriations to accompany this Act until the report required under such heading is submitted."

Page 24, line 10:

- Change \$431,493,000 to \$425,493,000

Page 25, line 4:

- Delete after "from": "prior year"

Page 31, line 14:

- Change \$4,924,078,000 to \$4,930,078,000

Page 45, line 16:

- Before “TITLE IV–INDEPENDENT AGENCIES”, insert the following new section and renumber accordingly: “SEC. ____ . None of the funds made available in this Act may be used for uranium transactions that do not conform to the excess uranium inventory management plan submitted pursuant to the Consolidated Appropriations Act, 2012.”

In the Report:

On page 10, insert the following paragraphs in the proper place: “The Committee is concerned with recent reports that taxpayer funds have been misused to support inappropriate conferences and activities. The Committee directs that, not later than 30 days after enactment of this Act, each Inspector General or senior ethics official of any entity without an inspector general funded by this Act shall report to the Committees on Appropriations of the House of Representatives and Senate the procedures that the appropriate department, agency, board or commission has in place to ensure compliance with all applicable Federal laws and regulations on travel, conferences and employee awards programs, and shall assess the effectiveness of these procedures.

“Further, not later than 30 days after the end of fiscal year 2013, each Inspector General or senior ethics official of any entity without an inspector general shall report to the Committees on Appropriations of the House and the Senate on appropriate department, agency, board or commission conference spending and compliance with laws and regulations. At a minimum, the report shall include: (1) the number of conferences held; (2) the amount of funds obligated and expenses by appropriation or other source of funding including budget accounts and

subaccount; and (3) compliance with all applicable laws and regulations.”

And amend the table beginning on page 10 accordingly.

On page 20, before the heading “Fiscal Year 2012 Appropriations Levels,” insert the following paragraph: “In the absence of executive branch action to address this problem for fiscal year 2013, the bill includes a temporary measure to allow the Corps to move forward qualified projects in a responsible manner. Such qualified projects are those that have reached or will reach the 902 limit in fiscal year 2013, including those commencing construction activities. The Committee understands this temporary waiver will not address the 902 limit for the Olmsted Locks and Dam project, which will not be reached until fiscal year 2014.”

On page 89, in the first paragraph, insert after “and tenant groups”: “, including through the Manufactured Housing Consensus Committee,”

On page 100, before the heading “Non-Defense Environmental Cleanup”, insert the following new paragraph: “The Committee notes that the Energy Information Administration has had difficulty accurately estimating annual cellulosic biofuel production, as directed in the Clean Air Act and used as the basis for renewable fuel standard volumes. The Committee directs the Energy Information Administration to submit to the Committee, not later than 6 months after enactment of this Act, a report including the following: a summary of the current methods used to estimate cellulosic biofuel production, an analysis of factors contributing to uncertainty or inaccuracy in estimating cellulosic biofuel production, and a plan to increase the Energy Information Administration’s accuracy of cellulosic biofuel production estimates.”

On page 100, under the heading “Uranium Enrichment Decontamination and Decommissioning Fund”, change the amount for Paducah in the last line on the page from \$98,722,000 to \$92,722,000 and make further conforming changes as necessary.

On page 101, insert the following sentence after the sentence ending “which should ultimately be set by the Congress.”: “The Committee is also concerned that the Department’s practices attempt to circumvent the oversight that is needed to ensure that these transfers do not adversely impact our domestic uranium mining industry, and the Committee directs the Department to clearly outline all potential impacts to industry when it submits its excess uranium inventory management plan.”

On page 130, in the paragraph starting “Hanford Site.”, delete the second to last sentence.

On page 131, in the paragraph entitled “Oak Ridge Reservation.”, change \$181,495,000 to \$179,495,000 and make further conforming changes as necessary.

On page 131, in the paragraph entitled “Tank Farm Activities.”, change \$465,000,000 to \$473,000,000 and make further conforming changes as necessary.

On page 160, change the “Bill” column for “OR Nuclear Facility D&D” to 65,525,000 and make further conforming changes as necessary.

Rehberg #1
Address to
29-20

**AMENDMENT TO ENERGY AND WATER
APPROPRIATIONS BILL
OFFERED BY MR. REHBERG OF MONTANA**

At the end of title I, insert the following:

1 SEC. _____. None of the funds made available by this
2 Act or any subsequent Act making appropriations for En-
3 ergy and Water Development may be used by the Corps
4 of Engineers to develop, adopt, implement, administer, or
5 enforce a change or supplement to the rule dated Novem-
6 ber 13, 1986, or guidance documents dated January 15,
7 2003, and December 2, 2008, pertaining to the definition
8 of waters under the jurisdiction of the Federal Water Pol-
9 lution Control Act (33 U.S.C. 1251 et seq.).



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AMENDMENT OFFERED BY Mr. Alexander

~~E&W, Bill Amendment~~

At the appropriate place in the bill, insert the following:

No funds within this act shall be expended to promulgate the final rule pursuant to Section 433 of the Energy Independence and Security Act of 2007, Pub. L. No. 110 – 140 (Dec. 19, 2007) (codified at 42 U.S.C. § 6834) and no funds shall be used to implement any final rule implementing Section 433 of the Energy Independence and Security Act of 2007, Pub. L. No. 110 – 140 (Dec. 19, 2007) (codified at 42 U.S.C. § 6834).

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NUNNELEE # 1
ADOPTED
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**AMENDMENT TO ENERGY AND WATER
APPROPRIATIONS BILL
OFFERED BY MR. NUNNELEE OF MISSISSIPPI**

At the end of title I, insert the following:

1 SEC. _____. As of the date of enactment of this Act
2 and thereafter, the Secretary of the Army shall not pro-
3 mulgate or enforce any regulation that prohibits an indi-
4 vidual from possessing a firearm, including an assembled
5 or functional firearm, at a water resources development
6 project covered under section 327.0 of title 36, Code of
7 Federal Regulations (as in effect on the date of enactment
8 of this Act), if—

9 (1) the individual is not otherwise prohibited by
10 law from possessing the firearm; and

11 (2) the possession of the firearm is in compli-
12 ance with the law of the State in which the water
13 resources development project is located.



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Latourette #1
ADD TO
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**AMENDMENT TO THE ENERGY AND WATER
APPROPRIATIONS BILL
OFFERED BY MR. LATOURETTE OF OHIO**

1 On page 63 of the Committee Report, at the end of
2 the text under the heading "Flood Control and Coastal
3 Emergencies" insert the following new paragraph:

The Committee recognizes that a small city, less than 50,000 in population, are at a disadvantage in comparison with their large urban counterparts under the Army Corps of Engineers utilization of high cost-benefit ratios in its budgeting process. The Committee directs the Army Corps of Engineers to consider the impact of flood risk on a small city's economic viability in determining budget priorities.



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Rehberg #2
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**AMENDMENT TO ENERGY AND WATER
APPROPRIATIONS BILL
OFFERED BY MR. REHBERG OF MONTANA**

Page 45, after line 15, insert the following:

1 SEC. 310. None of the funds made available in this
2 title or funds available in the Bonneville Power Adminis-
3 tration Fund may be used by the Department of Energy
4 for any new program, project, or activity required by or
5 otherwise proposed in the memorandum from Steven Chu,
6 Secretary of Energy, to the Power Marketing Administra-
7 tors with the subject line "Power Marketing Administra-
8 tions' Role" and dated March 16, 2012.

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