



Amendments (Part 1) to H.R. 5895: Energy and Water, Legislative Branch, and Military Construction and Veterans Affairs Appropriations Act, 2019 (Rep. Simpson, R-ID)

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FLOOR SCHEDULE:

H.R. 5895 is expected to be considered beginning on June 7, 2018, under a [structured rule](#).

The Rules Committee Print for H.R. 5895 includes the text of H.R. 5895, the Energy & Water Appropriations bill, H.R. 5894, the Legislative Branch appropriations bill, and H.R. 5786, the Military Construction & Veterans' Affairs appropriations bill, as reported by the Committee on Appropriations, as modified.

[The rule](#) provides for one hour of general debate equally divided.

The rule makes in order 39 amendments to Division A (Energy & Water) of the Rules Committee Print. The rule does not address amendments relating to Division B (Legislative Branch), and Division C (Military Construction and Veterans Affairs), which are expected to be addressed by a future rule.

The rule waives all points of order against the bill and the amendments that have been made in order.

The rule waives points of order against provisions in the bill, as amended, for failure to comply with clause 2 rule XXI, prohibiting unauthorized appropriations, except for language beginning on page 66, line 14, through page 66, line 20, pertaining to appropriations for the Tom Lantos Human Rights Commission. This provision would be exposed to a point of order at the request of the Chairman of the relevant authorizing committee under the [Armed Forces Protocol](#).

The rule provides both the Chair and Ranking Member of the Committee on Appropriations the ability to each offer up to 10 pro forma amendments (to "strike the last word").

The rule provides that no further consideration of the bill shall be in order except pursuant to a subsequent order of the House.

The RSC Legislative Bulletin for the Rules Committee Print for H.R. 5895 can be found [here](#).

Additional Amendments made in order under a future rule will be summarized in future Legislative Bulletins.

Amendments Made in Order Under the Rule:

Division A: Energy & Water Development and Related Agencies Appropriations Act, 2019

1. [Collins \(R-NY\) \(#86\)](#): This amendment would increase funding for Army Corps Investigations account by \$1.2 million, for a total of \$129.2 million, offset by a reduction of \$1.2 million in the Army Corps Expenses account.
2. [Abraham \(R-LA\) \(#87\)](#): This amendment would increase funding for Army Corps Construction by \$17,410,000 and reduces DOE Departmental Administration by the same amount.
3. [Keating \(D-MA\) \(#57\)](#): This amendment is intended to express Congressional intent that \$7 million of Army Corps funding should be used for considering the historic and national significance of dredging projects.
4. [Beyer \(D-VA\) \(#7\)](#): This amendment would strike Sec. 107 of Division A, which prohibits funds from being used to require a permit for the discharge of dredged or fill material for certain agriculture activities identified in [section 404\(f\)\(1\)\(A\) & \(C\) of the Federal Water Pollution Control Act](#).
5. [Ruiz \(D-CA\) \(#36\)](#): This amendment is intended to express Congressional intent that \$2 million within the Bureau of Reclamation's Water and Related Resources Account be used for projects with a public health benefit.
6. [Lujan Grisham \(D-MN\) \(#25\)](#): This amendment is intended to express the Congressional intent that \$15 million within the Bureau of Reclamation's Water and Related Resources Account be used for research and development projects.
7. [DeSaulnier \(D-CA\) \(#51\)](#): This amendment is intended to express the Congressional intent that \$5 million within the Bureau of Reclamation's Central Valley Project Restoration Fund should be used for the Anadromous Fish Screen Program to make repairs to existing equipment.
8. [Mitchell \(R-MI\) \(#72\)](#): This amendment would cut 10% from the administrative expense accounts at both the Bureau of Reclamation and the Department of Energy, and move those funds to the spending reduction account. This would reduce spending in the bill by a total of \$34 million.
9. [Cohen \(D-TN\) \(#62\)](#): This amendment would increase funding for the [DOE's SuperTruck II program](#) by \$2 million and decrease funding for the Department of Energy's Departmental Administration account by the same amount.

Some conservatives may believe that energy efficiency programs, such as the SuperTruck II program, should not be funded by the federal government and are more appropriate activities for the private sector.

10. [Keating \(D-MA\) \(#55\)](#): This amendment would increase funding for the DOE's Office of Energy Efficiency and Renewable Energy by \$10 million, and intend to express the intent that such funding should be used to support marine and hydrokinetic energy research and technologies, and decrease funding for the Department of Energy's Departmental Administration account by the same amount.

The [RSC Budget](#) would eliminate the Office of Energy Efficiency and Renewable Energy, noting "This program subsidizes research and development in the fields of energy efficiency and renewable energy technologies. Some of the programs within EERE include solar, wind, vehicle technologies,

bioenergy technologies, advanced manufacturing, building technologies, and weatherization assistance. Not only does this allow the federal government to pick winners and losers, but also it limits research to a small sector of the energy economy—renewables. The U.S. should pursue a market-based, all-of-the-above energy policy.”

11. [Bonamici \(D-OR\) \(#49\)](#): This amendment would increase funding for the DOE’s Office of Energy Efficiency and Renewable Energy Water Power Technologies Office by \$10 million and decrease funding for the DOE’s Departmental Administration account by the same amount.

The [RSC Budget](#) would eliminate the Office of Energy Efficiency and Renewable Energy.

12. [Esty \(D-CT\) \(#29\)](#): This amendment would increase funding for the Office of Energy Efficiency and Renewable Energy by \$15 million, with the intent that such funds go to the Advanced Manufacturing Office, and decrease funding for nuclear waste disposal activities.

The [RSC Budget](#) would eliminate the Office of Energy Efficiency and Renewable Energy.

13. [Tsongas \(D-MA\) \(#3\)](#): This amendment would increase for the Office of Energy Efficiency and Renewable Energy by \$5 million, with the intent that such funds go to offshore wind job training grants, and decrease funding for the DOE’s Departmental Administration account by the same amount.

The [RSC Budget](#) would eliminate the Office of Energy Efficiency and Renewable Energy.

14. [Soto \(D-FL\) \(#59\)](#): This amendment would increase funding for the DOE’s Cybersecurity, Energy Security, and Emergency Response account, and decrease funding for the DOE’s Departmental Administration account by the same amount.

15. [Soto \(D-FL\) \(#58\)](#): This amendment would increase funding to the DOE’s Electricity Delivery account and decrease funding for the DOE’s Departmental Administration account by the same amount.

16. [Weber \(R-TX\) \(#68\)](#): This amendment is intended to express the Congressional intent that \$35 million within the Office of Nuclear Energy be used for the Versatile Neutron Source, a fast test reactor user facility. According to the sponsor, this funding level would meet the House-passed authorization level.

17. [Esty \(D-CT\) \(#28\)](#): This amendment is intended to express the Congressional intent that funding allocated to Solid Oxide Fuel Cells should be reduced by \$20 million. It would not decrease overall spending.

18. [Beyer \(D-VA\) \(#21\)](#): this amendment would increase funding for the Advanced Research Projects Agency – Energy (ARPA-E) program by \$28 million and reduce funding for fossil energy research by the same amount.

The [RSC Budget](#) would eliminate the Advanced Research Projects Agency – Energy (ARPA-E) program, noting “The Advanced Research Projects Agency – Energy (ARPA-E) is agency was started by the failed 2009 stimulus law and is meant to fund high-risk green energy projects. Taxpayers should not bear the burden for research projects that not even the most speculative and daring members of the energy industry will take on for themselves... The president has proposed to

eliminate this program “because the private sector is better positioned to finance disruptive energy research.”

19. [Smith, Lamar \(R-TX\) \(#67\)](#): This amendment is intended to express the Congressional intent that \$127 million of funding appropriated to the DOE’s Office of Science should be allocated to the LINAC Coherent Light Source II High Energy Upgrade, the Proton Power Upgrade to the Spallation Neutron Source, the construction of the Spallation Neutron Source Second Target Station, construction of the Facility for Rare Isotope Beams, and for the U.S. contribution to the construction of the ITER project.
20. [Keating \(D-MA\) \(#56\)](#): This amendment is intended to express the Congressional intent that \$5 million of appropriated funding should be used for research and grants to further innovation in the safe and secure storage, treatment, transportation, and disposal of spent nuclear fuel from civilian nuclear reactors.
21. [Marshall \(R-KS\) \(#42\)](#): This amendment would reduce funding for the Office of Science by \$20 million and then increases the same number by \$20 million. The amendment description does not state an intent that it would wish Congress to express, which will presumably be stated during floor debate.
22. [Langevin \(D-RI\) \(#13\)](#): This amendment is intended to express the Congressional intent that \$3 million appropriated for the Office of Science be used for divertor test tokamak research and development.
23. [Kihuen \(D-NV\) \(#31\)](#): This amendment would zero-out funding for DOE’s Nuclear Waste Disposal account and transfer that funding (\$190 million) to the spending reduction account. According to the Committee Report: “To restart the adjudication of the Yucca Mountain license application, the Committee provides a total of \$267,700,000, an increase of \$100,000,000 above the budget request. Funding for Yucca is provided in the following three accounts: *\$190,000,000 for Nuclear Waste Disposal*, \$30,000,000 for Defense Nuclear Waste Disposal, and \$47,700,000 within the NRC.”
24. [Gosar \(R-AZ\) \(#39\)](#): This amendment would eliminate funding for the ARPA-E program (\$325 million) and transfer that funding to the spending reduction account.

The [RSC Budget](#) would eliminate the Advanced Research Projects Agency – Energy (ARPA-E) program. The president has proposed to eliminate this program “because the private sector is better positioned to finance disruptive energy research.”

25. [Jackson Lee \(D-TX\) \(#82\)](#): This amendment is intended to express the Congressional intent that \$1 million of the DOE’s Departmental Administration account should be used to address environmental concerns in both urban and rural settings.
26. [Lee, Barbara \(D-CA\) \(#45\)](#): This amendment would reduce by \$65 million the DOE’s National Nuclear Security Weapons Activities account and increase by the same amount its Nuclear Nonproliferation account.
27. [Connolly \(D-VA\) \(#43\)](#): This amendment would increase by \$97 million the Nuclear Nonproliferation account and decrease by the same amount the Weapons Activities account.
28. [O’Halleran \(D-AZ\) \(#61\)](#): This amendment is intended to express the Congressional intent that \$1 million of the DOE’s National Nuclear Security Other Defense Activities account be used to expedite the work of the Department of Energy’s Defense-Related Uranium Mines Program’s work on Native American Reservations in the west.

29. [Gosar \(R-AZ\) \(#40\)](#): This amendment would use the Holman Rule to reduce the salary of [Mark Gabriel](#), the Western Power Administration’s Administrator, to \$1.

The [RSC Budget](#) would transfer the assets of the Western Area Power Marketing Administration to the private sector.

30. [Keating \(D-MA\) \(#54\)](#): This amendment is intended to express the Congressional intent that \$1 million of funding appropriated to the Nuclear Regulatory Commission be used for “safe and effective decommissioning of nuclear power plants.”
31. [Beyer \(D-VA\) \(#8\)](#): This amendment would strike section 505 which would prohibit any funds to be used to implement the [National Ocean Policy](#) under Executive Order 13547.
32. [Kihuen \(D-NV\) \(#32\)](#): This amendment would strike section 508 which would prohibit funds to be used to preclude the use of Yucca Mountain as a repository site in the future.
33. [Newhouse \(R-WA\) \(#33\)](#): This amendment would prohibit the use of funds to sell the transmission assets of three Power Marketing Administrations and the Tennessee Valley Authority.
34. [Blackburn \(R-TN\) \(#79\)](#): This amendment would make a one percent across the board cut to the discretionary spending levels in the Energy & Water division (Division A) of the bill.

Overall, Division A, the FY 2019 Energy & Water Appropriations Act, would provide a total of \$44.7 billion, a level that is \$1.5 billion above the FY 2018 enacted level and \$8.173 billion above the President’s requested level.

35. [Jackson Lee \(D-TX\) \(#83\)](#): This amendment is intended to express the Congressional intent that \$3 million of funding appropriated under the bill to the Army Corps’ Investigations account be used for “post-disaster watershed assessment studies.”
36. [Jackson Lee \(D-TX\) \(#85\)](#): This amendment would prohibit use the DOE’s Office of Science funds to be used in contravention of the Department of Energy Organization Act.
37. [Burgess \(R-TX\) \(#71\)](#): This amendment would prohibit expending funds to enforce [430.32\(x\) of title 10](#) of the Code of Federal Regulations, which regulates lightbulbs. The prohibition would also extend to [42 U.S.C. 6295\(i\)\(1\)\(B\)](#), which also established standards for lightbulbs.
38. [DeSantis \(R-FL\) \(#24\)](#): This amendment would prohibit the use of funds to purchase [heavy water](#) from Iran.
39. [Norman \(R-SC\) \(#11\)](#): This amendment would reduce the total amount of appropriations made under Division A by \$1.5 billion.

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