

AMENDMENTS ADOPTED TO THE  
ENERGY AND WATER APPROPRIATIONS BILL  
FOR FY 2012

Full Committee Markup  
House Appropriations Committee  
Wednesday, June 15, 2011

HOUSE APPROPRIATIONS COMMITTEE

Full Committee Markup

FY12 Energy and Water Development Appropriations Bill

ADDED  
VJ

Manager's Amendment OFFERED

By Mr. FRANKLIN ROYSEN

**In the Bill:**

Page 11, line 3:

- Insert after "Corps of Engineers-Civil—Operation and Maintenance": "or to additional investigations funding under "National Programs" under the heading "Corps of Engineers-Civil—Investigations".

Page 51, line 12:

- Insert after "12866": "unless the Committee on Appropriations has been notified not later than 30 days before the issuance of such action."

**In the Report:**

On page 7 of the report, before the first full paragraph, insert the following paragraph: "*Report on opportunities for domestic manufacturers.*—The Committee requests a study to show what manufactured products are purchased on a regular basis by or on behalf of the

Department of Energy and are not currently manufactured in the United States. An interim report is required no later than 180 days after enactment of this Act with the final study submission no later than 365 days after enactment of this Act. The final study is to be shared with the President's Manufacturing Council, the Manufacturing Extension Partnership Administrator and the Committee."

On page 16 of the report, at the end of the section entitled "Five-Year Comprehensive Planning", insert the following paragraphs: "The Committee recognizes the Department of Energy's efforts to produce a strategic plan for the agency in order to align missions with strategies necessary to ensure our nation's security and energy independence. Though this initiative was delayed by over two years, the Committee will closely examine the Department's adherence to this plan to ensure the Department is able to plan and execute its budget in a way that advances its long-term priorities.

"To better support the attainment of long-term goals, the Committee urges the Department to lay the groundwork for financial policy and budgetary decisions by producing a meaningful and comprehensive multi-year budget and presenting it to Congress in the

President's budget request. The Department should look to the National Nuclear Security Administration and the Department of Defense for models of formulation and execution of multi-year budgets in order to formulate its own budgetary estimates over a five-year planning period. Upon 180 days after enactment, the Department shall provide a report to the House and Senate Appropriations Committees on its progress in developing an actionable five-year budget and describe the actions it has taken to prepare its program offices to formulate their respective budgetary priorities in that timeframe."

and amend the table on page 10 accordingly.

On page 86 of the report, before the last paragraph, insert the following paragraph: "The Committee is aware of the significant cost and efficiency advantages solar films can provide to thin film and crystalline silicon modules, and encourages the Department to expand the funding of solar films research and development to support the development of a cross-cutting advanced solar films program to improve the cost-effectiveness of solar technologies."

On page 90 of the report, before the last paragraph, add the following paragraph: "The Committee is concerned that the Office of Energy Efficiency and Renewable Energy does not have a coherent program to conduct research, development, and demonstration of geothermal heat pumps. The Committee directs the Department to consider and develop a strategic plan to develop innovative geothermal heat pump technologies; promote their use in both residential and commercial applications; advise the Assistant Secretary on policy matters that affect consumers and manufacturers of geothermal heat pumps; receive, analyze, collect, and disseminate publicly available data and information; and carry out other applicable responsibilities. The Department is to report back within 180 days of enactment of this Act on its progress."

On page 91 of the report, after the fourth paragraph, add the following: "With nearly three-quarters of industrial energy use consumed by fuel-fired systems tied to either steam systems or process heating equipment, the Department is encouraged to continue to look into improvements in mechanical insulation. Advances in this area have the potential to yield significant energy savings for the industrial and commercial segments."

On page 92 of the report, in the section titled "Strategic Programs", strike: ". The Committee encourages the Department to continue funding existing international cooperative agreements, including those with the state of Israel."

and replace with: ", to include \$2,000,000 for the U.S.-Israel energy cooperative agreement."

On page 95 of the report, after the third paragraph, add the following paragraph: "National laboratories, universities, and U.S. industry all make important contributions to the development of domestic nuclear energy technologies and advanced reactors. However, the Committee notes that industry would be eligible to compete for less than 10 percent of the total fiscal year 2012 budget request, and only one third of that small portion was made available for industry grants in fiscal year 2010. In order to foster collaboration among the Department's laboratories and industry partners, to retain U.S. industrial involvement in nuclear energy, and to ensure that the best research groups for each activity carry out research on behalf of the Department, the Committee recommends that not less than 10 percent of

the total appropriation for Nuclear Energy be fully and openly competed among national laboratories, universities, and U.S. industry. Further, the Department is directed to report to the Committee, not later than 90 days after enacted of this Act, a list of all Nuclear Energy activities funded in fiscal year 2012 and the institution types eligible for each activity. The Department shall provide to the Committee an update for this report, not later than April 1, 2012, indicating the type of grantee(s) that ultimately received funding for each activity."

and amend the table on page 10 accordingly.

On page 99 of the report, before the paragraph titled "Use of Prior-Year Balances," add the following paragraph: "Further, the Committee remains concerned about the Administration's approach to shift funds from certain advanced fossil energy materials research activities at a time when such activities show significant potential for cleaner and more efficient fuel combustion for electric power generation. As such, the Committee strongly encourages the Department to refocus its efforts on this research and apply the necessary funding to those activities."

On page 142 of the report, strike the second full paragraph beginning with "The Committee is also seriously concerned" and insert the following new paragraph: "The Committee is also seriously concerned by DOE's continued failure to resolve outstanding safety concerns about the WTP raised by the Defense Nuclear Facilities Safety Board (DNFSB), the organization tasked by Congress to oversee nuclear safety at DOE. In addition to engineering design issues already identified, in June 2011 the DNFSB released a report on the safety culture at the WTP. The most recent report describes an environment where the professional exchange of views which a safety culture relies upon is discouraged and at times punished. For instance, technical experts in their field expressed that they could not provide opinions on the safety and validity of design decisions if those opinions would have budget and schedule implications. Further, DOE management actions following a series of dissident opinions from some of its technical experts who worked on the project have been broadly interpreted as retribution, adversely impacting the overall safety culture for this project. Among the safety issues raised by the experts included incorrect engineering assumptions that could have serious consequences, such as an inadvertent criticality accident, once the facility becomes operational.

“The Committee commends the DNFSB for their steadfast work to ensure the safe operation of the WTP, despite requests by the Secretary to halt their investigation into the safety culture at the facility. These revelations are both alarming and disturbing and should be interpreted by the Secretary of Energy as a call to action. Safety considerations must be first and foremost in technical decision making, particularly when the consequences of failure are severe.

“The Committee directs the Secretary to certify, within 90 days of enactment of this Act, the safety of its cleanup operations and projects managed by the Office of Environmental Management. This certification should include a report which provides a full assessment of each project, provides meaningful comparisons of safety and performance priorities for the projects, and identifies specific areas of improvement. This certification should not be a simple statement that DOE regulations are being adhered to, but should qualify whether the management dynamics in place effectively support the agency’s mission to protect public health and safety. Furthermore, the report should specifically address actions taken to improve the safety culture within the WTP project.

“Finally, the Department is directed to develop a total cost estimate of the funding required to perform the large-scale demonstration testing specifically

recommended by the DNFSB to resolve the outstanding technical safety concerns. Not later than February 1, 2012, EM should provide a report to the Committee on its estimate, including a preliminary plan on how these tests might be carried out and the impacts this testing would have on the overall project schedule and performance baseline.”

and amend the table on page 10 accordingly:

FRELINGHUYSEN AMENDMENT TO THE  
FISCAL YEAR 2012 ENERGY AND WATER DEVELOPMENT APPROPRIATIONS BILL

agreed  
✓

Page 57, after line 17, insert the following new title (and redesignate the last title and sections of the bill accordingly):

TITLE V—EMERGENCY SUPPLEMENTAL FUNDING FOR DISASTER RELIEF

DEPARTMENT OF DEFENSE—CIVIL  
DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

CONSTRUCTION

For an additional amount for "Construction" for emergency expenses for repair of damage caused by the storm and flood events occurring in 2011, \$376,000, to remain available until expended: *Provided*, That the Chief of Engineers, acting through the Assistant Secretary of the Army for Civil Works, shall provide, at a minimum, a weekly report to the Committees on Appropriations of the House of Representatives and the Senate detailing the allocation and obligation of these funds, beginning not later than one week after the date of enactment of this Act: *Provided further*, That the amount under this heading is designated as an emergency pursuant to section 3(c)(1) of H. Res. 5 (112th Congress).

OPERATION AND MAINTENANCE

For an additional amount for "Operation and Maintenance" for emergency expenses for repair of damage caused by the storm and flood events occurring in 2011, \$204,927,000, to remain available until expended: *Provided*, That the Chief of Engineers, acting through the Assistant Secretary of the Army for Civil Works, shall provide, at a minimum, a weekly report to the Committees on Appropriations of the House of Representatives and the Senate detailing the allocation and obligation of these funds, beginning not later than one week after the date of enactment of this Act: *Provided further*, That the amount under this heading is designated as an emergency pursuant to section 3(c)(1) of H. Res. 5 (112th Congress).

## FLOOD CONTROL AND COASTAL EMERGENCIES

For an additional amount for "Flood Control and Coastal Emergencies" for emergency expenses for repair of damage caused by the storm and flood events occurring in 2011, \$233,876,400, to remain available until expended: *Provided*, That the Chief of Engineers, acting through the Assistant Secretary of the Army for Civil Works, shall provide, at a minimum, a weekly report to the Committees on Appropriations of the House of Representatives and the Senate detailing the allocation and obligation of these funds, beginning not later than one week after the date of enactment of this Act: *Provided further*, That the amount under this heading is designated as an emergency pursuant to section 3(c)(1) of H. Res. 5 (112th Congress).

## MISSISSIPPI RIVER AND TRIBUTARIES

For an additional amount for "Mississippi River and Tributaries" for emergency expenses for repair of damage caused by the storm and flood events occurring in 2011, \$589,505,000, to remain available until expended: *Provided*, That the Chief of Engineers, acting through the Assistant Secretary of the Army for Civil Works, shall provide, at a minimum, a weekly report to the Committees on Appropriations of the House of Representatives and the Senate detailing the allocation and obligation of these funds, beginning not later than one week after the date of enactment of this Act: *Provided further*, That the amount under this heading is designated as an emergency pursuant to section 3(c)(1) of H. Res. 5 (112th Congress).

## GENERAL PROVISION

### (INCLUDING RESCISSION OF FUNDS)

Sec. 501. Effective on the date of enactment of this Act, all of the unobligated balances of funds made available under the heading "Department of Transportation—Federal Railroad Administration—Capital Assistance for High Speed Rail Corridors and Intercity Passenger Rail Service" in title XII of Public Law 111-5 are hereby rescinded.

**AMENDMENT TO THE ENERGY AND WATER DEVELOPMENT AND  
RELATED AGENCIES APPROPRIATIONS BILL, COMMITTEE PRINT**

**OFFERED BY MR. LATOURETTE OF OHIO**

Page 58, strike lines 12 through 19.

LATOURETTE

AG REH DTB

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*NUNNEE*  
*agreed to*  
*VJ*

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

Page 59, after line 2, insert the following (and re-designate the subsequent section accordingly):

Sec. 506. None of the funds made available under this Act may be expended for any new hire by any Federal agency funded in this Act that is not verified through the E-Verify Program established under section 403(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note).



agreed  
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**Amendment to Energy and Water Appropriation Bill  
Offered by Ms. Roybal-Allard of California**

ON PAGE 14, AFTER LINE 16  
INSERT THE FOLLOWING:

SEC. \_\_\_\_\_.

(a) Section 5 of the Act entitled "An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes," approved June 22, 1936, (33 U.S.C. 701h), is amended by—

- (1) Inserting "for work, which includes planning and design," before "to be expended";
- (2) Striking "flood control or environmental restoration work" and inserting "water resources development study or project"; and
- (3) Inserting "": *Provided further*, That the term "States" means the several States, the District of Columbia, the commonwealths, territories, and possessions of the United States, and Federally recognized Indian tribes" before the period.

(b) The Secretary shall notify the appropriate committees of Congress prior to initiation of negotiations for accepting contributed funds under 33 USC 701h.

#1

McColum  
agreed to  
VV

**AMENDMENT TO ENERGY AND WATER  
APPROPRIATIONS BILL  
OFFERED BY MS. MCCOLLUM OF MINNESOTA**

At the end of the bill (before any short title), insert  
the following:

1       SEC. \_\_\_\_\_. None of the funds made available by this  
2 Act may be used to enter into a contract, memorandum  
3 of understanding, or cooperative agreement with, make a  
4 grant to, or provide a loan or loan guarantee to, any cor-  
5 poration that was convicted (or had an officer or agent  
6 of such corporation acting on behalf of the corporation  
7 convicted) of a felony criminal violation under any Federal  
8 ~~State~~ law within the preceding 24 months.

#2

McColum  
agreed to  
VV

**AMENDMENT TO ENERGY AND WATER  
APPROPRIATIONS BILL  
OFFERED BY MS. MCCOLLUM OF MINNESOTA**

At the end of the bill (before any short title), insert  
the following:

1        SEC. \_\_\_\_ . None of the funds made available by this  
2 Act may be used to enter into a contract, memorandum  
3 of understanding, or cooperative agreement with, make a  
4 grant to, or provide a loan or loan guarantee to, any cor-  
5 poration that any unpaid Federal  tax liability  
6 that has been assessed, for which all judicial and adminis-  
7 trative remedies have been exhausted or have lapsed, and  
8 that is not being paid in a timely manner pursuant to an  
9 agreement with the authority responsible for collecting the  
10 tax liability.

