

[H.R. 2028, the Energy and Water Development and Related Agencies Appropriations Act, 2016](#)

FLOOR SITUATION

On Wednesday, April 29, 2015, the House will begin consideration of [H.R. 2028](#), *the Energy and Water Development and Related Agencies Appropriations Act, 2016*, under a [modified-open rule](#). The bill was introduced on April 24, 2015 by Rep. Mike Simpson (R-ID), Chairman of the House Appropriations Subcommittee on Energy and Water Development, and Related Agencies. The bill was ordered reported by the Committee on Appropriations, as amended, by voice vote on April 22, 2015.¹

SUMMARY

H.R. 2028 provides funding for national defense nuclear weapons activities, the Army Corps of Engineers, various programs under the Department of Energy, and other related agencies. This legislation provides a total of \$35.4 billion in discretionary funding for Fiscal Year (FY) 2016, which is \$1.2 billion above the amount appropriated in FY 2015 and is \$633 million below the President's budget request. Total defense funding is \$18.9 billion, \$1.04 billion above the amount appropriated in FY 2015 and \$252 million below the budget request. Total non-defense funding is \$16.5 billion, \$160 million above the amount appropriated in FY 2015 and \$382 million below the budget request.²

The major provisions of the bill are as follows:

Title I—Department of Defense—Civil (Army Corps of Engineers)

The provides for \$5.6 billion for certain programs within the U.S. Army Corps of Engineers, \$142 million above FY 2015 and \$865 million above the budget request. This program is responsible for activities in support of coastal and inland navigation, flood and coastal storm damage reduction, environmental protection and restoration, hydropower, recreation, water supply, and disaster preparedness and response. The Corps also performs regulatory oversight of navigable waters.

¹ See [House Report 114-91](#) at 5.

² Id.

Approximately 23,000 civilians and almost 300 military personnel located in eight Division offices and 38 District offices work to carry out the Civil Works program.³

The bill provides that total funding for activities eligible for reimbursement from the Harbor Maintenance Trust Fund (HMTF) will be \$1.2 billion, \$73 million above FY 2015 and \$263 million above the budget request. The HMTF is used to fund infrastructure projects for the Nation's ports, which are typically cost-shared programs between the Federal government and non-federal sponsors, often local or regional port authorities. The operation and maintenance of these projects are federal responsibilities and are funded as reimbursements from the HMTF, which is supported by an ad valorem tax⁴ on the value of imported and domestic cargo. Expenditures from the trust fund are subject to annual appropriations. The balance of the HMTF at the beginning of FY 2016 is estimated to be approximately \$8.99 billion.⁵

The bill makes use of all estimated annual revenues from the Inland Waterways Trust Fund (IWTF). Capital improvements to the inland waterways system⁶ are generally funded 50 percent from the General Treasury and 50 percent from the IWTF, while operation and maintenance costs are funded 100 percent from the General Treasury. The IWTF is supported by a tax on barge fuel, which is currently \$0.29 per gallon.⁷

Title II—Department of the Interior (Bureau of Reclamation)

H.R. 2028 provides \$1.1 billion for the Department of the Interior (primarily the Bureau of Reclamation), \$35.4 million below FY 2015 and \$1.4 million below the budget request.

The bill provides \$1.09 billion for the United States Bureau of Reclamation (USBR), \$35.4 million below FY 2015 and \$4 million below the budget request. USBR develops water supply facilities that contribute to sustained economic growth and an enhanced quality of life primarily in the western states. Lands and communities served by USBR projects have been developed to meet agricultural, tribal, urban, and industrial needs. USBR continues to develop authorized facilities to store and convey new water supplies and is the largest supplier and manager of water in the 17 western states. USBR maintains 337 reservoirs with the capacity to store 245 million acre-feet of water. Extensive and exceptional drought continues to plague the Western United States. The Committee notes that, with last year's passage of California's Proposition 1, the California Water Commission is expected to begin in early 2017 allocating \$2.7 billion in funding for the public benefits of water storage projects. The bill encourages USBR, in consultation with other relevant Federal agencies, to review planned activities, including schedules, to ensure that Federal actions do not needlessly inhibit the ability of local entities to compete for these state funds.⁸

The Water and Related Resources account, which receives a specified portion of the total Bureau of Reclamation funding, supports the development, construction, management, and restoration of water and related natural resources in the 17 western states. The account includes funds for operating and

³ See [House Report 114-91](#) at 11.

⁴ An ad valorem tax is a tax based on the value of a product—in this case the value of the product being transported. Many types of sales taxes are ad valorem taxes.

⁵ See [House Report 114-91](#) at 12.

⁶ The inland waterways system includes approximately 12,000 miles of commercially navigable channels and 236 lock chambers.

⁷ See [House Report 114-91](#) at 12.

⁸ Id. at 64.

maintaining existing facilities to protect public safety and to conduct studies on ways to improve the use of water and related natural resources.⁹

H.R. 2028 provides \$9.9 million for the Central Utah Project, the same as FY 2015 and \$2.6 million above the budget request. The Central Utah Project Completion Act (Titles II–VI of Public Law 102–575) provides for the completion of the Central Utah Project by the Central Utah Water Conservancy District, which is a project to make use of portions of the Colorado River for irrigation, municipal and industrial use, power generation, and for recreational purposes.

Title III—Department of Energy

H.R. 2028 provides \$28.9 billion for the Department of Energy, \$1.07 billion above FY 2015 and \$1.5 billion below the budget request.

National Nuclear Security Administration (NNSA) - H.R. 2028 provides \$12.3 billion for the NNSA which includes nuclear weapons activities, defense nuclear nonproliferation, naval reactors, and Federal salaries and expenses, which is \$922 million above FY 2015 and \$236 million below the budget request. The Department of Energy is responsible for enhancing U.S. national security through the military application of nuclear technology and reducing the global danger from the proliferation of weapons of mass destruction. NNSA, a semi-autonomous agency within the Department, carries out these responsibilities.¹⁰

Energy Programs - The bill provides \$10.3 billion for energy programs within the Department of Energy, which includes basic science research and the applied energy programs, which is \$63.8 million above FY 2015 and \$1.3 billion below the budget request. For FY 2016, this funding includes:

- \$5.1 billion for the Office of Science - The Office of Science funds basic science research across national laboratories, universities, and other research institutions in support of American innovation and the Department’s energy-focused missions. Through research in physics, biology, chemistry, and other science disciplines, these activities expand scientific understanding and secure the nation’s leadership in energy innovation.¹¹ Some of the more substantially funded programs through the Office of Science are listed below:
- \$1.7 billion for Energy Efficiency and Renewable Energy (EERE) - EERE programs include research, development, demonstration, and deployment activities advancing energy efficiency and renewable energy technologies, as well as federal energy assistance programs. The EERE program is divided into three portfolios: sustainable transportation, renewable energy, and energy efficiency.¹²
 - Of the total EERE funding, \$514 million is provided for sustainable transportation which includes research and development funds for: energy efficient battery and electric drive technology, natural gas vehicle technologies, bioenergy technologies, and hydrogen and fuel cell technologies.¹³
- \$936 million for Nuclear Energy - Nuclear power generates approximately one-fifth of the nation’s electricity and will continue to be an important base-load energy source in the future. The Department of Energy’s Nuclear Energy program invests in research, development, and

⁹ Id. at 65.

¹⁰ Id. at 113.

¹¹ Id. at 103.

¹² Id. at 82.

¹³ Id. at 82.

demonstration activities that develop the next generation of clean and safe reactors, further improve the safety of our current reactor fleet, and contribute to the nation's long-term leadership in the global nuclear power industry.¹⁴

- \$605 million for Fossil Energy - Fossil energy resources, such as coal, oil, and natural gas, provide approximately 82 percent of all energy used by the Nation's homes and businesses and will continue to provide for the majority of our needs for the foreseeable future. The Fossil Energy Research and Development program funds research, development, and demonstration activities to improve existing technologies and to develop next-generation systems in the full spectrum of fossil energy areas.¹⁵
- \$280 million for the Advanced Research Projects Agency—Energy (ARPA-E) - The Agency supports research aimed at rapidly developing energy technologies whose development and commercialization are considered too risky to attract sufficient private sector investment but are capable of significantly changing the energy sector to address critical economic and energy security challenges.¹⁶

Yucca Mountain - H.R.2028 continues congressional support for the Yucca Mountain nuclear repository, providing \$150 million for the Nuclear Waste Disposal Program. Within available funds, the Department is directed to reestablish its capability to respond to the Nuclear Regulatory Commission during the adjudicatory process, and to otherwise fully support the Yucca Mountain licensing process. The recommendation includes support for affected units of local government who have formally consented to host Yucca Mountain. The bill continues a provision prohibiting funds in this Act from being used to close the Yucca Mountain license application process or for actions that would remove the possibility that Yucca Mountain might be an option in the future. The Obama Administration has repeatedly said that Yucca Mountain is not a "workable option" for nuclear waste disposal, which overlooks both the consent of the host community and the expressed intent of Congress.¹⁷

Environmental management activities - non-defense environmental cleanup, uranium enrichment decontamination and decommissioning, and defense environmental cleanup are funded at \$5.9 billion, \$38.7 million above FY 2015 and \$91.7 million above the budget request.

Power Marketing Administrations - The power marketing administrations give preference in the sale of their power to publicly-owned and cooperatively-owned utilities. H.R. 2028 provides funding for these Power Marketing Administrations at requested levels.¹⁸

Title IV—Independent Agencies

The bill provides \$325 million for several Independent Agencies for FY 2016, \$56.3 million above FY 2015 and \$44.4 million above the budget request. Net funding for the Nuclear Regulatory Commission is \$168.5 million, \$50.6 million above FY 2015 and \$48.3 million above the budget request. Funds for these independent agencies are as follows:

Appalachian Regional Commission (ARC) - The bill provides \$95 million for funding for ARS for FY 2016, \$5 million above FY 2015 and the same as the budget request. ARC is a regional economic

¹⁴Id. at 92.

¹⁵Id. at 95.

¹⁶Id. at 109.

¹⁷Id.

¹⁸Id. at 131.

development commission, comprised of the governors of the 13 Appalachian States and a Federal co-chair appointed by the President. The ARC provides funding for several hundred projects in the Appalachian Region in areas such as business development, education and job training, telecommunications, infrastructure, community development, housing, and transportation.¹⁹

Defense Nuclear Facilities Safety Board (DNFSB) - The bill provides \$29.9 million for the DNFSB for FY 2016, \$1.4 million above FY 2015 and \$750,000 above the budget request. The DNFSB is responsible for reviewing and evaluating the content and implementation of the standards relating to the design, construction, operation, and decommissioning of the Department of Energy's defense nuclear facilities.²⁰

Delta Regional Authority (DRA) – The bill provides \$12 million for DRA for FY 2016, the same as FY 2015 and \$2.9 million below the budget request. DRA is a Federal-state partnership that serves a 252-county/parish area in an eight-state region near the mouth of the Mississippi River. The DRA is designed to remedy severe and chronic economic distress by stimulating economic development and fostering partnerships that will have a positive impact on the region's economy.²¹

Denali Commission – The bill provides \$10 million for the Denali Commission for FY 2016, the same as FY 2015 and the budget request. The Denali Commission is a regional development agency established to provide critical utilities, infrastructure, health services, and economic support throughout Alaska.²²

Northern Border Regional Commission (NBRC) & Southeast Crescent Regional Commission (SCRC) – The bill provides for \$3 million for the NBRC and \$250,000 for the SCRC in FY 2016. Both commissions were established as federal-state partnerships intended to address the economic development needs of distressed portions of specific states.²³

Nuclear Regulatory Commission (NRC) – the bill provides \$1 billion for the NRC for FY 2016, the same as FY 2015 and \$16.9 million below the budget request. The NRC oversees nuclear reactor safety and security, licensing and nuclear waste disposal.²⁴

Nuclear Waste Technical Review Board (NWTRB) – The bill provides \$3.6 million for NWTRB for FY 2016. NWTRB provides technical oversight of the Department of Energy's nuclear waste disposal program.²⁵

Office of the Federal Coordinator for Alaska Natural Gas Transportation Projects – The bill provides \$1 million for the Office. The Office of the Federal Coordinator for Alaska Natural Gas Transportation Projects is responsible for coordinating local, Federal, and international activities for a natural gas transportation project, including facilitating the permitting process, as well as joint surveillance and monitoring of construction with the State of Alaska.²⁶

Title V—General Provisions

¹⁹ Id. at 171.

²⁰ Id.

²¹ Id. at 172.

²² Id.

²³ Id. at 173.

²⁴ Id. at 176.

²⁵ Id. at 175.

²⁶ Id.

H.R. 2028 prohibits the use of funds for:

- The direct or indirect influence of congressional action on any legislation or appropriation matters pending before the Congress, other than to communicate to Members of Congress.
- Use in preventing the license application process of the Yucca Mountain nuclear repository or for actions that would remove the possibility that Yucca Mountain might be a nuclear disposal option in the future.
- The implementation of the National Ocean Policy developed under [Executive Order 13547](#).
- The implementation of [Executive Order 12898](#), Federal Actions to Address Environmental Justice in Minority Populations and Low Income Populations.

BACKGROUND

The programs funded by the Energy and Water Development and Related Agencies Appropriations Act provide funding for investments in infrastructure programs through the Army Corps of Engineers, various programs under the Department of Energy (DOE), and for national defense nuclear weapons activities. The bill also funds certain programs under the Department of Interior, specifically the Bureau of Reclamation, which develops water supply facilities that contribute to sustained economic growth and an enhanced quality of life primarily in the western states.

COST

If enacted, H.R. 2028 would result in discretionary budget authority of \$35.4 billion.

AMENDMENTS/STAFF CONTACT

For questions about amendments or further information on the bill, contact [John Huston](#) with the House Republican Policy Committee by email or at 6-5539.

About the Digest: *The Legislative Digest summarizes each bill that comes to the House floor, including a procedural description, the legislative background, and a cost estimate. The House Republican Conference produced the digest from 1995 until the House Republican Policy Committee took over production in April of 2015.*