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S. 1436, the Energy and Water Development and Related Agencies Appropriations Act, 2010

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Summary

During the week of July 27, the Senate is expected to consider **S. 1436**, the *Energy and Water Development and Related Agencies Appropriations Act, 2010*. **S. 1436** would appropriate \$34.27 billion in non-emergency discretionary spending. This amount is \$643.7 million below the President's budget request and \$476 million above the Fiscal Year 2009 levels, when excluding Fiscal Year 2009 emergency spending levels of \$58.7 billion.

This legislation provides funding for the Army Corps of Engineers, the Department of Energy, certain programs in the Department of Interior, the power marketing administrations, and the Nuclear Regulatory Commission, among others.

This Legislative Bulletin draws from the Committee report ([111-45](#)), the [summary](#) prepared by the Appropriations Committee, as well as the bill [text](#). Certain appropriation numbers in this report have been rounded.

Major Provisions

Title I: Army Corps of Engineers

Title I of **S. 1436** would fund the civil works missions of the Army Corps of Engineers. The major provisions of Title I include:

Army Corps of Engineers. The Army Corps of Engineers (Corps) is responsible for managing many of the nation's water resources and this legislation would give them funding to carry out that responsibility. **S. 1436** would provide the Corps \$5.4 billion, which is \$280 million above the President's budget request and \$2.64 million more than enacted Fiscal Year 2009 level, excluding \$11.16 billion in emergency appropriations. The proposed appropriation level would allocate:

- \$170 million for general investigations. This amount is \$70 million more than President's budget request and \$1.9 million more than the enacted Fiscal Year 2009 level, excluding \$25 million in emergency appropriations.
- \$1.92 billion for construction activities. This amount is \$206 million more than the President's budget request and \$217.7 million less than enacted Fiscal Year 2009 level, excluding \$4.84 billion in emergency appropriations.
- \$340 million for the Mississippi River and tributaries account. This amount is \$92 million more than the President's budget request and \$43.8 million less than the enacted Fiscal Year 2009 level, excluding \$375 million in emergency appropriations.

- \$2.45 billion for operations and maintenance. This amount is \$54 million less than the President’s budget request and \$248.1 million more than the enacted Fiscal Year 2009 level, excluding \$2.5 billion in emergency appropriations.
- \$190 million for the regulatory program. This amount matches the President’s budget request and is \$7 million more than the enacted Fiscal Year 2009 level, excluding \$25 million in emergency appropriations.
- \$140 million for the formerly utilized sites remedial action program. This amount is \$6 million more than President’s budget request and matches the enacted Fiscal Year 2009 level.
- \$5 million for the Office of the Assistant Secretary. This amount is \$1 million less than the President’s budget request and \$500,000 more than the enacted Fiscal Year 2009 level.
- \$186 million for general expenses. This amount is \$2 million more than the President’s budget request and \$6.6 million more than the enacted Fiscal Year 2009 level.

Title II: Department of Interior

Title II of **S. 1436** would fund certain programs and agencies within the Department of Interior. The major provisions of Title II include:

Central Utah Project. The Central Utah Project (CUP) funds a series of dams, pipelines, reservoirs, tunnels, and aqueducts that helps Utah to use its allocated share of water from the Colorado River—as directed by the 1922 Colorado River Compact. **S. 1436** would provide the CUP \$42 million, which matches the President’s budget request and \$4,000 more than the enacted Fiscal Year 2009 level.

Bureau of Reclamation. The Bureau of Reclamation (BOR) is the nation’s largest wholesaler of water in the country and second largest producer of hydroelectric power in the western United States. **S. 1436** would provide \$1.13 billion for the BOR, which is \$110 million larger than the President’s budget request and \$54.9 million more than enacted Fiscal Year 2009 level, excluding \$1 billion in emergency appropriations. The proposed appropriation level would allocate:

- \$993.2 million for the water and related resources program. This amount is \$100 million more than the President’s budget request and \$72.86 million more than the enacted Fiscal Year 2009 level, excluding \$1 billion in emergency appropriations.

- \$35.4 million for central valley project. This amount matches the President's budget request and \$20.7 million less than the enacted Fiscal Year 2009 level.
- \$41 million for the California Bay-Delta restoration. This amount is \$10 million more than the President's budget request and \$1 million more than enacted Fiscal Year 2009 level.
- \$61.2 million policy and administration. This amount matches the President's budget request and \$1.8 million more than the enacted Fiscal Year 2009 level.

Title III: Department of Energy

Title III of **S. 1436** would fund the Department of Energy (DOE), power marketing administrations, and the National Nuclear Security Administration. The major provisions of Title III include:

Energy Efficiency and Renewable Energy. The DOE Office of Energy Efficiency and Renewable Energy (EE/RE) manages the nation's investment in research, development and deployment of renewable energy resources and energy conservation technologies. **S. 1436** would provide \$2.23 billion for EE/RE, which is \$84.6 million less than the President's budget request and \$305 million more than the enacted Fiscal Year 2009 level, when excluding \$17.05 billion in emergency appropriations. The proposed appropriation level would allocate:

- \$323.3 million for advanced vehicle technology. This amount is \$10 million less than the President's budget request and \$50 million more than the enacted Fiscal Year 2009 level.
- \$235 million for biomass and biorefinery systems. This amount matches the President's budget request and is \$18 million more than the enacted Fiscal Year 2009 level, excluding the enacted level of \$800 million in emergency appropriations.
- \$255 million for solar energy research and development. This amount is \$65 million less than the President's budget request and \$80 million more than the enacted Fiscal Year 2009 level. **S. 1436** would not support funding for the Solar Electricity Energy Innovation Hub.
- \$202.7 million for building technology. This amount is \$35 million less than the President's budget request and \$62.7 million more than the enacted Fiscal Year 2009 level. **S. 1436** would not support funding for the Equipment Standards and Analysis Hub.

- \$200 million for the weatherization assistance program. This amount is \$20 million less than the President's budget request and matches the enacted Fiscal Year 2009 level, excluding the enacted \$5 billion in emergency appropriations.
- \$190 million for hydrogen research and development. This amount is \$21.8 million more than the enacted Fiscal Year 2009 level.

The President's budget did not include funding for hydrogen research and development and instead proposed to change this program's focus to the development of fuel cell technologies. **S. 1436** would reject those proposed changes, while allowing the development of fuel cell technologies to continue within the current DOE hydrogen program.

- \$100 million for industrial activities. This amount matches the President's budget request and is \$10 million more than the enacted Fiscal Year 2009 level.
- \$85 million for wind energy research and development. This amount is \$10 million more than the President's budget request and \$30 million more than the enacted Fiscal Year 2009 level.
- \$60 million for water power energy research and development. This amount is \$30 million more than the President's budget request and is \$20 million more than the enacted Fiscal Year 2009 level.
- \$50 million for geothermal research and development. This amount matches the President's budget request and \$6 million more than the enacted Fiscal Year 2009 level, excluding the enacted \$400 million in emergency appropriations.
- \$50 million for the State Energy Program. This amount is \$25 million less than the President's budget request and matches the enacted Fiscal Year 2009 level, excluding the enacted \$3.1 billion in emergency appropriations.

Electricity Delivery and Energy Reliability. The DOE's Office of Electricity Delivery and Reliability (ED/RE) supports efforts to make the nation's electricity grid more modern, secure and reliable. **S. 1436** would provide \$179.4 million for ED/RE. This amount is \$28.5 million less than the President's budget request and \$42.5 million more than the enacted Fiscal Year 2009 level, excluding the enacted \$4.5 billion in emergency appropriations. **S. 1436** would not support funding for the Grid Materials, Devices and Systems Hub.

Nuclear energy. The DOE's nuclear energy program supports the education and training of engineers and scientists in nuclear engineering, as well as nonproliferation, nuclear forensics, and nuclear safeguards missions. **S. 1436** would allocate \$761.27 which matches the President's budget request and \$30.7 million less than the enacted Fiscal Year 2009 level. The proposed appropriation level would allocate:

- \$120 million for the Nuclear Power 2010 program. This amount is \$100 million more than the President's budget request and \$57.5 million less than the enacted Fiscal Year 2009 level.
- \$143 million for the Generation IV Nuclear Energy program. This amount is \$48 million less than the President's budget request and \$37 million less than the enacted Fiscal Year 2009 level. **S. 1436** would also direct DOE to better focus its nuclear energy research by centering its research on two reactor technologies that it believes offers the best opportunity to spur commercial deployment, high levels of safety, and exhibits best management characteristics. **S. 1436** would support funding for the Energy Innovation Hub for Modeling and Simulation.
- \$145 million for Fuel Cycle Research and Development. This amount is \$47 million less than the President's budget request and matches the enacted Fiscal Year 2009 level. **S. 1436** would not support funding for the proposed extreme materials innovation hub.
- \$62 million for Radiological Facilities Management. This amount is \$15 million less than the President's budget request and is \$4 million more than the enacted Fiscal Year 2009 level.
- \$211.2 million for Idaho facilities management. This amount is \$7.8 million more than the President's budget request and \$71.2 million more than the enacted Fiscal Year 2009 level.

Fossil Energy. The DOE's fossil energy program supports a range of coal, oil and gas research and development activities, including carbon capture and sequestration technologies, advanced turbines, and more effective, next generation oil and gas advancement. **S. 1436** would provide \$699.2 million for fossil energy research and development. This amount is \$81.6 million more than the President's budget request and \$28.1 million less than the enacted Fiscal Year 2009 level, excluding \$3.4 billion in emergency appropriations. **S. 1436** does not providing funding to either the Clean Coal Power Initiative or the FutureGen project this year because of the funding these projects received in the *American Recovery and Reinvestment Act*. **S. 1436** also would not support funding for the carbon sequestration hub.

Strategic Petroleum Reserve. The Strategic Petroleum Reserve (SPR) maintains an emergency stockpile of petroleum to assure U.S. energy and economic security. **S. 1436** would provide \$259.1 million for the SPR, which is \$30 million more than the President's budget request and \$54.1 million more than the enacted Fiscal Year 2009 level. **S. 1436** would dedicate \$30 million for engineering expansion activities in Mississippi, but it does not support any other expansions of the SPR.

Non-defense environmental cleanup. The DOE's non-defense environmental

cleanup program funds the management and cleanup of sites that are either radioactive or hazardous and require cleanup actions. **S. 1436** would allocate \$259.8 million for this program, which is \$22.3 million more than the President's budget request and \$1.99 million less than the enacted Fiscal Year 2009 level, excluding \$483 million in emergency appropriations.

Uranium enrichment decontamination and decommissioning. The DOE's uranium enrichment decontamination and decommissioning fund supports environmental management responsibilities at the nation's three gaseous diffusion plants. **S. 1436** would provide \$588.3 million for this fund, which is \$228.9 million more than the President's budget, after denying the proposed \$200 million in proposed uranium assessments. This amount is \$52.8 million more than the enacted Fiscal Year 2009 level.

Science. The DOE is the single largest federal government supporter of basic research in the physical sciences in the United States, providing more than 40 percent of total federal funding in these vital areas. **S. 1436** would allocate \$4.899 billion for this program, which is \$42.85 million less than the President's budget request and \$126.2 million more than the enacted Fiscal Year 2009 level, excluding \$1.6 billion in emergency appropriations. The proposed appropriation level would allocate:

- \$1.653 billion in basic energy sciences. This amount is \$32 million less than the President's budget request and \$82 million more than the enacted Fiscal Year 2009 level.
- \$813 million for high energy physics. This amount is \$6 million less than the President's budget request and \$17.3 million more than the enacted Fiscal Year 2009 level.
- \$540 million for nuclear physics. This amount is \$12 million less than the President's budget request and \$28 million more than the enacted Fiscal Year 2009 level.
- \$604.2 million for biological and environmental research. This amount matches the President's budget request and \$2.6 million more than the enacted Fiscal Year 2009 level.
- \$399 million for advanced scientific computing research. This amount is \$10 million less than the President's budget request and \$30.2 million more than enacted Fiscal Year 2009 level.
- \$416 million for fusion energy sciences. This amount is \$5 million less than the President's budget request and \$13.5 million more than the enacted Fiscal Year 2009 level.

Yucca Mountain. S. 1436 would appropriate \$196.8 million for the Yucca Mountain project. This level of funding matches the President's budget request and is \$91.59 million less than the enacted Fiscal Year 2009 level.

The appropriations level that **S. 1436** would provide would eliminate Yucca Mountain's funding for securing land, transportation access, and additional engineering. **S. 1436** would also provide adequate funding for the Secretary of Energy's Blue Ribbon Commission to explore alternative nuclear waste management and disposal solutions now that the Administration has announced it is terminating the Yucca Mountain project. The Committee Report to **S. 1436** expects the Secretary of Energy to suspend its collection of payments to the Nuclear Waste Fund.

Advanced Technology Vehicles Manufacturing Program. The Advanced Technology Vehicles Manufacturing Program provides loans to support the costs of reequipping, expanding, and establishing the manufacturing of advanced technology vehicles and the components for those vehicles. **S. 1436** would appropriate \$20 million to support the salaries and expenses for this program. This amount matches the President's budget request. The *Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009* appropriated \$7.51 billion for this program.

National Nuclear Security Administration. The National Nuclear Security Administration (NNSA) is responsible for the management and security of the nation's nuclear weapons, nuclear nonproliferation, and naval reactor programs. **S. 1436** would provide \$10 billion for the NNSA. This amount is \$53 million more than the President's budget request and \$784.3 million than the enacted Fiscal Year 2009 level, excluding \$85 million in emergency appropriations.

Defense environmental cleanup. The defense environmental cleanup program funds initiatives that clean up environmental contamination resulting from nuclear research. **S. 1436** would allocate \$5.76 billion for this program, which is \$268 million more than the President's budget request and \$106.6 million more than the enacted Fiscal Year 2009 level, excluding \$5.127 billion in emergency appropriations.

Power marketing administrations. The nation's power marketing administrations market electricity to approximately 60 million Americans from electricity produced at federal dams operated by the Corps and BOR. **S. 1436** would provide \$312.8 million for the nation's power marketing administrations, which matches the President's budget and is \$45.7 million more than enacted Fiscal Year 2009 level.

Title IV: Independent Agencies

Title IV of **S. 1436** would fund the Nuclear Regulatory Commission, several safety boards and several regional commissions. The major provisions of Title IV include:

Nuclear Regulatory Commission. The Nuclear Regulatory Commission (NRC) regulates commercial nuclear power plants and other uses of nuclear materials. **S. 1436** would appropriate \$159.7 million to the NRC, which is \$24.2 million less than the budget request and \$15.2 million less than the enacted Fiscal Year 2009 level.

Title V: General Provisions

Title V of **S. 1436** would prohibit the use of any funding that would be provided by this legislation to influence congressional action. **S. 1436** would also prohibit any transfer of funding unless otherwise provided by the legislation or other appropriations legislation.

Legislative History

The Senate Appropriations Committee reported **S. 1436** on July 8, 2009, by a vote of 30 to 0. Senate Report 111-45, which accompanies **S. 1436**, was also filed on July 9, 2009.

The House Committee on Appropriations reported H.R. 3183, its version of the *Energy and Water Development and Related Agencies Appropriations Act, 2010*, on June 25, 2009 by voice vote. On July 17, 2009, the House of Representatives passed the bill by a vote of 320 to 97.

Expected Amendments

Amendments are expected during consideration of **S. 1436** and information will be distributed to Senate staff as it becomes available.

Administration Position

At the time of publication, no Statement of Administration (SAP) position had been issued on **S. 1436**.

On July 27, 2009, the Obama Administration issued a SAP which stated that it “supports Senate passage of H.R. 3183, with the Committee-reported text of **S. 1436**.”