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Legislative Bulletin.....July 15, 2009

Contents:

Amendments to H.R. 3183— The FY2010 Energy and Water Appropriations Act

H.R. 3183, the FY 2010 Energy and Water Appropriations Act (sponsored by *Rep. Pastor, D-AZ*), is scheduled to be considered on the House floor on Thursday, July 15, 2009 under a restrictive *structured rule* ([H.Res. 645](#)) that provides one hour of general debate, and waives all points of order against the bill's consideration, except for clauses 9 (the earmark rule) and 10 (PAYGO) of Rule XXI. The rule also waives points of order against the bill itself for failures to comply with various rules for appropriations bills (such as prohibitions on appropriating funds to unauthorized programs).

The rule prohibits re-votes on amendments and allows the Chair to reduce to two minutes the time for electronic voting. Only the Appropriations Committee Chairman or his designee could offer a motion that the Committee of the Whole rise (i.e. stop considering amendments). The Minority would get one motion to recommit the bill, with or without instructions. Finally, the rule tables, H.Res. 618 (the rule for the FY 2010 Intelligence Authorization bill).

The structured rule divides the amendments made in order as follows:

- PART A: Eleven perfecting amendments.
- PART B: One of three Campbell amendments.
- PART C: Six of twelve Flake amendments.
- PART D: Three of five Hensarling amendments.

Each amendment in each part is debatable for ten minutes equally divided.

Total amendments submitted to the Rules Committee: **103**

Total allowed under this restrictive rule: **21**

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PART A PERFECTING AMENDMENTS MADE IN ORDER UNDER THE RULE

1. Pastor (D-AZ). Manager's Amendment. The amendment *increases* funding (compared to the base bill) for the following programs as follows:

- Army Corps of Engineers (regulation of waterways and wetlands), \$1.8 million.
- Energy Efficiency and Renewable Energy, \$45 million.
- Northern Border Regional Commission, \$2.5 million.

The amendment *decreases* funding (compared to the base bill) for the following programs, as follows:

- Army Corps of Engineers (Expenses), \$10.8 million.
- Electricity Delivery and Energy Reliability, \$15 million.
- Departmental Administration (Department of Energy), \$30 million.
- Other Defense Activities, \$2.5 million.

The amendment prohibits funds in the bill from being used to purchase light bulbs that are not Energy Star qualified or have the Federal Energy Management Program designation. **The amendment also requires that any passenger motor vehicles purchased with funds made available by the bill be manufactured by Ford, General Motors, or Chrysler.**

2. Connolly (D-VA). *Increases* by \$7 million funding for the Army Corps of Engineers, Construction; *Reduces* by \$7 million funding for the the Army Corps of Engineers, Expenses.

3. Wamp (R-TN). *Increases* by \$14 million funding for the Army Corps of Engineers, Construction; *Reduces* by \$14 million funding for the the Army Corps of Engineers, Expenses.

4. Hastings (R-WA). Of the funds made available under the bill for Water and Related Resources, makes \$5 million available for "Power Program Services" to implement the Bureau of Reclamation's hydropower facilities installations.

5. Costa (D-CA)/Cardoza (D-CA). *Increases* by \$10 million funding for California Bay-Delta Restoration; *Reduces* by \$10 million the Department of the Interior's Office of Policy and Administration.

6. Cardoza (D-CA)/Costa (D-CA). The amendment requires the Secretary of the Interior to expeditiously revise, finalize, and implement the Draft Recovery Plan for the Giant Garter Snake. The amendment allows water transfers between a San Joaquin River Exchange Contractor and a south-of-Delta CVP agricultural water service contractor, and a transfer between a Friant Division contractor and a south-of-Delta CVP agricultural water service contractor.

7. Boren (D-OK). *Increases* by \$5 million funding Energy Efficiency and Renewable Energy; *reduces* by \$5 million funding for the Department of Energy’s Departmental Administration.

8. Miller (R-MI). *Increases* by \$10 million funding Energy Efficiency and Renewable Energy; *reduces* by \$10 million funding for the Department of Energy’s Departmental Administration.

9. Heinrich (D-NM). The underlying bill authorizes the Secretary of Energy to use up to 6 percent of funds (made available for activities at government-owned contractor-operated laboratories) for laboratory directed research and development. This amendment increases that percentage to 7 percent.

10. Cao (R-LA). The underlying bill requires the Nuclear Regulatory Commission to, not later than 90 days after enactment, provide a report to Congress on its recommendations for identifying barriers to its recommendations for streamlining the issuance of a Combined Construction and Operating License for qualified new nuclear reactors. This amendment changes the timeline of this requirement from 90 days to 60 days.

11. Blackburn (R-TN). Reduces all appropriations in the bill by 5% across-the-board.

PART B
CAMPBELL AMENDMENTS MADE IN ORDER UNDER THE RULE
ONLY 1 IN ORDER

1. Campbell (R-CA). Prohibits funds made available by the bill from being used for the “Institute for Environmental Stewardship,” and reduces the relevant funding account by \$1 million.

2. Campbell (R-CA). Prohibits funds made available by the bill from being use for “the Housatonic River Net-Zero Energy Building project,” and reduces the relevant funding account by \$1 million.

3. Campbell (R-CA). Prohibits funds made available by the bill from being used for the “South Jersey Wind Turbines project,” and reduces the relevant funding account by \$500,000.

PART C
FLAKE AMENDMENTS MADE IN ORDER UNDER THE RULE
ONLY 6 IN ORDER

1. Flake (R-AZ). Prohibits funds made available by the bill from being used for “the Maret Center project,” and reduces the relevant funding account by \$1.5 million.

2. Flake (R-AZ). Prohibits funds made available by the bill from being used for the “Running Springs Retreat Center Solar Upgrade project,” and reduces the relevant funding account by \$1 million.

3. Flake (R-AZ). Prohibits funds made available by the bill from being used for the “Consortium for Plant Biotechnology Research,” and reduces the relevant funding account by \$3 million.

4. Flake (R-AZ). Prohibits funds made available by the bill from being used for “the Ethanol from Agriculture project,” and reduces the relevant funding account by \$500,000.

5. Flake (R-AZ). Prohibits funds made available by the bill from being used for the “Fort Mason Center Pier 2 project,” and reduces the relevant funding account by \$2,000,000.

6. Flake (R-AZ). Prohibits funds made available by the bill from being used for the “Prototyping and Development of Commercial Nano-Crystalline Thin Film Silicon for Photovoltaic Manufacturing project,” and reduces the relevant funding account by \$500,000.

7. Flake (R-AZ). Prohibits funds made available by the bill from being used for the “Institute for Energy and the Environment at Vermont Law School project,” and reduces the relevant funding account by \$450,000.”

8. Flake (R-AZ). Prohibits funds made available by the bill from being used for the “Henderson, Solar Energy Project,” and reduces the relevant funding account by \$500,000.

9. Flake (R-AZ). Prohibits funds made available by the bill from being used for the “Green Roof Demonstration Project,” and reduces the relevant funding account by \$600,000.

10. Flake (R-AZ). Prohibits funds made available by the bill from being used for the “Whitworth University Stem Equipment project,” and reduces the relevant funding account by \$300,000.

11. Flake (R-AZ). Prohibits funds made available by the bill from being used for the “Boston Architectural College’s Urban Sustainability Initiative,” and reduces the relevant funding account by \$1.6 million.

12. Flake (R-AZ). Prohibits funds made available by the bill from being used for the “Today’s Lenders for a Sustainable Energy Program project,” and reduces the relevant funding account by \$1.5 million.

PART D
HENSARLING AMENDMENTS MADE IN ORDER UNDER THE RULE
ONLY 3 IN ORDER

1. Hensarling (R-TX). Prohibits funds made available by the bill from being used for “the Energy Conservation and Efficiency Upgrade of HVAC Controls project,” and reduces the relevant funding account by \$500,000.

2. Hensarling (R-TX). Prohibits funds made available by the bill from being used for “Pier 36 removal project in California,” and reduces the relevant funding account by \$6.2 million.

3. Hensarling (R-TX). Prohibits funds made available by the bill from being used for “the Ohio River Greenway Public Access project in Indiana,” and reduces the relevant funding account by \$2,000,000.

4. Hensarling (R-TX). Prohibits funds made available by the bill from being used for the “Automated Remote Electric and Water Meters in South River project,” and reduces the relevant funding account by \$500,000.

5. Hensarling (R-TX). Prohibits funds made available by the bill from being used for the “Hospital Lighting Retrofit project,” and reduces the relevant funding account by \$500,000.

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