

HR 4614

Energy and Water Development Appropriations Act, 2005

Congress: 108 (2003–2005, Ended)

Chamber: House

Policy Area: Economics and Public Finance

Introduced: Jun 18, 2004

Current Status: Received in the Senate and Read twice and referred to the Committee on Appropriations.

Latest Action: Received in the Senate and Read twice and referred to the Committee on Appropriations. (Jul 6, 2004)

Official Text: <https://www.congress.gov/bill/108th-congress/house-bill/4614>

Sponsor

Name: Rep. Hobson, David L. [R-OH-7]

Party: Republican • **State:** OH • **Chamber:** House

Cosponsors

No cosponsors are listed for this bill.

Committee Activity

Committee	Chamber	Activity	Date
Appropriations Committee	House	Reported Original Measure	Jun 18, 2004
Appropriations Committee	Senate	Referred To	Jul 6, 2004

Subjects & Policy Tags

Policy Area:

Economics and Public Finance

Related Bills

Bill	Relationship	Last Action
108 HR 4818	Related bill	Dec 8, 2004: Became Public Law No: 108-447.
108 HRES 694	Procedurally related	Jun 25, 2004: Motion to reconsider laid on the table Agreed to without objection.

Energy and Water Development Appropriations Act, 2005 - **Title I: Department of Defense - Civil** - Makes FY 2005 appropriations for: (1) the U.S. Army Corps of Engineers (civil functions of the Department of the Army pertaining to rivers and harbors, flood control, shore protection, and aquatic ecosystem restoration); (2) general investigations (collection and study of basic information pertaining to rivers and harbors, flood control, shore protection, storm damage reduction, and related projects); (3) construction (river and harbor, flood control, shore protection, storm damage reduction, and related projects); (4) flood damage reduction for the Mississippi River alluvial valley below Cape Girardeau, Missouri; (5) operation and maintenance of existing river and harbor, flood and storm damage reduction, aquatic ecosystem restoration, and related projects; (6) administration of laws pertaining to regulation of navigable waters and wetlands; (7) clean up of contamination at U.S. sites resulting from work performed as part of the Nation's early atomic energy program; (8) general administration and related civil works functions in the headquarters of the Corps, the offices of the Division Engineers, the Humphreys Engineer Center Support Activity, the Institute for Water Resources, the U.S. Army Engineer Research and Development Center, and the Corps Finance Center; and (9) the Office of Assistant Secretary of the Army (Civil Works).

(Sec. 101) Limits funds for agreements proposed for execution by the Assistant Secretary of the Army for Civil Works or the Corps under specified project authorities to credits and reimbursements per project not to exceed \$10 million in each fiscal year, and total credits and reimbursements for all applicable projects not to exceed \$50 million in each fiscal year.

(Sec. 102) Prohibits the use of appropriated funds by the Corps to support activities related to the proposed Ridge Landfill in Tuscarawas County, Ohio.

(Sec. 103) Prohibits the use of appropriated funds to demonstrate or implement any plans divesting or transferring any Civil Works responsibilities of the Corps to other Government agencies without specific direction in a subsequent Act of Congress.

(Sec. 104) Prohibits the use of appropriated funds by the Corps to support activities related to the proposed Indian Run Sanitary Landfill in Sandy Township, Stark County, Ohio.

Title II: Department of the Interior - Makes FY 2005 appropriations for: (1) activities authorized by the Central Utah Project Completion Act, with specified funds deposited into the Utah Reclamation Mitigation and Conservation Account; (2) the Bureau of Reclamation; (3) management, development, and restoration of water and related natural resources and related activities, including participation in fulfilling related Federal responsibilities to Native Americans; (4) programs, plans, habitat restoration, and acquisition provisions of the Central Valley Project Improvement Act; and (5) policy and administration in the Office of the Commissioner, the Denver office, and offices in the five regions of the Bureau.

(Sec. 201) Prohibits the use of appropriated funds to determine the final point of discharge for the interceptor drain for the San Luis Unit until the Secretary of the Interior and the State of California have developed a plan which conforms to California water quality standards approved by the Administrator of the Environmental Protection Agency, in order to minimize any detrimental effect of the San Luis drainage waters. Declares that the costs of the Keterson Reservoir Cleanup Program and the San Joaquin Valley Drainage Program shall be classified as reimbursable or nonreimbursable and collected until fully repaid. Makes any future obligations by the United States relating to drainage for that Unit fully reimbursable by Unit beneficiaries pursuant to Federal reclamation law.

(Sec. 202) Prohibits the use of appropriated funds to pay the salaries and expenses of personnel to purchase or lease water in the Middle Rio Grande or the Carlsbad Projects in New Mexico unless such purchase or lease complies with specified statutory purchase requirements.

Title III: Department of Energy - Makes FY 2005 appropriations for: (1) the Department of Energy (DOE) for the purchase, construction, and acquisition of plant and capital equipment, and other expenses necessary for energy supply activities in carrying out the purposes of the Department of Energy Organization Act, including the acquisition or condemnation of real property and the purchase of up to nine passenger motor vehicles for replacement and one ambulance; (2) the purchase, construction, and acquisition of plant and capital equipment and other expenses necessary for non-defense environmental management site acceleration completion activities; (3) uranium enrichment facility decontamination and decommissioning, remedial actions, and other specified activities; (4) non-defense environmental services activities that indirectly support the accelerated cleanup and closure mission at environmental management sites; (5) science activities; (6) salaries and expenses for departmental administration, including the hire of passenger motor vehicles and official reception and representation expenses, subject to specified limitations; and (7) the Office of Inspector General.

Makes FY 2005 appropriations for: (1) the purchase, construction, and acquisition of plant and capital equipment and other incidental expenses necessary for atomic energy defense weapons activities; (2) such expenses for atomic energy defense nuclear nonproliferation activities; (3) naval reactors; (4) the Office of the Administrator in the National Nuclear Security Administration; (5) atomic energy defense site acceleration completion activities; (6) defense-related environmental services activities; (7) atomic energy defense, other defense activities, and classified activities; and (8) nuclear waste disposal activities, including the acquisition of real property or facility construction or expansion (i.e., the Yucca Mountain nuclear repository).

Makes FY 2005 appropriations for: (1) the Bonneville Power Administration Fund; (2) operation and maintenance of power transmission facilities and marketing electric power and energy, subject to specified funding for the Southeastern, Southwestern, and Western Area Power Administrations; (3) operation, maintenance, and emergency costs for the hydroelectric facilities at the Falcon and Amistad Dams; and (4) the Federal Energy Regulatory Commission.

(Sec. 301) Prohibits the use of funds appropriated for FY 2005 or any previous fiscal year to make payments for a "noncompetitive management and operating contract" (i.e., a contract that was awarded more than 50 years ago without competition for the management and operation of Ames Laboratory, Argonne National Laboratory, Lawrence Berkeley National Laboratory, Lawrence Livermore National Laboratory, and Los Alamos National Laboratory) unless the Secretary of Energy has published in the Federal Register and submitted to the House and Senate Appropriations Committees a written notification, with respect to each such contract, of the Secretary's decision to use competitive procedures for the award of the contract, or to not renew the contract, when the term of the contract expires. Makes this provision inapplicable to an extension for up to two years of a noncompetitive management and operating contract, if the extension is for purposes of allowing time to award competitively a new contract, to provide continuity of service between contracts, or to complete a contract that will not be renewed.

Prohibits, for all management and operating contracts other than those listed above, the use of appropriated funds to award a management and operating contract, or a significant extension or expansion to an existing management and operating contract, unless such contract is awarded using competitive procedures or the Secretary of Energy grants a waiver (on a case-by-case basis) to allow for such a deviation. Prohibits the Secretary from delegating the authority to

grant such a waiver. Requires the Secretary to report to the congressional Appropriations Committees at least 60 days before a contract award for which the Secretary intends to grant such a waiver, notifying them of the waiver and setting forth, in specificity, the substantive reasons why the Secretary believes the requirement for competition should be waived for this particular award.

(Sec. 302) Prohibits the use of appropriated funds to: (1) develop or implement a workforce restructuring plan that covers DOE employees; or (2) provide enhanced severance payments or other benefits for DOE employees under the National Defense Authorization Act for FY 1993 (NDAA).

(Sec. 303) Prohibits the use of appropriated funds to augment the funds made available for obligation by this or any other appropriations Act for FY 2005 or any previous fiscal year for severance payments and other benefits and community assistance grants under NDAA unless DOE submits a reprogramming request subject to approval by the appropriate congressional committees.

(Sec. 304) Prohibits the use of appropriated funds to prepare or initiate Requests For Proposals for a program that has not been funded by Congress.

(Sec. 305) Allows: (1) the unexpended balances of prior appropriations provided for activities in this Act to be transferred to appropriation accounts for such activities established pursuant to this title; and (2) balances so transferred to be merged with funds in the applicable established accounts and thereafter accounted for as one fund for the same time period as originally enacted.

(Sec. 306) Denies the use of any funds for the Administrator of the Bonneville Power Administration to enter into any agreement to perform energy efficiency services outside the Bonneville service territory without certification that such services are not available from private sector businesses (except services provided internationally).

(Sec. 307) Directs DOE to ensure broad public notice of the availability of a user facility, and to employ open competition in selecting a partner for such a facility.

(Sec. 308) Permits the Administrator of the National Nuclear Security Administration to authorize the manager of a covered nuclear weapons research, development, testing, or production facility to engage in research, development, and demonstration activities with respect to the engineering and manufacturing capabilities at such facility, to maintain and enhance its capabilities. Provides that no more than two percent of the amount allocated each fiscal year for national security programs to a "covered nuclear weapons facility" (i.e., the Kansas City Plant, Kansas City, Missouri; the Y-12 Plant, Oak Ridge, Tennessee; the Pantex Plant, Amarillo, Texas; the Savannah River Plant, South Carolina; and the Nevada Test Site) may be used for these activities.

(Sec. 309) Deems funds appropriated by this or any other Act, or made available by the transfer of funds in this Act, for intelligence activities to be specifically authorized by Congress for purposes of the National Security Act of 1947 during FY 2005 until the enactment of the Intelligence Authorization Act for FY 2005.

(Sec. 310) Prohibits the use of funds to select a site for a Modern Pit Facility during FY 2005.

(Sec. 311) Prohibits the use of funds to finance laboratory directed research and development activities at DOE laboratories on behalf of other Federal agencies.

(Sec. 312) Prohibits the use of funds made available by this Act to use any license, approval, or authorization for the export, re-export, transfer, or re-transfer of nuclear materials and equipment or sensitive nuclear technology, and nuclear-related items on the Commerce Control List, to any country whose government has been identified by the Secretary of State as engaged in state sponsorship of terrorist activities, with exceptions and subject to waivers under specified circumstances.

Title IV: Independent Agencies - Makes appropriations for FY 2005 for: (1) the Appalachian Regional Commission; (2) the Defense Nuclear Facilities Safety Board; (3) Delta Regional Authority; (4) the Nuclear Regulatory Commission; (5) the Office of the Inspector General; and (6) the Nuclear Waste Technical Review Board.

Title V: General Provisions - (Sec. 501) Prohibits the use of funds appropriated by this Act to influence congressional action on legislation or appropriation matters pending before Congress, with exceptions.

(Sec. 502) Prohibits the transfer of funds made available in this Act to any instrumentality of the Government, except pursuant to a transfer made by, or transfer authority provided in, this or any other appropriation Act.

(Sec. 503) States that none of the funds made available in this Act may be used to deny requests for the public release of the following documents or evidence obtained through or in the Western Energy Markets: (1) Enron Investigation; (2) the California Refund case; (3) the Anomalous Bidding Investigation, or (4) the Physical Withholding Investigation.

Actions Timeline

- **Jul 6, 2004:** Received in the Senate and Read twice and referred to the Committee on Appropriations.
- **Jun 25, 2004:** Rules Committee Resolution H. Res. 694 Reported to House. Rule provides for consideration of H.R. 4614 with 1 hour of general debate. Previous question shall be considered as ordered without intervening motions except motion to recommit with or without instructions. All points of order against the consideration of the bill are waived. Measure will be read by paragraph. Bill is open to amendments.
- **Jun 25, 2004:** Rule H. Res. 694 passed House.
- **Jun 25, 2004:** Considered under the provisions of rule H. Res. 694. (consideration: CR H5084-5131; text of Title I as reported in House: CR H5101, H5101-5102, H5104-5105; text of Title II as reported in House: CR H5105; text of title III as reported in House: CR H5106, H5108-5110; text of title IV as reported in House: CR H5110; text of title V as reported in House: CR H5110)
- **Jun 25, 2004:** Rule provides for consideration of H.R. 4614 with 1 hour of general debate. Previous question shall be considered as ordered without intervening motions except motion to recommit with or without instructions. All points of order against the consideration of the bill are waived. Measure will be read by paragraph. Bill is open to amendments.
- **Jun 25, 2004:** House resolved itself into the Committee of the Whole House on the state of the Union pursuant to H. Res. 694 and Rule XVIII.
- **Jun 25, 2004:** The Speaker designated the Honorable Johnny Isakson to act as Chairman of the Committee.
- **Jun 25, 2004:** GENERAL DEBATE - The Committee of the Whole proceeded with one hour of general debate on H.R. 4614.
- **Jun 25, 2004:** Mr. Duncan raised a point of order against the content of the measure. Mr. Duncan state that the proviso beginning on page 2, line 23 constituted legislation in an appropriation bill. The Chair sustained the point of order.
- **Jun 25, 2004:** DEBATE - The Committee of the Whole proceeded with debate on the Norton amendment under the five-minute rule.
- **Jun 25, 2004:** POSTPONED PROCEEDINGS - At the conclusion of debate on the Norton amendment, the Chair put the question on adoption of the amendment and by voice vote, announced that the noes had prevailed. Ms. Norton demanded a recorded vote and pursuant to the rule, the Chair postponed further proceedings on the question of adoption of the amendment until later in the legislative day.
- **Jun 25, 2004:** VACATING DEMAND FOR RECORDED VOTE - Ms. Norton asked unanimous consent to vacate her demand for a recorded vote on the question of adoption of her amendment which had been debated earlier and on which the noes had prevailed by voice vote. Agreed to without objection.
- **Jun 25, 2004:** Mr. Duncan raised a point of order against the content of the measure. Mr. Duncan stated that section 105 of the bill constituted legislation in an appropriation bill. The Chair sustained the point of order.
- **Jun 25, 2004:** Mr. Duncan raised a point of order against the content of the measure. Mr. Duncan stated that section 106 of the bill constituted legislation in an appropriation bill. The Chair sustained the point of order.
- **Jun 25, 2004:** Mr. Duncan raised a point of order against the content of the measure. Mr. Duncan stated that section 107 of the bill constituted legislation in an appropriation bill. The Chair sustained the point of order.
- **Jun 25, 2004:** Mr. Duncan raised a point of order against the content of the measure. Mr. Duncan stated that section 108 of the bill constituted legislation in an appropriation bill. The Chair sustained the point of order.
- **Jun 25, 2004:** Mr. Duncan raised a point of order against the content of the measure. Mr. Duncan stated that section 109 of the bill constituted legislation in an appropriation bill. The Chair sustained the point of order.
- **Jun 25, 2004:** Mr. Duncan raised a point of order against the content of the measure. Mr. Duncan stated that section 110 of the bill constituted legislation in an appropriation bill. The Chair sustained the point of order.
- **Jun 25, 2004:** DEBATE - By unanimous consent, the Committee of the Whole proceeded with 24 minutes of debate on the Sanders amendment, equally divided and controlled.
- **Jun 25, 2004:** POSTPONED PROCEEDINGS - At the conclusion of debate on the Sanders amendment, the Chair put the question on adoption of the amendment and by voice vote, announced that the noes had prevailed. Mr. Sanders demanded a recorded vote and pursuant to the rule, the Chair postponed further proceedings on the question of adoption of the amendment until later in the legislative day.
- **Jun 25, 2004:** Mrs. Wilson (NM) raised a point of order against the content of the measure. Ms. Wilson stated that section 311 of the bill constituted legislation in an appropriation bill. The Chair sustained the point of order.
- **Jun 25, 2004:** DEBATE - By unanimous consent, the Committee of the Whole proceeded with 30 minutes of debate on the Eshoo amendment, equally divided and controlled.
- **Jun 25, 2004:** DEBATE - The Committee of the Whole proceeded with debate on the Hefley amendment under the five-minute rule.

- **Jun 25, 2004:** DEBATE - By unanimous consent, the Committee of the Whole proceeded with 10 minutes of debate on the Wilson (NM) amendment.
- **Jun 25, 2004:** POSTPONED PROCEEDINGS - At the conclusion of debate on the Wilson (NM) amendment, the Chair put the question on adoption of the amendment and by voice vote, announced that the noes had prevailed. Ms. Wilson (NM) demanded a recorded vote and pursuant to the rule, the Chair postponed further proceedings on the question of adoption of the amendment until later in the legislative day.
- **Jun 25, 2004:** Committee of the Whole House on the state of the Union rises leaving H.R. 4614 as unfinished business.
- **Jun 25, 2004:** ORDER OF PROCEDURE - (In the House) Mr. Hobson asked unanimous consent that the bill shall be considered as read and open for amendment at any point from page 19, line 16, through the end of the bill; pro forma amendments offered by the chairman or ranking minority member of the Committee on Appropriations or their designees for the purpose of debate shall be in order; only the following amendments shall be in order during consideration of the bill in the Committee of the Whole pursuant to H. Res. 694: Amendment 1, which shall be debatable for 10 minutes; an amendment by Mr. Inslee regarding classification of nuclear waste, which shall be debatable for 10 minutes; an amendment by Mr. Meehan regarding a transfer of funds between NNSA and the non-proliferation account, which shall be debatable for 20 minutes. Agreed to without objection.
- **Jun 25, 2004:** Considered as unfinished business.
- **Jun 25, 2004:** The House resolved into Committee of the Whole House on the state of the Union for further consideration.
- **Jun 25, 2004:** Mr. Davis, Tom raised a point of order against the content of the measure. Mr. Tom Davis stated that section 502 of the bill constituted legislation in an appropriation bill. The Chair sustained the point of order.
- **Jun 25, 2004:** Mrs. Wilson (NM) raised a point of order against the content of the measure. Ms. Wilson stated that the proviso beginning on page 39, line 23 and extending through page 40, line 4, constituted legislation in an appropriation bill. The Chair sustained the point of order.
- **Jun 25, 2004:** DEBATE - Pursuant to a previous order of the House, the Committee of the Whole proceeded with 20 minutes of debate on the Meehan amendment.
- **Jun 25, 2004:** POSTPONED PROCEEDINGS - At the conclusion of debate on the Meehan amendment, the Chair put the question on adoption of the amendment and by voice vote, announced that the noes had prevailed. Mr. Meehan demanded a recorded vote and pursuant to the rule, the Chair postponed further proceedings on the question of adoption of the amendment until later in the legislative day.
- **Jun 25, 2004:** DEBATE - Pursuant to a previous order of the House, the Committee of the Whole proceeded with 10 minutes of debate on the Hefley amendment, pending reservation of a point of order.
- **Jun 25, 2004:** POSTPONED PROCEEDINGS - At the conclusion of debate on the Hefley amendment, the Chair put the question on adoption of the amendment and by voice vote, announced that the noes had prevailed. Mr. Hefley demanded a recorded vote and pursuant to the rule, the Chair postponed further proceedings on the question of adoption of the amendment until later in the legislative day.
- **Jun 25, 2004:** DEBATE - Pursuant to a previous order of the House, the Committee of the Whole proceeded with 10 minutes of debate on the Inslee amendment.
- **Jun 25, 2004:** UNFINISHED BUSINESS - The Chair announced that the unfinished business was the question of adoption of amendments which had been debated earlier and on which further proceedings had been postponed.
- **Jun 25, 2004:** The House rose from the Committee of the Whole House on the state of the Union to report H.R. 4614.
- **Jun 25, 2004:** The previous question was ordered pursuant to the rule. (consideration: CR H5130)
- **Jun 25, 2004:** The House adopted the amendments en gross as agreed to by the Committee of the Whole House on the state of the Union.
- **Jun 25, 2004:** Passed/agreed to in House: On passage Passed by the Yeas and Nays: 370 - 16 (Roll no. 325).
- **Jun 25, 2004:** On passage Passed by the Yeas and Nays: 370 - 16 (Roll no. 325).
- **Jun 25, 2004:** Motion to reconsider laid on the table Agreed to without objection.
- **Jun 18, 2004:** Introduced in House
- **Jun 18, 2004:** The House Committee on Appropriations reported an original measure, H. Rept. 108-554, by Mr. Hobson.
- **Jun 18, 2004:** The House Committee on Appropriations reported an original measure, H. Rept. 108-554, by Mr. Hobson.
- **Jun 18, 2004:** Placed on the Union Calendar, Calendar No. 322.