



H.R. 5895: Energy and Water, Legislative Branch, and Military Construction and Veterans Affairs Appropriations Act, 2019 (Rep. Simpson, R-ID)

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FLOOR SCHEDULE:

H.R. 5895 is expected to be considered beginning on June 7, 2018, under a [structured rule](#).

The Rules Committee Print for H.R. 5895 includes the text of H.R. 5895, the Energy & Water Appropriations bill, H.R. 5894, the Legislative Branch appropriations bill, and H.R. 5786, the Military Construction & Veterans' Affairs appropriations bill, as reported by the Committee on Appropriations, as modified.

Amendments made in order under the Rule will be summarized in additional Legislative Bulletins as they become available.

TOPLINE SUMMARY:

The [Rules Committee Print](#) for the “minibus” would provide appropriations for the agencies funded by the Legislative Branch (Leg Branch), Military Construction and Veterans' Affairs (MilCon-VA), and Energy and Water (E&W) Appropriations acts.

COST:

According to Congressional Budget Office (CBO) [cost estimate](#), the Rules Committee Print would provide a net total of \$144 billion in base discretionary spending. Of this total, \$33 billion is for defense purposes and \$112 billion is for non-defense purposes.

Additionally, the bill would provide \$921 million for cap-exempt Overseas Contingency Operations (OCO) funding under the MilCon-VA Division of the bill.

The Rules Committee Print's subcommittee spending levels comport with the [302\(b\) subcommittee allocations](#) established by the House Committee on Appropriations. According to the House Appropriations Committee, the 302(b) subcommittee allocations in sum meet the 302(a) spending level stipulated for the Appropriations by the Budget Committee in its [“deeming resolution” as submitted and printed](#) in the Congressional Record of May 10, 2018. The Appropriations Committee's 302(a) allocation of \$1.244 trillion adheres to FY 2019 base discretionary spending caps established by the Bipartisan Budget Act of 2018.

CONSERVATIVE VIEWPOINTS:

Conservatives may be concerned that the minibus increases non-defense spending above existing levels to comport with the increased non-defense discretionary spending caps raised by the Bipartisan Budget Act of 2018. The non-defense spending levels in the bill also far exceed the non-defense funding requested by the President's budget. Many conservatives have indicated that the reason they voted in favor of the BBA2018 was to boost military funding, and opposed the non-defense increase. Some conservatives may believe that consideration of the Department of Defense appropriations bill should be prioritized before consideration of non-defense appropriations measures.

Some conservatives may prefer to consider appropriations bills separately, rather than grouped in minibuses or omnibuses. President Trump, after signing the FY 2018 Omnibus into law on March 23, 2018, [stated](#): "I would never sign another bill like this again." Other conservatives may believe that consideration of individual bills is less preferable because it would require conservatives to vote multiple times on bills with increased non-defense discretionary spending levels and that consideration of minibuses could make it easier to enact appropriations bills into law, if the Senate takes them up and passes them.

Some conservatives may be pleased that the Energy & Water division of the bill prohibits any funds to be used to stop Yucca Mountain from being used as a repository, would repeal the EPA/Army Corp's WOTUS rule, and would prohibit certain federal assistance to Russia.

Some conservatives may be concerned that the Energy & Water division of the bill would provide \$13.4 billion for energy programs within the Department of Energy (\$5 billion above the president's budget request). This funding would go toward dozens of programs that [the RSC budget would eliminate](#), and many conservatives believe should not be funded by the federal government and should be left to the private sector.

Some conservatives may be pleased that the Legislative Branch division would no longer provide funding for former Speakers of the House.

Some conservatives may be concerned that the Legislative Branch division would give leadership offices a \$3 million increase (spread among 7 offices) whereas rank-and-file office MRAs would receive less than \$11 million (spread among 441 members, delegates, and resident commissioner). Some conservatives may be concerned this division would fund the Stennis Center, and Open World Leadership Center, two programs the at the [RSC Budget has proposed to eliminate](#).

- **Expand the Size and Scope of the Federal Government?** Yes, the bill would increase spending above current levels.
- **Encroach into State or Local Authority?** Some conservatives may believe that some of the programs funded by the bill encroach into state and local authority.
- **Delegate Any Legislative Authority to the Executive Branch?** No.
- **Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits?** No, according to the Committee Reports for the underlying bills.

DETAILED SUMMARY AND ANALYSIS:

[Division A: Energy And Water Development And Related Agencies Appropriations Act, 2019](#)

The Committee Report for the FY 2019 Energy And Water Appropriations Act can be found [here](#).

Overall Spending

Net Total Discretionary in Thousands of Dollars

FY18 Enacted	FY19 President Request	FY19 House Level	FY19 vs 18 Enacted	FY19 vs President
43,200,000	36,526,432	44,700,000	+1,500,000	+ 8,173,568

The FY 2019 Energy And Water Appropriations Act provides a total of \$44.7 billion, a level that is \$1.5 billion above the FY 2018 enacted level and \$8.173 billion above the requested level.

Within this total, \$22.3 billion is for defense purposes (\$550 million above the amount appropriated for FY 2018, and \$408 million above the President's request) and \$22.4 billion for non-defense purposes (\$1 billion above the amount appropriated for FY 2018, and \$7.765 billion above the President's request).

Title I: Corps of Engineers - Civil

Net Total Discretionary in Thousands of Dollars

FY18 Enacted	FY19 President Request	FY19 House Level	FY19 vs 18 Enacted	FY19 vs President
6,827,000	4,784,583	\$7,278,000	+451,000	+ 2,493,417

The Army Corps of Engineers is appropriated \$7.278 billion, a level that is \$2.493 billion above the president's budget request and \$451 million above the FY 2018 enacted level.

[Harbor Maintenance Trust Fund](#) (HMTF): The bill provides an estimated \$1.6 billion for HMTF-reimbursable activities.

New Starts: The bill provides funding for six new study starts and five new construction starts.

Additional Funding for Ongoing Work: The bill provides additional funding for authorized projects not specifically included in the president's budget request in the accounts that fund ongoing Corps work.

The administration is given authority to allocate these funds to a project if: (1) it has received funding, other than through a reprogramming, in at least one of the previous three fiscal years; (2) it was previously funded and could reach a significant milestone or produce significant outputs in FY 2019; or, (3) it is selected as one of the new starts allowed by the bill. The Corps is required to submit a work plan within 60 days of enactment. These allocations allow the Congress to fund projects in addition to just those included in the president's budget, while staying compliant with the earmark ban, because the bill does not specify which projects should be supported with these funds.

Investigations: The Investigations Account is appropriated \$128 million, a level that is \$46 million above the president's budget request and \$5 million above the FY 2018 enacted level. This account funds studies to determine the need for and feasibility of Corps projects as well as preconstruction engineering and design. The specific projects that are funded can be found in the [Committee Report](#).

Construction: The Construction Account is appropriated \$2.323 billion, a level that is \$1.45 billion above the president's budget request and \$238 million above the FY 2018 enacted level. This account funds the construction and major rehabilitation of water infrastructure projects. The specific projects that are funded can be found in the [Committee Report](#).

Mississippi River and Tributaries: The Mississippi River and Tributaries Account is appropriated \$430 million, a level that is \$185 million above the president’s budget request and \$5 million above the FY 2018 enacted level. This account funds planning, construction, and operations and maintenance of flood control projects in the lower Mississippi River Valley. The specific projects that are funded can be found in the [Committee Report](#).

Operation and Maintenance: The Operation and Maintenance Account is appropriated \$3.820 billion, a level that is \$1.743 billion above the president’s budget request and \$190 million above the FY 2018 enacted level. This account funds activities such as dredging, repair, aquatic plant control, monitoring of completed projects, removal of sunken vessels, and the collection of waterborne commerce statistics. The specific projects that are funded can be found in the [Committee Report](#).

Regulatory Program: The Regulatory Program account is appropriated \$200 million, a level that is equal to the president’s budget request and the FY 2018 enacted level. This account funds the administration of laws that regulate activities affecting U.S. Waters.

Title II: Department of the Interior

Net Total Discretionary in Thousands of Dollars

FY18 Enacted	FY19 President Request	FY19 House Level	FY19 vs 18 Enacted	FY19 vs President
1,480,000	1,057,000	1,555,000	+ 75,000	+ 497,992

The agencies within the Department of the Interior funded by the bill are appropriated \$1.555 billion, a level that is \$498 million above the president’s budget request and \$75 million above the FY 2018 enacted level.

Bureau of Reclamation: The Bureau of Reclamation is appropriated \$1.542 billion, a level that is \$493 million above the president’s budget request and \$73 million above the FY 2018 enacted level. The Bureau of Reclamation is charged with managing water resources in 17 western states. The specific projects that are funded can be found in the [Committee Report](#).

Title III: Department of Energy

Net Total Discretionary in Thousands of Dollars

FY18 Enacted	FY19 President Request	FY19 House Level	FY19 vs 18 Enacted	FY19 vs President
34,520,049	30,146,071	35,494,251	+ 974,202	+ 5,348,180

The Department of Energy (DOE) would be appropriated \$35.5 billion, a level that is \$5.348 billion above the president’s budget request and \$974 million above the FY 2018 enacted level.

Yucca Mountain: Under the Nuclear Waste Policy Act of 1982, the federal government has a legal responsibility to assume responsibility for spent civilian nuclear fuel. In 2013, the D.C. Circuit Court of Appeals ruled that the Obama administration’s refusal to complete the Yucca project was in contravention of the Nuclear Waste Policy Act.

The bill provides \$268 million (\$100 million over the President's request) for restarting the adjudication of the Yucca Mountain license application. The bill also prohibits any funds to be used to close Yucca Mountain.

Energy Programs: The bill would provide \$13.4 billion for energy programs within the Department of Energy. This level is \$504 million above the FY 2018 enacted level and \$5 billion above the president's budget request.

Energy Efficiency and Renewable Energy (EERE): EERE is appropriated \$2.078 billion, a level that is \$1.383 billion above the president's budget request and \$243 million below the FY 2018 enacted level. This program subsidizes "green energy" projects, research, and development.

The [RSC Budget](#) proposes eliminating entire this account and all programs within it, stating: "This program subsidizes research and development in the fields of energy efficiency and renewable energy technologies. Some of the programs within EERE include solar, wind, vehicle technologies, bioenergy technologies, advanced manufacturing, building technologies, and weatherization assistance. Not only does this allow the federal government to pick winners and losers, but also it limits research to a small sector of the energy economy—renewables. The U.S. should pursue a market-based, all-of-the above energy policy."

Electricity Delivery and Energy Reliability program: For FY 2019, The Committee notes that the budget request proposed to split the Electricity Delivery and Energy Reliability program into two new accounts: "Cybersecurity, Energy Security, and Emergency Response" and "Electricity Delivery". The Committee accepts this new account structure. The "Cybersecurity, Energy Security, and Emergency Response" account includes the subprograms "Cybersecurity for Energy Delivery Systems" and "Infrastructure Security and Energy Restoration". The "Electricity Delivery" account contains all other subprograms that were previously funded as part of the Electricity Delivery and Energy Reliability program.

The [RSC Budget](#) proposed eliminating these accounts, stating: "Many of these activities would be more appropriately handled by the private sector or other agencies, such as the Federal Energy Regulatory Commission (FERC)."

Cybersecurity, Energy Security, and Emergency Response: This account is appropriated \$146 million, a level that is \$50 million above the president's budget request. Because this is a new account, the amount by which it exceeds FY 2018 enacted levels is not applicable.

Electricity Delivery: Electricity Delivery and Energy Reliability is appropriated \$175 million, a level that is \$114 million above the president's budget request. Because this is a new account, the amount by which it exceeds FY 2018 enacted levels is not applicable.

Nuclear Energy: The Nuclear Energy program is appropriated \$1.346 billion, a level that is \$757 million above the president's budget request and \$1.205 billion above the FY 2018 enacted level. This program conducts research to develop new nuclear reactors. Within this account, the bill would appropriate \$300 million for [Idaho National Laboratory](#) Operations and Infrastructure and \$10 million to construct a protective forces building at its [ATR complex](#).

The [RSC Budget](#) proposes eliminating this entire account, stating: "It is inappropriate for the federal government to conduct research that would otherwise be carried out by private industry."

Fossil Energy Research and Development: Fossil Energy Research and Development is appropriated \$785 million, a level that is \$283 million above the president's budget request and \$58 million above the FY 2018 enacted level. This program conducts research on fossil fuels, such as coal, oil, and natural gas.

The [RSC Budget](#) proposes eliminating this account, stating: "Just as this budget calls for the elimination of renewable and nuclear energy subsidies, it also calls for the elimination of subsidies for conventional energy

sources. Funding under the Fossil Energy program goes to research and development of technology to reduce the carbon emissions of coal power plants. Instead of government-directed subsidies, the U.S. should pursue a market-oriented “all of the above” energy strategy.”

Strategic Petroleum Reserve (SPR): The SPR is provided \$252 million, a level that is \$252 million above the president’s budget request and the same as the FY 2018 enacted level.

Strategic Petroleum Reserve Sale: The bill requires the Secretary of Energy to draw down and sell up to \$300 million of crude oil from the SPR in FY 2019. This draw down and sale is in addition to the required sales pursuant to the [Bipartisan Budget Act of 2015](#), the [21st Century Cures Act](#), and the [Bipartisan Budget Act of 2018](#). The bill further provides that the proceeds from this sale shall be made available for the costs of expenses associated with carrying out the Lifetime Extension II project.

SPR Petroleum Account: The bill would also appropriate \$10 million for costs associated with drawdowns directed by the [Bipartisan Budget Act of 2015](#) and the [21st Century Cures Act](#).

Uranium Enrichment Decontamination and Decommissioning Fund: The fund is appropriated \$870 million, a level that is \$117 million above the president’s budget request and \$30 million above the FY 2018 enacted level. This Fund is meant to pay for cleanup activities at plants in Portsmouth, Ohio; Paducah, Kentucky; and the East Tennessee Technology Park in Oak Ridge, Tennessee.

DOE Office of Science: The DOE Office of Science is appropriated \$6.6 billion, a level that is \$1.2 billion above the president’s budget request and \$340 million above the FY 2018 enacted level. The Office of Science funds physics, biology, and chemistry science research at national laboratories and universities “in support of American innovation,” according to the Committee Report. The Report notes that, “Science program office includes Advanced Scientific Computing Research, Basic Energy Sciences, Biological and Environmental Research, Fusion Energy Sciences, High Energy Physics, Nuclear Physics, Workforce Development for Teachers and Scientists, Science Laboratories Infrastructure, Safeguards and Security, and Program Direction. The Committee has placed a high priority on funding these activities in fiscal year 2019, *given the private sector is not likely to fund research whose findings either have high non-commercial value or are not likely to be commercialized in the near or medium term.*” (emphasis added).

Advanced Scientific Computing Research: According to the Committee Report, as part of its funding for Advanced Scientific Computing Research program, the bill would provide \$225 million for the [Exascale Computing Project](#), created as part of an [Obama era executive order](#). It would also provide \$140 million for the Argonne Leadership Computing Facility, \$185 million for the Oak Ridge Leadership Computing Facility, and \$100,000,000 for the National Energy Research Scientific Computing Center at Lawrence Berkeley National Laboratory. Within available funds, the recommendation includes \$10 million for the Computational Science Graduate Fellowship program and \$80 million to support necessary infrastructure upgrades and operations for [ESnet](#). The bill would provide \$26 million for artificial intelligence research.

Conservatives may be concerned that most, if not all, of the activities funded as part of this program are more appropriate activities for the private sector to undertake.

Advanced Research Projects Agency - Energy (ARPA-E): The bill would provide \$325 million for the ARPA-E program. This is \$28 million less than the FY 2018 enacted level. The President’s budget would eliminate the program.

The [RSC Budget](#) would eliminate the program, stating “The Advanced Research Projects Agency – Energy (ARPA-E) is agency was started by the failed 2009 stimulus law and is meant to fund high-risk green energy projects. Taxpayers should not bear the burden for research projects that not even the most speculative and daring members of the energy industry will take on for themselves. The president has proposed to eliminate this program “because the private sector is better positioned to finance disruptive energy research.”

Title 17 Innovative Technology Loan Guarantee Program Administrative Expenses: The bill appropriates \$32 million for administrative expenses for the Title 17 program, allows for \$15 million in offsetting collections, and rescinds none of prior-year balances (the President’s budget requested a \$240 million rescission), for a net appropriation of \$17 million.

The [RSC Budget](#) proposes eliminating this account, stating: “This is the program that gave us the Solyndra scandal, with taxpayers losing more than \$500 million after the Obama administration gambled on a politically favored company.”

The [President recently proposed](#) to rescind \$684 million from this program in prior-year balances.

Advanced Technology Vehicles Manufacturing Loan Program: The Advanced Technology Vehicles Manufacturing Loan Program is appropriated \$5 million for administrative expenses, a level that is \$4 million above the president’s budget request and the same as the FY 2018 enacted level. This program provides guaranteed loans to automotive companies to support the development of “greener” cars.

The [RSC Budget](#) proposes eliminating this account, stating: “This program has provided billions of taxpayer dollars to some of the largest car companies in the world, such as Ford and Nissan, to help increase the fuel efficiency of the vehicles they sell – a feature that should be driven by demand from consumers, not government subsidies.”

The [President recently proposed](#) to rescind \$4.3 billion from this program in prior-year balances.

National Nuclear Security Administration (NNSA): The NNSA is appropriated a total of \$15.313 billion, a level that is \$222 million above the president’s budget request and \$644 million above the FY 2018 enacted level. The [NNSA](#) is a semi-autonomous agency within the U.S. Department of Energy that is charged with sustaining our nuclear weapons, maintaining naval nuclear reactors, and promoting nonproliferation efforts.

Weapons Activities: Within the NNSA, the Weapons Activities account is appropriated \$11.2 billion, a level that is \$183 million above the president’s budget request and \$558 million above the FY 2018 enacted level. This account provides for the security, safety, and reliability of the U.S. nuclear weapons stockpile, including life extension programs – without nuclear testing -- for current warheads.

Defense Nuclear Nonproliferation: Within the NNSA, Defense Nuclear Nonproliferation is appropriated \$1.902 billion, a level that is \$39 million above the president’s budget request and \$97 million below the FY 2018 enacted level. This account supports efforts to prevent the spread of nuclear weapons.

MOX: The bill includes \$335 million for the construction of the Mixed Oxide (MOX) Fuel Fabrication Facility project. The bill contains a provision to allow the Secretary of Energy to terminate the project only if requirements in Section 3121(b) of the Fiscal Year 2018 National Defense Authorization Act are satisfied, namely that the DOE identifies another disposal method that with less than half the life cycle cost.

Some conservatives have supported halting the Mixed Oxide (MOX) Fuel Fabrication Facility project believing that its [costs do not justify its existence](#).

Naval Reactors: Within the NNSA, Naval Reactors is appropriated \$1.778 billion, a level that is the same as the president’s budget request and \$169 million above the FY 2018 enacted level. This account supports the development, operations and maintenance, and disposal of nuclear propulsion systems for the Navy.

Defense Environmental Cleanup: The Defense Environmental Cleanup program is appropriated \$5.759 billion, a level that is \$129 million above the president’s budget request and \$228 million below to the FY

2018 enacted level. This program is responsible for the cleanup of contamination at sites where defense related nuclear research and production were carried out.

Power Marketing Administrations: The bill provides a total net appropriation of \$100 million for the four power marketing administrations ([Bonneville](#), [Southeastern](#), [Southwestern](#), and [Western Area](#)), a level that is equal to the president’s budget request and \$5 million below the FY 2018 enacted level. These power marketing administrations produce and sell hydroelectric power. The Southwestern and Western Area power administrations receive appropriated subsidies, while the Bonneville and Southeastern power administrations utilize offsetting collections and do not receive a net appropriation.

The [RSC Budget](#) recommends transitioning these PMAs to the private sector, noting “Because power generation no longer needs to be carried out by the federal government, the TVA and the four remaining Power Marketing Administrations should be auctioned off to the private sector in a manner that ensures customers of the entities maintain service.”

Federal Energy Regulatory Commission (FERC): FERC is funded at \$368 million, a level that is equal to the president’s budget request and \$2.3 million above the FY 2018 enacted level. FERC revenues are established at a rate equal to funding, resulting in no net appropriation. FERC regulates the interstate commerce of energy, including electricity, natural gas, and oil.

Title IV: Independent Agencies

Net Total Discretionary in Thousands of Dollars

FY18 Enacted	FY19 President Request	FY19 House Level	FY19 vs 18 Enacted	FY19 vs President
391,455	352,778	423,757	+ 32,302	+ 70,979

The Independent Agencies funded by the bill are appropriated \$424 million, a level that is \$71 million above the president’s budget request and \$32 million above the FY 2018 enacted level.

Regional Commissions: The bill provides a net total of \$161 million in appropriations to five regional commissions, a level that is \$124 million above the president’s budget request and \$41 million below the FY 2017 enacted level.

The president’s budget recommended shutting down the commissions, and the only funds requested were for shut down costs.

The [RSC Budget](#) proposes eliminating these commissions, stating: “These economic development programs are duplicative of other programs and spend federal funding for local projects. Not only is the federal government out of money, but also it is ill-equipped to adequately prioritize local infrastructure and development projects.”

A table showing the funding levels for the five regional commissions is below:

(Dollar figures in thousands)	FY19 House Level	Vs. FY18 Enacted	Vs. President Request
Appalachian Regional Commission (ARC)	155,000	same	+ 3,000
Delta Regional Authority (DRA)	15,000	-10,000	+12,500

Denali Commission	15,000	-15,000	+7,700
Northern Border Regional Commission (NBRC)	12,000	-3,000	+11,150
Southeast Crescent Regional Commission	250	same	+ 250

Nuclear Regulatory Commission (NRC): The NRC receives a net appropriation of \$189 million, a level that is \$36 million above the president’s budget request and \$60 million above the FY 2018 enacted level. The bill provides an appropriation of \$953 million which is offset by \$764 million in revenues. The bill directs \$47.7 million to continue adjudication of the Yucca Mountain license application.

NOTABLE POLICY PROVISIONS:

TITLE I

Fill Material Regulations: Section 107 of the bill prohibits the Army Corps of Engineers from requiring a permit for the discharge of dredged or fill material under the Clean Water Act (CWA) for agricultural activities under [Section 404](#) of the CWA.

Navigable Waters (WOTUS): Section 108 of the bill would repeal the Army Corps of Engineers and the Environmental Protection Agency (EPA) rule changing the definition of “navigable waters” under the Clean Water Act. The bill also states that until such time as the EPA and Corps issue a new rule, and such rules goes into effect, any regulation or policy affected by the repealed rule shall be applied as if that repealed rule had not been issued.

In 2014, the EPA and the Corps proposed regulations that would reverse the long-standing definition of what waters would be regulated by the Clean Water Act. These regulations would place significant permitting and regulatory costs on many property owners.

Firearms on Army Corps Property: Section 109 of the bill permanently prohibits the Army Corps from adopting or enforcing any regulations that ban individuals from possessing a firearm at a Corps project so long as the individual is not otherwise prohibited from possessing a firearm and the possession is in compliance with the law of the State in which the project is located. In 2009, legislation was enacted that allowed the possession of firearms on property controlled by the National Park Service and National Wildlife Refuge System.

New Hopper Dredge: The bill would prohibit purchase of a new hopper dredge.

TITLE II

Snake, Boise, and Payette River Systems, Idaho: Section 204 of the bill would extend the authorization for conducting feasibility studies on projects that address water shortages within the Snake, Boise, and Payette River Systems in Idaho for an additional ten years.

California Drought Supplementing: Section 206 of the bill would prohibit the use of funds to purchase water to supplement the instream flow of a river in California within a river basin that has had a drought within the last two years.

TITLE III

Prohibition on Assistance to Russia: The bill includes a provision that would prohibit the use of nonproliferation funds to enter into new contracts with, or new agreements for Federal assistance to, the Russian Federation.

Strategic Petroleum Reserve Sale: Section 309 of the bill authorizes the Secretary of Energy to draw down and sell an open-ended amount of refined petroleum from the SPR in FY 2019 so long as the President determines that “a regional supply shortage of refined petroleum product of significant scope and duration exists, that a severe increase in the price of refined petroleum product will likely result from such shortage, and that a draw down and sale of refined petroleum product would assist directly and significantly in reducing the adverse impact of such shortage.” This draw down and sale is in addition to the required sales pursuant to the Bipartisan Budget Act of 2015, the 21st Century Cures Act, and the Bipartisan Budget Act of 2018, and the \$300 million draw down authorized above. Funds would be placed in the SPR Petroleum account.

Mixed Oxide (MOX) Fuel Fabrication Facility: Section 308 of the bill prohibits use of project funds for anything other than construction and project support activities, and thus, funds could not be used to wind down the project. The bill, however, would allow the DOE to waive this limitation if DOE submits the commitment and certification contained in [Section 3121\(b\) of the FY 2018 NDAA](#), namely that the cost of the replacement would be half as much.

Yucca Mountain: The bill requires DOE to submit a report to Congress on the potential of locating a reprocessing or recycling facility for spent nuclear fuel near the Yucca Mountain site. The bill would also prohibit funds to be used to preclude the use of Yucca Mountain as a repository site in the future.

TITLE V

National Ocean Policy: The bill prohibits any funds to be used to implement the [National Ocean Policy](#) under Executive Order 13547.

Federal Columbia River Power System hydroelectric dams: The bill would bar use of funds to operate the Federal Columbia River Power System hydroelectric dams in a manner that is inconsistent with the Army Corps of Engineers’ 2017 Fish Operations Plan.

Analysis of Tax Policy: The FY 2018 [Committee Report](#) directed the Department of Energy to prepare an analysis for the Appropriations Committees “evaluating the effects of a Zero Emissions Energy Credit that replaces existing renewable energy subsidies ... with a graduated tax credit.” The FY 2019 Committee Report states that the Committee “expects a timely delivery of the report.”

Unauthorized Appropriations: The bill includes \$32.6 billion in appropriations for 22 non-defense programs that are not authorized by law. Several of these programs have not been authorized since the 1980’s and one has never been authorized by Congress.

The inclusion of appropriations for these programs in the reported bill is in violation of [clause 2\(a\)\(1\) of rule XXI of the Rules of the House](#).

Division B: Legislative Branch Appropriations Act, 2019

The Committee Report for the FY 2019 Legislative Branch Appropriations Act can be found [here](#).

Overall Spending

Net Total Discretionary in Thousands of Dollars

FY18 Enacted	FY19 President Request	FY19 House Level		FY19 vs 18 Enacted	FY19 vs President
3,678,455	3,905,150	3,811,133		+ 132,678	- 94,017

The FY 2019 Legislative Branch Appropriations Act provides a total of \$3.81 billion, a level that is \$133 million above the FY 2018 enacted level and \$94 million below the requested level.

In keeping with tradition that allows each chamber to allocate its own funding priorities, this bill excludes Senate-only items.

House of Representatives

Net Total Discretionary in Thousands of Dollars

FY18 Enacted	FY19 President Request	FY19 House Level		FY19 vs 18 Enacted	FY19 vs President
1,200,000	1,256,972	1,232,143		+ 32,142	- 24,829

The bill would provide \$1.232 billion for the House of Representatives, a level \$25 million below the president’s budget request and \$32 million above the FY 2018 enacted level.

House Leadership Offices: The bill would provide \$25.4 million for the House Leadership Offices, a level that is \$3.1 million above the president’s budget request and the FY 2018 enacted level.

Members Representational Allowances (MRAs): The bill would provide \$574 million for the House MRAs, a level the same as the president’s budget request and \$11 million above the FY 2018 enacted level.

The Committee Report would instruct the GAO to undertake a study on House personal and committee office salaries to see differences with the private sector, and look for disparities between genders and races.

House Committees: The bill would provide \$151 million for the House MRAs, a level \$1 million above the president’s budget request and \$736 thousand above the FY 2018 enacted level.

House Officers and Employees: The bill would provide \$218 million for the House Officers and Employees, a level \$5 million below the president’s budget request and \$13 million above the FY 2018 enacted level. This account provides funding for salaries for the Office of the Clerk, Office of the Sergeant at Arms, Office of the Chief Administrative Officer, Office of the Parliamentarian, Office of the Legislative Counsel, and other employees of the House.

Allowances and Expenses: The bill would provide \$264 million for the House Allowances and Expenses, a level \$24 million below the president’s budget request and \$4 million above the FY 2018 enacted level. This account provides for supplies, administrative expenses, employee benefits, and costs of official mail for House Committees, leadership, and administrative offices.

Joint Items

Net Total Discretionary in Thousands of Dollars

FY18 Enacted	FY19 President Request	FY19 House Level		FY19 vs 18 Enacted	FY19 vs President
20,654	20,656	20,656		+ 2	0

The bill would provide \$21 million for the Joint House and Senate Items, a level the same as the president's budget request and \$2 million above the FY 2018 enacted level. This includes funding for the Joint Committee on Taxation, the Joint Economic Committee, and the Office of the Attending Physician.

Capitol Police

Net Total Discretionary in Thousands of Dollars

FY18 Enacted	FY19 President Request	FY19 House Level	FY19 vs 18 Enacted	FY19 vs President
426,500	456,358	456,358	+ 29,858	0

The bill would provide \$456 million for the Capitol Police, a level the same as the president's budget request and \$30 million above the FY 2018 enacted level.

Congressional Budget Office (CBO)

Net Total Discretionary in Thousands of Dollars

FY18 Enacted	FY19 President Request	FY19 House Level	FY19 vs 18 Enacted	FY19 vs President
49,945	50,737	50,737	+ 792	0

The bill provides \$51 million for the CBO, a level the same as the president's budget request and \$1 million above to the FY 2018 enacted level.

Architect of the Capitol (AOC)

Net Total Discretionary in Thousands of Dollars

FY18 Enacted	FY19 President Request	FY19 House Level	FY19 vs 18 Enacted	FY19 vs President
610,491	687,889	642,004	+ 31,513	- 45,885

The bill would provide \$642 million for the AOC (excluding Senate-only items), a level \$46 million below the president's budget request and \$32 million above the FY 2017 enacted level.

This includes \$93 million for Capitol Building Operation and Maintenance, \$179 million for House Office Buildings, 76 million for Library Buildings and Grounds, \$107 million for the Capitol power Plant, and \$13 million for the Botanical Garden.

Library of Congress (LOC)

Net Total Discretionary in Thousands of Dollars

FY18 Enacted	FY19 President Request	FY19 House Level	FY19 vs 18 Enacted	FY19 vs President
669,890	672,655	709,878	+ 39,988	+ 37,223

The bill would provide \$710 million for the LOC, a level \$37 million above the president's budget request and \$40 million above the FY 2018 enacted level.

Government Publishing Office (GPO)

Net Total Discretionary in Thousands of Dollars

FY18 Enacted	FY19 President Request	FY19 House Level	FY19 vs 18 Enacted	FY19 vs President
117,068	117,000	117,000	- 68	0

The bill would provide \$117 million for the GPO, a level equal to the president’s budget request and \$68 thousand below the FY 2018 enacted level.

Government Accountability Office (GAO)

Net Total Discretionary in Thousands of Dollars

FY18 Enacted	FY19 President Request	FY19 House Level	FY19 vs 18 Enacted	FY19 vs President
578,917	616,101	578,917	0	- 37,184

The bill would provide \$579 million for the GAO, a level \$37 million below the president’s budget request and the same as the FY 2018 enacted level. The GAO also has the ability to spend \$24 million in offsetting collections. The GAO works for Congress by providing oversight and investigations of federal programs.

Open World Leadership Center

Net Total Discretionary in Thousands of Dollars

FY18 Enacted	FY19 President Request	FY19 House Level	FY19 vs 18 Enacted	FY19 vs President
5,600	5,800	5,600	0	- 200

The bill would provide \$5.6 million for the Open World Leadership Center, a level \$200,000 below the president’s budget request and equal to the FY 2018 enacted level.

The [Open World Leadership Center](#) is a legislative branch program meant to promote democracy in Russia and other Eurasian countries. The bill would bar use of funds for Russian government officials. Previous Legislative Branch appropriations bills have called for eliminating this duplicative agency. The [RSC budget](#) proposes to eliminate it.

John C. Stennis Center for Public Service Training and Development

Net Total Discretionary in Thousands of Dollars

FY18 Enacted	FY19 President Request	FY19 House Level	FY19 vs 18 Enacted	FY19 vs President
430	430	430	0	0

The bill provides \$430,000 for the Stennis Center, a level equal to the president’s budget request and equal to the FY 2018 enacted level.

The [Stennis Center](#) is a legislative branch program meant to “attract young people to careers in public service.” [Senator Stennis](#) (D-MS) served from 1947 until 1989. The bill provides \$430,000 for the Center, despite the fact that it has access to other sources of funding. The center was created by Congress in 1988 with an initial funding of \$7.5 million in Special Issue Treasury securities and the center has the ability to draw funding from the interest on these securities.

NOTABLE POLICY PROVISIONS:

Fund Sharing Between Leadership Offices: The bill would allow leadership offices to share funding between them.

Former Speaker Allowances: The bill would repeal the [allowances available to former Speakers of the House](#).

Members Pay Increases: The bill would prohibit a cost of living increase for members during FY 2019.

Unspent MRAs: The bill would provide that unspent MRA funds be used for deficit reduction.

Zero-Base Budgeting: The bill would direct all agencies funded by the bill to utilize zero-base budgeting, which does not assume increases from year to year. The RSC Budget called for this fiscally-responsible budgeting to be used government-wide.

Care for Private Cars: The bill would prohibit use of funds for care and maintenance of private cars, except in emergency situations and cleaning.

Limitation on Leased Vehicles: The bill would limit spending on leased vehicles using MRA funds to no more than \$1,000 per month.

Prohibiting Delivery of Certain Printed Items: The bill would prohibit funds for the delivery of printed copies of bills, resolutions, the Congressional Record, the Statements of Disbursements, the Daily Calendar, and the Congressional Pictorial Directory.

Limitation of Print Copies of the U.S. Code: The bill would limit the total number of printed copies of the U.S. Code to no more than 50 copies for the House of Representatives.

Prohibition on Bonus to Contractors Behind Schedule or Over Budget: The bill would prohibit the payment of bonuses to contractors that are behind schedule or over budget.

Prohibition on Scrims: The bill would prohibit funds for scrims (cloth building facade showing a picture of the building during construction).

Staff-Led Tours: The bill would prohibit funds from being used to eliminate or restrict staff and intern-led tours of the Capitol, other than temporary suspensions by order of the Capitol Police Board.

Division C: Military Construction, Veterans Affairs, And Related Agencies Appropriations Act, 2019

The Committee Report for the FY 2019 Military Construction and Veterans Affairs Appropriations Act can be found [here](#).

Overall Spending

Net Total Discretionary in Thousands of Dollars

FY18 Enacted	FY19 President Request	FY19 House Level	FY19 vs 18 Enacted	FY19 vs President
92,741,000	96,789,458	96,920,075	+ 4,179,075	- 130,617

The FY 2019 Military Construction and Veterans Affairs Appropriations Act provides a net total of \$96.92 billion in net base discretionary budget authority, a level that is \$ 4.2 billion above the FY 2018 enacted level and \$131 million below the requested level. Within this total, \$10.3 billion is designated for defense and \$85.7 billion in non-defense.

The bill also includes \$921 million in cap-exempt Overseas Contingency Operations (OCO) funding.

\$70.699 billion in FY 2019 funds for veterans’ health benefits have been appropriated in advance by previously enacted legislation. This bill contains \$75.6 billion in advance appropriations for veterans’ health benefits for FY 2020.

The bill also provides \$109.120 billion in mandatory spending for veterans’ benefit programs.

Title I: Military Construction:

Net Total Discretionary in Thousands of Dollars

FY18 Enacted	FY19 President Request	FY19 House Level	FY19 vs 18 Enacted	FY19 vs President
10,091,000	10,462,617	10,332,000	+ 241,000	- 130,617

The bill provides \$10.332 billion for military construction, a level \$130 million below the president’s budget request and \$241 million above the FY 2018 enacted level. This account provides for a variety of both domestic and foreign construction projects, including family housing. A table showing the breakdown of construction funding by Service Branch can be found [here](#). A list of construction projects by state and the by country can be found [here](#).

Title II: Department of Veterans Affairs:

Net Total Discretionary in Thousands of Dollars

FY18 Enacted	FY19 President Request	FY19 House Level	FY19 vs 18 Enacted	FY19 vs President
81,475,300	85,349,000	85,349,000	+ 3,873,700	0

The bill provides \$85.349 billion in net total discretionary funding for the Department of Veterans Affairs, a level is \$3.87 billion above the FY 2018 enacted level and the same as the president’s budget request.

VA Claims Backlog: According to the [most recent report](#) from the VA, 341,841 veterans’ claims remain pending with the VA. To address this problem, the bill provides \$2.922 billion for General Operating Expenses for the Veterans Benefits Administration account, an amount \$12 million above the FY 2018 enacted level and \$53 million above the president’s budget request.

Advance Appropriations for Veterans Health Administration: The Fiscal Year 2018 Military Construction and Veterans Affairs Appropriations bill provided \$70.699 billion in advance appropriations FY 2019 funds for veterans’ health benefits.

The bill contains \$75.6 billion in advance appropriations for veterans’ health benefits for FY 2020, an amount equal to the president’s budget request.

The bill includes \$3.59 billion in additional FY 2019 funding, \$147 million more than the president’s request.

Mental Health: The bill would provide \$8.609 billion for VA mental health programs, an amount \$6 million above the president’s budget request.

Homeless Assistance: The bill provides \$1.774 billion for VA homeless assistance programs and \$5,633,442,000 for homeless veterans treatment costs.

Opioids: The bill includes \$386 million for opioid addiction prevention and recovery, of which \$52 million is provided for activities authorized by the Comprehensive Addiction and Recovery Act of 2016 (CARA).

Medical and Prosthetic Research: The bill includes \$732 million for medical and prosthetic research, a level that is \$10 million above the FY 2018 enacted level and \$5 million above the president’s budget request.

Medical Community Care: The FY 2018 Military Construction and Veterans Affairs Appropriations bill provided \$8.4 billion in advance appropriations FY 2019 fund for medical community care. The current bill would provide \$14.4 billion in advance appropriations for FY 2020 (of which \$2 billion would be available through FY 2021), an amount that is the same as the president’s request.

The bill would also provide \$500 million in additional funding for FY 2019, as requested by the Trump administration in its [April 13, 2018 budget amendment](#).

VA Choice Program: As [pointed out in the Committee Report](#), the bill would not provide discretionary appropriations for the VA Choice Program, because at the time the bill was reported, the VA Choice program was funded on a mandatory, not discretionary, basis. The [VA MISSION Act](#) has since been passed by the House and Senate, and will establish a permanent community care program for veterans which would be funded by discretionary appropriations subjected to the spending caps rather than through increased mandatory spending.

IT Systems: The bill includes \$4.105 billion for the VA information technology systems, a level that is \$50 million above the FY 2018 enacted level and \$79 million below the president’s budget request.

Electronic Health Records: The bill would provide \$1.2 billion for the VA electronic health records system, a level that \$425 million more than the FY 2018 enacted level and the same as the president’s budget request. Of this sum, the bill would provide \$675 million for the contract that the VA has with the Cerner Corporation to transition the record system that is used by the Department of Defense.

VA Office of Inspector General: The bill would provide \$172 million for the VA Office of Inspector General, \$8 million above the FY 2018 level and the same as the president’s budget request.

VA Construction: The bill would provide \$1.1 billion for major VA construction projects, an amount equal the president’s budget request and \$615 million above the FY 2018 enacted level.

Additionally, the bill would provide \$649 million for minor VA construction projects, \$57 million below the president’s budget request and \$306 million above the FY 2018 enacted level.

The bill also appropriates an additional \$2 billion for a VA infrastructure initiative that will go toward infrastructure improvements including new construction.

Title III: Related Agencies:

Net Total Discretionary in Thousands of Dollars

FY18 Enacted	FY19 President Request	FY19 House Level	FY19 vs 18 Enacted	FY19 vs President
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424,700	317,655	317,655	- 103,145	+ 73,855
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The bill provides a total of \$318 million for the other related agencies funded by the bill, including the American Battle Monuments Commission, the U.S. Court of Appeals for Veterans Claims, Army Commentarial Expenses, and the Armed Forces Retirement Home.

Title IV: Overseas Contingency Operations (OCO):

Net Total Discretionary in Thousands of Dollars

FY18 Enacted	FY19 President Request	FY19 House Level	FY19 vs 18 Enacted	FY19 vs President
750,000	921,420	921,420	+ 171,420	0

The bill provides \$750 million for military construction projects using the OCO account. This is the same as the president’s budget request and \$117 million more than the enacted FY 2018 level. OCO spending is exempted from the annual spending caps established by the Budget Control Act. A list of construction projects funded by Title IV can be found [here](#).

NOTABLE POLICY PROVISIONS:

American Steel: The bill includes a rider that prohibits the procurement of steel unless American producers have been allowed to compete.

Arlington National Cemetery: The bill prohibits use of military construction funds from being used for planning and design and construction of projects at Arlington National Cemetery.

Guantanamo Bay: The bill includes a rider prohibiting the use of funds to close Guantanamo Bay. The bill includes language prohibiting the use of funds for the renovation, expansion, or construction of any facility in the continental United States for the purpose of housing any individual who has been detained at Guantanamo Bay. The bill would provide \$69 million for a new detention facility at Guantanamo Bay.

RED HORSE Squadrons: The bill would prohibit use of funds to consolidate or relocate any element of a United States Air Force Rapid Engineer Deployable Heavy Operational Repair Squadron Engineer (RED HORSE) outside of the United States until the Air Force conducts a cost analysis and certifies the preferred site for the consolidation or relocation yields the greatest cost savings.

Diabetes Equipment Procurement: The bill prohibits use of VA from being used to replace the current system by which the Veterans Integrated Service Networks select and contract for diabetes monitoring supplies and equipment

Fertility Counseling & Adoption Expenses: The bill would make medical services funding available for use by veterans with service-connected disabilities for fertility counseling and adoption expenses reimbursement.

Research Canines: The bill prohibits use of funds to conduct research using canines unless the scientific objectives of the study can only be met by research with canines.

Bankruptcy: The Committee Report would direct the VA to submit a report outlining the legislative authority needed to exclude VA and DOD disability benefits from the calculation of a bankruptcy-filer’s disposable income.

COMMITTEE ACTION:

The Military Construction and Veterans Affairs Appropriations bill was marked up on [May 8, 2018](#), and reported by voice vote.

The Energy and Water Appropriations bill was marked up on [May 16, 2018](#) and reported by a roll call vote of 29-20.

The Legislative Branch Appropriations bill was marked up on [May 8, 2018](#), and reported by a voice vote.

ADMINISTRATION POSITION:

A Statement of Administration Policy is not available.

Letters from OMB Director Mick Mulvaney to the House Appropriations Committee commenting on the individual appropriations bills:

- [Energy and Water](#)
- [Legislative Branch](#)
- [Military Construction and Veterans' Affairs](#)

CONSTITUTIONAL AUTHORITY:

“Congress has the power to enact this legislation pursuant to the following: The principal constitutional authority for this legislation is clause 7 of section 9 of article I of the Constitution of the United States (the appropriation power), which states: “No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law. . . .” In addition, clause 1 of section 8 of article I of the Constitution (the spending power) provides: “The Congress shall have the Power . . . to pay the Debts and provide for the common Defence and general Welfare of the United States. . . .” Together, these specific constitutional provisions establish the congressional power of the purse, granting Congress the authority to appropriate funds, to determine their purpose, amount, and period of availability, and to set forth terms and conditions governing their use.”

NOTE: *RSC Legislative Bulletins are for informational purposes only and should not be taken as statements of support or opposition from the Republican Study Committee.*

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