



# **INSIGHTS**

108<sup>th</sup> Congress

September 8, 2004

*Also available on the FEMP Home Page at  
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**INSIGHTS** is prepared expressly for the Department of Energy's Office of Federal Energy Management Programs (FEMP). The purpose of **INSIGHTS** is to provide FEMP management staff with timely information on legislative activities relevant to the program. **INSIGHTS** is prepared for FEMP by Energetics, Incorporated, (202) 479-2748.

## WEEKLY SUMMARY

### CONGRESSIONAL SCHEDULE

Congress returned on Tuesday, September 7 to a busy schedule of hearings and votes on pending legislation. Key issues of interest to *INSIGHT* readers include the status of pending comprehensive energy legislation and passage of FY 2005 appropriations bills.

Congress, which plans to recess sometime in October to campaign for the fall elections, is expected to return later in the year to wrap up unfinished business. Reports from the House indicate that the recess may begin on October 8 or 15 and that it is possible the House will return one or two days a week to vote, primarily on appropriations bills. The Senate appears to be leaning toward an October 8 adjournment date. However, all this is still speculation at this point.

### FY 2005 BUDGET RESOLUTION AND FY 2005 APPROPRIATIONS

If the remaining 12 annual appropriations bills are not passed before the fall election, most observers appropriations process anticipate that Congress will either 1) pass a continuing resolution or 2) pass an FY 2005 Omnibus Appropriations bill. To date, no draft language for either a continuing resolution or an omnibus bill has been introduced in either the House or Senate.

#### House

To date, the House has passed 10 of the 13 annual appropriations bills. This week, the full House plans to begin consideration of *H.R. 5006 – FY 2005 Appropriations for Labor, Health and Human Services, and Education*. No schedule has been set for two remaining bills:

- *H.R. (Unnumbered) - FY 2005 Appropriations for Transportation and Treasury*
- *H.R. (Unnumbered) - FY 2005 Appropriations for Veterans' Administration, Housing and Urban Development, and Independent Agencies*

#### Senate

This week, the Committee on Appropriations planned to consider the 302(b) funding levels for each of the 13 annual appropriations bills. A list of House funding caps for the 10 bills of interest to readers of *INSIGHTS* is provided below. The House released their 302(b) levels earlier this year; the funding provides the chair of each subcommittee with a guide for drafting FY 2005 appropriations bills.

**FY 2005 302(b) DISCRETIONARY FUNDING LEVELS (in Billions)**

APPROPRIATIONS BILL	HOUSE	SENATE
<b>Agriculture, Rural Development and Food and Drug Administration</b>	\$16,777	
<b>Commerce, Justice, State and Judiciary</b>	\$39,792	
<b>Defense</b>	\$392,135	
<b>Energy and Water Development</b>	\$27,988	
<b>Homeland Security</b>	\$30,796	
<b>Interior and Related Agencies</b>	\$19,726	
<b>Labor, Health and Human Services, and Education</b>	\$142,317	
<b>Military Construction</b>	\$10,003	
<b>Treasury and Transportation</b>	\$25,439	
<b>Veterans' Administration, Housing and Urban Development, and Independent Agencies</b>	\$92,930	

To date, the Senate has passed only one bill, which was signed by the President – *P.L. 108-287 – FY 2005 Appropriations for Defense*. The Senate will resume work this week on several bills, including the following:

- *S.(Unnumbered) - FY 2005 Appropriations for Agriculture, Rural Development, and Related Agencies* (subcommittee mark up scheduled for September 8)
- *S.(Unnumbered) - FY 2005 Appropriations for Energy and Water Development* (subcommittee mark up scheduled for September 8)

**COMPREHENSIVE ENERGY LEGISLATION (4520/S. 1637- Energy Policy Act of 2004)**

Ted Stevens (R/AK), Chairman of the Senate Committee on Appropriations has indicated that that he has resolved with the House Republican Leadership a major House provision, which has been controversial in the Senate: liability protection for manufacturers of MTBE, a ground water contaminant. However, no official statements have been issued nor has a schedule been posted to consider comprehensive energy legislation on the Senate floor. The House passed its version earlier this year and is waiting to go to conference with the Senate.

Energy-related tax incentives are being considered in House and Senate versions of a bill to alleviate foreign tariffs on U.S. manufactured products. The Senate bill is comprehensive across the energy technology spectrum (including energy efficiency and renewable energy) while the House bill is more limited and includes incentives for wind energy technologies. The two chambers are now in conference to resolve differences between the two bills.

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## COMMITTEE ACTIVITY

### HOUSE

*No activities of interest to report.*

### SENATE

*No activities of interest to report.*

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## STATUS OF FY 2005 APPROPRIATIONS BILLS

Red text highlights developments since the last issue of *INSIGHTS*.

(In Billions)

HOUSE

SENATE

Jurisdiction/ FY 2004 Budget Request (In Billions)	302(b) Discretionary Allocations/ Approved Funding Level (In Billions)	Bill No.	Full Cmte. Mark Up	Floor Vote	Vote on Conf Rpt.	302(b) Discretionary Allocations/ Approved Funding Level (In Billions)	Bill No	Full Cmte. Mark Up	Floor Vote	Vote on Conf. Rpt.
<b>Agriculture</b> \$16.569	\$16.78 \$16.77	H.R. 4766	6/23	7/13		TBD				
<b>Commerce</b> \$39.553	\$39.78 \$39.8	H.R. 4754	6/23	7/8		TBD				
<b>Defense</b> \$392.585 <b>P.L. 108-287</b> <b>\$416.2</b>	\$392.14 \$416.9	H.R. 4613	6/16	6/22	<b>7/22</b>	TBD \$416.2	S. 2559	6/22	6/24	<b>7/22</b>
<b>Energy and Water Development</b> \$27.938	\$27.99 \$28.0	H.R. 4614	6/16	6/25		TBD				
<b>Homeland Security</b> \$31.104	\$32 \$32	H.R. 4567	6/9	6/18		TBD \$33.1 \$32	S. 2537	6/17		
<b>Interior</b> \$19.982	\$19.73 \$19.5	H.R. 4568	6/9	6/17		TBD				
<b>Labor/HHS</b> \$142.050	\$142.05		7/14	<b>Week of 9/7*</b>		TBD				
<b>Military Construction</b> \$9.553	\$9.553 \$10.003	H.R. 4837	7/9	<b>7/22</b>		TBD \$10.003	S. 2674	7/15	<b>Week of 9/7*</b>	
<b>Transportation and Treasury</b> \$25.714	\$25.714	H.R. —	<b>7/22</b>			TBD				
<b>VA/HUD</b> \$92.129	\$92.129 \$92.9	H.R. — —	<b>7/22</b>			TBD				

**Tentative schedule**

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## NEW LEGISLATION

*(Note: Once a new bill is introduced, the Government Printing Office generally requires from several days to one week to make the bill available in print)*

### HOUSE

*No new bills of interest to report.*

### SENATE

*No new bills of interest to report.*

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## ADMINISTRATION INITIATIVES

*No new activities of interest to report.*

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## HEARINGS SCHEDULE

### HOUSE – COMMITTEE ON APPROPRIATIONS

Date/Committee	Chair	Hearing Title/Issues	Witnesses	Time/ Location
<b>Week of September 7 –</b> Subcommittee on Labor, Health and Human Services, and Education <b>(NEW)</b>	Ralph Regula (R/OH)	<i>Mark Up</i> <i>FY 2005 Appropriations bill</i>	N/A	TBD
<b>Week of September 7 –</b> Subcommittee on Veterans' Administration, Housing and Urban Development and Independent Agencies <b>(NEW)</b>	James Walsh (R/NY)	<i>Mark Up</i> <i>FY 2005 Appropriations bill</i>	N/A	TBD

**HOUSE – AUTHORIZATIONS/OVERSIGHT**

*No activities of interest to report.*

**SENATE – COMMITTEE ON APPROPRIATIONS**

<b>Date/Committee</b>	<b>Chair</b>	<b>Hearing Title/Issues</b>	<b>Witnesses</b>	<b>Time/ Location</b>
<b>September 8 –</b> Subcommittee on Agriculture, Rural Development, and Food and Drug Administration <b>(NEW)</b>	Robert Bennett (R/UT)	<i>Mark Up</i> FY 2005 Appropriations bill	N/A	9:30 a.m. Room 192 Dirksen Office Building
<b>September 8 –</b> Subcommittee on Energy and Water Development <b>(NEW)</b>	Pete Dominici (R/NM)	<i>Mark Up</i> FY 2005 Appropriations bill	N/A	10:30 a.m. Room 124 Dirksen Office Building

**SENATE – AUTHORIZATIONS/OVERSIGHT**

*No activities of interest to report.*

**CONFERENCE COMMITTEE NEGOTIATIONS AND FLOOR VOTES**

*No activities of interest to report.*

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