



DOE EM Washington Update

Finishing 2022

... and Planning for 2023

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LAME-DUCK SESSION SCHEDULED TO RUN THROUGH DEC. 21

16 Legislative Days left....

FY 22 CR Expires

■ Both ■ Senate Only

NOVEMBER 2022

M	T	W	T	F
	1	2	3	4
7	8	9	10	11
14	15	16	17	18
21	22	23	24	25
28	29	30		

DECEMBER 2022

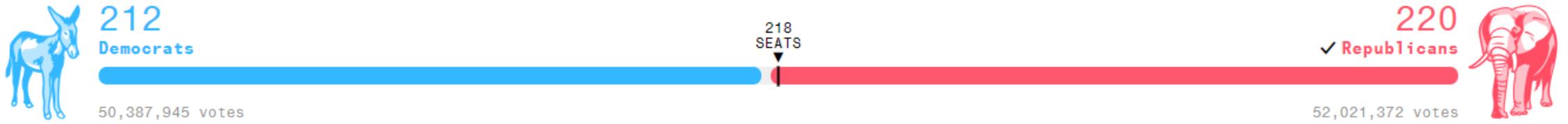
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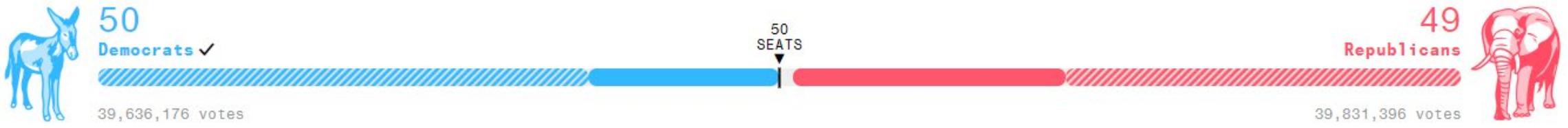
WHERE ARE WE TODAY?

- End of 117th Congress - CR for FY 2023 spending through December 16, 2022
- New Congress Starts in January – Divided Control of House and Senate

House



Senate





KEY DATES TO WATCH FOR END OF YEAR

Lawmakers face a packed agenda for the lame-duck session

Two major items top to-do list: **fiscal 2023 government spending package** and **defense authorization** Riders covering health programs, retirement savings, tech, and trade policy could tag along

Date	Event
Dec. 6	Runoff election for Senate seat in Georgia
Dec. 16	Stopgap funding measure (Public Law 117-180) and major programs expire
Dec. 31	Certain tax provisions expire

Narrowly divided government next year

Democrats rushing to finalize legislation before adjourning in December, *weighing action on debt limit*
Some items that don't make it across the finish line could be revived in 118th Congress



WHAT SHOULD YOU BE FOCUSED ON?

- **FY 23**

- EM Funding
- Each DOE program funding that impacts your site
- Year is almost over – record funding increases and few large policy changes
- But..... hearing on HLW/SNF December 1 (independent agency)

- **FY 24**

- **Set your priorities now for FY 24**

- **.....now is the time to start the discussions** – don't wait for the “listening session – Outreach” to come to you.
 - DOE and the Site Contractor
 - Congressional Members/Committees
 - Each Intergovernmental group – speak with each other and set priorities
 - Weakness comes from having different agendas and priorities

- **Issues** -- New Nuclear, High-Level Waste/SNF Storage, Cleanup, Nuclear Weapons, Defense issues, Contracting at Sites, Transitioning Sites to NNSA and Legacy Management, Leadership at DOE, EM, NE, NNSA, etc? Energy projects to support the mission, Other?



FY 2023 - APPROPRIATIONS & NDAA

Legislation	Committee Approval		Initial Passage		Conference Report	Final Passage		Signed into Law
	House	Senate	House	Senate		House	Senate	
National Defense Authorization Act	Approved by committee 7/1/22 H. Rept. 117-397	Approved by committee 6/16/22 Bill Report.	Passed 7/14/22 H.R. 7900	TBD Bill text				
Energy Appropriations	Approved by committee 6/28/22 H. Rept. 117-394	TBD	Passed 7/20/22 H.R. 8255	TBD				

***CR funds the government through Dec. 16**



ENERGY AND WATER DEVELOPMENT APPROPRIATIONS

House passed the FY2023 Energy and Water Development appropriations bill

- Part of the six-bill Consolidated Appropriations Act (H.R. 8294) (July 20, 2022) House Appropriations Committee stand-alone measure (June 28, 2022) (H.R. 8255, H.Rept. 117-394).
- House-passed bill totaled **\$59.664** billion, excluding rescissions and adjustments, an increase of \$4.088 billion **(7%) over the enacted FY2022 amount and 4% above the President's request.**

Senate introduced an FY2023 Energy and Water Development appropriations bill (July 28, 2022) (S. 4660)

- Posted a draft explanatory statement on the Appropriations Committee website. The bill's total of **\$60.685** billion, excluding rescissions and adjustments, is **9% above the FY2022 enacted amount and 5% above the President's request.**



ENERGY AND WATER DEVELOPMENT APPROPRIATIONS

\$8.252 billion request for EM activities **for FY2023** is

- \$754 million (4%) above the FY2022 enacted level of \$7.904 billion.
- House-passed bill includes \$7.880 billion for EM (nearly the same as FY2022), while
- S. 4660 provides \$8.307 billion (up 5% from FY2022).

Energy and Water Development Appropriations, FY2022 and FY2023
Dollars in millions (and % change)

Agency	FY2022 Enacted (% Change from FY2021 Enacted)	FY2023 Request (% Change from FY2022 Enacted)	FY2023 House (% Change from FY2022 Enacted)	FY2023 S. 4660 (% Change from FY2022 Enacted)
Corps of Engineers	8,343 (+7%)	6,601 (-21%)	8,889 (+7%)	8,758 (+5%)
Bureau of Reclamation/CUP	1,924 (+14%)	1,434 (-25%)	1,914 (-1%)	1,950 (+1%)
Department of Energy	44,856 (+13%)	49,004 (+9%)	48,340 (+8%)	49,495 (+10%)
Independent Agencies	454 (+10%)	508 (+12%)	521 (+15%)	482 (+6%)
Total	55,576 (+12%)	57,548 (+4%)	59,664 (+7%)	60,685 (+9%)

Department of Energy Budget & Appropriations Highlights

(amounts in thousands of dollars)

	FY 2022 Enacted	FY 2023 Request	FY 2023 House Bill	FY 2023 Senate Bill	Δ FY23 Senate – FY22 Enacted
Environmental Management	7,903,863	8,251,533	7,929,705	8,306,667	+402,804
National Nuclear Security Administration¹	20,656,000	21,410,400	21,232,065	22,102,143	+1,446,143
Nuclear Energy	1,654,800	1,675,060	1,779,800	1,765,600	+110,800
Science	7,475,000	7,799,211	8,000,000	8,100,000	+625,000
Legacy Management	178,730	196,146	188,463	196,146	+17,416
Nuclear Waste Disposal	27,500	10,205	10,205	10,205	-17,295
TOTAL, DEPARTMENT OF ENERGY	44,855,624	49,004,440	48,190,405	49,345,050	+4,489,426

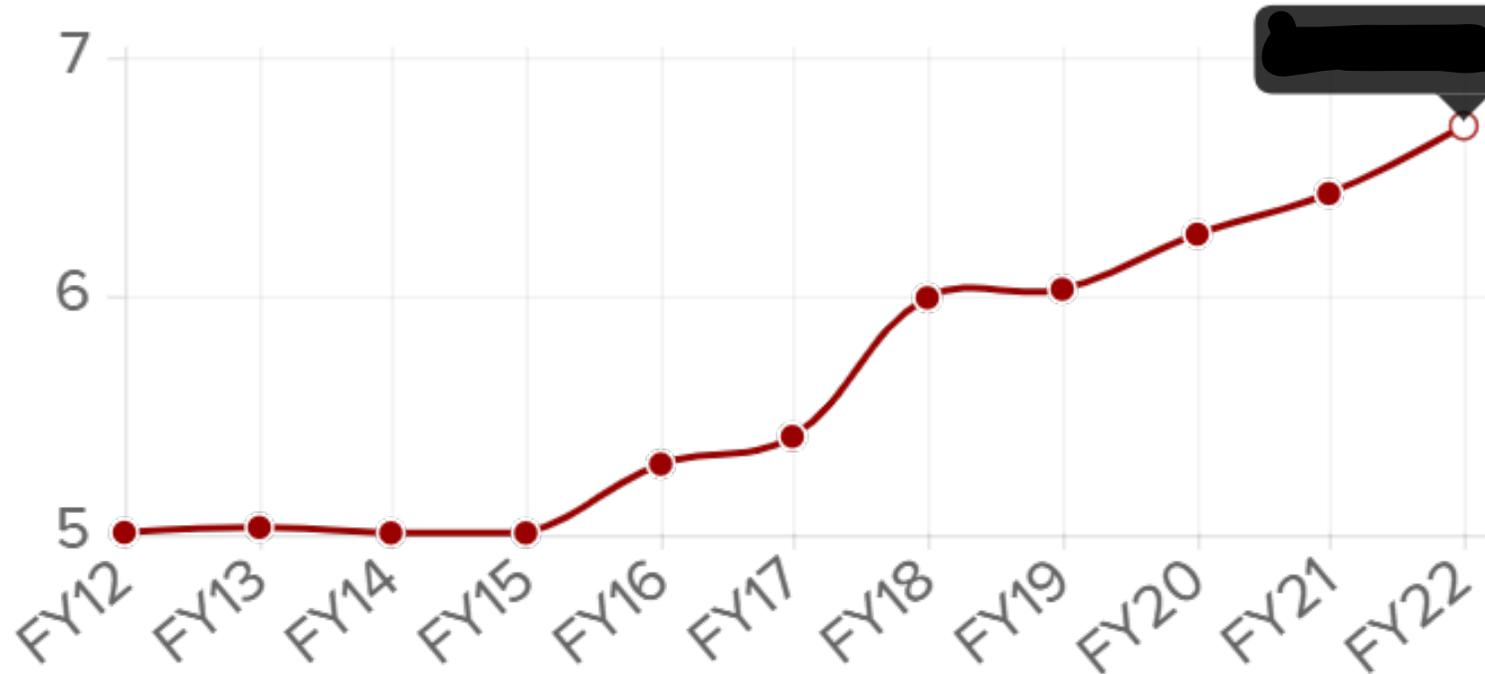
¹ NNSA's weapons activities take place at the nuclear weapons complex, which consists of three laboratories (Los Alamos National Laboratory, NM; Lawrence Livermore National Laboratory, CA; and Sandia National Laboratories, NM and CA); four production sites (Kansas City National Security Campus, MO; Pantex Plant, TX; Savannah River Site, SC; and Y-12 National Security Complex, TN); and the Nevada National Security Site (formerly the Nevada Test Site)

EM Potential Budget by Site

DOE Office of Environmental Management Budget Highlights (amounts in thousands of dollars)					
	FY 2022 Enacted	FY 2023 Request	FY 2023 House Bill	FY 2023 Senate Bill	Δ FY23 Senate – FY22 Enacted
ENVIRONMENTAL MANAGEMENT	7,903,863	8,251,533	7,929,705	8,306,667	+402,804
Defense Environmental Cleanup	6,710,000	7,105,863	6,722,521	7,064,084	+354,084
Hanford/Richland	950,026	925,603	950,026	1,005,603	+55,577
Office of River Protection	1,645,000	1,687,739	1,645,000	1,730,408	+85,408
Idaho National Laboratory	442,971	379,363	442,971	458,000	+15,029
Lawrence Livermore National Lab	1,806	1,842	1,842	1,842	+36
Separations Process Research Unit	15,000	15,300	15,300	15,300	+300
Nevada Site	75,737	62,652	62,652	62,652	-13,085
Sandia National Laboratory	4,576	4,003	4,003	4,003	-573
Los Alamos National Laboratory	275,119	286,316	286,316	286,316	+11,197
Los Alamos Excess Facilities D&D	17,000	40,519	17,000	40,519	+23,519
Oak Ridge Reservation	486,383	487,149	486,383	505,149	+18,766
Savannah River Site	1,592,641	1,571,476	1,595,556	1,648,023	+55,382
Carlsbad/Waste Isolation Pilot Plant	443,424	456,016	456,016	456,491	+13,067
Non-Defense Environmental Cleanup	333,863	323,249	333,863	373,583	+39,720
West Valley Demonstration Project	88,120	89,882	89,882	89,882	+1,762
Gaseous Diffusion Plants	121,203	123,438	123,438	138,438	+17,235
Small Sites	119,340	104,629	115,243	139,963	+20,623
UED&D Fund	860,000	822,421	823,321	869,000	-9,000
Oak Ridge	105,000	92,946	92,946	92,946	-12,054
Paducah	240,000	199,269	199,269	240,000	--
Portsmouth	467,046	480,394	480,394	480,394	+13,348



DEFENSE ENVIRONMENTAL CLEANUP FUNDING, FISCAL YEARS 2012 – 2022 (Billions)



The Department of Energy budget increased almost \$14 Billion since FY 2019



DEFENSE AUTHORIZATION DEAL EYED AS VEHICLE FOR MANY ISSUES

Issue	What to know
National Defense Authorization Act	<ul style="list-style-type: none">• House and Senate Armed Services staff have been working on informal conference negotiations for the defense authorization bill• House passed its bill (H.R. 7900) in July with \$839.3 billion topline, 4.6% pay raise for troops• Senate had started debate on a substitute amendment in October with a long list of potential policy riders, which included:<ul style="list-style-type: none">– Taiwan Policy Act– Water Resources Development Act– Reauthorizations of Coast Guard, intelligence programs, others• NDAA considered “must-pass” legislation; some Democrats want to combine it with year-end spending in single omnibus package

First or Second Week in December for Passage? Likely



DEC. 16 DEADLINE TO FUND GOVERNMENT

Issue	What to know
Fiscal 2023 <u>appropriations</u>	<ul style="list-style-type: none">• Stopgap spending measure (Public Law 117-180) keeps federal programs running through Dec. 16• House in July passed six-bill minibuss, six more approved by committee; Senate Democratic appropriators released 12 bills, but no votes held• Republicans oppose funding in Democratic bills, omission of policy riders including on abortion• No bicameral agreement on defense and domestic spending topline• Appropriations leaders aim to strike deal for full-year spending package before new Congress begins

Passage By December 16? Passage by End of Year? Likely



The Federal Budget Process (in Theory)

1



In early February, OMB, after reviewing agency proposals, submits the President's annual budget request, detailing the administration's goals for federal revenue and spending, program-by-program funding levels, and project deficits and surpluses.



2



By April 15, Senate and House Budget Committees draft budget resolutions to set total levels of discretionary funding available for the next fiscal year. If a resolution fails to pass both chambers, a chamber will pass a "deeming resolution" to establish enforceable budget levels.



3



Working within the discretionary funding limits set by the budget resolutions, House and Senate Appropriations Committees assign to each of their twelve subcommittees the task of determining program-by-program funding.

4



The Appropriations Committees amend and pass subcommittee appropriations bills.



5



Senate and House leadership negotiate passing all subcommittee bills together in an omnibus bill. If Congress fails to do this by October 1, it must pass a continuing resolution to keep programs funded.



6



The President signs the omnibus bill or continuing resolution.



OFFICE OF ENVIRONMENTAL MANAGEMENT (EM) BUDGET PROCESS & FEDERAL APPROPRIATIONS PROCESS

Jan. Feb. Mar. April May June July Aug. Sept. Oct. Nov. Dec. Jan. Feb. Mar. April May June July Aug. Sept.

Issuance of preliminary EM guidance to sites to engage the SSABs, stakeholders, and regulators

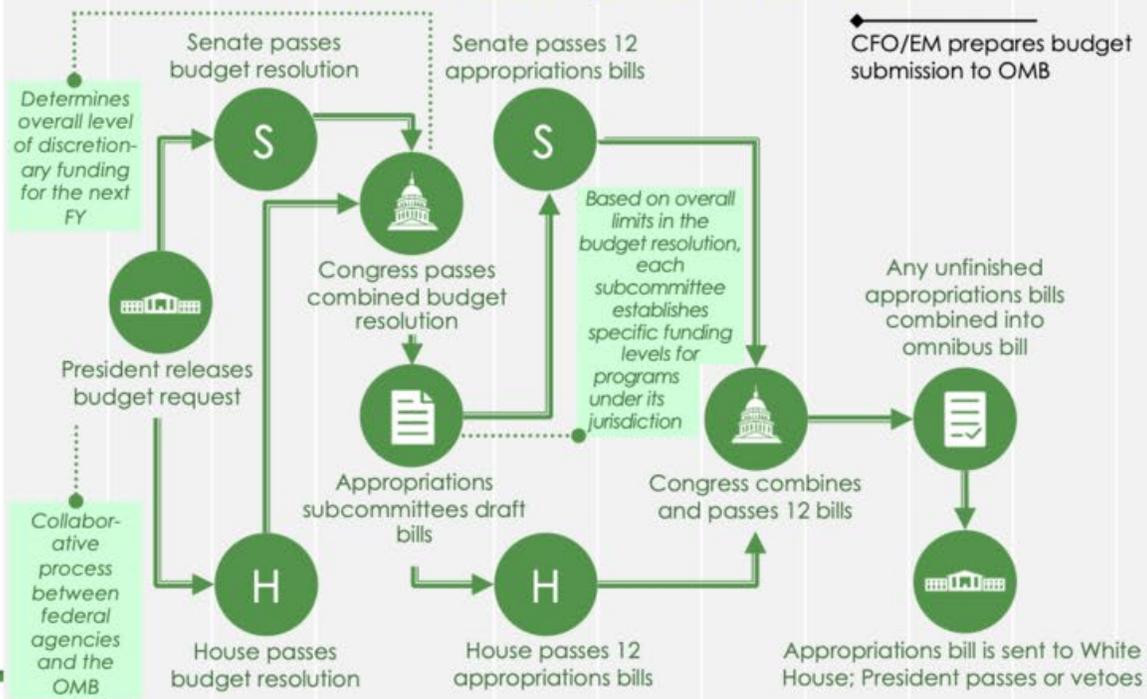
Schedule meetings with EM SSAB, stakeholders, and regulators
EM budget deliberations among the sites, DOE management, CFO and OMB

Within 30 days of budget rollout, field sites provide briefing to EM SSAB, stakeholders, and regulators

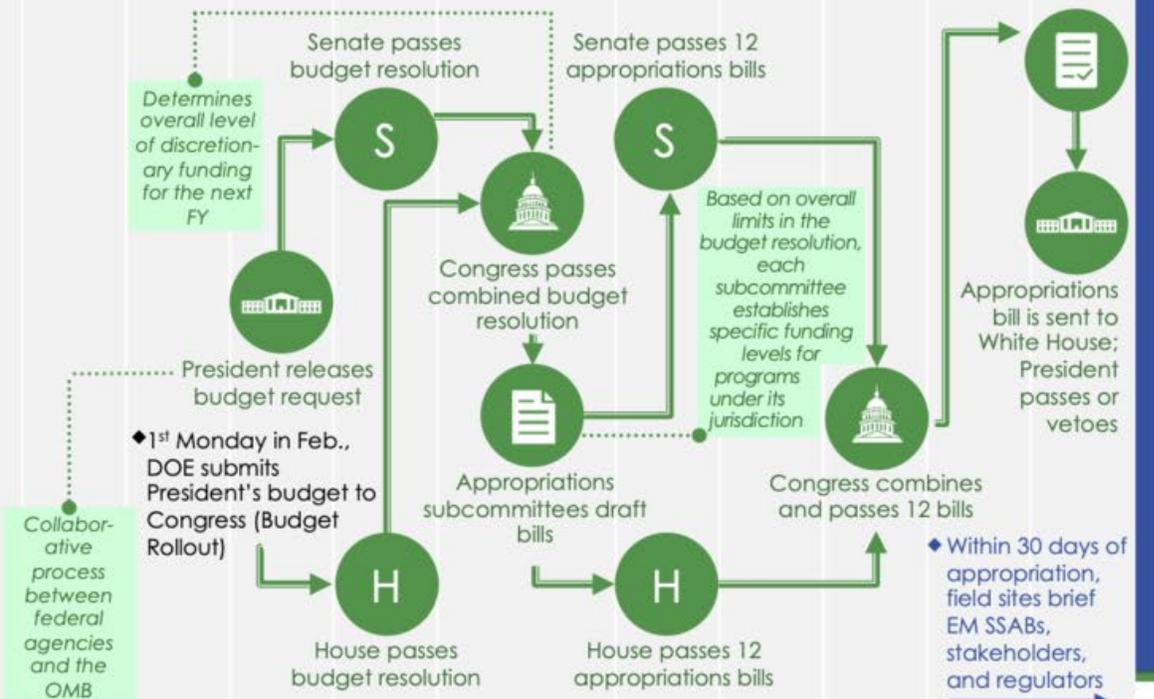
Issuance of official EM guidance to field sites
EM prepares budget submission to CFO
Sites submit budget request to EM HQ, along with EM SSAB stakeholder and regulator advice and sites' recommended course of action

EM SSAB, stakeholders, and regulators submit advice to sites

CFO/EM prepares budget submission to OMB



EM BUDGET REQUEST BECOMES EMBARGOED



EM budget event
 EMBA, stakeholder, regulator budget event
 Federal appropriations event



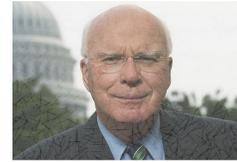
118TH CONGRESS HOUSE AND SENATE CHANGES



SENATE APPROPRIATIONS – BOTH LEADERS RETIRING

- Patrick Leahy (D-Vt.) is retiring
 - He's served as the panel's top Democrat since 2017
 - **Patty Murray (D-Wash.) is running to lead the influential committee in the 118th Congress**

- Richard Shelby (R-Ala.) also is retiring
 - **Susan Collins (R-Maine) is next in seniority and a likely option to succeed Shelby**



Leahy



Murray



Shelby



Collins



SENATE ENERGY AND WATER DEV - APPROPRIATIONS

• MAJORITY MEMBERS

- **CHAIR** - *Dianne Feinstein (California)*
- Patty Murray (Washington)
- Jon Tester (Montana)
- Richard Durbin (Illinois)
- Jeanne Shaheen (New Hampshire)
- Jeff Merkley (Oregon)
- Christopher Coons (Delaware)
- Tammy Baldwin (Wisconsin)
- Martin Heinrich (New Mexico)

• MINORITY MEMBERS

- **RANKING** - *John Kennedy (Louisiana)*
- Mitch McConnell (Kentucky)
- **Richard Shelby (Alabama)**
- Susan Collins (Maine)
- Lisa Murkowski (Alaska)
- Lindsey Graham (South Carolina)
- John Hoeven (North Dakota)
- Cindy Hyde-Smith (Mississippi)
- Bill Hagerty (Tennessee)



HOUSE ENERGY AND WATER DEV - APPROPRIATIONS

MAJORITY MEMBERS

- **Marcy Kaptur, Chairwoman** (Ohio)
- Debbie Wasserman Schultz (Florida)
- **Ann Kirkpatrick** (Arizona)
- Susie Lee (Nevada)
- **Tim Ryan** (Ohio)
- Derek Kilmer (Washington)
- Lois Frankel (Florida)
- **Cheri Bustos** (Illinois)
- Bonnie Watson Coleman (New Jersey)
- Rosa DeLauro (Connecticut)

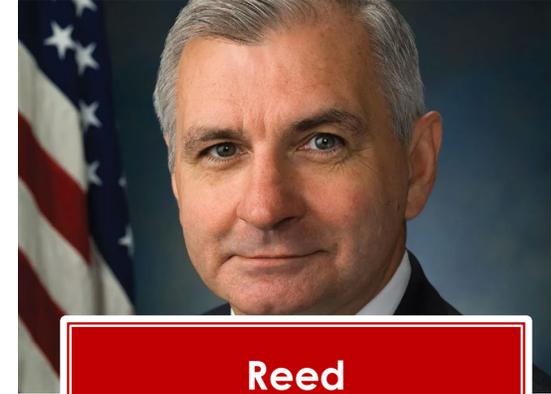
MINORITY MEMBERS

- **Mike Simpson, Ranking Member** (Idaho)
- Ken Calvert
- Chuck Fleischmann (Tennessee)
- Dan Newhouse (Washington)
- **Jaime Herrera Beutler** (Washington)
- Guy Reschenthaler (Pennsylvania)



SENATE ARMED SERVICES: RETIRING REPUBLICAN CREATES SHUFFLE

- **Jack Reed (D-R.I.) is likely to stay as chairman**
- **Jim Inhofe (R-Okla.) is retiring**
 - Roger Wicker (Miss.) is next in line for the top Republican spot, which would require him to leave his leadership position on the Commerce, Science, and Transportation Committee



Reed



Inhofe



Wicker



SAMPLING OF WHO WILL REPRESENT ENERGY COMMUNITIES IN 2023?

Site	House	Senate	Senate
Hanford	Dan Newhouse (R)	Patty Murray (D)	Maria Cantwell (D)
Idaho	Mike Simpson (R)	Mike Crapo (R)	Jim Risch (R)
Los Alamos	Teresa Leger Fernandez (D)		
Sandia	Melanie Stansbury (D)	Martin Heinrich (D)	Ben Ray Lujan (D)
WIPP	Gabe Vasquez (D)*		
Nevada	Steven Horsford (D)	Catherin Cortez Masto (D)	Jacky Rosen (D)
Oak Ridge	Chuck Fleischmann (R)	Marsha Blackburn (R)	Bill Hagerty (R)
Paducah	James Comer (R)	Mitch McConnell (R)	Rand Paul (R)
Portsmouth	Brad Wenstrup (R) & Bill Johnson (R)	Sherrod Brown (D)	JD Vance (R)*
Savannah River Site	Joe Wilson (R) & Jim Clyburn (D)	Lindsey Graham (R)	Tim Scott (R)
West Valley	Nick Longworthy (R)*	Chuck Schumer (D)	Kirsten Gillibrand (D)



SO FOCUS ...NATIONAL ACADEMIES – LAST WEEK

As the United States nears the **40th anniversary of the the Nuclear Waste Policy Act (NWPA) (Public Law 97-425) and its Amendments (Public Law 100-203, Part E), there is no clear path forward for the siting, licensing, and construction of a geologic repository for the disposal of highly radioactive waste (mainly commercial spent nuclear fuel).**

The United States finds itself in this difficult situation for many reasons, including ... **(5) conflicting congressional and executive policies;** and **(6) insufficient public engagement in decisions concerning the basic strategy for the storage and disposal of the waste.**

The continued delay in planning and progress has only made the situation more complicated, as the present legal and regulatory frameworks have become outdated and even more limiting.

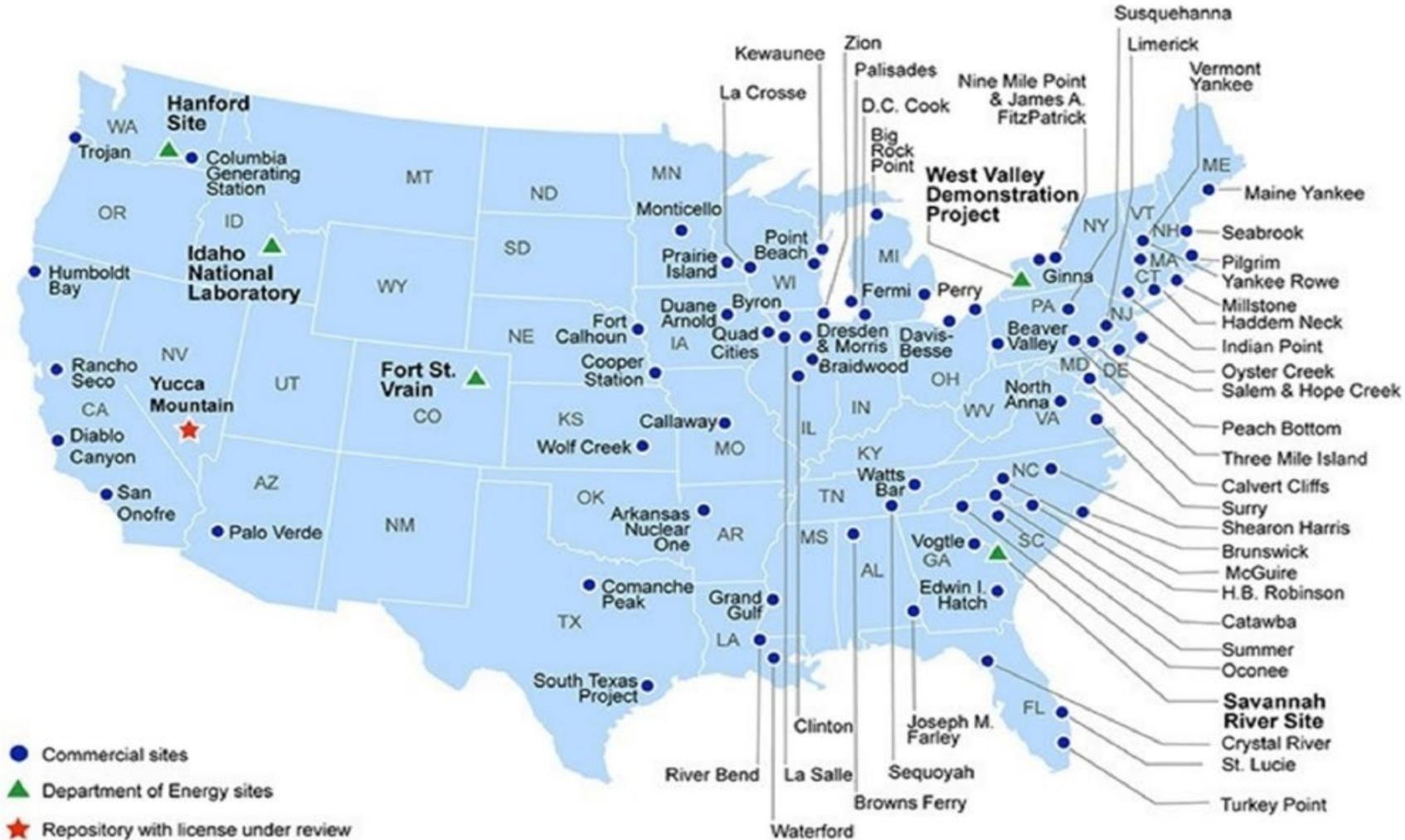
The committee agrees with common recommendations of these studies to establish a single-mission nuclear waste management and disposal entity, for which models have been proposed that deserve consideration by Congress.

National Academies of Sciences, Engineering, and Medicine 2022. *Merits and Viability of Different Nuclear Fuel Cycles and Technology Options and the Waste Aspects of Advanced Nuclear Reactors*. Washington, DC: The National Academies Press.

<https://doi.org/10.17226/26500> .



LOCATIONS OF COMMERCIAL AND DEFENSE NUCLEAR WASTE IN THE UNITED STATES.





SO... FOCUS....

- Leadership at DOE, EM, NE, NNSA, etc?
- New Nuclear
- High-Level Waste/SNF Storage
- Cleanup
- Nuclear Weapons
- Defense issues
- Contracting at Sites
- Role of Governmental Orgs
- Transitioning Sites to NNSA and Legacy Management,
- Energy projects to support the mission
- Other?



MORE INFORMATION

- **ECA Budget Tracker** - <http://www.energyca.org/budget-tracker>
- **ECA Updates and Breaking News** -- <https://www.energyca.org/eca-updates>
 - Free Subscription to the *ECA Bulletin* – signup at <https://www.energyca.org/eca-updates>
- **Events on Budget and other Events**
 - <https://www.energyca.org/past-events>
 - EM Budget Briefing 2022 - <http://www.energyca.org/events/2022/2/24/federal-budget-briefing-with-eca-and-doe-virtual>