

**Clean Water Action \* Environment America \* League of Conservation Voters  
Natural Resources Defense Council \* Sierra Club \* Union of Concerned Scientists**

April 26, 2016

Dear Senator,

We write to express concerns with the FY2017 Energy and Water Development and Related Agencies appropriations bill (H.R.2028). While we appreciate the bipartisan work that went into crafting this bill in a difficult budget situation and the numerous controversial issues that were not included, the bill could be improved. It includes provisions that promise lasting, problematic consequences for our nation's nuclear waste program, does not responsibly promote proper use of our water resources, and fails to properly invest in clean energy innovation. Furthermore, despite promises to follow regular order, this bill includes harmful policy riders in an attempt to circumvent regular legislative order. Adding harmful, controversial, and often radical policy reversals onto appropriation bills undermines the legislative process and the already challenging budget process.

The bill includes provisions that allow the Department of Energy to store nuclear waste at private facilities that are licensed by the Nuclear Regulatory Commission. Severing strong links between contemporaneous progress on storage and disposal options in the Nuclear Waste Policy Act removes meaningful impetus for adherence to the principle that waste from the nation's nuclear weapons program and its commercial nuclear power plants must be buried in deep geologic repositories, permanently isolated from the human and natural environments. The primacy of geologic disposal as the solution for nuclear waste is consistent with more than 50 years of scientific consensus and, most recently, with the findings of President Obama's bipartisan Blue Ribbon Commission on America's Nuclear Future (BRC). No other solutions are technically, economically or ethically viable over the long term for the environment and human society.

Congress should embrace the development of a science-based repository program that acknowledges the significant institutional challenges facing spent fuel storage and disposal. Advancing the Alexander-Feinstein interim storage plan in an appropriations bill will have lasting, problematic consequences for our nuclear waste program and likely derail any chance for the meaningful reforms and efforts to find an ultimate solution for nuclear waste.

In addition, this bill ignores the Obama administration's sensible plan to cancel the risky and enormously costly mixed oxide (MOX) program, intended to dispose of excess plutonium from the U.S. nuclear weapons program by turning it into nuclear reactor fuel. Instead of continuing to lavish funds on the ill-conceived MOX program, the administration proposes a safer, quicker and easier solution: diluting the plutonium and burying it in a geological repository. However, this bill provides that the Department of Energy an additional \$270 million of funding for the MOX fuel fabrication plant and has left the door open for continuation of the program.

Congress should reject the MOX program and support the Obama administration's improved approach for disposing of excess plutonium.

The bill also includes damaging policy riders and report language in contravention of regular order. Specifically, Sec. 103 would prohibit the Army Corps of Engineers from changing the definition of “fill material” and “discharge of fill material,” even though the existing definitions authorize harmful waste disposal in protected waters. Additionally, the committee report contains language that directs the Department of Energy to reject the most recent social cost of carbon estimate in upcoming regulations until a new working group is formed with a direction to reassess the social costs of carbon downward in a biased fashion.

These riders, and any damaging policy provisions that will be offered, undercut the public process for determining how to implement the laws that Congress has passed. They are bad policies that will put Americans health and safety at risk and have no place on a funding bill.

Federal clean energy spending has consistently proven its worth by directing RD&D funds that drive job creation, economic growth and reduce health and environmental costs. For example, support for Energy Efficiency and Renewable Energy core programs has contributed to a 94 percent decline in the cost of LED lighting since 2008. While we appreciate that the bill does not cut overall funding for research and development, it does cut essential programs and fails to put us on the path to fulfilling our national commitment to double clean energy R&D funding by 2021 as part of the Mission Innovation pledge.

The committee bill provides no increase in funding for the Office of Energy Efficiency and Renewable Energy (\$825 million below the request) and important programs like wind energy are cut by \$15.5 million (\$76 million below the request), solar energy by \$19.2 million (\$62.7 million below the request) and sustainable transportation technologies by \$17.6 million (\$234.5 million below the request). The Advanced Research Projects Agency – Energy (ARPA-E) is increased by \$1.7 million, but this is \$57.3 million below the administration’s request, as is the \$50 million increase for the Office of Science which is \$172 million below the request.

Congress should be embracing the Mission Innovation goal as an essential path for dramatically expanding the technologies that will define a future global power mix that produces lower carbon emissions in order to achieve the goal of limiting the rise in global temperatures to below 3.6°F (2°C).

This bill has the opportunity to build a path toward cleaner and healthier energy, water use and nuclear waste storage policies for all Americans. We are greatly concerned by some of the troubling areas in the legislation and urge the Senate to instead pass a bill that invests in clean energy, decreases our dependence on fossil fuels, does not attempt to address nuclear waste challenges in a manner that hamstring the necessary comprehensive reworking of the program, and safeguards America’s waters and climate.

We also urge opposition to any floor amendments that would harm health and the

environment.

Sincerely,

Clean Water Action

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