



# SPECIAL REPORT: House FY 2006 Energy And Water Appropriations and California Implications - June 8, 2005

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On May 24, 2005, the House of Representatives passed the FY06 Energy and Water Appropriations bill (H.R. 2419/H.Rpt. 109-86) by a vote of 416-13. The bill provides a total of \$29.7 billion in budget authority for the U.S. Army Corps of Engineers-Civil, the Department of Interior including the Bureau of Reclamation, the Department of Energy, and several Independent Agencies. The funding is \$131.7 million below the FY05 appropriations and the same as the President's budget request.

The following is a quick analysis of the bill from a California perspective as prepared by the California Institute. We apologize for any errors or omissions in our discussion of these documents, and would appreciate any input/feedback on how to make improving corrections. The ordering of items generally reflects their appearance in the bill and does not mean to imply any relative importance.

## **CORPS OF ENGINEERS**

The bill provides \$4,746,021,000 for the programs of the U.S. Army Corps of Engineers, a decrease of \$293,927,000 below the fiscal year 2005 enacted level and \$414,021,000 over the budget request of \$4,332,000,000. The fiscal year 2006 budget request for the Corps of Engineers totals \$4,513,000,000, which is composed of \$4,332,000,000 in new budget authority and \$181,000,000 in new offsetting collections.

The bill also strictly limits the Corps' ability to reprogram funds and requires the agency to fund congressionally authorized projects at the levels set in the committee report. The Committee Report states:

The Corps needs to take a more sophisticated approach to project and contract management and must undertake immediate structural improvements and process changes to ensure that the Corps remains healthy and focused during a time of static or declining budgets. As part of the Committee's ongoing oversight activities, the Committee has identified a number of issues requiring immediate attention. These issues include, but are not limited to:

- the development of a five-year comprehensive budget plan;
- a re-evaluation of the emphasis on expenditures;
- a fully transparent accounting of all movement of funds in project execution through the conservative use of reprogramming authorities;
- the development of performance-based guidelines for funding Corps construction projects;
- a more limited use of continuing contracts authorities which have the effect of obligating the federal government in anticipation of future appropriations for which the Corps does not budget fully; and
- a more thorough justification and improvement in the Corps' annual budget submission to the Congress.

. . . Collectively, the Congress, the Administration and the Corps of Engineers must work together to ensure that constrained Federal resources are spent efficiently, commitments to local sponsors are honored, projects do not drag on forever, and taxpayers receive the greatest return on their investment.

## **General Investigations**

The bill recommends an appropriation of \$100,000,000, a decrease of \$43,344,000 from the fiscal year 2005 enacted level, and \$5,000,000 over the budget estimate. Included in that funding are the following California projects (in thousands of dollars):

Aliso Creek Mainstem - \$350 requested, \$450 recommended  
Arana Gulch Watershed - \$100 requested, \$0 recommended  
Bollinas Lagoon Ecosystem Restoration - \$0 requested, \$200 recommended  
California Coastal Sediment Master Plan - \$600 requested, \$900 recommended  
Coyote Creek, Lower San Gabriel Watershed - \$500 requested, \$500 recommended  
Coyote CA - \$100 requested, \$0 recommended  
Desert Hot Springs - \$0 requested, \$200 recommended  
Eastern Municipal Water District - \$0 requested, \$1 million recommended  
Estudillo Canal - \$600 requested, \$900 recommended  
Los Angeles County Drainage Area, Cornfields - \$600 requested, \$1,300 recommended  
Malibu Creek Watershed - \$167 requested, \$0 recommended  
Matilija Dam - \$800 requested, \$1,100 recommended  
Mugu Lagoon - \$82 requested, \$82 recommended  
Napa River Salt Marsh Restoration - \$0 requested, \$250 recommended  
Napa Valley Watershed Mgmt - \$500 requested, \$500 recommended  
Ocean Beach - \$0 requested, \$350 recommended  
Pajaro River at Watsonville - \$477 requested, \$1,000 recommended  
Peninsula Beach - \$308 requested, \$308 recommended  
Russian River Ecosystem Restoration - \$400 requested, \$600 recommended  
Sacramento-San Joaquin Delta - \$200 requested, \$0 recommended  
San Bernardino Lakes and Streams - \$0 requested, \$250 recommended  
San Clemente Shoreline - \$188 requested, \$188 recommended for investigation & \$200 for planning  
San Francisquito Creek - \$200 requested, \$300 recommended  
San Jacinto River - \$0 requested, \$50 recommended  
San Juan Creek, S. Orange County - \$0 requested, \$350 recommended  
San Pablo Bay Watershed - \$300 requested, \$600 recommended  
Santa Ana River & Tributaries, Big Bear Lake - \$900 requested, \$1,400 recommended  
Santa Rosa Creek Ecosystem Restoration - \$400 requested, \$400 recommended  
Solana Beach/Encinitas Shoreline Protection Study - \$0 requested, \$750 recommended  
Sonoma Creek & Tributaries - \$300 requested, \$0 recommended  
South San Francisco Shoreline Study - \$600 requested, \$600 recommended  
Sun Valley Watershed - \$0 requested, \$100 recommended  
Sutter County - \$361 requested, \$361 recommended  
Upper Penitencia Creek - \$628 requested, \$628 recommended  
Westminster, East Garden Grove - \$650 requested, \$650 recommended  
Wilson and Oak Glen Creeks, San Bernardino - \$0 requested, \$400 recommended

Under General Investigations for National Programs, the bill provides

- \$94 million for investigations related to the CALFED project, and
- Planning Assistance to States. For fiscal year 2006, the bill also recommends \$4,650,000 for planning assistance to states, the same level as requested. Within the funds provided, the Corps is directed to undertake the La Mirada, California flood control and drainage study at a cost of \$250,000.

## **Construction**

For fiscal year 2006, the Committee recommends an appropriation totaling \$1,900,000,000, an increase of \$118,280,000 over the fiscal year 2005 enacted appropriation and \$263,000,000 over the budget estimate. Within that funding, the following California projects are included (in thousands):

American River Wtrshd (combined) - \$28,960 requested, \$28,960 recommended  
Corte Madera Creek Flood Control - \$0 requested, \$200 recommended  
Guadalupe River - \$5,600 requested, \$5,600 recommended  
Hamilton Airfield Wetlands Restoration - \$13,000 requested, \$13,000 recommended  
Harbor/S. Bay Wtr Recycling Prjct, Los Angeles - \$0 requested, \$4,000 recommended  
Kaweah River - \$4,300 requested, \$4,085 recommended  
LA Harbor Main Channel Deepening \$2,700 requested, \$2,700 recommended  
Lower Walnut Creek Basin Study - \$0 requested, \$250 recommended  
Napa River - \$6,000 requested, \$6,000 recommended  
Oakland Harbor (50 Foot Project) - \$48,000 requested, \$48,000 recommended  
Sacramento Area - \$0 requested, \$6,000 recommended  
Sacramento River Bank Protection Project - \$0 requested, \$6,300 recommended  
San Francisco Bay to Stockton - \$0 requested, \$250 recommended  
Santa Ana River Mainstem - \$50,000 requested, \$61,650 recommended  
South Sacramento County Streams - \$2,852 requested, \$2,852 recommended  
Stockton Metropolitan Flood Cntrl Reimbursmnt - \$5,000 requested, \$5,000 recommended  
Success Dam, Tule River - \$8,000 requested, \$8,000 recommended  
Upper Newport Bay Ecosystem Restoration - \$0 requested, \$2,000 recommended  
Yuba River Basin - \$0 requested, \$200 recommended

**American River watershed** - The Committee has provided \$28,960,000 for American River watershed activities. Within this amount, not less than \$7,000,000 shall be available for the permanent bridge below Folsom Dam.

**Folsom Dam** - The Committee Report states: "sections 128 and 134 of Public Law 108-137 authorize funds for the construction of a permanent bridge at Folsom Dam. These authorizations provide appropriate and ample authority for the Corps to construct the bridge, including the \$30,000,000 authorization contained in section 134 of Public Law 108-137. The Committee further notes that the appropriations Acts since fiscal year 2004 have appropriated funds pursuant to these authorizations and the Corps has carried out projects under those authorities. Accordingly, the Committee directs the Corps to budget for the permanent replacement at Folsom Dam."

**Santa Ana River mainstem** - In total, the Committee provides \$61,650,000 for Santa Ana River mainstem in California, of which \$6,000,000 is available to complete the San Timoteo Creek project; \$4,000,000 is available to repair damage caused by recent storms and to clean out debris basins; and \$650,000 is available for the repair of erosion damage to the outlet tunnel in Seven Oaks Dam that occurred during high flow testing; and \$1,000,000 is available for the Seven Oaks Dam water quality study.

**Upper Newport Bay Ecosystem Restoration project** - The Committee notes that recently the Corps of Engineers executed an agreement with the California Department of Fish and Game and Orange County, California, to provide at their discretion, funds to construct certain key features of the **Upper Newport Bay Ecosystem Restoration project**. The Committee Report states: "A significant portion of the non-Federal share would be provided by the California Coastal Conservancy to the non-Federal sponsors in the forms of grants. These funds would be in excess of those funds required to maintain a cost-shared balance in the project expenditures, but would not exceed the total non-Federal share. The Committee recommends \$2,000,000 for this project in fiscal year 2006."

**Continuing Authorities Programs** - The bill provides \$2.1 million for Oyster Point Marina Breakwater Reconfiguration.

**Small Beach Erosion Control Projects** - The bill provides \$15,000 for Solana Beach (Fletcher Cove).

**Small Flood Control Projects** - The bill provides for the following:

- City of 29 Palms Pinto Cove flood control channel - \$1 million
- Cosgrove Creek - \$250,000
- Flomar Storm Drain - \$95,000
- West Burnt Mountain flood control improvements - \$2 million

**Project Modifications for the Improvement of the Environment** - The bill provides for the following:

- Bull Creek Channel Ecosystem Restoration - \$2 million
- Tujunga Wash Environmental Restoration - \$431,000

**Aquatic Ecosystem Restoration Projects** - The bill provides for the following:

- English Creek Aquatic Restoration - \$380,000
- Salt River Restoration Project - \$450,000
- Sweetwater Reservoir Ecosystem Restoration - \$90,000

**Operations and Maintenance**

For fiscal year 2006, the Committee recommends an appropriation of \$2,000,000,000, an increase of \$56,572,000 over the fiscal year 2005 enacted level and \$21,000,000 over the budget estimate. Included in the funding are the following California projects (In Thousands):

- Black Butte Lake - \$1,989 requested, \$1,989 recommended
- Buchanan Dam. HB Eastman Lake - \$1,781 requested, \$1,781 recommended
- Channel Islands Harbor - \$310 requested, \$310 recommended
- Coyote Valley Dam, Lake Mendocino - \$4,084 requested, \$4,000 recommended
- Dry Creek (Warm Springs) Lake and Channel - \$5,272 requested, \$5,825 recommended
- Farmington Dam - \$202 requested, \$202 recommended
- Hidden Dam, Hensley Lake - \$2,090 requested, \$2,090 recommended
- Humboldt Harbor and Bay - \$5,069 requested, \$5,000 recommended
- Inspection of Completed Works - \$1,396 requested, \$1,396 recommended
- Isabella Lake - \$2,291 requested, \$2,291 recommended
- Los Angeles County Drainage Area - \$4,287 requested, \$4,287 recommended
- Merced County Streams - \$251 requested, \$251 recommended
- Mojave River Dam - \$290 requested, \$290 recommended
- Morro Bay Harbor - \$1,616 requested, \$1,616 recommended
- Moss Landing Harbor - \$0 requested, \$1,475 recommended
- New Hogan Lake - \$1,994 requested, \$1,994 recommended
- New Melones Lake, Downstream Channel - \$1,634 requested, \$1,634 recommended
- Noyo River and Harbor - \$28 requested, \$28 recommended
- Oakland Harbor - \$6,205 requested, \$6,205 recommended
- Oceanside Harbor - \$1,040 requested, \$1,040 recommended
- Pine Flat Lake - \$2,831 requested, \$2,831 recommended
- Pinole Shoal management study - \$0 requested, \$250 recommended
- Project Condition Surveys - \$1,891 requested, \$1,891 recommended
- Redwood City Harbor - \$4,967 requested, \$4,967 recommended
- Richmond Harbor - \$7,972 requested, \$7,972 recommended
- Sacramento River (30 Foot Project) - \$2,790 requested, \$2,790 recommended
- Sacramento River and Tributaries (Debris Control) - \$1,299 requested, \$1,299 recommended
- Sacramento River Shallow Draft Channel - \$119 requested, \$119 recommended
- San Francisco Bay Long Term Mngmt Strategy - \$0 requested, \$1,600 recommended
- San Francisco Bay, Delta Model Structure - \$1,185 requested, \$1,185 recommended
- San Francisco Bay Harbor and Bay (Drift Removal) - \$2,000 requested, \$2,000 recommended
- San Francisco Harbor - \$2,223 requested, \$2,223 recommended
- San Joaquin River - \$2,886 requested, \$2,886 recommended
- San Pablo Bay and Mare Island Strait - \$3,320 requested, \$3,320 recommended

Santa Ana River Basin - \$3,321 requested, \$3,321 recommended  
Santa Barbara Harbor - \$1,408 requested, \$1,408 recommended  
Scheduling Reservoir Operations - \$1,499 requested, \$1,499 recommended  
Success Lake - \$1,809 requested, \$1,809 recommended  
Suisun Bay Channel - \$5,132 requested, \$5,132 recommended  
Terminus Dam, Lake Kaweah - \$1,692 requested, \$1,692 recommended  
Ventura Harbor - \$2,200 requested, \$2,000 recommended  
Yuba River - \$29 requested, \$29 recommended

**Dry Creek (Warm Springs) Lake and Channel** - The Committee recommendation includes a total of \$5,825,000 for operation and maintenance at Dry Creek (Warm Springs) Lake and Channel, California. The amounts provided in excess of the request is to complete outlet channel riprap repairs, control tower elevator shaft seepage repair, and spillway inlet channel repair.

**Regulatory Program** - For fiscal year 2006, the Committee recommends an appropriation of \$160,000,000, which is the same as the budget estimate and \$16,160,000 over the fiscal year 2005 enacted level. The Committee Report states: "The Committee is concerned with the growing backlog and the delay in approving various permits, particularly in the Jacksonville, Florida and Sacramento, California offices. Therefore, the Committee directs that not less than ten percent of the increase over the fiscal year 2005 enacted level be directed to each of these offices."

**Regional Sediment Management Support Program** - Within the funds provided for the regional sediment management support program, the Committee has included sufficient funds for the design of a sand retention structure at Fletcher Cove in the city of Solana Beach, California.

## **DEPARTMENT OF THE INTERIOR**

Title II provides \$1,011,486,000 for the Department of Interior and the Bureau of Reclamation, an increase of \$60,431,000 above the budget request of \$951,055,000 and \$6,060,000 below the fiscal year 2005 enacted level. The Committee recommends \$977,136,000 for the Bureau of Reclamation, an increase of \$60,431,000 over the request and \$6,060,000 below the fiscal year 2005 enacted level. A proposal to provide direct financing of operation and maintenance costs associated with the power functions of Reclamation facilities that generate the power sold by the Western Power Administration was rejected by the Appropriations Committee.

**Water and Related Resources** - The Water and Related Resources account supports the development, management, and restoration of water and related natural resources in the 17 western states. The account includes funds for operating and maintaining existing facilities to obtain the greatest overall levels of benefits, to protect public safety, and to conduct studies on ways to improve the use of water and related natural resources. For fiscal year 2006, the Committee recommends \$832,000,000, an increase of \$60,431,000 from the budget request and \$20,605,000 below the fiscal year 2005 enacted level. The Committee does not adopt the proposal included in the budget request to reclassify certain receipts from the Western Area Power Administration and to credit them as offsetting collections to this account. The Committee recommendations for specific California projects are as follows

(In Thousands)

(Resources Management = RM; Facilities OM&R= FOM&R):

Cachuna Project - RM \$988; Facilities OM&R \$588  
California Investigations Programs - RM \$580; FOM&R \$0  
Calleguas Mun. Water Dis. Recycling Project - RM \$2500; FOM&R \$0  
Central Valley Project:  
    American River Division - RM \$2,060; FOM&R \$7,437  
    Auburn-Folsom South Unit - RM \$5,966; FOM&R \$0

Delta Division - RM \$10,441; FOM&R \$5,752  
East Side Division - RM \$1,907; FOM&R \$2,297  
Friant Division - RM \$2,235; FOM&R \$3,481  
Miscellaneous Project Programs - RM \$12,511; FOM&R \$1,114  
Replacement Adds. & Extraordinary Maint. - RM \$0; FOM&R \$23,200  
Sacramento River Division - RM \$2,381; FOM&R \$1,759  
San Felipe Division - RM \$846; FOM&R \$0  
San Joaquin Division - RM \$300; FOM&R \$0  
Shasta Division - RM \$1,050; FOM&R \$7,606  
Trinity River Division - RM \$7,621; FOM&R \$3,242  
Water and Power Operations - RM \$1,7107; FOM&R \$10,211  
West San Joaquin Div., San Luis Unit - RM \$5,191; FOM&R \$7,146  
Yield Feasibility Investigation - RM \$500; FOM&R \$0  
El Dorado Temperature Control Device - RM \$1,000; FOM&R \$0  
Lake Tahoe Regional Wetlands Development - RM \$100; FOM&R \$0  
Long Beach Area Water Reclamation & Reuse Proj. - RM \$650; FOM&R \$0  
Long Beach Desalination Project - RM \$1,250; FOM&R \$0  
N. San Diego Co. Area Water Recycling Proj. - RM \$2,500; FOM&R \$0  
Orange Co. Reg. Water Reclam. Proj. - RM \$2,250; FOM&R \$0  
Orland Project - RM \$41; FOM&R \$920  
Sacramento River Diversion Study - RM \$1,000; FOM&R \$0  
Salton Sea Research Project - RM \$4,800; FOM&R \$0  
San Diego Area Water Reclamation Proj. - RM \$3,500; FOM&R \$0  
San Gabriel Basin Project - RM \$500; FOM&R \$0  
Santa Margarita River Conjunctive Use Proj. - RM \$500; FOM&R \$0  
Solano Project - RM \$1,502; FOM&R \$2,863  
Southern California Investigations Program - RM \$1,050; FOM&R \$0  
Ventura River Project - RM \$596; FOM&R \$0  
Watsonville Area Water Recycling Project - RM \$2,000; FOM&R \$0

**Central Valley project, miscellaneous project programs** - Within the funds provided for Central Valley project, miscellaneous project programs, the Committee has provided the funds necessary to complete phase II of the Kaweah River Delta Corridor Enhancement Study.

**Colorado River Front Work and Levee System, Arizona and California** - Within the funds provided, the Committee has included \$750,000 to continue planning and design of regulating reservoirs near the All American Canal.

**Salton Sea research project** - The Committee has provided \$4,800,000 for the Salton Sea research project, including \$1,500,000 to continue environmental restoration efforts at the Alamo and New Rivers, and for other authorized pilot projects. The Bureau is encouraged to work jointly with the Salton Sea Authority and assist the authority in running its own pilot projects.

**Santa Margarita River conjunctive use project** - The Committee has provided \$500,000 to complete the feasibility study for the project.

**Southern California investigations program** - Within the funds provided for the Southern California Investigations Program, \$150,000 has been included for the Los Angeles Basin Watershed Water Supply Augmentation Study, as requested in the budget; \$100,000 to assist the Western Municipal Water District in general planning and associated environmental compliance activities related to the Riverside-Corona Feeder project; \$300,000 to assist the Lake Arrowhead Community Services District to develop a groundwater management plan; and \$100,000 to assist the City of Apple Valley, California to develop an appraisal study of the water reclamation portion of the City of Apple Valley's sewage treatment and reclamation project.

**Yuma area projects, Arizona and California** - The Committee has provided a total of \$22,600,000 for Yuma area projects in Arizona and California, of which \$500,000 is available for renovation and refurbishment of the City of Needles, California Bureau Bay Reclamation Project site.

Title XVI, water reclamation and reuse program - The budget request included \$1,229,000 for activities under the Title XVI, water reclamation and reuse program. But because this program is not authorized in fiscal year 2006, the Committee does not recommend funding for this activity.

### **Central Valley Project Restoration Fund**

For fiscal year 2006, the Committee recommends \$52,219,000, the same level as the budget request and \$2,409,000 below the fiscal year enacted level. Funds, as proposed in the budget request, are provided as follows:

Anadromous fish restoration program - \$5,000,000  
Other Central Valley project impacts - \$2,500,000  
Dedicated project yield - \$900,000  
Flow fluctuation study - \$50,000  
Restoration of riparian habitat and spawning gravel - \$500,000  
Central Valley comprehensive assessment/monitoring program - \$500,000  
Anadromous fish screen program -\$3,500,000  
Refugee wheeling conveyance - \$7,800,000  
Refuge water supply, facility construction - \$3,500,000  
Ecosystem/water systems operations model - \$6,434,000  
Water acquisition program - \$9,952,000  
San Joaquin Basin action plan - \$7,583,000  
Land retirement program - \$1,500,000  
Coleman fish hatchery - \$200,000  
Clear Creek restoration - \$300,000  
Trinity River restoration program -\$2,000,000  
Total, Central Valley project restoration fund -\$52,219,000

### **California Bay-Delta Restoration**

The bill provides \$35 million in funding for the California Bay-Delta Restoration project. The Committee report states:

The purpose of the California Bay-Delta account is to fund the Federal share of water supply and reliability improvements, ecosystem improvements and other activities being developed for the Sacramento-San Joaquin Delta and associated watersheds by a state and Federal partnership (CALFED). Federal participation in this program was initially authorized in the California Bay-Delta Environmental and Water Security Act enacted in 1996. That Act authorized the appropriation of \$143,300,000 for ecosystem restoration activities in each of fiscal years 1998, 1999, and 2000. Absent an explicit authorization, no funds were provided in this account for the CALFED effort between fiscal years 2001 and 2005. However, the Committee funded CALFED programs and activities within the general authorities of the Water and Related Resources account even though a specific programmatic authorization was lacking. Funding for fiscal year 2001 totaled \$79,030,000; fiscal year 2002, \$126,775,000; fiscal year 2003, \$84,403,000; fiscal year 2004, \$78,929,000; and fiscal year 2005, \$74,571,000. Total Federal expenditures under this Act from fiscal year 1998 through 2005 amount to almost \$830,000,000.

In 2005, the CALFED Bay-Delta Authorization Act was enacted (P.L. 108-361), authorizing \$389,000,000 in Federal appropriations for fiscal year 2005 through fiscal year 2010. The authorizing legislation required an annual cross-cut budget in order to reflect the budget requests of all Federal agencies engaged in CALFED implementation. The Committee is pleased the CALFED Bay-Delta program was included in the fiscal year 2006 budget request and recommends the budget request of \$35,000,000. However, the Committee notices a missing program element from

the budget request, a “water quality” section, and has added funding for this element as shown below. The Committee has redirected the funding for higher priority projects that will support the implementation of the CALFED program. The funded projects will produce increased sources of water for the state of California, otherwise known as “firm yield” projects, improve drinking water quality, and improve water delivery flexibility.

In light of the new Federal authorization for CALFED Bay-Delta Program and the initial implementation phase of the CALFED program, the Committee expects the budget request for fiscal year 2007 to include funds for all program elements at the fully authorized level.

The funds provided are intended to support the following activities:

Environmental water account - \$5,000,000  
Storage program - 12,700,000  
    San Joaquin River basin - (4,000,000)  
    Los Vaqueros - (3,200,000)  
    Shasta enlargement - (4,000,000)  
    Sites - (1,500,000)  
Conveyance - 6,300,000  
    San Luis Reservoir Low Point - (3,000,000)  
    Frank Tract - (1,000,000)  
Planning and management activities - 500,000  
Water use efficiency - 6,500,000  
    Westside regional drainage program - (2,300,000)  
    Butte County Groundwater Model - (200,000)  
    Inland Empire Utilities Agency regional water recycling project - (1,000,000)  
Ecosystem restoration- 1,000,000  
    Sacramento River small diversion fish screen program - (1,000,000)  
Water Quality - 3,000,000  
    Contra Costa Water District alternative intake project - (2,000,000)  
South Delta temporary barriers - (1,000,000)  
Total, California Bay-Delta Restoration - 35,000,000

### **General Provisions**

The bill includes a provision regarding the San Luis Unit and Kesterson Reservoir in California. This language has been included in annual Energy and Water Development Appropriations Acts for several years.

The bill includes a provision relating to agreements with the city of Needles, California or the Imperial Irrigation District for the design and construction of stages of the Lower Colorado Water Supply Project.

### **DEPARTMENT OF ENERGY**

The bill provides \$24,574,857,000 for the Department of Energy (DOE), an increase of \$278,103,000 over fiscal year 2005 and \$361,550,000 over the budget request of \$24,213,307,000. Consistent with the reorganization of the subcommittees within the House Committee on Appropriations, all Department of Energy programs are funded within this bill.

### **Office of Science**

The bill recommends \$3,666,055,000 for the Office of Science, an increase of \$203,337,000 over the budget request and \$66,184,000 over the current year. Additional funds are provided for priority work on advanced scientific computing, high energy physics, and operation of user facilities at fiscal year 2005 levels.

### **Laboratory Directed Research and Development (LDRD) funding levels.**

The bill provides that not more than \$250,000,000 of the funds provided in this Act for the Department of Energy national laboratories and production plants are available for Laboratory Directed Research and

Development (LDRD), Plant Directed Research and Development (PDRD), and Site Directed Research and Development (SDRD) activities. The Report states that this limitation reflects the constrained budget realities that face the Committee generally and the DOE funding specifically in fiscal year 2006.

### **Congressionally Directed Energy Efficiency and Renewable Energy Projects**

- California Hydrogen Storage and Systems Technologies - \$800,000
- National Orange Photovoltaic Demonstration - \$250,000
- National Hybrid Truck Manufacturing Program - \$1,00,000

### **Elk Hills School Lands Fund**

Payment to the Elk Hills school lands fund was part of the settlement associated with the sale of the Naval Petroleum Reserve Number 1. Under the settlement, payments to the fund are to be made over a period of seven years. The payments to date (\$216,000,000) were based on an estimate of the amount that would be required to pay the State of California nine percent of the net sales of proceeds. The Committee recommends \$48,000,000, the same as the budget request, and combined with the fiscal year 2005 advance appropriation of \$36,000,000, will make available a total of \$84,000,000 in fiscal year 2006. While this represents Payment #7 in a series of seven payments, the Committee understands that the final amount due will be based on the resolution of equity determinations, which cannot be determined until all divestment-related expenses are accounted for.

### **Non-Defense Environmental Cleanup**

The bill provides \$18,006,000, for soil and water remediation measures at the former Atlas uranium mill tailings site at Moab, Utah, a reduction of \$10,000,000 from the request, and an increase of \$10,295,000 over fiscal year 2005 enacted levels. The Committee Report states that the final Environmental Impact Statement will be issued late in fiscal year 2005 for this site, and the Committee believes that the \$18,006,000 will be sufficient to begin the recommended remediation alternative in fiscal year 2006.

**Consolidated Business Center** - The Consolidated Business Center, located in Cincinnati, Ohio, provides administrative support and contractual assistance for the Environmental Management program, including the aforementioned Small Sites. The Committee recommendation provides \$3,900,000 for soil and water remediation at Lawrence Berkeley National Laboratory; \$3,500,000 for soil and water remediation at the Stanford Linear Accelerator Center; \$9,000,000 for nuclear facility decontamination and decommissioning for the Energy Technology Engineering Center; \$490,000 for decontamination and decommissioning of the Tritium System Test Assembly Facility at Los Alamos National Laboratory; \$305,000 for soil and water remediation at Inhalation Toxicology Laboratory; and \$100,000 for cleanup work at various sites in California.

### **Office of Science**

The Committee Report states: "The Committee was disappointed in the Department's budget request for the Office of Science in fiscal year 2006. The Committee recommendation is \$3,666,055,000, an increase of \$203,337,000 compared to the budget request and \$66,184,000 over the fiscal year 2005 enacted level. The Committee has provided additional funding for the Office of Science to address the following Committee priorities: high performance computing; additional operating time at Office of Science user facilities; and redirection of fusion funding to restore domestic fusion research that was displaced by the International Thermonuclear Experimental Reactor (ITER)."

### **High Energy Physics**

The Committee Report states: "The Committee recommends a total of \$735,933,000 for high energy physics, an increase of \$22,000,000 over the budget request. With the proposed transfer of the Stanford Linear Accelerator Center (SLAC) to the Basic Energy Sciences account, the Fermi National Accelerator Laboratory will become the only remaining high energy physics national laboratory in the country. High energy physics is the cornerstone of our understanding of the physical universe, and the Department of

Energy maintains unique capabilities that cannot be duplicated in the academic or private sector, or by any other federal agency. The Committee provides an additional \$22,000,000 to maintain high energy physics at the fiscal year 2005 enacted level. Of the additional funds, \$11,000,000 is provided for research on the next-generation international linear collider and \$11,000,000 is provided for upgrades to the neutrino research program. The Committee supports the Department's decision to maximize the operating time of its high energy physics user facilities during fiscal year 2006. The control level is at the High Energy Physics level."

### **Congressionally Directed Office of Science Projects**

- Kern Medical Center to purchase and install MRI machine - \$500,000
- Loma Linda University Medical Center - \$1,250,000
- Medical Research and Robotics, University of Southern California - \$1,000,000
- City College of San Francisco Health Related Equipment - \$500,000
- Children's Hospital of LA Proteomics Core and Combinational Chemistry - \$500,000

### **Basic Energy Sciences**

The bill's recommendation for Basic Energy Sciences is \$1,173,149,000, an increase of \$27,132,000 over the budget request. For purposes of reprogramming during fiscal year 2006, the Department may allocate funding among all operating accounts within Basic Energy Sciences, consistent with the reprogramming guidelines outlined in the Committee report.

The bill provides \$178,073,000 for Basic Energy Sciences construction projects, the same as the requested amount. The Committee recommendation provides the requested funding of \$83,000,000 to initiate construction (05-R-320) for the Linac Coherent Light Source at the Stanford Linear Accelerator Center; \$9,606,000 for the Molecular Foundry (04-R-313) at Lawrence Berkeley National Laboratory; and \$4,626,000 for the Center for Integrated Nanotechnologies (03-R-313) at Los Alamos and Sandia National Laboratories.

### **Fusion Energy Sciences**

The bill's recommendation for fusion energy sciences is \$296,155,000, an increase of \$5,605,000 over the budget request but with a significant redirection of funds as outlined below. The Committee Report states: "The Committee is concerned that two-thirds of the proposed increase for the International Thermonuclear Experimental Reactor (ITER) would be achieved by reducing domestic fusion research and operating time on domestic user facilities. Under the proposed fiscal year 2006 budget, operating time at the three major fusion research facilities (DIII-D, Alcator C-Mod, and NSTX) would be reduced from 48 weeks in fiscal year 2005 to a total of only 17 weeks in fiscal year 2006. If the United States expects to be a serious contributor to international fusion research in general and to ITER in particular, the Nation needs to maintain strong domestic research programs and user facilities to train the next generation of fusion scientists and engineers. The Department's proposal to increase support for ITER at the expense of domestic fusion research is unwise and unacceptable. Such an approach is not only short-sighted, but inconsistent with prior Congressional guidance. Therefore, the Committee directs the Department to utilize \$29,900,000 of funding proposed for ITER and the additional \$5,605,000 to restore U.S.- based fusion funding to fiscal year 2005 levels as follows: \$7,300,000 for high performance materials for fusion; \$14,305,000 to restore operation of the three major user facilities to fiscal year 2005 operating levels; \$7,200,000 for intense heavy ion beams and fast ignition studies; \$5,100,000 for compact stellarators and smallscale experiments; and \$1,600,000 for theory. As in previous years, the Committee directs the Department to fund the U.S. share of ITER through additional resources rather than through reductions to domestic fusion research or to other Office of Science programs. If the Department does not follow this guidance in its fiscal year 2007 budget submission, the Committee is prepared to eliminate all U.S. funding for the ITER project in the future."

### **Inertial Confinement Fusion And National Ignition Facility**

The Committee recommends \$541,418,000 for the inertial confinement fusion and high yield program, which maintains the program at the current year level and is an increase of \$81,000,000 over the budget request. The Committee Report states:

“The Committee supports the Department’s response to the Congressional concern expressed last year regarding the fiscal year 2005 budget request proposed schedule slip to the program goal of ignition demonstration in 2010 for the National Ignition Facility (NIF). The Committee continues to view ignition demonstration as the primary benchmark for success in the program. The Committee commends the Department’s effort to projectize the ICF program consistent with DOE Order 413.3, and to manage the ignition, diagnostic, cryogenic and experimental programs as projects incorporating a work breakdown structure to track scope, cost, and schedule milestones, within a project management control system. The Committee directs the NNSA to report quarterly on the milestone cost and schedule variance within the respective experimental programs on progress toward the NIF 2000 rebaselined program.

The Committee recommendation includes a total of \$69,623,000 for Facility Operations and Target Production, of which \$15,000,000 shall be available to accelerate target fabrication. The Committee believes that a target that meets all the NIF ignition criteria should be produced and characterized in a cryogenic environment. NNSA should provide the Committee with a detailed schedule by March 2006 to accomplish this requirement. Should fabrication of the new beryllium target prove too high risk to ensure meeting the NIF milestones, NNSA is required to provide the Committee with the alternative that will be pursued in order to keep to the 2010 ignition schedule. The Committee recommendation includes \$25,000,000 to continue development of high average power lasers and supporting science and technology within the Inertial Fusion Technology program line; within that amount, the Committee includes \$2,000,000 for the high density matter laser at the Ohio State University Technology Park. The Committee recommendation includes \$15,000,000 for the Naval Research Laboratory, and \$71,558,000 for the University of Rochester’s Laboratory for Laser Energetics (LLE), an increase of \$26,000,000 over the budget request. The LLE is the principal research and experimentation laser facility for NNSA Science-based Stockpile stewardship activities. The Committee increase includes an additional \$4,000,000 for OMEGA operations to provide additional shots to support the ICF campaign goal of an ignition demonstration in 2010 and an additional \$22,000,000 to accelerate the OMEGA Extended Performance capability project, a four beam super-high-intensity, high-energy laser facility to support the nation’s stockpile stewardship program. The Committee notes that the University of Rochester is providing \$21 million for the building to house the OMEGA EP.

“The Committee recommendation provides \$141,913,000 for construction of the National Ignition Facility (NIF), the same as the budget request.”

### **Readiness in Technical Base and Facilities (RTBF)**

The Readiness in Technical Base and Facilities (RTBF) program supports the physical and operational infrastructure at the laboratories, the Nevada Test Site, and the production plants. The Committee recommendation is \$1,610,870,000, a reduction of \$20,516,000 below the budget request. Included in the construction projects is the following:

- Tritium Facility Modernization, Lawrence Livermore National Laboratory, CA. The Committee recommends \$2,600,000, the same as the budget request.

### **General Provisions**

The Committee Report states: “Contract Competition.—Section 301 modifies language carried in the conference report for the Energy and Water Development Act, 2005 (P.L. 108–447), requiring the competition of the management and operating contracts for Ames, Argonne, Lawrence Berkeley, Lawrence Livermore, and Los Alamos national laboratories. The Committee appreciates the efforts of the Secretary and his staff to comply with the provisions of the existing Section 301 in P.L. 108-137 and to schedule competitions for these five laboratory contracts. The Committee renews the statutory requirement to compete these five contracts to be sure the Department follows through on the commitments made by the present Secretary.”

### **Changes in the Application of Existing Laws**

Language has been included under Bureau of Reclamation, Central Valley Project Restoration Fund directing the Bureau of Reclamation to assess and collect the full amount of additional mitigation and restoration payments authorized by section 3407(d) of Public Law 102-575.

Language has been included under Bureau of Reclamation, Central Valley Project Restoration Fund providing that none of the funds under the heading may be used for the acquisition or lease of water for in-stream purposes if the water is already committed to in-stream purposes by a court order adopted by consent or decree.

Language has been included under Bureau of Reclamation, California Bay-Delta Restoration permitting the transfer of funds to appropriate accounts of other participating Federal agencies to carry out authorized programs; providing that funds made available under this heading may be used for the Federal share of the costs of the CALFED Program management; providing that use of any funds provided to the California Bay-Delta Authority for programwide management and oversight activities shall be subject to the approval of the Secretary of the Interior; providing that CALFED implementation shall be carried out with clear performance measures demonstrating concurrent progress in achieving the goals and objectives of the program.

Language has been included under Title II, General Provisions, regarding the San Luis Unit and the Kesterson Reservoir in California. This language has been carried in prior appropriations Acts.

Language has been included under Title II, General Provisions, relating to agreements with the city of Needles, California or the Imperial Irrigation District for the design and construction of stages of the Lower Colorado Water Supply Project.

Language has been included under the Elk Hills School Lands Fund specifying the amount that can be derived from the Fund.