There was no objection.

MAKING IN ORDER AMENDED VERSION OF H.R. 2419, ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 2006

Mr. HOBSON. Mr. Speaker, I ask unanimous consent that during consideration of H.R. 2419, pursuant to House Resolution 291, the amendment that I have placed at the desk be considered as adopted in the House and in the Committee of the Whole and considered as the original text for purpose of further amendment.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amendment to H.R. 2419 offered by Mr. HOBSON:

Add at the end the following:

This Act may be cited as the ''Energy and Water Development Appropriations Act, 2006''.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 2006

The SPEAKER pro tempore. Pursuant to House Resolution 291 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 2419.

□ 1120

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2419) making appropriations for energy and water development for the fiscal year ending September 30, 2006, and for other purposes, with Mr. GOODLATTE in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Ohio (Mr. HOBSON) and the gentleman from Indiana (Mr. VISCLOSKY) each will control 30 minutes.

The Chair recognizes the gentleman from Ohio (Mr. HOBSON).

Mr. HOBSON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, it is my pleasure to submit to the House for its consideration H.R. 2419, the Energy and Water Development Appropriations Bill for fiscal year 2006.

The Committee on Appropriations approved this bill unanimously on May 18, and I believe it is a good bill that merits the support of the entire House.

Mr. Chairman, this bill provides annual funding for a wide range of Federal programs including such diverse matters as flood control, navigation improvements, environmental restoration, nuclear waste disposal, advanced scientific research, applied energy research, maintenance of our nuclear stockpile, and nuclear non-proliferation.

Total funding for energy and water development in fiscal year 2006 is $29,746,000,000. This funding amount represent a decrease of $728,000 below the budget request and $86.3 million below the current fiscal year. This bill is right at our subcommittee's 302(b) allocation and provides adequate funds to meet the priority needs of the House.

Title I of the bill provides for the Civil Works Program of the Army Corps of Engineers; the Formally Utilized Sites Remedial Action Program, which is executed by the corps; and the Office of the Assistant Secretary of the Army for Civil Works. The Committee recommends a total of $4.746 billion for title I activities, $294 million below the current year and $414 million above the current budget request.

I want to explain a couple of things about the corps as we go through this and take a little time on this because some of this is a change.

For a number of years, the corps Civil Works Program has been oversubscribed where Congress kept giving the corps more and more projects to do but not enough money to do them. We took steps last year to put the corps on the road to fiscal recovery by eliminating the number of new starts and concentrating resources on the completion of ongoing construction projects. We also asked OMB to adopt a new approach to future corps budget requests so that we can use our limited resources to complete the most valuable projects efficiently, instead of spreading those resources very widely to make incremental progress across a large number of projects.

The fiscal year 2006 budget request adopts such a performance-based approach for the corps budget. Proposing to use the ratio of remaining costs to remaining benefits is the primary determinant of which construction projects should receive priority consideration for funding. While this ratio may not be a perfect measure of merit of all the projects, the budget request represents good faith from the OMB to concentrate the corps' limited resources on finishing the most worthwhile projects that are already under construction.

Until we begin to clear out the enormous backlog of ongoing work, we are reluctant to start new projects; therefore, we did not include any new starts again this year in this bill.

One consequence of adopting this new performance-based approach to the corps is that the funds available for member adds for corps projects are very limited this year. In part, this is because for the first time in years we received a budget request in which many congressional priorities are already at the funded level. I think this is an improvement. However, even with that request as a good starting point, the total amount that we can provide for the corps is less than what the House passed in fiscal year 2005.

With a healthy base request and a lean 302(b) allocation, we did not add as much for Member projects as we have in previous years. We were harsh, but fair, in how we dealt with these Member projects.

Our fiscal year 2006 Energy and Water bill makes major strides to improving the corps' project execution reprogrammings and continuing contracts. For a workload of approximately 2,000 projects, the Chief of Engineers recently told me that the corps had 2,000 projects, but they had 20,000 reprogrammings. We think this is not good management, and we have done a lot in our bill to try to focus the corps on these continuing contracts.

The problem is that the corps has done a lot of reprogrammings. They have moved funds around. We believe this is a case management problem. We have taken extensive efforts to try to reform this program because we think that they may not have the money to restore what they should, and if there is a big plume in all of this, that they cannot really tell us what it is all about.

Another area that we have a problem with is in the continuing-contract area. Some people would like to get rid of continuing contracts. I do not happen to believe that. I think it is a tool that they need, but we need to make sure that they are not using them to excess and they are not using them to do things that either the administration did not want to fund, we did not want to fund, or the Senate did not want to fund; and that this money is not being shifted around or execution is being done that would inhibit our ability in future years to fund programs by the original funding by the corps.

The Department of Energy received a total of $24.318 billion in the Energy and Water bill. That is an increase of $105 million over the budget request, about $101 million less than the fiscal year 2005 level. As with the corps, we asked the Department of Energy to begin preparing 5-year budget plans, first for individual programs and then an integrated plan for the Department. I think this is just good money management within these Departments. We need 5-year plans. We actually need longer visions in these programs so that we know what we are going to end up with in the waterways in the future and we know what the Department of Energy's plans are in the future.

The committee has several important new initiatives for the Department of Energy. DOE presently has significant quantities of weapons-usable special nuclear materials, plutonium and highly enriched uranium, scattered around its complexes. Unfortunately, even with the heightened attention to homeland security after the 9/11 attacks, the Department has done little to consolidate these high-risk materials. We

have provided additional funds for material consolidation initiative and direct DOE to take aggressive action to consolidate its weapons-usable uranium and plutonium into fewer, more secure sites.

We think this is not only a security problem, but it costs us a lot of money and we think we can do better.

We also propose a spent fuel recycling initiative to stimulate some fresh thinking on how this country deals with its spent nuclear fuel. I want to state that I fully support the Yucca Mountain Repository, and our bill fully funds the request for Yucca Mountain in fiscal year 2006. It is critical that we get Yucca Mountain done and done right and done soon. However, we continue to be frustrated by the delays in getting the repository open, and we are concerned about what will happen after that first repository is built.

The Department of Energy estimates that each year of delay on Yucca Mountain costs the government an additional billion dollars, half from the legal liability for DOE's failure to begin accepting commercial spent fuel beginning in 1988, as required by the law, and the other half from the costs. In addition, the authorized capacity of Yucca Mountain will be fully utilized by the year 2010 with no place to dispose of spent fuel generated after that date.

It is time to rethink our approach on spent fuel. We need to start moving spent fuel away from reactor sites to one or more centralized, above-ground interim storage facilities located at DOE sites. If we want to build a new generation of nuclear power reactors in this country, we have got to demonstrate to investors and the public that the Federal Government will live up to its responsibilities under the Nuclear Waste Policy Act and to take title to commercial spent fuel.

□ 1130

I would note that we are already storing foreign reactor fuel on DOE sites. It is time we do the same for our domestic spent fuel. This may help to limit the billions of dollars of legal liability facing the Federal Government for its failure to accept commercial spent fuel for disposal.

It is also time to think about our reluctance to reprocess spent fuel. The Europeans are doing this very successfully, and there are some advanced reprocessing technologies in the research and development phase that promise to reduce or eliminate some of the disadvantages of the current chemical process.

We add funds to the Nuclear Waste Disposal account and direct the Secretary to begin accepting commercial spent fuel in fiscal year 2006 for interim storage at one or more DOE sites. We also include additional funds and direction within the Nuclear Energy account for the Secretary to select an advanced reprocessing technology in fiscal year 2007 and to establish a competitive process to select one or more sites for an advanced fuel recycling facility.

Lastly, the committee recommends a new Sustainable Stockpile Initiative to ensure the future of our Nation's nuclear deterrent. The committee provides additional funds for the Reliable Replacement Warhead that we initiated in last year's conference report. We placed the Reliable Replacement Warhead in the context of a larger Sustainable Stockpile Initiative, which we view as a package deal with several key components.

First, the Reliable Replacement Warhead is a program to reengineer existing warheads to be safer, more secure, cheaper to maintain, easier to dismantle and, more importantly, easier to certify without underground testing.

Secondly, we propose a modest slowdown of Life Extension work on the old warheads in preparation for a shift to the newer replacement warheads. This is coupled with a significant increase in dismantlement rates to bring down the stockpile to match the President's decision about the size of the stockpile by the year 2012. Frankly, in the long run, I am hopeful the Secretary's task force on the Nuclear Weapons Complex will propose some sensible steps to modernize the DOE Weapons Complex and bring it into line with these coming changes in the size and composition of the stockpile.

The committee provided for an aggressive nuclear nonproliferation program within the National Nuclear Security Administration. We provided an additional $65 million to keep the plutonium producing reactor shutdown program with the Russians on track to have all three reactors closed by 2011. The committee also provided $85 million additional for the Russian material protection program to secure nuclear materials overseas.

We made a significant reduction to the domestic MOX plant because of the large unexpended prior-year balances in that project, caused by the continued liability dispute with the Russians. Given the constrained budget environment, the committee cannot continue to appropriate hundreds of millions of dollars for a construction project that has been delayed for 3 years.

I believe this is a responsible bill that makes sound investment decisions for the future of our agencies. Members will not receive as many water and energy projects as they may have liked, but we did take care of their top priorities. Hopefully, we did that everywhere.

I want to thank all the Members of the Subcommittee on Energy and Water Development, and Related Agencies for helping to bring this bill to the floor today. I especially want to thank my ranking member, the gentleman from Indiana (Mr. VISCLOSKY), for his extraordinary cooperation this past year. In my opinion, this is truly a bipartisan bill that represents a hard-fought but ultimately fair and balanced compromise. This is the way I believe our constituents expect their Representatives to work together.

I also want to thank the chairman of the Committee on Appropriations, the gentleman from California (Mr. LEWIS) and the ranking minority member, the gentleman from Wisconsin (Mr. OBEY), for their support and for allowing us to move this bill forward in such an expeditious manner.

Lastly, I want to thank the staff of the committee: Kevin Cook, our clerk; John Blazey, Scott Burnison, Terry Tyborowski, and Tracy LaTurner for their work on this bill. I also want to thank Dixon Butler of the minority staff and Kenny Kraft, from my office, and Peder Moorbjerg from the Visclosky office.

I want to especially acknowledge our agency's detailees, Taunja Berquam and Felicia Kirksey, for their invaluable assistance in putting this bill and report together.

It is a shared bill. We all work together and talk to each other, and I want to thank everybody for working together to get this bill this far.

Mr. Chairman, it is my privilege to submit to the House for its consideration H.R. 2419, the Energy and Water Development Appropriations Bill for fiscal year 2006. The Appropriations Committee approved this bill unanimously on May 18, and I believe this is a good bill that merits the support of the entire House.

Mr. Chairman, this bill provides annual funding for a wide range of Federal programs, including such diverse matters as flood control, navigation improvements, environmental restoration, nuclear waste disposal, advanced scientific research, applied energy research, maintenance of our nuclear stockpile, and nuclear nonproliferation. Total funding for energy and water development in fiscal year 2006 is $29.746 billion. This funding amount represents a decrease of $728,000 below the budget request and $86.3 million below the current fiscal year. This bill is right at our subcommittee's 302(b) allocation, and provides adequate funds to meet the priority needs of the House.

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For a number of years, the Corps Civil Works program has been oversubscribed, where Congress kept giving the Corps more and more projects to do, but not enough money to do them all. We took steps last year to put the Corps on the road to fiscal recovery, by limiting the number of new starts and concentrating resources on the completion of ongoing construction projects. We also asked the Office of Management and Budget to adopt a new approach to future Corps budget requests, so that we can use our limited resources to complete the most valuable projects efficiently, instead of spreading those resources very widely to make incremental progress across a large number of projects.

The fiscal year 2006 budget request adopts such a performance-based approach for the Corps budget, proposing to use the ratio of remaining costs-to-remaining benefits as the primary determinant of which construction projects should receive priority consideration for funding. While this ratio may not be the perfect measure of merit for all projects, the budget request represents a good-faith effort from the Office of Management and Budget to concentrate the Corps' limited resources on finishing the most worthwhile projects that are already under construction. Until we begin to clear out the enormous backlog of ongoing work, we are very reluctant to add new projects to the pipeline. Therefore, we did not include any new starts or new project authorizations for the Corps in this House bill.

One consequence of adopting this new performance-based approach to the Corps budget is that the funds available for Member adds for Corps projects are very limited. In part, this is because, for the first time in years, we received a budget request in which many congressional priorities are already funded at a reasonable level. However, even with that request as a good starting point, the total amount that we can provide for the Corps is less than what the House passed in fiscal year 2005. With a healthy base request and a lean 302(b) allocation, we did not add as much for Member projects as we have in previous years. We were harsh but fair in how we dealt with these Member requests.

Our fiscal year 2006 Energy and Water bill makes major strides toward improving the Corps' project execution, reprogrammings, and continuing contracts. Let me talk for a moment about these interrelated issues. For a workload of approximately 2,000 projects, the Chief of Engineers recently told me that the Corps does about 20,000 reprogrammings each year. We have GAO reviewing the Corps reprogrammings, and they tell us that the Corps has reprogrammed funds for amounts as small as 6 cents. This is not sound financial management, and suggests that the Corps is more focused on moving money around frequently to meet the Corps' determination of project needs, irrespective of the allocations provided in annual appropriations. Instead, the Corps should be managing its workload within the project allocations provided by Congress. Much of this problem is driven by the Corps' misplaced emphasis on expending 99 percent of their funding every year, and they move money around freely between projects to meet that goal. We take steps to tighten up the reprogramming guidelines and to limit the Corps' ability to make such frequent funding shifts. We expect the Corps to execute the program that Congress gives them, not simply take the funds that Congress appropriates and then shuffle the money around to the Corps' own priorities.

Continuing contracts are a related problem. Under this mechanism, the Corps can obligate the Federal Government for funding future fiscal years. In some cases, the Corps is awarding continuing contracts for projects that received no appropriation in fiscal year 2005, or have not been included at all in the budget request for fiscal year 2006. Also, the Corps uses accelerated earnings on continuing contracts to pay its contractors more than is appropriated for a project in the current fiscal year. In part, these accelerated earnings on continuing contracts are one of the drivers for the Corps extensive reprogrammings, and also one of the mechanisms the Corps uses in its pursuit of the 99 percent expenditure goal. This practice has to stop, and we include language limiting the Corps' ability to obligate the government in excess of appropriations.

The Department of Energy receives a total of $24.318 billion in the Energy and Water Development bill, an increase of $105 million over the budget request but $101 million less than the fiscal year 2005 level. As with the Corps, we task the Department of Energy to begin preparing 5-year budget plans, first for individual programs and then an integrated plan for the entire Department. This plan must include business plans for each of the DOE laboratories, so we understand the mission and resource needs of each laboratory.

The committee includes several important new initiatives for the Department of Energy. DOE presently has significant quantities of weapons-usable special nuclear materials, plutonium and highly enriched uranium, scattered around the complex. Unfortunately, even with the heightened attention to homeland security after the 9–11 attacks, the Department has done little to consolidate these high-risk materials. We provide additional funds for a Material Consolidation Initiative and direct DOE to take aggressive action to consolidate its weapons-usable uranium and plutonium into fewer, more secure sites.

We also propose a Spent Fuel Recycling Initiative to stimulate some fresh thinking on how this country deals with its spent nuclear fuel. I continue to support the Yucca Mountain repository, and our bill fully funds the request for Yucca Mountain in fiscal year 2006. It is critical that we get Yucca done right, and done soon. However, we continue to be frustrated by the delays in getting that repository open, and we are concerned about what happens after that first repository is built. The Department of Energy estimates that each year of delay on Yucca Mountain costs the government an additional $1 billion, half from the legal liability for DOE's failure to begin accepting commercial spent fuel beginning in 1998, as is required by law, and the other half from the costs. In addition, the authorized capacity of Yucca Mountain will be fully utilized by the year 2010, with no place to dispose of spent fuel generated after that date. It is time to rethink our approach to dealing with spent fuel. We need to start moving spent fuel away from reactor sites to one or more centralized, above-ground interim storage facilities located at DOE sites. If we want to build a new generation of nuclear reactors in this country, we need to demonstrate to investors and the public that the Federal Government will live up to its responsibilities under the Nuclear Waste Policy Act to take title to commercial spent nuclear fuel. I would note that we are already storing foreign reactor fuel on DOE sites—it is time we do the same for our domestic spent fuel. This may help to limit the billions of dollars of legal liability facing the Federal Government for its failure to accept commercial spent fuel for disposal.

It is also time that we think again about our reluctance to reprocess spent fuel. The Europeans are doing this successfully, and there are some advanced reprocessing technologies in the research and development phase that promise to reduce or eliminate some of the disadvantages of the current chemical processes. We add funds to the Nuclear Waste Disposal account and direct the Secretary to begin accepting commercial spent fuel in fiscal year 2006 for interim storage at one or more DOE sites. We also include additional funds and direction within the Nuclear Energy account for the Secretary to select an advanced reprocessing technology in fiscal year 2007 and to establish a competitive process to select one or more sites for an advanced fuel recycling facility.

Lastly, the committee recommends a new Sustainable Stockpile Initiative to ensure the future of our Nation's nuclear deterrent. The committee provides additional funds for the Reliable Replacement Warhead, which we initiated in last year's conference report. We place the Reliable Replacement Warhead in the context of the larger Sustainable Stockpile Initiative, which we view as a package deal with several key elements. First, the Reliable Replacement Warhead is a program to re-engineer existing warheads to be safer, more secure, cheaper to maintain, easier to dismantle, and most importantly, easier to certify without underground nuclear testing. Second, we propose a modest slow-down of Life Extension work on the old warheads in preparation for a shift to the newer Replacement Warheads. This is coupled with a significant increase in dismantlement rates to bring down the stockpile to match the President's decision about the size of the stockpile by the year 2012. In the long run, I am hopeful that the Secretary's Task Force on the Nuclear Weapons Complex will propose some sensible steps to modernize the DOE weapons complex and bring it into line with these coming changes to the size and composition of the stockpile.

The committee provided for an aggressive nuclear nonproliferation program within the National Nuclear Security Administration. We provided an additional $65 million to keep the plutonium producing reactor shutdown program with the Russians on track to have all three reactors closed by 2011. The committee also provided $85 million additional for the Russian material protection program to secure nuclear material overseas. We made a significant reduction to the domestic MOX plant because of the large unexpended prior year balances in that project caused by the continued liability dispute with the Russians. Given the constrained budget environment, the committee cannot continue to appropriate hundreds of millions of dollars for a construction project that been delayed for 3 years.

I believe this is a responsible bill that makes sound investment decisions for the future of our agencies. Members will not receive as many water or energy projects as they might like, but we did take care of their top priorities.

I want to thank all the members of the Energy and Water Development Subcommittee for their help in bringing this bill to the floor today. I especially want to thank my Ranking Member, Mr. VISCLOSKY of Indiana, for his extraordinary cooperation this past year. This is truly a bipartisan bill that represents a hard-fought but ultimately fair and balanced compromise. This is why I believe our constituents expect their representatives to work together. I also want to thank the Chairman of the Appropriations Committee, Mr. LEWIS, and the Ranking Minority Member, Mr. OBEY, for their support and for allowing us to move this bill forward in an expeditious manner.

Lastly, I would like to thank the staff of the Subcommittee—Kevin Cook, John Blazey,

Scott Burnison, Terry Tyborowki, and Tracey LaTurner—for their hard work on this bill. I also want to thank Dixon Butler of the minority staff, and both Kenny Kraft from my office and Peder Maarbjerg of Mr. VISCLOSKY's office. I especially want to acknowledge our agency detailees, Taunja Berquam and Felicia Kirksey, for their invaluable assistance in putting this bill and report together.

Mr. Chairman, I reserve the balance of my time.

Mr. VISCLOSKY. Mr. Chairman, I yield myself such time as I may consume, and I want to pick up where my chairman, the gentleman from Ohio (Mr. HOBSON), left off and also personally thank the staff, because without their able assistance, we would not be here today and the product before this Chamber would not be of the quality that it is.

So I do want to personally thank Terry Tyborowski and Tracy LaTurner of the majority staff, as well as John Blazey, Scott Burnison, and Kevin Cook. On the minority side, although again, as the chairman pointed out, this was a bipartisan effort, Dixon Butler.

We have core detailees: Felicia Kirksey and Taunja Berquam, and I appreciate very much their help, as well as Kenny Kraft from the Chairman's office, and Peder Moorbjerg from mine.

Mr. Chairman, I would want to thank Chairman HOBSON, first of all, for his very good work; as I mentioned in subcommittee and full committee, his fairness, his judicious temperament, the fact that he is a gentleman, and also that he has exercised a great deal of foresight and leadership over the last 3 years as chairman of the subcommittee.

I certainly feel that the chairman has outlined the elements of the value of the legislation before us very fairly. I would prefer to take somewhat of a different tack, this being my seventh bill as a ranking member, and illustratively point out the three areas of the bill where over the last 3 years the chairman has had a direction, he has exercised leadership and courage, and has provided us with an excellent work product.

The first area is the area of high-performance computing, an area where the United States invented the field and long held undisputed leadership in the world. Several years ago, however, that leadership was challenged. In the House bill for fiscal year 2004, the committee recommended an increase in funding to enable the Department of Energy to acquire additional advanced computing capability and to initiate longer-term research and development. The Department used $25 million of these funds to engage a team, including Oak Ridge National Lab and Cray Computer, to pursue a leadership-class supercomputer and the next-generation computer architectures.

Despite being faced with budget constraints, the Department of Energy Office of Science sustained this increase in 2005. However, pursuing a $100 million-plus leadership-class machine with level funding was not going to put us back in the lead. So, once again, the committee recommended an increase to the request to support the Office of Science initiative to develop the hardware, software, and applied mathematics necessary for a leadership-class supercomputer to meet scientific computational needs.

This year, the President's request for fiscal year 2006 pulled back from the strong support favored by the Congress, and such a cutback would tend to undermine the progress towards actually achieving a leadership-class U.S. supercomputer. So the recommendation before us today increases funding for advanced scientific computing research by $39 million: $25 million for hardware, $5 million for computational research, and $9 million for competitive university grants to restore the ongoing level of core research in this area that the President's budget recommendation cut.

By taking the long-term perspective of the last 3 years and sustaining support for a highly desirable outcome, the chairman and the committee and all of its members are doing their part to ensure that the U.S. reasserts its technological leadership.

The second area that has been a subject of concern for a number of years, in an area where we reduced funding, is Laboratory Directed Research and Development. It is an area that grew out of all proportion to its value at the beginning of this decade. This area also raised concerns of financial oversight and the use of Federal funds for purposes for which it was not appropriated.

As an initial effort to get its arms around this program, which reached an aggregate funding level in fiscal year 2003 of $365 million, the committee mandated a comprehensive report on projects from the Department of Energy and initiated a GAO investigation. In developing recommendations for last year's bill, the committee based its guidance and statement of concerns on the results of those investigations and reports.

This year, the President's budget, recognizing the concerns of the committee and the constraints on funding, reduced the percentage allowed for lab-directed research at weapons labs from 6 percent to 5 percent. The committee today is recommending that lab-directed research be limited explicitly to $250 million for 2006, to be allocated to the labs by the Department of Energy. A quarter billion dollars is a healthy level of funding that could be used to fix many problems in energy research and water infrastructure, to name but two.

As we state in the report, the committee recognizes the value of conducting discretionary research at the national laboratories, but we have now brought the funding level to this research back within reason and given it a sense of direction.

And my last illustration, if you would, of a sense of direction that we have had over the last 3 years is in the area of nuclear weapons. It is the most sensitive area of activities under the Energy and Water Development appropriations.

Here, under Chairman HOBSON's courageous leadership, denial of funding has been effectively used to chart a safer and more efficient course for the future of our nuclear deterrents. In particular, coming into fiscal year 2004 appropriations, the President was asking for funds for a robust nuclear earth penetrator, for studies of new nuclear weapons potentially for new missions, for funds to proceed with the preparation of a modern pit facility to manufacture 450 plutonium triggers, and a shift to an 18-month readiness posture for a return to underground nuclear testing. Taken together, these policy initiatives signaled a shift in nuclear weapons policy.

In 2004, the committee, among other things, reduced funding for the robust nuclear earth penetrator to $5 million from $15 million, ultimately agreeing to $7.5 million in conference; zeroed out funds for proceeding with the modern pit facility; and held the test readiness posture at 24 months.

Most significantly, in 2004, $4 million of the funds for advanced weapons concepts were fenced so that they could not be spent until the administration delivered a nuclear weapons stockpile plan. Without this action, there is no doubt that the plan would not exist. Today, it does.

In fiscal year 2005, the committee went further and zeroed funding for the earth penetrator, while maintaining a 24-month test readiness posture.

The committee has taken a constructive approach in trying to positively influence better policies. At the insistence of the committee, reasonable new approaches have been funded, including a reliable replacement warhead. In this year's bill, the committee is solidifying the progress made last year and in the previous year.

First, advanced concepts was missing from the President's request and is essentially no longer under consideration. Secondly, the earth penetrator funding is again zero in the committee recommendation, and third, test readiness posture is held to 24 months. Finally, the reliable replacement warhead concept was included in the President's request. The committee is working to accelerate the implicit transformation of the newest nuclear deterrent stockpile by increasing funds to $25 million, while slowing programs extending the life of old weapons.

Essentially, in this bill as well, Mr. Chairman, we are taking an advanced look. We have called for the Army Corps of Engineers, the Bureau of Reclamation, as well as the Department of Energy to undertake 5-year plans in programs.

This is an exceptional piece of legislation, and I would ask my colleagues to support it.

I recommend that all members join me in supporting this bill. Its preparation has been bipartisan and the Chairman has been fair throughout its preparation. I would add my appreciation to the staff led on the majority side by Kevin Cook. He is joined by Terry Tyborowski, John Blazey, Scott Burnison, and Tracy LaTurner. They are a strong team. On the minority staff, I would thank Dixon Butler. This year we have two fine detailees from the Army Corps: Taunja Berquam helping the majority and Felicia Kirksey helping the minority. I would also thank Kenny Kraft on Chairman HOBSON's staff and Peder Maarbjerg on my staff.

This is my seventh year as ranking member on the Energy and Water Development Appropriations Subcommittee. In a few professions in our society seventh years are sabbaticals and times for reflection. In the Congress, we can't take a year off, but I feel compelled to reflect. During my years on this Committee it has been my privilege to serve with five subcommittee chairmen, and now, it has been my pleasure to serve with DAVE HOBSON for three years. During this time, Chairman HOBSON has led our subcommittee to take a long-term perspective on a number of important issues and this is resulting in some profound and positive changes. Here are three examples.

High Performance Computing is an area where the United States invented the field and long held undisputed leadership in the world. Several years ago, that leadership was challenged by Japan with their development of the Earth Simulator. In the House bill for FY 2004, the Committee recommended an increase of $40 million to enable DOE to ''acquire additional advanced computing capability . . . and to initiate longer-term research and development on next generation computer architectures.'' Ultimately, $30 million of this increase was included in the final conference report. The Department used $25 million of these funds to engage a team including Oak Ridge National Lab and Cray Computer to pursue a leadership-class super computer and next generation computer architectures.

Despite being faced with budget constraints, the DOE Office of Science sustained this increase in the President's FY 2005 budget. However, pursuing a $100 million plus leadership-class machine with level funding of $25 million per year will never put the United States back in the lead. So once again, the Committee recommended an increase of $30 million to the request ''to support the Office of Science initiative to develop the hardware, software, and applied mathematics necessary for a leadership-class supercomputer to meet scientific computation needs.'' It must be noted that the Committee insisted that at least $5 million of this increase be reserved for computational research and not allow additional funds to go to hardware alone.

In the face of an even more constrained funding environment, the President's request for FY 2006 pulled back from the strong support favored by the Congress. Such a cutback, if sustained, would tend to undermine the progress toward actually achieving a leadership-class US supercomputer. So, the recommendation before us today increases funding for advanced scientific computing research by $39 million—$25 million for hardware, $5 million for computational research, and $9 million for competitive university grants to restore the on-going level of core research in this area that the President's budget recommended for cuts. By taking the long-term perspective and sustaining support for a highly desirable outcome, the Committee is doing its part to ensure that the U.S. reasserts it technological leadership in the area of supercomputing—a technical capability that underpins our ability to invent the future.

Laboratory Directed Research and Development (LDRD) is an area that grew out of all proportion to its value at the beginning of this decade. This area also raised concerns of financial oversight and the use of federal funds for purposes for which it was not appropriated. As an initial effort to get its arms around this program, which reached an aggregate funding level in FY 2003 of $365 million per year, the Committee mandated a comprehensive report on LDRD projects from DOE and initiated a GAO investigation of LDRD. In developing its recommendations for FY 2005, the Committee based its guidance and statement of concerns on the results of the GAO investigation and what had been learned from reviewing the extensive DOE reports. The FY 2005 Committee report directs DOE to shift to direct requests for LDRD.

The President's budget request for FY 2006, recognizing the concerns of the Committee and the constraints on funding, reduced the percentage allowed for LDRD at Weapons Labs from 6% to 5%. The Committee is today recommending that LDRD be limited explicitly to $250 million in FY 2006, to be allocated to the labs by DOE. A quarter billion dollars is a healthy level of funding that could be used to fix many problems in energy research, water infrastructure, etc., so the ''Committee [truly] recognizes the value of conducting discretionary research at DOE's national laboratories'', but has now brought the funding level for this research back within reason and given it a sense of direction.

Nuclear Weapons is the most sensitive area of activity under the Energy and Water Development appropriation. Here, under Chairman HOBSON's courageous leadership, the denial of funding has been effectively used to chart a safer and more efficient course for the future of our nuclear deterrent. In particular, coming into the FY 2004 appropriations process, the President was asking for funds for a robust nuclear earth penetrator (RNEP), for studies of new nuclear weapons potentially for new missions, for funds to proceed with preparation of a Modern Pit Facility to manufacture 450 plutonium triggers per year, and a shift to an I8-month readiness posture for a return to underground nuclear testing. Taken together, these policy initiatives signaled an alarming shift in nuclear weapons policy and accordingly, many here and abroad reacted with alarm. Each of these policies was a bad idea, an idea run amok. This situation developed in part because of the absence of an approved nuclear weapons stockpile plan.

The House report accompanying the FY 2004 Energy and Water Appropriations Bill states, ''The fiscal year 2004 budget request is the second budget request delivered to the Committee that is loosely justified on the requirements of the Nuclear Posture Review policy document but lacking a formal plan that specifies the changes to the stockpile reflecting the President's decision [on the Nuclear Weapons Stockpile Plan].'' The Committee reduced funding for the RNEP to $5 million from $15 million (ultimately agreeing to $7.5 million in conference), zeroed funds for proceeding with a Modern Pit Facility, and held the test readiness posture at 24 months. Most significantly, $4 million of the funds for advanced weapons concepts were fenced so that they could not be spent until the Administration delivered a Nuclear Weapons Stockpile Plan. Without this action, there is doubt that this Plan would yet exist.

In FY 2005, the Committee went further and zeroed funding for the RNEP while maintaining the 24-month test readiness posture and continuing to defer the Modern Pit Facility. But, the Committee is a constructive influence and seeks to support better policies. At the insistence of the Committee, the dangerous advanced concepts approach was scrapped and a reasonable new approach was funded—the reliable replacement warhead (RRW).

In FY2006, the Committee is solidifying the progress made last year. First, advanced concepts was missing from the President's request and is essentially no longer under consideration. Second, RNEP funding is again zero in the Committee's recommendation. Third, test readiness posture is held to 24 months. Fourth, the RRW concept was included in the President's request. The Committee is working to accelerate the implicit transformation of the U.S. nuclear deterrent stockpile by increasing funds to $25 million while slowing programs extending the life of old weapons. The promise of the RRW is that the U.S. will never need to resume nuclear weapons testing and will be able to sustain our deterrent with a smaller, less-expensive complex.

In light of these examples where taking a longer-term perspective is showing results, I fully support the efforts in this FY2006 Energy and Water Development Appropriation to get all three principal agencies funded in this bill to adopt and communicate 5-year plans for their programs. Further, we have long underinvested in the water infrastructure of our nation, and although this year is no exception, the bill undertakes significant efforts to help the U.S. Army Corps of Engineers get effective control over management, particularly fiscal management of projects. Management improvements prepare the way for the most effective use of whatever level of funding can be supplied in the future. Concentrating funding on high-priority water projects to get them done should significantly improve the overall benefits of investment through the Corps and Bureau of Reclamation, and so, I support this painful approach as well.

The Chairman and I are taking steps to involve all members of the Subcommittee in the oversight of the programs we fund. Everyone is being asked to concentrate on two subsets of our work. This also takes the long-term perspective as it will prepare our capable colleagues for future roles as chairs and rankings of appropriations subcommittees while strengthening our current work as appropriators.

So, upon reflection, I am pleased with the positive effects of the last three years of Energy and Water Development Appropriations bills. Far more has been accomplished than the simple funding of government programs and the accommodation of congressional priorities. The nation and the world are better and safer as a result. What a privilege and pleasure to participate!

Mr. Chairman, I reserve the balance of my time.

Mr. HOBSON. Mr. Chairman, I yield 3 minutes to the gentleman from New Jersey (Mr. FRELINGHUYSEN)

(Mr. FRELINGHUYSEN asked and was given permission to revise and extend his remarks.)

Mr. FRELINGHUYSEN. Mr. Chairman, I thank the gentleman for yielding me this time, and I rise in strong support of the Energy and Water appropriations bill. First, let me thank and commend Chairman HOBSON and Ranking Member VISCLOSKY for their hard work in crafting a bill that addresses so many complex national energy and water infrastructure needs. They make a good team.

Our bill includes essential funding for energy programs that seek to make our country more efficient and less dependent on traditional fossil fuels and foreign oil. As a nation, we are facing an energy crisis which does not allow us to put off significant policy changes as to how we can invest our energy infrastructure dollars any longer.

This year, we have made a significant investment in nuclear energy technology. This energy provides a clean, renewable energy source already capable of providing an alternative source of electricity to fossil fuels. Nuclear energy already provides 20 percent of our Nation's electricity and, in my home State of New Jersey, nearly 50 percent of the electrical capacity.

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I am also pleased that our subcommittee continues to fund fusion science. Our committee has been a leader in advancing fusion so that some day we will be able to realize the promise of the cleanest of energy sources. Thirty years ago the first power produced in a laboratory from fusion was barely enough to light a small light bulb. Today, our DOE labs are capable of creating enough power from fusion to light a small town.

Mr. Chairman, I credit the gentleman from Ohio (Mr. HOBSON) and the ranking member for grappling with some tough policy decisions in this bill. For example, Yucca Mountain, which is facing delays, this bill includes money, $660 million for Yucca Mountain, in anticipation of a licensing agreement being signed.

This bill also prioritizes the Army Corps' work on a number of essential navigation and flood control projects to ensure that such construction projects authorized by Congress are actually completed.

But most importantly to me and to the New York-New Jersey region, in the Army Corps' portfolio, this bill reflects our committee's continued recognition of the value of our Federal investment in the New York-New Jersey harbor deepening project. This project has been recognized as one of five national priorities by the President. It is not only an issue of national security; it is an issue of economic security. The economic return on keeping open our Nation's third largest port to larger container ships is huge. I note that the Army Corps itself has listed this deepening project as one of its highest return investments.

I cannot overstate the economic importance of the port which is the third largest in the United States. Every day thousands of goods come through the port of New York and New Jersey, and through its terminals many other goods are exported to the rest of the world. Those goods and the assets that protect them allow our Nation to proceed and keep its economy going. Therefore, I rise in support of the bill and urge other Members to do so as well.

Mr. VISCLOSKY. Mr. Chairman, I yield such time as he may consume to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Chairman, as Members of this House know, when I have objections to the content of a bill, I am not shy in stating them. There are certainly portions of this bill with which I do not agree, but I want to say that it is very unusual and it is a very pleasant experience to see a piece of legislation brought to the floor which is not so much a product of politics as it is a product of legislative craftsmanship. I think that is the case with this bill.

I think that the gentleman from Ohio and the gentleman from Indiana working together in an absolutely bipartisan fashion have produced a bill which is obviously based on some intellectual decisions about how to approach problems rather than being based simply on political judgments, and that means that this place is performing as it should perform. It is not just being a political institution; it is also being a legislative institution. That is happening in no small measure because of the leadership of the gentleman from Ohio (Mr. HOBSON).

That does not mean that I do not think this bill does not fall short in some areas. I think that the budget resolution has made it impossible for this committee to do a number of things that it ought to be doing in the area of energy research. Lord knows, that is important these days with rising gas prices and all of the rest; but I just want to say in my view, despite those shortcomings, this bill demonstrates that good government is good politics.

The gentleman has brought to the floor a bill which is extremely responsible in terms of the way it deals with the nuclear weapons issues that were referenced by the gentleman from Indiana. It is an extremely bipartisan product. While I have feelings about nuclear power that are very different than some other Members in this Chamber, I want to say I think the gentleman has produced, with the assistance of the gentleman from Indiana, a very responsible bill; and I fully intend to support it.

I hope as the process goes along we will wind up having more resources to deal with some of the problems that are shortchanged. But with that exception, I do not think we can ask for a better legislative product; and as someone who appreciates the traditions of this House, I want to extend my personal gratitude to the gentleman from Ohio for his contribution in making this the fine product that it is.

Mr. HOBSON. Mr. Chairman, I yield myself such time as I may consume.

First of all, I thank the gentleman from Wisconsin (Mr. OBEY) for his kind comments. The gentleman from Wisconsin (Mr. OBEY) is the scholar of the House. He reads these things and understands them, and I very much appreciate his remarks on the bill on behalf of both myself and the ranking member.

Mr. Chairman, I yield 3½ minutes to the gentleman from Tennessee (Mr. WAMP).

Mr. WAMP. Mr. Chairman, I thank the gentleman for yielding me this time. I want to make some brief comments and then engage in some colloquy with the chairman.

Not to repeat anything that has been already said, but just to highlight why I can believe this is such an excellent work product, really three reasons: one, this chairman over the last 2½ years has gone out into the country, both on the water side and on the energy side, gone into the depths of very complex places like our nuclear weapons complex, gone into our scientific research institutions, energy research, gone and seen demonstrations and the advancement of technology, and tried hard to understand what needs to be proposed. This chairman deserves tremendous credit. At no time in my 9 years on the Committee on Appropriations have I seen this kind of diligence that the gentleman from Ohio (Chairman HOBSON) has shown.

Secondly, it has been very fair and very bipartisan all along the way.

Third, this is one of the greatest assimilations of professional staff on both sides of the aisle, people with expertise and experience coming to the same subcommittee at the same time at a very important time. My hat is off to all of these individuals for their diligence.

Mr. Chairman, if I may engage in a colloquy, I would like to say a few words on the importance of fielding a leadership-class computer for open science. For the past 2 years under your leadership, this subcommittee has provided additional funds to achieve this goal, and I thank you for this commitment. The Oak Ridge National Laboratory and its partners were competitively selected to carry out this effort. With the additional funds provided by this bill, they will continue down that path. The $25 million for hardware will enable the Center For Computational Science at the Oak Ridge National Laboratory to upgrade the existing system to 50 teraflops. This will get us halfway to the goal of a leadership-class computer which is a 100 teraflop

system. The remaining funds will help support the operations and software.

Mr. HOBSON. Mr. Chairman, will the gentleman yield?

Mr. WAMP. I yield to the gentleman from Ohio.

Mr. HOBSON. Mr. Chairman, I share the gentleman's support of this important program, and I share his goal in this field. I am disappointed that the Department's fiscal year 2006 budget request did not preserve the increases that this subcommittee provided for this purpose during the past 2 fiscal years. Because of the Department's disregard for congressional intent, the committee provides $30 million of the increase for the Center of Competition Science at Oak Ridge National Laboratory which was selected competitively to build this leadership-class supercomputer.

The committee expects the Department to make full use of this laboratory industry capability. Finally, I agree with the gentleman of the importance of this effort and encourage the Department of Energy to make the necessary budget requests in the future to continue this very important effort.

Mr. WAMP. Mr. Chairman, I thank the gentleman. In the subcommittee bill in the area of fusion energy sciences, the subcommittee offered a very reasonable approach to funding fusion science, given the uncertainty surrounding the thermonuclear experimental reactor equipment. As the subcommittee report notes: ''If the United States expects to be a serious contributor to international fusion research in general, and 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.''

I think that is exactly right, and I want to commend the gentleman and subcommittee staff for putting that strong statement in our report.

Mr. Chairman, I want to highlight one area in particular that we fund and ask for the gentleman from Ohio's comments. Our bill provides $5.1 million for ''compact stellarators and small-scale experiments.'' I understand that to be a reference to experiments such as the quasi-polloidal stellarator, or QPS, that is being developed by the Oak Ridge National Laboratory.

Mr. Chairman, I ask the gentleman from Ohio, is my understanding correct?

Mr. HOBSON. Mr. Chairman, if the gentleman would continue to yield, the gentleman's understanding is correct.

Mr. VISCLOSKY. Mr. Chairman, I yield 3½ minutes to the gentleman from Wisconsin (Mr. KIND).

Mr. KIND. Mr. Chairman, I thank the ranking member for yielding me this time, and I commend him and the chairman of the subcommittee for producing a very good appropriation bill. I echo the sentiments that the gentleman from Wisconsin (Mr. OBEY) just gave on the floor and appreciate the hard work that has gone into it.

I think the rule, however, could have been a little stronger if the Schwartz amendment would have been made in order so we could have had further discussion about the need for increased investment in alternative and renewable energy technologies. I do not think that the energy bill that is working its way through Congress goes far enough, and this was another appropriation measure that could have been a vehicle for that increased investment.

I do appreciate the work that is being done on the Yucca Mountain funding, however. We have two nuclear facilities that are storing a lot of nuclear waste in the upper Mississippi River region right now. Many of us feel it makes sense to have a single, isolated nuclear waste repository in this country, and the studies that have gone into Yucca Mountain and the funding that this committee is providing, it seems to me to be a reasonable and practical approach dealing with the nuclear waste issue.

I especially want to commend the committee for the full support they have given to a very important program for the upper Mississippi River basin, the Environmental Management Program. This was a program that was created in the mid-1980s to strike balance on the multiple uses of the Mississippi region in the upper States. It is a multiple-use resource. It is incredibly valuable economically, quality of life, recreation and tourism. We have commercial navigation that uses the upper Mississippi along with the important recreation and tourism aspect, and the Environmental Management Program really has a twofold mission. One is habitat restoration for the upper Mississippi basin and the other is long term resource monitoring, to monitor the effects that sediment and nutrients are having in the basin.

One of the first things I did as a new Member of Congress was help form a bipartisan Mississippi River Caucus so we could work together from both the North and the South in order to draw attention to the resources that are needed along the Mississippi River.

We have made substantial progress, and I commend the committee's recognition that full funding of the EMP is appropriate at $33 million. This is a program that has received wide bipartisan support, multi-state support. The five upper States of the Mississippi River basin have been fully supportive of this program, as have the Governors and the respective legislatures, and I commend the administration who has consistently submitted their budget requests calling for full funding of the Environmental Management Program.

Finally, Mr. Chairman, I would commend to my colleagues and include for the RECORD an article that just appeared in the Washington Post Sunday edition under the Travel section called ''Lolling on the River.'' It describes the quality of life and unique beauty that the upper Mississippi River basin has for all of us in that region.

In it the author of the article, Bill O'Brian writes: ''The Mississippi, the river of Mark Twain, who once wrote, 'It is not a commonplace river, but on the contrary is in all ways remarkable.' The river of LaSalle, Marquette and Joliet, of B.B. King, Bob Dylan and the Doobie Brothers. Of Faulkner, Fitzgerald and T.S. Eliot. Of historian Stephen Ambrose who not long ago wrote, 'The river is in my blood. Wherever, whenever, it is a source of delight. More, it is the river that draws us together as a Nation.' ''

EMP is a small part of the importance of this great natural resource which is of vital importance to our Nation. I commend the subcommittee and work they have done in recognizing by fully funding EMP the importance of this vital natural resource.

[From the Washington Post, May 22, 2005]

LOLLING ON THE RIVER: FOLLOWING THE UPPER MISSISSIPPI BY LAND

(By Bill O'Brian)

If you think the prairie of Wisconsin and Minnesota is nothing but nondescript flatlands and farms, Buena Vista Park in Alma, Wis., is the place for you. Specifically, the bluff in the park more than 500 feet above the Mississippi River, which forms the border of the two states.

From that bluff on a clear day, you can see one of the most awe-inspiring panoramas in all of North America. I've been to the Grand Canyon. To Yellowstone. To Jackson Hole. To Lake Louise. To Niagara Falls. To the Oregon, Maine, Carolina and California coasts. To the interior of Alaska. To the top of numerous skyscrapers. The vista from the bluff in Alma on a clear day can compete with any of those places.

From that precipice, you can see for miles into the Minnesota countryside below. You can gaze upon the lush greenery of the Dorer Memorial Hardwood State Forest and the dark, rich soil of the northern portion of what schoolbooks call the breadbasket of America. As the Mississippi zigzags through that bottomland, you can see that the waterway is as unruly as it is majestic, as undisciplined as it is immense. It is clear that, left to its own devices, the river would follow no laws other than those of physics, which state that water flows from higher elevation to lower via the path of least resistance.

From that bluff in Alma, you can immediately understand what Wisconsin outdoors journalist Mel Ellis meant half a century ago when he wrote, ''If you haven't fished Ol' Man Mississipp, forget about any preconceived notions you may have as far as rivers are concerned. Because Ol' Man River isn't a river at all. In fact, he's a hundred rivers and a thousand lakes and more sloughs than you could explore in a lifetime.''

Northeasterners by birth and temperament, my wife, Sue, and I knew almost nothing firsthand about life along the upper Mississippi.

The Mississippi—the river of Mark Twain, who once wrote, ''It is not a commonplace river, but on the contrary is in all ways remarkable,'' The river of La Salle, Marquette and Joliet. Of B.B. King, Bob Dylan and the Doobie Brothers. Of Faulkner, Fitzgerald and T.S. Eliot. Of historian Stephen Ambrose, who not long ago wrote, ''The river is in my blood. Wherever, whenever, it is a source of delight. More, it is the river that draws us together as a nation.''

So, from the point just outside East Dubuque, Ill., where the Illinois-Wisconsin border meets the Mississippi about 175 miles

west of Chicago, Sue and I had set out northward on the Great River Road to see what—and whom—we might find. The river road is a federally designated scenic byway that stretches from the Gulf of Mexico to Canada. We covered a minuscule portion of it, a couple of hundred miles mostly in southwestern Wisconsin, primarily along State Route 35. We had no itinerary per se. We pulled off the road when the spirit, or hunger or curiosity, moved us. It was a drive-by—a lazy, three-day upper Mississippi River drive-by.

On the first day, at a boat landing near the town of Cassville, Wis., we stopped to chat with Dwayne Durant, a fortysomething Iowan. Dressed in camouflage hunting gear, he was standing on the riverbank in the Upper Mississippi River National Wildlife and Fish Refuge with his dog, Sidney. Durant had the satisfied countenance of a man who'd just bagged his limit for the day. He welcomed us to the river, patiently explained the intricacies and the appeal of duck hunting, proudly showed us his fresh kill (two wood ducks, two teal ducks and two mallards), then humbly thanked us for visiting his corner of the world.

The next morning, at Withey's Bar in Lynxville, Wis. (pop. 176), we introduced ourselves to a soft-spoken gentleman in a flannel shirt sitting on a stool at the end of the bar. Les Neefe told us that he was born 77 years ago in a Wisconsin cheese factory (''not in a hospital, not in the hallway of the cheese factory, in the cheese factory . . . in a room above the boiler''). Over coffee, Neefe rhapsodized about the pleasures of living in a houseboat docked on the Mississippi six months a year, and he made two recommendations. First, he suggested that, to get a real taste of Wisconsin, we should go to the cheese shop up the road in Ferryville and buy some ''sharp cheddar, old sharp cheddar.'' Then, to get a real taste of river life, we should stop by P&M Concessions next to Blackhawk Park in De Soto.

We did both. The cheese, a nine-year cheddar, was rich, creamy and sharper than sharp. Along with apples and crackers, a block of the cheddar made a memorable watchin'-the-river-flow picnic lunch.

Outside the P&M Concessions stand was a sign that read, ''Welcome to the River—Sit Long, Talk Much, Fish A Lot.'' Behind the counter was 34-year-old Amy Kroning, whose father is the proprietor of the bait/tackle/refreshment/boat rental shop.

''I can't think of anywhere I'd rather be than right here,'' said Kroning, a mother of five who was born and raised in De Soto. ''If I get more than an hour from the river, I get depressed. Really. I'm not kidding. We go to a Cubs game once a year [in Chicago], and I'm a nervous wreck the whole time.''

So, what is the allure of the Mississippi?

''It has a calming affect. It's relaxing,'' Verdetta Tusa said later that day as we stood watching for more than an hour while an enormous tow barge squeezed, wheezed and creaked its way through the lock at the town of Genoa, Wis. ''It's the history, too,'' said the 56-year-old lifelong Minnesotan. ''They've been doing it this way, basically, from the beginning.''

The lock at Genoa is one of 29 on the upper Mississippi. Watching tow barges come out of the sharp curves of the river and negotiate the locks with pinpoint precision is a pastime unto itself. Typically 15 barges are connected together in front of one pilot boat. They transport grain, steel, road salt, fertilizer, coal, petroleum products and other nonperishable goods up and down the Mississippi most of the year. It takes a barge about 10 days to get from Minneapolis to St. Louis, but one 15-unit tow can carry as much grain as 225 rail cars or 870 semi-trucks at a fraction of the cost.

As a barge passes through a lock, you can get close enough to chat with the stevedores on board. One deckhand told us that sometimes he stays out on the river for 60 to 80 days at a time. And that he'd rather toil on the upper Mississippi than on the lower, especially in the dead of summer, because down near New Orleans and Memphis, ''it's too hot, and the skeeters are bigger than I am.''

An hour north of Genoa on State Route 35, not far past La Crosse, Wis., we came to Perrot State Park, a verdant 1,400-acre refuge. There, an information marker on a small bluff overlooking braided channels of the river reminded us just how remarkable the Mississippi is. It's 2,350 miles long; it's home to 100 species of fish (most notably walleye, sturgeon and catfish in these parts); it drains all or part of 31 states and two Canadian provinces.

''From Red Wing down to Iowa is the most beautiful part of the river, with all the bluffs and trees. It's almost a fantasyland,'' said Bob Schleicher. ''It's a place of mystery. It's got so much folklore. Some of it's true; some of it's not.''

We met Schleicher, a 65-year-old retired car salesman, at the municipal marina in Red Wing, Minn., the final town on our river drive, directly across the bridge from Hager City, Wis. Captain Bob, as he likes to call himself, told us that he has navigated the Mississippi from St. Paul, Minn., to its mouth in Louisiana. He explained that part of the appeal is that ''you can be whoever you want to be on the river.'' He told tales of river-running bootleggers, past and present. He explained how the upper Mississippi differs from the lower—it is less crowded; it has more islands, beaches and marinas; its currents are less dangerous; its water is less sandy. But, he said with a smile, river people have a ''mutual bond, whether you're a Confederate or a Yankee.''

Schleicher talked for a while about the river's importance to birds. Forty percent of all North American waterfowl and 326 bird species—including hawks, eagles, falcons, herons and swans—use the river as a flyway, according to the Audubon Society. We had seen a handful of bald eagles soaring over or perched along the river, and Schleicher beamed as he spoke of the resurgence of that ornithological American icon on the bluffs near Red Wing.

Then he suggested that, after spending a couple days driving along the river, Sue and I might want to spend some time on the river. For $10 apiece, he offered to take us on a leisurely two-hour cruise in his old military flatboat-turned-riverboat.

Once we cleared the dock, Schleicher allowed each of us in the small group on board to take a turn piloting the boat for a few minutes. As I stood at the helm, guiding the boat around the river's trademark sweeping bends, minding the red and green buoys that mark the shipping channel, passing huge tow barges, I suddenly understood what Schleicher meant when he said you can be who you want to be on the river.

At that moment, as we glided past the tree-lined banks, pushed along by the gentle current, the serenity was overwhelming. And the history palpable. At that moment, I was every riverman who's ever skippered a slow boat on Ol' Man Mississipp.

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Mr. HOBSON. Mr. Chairman, I yield 1 minute to the gentleman from Iowa (Mr. LATHAM), a member of the committee.

Mr. LATHAM. I thank the gentleman for yielding me this time.

Mr. Chairman, I just want to, first of all, express what an honor and privilege it is to work on a subcommittee that works in such a bipartisan way with the great leadership of the chairman and the ranking member. It is really a pleasure to actually get into policy discussions rather than a lot of the politics that we hear around here. It is very much appreciated.

Also, the tremendous staff that we have on this subcommittee. I think the gentleman from Tennessee (Mr. WAMP) mentioned the great professionalism that they have on both sides of the aisle. It is a real pleasure.

This bill is a really good bill under an allocation that could always be larger. We have worked out, I think, everything possible we can with the dollars available. I am very appreciative of the fact that we have focused on renewable energy, the kind of important work that we do on the river, on the Mississippi, and other projects that are involved also.

I want to commend the chairman and the ranking member and urge support of this very, very good bill.

Mr. VISCLOSKY. Mr. Chairman, I yield 5 minutes to the gentlewoman from Nevada (Ms. BERKLEY).

Ms. BERKLEY. Mr. Chairman, I feel like the skunk at the office party, but I rise to oppose the funding for the Yucca Mountain project contained in this bill. This bill shortchanges water projects and energy technology research and development, research into technologies to harness the sun and wind and reduce our dependence on foreign oil. Yet there is 15 percent more funding for Yucca Mountain than there was in last year's bill despite the fact that this project is unsafe and riddled with problems and, in my estimation, can and never will be built.

I want to update my colleagues on the recent developments regarding Yucca Mountain, and I sincerely hope that they listen.

Last month, the Department of Energy revealed that scientists from the U.S. Geological Survey who were working on the water infiltration and climate studies at Yucca Mountain actually falsified documentation. Water infiltration and climate are two of the most fundamental factors involved in establishing whether or not the proposed repository can safely isolate radioactive waste and prevent groundwater contamination.

In all my years fighting this project, I knew Yucca Mountain was not scientifically sound, but I never dreamed and never thought that Federal employees would purposely falsify documents to cover up the lack of basic science. In 90 pages of e-mails, the USGS employees fabricated dates and names of programs used in modeling for quality assurance audits and deleted information that did not fit favorable and hoped-for conclusions. The employees made it clear that quality assurance was not a priority of this project, but rather, an obstacle.

Let me share with my colleagues some of the comments made by these

employees, and I quote: ''Don't look at the last four lines. Those lines are a mystery. I've deleted the lines from the official QA version of the files. In the end, I keep track of two sets of files, the ones that will keep the QA happy and the ones that were actually used.''

Another e-mail says, ''Like you said all along, the Yucca Mountain project has now reached a point where they need to have certain items work no matter what, and the infiltration maps are on that list. If USGS can't find a way to make it work, someone else will.''

And finally, ''I don't have a clue when these programs were installed. So I've made up the dates and names. This is as good as it's going to get. If they need proof, I will be happy to make up more stuff.''

No one better dare say to me on this floor that Yucca Mountain is based on sound science. It is not. Last year, the U.S. Court of Appeals ruled that the radiation standards for the proposed repository did not follow recommendations of the National Academy of Sciences and would not protect the health and safety of our Nation. The difference between the findings and the radiation standards set by the EPA, a mere 290,000 years.

Mr. Chairman, the DOE has known for some time that this project was fatally flawed, that corners were cut, that the science did not support the conclusions and that the data were doctored. That the DOE continues to move forward with the complicity of this Congress is nothing short of insanity, dangerous and insane. Employees who have raised concerns have been intimidated into silence, and the workers were purposely exposed to hazardous conditions by contractors eager to win hefty cash bonuses. Science has been manipulated to fit predrawn conclusions, and public safety and the environment have been sacrificed upon the altar of political expediency and greed.

Yucca Mountain is a disaster waiting to happen. When you build a weak foundation, your building collapses, and that is why Yucca Mountain is collapsing before our eyes. DOE is building Yucca on a weak foundation based on lies, fraud, intimidation, deception and nonexistent science. We should be pouring our resources into renewable energy, harnessing the sun, harnessing the moon, not sticking our valuable resources into a hole in the Nevada desert.

If my colleagues think that nuclear waste is so safe, let them keep it in their own States, let them keep it in their districts, by their children, by their children's schools, by homes and hospitals, synagogues and churches; and do not travel across this country in order to stick it in a hole in the middle of the Nevada desert.

I urge us to reconsider this. Let us change our direction before we go into something that is so disastrous and dangerous that we will never forgive ourselves and never be able to be forgiven by future generations of Americans.

Mr. HOBSON. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. DOOLITTLE), a member of the committee.

Mr. DOOLITTLE. Mr. Chairman, this is a vital bill for the future of our country, and this bill provides a very balanced approach to research in the scientific areas and to energy development and, indeed, renewable energy as well as vital water projects and infrastructure for this country to keep us economically sound. I would particularly like to commend the chairman and the staff in working with both sides here on this bill. It could do more if the resources were available; but given that they are not, we are making the best, I think, of what we have.

I would like to single out the energy supply and conservation account which funds renewable energy, energy efficiency, nuclear energy, nondefense environment, safety and health programs and energy conservation. These are funded at $1.7 billion. Over $360 million is provided for hydrogen and fuel cell research. This funding supports and expands the President's hydrogen initiative and promotes the Freedom CAR project. Hydrogen is the fuel source of the future and funding in this bill moves us closer to that goal.

Thirdly, the committee recommends $3.6 billion for the Office of Science, an increase of $203 million over the budget request. Additional funds are provided for priority work on advanced scientific computing, high energy physics and operation of user facilities.

Lastly, Office of Science funding provides for the basic building blocks of science and is the gateway to future scientific breakthroughs. We must keep America's scientific knowledge strong and on the cutting edge. Advanced scientific computing allows the U.S. to keep up with the rest of the world. We cannot allow other countries to surpass the U.S.'s knowledge.

I commend the chairman and I urge the passage of the bill.

Mr. VISCLOSKY. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. GENE GREEN).

Mr. GENE GREEN of Texas. Mr. Chairman, I thank the gentleman from Indiana for yielding me this time.

I want to urge strong support for the fiscal year 2006 energy and water bill. This legislation provides investment in water infrastructure essential not only to our country but to the Texas economy. I want to thank the gentleman from Ohio (Mr. HOBSON), the gentleman from Indiana (Mr. VISCLOSKY) and also the gentleman from Texas (Mr. EDWARDS) for their assistance on these projects, particularly two flood projects, Hunting and Greens Bayous in my district. Thousands of my constituents' homes and businesses are at risk from catastrophic flooding in these areas, and the funding in this bill, $500,000 and $150,000 each, keeps these projects on track.

I would also like to express my strong support for the $26 million included for the Houston ship channel deepening and widening project. This funding means we are on track to complete the deepening and widening this year and begin the barge lanes and environmental restoration. However, the tough operations and maintenance budget of the Corps could have counterproductive effects. The Houston ship channel budget is $5 million under capability for 2006. If we cannot maintain our channels to the right depth, then modern ships will not be able to take advantage of this new project. The project will also suffer as millions taken out through reprogramming are not returned as promised by the Corps.

The new policy to rein in reprogramming by requiring committee approval over $1 million is very sound. Reprogramming goes against the letter, number and intent of Congress. Financial stability is essential and large investments are made on the basis of congressional appropriations. More market risk equals higher cost for all the projects.

We should note a few brief points about projects that have been lost to reprogramming in the past and need to be made whole. It seems unjust that the solution to restore the letter and spirit of the law falls on the backs of the most recent victims of reprogramming such as our Houston ship channel who had reprogrammed dollars not returned.

Mr. Chairman, I include for printing in the RECORD written commitments from the Corps under two administrations. The word and spirit of these commitments are to honor congressional appropriations law. Congressional and Corps promises deserve to be honored. That is the same principle behind the extremely wise reprogramming policy of the future in this bill. However, we should allow the Corps to fulfill its past commitments.

Again, I would like to thank the Chair and the ranking member of the subcommittee and the full committee for making this bill possible.

DEPARTMENT OF THE ARMY, SOUTHWESTERN DIVISION, CORPS OF ENGINEERS,

Dallas, TX, September 18, 2001.

Hon. GENE GREEN,
House of Representatives,
Washington, DC.

DEAR MR. GREEN: Thank you for your letter dated August 29, 2001, concerning the Houston-Galveston Navigation Channels, Texas project.

I regret that members of my staff were not able to meet with you on September 12, 2001, to discuss this project in more detail. Based on conversations with your office and Mr. William Dawson of my staff, the following information will address your primary concern.

The U.S. Army Corps of Engineers remains fully committed to completion of this project based on the optimal construction schedule. I can further assure you that we will reprogram up to $20 million in construction funds as required to this project to ensure that this schedule is maintained irrespective of any shortfall in the fiscal year 2002 Congressional appropriation.

I continue to appreciate your patience and willingness to work with us on this matter. Please do not hesitate to contact me if you have any further questions about the Houston-Galveston Navigation Channels project.

Sincerely,

DAVID F. MELCHER,
Brigadier General, U.S. Army Commanding General.

CONGRESS OF THE UNITED STATES,
Washington, DC, August 29, 2001.

General DAVID F. MELCHER,
U.S. Army Corps of Engineers, Southwestern Division, Dallas, TX.

DEAR GENERAL MELCHER: I am writing you today with my concerns about the FY 2002 Army Corps of Engineers (Corps) allocation for the Houston-Galveston Navigation Channel. This project, funded by the Corps at $28.785 million, realistically requires $46.8 million to keep it on an optimal construction schedule.

Over the past several years, funding totaling at least $20 million has been reprogrammed from this project to other Corps projects. Given the discrepancy between the FY 02 Corps budget and the amount of funding required to keep this project on schedule, I am requesting that the Corps return the full amount of reprogrammed money to this project in its FY 02 budget. I have enclosed correspondence from the Corps that my office received at the time when these funds were reprogrammed for your review.

I would also like to request a meeting with you in my Washington, DC office, along with Congressman Chet Edwards, during the second week in September to discuss this issue. If you have any questions on this matter, please contact Bob Turney in my Washington office at (202) 225–1688. Thank you for your prompt attention to this request.

Sincerely,

GENE GREEN,
Member of Congress.

DEPARTMENT OF THE ARMY, SOUTHWESTERN DIVISION, CORPS OF ENGINEERS,
Dallas, TX, March 11, 1999.

Hon. GENE GREEN,
House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR CONGRESSMAN GREEN: This letter is in response to your concerns regarding the proposed reprogramming of funds from the Houston-Galveston Navigation Channels, Texas project.

I am aware of, and fully appreciate the importance of the Houston-Galveston Navigation Channels project to the economy of this region and the nation. The Corps of Engineers, Southwestern Division, is fully committed to completion of the project based on the most optimal construction schedule. I have made the recommendation to reprogram funds from this project only after being personally convinced that the project schedule cannot be advanced beyond what has currently been scheduled to be accomplished this fiscal year. Based on this analysis, I have determined that these funds are truly excess to this year's project needs. The proposed reprogramming is to be a temporary reallocation of funds to maximize their use. They will be restored to the project when they are required to ensure that we will maintain the optimal construction schedule.

I am providing an identical letter to the Honorable Chet Edwards, Honorable Nick Lampson, and the Honorable Ken Bentsen. Thank you for your involvement in the development of the water resources infrastructure within the State of Texas. If I can be of assistance on any other matter, please feel free to contact me.

Sincerely,

EDWIN J. ARNOLD, Jr.,
Brigadier General, U.S. Army Commanding General

CONGRESS OF THE UNITED STATES,
Washington, DC, February 26, 1999.

Mr. GARY A. LOEW,
Chief, Civil Programs Division, Southwestern Division, U.S. Army Corps of Engineers, Dallas, TX.

DEAR MR. LOEW: For two consecutive years, the Congress appropriated sufficient funds in the Energy and Water Development appropriations bill to permit the completion of the navigational features of the Houston Ship Channel project in four years. Maintaining this optimal construction schedule is a priority for us because it will add an additional $281 million to the project's return on investment and save taxpayers $63.5 million in increased escalation and investment costs.

We appreciate the efforts you have made to fully inform us about the need to reprogram $2.2 million to the GIWW-Aransas National Wildlife Refuge project, as well as your understanding of our concerns. In the spirit of cooperation, we and the Houston Port Authority are willing to support the Corps request to reprogram funds from the Houston-Galveston Navigation project. However, we would first ask to receive assurance in writing that the Corps will reprogram other funds to the Houston project to replace those lost. Further, our understanding is that funds will be reprogrammed back to the Houston Ship Channel project by FY 2001. In addition, if the dredging project suddenly moves ahead of schedule, the Corps must do everything possible to ensure that a delay does not occur.

We look forward to your prompt response.

Sincerely,

GENE GREEN,
Member of Congress.
CHET EDWARDS,
Member of Congress.
KEN BENTSEN,
Member of Congress.
NICK LAMPSON,
Member of Congress.

Mr. HOBSON. Mr. Chairman, I yield 1 minute to the gentleman from Utah (Mr. BISHOP).

Mr. BISHOP of Utah. Mr. Chairman, I note that the gentleman from Ohio included in the committee report a provision directing the Secretary of Energy to begin moving commercial spent nuclear fuel into interim storage at one or more Department of Energy sites. I want to be sure that your intent is for the Secretary to focus his attention on existing DOE sites and not go looking for private sites that might be used for interim storage.

Is my understanding of the gentleman's intent correct?

Mr. HOBSON. Mr. Chairman, will the gentleman yield?

Mr. BISHOP of Utah. I yield to the gentleman from Ohio.

Mr. HOBSON. The gentleman's understanding is correct.

Mr. BISHOP of Utah. So the gentleman does not see any reason the Secretary would consider a non-DOE site for interim storage?

Mr. HOBSON. I do not see any reason for the Secretary to consider making a private site, or a site on tribal land, into a DOE site for interim storage. My intent is for the Secretary to evaluate storage options at existing DOE sites.

Mr. BISHOP of Utah. Mr. Chairman, I thank the gentleman from Ohio for his hard work and his courtesy.

Mr. VISCLOSKY. Mr. Chairman, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the ranking member and the chairman of the subcommittee for their work on this bill. This is hard work.

This particular appropriations bill goes to the very heart of many of our congressional districts. I appreciate very much the $4.7 billion in funding provided to the Army Corps of Engineers, but let me express my disappointment that we have not been able to stretch the dollars to provide work on new projects. I am speaking particularly about Sims Bayou, Greens Bayou, White Oaks Bayou and Braes Bayou.

More importantly, having worked on legislation dealing with inland flooding, I can tell you that flooding is a very serious issue in my district. I look forward to working with this appropriations subcommittee through the coming session to be able to provide greater assistance.

Might I also acknowledge my concern on the funding for nonproliferation in nuclear weapons. While I wish we had been able to include more dollars in this area, I am pleased that we were able to increase their funding by $8 million over last year. Unlike previous years, due to the appropriations subcommittee reorganization, the bill funds several renewable energy programs, clean coal technology, and the Strategic Petroleum Reserve. Such programs greatly enhance the lives and security of my constituents.

I am very pleased that the Appropriations Committee rejected the administration's proposal to prioritize Army Corps of Engineers water projects based on the projected revenue they would bring to the government. I want to join the gentleman from Texas (Mr. GENE GREEN) as relates to our port in Houston, a very important economic arm, but also an entity that needs a great deal of oversight and funding for security and also operation. I am disappointed that the maintenance and operation funding is not as much as it should be.

I also wish there could have been added funds for new projects. Obviously, the needs of this Nation change on a daily basis. Saying that this year we will not start any new projects is a bit illogical. New projects are extremely efficient in job creation and there are many competitive projects across the Nation.

One portion of the bill I am concerned about is the underfunding of the National Nuclear Security Administration, $136 million less than the President's request. I understand that some of this withheld money would have

gone to the robust nuclear earth penetrator. I agree with the Committee that we need to think long and hard before we start creating new nuclear weapons when we are pushing the rest of the world.

Mr. Chairman, I ask my colleagues to support this and hope that we can do something more about the Yucca Mountain project by not funding it, without further study and consideration of other opinions. The people of Nevada deserve no less.

Mr. Chairman, let me first say thanks to you and the ranking member for your work on this bill.

Mr. Chairman, let me raise an issue of concern for my constituents. I appreciate very much the $4.7 billion in funding provided to the Army Corps of Engineers, but let me express my disappointment that we have not been able to stretch the dollars to provide work on new projects. I am speaking particularly about Sims Bayou, Greens Bayou, White Oaks Bayou and Braes Bayou. More importantly, having worked on legislation dealing with inland flooding, I can tell you that flooding is a very serious issue in my district, and I would look forward to working with this appropriations subcommittee through conference to be able to provide some greater assistance.

Mr. Chairman, might I also acknowledge my concern on the funding for nonproliferation in nuclear weapons. While I wish we had been able to include more dollars in this area, I am please that we were able to increase their funding by $8 million over last year's levels.

I would like to commend the chairman and ranking member of the Energy and Water Subcommittee of the Appropriations Committee for their excellent work on crafting this bill. There are several elements of debate between the majority and the minority, and between the House and the administration, but in general it seems that a fair compromise has been reached. Unlike previous years, due to the Appropriations subcommittee reorganization, the bill funds several renewable energy programs, clean coal technology, and the Strategic Petroleum Reserve. Such programs greatly enhance the lives and security of my constituents.

I am very pleased that the Appropriations Committee rejected the administration's proposal to prioritize Army Corps of Engineers water projects based on the projected revenue they would bring to the government. This prioritization plan would have essentially eliminated some, while much needed, less profitable projects. I support the $4.7 billion provided for the Corps, 9.5 percent more than the President's request. This is a smart investment. I wish there could have been added funds for new projects. Obviously, the needs of this Nation change on a daily basis. Saying that this year, we will not start any new projects is a bit illogical. New projects are extremely efficient in job creation. There are many competitive projects across the Nation and in my district, which should have been provided for. However, at least this bill is not a step backwards, like the administration's request. I commend the committee for its leadership on this issue.

One portion of the bill I am concerned about is the under-funding of the National Nuclear Security Administration (NNSA), $136 million less than the president's request. I understand that some of this withheld money would have gone to the "robust nuclear earth penetrator." I agree with the Committee that we need to think long and hard before we start creating new nuclear weapons, when we are pushing the rest of the world to put aside such implements of violence and destruction. We are being accused on every front of employing double standards: as we march on in war and talk about peace in the Middle East; as we spurn our own neighbors in Cuba but ask people in the occupied territories or in Korea or in South Asia, to forgive and forget; as we talk about liberating people but allow tens of millions to die from HIV/AIDS in Africa. We do not need to further degrade our own standing as a beacon of liberty and justice by creating such violent and polluting weaponry now. So, I am pleased that this bill does not provide for the nuclear earth penetrator. But, I hope we can all work together to ensure that other critical non-proliferation work done by the NNSA will be fully provided for in the years to come.

Through my work on the Science Committee I have come to understand the amazing new technologies on the horizon that will decrease our reliance on foreign sources of fossil fuels, and help preserve our environment for generations to come. It is good to see that this bill has allotted $3.7 billion, 6 percent more than the administration's request for Science programs. However, of the energy research out there, hydrogen fuels and fuel cells are some of the most promising areas that need to be developed. The Science Committee has encouraged strong support of these programs, and the administration also has recognized their value. But this appropriations bill provides for less than half of what the administration has requested for hydrogen technology research. I represent Houston, the energy capital of the world. I understand the needs of this Nation for ample and affordable energy. As gas prices take a slow decline, we are realizing that we depend too much on countries that are either directly or indirectly hostile towards us. It seems irresponsible to under-invest in these next-generation technologies. Perhaps this is something that can be re-visited in conference.

Again I thank the chairman and the ranking member for their work on this bill. The lagging economy of the past 3 years, and huge deficits that have been created by our fiscal policies, have made budgets very tight. I wish this were not the case. But considering the box we are in, I believe our appropriators have done an admirable job here to fund important priorities and serve the Nation's energy and water needs.

Yet I am very disappointed in the support for the Yucca Mountain Nuclear Waste Respository at an amount of an additional $310 million. The project needs more consideration and more study, there is much opposition in Nevada and the people of that great State deserve better from this Congress.

Mr. HOBSON. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey (Mr. FERGUSON).

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Mr. FERGUSON. Mr. Chairman, I want to thank the gentleman from Ohio (Chairman HOBSON) for his leadership in delivering a comprehensive and bipartisan appropriations bill to the floor today. He has taken the responsibility as chairman of the subcommittee very seriously. He has been to New Jersey, to our home State. He has seen the channel deepening project, and he takes a real interest in the projects found in his bill, and I thank him very much for his leadership.

On a more personal note, I also want to thank the chairman for supporting the Green Brook Flood Control Project, which is in my district in New Jersey. My constituents in New Jersey thank him for his commitment to this project.

I would also be remiss if I did not mention the gentleman from New Jersey (Mr. FRELINGHUYSEN). For more than 5 years, the gentleman from New Jersey (Mr. FRELINGHUYSEN), as a member of the Committee on Appropriations, has been a champion for the Green Brook Flood Control Project. He deserves significant credit for its success and the thanks of thousands of residents whose safety and livelihood in our area of New Jersey are very much at stake with the success of this project.

The gentleman from Ohio (Chairman HOBSON) and every member of the Committee on Appropriations has a considerable task and responsibility of prioritizing local projects. There are no easy decisions, particularly in a difficult and a tight budget year like this year. The Green Brook Flood Control Project is saving homes and businesses and lives. It is equally vital that our Senators from New Jersey take up the fight for this important project and finish the work that we have begun here in the House.

Again I want to thank the gentleman from Ohio (Chairman HOBSON), and I want to thank the gentleman from New Jersey (Mr. FRELINGHUYSEN) for their compassion and their vision and their leadership and commitment to this issue.

Mr. VISCLOSKY. Mr. Chairman, I reserve the balance of my time.

Mr. HOBSON. Mr. Chairman, I yield 1 minute to the gentleman from Florida (Mr. FEENEY) for a colloquy.

Mr. FEENEY. Mr. Chairman, I thank the chairman for yielding me this time. We appreciate the chairman and the committee's hard work on this bill.

I want to specifically highlight the Rose Bay Ecosystem Project in Florida's 24th Congressional District, which I represent. Here local, county, and State agencies have worked for 10 years now and have spent more than $30 million to restore our natural aquatic ecosystem of Rose Bay. Now this project has stalled, understandably, due to limited funds at a time of war. In the 1940s, Rose Bay was a productive estuary and shellfish harvesting area on the Halifax River in Volusia County. Since the 1990s, local engineers and cities have anted up to their responsibility, and we would hope that the Army Corps of Engineers would live up to the agreed-upon 5-point plan to restore Rose Bay.

I would ask the chairman's help, along with the committee's, to do everything we can to get this project back on the appropriate steps forward.

Mr. HOBSON. Mr. Chairman, will the gentleman yield?

Mr. FEENEY. I yield to the gentleman from Ohio.

Mr. HOBSON. Mr. Chairman, as the gentleman from Florida is aware, the budget is very tight this year; and due to the lack of Federal funds, many projects the committee supported in the past did not receive appropriations this year. Because money is tight, locals will need to do more with less and finish this with other local money. As the gentleman knows, I have got three grandchildren living in Florida; so I am interested in the State of Florida, and I appreciate the gentleman's bringing this to our attention.

Mr. FEENEY. Mr. Chairman, I thank the gentleman for his comments.

Mr. VISCLOSKY. Mr. Chairman, I yield myself such time as I may consume.

I simply again thank the chairman for his leadership, for being a gentleman, and for being a friend; and I recommend the legislation to my colleagues.

Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. HOBSON. Mr. Chairman, I yield myself such time as I may consume.

Let me close and say I want to thank my ranking member because we have worked together on this bill. It is a very comprehensive and detailed bill in a lot of scientific ways. We do take some visions for the future of this country which I think are very important when it comes to the waterways and we get the increased plume, which results from not finishing these projects, completed. I think also as important, if not more so, is the vision for the corps and the waterways in the future. Also the vision for the Department of Energy both in the weapons area and in the area of future cost-effective power for this country so that this country can compete in the world in the future are both dealt with in various stages in this bill.

So I hope that everyone will support this bill.

Ms. PELOSI. Mr. Chairman, I ask my Colleagues to join us today in defeating the previous question so that we can bring back a rule that will allow us to debate an amendment that would increase funding for research and development for new energy technologies by $250 million.

Yesterday, Congresswoman ALLYSON SCHWARTZ of Pennsylvania, requested a waiver from the Rules Committee so that she could offer this amendment on the floor, but she was denied that opportunity.

Mr. Chairman, for 4 years now, the Republicans in Congress have brought us an energy policy bill that provides billions in subsidies to traditional energy industries already reaping record profits. According to the New York Times, the top 10 biggest oil companies earned more than $100 billion last year, and their combined sales are expected to exceed $1 trillion, which is more than Canada's gross domestic product.

Just a few weeks ago, Republican leaders brought to the House floor an energy bill that devoted 93 percent of its tax incentives to oil, gas and other traditional energy industries, and only 7 percent for renewable energy and investments in new technologies.

It is time for a new direction. A Democratic energy plan would set us on a faster course toward energy independence by investing more of our valuable resources in clean, renewable energy resources, promoting new emerging technologies, developing greater efficiency and improving energy conservation.

Today, we are fortunate to have a number of promising technologies that offer new ways to generate energy and improve energy efficiency. But these investments are just a beginning, and will need our commitment in future years to sustain the innovations and investment levels needed to truly establish a sound energy economy for the 21st Century.

The hydrogen economy may be a worthy goal, but its benefits may not be realized until mid-century. And while hydrogen may eventually play a major role in replacing gasoline in our cars and trucks, the sources of energy to generate hydrogen must begin accelerated development now.

The Schwartz amendment would not choose any particular type of technology. Instead, it would distribute resource across multiple technologies and use them to generate multi-year development and deployment projects, support research and development competitive grants, and increase deployment of existing and new energy conservation measures.

For example, the National Academy of Sciences examined the possible benefits of an aggressive investment in solid state lighting. Today, lighting constitutes 30 percent of all energy use in buildings in the United States. The Academy study found that an investment of $50 million a year for 10 years would result in a $50 billion savings between now and 2050. That is a return of 100 to one for the U.S. economy.

Another excellent example—fuel cells—offer potential benefits in vehicles and stationary applications. Fuel cells are essential to a hydrogen energy economy and also have a vital role to play in other areas. Again, the National Academy of Sciences study found that a sustained investment of roughly $500 million over the coming decade is likely to produce benefits as much as $40 billion through 2025.

The government has an essential role to play in research and development. Unless a business can make a reasonable return on its research investment, it cannot afford to invest in R&D. And unless the business is a monopoly, this requires the R&D to lead to a patent on a device or a process that can be marketed. Applied research yields benefits that are too diffuse to be captured by anyone company.

So the federal government collects funds from a broad base of beneficiaries—the taxpayers—and invests in research and development that otherwise would never happen. Almost all such funding is through appropriation bills—the Energy and Water bill being one good example.

Mr. Chairman, we are the world leader in technical innovation.

From the light bulb to the space program to the Internet, the U.S. has led the way. We have built the world's largest economy on the inventiveness of our citizens and our willingness to make the investment needed to advance our society. The fundamental nature of our free society has always been the key to our achievement.

Science, engineering, and technology have enabled us to build our modern nation, and now we need to use these tools aggressively to increase our energy security, improve the lives of our citizens, and power us in the 21st Century.

I call on Members to defeat the previous question so we might consider an alternative rule that would allow Congresswoman SCHWARTZ to offer her amendment during the debate on funding energy priorities today.

Mr. KING of Iowa. Mr. Chairman, I rise today to urge funding to redraw the flood plain maps that would assist in addressing flood plan management problems along the Missouri River. The States of Iowa, Nebraska, South Dakota, and Missouri, as well as all cities and counties bordering the river, have an immediate need for improved flood plain information along the Missouri River. The lack of incomplete data hampers the way that communities plan for their economic future and interact with state and federal agencies. The existing data is approximately 30 years old. Coupled with that, is the fact that the recently completed Upper Mississippi River System Flow Frequency Study, which includes the main-Lower Missouri below Gavins Point Dam, resulted in significant change to the existing hydrology and hydraulics along the river. This indicates that current flood plain management for the Missouri River is inaccurate and does not support the regulatory requirements of the National Flood Insurance Program (NFIP).

This need for new information is due to the changes in land use and the pressure from development occurring all along the river. Improving the flood plain mapping, which meets the requirements of the NFIP (authorized by P.L. 86–645), can be developed working from the results of the Upper Mississippi River System Flow Frequency Study. The new flood plain information will allow development of water surface profiles and Digital Flood Insurance Rate Maps (DFIRM) for regulating current and future development of the 100-year and 500-year flood plains as well as the floodway along this 313-mile reach of the river.

Mr. DINGELL. Mr. Chairman, the language of this bill, which appropriates $310 million from the Nuclear Waste Fund ''to carry out the purposes of the Nuclear Waste Policy Act of 1982'' does not on its face present policy concerns. While the Yucca Mountain repository program faces funding problems, this is not the bill in which to address those issues and this appropriation more than meets the Administration's FY 2006 request.

The language of the committee report, however, is an altogether different matter and strays across the line from appropriating into authorizing. It does so by directing the Department of Energy (DOE) to undertake actions inconsistent with its authority under the Nuclear Waste Policy Act. Specifically, the report directs DOE to ''begin the movement of spent fuel to centralized interim storage at one or more DOE sites within fiscal year 2006.''

Now, it is elementary that report language does not constitute a statutory mandate. As

the U.S. Supreme court ruled in its 1993 opinion, Lincoln v. Vigil, ''It is a fundamental principle of appropriations law that where Congress merely appropriates lump-sum amounts without statutory restriction, a clear inference may be drawn that it does not intend to impose legally funding restrictions, and indicia in committee reports and other legislative history as to how the funds should, or are expected to, be spent do not establish any legal requirements on the agency.''

Nonetheless, report language that conflicts with an agency's statutory responsibilities warrants a response. The committee report directs DOE to do something the Nuclear Waste Policy Act does not permit—to establish one or more centralized interim storage facilities for commercial spent fuel, to take title to ''some'' commercial spent fuel, and to consider altering the order in which utility fuel is scheduled to be removed from utility sites.

What would adoption of this ''interim storage'' proposal mean?

First, it would mean that some State other than Nevada, which Congress ratified as the sole candidate for licensing a permanent repository, would ''win'' the lottery for hosting an interim storage facility that would open in 2006. The report language helpfully notes that three DOE sites in the States of Idaho, South Carolina, and Washington, could be selected. It notes as well, however, that other Federal sites, including closed military bases, could be picked.

This would not be permitted under the Nuclear Waste Policy Act.

Second, the proposed interim facility would not be subject to licensing by the NRC. It is not clear that the National Environmental Policy Act would even apply. If you think licensing a repository at Yucca Mountain will be a demanding process, as it should be, the uncertainties surrounding an unlicensed interim storage facility should give pause to potentially affected communities.

Third, since the proposal specifies no licensing process and no statutory criteria for site selection, it is likely that pure politics—not seismic conditions, not storage capacity, not even security measures—would guide DOE in its selection of a fast track candidate to begin storing waste in FY 2006. That should send a chill up the spine of any state with a Federally-owned site, since the policy proposed in the report would not provide protections equal to the Nuclear Regulatory Commission (NRC) requirements for storage of spent fuel by utilities.

Fourth, ratepayers should be alarmed by the committee report's interim storage proposal. They have paid over $22 billion into the Nuclear Waste Fund since 1983 for the purpose of permanent disposal—not interim storage—of commercial spent fuel. An interim storage facility could add to costs in the long run, increasing ratepayers' total payments to the Fund.

Fifth, utilities and the nuclear industry should be alarmed by this interim storage proposal. While a few lucky companies' waste might get moved before Yucca Mountain opens, the vast majority are likely to be stuck holding their waste longer. Interim storage is likely to divert DOE's funds and attention, just when the Department needs to focus on submitting a license to the NRC and on getting Yucca Mountain up and running.

I commend Representatives SPRATT and HOBSON for their colloquy clarifying that the committee report's ''guidance'' to DOE interim storage does not obviate the need for statutory changes to authorize DOE to pursue this misguided policy. Yesterday, I sent DOE Secretary Bodman a letter asking that and other questions, and I believe all Members would be well served to consider the answers before considering such substantial modifications to current law.

Mr. HOLT. Mr. Chairman, I rise today to express my concerns with the Army Corps of Engineers and my hope that language included in this bill will rein their disregard for Congressional requests.

I concur with the committee's expressed dissatisfaction with the Army Corps managing of water projects and their excessive transfer of funds between projects. Many of us have long been frustrated with the Army Corps is their mishandling of projects throughout the Nation. Although Congress authorizes and appropriates specific projects, the Army Corps repeatedly ignores these guidelines and sets their own priorities. This has resulted significant delays that further distress the communities near these uncompleted projects.

In the 12th Congressional District, the environmental restoration of Grover's Mill Pond is a most egregious example of the Army Corps disregard for congressionally mandated projects. Located at the site made famous by Orson Wells' ''War of the Worlds'' radio broadcast, Grover's Mill Pond is not only a historic site, but it is a recreation destination within West Windsor Township and a vital link in the Township's stream corridors and watershed area. Years of sediment build-up and runoff from the watershed have caused the pond to become overrun with aquatic weeds and algae.

This pond in its current condition is not only an eyesore for the community and the residents that live near it, but gives off an unpleasant odor in the summer. Completion of this project is long overdue, and could have been completed had the Army Corps not transferred almost all of the $500,000 that was specifically designated by Congress for this project. Thankfully, the committee has once again designated funding for this project, and I expect that the Army Corps will follow Congressional designation and not once again shortchange my constituents in favor of a project they deem more worthy.

Unfortunately, other unfinished projects in my district such as McCarter's Pond and Rogers Pond did not receive additional funding in this bill. I am hopeful that the strong and clear direction the committee has given the Army Corps in this bill will force them to complete such projects in the future and encourage them not to create such unpleasant situations in the future.

I thank the committee for their desire to assist my constituents and this nation by providing additional funds for unfinished projects and expressing their severe dissatisfaction with the Army Corps management of water projects. I hope this legislation will serve as an important step in reforming this agency and ensuring that our communities receive the environmental restoration assistance they desperately need.

Mr. YOUNG of Florida. Mr. Chairman, the civil works program of the Corps of Engineers provides water resources development projects that are important to the Nation. I believe the restrictions on reprogramming of funds and the constraints on the use of continuing contracts contained in this bill will lead to the inefficient use of appropriated funds and will disadvantage congressionally-added projects.

Congress does not fully fund projects in a given fiscal year and the schedule for constructing these large water resources projects is subject to the weather, environmental conditions, and other dynamic circumstances. As a result, reprogramming and continuing contacts are important tools that allow for the efficient use of appropriated funds.

I share the concerns that the Appropriations Committee has for some of the reprogramming activities of the Corps of Engineers and the way they have used continuing contracts for some of their projects. However, the constraints in this bill are too restrictive.

Section 101 only allows a reprogramming of $2 million or less per project. This is not enough to allow the Corps to effectively move money around among projects when projects are delayed or when they can be accelerated.

Also, the bill earmarks nearly all available funding, which makes it impossible for the Corps to pay back those projects that it took money from in previous reprogramming.

I must disagree also with the restriction placed on continuing contracts by this bill. While there may have been some unwise uses of continuing contracts by the Corps, the restrictions in this bill are too severe. They will lead to inefficient use of funds and a bias against Congressional priority projects.

As a result of the constraints on reprogramming, a lot of money will be carried over each fiscal year and work will have to be broken up into many smaller units making projects more expensive.

Current law requires the Corps to use continuing contracts whenever funds are provided in an appropriations act, but there is not enough money to complete the project. Only funds for that fiscal year are reserved, but the contractor can proceed with additional work with the understanding that payment is subject to future appropriations.

Section 104 is inconsistent with current law in that it restricts the amount of work a contractor can do to only that which can be accomplished with FY 06 funds. Under section 104, the contractor cannot proceed at his own risk in anticipation of FY 07 and future year funding. The contractor will have to stop work and wait for a new contract the next year.

Section 104 is legislative in nature and I intend to make a point of order that will strike it from the bill.

Section 105 further restricts the use of continuing contracts and has the remarkable effect of restricting the Corps' ability to carry out congressionally-added projects in this appropriation bill.

Section 105 states that none of the funds provided in FY 06 may be used to award a continuing contract that extends into FY 07 unless the Administration budgets for the project in FY 07.

This means that even if a Member has funding for a project in this bill, for FY 06, not fully funded, there are three options: (1) Hope to award a continuing contract before Administration comes out with its budget in February of 2006, (2) award a single year contract for only one increment of the project (resulting in increased costs), or (3) wait until fiscal year 2008 to award a continuing contract for the

project (delaying project construction and project benefits).

These restrictions apply to on-going as well as new projects.

In Alaska, there are currently eight projects under construction using continuing contracts. Seven of these are not in the President's Budget. I expect that before this bill becomes law, it will contain funding for all of these projects.

Nevertheless, under section 105 of the bill, a continuing contract could not be used in FY 06, and the Corps will have to break the projects into smaller pieces or wait until FY 08 to spend the FY 06 appropriated funds.

I believe the restrictions in this bill will delay these important projects in Alaska and make them more expensive. This is a problem that will be repeated for other Members for projects all over the country.

Finally, I want to applaud the Committee's efforts to get additional information from the Administration during the budget process. Information is needed for all projects, not just the ones in the Administration's budget. In addition, I believe that a 5-year schedule of spending for each project will allow the Congress to better appropriate funding that can match the Corps capabilities for individual projects.

Chairman HOBSON and Ranking Member VISCLOSKY are to be commended for their efforts to see that program management and budgeting at the Corps of Engineers are put back on track. While I have reservations about the effects of some of the measures required by this bill, I believe I can work with the Committee leadership as this bill moves forward to see that my concerns are addressed in Conference.

Ms. LEE. Mr. Chairman, I rise in support of this bill.

I would first like to thank the Chairman of the Subcommittee, Mr. HOBSON, and the Ranking Member, Mr. VISCLOSKY, for their work in putting together the Energy and Water Appropriations Bill.

I also want to thank both of them for including $48 million in the bill to continue funding the Port of Oakland's 50-foot dredging project in my district in California.

As the fourth largest container port in the country, the Port of Oakland serves as one of our premier international trade gateways to Asia and the Pacific.

The 50-foot dredging project will underpin an $800 million expansion project funded by the Port that will improve infrastructure, expand capacity and increase efficiencies throughout the distribution chain.

Once this project is finished, an additional 8,800 jobs will be added, business revenue will increase by $1.9 billion, and local tax revenues will go up by $55.5 million. Best of all, 100 percent of the dredged materials will be reused for wetlands restoration, habitat enhancement, and upland use within the San Francisco Bay Area.

I appreciate the Subcommittee's support for this project and I look forward to continuing to work with the Chairman and Ranking Member to complete it.

Mr. ROTHMAN. Mr. Chairman, as a member of the Appropriations Committee, I rise in support of the Fiscal Year 2006 Energy and Water Bill. I want to thank Chairman HOBSON and Ranking Member VISCLOSKY for their hard work in drafting this bill. I also want to acknowledge both the Majority and Minority staff for their dedication.

I can appreciate the tough choices that both Chairman HOBSON and Ranking Member VISCLOSKY had to make with the tight allocation for this bill. I believe they have made choices with the best interests of improving U.S. water infrastructure and advancing energy programs in mind. Those decisions were not easy, but this bill is the best we can do under the budget constraints. I urge all of my colleagues to vote in favor of the FY 2006 Energy and Water Appropriations Act.

Mr. UDALL of Colorado. Mr. Chairman, this bill is not perfect. But it provides appropriate funding for many important purposes, and I will vote for it.

Subcommittee Chairman HOBSON, ranking member VISCLOSKY, and their colleagues on the Appropriations Committee deserve our thanks for their work on this legislation.

Their task was made harder by the restrictions imposed by the budget resolution championed by the Republican leadership, and the bill does not include some things that I think should have been funded. But I think they have done a good job with the allocation of funds available to them, and the bill does include some items of particular importance to Coloradans.

In particular, I am very pleased that it will provide nearly $580 million to continue—and, I hope, complete—the cleanup of Rocky Flats.

Formed by the location of a facility for making key parts of nuclear weapons, the Rocky Flats site is located just 15 miles from downtown Denver and at one time was the location of large quantities of nuclear materials and other hazardous substances. Because of its proximity to our state's major metropolitan area, timely and effective cleanup and closure of the site has been a matter of top priority for all Coloradans.

With the funding provided by this bill and barring unforeseen developments, the Department of Energy and its contractor, Kaiser-Hill, should be able to complete the cleanup in the coming months—and while the department will have ongoing responsibilities at Rocky Flats, completing the cleanup will enable it to focus even more intently on the cleanup work to be done at other sites. So, I strongly support this part of the bill.

However, while we are taking care of the site, it is essential that we also take care of those who worked there. Some of them were made sick because of exposure to beryllium, radiation, or other hazards. It was because of them, and those like them who worked at other sites, that I worked with our colleagues from Kentucky and Ohio, Mr. WHITFIELD and Mr. Strickland, as well as others in both the House and Senate, and with Secretary of Energy Bill Richardson and his colleagues in the Clinton Administration, to pass the Energy Employees Occupational Illness Compensation Program Act (EEOICPA). I am proud to have been able to help get this program enacted and I will continue working to improve it for those who have worked at Rocky Flats and other sites.

And, we need to also remember the other workers at Rocky Flats as well. As they near the completion of their jobs at the site, they are understandably concerned about what will come next. Many have moved on to other jobs, and others will do so. But many are facing uncertainties about their futures. For all of them, it is essential that DOE acts promptly to resolve remaining questions about the futures they can expect when their work at Rocky Flats is finished.

For that reason, I recently wrote to ask Secretary Bodman to give immediate attention to two important matters—(1) determining the future administration of pension and health insurance plans for Rocky Flats workers (and for those at other closure sites as well); and (2) assuring the continued availability of medical benefits for Rocky Flats workers who will not be eligible for full retirement at the time of the site's closure.

I pointed out that DOE's Office of Legacy Management (LM) has stated that it is developing a plan for the transition of pension and insurance plans, as well as for record keeping and other matters for which LM is responsible. However, I also noted that no such plan yet exists, which means there is increasing concern among the Rocky Flats workers about their future.

There now remain only a few months for these matters to be resolved prior to closure. Time is of the essence. So, I was very glad to note that the Committee Report accompanying this bill directs DOE to report by September 30, 2005, on the Department's plan for a national stewardship contract for administration of the pension and benefit payments to former Environmental Management closure site contractor employees. I applaud the committee for including this directive, and urge the Administration to complete and submit this report as soon as possible.

The bill also includes other matters of particular importance for Colorado. It provides funding for several Bureau of Reclamation projects in our state, including the Colorado-Big Thompson project and the Fryingpan-Arkansas project as well as the ongoing construction of the Animas-La Plata project. It also includes needed funds for operation and maintenance of a number of reservoirs operated by the Army's Corps of Engineers as well as for other Corps activities in Colorado.

And I am very glad to note that the bill will provide funds for completing construction of the new science and technology facility at the National Renewable Energy Laboratory.

I am disappointed, however, that the bill shortchanges some of the important clean energy programs at NREL. As co-chair of the Renewable Energy and Energy Efficiency Caucus in the House, I have worked for years to increase—or at a minimum, hold steady—funding for DOE's renewable energy and energy efficiency research and development programs.

Given the finite supply and high prices of fossil fuels and increasing global demand, investing in clean energy is more important than ever. DOE's renewable energy programs are vital to our nation's interests, helping provide strategies and tools to address the environmental challenges we will face in the coming decades. These programs are also helping to reduce our reliance on oil imports, thereby strengthening our national security, and also creating hundreds of new domestic businesses, Supporting thousands of American jobs, and opening new international markets for American goods and services.

For our investment in these technologies to payoff, our efforts must be sustained over the long term. This bill does not do that. This bill is $23 million less than last year's bill in the

area of renewable energy research. This includes cuts in biomass, geothermal, and solar energy programs. I believe that the reductions in funding levels for the core renewable energy programs are ill-advised at a time when the need for a secure, domestic energy supply is so crucial.

I am also concerned about the bill's deep cuts to energy efficiency programs such as Industrial Technologies ($16 million) and State Energy Program Grants (nearly $4 million) and a cut of nearly $5 million in the Distributed Energy and Electricity Reliability Program.

Nonetheless, Mr. Chairman, my regrets about this bill are outweighed by my appreciation for the good things that it includes, and so I urge the House to pass this important appropriations bill.

Mr. BARRETT of South Carolina. Mr. Chairman, I would like to thank Chairman HOBSON for his leadership in bringing this important legislation to the floor, and I also thank him for his continued commitment to the Yucca Mountain project. As a fiscal conservative, I share his concerns regarding the federal government's liability as result of project delays, and I would like to work with the Committee to ensure the Department of Energy (DOE) fulfills its statutory and contractual obligation to accept spent fuel for disposal. To resolve this issue the Committee has recommended the Spent Fuel Recycling Initiative (Initiative), which links interim storage to reprocessing.

I strongly believe interim storage of commercial spent fuel should not take place a DOE sites like Savannah River. However, I do agree that interim storage is an issue Congress and the DOE should examine. One argument posed by opponents of this Initiative is that interim storage would create a ''de facto'' permanent repository, which undermines our national policy of disposing high-level radioactive waste in a permanent deep, geologic repository. While I share the concern, this argument only has merit if interim storage is dealt with as a separate issue. But, the Committee's report expressly states the Initiative has ''linked'' interim storage to reprocessing. Moreover, this bill fully funds the Yucca Mountain project. These facts read together clearly imply that the DOE implementation of the Initiative's core elements should not undermine Yucca Mountain. As a result, I strongly believe the DOE should carefully examine any unintended consequences in its implementation report to ensure the Initiative supports our national policy on nuclear waste disposal as set forth by the Nuclear Waste Disposal Act.

Examining the merits of this Initiative also requires us to review its other core element—reprocessing commercial spent fuel. The Committee correctly notes prior to the mid-1970's, the Federal government encouraged the reprocessing of commercial spent fuel and even developed reprocessing facilities in several states including South Carolina. Although opponents often cite proliferation concerns as a reason not to reprocess spent fuel, the report states ''there is no evidence that current [European] reprocessing operations pose a significant proliferation risk.'' Equally as important, I agree with the Committee that reduced volumes gained through reprocessing could avert the need to expand Yucca or site a second repository. Finally, reprocessing can also reduce the radiotoxicity of high-level waste, which makes licensing Yucca Mountain a simpler proposition. As a result, there is no question it is time for our nation to reexamine this issue, and I believe the Savannah River Site's existing reprocessing infrastructure should be considered as potential resources that could be utilized for this purpose.

Although I agree the Committee's Initiative presents our nation a possible solution to finally shipping high-level waste out of states like South Carolina more quickly than anticipated, I do not believe the Initiative could be implemented without further Congressional authorization. Under the Nuclear Waste Policy Act (NWPA), the DOE's authority to store commercial spent fuel on an interim basis at existing DOE facilities expired January 1, 1990. Moreover, the NWPA does not allow the DOE to construct a Monitored Retrievable Storage (MRS) facility until Yucca Mountain receives a construction license. Thus, if the DOE desires to implement the core elements of the Initiative, I along with the Committee request the DOE provide to Congress any necessary authority it may need to execute it.

I have no doubt Chairman HOBSON's intentions with this Initiative are to support the nuclear power industry by ensuring we have a permanent repository for commercial spent fuel, and he is to be commended for bringing this matter to the 109th Congress' attention. The issue of nuclear waste disposal is complex, and it will require big ideas for safe disposition of our high-level waste. The Spent Fuel Recycling Initiative is one of those ideas, and I look forward to working with my colleagues and my constituents to ensure it is the best policy to pursue.

Mr. RYUN of Kansas. Mr. Chairman, I am mindful of the limitations that the Appropriations Committee is under when funding project requests for the Army Corps of Engineers. I am also aware, however, that the committee works closely with the Corps in this process, and that funding decisions are based largely on the priorities put forward by the Corps.

With this in mind, I am very disappointed that the Energy and Water Appropriations bill that we approved today did not contain funding for the cleanup of a logjam on Jacobs Creek in my district in Coffey County, Kansas. I am disappointed because I have made it abundantly clear to the Corps on numerous occasions that I hear more from constituents about this project than any other Corps project in my district. Further, I have asked the Corps to make it one of their highest priorities when it comes to funds spent in my district.

This logjam began in 1973, but has only in recent years escalated to such a problematic level. Currently, the logjam covers an expanse of more than two miles. Along this stretch, boat docks are useless and garbage is trapped in the sediment. The clog poses not only a health and safety hazard to area residents, but it also threatens the economic viability of the region.

If the Corps had given this request the priority it deserved, it would have received funding. The absence of funding for this project in the bill leads me to conclude that the Corps has once again looked the other way.

I am disappointed that this crucial project has once again been ignored and I call on the Corps to put their resources to work and remedy this situation. I fully intend to continue working to see that this project is funded in the final version of this bill.

Mr. NUSSLE. Mr. Chairman, the measure before us today—the appropriations act for Energy and Water Development—joins the early wave of discretionary spending bills pursuant to the recently adopted budget resolution for fiscal year 2006 (H. Con. Res. 95). As the name suggests, this bill provides for the Nation's energy and water development needs, with funding for all of the Department of Energy, and select activities of the Departments of Defense and the Interior, including the Corps of Engineers and the Bureau of Reclamation. While the government's overall energy strategy is now being discussed in a conference on H.R. 6, the bill before us today provides a vital additional component of the Nation's energy policies.

As Chairman of the Budget Committee, I am pleased to note that this bill complies with the budget resolution, and also reflects a responsible set of budgetary choices. Although the Appropriations Committee provided more funding that the President in certain areas, they still achieved a modest but real reduction in total spending for this bill, compared with fiscal year 2005.

ENERGY AND WATER DEVELOPMENT

H.R. 2419 provides $29.7 billion in appropriations for fiscal year 2006. This is $410 million, or 1.3 percent, below the fiscal year 2005 level, and equal to the President's request. The bill complies with section 302(f) of the Budget Act, which prohibits consideration of bills in excess of an Appropriations subcommittee's 302(b) allocation of budget authority in the budget resolution.

The bill provides $23.8 billion in discretionary BA to the Department of Energy [DOE], a reduction of $390 million from the 2005 enacted level. Within the department, BA is reduced from the 2005 level by 2.6 percent for Environmental and Other Defense Activities ($203 million), and 4 percent for the National Nuclear Security Administration ($365 million). But for Energy Programs, the bill provides a slight increase of 1.3 percent, or $98 million.

H.R. 2419 provides $661 million for the Yucca Mountain repository, an increase of $84 million above 2005 and $10 million over the President's request.

Funding for the Department of the Interior totals $933 million and discretionary spending for the Bureau of Reclamation holds flat relative to 2005.

For the Corps of Engineers, the committee provided $4.7 billion, or $396 million over the President's request, primarily through additional construction and operations and maintenance spending, which together make up two-thirds of total Corps of Engineers spending. Also, the Appropriations Committee rejected an initiative to directly fund the operations and maintenance costs through the Power Marketing Associations' revenues.

H.R. 2419 does not contain any emergency-designated BA, which is exempt from budgetary limits. While the budget resolution for fiscal year 2006, H. Con. Res. 95, did allow for an advance appropriation in the Elk Hills account, the Committee on Appropriations provided for it with a current year appropriation.

The bill also defers $257 million in previously appropriated funds for the Clean Coal Technology Initiative until fiscal year 2007, providing $257 million in BA savings for 2006, and an equal increase in 2007. The administration proposed a rescission of this amount.

Additionally, the bill allows the Nuclear Regulatory Commission [NRC] to recover 90 percent of its budget authority through licensing

and annual fees, less the appropriation derived from the Nuclear Waste Fund. This will recover a projected $581 million in fiscal year 2006 with remaining 10 percent, or $65 million, funded from the General Fund of the Treasury.

In conclusion, I would like to commend Chairman LEWIS and the Appropriations Committee on their steady work in bringing bills to the floor that comply with H. Con. Res. 95 and wish them continued success as they proceed through this appropriations season.

I therefore express my support for H.R. 2419.

Mr. SALAZAR. Mr. Chairman, I rise today to express my support of the House version of the Energy and Water Appropriations Act for Fiscal Year 2006, and I urge my colleagues to vote in support of this important measure.

I commend Chairman HOBSON and Ranking Member VISCLOSKY for their work on this bill. I believe it is a good start for addressing our nation's water infrastructure and energy research needs, especially given the budget constraints.

As a farmer who works the land in Colorado's San Luis Valley, I know and understand water issues, and I can't emphasize how important it is to invest back into local water infrastructure. Without this investment, I fear we will continue to see a decline in the management of this irreplaceable resource—water is the lifeblood of our rural communities.

The House Energy and Water Appropriations Bill would provide $29.7 billion for the Army Corps of Engineers, the Bureau of Reclamation and Department of Energy, a $329 million increase over last year's funding level.

I am pleased the Committee included funding for three important projects which I had requested back in March for the 3rd District of Colorado. First and foremost, the Committee included $56 million in funding for construction of the Animas-La Plata Project. This funding level represents a $4 million increase over the President's budget request and comes on the heels of a Colorado delegation letter which I spearheaded back in March. I would also like to thank the Committee for the inclusion of language which directs a larger percentage of program funds towards construction, not administrative costs.

Completion of the A–LP will provide a much-needed water supply in the southwest corner of our state for both Indian and non-Indian municipal and industrial purposes. It will also fulfill the intent of a carefully negotiated settlement agreement in the mid-1980s to ensure the legitimate claims of the two Colorado Ute Tribes could be met without harm to the existing uses of their non-tribal neighbors.

Since 2002, the Bureau of Reclamation has made much progress, and work has been completed or initiated on many key project features. This increased funding will allow the Bureau to move forward in a way that will ensure timely completion of the A–LP and avoid costly delays.

The FY2006 Energy and Water Appropriations bill also includes $315,000 for the Arkansas River Habitat Restoration Project. The U.S. Army Corps of Engineers in cooperation with the City of Pueblo, Colorado has completed 90 percent of the project including fish habitat structures along a 9-mile section of the river below Pueblo Dam through downtown Pueblo. This funding would be used to complete the project which is an important environmental restoration project for the project.

Finally, the Committee also provided a $1.021 million appropriation for the Army Corps of Engineers to engage in operations and maintenance at Trinidad Lake, Colorado; this amount represents almost a $100,000 increase from the FY2005 funding level. Trinidad Lake is a multipurpose project for flood control, irrigation and recreation, and was authorized by the 1958 Flood Control Act. The lake is located in southern Colorado on the Purgatoire River, and bordered by the historic Santa Fe Trail. The dam itself is an earthfill structure 6,860 feet long and 200 feet high, and constructed with some 8 million cubic yards of earth and rock.

Each project is an important part of improving water related infrastructure. As this bill proceeds through the appropriations process, I will continue the fight to preserve funding for the 3rd District of Colorado.

Mr. HOBSON. Mr. Chairman, I yield back the balance of my time, and I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. SIMPSON) having assumed the chair, Mr. GOODLATTE, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2419) making appropriations for energy and water development for the fiscal year ending September 30, 2006, and for other purposes, had come to no resolution thereon.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on the motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Any record vote on the postponed question will be taken later today.

STEM CELL THERAPEUTIC AND RESEARCH ACT OF 2005

Mr. BARTON of Texas. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2520) to provide for the collection and maintenance of human cord blood stem cells for the treatment of patients and research, and to amend the Public Health Service Act to authorize the C.W. Bill Young Cell Transplantation Program.

The Clerk read as follows:

H.R. 2520

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Stem Cell Therapeutic and Research Act of 2005''.

SEC. 2. CORD BLOOD INVENTORY.

(a) IN GENERAL.—The Secretary of Health and Human Services shall enter into one-time contracts with qualified cord blood stem cell banks to assist in the collection and maintenance of 150,000 units of high-quality human cord blood to be made available for transplantation through the C.W. Bill Young Cell Transplantation Program and to carry out the requirements of subsection (b).

(b) REQUIREMENTS.—The Secretary shall require each recipient of a contract under this section—

(1) to acquire, tissue-type, test, cryopreserve, and store donated units of human cord blood acquired with the informed consent of the donor in a manner that complies with applicable Federal and State regulations;

(2) to make cord blood units that are collected pursuant to this section or otherwise and meet all applicable Federal standards available to transplant centers for stem cell transplantation;

(3) to make cord blood units that are collected, but not appropriate for clinical use, available for peer-reviewed research;

(4) to submit data in a standardized format, as required by the Secretary, for the C.W. Bill Young Cell Transplantation Program; and

(5) to submit data for inclusion in the stem cell therapeutic outcomes database maintained under section 379A of the Public Health Service Act, as amended by this Act.

(c) APPLICATION.—To seek to enter into a contract under this section, a qualified cord blood stem cell bank shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require. At a minimum, an application for a contract under this section shall include an assurance that the applicant—

(1) will participate in the C.W. Bill Young Cell Transplantation Program for a period of at least 10 years; and

(2) in the event of abandonment of this activity prior to the expiration of such period, will transfer the units collected pursuant to this section to another qualified cord blood stem cell bank approved by the Secretary to ensure continued availability of cord blood units.

(d) DURATION OF CONTRACTS.—

(1) IN GENERAL.—The Secretary may not enter into any contract under this section for a period that—

(A) exceeds 3 years; or

(B) ends after September 30, 2010.

(2) EXTENSIONS.—Subject to paragraph (1)(B), the Secretary may extend the period of a contract under this section to exceed a period of 3 years if—

(A) the Secretary finds that 150,000 units of high-quality human cord blood have not yet been collected pursuant to this section; and

(B) the Secretary does not receive an application for a contract under this section from any qualified cord blood stem cell bank that has not previously entered into a contract under this section or the Secretary determines that the outstanding inventory need cannot be met by the one or more qualified cord blood stem cell banks that have submitted an application for a contract under this section.

(e) REGULATIONS.—The Secretary may promulgate regulations to carry out this section.

(f) DEFINITIONS.—In this section:

(1) The term ''C.W. Bill Young Cell Transplantation Program'' means the C.W. Bill Young Cell Transplantation Program under section 379 of the Public Health Service Act, as amended by this Act.

(2) The term ''cord blood donor'' means a mother who has delivered a baby and consents to donate the neonatal blood remaining in the placenta and umbilical cord after separation from the newborn baby.

(3) The term ''human cord blood unit'' means the neonatal blood collected from the placenta and umbilical cord.