

DeLauro	Lantos	Rush
Dicks	Lee	Ryan (OH)
Dingell	Levin	Sabo
Doggett	Lewis (GA)	Salazar
Doyle	Lipinski	Sánchez, Linda
Edwards	Lofgren, Zoe	T.
Emanuel	Lowey	Sanchez, Loretta
Engel	Lynch	Sanders
Eshoo	Markley	Schakowsky
Etheridge	Marshall	Schiff
Farr	Matheson	Schwartz (PA)
Fattah	Matsui	Scott (GA)
Filner	McCarthy	Scott (VA)
Ford	McCollum (MN)	Serrano
Frank (MA)	McDermott	Sherman
Gibbons	McGovern	Slaughter
Gonzalez	McIntyre	Smith (WA)
Green, Al	McNulty	Spratt
Green, Gene	Meehan	Stark
Grijalva	Melancon	Strickland
Gutierrez	Michaud	Stupak
Harman	Millender-	Tanner
Higgins	McDonald	Tauscher
Hinche	Miller (NC)	Taylor (MS)
Hinojosa	Miller, George	Thompson (CA)
Holden	Moore (WI)	Thompson (MS)
Holt	Nadler	Tierney
Honda	Napolitano	Towns
Hooey	Neal (MA)	Udall (CO)
Hoyer	Oberstar	Udall (NM)
Inslee	Obey	Velázquez
Israel	Oliver	Visclosky
Jackson (IL)	Owens	Wasserman
Jackson-Lee	Pallone	Schultz
(TX)	Payne	Waters
Jefferson	Pelosi	Watson
Johnson, E. B.	Pomeroy	Watt
Jones (OH)	Porter	Waxman
Kanjorski	Price (NC)	Weiner
Kildee	Rahall	Wexler
Kilpatrick (MI)	Rangel	Woolsey
Kind	Ross	Wynn
Kucinich	Rothman	
Langevin	Roybal-Allard	

NOT VOTING—13

Brown (OH)	Evans	Linder
Cardin	Forbes	Skelton
Case	Hastings (FL)	Snyder
Diaz-Balart, L.	Kennedy (MN)	
Diaz-Balart, M.	Kennedy (RI)	

□ 1424

Mr. RUPPERSBERGER changed his vote from “no” to “aye.”

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. CARDIN. Mr. Speaker, earlier today, I was unavoidably detained and missed two rollcall votes.

Had I been present, I would have voted “nay” on rollcall vote No. 194 and “nay” on rollcall vote No. 195.

LEGISLATIVE UPDATE

(Mr. BOEHNER asked and was given permission to address the House for 1 minute.)

Mr. BOEHNER. Mr. Speaker, I appreciate my colleagues' indulgence. It has become clear that we will probably, in all likelihood, finish our business by Thursday night. I wanted to give Members a heads-up that we do not expect to be in on Friday. I can't give you a firm time for what time we will be out tomorrow evening, but it is not expected that we will be in on Friday.

GENERAL LEAVE

Mr. HOBSON. Mr. Speaker, I ask unanimous consent that all Members

may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 5427, and that I may include tabular material on the same.

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

There was no objection.

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 2007

The SPEAKER pro tempore. Pursuant to House Resolution 832 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. 5427.

□ 1426

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. 5427), making appropriations for energy and water development for the fiscal year ending September 30, 2007, and for other purposes, with Mr. GUTKNECHT in the chair.

The Clerk read the title of the bill.

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

The gentleman from Ohio (Mr. HOBSON) and the gentleman from Indiana (Mr. VISCLOSKEY) each will control 30 minutes.

The Chair recognizes the gentleman from Ohio.

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

Mr. Chairman, it is my privilege to submit to the House for its consideration H.R. 5427, the Energy and Water Development Appropriations Bill for fiscal year 2007. The Appropriations Committee approved this bill unanimously on May 16, 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 activities.

The total funding for energy and water development for the fiscal year 2007 is \$30.017 billion. This funding amount represents an increase of \$546 million above the budget request and \$172 million below the current fiscal year. I want to point out to everyone that our subcommittee's 302 allocation is right at the level and provides adequate funding to meet the priority needs of the House.

Title I is the Army Corps of Engineers. This provides the funding for the Civil Works Program of the Army Corps and the formerly utilized Sites

Remedial Action Program which is executed by the corps and the Office of the Assistant Secretary of the Army for Civil Works.

□ 1430

The committee recommends a total of \$4.983 billion for the title I activities, an increase of \$251 million above the budget request and \$345 million below the enacted level for the current year, separate from emergency supplemental appropriations.

In recent years, Mr. Chairman, in my opinion and I think our committee's, the corps' civil works program had lost its way. Instead of taking care of the Nation's most pressing water resources needs, the corps tried to keep everybody happy by spreading its limited resources across an ever-enlarging set of projects; and, frankly, Congress has been a big part of that problem, giving the corps more and more projects to do but, frankly, not enough money to do them.

Our committee has taken steps in the last several years to put the corps on the road to fiscal recovery and to restore the focus on getting the most critical projects done efficiently. As before, we do not fund any new starts and do not carry any new project authorizations. I might say we not only cut out the Members' new starts in the corps, we cut out the President of the United States' new starts. We treat everybody the same. Instead, we concentrate our limited resources on the completion of ongoing projects. This will save money.

I support the administration's attempt to apply performance-based criteria so that resources are applied to the highest-priority items. This is still a work in progress, and we know that the ratio of remaining costs and remaining benefits should not be the sole major of a project's merits, but I give OMB, and this is hard for me to do, credit for listening for a change to our concerns and, frankly, moving in what we all believe is the right direction.

One obvious consequence of folks seeing limited funding on the most important projects is that fewer House Members will receive funding for corps water projects in their districts. We added \$251 million to address Member needs for additional water projects. As in prior years, we favored projects that could complete a useful increment of work in fiscal year 2007.

We also continue the initiatives we started last year to improve fiscal management in the corps. These initiatives have administration support. We maintain the reprogramming guidelines that we put in place last year, and we establish a fund to begin paying back some reprogramming comments that were made in previous years.

We included language last year significantly limiting the corps' ability to misuse continuing contracts and to continue those limitations in fiscal year 2007. I have directed the corps to hire a commercial audit firm to provide Congress with a full accounting of these contracts.

The current year is a transition from the old way of doing business to a new one in which the corps is more accountable for how it uses the funds that Congress appropriates for water projects. Frankly, in my opinion, these changes were long overdue; and we are confident they will put the corps on a more secure footing in the future.

I would also like to talk about title II, which is the Bureau of Reclamation. Title II of our bill provides \$941 million for the Department of the Interior, including \$40 million for the Central Utah Project and \$901 million for the Bureau of Reclamation. This represents an increase of \$17 million above the budget request and \$114 million less than the amount appropriated for the current fiscal year.

We included an additional \$6 million for the bureau to assist existing and future flood risks in the California Bay delta area and included the administration proposal to rescind \$88 million of balances for at-risk desert terminal lakes.

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

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

Mr. Chairman, first, I would like to let my colleagues know what a privilege it is to work with Mr. HOBSON on the critical issues included in the Energy and Water Development Appropriations bill. Mr. HOBSON is a superb chairman, and I deeply appreciate his vision and even-handed approach to the work of our subcommittee. I also deeply appreciate the splendid work done by each member of the subcommittee. We have an exceptional membership.

I also would want to acknowledge the fine staff that supports both the majority and the minority: Kevin Cook, Taunja Berquam, Scott Burnison, Terry Tyborowski, Tracey LaTurner, Dixon Butler, Kenny Kraft, Tony Digiovanni, Debbie Willis and Peder Maarbjerg of my staff. These are all exceptional individuals, and I would point out to the general membership that we will lose Peder Maarbjerg who is my associate staff. He has done not only fine work for myself but for the last several years made an exceptional contribution to the committee and to this country with his very good work.

The bill itself does a good job of allocating scarce resources for sustaining the water infrastructure of our country, maintenance of our strategic deterrent, protecting our Nation from nuclear terrorism, continuing U.S. research leadership, particularly in the physical sciences, and developing energy technology to help us reverse a growing dependence on imported oil.

I will be joining my chairman in support of the bill.

Last year should have served as a major eye-opener as regards the protection of our communities and fellow citizens from the ravages of flooding. Hurricane Katrina may come to rank with the 1927 Mississippi flood as a

seminal event in the corps' long history. The corps' responsibilities are multiple, and we should remember that.

The U.S. Army Corps of Engineers is a tool in our hands, and we must make good use of it and keep it sharp. Last year, the Energy and Water Appropriations Act began a major program of reforming the financial practices of the corps. This year, we try to continue that process; and I hope that no one will hamper that effort by striking section 102 of the bill.

As usual, there are unintended consequences of such a major reform; and this has been a particular concern of those Members whose projects could not use appropriated funds in past years but are now ready to go and look for restoration of these funds. The bill makes a start at solving this problem by allocating \$55 million specifically to fund repayment of donor projects.

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

Mr. HOBSON. Mr. Chairman, I yield such time as he might consume to the gentleman from California (Mr. LEWIS), the chairman of the full Appropriations Committee.

Mr. LEWIS of California. Mr. Chairman, I rise in support of H.R. 5427, the Energy and Water Development Appropriations bill for the year 2007. This is the fourth of 11 bills the committee plans to bring to the House floor before the July 4 break.

I want to especially extend praise to Chairman HOBSON and Ranking Member VISCLOSKY, as well as members of the Energy and Water Subcommittee and their staff for their very fine work in preparing this bill.

This measure provides \$30 billion in total discretionary spending. This represents a decrease, I repeat, a decrease of some \$172 million below the fiscal year 2006 enacted level.

The bill contains critical funding to support a vigorous civil works program through the U.S. Corps of Engineers, focusing limited resources on completing high-priority projects. This legislation also continues a number of significant reforms to improve project execution and financial management.

The bill also includes a number of important energy initiatives, including efforts to strengthen clean energy technologies, energy supply and conservation programs, and fossil energy research and development.

I would like to make two additional points regarding this bill. First, Member project funding in the bill before us today is some \$200 million, or 16 percent, below last year's level. This bill also terminates four programs, resulting in \$460.5 million in taxpayer savings.

Mr. Speaker, this energy and water bill is a fine product, worthy of all of our support. One more time, I would like to commend Mr. HOBSON and Mr. VISCLOSKY for their work together.

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

Mr. Chairman, I would now like to discuss title III of the bill, which is the Department of Energy.

The Department of Energy receives a total of \$24.37 billion in the Energy and Water Development bill, \$299 million over the budget request and \$326 million above the current new fiscal year.

The budget request proposes a number of major new initiatives for the Department of Energy in fiscal year 2007, the American Competitiveness Initiative, which strengthens basic research by increasing funds for DOE's Office of Science by \$505 million, for a total of \$4.6 billion. We fully fund the budget request for the Office of Science, and we provide an additional \$30 million of headroom to fund House earmarks in the science account. The Advanced Energy Initiative would increase funding for providing clean technologies.

We generally fund all of these accounts at or above the requested funding levels funding. Funding in our bill for research in biomass energy increases 65 percent over last year. Research and development on solar energy increases 78 percent over last year. Research on hydrogen technology increases 26 percent over last year.

We have also increased funding for vehicle technologies, building technologies and industrial technologies. As with the science earmarks, we also provide additional funding for the House earmarks so that these do not harm the underlying applied science research programs.

The Global Nuclear Energy Partnership, GNEP, is an initiative to recycle spent nuclear fuel with a first-year request of \$250 million; and while we believe very strongly that we need to recycle our spent fuel, we have serious policy, technical and financial reservations about the GNEP proposal. It appears that the administration funded the GNEP by cutting other essential energy programs such as university nuclear energy education. We restore these funds and limit GNEP funding to \$120 million in fiscal year 2007.

We terminated the State energy programs. This amounts to \$50 million spread among 50 States plus the territories. From our perspective, the States are fully capable of administering their own State energy programs. Where there is sufficient energy projects that exceed a State's capabilities, then those projects should be submitted to the committee as part of the DOE budget request. We do not support taking Federal funds from our bill and giving those States funds to spend.

I might add that the group that came in, that lobbies for this, is a group located in Washington created by the States, funded by our money, to lobby us. So what do we do? We send the money out to the States.

First of all, we collect it in taxes, we take a cut off of it here, then we send it back to the States, they take another cut, and they fund all these special people. The costs go as high as 52 percent, and then they do these little

grants. We think if they need them they ought to do them; and if they really need them that bad, we ought to fund them.

We fully fund the request for the Yucca Mountain repository of \$545 million and provide an additional \$30 million for interim storage contingent upon authorization. Unfortunately, Yucca Mountain is on a schedule that will not allow it to accept significant quantities of commercial spent fuel until the end of the decade at the earliest.

The GNEP initiative to recycle spent fuel is on a similar schedule. The Department estimates that the Federal Government incurs a liability, and I want people to listen to this, of \$500 million per year for each year that the repository is delayed. In addition, the Nuclear Regulatory Commission may not be able to issue a waste competence determination for any new reactors if the Federal Government does not provide some tangible solution to the problem of accumulating spent fuel. That is why we include \$30 million for the Department to explore its options for interim storage.

The Department says it needs additional statutory authorization for interim storage. If that authorization is not enacted by the end of the fiscal year 2007, then the remaining funds will revert to the effort to begin the process of selecting a site for a second nuclear waste repository.

We continue our efforts to reform the DOE nuclear weapons complex. The committee views the reform of the weapons complex as a package deal. We will move forward with a reliable replacement warhead but only if accompanied by actions to consolidate the footprint of production complex, consolidating special nuclear fuel materials and accelerating dismantlement.

I hope people will listen to this next paragraph, because this is probably one of the most outrageous expenditures we have done. It is one we have to get on with. We have to get it done, but the cost escalation of this project drives me out of my mind and I think most Members, if they would listen.

The largest environmental cleanup project in the country, the waste treatment plant in Hanford, is billions over budget and 6 years behind schedule. The cost growth of this project is an increase of \$6 billion in only 5 years; and, frankly, we still do not know what it will cost, nor can they tell us.

We direct the Department to make several major management changes to this project. The Department must complete 90 percent of design before construction of major facilities, and it must impose a tighter linkage between contract payments and contract performance.

□ 1445

Most importantly, our bill requires the Nuclear Regulatory Commission's oversight of nuclear safety at the waste treatment plant, and we direct

the Department to transfer \$10 million to the NRC for this purpose. Fiscal year 2007 funding for the waste treatment plant is \$600 million, a reduction of \$90 million from the request, but an increase of \$9 million over the current year.

I would point out that our recommended funding level of \$600 million is \$80 million higher than what the Government Accountability Office recommended as needed for fiscal year 2007. We do increase funding for other cleanup activities at Hanford, primarily to mitigate the risk of radioactive contamination from reaching the Columbia River.

Total funding for all DOE environmental cleanup activities, both defense related and nondefense, is \$644 million, an increase of \$161 million. The committee provides a total of \$1.59 billion for defense nuclear nonproliferation activities, a decrease of \$133 million from the budget request. This reduction to the bottom line total for nuclear nonproliferation is due to the elimination of funding for construction of the mixed oxide project and associated pit disassembly and conversion facility at the Savannah River Site.

In 2000, the United States and Russia each agreed to eliminate 34 metric tons of excess weapons grade plutonium. While MOX is a far more expensive option for plutonium disposal than immobilization, it was felt several years ago that it was worth doing to encourage the Russians to do their own MOX plant. Well, guess what folks? The Russians are not coming. Listen again: The Russians are not coming.

The Russian government signaled this spring that they no longer have any interest in proceeding with their own MOX project, so there is no longer any compelling nonproliferation reason to build the MOX plant. Earlier this week, I met the head of RosAtom, the Russian atomic energy agency. He confirmed that the Russians have no interest in spending any of their own money on MOX activities in Russia.

Now, they did tell us that they would build it if we would provide all the money, because, they said, if we have to put money into something, we don't want to do that because we think it is too expensive; we think there is better technology, and we need to move on. They view MOX as an expensive outdated technology for plutonium disposal.

In addition, the GAO tells us that the cost estimate on this facility has risen from \$1 billion in 2002 to over \$3.6 billion in 2006, and the project is already 8 years behind. Now, if you look at Hanford as any example, what do you think this thing is going to wind up at? And this is a deal that the Russians say they don't think the technology is any good. At the beginning, when we put it together, we didn't think it was that good, but we thought we could get them into the deal by doing this, so they said, let's go ahead with the deal.

To deal with the plutonium already stored at the Savannah River Site, we

should use the cheaper immobilization option. The only remaining rationale to continue the MOX plant is simply as a jobs program for certain States, and I don't think that is a compelling reason to spend several billion dollars of taxpayers' money. There is not 34 metric tons of weapons grade plutonium in South Carolina at this time, and the plutonium that is there wouldn't be able to be used in the MOX anyway, because it is of a different type than that which would be used for the MOX program.

The requested fiscal year 2007 construction funding for MOX is applied to other priority nonproliferation activities, and roughly two-thirds of it is kept at the Savannah River Site for plutonium immobilization activities and to meet environmental cleanup needs at that site.

Title IV, Independent Agencies: title IV of our bill provides \$228 million for several regional commissions and independent agencies. The committee recommendation provides the requested funding for the Defense Nuclear Facilities Board, the Delta Regional Authority, the Nuclear Regulatory Commission, the Inspector General and the Nuclear Waste Technical Board.

The committee reduces the funding, and if I had my way I would take it down to zero, and I tried to get those that are offering amendments to take this down to zero, but they didn't take me up on it, the Appalachian Regional Commission, which my State gets money for. But, again, it is like the State program: We send money here. We send money back there. And the Governors run around creating a bureaucracy and go do the little projects, and nobody really knows kind of what they do.

I have had letters from all kinds of people who say they don't support excess spending. They do not like earmarks, but everybody seems to like the little earmarks that the Governors do in these little programs back in their State. So I cut the money. The President's request was around \$60 million. And OMB always tells me they are so cost effective down there; I don't know why they don't look at this program. And I cut it back to \$35 million.

The first year, I cut it back to zero, and then we had to fund it when we got to conference. Unfortunately, that will probably happen again, but I don't like that. But if I had my way, I would cut out all these little commissions because I just think they take away from a lot of good work that the Congress does.

We have also put an additional \$40 million of budget authority to provide for the Nuclear Regulatory Commission to address anticipated license applications for new reactors, which I hope we can really move forward with.

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

Mr. VISCLOSKEY. Mr. Chairman, I yield myself such time as I may consume, and I would like to follow up on the chairman's remarks.

Plutonium, highly enriched uranium and some highly radioactive products of nuclear fission in the hands of terrorists pose the greatest threat to the United States and its people. Accordingly, the recommendation before the committee increases funding for those elements of defense nuclear non-proliferation at DOE that truly address this issue. This bill correctly shifts money that should not be spent on MOX plants to other areas where the funds can be used now to enhance U.S. security.

The Russians will not proceed with their MOX plant unless it is fully funded by other countries in the G-8 at a cost of \$2.5 billion. Pledges to date have not passed \$800 million. The Russians have stressed to the chairman, as he has pointed out, and myself that they are still fully committed to destroying 34 metric tons of their surplus plutonium. To do so, they are interested in pursuing less expensive approaches in partnership with us and funding 50 percent of the cost themselves.

When it comes to energy policy, the committee's allocation forces our bill to be hundreds of millions of dollars below needed levels. While I applaud the significant increases for biofuels and solar, even in these areas, the budget forces choices between pursuing rapid commercialization of current technology and demonstrating new ones. With the support of Chairman HOBSON, conservation technology investments were increased in the full committee resulting in full funding for solid-state lighting, one of the most promising technologies for saving energy; and for the request of the Governor's Ethanol Coalition for development of E-85 infrastructure.

However, I remain concerned that the Clean Coal Power Initiative will have to wait one or more additional years before issuing its next solicitation for research proposals. The Department of Energy has argued that it is too late to include new technologies in the FutureGen demonstration plant, but given the abundance of domestic coal as an energy source, I believe we will be seeking new technologies to improve our use of coal for many years to come.

Our country needs a robust mix of energy sources so that we can adapt rapidly to changes in the world's markets. We as a Nation can innovate our way out of the current energy crisis, but I fear that we are letting a false sense of economy prevent this from happening at the pace required.

Last year, in an effort to move the country forward in developing nuclear power as a domestic source of energy that does not emit greenhouse gases, the Congress provided funds to pursue a competitive process for choosing sites for the integrated reprocessing of spent nuclear fuel, including interim storage. We as a subcommittee also worked to accelerate the opening of the Yucca Mountain permanent high-level

radioactive waste repository, but without success. The administration has responded with a Global Nuclear Energy Partnership, or GNEP, and I would like to emphasize the concerns about GNEP expressed in our committee's report.

I do not know whether GNEP will truly help the future of nuclear power. I do know that any benefits from GNEP for the American people are 15 years or more in the future, but the benefits to the DOE labs, whose directors came to Washington for a recent Senate event, might be very immediate.

I appreciate the chairman's supporting a restrained funding level for this program that will provide funds for work to refine the ideas included in the GNEP concept. I believe that the level in this bill is the correct level and will oppose any efforts to make further cuts in this area. Our subcommittee will work with the authorizing committees to ensure that the costs and plans for dealing with the waste that GNEP will generate are understood and are accounted for.

Members should note that the bill requires DOE to submit its GNEP plans to peer review by the National Academy of Science and the National Academy of Engineering.

One cannot discuss the issues of spent nuclear fuel and other nuclear waste without reiterating that Yucca Mountain is essential as a permanent high-level radioactive waste repository. We must continue to support its opening and not give up, even though its opening has been delayed until at least 2017. Through GNEP, we may redefine the waste stream in the future. The character of much of the waste may change, and change so as to lessen the long-term radioactive activity of the waste. But we have today waste of known character awaiting permanent disposal. Of course, I speak of the waste generated by the creation and maintenance of our nuclear deterrent, a deterrent from which we have all benefited.

Last year's cuts to the science account at DOE were estimated to reduce support for 2,200 researchers. This year's funding will increase support for 2,600 researchers. This type of oscillation, however, does not attract bright minds to the research areas DOE sponsors, and a new increase of only 400 researchers over 2 years is hardly a major step forward. But it is a step forward, and I would stress to my colleagues and to the administration that further major increases will be required to support the physical sciences at the level befitting our Nation and its desire for continued economic growth and world leadership.

The bill provides for more staff at the Nuclear Regulatory Commission to enable it to handle an anticipated increase in license applications for new nuclear plants. I also foresee additional regulatory responsibilities for the NRC.

For example, I see the need for NRC to become involved in issues of nuclear

safety at the Hanford Waste Treatment Plant. At many sites, the Department of Energy self-regulates on nuclear safety, and I consider this a foolish approach, even when the Department has the best of intentions. We do not let the private sector self-regulate in matters of nuclear safety, and we should end this practice at DOE as soon as is practical.

So I think you can see how many critical areas for our Nation are included within the scope of the energy and water bill. Again, despite the funding limitations imposed upon the subcommittee, I take comfort from the many excellent decisions embodied in it and from the good that will be accomplished by the people's money we provide for these many programs.

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

Mr. HOBSON. Mr. Chairman, I yield myself such time as I may consume to include some further observations on our bill.

I think the committee has produced a very responsible bill that makes sound investment decisions for the future of our agencies and, frankly, for the future of our country. I believe we have one of the best Secretaries of Energy that we have had in a long time. The DOE budget request for fiscal year 2007 reflects some very clear policy choices made by the Secretary in favor of basic science research and applied energy research.

While we don't rubber-stamp every one of the Secretary's priorities, I very much respect that he has been willing to articulate his vision for the Department of Energy and has been willing to make some hard funding choices to support that vision. Frankly, we wish we saw some of that same vision and leadership in the Corps of Engineers.

The devastating consequences of the hurricanes that hit the gulf coast last year demonstrates what happens when we make the wrong investments in critical water resources infrastructure.

□ 1500

The gulf hurricanes served as a wake-up call for many other parts of the country, such as Sacramento, that have inadequate flood protection.

Last fall, we asked the corps to provide Congress with a "top 10" list of the flood control and navigation infrastructure needs in the country. The corps was surprisingly unable or not allowed to respond to this simple request, and that tells me the corps has lost sight of its national mission and has no clear vision for projects it ought to be doing in the future.

We have asked the corps to prepare 5-year budget plans, and the corps has made real progress in making these a useful planning tool, but we have not got there yet.

We have also tasked the National Academy of Public Administration to identify sensible criteria for prioritizing the most worthy projects in the future. But, frankly, what is

still lacking is a long-term vision of what the Nation's water resources infrastructure should look like in the future. "More of the same" is not a thoughtful answer, nor is it a responsible answer in times of constrained budgets.

After the New Orleans experience, should we continue to rely solely on levees for urban flood protection? What should our deepwater and inland navigation system look like in 20 years? Nobody right now can tell me that, and I have been asking that for a couple of years.

And how should the corps be structured and managed to meet these changing times? The committee is determined to work with the corps, with our colleagues in the Congress, and with outside groups to help the corps craft a better vision for the Nation's water resources in the future.

Our country is also in an energy crisis, and we have the responsibility to do everything we can in our bill to address that. I feel our bill, within the limits of our jurisdiction, does that. Our bill provides significant funding increases for research on renewable energy and nuclear energy resources. This research is not going to get us the results overnight, but it puts us on a long-term path to increasing energy independence.

In short, this bill supports a variety of energy efficiency programs that can realize savings immediately. The bill increases funding for weatherization, energy savings programs for the Federal Government, vehicle technologies, building technologies, and industrial technologies, all efforts in the near term to find energy savings wherever we can.

Now let me talk about earmarks.

My goal for this year's bill is to earmark less than we did last year. The number of incoming Member requests to our subcommittee was down slightly from last year. In fiscal year 2007, we received 2,957 requests, a reduction of 17 percent from the 3,572 requests submitted in fiscal year 2006.

By comparison to the total value of \$1.24 billion of earmarks and congressional adds that we carried in our bill and report last year, we have only \$1.4 billion this year. This is a reduction of \$200 million, or 16 percent. Frankly, if we include congressional adds and programmatic increases and focus only on project-specific earmarks, then our earmarks total only 1 percent of a \$30 billion appropriations bill.

Most importantly, most of the earmarks in our bill are fully funded, meaning they do not compete with administration priorities. And I want to say once again we not only take out ours where we have to, we take out the President's, and last year we took out a number on the Senate when we got to conference.

We have produced a very responsible House bill. If you want to see real earmark reform, then we encourage our colleagues in the other body to live by

the same earmark levels that we have in our bill and to provide funding headroom for those earmarks so they do not adversely impact the base programs of our agencies.

Lastly, I want to thank all members of the Energy and Water Subcommittee for their help in bringing this bill to the floor. Our subcommittee held four more hearings than last year, including two intensive oversight hearings on the Hanford Waste Treatment Plant and on reform of the DOE nuclear weapons complex. I appreciate our members' attention and participation in these hearings.

I particularly want to thank the ranking member, the gentleman from Indiana (Mr. VISCLOSKEY). He has been a true partner in this bill. We have had some hard-fought wins in this bill and have continued to work together. This is truly a bipartisan bill that represents the best of this Congress. This is the way I believe our constituents expect their representatives to work together. I am proud of our bipartisan process.

I also want to thank the chairman of the Appropriations Committee, Mr. LEWIS, and the ranking member, Mr. OBEY, for their support and for allowing us to move this bill forward in an expeditious manner.

Lastly, I want to thank the staff of this subcommittee, and it is truly a bipartisan staff. Kevin Cook is our clerk, Scott Burnison, Terry Tyborowski, Taunja Berquam and Tracy LaTurner, and I thank them 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. VISCLOSKEY's office.

I might add that Peder is going to be leaving. This is his last bill. He has done a great job. He has always been great for everybody to work with. He is headed off to law school. Mr. VISCLOSKEY and I are both lawyers; I am not sure that he took our advice, but he is doing it anyway. We want to wish him well in his new career.

I also want to acknowledge our agency detailees. The formerly single Tony DiGiovanni, and he just got married last week. We tried to advise him, but he didn't listen and got married. He is from the Department of Energy. And I am probably going to hear from a lot of people about that, but I have been married to my first wife for 47 years, so I guess I can get away with that maybe a little bit.

And also Debbie Willis from the Corps of Engineers for their invaluable assistance in putting this bill together.

If you see the hard work that goes into putting these bills together and all of the detail and especially the phone calls we get asking: How did I do in the bill? How come I didn't get more? What do you mean this is a new start? What do you mean?

Everybody thinks that their thing is the most important thing. We tried to do the best we can. I am sure we made some mistakes, and we will try to take care of those in conference on this bill.

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

Mr. VISCLOSKEY. Mr. Chairman, I yield 7¼ minutes to the gentlewoman from Nevada (Ms. BERKLEY).

Ms. BERKLEY. Mr. Chairman, I thank the ranking member for the courtesy he is extending me today.

Mr. Chairman, I rise in strong opposition to Yucca Mountain and to the \$500 million in funding that this bill will waste on efforts to turn Nevada into a nuclear garbage dump.

The families I represent in Las Vegas and north Las Vegas remain overwhelmingly opposed to Yucca Mountain. A recent survey found that 80 percent of southern Nevada residents are against high-level nuclear waste buried only a short drive from homes and businesses in by far the fastest-growing metropolitan area in the United States.

They know that Yucca Mountain is a total failure and that transporting nuclear waste to Nevada is a disaster waiting to happen and an invitation to terrorists looking to build a radioactive dirty bomb.

But that is not the only reason I stand before you today. Mr. Chairman, I cannot believe that we are being asked to approve nearly \$550 million for Yucca Mountain at a time when the Secretary of Energy cannot even calculate the cost of the proposed dump.

This past February, Secretary of Energy Bodman told the New York Times that his Department no longer, and I quote, "No longer has an estimate of when it can open the nuclear waste repository that it wants to build at Yucca Mountain, and it may never have an accurate prediction of the cost."

Let me read that last sentence again: The Department of Energy may never have an accurate prediction of Yucca Mountain's total cost.

The Secretary testified in front of the committee that not only does he not have an accurate prediction of the cost but does not have any idea when Yucca Mountain may open. Yet here we are debating whether or not to spend \$550 million on this boondoggle in the middle of the Nevada desert. It is an insult to the taxpayers of this Nation that we even consider spending another half a billion dollars on a proposal that threatens communities in 43 States, threatens our environment, threatens the health and safety of more than 2 million southern Nevada residents, and threatens to break this Nation's bank.

I ask my friends on both sides of the aisle, how can you vote for more spending on Yucca Mountain when we do not even know how much it will cost, when it will open, or whether it will work?

When it comes to reasons to oppose Yucca Mountain, what I have just said is only the tip of the iceberg. My colleagues, how can you vote to continue funding the Yucca Mountain project when there is overwhelming evidence of chronic mismanagement and blatant

disregard for quality assurance requirements? Are you so beholden to the nuclear industry that you will not stand up for the health and safety of millions of our fellow citizens?

In its most recent report, the GAO found that since the 1980s and up until this year there have been massive ongoing problems with quality assurance efforts at Yucca Mountain, including evidence that workers at the site deliberately falsified their own work.

E-mails written by employees conducting experiments at Yucca Mountain described keeping two sets of books, Mr. Chairman, one with the real information, one for the regulators. Allow me to read these e-mails:

"This is as good as it is going to get. If they need more proof, I will be happy to make up more stuff." And another e-mail brags, "I don't have a clue when these programs were installed so I made up the dates and names."

While these workers are not being criminally prosecuted for their deceitful acts, and why, I don't know, what GAO found was a quality assurance program at Yucca Mountain riddled with failures that threatened to completely undermine the validity of scientific work done at the proposed site, and these findings are supposed to serve as a basis for licensing Yucca Mountain.

Work performed at Yucca Mountain is so flawed that in some cases the DOE is spending millions of taxpayer dollars to have the science redone in the hopes of salvaging what remains of this project.

So don't let anybody talk to me about sound science. This project is a slap in the face to any scientists worthy of that title.

But we cannot stop there, Mr. Chairman. It is vital my colleagues also remember that the area surrounding Yucca Mountain has been rocked by earthquakes and violent volcanic activity. This is especially troubling considering that waste stored at Yucca Mountain will not even reach its peak danger levels for 300,000 years and will remain toxic for nearly 1 million years.

Are we so arrogant to think that mankind actually has the ability to safeguard all of the nuclear waste ever generated in this country in one place for a period of approximately a quarter of a million years longer than modern humans have roamed the face of the earth?

Let me also remind my colleagues of the groundwater beneath the Nevada desert. Are you willing to risk destroying the ecosystem of the southwestern United States to appease the nuclear industry? I am not. Is that what we want for the future of our communities? Is that what we want for families in Chicago and St. Louis and Denver and Salt Lake and others living along the waste transportation routes to Yucca Mountain, thousands of shipments of deadly radioactive waste over decades traveling along our roads and railways?

There is a better solution, Mr. Chairman. Leave the waste at the plants where it is produced in secure dry-cask storage, where it can safely sit for the next 100 years.

Mr. Chairman, in addition to funding for Yucca Mountain, this legislation also contains \$120 million for the President's Global Nuclear Energy Partnership, which I also strongly oppose. This dubious project seeks to export nuclear technology to developing nations with the guarantee that the U.S. will take back whatever nuclear waste is produced.

In other words, not only will the United States of America, State of Nevada, be the dumping ground for all of this Nation's nuclear waste, we are now supposed to be the dumping ground for the entire world's nuclear waste?

Mr. Chairman, I strongly support the efforts of my colleagues to eliminate funding for GNEP, not only because it threatens to send more nuclear waste to the United States but because nuclear reprocessing creates materials that can be used to create a nuclear bomb.

Mr. Chairman, in conclusion, I want to remind you that Nevadans are overwhelmingly opposed to seeing the Silver State turned into a nuclear garbage dump. The only safe solution is to keep the nuclear waste at the plants where it is produced in dry-cask storage.

Funding for Yucca Mountain should be eliminated, and we ought to be paying the nuclear power plants for storing this waste.

I am not an advocate of civil disobedience, but, as God is my witness, I will lie in front of any train that attempts to ship nuclear waste to Nevada. I will stand on the highway to stop any truck that is putting nuclear waste in Nevada. Nuclear waste will come to Yucca Mountain, Nevada, over my dead body, I promise you that; and I hope the people listening will contact their representatives and stand with the State of Nevada against this outrage.

□ 1515

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. The Chair would admonish visitors in the gallery not to show their approval or disapproval of debate on the House floor.

Mr. VISCLOSKY. Mr. Chairman, I yield such time as he may consume to the gentleman from North Carolina (Mr. MILLER) for purposes of a colloquy with the chairman.

Mr. MILLER of North Carolina. Mr. Chairman, the Energy Policy Act of 2005 included two provisions to improve the technology transfer of new energy technologies, neither one of which has received any funding in this appropriations bill.

Section 1001 of the bill would establish a technology commercialization fund by dedicating .9 percent of DOE research funding to tech transfer. The Appropriations Committee, I understand, has not funded that provision, because the committee considers the

dedicated funding source a tax on the funding of important research programs at the Department of Energy.

But, Mr. Chairman, also, section 917 of the bill, which I first offered as an amendment in the Science Committee, authorizes the establishment of Advanced Energy Efficiency Technology Transfer Centers. This section authorizes such funds as may be appropriate, around \$10 million, and does not take funding away from other research funding into alternative energy.

However, this appropriations bill also provides no funding for those technology transfer centers either.

Mr. Chairman, I am pleased that this bill does substantially increase funding for energy efficiency, for renewable energy, for basic research. I devoutly wish that it was increased more still. But I am concerned, Mr. Chairman, that we are ignoring solutions to our energy problems that are available to us now. I am concerned that we are not supporting moving technology out of the laboratory and into the marketplace, where such technologies will save consumers and businesses on their energy bills.

I hope, Mr. Chairman, that you and the committee will recognize the importance of technology transfer and provide a near-term solution to our energy needs and provide appropriate funding.

Mr. HOBSON. Mr. Chairman, I agree with the gentleman that this research and development that we are funding in this bill needs to have a pathway to the marketplace. As we move forward to a conference with the Senate, we will both, Mr. VISCLOSKY and myself, keep the gentleman's concerns in mind, as we agree.

Mr. Chairman, I yield 1 minute to the gentleman from New York (Mr. BOEHLERT).

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

Mr. BOEHLERT. Mr. Chairman, I rise in strong support of this bill; and I want to commend Chairman HOBSON for the outstanding manner in which he has brought this House to this point, cooperating fully, minority, the majority, cooperating fully with the authorizing committees, and how refreshing that is to see us working hand in glove in common cause.

This bill is very important in the priorities it sets. The President's American Competitive Initiative is fully funded; the President's advanced energy initiative, which is fully funded, except for wise reductions on nuclear reprocessing.

I want to thank Secretary Bodman and Under Secretary Orbach for the long-needed attention they have brought to science programs at the Department. They are two of the finest senior public officials in this or any administration, and we are very fortunate to have them at their post.

As the National Academy of Sciences points out in the report, rising above

the gathering storm, the U.S. must substantially increase its investment in basic research and the physical sciences to remain competitive. This bill responds to that message. This bill is a good bill. I urge its full support.

Mr. VISCLOSKY. Mr. Chairman, I yield 1 minute to the gentleman from New Jersey (Mr. FRELINGHUYSEN).

Mr. FRELINGHUYSEN. Mr. Chairman, I thank the gentleman for yielding me the time and also to Chairman HOBSON.

Mr. Chairman, I have served on this committee for 12 years. Let me compliment both you and the ranking member for your relentless pursuit of accountability and fiscal restraint in this bill. This bill has addressed nuclear issues, protecting the nuclear stockpile, seeking to address waste issues, navigation issues, issues that relate to lessons learned from Katrina. The chairman and committee members have been hands on.

We have done things with the Army Corps in terms of its management alternative, energy alternatives, as Congressman BOEHLERT just mentioned, the American Competitive Initiative, more money into research and science, and in terms of energy renewables, the work of the ITER program, the international ITER program in terms of fusion, their combination with domestic fusion.

On a more parochial level, Mr. Chairman, thank you for the endorsement of the good work that we do in the New York-New Jersey region in terms of keeping the Port of New York and New Jersey open for business, a linchpin to the eastern coast economy.

Mr. HOBSON. Mr. Chairman, I yield 2 minutes to the gentlewoman from Illinois (Mrs. BIGGERT).

Mrs. BIGGERT. Mr. Chairman, I rise in strong support of this bill.

Since coming to Congress, I have been advocating for increased resources for research in the physical sciences and for the Department of Energy Office of Science in particular. I just really am most gratified that the chairman and the ranking member of the Energy and Water Subcommittee fully supported the President's request for funding for the DOE Office of Science.

As the Nation's primary supporter of research in the physical sciences, the DOE Office of Science led the way in creating a unique system of large-scale, specialized, often one-of-a-kind facilities for scientific discovery.

I also want to express my appreciation for the funding provided for the Energy Supply Account. This bill before us contains vital work in fossil energy, nuclear energy, renewable energy and conservation. Such a diverse portfolio of technologies is necessary to secure our energy future. These technologies represent wise investments and deserve broad support.

At the same time, I want to register my concern about the decreased funding for the Global Nuclear Energy

Partnership, or GNEP. We must begin developing advanced fuel cycle technologies now. I know the chairman of the subcommittee appreciates this fact and wants DOE to do it right. So do I, which is why I look forward to continuing our work on this issue of common interest.

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 my colleague and also the Chair of the committee for bringing the bill up. I also want to thank my good friend from Indiana.

Mr. Chairman, I rise in support of the legislation. I want to thank the subcommittee leadership for their inclusion of \$43 million for the Houston Ship Channel Navigation project and for \$13 million in operations and maintenance for the Houston Ship Channel.

The navigation funding goes towards important environmental restoration work in the deepening and widening project. We are at the end of that project now.

The operations and maintenance funding is not as much needed to keep the channel at its authorized depth, but I am concerned by the lack of O&M maybe not only for the channel but for others. Our problem is that if the channel silts up, those oil tankers that we bring in with crude oil to our refineries, we will have to off-load or lighten them off the coast, and it will actually raise the price of our gasoline. The O&M is a concern that I have with gas prices so high. We don't really want to build all that extra cost into the refining.

I also want to thank the committee for the portion of the 2005 Energy Policy Act, the Rocky Mountain Oilfield Testing Center in Wyoming. The energy bill last year authorized this funding, so we can actually drill horizontally 50,000 feet instead of what we currently do. Again, it is something that will help us to get more reasonably priced products.

I do have some concern also about the lack of flood control funding, because I not only represent an energy-producing area but we are also a low-lying area. The Corps \$4.98 billion is a cut of \$345 million from last year, but I am pleased the committee went above the President's budget by \$250 million.

I have three projects, Greens Bayou, Hunting Bayou and Halls Bayou, that were flooded with Allison in 2001; and we are on a road to try and get those so we don't have those massive floods like we did in 2001. I would hope that the committee would look at the cost-benefit ratio so that we don't see those floods. These homes are not vacation homes. They are blue-collar folks' homes that actually work at those refineries that were flooded in 2001.

With that, Mr. Chairman, I would hope that the committee would look at those in the conference committee.

Mr. Chairman, I rise in support of this legislation.

I do wish to thank the subcommittee leadership for their inclusion of \$43 million for the Houston Ship Channel Navigation project and for \$13 million in operation and maintenance for the ship channel.

I have serious concerns with the lack of flood control funding for the U.S. Army Corps of Engineers.

The bill provides the Corps \$4.98 billion, a cut of \$345 million below last year. I am pleased that the Committee was able to go \$250 million above the President's request, but unfortunately that increase was not enough.

We requested funding for three federal flood control projects in our Harris County, TX, district—Greens Bayou, Hunting Bayou, and Halls Bayou—and not one of these projects was funded. These projects are all properly authorized.

Congress has funded Greens Bayou and Hunting Bayou for many years in a row now, and the general reevaluation review for Greens Bayou is almost complete. We need only \$488,000 more to finish it.

We are told the subcommittee has a preference for completing existing projects and studies. As a result, I hope they will reconsider both of their decisions on Greens Bayou, which could have a completed study this year with funding, and Hunting Bayou, which is an ongoing construction project.

The Greens Bayou project has a high 3.7 benefit to cost ratio, and in 2001, over 15,000 homes in this watershed flooded in Tropical Storm Allison.

Hunting Bayou has already started construction and a cut-off of Federal funding threatens to put this project into danger of falling further behind schedule.

The Hunting Bayou project will reduce the number of homes and businesses in the 100-year flood plain by 85 percent, from 7,400 structures to 1,000. Eight thousand homes flooded in this area during Tropical Storm Allison as well.

It is particularly shocking that these projects were zeroed out this year because these flood-prone areas are now home to thousands of Katrina evacuees.

I am very concerned that we are going into a cycle of increased hurricane activity at the same time that we are failing to make the necessary flood control investments for our coastal cities.

Greens Bayou, Hunting Bayou, and Halls Bayou are not projects to protect vacation homes or homes in obvious flood hazard areas. Most of these areas were outside the flood plain until upstream development expanded the flood plains.

I do wish to thank the subcommittee leadership for their inclusion of \$43 million for the Houston Ship Channel Navigation project and for \$13 million in operations and maintenance for the ship channel.

The navigation funding will go towards important environmental restoration work included in the deepening and widening project, keeping

our commitment to our region's environment and ecology strong.

The O&M funding is not as much as needed to keep the channel at its authorized depth, and I would alert the committee that if the channel is silted up too much, oil tankers will have a hard time getting to the major gasoline refineries.

With gas prices at the current high levels and supplies tight, we cannot risk another supply constraint.

I also want to thank the committee for funding a portion of the 2005 Energy Policy Act: the research into extended reach drilling at the Rocky Mountain Oilfield Testing Center in Wyoming.

This research promises to extend drilling up to 50,000 feet in three dimensions, which will allow us to recover more resources with fewer drill sites.

Congress's interest in this project is justified because of its potential to reduce the environmental cost of oil and gas production.

Mr. Chairman, I support the bill today, but I am making an urgent plea for flood control funding for Harris County. We dodged Hurricane Rita last year; over the next couple of years we may not be so lucky.

We don't want to look back on the next few hurricane seasons with the same regrets as we did after Hurricane Katrina.

Mr. VISCLOSKY. Mr. Chairman I yield 2 minutes to the gentleman from New York (Mr. WALSH).

Mr. WALSH. Mr. Chairman, I thank my friend for yielding time.

If anyone needs to find an example of bipartisanship and good work product, they need to look no further than the Energy and Water bill, under the leadership of DAVE HOBSON and PETER VISCLOSKY, two fine midwestern gentlemen who know how to work together and lead us in a bipartisan way toward energy independence in the stronger and more effective Army Corps of Engineers.

One issue within the bill that I would like to address, Mr. Chairman, that is the Department of Energy's recent pronouncement that it would no longer reimburse Department of Energy contractors for contributions to defined benefit pension plans and medical plans. It is an overly broad and unprecendented position.

One Cabinet agency is attempting to prohibit contributions to defined benefit plans at the very moment the House and Senate conferees are negotiating over provisions to strengthen the financial solvency of the very same defined benefit plans. DOE should not be allowed to unilaterally mandate a reimbursement policy.

The White House has publicly supported reforms to our country's pension laws to strengthen defined benefit plans. We commend Chairman HOBSON and Mr. VISCLOSKY for inserting language into this appropriations bill to preclude DOE from implementing this policy.

Make no mistake that the House is working its will on this specific issue and is repudiating the DOE's policy to prohibit reimbursement of contractor contributions to these plans.

It is my hope and expectation that the House leadership will sustain this position on any negotiations with the Senate. America's workers who are covered by defined benefit plans deserve our full support and protection.

Mr. VISCLOSKY. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. Mr. Chairman, last month the Department of Energy announced, with no notice or consultation with Congress, that it would stop its contractors from offering traditional pension plans to new employees and cut back on health benefits as well, starting next year.

Over the next several years, this radical new policy would torpedo the retirement benefits of over 100,000 employees working on the Nation's most cutting edge and vital research and energy projects.

This unilateral action by the Department of Energy is a mistake in many ways. It sends a message that the Federal Government no longer supports one of the country's bedrock retirement systems.

The Department will shuffle employees into 401(k) savings plans, a vehicle that puts at risk all of the employees. Let's be honest. The 401(k) plans were never designed to meet comprehensive retirement needs of employees. They are saving plans, not retirement plans.

But I want to commend Chairman HOBSON and Ranking Member VISCLOSKY for addressing this issue in this legislation. It would stop the Department of Energy from implementing this new policy and prohibit it from using the contracting process in any way from curtailing traditional pension plans and health benefits.

Groups throughout the retirement policy area have expressed concern with the Department of Energy policy, the AFL-CIO, the AARP, Mercer Human Resources Consulting and Pension Rights Center.

Major Energy Department laboratories and facilities are spread throughout the country. These contractors range from institutions like the University of California, Iowa State University, and major companies like Honeywell, Fluor, Johnson Controls and Westinghouse.

Thousands of workers at the Energy Department facilities in Oak Ridge, Tennessee; Hanford, Washington; Idaho Falls, Idaho; Portsmouth, Ohio; and Los Alamos, New Mexico have jobs with traditional pension plans and comprehensive benefits. We need this as we try to stay on the cutting edge of competitiveness on a worldwide competition to make sure that we can track the best that this country has to offer in terms of scientists, engineers, computer technicians and the rest.

I want to thank the chairman and the ranking member for taking care of this in this legislation.

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

Mr. LATHAM. Mr. Chairman, I want to thank Chairman HOBSON for the great work that he has done and the ranking member, Mr. VISCLOSKY, just a great friend. You two guys fighting over who is going to give me a minute shows me how bipartisan we are here and all the great fellow committee members. This is really a subcommittee that works and works in a lot of different ways.

□ 1530

We work well together on a very bipartisan basis, but also doing the oversight work, really working through some very difficult issues. We would not be able to do that without the extraordinarily talented professional staff that we have on both sides, and I want to thank them.

This is a very important bill for Iowa, for the country. We have got an energy facility, the Ames Laboratory in Ames, Iowa, and obviously, the Army Corps of Engineers, and the transportation issues we have on the Mississippi. There are a lot of different issues, the riverfront improvements in Fort Dodge, other environmental conservation projects around.

But this is a very, very good bill, accomplished by people working together, and I just want to once again express my appreciation to the chairman and ranking member and the great staff.

Mr. HOLT. Mr. Chairman, I rise in reluctant support of the Energy and Water Appropriations bill that we are considering today.

The Energy and Water bill funds our Nation's Department of Energy programs, water and science programs and some defense and agriculture related programs. Unfortunately, instead of making a commitment to a rational energy policy this bill continues our dependence on fossil fuels; continues our practice of poisoning our lands, oceans, and air; and does little to combat rising gas prices.

While H.R. 5427 does increase funding for alternative energy research and development, we must do more. I was pleased to learn that energy supply and conservation programs are funded at \$2 billion, 5 percent more than the President's request and 12 percent more than the current level. Important initiatives that will receive additional funding are renewable energy and energy efficiency programs; including biomass fuels, hydrogen technologies and solar power.

Appropriations bills are a chance for Congress to fund programs that we believe fit our Nation's goals and protect the best interests of the American people. In this bill, we must show our commitment to important programs that promote sustainable energy sources, energy efficiency, and eliminate our dependence on foreign oil. We can and should do better than what we are considering today.

That is why I supported the Visclosky amendment which would have invested \$750 million in alternative energy, innovation, and energy efficiency by increasing funding for the Biomass and Biorefinery Systems Research

and Development and various other technologies such as clean coal and geothermal research and development.

Tomorrow we will consider a bill once again that will allow drilling the Arctic National Wildlife Refuge. I wonder when my colleagues will learn that drilling our way to energy independence is unrealistic and simply flawed logic. We must focus on developing sustainable energy sources and encouraging conservation. This is the only way to actually work our way to energy independence.

I urge my colleagues to make a commitment to alternative energy sources. Ernest Hemingway wrote, "The world is a fine place and worth fighting for." We must continue to fight to preserve our environment and develop energy sources that are clean, safe and sustainable.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman I want to thank the gentleman from Ohio and the gentleman from Indiana for their leadership on this important piece of water resources legislation in the midst of an extremely tight budget environment.

I support the fiscal year 2007 Energy and Water Development appropriation measure.

This measure includes funding for a number of flood control projects administered by the Corps of Engineers that are desperately needed within my congressional district: the Nokomis Road Bridge Erosion Project, the Upper Trinity River Feasibility Study, and most importantly the Dallas Floodway Extension.

I appreciate the subcommittee's consideration of my requests and your past support for vital flood control projects in my congressional district.

My constituents in the region are highly concerned about the possibility of severe flooding of the Trinity River, an event that could result in countless loss of lives and almost immeasurable property damage.

The Dallas Floodway Extension, DFE, is the linchpin of the city's flood control efforts. Each year the Office of Management Budget finds within its good graces to zero out funding, but the project is of critical importance to my constituents.

This legislation includes \$5 million for the construction of the Dallas Floodway Extension.

This funding will go towards the construction of a chain of flood conveyance wetlands and a system of protective levees that will enhance the security of Dallas' central business district and area neighborhoods. The project will also reclaim 792 acres of land that are currently in the 100-year flood plain.

Although I am disappointed that this amount falls far below the Corps' expressed capability of \$28 million, it is my hope that the project funding may be revisited during the House-Senate Conference.

As the country's recent flooding events have highlighted, we can not continue to short-change this Nation's water resources infrastructure.

Adequate investment in our nation's infrastructure will protect lives and property, bolster economic growth, and further enhance the quality of life for all our constituents.

While I recognize the difficult constraints the committee worked under in developing this legislation, and appreciate the funding included, I also know it is imperative to the public health and safety of the people of Dallas that this project proceed as quickly as possible.

Mr. Chairman, I appreciate the bipartisan effort that went into the drafting of this legislation, commend that effort as a model for the way in which this Chamber ought to routinely work, and urge a "yes" vote on H.R. 5427.

Mr. SPRATT. Mr. Chairman, I rise to express my deep concern about the subcommittee's decision to zero out funds for the Mixed Oxide, or MOX, fuel fabrication plant at Savannah River Site in South Carolina. In a nutshell, the MOX fuel plant would take weapons grade plutonium and convert it into fuel usable in commercial reactors.

In 2002, the state of South Carolina, in an arrangement with the Department of Energy and Congress, agreed to allow 34 tons of weapons grade nuclear material for MOX processing be stored at the Savannah River Site. In exchange, the state of South Carolina received assurances that the MOX fuel plant would be completed on schedule. And to be sure, we put in place penalty payments for the Department of Energy if the MOX fuel plant's construction delayed beyond 2011.

In parallel with this U.S. effort, the U.S. and our allies agreed to help fund a MOX facility in Russia, where the Russians would likewise convert 34 tons of their own plutonium into MOX fuel. To nearly everyone, this seemed like a good deal—and in any event, a done deal. In the U.S., we would eliminate the expense and risk of safeguarding weapons usable nuclear fuel. In Russia, we would eliminate the risk that weapons grade nuclear material would fall into terrorist hands. And for the nuclear power industry, we would provide a new source of nuclear fuel.

For four years, we have been told by the Department of Energy that liability concerns for U.S. contractors in Russia were the hold-up for the MOX facility—a problem we believed was resolved last summer. Unfortunately, earlier this year it came to light that there was a more fundamental problem. In February, the Russians informed U.S. officials that they would only move forward with the MOX fuel facility in Russia if the MOX fuel could be used in new so-called fast reactors, which pose proliferation concerns, or if the international community paid for the whole project. This development called into question the nonproliferation benefits that the U.S. might expect from MOX.

I can understand Chairman HOBSON's concern about these changes to the MOX fuel program. In fact, I share them. But that does not change the fact that without the MOX program, South Carolina is stuck with 34 tons of weapons grade plutonium with no clear pathway for disposal. When South Carolina agreed to take the Nation's plutonium, it did not do so to become plutonium's final burial place. We only took the plutonium with the promise that a processing facility and ultimate removal would be forthcoming. The penalty payments imposed on the Department of Energy were our ace in the hole to make sure this happened. In the Defense Authorization bill, we even included language attesting to the fact that the South Carolina MOX facility was worth doing on its own, separate of the Russian facility if need be.

We learned of Russia's decision shortly before the Defense Authorization bill was marked up in the Armed Services Committee, and we took sensible steps to account for these new circumstances. What the House Armed Services Committee did is fence the funds sought

for the MOX fuel plant, pending a report from the Department of Energy that reaffirms this process as the preferred technology and most cost-effective means for disposing of weapons-grade plutonium. Millions of dollars have been spent in the expectation that the MOX fuel decision was a done deal. An EIS has been prepared. Tons of plutonium have been shipped to South Carolina, based on the iron-clad promise that it would be processed into MOX reactor fuel and shipped out on schedule. The contractor for the project has put together an impressive engineering team, and begun design work. Duke Energy has obtained MOX fuel assemblies from France and loaded the fuel rods in its light water reactor. To cancel this substantial project so precipitously, with no input from the Department of Energy, with no consideration of sunk cost, and with the enormous cost to terminate for convenience does not seem wise or right to me, particularly when we lack an agreed-upon alternative that has been studied and found superior to the MOX fuel option.

I am not dogmatic about MOX; if other treatment options are available and cost effective, I am open to those options. But with over half a billion dollars already invested in the MOX facility, I am wary of scrapping the whole idea and starting over. I understand that Chairman HOBSON put \$111 million of the MOX cut into exploration of other treatment options at Savannah River Site, and I commend him for that. But I think we should withhold judgment on MOX fuel until we have at least received the report sought by the House Armed Services Committee. I look forward to working with Chairman HOBSON and Ranking Member VISCLOSKY either to restore funding or to find an alternative that is mutually agreeable.

Thank you for the opportunity to share my views on this issue of great importance to my state, our country, and our nuclear complex.

Mrs. TAUSCHER. Mr. Chairman, I would like to commend Mr. HOBSON and Ranking Member VISCLOSKY for offering a strong bill that ensures that the United States maintains a robust nuclear deterrent and modernizes the infrastructure to support it.

I am especially pleased that the bill continues the House's unwavering support for the National Ignition Facility, NIF at Lawrence Livermore Laboratory in my district with full funding.

As you know, NIF is one-of-a-kind world-class scientific effort that allows the United States to maintain its nuclear arsenal without resorting to underground testing.

Also NIF significantly advances the science of fusion as a potential alternate energy source.

I would like to also commend the chairman on a bill which fully funds the National Nuclear Security Administration's Advanced Simulation and Computing Program, ASC, which has developed the fastest computer in the world.

ASC is vital to the transformation of the Nation's nuclear infrastructure and its simulations will help assess new programs such as the Reliable Replacement Warhead Program, RRW.

Livermore Lab is at the forefront of this work and I welcome the continued investment in computational capabilities, like the Blue Gene L and Purple computers at Livermore Lab, and the unparalleled capabilities they provide.

Again I commend the chairman for a strong mark.

Mr. SIMPSON. Mr. Chairman, in accordance with earmark reform proposals currently under consideration in the House and Senate, I would like to place into the record a listing of the Congressionally-directed project in my home state of Idaho that is contained within the report to this bill.

The project provides \$3 million within the Army Corps of Engineers Section 595 program for rural water infrastructure upgrades in Idaho communities. The funding was authorized in the last Water Resources Development Act.

This funding is critical to assisting rural Idaho communities in upgrading their water and wastewater treatment facilities. In many cases, this funding is required to comply with unfunded mandates passed down by this Congress and federal agencies.

Perhaps the most striking example of why the federal government has a responsibility to assist these communities is the burden the EPA's revised arsenic standard is having across America.

In the small Idaho town of Castleford, the Mayor and City Council had to lay off their only law enforcement officer so they could pay for the arsenic study required by EPA's unfunded mandate. This small town of just a few hundred people has been forced to come up with at least \$2 million—a sum that would have been wholly impossible without some assistance from the federal government.

In addition, these funds help rural communities in Idaho facing economic hardship—like the rural community of Rupert. Rupert, just last week, learned that one of its major employers, Kraft Foods, is closing its cheese plant in the community. The vital water funding in this bill will assist Rupert in attracting new businesses by offering improved services at lower costs than would otherwise be possible.

I'm proud to have obtained this funding for Idaho communities and look forward to working with them in the future to meet their water resource challenges.

I appreciate the opportunity to provide a list of Congressionally-directed projects in my region and an explanation of my support for them.

(1) Rural Idaho Environmental Infrastructure, \$3,000,000—pg. 28.

Mr. FORTENBERRY. Mr. Chairman, I am pleased to express my support for H.R. 5427, the Fiscal Year 2007 Energy and Water Appropriations bill and I urge my colleagues to vote for it.

I would like to begin by commending the distinguished gentleman from Ohio (Mr. HOBSON), the chairman of the Energy and Water Appropriations Subcommittee, and the distinguished gentleman from Indiana (Mr. VISCLOSKEY), the ranking member of the subcommittee, for their outstanding work in bringing this bill to the Floor.

I recognize that extremely tight budgetary constraints this year made the job of the subcommittee much more difficult. Therefore, I believe the subcommittee should be commended for its diligence in creating this fiscally responsible measure.

In light of these fiscal constraints, I am very pleased that the bill includes \$7.5 million for the Antelope Creek Flood Damage Reduction Project, an integral component of a flood control, transportation and community revitalization project known as the Antelope Valley Project in Lincoln, Nebraska. Critical to

progress on the entire Antelope Valley Project is the completion of the drainage work. This multi-purpose project is a partnership of Lincoln, the University of Nebraska, the Lower Platte South Natural Resources District, the Corps of Engineers, and the Departments of Transportation and Housing and Urban Development.

The first segment of the project was completed in 2004 under a \$4 million Corps of Engineers contract. Delay of the next project segment would cause a delay in the transportation improvements already under construction. Completion of the flood control portion is necessary before community renewal can proceed.

It is also important to note that this bill includes \$190,000 to complete the Fremont South Section 205 Flood Control Study. The total cost of the study is \$733,500 and the total federal share is \$366,750, of which \$177,000 has been received over the past two study years. The goal of this project is to provide urgent feasibility planning in connection with upgrading an existing levee in order to keep a portion of south Fremont out of flooding in the 100-year floodplain. This Fremont South area is not currently identified by the Federal Management Agency (FEMA) as being in the designated floodplain. However, a revision to the FEMA Digital Flood Insurance Rate Map will include this Fremont South area when printed and approved in the near future.

Finally, I am pleased that this bill includes \$175,000 for the Lower Platte Natural Resource Districts under the Lower Platte River and Tributaries authority and Section 503 authority. This provision was included in the Water Resources Development Act of 2000 for a carrying capacity assessment for protection of water resources in the critical Lower Platte basin, including planning to expand to a water resource monitoring program. Key to protection of water resources in the basin is a carrying capacity assessment to support watershed management resource protection including the strengthening of related resource monitoring programs.

Again Mr. Chairman, I appreciate the Subcommittee's inclusion of funding for these projects of great importance to my district. I support passage of H.R. 5427 and urge my colleagues to vote for it.

Mr. CARDIN. Mr. Chairman, I believe that we need comprehensive appropriations earmark reform. In the last 10 years, the number and cost of federal earmarks have spiraled out of control, from 4,000 in 1994—totaling 24 billion dollars—to more than 15,000 items last year, valued at more than 47 billion dollars.

Earmarks are out of control. We should reform the manner in which earmarks are approved by Appropriations and Authorizing Committees, with an eye toward increasing transparency and accountability.

But what we are voting on today is a series of amendments, chosen by one member, in an ad hoc, piecemeal attempt to reform the appropriations process one earmark at a time. While this is a useful exercise to point out the problem, having one member pick and choose among existing earmarks is as arbitrary as the underlying process.

I will fight for genuine, comprehensive appropriations reform, so that we can be truly open and accountable to our constituents.

Mr. GONZALEZ. Mr. Chairman, I want to briefly recognize the work the subcommittee

has done in providing \$2.3 million for the San Antonio Channel Improvements Project. This money will provide the first installment of a multiyear construction effort to expand the economic development of the San Antonio River while addressing potential flood control problems.

As many know, the San Antonio Riverwalk which is the central segment of the San Antonio River park system is one of the premier tourist sites in our country. Conceived in the 1930's, the Riverwalk has been an example of everything the Federal government and the Army Corps of Engineers can do right with its water construction efforts.

The San Antonio Channel Improvements Project has fully met the federal technical requirements for project development and fully fits with the Corps' strategic plan for the Nation. This project will significantly enhance flood protection in the San Antonio metropolitan effort while at the same time restore the river ecosystem and connect the San Antonio River park system with the San Antonio Missions National Historical Park.

The significant economic development impact of this project will primarily be felt by the most disadvantaged sections of the San Antonio community. The City of San Antonio and Bexar County have also committed more than \$46 million in local funding to match the Army Corps of Engineers investment in this project.

Mr. Chairman this bill's \$2.3 million initial commitment to the San Antonio Channel Improvements Project is appreciated by the San Antonio community. As the legislative process moves forward on this bill it is my hope the final language for this project will provide the level needed to fully proceed with construction. The construction of the San Antonio Channel Improvements Project will provide untold flood control and environmental benefits as well as economically benefit South Texas. I look forward to continuing to work with the Committee towards that goal.

Ms. LEE. Mr. Chairman, I would first like to thank the chairman of the subcommittee, Mr. HOBSON, and the ranking member, Mr. VISCLOSKEY, for their work in putting together the Energy and Water Appropriations Bill.

I also want to thank both of them for including \$43.5 million in the bill to continue funding the Port of Oakland's 50-foot dredging project in my district in California, as well as for including the Army Corps of Engineers funding request for Operations and Maintenance programs in California that should provide \$6.5 million for the Port.

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. THOMAS. Mr. Chairman, I rise today to discuss the important issue of dam safety work at Isabella Dam, located in Kern County, California, which I represent.

On April 27, 2006, the U.S. Army Corps of Engineers declared an emergency pool restriction at the Lake Isabella Dam due to concern over increased seepage at the base of the auxiliary dam. On May 1, the Corps began releasing water from the dam to relieve pressure on the dam, until the pool level at the dam reached only 63 percent of capacity. This restriction will remain in place until the Corps can take permanent corrective action at the dam, which may not be until 2012, which is 6 years from now.

The Corps of Engineers has named Isabella Dam as their top dam safety concern in the Nation as a result of the Corps Screening Portfolio Risk Assessment done last year, due to seepage, seismic concerns, and spillway deficiencies. Nonetheless, their estimated time for taking permanent corrective action is 6 years. Because of this significant concern, I am working with Energy and Water Appropriations Chairman HOBSON to secure the additional funding needed for the Corps to continue important drilling, sample collecting, economics modeling, and environmental studies at Isabella in order to expedite this multi-year process.

Isabella Dam protects a population of 300,000 in the Bakersfield area and about 350,000 acres of highly profitable agricultural land and oil fields. Kern County's evacuation plan notes that should Isabella Dam fail, within three and a half hours portions of the city of Bakersfield would be under as much as thirty feet of water. Loss of life and property, including agricultural land, which annually produces crops with a \$3.5 billion farmgate value, would be tremendous. Likewise, there would be tremendous damage to oil infrastructure and significant impact to the entire Nation because Kern County annually produces more oil than Oklahoma.

I am also concerned about the considerable economic hardship that has already occurred as a result of the Corps' pool restriction at Isabella. Water agencies and the City of Bakersfield who have water rights on the Kern River have already lost 77,000 acre feet of water since the pool restriction was put in place. This is precious water, with a conservatively estimated value of over \$2.5 million. Allowing water to be lost simply because there is no place to store it is an immense problem in a State like California, which has limited resources.

Given the immediate and considerable safety and economic concerns surrounding Isabella Dam, I will continue to work with my colleagues and the Corps to resolve the problem as swiftly as possible.

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 2007, and I urge my colleagues to vote in support of this important measure.

I commend Chairman HOBSON and Ranking Member VISCLOSKEY 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 water user 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 \$5 billion for the Army Corps of Engineers, \$923 million for the Bureau of Reclamation, and \$24.6 billion for the Department of Energy. Of this amount, \$1.9 billion is provided for energy research, development, and demonstration and conservation deployment—an amount \$20 million above the previous year and \$55 million above the Administration's request.

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 \$57.4 million in funding for construction of the Animas-La Plata Project. This funding level represents a \$4 million increase over the FY 2006 funding level.

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. While I had hoped we could achieve a funding level closer to the Bureau of Reclamation's current capability of \$70 million, I appreciate the committee's decision to increase the project funding level. If we can speed up completion of the project, then we avoid costly delays, saving taxpayer money.

I am pleased that the FY 2007 Energy and Water Appropriations bill also includes \$350,000 for the Arkansas River Habitat Restoration Project. The U.S. Army Corps of Engineers in cooperation with the City of Pueblo, Colorado has completed 95 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.

The committee also provided a \$789,000 appropriation for the Army Corps of Engineers to engage in operations and maintenance at Trinidad Lake, Colorado. While I appreciate the funding for this project, I am disappointed that the committee chose to reduce its funding by almost half of last year's level. Trinidad Lake is a multipurpose project for flood control, irrigation and recreation, and was authorized by the 1958 Flood Control Act. I realize we are under tight budget constraints but a delay in necessary funding will end up costing us more in the long run.

Finally, I am pleased with the increased funding this bill dedicates for research and development. Some of this money will go directly to the National Renewable Energy Lab (NREL) in Golden, Colorado. NREL is home to some of the most innovative renewable energy research in America and even the world. There is also an increase above the Administration's budget request for weatherization grants. This program directly helps the American consumer by assisting them in energy

conservation measures. Conservation is the quickest way for consumers to deal with high energy prices.

Given the current budgetary constraints, I believe this bill is a good start. The funding included for Colorado projects is important for improving water related infrastructure in our state. As we move forward with the appropriations process, I will continue the fight to preserve funding for Colorado and the 3rd Congressional District.

The CHAIRMAN. The gentleman from Ohio's time has expired.

Mr. VISCLOSKEY. Mr. Chairman, I yield back my time.

Mr. HOBSON. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mrs. BIGGERT) having assumed the chair, Mr. GUTKNECHT, 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. 5427) making appropriations for energy and water development for the fiscal year ending September 30, 2007, and for other purposes, had come to no resolution thereon.

LIMITING AMENDMENTS DURING FURTHER CONSIDERATION OF H.R. 5427, ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 2007

Mr. HOBSON. Madam Speaker, I ask unanimous consent that during further consideration of H.R. 5427 in the Committee of the Whole pursuant to House Resolution 832, notwithstanding clause 11 of rule XVIII, no amendment to the bill may be offered except:

Pro forma amendments offered at any point in the reading by the chairman or ranking minority member of the Committee on Appropriations or their designees for the purpose of debate;

An amendment by Mr. VISCLOSKEY regarding funding levels and tax cuts;

An amendment by Mr. KING of Iowa regarding Corps of Engineers funding;

An amendment by Mr. DEAL of Georgia striking section 110 of the bill, which shall be debatable for 20 minutes;

An amendment by Mr. PICKERING regarding funding limitation on Corps of Engineers contracting;

An amendment by Ms. DELAUNO regarding funding for the State energy grant program;

An amendment by Mr. MARKEY regarding funding reduction for GNEP;

An amendment by Ms. MILLENDER-MCDONALD regarding funding for energy efficiency programs;

An amendment by Mrs. DAVIS of California regarding funding for industrial assessment program;

An amendment by Mr. ANDREWS or Mr. LEACH regarding funding for the Global Threat Reduction Initiative;

An amendment by Mr. WILSON of South Carolina regarding funding for MOX plant at Savannah River site;